

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ESCONDIDO, CALIFORNIA, APPROVING A MASTER AND
PRECISE DEVELOPMENT PLAN FOR A FOUR UNIT
MULTIFAMILY RESIDENTIAL DEVELOPMENT WITHIN THE
HISTORIC DOWNTOWN DISTRICT OF THE DOWNTOWN
SPECIFIC PLAN

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

SECTION 1. The City Council makes the following findings:

a) Zadar LLC ("Applicant") filed a land use development application, Planning Case No. PL23-0075 ("Application") constituting a request for a Master and Precise Development Plan for the conversion and remodel of a two-story commercial structure to accommodate four apartment units on the second floor, and ancillary site improvements ("Project"), on an approximately 0.16-acre parcel located on the south side of W. Grand Avenue, between S. Maple Street and S. Broadway, addressed at 143-145 W. Grand Avenue (Assessor's Parcel Number 233-062-02-00), and more particularly described in Exhibit "A" attached to this Ordinance 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 Development Services Department as Planning Case No. PL23-0075. The Applicant seeks approval of a Master and Precise Development Plan for proposed improvements to the subject site and building, as shown on Exhibit "B" ("Master and Precise Development Plan"), and on file in the Planning Division, and incorporated herein by this reference as though fully set forth.

c) The Planning Division of the Development Services Department completed its review and scheduled a public meeting regarding the application before the Historic Preservation Commission on November 11, 2023. The Historic Preservation Commission voted to recommend approval of the project as designed. Subsequently, the Planning Division scheduled a public hearing regarding the application before the Planning Commission on December 12, 2023. Following the public hearing on December 12,

2023 the Planning Commission adopted Resolution No. 2023-24, which recommended that the City Council, approve the Project.

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, 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. The City Council did on January 24, 2024 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 January 24, 2024 which along with its attachments, is incorporated herein by this reference as though fully set forth herein, including the Planning Commission's and Historic Preservation Commission's recommendation on the request; and
- d) Additional information submitted during the public hearing.

SECTION 4. Pursuant to the California Environmental Quality Act, Public Resource Code section 21000 et seq. ("CEQA") the Project is categorically exempt from environmental review in conformance with CEQA Guidelines section 15301 (Existing Facilities), and section 15303 (New Construction of Small Structures). The City Council adopts such categorical exemption, which is provided as Attachment 3 to the December 12, 2023 Planning Commission staff report and incorporated herein by

this reference as though fully set forth herein, and a Notice of Exemption will be filed with the County Clerk.

SECTION 5. That, upon consideration of the Findings of Fact/Factors to be Considered, attached as Exhibit "C" and incorporated herein by reference as though fully set forth herein, the City Council approves the Master and Precise Development Plan, subject to the Conditions of Approval attached as Exhibits "D", and incorporated herein by this reference as though fully set forth herein. The City Council expressly declares that it would not have made this decision except upon and subject to each and all of said conditions, each and all of which shall run with the land and be binding upon the Applicant, the owner, and all subsequent owners of the Property, and all persons who use the Property for the use(s) permitted hereby.

SECTION 6. All references within this Ordinance to "Applicant" or "Developer," 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. The City Council authorizes all subsequent action to be taken by City Officials consistent with this Ordinance.

SECTION 10. 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 11. The Ordinance shall become effective 30 days from the date of the passage.