

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING OF ZONE CHANGE NO. 2014-02 TO ZONE ASSESSOR PARCEL NUMBERS 349-250-013 AND 349-250-015 AS HILLSIDE RESIDENTIAL AND ASSESSOR PARCEL NUMBERS 349-250-014 AND 349-250-016 AS R2 MEDIUM DENSITY RESIDENTIAL.

Whereas, Government Code Section 65103 empowers the legislative body to implement the General Plan through actions including, but not limited to, the administration of zoning ordinances; and

Whereas, Government Code Section 65860 requires that a city's zoning ordinances be consistent with its general plan; and

Whereas, Resolution No. 2004-11 of the City of Lake Elsinore, which establishes procedures and requirements for implementation of the Western Riverside County Multiple Species Habitat Conservation Plan, specifically exempts the adoption or amendment of any land use or zoning ordinance in Section IV – Exemptions; and

Whereas, pursuant to the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000 *et seq.*: "CEQA") and the State Guidelines for Implementation of CEQA (14 C.C.R. §§ 15000 *et seq.*: "CEQA Guidelines"), public agencies are expressly encouraged to reduce delay and paperwork associated with the implementation of CEQA by using previously prepared environmental documents when those previously prepared documents adequately address the potential impacts of the proposed project (CEQA Guidelines Section 15006); and

Whereas, CEQA Guidelines Section 15162 establishes the standard to be used when determining whether subsequent environmental documentation is necessary and says that when an environmental document has already been adopted for a project, no subsequent environmental documentation is needed for subsequent entitlements which comprise the whole of the action unless substantial changes or new information are presented by the project; and

Whereas, the City approved Addendum #2 to Environmental Impact Report No. 2007-01 No. 2005-05 (SCH No. 2005121019) (EIR) on February 28, 2006. All potentially significant impacts have been avoided or mitigated pursuant to the EIR and none of the conditions described in Section 15162 exist. No substantial changes which require major revisions to the EIR exist and no new information of substantial importance which require revisions to the earlier EIR exist. Therefore, no further environmental documentation is necessary; and

Whereas, on July 11, 2017, at a duly noticed public hearing the City Council has considered evidence presented by the Community Development Department and other interested parties with respect to this item.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, DOES HEREBY DETERMINE AND ORDAIN AS FOLLOWS:

Section 1. The City Council has reviewed and analyzed the proposed general plan amendment pursuant to the California Planning and Zoning Laws (Cal. Gov. Code §§ 65000 *et seq.*), the Lake Elsinore General Plan and the Lake Elsinore Municipal Code and finds and determines that the proposed general plan amendment is consistent with the requirements of California

Planning and Zoning Law and with the goals and policies of the Lake Elsinore General Plan and the Lake Elsinore Municipal Code.

Section 2. That in accordance with the California Planning and Zoning Law and the Lake Elsinore Municipal Code, the City Council hereby makes the following findings for the approval of Zone Change 2017-01:

1. The proposed zone changes will not be a) detrimental to the health, safety, comfort or general welfare of the persons residing or working within the neighborhood of the proposed zone changes or within the City, or b) injurious to the property or improvements in the neighborhood or within the City.

The proposed zoning will not be detrimental, but will be beneficial to the public health, safety, comfort and welfare and will improve the property in the neighborhood and the City by allowing a variety of residential and open space uses to be established within the project area consistent with the General Plan and providing for future improvement and development of infrastructure improvements such as water and sewer lines, lighting and paving of existing dirt right of ways.

2. The proposed zone change will permit reasonable development of the area consistent with its constraints and will make the area more compatible with adjacent properties

The subject properties are bounded by Hillside Residential and Low Density Residential developments. Areas along the project edge with lower density zoning district or to an existing developed parcel with a larger lot size than required in the R-2 district, a transition or buffer shall be provided between the adjacent property and a new subdivision, which may include, but is not limited to, lot size, lot width, lot depth, increased setbacks, or slopes. The purpose of this transition shall be to minimize the disparity between different densities of development. The adequacy of this transition shall be subject to the review and approval of the Planning Commission and City Council on a case-by-case basis.

3. The proposed zone changes would implement a land use density, intensity and usage more in character with the subject property's location, access, and constraints consistent with the adopted General Plan and subsequent text amendments to the zoning code.

The proposed zone change takes into consideration existing development as well as vacant properties.

4. The proposed zone change implements the goals of the Meadowbrook Sphere.

The Meadowbrook Sphere promotes a diversity of densities of residential and commercial developments. The proposed zone change creates a consistent residential development with the goals and objectives of the Lakeview District.

5. The proposed zone changes will not have a significant effect on the environment.

On December 11, 2011, the City Council approved and certified a Recirculated Program Environmental Impact Report which analyzed the environmental impacts associated with the development of the General Plan land use designations for the City and its Sphere of Influence (State Clearinghouse No. 2005121019).

In accordance with Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, the proposed amendments to previously approved projects do not present substantial changes or reveal new information that would require Subsequent or Supplemental EIR analysis. However, some changes or additions to the information contained in the certified EIR is necessary in order to approve the proposed project. For this reason, pursuant to Section 15164 of the CEQA Guidelines, an Initial Study/Addendum to the GPU EIR was prepared to provide an evaluation of potential site-specific environmental effects that could result from the proposed Project, compared those effects to what was disclosed by the GPU EIR and concluded that the significant effects that would result from the Project have been addressed in the earlier certified GPU EIR. The Initial Study/Addendum constitutes Addendum No. 2 to the GPU EIR.

Section 3. Based upon the evidence presented, both written and testimonial and such other matters as reflected in the record, and the above findings, the City Council adopts of Zone Change No. 2014-02 to zone Assessor Parcel Numbers 349-250-013 and 349-250-015 as Hillside Residential and 349-250-014 and Assessor Parcel Numbers 349-250-016 as R2 Medium Density Residential.

Section 4. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Resolution which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

Section 5. This Ordinance shall take effect thirty (30) days after the date of its final passage or such later date as may be designated by the Council. The City Clerk shall certify as to adoption of this Ordinance and cause this Ordinance to be published and posted in the manner required by law.

Passed and Introduced on this 11th day of July 2017.

Robert E. Magee
Mayor

ATTEST:

Susan M. Domen, MMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Susan M. Domen, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. 2017-_____ was introduced by the City Council of the City of Lake Elsinore, California, at the Joint meeting of July 11, 2017, and that the same was introduced by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Susan M. Domen, MMC
City Clerk