

ORDINANCE NO. 2020-02

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
ADOPTING AN AMENDMENT TO THE
DOWNTOWN SPECIFIC PLAN TO REASSIGN
A 0.8-ACRE PROJECT SITE FROM THE
HISTORIC DOWNTOWN DISTRICT TO THE
SOUTHERN GATEWAY DISTRICT

APPLICANT: Reid Kunishige, raSmith Inc.

CASE NO.: PHG 19-0031

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

SECTION 1. The City Council makes the following findings:

a) Reid Kunishige of raSmith Inc. ("Applicant") submitted a verified land use development application on property located in the central portion of the City of Escondido ("City"), at the southwest corner of South Escondido Boulevard and West 2nd Avenue. The Project site is currently 0.8 acre in size and is comprised of four lots with Assessor's Parcel Numbers 233-052-04, 233-052-06, 233-052-13, and 233-052-15, legally described as Exhibit "A" to Resolution No. 2020-03, 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. PHG 19-0031 and PHG 19-0032, and seeks approval of a Specific Plan Amendment and Conditional Use Permit relating to the Project site.

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 December 10, 2019. Following the public hearing on December 10, 2019, the Planning Commission adopted Resolution No. 2019-25, which

recommended that the City Council, among other things, approve the Project's Specific Plan Amendment.

SECTION 2. An original copy of the proposed Specific Plan Amendment and Conditional Use Permit, 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 January 15, 2020, 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 January 15, 2020, 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 Notice of Exemption relative to the Project was adopted and will be filed with the County Clerk at a time and in a manner as described by law.

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 Specific Plan Amendment, which is attached to the January 15, 2020, City Council staff report, and is incorporated herein by this reference as though fully set forth herein.

SECTION 6: The Downtown SPA Districts Map (Figure II-1) of the City of Escondido Downtown Specific Plan is hereby amended to change the project site from the Historic Downtown District to the Southern Gateway District, 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 additional action in furtherance of the Project, as generally described by the January 15, 2020 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 Resolution No. 2020-03 is 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 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 5th day of February, 2020 by the following vote to wit:

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

NOES : Councilmembers: NONE

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

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. 2020-02 passed at a regular meeting of the City Council of the City of Escondido held on the 5th day of February, 2020, after having been read at the regular meeting of said City Council held on the 15th day of January, 2020.

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

ORDINANCE NO. 2020-02

EXHIBIT "A"

FACTORS TO BE CONSIDERED/FINDINGS OF FACT

Planning Case No. PHG 19-0031

Specific Plan Amendment

1. The public health, safety, and welfare will not be adversely affected by the proposed Specific Plan Amendment. The proposed Amendment will reassign the project site from the Historic Downtown District to the Southern Gateway District of the Downtown Specific Plan. The Amendment, in and of itself, does not prescribe a specific use to the site, but makes it eligible for any use listed in the Downtown Specific Plan as permitted or conditional for the district. The applicant is seeking concurrent approval of a CUP to allow the demolition of an existing tire shop and bridal shop, and the construction of a new tire shop in their place, since this is a conditional use within the Southern Gateway District. The applicant has submitted plans for the Conditional Use Permit, which have been reviewed by various City departments for conformity to applicable codes and regulations.
2. The property is suitable for the uses permitted by the proposed zone. A tire shop with incidental installation services already operates on the site, though it is a legal non-conforming use, since it is not a permitted or conditional use within the Historic Downtown District of the Downtown Specific Plan. The proposed Specific Plan Amendment would help legitimize the use and facilitate the desired reconstruction, since the use is conditional for the Southern Gateway District. The applicant has submitted a concurrent CUP application for the project, which has been reviewed for conformity to relevant regulations and standards pertaining to building and landscape appearance, parking, stormwater management, and utilities, among others.
3. The uses permitted by the proposed zone would not be detrimental to the surrounding properties. The Specific Plan Amendment would reassign the project site from the Historic Downtown District to the Southern Gateway District of the Downtown Specific Plan. Therefore, the permitted and conditional uses for the Southern Gateway District would become effective for this site, while the uses for the Historic Downtown District would no longer apply. Though this Amendment is proposed to facilitate a tire shop development, the site could be taken over by a different use at some point in the future, if the tire shop operator were to vacate the site. However, there is substantial overlap between uses allowed for the Historic Downtown District and uses allowed for the Southern Gateway District, and the Downtown Specific Plan as a whole has been crafted to promote uses that are appropriate for an urban center. Any new use proposed for the site in the future would be reviewed on a case-by-case basis to determine if a CUP or other discretionary approval is necessary and if

CEQA applies. Furthermore, the project site is already adjacent to the Southern Gateway District, so the shift in the boundary between the two districts will be minimal, and the project is not proposing to add any new permitted or conditional uses to the Southern Gateway District or any other district in the Downtown Specific Plan. Therefore, no detrimental effects are expected as a result of this Specific Plan Amendment.

4. The proposed change is consistent with the adopted general plan. The existing General Plan land use designation for the site is SPA 9 (i.e., the Downtown Specific Plan). The proposed Specific Plan Amendment would not change this designation, only a district boundary within the same Specific Plan Area.
5. The proposed Specific Plan Amendment would not establish a residential density that is below 70% of the maximum permitted residential density for the site. Residential uses are currently prohibited on the project site and will remain so after approval of the Specific Plan Amendment.
6. The relationship of the proposed change is applicable to a specific plan. The proposed Specific Plan Amendment would reassign the project site from one district within the Downtown Specific Plan to another district within the Downtown Specific Plan, to facilitate the redevelopment of a tire shop with incidental installation services, as described in the staff report dated December 11, 2019.

EXHIBIT "B"**SPECIFIC PLAN AMENDMENT****Planning Case No. PHG 19-0031**

The parcels associated with the proposed Specific Plan Amendment are as follows:

APNs	Existing Downtown Specific Plan District Designation	Proposed Downtown Specific Plan District Designation
233-052-04	Historic Downtown District	Southern Gateway District
233-052-06	Historic Downtown District	Southern Gateway District
233-052-13	Historic Downtown District	Southern Gateway District
233-052-15	Historic Downtown District	Southern Gateway District

I. Downtown Specific Plan Land Uses Map

The Downtown Specific Plan Land Uses Map (Figure II-1) is amended as shown on the following page (incorporating the mapping strategy described in the December 10, 2019 Planning Commission staff report for PHG 19-0031 and PHG 19-0032), as attached hereto and made a part hereof. All parcels listed in the above table will carry the Southern Gateway District designation. The entire, existing Downtown Specific Plan is on file with the Office of the City Clerk.

The map amends the following in the Downtown Specific Plan:

- Page II-2, Figure II-1: Color of project site to be changed from orange (Historic Downtown District) to pink (Southern Gateway District). (Please note that the color should be changed on the map itself and the "area of map revision" included on the following page is just for explanatory purposes.)
- All other maps in the Downtown Specific Plan that include the project area should also change the project area from orange to pink, as done for Figure II-1.

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 Specific Plan Amendment reveals that there is a conflict, in order to avoid confusion and possible accidental repeal of existing provisions.

