

ORDINANCE NO. 2024-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ESCONDIDO, CALIFORNIA, APPROVING A GENERAL PLAN
AMENDMENT FOR CONSISTENCY CHANGES TO THE
LAND USE AND COMMUNITY FORM CHAPTER AND EAST
VALLEY PARKWAY AREA PLAN

WHEREAS, the State of California requires cities and counties adopt a comprehensive long-term General Plan for the social, physical, and economic development of the City; and

WHEREAS, the General Plan expresses the community's development goals and embodies public policy relative to the distribution of future land uses, both public and private; and

WHEREAS, Government Code section 65301(b) authorizes jurisdictions to develop and adopt Area Plans to address a particular region or community within the General Plan's planning area; and

WHEREAS, the City of Escondido's City Council approved the East Valley Parkway Area Plan on September 22, 2004 through Resolution No. 2004-136; and

WHEREAS, on July 19, 2023 City Council adopted Ordinance No. 2023-10 establishing the East Valley Specific Plan and rezoning a portion of the East Valley Parkway area from General Commercial (CG), Hospital Professional (HP), and Commercial Professional (CP), to Specific Plan (S-P); and

WHEREAS, the rezoning of land uses by the EVSP created discrepancies between the previously adopted East Valley Parkway Area Plan and the General Plan's Land Use and Community Form chapter; and

WHEREAS, California Government Code section 65359 requires that any specific plan or other plan of the city or county that is applicable to the same areas or matters affected by a General Plan

amendment shall be reviewed and amended as necessary to make the specific or other plan consistent with the General Plan; and

WHEREAS, chapter II of the Governor's Office of Planning and Research's 2017 General Plan Guidelines identifies Area Plans to be part of the General Plan. Therefore, an Area Plan may be amended through the General Plan Amendment process; and

WHEREAS, the City of Escondido is amending the General Plan and East Valley Parkway Area Plan under Planning Case No. PL24-0007, for the purposes of clean up and consistency with the East Valley Specific Plan; and

WHEREAS, on June 25, 2024, the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission received and considered document consistency text amendments and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony regarding the Project; and

WHEREAS, Planning Commission voted 5-0 approving the Planning Division's proposed text amendments, with two Commissioners absent; and

WHEREAS, pursuant to CEQA and the CEQA Guidelines (Title 14 of 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

WHEREAS, on August 7, 2024, the City Council of the City of Escondido did hold a duly noticed public hearing as prescribed by law. At said hearing, this City Council received and considered the reports and recommendations of the Planning Commission and City staff, and gave all persons full

opportunity to be heard and to present evidence and testimony respecting said matter. Evidence was submitted to and considered by the City Council, including, without limitation:

a. Written information including revisions to maps, text, graphical information, and other material, submitted as part of the Project;

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

c. The staff report, dated August 7, 2024, with its attachments as well as City staff's recommendation on the Project;

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

SECTION 1. That the above recitations are true.

SECTION 2. Proper notices of a public hearing have been given and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 3. After consideration of all evidence presented, and studies and investigations made by the City Council and on its behalf, the City Council makes the following substantive findings and determinations, attached hereto as Exhibit "A," relating to the information that has been considered.

SECTION 4. That the proposed amendments to the East Valley Parkway Area Plan and General Plan Land Use and Community Form chapter are consistent with the Escondido General Plan and applicable Elements were reviewed as part of the amendment drafting process to ensure consistency.

SECTION 5. The General Plan Amendment is not considered a "Project" under the California Environmental Quality Act ("CEQA") and is therefore exempt from further review, as further

described in the staff report. The General Plan Amendment would not, in and of itself, result in development or any other material change to the environment.

SECTION 6. That, considering the Findings of Fact and applicable law, the City Council hereby approves said amendments, attached as Exhibit "B" and Exhibit "C" and hereto and incorporated herein by this reference as though fully set forth herein.

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 County and circulated in the City of Escondido.