

ORDINANCE NO. 08-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, ADOPTING ZONING CODE MAP AMENDMENT CA 08-001 TO MODIFY THE ZONING CODE LAND USE DISTRICT FOR THE PROPERTY LOCATED AT 21522 PLANO TRABUCO ROAD FROM RESIDENTIAL – LOW DENSITY (RL-5,000) TO COMMERCIAL – NEIGHBORHOOD (CN)

WHEREAS, on December 19, 2002, the City of Rancho Santa Margarita adopted the Rancho Santa Margarita General Plan; and

WHEREAS, on May 11, 2007, the City of Rancho Santa Margarita Zoning Code went into effect; and

WHEREAS, the applicant, Makena Great American, has submitted Zoning Code Map Amendment CA 08-001 to modify the land use designation of the site located at 21522 Plano Trabuco Road from Residential – Low Density (RL-5,000) to Commercial – Neighborhood (CN); and

WHEREAS, the proposed Zoning Code Map Amendment is considered a “project” pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, an Initial Study has been performed and it has been determined that the project, as mitigated will have no significant effects and a Mitigated Negative Declaration is appropriate under CEQA; and

WHEREAS, a Notice of Intent to adopt a Negative Declaration in conjunction with the proposed Ordinance was provided to the public, responsible agencies, trustee agencies, and the County Clerk within the proposed project area, sufficiently prior to adoption by the lead agency to allow the public and agencies a sufficient review period in accordance with CEQA Guidelines; and

WHEREAS, all requirements of the California Environmental Quality Act have been met for the consideration of environmental effects from the project; and

WHEREAS, the Planning Commission of the City of Rancho Santa Margarita has considered information and testimony presented by City staff, community residents and other interested parties at a Public Hearing held on April 16, 2008; and

WHEREAS, the City Council of the City of Rancho Santa Margarita has considered information and testimony presented by City staff, community residents and other interested parties at a Public Hearing held on May 14, 2008.

NOW, THEREFORE, the City Council of the City of Rancho Santa Margarita DOES HEREBY ORDAIN as follows:

SECTION 1. Environmental Determination

- A) Pursuant to Section 15070 of the State CEQA Guidelines, the Zoning Code Map Amendment has been reviewed through an Initial Study and a Mitigated Negative Declaration has been prepared. Based on the information contained in the environmental review the project as mitigated is not anticipated to have impacts that will be significant. Satisfaction of the Mitigation Measures set forth in the Initial Study shall be a condition of approval of this Zoning Code Map amendment. The Mitigation Monitoring and Reporting Program attached to the Initial Study as Appendix 3 is hereby approved and adopted.
- B) Pursuant to State CEQA Guidelines, it is determined that the Mitigated Negative Declaration has been completed in compliance with CEQA and that this document has been presented to the City Council who has reviewed and considered all information contained therein prior to approving this project. As a result, the proposed project as mitigated will not have significant environmental impact.

SECTION 2. The City Council of the City of Rancho Santa Margarita has determined that, pursuant to Section 711.4 of the California Fish and Game Code, this Zoning Code Map Amendment is exempt from the required fees as it has been determined that no impacts to wildlife resources will result from the project.

SECTION 3. The City Council of the City of Rancho Santa Margarita has determined that the proposed Zoning Code Map Amendment will not have any adverse impacts to the subregional Natural Communities Conservation Planning (NCCP) Program.

SECTION 4. In accordance with Section 9.8.070(D) of the Zoning Code, the following findings for approving Zoning Code Map Amendment are made:

A) GENERAL PLAN

Finding: the use proposed Zoning Code Map Amendment is consistent with the goals, policies, programs, and land uses of applicable elements of the General Plan.

The applicant's request to change the land use designation from Residential – Low Density (RL-5,000) to Commercial – Neighborhood (CN) is compatible with the surrounding land uses. This land use change would create an extension of the existing Trabuco Marketplace Retail Center. Many of the commercial centers in the City are located immediately adjacent to high density residential properties, such as Plaza Antonio, Plaza El Paseo and Town Center. The City has not encountered any major issues between these two land use designations being adjacent to each other.

Additionally, there are other commercial centers located immediately adjacent to single-family homes, such as Plaza El Paseo, Trabuco Marketplace and Dove Canyon Center. While the City has encountered some issues related to compatibility between these two land use designations, such as noise, the City believes that these issues are more directly related to the uses established on the commercial, rather than the actual land use designations. Such

issues will be addressed when a specific Site Development Permit is processed for consideration.

Specifically, the proposed project is consistent with the following goals and policies of the General Plan:

Land Use Element Goal 1: Maintain a mix of land uses and a balance of jobs and housing to support a community in which people can live, work, shop and play (see also Economic Development Element Goal 1). The 1.84 acre site is currently designated as Low Density Residential in the General Plan, which permits for development of up to 7 units to the acre. As a result, the current General Plan designation would allow no more than 12 residential units on this parcel. In the draft Housing Element, which the Planning Commission reviewed at the March 19, 2008, Planning Commission Meeting, Staff estimated that the City's jobs to housing balance was 1.1. A "balanced" community is one that has a 1.5 ratio of jobs to housing according to the objectives of SCAG. The proposed General Plan designation would allow commercial uses to be established at the parcel which are not permitted under the current General Plan designation. The land use modification on this site will help to improve the balance of jobs and housing in the City.

Land use Element Policy 1.3: Maintain a land use composition in Rancho Santa Margarita that provides a balance or surplus between the generation of public revenues and the cost of providing public facilities and services. One of the primary sources of revenue to the City is from sales tax. The City receives only a small portion of the property tax paid by its residents. Permitting retail uses at this site will improve the balance between the generation of public revenues and the cost of providing public facilities and services.

Land Use Element Goal 2: Control and direct future land use so that the community is protected and enhanced. A neighborhood commercial land use designation would be compatible with surrounding land uses provided the Site Development Permit is carefully reviewed and planned to protect neighboring residential uses. The proposed commercial designation would extend the existing adjacent neighborhood commercial use south of the parcel.. Additionally, the approval of a new retail center may serve as a catalyst to the adjacent Trabuco Marketplace to encourage enhancement of its look and design.

Economic Development Element Goal 2: Attract and retain the types of businesses and employment generating uses that are beneficial to the community. The addition of this retail center will attract new, employment-generating businesses to the community. As stated previously, this new retail center could serve as an impetus to encourage the opportunity for the adjacent retail center to consider upgrading its look, thus resulting in an increased demand for retail space within the Trabuco Marketplace.

Economic Development Element Goal 3: Maintain an economic base that provides for long-term fiscal viability. The addition of a new commercial center would increase sales tax revenue and thus enable the City to maintain and possibly increase the economic base to the General Fund.

B) COMPATIBILITY

Finding: That the use proposed Zoning Code Map Amendment will not adversely affect surrounding properties or the surrounding environment.

The site is completely surrounded by developed properties: an apartment complex to the north, single-family homes to the west and to the east, and a commercial retail center to the south. The proposed project is an infill development in an urbanized area. A Site Development Permit will be required prior to any development on the site. Therefore, the modification of the land use designation from RL-5,000 to CN will not adversely affect the surrounding properties or the surrounding environment.

C) PUBLIC HEALTH, SAFETY AND GENERAL WELFARE

Finding: That the use proposed Zoning Code Map Amendment promotes public health, safety, and general welfare and serves the goals and purposes of this Title.

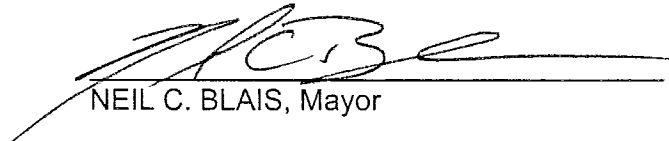
The proposed Zoning Code Map Amendment consists of the modification of the land use designation from RL-5,000 to CN. The proposed amendment is the first step in developing the site to expand the existing Trabuco Marketplace Retail Center. By developing the site as a commercial center, the property will become more desirable and increase its property value. It is anticipated that this new addition will have a positive effect on the adjacent retail center; thus promoting public health, safety and general welfare. In addition, and potentially significant environmental impacts of the project, as mitigated, have been reduced to a level of insignificance.

SECTION 5. The City Council of the City of Rancho Santa Margarita adopts Zoning Code Map Amendment 08-001 in the form attached hereto and incorporated herein by reference as Exhibit 1.

SECTION 6. The City Clerk shall certify the adoption of this Ordinance and shall cause the same to be posted as required by law.

PASSED, APPROVED AND ADOPTED this 28th day of May, 2008, by vote as follows:

AYES: 4 COUNCIL MEMBERS: Beall, Thor, Mayor Pro Tempore
Thompson, and Mayor Blais
NOES: 1 COUNCIL MEMBERS: Holloway
ABSENT: 0 COUNCIL MEMBERS: None


NEIL C. BLAIS, Mayor

ATTEST:


MOLLY MCLAUGHLIN, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF RANCHO SANTA MARGARITA)

I, Molly McLaughlin, City Clerk of the City of Rancho Santa Margarita, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 08-02 was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 14th day of May, 2008, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 28th day of May, 2008.


MOLLY MCLAUGHLIN, CITY CLERK