

ORDINANCE NO. 2018-__

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADOPTING ZONE CHANGE NO. 2018-02

Whereas, the City of Lake Elsinore initiated Zone Change No. 2018-02 to amend the zoning on certain properties identified as Assessor's Parcel Nos. 377-242-003 through -007, -012, -013, -023, -028 and -029 from Gateway Commercial (GC) to Limited Manufacturing (M-1); properties identified as Assessor's Parcel Nos. 377-242-014 through -016, -018, -020 through -022, and -030; and 377-243-001 through -011, -013, -015 through -019 from Gateway Commercial (GC) to General Commercial (C-2); and properties located from Flint Street along its northern edge, southwesterly to the edge of the Lake and generally bounded by Riley Street and the Lake Elsinore Outlet Channel on the west and Ellis Street and Chestnut Street on the east from Business Professional (BP), Commercial Mixed Use (CMU), Downtown Recreation (DR), Floodway (F), General Commercial (C-2), High Density Residential (R-3), Medium Density Residential (MD), Open Space (OS), Public Institutional (PI), and Residential Mixed Use (RMU) to the Specific Plan Zone (SP); and

Whereas, pursuant to Lake Elsinore Municipal Code Chapter 17.188 (Amendments) the Planning Commission has been delegated with the responsibility of reviewing and making recommendations to the City Council regarding zone changes, and

Whereas, on September 4, 2018, at a duly noticed public hearing the Planning Commission considered evidence presented by the Community Development Department and other interested parties with respect to this item, and adopted Planning Commission Resolution No. 2018-71 recommending that the City Council approve Zone Change No. 2018-02; and

Whereas, on September 25, 2018 at a duly noticed public hearing, the City Council has considered the recommendation of the Planning Commission as well as 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 RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1: The City Council has reviewed and analyzed proposed Zone Change No. 2018-02, pursuant to the California Planning and Zoning Laws (Cal. Gov. Code Sec 65000 et. seq.), the Lake Elsinore General Plan and the Lake Elsinore Municipal Code and finds that the proposed Zone Change 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 Government Code, Title 7, Division 1, Article 8, Sections 65450 through 65457, California Planning and Zoning Law, and the Lake Elsinore Municipal Code, the City Council makes the following findings for the approval of Zone Change (ZC) No. 2018-02:

1. The proposed ZC 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 amendment or within the City, or b) injurious to the property or improvements in the neighborhood or within the City.
 - a. *The proposed ZC has been analyzed relative to its potential to have detrimental effects, and land use designations and regulations have been imposed to ensure that the health, safety and welfare of affected residents will be protected.*

- b. The rezoning of the existing business professional uses along Spring Street from the 2011 Downtown Master Plan's Gateway Commercial zone to Limited Manufacturing (M-1) will ensure that all Limited Manufacturing uses along Spring Street will be treated fairly and equitably.*
 - c. The rezoning of commercial properties along Main Street between Interstate 15 and Flint Street from 2011 Downtown Master Plan's Gateway Commercial zone to General Commercial (C-2) will ensure adequate buffering and screening of any residential uses within the area.*
 2. The proposed zone change is consistent with the General Plan.
 - a. Zone Change No. 2018-02 is consistent with the General Plan as amended by General Plan Amendment No. 2018-02.*
 - b. General Plan Amendment No. 2018-02 changes the land use designation of parcels along Spring Street that have existing business professional uses from Gateway Commercial (GWC) to Business Professional (BP).*
 - c. General Plan Amendment No. 2018-02 changes the land use designation of parcels along Main Street between Interstate 15 and Flint Street from Gateway Commercial (GWC) to General Commercial (GC).*
 3. The proposed ZC will permit reasonable development of the area consistent with its constraints and will make the area more compatible with adjacent properties.
 - a. Adjacent properties along Spring Street have been developed under the M1-Limited Manufacturing Zone development standards. The proposed ZC will make the parcels subject to this proposed zone change to the M1-Limited Manufacturing Zone more consistent with adjacent properties.*
 4. The proposed ZC would establish a land use density, intensity and usage more in character with the subject property's location, access and constraints.
 - a. Properties along Spring Street have developed as an enclave of manufacturing uses, which the City encourages in order to provide jobs and a balance of land uses for the community.*
 - b. The subject properties along Main Street are adjacent to Interstate 15 and its southbound off-ramp and southbound on-ramp. As such, businesses and services that attract freeway motorists, such as those allowed by the General Commercial (C-2) zone, are the highest and best use of properties with quick access from the freeway.*
 - c. The Specific Plan (SP) zoning designation identifies that area that will be governed by the Downtown Elsinore Specific Plan that is responsive to the unique location and development potential of the downtown area.*
 5. In accordance with the requirements of the California Environmental Quality Act (CEQA), impacts have been reduced to a less than significant level, or in the case where impacts

remain, a statement of overriding considerations must be adopted to justify the merits of project implementation.

- a. *The DESP retains the overall development potential or recommends less intense uses as the existing 2011 DMP. In 2011, the City Council of the City of Lake Elsinore certified the Program Environmental Impact Report (PEIR) (SCH No. 2005121019) and adopted the City's 2011 General Plan Update, 2008-2014 Housing Element, Climate Action Plan, and the 2011 Downtown Master Plan (DMP). The PEIR analyzed the scope and nature of development proposed to meet the goals of downtown development as set out in the DMP along with identifying measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts associated with downtown development under the DMP.*
- b. *In addition to serving as the environmental document for the approval of the 2011 General Plan Update, Housing Element, Climate Action Plan, and DMP, the PEIR was intended by the City to be the basis for compliance with CEQA for future discretionary actions. Under CEQA guidelines for using program EIRs with later activities, if a proposed later activity involves no new or substantially more severe significant effects and no new mitigation measures would be required, a program EIR is deemed to have adequately analyzed the later activity for CEQA purposes and no further review under CEQA is required.*
- c. *The Downtown Elsinore Specific Plan (DESP) represents a reimagining of the DMP rather than a substantial revision. The PEIR included an analysis of the environmental effects and sets out mitigation measures needed to minimize or eliminate any identified impacts related to downtown development under the DMP. The overall development potential within the boundaries of the original DMP remains substantially unchanged under the DESP such that there are no new or substantially more severe significant effects and no new mitigation measures are necessary. Accordingly, PEIR serves as the required environmental documentation for the DESP, the General Plan Amendment and Zone Change.*

Section 3: Based upon the evidence presented, both written and testimonial, and the above findings, the City Council hereby approves Zone Change No. 2018-02, making the following zone changes to the City of Lake Elsinore Official Zoning Map, as shown in attached Exhibit 1.

- a. In accordance with Exhibit 1; change the City of Lake Elsinore Official Zoning Map designation from Gateway Commercial (GWC) to Limited Manufacturing (M-1) for Assessor's Parcel Nos. 377-242-003 through -007, -012, -013, -023, 028 and -029; and
- b. In accordance with Exhibit 1; change the change the City of Lake Elsinore Official Zoning Map designation from Gateway Commercial (GWC) to General Commercial (C-2) for Assessor's Parcel Nos. 377-242-014 through -016, -018, -020 through -022, and -030; and 377-243-001 through -011, -013, -015 through -019; and
- c. In accordance with Exhibit 1; change the change the City of Lake Elsinore Official Zoning Map designation from Business Professional (BP), Commercial Mixed Use (CMU), Downtown Recreation (DR), Floodway (F), General Commercial (C-2), High Density Residential (R-3), Medium Density Residential (MD), Open Space (OS), Public Institutional (PI), and Residential Mixed Use (RMU) to the Specific Plan Zone (SP) for properties located from Flint Street along its northern edge, southwesterly to the edge of the Lake and generally bounded by Riley Street and the Lake Elsinore Outlet Channel on the west and Ellis Street and Chestnut Street on the east.

Section 4: Severability. 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 Ordinance 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: Effective Date. This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption.

Section 6: Certification. The City Clerk shall certify to the passage of this Ordinance and shall cause a synopsis of the same to be published according to law.

Passed and Adopted on this ____ day of _____, 2018.

Natasha Johnson
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. 2018-____ was introduced at the Regular meeting of _____, 2018, and adopted by the City Council of the City of Lake Elsinore at its Regular meeting of _____, 2018, by the following vote:

AYES:

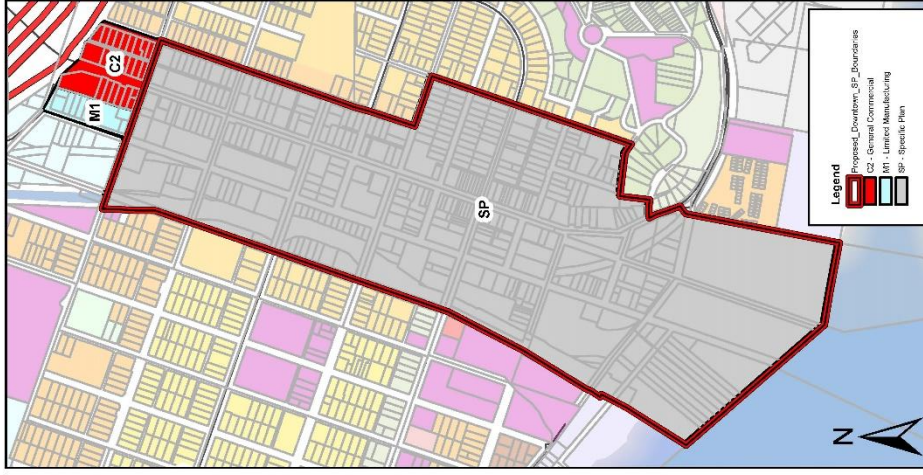
NOES:

ABSENT:

ABSTAIN:

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Lake Elsinore, California on the ____ day of _____, 2018, and on the ____ day of _____, 2018.

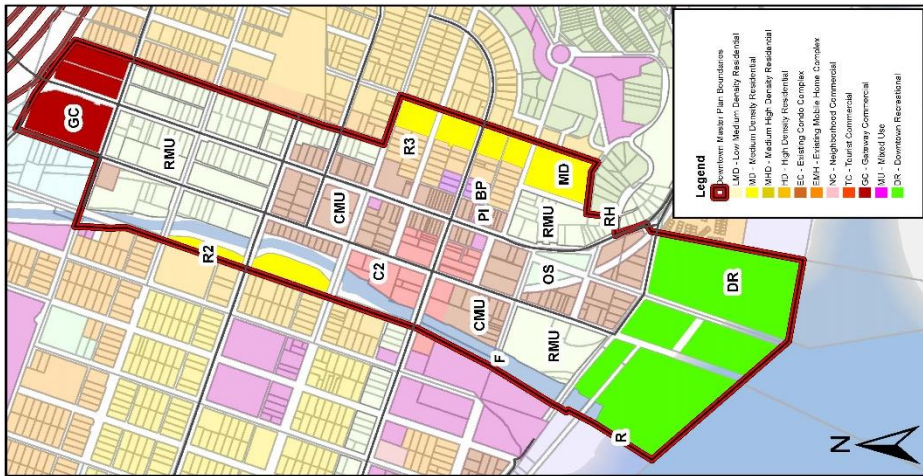
Susan M. Domen, MMC
City Clerk



PROPOSED ZONING



AERIAL VIEW



EXISTING ZONING

ZC 2018-02 EXHIBIT 1

PREPARED BY:
CITY OF LAKE ELSINORE GIS
JULY 23, 2018
DATA SOURCES:
CITY OF LAKE ELSINORE GIS
COUNTY OF RIVERSIDE GIS

