



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: March 28, 2017

Subject: **Planning Application No. 2016-109 (McKenna Court):** A request for the approval of a technical amendment of the General Plan to correct a mapping error by reverting the General Plan Land Use Designation from Low Density Residential to Low-Medium Density Residential and a Zone Change to revert the Zoning from Residential Estate to R1-Single Family Residential.

Applicant: City of Lake Elsinore

Recommendation

adopt, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE CALIFORNIA APPROVING GENERAL PLAN AMENDMENT NO. 2017-001, A TECHNICAL AMENDMENT TO CORRECT A MAPPING ERROR BY REVERTING THE GENERAL PLAN LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL TO LOW-MEDIUM DENSITY RESIDENTIAL FOR ASSESSOR PARCEL NUMBERS: 379-150-001, 002, 041 thru 044; and,

adopt, 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.

Background

On February 28, 2006, the City Council approved Mitigated Negative Declaration No. 2005-05 (SCH No. 2005121086) (MND), Zone Change No. 2005 -02, and Tentative Tract Map No. 33486. Tentative Tract Map 33486 proposed to subdivide approximately 24 acres into 83 single family residential lots (including two existing single family residences). Lots ranged in size from 7,200 square feet to 12, 166 square feet averaging 9,437 square feet. The subject zone change changed the properties' zoning designation from Residential Estate to R-1 Single Family Residential.

On May 8, 2007, the City Council approved RDR 2006-11 which provided architectural plans for the development of the property.

On February 26, 2008, the City Council approved a three year extension of time.

On December 13, 2011, the City Council approved a General Plan Update, as part of this update the properties' General Plan Land Use Designation changed from Low Medium Density Residential to Low Density Residential.

On December 13, 2013, the City Council approved Consistency Zoning Phase III, which included the Lakeview District and the subject properties which changed the zoning from R-1 to RE.

On February 14, 2017, the City Council approved the final three year extension of time.

On March 7, 2017, the Planning Commission took action to recommend approval of both General Plan Amendment 2017-01 and Zone Change 2017-01 to the City Council.

Discussion

The 2011 General Plan Update was mistakenly modified the land use designation of the subject properties from Low Medium Density Residential to Low Density Residential. The subsequent rezoning of the property from R1 – Single Family Residential to Residential Estate was done as part of the City's consistency zoning efforts which brought the properties into consistency with the previously modified General Plan land use changes. However an unintended consequence of these actions was that they created an approved tentative tract map that once recorded would create legally nonconforming lots. Tentative Tract Map 33486 had a net density of 3.5 dwelling units per acre, while the maximum density permitted in the Low Density Residential designation is 3.0 dwelling units per acre, thus making the valid map inconsistent with the General Plan. Furthermore, development of the land in a manner consistent with the approved map would be difficult as the subdivided lots would not create development which could be found consistent with the development standards of the Residential Estate zone district. After conferring with the City Attorney's office, it was determined that the City's design review ordinance intends that a project's design be consistent with the "applicable" general plan and zoning – "applicable" being the general plan and zoning designations in effect at the time of tentative map approval. However, while the project could proceed through the issuance of Certificates of Occupancy, it would immediately create legally non-conforming lots which would create an undue burden on the future homeowners. The proposed actions to revert both the General Plan Land Use Designation and Zoning designation to the designations in place at the time of the approval of the original project entitlements would eliminate all of the aforementioned issues.

Environmental Determination

Pursuant to CEQA Guidelines Section 15162, staff has determined that this technical General Plan Amendment and Zone change would not have a significant effect on the environment and no new environmental documentation is necessary because all potentially significant effects have been adequately analyzed in an earlier mitigated negative declaration. All potentially significant impacts have been avoided or mitigated pursuant to the earlier mitigated negative declaration and none of the conditions described in Section 15162 exist. The MND was adopted by the City Council on February 28, 2006 for TTM 33486. 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.

Fiscal Impact

Costs have been incurred for staff time to research, draft and process the proposed General Plan Amendment and Zone Change. No increase in expenditures or revenues are anticipated as a part of the General Plan Amendment or Zone Change.

Exhibits

- A – GPA Resolution
- B – RZ Ordinance
- C – Vicinity Map
- D – Aerial Map
- E – TPM 33486