

ORDINANCE NO. 2019-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, ADOPTING AN AMENDMENT TO THE CITYWIDE ZONING MAP TO CHANGE THE DESIGNATION OF THE 7.45-ACRE PROJECT SITE FROM RE-20 TO PD-R-18, AND A MASTER AND PRECISE DEVELOPMENT PLAN, TO SUPPORT THE NUTMEG HOMES PROJECT PROPOSAL

APPLICANT: Consultants Collaborative  
CASE NOS.: SUB 18-0005 and ENV 18-0005

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

SECTION 1. The City Council makes the following findings:

a) Consultants Collaborative ("Applicant") submitted a verified land use development application on property located in the north portion of the City, on both sides of North Nutmeg Street, between North Centre City Parkway and Interstate 15. The Project site is currently 6.7 acres in size and is comprised of three lots with Assessor's Parcel Numbers 224-260-23, 224-260-46, and 224-260-47, legally described as Exhibit "C" to City Council Resolution No. 2019-166, which is incorporated herein by this reference as though fully set forth herein. Said verified application was submitted to, and processed by, the Planning Division of the Community Development Department as Planning Case Nos. SUB 18-0005 and ENV 18-0005, and seeks approval of a General Plan Amendment, Rezone, Master and Precise Development Plan, Tentative Subdivision Map, Grading Exemption, and Specific Alignment Plan relating to the Project site. The Project site would increase in size to 7.45 acres under these approvals.

b) The Planning Division of the Community Development Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for October 22, 2019. Following the public hearing on October 22, 2019, the Planning Commission adopted Resolution No. 2019-23, which recommended that the City Council, among other things, approve the Project's Rezone and Master and Precise Development Plan.

SECTION 2. An original copy of the proposed Rezone and Master and Precise Development Plan, and all other related Project materials, are on file in the Office of the City Clerk, with a copy of each document submitted to the City Council for its consideration. 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 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 November 20, 2019, 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 November 20, 2019, 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. Pursuant to the California Environmental Quality Act, a Final Environmental Impact Report (SCH No. 2018081063) relative to the Project was prepared and the City Council has certified it, along with adopting the CEQA Findings of Fact and the Mitigation Monitoring and Reporting Program per City Council Resolution No. 2019-166.

SECTION 5. That, upon consideration of the Findings of Fact, attached as Exhibit "A", the City Council desires at this time and deems it to be in the best public interest to approve the Master and Precise Development Plan, which is attached to the November 20, 2019, City Council staff report, and is incorporated herein by this reference as though fully set forth herein.

SECTION 6. The Zone District Map of the City of Escondido is hereby amended to change the zoning on the subject site from RE-20 (Residential Estates – 20,000 square foot minimum lot size) to Planned Development-Residential 18 (PD-R 18), as set forth in Exhibit "B" and incorporated herein by reference as though fully set forth herein.

SECTION 7. All references within this Ordinance to "Applicant," "Developer," or "Subdivider" 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. Concurrently with this Ordinance, the City Council is taking a number of actions in furtherance of the Project, as generally described by the November 20, 2019 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 within its corporate limits as a statute in the manner provided by state law. Therefore, this Ordinance shall become effective after final passage and publication as required by law, and operative only if City Council Resolution Nos. 2019-166, 2019-167, and 2019-168 are approved.

SECTION 11. The City Council authorizes all subsequent action to be taken by City Officials consistent with this Ordinance.

SECTION 12. 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 13. 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 18<sup>th</sup> day of December, 2019 by the following vote to wit:

AYES : Councilmembers: DIAZ, MARTINEZ, MASSON, MORASCO, MCNAMARA

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:  
*Paul McNamara*  
GAAACE20782954D3  
PAUL MCNAMARA, Mayor of the  
City of Escondido, California

ATTEST:

ZACK BECK, City Clerk of the  
City of Escondido, California

DocuSigned by:  
*Zack Beck*

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A58635D98BC1430  
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. 2019-19 passed at a regular meeting of the City Council of the City of Escondido held on the 18<sup>th</sup> day of December, 2019, after having been read at the regular meeting of said City Council held on the 20<sup>th</sup> day of November, 2019.

DocuSigned by:  
*Zack Beck*  
A58635D98BC1430  
ZACK BECK, City Clerk of the  
City of Escondido, California

ORDINANCE NO. 2019-19

# EXHIBIT "A"

## FINDINGS OF FACT

### Rezone Determinations

1. The proposed Rezone would not be detrimental to the public health, safety, or welfare of the City because the development standards and building requirements allowed under the Rezone would be subject to all local and State regulations including, but not limited to, Air Pollution Control District regulations, Engineering Services Department regulations, Health Department regulations, Zoning Code standards, Fire Department standards, and Building and Safety Division regulations. The proposal meets the purpose of the Municipal and Zoning Codes as it would be consistent with the established rules of the proposed zoning districts. The Project site has been thoroughly analyzed for applicable environmental impacts related to this proposed development (Environmental Impact Report, State Clearinghouse #2018081063), and as appropriate, the Final EIR recommends measures to mitigate potential impacts.
2. The property involved is suitable for the uses permitted by the proposed zone. The proposed Rezone would change the zoning of three lots under common ownership (APNs 224-260-23, 224-260-46, and 224-260-47) from RE-20 (Residential Estates; 20,000-SF minimum lot size) to PD-R-18 (Planned Development-Residential; maximum 18 units/acre). A General Plan Amendment to change the land use designation of these lots from Office (O) to Urban III (U3) is also proposed under this project to maintain consistency with the Rezone request. The change of zone also is proposed in conjunction with a Tentative Subdivision Map and Master and Precise Development Plan that would allow the construction of 37 townhome units, as well as approximately 26,135 SF of usable open space, on APNs 224-260-46 and 224-260-47. It is expected that the applicant or developer will seek a separate Tentative Subdivision Map and a Modification to the Master and Precise Development Plan at a later date, to construct additional units on APN 224-260-23 and absorb them into the overall development, pending a design for that lot that will keep all project-related improvements out of the Caltrans right-of-way adjacent to Interstate 15.
3. The uses proposed for the subject property would not be detrimental to surrounding properties. All public services and utilities to serve the Project would remain as identified in the General Plan or applicable Municipal and Zoning Codes. While development in the larger vicinity is characterized by single-family residences on larger lots, topography and the layout of the road network (including both surface streets and Interstate 15) provide a degree of separation between the proposed townhomes and nearby lower-density neighborhoods. The project has been designed to keep grading and development away from a slope in the far northwest corner of the site that exceeds 35%, as required by the General Plan (Community Character Policy 1.12 and Biological & Open Space Resources Policy 1.1, and Quality of Life Standard #8). Several street improvements are proposed under the project that would benefit

non-residents of the project as much as the residents, including installation of traffic signals at the Nutmeg/Centre City and Nutmeg/Country Club intersections, the creation of new turn lanes at these intersections, and improvements along Nutmeg between Country Club Lane and Via Alexandra. The open space system protects slopes and fuel modification zones, and provides landscaping for aesthetics and screening. Proposed development standards and building designs provide a clear design concept and are compatible with the character of buildings on adjoining and nearby properties.

4. The site's proposed zoning classification of Planned Development-Residential (PD-R-18) would not be consistent with the existing General Plan designation of Office (O). However, the existing zoning classification of Residential Estates (RE-20) is also not consistent with the existing Office designation. In order to develop the site in any way, a change to either the zoning classification or the land use designation, or both, is necessary. In conjunction with the proposed Rezone to PD-R-18, the project proposes to amend the land use designation of the site to Urban III (U3). The U3 designation is intended for multi-family projects with a maximum density of 18 units/acre, and minimum density of 12.6 units/acre. Under the concurrent request for a Tentative Subdivision Map and Master/Precise Development Plan for the north portion of the project, the density of that portion would be 15.3 units/acre (37 units on 2.42 acres). Even if the north portion of the site were the only portion to ever be developed under this project, it would fall within the minimum and maximum densities described above for the U3 land use designation. When the applicants submit an application for a new Tentative Subdivision Map and a Modification to the Master/Precise Development Plan to construct additional units on the south portion of the site, the overall density of the expanded project would not be allowed to exceed 18 units/acre.
5. The proposed Rezone would not establish a residential density below 70 percent of the maximum permitted density of any lot or parcel of land previously zoned R-3, R-4, or R-5. The project site is currently zoned RE-20. The project would change the zoning to PD-R-18, which would allow a maximum density of 18 units/acre; a density of 12.6 units/acre would be 70% of that maximum. With 37 units, the north portion of the site on its own would have a density of 15.3 units/acre. When an application is submitted for a Tentative Subdivision Map and Modification to a Master/Precise Development Plan to develop the south portion of the site, the overall density for both portions will not be allowed to exceed 18 units/acre or fall below 12.6 units/acre. For an overall project site of 7.45 acres, this would translate to a density of no more than 134 units and no fewer than 93 units.
6. The project site is not located within an existing or proposed specific plan area, so the relationship of the proposed changes is not applicable to any specific plans.

### **Planned Development Determinations**

1. The location, design, and residential density of the proposed Planned Development is consistent with the goals and policies of the Escondido General Plan and any applicable specific plan or with any policies adopted by, or being considered by the Escondido city



council, or in the process of being prepared and adopted. The proposed Master and Precise Development Plan would create 37 townhomes on 2.42 acres on the north side of Nutmeg Street, for a density of 15.3 units/acre on that north portion. This conforms to the densities allowed by the land use designation and zoning classification proposed under the concurrent General Plan Amendment and Rezone. The project site is not covered under any existing or proposed specific plans.

2. The proposed location allows the Planned Development to be well integrated with its surroundings. The project site is immediately surrounded by residential neighborhoods characterized mostly by larger-lot, single-family homes; however, there are residential planned developments in the broader area that utilize small single-family lots to provide for common space or to meet other objectives, and an approved project on the former Escondido Country Club site would include condominiums in its unit mix. Proposed development standards are largely consistent with those assigned to the City's R-3 (Medium Multiple Residential) zone. The design of the proposed structures would incorporate a range of building materials (stucco, paneling, and stone) in a palette of neutral colors that would coordinate with the surrounding terrain and existing development in the area. Landscaping has been proposed for aesthetic purposes and to screen the development from surrounding roads.
3. All vehicular traffic generated by the Planned Development will be accommodated safely and without causing undue congestion upon adjoining streets. A traffic impact analysis was prepared for the project and mitigation measures have been proposed in the EIR. These mitigation measures would include improvements to the Nutmeg/Centre City and Nutmeg/Country Club intersections via the installation of traffic signals and construction or striping of turn lanes; the creation of left-turn pockets at the intersection of Nutmeg and the project access point; and the widening of Nutmeg Street between Country Club and Via Alexandra for the addition of a southbound travel lane with curb, gutter, and sidewalk designed as a green streets facility. The project also proposes a Specific Alignment Plan for Centre City Parkway and Nutmeg Street.
4. The proposed location and design allows residents within the zone to be adequately serviced by existing or proposed public facilities and services and does not provide an undue or negative impact on existing public facilities and services. All utilities intended for the site are already in place or can be extended to serve the site. Police and fire services are available and sufficient for the development.
5. The overall design of the proposed Planned Development produces an attractive, efficient and stable environment. The project underwent multiple rounds of design review between July 2018 and March 2019 to refine the look of the proposed buildings and the provision of resident amenities. The proposed residences would incorporate a neutral color palette and a mixture of exterior finishes to coordinate with the surrounding environment. Amenities on the north side of the project would include a small park with seating, a spa, and an exercise station. A conceptual landscape plan has been provided that includes attractive and regionally-

appropriate plantings for recreation areas, fuel modification zones, bioretention basins, and street trees.

6. The Planned Development is well integrated with its settings, does not require excessive earthmoving or grading, or destruction of desirable natural features, nor is visually obstructive or disharmonious with surrounding areas and facilities, and does not substantially harm major views from adjacent properties. While grading will be necessary to construct the project, the development has been designed to coordinate with the existing topography of the site, and the project's effects on views from surrounding streets and residences has been analyzed within the project's EIR.
7. The uses proposed would have a beneficial effect not obtainable under existing zoning regulations, and any departure from existing ordinance requirements shall be warranted by the design and the amenities incorporated in the Planned Development in accord with adopted city policy. The project site's existing zoning is Residential Estates (RE-20), which is not compatible with its existing General Plan land use designation of Office (O). Because these designations are not compatible, development of the site with either a residential use or an office use requires a Rezone, a General Plan Amendment, or both. Rezoning the site to a zoning classification allowing office uses is not ideal, since per trip generation rates published by SANDAG (the San Diego Association of Governments), an office use could generate thousands more daily trips to and from the site (depending on the exact type and size of the occupant) when compared to a 37-unit or even a 134-unit townhome development. Additionally, while a well-planned office development could add high-quality jobs to the City, it would not help the City increase its supply of for-sale housing, and it would not be more compatible with the single-family character of the surrounding area than a townhome development, so a trade-off between competing goals would be involved.

California law requires each city and county to develop local programs within their housing element in order to meet their "fair share" of existing and future housing needs for all income groups, as determined by the California Department of Housing and Community Development. The Regional Housing Needs Allocation (RHNA) is a State mandated process devised to distribute planning responsibility for housing need throughout California. As more cities and counties consider loosening zoning restrictions to allow for more housing, the proposed project provides an opportunity to focus on the moderate density opportunities and achieve the development potential of available land resources to support housing development in the City of Escondido.

## EXHIBIT “B”

### REZONE MAP

The parcels associated with the proposed Rezone are as follows:

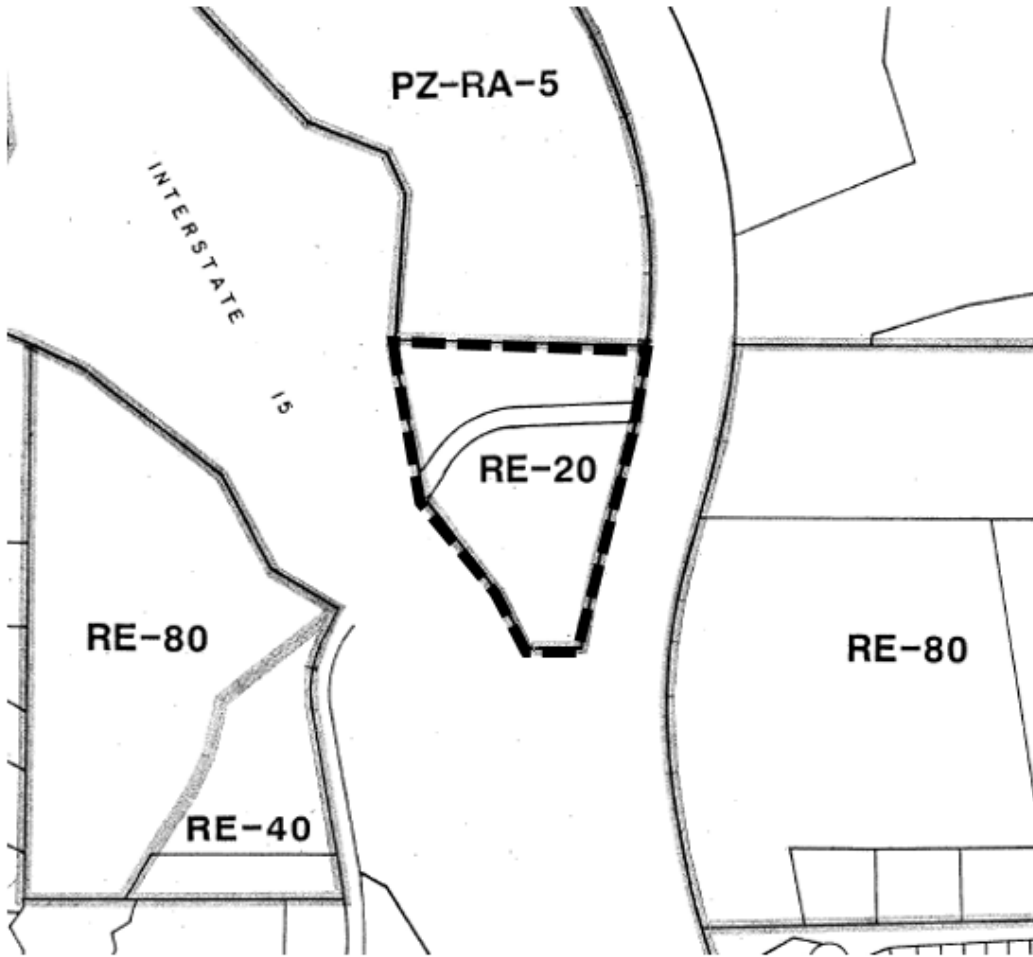
APNs	Existing Zoning Classification	Proposed Zoning Classification
224-260-23	Residential Estates, 20,000-SF max lot size (RE-20)	Planned Development-Residential, 18 max units/acre (PD-R-18)
224-260-46	Residential Estates, 20,000-SF max lot size (RE-20)	Planned Development-Residential, 18 max units/acre (PD-R-18)
224-260-47	Residential Estates, 20,000-SF max lot size (RE-20)	Planned Development-Residential, 18 max units/acre (PD-R-18)

#### I. Zoning Map

The Zoning Map is amended as shown on the following page (incorporates SUB 18-0005 / ENV 18-0005 land use mapping strategy described in the October 22, 2019 Planning Commission staff report), as attached hereto and made a part hereof. All parcels will carry the PD-R-18 zoning classification. The entire, existing Zoning Map is on file with the Office of the City Clerk.

#### II. Clerical Tasks

The City Clerk be hereby authorized and directed to change any chapter numbers, article numbers, and section numbers in the event that the adoption of this Rezone reveals that there is a conflict, in order to avoid confusion and possible accidental repeal of existing provisions.



Subject property (APNs 224-260-23, 224-260-46, and 224-260-47)  
Zoning Map to be changed from Residential Estates, 20,000-SF minimum lot size (RE-20) to Planned Development-Residential, maximum 18 units/acre density