



## 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:** May 28, 2024

**Subject:** Extension of Time Request for Tentative Tract Map No. 37922, Conditional Use Permit No. 2019-19, and Commercial Design Review No. 2019-27 (Lake and Mountain Commercial Center)

**Applicant:** Valeria Salampessy, Empire Design Group

### **Recommendation**

Reconsider the extension of time request for Tentative Tract Map (TTM) No. 37922, Conditional Use Permit (CUP) No. 2019-19, and Commercial Design Review (CDR) No. 2019-27, receive public comments if any, and direct staff to prepare a resolution based on the action taken by the City Council to approve or deny the extension of time request.

### **Background**

The subject project was approved by the City Council on January 25, 2022. The approval was to subdivide the approximately six-acre project site into six (6) lots and to develop new buildings for commercial and retail uses. The project site currently consists of an undeveloped area and is located at the northwest corner of Mountain Street and Lake Street (APNs: 389-030-012, 013, 014, 015, 016, 017, and 018).

Prior to the expiration date of the project's approvals, the applicant requested an extension of time. On March 12, 2024 at a duly noticed Public Hearing, the City Council voted 4-1 to deny the extension of time request.

At the April 9, 2024 City Council Meeting, the City Council voted 4-1 to rescind its March 12, 2024 decision and schedule the item for a new Public Hearing to reconsider the extension of time request.

Detailed information concerning the project is provided below.

## **Discussion**

On January 25, 2022, the City Council certified Environmental Impact Report (ER 2020-03) (SCH No. 20200080538) and approved TTM No. 37922, CUP No. 2019-19, and CDR No. 2019-27.

TTM No. 37922 proposes to subdivide the 6.07-acre site into six (6) lots ranging in size from 0.66 acres to 1.10 acres. The remaining 0.44-acre portion of the site will be dedicated for road right-of-way purposes.

CUP No. 2019-19 and CDR No. 2019-27 propose to establish approximately 32,695 sq. ft. of commercial and retail uses as outlined below:

- Parcel 1: 3,320 sq. ft. drive-through restaurant (Drive-Thru A) with an attached 1,600 sq. ft. retail building (Retail C);
- Parcel 2: 2,520 sq. ft. drive-through restaurant (Drive-Thru B) with an attached 2,400 sq. ft. retail building (Retail D);
- Parcel 3: 3,150 sq. ft. express car wash;
- Parcel 4: 3,400 sq. ft. convenience store (C-Store) with an attached 1,525 sq. ft. quick service restaurant (QSR), a 4,089 sq. ft. fueling canopy with six (6) Multi-Product Dispensers (MPD), and three (3) stormwater bio-retention basins;
- Parcel 5: 4,850 sq. ft. retail building (Retail B) and four (4) stormwater bio-retention basin areas; and
- Parcel 6: 4,850 sq. ft. retail building (Retail A).

The original expiration date for TTM No. 37922, CUP No. 2019-19, and CDR No. 2019-27 was January 25, 2024. On November 3, 2023, the applicant submitted a two-year extension of time request. The applicant has submitted a grading plan, hydrology study, and Water Quality Management Plan (EGPC No. 2023-0013) and is currently in plan check. The applicant has stated that the time extension is necessary to allow additional time to complete the plan check process and obtain grading and building permits.

Section 16.24.160 of the Lake Elsinore Municipal Code (LEMC) provides one or more extensions of time for tentative maps totaling a maximum of 36 months. 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 (6) years. The applicant will have four (4) more years of extensions available for TTM No. 37922 if this extension of time request is approved.

In accordance with Sections 17.415.050.I (Lapse of Design Review Approval and Time Extensions) and 17.415.070.D (Lapse of Conditional Use Permit) of the LEMC, the expiration date of an approved CUP and CDR may be extended for no more than two (2) years. The two-

year extension of time for CUP No. 2019-19 and CDR No. 2019-27 represents the final extension of time allowed by the LEMC.

The Community Development (Building & Safety and Planning), Engineering, and the Administrative Services Departments have recommended revised Conditions of Approval consistent with section 66452.6(e) of the Subdivision Map Act and Sections 65961(a)(1-2) and 65961(f) of the Planning and Zoning Laws. These updated Conditions of Approval reflect the most current City requirements for development and ensure that the project complies with current laws, standards, and policies.

### **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 Environmental Impact Report (EIR) (SCH# 2020080538), and none of the conditions described in Section 15162 exist. EIR (SCH# 2020080538) was adopted by the City Council on January 25, 2022. As part of the extension of time request, conditions of approval were updated to reflect the most current City requirements for development. These are standard conditions of approval and will not result in any modifications to the previously approved project. No substantial changes that require major revisions to the EIR exist, and no new information of substantial importance which requires revisions to the EIR exists. Therefore, no further environmental documentation is necessary.

### **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 for each application. As of the writing of this report, seven (7) 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 – Conditions of Approval
- Attachment 2 – GIS Exhibits
- Attachment 3 – TTM No. 37922
- Attachment 4 – Design Review Package
- Attachment 5 – Public Notice Materials
- Attachment 6 – Letters from Applicant's Representatives
- Attachment 7 – Public Comments