

## ORDINANCE NO. 2017-

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE CALIFORNIA APPROVING ZONE CHANGE NO. 2017-01 REVERTING THE ZONING DESIGNATION OF LOW RESIDENTIAL ESTATE TO R-1 SINGLE FAMILY RESIDENTIAL FOR ASSESSOR PARCEL NUMBERS: 379-150-001, 002, 041 thru 044

**Whereas**, Government Code Section 65103 empowers the legislative body to implement the General Plan (GP) 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 GP; and,

**Whereas**, Resolution No. 2004-11 of the City of Lake Elsinore (City), which establishes procedures and requirements for implementation of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), 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 Mitigated Negative Declaration (MND) No. 2005-05 (SCH No. 2005121086) on February 28, 2006. All potentially significant impacts have been avoided or mitigated pursuant to the earlier MND and none of the conditions described in Section 15162 exist. No substantial changes which require major revisions to the MND exist and no new information of substantial importance which require revisions to the earlier MND exist. Therefore, no further environmental documentation is necessary; and,

**Whereas**, on March 7, 2017, at a duly noticed Public Hearing the Planning Commission (Commission) has considered evidence presented by the Community Development Department and other interested parties with respect to this item and took action to unanimously recommend approval for the proposed Zone Change; and,

**Whereas**, on March 28, 2017, at a duly noticed Public Hearing the City Council (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, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** The Council has reviewed and analyzed the proposed General Plan Amendment (GPA) pursuant to the California Planning and Zoning Laws (Cal. Gov. Code §§ 65000 *et seq.*), the GP and the Lake Elsinore Municipal Code (LEMC) and finds and determines that the proposed GPA is consistent with the requirements of California Planning and Zoning Law and with the goals and policies of the GP and the LEMC.

**Section 2.** That in accordance with the California Planning and Zoning Law and the LEMC, the 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 Zone Change would change the current Zoning Designation of Residential Estate to R1 Single Family Residential. The proposed Zone Change has been analyzed relative to its potential to have detrimental effects to ensure that the health, safety and welfare of surrounding residents will be protected. The proposed Zone Change would create consistency with the General Plan Land Use Designation Low Medium Density Residential which was in effect at the time of the approval of Tentative Tract Map 33468. The proposed Zone Change has been found to not be detrimental health, safety and welfare of surrounding residents as it restores the previous zoning and is compatible with the surrounding development.*

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 Residential Estate and R1 Single Family 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-1 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 Commission and Council on a case-by-case basis. Because the proposed Zone Change is consistent with adjacent R1 designations and would be required to transition development along the boundaries with Lower Density Zoning it is has been found to permit the reasonable development of the area.*

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 GP 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 Lakeview District.

*The Lakeview District 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.

*The City approved MNDNo. 2005-05 (SCH No. 2005121086) (MND) on February 28, 2006. All potentially significant impacts have been avoided or mitigated pursuant to the earlier MND and none of the conditions described in Section 15162 exist. No substantial changes which require major revisions to the MND exist and no new information of substantial importance which require revisions to the earlier MND exist. Therefore, no further environmental documentation is necessary.*

**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 Council adopts of Zone Change No. 2017-01 reverting the Zoning Designations of Assessor Parcel Numbers: 379-150-001, 002, and 041 thru 044 from Residential Estate to R1 – Single Family 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 ADOPTED** this 28th day of March, 2017.

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Robert E. Magee, Mayor

**Attest:**

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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 adopted by the City Council of the City of Lake Elsinore, California, at the Regular meeting of March 28, 2017, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Susan M. Domen, MMC  
City Clerk