

RESOLUTION NO. 2023-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
ESCONDIDO, CALIFORNIA, APPROVING A CONDITIONAL  
USE PERMIT FOR A CONTRACTOR SERVICES OFFICE AND  
OUTDOOR EQUIPMENT/FLEET STORAGE

WHEREAS, West Coast Arborists (“Applicant”) filed a land use development application (Planning Case No. PL22-0512) 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 approximately 1.3-acres 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), as more particularly described in Exhibit “A,” which is attached hereto and made a part hereof as though fully set forth herein (“Property”); and

WHEREAS, the Application was submitted to, and processed by, the Development Services Department in accordance with the rules and regulations of the Escondido Zoning Code and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code Section 65920 et seq.) and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”); and

WHEREAS, pursuant to CEQA and the CEQA Guidelines (Title 14 of California Code of Regulations, Section 15000 et. seq.), the City is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

WHEREAS, 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); and

WHEREAS, the Planning Division studied the Application, performed necessary investigations, prepared a written report, and hereby recommends approval of the Project as depicted on the plan set shown in Exhibit "B," which is attached hereto and made a part hereof by this reference as though fully set forth herein; and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 28, 2023 as prescribed by law, at which interested persons were given the opportunity to appear and present their views with respect to the Application. Evidence was submitted to and considered by the Planning Commission, including written and oral testimony from City staff, interested parties, and the public. Following the public hearing, the Planning Commission adopted Resolution No. 2023-06, recommending that the City Council approve the Project; and

WHEREAS, the City Council of the City of Escondido held a duly noticed public hearing on April 19, 2023 as prescribed by law, at which time the City Council received and considered the reports and recommendation of the Planning Division and Planning Commission, and gave all persons full opportunity to be heard and to present evidence and testimony regarding the Project. Evidence was submitted to and considered by the City Council, including without limitation:

- a) Witten information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- 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, and City staff's recommendation on the Project, is incorporated herein as though fully set forth herein;
- d) The Planning Commission recommendation; and
- e) Additional information submitted during the public hearing; and

WHEREAS, 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.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California as follows:

1. That the above recitations are true.
2. That the City Council has reviewed and considered the Notice of Exemption prepared for the Project in conformance with CEQA, the staff report dated April 19, 2023, and testimony given at the public hearing, and makes the determinative Factors to be Considered/Findings of Fact contained in Exhibit "C" hereto and incorporated by this reference.
3. That the Factors to be Considered/ Findings of Fact were made by the City Council, and upon their consideration along with the staff reports, public testimony presented at the hearing, and all other oral and written evidence on this Project, this City Council approves the Project, subject to the Conditions of Approval set forth in Exhibit "D" hereto and incorporated by this reference. The City Council expressly declares that is would not have made this decision except upon and subject to each and all of said conditions, each and all of which shall run with the land and be binding upon the Applicant, the owner, and all subsequent owners of the Property, and all persons who use the Property for the use permitted hereby.
4. That the City Council desires at this time and deems it to be in the best public interest to approve the Conditional Use Permit.
5. That this Conditional Use Permit and associated Precise Development Plan shall be valid for two years from the date of approval unless an Extension of Time is granted pursuant to Chapter 33, Article 61, Division 1 (Conditional Use Permits) and Division 9 (Zoning Administrator) of the Escondido Municipal Code.

6. That concurrently with this Resolution, the City Council is taking a number of actions in furtherance of the Project, as generally described by the April 19, 2003 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 Resolution shall become effective and operative on the day immediately subsequent to the date that Ordinance No. 2023-44 becomes effective.

BE IT FURTHER RESOLVED that, pursuant to Government Code Section 66020(d)(1):

1. NOTICE IS HEREBY GIVEN that the Project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Community Development Department and Public Works Department. Approval of this development project is conditioned upon payment of all applicable development fees and connection fees in the manner provided in Chapter 6 of the Escondido Municipal Code. The Project is also subject to dedications, reservations, and exactions, as specified in the Conditions of Approval.

2. NOTICE IS FURTHER GIVEN that the 90-day period during which to protest the imposition of any fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 6602.