

ORDINANCE NO. 2022-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ESCONDIDO, CALIFORNIA, APPROVING A MASTER AND
PRECISE DEVELOPMENT PLAN FOR CONSTRUCTION OF A
DRIVE-THROUGH COFFEE FACILITY AT 1525
TANGLEWOOD LANE

CASE NOS.: PL22-0325/PL22-0326

The City Council of the City of Escondido, California does ordain as follows:

SECTION 1. The City Council makes the following findings:

a) Newmark Merrill Companies ("Applicant") filed a land use application, Planning Case Nos. PL22-0325 and PL22-0236 ("Application"), constituting a request for a Master and Precise Development Plan to facilitate the construction of a 1,026 square foot dual-lane drive-through coffee facility ("Project"). The Project site is approximately .46-acres and is located west of Interstate 15 and south of Auto Park Way, addressed at 1525 Tanglewood (APN: 235-090-35-00), and more particularly described in Exhibit "A" and incorporated by this reference as through 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 Nos. PL22-0325 and PL22-0326 and is depicted on the Project plans attached hereto as Exhibit "B" and incorporated by this reference as though fully set forth herein; and

c) Pursuant to the California Environmental Quality Act ("CEQA") and the CEQA Guidelines (Title 14 of the 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

d) The Application was assessed in conformance with CEQA and a Notice of Exemption ("NOE") was prepared; and

e) The Planning Commission of the City of Escondido held a duly noticed public hearing on November 8, 2022, 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 Planning Commission Resolution No. 2022-22, which recommended that the City Council approve the Master and Precise Development Plan for the Project.

SECTION 2. On December 7, 2022, the City Council held 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 December 7, 2022, which along with its attachments, is incorporated herein by this reference as though fully set forth herein.
- d) The Planning Commission's recommendation on the request.
- e) Additional information submitted during the public hearing.

SECTION 3. Upon consideration of the Findings of Fact/Factors to be considered, attached hereto as Exhibit "C" and incorporated herein by reference as though fully set forth herein, the City Council desires at this time and deems it to be in the best public interest to approve the Master and Precise Development Plan subject to the Conditions of Approval outlined in Exhibit "D," which is attached hereto and incorporated herein by reference as though fully set forth herein.

SECTION 4. ENVIRONMENTAL REVIEW. A NOE has been prepared in compliance with the requirements contained in CEQA, the CEQA Guidelines, and Article 47 (Environmental Quality Regulations) of the Escondido Zoning Code. The City Council directs the Director of Development Services to file the NOE with the San Diego County Clerk.

SECTION 5. SEVERABILITY. 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 6. As of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

SECTION 8. The City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation for the City of Escondido.

SECTION 9. The Ordinance shall become effective 30 days from the date of the passage.