

RESOLUTION NO. 2026-64

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, REVOKING A CONDITION OF APPROVAL REQUIRING THE PAYMENT OF \$560,000 OF A NEW TRAFFIC SIGNAL AT THE INTERSECTION OF ROCK SPRINGS ROAD AND LINCOLN AVENUE SPECIFIED IN AS STREET IMPROVEMENTS AND TRAFFIC CONDITION OF APPROVAL NO. 5 IN EXHIBIT "E" OF RESOLUTION NO. 2024-183R ADOPTED ON DECEMBER 4, 2024 PERTAINING TO CONDITIONAL USE PERMIT (PHG-19-0049) SUBJECT TO CONDITIONS

APPLICANT: Morrie

Golcheh CASE NO(s):

PL26-0088

WHEREAS, Morrie Golcheh, ("Applicant"), submitted a written request to the City Clerk on February 4, 2026 for revocation of a conditional use permit condition of approval requiring the payment of \$560,000 of the construction cost of a new traffic signal specified in Street Improvements and Traffic Condition of Approval No. 5 in Exhibit "E" of Resolution No. 2024-183R adopted by the City Council on December 4, 2024 at the intersection of Rock Springs Road and Lincoln Avenue for a previously approved commercial project (PHG19-0049) for a 1.14-acre site composed of two parcels (Assessor's Parcel Numbers: 228-220-43-00; 228-220-13-00) located at the northwest corner of West Mission Avenue and Rock Springs Road and further addressed as 900 West Mission Avenue, Escondido, CA 92025; and

WHEREAS, upon receipt of the Applicant's request, Engineering Services of the Development Services Department, evaluated the aforementioned request and determined that the requirement for the payment of \$560,000 of a new traffic signal at the intersection of Rock Springs Road and Lincoln Avenue was not proportionate to the level of project related traffic impacting this intersection; and

WHEREAS, Engineering Services determined that the Applicant's project would generate approximately twelve and one-half (12.5) percent of the traffic affecting this intersection and identified that it was appropriate and necessary to revoke Street Improvements and Traffic Condition of Approval No. 5 specified in Exhibit "E" of Resolution No. 2024-183R adopted by the City Council on December 4, 2024; and

WHEREAS, Engineering Services determined that the Applicant was responsible for a reasonable and appropriate portion of the traffic generated impact at the intersection of Rock Springs Road and Lincoln Avenue to address the public, health, safety and welfare; and

WHEREAS, Engineering Services identified that the aforementioned project related traffic impact at the Rock Springs Road and Lincoln Avenue intersection should be mitigated by the one-time payment of \$50,000 and the full and irrevocable assignment of the City approved traffic signal plans from the Applicant and the Engineer of Record to the City of Escondido; and

WHEREAS, the Applicant was presented the above conditions for the revocation of Street Improvements and Traffic Condition of Approval No. 5 specified in Exhibit "E" of Resolution No. 2024-183R adopted by the City Council on December 4, 2024 and concurred with these conditions; and

WHEREAS, the Development Services Director initiated a city-sponsored consideration of the aforementioned request based on the preceding facts and the Applicant's concurrence with the aforementioned conditions; and

WHEREAS, a public hearing is required to be conducted prior to the City Council's consideration and decision on this matter because of the public hearing nature of the previous City Council action establishing the affected condition of approval to provide the public the opportunity to speak in support or opposition or natural on the Applicant's request; and

WHEREAS, the Applicant's request for reconsideration is directly related to previous action taken by the City Council and therefore, this item will be heard directly by the City Council without prior Planning Commission review and recommendation; and

WHEREAS, City staff provided public notice of the application in accordance with City and State public noticing requirements; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) Section 15164 (Addendum to an EIR or Negative Declaration), an addendum to the adopted Mitigated Negative Declaration was previously prepared and after substantive evaluation, the Development Services Director for the City of Escondido has determined that none of conditions identified in Section 15162 (Subsequent EIRS and Negative Declarations) have occurred with the current action of the City Council requiring preparation of a Subsequent Negative Declaration; and,

WHEREAS, the following is presented as background information for the purposes of informing the action specified in this Resolution:

1. Ilan Golcheh ("Prior Applicant") previously filed a land use development application, Planning Case No. PL24-0183 ("Application") constituting a request to modify a previously approved Conditional Use Permit (PHG19-0049) ("Approved Project"). The modification proposes removal of the Engineering Division's Condition of Approval No. 5 of Resolution No. 2021-05 and Mitigation Measure Condition of Approval TRA-1 of Resolution No. 2021-05 both requiring the construction of a traffic signal at the Rock Springs Road and W. Lincoln Avenue intersection ("Project"). The project site is located on a 1.14-acre site (APNs 228-220-13-00 and 228-220-43-00), within the General Plan Land Use designation of General Commercial (GC), and a zoning designation of General Commercial (CG).

2. City staff identified an alternative to the Prior Applicant's request to modify the Conditional Use Permit entailing removal of Engineering Condition of Approval Nos. 2, 3, 6, and 15, and

Fee Condition of Approval No. 2, all of Approved Project Resolution No. 2021-05.

3. The Prior Applicant submitted an Addendum to the previously adopted Mitigated Negative Declaration to clarify the environmental record related to mitigation measures associated with the Approved Project's Traffic Impacts.

4. 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 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").

5. 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").

6. 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 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").

7. On December 08, 2020, the Planning Commission adopted Resolution No. 2020-19 recommending that the City Council approve a General Plan Amendment, Zone Map Amendment, and Conditional Use Permit for construction of a 4,284 square-foot gas station with the concurrent sale of alcoholic beverages.

8. On January 13, 2021, the City Council adopted Resolutions No. 2021-04 and 2021-05, and Ordinance No. 2021-01, approving the General Plan Amendment, Zone Map Amendment, and Conditional Use Permits for the Approved Project.

9. The City Council action adopted a Mitigated Negative Declaration (MND), and associated Mitigation Monitoring and Reporting Program (MMRP).

10. Pursuant to Condition of Approval (Conformance to Approved Plans) of Resolution No. 2021-05, modifications to the Approved Project may have required submittal of an amendment to the Permit and approval by the authorized agency.

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

12. In accordance with Section 15164 (Addendum to an EIR or Negative Declaration) an Addendum was prepared for the Project and was incorporated fully as Exhibit "C" that clarified the removal of mitigation measures related to traffic impacts.

13. A revised Mitigation Monitoring and Reporting Program (MMRP) was prepared and incorporated fully as Exhibit "D" of the December 4, 2024 City Council staff report.

14. On November 12, 2024, the Planning Commission held a duly noticed public hearing and voted 5-0 to adopt Resolution No. 2024-21 that recommended the City Council deny the Applicant's Project and adopt the Addendum to the Mitigate Negative Declaration and an alternative option referred to as Alternative Option (Recommended Alternative).

15. Planning Services of the Development Services Department studied the Application, performed necessary investigations, prepared a written report and recommended denial of the Project and instead recommended approval of Alternative Option (Recommended Alternative) as conditioned and detailed in Exhibit "E" to the December 4, 2024 City Council staff report.

16. City staff provided public notice of the application in accordance with City and State

public noticing requirements.

17. As discussed in the City Council staff report dated December 4, 2024 and the Planning Commission staff report dated November 12, 2024, the Project was found inconsistent with the City's 2012 General Plan.

18. As discussed in the City Council staff report dated December 4, 2024, the Planning Commission staff report dated November 12, 2024, and Exhibit "B" of Resolution No. 2024-183R, the Alternative Option (Recommended Alternative) was deemed consistent with the City's 2012 General Plan.

19. As discussed in the City Council staff report dated December 4, 2024, the Planning Commission staff report dated November 12, 2024, and Exhibit "B" of Resolution No. 2024-183R, the Alternative Option (Recommended Alternative) was deemed consistent with the City's 2012 General Plan.

20. Upon further deliberation by City Council on December 4, 2024, the Project's alternative option was modified to limit the applicant's financial contribution to pay no more than \$560,000 toward the construction cost of installing the traffic signal at the intersection of Rock Springs Road and Lincoln Avenue.

21. On December 4, 2024 the City Council held a duly noticed public hearing as prescribed by law, at which time the City Council received and considered the reports and recommendation of the Planning Division and gave all members of the public 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. Written information including plans, studies, written and graphical information, and other

material, submitted by the Applicant; and

- b. Oral testimony from City staff, interested parties, and the public; and
- c. The City Council staff report, dated December 04, 2024, with its attachments as well as City staff's and the Planning Commission's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing.

22. The public hearing before the City Council was conducted in all respects as required by the Escondido Municipal Code and the rules of the City Council.

WHEREAS, the City Clerk, whose office is located at 201 North Broadway, Escondido, CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings up on which the City Council's decision is based, which documents and material 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 in its independent judgement has determined to approve the revocation of Street Improvements and Traffic Condition of Approval No. 5 in Exhibit "E" of Resolution No. 2024-183R adopted by the City Council on December 4, 2024, requiring the Applicant to pay \$560,000 of the construction cost of a new traffic signal specified in at the intersection of Rock Springs Road and Lincoln Avenue for a previously approved commercial project (PHG19-0049) for a 1.14-acre site composed of two parcels (Assessor's Parcel Numbers: 228-220-43-00; 228-220-13-00) located at the northwest corner of West Mission Avenue and Rock Springs Road and further addressed as 900 West Mission Avenue, Escondido, CA 92025, providing the conditions specified in paragraph 3 are

fully satisfied.

3. That the City Council in its independent judgment has determined that its approval to revoke the aforementioned condition of approval shall only be effective upon the following actions occurring as certified by the Development Services Director:

- a. Payment in a form acceptable to the City Finance Director of a one-time payment of \$50,000; and,
- b. Full and irrevocable assignment of the City-approved traffic signal plans from the Applicant and the Engineer of Record to the City of Escondido in a form acceptable to the City Attorney.

4. The City Council directs that this Resolution shall only be effective upon complete and full satisfaction of paragraph 3.a-b as certified by the Development Services Director who shall confirm said satisfaction to the City Clerk and City Attorney.

5. The City Council directs that if one or more of the conditions specified in paragraph 3.a-b are not fully satisfied that the revocation of Street Improvements and Traffic Condition of Approval No. 5 contemplated in this Resolution shall be null and void and the Condition of Approval shall be retained in effect.

6. The City Council directs that all other conditions of approval specified in Exhibit "E" of Resolution No. 2024-183R adopted by the City Council on December 4, 2024 shall be in full force and effect and the Applicant shall be subject to compliance with these conditions unless otherwise future amended.

7. After consideration of all evidence presented, and studies and investigations made by the City Council and on its behalf, the City Council makes the Finding of Fact that the action

specified in this Resolution is legally and substantively appropriate to balance the public health, safety and welfare and the requirement for the Applicant to mitigate for the traffic impacts of the project to the Rock Springs Road and Lincoln Avenue intersection proportionate to its scale and nature. The City Council expressly declares that it would not have made this decision except upon and subject to each and all of said conditions stated herein, 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 uses permitted hereby.

8. The development plans for the Approved Project are on file in Planning Services 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 development plans shall remain in full force and effect except for the condition of approval revocation stated herein and development of the project shall be done in accordance with these approved plans. 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 Approved Project is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval except for the revocation of the condition of approval stated herein. The Approved Project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in the Development Services Departments. 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, 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.