

Exhibit C

PLANNING CASE NO. PL23-0319

FINDINGS OF FACT

Environmental Determinations:

1. 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.
2. 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 in Land Use Limitations".
 - a. For the purposes of the Class 32 exemption, the Project qualifies for an exemption from further environmental review pursuant to CEQA Guidelines section 15332 (In-Fill Development Projects) because such categorical exemption applies to proposed developments within city limits on sites of no more than five acres substantially surrounded by urban uses, where the site has no habitat value for special status species, can be adequately served by all required utilities and public services, and the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (CEQA Guidelines § 15332(b)-(e)).
 - b. For the purposes of the Class 5 exemption, the Project includes a minor alteration the to previously approved 44-unit multifamily residential development project to allow for the air space subdivision of such units, with the removal of one unit for the purposes of a trash enclosure. The Project site is a previously developed site that has been disturbed and contains slopes of less than 20-percent.
3. The City Planner, or their designee, has independently considered the full administrative record before it, which includes but is not limited to materials and evidence submitted by the applicant and other interested parties, review of previous approvals, and input provided by other City departments and public agencies. No substantial evidence has been submitted that would support a finding that any above-described categorical exemptions is not applicable to the Project. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

Tentative Subdivision Map Findings (Ch. 32, Article 2, section 32.209.01):

1. *The map meets all of the requirements or conditions imposed by the Map Act and Chapter 32 (Subdivisions). No map shall be approved if it is not consistent with the required findings, the Escondido General Plan and Chapter 32.*

The proposed Project has been reviewed in accordance with the City's 2012 General Plan, and the South Centre City Specific Plan (Southern Entry District Mixed-Use Overlay) and is consistent with the Specific Plan guidelines and designations, which allows for residential uses on the Project site. The proposed Project is new development on an underutilized site and the original approval permitted the project required street improvements to S. Escondido Blvd. along frontage enhancements with landscaping, lighting, and sidewalks consistent with adjacent properties. The Applicant obtained project approval of a 44-unit apartment development on August 24, 2022 and was conditionally approved (PL21-0042), under a Major Plot Plan.

2. *All permits and approvals applicable to the proposed Tentative Map pursuant to Chapter 33 of this code have been obtained.*

All permits and approvals applicable to the proposed Tentative Map pursuant to Chapter 33 of the Municipal Code have been obtained, or conditions of approval have been proposed to ensure they will be obtained. Approval of the Tentative Map will allow the applicant to implement the design of the subdivision as shown on the map. The Project has been conditioned to require permits necessary to construct the Project as proposed, including grading, landscape, building, and encroachment permits from the City of Escondido.

3. *All applicable requirements of the Map Act and any ordinance of the City of Escondido regulating or otherwise relating to the conversion of existing buildings into condominiums or stock cooperatives have been satisfied.*

The proposed Project is a Tentative Subdivision Map and Condominium Permit for the subdivision of an existing 1.58-acre site. The Project does not include conversion of existing buildings into condominiums or stock cooperative. All applicable requirements of the Map Act and any ordinance of the City of Escondido have been satisfied.

4. *The proposed Tentative Map shall be in conformity with the zone in which it is located. To the extent that the property, which is the subject of the proposed Tentative Map, is an existing legal nonconforming multi-family residential use, this requirement shall not apply, in accordance with Chapter 33 of this code.*

The proposed Tentative Subdivision Map is a partially graded new development site that is in conformity with the Specific Plan (S-P) zone, and is located in the South Centre City Specific Plan (Southern Entry District Mixed-Use Overlay) which allows multi-family development up to 30 dwelling unit per acre ("du/ac"). The General Plan land use designation for the site is Specific

Planning Area (SPA): South Centre City Specific Plan. The conditions of approvals applied under PL21-0042 and PL23-0319 would ensure consistency with all standard requirements.

5. All requirements of CEQA have been met.

The City Planner, or their designee, has independently considered the full administrative record before it, which includes but is not limited to materials and evidence submitted by the applicant and other interested parties, and input provided by other City departments and public agencies. No substantial evidence has been submitted that would support a finding that any above-described exemption is not applicable to the Project. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

Condominium Permit Findings (Ch. 33, Article 49, section 33-953):

- 1. Except as specifically addressed in section 33-955 of this article, the project meets current zoning, design review, drainage, engineering, fire protection, seismic and building code requirements as if the project were newly constructed. However, the conversion of existing legal nonconforming multifamily residential developments to condominium units is exempt from current density requirements providing no increased density is proposed. Conversion requests may also utilize the same administrative adjustment procedures available to new construction as specified in the underlying zone;*

The proposed Project has been reviewed in accordance with the City's 2012 General Plan, and the South Centre City Specific Plan (Southern Entry District Mixed-Use Overlay) and is consistent with the Specific Plan guidelines and designations, which allows for residential uses on the Project site. The proposed Project is new development on an underutilized site and the original approval permitted the project required street improvements to S. Escondido Blvd. along frontage enhancements with landscaping, lighting, and sidewalks consistent with adjacent properties. The Applicant obtained project approval of a 44-unit apartment development on August 24, 2022 and was conditionally approved (PL21-0042), under a Major Plot Plan.

- 2. Required upgrades or modifications correcting a nonconforming condition may be permitted notwithstanding the provisions of section 33-1243 of this code, if the project otherwise conforms to applicable criteria;*

The proposed Project is a request to convert a yet to be constructed multifamily residential development, approved originally through the Plot Plan process (PL21-0042). The residential development was entitled in conformance with the requirements and standards of the Escondido Zoning Code in August 2022 and does not have nonconforming conditions.

- 3. Residential projects will contain architectural and site-planning features commonly found in projects that maintain a majority of owner-occupied units;*

The proposed Project conforms to the requirements of Article 49 as they pertain to condominium conversions. Such requirements are those that are associated with owner-occupied units, such as private storage area, private open space, and washer and dryer hook ups in each individual unit. Further, the Project site is suitable for the residential type of development proposed since the Project is located on property that is adjacent to an existing multi-family complex at relatively similar size and scale. The location, access, density, size, and type of use proposed in the Tentative Subdivision Map and Condominium Permit are compatible with the existing and future land uses in the surrounding neighborhood as a large portion of the surrounding neighborhoods share the same Specific Plan designation. The Project site is approximately 1.58 acres, has been partially graded to accommodate the proposed development.

4. The project provides sufficient parking commensurate with its location and design;

The proposed Project provides for 43-residential units with two-car garages, 11 open guest parking spaces, which include ADA and EV parking spaces, all in conformance with the requirements of the Escondido Zoning Code. To accommodate alternative modes of transportation the Project also provides bicycling parking spaces and is served by an adjacent transit route: Bus Route 350 servicing the Escondido Blvd. corridor.

5. The project's open space is well-designed, properly distributed, and does not unreasonably restrict disabled access;

The proposed Project includes 13,259 square feet of useable open space, which includes approximately 2,545 square feet for private decks or patios, and 10,714 square feet for common use areas. This equates to approximately 308 square feet per unit of open space, exceeding the City's standards. Further, the Project site is designed to provide adequate paths of travel, path widths, and slopes associated with the requirements of the Escondido Municipal Code for the purposes of accessibility.

6. The project conforms to the general plan and applicable zoning provisions. However, a conversion to residential condominiums may occur notwithstanding the fact that existing densities exceed currently permitted general plan densities provided no additional units are proposed;

The proposed Project has been reviewed in accordance with the City's 2012 General Plan, and the South Centre City Specific Plan (Southern Entry District Mixed-Use Overlay) and is consistent with the Specific Plan guidelines and designations, which allows for residential uses on the Project site. The proposed Project is new development on an underutilized site and the original approval permitted the project required street improvements to S. Escondido Blvd. along frontage enhancements with landscaping, lighting, and sidewalks consistent with adjacent properties. The Applicant obtained project approval of a 44-unit apartment development on August 24, 2022 and was conditionally approved (PL21-0042), under a Major Plot Plan.

The City's General Plan land-use designation for the project site is Specific Planning Area (SPA). Specifically, the land-use designation denotes the site is governed by a specific plan document. The South Centre City Specific Plan Area (SCCSP) is the governing specific plan for the project site. The site is zoned Specific Plan (S-P) and is located within the Southern Gateway District – mixed use overlay of the SCCSP which allows multi-family residential development up to 30 du/acre. Therefore, the proposed Project's change in units from 44 approved units to 43 units is consistent with the allowable density for the site. The proposed Project conforms to the requirements of Chapter 33, Article 49 and Chapter 32, Article 2 as depicted in the Supplemental Details of Request table shown in the associated Staff Report dated May 14, 2024.

Further, the City is taking steps to encourage, promote, and facilitate the development of housing consistent with policies 1.1 and 2.1 of the Housing Element of the General Plan, while accommodating the City's share of regional housing needs, consistent with Government Code section 65584. No Net Loss Law (Government Code section 65863) ensures development opportunities remain available throughout the planning period to accommodate a jurisdiction's Regional Housing Needs Allocation ("RHNA"), especially for lower- and moderate-income households. In general, jurisdictions cannot approve new housing at significantly lower densities or at different income categories than was projected in the Housing Element without making specific findings and identifying other sites that could accommodate these units and affordability levels "lost" as a result of the approval. The so-called "no net loss" provisions apply when a site is included in the jurisdiction's Housing Element's inventory of sites and is either rezoned to a lower residential density or is approved at a lower residential density than shown in the Housing Element. (Gov't Code § 65863(b)).

The project site is located on the City's Suitable Sites Inventory, and is therefore subject to the provisions of "no net loss." Therefore, the proposed change in density is subject to the following findings:

a. The reduction is consistent with the City's adopted General Plan, including the housing element, in that the proposed project aligns with Housing Element policies 1.1 and 1.5 because it provides for expanded stock of for-sale units that are compact and efficient in design.

b. The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584, in that the City retains approximately 5,000 very-low and lower-income units on sites identified within the sites inventory. The site was allocated 36 residential units for the purposes of RHNA. Of those 36 units, 23 are identified for lower-income units and 13 are identified for above-moderate-income units. The proposed project would include 43 above-moderate-income units on the site, resulting in a "loss" of 23 lower-income units, and a surplus of 30 above-moderate-units. However, the City retains a "no net loss" buffer of approximately 28-percent with the approval of this project. Therefore, the City in granting approval of this project would continue to conform to the provisions of "no net loss" and housing element law.

7. *The project's maintenance and replacement program adequately address required improvements and appears to be sustainable;*

The proposed Project has been conditioned to establish a Homeowners Association (HOA) to be managed by a professional management company for all of the required improvements. The proposed Project is a request to convert a yet to be constructed multifamily residential development, approved originally through the Plot Plan process (PL21-0042). The residential development was entitled in conformance with the requirements and standards of the Escondido Zoning Code in August 2022 which includes requirements for maintenance and replacement of the development through covenants, codes, and restrictions.

8. *That all tenant notification and information, as required by the California Subdivision Map Act, this chapter, and the City of Escondido subdivision ordinance has been, or will be provided; and*

The proposed Project is a new residential development and not subject to this requirement.

9. *That provisions have been made for the timely release of security deposits and provision of rental payment history reports if requested by existing residential tenants.*

The proposed Project is a new residential development and not subject to this requirement.