

ORDINANCE NO. 2011-15

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A MODIFICATION TO MASTER
AND PRECISE DEVELOPMENT PLAN TO
ALLOW A CARWASH FACILITY (SLUC 6417)
AS A PERMITTED USE AT AN EXISTING
ARCO AM/PM GASOLINE STATION-
CONVENIENCE STORE

PLANNING CASE NO. PHG 11-0007

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 this issue and that the City Council has considered the proposal, the staff report, the Notice of Exemption, the recommendation of the Planning Commission, and any public testimony presented at the hearing.

SECTION 2. On October 11, 2011, the Planning Commission recommended approval of the proposed modification to the Master and Precise Development Plan (Resolution No. 5943) to allow an automated self-service carwash and propane tank at the ARCO AM/PM site.

SECTION 3. That the City Council has reviewed the Statement of Exemption prepared for the project in conformance with CEQA Section 15303(c)(e), Class 3 "New Construction or Conversion of Small Structures," and has determined that all environmental issues associated with the project have been addressed and no

significant environmental impacts will result from approving this modification to the Master and Precise Development Plan.

SECTION 4. That upon consideration of the staff report and all public testimony presented at the hearings held to consider the proposed modification, this City Council finds that the proposed modification to the Master and Precise Development Plan for the proposed automated self-service carwash facility and propane tank at the existing ARCO AM/PM is consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 5. That the Findings of Fact/Factors to be Considered, attached as Exhibit "A," and incorporated by this reference, were made by said Council.

SECTION 6. That the City Council desires at this time and deems it to be in the best public interest to approve the requested modification to the Master and Precise Development Plan to allow an automated self-service carwash facility (SLUC 6417) and 500 gallon propane tank on approximately 1.34 acres of the approximately five-acre Planned Commercial site generally located on the northeastern corner of El Norte Parkway and Iris Lane, addressed as 450 W. El Norte Parkway (APN 226-201-23), more particularly described in the attached Exhibit "C," and subject to the Conditions of Approval attached as Exhibit "B," both of which are attached to this Ordinance and are incorporated by this reference.

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 City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 9th day of November, 2011 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MORASCO, WALDRON, ABED

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED: 5/0



SAM ABED, Mayor of the
City of Escondido, California

ATTEST:



MARSHA WHALEN, City Clerk of the
City of Escondido, California

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

I, MARSHA WHALEN, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2011-15 passed at a regular meeting of the City Council of the City of Escondido held on the 9th day of November, 2011, after having been read at the regular meeting of said City Council held on the 2nd day of November, 2011.



MARSHA WHALEN, City Clerk of the
City of Escondido, California

ORDINANCE NO. 2011-15

EXHIBIT "A"

FINDINGS OF FACT/FACTORS TO BE CONSIDERED PHG 11-0007

Master and Precise Plan Modification

1. The location and design of the proposed development is consistent with the goals and policies of the Escondido General Plan relating to Planned Developments, which states appropriate buffers and setbacks shall be provided between commercial and residential uses. Automated carwash facilities typically have been incorporated into gasoline stations/convenience stores, provided that appropriate measures are designed into the project to ensure compatibility with adjacent uses, and to mitigate potential noise, lighting, visual and traffic impacts. The proposed carwash facility would not create special problems in the area because the building has been designed and located to reduce noise levels to the point where city standards are met, and noise walls would not be required. The Engineering Division indicated that traffic is not anticipated to significantly increase, and all vehicular traffic generated by the project would be accommodated safely and without causing undue congestion upon the adjoining streets and intersections.
2. The proposed development will be well integrated with its surrounding since the carwash would be incorporated into an existing gas station/convenience store, and designed to complement the architecture and colors of the existing buildings. Appropriate setbacks and landscape buffers would be provided from adjacent uses, especially multi-family residential to the north. The approximately 1.34-acre site is suitable for the proposed use since the site is relatively flat and would not require any extensive grading or result in any adverse impacts to surrounding uses or environmental resources. Appropriate on-site circulation would be provided, especially around the pump islands underground fuel tank access points. The project will not be visually obstructive or disharmonious with surrounding areas, or harm major views from adjacent properties, since the facility is relatively small in area (approx. 20' x 42') and single-story in height. The gas station is adjacent to commercial/office development on the west, and a self-storage facility on the east. There are no significant views from adjoining properties that would be affected by the proposed development. The Design Review Board recommended approval of the proposed project and architectural modifications on June 9, 2011.
3. The proposed location and design allows the project site to continue to be adequately serviced by existing public facilities since sewer and water service currently is provided to the site and will not be affected by this project. An on-site water clarifier/recycling system would be incorporated into the carwash.
4. The overall design of the proposed addition produces an attractive and efficient business environment that utilizes quality building materials, ample setbacks from adjacent uses, landscaping and adequate on-site parking and circulation.
5. The proposed Modification to the Master and Precise Plan would have a beneficial effect by providing services requested by city residents and the business community. Through the PD zoning designation, greater setbacks and/or modification to existing setbacks can be implemented where appropriate, and appropriate landscape buffers have been incorporated into the design that generally would not be required or achievable through the standard General Commercial zoning. The gasoline station/convenience store has demonstrated that it can exist as an independent unit capable of creating an environment of sustained desirability and stability.
6. In accordance with CEQA Section 15303(c)(e), Class 3 (New Construction or Conversion of Small Structures) the proposed project is exempt from environmental review. The project would not result in any adverse impacts to the environment. The project will have no effect on fish and wildlife resources as no habitat exists on site or within the project area that would support fish and wildlife resources. The site also does not contain any sensitive or protected habitat onsite.
7. The proposed Modification to the Master and Precise Development Plan has been considered in relationship to its effect on the community and it has been determined the proposed use and project design submitted by the applicant has demonstrated that potential impacts related to compatibility with adjacent uses, visual, noise, traffic impacts can be reduced to meet city standards and minimize potential adverse effects on neighboring residents and businesses.

EXHIBIT "B"

CONDITIONS OF APPROVAL PHG 11-0007

General

1. This development shall be subject to all relevant conditions of the previously approved Master and Precise Development Plan(s) for the project/site (97-24-PD through 97-27-PD), except as modified herein.
2. The carwash facility is specifically for the 1.34-acre ARCO AM/PM site only. Operation of the carwash shall be restricted to the hours of 7:00 a.m. to 8:00 p.m. These hours may be further limited (as may be determined by the Planning Commission) based on any valid complaints due to early morning or early evening noise/nuisance issues.
3. The Proto-Vest Automotive Drying Equipment, TopShot with Silencer shall be incorporated into the carwash design. The dryer/blowers also shall be placed a minimum of three feet inside the building from the carwash exit. Should the Proto-Vest system not be available at the time of installation, a similar type system may be used, provided that it provides the same or better noise attenuation. This shall be documented by a revised noise analysis.
4. The proposed propane tank shall be limited to 500 gallons in accordance with Municipal Code Section 8204.2 "Storage." Appropriate landscape screening shall be provided in the reconfigured landscape planter areas around the tank, including shrubs.
5. The stucco elements below the roof fascia shall be designed to match as much as possible the similar stucco elements on the convenience store.
6. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued, including any applicable City Wide Facilities fees.
7. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Engineering Department, Building Division, and Fire Department. Fire sprinklers may be required, as determined by the Fire Department.
8. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
9. All requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to Building Permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
10. All exterior lighting shall conform to the requirements of Article 35, Outdoor Lighting (Ordinance No. 86-75).
11. A minimum of 11 striped parking spaces shall be provided for customers and employees in conjunction with this commercial development. Said parking spaces shall be striped and dimensioned per City standards, and this requirement shall be noted on the building plans.
12. Parking for disabled persons shall be provided/maintained (including "Van Accessible" spaces) in full compliance with chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage. All parking stalls shall be provided with six-inch curbing or concrete wheel stops in areas where a vehicle could reduce minimum required planter, driveway or sidewalk widths.

13. Colors, materials and design of the project shall conform to the exhibits and references in the staff report and presented to the Design Review Board, to the satisfaction of the Planning Division.
14. A separate sign permit and building permit shall be required prior to the installation of any signs. All proposed signage shall be consistent with City of Escondido Sign Ordinance (Ord. 92-47), exhibits in the staff report, and recommendations of the Design Review Board.
15. All new utilities shall be underground.
16. Any rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building. This shall be clearly indicated on the building plans.
17. All project generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division. Any noise complaints regarding the operation of the facility shall be promptly addressed by the applicant/operator.
18. The site shall be properly maintained at all times.
20. The City of Escondido hereby notifies the applicant that the County Clerk's Office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the hearing date of the Planning Commission or City Council, if applicable) a certified check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180 day statute of limitations will apply.

Landscaping

1. Five copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of building permits, along with the current plan check fee at the time of submittal. The landscape and irrigation plans shall comply with the provisions, requirements and standards outline in the City's Water Efficient Landscape Regulations (Zoning Code Article 62). Specimen-sized trees shall be incorporated into the landscape design.
2. All vegetation shall be maintained in a flourishing manner; and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
3. A mixture of shrubs, vines, groundcover and trees (including specimen-size trees, min. 24" box) shall be incorporate into the landscape planter around the carwash facility. A dense shrub shall be used to provide screening into the entry and exit of the carwash, to the satisfaction of the Planning Division. The height and location of landscaping shall not obstruct the site line at the exit of the carwash to the Iris lane driveway and street, as may be determined by the Engineering Division.
4. Prior to final occupancy of the carwash facility, all existing landscaping areas shall be repaired and any missing landscaping. Any gaps in the northern slope that allows views into the carwash area from the residences to the north shall be landscaped with specimen-sized trees and appropriate fast growing/tall shrubs. This shall be noted on the final landscape plans.

ENGINEERING CONDITIONS OF APPROVAL**450 W. El Norte Parkway
PHG 11-0007****GRADING**

1. Site drainage together with erosion control plans prepared by a Registered Civil Engineer are required for all onsite improvements and shall be submitted separately to the Engineering Department. Drainage plans are subject to approval by the Planning, Fire and Engineering Departments prior to issuance of a Grading Permit.
2. All site drainage with emphasis on the parking, drive way, and roof areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
3. Erosion control, including riprap, interim sloping planting, gravelbags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the development of the project.
4. Adequate horizontal sight distance shall be provided at the car wash exit. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer.
5. All private driveways and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 7" PCC over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
6. All proposed improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the Director of Engineering Services.

*All site grading and erosion control plans shall be prepared by a Registered Civil Engineer. A separate submittal to the Engineering Department is required for the site grading and erosion control plans. Plans will **not** be forwarded from the Building Department.*

WATER SUPPLY

1. This project is located within the Rincon Del Diablo Municipal Water District. It will be the developer's responsibility to make all arrangements with the Rincon District as may be necessary to provide water service for domestic use and fire protection.

SEWER

1. Any new development whose wastewater discharge may contain pollutants not normally found or in concentrations in excess of those normally found in domestic wastewater shall require a wastewater discharge permit according to the Escondido Municipal Code, Chapter

22, Article 8. New users shall apply at least ninety (90) days prior to connecting to or contributing to the City's wastewater system and a permit must be obtained prior to commencement of any discharge to the system.

EASEMENTS AND DEDICATIONS

1. All existing and proposed easements, both private and public, affecting subject property shall be shown and labeled on the grading/drainage plans.

REPAYMENTS AND FEES

1. A cash security or other security satisfactory to the City Engineer shall be posted to pay any costs incurred by the City for cleanup or damage caused by erosion of any type, related to project grading. Any moneys used by the City for cleanup or damage will be drawn from this security. The remaining portion of this cleanup security shall be released upon final acceptance of the grading for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading work with a minimum of \$5,000 up to a maximum of \$30,000, unless a higher amount is deemed necessary by the City Engineer. The balance of the grading work shall be secured by a performance bond, an instrument of credit, a letter of credit or such other security as may be approved by the City Engineer and City Attorney.

UTILITY UNDERGROUNDING AND RELOCATION

1. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

EXHIBIT "C"

LEGAL DESCRIPTION
PHG 11-0007

Real property in the City of Escondido, County of San Diego, State of California, described as follows:

PARCEL 1-A:

ALL THAT PORTION OF BLOCK 421 OF THE RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 723 BY J. M. GRAHAM, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY BOUNDARY OF SAID RANCHO RINCON DEL DIABLO, DISTANT THEREON NORTH 14° 36' 40" EAST (NORTH 14° 39' EAST), 1561.00 FEET FROM THE INTERSECTION OF SAID WESTERLY BOUNDARY WITH THE CENTERLINE OF THE UNNAMED ROAD BOUNDING SAID BLOCK 321 ON THE SOUTHEAST, SAID POINT OF BEGINNING BEING THE MOST WESTERLY CORNER OF LAND DESCRIBED IN DEED TO GLEN R. KING, ET UX, RECORDED FEBRUARY 18, 1949 IN BOOK 3115, PAGE 192 OF OFFICIAL RECORDS; THENCE CONTINUING NORTH 14° 36' 40" EAST (NORTH 14° 39' EAST) 325.48 FEET TO THE NORTHWESTERLY CORNER OF SAID KING'S LAND; THENCE ALONG THE NORTHERLY LINE OF SAID KING'S LAND, SOUTH 77° 13' 00" EAST (SOUTH 77° 14' EAST), 213.38 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE SOUTH 28° 45' 26" WEST, 80.18 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "B"; THENCE SOUTH 61° 14' 34" EAST, 69.68 FEET; THENCE SOUTH 77° 13' 00" EAST, 20.48 FEET; THENCE SOUTH 12° 47' 00" WEST, 27.44 FEET; THENCE SOUTH 28° 45' 26" WEST, 200.79 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "C", BEING A POINT ON THE NORTHERLY SIDELINE OF EL NORTE PARKWAY; THENCE CONTINUING SOUTH 28° 45' 26" WEST, 64.91 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID KING'S LAND, SAID POINT BEING SOUTH 63° 13' 27" EAST (SOUTH 63° 03' EAST), 222.65 FEET FROM THE POINT OF BEGINNING; THENCE ALONG SAID SOUTHERLY LINE NORTH 63° 13' 27" WEST (NORTH 63° 03' WEST) 222.65 FEET TO THE POINT OF BEGINNING.

PARCEL 1-B:

TOGETHER WITH AN EASEMENT FOR SEWER LINE PURPOSES OVER A 10.00 FOOT WIDE STRIP OF LAND, THE SOUTHERLY LINE OF SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE HEREIN ABOVE DESCRIBED POINT "C"; THENCE SOUTH 61° 16' 19" EAST, 71.72 FEET.

APN: 226-201-23