

## **RESOLUTION NO. 2023-**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING TENTATIVE TRACT 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 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**, pursuant to Chapter 16.24 (Tentative Map), Section 17.410.070 (Approving Authority) 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 the review of 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 approve Tentative Tract Map No. 38616 in conjunction with Conditional Use Permit No. 2023-03; and,

**Whereas**, pursuant to Chapter 16.24 (Tentative Map) and Section 17.410.070 (Approving Authority) 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 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 reviewed and analyzed Tentative Tract Map No. 38616 pursuant to the appropriate Planning and Land Use Laws, the Lake Elsinore General Plan (GP) and Chapter 16 (Subdivisions) of the LEMC.

**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 State Planning and Land Use Laws and the LEMC, the Council makes the following findings for approval of Tentative Tract Map No. 38616:

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 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 previously approved site development permit, the project is 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 five-unit apartment complex. The application proposes to create a common area parcel and to convert the existing apartments into five residential 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 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 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.

*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 project will convert five newly constructed apartment units into condominium units. The project does not involve the demolition of existing housing units. Adequate levels of public service and capacity, including fire protection, police protection, schools, and parks, are available to the proposed subdivision site. The subdivider will also pay development impact fees to offset the costs associated with providing governmental services to the population increase resulting from the project.*

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 4:** 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. 38616.

**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