

RESOLUTION NO. 2023-171

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ESCONDIDO, CALIFORNIA, APPROVING A PLOT PLAN
AND DENSITY BONUS FOR A 21-UNIT MULTI-FAMILY
RESIDENTIAL/MIXED-USE PROJECT

WHEREAS, 9TH Avenue Escondido, LLC (“Applicant”) filed a land use development application (Planning Case No. PHG20-0036) constituting a request for an Amendment to the South Centre City Specific Plan, Major Plot Plan and Density Bonus for a 21-unit multi-family residential/mixed-use development (“Project”), on approximately 0.46 acres generally located on the northwest corner of S. Escondido Boulevard and W. Ninth Avenue, addressed at 829-849 S. Escondido Boulevard and 332 W. Ninth Avenue (Assessor’s Parcel Numbers 233-371-14-00 and 233-371-15-00); 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, multi-family mixed-use development is permitted within the South Centre City Specific Plan subject to approval of a Plot Plan, in accordance with Article 61, Division 8 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, a Final Negative Declaration was adopted for the South Centre City Specific Plan (City File Nos. PHG15-0003/ENV17-0005); and

WHEREAS, an Addendum to the Final Negative Declaration was prepared for the Project in conformance with the California Environmental Quality Act ("CEQA"); 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 November 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. 2023-23, 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 December 13, 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) 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 City Council staff report, dated December 13, 2023, which along with its attachments, and City staff's recommendation on the Project, is incorporated herein as though fully set forth;
- 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 Addendum to the Final Negative Declaration prepared for the Project in conformance with CEQA, the staff report dated December 13, 2023, and testimony given at the public hearing, and makes the determinative Findings of Fact contained in Exhibit "C" attached hereto and incorporated by this reference. The Addendum to the Final Negative Declaration adequately addresses all environmental issues associated with the Project, and the Project would not result in any significant impacts to the environmental.
3. That the 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" attached hereto and incorporated by this reference. The City Council expressly declares that it 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 Plot Plan and Density Bonus as depicted in Exhibit "B."

5. That this Plot Plan and Density Bonus shall be null and void within 24 months of the effective date of this Resolution if a building permit has not been obtained or work has been discontinued in the reliance of that building permit, or unless an Extension of Time is granted pursuant to Article 61, Division 8 of the Escondido Zoning 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 December 13, 2023, 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. 2023-20 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 66020.