

RESOLUTION NO. 2023-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. 38281 SUBDIVIDING 8.863 ACRES INTO FIVE LOTS RANGING IN SIZE FROM 1.10 ACRES TO 3.59 ACRES LOCATED APNS 377-020-014, 016, 017, 018, AND 019

Whereas, Karen Levitt Ortiz, Evergreen Devco, Inc. has filed an application with the City of Lake Elsinore (City) requesting approval of *Planning Application No. 2021-34* which includes the construction of a 57,254 square foot (SF) commercial center that consists of an anchor grocery store, two quick-serve drive-through restaurants, a gas station with a convenience store, and a separate drive-through car wash with 369 parking spaces, which would be constructed in two phases over a total of 8.863 gross acres (Project). *Tentative Parcel Map No. 38195* would include a subdivision of the 8.863 gross acre site into four (4) lots ranging in size from 1.10 to 4.62 gross acres and *Tentative Parcel Map No. 38281* would include a subdivision of the 8.863 gross acre site into five (5) lots ranging in size from 1.03 to 3.59 gross acres. *Conditional Use Permit No. 2021-09* would establish a 4,116 SF Car Wash on Lot 1, *Conditional Use Permit No. 2021-10* would establish a 3,000 SF Quick-service Restaurant with a drive-through lane on Lot 2, *Conditional Use Permit No. 2021-11* and *Public Convenience & Necessity No. 2021-01* would establish a gas station and the 4,088 SF convenience store with concurrent sale of beer and wine for off-site consumption (Type 20 ABC) on Lot 3, *Public Convenience & Necessity No. 2021-02* includes a PCN finding for the 43,050 SF grocery store for the sale of beer, wine, and distilled spirits for off-site consumption (Type 21 and 86 ABC) on Lot 4, and *Conditional Use Permit No. 2021-12* would establish a the 3,000 SF Quick-service Restaurant with a drive-through lane on Lot 5. *Commercial Design Review No. 2021-17* provides a comprehensive design review for the entire Project site that includes architectural elevations, on-site stormwater management improvements, lighting, walls and fencing, parking and landscaping. *Uniform Sign Program (SIGN) No. 2021-35* proposes to establish a uniform sign program that creates an integrated framework for all the signage within the center; and,

Whereas, the Project is located on Central Avenue/State Route 74 (SR-74) east of the intersection with Cambern Avenue (APNs: 377-020-014, 377-020-016, 377-020-017, 377-020-018, and 377-020-019); and,

Whereas, Tentative Parcel Map (TPM) No. 38281 proposes to subdivide the 8.863 gross acre site into five (5) lots ranging in size from 1.03 to 3.59 gross acres; and,

Whereas, pursuant to CEQA Guidelines Section 15063, the City conducted an Initial Study to determine if the Project would have a significant effect on the environment. The Initial Study revealed that the Project would have potentially significant environmental impacts but those potentially significant impacts could be mitigated to less than significant levels; and,

Whereas, based upon the results of the Initial Study (Environmental Review No. 2021-05), and based upon the standards set forth in CEQA Guidelines Section 15070, it was determined that it was appropriate to prepare and circulate a Mitigated Negative Declaration (MND) for the project. In accordance with CEQA Guidelines Section 15073, the MND was made available for public review and comment for a minimum of 30 days beginning on September 12, 2022, and ending on October 12, 2022; and,

Whereas, on April 25, 2023, at a duly noticed Public Hearing, the City Council (Council) by resolution adopted the MND (SCH No. 2022090133) for the Project and adopted a Mitigation Monitoring and Reporting Program; and,

Whereas, pursuant to Chapter 16.24 (Tentative Map) of the Lake Elsinore Municipal Code (LEMC), the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the Council pertaining to tentative maps; and,

Whereas, on October 18, 2022, November 15, 2022, and April 4, 2023, 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, and adopted a resolution recommending that the Council Approve TPM No. 38281; and,

Whereas, on April 25, 2023 at a duly noticed Public Hearing, the Council has considered the recommendation of the Commission as well as evidence presented by the Community Development Department and other interested parties with respect to this item.

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

Section 1: The foregoing recitals are true and correct and are hereby incorporated into these findings by this reference.

Section 2: The Council has reviewed and analyzed the proposed project pursuant to the appropriate Planning and Zoning Laws (Cal. Gov. Code Sec 65000 et. seq.), the Lake Elsinore General Plan (GP), and Chapter 16 (Subdivisions) of the LEMC.

Section 3: That in accordance with State Planning and Zoning Law and the LEMC, the Council makes the following findings for approval of TPM No. 38281:

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan. The proposed subdivision is compatible with the objectives, policies, general land uses and programs specified in the General Plan (Government Code Section 66473.5).
 - a. *The Project has a General Plan Land Use designation of General Commercial (GC) and is located within the Business District. The GC Land Use 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 is proposing to develop a 57,254 square foot (SF) commercial center that consists of an anchor grocery store, two quick-serve drive-through restaurants, a gas station with a convenience store, and a separate drive-through car wash with 0.16 FAR. The proposed subdivision is compatible with the objectives, policies, general land uses and programs specified in the General Plan.*
 - b. *All offsite mitigation measures have been identified in a manner consistent with the General Plan.*
2. The site of the proposed subdivision of land is physically suitable for the proposed density of development in accordance with the General Plan.

- a. The proposed Project does not include residential development. The proposed subdivision is consistent and compatible with the adjacent communities.*
3. The effects that this project are likely to have upon the housing needs of the region, the public service requirements of its residents and the available fiscal and environmental resources have been considered and balanced.
 - a. TPM No. 38281 is consistent with the General Commercial land use plan, development and design standards, and programs, and all other appropriate requirements contained in the General Plan. The Project has a General Commercial (GC) Land Use Designation and will not have a direct impact on housing needs. During the approval of the General Plan, housing needs, public services and fiscal resources were scrutinized to achieve a balance within the City.*
4. The proposed division of land or type of improvements is not likely to result in any significant environmental impacts.
 - a. A Mitigated Negative Declaration (MND) (ER 2021-05) (SCH# 2022090133) was prepared for TPM No. 38281. The Initial Study identified potentially significant environmental effects but these impacts will be mitigated to below a level of significance through compliance with the mitigation measures set forth in the MND. TPM No. 38281 has been conditioned to comply with these mitigation measures.*
5. The design of the proposed division of land or type of improvements is not likely to cause serious public health problems.
 - a. TPM No. 38281 has been designed in a manner consistent with the General Plan and does not divide previously established communities.*
6. The design of the proposed division of land or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed division of land.
 - a. All known easements or request for access have been incorporated into the design of TPM No. 38281.*
 - b. The map has been circulated to City departments and outside agencies, and appropriate Conditions of Approval have been applied to the project.*

Section 4: Based upon all of the evidence presented, the above findings, and the conditions of approval imposed upon the Project, the Council hereby approves TPM No. 38281.

Section 5: This Resolution shall take effect immediately upon its adoption.

Section 6: The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

Passed and Adopted on this 25th day of April, 2023.

Natasha Johnson
Mayor

Attest:

Candice Alvarez, MMC
City Clerk

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

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. 2023-_____ was adopted by the City Council of the City of Lake Elsinore, California, at the regular meeting of April 25, 2023, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Candice Alvarez, MMC
City Clerk