

ORDINANCE NO. 2020-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITYWIDE ZONING MAP TO CHANGE THE DESIGNATION OF THE 1.85-ACRE PROJECT SITE FROM M-2 to PD-I, AND A MASTER AND PRECISE DEVELOPMENT PLAN, TO SUPPORT THE CARVANA PROJECT PROPOSAL

APPLICANT: Carvana Co.
CASE NO.: PL 20-0447

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

SECTION 1. The City Council makes the following findings:

a) Carvana ("Applicant") submitted a verified land use development application ("Application") on property located at 559 N. Hale Avenue (Assessor's Parcel No. 232-061-25-00) more particularly described in Exhibit "A" to City Council Resolution No. 2020-129, which is incorporated herein by this reference as though fully set forth herein ("Property"). The Application was submitted to, and processed by, the Planning Division of the Community Development Department as Planning Case No. PL 20-0447 and seeks approval of a Conditional Use Permit, Master and Precise Development Plan, Zone Change, and Specific Alignment Plan relating to the subject 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 September 8, 2020. Following the public hearing on September 8, 2020, the Planning Commission adopted Resolution No. 2020-09, which

recommended that the City Council, among other things, approve the Project's proposed Zone Change and Master and Precise Development Plan.

SECTION 2. An original copy of the proposed Zone Change 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, 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. On September 23, 2020, the City Council held 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 September 23, 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, Public Resources 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. The City Council adopts such categorical exemption, along with adopting the CEQA Findings of Fact per City Council Resolution No. 2020-129. The Notice of Exemption (“NOE”) should be filed with the San Diego County Clerk in conformance with CEQA Guidelines section 15062 (“Notice of Exemption”).

SECTION 5. That, upon consideration of the Findings of Fact/Factors to be Considered, attached as Exhibit “B”, 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 September 23, 2020, 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 M-2 (General Industrial) to Planned Development-Industrial (PD-I), as set forth in Exhibit “A” and incorporated herein by reference as though fully set forth herein.

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

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 September 23, 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 City Council Resolution No. 2020-129 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 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 21st day of October, 2020 by the following vote to wit:

AYES : Councilmembers: DIAZ, MARTINEZ, MORASCO, MCNAMARA

NOES : Councilmembers: NONE

VACANT : Councilmembers: DISTRICT 2

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. 2020-25 passed at a regular meeting of the City Council of the City of Escondido held on the 21st day of October, 2020, after having been read at the regular meeting of said City Council held on the 23rd day of September, 2020.

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

ORDINANCE NO. 2020-25

EXHIBIT "A"
LEGAL DESCRIPTION
Planning Case No. PL 20-0447

That portion of Lot 12 in Block 301 of Rancho Rincon Del Diablo, in the City of Escondido, County of San Diego, State of California, according to Map thereof No. 724, filed in the office of the County Recorder of San Diego County, August 13, 1982, described as follows:

Beginning at the most easterly corner of said Lot 12; thence along the northeasterly line of said Lot 12, north 65 degrees 44' 16" west 471.04 feet; thence south 30 degrees 33' 00" east 118.33 feet; thence south 24 degrees 43' 47" east 235.81 feet; thence south 32 degrees 20' 26" east 207.60 feet; thence south 28 degrees 30' 06" east 10.97 feet to the southeasterly line of said Lot 12; thence along said southeasterly line, north 26 degrees 39' 01" east 344.12 feet to the point of beginning.

Excepting therefrom the southeasterly 9.00 feet as conveyed to the City of Escondido, in deed recorded June 13, 1975 as File No. 75-149673 of official records.

APN 232-061-25-00

Zone Change from M-2 to PD-I

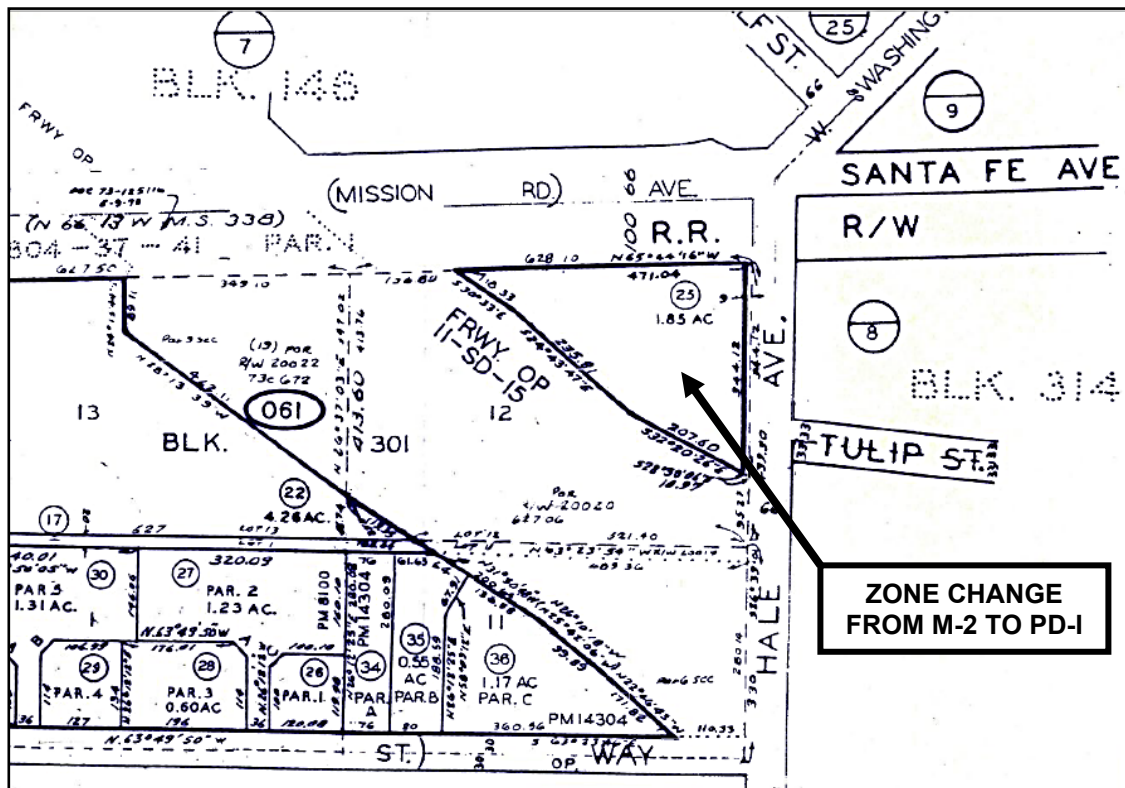


EXHIBIT "B"
FINDINGS OF FACT/FACTORS TO BE CONSIDERED
PL 20-0447

Environmental Determination(s):

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 is the Lead Agency for the project ("Project"), as the public agency with the principal responsibility for approving the Project.
2. All of the requirements of the California Environmental Quality Act have been met because it was found that the project will not have a significant effect on the environment as demonstrated in the Categorical Exemption in CEQA Guidelines section 15332, "In-fill Development Projects." Project design measures were incorporated into the Conditions of Approval to address potential issues related to hazardous site impacts.

Master and Precise Development Plan:

1. The proposed Planned Development is consistent with the adopted general plan and applicable to specific plans for the subject area. The City's General Plan land-use designation for the project site is General Industrial (GI) with an underlying zoning designation of General Industrial (M-2). Auto sales are allowed within the General Industrial land-use designation subject to the issuance of a Conditional Use Permit. The proposed Planned Development would be in conformance with the Downtown Transit Station Target Area (a). The Target Area Guiding Principles is to consider opportunities and incentives for increasing employment densities and attracting businesses with salaries that raise the city's median income and improving the jobs/housing balance. The Carvana auto dealership would assist in achieving the goals and policies in the General Plan and Target Area because it would establish a new commercial use that would rehabilitate the deteriorated project site and enhance commercial service opportunities, tax base and jobs within this target area.
2. The proposed location allows the planned development to be well integrated with its surrounding surroundings. The surrounding area is predominantly characterized by industrial and commercial uses, and auto sales would be compatible with these land uses.
3. All vehicular traffic generated by the planned development will be accommodated safely and without causing undue congestion upon adjoining streets. The Specific Alignment Plan (SAP) establishes the appropriate level of roadway and intersection improvements to accommodate project related and anticipated future traffic along Hale Avenue project frontage.

4. The proposed location and design allows residents and business establishments proposed 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.
5. The overall design of the proposed planned development produces an attractive, efficient and stable environment.
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.
7. The uses proposed have a beneficial effect not obtainable under existing zoning regulations. Any departure from existing ordinance requirements (allowable signage) are warranted by the design and the amenities incorporated in the planned development in accord with adopted city policy.

Zone Change

1. The public health, safety and welfare will not be adversely affected by the proposed zone change from General Industrial (M-2) to Planned Development-Industrial (PD-I) as the subject site still will remain industrial zoning with similar permitted and conditionally permitted uses.
2. The property involved is suitable for the uses permitted by the proposed zone and would not be detrimental to surrounding properties because auto sales is a conditionally permitted use within underlying General Industrial (M-2) and proposed Planned Development-Industrial (PD-I) zone. The proposed PD-I zone would not introduce any additional uses not already allowed or conditionally allowed within the underlying industrial zone. The surrounding area is predominantly characterized by industrial and commercial uses, and auto sales would be compatible with these land uses.
3. The proposed change is consistent with the adopted general plan and the relationship of the proposed change is applicable to specific plans for the subject area. The City's General Plan land-use designation for the project site is General Industrial (GI) with an underlying zoning designation of General Industrial (M-2). Auto sales are allowed within the General Industrial land-use designation subject to the issuance of a Conditional Use Permit. The change of zone from M-2 to Planned Development-Industrial (PD-I) would be in conformance with the General Industrial land-use designation, and the Planned Development zoning allows for a more flexible regulatory procedure by which the basic public purposes of the Escondido general plan and development policies may be accomplished for specific parcels (Zoning Code Article 19). The proposed zone change also would be in conformance with the Downtown Transit Station Target Area (a). The Target Area Guiding Principles is to consider opportunities and incentives for increasing employment densities and attracting businesses with salaries that raise the city's median income and improving the jobs/housing balance.