

RESOLUTION NO. 2022-139

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
ESCONDIDO, CALIFORNIA, DENYING THE APPEAL OF THE  
STANDARD CONDITION OF APPROVAL AND REQUIRING  
PAYMENT FOR ONGOING MUNICIPAL SERVICES

WHEREAS, Cross Real Estate Investors, LLC. (“Applicant”), filed a land use development application, Planning Case No. PL21-0304 (“Application”), constituting a request for a Plot Plan for a 54-unit apartment complex including six deed-restricted very-low income units (“Project”) on a 1.17 net acre site located at 1401 S. Escondido Blvd. (Assessor’s Parcel Numbers 236-172-14-00 and 236-172-15-00), 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 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”); 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 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, the Applicant submitted an appeal of one condition of approval associated with the payment of costs associated with providing ongoing municipal services; and

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

WHEREAS, on September 13, 2022, the Planning Commission held a duly noticed public hearing as prescribe by law, at which time the Planning Commission received and considered the report and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony, regarding the appeal. 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 13, 2022, with its attachments as well as City staff recommendation on the appeal;
- d. Additional information submitted during the public hearing; and

WHEREAS, following the public hearing, the Planning Commission adopted Resolution No. 2022-07, recommending that the City Council grant the appeal; and

WHEREAS, on September 28, 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 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 September 28, 2022, with its attachments as well as City staff recommendation on the appeal, which is incorporated herein by this reference as though fully set forth herein;
- d) the Planning Commission's recommendation; and
- e) 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 appeal.
3. That upon consideration of the Findings, the staff report dated September 28, 2022 (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 appeal, the City Council hereby denies the appeal of the standard condition of approval requiring payment for ongoing municipal services for the Project.