



REPORT TO PLANNING COMMISSION

To: Honorable Chair and Members of the Planning Commission

From: Damaris Abraham, Community Development Director

Prepared by: Joey Mendoza, Associate Planner

Date: July 16, 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 PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING ADOPTION OF FINDINGS 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 PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING APPROVAL OF 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.

Project Location

The project 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), on the southern side of Lakeshore Drive, west of Lucerne Street, and southeasterly of the intersection of South Main Street and Lakeshore Drive. The project location consists Assessor Parcel Numbers (APNs) 373-330-001 through 022 and 373-300-038 through 041. The project area is vacant and undeveloped with brush and trees across the landscape.

Project Description

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” from the mitigation bank owner. The credits are used to satisfy regulatory agencies’ (such as the US Army Corp of Engineers, the California Department of Fish and Wildlife, and California State Water Resources Control Boards) legal requirements for mitigating a development project’s environmental impacts on sensitive habitats and resources such as wetlands and threatened or endangered species. 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.

Environmental Setting

	EXISTING LAND USE	GENERAL PLAN	ZONING
Project Site	Undeveloped	East Lake Specific Plan (ELSP)	East Lake Specific Plan (ELSP)
North	Residential and General Commercial	Neighborhood Commercial (NC), Medium Density Residential (MDR), Hillside Residential (HR), Residential Mixed Use (RMU)	Neighborhood Commercial (C-1), Medium Density Residential (R-2), Hillside Residential (R-H), Residential Mixed Use (RMU)
East	Residential	East Lake Specific Plan (ELSP)	East Lake Specific Plan (ELSP)
West	Recreational Park & Public Services	Public/Institutional (P/I), Recreational (R)	Recreational (R), Public/Institutional (P/I)
South	Preservation Mitigation Area	East Lake Specific Plan (ELSP)	East Lake Specific Plan (ELSP)

Analysis

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, where the project site is located, 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 complies with Chapter 16.24 (Tentative Map) of the Lake Elsinore Municipal Code and the Subdivision Map Act.

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 subdividing property within any drainage district designated in the master plan of drainage, the applicant is required to pay the drainage fee. Though the project site is located within the Lake Zone of the MDP, staff from the Engineering Department and Planning Division contend that the intended end use of the site may not be applicable to the drainage fee as it does not propose a subdivision for development as stated in LEMC Section 16.72.050. The proposed project does not involve any new structures or land uses that will have an impact on drainage facilities. Therefore, the applicant requests to be exempt the Drainage District Fee.

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 require the City to maintain. As such, the applicant requests to be exempt from the 2015-2 CFD non-refundable deposit.

Since these fees were adopted and established by the City Council, only the City Council has the authority to consider the requested fee exemptions. Staff recommends the Planning Commission consider the applicant's requests and make a recommendation to the City Council to exempt the project from the Drainage District and CFD Fees for the reasons as indicated above. Further, the project will not be required to pay a Transportation Uniform Mitigation Fee (TUMF) since the Western Riverside Council of Governments has determined that the project will not create new vehicular trips and proposes no new development.

Environmental Determination

Staff recommends that the Planning Commission 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. Tentative Parcel Map No. 38825 is a subdivision of an existing property for three (3) new parcels that are 4.74 acres, 19.99 acres, and 49.99 acres, respectively, for conservation purposes. 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 East Lake Specific Plan 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. The project was still consistent with the Criteria and other plan requirements of the MSHCP after the amendment.

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.

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