

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING AN AMENDMENT TO THE MONTIEL ROAD MASTER PLAN ALONG WITH A PRECISE DEVELOPMENT PLAN FOR A CONTRACTOR SERVICE OFFICE AND OUTDOOR EQUIPMENT STORAGE

APPLICANT: West Coast Arborists CASE NO.:
PL22-0512

The City Council of the City of Escondido ("City"), California, DOES HEREBY ORDAIN as follows:

SECTION 1. The City Council makes the following findings:

a) West Coast Arborists ("Applicant") filed a land use development application, Planning Case No. PL22-0512 ("Application") constituting a request for an Amendment to the Montiel Road Planning Area Master Plan (land use matrix and development standards), along with a Precise Development Plan and Conditional Use Permit to allow construction services with fleet parking and construction equipment storage as a conditionally permitted use ("Project"), on an approximately 1.3-acre parcel located on the south side of Montiel Road, north of Highway 78, west of Interstate 15, addressed at 1359 Montiel Road (Assessor's Parcel Number 228-240-54-00), and more particularly described in Exhibit "A" attached to this Ordinance and incorporated by this reference as though fully set forth herein ("Property"); and

b) The Application was submitted to, and processed by, the Planning Division of the Development Services Department as Planning Case No. PL22-0512. The Applicant seeks approval of an Amendment to the Montiel Road Planned Development to allow contractor services with outdoor equipment storage as Conditional Use, and a modification to the landscape standards for the subject parcel, as shown on Exhibit "B" (Planned Development Modification), along with a Precise Development Plan for proposed improvements to the subject site and building(s), as shown on Exhibit "C" (Precise Development Plan), and on file in the Planning Division, and incorporated herein by this

reference as though fully set forth.

d) The Planning Division of the Development Services Department completed its review and scheduled a public hearing regarding the application before the Planning Commission on March 28, 2023. Following the public hearing on March 28, 2023 the Planning Commission adopted Resolution No. 2023-06, which recommended that the City Council, among other things, approve the Project, including actions to amend the Montiel Road Planned Development and to approved a Precise Development Plan and Conditional Use Permit.

SECTION 2. An original copy of the proposed Amendment to the Montiel Road Planned Development, and Precise Development Plan and all other related Project materials are on file in the Office of the City Clerk, with a copy of each document submitted to the City Council for its consideration. The City Clerk, whose office is located at 201 North Broadway, Escondido, California 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

SECTION 3. The City Council did on April 19, 2023 hold a duly noticed public hearing as prescribed by law. Evidence was submitted to and considered by the City Council, including, without limitation:

a) Written information including all application materials and other written and graphical information posted on the project website.

b) Oral testimony from City staff, interested parties, and the public.

c) The City Council staff report, dated April 19, 2023 which along with its attachments, is incorporated herein by this reference as though fully set forth herein, including the Planning Commission's recommendation on the request.

d) Additional information submitted during the public hearing.

SECTION 4. Pursuant to the California Environmental Quality Act, Public Resource Code section 21000 et seq. ("CEQA") the Project is categorically exempt from environmental review in conformance with CEQA Guidelines section 15301 (Existing Facilities), section 15303 (New Construction of Small Structures), section 15305 (Minor Alteration in Land-Use Limitations), and section 15332 (Infill Development). The City Council adopts such categorical exemption, which is provided as Attachment 2 to the April 19, 2023 staff report and incorporated herein by this reference as though fully set forth herein, and a Notice of Exemption will be filed with the County Clerk.

SECTION 5. That, upon consideration of the Factors to be Considered/Findings of Fact attached as Exhibit "D" and incorporated herein by reference as though fully set forth herein, the City Council approves the amendment to the Montiel Road Planned Development and Precise Development Plan, attached as Exhibits "B" and "C" respectively.

SECTION 6. Concurrently with the action on this Ordinance, the City Council is taking a number of actions in furtherance of the Project, as generally described in the April 19, 2023 City Council staff report. No single component of the series of actions made in connection with the Project shall be effective unless and until it is approved by an Ordinance or Resolution and is procedurally effective in the manner provided by state law. Therefore, this Ordinance shall become effective and operative only if City Council Resolution No. 2023-08 is approved.

SECTION 7. All references within this Ordinance to "Applicant" or "Developer," shall be equally applicable to the current property owner and to any successors-in-interest or assigns, whether such successors of assigns own, control, or otherwise have development authority for all, a portion, or portions of that property included within the Project site.

SECTION 8. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional for any reason by any court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 9. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. The City Council authorizes all subsequent action to be taken by City Officials consistent with this Ordinance.

SECTION 11. That the City Clerk is hereby directed to certify to the passage of this Ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

SECTION 12. The Ordinance shall become effective 30 days from the date of the passage.