

ORDINANCE NO. 2012-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A MODIFICATION TO THE MASTER DEVELOPMENT PLAN TO AMEND THE LIST OF PERMITTED USES TO ALLOW A HEALTH CLUB/GYMNASIUM AND OTHER APPROPRIATE USES FOR THE COMMERCIAL COMPONENT OF THE CENTRE CITY MIXED-USE VILLAGE (URBANA)

PLANNING CASE NO. PHG 11-0037

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

SECTION 1. That proper notice of a public hearing has been given and a public hearing has been held before the City Council on this issue and that the City Council has considered the proposal, the staff report, the Notice of Exemption, and any public testimony presented at the hearing.

SECTION 2. That pursuant to the provisions of the Business Enhancement Zone, Article 69 of the Escondido Zoning Code, the City Council Economic Development Subcommittee approved a request for expedited processing of the Master Development Plan on November 29, 2011.

SECTION 3. That the City Council has reviewed the Statement of Exemption prepared for the project in conformance with CEQA Section 15301, Class 1, "Existing Facilities," and has determined that all environmental issues associated with the project

have been addressed and no significant environmental impacts will result from approving this modification to the Master Development Plan.

SECTION 4. That upon consideration of the staff report and all public testimony presented at the hearings held to consider the proposed modification, this City Council finds that the proposed modification to the Master Development Plan is consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 5. That the Factors to be Considered, attached as Exhibit "A," and incorporated by this reference, were made by said Council.

SECTION 6. That the City Council desires at this time and deems it to be in the best public interest to approve the requested modification to the Master Development Plan to amend the list of permitted uses for the commercial component of the Centre City Mixed-Use Village (Urbana) as set forth in Exhibits "B" and "C," which are incorporated by this reference. The subject site generally is located on the southeastern corner of Escondido Boulevard and Citracado Parkway, addressed as 2500 South Escondido Boulevard (APN 238-152-21).

SECTION 7. 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 8. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9. 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 City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 25th day of January, 2012 by the following vote to wit:

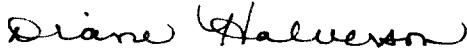
AYES : Councilmembers: DIAZ, GALLO, MORASCO, WALDRON, ABED
NOES : Councilmembers: NONE
ABSENT : Councilmembers: NONE

APPROVED: 5/0



SAM ABED, Mayor of the
City of Escondido, California

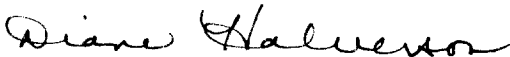
ATTEST:



DIANE HALVERSON, City Clerk of the
City of Escondido, California

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

I, DIANE HALVERSON, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2012-01 passed at a regular meeting of the City Council of the City of Escondido held on the 25th day of January, 2012, after having been read at the regular meeting of said City Council held on the 11th day of January, 2012.



DIANE HALVERSON, City Clerk of the
City of Escondido, California

ORDINANCE NO. 2012-01

EXHIBIT "A"**FACTORS TO BE CONSIDERED
PHG 11-0037**Master Plan Modification

1. Granting the modification to the List of Permitted Uses in the Master Development Plan to allow health club-gymnasium and other appropriate uses would be in conformance with the City's General Plan land-use designation of General Commercial, which permits a wide variety of commercial, office, restaurant and retail uses within master planned commercial developments. The proposed project would be in conformance with General Plan Economic Policies (page II-23) which encourage economic activities that are clean and nonpolluting to expand or locate in Escondido; provide additional employment opportunities; reduce the need for Escondido residents to commute out of the area; maintain the City's fiscal stability; and are aesthetically superior. The proposed modification would not diminish the Quality-of-Life Standards of the General Plan as the proposal would not materially degrade the level of service on adjacent streets or public facilities, create excessive noise, and adequate on-site parking, circulation and public services are provided to the site.
2. The proposed location of the commercial buildings are well integrated with its surroundings and the proposal to permit additional commercial uses at the site would not result in a substantial alteration of the present or planned land use since the commercial project allows for a variety of commercial, business, and retail type businesses/activities that would not be affected by the proposed change and would be compatible with the adjacent residential uses.
3. The commercial area is adequately served by existing public facilities since sewer and water service is available from existing mains in the adjacent streets or easements, and the proposal would not adversely impact these facilities nor require significant upgrades to the existing infrastructure.
4. The proposed modification to the Master Development Plan would have a beneficial effect by providing services requested by city residents and the business community. The overall design of the commercial component of the mixed-use development is conducive to a health-club facility with convenient parking located in front of the subject buildings and produces an attractive, efficient and stable environment for commercial activities or working. The design of the project would be unchanged and would remain consistent with the previously approved Master Plan. The proposal has been considered in relationship to its effect on the community, and the request would be in compliance with the General Plan Policies and would not result in a negative impact to the adjacent neighborhood for the reasons stated above and detailed in the City Council report.
5. The proposal is exempt from the requirements of the California Environmental Quality Act (CEQA) in conformance with Section 15301, "Existing Facilities" and a Notice of Exemption was prepared for the proposed project. In staff's opinion, the request does not have the potential for causing a significant effect on the environment due to the continued conformance with the commercial zoning designation and standards established for the site.

EXHIBIT "B"

PERMITTED USES (Centre-City Village/Urbana Mixed Use Development) from 2004-14-CZ/PD/BEZ, Tract 873

The following uses are permitted in the Centre City Village Mixed-Use Development:

4923	Travel arranging service (office only)
5230	Paint, glass and wallpaper
5251	Hardware stores
5256	Swimming pool supplies
5300	General Merchandise (retail)
5410-5460	Food (retail)
5491-5495	Retail trade – Food NEC
5497	Food catering (food preparation and delivery of food)
5499	Other retail trade – food NEC
5600	Apparel and accessories
5700	Furniture, home furnishings and equipment
5810	Restaurants/Eating Places with or without incidental sale of alcohol (not permitted in 1 st floor tower offices, catering space or 5,600 SF retail space).
5815	Specialized food sales from pushcart facilities on private property
5910	Drug and Proprietary
5931	Antiques
5940	Books, stationary, art and hobby supplies
5950	Sporting goods, bicycles and toys
5970	Jewelry
5990	Miscellaneous retail trade, NEC
6100	Finance, insurance and real estate services
6220	Photographic services
6230	Beauty and barber services
6311	Advertising services
6340	Dwelling and other business services (office only)
6392	Messenger service
6393	Detective and protective services
6399	Other business services NEC (office only)
6420	Electrical appliance repair and services
6496	Locksmiths and key shops
6511	Physicians' offices and services (not including medical clinic)
6512	Dental offices and services
6519	Other medical and health services NEC
6520	Legal services
6530	Engineering, architectural and planning services
6590	Professional services NEC
6600	General construction services (office only)
6810	Nursery, primary and secondary education
6930	Business, professional and labor organizations and services
6950	Political, civic and veterans organizations
6960	Non-profit membership organizations
7113	Art galleries

The following uses shall require a Conditional Use Permit and are subject to Section 33-1203 of Zoning Code Article 61:

4753	Communication antennas pursuant to Article 34
5820	Drinking places – Alcoholic beverages, (includes bars or taverns, does not include restaurants selling alcoholic beverages)

Exhibit "C"

Proposed additional language
Permitted Uses
(Centre-City Village/Urbana Mixed Use Development)
PHG 11-0037

The following uses are added to the list of permitted uses:

7425 Gym, athletic club, and similar type uses

The following language is added to the list of permitted uses:

The Director of Community Development may approve a use or require a Conditional Use Permit for a proposed use not specifically listed as a permitted use which is found to be consistent with the intent and purpose of the commercial component of the project, the South Escondido Boulevard Neighborhood Plan and General Plan. A proposed use must be similar to the list of permitted uses, and not more detrimental to the zone or the overall mixed-use project (especially the residential component of the project) than those uses listed as permitted uses, or require additional parking as limited by the adopted Conditions of Approval, or result in incompatible noise, intensity or operational impacts.