



## 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:** August 27, 2024

**Subject:** Planning Application No. 2023-24 (Tentative Parcel Map No. 38825) – a Request to Subdivide an Existing 74.72-acre Property into Three (3) New Parcels for Conservation Purposes Located on the Southern Side of Lakeshore Drive and Southeasterly of the Intersection of South Main Street and Lakeshore Drive

**Applicant:** Patrick Brown, WatersEdge Elsinore

### **Recommendation**

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15304 (Minor Alterations to Land) and 15315 (Minor Land Divisions);
2. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, FINDING THAT PLANNING APPLICATION NO. 2023-24 (TENTATIVE PARCEL MAP NO. 38825) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP); and
3. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. 38825 TO SUBDIVIDE AN EXISTING 74.72-ACRE PROPERTY INTO THREE (3) NEW PARCELS THAT ARE 4.74 ACRES, 19.99 ACRES, AND 49.99 ACRES, RESPECTIVELY, FOR CONSERVATION PURPOSES LOCATED AT APNS 373-330-001 THROUGH 022 AND 373-300-038 THROUGH 041.

## **Planning Commission Action**

On July 16, 2024, the Planning Commission conducted a duly noticed Public Hearing and recommended approval of the project to the City Council with a 4-0 vote including exempting the project from the Drainage District Fee and 2015-2 Community Facilities District (CFD) fees. No members of the public spoke on record at the meeting.

## **Project Location and Description**

The project includes an existing 74.72-acre vacant, undeveloped area that consists of 24 parcels and is located within Planning Area 8 (Action Sports, Tourism, Commercial, and Recreation; Mixed Use Overlay) of the East Lake Specific Plan (ELSP). The subject parcels are generally located on the southern side of Lakeshore Drive, west of Lucerne Street, and southeasterly of the intersection of South Main Street and Lakeshore Drive and consists of Assessor Parcel Numbers (APNs) 373-330-001 through 022 and 373-300-038 through 041.

Tentative Parcel Map (TPM) No. 38825 is a proposed subdivision of an existing 74.72-acre property to create three (3) new parcels that are 4.74 acres, 19.99 acres, and 49.99 acres, respectively, for conservation purposes. The property will undergo a rehabilitation process to create a restored natural, protected habitat native to the Lake Elsinore area, which will allow for the creation of a mitigation bank.

A mitigation bank is a privately or publicly owned land managed for its natural resource value. Once established, the mitigation bank can be used by developers to purchase “credits” in order to satisfy regulatory agencies’ (such as California Department of Fish and Wildlife) legal requirements for mitigating a development project’s environmental impacts on sensitive habitats and resources. By doing so, it allows for more potential development projects to occur in the future in the City especially since currently there are limited mitigation banks available within the Riverside County region.

## **Discussion**

### **General Plan and Municipal Code Consistency**

The project site is located within Planning Area 8 of the East Lake Specific Plan (ELSP) and has Action Sports, Tourism, Commercial, and Recreation with a Mixed Use Overlay. The land use regulations, including development standards for Planning Area 8 are derived from Chapter 2.5 of the ELSP. Allowable uses in Planning Area 8 include bars or cocktail lounges, hotels, passive open spaces, and natural areas or preserves. Planning Area 8 does not have minimum lot size requirements for a newly created parcel. However, it does require newly created parcels to have a minimum width of 100 feet. The three proposed parcels would establish natural areas and preserves for conservation easement purposes and have lot widths that exceed the minimum requirement. Therefore, the proposed project complies with the ELSP development standards for Planning Area 8. The project is also consistent with the General Plan because the ELSP was found to be consistent with the General Plan at adoption.

The proposed subdivision also complies with Chapter 16.24 (Tentative Map) of the Lake Elsinore Municipal Code and the Subdivision Map Act. Furthermore, the Design Review Committee, which includes staff from Planning, Building and safety, Fire Prevention, and Engineering, has reviewed the proposed project and added recommended conditions of approval to ensure compliance with adopted plans, policies, and regulations.

#### Drainage District and Community Facilities Fees

The project is located within the Lake Zone of the Master Drainage Plan (MDP) and is subject to the Drainage District Fee, as established by Chapter 16.72 of the Lake Elsinore Municipal Code (LEMC). Prior to the approval of any final subdivision map or parcel map within any drainage district designated in the master plan of drainage, the applicant is required to pay the drainage fee. In addition to the drainage fee, the project is also subject to the Traffic Infrastructure Fee pursuant to LEMC Section 16.74.040. However, the proposed project does not involve any new structures or land uses that will have an impact on drainage facilities or generate additional new traffic. Therefore, the applicant requests to be exempt from the Drainage District and Traffic Infrastructure Fees. Further, Engineering Department and Planning Division staff contend that the intended end use of the site may not apply to either fee and the project should be exempted from the requirement.

The project is also located within the 2015-2 Community Facilities District (CFD) – Maintenance Services, as designated by Ordinance No. 1359. The City requires project applicants to initiate annexation into the CFD and make a non-refundable deposit of \$15,000 or at the current rate in place at the time of annexation prior to issuance of a grading permit. However, the project does not propose any new public facilities or right-of-way improvements that the City must maintain. As such, the applicant also requests to be exempt from the 2015-2 CFD non-refundable deposit which staff also concurs with.

Since these fees were adopted and established by the City Council, only the City Council has the authority to consider the requested fee exemptions. As part of their recommendation to the City Council, the Planning Commission approved staff's recommendations to exempt these specific fee requirements. Further, the project will not be required to pay a Transportation Uniform Mitigation Fee (TUMF) since the project will not create new vehicular trips and proposes no new development.

#### Environmental Determination

Staff recommends that the City Council find the project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315 (Minor Land Divisions) and Section 15304 (Minor Alterations to Land). Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. TPM No. 38825 is a subdivision of an

existing property into three (3) new parcels for conservation easements. The subject site is zoned Specific Plan (SP) and is located in a location that meets the definition of an urbanized area as set forth in Section 21071(a)(2) of the Public Resources Code. The project is consistent with the General Plan and zoning and does not require a variance or an exception. All necessary services and access to the property are available. The parcels were not involved in a division of a larger parcel within the previous 2 years. The parcels were created in 2008 (TR 31839). The parcels are relatively flat and have no average slope of over 20 percent.

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. The project does not include the removal of healthy, mature, or scenic trees and proposed improvements are limited to micro grading to restore natural habitats.

#### MSHCP Consistency

The project has been reviewed for consistency with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The project site is within the MSHCP Elsinore Area Plan – Criteria Cells #4740 and #4742. On May 14, 2008, the Western Riverside County Regional Conservation Authority (RCA) completed the Joint Project Review (JPR #06-03-08-01) process and concluded that the project was consistent with the Criteria and other plan requirements of the MSHCP.

On August 3, 2023, the RCA authorized an amendment to JPR #06-03-08-01 to amend the original JPR Proposed Project Boundary to omit parcels acquired by a separate entity for a new JPR process. After the amendment, the project remained consistent with the Criteria and other plan requirements of the MSHCP.

#### Public Notice

Notice of the hearing for this application has been published in the Press-Enterprise newspaper and mailed to property owners within a 300-foot radius 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 – MSHCP Resolution
- Attachment 2 – TPM Resolution
- Attachment 3 – Conditions of Approval
- Attachment 4 – GIS Exhibits
- Attachment 5 – TPM No. 38825
- Attachment 6 – Public Notice Materials