

## **RESOLUTION NO. 2023-**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 2023-03 TO ESTABLISH A FIVE-UNIT RESIDENTIAL CONDOMINIUM ON AN APPROXIMATELY 0.34-ACRE PARCEL LOCATED AT APN: 374-183-018**

**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 17.415.070.A of the Lake Elsinore Municipal Code (LEMC) provides that certain uses have operational characteristics that, depending on the location and design of the use, may have the potential to negatively impact adjoining properties, businesses or residents and therefore are permitted subject to the issuance of a Conditional Use Permit, which allows the City to comprehensively review and approve the use; and,

**Whereas**, pursuant to Section 17.415.070 (Conditional Use Permit), Section 17.410.070 (Approving Authority) and Section 17.410.030 (Multiple Applications) of the LEMC, the Planning Commission (Commission) has been delegated with the responsibility of making recommendations to the City Council (Council) pertaining to the review of conditional use permits; 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 approve Conditional Use Permit No. 2023-03 in conjunction with Tentative Tract Map No. 38616; and,

**Whereas**, pursuant to Section 17.415.070 (Conditional Use Permit), Section 17.410.070 (Approving Authority) and Section 17.410.030 (Multiple Applications) of the LEMC, the Council has been delegated with the responsibility of making decisions to approve, conditionally approve or disapprove applications for conditional use permits; 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, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1:** The Council has considered the project and has found it acceptable.

**Section 2:** 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 3:** That in accordance with LEMC Section 17.415.070.C. Findings, the Council makes the following findings regarding Conditional Use Permit No. 2023-03:

1. That the proposed use is in accord with the objectives of the General Plan and the purpose of the planning district in which the site is located.

*The project site is located in the Historic District and has a General Plan land use designation of Residential Mixed Use (RM). This designation provides for a mix of residential and non-residential uses within a single proposed development area with an emphasis on high-density residential uses. The project site has been previously approved for the construction of a new five-unit apartment complex. The application proposes to divide the approximately 0.34-acre building site into one lot for condominium purposes and to convert the existing apartments into five residential condominium units. Therefore, upon adherence to the conditions of approval imposed on the previous site development permit, the project is consistent with the General Plan.*

2. The proposed use will not be detrimental to the general health, safety, comfort or general welfare of persons residing or working within the neighborhood of the proposed use or the City, or injurious to property or improvements in the neighborhood or the City.

*The proposed use will not be detrimental to the general health, safety, comfort or general welfare of persons residing or working within the neighborhood of the proposed use or the City, or injurious to property or improvements in the neighborhood or the City because the proposed residential condominium is compatible with surrounding land uses which consist predominantly of residential and neighborhood-scale office buildings. Furthermore, the proposed condominium use will not result in any infrastructural impacts because the site of the proposed condominium is located in a developed, urban setting with existing approved access to surrounding roadways and availability to connect to utilities including water, sewer and power.*

3. The site is adequate in size and shape to accommodate the use, and for all the yards, setbacks, walls or fences, landscaping, buffers and other features required by this title.

*The site is adequate in size and shape to accommodate the use, and for all the yards, setbacks, walls or fences, landscaping, buffers and other features required by the Municipal Code because the proposed on-site multi-family residential development was previously approved and reviewed for conformance with the development standards of the Residential Mixed Use zoning district. Maintenance of common area improvements, such as walls and landscaping, will be the responsibility of a property owner association which must be formed prior to issuance of certificate(s) of occupancy for the project.*

4. The site for the proposed use relates to streets and highways with proper design both as to width and type of pavement to carry the type and quantity of traffic generated by the subject use.

*The site for the proposed use relates to streets and highways with proper design both as to width and type of pavement to carry the type and quantity of traffic generated by the subject use because the project has been conditioned to construct half width*

*improvements and dedicate right-of-way on the alley such that the ultimate right-of-way width conforms to standard alley cross sections. Impacts to traffic levels of service at nearby intersections caused by the development are presumed to be less than significant and do not require additional study or mitigation through improvements.*

5. In approving the subject use at the specific location, there will be no adverse effect on abutting properties or the permitted and normal use thereof.

*The project has been thoroughly reviewed and conditioned by applicable City departments thereby to avoid adverse effects on abutting properties and the permitted and normal use thereof.*

6. Adequate conditions and safeguards pursuant to LEMC 17.415.070.B, including guarantees and evidence of compliance with conditions, have been incorporated into the approval of the subject project to ensure development of the property in accordance with the objectives of this chapter and the planning district in which the site is located.

*Pursuant to Section 17.415.070.B of the LEMC, the project was considered by the Planning Commission and City Council at duly noted Public Hearings on April 18, 2023 and May 9, 2023, respectively. Appropriate and applicable conditions of approval have been included to protect the public health, safety and general welfare.*

**Section 4:** Based upon the evidence presented, the above findings, and the conditions of approval imposed upon the project, the Council hereby approves Conditional Use Permit No. 2023-03.

**Section 5:** This Resolution shall take effect immediately upon its adoption.

**Section 6:** 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 9<sup>th</sup> 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:

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Candice Alvarez, MMC  
City Clerk