

ORDINANCE NO. 2020-30

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, ADOPTING A MASTER AND PRECISE DEVELOPMENT PLAN TO SUPPORT THE NUTMEG HOMES PROJECT PROPOSAL ON THE SOUTH PORTION OF THE PROJECT SITE

APPLICANT: Consultants Collaborative
CASE NO.: SUB 20-0007

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 of Escondido (“City”), along both sides of North Nutmeg Street, between North Centre City Parkway and Interstate 15. The Project site is comprised of three lots with Assessor’s Parcel Numbers 224-260-23, 224-260-46, and 224-260-47, legally described in Exhibit “D” to City Council Resolution No. 2019-166, which is incorporated herein by this reference as though fully set forth herein.

b) The Master and Precise Development Plan was later revised to limit its scope to the portion of the Project site on the north side of North Nutmeg Street (the “north portion”), and to build 37 townhomes on the north portion of the Project site as characterized in the November 20, 2019 City Council staff report.

c) City Council approved the Master and Precise Development Plan for development of 37 townhomes on the north portion of the Project site at a public

hearing on November 20, 2019, as described in City Council Ordinance No. 2019-19, which is incorporated herein by this reference as though fully set forth herein.

d) The Applicant submitted a verified land use development application on property located in northern Escondido, on the south side of North Nutmeg Street, between North Centre City Parkway and Interstate 15. The Project site is currently 4.37 acres in size and is comprised of one lot with Assessor's Parcel Number 224-260-23, legally described as Exhibit "A" to City Council Resolution No. 2020-152, 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 No. SUB 20-0007, and seeks approval of a Master and Precise Development Plan, Tentative Subdivision Map, and Grading Exemption. The Project site would increase in size to 5.07 acres under these approvals.

e) 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 13, 2020. Following the public hearing on October 13, 2020, the Planning Commission adopted Resolution No. 2020-14, which recommended that the City Council, among other things, approve the Project's Master and Precise Development Plan.

SECTION 2. An original copy of the proposed 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 18, 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 November 18, 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 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 18, 2020, City Council staff report, and is incorporated herein by this reference as though fully set forth herein.

SECTION 6. 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 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. Concurrently with this Ordinance, the City Council is taking additional action in furtherance of the Project, as generally described by the November 18, 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. 2020-152 is approved.

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 16th day of December, 2020 by the following vote to wit:

AYES : Councilmembers: GARCIA, INSCOE, MARTINEZ, MORASCO, MCNAMARA

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:
Paul McNamara
GAAACE20782954D3
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. 2020-30 passed at a regular meeting of the City Council of the City of Escondido held on the 16th day of December, 2020, after having been read at the regular meeting of said City Council held on the 18^h day of November, 2020.

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

ORDINANCE NO. 2020-30

EXHIBIT "A"

FINDINGS OF FACT

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 97 townhomes on 5.07 acres on the south side of Nutmeg Street, for a density of 19.1 units/acre on that south portion. While the south portion alone would exceed the 18 units per acre allowed by the zoning classification and General Plan land use designation, the overall project site (north plus south) would contain 134 townhomes on 7.5 acres, for a combined density of 17.9 units per acre. Under the Planned Development Ordinance (Article 19 of the Escondido Zoning Code), residential planned developments may, and are encouraged to, depart from standard subdivision and housing design provided the overall residential density yield conforms with city policy and shall be governed by the residential density set forth in the General Plan. The project site is not covered under any existing or proposed specific plans.
2. The payment of development impact fees, as well as annexation into the CFD or establishment of another funding mechanism, is necessary to avoid or lessen the likelihood of future impacts related to the provision of public services, as well as to maintain General Plan conformance to enable Project approval and implementation. There are a number of policies in the Housing Element and Growth Management Element portions of the General Plan that are directly related to assessing fiscal impacts of new development and ensuring provisions to offset costs to public facilities and services:
 - Housing Policy 1.1: Expand the stock of all housing while preserving the health, safety, and welfare of residents, and maintaining the fiscal stability of the city.
 - Public Facility Financing Policy 3.1: Maintain and periodically update development impact fees and major infrastructure financing programs to assure that all new and infill developments contribute their proportionate share of funding for necessary municipal infrastructure and public facilities.
 - Public Facility Financing Policy 3.2: At the discretion of the city, require larger developments to prepare a fiscal impact analysis and a public facilities financing plan that articulates infrastructure and public facilities requirements, as well as costs and funding mechanisms which document the effects upon the city's operating budget over time.
 - Public Facility Financing Policy 3.3: Encourage the use of development agreements and other appropriate financing mechanisms to ensure the timely provision of community facilities at adequate levels to support the demands from new and existing development.

3. 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.
4. 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 were included in the EIR previously adopted by City Council on November 20, 2019. 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. A Specific Alignment Plan for Centre City Parkway and Nutmeg Street also was approved on November 20, 2019.
5. 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.
6. The overall design of the proposed Planned Development produces an attractive, efficient and stable environment. The project underwent design review in June of 2020 and the design of the proposed retaining wall was enhanced as a result of that review, in terms of contouring and bench landscaping. The proposed residences would incorporate a neutral color palette and a mixture of exterior finishes to coordinate with the surrounding environment. Amenities on the south side of the project would include a tot lot, picnic area with barbeque, play areas, exercise stations, and bench seating. A conceptual landscape plan has been provided that includes attractive and regionally-appropriate plantings.
7. The Planned Development is well integrated with its settings, does not require destruction of desirable natural features, is not 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.

8. 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. Under SUB 18-0005, the full project site (north and south) was rezoned from Residential Estates (RE-20) to Planned Development- Residential (PD-R), and the General Plan land use designation was changed from Office (O) to Urban III (U-3), to accommodate a multi-family development. Rezoning the site to a zoning classification allowing office uses was not ideal, since office uses could have generated thousands more daily trips to and from the site than a 134-unit townhome development, per trip generation rates published by SANDAG (the San Diego Association of Governments). Additionally, while a well-planned office development would have added jobs to the City, would not have helped 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.
9. 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.
10. As described in the Planning Commission staff report of October 13, 2020, aside from proposed building heights, wall heights, and monument sign size, the development standards proposed for the south portion of Nutmeg Homes are largely in conformity with standards applicable to projects in the Medium Multiple Residential (R-3) zone.