

RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 38626 FOR CONDOMINIUM PURPOSES TO CREATE AN APPROXIMATELY 1.64-ACRE COMMON AREA PARCEL AND DIVIDE AN EXISTING BUILDING INTO SIX CONDOMINIUM UNITS ON AN APPROXIMATELY 2.14-ACRE PARCEL (APN: 370-050-041)

Whereas, Steve Vettel, On-Point Commercial, LLC, has filed an application with the City of Lake Elsinore (City) requesting approval of Tentative Tract Map No. 38626 for condominium purposes to create an approximately 1.64-acre common area parcel and six condominium units within an existing building on an approximately 2.14-acre parcel. The project site is located at the northwest corner of the intersection of Mission Trail and Corydon Street in the East Lake Specific Plan (APNs: 370-050-041); and,

Whereas, Section 6.0 of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) requires that all discretionary projects within a MSHCP Criteria Cell undergo the Lake Elsinore Acquisition Process (LEAP) and Joint Project Review (JPR) process to analyze the scope of the proposed development and establish a building envelope that is consistent with the MSHCP criteria; and,

Whereas, Section 6.0 of the MSHCP further requires that the City adopt consistency findings demonstrating that the proposed discretionary entitlement complies with the MSHCP Criteria Cell, and the MSHCP goals and objectives; and,

Whereas, pursuant to Lake Elsinore Municipal Code (LEMC) Chapter 16.24 (Tentative Map) the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) pertaining to the review of tentative maps; and,

Whereas, on February 21, 2023, 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 Council approval of Tentative Tract Map No. 38626; and,

Whereas, pursuant to LEMC Chapter 16.24 (Tentative Map) the Council has been delegated with the responsibility of making decisions to approve, conditionally approve, or disapprove recommendations of the Commission for tentative tract map applications; and,

Whereas, on March 14, 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, DETERMINE AND ORDER AS FOLLOWS:

Section 1: The Council has reviewed and analyzed Tentative Tract Map No. 38626 pursuant to the appropriate Planning and Zoning Laws, the Lake Elsinore General Plan (GP), Chapter 16 (Subdivisions) of the LEMC, and the Subdivision Map Act.

Section 2: That in accordance with the MSHCP, the Council makes the following findings for MSHCP consistency:

1. *Pursuant to the City's MSHCP Resolution, the project is required to be reviewed for MSHCP consistency, including consistency with "Plan Wide Requirements." These include the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pool Guidelines (MSHCP, § 6.1.2), Protection of Narrow Endemic Plant Species Guidelines (MSHCP, § 6.1.3), Additional Survey Needs and Procedures (MSHCP, § 6.3.2), Urban/Wildlands Interface Guidelines (MSHCP, § 6.1.4), Vegetation Mapping (MSHCP, § 6.3.1) requirements, Fuels Management Guidelines (MSHCP, § 6.4), and payment of the MSHCP Local Development Mitigation Fee (MSHCP Ordinance, § 4).*
2. *The project site is located within the MSHCP Elsinore Area Plan, Criteria Cell # 5131. On September 24, 2020, the Western Riverside County Regional Conservation Authority (RCA) completed the Joint Project Review (JPR# 20-06-09-01) process and concluded that the project is consistent with both the Criteria and other plan requirements of the MSHCP.*
3. *The project site is currently being developed with commercial and industrial buildings. The project is proposing to establish a common area parcel and divide an existing building into six condominium units. No physical changes to the site or structures are proposed by the application. Therefore, the Riparian/Riverine Areas and Vernal Pool Guidelines as set forth in Section 6.1.2 of the MSHCP are not applicable.*
4. *The property is not in a Narrow Endemic Plant Species Survey Area (NEPSSA) for any narrow endemic species, and no NEPSSA surveys are required. Therefore, the project is therefore consistent with the Protection of Narrow Endemic Plant Species Guidelines.*
5. *The project site is currently being developed with commercial and industrial buildings. The project is proposing to establish a common area parcel and divide an existing building into six condominium units. As required by the conditions of approval imposed upon the previous site development permits, pre-construction burrowing owl survey reports were submitted to the City prior to commencement of ongoing site disturbance activities. Therefore, the subject project is consistent with the Additional Survey Needs and Procedures of the MSHCP.*
6. *Due to the adjacency of the project site to MSHCP conserved lands, conditions of approval imposed upon the previous site development permits require the project to be designed in conformance with applicable MSHCP Urban/Wildland Interface Guidelines (UWIG) as set forth in Section 6.1.4 of the MSHCP. Therefore, the project is consistent with the Urban/Wildlands Interface Guidelines.*
7. *The project site is currently being developed with commercial and industrial buildings. The project is proposing to establish a common area parcel and divide an existing building into six condominium units. No physical changes to the site or structures are proposed by the application. Therefore, there are no vegetation resources within the project site that are subject to the mapping requirements set forth in MSHCP Section 6.3.1.*
8. *As a condition of approval, the project applicant will be required to pay the City's MSHCP Local Development Mitigation Fee at the time of issuance of building permits.*

9. *The project site is currently being developed with commercial and industrial buildings. The project is proposing to establish a common area parcel and divide an existing building into six condominium units. No physical changes to the site or structures are proposed by the application. Therefore, the project complies with applicable MSHCP requirements.*

Section 3: The Council hereby finds and determines that the project is categorically exempt from California Environmental Quality Act (Cal. Publ. Res. Code §§21000 et seq. "CEQA") and the State CEQA Guidelines (14. Cal. Code Regs §§15000 et seq.) pursuant to CEQA Guidelines Section 15301(k) (Class 1: Existing Facilities) because the project involves the subdivision of an existing building into condominium units and no physical changes are proposed.

Section 4: That in accordance with State Planning and Zoning Law and the Lake Elsinore Municipal Code, the Council makes the following findings for approval of Tentative Tract Map No. 38626:

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan. The proposed subdivision is compatible with the objectives, policies, general land uses and programs specified in the General Plan (Government Code Section 66473.5).

The project site is located in the East Lake Specific Plan (ELSP) and has an Action Sports, Tourism, Commercial and Recreation Land Use Designation. This designation provides for a wide range of extreme action sports and accessory manufacturing, service and retail uses. The project site has been previously approved for the construction of a new 22,334 sq. ft. flex-tech building. The application proposes to create an approximately 1.64-acre common area parcel and to divide the existing building into six condominium units. Therefore, upon adherence to all Conditions of Approval on the previous site development permits, the project is consistent with the ELSP. Furthermore, because the ELSP was found to be consistent with the General Plan prior to its adoption, the project is also consistent with the General Plan.

2. The site of the proposed subdivision of land is physically suitable for the proposed density of development in accordance with the General Plan.

The project site is currently being developed with a new 22,334 sq. ft. flex-tech building on an approximately 2.14-acre parcel. The application proposes to create an approximately 1.64-acre common area parcel and to divide the existing building into six condominium units. Furthermore, the proposed subdivision will not alter the previously approved building size or development intensity.

3. That the design of the proposed division of land or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

The project site is currently being developed with commercial and industrial buildings. The project is proposing to establish a common area parcel and divide an existing building into six condominium units. No physical changes to the site or structures are proposed by the application. The project has been reviewed for consistency with the MSHCP and on September 24, 2020, the Western Riverside County Regional Conservation Authority (RCA) completed the Joint Project Review (JPR# 20-06-09-01) process and concluded

that the previously approved site development plans are consistent with both the Criteria and other plan requirements of the MSHCP. Therefore, the proposed subdivision will neither cause substantial environmental damage nor impact wildlife species or their habitat.

4. That the design of the proposed division of land or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed division of land. The City Council may approve a division of land if it finds that alternative easements for access or for use will be provided, and that they will be subsequently equivalent to ones previously acquired by the public. This section shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

Because the proposed subdivision is confined to the division of an existing building into condominium units and the creation of a common area parcel, the proposed subdivision will not conflict with public access easements.

5. The design of the proposed division of land or type of improvements is not likely to cause serious public health problems.

The tentative map has been adequately conditioned by all applicable departments and agencies and will not result in any significant environmental impacts. The proposed project, subject to permit conditions of approval, will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

6. The effects that this project are likely to have upon the housing needs of the region, the public service requirements of its residents and the available fiscal and environmental resources have been considered and balanced.

The application proposes to create an approximately 1.64-acre common area parcel and to divide an existing building into six condominium units. The project will not have a direct impact on housing needs of the region.

7. The design of the subdivision provides future passive or natural heating or cooling opportunities within the subdivision.

In accordance with Government Code Section 66473.1(d), the requirement to provide future passive or natural heating or cooling opportunities is not applicable to condominium projects which consist of airspace subdivisions in an existing building when no new structures are added.

Section 5: Based upon all of the evidence presented, the above findings, and the conditions of approval imposed upon the project, the Council hereby approves Tentative Tract Map No. 38626.

Section 6: This Resolution shall take effect immediately upon its adoption.

Section 7: The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

Passed and Adopted on this 14th day of March, 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 Resolution No. 2023-_____ was adopted by the City Council of the City of Lake Elsinore, California, at the regular meeting of March 14, 2023, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Candice Alvarez, MMC
City Clerk