

ORDINANCE NO. 2010-02(RR)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING AN APPEAL OF A PLANNING COMMISSION DECISION TO DENY AN AMENDMENT TO SECTION 8 (CONDITIONAL USE PERMITS) OF THE SOUTH ESCONDIDO BOULEVARD AREA PLAN TO ADD AUTOMATED CARWASHES (SLUC 6416) AS A CONDITIONAL USE IN AREA "B"

Planning Case No.: 2004-02-AZ

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That proper notices of a public hearing have been given and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 2. That the City Council has reviewed and considered the Revised Mitigated Negative Declaration, City Log No. ER 2004-33, and Revised Mitigation Monitoring Report prepared for this project, and has determined that all environmental issues associated with the project have been addressed and no significant environmental impacts will result from approving this project.

SECTION 3. That upon consideration of the staff report, Planning Commission recommendation, written appeal filed by the applicant and all public testimony presented at the hearing held on this amendment, this City Council finds that this amendment is consistent with the General Plan and appropriate for Area "B" of the South Escondido Boulevard Area Plan.

SECTION 4. That Section 8 (Conditional Use Permits) of the South Escondido Boulevard Area Plan is hereby amended to add automated carwashes (SLUC 6416) as a conditionally permitted use in Area "B" of the South Escondido Boulevard Area Plan by adding the following as a subtitle under Use Title in subsection (a): 6416 Automated Carwashes (Area "B" only).

SECTION 5 SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such prortion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 6. That all ordinances or parts of ordinances, in conflict are repealed.

SECTION 7. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

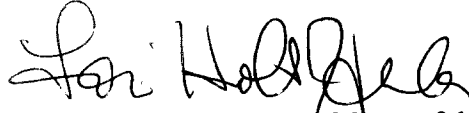
PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 9<sup>th</sup> day of June, 2010 by the following vote to wit:

AYES : Councilmembers: ABED, DANIELS, WALDRON, PFEILER

NOES : Councilmembers: DIAZ

ABSENT : Councilmembers: NONE

APPROVED:



LORI HOLT PFEILER, Mayor of the City of Escondido, California

ATTEST:



MARSHA WHALEN, City Clerk of the City of Escondido, California

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STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO : ss.  
CITY OF ESCONDIDO )

I, MARSHA WHALEN, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2010-02 RR passed at a regular meeting of the City Council of the City of Escondido held on the 9<sup>th</sup> day of June, after having been read at the regular meeting of said City Council held on the 26<sup>th</sup> day of May, 2010.



MARSHA WHALEN, City Clerk of the City of Escondido, California

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