

Planning Commission  
Hearing Date: May 14, 2024

Effective Date: May 24, 2024

PLANNING COMMISSION RESOLUTION NO. 2024-07

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING A TENTATIVE SUBDIVISION MAP AND  
CONDOMINIUM PERMIT

APPLICANT: Kingston Canterbury Gardens, LLC

CASE NO: PL23-0319

WHEREAS, Kingston Canterbury Gardens, LLC (“Applicant”), filed a land use development application, Planning Case No. PL23-0319 (“Application”), with the City of Escondido (“City”) constituting a request to convert a 44-unit multifamily residential development previously approved under Major Plot Plan (PL21-0042) into a Tentative Subdivision Map and Condominium Permit for a 43-unit air-space “for sale” condominium residential project (“Project”). The Project requests a one-unit reduction from the approved 44-unit apartment project to a 43-unit air-space condominium residential project to accommodate a common use trash enclosure structure. If granted, the Applicant’s requested conversion into condominiums and the one-unit reduction would result in 43 air-space condominium units on a 1.58-acre site that is located on the southeast side of S. Escondido Blvd. just north of Citracado Parkway. The project site is addressed as 2402 S. Escondido Blvd. Escondido, CA 92029 (APN: 238-141-18-00) and is located in the South Centre City Specific Plan area; and

WHEREAS, the subject property is all that real property described in Exhibit "A", which is attached hereto and made a part hereof by this reference as though fully set forth herein ("Property"); and

WHEREAS, the Application was submitted to, and processed by, the Planning Division of the Development Services Department in accordance with the rules and regulations of the Escondido Zoning Code, Escondido Subdivision Ordinance, 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, on August 24, 2022, the Planning Division conditionally approved a Major Plot Plan (PL21-0042) to allow for a construction of 44-unit apartment project and associated amenities on the site identified as 2402 S. Escondido Blvd., Escondido, CA 92029 (APN: 238-140-18-00); and

WHEREAS, on July 7, 2023, the Engineering Division approved a Grading Permit (GP22-0049) to allow for rough grading of the site for purposes of the previously approved 44-unit apartment project (PL21-0042); and

WHEREAS, a residential condominium development is a permitted use within the South Centre City Specific Plan (SPA 15), subject to the approval of a Tentative Subdivision Map, in accordance with Chapter 32 of the Escondido Municipal Code and a Condominium Permit in accordance with Chapter 33, Article 49, Air Space Condominium and Community Apartment Projects of the Escondido Zoning Code; 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, 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, City staff provided public notice of the Applications in accordance with City (Article 61, Division 2) and State public noticing requirements; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) ("CEQA"), and its implementing regulations (14 C.C.R. § 15000 et seq.) ("CEQA Guidelines"), the City of Escondido ("City") is the Lead Agency for the project ("Project"), as the public agency with the principal responsibility for approving the Project. The proposed Project qualifies for an exemption from the California Environmental Quality Act (CEQA) under Section 15332, Class 32 "In-fill" Development Project and Section 15305, Class 5 "Minor Alterations to Land Use Limitations"; and

WHEREAS, on May 14, 2024 the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission received and considered the reports and recommendation of the Planning Division and gave all person's full opportunity to be heard and to present evidence and testimony regarding the

Project. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written 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 staff report, dated May 14, 2024, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

WHEREAS, the public hearing before the Planning Commission was conducted in all respects as required by the Escondido Municipal Code and the rules of this Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Escondido that:

1. The above recitations are true and correct.
2. The Planning Commission, in its independent judgement, has determined the Project to be exempt from environmental review pursuant to CEQA Guidelines Section 15332 ("In-Fill Development") and Section 15305 ("Minor Alterations to Land Use Limitations"). The Project qualifies for the "In-Fill Development" and "Minor Alterations to Land Use Limitations" exemptions because the proposed Project entails the conversion of an approved 44-unit multifamily residential development currently in the process of rough grading to a 43-unit residential condominium tentative subdivision. The removal of

one unit would permit for minor changes, to allow for a solid waste enclosure, adding storage areas to comply with condominium requirements. The site is zoned for the use and is consistent with the applicable general plan policies as well as with the Specific Plan guidelines. It has been determined that the Project would not result in any significant impacts to traffic, noise, air quality, or water quality. The Project does not include the use of hazardous substances. The Project site does not contain any sensitive habitat or endangered, rare, or threatened species, and approval of the Project, as conditioned, would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site is connected to City sewer and water services. The Project site does not contain slopes over 20-percent in that the site was previously disturbed and was approved previously for the improvement of 44-residential units. The proposed project would result in the loss of one conceptually approved unit, resulting in no change in density, as the prior approved Project resulted in approximately 27 dwelling units per acre where now such density proposed under the tentative subdivision is approximately 27 dwelling units per acre. Further, no exceptions to the exemptions listed under CEQA Guidelines Section 15300.2 apply to the Project.

3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and on its behalf, the Planning Commission makes the following substantive findings and determinations, attached hereto as Exhibit "C", relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.

4. The Application to use the Property for the Project, subject to each and all of the conditions hereinafter set forth in Exhibit "D", is hereby approved by the Planning Commission. The Planning Commission expressly declares that it would not have approved the Applications 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.

5. The Planning Commission, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Diego in accordance with the CEQA Guidelines.

6. The development plans for the Project are on file in the Planning Division of the Development Services Department and are available for inspection by anyone interested herein, and the development plans are incorporated herein by this reference as if they were fully set forth herein. The Project is conditionally approved as set forth on the Application and Project drawings, all designated as approved by the Planning Commission, and which shall not be altered without the express authorization by the Planning Division. Any deviations from the approved development plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.

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

1. NOTICE IS HEREBY GIVEN that the Project is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval. The Project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Planning and Engineering Division of Development Services Department. The Applicant shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued. It is the City's intent that the costs representing future development's share of public facilities and capital improvements be imposed to ensure that new development pays the capital costs associated with growth. The Applicant is advised to review the Planned Fee Updates portion of the web page, [www.escondido.gov](http://www.escondido.gov), and regularly monitor and/or review fee-related information to plan for the costs associated with undertaking the Project.

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 Government Code section 66020.

PASSED, ADOPTED, AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 14<sup>th</sup> day of May, 2024, by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ABSENT: COMMISSIONERS:

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STAN WEILER, Chair  
Escondido Planning Commission

ATTEST:

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VERONICA MORONES, Secretary of the  
Escondido Planning Commission

I hereby certify that the foregoing Resolution was passed at the time and by the vote above stated.

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Melissa DiMarzo, Minutes Clerk  
Escondido Planning Commission

Decision may be appealed to City Council  
pursuant to Zoning Code Section 33-1303