

ORDINANCE NO. 2018-15

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING ARTICLE 66 (SIGN ORDINANCE)
OF THE ESCONDIDO ZONING CODE
RELATING TO DRIVE-THROUGH MENU
BOARDS

APPLICANT: Christopher Wadleigh (Habit Burger)
PLANNING CASE NO.: AZ 18-0004

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

SECTION 1. That proper notices of a public hearing have been given and public hearings have been held before the Planning Commission and City Council on amending Article 66 (Sign Ordinance) of the Escondido Zoning Code relating to drive-through menu boards.

SECTION 2. The City Council has duly reviewed and considered all evidence submitted at said hearings, including, without limitation:

- a. Written information;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated June 6, 2018, which, along with its attachments, is incorporated herein by this reference as though fully set forth herein; and
- d. Additional information submitted during the Public Hearing.

SECTION 3. That the City Council has reviewed and considered the Notice of Exemption prepared for this project, in conformance with the California Environmental Quality Act (“CEQA”) Section 15061(b)(3) “General Rule,” and has determined that all environmental issues have been addressed and finds that no significant environmental impact will result from approving the code amendment.

SECTION 4. That upon consideration of the staff report, Planning Commission recommendation, Planning Commission staff report, all public testimony presented at the hearing held on this project, and the “Factors to be Considered,” attached as Exhibit “A” to this Ordinance and incorporated herein by this reference as though fully set forth herein, this City Council finds the Zoning Code Amendment is consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 5. That the specified sections of Article 66 of the Escondido Zoning Code are hereby amended as set forth in Exhibit “B” to this Ordinance and incorporated herein by this reference as though fully set forth herein.

SECTION 6. 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 7. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. 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.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 13th day of June, 2018 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MASSON, MORASCO, ABED
NOES : Councilmembers: NONE
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. 2018-15 passed at a regular meeting of the City Council of the City of Escondido held on the 13th day of June, 2018, after having been read at the regular meeting of said City Council held on the 6th day of June, 2018.



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

ORDINANCE NO. 2018-15

EXHIBIT "A"

FACTORS TO BE CONSIDERED

Zoning Code Amendment

1. The public health, safety, and welfare would not be adversely affected by the proposed Zoning Code Amendment. Drive-through restaurants are already permitted to have two (2) menu board signs to provide information to their customers and accommodate the placement of orders from a vehicle. Typically, one serves as a preview board and the other as an order board. This Zoning Code Amendment would only expand the number of menu boards in circumstances where an additional stacking lane(s) are provided so that each lane would have a preview board and an order board and function the same (i.e. take full advantage of the various features and benefits of the technology and menu system operation).
2. The proposed Zoning Code Amendment would not be detrimental to surrounding properties because no physical improvements are proposed as part of this Zoning Code Amendment. Future sign construction must comply with any applicable laws and standards. Furthermore, in the review and consideration of future sign permit applications, the City would ensure future signs are compatible with the structure and/or property where they are installed, do not adversely impact the visual character of the surrounding area, and do not provide additional signage beyond that necessary to serve the purpose identified above.
3. The proposed Zoning Code Amendment would be consistent with the goals and policies of the General Plan because the amended Sign Ordinance would not, in and of itself, result in development or any other material change to the environment. The proposed amendment provides for new sign standards that facilitate economic development and economic development activity, which is generally consistent with the General Plan. The proposed Zoning Code Amendment would not diminish the Quality of Life Standards of the General Plan, nor adversely impact the community health or natural resources.
4. The proposed zoning code amendment does not conflict with any specific plan.

EXHIBIT "B"

PROPOSED CHANGES TO THE ZONING CODE

AZ 18-0004

Amend the various zoning code sections to read as specified below.

ARTICLE 66. SIGN ORDINANCE

Revise Section 33-1395.2, Sign standards—Freestanding signs—CG and CN zones, as set forth below.

(b) Number. No more than one (1) freestanding sign per street frontage shall be permitted except as follows:

~~(4) Menu signs. In conjunction with a drive-through business: up to two (2) freestanding menu, or other similar signs up to thirty-two (32) square feet and a maximum height of six (6) feet may be permitted. Menu signs may be internally illuminated and utilize changeable copy. The area of the menu signs shall not be counted against the allowable sign area for the business.~~

(A) Up to two (2) freestanding menu, or other similar signs up to thirty-two (32) square feet each and a maximum height of six (6) feet may be permitted for businesses with one (1) stacking lane.

(B) Drive-through businesses with more than one (1) stacking lane shall be allowed one (1) freestanding menu sign, or other similar sign, up to thirty-two (32) square feet and a maximum height of six (6) feet, and one (1) freestanding menu sign, or other similar sign, up to twenty-four (24) square feet and a maximum height of six (6) feet, for each stacking lane.

(C) A maximum of two (2) freestanding menu, or other similar signs, shall be oriented toward each stacking lane.

(D) Menu signs shall be screened from view from adjacent properties and rights-of-way through the use of landscaping, earthen berms, walls, etc., to the maximum extent possible.

(E) Menu signs may be internally illuminated and utilize changeable copy.

(F) The area of the menu signs shall not be counted against the allowable sign area for the business.