

RESOLUTION NO. 2023-152

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, DENYING THE REQUEST TO MODIFY A MAJOR PLOT PLAN APPROVAL TO ELIMINATE THE REQUIREMENT TO OFFSET COSTS ASSOCIATED WITH FUNDING OF ONGOING MUNICIPAL SERVICES

WHEREAS, Vermont Escondido Apartments LLC (“Applicant”), filed a land use development application on May 16, 2019 and April 11, 2023, Planning Case No.’s ADM19-0092 and PL23-0176, respectively, (“Application”), constituting a request for a Major Plot Plan for a 44-unit apartment complex, inclusive of a density bonus request which included four deed-restricted very-low-income units (“Project”), on a 1.05-acre site located at 1860, 1866, 1870 & 1896 S. Escondido Blvd. (Assessor’s Parcel Numbers 236-260-34-00, 236-260-35-00, 236-260-36-00, and 236-260-37-00), in the South Centre City Specific Plan; 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 full set forth herein (“Property”); and

WHEREAS, the Project was approved by the Director of Development Services, on April 5, 2022, 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, pursuant to CEQA and 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 Project, and it was determined that the Project as a whole is categorically exempt from further review pursuant to CEQA Guidelines section 15332 (Class 32) – Infill Development Projects; and

WHEREAS, the Planning Division studied the Application, performed necessary investigations, and the Director of Development Services approved the Major Plot Plan for the Project as depicted in the administrative approval and subject to all conditions of approval included in the administrative approval; and

WHEREAS, Applicant filed a request to modify the Project on April 11, 2023, in order to eliminate a condition of approval requiring the funding of ongoing operational costs of providing municipal services to the project; and

WHEREAS, no other aspect of the Major Plot Plan approval has been appealed or modified, and all other components of the Project have been approved and are not subject to an appeal or modification; and

WHEREAS, on September 12, 2023, the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission received and considered the report and recommendation of the Planning Division and gave all persons a full opportunity to be heard and to present evidence and testimony, regarding the modification. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information and other material submitted by the Applicant;
- b. Oral testimony from City staff, interested parties and the public;
- c. The staff report, dated September 12, 2023, with its attachments as well as City staff recommendation on the modification;
- d. Additional information submitted during the public hearing; and

WHEREAS, following the public hearing, the Planning Commission adopted Resolution No. 2023-15, recommending that the City Council deny the requested Major Plot Plan modification; and

WHEREAS, On November 15, 2023, 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 testimony from City staff, interested parties, and the public;
- b) oral testimony from City staff, interested parties and the public;
- c) the City Council staff report, dated November 15, 2023, with its attachments as well as City staff recommendation on the request, which is incorporated herein by this reference as though fully set forth herein;
- d) the Planning Commission's recommendation; and
- d) additional information submitted during the public hearing.

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 Findings of Fact attached hereto as Exhibit "B" are hereby made by this City Council, and represent the City Council's careful consideration of the record. The findings of this City Council contained in Exhibit "B" shall be the final and determinative Findings of Fact related to this modification.
3. That upon consideration of the Findings, the staff report dated November 15, 2023 (a copy of which is on file in the Office of the City Clerk), public testimony presented at the meeting, and all other oral and written evidence regarding the Major Plot Plan, the City Council hereby denies the request to modify the Project approval to eliminate Condition of Approval, Planning Division II. General: #15.

