



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Grant Yates, City Manager

Prepared by: Justin Kirk, Principal Planner

DATE: October 24, 2017

PROJECT: Planning Application No. 2017-37 (The Cottages): A request by Civic Partners for the approval of a development of 143 affordable multifamily residential units and related on and offsite improvements.

APPLICANT: Jeff Pomeroy, Civic Partners

Recommendation

adopt, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, APPROVING ADDENDUM #1 TO A MITIGATED NEGATIVE DECLARATION (SCH 2008011082) FOR PLANNING APPLICATION 2017-37 (RESIDENTIAL DESIGN REVIEW 2017-00014 and TTM 37393); AND,

adopt, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, FINDINGS TAT PLANNING APPLICATION 2017-37 IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP); AND,

adopt, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 37393 FOR THE CONSOLIDATION OF 23 PARCELS AND THE RECONFIGURATION OF THE ADJACENT RIGHT OF WAY LOCATED AT ASSESSOR PARCEL NUMBERS (APNs) 365-030-004 THROUGH -007, -016 THROUGH -023, and -027 THROUGH -037; AND,

adopt, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING RESIDENTIAL DESIGN REVIEW 2016-103 FOR 143 MULTIFAMILY RESIDENTIAL UNITS AND RELATED IMPROVEMENTS, LOCATED AT ASSESSOR PARCEL NUMBERS (APNs) 365-030-004 THROUGH -007, -016 THROUGH -023, and -027 THROUGH -037.

Project Request/Location

The applicant is proposing to build 143 unit affordable multifamily development with associated features and facilities including 333 resident/visitor parking, a leasing/management office, a community center, onsite laundry facility and active and passive open spaces located on 23

parcels totaling 19.43 acre. TTM 37393 is also a part of the project, which proposes to consolidate the 23 parcels into one parcel and reconfigure the adjacent right of way.

The 19.43-acre project site is generally located on vacant land north of Corydon Road, east of Grand Avenue, west of Mission Trail, and south of Stoneman Street and is more specifically referred to as Assessor's Parcel Numbers (APNs) 365-030-004 through -007, -016 through -023, and -027 through -037.

Environmental Setting

	EXISTING LAND USE	EAST LAKE SP	GENERAL PLAN
Project Site	Vacant	Medium Residential	Specific Plan
North	Vacant	Medium Residential	Specific Plan
South	Vacant	Medium Residential	Specific Plan
East	ROW	ROW	ROW
West	Vacant	Low-Medium Residential	Specific Plan

Background

The East Lake Specific Plan (ELSP) was adopted by the City in 1993 and originally included 3,000 acres that would allow for a total of up to 9,000 residential units. There have been 10 subsequent amendments to the Specific Plan that were approved and adopted which have modified the land-uses of the plan area. The currently adopted East Lake Specific Plan covers 2,977 acres and allows approximately 1,563,804 square feet of commercial development (without industrial uses), one golf course, one hotel, 199.6 acres of active recreation uses (and parks), 7,121 dwelling units, 7,500 square feet for restaurants, one airport, and approximately 792.6 acres of preservation/mitigation areas. The approved zoning of medium density residential has not changed since the original approval of the ELSP.

An 11th amendment has been proposed by the City and is currently going through the entitlement process. The proposed ELSP Amendment #11 would potentially allow 458,000 of commercial/light industrial development, one golf course, up to four hotels, 36.4 acres of parks, 3,640 dwelling units, 67,500 square feet for restaurants, one airport, and potentially up to 815.2 acres of preservation/mitigation areas. Additionally, the proposed ELSPA 11 allows up to four active recreation uses and two action sports uses.

On June 25, 2008, the City Council of the City of Lake Elsinore approved the Colony Project. The approved project for the site included development and operation of 211 attached senior condominiums and a community recreation facility on the 12.20-acres in the eastern portion of the site. The residential buildings were proposed to be four complexes of condominiums with an average density of 11.1 dwelling units per acre (du/ac). The 211 dwelling units were designed to range from 992 to 1,527 square feet. The total building square footage for the project was 271,193. Entitlements associated with this project expired on June 25, 2012.

On October 17, 2017, the Planning Commission took unanimous action to recommend approval of the proposed project to the City Council.

Description of Residential Design Review No. 2016-103

The proposed project includes construction and operation of 143 for-rent affordable residential units in detached and attached duplex structures and related onsite improvements. Table 1, provides a breakdown of the proposed uses.

The residential buildings would be two-stories, would provide either two or three bedrooms, and range from approximately 750 to 1,250 square feet in size. The project also includes an approximately 55,000-square-foot (or 1.26-acre) park/recreation area in the center of the site that would include a 2,200-square foot recreation building, children's tot lot, open lawn, picnic area, and meandering walkways. Additionally, the project includes a 6.97-acre open space/detention basin area in the western portion of the project site, which would include a 1,312-foot circular path made of decomposed granite for walking/running.

Table 1: Project Development Summary	
Site Summary	Units
Gross Site Area	19.43 acres
Residential Development Area	11.20 acres
Park Area	1.26 acres
Open Space Area	6.97 acres
Dwelling Units	143 units
Residential Density	7.4 units per acre
Unit Summary	Number and Percentage of Units
2-Bedroom Units	39 = 27%
3-Bedroom Units	104 = 73%
Total Residential Units	143 = 100%
Park Recreation Building	2,200 square feet
Parking Spaces	Number of Spaces
Garage Spaces	143
Driveway Spaces	87
Open Spaces	103
Total Parking Spaces	333

Architectural Features

The building architecture would feature Spanish style architecture with various white, tan, and brown stucco buildings with red and terracotta blend concrete barrel tile roofs. Additional architectural features include

- Sand Finish
- Foam Trim
- Window Grids
- Decorative Shutters
- Coach Light
- Address Plaque

The applicant has proposed three-color treatments as follows:

	1	2	3
STUCCO BODY	SW 7042 SHOJI WHITE	SW 7541 GRECIAN IVORY	SW 7005 PURE WHITE
FASCIA / EAVES / CLAY DÉCOR PIPES AT GABLES/ GARAGE	SW 7510 CHATEAU BROWN	SW 9115 COWBOY BOOTS	SW 7034 STATUS BRONZE
ALL TRIM	SW 7535 SANDY RIDGE	SW 7549 STUDIO TAUPE	SW 7550 RESORT TAN
ENTRY DRS/ SHUTTERS	SW 2838 POLISHED MAHAGONY	SW 7625 MUONT ETNA	SW 6068 BREVITY BROWN
ROOF MATERIAL FULL S	3816 SAN RAMON RANGE	37646 DESERT CLAY BLEND	SMC 8402 SANTA CRUZ BLEND

Landscaping

Trees, shrubs, and ground cover located in the perimeter landscaping areas provide effective screening of the project. Interior landscaping will provide foreground softening of the buildings. The landscape will be drip irrigated and controlled by an ET based smart controller. Plant selection by hydro-zone will reduce overall irrigation requirements. A condition of approval has been added to require additional screening landscape adjacent to the drainage basin/walking trail.

Fencing

Site fencing would primarily consist of a 6'-0" high concrete masonry unit (CMU) wall. Along the westerly project boundary a 6'-0" tubular steel fence will be proposed with a gate to open up onto a drainage basin/walking trail.

Community Amenities

The proposed project offers both active and passive recreational opportunities. The main community open space area is the focal point of the project's entrance and includes two tot lots, picnic tables, basketball court, benches, and an open turf area. The project's detention basin also incorporates a walking trail around the perimeter. The project also features a 2,200 square foot recreation building that would feature multipurpose recreational amenities.

Site Access and Parking

Access to the project site would be provided by one full-access driveway from Mission Trail and one right-in/right-out access only driveway. An onsite circulation system, with 333 parking spaces provided near the residences throughout the site. The project would install sidewalks along Mission Trail and selected internal streets within the project site. In addition, the project would install (or accommodate for future installation, at the City's discretion) a Class II bicycle lane along Mission Trail.

Analysis

The proposed project has been reviewed for consistency with the General Plan, the Lake Elsinore Municipal Code (LEMC), and the East Lake Specific Plan (ELSP).

General Plan

The ELSP and the subsequent amendments were subject to a consistency finding with the General Plan prior to adoption. The proposed project is consistent with the provisions of the ELSP and is therefore consistent with the General Plan. Furthermore, the proposed development helps the City's Regional Housing Needs Allocation (RHNA) goals by providing additional affordable housing stocks that furthers the goals and objectives of the Housing Element.

ELSP/LEMC

The Project has a zoning designation of Specific Plan and is governed by the East Lake Specific Plan and the LEMC. Under the ELSP, the project has a designation of Medium Density Residential (Res 2), Table 2 details the Project's consistency with the ELSP.

Table 2		
Development Standard	Required/Limit	Proposed
Building Height	45'-0"	Varies, Min 26'-0"
Front Setback	20'-0"	26'-0"
Side Setback (North PL)	0'-0"	17'-0"
Side Setback (South PL)	0'-0"	26'-0"
Rear Setback	0'-0"	103'-0"
Building Separation	10'-0"	Varies, Min 10'-0"
Maximum Lot Coverage	70%	18.6%
Density	14 DU/Acre	7.4 DU/Acre

As detailed in Table 2, the proposed project is consistent with all development standards of the applicable specific plan requirements. In most instances, the project demonstrates that it exceeds the minimum standard applied. The proposed development has a parking requirement of one (2.2) covered space, plus one point two (1.2) open spaces per dwelling unit, which translates to 143 covered spaces and 172 uncovered spaces for a total of 315 parking spaces. The project proposes 143 covered spaces in single car garages and 190 uncovered spaces for a total of 333 parking spaces, thus exceeding the minimum requirements.

Findings for Approval

The LEMC specifies three specific findings for approving design review projects:

The project, as approved, will comply with the goals and objectives of the General Plan and the zoning district in which the project is located.

As previously detailed, the proposed project is consistent with the General Plan, LEMC, and the ELSP.

The project complies with the design directives contained in LEMC 17.184.060 and all other applicable provisions of the Municipal Code.

The proposed project has been designed in a manner consistent with other residential communities within the ELSP. In addition, the project has incorporated design criteria as identified in the City's Crime Prevention through Environmental Design (CPTED) elements of this program include:

- **Natural Surveillance:** Natural surveillance is a CPTED principle directed at keeping legitimate users and potential intruders under passive observation. It utilizes design features to increase the visibility of a property or building by human activity. For example, the proper placement and design of windows, lighting, and landscaping increases the ability to allow for maximum visibility.
- **Natural Access Control:** Natural access control is a CPTED principle used to decrease the opportunity for criminal activity by creating physical elements and cues in the design to keep unauthorized persons out of a particular place if they do not have a legitimate reason for being there. Natural Access Control can be accomplished by the placement of entrances, exits, fencing, landscaping and lighting to provide a physical guidance to people coming and going from one space to another.
- **Territorial Reinforcement:** People naturally protect a territory that they feel is their own, and have a certain respect for the territory of others; clear boundaries between public and private areas achieved by using physical elements to "personalize" a space. Such elements as fences, 5 February 19, 2013 Resolution No. 2013-01 pavement treatment, art, signs, gardens, proper maintenance, and landscaping are ways to express ownership.
- **Maintenance and Management:** Lastly, care and maintenance allows for the continued use of a space for its intended purpose. Deterioration and blight indicate less concern and control by the intended users of a site and indicate a greater tolerance of disorder. The more dilapidated an area, the more likely it is to attract unwanted activities.

Conditions and safeguards pursuant to LEMC 17.184.070, including guarantees and evidence of compliance with conditions, have been incorporated into the approval of the subject project to ensure development of the property in accordance with the objectives of this chapter and the planning district in which the site is located.

Building, Engineering, and Fire staff has reviewed the requested Design Review application and have conditioned the project to mitigate any concerns. Furthermore, specific Conditions of Approval have been added that require the project to be a part of the Crime Free Multi Family Program, annexation into CFDs, and meeting all State and Federal permit requirements.

Findings for Denial

AB 678 (Bocanegra) and SB 167 (Skinner) increases the standard of proof required for a local government to justify its denial of low- to moderate-income housing development projects. These bills were signed into law by Governor Brown on October 2, 2017. This new state law asserts that "A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the housing development project infeasible for development for the use of very low, low-, or moderate-income households, or an emergency shelter,

including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the following:"

The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the housing development project. The share of the regional housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

The City's RHNA establishes that the City allocated number of low-income residential units is 801 units. The current housing element established that the City has supplied 16% or 128 units of this allocation. Subsequent project approvals of affordable housing developments have increased this number to 27% or 216 well below the required 801. Because the City has not met its RHNA requirement, this finding for denial cannot be made.

(2) The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

The proposed project has been designed in a manner consistent with the residential fire code. In addition the project has been designed with CPTED standards. As designed the proposed project does not create any potential adverse impacts to public health or safety. Lastly, the project has been designed to meet all water quality permit requirements specifically the treatment of nuisance water and the handling of storm event conditions. Due to the negative impact, any residential unit has the City's financial ability to maintain current public safety standards the project has been conditioned to annex into Community Facility District 2015-01, which establishes an additional property tax levy to ensure that the project's impact is reduced to levels of less than significance. Because the project has been designed in, a manner to minimize significant impacts to public health and safety and the project has been conditioned to annex into a Community Facility District to offset potential adverse financial impacts this finding for denial cannot be made.

(3) The denial of the housing development project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without

rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

The proposed project has been designed and conditioned in manner to comply with state or federal law. Specifically, studies have been prepared that assert jurisdictional delineation for any potential permits required in order to construct the project, compliance with state and federal law regarding the Clean Water Act, Endangered species Act, and other applicable regulation.

(4) The housing development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

The proposed project is not located adjacent to any property zoned for agriculture or resource preservation. Current zoning surrounding the property is residential. Future land uses contemplated in the ELSP Amendment #11 include commercial and industrial uses. The applicant has obtained a will serve letter from the Elsinore Valley Municipal Water District establishing the district's ability to provide drinking water and handle the increase of wastewater. Because current and future zoning is not either agricultural or resource preservation and the district has demonstrated adequate water or wastewater facilities to serve the project this finding of denial cannot be made.

(5) The housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article. For purposes of this section, a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter.

As previously stated in this report the proposed project is consistent with the General Plan, LEMC, and the ELSP. Table 2 identifies specific development standards, which have been met. Because this project is consistent with the General Plan, LEMC, and the ELSP this finding cannot be made.

Conclusion

Overall, the proposed development is of a high quality and is consistent with all applicable governing documents. The proposed architecture effectively employs horizontal and vertical elements to break up the massing of the buildings. The uses of arches, shutters, and other architectural treatments reinforce the high quality of the proposed design. In order to minimize potential visual and/or privacy impacts to the adjacent residential community, building one (1) has been designed to feature a single story element on the northerly facing building frontage and transitions to a two (2) story building that does not incorporate any windows adjacent to the residential community. Adequate recreational amenities have been provided and are consistent with other multi-family residential projects. In addition, the proposed project provides additional affordable housing, which helps the City meet its RHNA in a different manner than traditional affordable apartment complexes. Overall, the proposed project as designed and conditioned will provide a high quality and complimentary housing option to the Summerly Development.

Environmental Determination

On June 25, 2008, the City Council of the City of Lake Elsinore approved the Colony Project Initial Study/MND (SCH #2008011082) and its Mitigation Monitoring and Reporting Program (MMRP) to reduce the potential environmental effects associated with implementation of the Colony project to a less than significant level. The Colony project was a previously approved project for the site that included development and operation of 211 attached senior condominiums and a community recreation facility on the 12.20-acres site. The residential buildings were proposed to be four complexes of condominiums with an average density of 11.1 dwelling units per acre (du/ac). The 211 dwelling units were designed to range from 992 to 1,527 square feet. The total building square footage for the project was 271,193. The community recreation park was to include a putting green and a community pool. In addition, the western 7.2-acre portion of the project site was an open space area with a storm water detention basin. The Colony Project Initial Study/MND identified five environmental impact areas for which mitigation would reduce potential environmental impacts to a less than significant level (air quality, biological resources, cultural resources, noise, and transportation and traffic). The modified project will implement applicable mitigation measures included in the Colony Project Initial Study/MND. In addition, the Colony project included various Project Design Features (PDFs) that were included in the project to reduce potential impacts, which would also be implemented with the modified project. No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous approved ND or MND or certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). The addendum has been included as an attachment to the agenda and all technical studies are on file and available for public at the planning counter at City Hall.

Fiscal Impact

The time and costs related to processing this extension of time request have been covered by the Developer Deposit paid for by the applicant. No General Fund budgets have been allocated or used in the processing of this application. The approval of the project does not fiscally impact the City's General Fund. Mitigation Measures to protect the City fiscally have already been included in the Conditions of Approval.

Exhibits:

- A. CEQA Resolution
- B. MSHCP Resolution
- C. TTM Resolution
- D. RDR Resolution
- E. Conditions of Approval
- F. Addendum
- G. Vicinity Map
- H. Aerial Map
- I. Tentative Map
- J. Design Review Package