

RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADOPTING FINDINGS THAT PLANNING APPLICATION NO. 2018-02 (CONDITIONAL USE PERMIT NO. 2023-03 AND TENTATIVE TRACT MAP NO. 38616) IS CONSISTENT WITH THE WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP)

Whereas, Eric and Connie Kong, China Star International, Inc., has filed an application with the City of Lake Elsinore (City) requesting approval of Planning Application No. 2018-02 (Conditional Use Permit No. 2023-03 and Tentative Tract Map No. 2022-04) proposing Tentative Map No. 38616 to subdivide an approximately 0.34-acre parcel into one lot for condominium purposes and to convert an existing apartment complex into five residential condominium units. The project site is located at the northwest corner of Graham Avenue and Lowell Street (APN: 374-183-018); 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) processes 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 Section 17.415.070 (Conditional Use Permit), Chapter 16.24 (Tentative Map), Section 17.410.070 (Approving Authority) and Section 17.410.030 (Multiple Applications) of the Lake Elsinore Municipal Code (LEMC), the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) pertaining to review of conditional use permits and tentative maps; and,

Whereas, on April 18, 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 adopt findings that Conditional Use Permit No. 2023-03 and Tentative Tract Map No. 38616 are consistent with the MSHCP; and,

Whereas, pursuant to Section 17.415.070 (Conditional Use Permit), Chapter 16.24 (Tentative Map), Section 17.410.070 (Approving Authority) and Section 17.410.030 (Multiple Applications) of the Lake Elsinore Municipal Code (LEMC), the Council has been delegated with

the responsibility of making decisions to approve, conditionally approve or disapprove applications for approval of conditional use permits and tentative maps; and

Whereas, on May 9, 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 considered the project and its consistency with the MSHCP prior to adopting Findings of Consistency with the MSHCP.

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

1. The project is a project under the City's MSHCP Resolution, and the City must make an MSHCP Consistency finding before approval.

Pursuant to the City's MSHCP Resolution, the project is required to be reviewed for MSHCP consistency, including consistency with other "Plan Wide Requirements." The project site is not located within a MSHCP criteria cell. Based upon the site reconnaissance survey there are no issues regarding consistency with the MSHCP's other "Plan Wide Requirements." The only requirements potentially applicable to the Project were the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pool Guidelines (Section 6.1.2 of the MSHCP) and payment of the MSHCP Local Development Mitigation Fee (Section 4 of the MSHCP Ordinance). The project site is located in a previously disturbed site, and has no habitat, including riparian/riverine areas or vernal pools, present on site.

2. The project is subject to the City's LEAP and the Western Riverside County Regional Conservation Authority's (RCA) Joint Project Review (JPR) processes.

As stated above, the project site is not located within a criteria cell and therefore the project is not subject to the City's LEAP or JPR processes.

3. The project is consistent with the Riparian/Riverine Areas and Vernal Pools Guidelines.

The project site is currently being developed with an apartment complex. The project is proposing to establish a common area parcel and to convert the existing apartments into five residential 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 project is consistent with the Protection of Narrow Endemic Plant Species Guidelines.

The site does not fall within any Narrow Endemic Plant Species Survey Areas. Neither a habitat assessment nor further focused surveys are required for the project. Therefore, Protection of Narrow Endemic Plant Species Guidelines as set forth in Section 6.1.3 of the MSHCP are not applicable to the project.

5. The project is consistent with the Additional Survey Needs and Procedures.

The MSHCP only requires additional surveys for certain species if the Project is located in Criteria Area Species Survey Areas, Amphibian Species Survey Areas, Burrowing Owl Survey Areas, and Mammal Species Survey Areas of the MSHCP. The project site is not located within any of the Critical Species Survey Areas. Therefore, the provisions of MSHCP Section 6.3.2 are not applicable.

6. The project is consistent with the Urban/Wildlands Interface Guidelines.

The project site is not within or adjacent to any MSHCP cell criteria or conservation areas. Therefore, the Urban/Wildlands Interface Guidelines of MSHCP Section 6.1.4 are not applicable.

7. The project is consistent with the Vegetation Mapping requirements.

The project site is currently being developed with an apartment complex. The project is proposing to establish a common area parcel and to convert the existing apartments into five residential condominium units. There are no resources located on the project site requiring mapping as set forth in MSHCP Section 6.3.1.

8. The project is consistent with the Fuels Management Guidelines.

The project site is not within or adjacent to any MSHCP criteria cell or conservation areas. Therefore, the Fuels Management Guidelines of MSHCP Section 6.4 are not applicable.

9. The project will be conditioned to pay the City's MSHCP Local Development Mitigation Fee.

As a condition of approval, the project will be required to pay the City's MSHCP Local Development Mitigation Fee at the time of issuance of building permits.

10. The project is consistent with the MSHCP.

The project site is currently being developed with an apartment complex. The project is proposing to establish a common area parcel and to convert the existing apartments into five residential condominium units. No physical changes to the site or structures are proposed by the application. Therefore, as described above, the project complies with all applicable MSHCP requirements.

Section 3: Based upon the evidence presented, both written and testimonial, and the above findings, the Council hereby finds that the project is consistent with the MSHCP.

Section 4: This Resolution shall take effect immediately upon its adoption.

Section 5: 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 9th day of May, 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 May 9, 2023, and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Candice Alvarez, MMC
City Clerk