



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Grant Yates, City Manager
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Date: July 9, 2019

Subject: Amendments to Title 16 and Title 17 of the Lake Elsinore Municipal Code that Streamline Code Provisions and Procedures

Applicant: City-Initiated

Recommendation

Adopt by title only and waive further reading of AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, AMENDING TITLE 16 AND TITLE 17 OF THE LAKE ELSINORE MUNICIPAL CODE STREAMLINING CODE PROVISIONS AND PROCEDURES.

Background

The last complete revision of the City's zoning ordinance, Lake Elsinore Municipal Code (LEMC) Title 17 (Zoning), was adopted by the City Council in August 1986. Since that time, the zoning ordinance has been amended numerous times in order to implement specific changes such as adding new zoning classifications (e.g. Residential Mixed Use, Commercial Mixed Use and Lakeshore Districts), adding provisions regarding specific types of uses (e.g. Wireless Communication Facilities) and changes to specific provisions regarding permits (e.g. extensions of time for Conditional Use Permits). However, there has not been a comprehensive review and update of the entire zoning ordinance since 1986.

Title 17 currently includes 55 chapters covering zoning districts, development standards, and permit requirements and procedures. Thirteen of these chapters include provisions describing approval procedures and noticing requirements. Since amendments to these chapters have typically only considered individual changes, there are a number of places where Title 17 describes different approval procedures for applications that are usually processed together.

The purpose of the proposed amendments to the Municipal Code is to streamline, update and standardize development-related code provisions and procedures, and to implement changes in California law.

The subject LEMC amendments are the first phase of a planned overall revision of LEMC Title 17. This planned phased revision of Title 17 includes an overall renumbering of the zoning ordinance with the revised provisions grouped into one of four chapters:

Chapter 17.100 Introductory Provisions
Chapter 17.200 Zone Regulations
Chapter 17.300 Development Standards
Chapter 17.400 Administration and Permits

The subject amendments to Title 17 fall under Chapter 17.400 and are numbered to not only fit the new numbering system but to also fall at the end of the current chapter numbers; thereby eliminated the need to renumber them in the future.

Planning Commission Action

On June 4, 2019, the Planning Commission conducted a duly noticed public hearing regarding the proposed amendments to LEMC Title 16 and LEMC Title 17, accepted public oral and written testimony, and by a unanimous (5-0) vote recommended City Council approval.

Discussion

Chapter 17.410 General Application Processing Procedures

This new chapter consolidates the application review process and noticing requirements and identifies all the procedural language in one section. This contrasts with the current code language where the process is described in the Chapter for each type of permit, thereby repeating the same basic information multiple times. New provisions include:

- a. Section 17.410.010 Planning Agency - Establishes the Planning Commission as the City's "Planning Agency" and also describes the planning-related duties of the City Council, the Planning Commission, and the Community Development Director.
- b. Section 17.410.030 Multiple Applications – Specifies that when a proposed project requires more than one permit and the permits have different approving authorities; all project permits will be processed concurrently and final action shall be taken by the highest-level designated approving authority. This change will eliminate reoccurrence of past instances where different decision makers made the final decision for different components of the same project. (For example, where the Planning Commission makes the final decision regarding a Conditional Use Permit but only a recommendation regarding the associated Design Review. Thus the City Council was only able to consider the Design Review application. With this change, the City Council would be the approving authority for both applications.)
- c. Section 17.410.040 Pre-Application Review - Formalizes the City's existing Pre-Application Review process.
- d. Section 17.410.090 Record of Decision – Describes what constitutes the record of decision for Planning-related decisions. This section also creates a requirement that all Planning Commission actions regarding applications appear on the City Council's agenda in order for the City Council to "Receive and File" the Planning Commission actions. Per Section 17.410.110 (F), the City Council can also, by majority vote, set the matter for public hearing.

Chapter 17.415 Permitting Requirements

This chapter combines most of the City's permits into a single location. It includes the following changes:

- a. Section 17.415.020 General Plan Amendments – This is a new section regarding General Plan Amendments.
- b. Section 17.415.030 Specific Plans - The current SP District language in LEMC Section 17.204 describes two alternative specific plan processes (Alternative A – conditional specific plan procedure and Alternative B – nonconditional specific plan procedure). However, the City doesn't actually use Alternative A (the procedure where property is zoned SP without adoption of a specific plan). Therefore, the SP process has been streamlined to only address the processing of actual SP applications.
- c. Section 17.415.050 Major Design Review – The design review provisions have been revised by moving the minor design review provisions into a different section. Standard design review will now be called "Major Design Review" in order to distinguish it from "Minor Design Review."
- d. Section 17.415.060 Minor Design Review - The minor design review provisions have been moved into this section. In order to streamline the minor design process, the following uses are proposed to be exempt from it, though still subject to staff review of the proposed design:
 1. The following uses when consistent with existing zoning:
 - a. Custom single-family dwelling on an existing lot.
 - b. Single duplex on an existing lot.
 - c. Additions to residential dwellings.
 - d. Accessory structures.
 2. Repairs and maintenance site improvements or structures that do not add to, enlarge, or expand the area occupied by the land use or the floor area of the structure and do not significantly alter the appearance of site improvements or structures.
 3. Interior alterations that do not increase the gross floor area within the structure or change/expand the permitted use of the structure.
 4. Other structures and/or improvements that the Community Development Director determines to be exempt from minor design review.
- e. Section 17.415.090 Minor Exceptions – This is a new section to allow encroachment into setbacks under specified circumstances. (Called "Setback Adjustment" by the County's zoning ordinance.) As an example, this process will allow the City to approve patio covers in Canyon Hills Specific Plan, where the specific plan text does not specifically allow such an encroachment into the rear yard. The maximum encroachment would be 50% of the required setback.

- f. Section 17.415.110 Accessory Dwelling Units - The existing language regarding Second Units (LEMC 17.56) will be replaced by a new section that implements Gov. Code Sections 65852.2 and 65852.22 regarding Accessory Dwelling Units
- g. Section 17.415.140 – Wireless communication facilities - The wording regarding wireless communication facilities reflects the language and different requirements that are in the relatively recently adopted provisions regarding wireless communication facilities. The only changes are that the cross-references have been revised to reflect the proposed Chapter numbering and there one minor clean up correction.
- h. Section 17.415.150 Reasonable Accommodations - There is a new section regarding Reasonable Accommodations as required by the City's Housing Element.

Chapter 17.204 SPD Specific Plan District:

Although the provisions for processing of a Specific Plan have been moved to the proposed Chapter 17.415; Chapter 17.204 is needed to describe the SP District as a zoning classification. The proposed revision of this chapter is therefore included in the proposed amendments.

Chapter 17.44 Residential Development Standards

Minor changes to Chapter 17.44 regarding residential development standards are proposed in order to strength the language that states that the design of custom homes (both conventional and manufactured) will be reviewed. The changes also include a few minor changes that have been made for wording consistency purposes.

Chapter 16.30 Common Interest Development Conversions

Provisions regarding condominiums and condominium conversions are currently found in LEMC Chapter 17.88 and require approval of a conditional use permit. The proposed amendments would eliminate the requirement for a conditional use permit and move Condominium Conversions to LEMC Title 16 (Subdivisions) where they will be renamed "Common Interest Development Conversions". The requirement for compliance with the LEMC requirements for a Planned Unit Development (PUD) will be retained for these types of project in order to preserve the existing ability to review the design of proposed condominium projects.

Additional "Clean-Up" Revisions

The above proposed revisions will require that LEMC Title 17 (Zoning) be revised to change existing cross-references to reflect the new numbering that is part of the proposed revisions. These "clean-up" revisions also standardize wording of repeated provisions that are found in multiple zones, but currently have slightly different wording. Additionally, the conditional use permit requirements for condominiums and condominium conversion and for large family day care homes are being eliminated. These changes implement language contained in the above-described amendments.

Environmental Determination

The proposed amendments to the Lake Elsinore Municipal Code are exempt from the California Environmental Quality Act (Cal. Publ. Res. Code §§21000 et seq. "CEQA") and the State CEQA

Guidelines (14. Cal. Code Regs §§15000 et seq.), specifically pursuant to Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility that it may have a significant effect on the environment, and because it is not a “project” as that term is defined in Section 15378 of the State CEQA Guidelines.

Exhibits:

- A. LEMC Titles 16 & 17 Amendments - CC Ordinance
- B. LEMC Titles 16 & 17 Amendments - CC Ordinance - Exhibit A - Chapter 17.410
- C. LEMC Titles 16 & 17 Amendments - CC Ordinance - Exhibit B - Chapter 17.415
- D. LEMC Titles 16 & 17 Amendments - CC Ordinance - Exhibit C - Chapter 17.204
- E. LEMC Titles 16 & 17 Amendments - CC Ordinance - Exhibit D - Chapter 17.44
- F. LEMC Titles 16 & 17 Amendments - CC Ordinance - Exhibit E - Chapter 16.30
- G. LEMC Titles 16 & 17 Amendments - CC Ordinance - Exhibit F - Clean-up amendments