



## REPORT TO CITY COUNCIL

**To:** Honorable Mayor or Members of the City Council

**From:** Jason Simpson, City Manager

**Prepared by:** Kevin Beery, Associate Planner

**Date:** March 14, 2023

**Subject:** **Notice of Decision – Planning Commission Approval of Planning Application No. 2021-25 (Jack in the Box El Toro) for a Commercial Design Review and Two Conditional Use Permits to Construct and Operate Two Drive-Through Restaurants (2,649 sq. ft. and 624 sq. ft., respectively) Located at the Intersection of Highway 74 and El Toro Cut Off Road**

### **Recommendation**

Receive and File the Notice of Decision for Planning Application No. 2021-25 acted on by the Planning Commission on February 21, 2023.

### **Background**

Planning Application No. 2021-25 is a request for a Commercial Design Review (CDR No. 2022-01) to construct two drive-through restaurants and related site improvements on adjacent parcels and a request for a Conditional Use Permit (CUP No. 2022-01 and CUP No. 2022-04) to allow operation of each proposed drive-through.

The application proposes to construct a one-story, 2,649 square-foot Jack in the Box drive-through restaurant on the approximately 1.10-acre parcel to the south of El Toro Cut Off Road. The building would be constructed together with related onsite improvements including a drive-through lane with 13 queuing spaces, 30 parking spaces and landscaping. The application also proposes to construct a one-story, 624 square-foot The Human Bean (THB) drive-through coffee stand on the approximately 0.37-acre parcel to the north of El Toro Cut Off Road. The building would be constructed together with related onsite improvements including a drive-through lane with eight queuing spaces, eight parking spaces and landscaping. Project construction will involve street frontage improvements and installation of a traffic signal at the intersection of Highway 74 and El Toro Cut Off Road.

On February 21, 2023, the Planning Commission (Commission) by a 3-0 vote:

1. Determined that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects);
2. Adopted A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADOPTING FINDINGS THAT PLANNING APPLICATION NO.2021-25 (CONDITIONAL USE PERMIT NO. 2022-01, CONDITIONAL USE PERMIT NO. 2022-04 AND COMMERCIAL DESIGN REVIEW NO. 2022-01) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN;
3. Adopted A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 2022-01 TO ESTABLISH A 2,649 SQUARE-FOOT DRIVE-THROUGH RESTAURANT AT APNS: 347-130-033 and 347-130-034;
4. Adopted A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 2022-04 TO ESTABLISH A 624 SQUARE-FOOT DRIVE-THROUGH RESTAURANT AT APN: 347-130-035; and
5. Adopted A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING COMMERCIAL DESIGN REVIEW NO. 2022-01 PROVIDING BUILDING DESIGN AND RELATED IMPROVEMENTS FOR TWO DRIVETHROUGH RESTAURANTS AT APNS: 347-130-033, 347-130-034 and 347-130-035.

### **Discussion**

The Commission voted 3-0 to approve the project at its regular meeting on February 21, 2023. During the public hearing, one person spoke in support of the project.

The Commission's decision is final and no action by the City Council is required unless the City Council by majority vote elects to review and reconsider the Commission's decision by ordering the matter set for a future noticed public hearing according to Section 17.410.110.F of the Lake Elsinore Municipal Code (LEMC), or the applicant or an interested person files a complete appeal application within 15 days of this notice appearing on the City Council's agenda.

### **Fiscal Impact**

The time and costs related to processing this application have been covered by fees paid for by the applicant. No General Fund budgets have been allocated or used in the processing of this application. Approval of the project does not fiscally impact the City's General Fund. Mitigation Measures to protect the City fiscally have already been included in the Conditions of Approval.

### **Attachments**

Attachment 1- Planning Commission Staff Report