

ORDINANCE NO. 2023-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE SOUTH CENTRE CITY FINAL NEGATIVE DECLARATION AND APPROVING AN AMENDMENT TO THE SOUTH CENTRE CITY SPECIFIC PLAN TO EXPAND THE MIXED-USE OVERLAY WITHIN THE ESCONDIDO BOULEVARD DISTRICT

The City Council of the City of Escondido (“City”), California, DOES HEREBY ORDAIN as follows:

SECTION 1. The City Council makes the following findings:

a) 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 (Escondido Boulevard District), 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

b) The Application was submitted to, and processed by, the Planning Division of the Development Services Department as Planning Case No PHG20-0036. The Applicant seeks approval of an Amendment to the South Centre City Specific Plan as shown on Exhibit “B”, and on file in the Planning Division, and incorporated herein as though fully set forth.

c) A Final Negative Declaration was adopted for the South Centre City Specific Plan (City File Nos. PHG15-00003/ENV17-0005), and an Addendum to the Final Negative Declaration has been prepared for the Project in conformance with the California Environmental Quality Act (“CEQA”).

d) The Planning Division of the Development Services Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for November 28, 2023. Following the public hearing, the Planning Commission adopted Resolution No. 2023-23, which

recommended that the City Council, among other things, approve the Project, including actions to approve the Amendment to the Specific Plan.

SECTION 2. 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.

SECTION 3. The City Council did on December 13, 2023, hold a duly noticed public hearing as prescribed by law. Evidence was submitted to and considered by the City Council, including, without limitation:

- a) Written information including all application materials and other written and graphical information posted on the project website.
- 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, is incorporated herein by this reference as though fully set forth herein, including the Planning Commission's recommendation on the request.
- d) Additional information submitted during the public hearing.

SECTION 4. That the City Council has reviewed and considered the Addendum to the Final Negative Declaration prepared for the Project in conformance with CEQA. The Addendum to the Negative Declaration adequately address all environmental issues associated with the Project, and the Project would not result in any significant impacts to the environmental.

SECTION 5. That, upon consideration of the Findings of Fact/Factors to be Considered, attached as Exhibit "C" and incorporated herein as though fully set forth herein, the City Council approves adopts the Addendum to the Final Negative Declaration set forth in Exhibit "D" and incorporated herein

by this reference and approves the Amendment to the Specific Plan attached as Exhibit "B" hereto and incorporated by this reference.

SECTION 6. Concurrently with the action on this Ordinance, the City Council is taking a number of actions in furtherance of the Project, as generally described in 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 Ordinance shall become effective and operative only if City Council Resolution No. 2023-171 is approved.

SECTION 7. All references within this Ordinance to "Applicant" or "Developer," shall be equally applicable to the current property owner and to any successors-in-interest or assigns, whether such successors of assigns own, control, or otherwise have development authority for all, a portion, or portions of that property included within the Project site.

SECTION 8. 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 portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 9. That as of the effective date of this Ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. The City Council authorizes all subsequent action to be taken by City Officials consistent with this Ordinance.

SECTION 11. 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 County and circulated in the City of Escondido.

SECTION 12. The Ordinance shall become effective 30 days from the date of the passage.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 10<sup>th</sup> day of JANUARY, 2024 by the following vote to wit:

AYES : Councilmembers: C. GARCIA, J. GARCIA, MARTINEZ, MORASCO, WHITE

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:  
*Dane White*  
19FEE5DB8C3B409...  
DANE WHITE, Mayor of the  
City of Escondido, California

ATTEST:

DocuSigned by:  
*Zack Beck*  
A58535D08BDC1430...  
ZACK BECK, City Clerk of the  
City of Escondido, California

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

I, Zack Beck, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2023-20 passed at a regular meeting of the City Council of the City of Escondido held on the 13<sup>th</sup> day of December, 2023, after having been read at the regular meeting of said City Council held on the 10<sup>th</sup> day of January, 2024.

DocuSigned by:  
*Zack Beck*  
A58535D08BDC1430...  
ZACK BECK, City Clerk of the  
City of Escondido, California

ORDINANCE NO. 2023-20

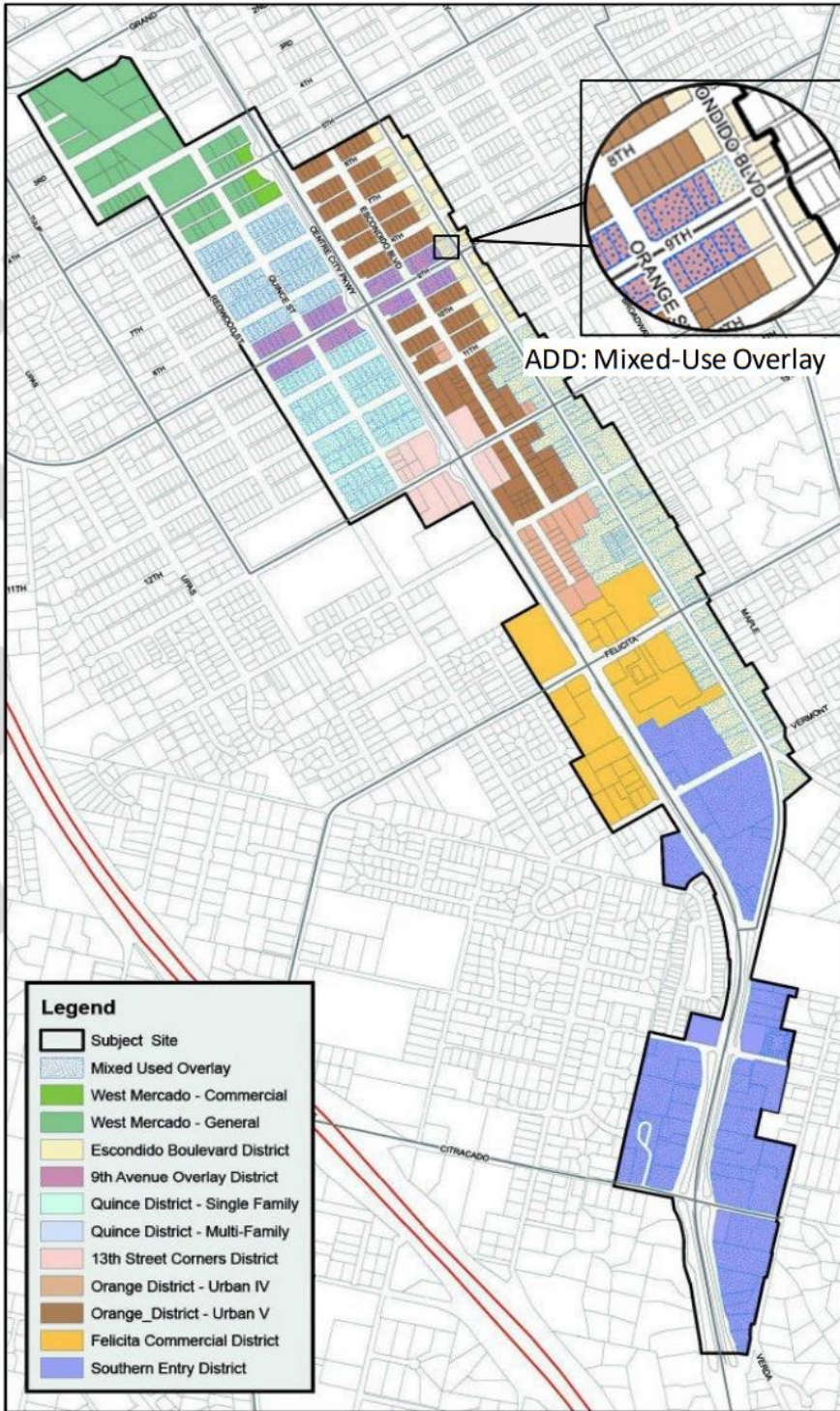
## **EXHIBIT "A"**

### **Legal Description**

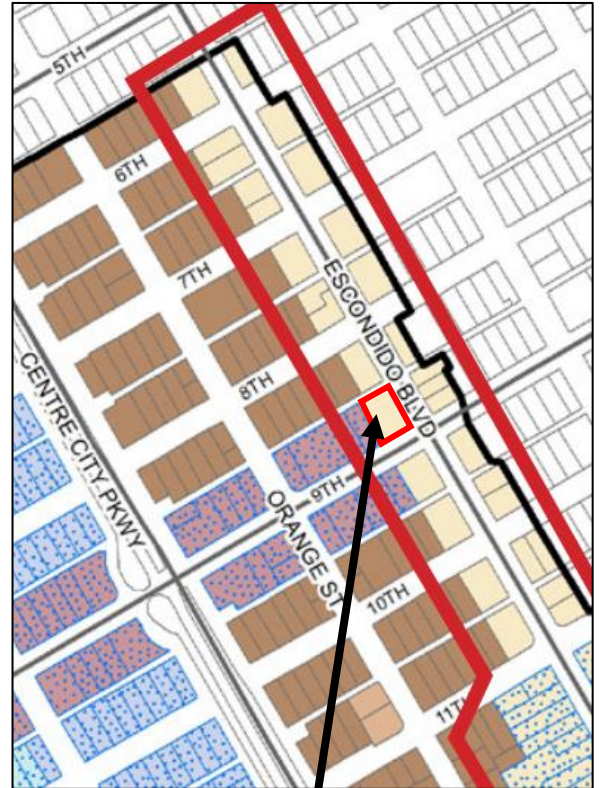
Lots 6, 7 and 8 in Block 136, in the City of Escondido, County of San Diego, State of California, According to Map Thereof No. 336, filed in the Office of the County Recorder of San Diego County, July 10, 1886.

APNs 233-371-14-00 and 233-371-15-00

Specific Plan Amendment



ADD: Mixed-Use Overlay



Add Mixed-Use Overlay to APN 233-371-15-00 to allow up to 30 du/ac and 45-foot height limit

Exhibits to Modify (add the mixed-use overlay to APN 233-371-15-00 located within the Escondido Boulevard District)

1. General Plan Exhibit, Section 1.3 (Chapter 1, page 4)
2. *South Centre City Specific Plan*, Section 3.1 (Chapter 3, page 2 and page 4) and all applicable exhibits within Ch. 3 corresponding to outside districts for reference/consistency
3. *Northern section of the Area, Southern section of the Area, Section 4.1-Figure 4.1* (Chapter 4, page 2)
4. General Map Exhibit, Section 7.2 – Figure 7.2 (Chapter 7, page 4)

Proposed text amendments to the Tables shown in red ~~strikethrough~~ and **bold/underline**.

**VI. Change to Chapter 5, Design Guidelines, Table 5.2, Pages 4-6**

**Table 5.2: General Building Height, Setbacks, and Coverage Standards for Specified Districts**

DEVELOPMENT STANDARDS <sup>(1)</sup>	WEST MERCADO DISTRICT		9TH AVE OVERLAY	13TH AVE. CORNERS DISTRICT	FELICITA DISTRICT	ESCONDIDO BOULEVARD DISTRICT	SOUTHERN ENTRY DISTRICT
	WM-General <sup>(2)</sup> Subareas	WM-Commercial Subarea					
<b>Building Height &amp; Stories (Max.)</b>	UBC; except a maximum of 35' within 50' of a residentially zoned property	35' (up to 2 stories)	35' (up to 2 stories)	45' (up to 3 stories)	45' (up to 3 stories)	<del>North of 11<sup>th</sup> Ave</del> <b><u>EB Commercial</u></b> 26' (up to 2 stories) <del>South of 11<sup>th</sup> Ave</del> <b><u>EB Mixed-Use Overlay</u></b> 45'	SE-Commercial Subarea: 35' (up to 2 stories)  SE-Overlay Subarea: 45' (up to 3 stories)

The Escondido Boulevard, EB Commercial height remains at 26-feet/2-stories for commercial only projects and 45-feet for parcels specifically allowed with this Permit (City File No. PHG20-0036).

## EXHIBIT "C"

### FINDINGS OF FACT/FACTORS TO BE CONSIDERED Ordinance No. 2023-20

PLANNING CASE NUMBER: PHG20-0036

#### **Environmental Determinations:**

1. Pursuant to the California Environmental Quality Act, ("CEQA"), Public Resources Code section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Article 14 of the California Code of Regulations section 15000 et. seq., the City of Escondido ("City") is the Lead Agency for the project ("Project"), as the public agency with the principal responsibility for approving the Project.
2. The City Council adopted a Final Initial Study/Negative Declaration (IS/ND), (City Case No. ENV17-0005) in 2018 for the South Centre City Specific Plan (Resolution No. 2018-20).
3. Section 15164 of the State CEQA Guidelines states that an Addendum to a Negative Declaration shall be prepared "if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent Negative Declaration have occurred." The proposed project is consistent with the adopted Final IS/ND. Specifically, none of the conditions defined in Sections 15162 and 15163 of the State CEQA Guidelines that would require preparation of a subsequent or supplemental Negative Declaration have been met.
4. As detailed in the Addendum and the project materials, the City finds that, pursuant to Section 15162, no subsequent Negative Declaration would be required. Because none of the conditions of Section 15162 of the State CEQA Guidelines occur and as the Addendum and the proposed project satisfy the requirements of Section 15168, an Addendum to the South Centre City Parkway Specific Plan Final IS/ND is the appropriate form of environmental documentation under CEQA for the proposed project.

#### **Specific Plan Amendment Determinations:**

1. The public health, safety and welfare would not be adversely affected by the proposed amendment to the South Centre City Specific Plan because the amendment would facilitate a proposed Project that is well-integrated with its surroundings near residentially and commercially developed properties. Adequate parking, access, on-site circulation, utilities, landscaping and open space would be provided (as detailed in the staff report). The Project would not detrimentally impact levels of service on area roadways, would not unduly burden public services in the area, and would be consistent with the transit-oriented development opportunities envisioned for the project area.
2. The project site involved is suitable for the uses permitted by the mixed-use overlay because the amendment would facilitate a proposed Project that is well-integrated with its surroundings near



residentially and commercially developed properties. Adequate parking, access, on-site circulation, utilities, landscaping and open space would be provided (as detailed in the staff report). Further, Project would assist in the implementation of the vision and goals identified in the Specific Plan to provide "Quality Housing" with new and creative infill multi-family development helps support housing choice and opportunity.

3. The proposed amendment to the South Centre City Specific Plan would not be detrimental to surrounding properties because it would assist in the implementation of the vision and goals identified in the Specific Plan to provide "Quality Housing" with new and creative infill multi-family development helps support housing choice and opportunity. The proposed mixed-use overall designation also allows for commercial opportunities to preserve and enhance commercial opportunities as key commercial nodes. The Project's proposed street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; unit configuration; traffic and emergency access; grading; and open space and recreational amenities were all reviewed for compliance with relevant City policies and codes, and State Density Bonus statutes.
4. The proposed amendment to the South Centre City Specific Plan would be consistent with the General Plan because the proposed infill residential Project would be in conformance with General Plan Housing Goals and Policies to plan for quality, managed, and sustainable growth, and provide a range of housing opportunities for all income groups and populations with special needs, and which encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities. The Project would not detrimentally impact levels of services on area roadways nor result in adverse impacts to public services and infrastructure, or Quality of Life Standards. Further, the amendment would retain the General Plan vision for Specific Plan Area #15 that promotes "Quality Housing" as well as to preserve commercial opportunities as key commercial nodes as noted above.
5. Specific plan amendments must comply with the scope and authority of section 65450 to 65457 of the California Government Code. The City Council finds the proposed Specific Plan Amendment has been completed in compliance with the law.

## **EXHIBIT "D"**

### Final Negative Declaration and Addendum Ordinance No. 2023-20

Due to the number of pages of Exhibit "D," the following link has been provided to review the documents electronically on the City's web site:

<https://escondido.org/829-south-escondido-blvd-project>

The link includes the following:

Final Negative Declaration for the South Centre City Specific Plan (Case Nos. PHG15-0003 and ENV17-0005)

Addendum to the Final Negative Declaration