

## RESOLUTION NO. 2019-\_\_\_\_\_

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING PLANNING APPLICATION NO. 2018-63 (CONDITIONAL USE PERMIT NO. 2018-20) TO LEGALIZE AN EXISTING RECYCLING KIOSK WHICH IS LOCATED WITHIN THE PARKING LOT OF AN EXISTING COMMERCIAL CENTER LOCATED AT APN: 365-280-019**

**Whereas**, Permit Advisors has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2018-63 (Conditional Use Permit No. 2018-20) to legalize an existing recycling kiosk which is located within the parking lot of an existing commercial center (Project). The Project is located near the intersection of Malaga Road and Mission Trail and more specifically referred to as 32281 Mission Trail, Lake Elsinore, CA. 92530 (APN: 365-280-019); and,

**Whereas**, Chapter 17.168 of the Lake Elsinore Municipal Code (LEMC) provides that certain uses have operational characteristics that, depending on the location and design of the use, may have the potential to negatively impact adjoining properties, businesses or residents and therefore are permitted subject to the issuance of a Conditional Use Permit, which allows the City to comprehensively review and approve the use; and,

**Whereas**, pursuant to Chapter 17.168 (Conditional Use Permits) of the LEMC, the Planning Commission (Commission) has been delegated with the responsibility of reviewing and approving, conditionally approving, or denying Conditional Use Permits; and,

**Whereas**, on February 19, 2019, 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 considered the Project prior to making a decision and has found it acceptable.

**Section 2.** The Commission hereby finds and determines that the Project is categorically exempt from California Environmental Quality Act (Cal. Publ. Res. Code §§21000 et seq. "CEQA") and CEQA Guidelines (14. Cal. Code Regs. §§15000 et seq.), specifically pursuant to Section 15303 (New Construction or Conversion of Small Structures) under section (c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. The proposed Project includes a structure which is under 2,500 sq. ft. which will be located within the parking lot of an existing commercial complex.

**Section 3.** That in accordance with California Planning and Zoning Law and the LEMC Section 17.168.060 (Findings), the Commission makes the following findings regarding the Project:

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 proposed Project is located in the Commercial Mixed Use General Plan Land use designation and the Commercial Mixed Use (CMU) Zoning designation, which is consistent with the applicable General Plan Land Use Designation. The proposed use is a permitted use subject to the approval of a Conditional Use Permit within the CMU Zoning designation.*

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 is located upon a parking lot within an existing commercial center. 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 conversion and operation of the proposed facility.*

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 attached conditions of approval.*

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 proposed use is located upon a parking lot within an existing commercial center. The existing commercial parking lot provides safe circulation for traffic flow upon the site and meets the City commercial parking standard.*

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 Project 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 Section 17.168.050 of the LEMC, 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 17.168.040 of the LEMC, the Project was considered by the Commission at a duly noticed Public Hearing on February 19, 2019, 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 attached Conditions of Approval, the Planning Commission hereby approves Planning Application No. 2018-63 (Conditional Use Permit No. 2018-20).

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

**Passed and Adopted** this 19<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
Myles Ross, Chairman

**Attest:**

\_\_\_\_\_  
Justin Kirk,  
Assistant Community Development Director

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

I, Justin Kirk, Assistant Community Development Director of the City of Lake Elsinore, California, hereby certify that Resolution No. 2019-\_\_ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held on the 19<sup>th</sup> day of February, 2019 and that the same was adopted by the following vote:

AYES  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Justin Kirk,  
Assistant Community Development Director