

ORDINANCE NO. 2023-1481

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING A FIRST AMENDMENT TO THE RAMSGATE DEVELOPMENT AGREEMENT FOR THE PURPOSE OF INCLUDING TENTATIVE TRACT MAP NO. 33725 (DEVELOPMENT AGREEMENT NO. 2022-02

Whereas, SPT-AREP III Tuscany Associates LLC, has requested approval of Development Agreement No. 2022-02 for the purpose of amending the Development Agreement for the Ramsgate Specific Plan to include Tentative Tract Map (TTM) No. 33725; and

Whereas, on June 20, 1990, the City approved and adopted the Ramsgate Development Agreement, which was recorded on June 27, 1990 and included 1,190 acres of the overall 1,291-acre Ramsgate Specific Plan area; and

Whereas, TTM 33725 is a previously approved subdivision of 52.7 acres into 204 single family residential lots, three (3) water quality basins, 15 open space lots, and one (1) sewer lift station located west of Greenwald Avenue and south of Little Valley Road within Ramsgate Specific Plan (APNs: 349-240-006, 043 thru 047, 054, 055, 056, 349-380-024 and 025); and,

Whereas, although located within the Ramsgate Specific Plan, TTM No. 33725 was never included in the original development agreement; and

Whereas, the amended development agreement would vest the development rights under TTM 33725 until the earlier of either (1) 48 months after SCE is able to provide necessary power to serve TTM No. 25475 and 33725 or (2) December 31, 2027, unless the agreement is otherwise terminated, modified, or extended; and

Whereas, pursuant to LEMC Chapter 19.12 (Development Agreements) the Planning Commission of the City of Lake Elsinore has been delegated with the responsibility of reviewing and making a recommendation to the City Council whether the development agreement is consistent with the City's General Plan and whether to approve the development agreement; and

Whereas, on December 6, 2022, 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 recommended approval of the proposed First Amendment to the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. CEQA Determination. Pursuant to CEQA Guidelines Section 15162, no new environmental documentation is necessary because no changes to the project are proposed and all potentially significant effects have been adequately analyzed in an earlier Environmental Impact Report (EIR) and none of the conditions described in Section 15162 exist. The City previously performed environmental review in compliance with CEQA when it approved the Development Agreement and first amendment to the Specific Plan in 1990 based on a Supplemental Environmental Impact Report (SCH 88090525); approved TTM 33725 in 2006, based on a Mitigated Negative Declaration (No. 2006-04); and approved modifications to TTM

No. 33725 in 2021 based on an Addendum. The First Amendment will not have any significant direct, indirect, or cumulative environmental impacts apart from or beyond those already analyzed, addressed, and mitigated as stated in the environmental documentation prepared and adopted/approved for TTM No. 33725. All potentially significant impacts have been avoided or mitigated pursuant to the earlier environmental impact report and none of the conditions in Public Resources Code Section 21166 or CEQA Guidelines Sections 15162, 15163 and 15164 calling for preparation of a subsequent or supplemental environmental impact report have occurred because of the following: (i) the Project does not propose substantial changes that would require major revisions to the previously certified EIR and subsequent Addendum due to new significant environmental effects or a substantial increase in the severity of previously identified significant environmental effects; (ii) no substantial changes in circumstances have occurred that require major revisions to the previously certified EIR and subsequent Addendum due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (iii) no new information of substantial importance as described in Section 15162 (a)(3) has been identified that shows any of the following: (a) one or more significant effects not discussed in the EIR, (b) significant effects previously examined that are substantially more severe than shown in the EIR, (c) mitigation measures or alternatives previously found not to be feasible are in fact be feasible and substantially reduce one or more significant effects of the project, but the Project proponents decline to adopt the mitigation measure or alternative, or (d) mitigation measures or alternatives which are considerably different from those analyzed in the EIR and subsequent Addendum substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental documentation is necessary.

Section 2. Findings. That in accordance with California Planning and Zoning Law and the Lake Elsinore Municipal Code Section 19.12.070, the City Council makes the following findings regarding the First Amendment to the Ramsgate Development Agreement:

1. It is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan;

The proposed development agreement will assist in the development of TTM 33725 is located within the Ramsgate Specific Plan. The proposed subdivision is compatible with the objectives, policies, general land uses and programs as identified within the Specific Plan. The Ramsgate Specific Plan was subject to a consistency finding with the General Plan prior to adoption. The proposed subdivision is consistent with the provisions of the Ramsgate Specific Plan and is therefore found to be consistent with the General Plan.

2. It is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;

The proposed development agreement contemplates residential development consistent with the Ramsgate Specific Plan residential land use designation for this site.

3. It is in conformity with public convenience, general welfare and good land use practices;

The overall density and design is consistent and compatible with the adjacent communities. Further the development of the proposed development is consistent with the underlying General Plan and Zoning land use designations, indicative of good land use practices.

4. It will not be detrimental to the health, safety and general welfare;

The proposed Development Agreement will facilitate the development of the 204 single-family dwelling units. The previously approved map was found not to be detrimental to the health, safety and general welfare.

5. It will not adversely affect the orderly development of property or the preservation of property values;

The proposed Development Agreement will facilitate the development of the 204 single-family residential dwelling units. The previously approved map was found not to adversely affect the orderly development of property or the preservation of property values.

6. It is consistent with the provisions of Government Code Sections 65864 through 65869.5.

The proposed Development Agreement includes all mandatory provisions required by Government Code § 65865.2 and does not include any provisions that are not authorized by the Development Agreement Act.

Section 3: Approval. Based upon the evidence presented and the above findings, the Council hereby approves the First Amendment to the Ramsgate Development Agreement.

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, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Lake Elsinore, California, on this 14th day of February 2023.

Natasha Johnson
Mayor

Attest:

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. 2022-1481 was introduced by the City Council of the City of Lake Elsinore, California, at its Regular meeting of January 24, 2023 and adopted at its Regular meeting of February 14, 2023 and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Candice Alvarez, MMC
City Clerk