

RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 2021-12 TO ESTABLISH A 3,000 SQUARE FOOT DRIVE-THROUGH RESTAURANT ON LOT 5 OF 38281 LOCATED AT 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, Conditional Use Permit (CUP) No. 2021-12 proposes to establish a 3,000 SF Quick-service Restaurant with a drive-through lane on Lot 5 of TPM 38281; 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, Section 17.415.070 of the Lake Elsinore Municipal Code (LEMC) provides that certain uses are desirable but may have operational characteristics that disproportionately impact adjoining properties, businesses, or residents. Accordingly, such uses require a more comprehensive review and approval procedure, including the ability to condition the project in order to mitigate significant impact; and,

Whereas, pursuant Section 17.415.070 (Conditional Use Permits), Section 17.410.070 (Approving Authority), and Section 17.410.030 (Multiple Applications) of the LEMC, the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the Council pertaining to conditional use permits; 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 CUP No. 2021-12; 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, CALIFORNIA, 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 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 3. That in accordance with LEMC Section 17.415.070.C. Findings, the Council makes the following findings regarding CUP No. 2021-12:

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 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. Therefore, the Project is consistent with the General Plan.

The current zoning for the subject site is General Commercial (C-2). Section 17.124.020 of the C-2 zone states that permitted uses listed in the Neighborhood Commercial (C-1) zone are also permitted in the C-2 zone. Section 170.120.020 of the C-1 zone lists retail stores and food stores as permitted uses. Section 17.124.030 of the C-2 zone states that uses subject to a conditional use permit listed in the C-1 zone are also permitted in the C-2 zone subject to a Conditional Use Permit. Section 170.120.030 of the C-1 zone permits drive-through establishments, gasoline dispensing establishments, and car washes subject to a Conditional Use Permit. Further, the proposed 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 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 propose either directly or indirectly any detrimental effects to the existing surrounding community. The Project has been conditioned as such to avoid any possible negative impacts associated with the proposed use.

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 use has been analyzed and staff has determined that the proposed use meets all applicable sections of the LEMC and will complement the existing uses, based on the submitted plans and the conditions of approval imposed on the Project.

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 would include dedication on Central Avenue and Cambern Avenue to the ultimate half-section width and would construct frontage improvements in accordance with City's Engineering Department. These improvements will be sufficient for the type and quantity of traffic generated by the proposed use.

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 Conditional Use Permit 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 October 18, 2022, November 15, 2022, and April 4, 2023, and subsequently by the City Council at a duly noticed Public Hearing held on April 25, 2023. Appropriate and applicable conditions of approval have been included to protect the public health, safety and general welfare.

Section 4: Based upon the evidence presented, the above findings, and the Conditions of Approval imposed upon the Project, the Council hereby approves CUP No. 2021-12.

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