

ORDINANCE NO. 2023-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, ADOPTING THE EAST VALLEY SPECIFIC PLAN, AND ADOPTING AN AMENDMENT TO THE CITYWIDE ZONING MAP TO CHANGE THE DESIGNATION OF ALL PROPERTIES WITHIN THE EAST VALLEY SPECIFIC PLAN AREA TO SPECIFIC PLAN (S-P)

The City Council of the City of Escondido, California does ordain as follows:

SECTION 1. The City Council makes the following findings:

a) The City of Escondido has undertaken the development of a specific plan for a portion of the East Valley Parkway Target Area to provide a key land use and planning policy document to guide decision-making in the coming years for an area of the City comprising of approximately 191 acres in the western portion of the East Valley area as shown in Exhibit “A” hereto. A verified application was submitted to, and processed by, the Planning Division of the Development Services Department as Planning Case No. PHG 20-0028, and seeks approval of a new Specific Plan (the “East Valley Specific Plan” or “EVSP”) and Rezone relating to all properties depicted in Exhibit “A;” and

b) Said application was processed in accordance with the rules and regulations of the Escondido Municipal and Zoning Codes, and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code Section 65920 et seq.) and CEQA (Public Resources Code Section 21000 et seq.); and

c) The City Council of the City of Escondido is authorized by State law to adopt, and from time to time, amend the General Plan governing the physical development of the City of Escondido. The City Council may also adopt more detailed plans relating to the manner of development of various areas of the City of Escondido, like the proposed Project, which includes a Specific Plan request. State law,

Government Code Section 65450 et seq., provides for the preparation, adoption, and amendment of specific plans. In accordance with Government Code Section 65454, no Specific Plan may be adopted or amended unless the proposed plan or amendment is consistent with the General Plan; and

d) A future General Plan Amendment related to the EVSP may be brought before the City Council for clarity purposes, however the absence of such an amendment does not create any inconsistency between the EVSP and the General Plan; and

e) The Planning Division of the Development Services Department completed its review and scheduled and held a public hearing regarding the EVSP before the Planning Commission on June 27, 2023, and as that meeting was continued, again on July 6, 2023. Following the public hearing on July 6, 2023, the Planning Commission adopted Planning Commission Resolution No. 2023-12, which recommended that the City Council approve the EVSP and Rezone.

SECTION 2: A certified copy of the Specific Plan and Rezone and all other related Project materials are on file on the City of Escondido's website (www.escondido.org). 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 July 19, 2023, 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.

b) Oral testimony from City staff, interested parties, and the public.

c) The City Council staff report, dated March 21, 2018, 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. Upon consideration of the Findings of Fact, attached as Exhibit "B" and incorporated herein by this reference as though fully set forth, the July 19, 2023, City Council staff report, the Planning Commission recommendation, based on the totality of the record and evidence described and referenced in this Ordinance, the City Council desires to adopt the East Valley Specific Plan to govern the physical development of the EVSP area.

SECTION 6. ENVIRONMENTAL REVIEW. Pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), 14 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. Further pursuant to CEQA and the State CEQA Guidelines, a Final Program Environmental Impact Report ("PEIR") relative to the Project was prepared and the City Council certified it through adoption of City Council Resolution No. 2023-85.

SECTION 5. A Rezone consisting of map and text changes to the Citywide Zoning Map is necessary to provide consistency between the General Plan, EVSP, Municipal Code and Zoning Code.

SECTION 6. The City Council hereby approves the East Valley Specific Plan, attached as Exhibit "C" hereto and incorporated herein by this reference as though fully set forth herein.

SECTION 7. The Citywide Zoning Map is hereby amended to change the zoning of the EVSP area to Specific Plan ("S-P") for the EVSP area (Exhibit "A" hereto).

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

SECTION 9. 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 for the City of Escondido.

SECTION 10. This Ordinance shall become effective 30 days from the date of the passage.