

RESOLUTION NO. 2022-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING COMMERCIAL DESIGN REVIEW NO. 2021-19 PROVIDING BUILDING DESIGN AND RELATED IMPROVEMENTS FOR 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, pursuant to Section 17.415.050 (Major Design Review) of the Lake Elsinore Municipal Code (LEMC), the Planning Commission (Commission) has the responsibility of reviewing and approving, conditionally approving, or denying design review applications; 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 DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1: 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 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 Section 17.415.050.G of the LEMC, the Commission makes the following findings regarding Commercial Design Review No. 2021-19:

1. The Project, as approved, will comply with the goals and objectives of the General Plan and the zoning district in which the project 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. The proposed commercial project will assist in achieving the development of a well-balanced and functional mix of residential, commercial, industrial, open space, recreational and institutional land uses.

2. The Project complies with the design directives contained in the LEMC and all applicable provisions of the LEMC.

The project is appropriate to the site and surrounding developments. The architectural design of the proposed building conforms to the Nonresidential Development Standards (Chapter 17.112) of the LEMC. The architecture has been designed to achieve harmony and compatibility with the surrounding area. The colors and materials proposed will assist in blending the architecture into the existing landscape and are compatible with other colors and materials used on other properties near the project site. In addition, safe and efficient circulation has been achieved onsite.

3. Conditions and safeguards pursuant to Section 17.415.050.G.3 of the LEMC, including guarantees and evidence of compliance with conditions, have been incorporated into the approval of the Project to ensure development of the property in accordance with the objectives of Section 17.415.050.

Pursuant to Section 17.415.050.E of the LEMC, the project was considered by the Planning Commission at a duly noticed Public Hearing held on December 6, 2022. The project, as reviewed and conditioned by all applicable City divisions, departments and agencies, will not have a significant effect on the environment.

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 Commercial Design Review No. 2021-19.

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

Passed and Adopted on this 6th 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