

ORDINANCE NO. 2023-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE SOUTH CENTRE CITY FINAL NEGATIVE DECLARATION AND APPROVING AN AMENDMENT TO THE SOUTH CENTRE CITY SPECIFIC PLAN TO EXPAND THE MIXED-USE OVERLAY WITHIN THE ESCONDIDO BOULEVARD DISTRICT

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) 9TH Avenue Escondido, LLC ("Applicant") filed a land use development application (Planning Case No. PHG20-0036) constituting a request for an Amendment to the South Centre City Specific Plan (Escondido Boulevard District), Plot Plan and Density Bonus for a 21-unit multi-family residential mixed-use development ("Project"), on approximately 0.46 acres generally located on the northwest corner of S. Escondido Boulevard and W. Ninth Avenue, addressed at 829-849 S. Escondido Boulevard and 332 W. Ninth Avenue (Assessor's Parcel Numbers 233-371-14-00 and 233-371-15-00); as more particularly described in Exhibit "A," which is attached hereto and made a part hereof 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 PHG20-0036. The Applicant seeks approval of an Amendment to the South Centre City Specific Plan as shown on Exhibit "B", and on file in the Planning Division, and incorporated herein as though fully set forth.

c) A Final Negative Declaration was adopted for the South Centre City Specific Plan (City File Nos. PHG15-00003/ENV17-0005), and an Addendum to the Final Negative Declaration has been prepared for the Project in conformance with the California Environmental Quality Act ("CEQA").

d) The Planning Division of the Development Services Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for November 28, 2023. Following the public hearing, the Planning Commission adopted Resolution No. 2023-23, which

recommended that the City Council, among other things, approve the Project, including actions to approve the Amendment to the Specific Plan.

SECTION 2. 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 December 13, 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 posted on the project website.

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

c) The City Council staff report, dated December 13, 2023, 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. That the City Council has reviewed and considered the Addendum to the Final Negative Declaration prepared for the Project in conformance with CEQA. The Addendum to the Negative Declaration adequately address all environmental issues associated with the Project, and the Project would not result in any significant impacts to the environmental.

SECTION 5. That, upon consideration of the Findings of Fact/Factors to be Considered, attached as Exhibit "C" and incorporated herein as though fully set forth herein, the City Council approves adopts the Addendum to the Final Negative Declaration set forth in Exhibit "D" and incorporated herein

by this reference and approves the Amendment to the Specific Plan attached as Exhibit "B" hereto and incorporated by this reference.

SECTION 6. Concurrently with the action on this Ordinance, the City Council is taking a number of actions in furtherance of the Project, as generally described in the December 13, 2023 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 in the manner provided by state law. Therefore, this Ordinance shall become effective and operative only if City Council Resolution No. 2023-171 is approved.

SECTION 7. 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 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. That as of the effective date of this Ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

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.