

**RESOLUTION NO. 2022-\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING ADOPTION OF A MITIGATED NEGATIVE DECLARATION (ER 2019-04) (SCH NO. 2021120417) FOR PLANNING APPLICATION NO. 2019-07 (TENTATIVE TRACT MAP NO. 37578, CONDITIONAL USE PERMIT NO. 2019-03, COMMERCIAL DESIGN REVIEW NO. 2019-05, AND UNIFORM SIGN PROGRAM NO. 2019-01)**

**Whereas**, Ahmad Zaki, Zairey, Inc. has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2019-07 (Tentative Tract Map No. 37578, a Conditional Use Permit No. 2019-03, a Commercial Design Review No. 2019-05, a Uniform Sign Program No. 2019-01). *Tentative Tract Map No. 37578* is a subdivision of the 12.60-acre project site into seven (7) lots for a mixed-use commercial and residential development. *Conditional Use Permit No. 2019-03 and Commercial Design Review No. 2019-05* proposes to develop the mixed-use commercial and residential development that would be constructed in three phases. The first phase (Phase 1) would include a 10-dispenser ARCO gasoline station with a 6,840-square foot (SF) canopy, a 4,354-SF AM/PM convenience store, an attached 1,960-SF quick-serve restaurant (with no drive-through service), and a 4,054-SF automated self-service car wash. A 2,000-SF office would be located on the second story above the quick-serve restaurant. Phase 1 would also include grading of the site, installation of the majority of the utility infrastructure, development of internal circulation driveways and parking, and construction of off-site improvements. The second phase (Phase 2) would consist of two 2,400-SF fast food restaurants with drive-through lanes, and a two-story mixed-use commercial/retail and multi-family residential building. The mixed-use building would consist of six commercial/retail spaces totaling approximately 23,000 SF on the ground floor and 14 apartments or condominium units totaling 20,000 SF on the second floor. The third (and final) phase (Phase 3) of the project would consist of five three-story multi-family residential buildings containing up to 60 residential units. The multi-family residential development would include enclosed parking and a 2,800-SF clubhouse with pool and outdoor living amenities. *Uniform Sign Program No. 2019-01* proposes to establish a uniform sign program for the project that provides standards and specifications to ensure consistency of signage in terms of design, composition, size and placement throughout the project. The project is located at the northwest corner of Grand Avenue and State Route 74/Ortega Highway (APNs: 381-320-023 and 381-320-020); and,

**Whereas**, the Project is subject to the provisions of the California Environmental Quality Act (Public Resources Code §§ 21000, et seq.: “CEQA”) and the State Implementation Guidelines for CEQA (14 California Code of Regulations Sections 15000, et seq.: “CEQA Guidelines”) because the Project involves an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and involves the issuance of a lease, permit license, certificate, or other entitlement for use by one or more public agencies (Public Resources Code Section 21065); 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. 2019-04), 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; and,

**Whereas**, pursuant to CEQA Guidelines Section 15072, on December 17, 2021, the City duly issued a notice of intent to adopt the MND; and,

**Whereas**, 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 December 17, 2021, and ending on January 17, 2022; and,

**Whereas**, a Mitigation Monitoring and Reporting Program (MMRP) for the Project has been prepared in accordance with Section 21081.6 of CEQA; and,

**Whereas**, the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) for adopting MNDs; and,

**Whereas**, on February 1, 2022, February 15, 2022, March 1, 2022, and June 21, 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 foregoing recitals are true and correct and are hereby incorporated into these findings by this reference.

**Section 2:** The Commission has evaluated all comments, written and oral, received from persons who have reviewed the MND. The Commission hereby finds and determines that all public comments have been addressed.

**Section 3:** The Commission hereby finds that the MND for the Project is adequate and has been completed in accordance with the CEQA Guidelines and the City's procedures for implementation of CEQA; and recommends to the Council that it make the same finding. The Commission has reviewed and considered the information contained in the MND and finds that the MND represents the independent judgment of the City.

**Section 4:** The Commission further finds and determines that none of the circumstances listed in CEQA Guidelines Section 15073.5 requiring recirculation of the MND are present and that it would be appropriate to recommend adoption the MND as proposed to the Council.

**Section 5:** The Commission hereby makes, adopts, and incorporates the following findings regarding the lack of potential environmental impacts of the Project and the analysis and conclusions set forth in the MND:

1. Revisions in the Project plans or proposals made by or agreed to by the applicant before a Mitigated Negative Declaration and Initial Study was released for public review and mitigation measures set forth in the Initial Study would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.

*Based upon the Initial Study conducted for the Project, there is substantial evidence suggesting that all potential impacts to the environment resulting from the Project can be*

*mitigated to less than significant levels. All appropriate and feasible mitigation has been incorporated into the Project design. The Mitigation Monitoring and Reporting Plan contains an implementation program for each mitigation measure. After implementation of the mitigation contained in the MMRP, potential environmental impacts are effectively reduced to less than significant levels.*

2. There is no substantial evidence, in the light of the whole record before the agency including the initial study and any comments received, that there is no substantial evidence that the Project will have significant effect on the environment.

*Pursuant to the evidence received, including comment letters, and in the light of the whole record presented, the Project will not have a significant effect on the environment.*

**Section 7:** Based upon the evidence presented, the above findings, and the conditions of approval imposed upon the Project, the Commission recommends that the Council adopt MND (ER 2019-04) and the MMRP for Planning Application No. 2019-07 (Tentative Tract Map No. 37578, a Conditional Use Permit No. 2019-03, a Commercial Design Review No. 2019-05, a Uniform Sign Program No. 2019-01.

**Section 8:** This Resolution shall take effect immediately upon its adoption.

**Passed and Adopted** on this 21<sup>st</sup> day of June, 2022.

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John Gray, Chairman

**Attest:**

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Damaris Abraham,  
Planning Manager

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

I, Damaris Abraham, Planning Manager 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 June 21, 2022 and that the same was adopted by the following vote:

AYES  
NOES:  
ABSTAIN:  
ABSENT:

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Damaris Abraham,  
Planning Manager