

## RESOLUTION NO. 2022-

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 2021-15 TO ESTABLISH A 950 SQUARE-FOOT DRIVE-THROUGH COFFEE STAND AT 32250 MISSION TRAIL (APN: 365-040-024)**

**Whereas**, Dutch Bros., LLC has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2021-39 (Conditional Use Permit No. 2021-15 and Commercial Design Review No. 2021-19) to construct and operate a one-story, 950 sq. ft. drive-through coffee stand and related site improvements including a two-lane drive-through with 22 queuing spaces, eight parking spaces and new landscaping on an approximately 0.68 acre portion of an approximately 9.07-acre site in the Commercial Mixed Use zone. The project site is located at 32250 Mission Trail (APN: 365-040-024); and

**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; and,

**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; and,

**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; and,

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

**Whereas**, on December 6, 2022, 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 and its consistency with the MSHCP prior to adopting Findings of Consistency with the MSHCP.

**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 has been previously completely disturbed and graded for the development of the existing commercial uses. The project is proposing to construct a new coffee stand building, drive-through lanes, and other improvements in the southwest portion of 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 finds that the proposed project is exempt from the California Environmental Quality Act (Cal. Pub. Res. Code §§21000 et seq.: "CEQA") and the CEQA Guidelines (14 C.C.R. §§ 15000 et seq.) pursuant to CEQA Guidelines Section 15303 (New Construction) because the project involves the new construction of one 950 square-foot commercial structure and accessory onsite improvements including a drive-through lane, a parking area, landscaping, and utility extensions to serve the new construction.

**Section 4:** That in accordance with LEMC Section 17.415.070.C. Findings, the Commission makes the following findings regarding Conditional Use Permit No. 2021-15:

1. That the proposed use is in accord with the objectives of the General Plan and the purpose of the planning district in which the site is located.

*The subject site has a General Plan Land Use designation of Commercial Mixed Use (CMU) and is located in the Lake Elsinore Hills District. The CMU Land Use designation provides for a mix of residential and non-residential uses within a single proposed development area, with an emphasis on retail, service, civic and professional office uses with a maximum 0.80 floor area ratio (FAR). The proposed FAR, including the existing amusement center and proposed coffee stand buildings, is 0.22. Therefore, the Project is consistent with the General Plan.*

*Furthermore, the current zoning designation of the subject site is Commercial Mixed Use (CMU). According to Section 17.134.020 of the Lake Elsinore Municipal Code (LEMC), drive-through food establishments are permitted subject to approval of a Conditional Use Permit in the CMU zone.*

*Therefore, the proposed drive-through food establishment is consistent with the commercial designation of the subject site as described in the General Plan.*

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 use does not involve the potential for causing detrimental effects to the existing surrounding community or the general public. The project has been conditioned as such to avoid any possible negative impacts associated with the proposed project.*

3. The site 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 provides sufficient drive-through lane lengths to accommodate assumed peak vehicle queuing space, as well as provide conforming building and drive lane setbacks from the right-of-way and neighboring properties.*

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.

*A focused traffic analysis dated July 21, 2022 was prepared by Transolutions, Inc. for the Project. The purpose of the focused traffic analysis is to assess the degree to which the Project would impact performance of the surrounding road network, specifically the existing intersections of the project site driveways and Mission Trail. The analysis concluded that the Project would not adversely affect levels of service in the study area and that the study intersections would continue operating at satisfactory levels of service. Additionally, based on survey data of the applicant's other operational locations in the region, the study determined that the proposed drive-through stack capacity of 22 vehicles is sufficient to accommodate peak queue length. Therefore, the Project is consistent with the circulation goals and policies of the General Plan and is not expected to adversely impact the safety or efficiency of the surrounding roadways.*

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 and conditioned by all applicable City departments 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 development of the property in accordance with the objectives of this chapter and the planning district in which the site is located.

*Pursuant to Section 17.415.070.B of the LEMC, the project was considered by the Planning Commission at a duly noticed Public Hearing on December 6, 2022, appropriate and applicable conditions of approval have been included to protect the public health, safety and general welfare.*

**Section 5:** Based upon the evidence presented, both written and testimonial, and the above findings, the Commission hereby finds that the project is consistent with the MSHCP.

**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. 2021-15.

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

**Passed and Adopted** on this 6<sup>th</sup> day of December, 2022.

\_\_\_\_\_  
Matthew Dobler, Chairman

**Attest:**

\_\_\_\_\_  
Damaris Abraham,  
Interim Assistant Community Development Director

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

I, Damaris Abraham, Interim Assistant Community Development Director of the City of Lake Elsinore, California, hereby certify that Resolution No. 2022-\_\_ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held December 6, 2022 and that the same was adopted by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Damaris Abraham,  
Interim Assistant Community Development Director