



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 14, 2024

Subject: Two Development Agreements Pertaining to the approximately 368-acre Subdivision within Tentative Tract Map No. 31370 located within the Tuscany Hills Specific Plan

Applicant: TT Group, Canadian Pacific Land, LLC and Strack Farms Land, LLC

Recommendation

1. Find that pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the development agreements 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 previously adopted Subsequent Environmental Impact Report (SCH# 2004071082); and
2. Introduce by title only and waive further reading of AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING DEVELOPMENT AGREEMENT NOS. 2024-01 (T.T. GROUP INC.) AND 2024-02 (CANADIAN PACIFIC LAND, LLC AND STRACK FARMS LAND, LLC) FOR THE APPROXIMATELY 368-ACRE SUBDIVISION PREVIOUSLY APPROVED UNDER TENTATIVE TRACT MAP NO. 31370 LOCATED WITHIN THE TUSCANY HILLS SPECIFIC PLAN.

Planning Commission Action

On April 16, 2024, the Planning Commission conducted a duly noticed Public Hearing and recommended approval of the Development Agreements to the City Council with a 5-0 vote. No members of the public attended the hearing.

Background

On March 22, 2005, the City Council approved Subsequent Environmental Impact Report (SEIR) (SCH No. 2004071082), Amendment No. 1 to the Tuscany Hills Specific Plan No. 89-3, General Plan Amendment No. 2004-05, Zone Change No. 2004-06, and TTM No. 31370, subdividing 368

acres into 807 single family residential lots, along with community and neighborhood parks, basins, lift station, and open space.

The project area covers property on the south side of Greenwald Avenue, on both sides of the extension of Summerhill Drive north of the existing Tuscany Hills community, to the west of Canyon Lake and to the east of Bella Vista Drive (Assessor's Parcel Nos.: 349-280-025, -028, -029, -038, -040, -042, -044, -048, -050 and -051; 349-290-017, -018, -026 and -027; 349-390-001 thru -004, -015 and -016).

On June 13, 2017, the City Council approved an extension of TTM No. 31370 to June 1, 2022. By virtue of the enactment of Assembly Bill 116, TTM No. 31370 was legislatively extended for two more years to June 1, 2024.

Discussion

Development of TTM No. 31370 is impaired by the lack of adequate infrastructure, particularly roadway improvements providing access to the project site, including the extension of Summerhill Drive from the southern connection at the terminus of the existing Summerhill Drive extending northerly to Greenwald Avenue. The applicant is requesting the Development Agreements to continue discussions regarding the financing and construction of necessary infrastructure improvements and to vest the owner's land use entitlements during these ongoing discussions.

The proposed Development Agreements will extend the term of TTM No. 31370 and the existing land use regulations for the five-year term of the Development Agreements. In addition to the existing Conditions of Approval for TTM No. 31370, the Development Agreements will require the irrevocable offer of dedication of fee interest in the right of way for the Summerhill Drive Extension Project and the payment of a \$5,500 per unit Development Agreement Fee and payment of an Affordable Housing Fee of \$2.00 per habitable square foot for each residential unit in TTM No. 31370.

The proposed Development Agreements were prepared by the City Attorney and are consistent with and meet all legal requirements of State Government Code Sections 65864 through 65869.5 and the Lake Elsinore Municipal Code Chapter 19.12 regulating development agreements.

Environmental Determination

Under CEQA Guidelines Section 15162, the Development Agreements 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 an earlier environmental impact report. Subsequent Environmental Impact Report (SEIR) (SCH No. 2004071082) was adopted by the City Council on March 22, 2005. These Development Agreements will not have any significant direct, indirect, or cumulative environmental impacts apart from or beyond those already analyzed, addressed and mitigated as stated in the environmental documentation prepared and adopted/approved for TTM 31370. All potentially significant impacts have been avoided or mitigated pursuant to the earlier environmental impact report and none of the conditions in Public Resources Code Section 21166 or CEQA Guidelines

Sections 15162, 15163 and 15164 calling for preparation of a subsequent or supplemental environmental impact report have occurred because of the following: (i) the Project does not propose substantial changes that would require major revisions to the previously certified EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant environmental effects; (ii) no substantial changes in circumstances have occurred that require major revisions to the previously certified EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (iii) no new information of substantial importance as described in Section 15162 (a)(3) has been identified that shows any of the following: (a) one or more significant effects not discussed in the EIR, (b) significant effects previously examined that are substantially more severe than shown in the EIR, (c) mitigation measures or alternatives previously found not to be feasible are in fact be feasible and substantially reduce one or more significant effects of the project, but the Project proponents decline to adopt the mitigation measure or alternative, or (d) mitigation measures or alternatives which are considerably different from those analyzed in the EIR substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental documentation is necessary.

Public Notice

Notice of the hearing for this 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, one (1) written comment concerning this application has been received. The written comment along with staff response is included as Attachment 9 to this staff report.

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. Pursuant to the proposed Development Agreement, TTM No. 31370 will generate Development Agreement Fees of approximately \$4,438,500 in addition to Affordable Housing Fees and all standard City Development Impact Fees.

Attachments

- Attachment 1 – DA Ordinance
- Attachment 2 – TT Group Development Agreement
- Attachment 3 – Canadian Pacific & Strack Farms Development Agreement
- Attachment 4 – Vicinity Map
- Attachment 5 – Aerial Map
- Attachment 6 – Ownership Map
- Attachment 7 – TTM 31370
- Attachment 8 – Public Notice Materials
- Attachment 9 – Public Comment

