

RESOLUTION NO. 2023-160

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ESCONDIDO, CALIFORNIA, APPROVING A MAJOR PLOT
PLAN PERMIT FOR A LITHIUM-ION BATTERY STORAGE
UTILITY, AND ADOPTION OF A MITIGATED NEGATIVE
DECLARATION PREPARED FOR THE PROJECT

CASE NOS. PL22-0603/PL22-0604/PL23-0239

WHEREAS, Onward Energy (“Applicant”) filed a land use development application (Planning Case Nos. PL22-0603, PL22-0604, and PL23-0239), constituting a request for a Zone Map Amendment to amend the zoning designation from Planned Development Industrial (PD-I) to General Industrial (M-2); a Zone Text Amendment to amend the Escondido Zoning Code to allow for an increase in fence height for commercial and industrial zone properties through the Administrative Adjustment Permit process, unless associated with a discretionary action; and a Major Plot Plan Permit, to permit construction of a lithium-ion battery storage utility (“Project”) on a 6.2 gross acre site location at 555 N Tulip Street (APN: 232-131-25-00), in the Planned Development (PD-I) zone; 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 fully 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, the rezone of the property from Planned Development – Industrial (PD-I) to General Industrial (M-2) is consistent with the underlying General Plan Land Use Designation, and is subject to approval of a Zone Map Amendment, in accordance with Section 33-1260 of the Escondido Zoning Code;

WHEREAS, the Applicant seeks to amend the Escondido Zoning Code to allow for an increase in fence height in industrial and commercial zone properties, and is subject to approval of a Zone Text Amendment, in accordance with section 33-1260 of the Escondido Zoning Code;

WHEREAS, utilities are a permitted use within the M-2 Zone, subject to the approval of a Major Plot Plan Permit, in accordance with Section 33-1315 of the Escondido Zoning Code; and

WHEREAS, pursuant to 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

WHEREAS, the Planning Division studied the Application, performed necessary investigations, prepared a written report, and recommends 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, a Draft Initial Study and Mitigated Negative Declaration ("IS/MND") was prepared, circulated, and noticed made of its availability for public review and comment during the period from July 13, 2023 and August 14, 2023; and

WHEREAS, during the 30-day public comment period of the Draft IS/MND, the City consulted with and requested comments from responsible and trustee agencies, other regulatory agencies, and others. The City subsequently analyzed and considered any and all comments during this public review comment

period. Responses to said comments have been provided, and minor corrections/additions to the Draft IS/MND were necessary; and

WHEREAS, a Final IS/MND attached as Exhibit "C" and incorporated by this reference, was subsequently prepared, which is comprised of any and all public comment letters received during the public review period, responses to comments, corrections/additions to the Draft IS/MND, and revisions and additions to the appendices or other referenced documents; and

WHEREAS, in addition to the Final IS/MND, a Mitigation Monitoring Reporting Program ("MMRP") has been prepared for the Project, attached as Exhibit "D" and incorporated herein by this reference, to ensure compliance with the required mitigation measures or project revisions during project implementation; and

WHEREAS, the Planning Commission of the City of Escondido held a duly noticed public hearing on October 24, 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 Planning Commission Resolution No. 2023-19, which recommended that the City Council approve the Project and adoption of the Final IS/MND and MMRP; and

WHEREAS, the City Council of the City of Escondido held a duly noticed public hearing on December 06, 2023, as prescribed by law, at which time the City Council received and considered 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 6, 2023, with its attachments, as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth;
- d. The Planning Commission's recommendation; and
- e. Additional information submitted during the public hearing.

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 upon 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:

- 1. That the above recitations are true.
- 2. That the City Council has reviewed and considered the Final IS/MND prepared for the Project in conformance with CEQA, the staff report dated December 6, 2023, and testimony given at the public hearing, and makes the environmental determinations included with the Finding of Facts attached as Exhibit "E" hereto and incorporated by this reference. The Final IS/MND adequately addresses all environmental issues associated with the Project, and the Project would not result in any significant impacts to the environment. Approval of this resolution includes the adoption of the Final IS/MND.

3. That the MMRP addresses mitigation for potential project-related impacts and the report will sufficiently mitigate and assign ongoing responsibility for carrying out mitigation responsibilities which are appropriate to address and mitigate project-related impacts.

4. The City Council, therefore, directs that a Notice of Determination be filed with the County Clerk of the County of San Diego in accordance with the CEQA Guidelines.

5. That the Findings of Facts, attached as Exhibit "E" hereto and incorporated by this reference, 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, the City Council approves the Project, subject to the Conditions of Approval set forth in Exhibit "F" 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.

6. The development plans for the Project are on file in the Planning Division 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 Project is conditionally approved as set forth on the Application and Project drawings, all designated as approved by the City Council, and which shall not be altered without the express authorization by the Planning Division. 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 project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in the Development Services Department. 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.