

ORDINANCE NO. 2017-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE,
CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT FOR THE AMENDED
AND RESTATED ALBERHILL VILLAGES SPECIFIC PLAN**

Whereas, Pacific Clay Products, Inc., has requested approval of a Development Agreement for the Amended and Restated Alberhill Villages Specific Plan (AVSP) regulating development of an approximately 1,375 acre site located south of Interstate 15 and west of Lake Street which allows approximately 8,024 dwelling units; 3,810,300 square feet of non-residential uses including civic/institutional, commercial/retail, professional office/medical and entertainment uses; university or similar education institutional use; and supporting uses including schools, parks, places of religious assembly, open space and greenbelt paseos (Project); and,

Whereas, pursuant to Lake Elsinore Municipal Code (LEMC) Chapter 19.12 (Development Agreements) the Planning Commission (Commission) of the City of Lake Elsinore (City) has been delegated with the responsibility of reviewing and making a recommendation to the City Council (Council) whether the development agreement is consistent with the City's General Plan and whether to approve the development agreement; and,

Whereas, on February 7, 2017, the Commission considered evidence presented by the Community Development Department and other interested parties at a duly noticed Public Hearing held with respect to the Development Agreement for the Amended and Restated AVSP and by Resolution No. 2017- 20 recommended that the Council adopt an Ordinance approving the Development Agreement; and,

Whereas, on February 14, 2017, the Council conducted a duly noticed Public Hearing and considered oral and written testimony.

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

Section 1. On February 14, 2017, after consideration and evaluation of all written reports and comments and oral testimony presented by the Community Development Department and other City departments, property owners, residents and other interested parties and such other matters as are reflected in the record of the noticed Public Hearing on the Project, the Council approved the Addendum to the Final EIR (SCH 2012061046) and approval of the Amended and Restated AVSP.

Section 2. That in accordance with California Planning and Zoning Law and the Lake Elsinore Municipal Code (LEMC) Section 19.12.070 (Commission report), the Council makes the following findings regarding Development Agreement No. 2016-02:

1. It is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan;

The proposed Development Agreement will facilitate the development of a large Mixed Use development. The proposed facility is located in the Specific Plan General Plan Land use designation and is located within the Alberhill District planning district. The Alberhill planning district calls for a mixed use of residential, commercial and industrial uses with extractive overlay that will be phased out overtime as development proceeds. Goal 1 implementation program

asserts the primary goal of the Alberhill District is to support and maintain a healthy transition from extractive / mining activities to a network of residential communities with a balanced mix of residential, commercial, light industrial, business professional, and institutional / public uses that provide a sense of place and high quality of life.

2. It is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;

The proposed Development Agreement will facilitate the development of a large mixed use mater planned community as set forth in the Amended and Restated AVSP. The Alberhill District specifies a variety of mixed uses that provide a high quality of life that is compatible with existing uses in the vicinity. The Amended and Restated AVSP Project is consistent with uses authorized in Alberhill District.

3. It is in conformity with public convenience, general welfare and good land use practices;

The approved Amended and Restated AVSP which will be facilitated through the proposed Development Agreement was found to be a high value development which will beneficial impacts to the surrounding community. Furthermore, any proposed adverse impacts have been mitigated to levels of less than significance.

4. It will not be detrimental to the health, safety and general welfare;

The proposed Development Agreement will facilitate the development of a large mixed use Project area. The previously approved AVSP was found not be detrimental to the health, safety and general welfare.

5. It will not adversely affect the orderly development of property or the preservation of property values;

The proposed Development Agreement will facilitate the development of a large mixed use Project. The Amended and Restated AVSP was found not to adversely affect the orderly development of property or the preservation of property values.

6. It is consistent with the provisions of Government Code Sections 65864 through 65869.5.

The proposed Development Agreement includes all mandatory provisions required by Government Code § 65865.2 and does not include any provisions that are not authorized by the Development Agreement Act.

Section 3. Based upon the evidence presented and the above findings, the Council, hereby approves Development Agreement No. 2017-02.

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 ADOPTED at the Regular meeting of the City Council of the City of Lake Elsinore, California, on the 28th day of February, 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, do hereby certify that the foregoing Ordinance No. 2017-_____ was introduced at the Regular meeting of February 14, 2017, and adopted by the City Council of the City of Lake Elsinore at its Regular meeting of February 28, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Susan M. Domen, MMC
City Clerk