



REPORT TO PLANNING COMMISSION

To: Honorable Chairman and Members of the Planning Commission

From: Damaris Abraham, Planning Manager

Date: June 21, 2022

Subject: Planning Application No. 2019-07 (Bamiyan Marketplace) requesting to develop a new mixed-use commercial and residential development (123,026 sq. ft. in total) on a 12.60-acre site

Applicant: Ahmad Zaki, Zairey, Inc.

Recommendation

1. Adopt A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING ADOPTION OF A MITIGATED NEGATIVE DECLARATION (ER 2019-04) (SCH NO. 2021120417) FOR PLANNING APPLICATION NO. 2019-07 (TENTATIVE TRACT MAP NO. 37578, CONDITIONAL USE PERMIT NO. 2019-03, COMMERCIAL DESIGN REVIEW NO. 2019-05, AND UNIFORM SIGN PROGRAM NO. 2019-01);
2. Adopt A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING ADOPTION OF FINDINGS THAT PLANNING APPLICATION NO. 2019-07 (TENTATIVE TRACT MAP NO. 37578, CONDITIONAL USE PERMIT NO. 2019-03, COMMERCIAL DESIGN REVIEW NO. 2019-05, AND UNIFORM SIGN PROGRAM NO. 2019-01) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP);
3. Adopt A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING APPROVAL OF TENTATIVE TRACT MAP NO. 37578 SUBDIVIDING 12.60 ACRES INTO SEVEN LOTS RANGING IN SIZE FROM 0.25 ACRES TO 4.13 ACRES LOCATED APNS 381-320-020 AND 023;
4. Adopt A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT NO. 2019-03 TO ESTABLISH THE BAMIYAN MARKETPLACE PROJECT LOCATED AT APNS 381-320-020 AND 023;
5. Adopt A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING APPROVAL OF COMMERCIAL DESIGN REVIEW NO. 2019-05 PROVIDING BUILDING DESIGN AND RELATED IMPROVEMENTS FOR THE BAMIYAN MARKETPLACE PROJECT LOCATED AT APNS 381-320-020 AND 023; and,

6. Adopt A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, RECOMMENDING APPROVAL OF UNIFORM SIGN PROGRAM NO. 2019-01 ESTABLISHING A UNIFORM SIGN PROGRAM FOR THE BAMİYAN MARKETPLACE PROJECT LOCATED AT APNS 381-320-020 AND 023.

Background

The project was originally heard by the Planning Commission on February 1, 2022. At that meeting, the Planning Commission accepted public oral and written testimony regarding this Project. Seven (7) people spoke in opposition of the project at the meeting. Several comment letters raising concerns about the Project were also received (attached as Exhibit Q). Issues raised include impacts to the views of the existing homes, increased traffic impacts on Macy Street, safety, maintenance, and noise. The Planning Commission then continued the project to the February 15, 2022 and March 1, 2022 Planning Commission meetings, and subsequently off-calendar to allow the applicant additional time to address all the issues raised. The applicant has revised the project plans and addressed the issues as summarized below:

1. *View Impacts:*

The maximum building height of the 60-unit multi-family residential development was reduced from three-story 34'-10" to two-story 20'-7" to reduce impact to sight lines from the neighboring subdivision. A flat-roof architecture was also incorporated to fully minimize overall building height. The building architecture was revised to incorporate townhome style aesthetics with individual garages for each unit. In addition, overall building height of 2-story Mixed Use Commercial/Condominium building was reduced from 29'-0" to 25'-4" by removing the parapet and moving the HVAC equipment to ground level. Exhibit P (Elevation Cross-Sections) shows views from the existing homes in relation to the proposed project.

2. *Safety and Site Maintenance:*

The project has incorporated design strategies that would enhance safety and security at the project site. These include allowing for clear sight lines, adequate lighting, minimizing concealed and isolated routes. The applicant has also revised the plans to make the project more secure with fencing, lighting, cameras, development security and securing trash enclosures, and landscaping. Security fencing was added along the toe of slope below Subdivision with returns to perimeter fencing, along Ortega Hwy R/W to secure the AM/PM building and east edge of development, and the residential security fencing including resident and vehicle gates. Conditions of Approval (COA No. 21 through 24) have been included to ensure that the property is kept in good repair. The Project is also conditioned (COA No. 29) to form a Property Owner's Association that will be responsible for the maintenance of the property.

3. *Traffic:*

The project is required to widen Macy Street approximately nine (9) feet along the northwestern project site boundary to accommodate a revised lane configuration and a new traffic signal that would be installed at the intersection with Grand Avenue. One project driveway would be constructed for access to the project from Macy Street. To minimize the traffic impacts on Macy Street, the project has been conditioned (COA No. 18) to remove Macy Street from confirmed delivery truck routing.

4. *Noise:*

A Noise Impact Study dated August 10, 2021, was prepared by Eilar Associates, Inc. to evaluate the potential noise impacts for the proposed Project. The study assessed the short-

term construction noise impacts as well as operational noise impacts as a result of the Project that include on-site noise sources such as car wash equipment and vacuum stations and traffic generated noise. The study found that the project meets the noise regulations and standards of the LEMC Section 17.176 (Noise Ordinance). To minimize the potential operational noise exposure for the residential portion of the development, the study recommended additional mitigation measures (Mitigation Measures NOI-1 through NOI-3). With implementation of these mitigation measures the project would have less than significant impact related to noise. In addition, the hours of operation for the carwash will be limited to 7:00 a.m. to 7:00 p.m. to minimize noise impacts to the adjacent existing residences (COA No. 17).

5. Parking:

The applicant has also revised the overall site plan to provide additional parking by incorporating underground storm water quality facilities. Covered parking spaces will also be provided along south face of the Mixed Use Commercial/Condominium Building.

Community Outreach

The applicant has held several community outreach meetings to address the concerns received from the community and to provide information to the surrounding neighbors regarding the proposed project. The initial outreach meeting to introduce the project to the community was held on May 1, 2019. The applicant also held meetings on December 15, 2021 and February 17, 2022 to inform the community of the proposed project.

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.

Environmental Setting

	EXISTING LAND USE	GENERAL PLAN	ZONING
Project Site	Vacant	Commercial Mixed Use (CMU)	Commercial Mixed Use (CMU)
North	Vacant and Residential	Commercial Mixed Use (CMU) and Low Medium Residential (LMR)	Commercial Mixed Use (CMU) and Single-Family Residential (R-1)
South	Residential	Low Medium Residential (LMR)	Single-Family Residential (R-1)
East	Commercial	General Commercial (GC)	Neighborhood Commercial (C-1)
West	Residential	County of Riverside	County of Riverside

Table 1: Environmental Setting

Project Description

The Bamiyan Marketplace Project consists of applications for a Tentative Tract Map No. 37578, a Conditional Use Permit No. 2019-03, a Commercial Design Review No. 2019-05, a Uniform Sign Program No. 2019-01, which collectively are being processed under Planning Application No. 2019-07.

Tentative Tract Map No. 37578 is proposing to subdivide the 12.60-acre site into seven (7) lots ranging in size from 0.25 acres to 4.13 acres for a mixed-use commercial and residential development that would be constructed in three phases. The remaining 0.84-acre portion of the

site will be dedicated for road right-of-way purposes. Table 2 below provides lot summary information:

Lot Number	Phase Number	Lot Size (acres)	Proposed Use
1	1	1.35	Gas station, convenience store, quick-serve restaurant, office
2	2	0.35	Drive-through restaurant
3	2	0.25	Drive-through restaurant
4	1	0.79	Car wash
5	2	0.78	Mixed-use building
6	2	4.09	Common area (circulation/parking)
7	3	4.13	Multi-Family Residential
N/A	1	0.84	Road Right-of-way dedication

Table 2: Lot Summary

Conditional Use Permit No. 2019-03 and Commercial Design Review No. 2019-05 are proposing to establish the Bamiyan Marketplace Project as outlined below:

- Lot 1: will include a 10-dispenser ARCO gasoline station with a 6,840-square foot (SF) canopy, a 4,354-SF AM/PM convenience store, an attached 1,960-SF quick-serve restaurant (with no drive-through service)
- Lot 2: will include a 2,400-SF restaurant with a drive-through
- Lot 3: will include a 2,400-SF restaurant with a drive-through
- Lot 4: will include a 4,054-SF automated self-service car wash
- Lot 5: will include two-story mixed-use building with six commercial/retail 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: will include common area (circulation/joint-use parking)
- Lot 7: will include five two-story multi-family residential buildings containing up to 60 residential units. The multi-family residential development would include enclosed parking and a 2,800-SF club house with pool and outdoor living amenities.

Project Phasing and Construction

The project is proposed to be developed in three phases. Phase 1 would include the gasoline station, convenience store, office, quick-serve restaurant, automated self-service car wash. Phase 1 would also include grading of the site, installation of the majority of the utility infrastructure, development of internal circulation driveways and parking, and construction of off-site improvements (discussed in further detail below). Phase 2 would consist of fast food restaurants with drive-through lanes, and a two-story mixed-use commercial/retail and multi-family residential building. Phase 3 would consist of five two-story multi-family residential buildings. Earthwork for the site is anticipated to require 6,788 cubic yards (cy) of cut and 8,153 cy of fill for a net import of 1,385 cy.

Architecture and Treatments

The CMU zoning of the project site requires varied roofline heights. The project's buildings would range in height from 13 feet 7 inches (for the carwash) to 25 feet 4 inches (for the Lot 5 Mixed-

use building). Except for the carwash building and gas station canopy, the maximum height of each building would not be uniform across the building. Rather, the buildings would incorporate varying façades and architectural elements (such as parapets) of different heights that would provide for a varying roofline. The gas station canopy would have a height of 18 feet 6 inches and would be supported by two rows of five columns, forming a T-shaped structure.

The exterior building materials would include cement plaster, aluminum composite material, seamless steel siding, and faux stone veneer. Exterior finishes would generally be earth-tone (tans, browns, and grays) with signage for the ARCO and AM/PM facilities incorporating blue and orange. The material type, as well as massing and height, would vary for the multiple façades and architectural components proposed for each building. The buildings would incorporate decorative architectural features, including LED light fixtures and steel awnings.

Landscaping, Retaining Walls, and Fencing

The project would provide approximately 109,000 SF of landscaping, representing 21 percent of the site. A variety of deciduous shade/street trees (e.g., Chinese pistache, ginko, jacaranda, California sycamore), evergreen shade/street trees (e.g., Canary Island pine, fern pine, African sumac, southern magnolia), large native evergreen trees (e.g., coast live oak, holly oak), small flowering accent trees (e.g., western redbud, crape myrtle), and shrubs/groundcover would be located along the project site boundaries, adjacent to the project's buildings, and within parking lot medians. The large trees that would be located along the project site's southwestern boundary would provide visual screening between the adjacent off-site residential development and the project site. The slope adjacent to the off-site residential development would be planted with shrubs and groundcover behind the trees. A parking lot screening hedge would be installed along the project site's northwestern, northeastern, and southeastern boundaries between Macy Street, Grand Avenue, and Ortega Highway and the project site.

A maximum 10-foot-high, split-face concrete masonry unit retaining wall would be constructed along the southwestern property boundary between the project's Lot 7 residential development and adjacent off-site residential development, where the existing topography slopes down from the adjacent residential development. An additional retaining wall with a maximum height of four feet would be constructed along Grand Avenue adjacent to the gas station in Lot 1 and the fast-food restaurants with drive-through lanes in Lots 2 and 3. The coloring of the retaining wall would match the architectural details of the proposed buildings. Wrought iron fencing with concrete masonry unit pilasters is proposed to enclose the Lot 7 residential development.

Street Improvements and Site Access (Phase 1)

Ortega Highway would be widened by 10 feet along the southeastern project site boundary to bring it to its ultimate width for a Major roadway (four lanes, 100-foot right-of-way [ROW]), as identified in the General Plan Circulation Element. Curb, gutter, and sidewalk would be installed. A partial-width raised median would be constructed to control cross-traffic. One driveway, with only right turns allowed in and out, would be constructed to serve the project.

Grand Avenue would be widened by 20 feet along the northeastern project site boundary to the ultimate width for an Urban Arterial (six lanes, 120-foot ROW), as identified in the City's General Plan Circulation Element. Curb, gutter, and sidewalk would be installed. In accordance with the General Plan, a Class II bike lane would be striped along Grand Avenue. No new lanes would be added as the road already has two signalized right-turn lanes at Ortega Highway and one through

lane. A bus turnout would be installed to serve Riverside Transit Authority (RTA) Route 8. One driveway, with only right-turns allowed in and out, would be constructed to serve the project from Grand Avenue across from Serena Way.

Because of the widening of both Ortega Highway and Grand Avenue, the existing traffic signal at that intersection would be reconstructed, maintaining its present function.

Macy Street would be widened by approximately nine feet along the northwestern project site boundary to accommodate a revised lane configuration and a new traffic signal would be installed at the intersection with Grand Avenue. One project driveway would be constructed for access to the project from Macy Street.

Uniform Sign Program No. 2019-01 is proposing to establish a sign program represents a coordinated signage theme encompassing the three phases of the project. The signs would reflect the architecture proposed for the commercial and mixed-use aspects of the project and incorporates City identification signs. Proposed signs include:

- Two gasoline price signs and a corner monument sign on Lot 1, the ARCO AM/PM site
- Illuminated gas price signs on the southeast wall of the AM/PM building facing Ortega Highway.
- Two low signs for the two fast food restaurants fronting Grand Avenue.
- One central pylon sign on the Grand Avenue frontage, with a maximum height of 24 feet 6 inches.
- Low monument signs at the corners of the project site at Macy Street and Ortega Highway, identifying Bamiyan Marketplace and the multi-family project component on Lot 7.

Analysis

General Plan Consistency

The Project has a General Plan Land Use designation of Commercial Mixed Use (CMU) and is located within the Lake Edge District. This designation provides for a mix of residential and non-residential uses within a single proposed development area, with an emphasis on retail, service, civic and professional office uses. The Floor Area Ratio (FAR) for non-residential uses is 0.80:1 and a minimum of 50% of the total floor area shall be commercial uses. Residential densities shall be between 7 and 18 dwelling units per net acre. The project is proposing to develop a mixed use project with the commercial development that includes a convenience store, gas station, express car wash, and drive-through and quick-serve restaurants with 0.22:1 FAR. The project also includes a residential component with 9.9 units per acre and 15.7 units per acre. Therefore, the project is consistent with the General Plan.

Municipal Code Consistency

The current zoning for the subject site is Commercial Mixed Use (CMU). Per Section 17.134.020 (Table of land uses and glossary/definitions) of the CMU zone, convenience stores, food establishments, and apartment units are permitted uses and carwashes and drive-through establishments are permitted uses subject to approval of a Conditional Use Permit. Per Section 17.134.020 of the CMU zone, the Community Development Director has deemed Gasoline Dispensing Establishments to be in accord with the purpose of the CMU zone and having characteristics similar to those uses listed in Section 17.134.020 (Table of land uses and glossary/definitions) as requiring a Conditional Use Permit.

Staff has reviewed the proposed project with respect to the relevant development standards as identified in the CMU zone and Section 17.112.090 (Gasoline dispensing establishments) of the Lake Elsinore Municipal Code (LEMC) and has detailed the requirements and the proposed development standards as follows:

Development Standard	Required	Proposed
Predominant Use	Commercial development required to be greater than 50 percent of net lot area	15 ft. Commercial development within Lots 1 through 5 plus 80 percent of Lot 6 totals 6.79 acres, or 58 percent, of the total net area (11.74 acres)
Floor Area Ratio (FAR)	0.8:1 maximum	Building area for Lots 1 through 6 plus first floor of Lot 5 totals 40,166 SF of the total proposed square footage (295,775 SF), which equates to a FAR of 0.14:1
Residential Density	7 to 18 dwelling units per acre	Lot 5: 14 units / 4.32 acre = 9.9 units per acre Lot 7: 60 units / 4.13 acres = 14.5 units per acre
Setbacks	Front yard: 10-foot minimum Rear yard: 20-foot minimum adjacent to residential	Closest front setbacks to Grand Avenue are Lots 2 and 3 at 28 feet Setbacks from residential are 97 feet for Lots 4 and 5 and 92 feet for Lot 7
Building Height	Varied rooflines	Maximum Lot 5: 25'-4" Maximum Lot 7: 20'-7"

Table 3: Development Standards

Tentative Tract Map Analysis

The tentative map is proposing to subdivide the 12.60-acre site into seven (7) lots ranging in size from 0.25 acres to 4.13 acres (0.84 acres will be dedicated for road right-of-way purposes). The proposed subdivision meets the minimum lot area requirement and street frontage width of the CMU zone. The tentative map also complies with Chapter 16.24 (Tentative Map) of the LEMC and the Subdivision Map Act. The Project will be required to form a Property Owner's Association (POA) for reciprocal access easements, shared parking spaces as well as for the maintenance of common areas.

Parking Analysis

The project complies with the onsite parking standards listed in Section 17.134.070 (Parking in the CMU district) and Chapter 17.148 (Parking Requirements) of the LEMC. Per Section 17.134.070, no off-street parking is required for nonresidential uses unless the use exceeds 3,000 sq. ft. of gross floor area, in which case one off-street parking space is required for every 250 square feet beyond 3,000 sq. ft. Section 17.148.030.E.1.b (2) of the LEMC requires one covered space, plus one and one-third open space per dwelling unit for multifamily dwellings.

A total of 205 parking spaces would be provided in Phases 1 and 2, including 5 accessible spaces, 18 clean air vehicle spaces (eight percent of total required), and 13 electric vehicle charging station spaces (six percent of total required). Phase 3 would include a total of 138 parking spaces, including 4 accessible spaces, 5 clean air vehicle spaces, and 60 covered garages. The proposed parking would meet the minimum 317 total parking spaces required for the site per the LEMC.

The architectural design of the proposed building complies with the Nonresidential Development Standards (Chapter 17.112) and Residential Development Standards (Chapter 17.44) of the LEMC. The architecture of the building has been designed to achieve harmony and compatibility with surrounding area. The colors and materials proposed will assist in blending the architecture into the existing landscape and are compatible with other colors and materials used on other properties near the project site. The proposed landscaping improvements serve to enhance the building designs and soften portions of building elevations, provide shade and break-up expanses of pavement.

The Design Review Committee that includes staff from Planning, Building and Safety, Fire, and Engineering have reviewed the proposed Project, and have conditioned the Project so as to mitigate any potential concerns.

AB 52 Tribal Consultations

On August 28, 2019, the City provided written notification of the Project in accordance with AB 52 to all of the Native American tribes that requested to receive such notification from the City. Staff received requests from Rincon, Pechanga, and Soboba Tribes within the 30-day period, requesting to initiate consultation. Consultation was concluded on December 30, 2019 with the Rincon Band of Luiseño Indians and on April 15, 2020 with the Soboba Band of Luiseño Indians. Consultation is still ongoing with the Pechanga Band of Luiseño Indians. Mitigation measures have been added to address a concern over the potential for uncovering tribal cultural resources (TCRs) or other tribal-affiliated resources during construction of the project.

Environmental Determination

Pursuant to CEQA Guidelines Section 15063, an Initial Study (Environmental Review No. 2019-04) was prepared for the project to assess potential environmental impacts. The Initial Study revealed that the project would have potentially significant environmental impacts but those potentially significant impacts could be mitigated to less than significant levels. A Mitigated Negative Declaration (MND) (SCH# 2021120417) was prepared and was made available for public review and comment for a 30-day review period from December 17, 2021 to January 17, 2022. The MND determined that the proposed Project would have potentially significant environmental impacts upon Air Quality, Biological Resources, Cultural and Tribal Resources, and Noise. These impacts will be mitigated to below a level of significance through compliance with the mitigation measures set forth in the MND. Notice to all interested persons and agencies inviting comments on the MND was published in accordance with the provisions of CEQA, and posted at the Office of the County Clerk of Riverside County and at the State Clearinghouse on December 17, 2021 for a 30-day public comment period.

Three (3) comment letters regarding the MND were received during the 30-day public comment period from the Riverside County Flood Control and Water Conservation District (dated January 7, 2022), Riverside Transit Agency (dated December 23, 2021), and Pechanga Band of Luiseño Indians (dated January 14, 2022). Responses to comments were prepared and are provided in the attached Exhibit I. There were no public comments or changes to the text or analysis contained in the MND that resulted in the identification of any new significant environmental effects. Only clarifications were made to the MND in response to public comments. Therefore, in accordance with Section 15073.5 of the CEQA Guidelines a recirculation of the MND is not warranted.

MSHCP Consistency

The project is consistent with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The project site is not located in a Criteria Cell and was not required to be processed through the Lake Elsinore Acquisition Process (LEAP) and Joint Project Review (JPR) processes. The project complies with all other applicable requirements of the MSHCP.

Exhibits

- A – CEQA Resolution
- B – MSHCP Resolution
- C – TTM Resolution
- D – CUP Resolution
- E – CDR Resolution
- F – Sign (DR) Resolution
- G – Conditions of Approval
- H – IS/MND
- I – Responses to Comments
- J – Vicinity Map
- K – Aerial Map
- L – TTM 37578
- M – Project Plans
- N – Sign Program
- O – Renderings
- P – Elevation Cross-Sections
- Q – Comment Letters