

ORDINANCE NO. 2019-__

**AN ORDINANCE THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE,
CALIFORNIA, ADOPTING ZONE CHANGE NO. 2018-01**

Whereas, Eric Werner, Nichols Road Partners, LLC, has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2017-29 (Specific Plan No. 2018-01, Specific Plan Amendment No. 2017-03, General Plan Amendment No. 2018-01, Zone Change No. 2018-01, and Tentative Tract Map No. 37305) to establish the Nichols Ranch Specific Plan (NRSP) over the 72.5-acre property that includes 168 residential homes on approximately 31.1 acres; 14.5 acres of commercial uses (130-room hotel, 6,000 Square Foot (SF) fast-food restaurant with a drive-through, 5,500 SF fast-food restaurant without a drive-through, 9,400 SF sit-down restaurant, 4,400 SF commercial retail uses, an 8,000 SF health and fitness club, a gas station (with market and car wash) with 16 fueling stations, and 43,000 SF office uses); 8.3 acres of recreation uses; drainage basins on 5.5 acres; 1.3 acres of open space; and roadways on 5.3 acres; and,

Whereas, the Project is located in the northeastern portion of the City of Lake Elsinore, and is located east of the I-15, south of Nichols Road, and west of Wood Mesa Court/El Toro Road. The Project site encompasses Assessor Parcel Numbers (APNs) 389-200-038, 389-210-008, 389-210-032, 389-210-034, and 389-210-036; and,

Whereas, Zone Change (ZC) No. 2018-01 proposes to modify the zoning designation on the southern 27.1 acres of the site from "Commercial Mixed Use (CMU)" to "Nichols Ranch Specific Plan." ZC No. 2018-01 also would change the zoning designation of the northern 45.4 acres of the site from "Alberhill Ranch Specific Plan" to "Nichols Ranch Specific Plan." ZC No. 2018-01 also would establish zoning boundaries on-site to reflect the NRSP land use plan for the 72.5-acre site. Additionally, ZC No. 2018-01 would establish allowable uses and development standards for the 72.5-acre NRSP area; and,

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

Whereas, on May 21, 2019, at a duly noticed Public Hearing the Commission has considered evidence presented by the Community Development Department and other interested parties with respect to this item, and adopted a resolution recommending that the Council approve Zone Change No. 2018-01; and,

Whereas, on June 11, 2019 at a duly noticed Public Hearing, the Council has considered the recommendation of the 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 ORDAIN AS FOLLOWS:

Section 1: The Council has reviewed and analyzed proposed ZC No. 2018-01, pursuant to the California Planning and Zoning Laws (Cal. Gov. Code Sec 65000 et. seq.), the Lake Elsinore General Plan (GP) and the LEMC and finds that ZC No. 2018-01 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: The Council has certified the Final Environmental Impact Report (FEIR) (SCH No. 2018051051) and adopted the Mitigation Measures appertaining thereto. The FEIR was prepared pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines. Appropriate findings were made, and the FEIR provides the necessary environmental clearance for ZC No. 2018-01.

Section 3: 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 LEMC, the Council makes the following findings for the approval of ZC No. 2018-01:

1. The location and design of the proposed development shall be consistent with the goals and policies of the City's General Plan and with any other applicable plan or policies adopted by the City.

Specific Plan Amendment No. 2017-03 is proposing Amendment No. 3.1 to the Alberhill Ranch Specific Plan (ARSP) to remove the northern 45.4 acres of the Project site that are currently located within the ARSP. Specific Plan No. 2018-01 is proposing to establish the NRSP across the entire 72.5-acre site to allow for development of the site with 168 single-family residential homes on approximately 31.1 acres, with a 14.5-acre commercial center, 8.3 acres of parks and 7.8 acres of open space. The NRSP meets the City's Specific Plan criteria for content and required implementation of the General Plan established by Section 65450 et seq. of the California Government Code and Section 17.204 of the LEMC. ZC No. 2018-01 would establish allowable uses and development standards for the 72.5-acre NRSP area. Additionally, ZC No. 2018-01 would modify the zoning designation on the southern 27.1 acres of the site from "Commercial Mixed Use (CMU)" to "Nichols Ranch Specific Plan." ZC No. 2018-01 also would change the zoning designation of the northern 45.4 acres of the site from "Alberhill Ranch Specific Plan" to "Nichols Ranch Specific Plan." ZC No. 2018-01 also would establish zoning boundaries on-site to reflect the NRSP land use plan for the 72.5-acre site.

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.
 - a. *The northern 45.4 acres of the Project site are located within the Alberhill District Plan. The main concept of the Alberhill District Plan is a coordinated and balanced set of communities with supporting uses that maintain a high quality of life. The Project proposes to change the site's land use designation to allow for residential and commercial uses. The Project would be consistent with the goals of the Alberhill District Plan, including the goal to support and maintain a healthy transition from extractive/mining activities to a network of residential communities with a balanced mixed of residential and commercial uses.*
 - b. *The southern 27.1 acres of the Project site are located within the North Central Sphere District. The main focus of the North Central Sphere District Plan is to preserve existing natural resources, ensure residential development incorporates the surrounding landscape, and ensure that business activities in the District are compatible with surrounding land uses. The proposed designation will allow for the development of the property with commercial and residential development while allowing the preservation of the Stovepipe Creek and other natural resources in a manner consistent with the North Central Sphere District.*

3. All vehicular traffic generated by the development, either in phased increments or at full build-out, is to be accommodated safely and without causing undue congestion upon adjoining streets.

A Traffic Impact Analysis dated December 18, 2018, was prepared by Urban Crossroads, Inc. for the NRSP. The Traffic Impact Analysis provided mitigation measures through all phases of development of the specific plan.

4. The overall design of the Zone Change will produce an attractive, efficient and stable development.

Design standards and guidelines have been incorporated into the specific plan to ensure an attractive, efficient and vibrant project. Visual graphics and photos accompany the design guidelines that capture the atmosphere and cohesiveness that the specific plan seeks to emulate.

5. The proposed Zone Change 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.

The proposed Zone Change has been analyzed relative to its potential to have detrimental effects and conditions have been imposed on the subject Project to ensure that the health, safety and welfare of surrounding residents will be protected.

6. The proposed development will not have a significant effect on the environment.

The effects of the proposed ZC have been analyzed in the Environmental Impact Report (SCH 2018051051) prepared for the Nichols Ranch Specific Plan (NRSP) and its related cases, and adequate mitigation measures have been prepared where necessary, and a Statement of Overriding Considerations has been recommended where required.

Section 4: Based upon the evidence presented, both written and testimonial, and the above findings, the Council hereby approves Zone Change No. 2018-01.

Section 5: 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 6: Effective Date. This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption.

Section 7: 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 _____, 2019.

Steve Manos, Mayor

Attest:

Mark Mahan, Deputy City Clerk

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

I, Mark Mahan, Deputy City Clerk of the City of Lake Elsinore, do hereby certify that the foregoing Ordinance No. 2019-____ was introduced at the Regular meeting of June 11, 2019, and adopted by the City Council of the City of Lake Elsinore at its Regular meeting of _____, 2019, 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 _____, 2019, and on the ____day of _____, 2019.

Mark Mahan, Deputy City Clerk