

ORDINANCE NO. 2021-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING AN AMENDMENT TO THE DOWNTOWN SPECIFIC PLAN AND MASTER DEVELOPMENT FOR A 120-UNIT CONDOMINIUM DEVELOPMENT AND AUTHORIZING THE FILING OF A NOTICE OF EXEMPTION

APPLICANT: Renovation Realty, Inc.  
CASE NO.: SUB 20-0001, PHG 20-0009 and ENV 20-0001

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) Renovation Realty, Inc. ("Applicant") filed a land use development application, Planning Case Nos. SUB 20-0001, PHG 20-0009 and ENV 20-0001 ("Application") constituting a request for a one-lot Tentative Subdivision Map, Master and Precise Development Plan for the development of 120 condominium units, Amendment to the Downtown Specific Plan, vacation of right-of-way and Purchase and Sale Agreement ("Project"). The approximately 2.33-acre Project site generally is located on the southwestern corner of W. 2nd Avenue and S. Pine Street, north of W. 3rd Avenue, east of S. Quince Street, addressed at 235 W. 2nd Avenue and others, (APNs 233-032-07-00, 233-032-08-00, 233-032-10-00, 233-032-11-00, 233-032-12-00, 233-032-13-00, 233-032-14-00, 233-032-17-00, 233-032-18-00, 233-032-19-00, and 233-032-21-00), in the Mercado District of the Downtown Specific Plan, and more particularly described in Exhibit "A" attached to this Ordinance and incorporated by this reference as though fully set forth herein ("Property"); and

b) The Application was submitted to, and processed by, the Planning Division of the Community Development Department as Planning Case No. PHG 20-0009. The Applicant seeks approval of an Amendment to the Downtown Specific Plan to eliminate the ground-floor commercial requirement and permit ground-floor residential units within the Mercado District, as shown on Exhibit "C" (Specific Plan Amendment), along with a Master Development Plan to construct a 120 condominium project, as shown on Exhibits "D" (Master Development Plan), and on file in the Planning Division, and incorporated herein by this reference as though fully set forth.

c) The Planning Division of the Community Development Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for April 13, 2021. Following the public hearing on April 13, 2021, the Planning Commission adopted Resolution No. 2021-02, which recommended that the City Council, among other things, approve the Project, including actions to amend the Downtown Specific Plan and to adopt a Master Development Plan.

SECTION 2. An original copy of the proposed Amendment to the Downtown Specific Plan, and Master 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, 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 May 12, 2021, 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 May 12, 2021, 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, Public Resource Code section 21000 et seq. ("CEQA") the Project is categorically exempt from environmental review in conformance with CEQA Guidelines section 15332 as an in-fill development project, and section 15312 for surplus government property sales. The City Council adopts such categorical exemption, which is provided as an attachment to the May 12, 2021 staff report and incorporated herein by this reference as though fully set forth herein, and a Notice of Exemption will be filed with the County Clerk.

SECTION 5. That, upon consideration of the Findings of Fact/Factors to be Considered, attached as Exhibit "B" and incorporated herein by reference as though fully set forth herein, the City Council approves the Specific Plan Amendment and the Master Development Plan, attached as Exhibits "C" and "D" respectively and incorporated herein by this reference as though fully set forth herein.

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 May 12, 2021, 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 Nos. 2021-61 and 2021-64 are 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 or 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 26<sup>th</sup> day of May, 2021 by the following vote to wit:

AYES : Councilmembers: GARCIA, INSCOE, MORASCO

NOES : Councilmembers: MARTINEZ, MCNAMARA

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:  
*Paul McNamara*  
CAACE20782954D3...  
PAUL MCNAMARA, Mayor of the  
City of Escondido, California

ATTEST:

DocuSigned by:  
*Zack Beck*  
A58535D0BDC1430...  
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. 2021-05 passed at a regular meeting of the City Council of the City of Escondido held on the 26<sup>th</sup> day of May, 2021, after having been read at the regular meeting of said City Council held on the 12<sup>th</sup> day of May, 2021.

DocuSigned by:  
*Zack Beck*  
A58535D0BDC1430...  
ZACK BECK, City Clerk of the  
City of Escondido, California

ORDINANCE NO. 2021-05

## EXHIBIT "A"

### Legal Description SUB 20-0001, PHG 20-0009, and ENV 20-0001

The land hereinafter referred to is situated in the City of Escondido, County of San Diego, State of CA, and is described as follows:

Lot 7 and 8, Block 88 of Escondido 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. Excepting therefrom the Easterly 6 feet of Lot 8.

APN: 233-032-19-00

APN: 233-032-10-00

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

#### PARCEL 1:

LOTS 9 AND 10 IN BLOCK 88, 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 ON JULY 10, 1886.

APN(S): 233-032-07-00; 233-032-08-00

#### PARCEL 2:

LOTS 3, 4 AND 5 OF BLOCK 88 OF ESCONDIDO, 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 ON JULY 10, 1886.

APN(S): 233-032-12-00; 233-032-13-00; 233-032-14-00

#### PARCEL 3:

LOTS 7 AND 8 IN BLOCK 88, 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 ON JULY 10, 1886.

EXCEPT THE EASTERLY 6 FEET OF LOT 8.

APN(S): 233-032-10-00; 233-032-19-00

#### PARCEL 4:

LOT 6 IN BLOCK 88, 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 ON JULY 10, 1886.

APN(S): 233-032-11-00

#### PARCEL 5:

THE SOUTHEASTERLY ONE HALF OF LOTS 1 AND 2 IN BLOCK 88, 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 ON JULY 10, 1886.

APN(S): 33-032-17-00