

ORDINANCE NO. 2017-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, ADOPTING THE VILLAGES SPECIFIC PLAN AND ADOPTING AN AMENDMENT TO THE CITYWIDE ZONING MAP TO CHANGE THE DESIGNATION OF THE 109.3-ACRE PROJECT SITE FROM R-1-7 TO SPECIFIC PLAN (SP) TO SUPPORT THE VILLAGES – ESCONDIDO COUNTRY CLUB PROJECT PROPOSAL

APPLICANT: New Urban West Inc.
CASE NOS.: SUB 16-0009, PHG 16-0018, and ENV 16-0010

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

SECTION 1. The City Council makes the following findings:

a) New Urban West, Inc. ("Applicant") submitted a verified land use development application on property located in the northwest portion of the City, along both sides of West Country Club Lane west of Nutmeg Street. The Project site is approximately 109.3 acres in size and currently has an address of 1800 West Country Club Lane, Escondido CA 92025, legally described as "Exhibit D to City Council Resolution No. 2017-151," which is incorporated herein by this reference as though fully set forth herein. Said verified application was submitted to, and processed by, the Planning Division of the Community Development Department as Planning Case Nos. SUB 16-0009, PHG 16-0018, and ENV 16-0010 and seeks approval of a Specific Plan and Rezone relating to the Project site.

b) The Planning Division of the Community Development Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for October 24, 2017. Following the public hearing on October 24, 2017,

the Planning Commission adopted Resolution No. 6015, which recommended that the City Council, among other things, approve the Project's Specific Plan and Rezone.

SECTION 2. An original copy of the proposed Specific Plan and Rezone 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. The City Council did on November 15, 2017, 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 November 15, 2017, 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. Pursuant to the California Environmental Quality Act, a Final Environmental Impact Report (SCH No. 2017011060) relative to the Project was prepared and the City Council has certified it, along with adopting the CEQA Findings of

Fact, a Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program per City Council Resolution No. 2017-151.

SECTION 5. That upon consideration of the Findings/Factors to be Considered, attached as Exhibit "A" and incorporated herein by this reference as though fully set forth, the November 15, 2017 City Council staff report, the Planning Commission recommendation, based on the totality of the record and evidence described and referenced in this Resolution, the City Council desires to adopt the proposed Specific Plan, called the Villages - Escondido Country Club ("Villages Specific Plan"), to govern the physical development of that area of the City of Escondido. 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. In order for zoning and other measures to comply with consistency requirements, the General Plan itself must first be complete and adequate and must be internally consistent.

SECTION 6. The City Council has approved a General Plan Amendment to enable adoption of the Villages Specific Plan, per City Council Resolution No. 2017-152.

SECTION 7. A Rezone or text/map changes to the Citywide Zoning Map is necessary to provide consistency between the General Plan, Specific Plan, Municipal Code and Zoning Code. That the Citywide Zoning Map is hereby amended to change the zoning on the subject site from R-1-7 (Single-Family Residential – 7,000 square foot minimum lot size) to Specific Plan (SP), as set forth in Exhibit "B" and incorporated herein by reference as though fully set forth.

SECTION 8. That the City Council desires at this time and deems it to be in the best public interest to approve the Specific Plan associated with the Project, and hereby adopts said Specific Plan, as attached as Exhibit "C," and incorporated herein by this reference as though fully set forth herein.

SECTION 9. The findings of the Planning Commission, contained in Planning Commission Resolution No. 6015, on file with the Office of the City Clerk and incorporated herein by reference, are hereby adopted as the findings of the City Council.

SECTION 10. All references within this Ordinance to "Applicant," "Developer," or "Subdivider" 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 11. 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 12. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 13. Concurrently with this Ordinance, the City Council is taking a number of actions in furtherance of the Project, as generally described by the November 15, 2017 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. 2017-151 and 2017-152 are approved.

SECTION 14. The City Council authorizes all subsequent action to be taken by City Officials consistent with this Ordinance.

SECTION 15. 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 16. 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 6th day of December, 2017 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MORASCO

NOES : Councilmembers: MASSON, ABED

ABSENT : Councilmembers: NONE

APPROVED:



SAM ABED, Mayor of the
City of Escondido, California

ATTEST:



DIANE HALVERSON, City Clerk of the
City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, DIANE HALVERSON, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2017-13 passed at a regular meeting of the City Council of the City of Escondido held on the 6th day of December, 2017, after having been read at the regular meeting of said City Council held on the 15th day of November, 2017.



DIANE HALVERSON, City Clerk of the
City of Escondido, California

ORDINANCE NO. 2017-13

EXHIBIT A TO ORDINANCE 2017-13

FINDINGS/FACTORS TO BE CONSIDERED

Rezone Determinations:

1. The proposed Rezone would change the subject property from R-1-7 (7,000 square foot minimum lot size) to Specific Plan (SP Zone). The change of zone is proposed in conjunction with a General Plan Amendment that would change the land use designation from Residential Urban 1 to Specific Planning Area No. 14 (SP #14) to allow 380 residential homes at 3.5 dwelling units per acre; approximately 48.9 acres of permanent open space with active greenbelts; 3.5 acre of parks; and recreational, social, and community amenities in a Village Center. Approval of the General Plan Amendment alongside the Rezone would keep the project in conformance with Figure II-32 under Land Use Policy 2.3 in the General Plan, which matches General Plan land uses to their corresponding zoning categories.
2. The proposed Rezone is in conformance with the goals, policies, and objectives of the General Plan because the Project would facilitate and guide growth in accordance with the General Plan, which allows for the extension of the existing residential zoning pattern of the surrounding area. The Project site is bounded by existing residential neighborhoods, consisting of single-family detached residences on a variety of lot sizes, attached single-family residences (duplexes) of several different densities, and several common-interest developments. The proposed Rezone is consistent with Land Use Policy 2.4, which necessitates the consideration of locational and operational characteristics of existing and proposed land uses, as well as the surrounding zoning patterns, when establishing new zoning. The Specific Plan (SP) zone is established to provide a zone for property that is subject to a specific plan adopted in accordance with the provisions of the Government Code and the Zoning Ordinance. The Specific Plan (SP) zone recognizes the detailed and unique nature of specific plans and the need to ensure that development conforms to the uses, development standards, and procedures contained in specific plans. Upon approval of General Plan Amendment and Rezone, the General Plan designation and zoning for the entire property would be SP and the Project would be consistent with the intent of the General Plan and Municipal Code through designation of the site as Specific Plan.

The proposed Rezone is consistent with, supports, or advances goals, policies, and objectives in other General Plan Elements. The Project supports the policies and goals of the General Plan by allowing the preservation of community character of the existing suburban residential neighborhood, while at the same time allowing strategic growth and development that is expressly allowed as use by the General Plan. The benefits conferred by orderly, well-designed development served by existing infrastructure and services and connected by transit, bicycle, and pedestrian networks with open space systems would be an amenity to existing and future residents. These benefits are consistent with the long term vision of sustainable growth stipulated in the General Plan, and the benefits help ensure the continued economic viability of the greater ECC community.

3. The proposed Rezone would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City because the development standards and building requirements allowed under the Rezone would be subject to all local and State regulations including, but not limited to, Air Pollution Control District regulations, Public Works Department regulations, Health Department regulations, Zoning Code and approved Specific Plan 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. The Project site has been thoroughly analyzed for applicable environmental impacts related to this proposed development (Environmental Impact Report,

State Clearinghouse #2017011060), and as appropriate, the Final EIR recommends measures to mitigate potential impacts.

4. The uses proposed for the subject property would not be detrimental to surrounding properties since the site is located in an established residential area containing a range of similar residential uses at a relatively similar size. All public services and utilities to serve the Project would remain as identified for in the General Plan or applicable Municipal and Zoning Codes. The open space system serves as a natural physical barrier, which provides ample distances from adjacent residential areas and proposed residential and commercial land uses. New vegetative screening and fencing would further reduce potential conflicts between existing and future residential uses.

The development would not impair the desirability of investment or occupation in the vicinity and is otherwise in the best interest of the public health, safety, and welfare because the development of the Project represents an upgrade of the property. The Specific Plan's proposed architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of buildings on adjoining and nearby properties.

5. The proposed Rezone meets all applicable development standards established in the Escondido Municipal and Zoning Codes, except whereas noted in the October 24, 2017 Planning Commission staff report. The action to approve the proposed Rezone, as recommended, has been made contingent upon compliance with the conditions of approval imposed herein. Such limitations are necessary to protect the best interests of, and to assure developments and improvements more compatible with, the surrounding properties, to secure an appropriate development through the orderly, planned use of property as anticipated within the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action. The properties involved are suitable for the uses permitted by the proposed Rezone since the permitted use on the proposed development site would be the same use permitted by the previous zoning and the proposed Project would be consistent with the development standards of the Escondido Municipal and Zoning Codes.

Specific Plan Determinations:

1. There are special circumstances or conditions affecting the subject property, which formerly operated as a golf course, which makes the Specific Plan development proposal relevant in its ability to promote amenities beyond those expected under a conventional development and to achieve greater flexibility in design and context-sensitive use of land. In accordance with City policy and California Government Code Sections 65450 et seq., and in consideration of the different application types that could be processed on the subject property, a Specific Plan application with clustered development patterns is the appropriate zoning tool or mechanism that can be used by the City to guide future development on the subject property and to promote greater flexibility in site design.

As proposed, the City Council makes the finding that:

- Context-sensitive transitions between new development and the existing residences is best achieved through clustered development. This type of development approach is specifically permitted by the General Plan, Goal 5 et seq. of the Land Use portion of the General Plan. The purpose of clustered development is to provide for more flexibility in the location of dwelling units within a subdivision, to promote efficiency of access, and to reduce the overall amount and extent of physical improvements required for residential development to preserve open space conserve natural features of land, and/or to avoid potential adverse environmental impacts. The proposed clustered development is in conformance with the applicable goals and policies of the General Plan because the Project is consistent with the land use and housing-related policies in that essential open

space masses and vital elements of the terrain are being protected while still allowing for the development at densities that are reasonably consistent with the patterns established on adjoining properties.

- Innovative land use measures promoting the preservation of open space and environmentally sensitive areas is an important feature of the Project and helps produce a comprehensive development of superior quality than might otherwise occur from more traditional development applications because the proposed development clusters density at the center of the site allowing for more open space at the perimeter, preserving visual character. The proposed lot configuration of the three (3) Villages are context-sensitive, whereby residential neighborhoods provide a degree of separation from existing land uses (i.e. a landscaped buffer measuring between 50 and 200 feet is proposed). In addition, the Project provides 44.7 percent of the total site as public open space with recreational facilities and four (4) miles of walking trails along the perimeter of the development.
 - The proposed clustered development concept is reasonably suited to the specific characteristics of the site and the surrounding neighborhood and the site is physically suitable for the type and density/intensity of development being proposed because the proposed development is relatively similar in size and intensity to the residential development adjacent to the site. The site only requires limited changes to topography to complete development because the site is flat and previously graded under an unrelated permit. Implementation of the Specific Plan would result in new structures and landscaping that are in scale with the character of the ECC community neighborhood. To help with visual compatibility with adjacent single story residential buildings, 15 percent of all housing units would be restricted to single-story, which is adequate to provide variety in unit type and size.
 - The proposed clustered development can be adequately, conveniently, and reasonably served by public conveniences, facilities, services and utilities because the proposed development is immediately adjacent to existing residential developments and established routes to commercial centers both walking, and via private transportation. In addition, the area is largely developed except for this site, and fully serviced by existing or extended utilities. A traffic study, addressed in the Final EIR, determined that the site is adequately served by public facilities and services; the evidence and finding contained in that report are incorporated herein by this reference as though fully set forth.
2. The proposed Specific Plan has been prepared in accordance with Sections 65450 - 65457 of the Government Code.
 3. A General Plan Amendment and Rezone is necessary to support the Specific Plan application and would ensure the proposed Project's consistency with the City's General Plan and Zoning Ordinance. All future development projects contributing to the build-out of the subject property would be subject to the Project's conditions of approval, applicable Specific Plan regulations, as well as other local, State, and Federal requirements pertaining to land use, as well as the Mitigation Monitoring and Reporting Program (MMRP).
 4. The proposed Specific Plan, with ancillary and conforming amendments to the General Plan and Zoning map, is found to be consistent with the General Plan based on the following findings:
 - The Project is consistent with the applicable General Plan Land Use designation *because* the General Plan land use designation allows residential uses on the Project site. The proposed Specific Plan allows the same density of development as the General Plan Residential Urban 1 Land Use designation. Both of these designations permit residential units at a density of up to 5.5 units per acre. The Project proposes to subdivide an existing 109.3 acres into 303 lots, which would accommodate 222 residential lots, 2 Village Center lots, 15 lots to accommodate basins and channels, and 21 lots for landscaped areas and parks.

- The location and design of the proposed Specific Plan is consistent with the goals and policies of the Escondido General Plan because of the following:
 - a) The proposed residential Project is located on property that is surrounded by residential uses at a relatively similar size and scale. The location, access, density/building intensity, size and type of uses proposed in the Specific Plan are compatible with the existing and future land uses in the surrounding neighborhood because this is an infill site that lends itself to the proposed type and density of development. The area is easily served by existing roadway network and in close proximity to freeways. Existing streets and pedestrian facilities are adequate in width and pavement type to carry the quantity and type of traffic expected to be generated by the proposed development because the existing streets would be improved as required by condition of approval. These modifications to the street widths would carry traffic safely in and out of the site as explained in the traffic report, which is an Appendix to the Final EIR. Furthermore, the proposed landscape buffer and meandering pathway on the perimeter of the subject property provides connections within and between neighborhoods allowing for pedestrians to walk safely within and around the neighborhood.
 - b) The proposed infill residential project would be in conformance with General Plan Housing Goals and Policies to expand the stock of all housing; increase homeownership; plan for quality managed and sustainable growth; and encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities. The proposed location of the development allows the development to be well integrated with its surroundings because adequate parking, circulation, utilities and access would be provided for the development (as detailed in the October 24, 2017 Planning Commission staff report).
 - c) While the project eliminates the land-intensive golf course use to make the land available for residential uses and new residents, many of the previous recreational and social functions would be replaced or expanded.
 - d) The former golf course provided visual open space and buffering from other land uses in the original design of the master planned ECC community. Many of the existing homes adjacent to the former golf course are oriented to take advantage of the visual open space and buffering from other homes provided by the golf course use. To successfully integrate the additional residential development into the existing community, the Specific Plan's open space system functions to provide this visual open space and buffering. The greenbelt portion of the open space system would provide a recreational amenity in the form of walking trails and parks. The convenient availability of walking trails and parks that are accessible for use by both nearby existing residents and new residents would satisfy and reduce the demand on the local parks and recreational facilities. The landscape treatment within the greenbelt would enhance the screening and buffering of existing homes from the new residential uses where needed, and retain existing distant views for residents where they currently exist.
 - e) The main topographic feature of the Project site is San Marcos Creek, a reach of which flowed from northeast to southwest through the former golf course via a combination of natural and man-made concrete channels that do not meet current Regional Water Quality Control Board requirements or City of Escondido flood control standards. The drainage features on site currently either abate within uplands or collect into the existing storm drain system, and are geographically isolated. These inadequate drainage channels would be replaced by open vegetated environmental channels and stormwater treatment basins that both safely convey stormwater currently flowing through the site and clean the stormwater runoff with Best Management Practices (BMP's) from the Project site.
 - f) The residential areas surrounding the Project site are served by local residential streets. New residential streets would provide access to the new residential

development and are designed to connect with the existing circulation system at multiple locations. This would disperse additional trips throughout the existing residential streets so as to not concentrate additional trips within the existing local circulation pattern.

- g) The pedestrian connectivity within the greenbelt encourages walking for residents of new development as well as for the existing residents. In addition, traffic calming measures along West Country Club Lane would enhance pedestrian experiences and widen the network of walkable routes throughout the extended community. The SAP on Country Club Lane focuses strongly on providing enhanced intersections, crosswalks, and large, buffered bike lanes to encourage circulation for all modes.
- h) The Project site is surrounded by existing residential development that is currently served by public infrastructure consisting of sewage collection systems, water distribution pipelines, electrical grid and telecommunications. Public services for the new residential uses would require only connections to existing infrastructure systems, rather than the extension of these services to currently unserved parts of Escondido.

Proceedings:

1. The Record of Proceedings upon which the City Council bases its decision includes, but is not limited to: (1) the Final EIR and the appendices and technical reports cited in and/or relied upon in preparing the Final EIR; (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the Final EIR and the Project itself; (3) the evidence, facts, findings and other determinations set forth in herein; (4) the General Plan and the Escondido Municipal Code; (5) all designs, plans, studies, data and correspondence submitted to the City in connection with the Final EIR and the Project itself; (6) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the Final EIR and/or elsewhere during the course of the review of the Project itself; (7) all other matters of common knowledge to the to the City, including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City and its surrounding areas.

EXHIBIT B TO ORDINANCE 2017-13

REZONE

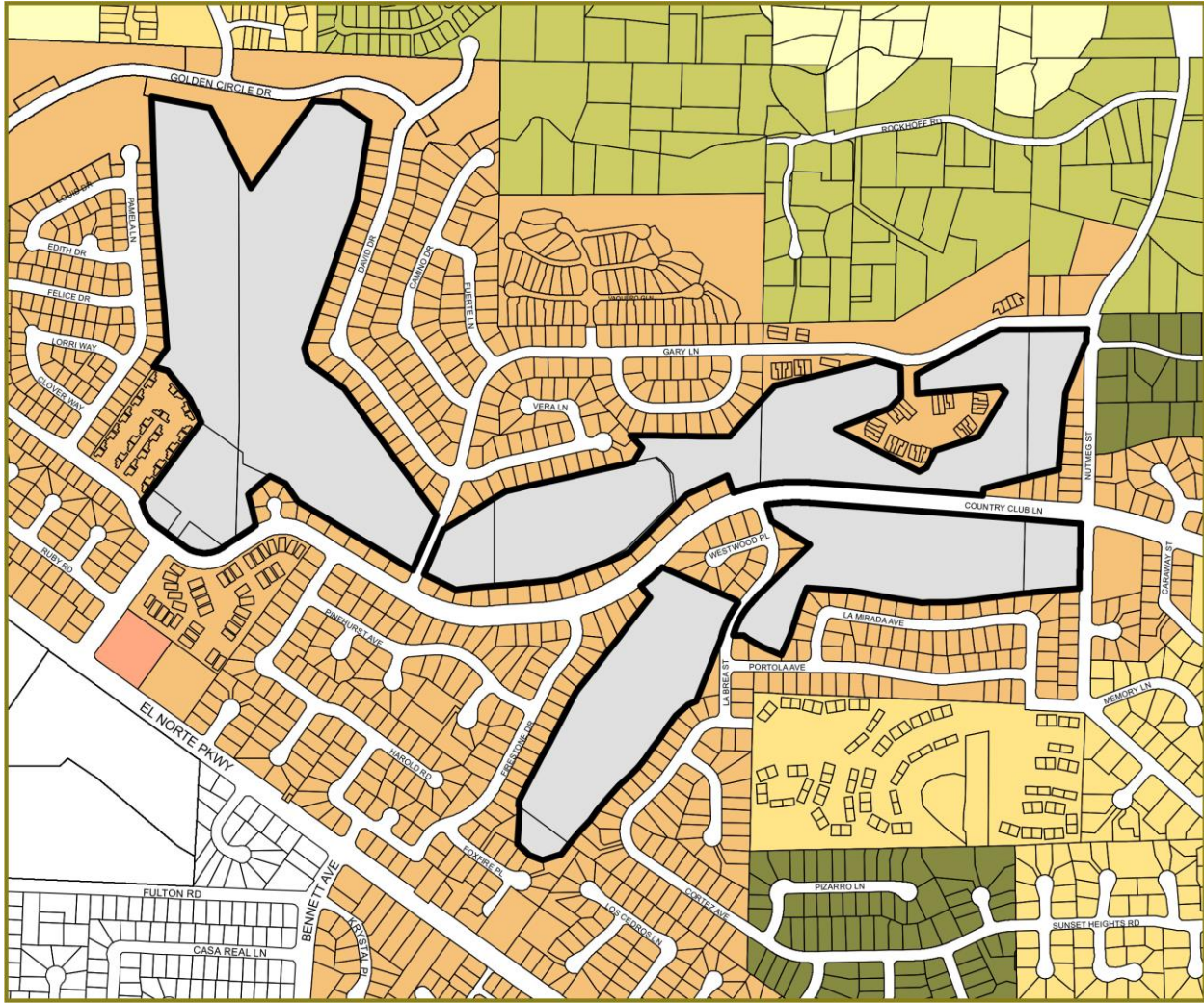
**CHANGE OF ZONING
AT 1800 W. COUNTRY CLUB LANE, ESCONDIDO, CA
SUB 16-0009 / PHG 16-0018 / ENV 16-0010**

Each parcel associated with the proposed Rezone:

APNs	Existing Zone	Proposed Zone
223-210-53	R-1-7	SPA #14
224-211-05, -11, -12, -15	R-1-7	SPA #14
224-230-36	R-1-7	SPA #14
224-430-04	R-1-7	SPA #14
224-431-01, -02, -03	R-1-7	SPA #14
224-490-05, -06	R-1-7	SPA #14
224-491-01	R-1-7	SPA #14
224-811-28	R-1-7	SPA #14

I. Official Zoning Map

That the Official Zoning Map, also known as the Zoning Map of the City, is amended as shown (incorporates SUB 16-0009 / PHG 16-0018 / ENV 16-0010 land use mapping strategy described in the October 24, 2017 Planning Commission staff report), as attached hereto and made a part hereof. All parcels will carry the Specific Plan No. 14 (SP#14) Zoning Designation. The existing, complete Map being amended is on file with the Office of the City Clerk.



II. Clerical Tasks

The City Clerk be hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Rezone reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repeal of existing provisions.

EXHIBIT C TO ORDINANCE 2017-13

THE VILLAGES SPECIFIC PLAN

Due to the number of pages of Exhibit C, a link has been provided to review the document electronically.

<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/ECC/finalEIR/VillagesSpecificPlan10-13-171.pdf>

A hardcopy of the Exhibit is available for review in the Office of the City Clerk during normal business hours. To obtain a copy, please the City Clerk at (760) 839-4617. For City Council members, a copy is available in the City Council reading file.