

ORDINANCE NO. 2021-01

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 1.14-ACRE PROJECT SITE FROM M-1 to CG AT 900 W. MISSION AVENUE

CASE NO.: PHG 19-0049

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

SECTION 1. The City Council makes the following findings:

a) Golcheh Group, LLC ("Applicant"), filed a land use development application, Planning Case No. PHG19-0049 ("Application") constituting a request for an amendment to the General Plan from Light Industrial (LI) to General Commercial (GC), a Zone Change from Light Industrial (M-1) to General Commercial (CG) zoning, and a Conditional Use Permit for the development of a convenience store and gasoline station that includes the sale of alcoholic beverages ("Project"). The approximately 1.14-acre Project site generally is located on the northwestern corner of W. Mission Avenue and Rock Springs Road, addressed at 900 W. Mission Avenue (APNs 228-220-13-00 and 228-220-43-00), and more particularly described and depicted in Exhibit "A," 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 19-0049 and seeks approval of a Zone Change; and

c) Pursuant to the California Environmental Quality Act ("CEQA") and the CEQA Guidelines (Title 14 of the California Code of Regulations, Section 15000 et.

seq.), the City is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

d) The Application was assessed in conformance with CEQA and a draft Initial Study/Mitigated Negative Declaration (Planning Case No. ENV 19-0006) ("IS/MND") was issued for public review and comment; and

e) The Planning Division of the Community Development Department completed its review and held a duly noticed public hearing on December 8, 2020, as prescribed by law, at which interested persons were given the opportunity to appear and present their views with respect to the Application. Evidence was submitted to and considered by the Planning Commission, including written and oral testimony from City staff, interested parties, and the public. Following the public hearing on December 8, 2020, the Planning Commission adopted Resolution No. 2020-19, which recommended that the City Council, among other items, approve the Project's proposed Zone Change.

SECTION 2. An original copy of the proposed Zone Change 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. On January 13, 2021, 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 January 13, 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. A Final Initial Study/Mitigated Negative Declaration ("IS/MND") has been prepared in compliance with all requirements contained in CEQA, the CEQA Guidelines, and Article 47 (Environmental Quality Regulations) of the Escondido Zoning Code, and the City Council adopted it per Resolution No. 2020-04.

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 desires at this time and deems it to be in the best public interest to approve the Zone Change, which is attached to the January 13, 2021, 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-1 (Light Industrial) to CG

(Commercial General), as depicted and 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. 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 January 13, 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 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 Nos. 2021-04 and 2021-05 are 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 3<sup>rd</sup> day of February, 2021 by the following vote to wit:

AYES : Councilmembers: GARCIA, INSCOE, MARTINEZ, 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. 2021-01 passed at a regular meeting of the City Council of the City of Escondido held on the 3<sup>rd</sup> day of February, 2021, after having been read at the regular meeting of said City Council held on the 13<sup>h</sup> day of January, 2021.

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

ORDINANCE NO. 2021-01

## EXHIBIT "A"

### LEGAL DESCRIPTION Planning Case No.: PHG 19-0049

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: APN: 228-220-43

THAT PORTION OF THE SOUTHERLY HALF OF LOT 2 IN BLOCK 158 OF RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 724, MADE BY J. M. GRAHAM, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, LYING SOUTHERLY OF A LINE DRAWN FROM A POINT ON THE EASTERLY LINE OF SAID LOT 2, DISTANT 330 FEET FROM THE MOST NORTHERLY CORNER THEREOF, TO A POINT ON THE WESTERLY LINE OF SAID LOT 2, DISTANT 330.25 FEET SOUTHERLY FROM THE MOST WESTERLY CORNER THEREOF AND LYING NORTHEASTERLY OF THE NORTHEASTERLY LINE OF THE SOUTHWESTERLY 449.5 FEET - MEASURED BETWEEN PARALLEL LINES - OF SAID LOT 2.

EXCEPTING THEREFROM THE NORTHWESTERLY 150 FEET THEREOF.

ALSO EXCEPTING THEREFROM THE SOUTHEASTERLY 9 FEET THEREOF.

ALSO EXCEPTING THEREFROM THE NORTHEASTERLY 9 FEET THEREOF.

ALSO EXCEPTING THEREFROM THE INTEREST CONVEYED TO THE CITY OF ESCONDIDO IN DEED RECORDED MARCH 25, 1974, AS FILE NO. 74-073291 OF OFFICIAL RECORDS, IN AND TO THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 2, BEING ALSO A POINT IN THE CENTER LINE OF THAT CERTAIN 66 FOOT STREET KNOWN AS ROCK SPRINGS ROAD; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 2 SOUTH 69° 45' 10" WEST 33.00 FEET; THENCE LEAVING SAID SOUTHEASTERLY LINE NORTH 20° 14' 20" WEST PARALLEL WITH THE CENTER LINE OF SAID ROCK SPRINGS ROAD 9.00 FEET TO THE NORTHWESTERLY LINE OF THE SOUTHEASTERLY 9.00 FEET OF SAID LOT 2 AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID PARALLEL LINE NORTH 20° 14' 20" WEST 137.80 FEET TO THE MOST NORTHERLY CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO ESCONDIDO IMPORTS, INC., A CALIFORNIA CORPORATION, BY DEED RECORDED MAY 17, 1971, AS FILE NO. 101247; THENCE ALONG THE NORTHWESTERLY BOUNDARY OF SAID ESCONDIDO IMPORTS, INC. LAND SOUTH 69° 44' 40" WEST 9.00 FEET; THENCE SOUTH 20° 14' 20" EAST PARALLEL WITH THE CENTER LINE OF SAID ROCK SPRINGS ROAD 117.81 FEET TO THE BEGINNING OF A TANGENT 20 FOOT RADIUS CURVE, CONCAVE WESTERLY, THENCE SOUTHERLY AND SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89° 59' 39" A DISTANCE OF 31.41 FEET TO A POINT OF TANGENCY WITH THE NORTHWESTERLY LINE OF THE SOUTHEASTERLY 9.00 FEET OF SAID LOT 2; THENCE ALONG SAID NORTHWESTERLY LINE NORTH 69° 45' 10" EAST 28.99 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2: APN: 228-220-13

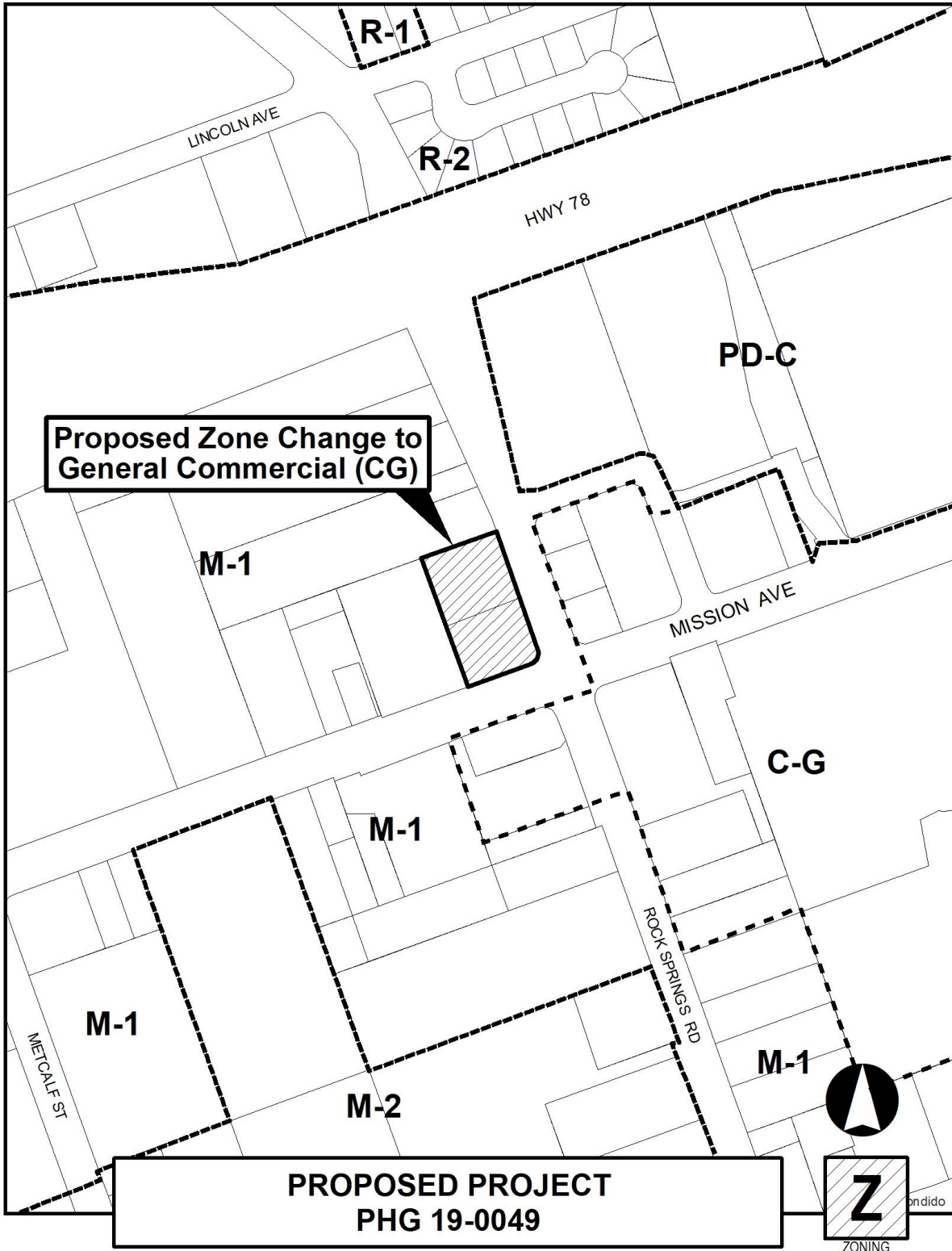
THE NORTHWESTERLY 150.00 FEET OF THAT PORTION OF THE SOUTHERLY HALF OF LOT 2 IN BLOCK 158 OF THE RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 724, MADE BY J. M. GRAHAM, AND FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, LYING SOUTHERLY OF A LINE DRAWN FROM A POINT ON THE EASTERLY LINE OF SAID LOT 2, DISTANT 330.00 FEET FROM THE MOST NORTHERLY CORNER THEREOF, TO A POINT ON THE WESTERLY LINE OF SAID LOT 2, DISTANT 330.25 FEET FROM THE MOST WESTERLY CORNER THEREOF.

EXCEPTING THEREFROM THE SOUTHWESTERLY 449.50 FEET BETWEEN PARALLEL LINES.

ALSO EXCEPTING THEREFROM THE NORTHEASTERLY 9.00 FEET THEREOF.

### ZONE DISTRICT MAP

APNS 228-220-13 and -43



**PROPOSED PROJECT**  
**PHG 19-0049**



ondido

ZONING



## **EXHIBIT "B"**

### **Findings of Fact/Factors to Be Considered**

#### **PHG 19-0049 and ENV 19-0006**

##### **General Plan Amendment and Zone Change Determinations**

1. The public health, safety, and welfare will not be adversely affected by the proposed General Plan Amendment from Light Industrial (LI) to General Commercial (GC), and corresponding Zone Change from Light Industrial (M-1) to General Commercial (CG) zoning. An Initial Study/Mitigated Negative Declaration was prepared for the project and circulated for 20-day public review and comment, as required under CEQA. This environmental review document found that development of the property with a proposed gasoline station/convenience store could have potentially significant impacts related to cultural/tribal cultural resources, geology, noise, and traffic, but project design features and mitigation measures have been incorporated to reduce these impacts to a less-than-significant level. The development standards and building requirements allowed under the amendment to the General Plan and Zone change from industrial to commercial zoning would be subject to all local and state regulations, including but not limited to Air Pollution Control District regulations, Engineering Services Department regulations, Health Department regulations, Zoning Code standards, Fire Department standards, and Building and Safety Division regulations. The proposal meets the purpose of the Municipal and Zoning Codes as it would be consistent with the established rules of the proposed zoning districts.
2. The property involved is suitable for the uses permitted by the proposed zone and would not be detrimental to surrounding properties as noted in Item No. 1 above. The project site is located within an urban area of the City and adjacent to commercial zoning to the south and east, and industrial zoned property to the north and west that are developed with commercial and industrial type uses. The proposed General Plan Amendment and Zone Change for the subject site from industrial to commercial would be compatible with the existing industrial and commercial development pattern in the surrounding area. All public services and utilities necessary to serve the Project would remain as identified in the General Plan or applicable Municipal and Zoning Codes. Proposed development standards and the design of buildings would be compatible with the character of buildings on adjoining and nearby properties. Street improvements are proposed by the Project that would benefit the surrounding area, including frontage improvements along W. Mission Avenue, and the installation of a traffic signal at the Rock Springs Road/W. Lincoln Avenue intersection.
3. The Project applicant has substantiated the need for the proposed General Plan Amendment in conformance with General Plan Amendment Policy 17.5. W. Mission Avenue and the intersection of W. Mission Avenue/Rock Springs Road is a highly traveled Circulation Element roadway. The area is primarily developed with commercial and industrial uses and certain support services such as gasoline stations/convenience stores would be beneficial to the

surrounding businesses and customers along this busy transportation corridor. In addition, development of the site would facilitate the installation of certain street improvements along the project frontage and a traffic signal at the intersection of Rock Springs Road/W. Lincoln Avenue. These infrastructure improvements would be a substantial benefit for residents and commercial/industrial development throughout the area, and would further support implementation of the City's Mobility and Infrastructure Element and level of service at this intersection.

4. In order to develop the site as proposed, a change to the zoning classification and land use designation is necessary. The change of zone from Light Industrial (M-1) to General Commercial (CG) is proposed in conjunction with a Conditional Use Permit to allow the development of a gasoline station/convenience store. A General Plan Amendment to change the land use designation of the subject site from Light Industrial (LI) to General Commercial (GC) is proposed under this project to maintain consistency with the Zone Change request. The General Commercial land use designation accommodates a wide variety of retail and service activities intended to serve a broad customer base. The Zone Change to General Commercial required to facilitate the development of the subject site with a service type use is consistent with the General Commercial land use designation. The proposed development would be consistent with the proposed General Commercial land use designation as this designation is appropriate along major thoroughfares and in higher intensity urban nodes. The proposed project also would be in conformance with the General Commercial "Urban Form" requirements as the Project is located and designed to be compatible with adjacent uses in scale, bulk, and height.
  
5. The Project site is located within a General Plan Opportunity Area (Figure II-19) and Target Area (a), Downtown Transit Station (Figure II-20). Opportunity Areas call for implementing smart growth principles that promote development/redevelopment that enhance job growth and revitalize the community. The Guiding Principles for the Target Area supports a variety of commercial uses incorporating unified development standards and design guidelines. Redevelopment of the site for the development of a gasoline station/convenience store would be consistent with the range of uses that would be permitted within the Downtown Transit Station Target Area. The proposed Project also would result in the installation of necessary roadway and intersection improvements that would be compatible with the Opportunity Area and Target Area principles.