

**ORDINANCE NO. 2023-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING AMENDMENTS TO TITLE 17 OF THE LAKE ELSINORE MUNICIPAL CODE RELATED TO DENSITY BONUSES AND ADDING A NO NET LOSS PROGRAM**

**Whereas**, Chapter 17.58 of the Lake Elsinore Municipal Code (LEMC), which sets forth the zoning ordinance's procedures for providing density bonuses for housing developments in accordance with the State Density Bonus Law (Government Code Section 65915 et. seq.), was enacted in 1979;

**Whereas**, amendments to the State Density Bonus Law from years prior to 2020, and the enactment of Assembly Bill 2345 (AB 2345) in 2020, changed the City's obligations regarding granting density bonuses and concessions or incentives;

**Whereas**, Program 6 of the City of Lake Elsinore Housing Element requires the update of the City's density bonus ordinance to remain in compliance with Government Code §65915 or the update the City's zoning regulations to cross reference the most recent State laws governing density bonus provision;

**Whereas**, the Housing Crisis Act of 2019 (Senate Bill 330) became effective January 1, 2020 and restricts the City's ability to change the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use, without concurrently changing the development standards, policies, and conditions applicable to other parcels within the City to ensure that there is no net loss in residential capacity;

**Whereas**, the proposed Chapter 17.78 will establish a No Net Loss Program that creates a process whereby concurrent with the approval of any change in zone from a residential use to a less intensive residential or non-residential use, the City will ensure that there is no net loss of residential capacity within the City as required by SB 330 through the creation of a unit bank that will allow housing capacity to be transferred to other residential developments;

**Whereas**, pursuant to 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) regarding zoning ordinance text amendments;

**Whereas**, on September 19, 2023, at a duly noticed Public Hearing the Commission 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 the amendments to Title 17 of the LEMC; and

**Whereas**, on October 10, 2023 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, AND DETERMINE AS FOLLOWS:**

**Section 1:** The foregoing recitals are true and correct and are hereby incorporated into these findings by this reference.

**Section 2:** The Council has reviewed and analyzed the proposed amendments to Title 17 of the LEMC, pursuant to the California Planning and Zoning Laws (Cal. Gov. Code Sec 65000 et. seq.), Lake Elsinore General Plan (GP), and the LEMC and finds that the proposed amendments are consistent with the requirements of California Planning and Zoning Law and with the goals and policies of the GP and the LEMC.

**Section 3:** In accordance with Government Code Section 65855, the Council makes the following findings regarding the amendments to Title 17 of the Lake Elsinore Municipal Code:

1. The proposed municipal code amendments will not be: a) detrimental to the health, safety, comfort or general welfare of the persons residing or working within the City, or b) injurious to the property or improvements within the City.

*The proposed amendments of Title 17 (Zoning) of the Municipal Code have been analyzed relative to their potential to have detrimental effects and it has been determined that the amendments have no impact upon the public's health, safety, comfort and general welfare because the proposed municipal code amendments establish regulations that bring the Zoning Ordinance into compliance with State law.*

2. The proposed municipal code amendments are consistent with the Goals, Policies and Implementation Programs of the General Plan and the development standards established with the LEMC.

*The proposed amendments of Title 17 (Zoning) of the Municipal Code do not create new zoning districts, remove existing zoning districts or rezone property. The proposed municipal code amendments will not interfere with the implementation of the goals, policies, and implementation programs of the General Plan and specifically implements Program 6 of the Housing Element.*

**Section 4:** The Council hereby finds and determines that the proposed amendments to the LEMC 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.

**Section 5:** Based upon the evidence presented, both written and testimonial, and the above findings, the Council hereby approves the amendments of Title 17 of the Lake Elsinore Municipal Code attached hereto as Exhibit "A" and Exhibit "B".

**Section 6: 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 7: 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 8: 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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Natasha Johnson, Mayor

**Attest:**

\_\_\_\_\_  
Candice Alvarez, MMC  
City Clerk

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, do hereby certify that the foregoing Ordinance No. 2023-\_\_\_\_ was introduced at the Regular meeting of October 10, 2023, and adopted by the City Council of the City of Lake Elsinore at its Regular meeting of \_\_\_\_\_, 2023, 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 \_\_\_\_\_, 2023, and on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Candice Alvarez, MMC  
City Clerk