

RESOLUTION NO. 2025-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 2024-03 TO ALLOW A NEW 980 SQUARE-FOOT DRIVE-THROUGH DUTCH BROS COFFEE SHOP IN THE NEIGHBORHOOD COMMERCIAL (C-1) DISTRICT LOCATED AT 16758 LAKESHORE DRIVE (APN: 378-290-015)

Whereas, Sabrina Rushing, Barghausen Consulting Engineers, has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2024-04 (Conditional Use Permit No. 2024-03 and Commercial Design Review No. 2024-01) to construct a new 980 sq. ft. Dutch Bros Coffee Shop and related site improvements including a two-lane drive-through with 18 queuing spaces, 25 parking spaces and landscaping. The project site is located on a 0.71-acre site within the Neighborhood Commercial (C-1) District at 16758 Lakeshore Drive (APNs: 378-290-015);

Whereas, Section 6.0 of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) requires that all discretionary projects within a MSHCP Criteria Cell undergo the Lake Elsinore Acquisition Process (LEAP) and Joint Project Review (JPR) process to analyze the scope of the proposed development and establish a building envelope that is consistent with the MSHCP criteria;

Whereas, Section 6.0 of the MSHCP further requires that the City adopt consistency findings demonstrating that the proposed discretionary entitlement complies with the MSHCP Criteria Cell, and the MSHCP goals and objectives;

Whereas, Section 17.415.070.A of the Lake Elsinore Municipal Code (LEMC) provides that certain uses have operational characteristics that, depending on the location and design of the use, may have the potential to negatively impact adjoining properties, businesses, or residents and therefore are permitted subject to the issuance of a Conditional Use Permit, which allows the City to comprehensively review and approve the use;

Whereas, pursuant to Section 17.415.070.B of the LEMC, the Planning Commission (Commission) has been delegated with the responsibility of reviewing and approving, conditionally approving, or denying Conditional Use Permits; and

Whereas, on April 15, 2025, at a duly noticed Public Hearing, the Commission has considered evidence presented by the Community Development Department and other interested parties with respect to this item.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1: The Commission has considered the Project prior to making a decision and has found it acceptable.

Section 2: That in accordance with the MSHCP, the Commission makes the following findings for MSHCP consistency:

1. *The project is not subject to the City's LEAP and the Western Riverside County Regional Conservation Authority's (RCA) JPR processes as it is not located within a Criteria Cell.*
2. *The project site is flat, heavily disturbed and devoid of vegetation with much of the surrounding area having been developed for commercial uses. The project is proposing to construct a new coffee shop with drive-through lanes, and other improvements throughout the project site. As such, the Riparian/Riverine Areas and Vernal Pool Guidelines as set forth in Section 6.1.2 of the MSHCP are not applicable.*
3. *The project is consistent with the Protection of Narrow Endemic Plant Species Guidelines as set forth in MSHCP Section 6.1.3 and the Additional Survey Needs and Procedures as set forth in MSHCP Section 6.3.2 because the project is not located within any Narrow Endemic Plant Species Survey Areas or Critical Species Survey Areas.*
4. *The project is consistent with the Fuels Management Guidelines because the project site is not within or adjacent to any MSHCP Criteria Cell or conservation areas.*
5. *The project has been conditioned to pay any applicable MSHCP Local Development Mitigation Fees.*

Section 3: The Commission has reviewed and analyzed the proposed project pursuant to the California Planning and Zoning Laws (Cal. Gov. Code §§ 59000 et seq.), the Lake Elsinore General Plan (GP), and the LEMC and finds and determines that the proposed project is consistent with the requirements of California Planning and Zoning Law and with the goals and policies of the GP and the LEMC.

Section 4: The Commission hereby finds and determines that the project is categorically exempt from California Environmental Quality Act (Cal. Publ. Res. Code §§21000 et seq. "CEQA") and CEQA Guidelines (14. Cal. Code Regs. §§15000 et seq.), specifically pursuant to Section 15303 (Class 3, New Construction or Conversion of Small Structures), because the project involves the new construction of a 980 square-foot commercial structure and accessory onsite improvements including a drive-through lane, a parking area, and landscaping.

Section 5: That in accordance with LEMC Section 17.415.070.C. Findings, the Commission makes the following findings regarding Conditional Use Permit No. 2024-03:

1. That the proposed use, on its own merits and within the context of its setting, is in accord with the objectives of the General Plan and the purpose of the planning district in which the site is located.

The proposed project is located in the General Commercial (GC) General Plan land use designation within the Lake View District. The designation provides for retail, services, restaurants, professional and administrative offices, hotels and motels, mixed-use projects, public and quasi-public uses, and similar and compatible uses, with a maximum 0.40 floor area ratio (FAR). The project proposes to establish a drive-through coffee shop, that sells specialty coffees, smoothies, and pastries, with a proposed FAR of 0.03. Therefore, the project would be consistent with the General Plan. Furthermore, the new business would contribute to the main goal of the Lake View District because it would provide a new retail business to support the planned residential developments.

2. The proposed use will not be detrimental to the general health, safety, comfort, or general welfare of persons residing or working within the neighborhood of the proposed use or the City, or injurious to property or improvements in the neighborhood or the City.

The proposed project has been reviewed to ensure the drive-through operations would be managed as to avoid potential detrimental effects to the existing surrounding community and the general public. The drive-through has been designed with two lanes and queueing capacity for up to 18 vehicles which the Engineering Division has determined would be sufficient. Furthermore, the project has been conditioned as such to avoid any possible negative impacts associated with the proposed project including a drive-through management plan during peak hour operations and grand opening.

3. The Site for the intended use is adequate in size and shape to accommodate the use, and for all the yards, setbacks, walls or fences, landscaping, buffers, and other features required by this title.

The proposed site development plan has been reviewed and determined to be compliant with the drive-through establishment requirements pursuant to LEMC Section 17.148.060 including drive-through lane lengths, stacking capacity, and landscaping buffers. The project also complies with the applicable C-1 development standards including building setbacks and drive-aisle widths. As such, the proposed project site is adequate for drive-through use.

4. The Site for the proposed use relates to streets and highways with proper design both as to width and type of pavement to carry the type and quantity of traffic generated by the subject use.

The project site is located in a fully developed commercial area with existing driveways and road networks. However, the Engineering Division required and reviewed a focused traffic analysis to ensure the proposed drive-through use's anticipated traffic generation would not cause adverse impacts to the Lakeshore Drive and Riverside Drive intersection as well as the existing project site driveways. The Engineering Division determined that the project would not adversely affect existing traffic levels of service and would continue to operate at satisfactory levels of service. Therefore, the design of existing streets and project site driveways are sufficient to serve the new drive-through.

5. In approving the subject use at the specific location, there will be no adverse effect on abutting properties or the permitted and normal use thereof.

The project has been thoroughly reviewed for compliance with the LEMC's C-1 development standards to ensure the use is compatible with the surrounding neighborhood including existing businesses. The project has also been reviewed for compliance with the applicable California Building and Fire Code to ensure the use and its structure(s) would be safe. In addition, the project has been conditioned by all applicable City departments and outside agencies, thereby eliminating the potential for any adverse effects.

6. Adequate conditions and safeguards pursuant to LEMC 17.415.070.B, including guarantees and evidence of compliance with conditions, have been incorporated into the approval of the subject project to ensure the development of the property in accordance with the objectives of this chapter and the planning district in which the site is located.

The Design Review Committee, including Staff from Planning, Building and Safety, Fire, and Engineering Departments and the Elsinore Valley Municipal Water District, has reviewed the project and included recommended conditions of approval to ensure compliance with adopted plans, policies, and regulations. Furthermore, the project would be required to demonstrate compliance with the conditions of approval and other requirements pursuant to LEMC Section 17.415.070.B prior to the issuance of a building permit and/or City business license.

Section 6: Based upon the evidence presented, the above findings, and the Conditions of Approval imposed upon the Project, the Commission hereby approves Conditional Use Permit No. 2024-03.

Section 7: This Resolution shall take effect immediately upon its adoption.

Passed and Adopted on this 15th day of April 2025.

John Gray, Chair

Attest:

Damaris Abraham,
Community Development Director

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Damaris Abraham, Community Development Director of the City of Lake Elsinore, California, hereby certify that Resolution No. 2025-__ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held on April 15, 2025, and that the same was adopted by the following vote:

AYES
NOES:
ABSTAIN:
ABSENT:

Damaris Abraham,
Community Development Director