

## **ORDINANCE NO. 2021-1452**

### **AN ORDINANCE THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADOPTING ZONE CHANGE NO. 2020-01**

**Whereas**, Ilan Golcheh, Golcheh Group has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2020-92 (General Plan Amendment No. 2020-02, Zone Change No. 2020-01, Tentative Parcel Map No. 37958, Conditional Use Permit No. 2020-09, and Commercial Design Review No. 2020-08) to construct a commercial project consisting of a 4,650 square foot (s.f.) convenience store, 4,291 s.f. canopy, 38,016 s.f. self-storage facility, 4,456 s.f. drive-thru restaurant, 3,979 s.f. self-serve carwash, 221 parking stalls, and landscaping and related site improvements on a 6.36-acre site. The project is located at the southwest corner of Lincoln Street and Riverside Drive (APN 379-111-014); and,

**Whereas**, Zone Change (ZC) No. 2020-01 proposes to change the project site's current zoning designation from Residential Mixed Use (RMU) to General Commercial (C-2); and,

**Whereas**, pursuant to Lake Elsinore Municipal Code (LEMC) Section 17.415.040 (Zoning Amendments) the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) pertaining to zone changes, and,

**Whereas**, on March 16, 2021, 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. 2020-01; and,

**Whereas**, on April 13, 2021 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 RESOLVE, DETERMINE AS FOLLOWS:**

**Section 1:** The Council has reviewed and analyzed proposed ZC No. 2020-01, 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. 2020-01 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:** That in accordance with LEMC Section 17.415.040.F. Findings, the Council makes the following findings regarding findings regarding ZC No. 2020-01:

1. The proposed amendment 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, (b) injurious to property or improvements in the neighborhood or within the City
  - a. *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.*

- b. *The application to change the zoning designation would not be injurious to the property or improvements in the neighborhood. The Zone Change along with the project's other discretionary applications will allow the development a commercial project consisting of a convenience store with a gas station, a fast food drive-thru restaurant, a self-serve drive-thru car wash and a self-storage facility. The project will contribute in creating a revitalized and healthy mixed-use corridor along Riverside Drive and would meet the needs of existing residents in the project vicinity.*

2. The proposed amendment will be consistent with the latest General Plan.

*Zone Change (ZC) No. 2020-01 proposes to change the project site's current zoning designation from Residential Mixed Use (RMU) to General Commercial (C-2). The C-2 zoning designation is consistent with the proposed General Plan Land Use designation of General Commercial (GC).*

3. The proposed amendment will be consistent with Government Code Section 65863 (California State No Net Loss Zoning Law).

*That Zone Change No. 2020-01 (Parcel 1 - APN 379-111-014) would propose to change the site's Land Use Designation from Residential Mixed Use (RMU) to General Commercial (GC) thereby reducing residential unit capacity by up to 152 moderate and above moderate units moderate and above moderate units as identified in the City's 5th Cycle Regional Housing Needs Assessment (RHNA) and creating a net loss to the moderate and above moderate category. Specific Plan Amendment No. 2020-01 (Parcel 2 - APN 363-940-011) would change the Land Use Designation of Neighborhood Commercial (C-1) to Multifamily 2 Residential District thereby creating residential capacity of a potential 219 units not identified in the City's 5th Cycle Regional Housing Needs Assessment (RHNA) thereby creating a potential net gain. The project complies with the City of Lake Elsinore's General Plan and Government Code Section 65863 (California State No Net Loss Zoning Law), because the net loss created on Parcel 1 - APN 379-111-014 would be accommodated by the net increase created on Parcel 2 - APN 363-940-011, thereby creating no a no net loss condition with sites identified in the Housing Element (including Parcel 2) adequate to accommodate the City's share of moderate and above moderate regional housing needs pursuant to Government Code Section 65584.*

**Section 3:** Based upon the evidence presented, both written and testimonial, and the above findings, the Council hereby approves Zone Change No. 2020-01.

**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 (31<sup>st</sup>) 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, APPROVED, AND ADOPTED** at a regular meeting of the City Council of the City of Lake Elsinore, California, on this 27<sup>th</sup> day of April 2021.

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Robert E. Magee  
Mayor

Attest:

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Candice Alvarez, MMC  
City Clerk

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

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Ordinance No. 2020-1452 was introduced by the City Council of the City of Lake Elsinore, California, at the Regular meeting of April 13, 2021 and adopted at the Regular meeting of April 27, 2021 and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Candice Alvarez, MMC  
City Clerk