



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Jason Simpson, City Manager

Prepared by: Damaris Abraham, Community Development Director

Date: December 10, 2024

Subject: Extension of Time Request for Tentative Tract Map No. 37578, Conditional Use Permit No. 2019-03, Commercial Design Review No. 2019-05, and Uniform Sign Program No. 2019-01 (Bamiyan Marketplace) located at the northwest corner of Grand Avenue and State Route 74

Applicant: Ahmed Zaki, Zairey, Inc.

Recommendation

1. Find that pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the extension of time request would not have a significant effect on the environment, and no new environmental documentation is necessary because all potentially significant effects have been adequately analyzed in a previous adopted Mitigated Negative Declaration (MND) (ER 2019-04) (SCH No. 2021120417);
2. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING A SIX-YEAR EXTENSION OF TIME FOR TENTATIVE TRACT MAP NO. 37578 TO AUGUST 9, 2030;
3. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING A TWO-YEAR EXTENSION OF TIME FOR CONDITIONAL USE PERMIT NO. 2019-03 TO AUGUST 9, 2026;
4. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING A TWO-YEAR EXTENSION OF TIME FOR COMMERCIAL DESIGN REVIEW NO. 2019-05 TO AUGUST 9, 2026; and
5. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING A TWO-YEAR EXTENSION OF TIME FOR UNIFORM SIGN PROGRAM NO. 2019-01 TO AUGUST 9, 2026.

Project Location

The Project site is located at the northwest corner of Grand Avenue and State Route (SR) 74/Ortega Highway. The Project site encompasses Assessor Parcel Numbers (APNs) 381-320-023 and 381-320-020.

Background

On August 09, 2022, the City Council adopted Mitigated Negative Declaration (MND) (ER 2019-04) (SCH No. 2021120417) and approved Tentative Tract Map (TTM) No. 37578, Conditional Use Permit (CUP) No. 2019-03, Commercial Design Review (CDR) No. 2019-05, and Uniform Sign Program No. 2019-01.

TTM No. 37578 is a subdivision of an existing 12.6-acre site into seven (7) parcels ranging in size from 0.25 to 4.13 acres for a mixed-use commercial and residential project.

CUP No. 2019-03 and CDR No. 2019-05 are to establish the Bamiyan Marketplace Project, which includes the following proposed uses:

- **Lot 1:** 10-dispenser ARCO gasoline station with a 6,840-square foot (SF) canopy, a 4,354 SF AM/PM convenience store, and an attached 1,960 SF quick-serve restaurant (with no drive-through service);
- **Lots 2 and 3:** 2,400 SF restaurant with a drive-through restaurant per lot;
- **Lot 4:** 4,054 SF automated self-service car wash;
- **Lot 5:** Two-story mixed-use building with six commercial/retail tenant spaces totaling approximately 23,000 SF on the ground floor and 14 apartments or condominium units totaling 20,000 SF on the second floor;
- **Lot 6:** Common area (circulation/joint-use parking); and
- **Lot 7:** Five two-story multi-family buildings containing 60 residential units with enclosed parking and a 2,800 SF clubhouse with a pool and outdoor living amenities.

Uniform Sign Program No. 2019-01 is to establish a sign program representing a coordinated signage theme encompassing the project's three phases. The signs would reflect the architecture proposed for the project's commercial and mixed-use aspects and incorporate City identification signs.

The original expiration date of these above-referenced applications was August 9, 2024. On July 9, 2024, the applicant filed an extension of time request to extend the TTM for an additional six years to August 9, 2030, and the CUP, CDR, and Uniform Sign Program approvals for an additional two years to August 9, 2026, which stayed the expiration until action by the City Council.

Discussion

Pursuant to the Subdivision Map Act, Government Code Section 66452.6(e), the time at which the map expires may be extended by the legislative body for a period not exceeding a total of six years. Therefore, if the extension of time for TTM No. 37578 is approved for an additional six years, the extension would represent the final extension of time allowed by the Subdivision Map Act.

Section 17.415.050.I (Lapse of Design Review Approval and Time Extensions) and Section 17.415.070.D (Lapse of Conditional Use Permit) of the Lake Elsinore Municipal Code (LEMC) provides an extension of time for a maximum of two (2) years for Conditional Use Permits and Design Review applications. If approved, the extension of time for CUP No. 2019-03, CDR No. 2019-05, and Uniform Sign Program No. 2019-01 would represent the final extension of time allowed by the LEMC.

The applicant has stated that the time extensions are necessary to allow additional time to coordinate with private utility agencies and government agencies to facilitate the right-of-way improvements and utility improvements that were required as part of the project's conditions of approval (Condition of Approval Nos. 112 and 116).

The Building & Safety, Planning, Engineering, and Fire Departments have reviewed the Conditions of Approval for the project and did not recommend significant modifications to the original conditions of approval because substantial changes have not occurred with respect to the project, site conditions, or the regulatory circumstances under which the project will be undertaken.

Environmental Determination

Pursuant to CEQA Guidelines Section 15162, no new environmental documentation is necessary because all potentially significant effects have been adequately analyzed in an earlier Mitigated Negative Declaration (MND) (ER 2019-04) (SCH No. 2021120417), and none of the conditions described in Section 15162 exist. The City Council adopted MND (SCH No. 2021120417) on August 9, 2022. No substantial changes that require significant revisions to the MND exist, and no new information of substantial importance that requires revisions to the earlier MND exists.

Public Notice

Notice of the hearing for the extension of time application has been published in the Press-Enterprise newspaper and mailed to property owners within 300 feet of the subject property. As of the writing of this report, no written comments concerning this application have been received by staff.

Fiscal Impact

The time and costs related to processing this application have been covered by application fees paid for by the applicant. No General Fund budgets have been allocated or used in the processing of this application.

Attachments

Attachment 1 – TTM 37578 EOT Resolution
Attachment 2 – CUP 2019-03 EOT Resolution
Attachment 3 – CDR 2019-05 EOT Resolution
Attachment 4 – SIGN 2019-01 EOT Resolution
Attachment 5 – Conditions of Approval
Attachment 6 – GIS Exhibits
Attachment 7 – TTM 37578
Attachment 8 – Design Review Package
Attachment 9 – Public Notice Materials