

ORDINANCE NO. 2012-10(R)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A MODIFICATION TO THE MASTER AND PRECISE DEVELOPMENT PLAN FOR WESTFIELD NORTH COUNTY TO IMPLEMENT AN EXTERIOR REVITALIZATION PROGRAM, ADD RESTAURANT AND RETAIL FLOOR AREA, CONSTRUCT A NEW PARKING AREA, MODIFY THE LIST OF PERMITTED USES, REDUCE THE PARKING RATIO AND INITIATE A NEW SIGN PROGRAM

PLANNING CASE NO. PHG 12-0005

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

SECTION 1. That proper notice of a public hearing has been given and a public hearing has been held before the City Council on this issue and that the City Council has considered the proposal, the staff report, the Notice of Exemption, and any public testimony presented at the hearing.

SECTION 2. That pursuant to the provisions of the Business Enhancement Zone, Article 69 of the Escondido Zoning Code, the City Council Economic Development Subcommittee approved a request for expedited processing of the proposed modification to a Master and Precise Development Plan on March 28, 2012.

SECTION 3. That the City Council has reviewed the Statement of Exemption prepared for the project in conformance with the California Environmental Quality Act ("CEQA") Section 15301, Class 1, "Existing Facilities," 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 hearing held to consider the proposed modification, this City Council finds that the proposed modification to the Master and Precise Development Plan is consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 5. That the Findings of Fact, attached as Exhibit "A" and incorporated by this reference, were adopted by the City 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 for Westfield North County to implement an exterior revitalization program, add restaurant and retail floor area, demolish three freestanding buildings in the former "duck pond" area and convert to additional parking, and modify the list of permitted uses, parking ratio and the sign program, subject to the conditions of approval set forth in Exhibit "B," attached to this Ordinance and incorporated by this reference. The subject 83-acre site is located on the northern side of Via Rancho Parkway, east of Interstate 15, and addressed as 200 E. Via Rancho Parkway.

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 23rd day of May, 2012 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:



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. 2012-08 passed at a regular meeting of the City Council of the City of Escondido held on the 23rd day of May, 2012, after having been read at the regular meeting of said City Council held on the 9th day of May, 2012.



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

ORDINANCE NO. 2012-10R

**FINDINGS OF FACT
PHG 12-0005
EXHIBIT "A"**

Modification to a Master and Precise Development Plan

1. The proposed modification to the Master and Precise Development Plan to implement an exterior revitalization program, add restaurant and retail floor area, demolish three freestanding buildings in the former "duck pond" area and convert to additional parking, and modify the list of permitted uses, parking ratio and the sign program would be in conformance with General Plan Policy B4.1(b)(11) which identifies the project site as an 83-acre shopping mall anchored by large department stores and other diverse general commercial uses, including restaurants. Development of new floor area and the revision to the list of permitted uses, sign standards, parking ratio is consistent with the Planned Development zoning on the site that was established for the regional shopping center. The proposed project would be in conformance with General Plan Economic Policies (page II-23) which encourage economic activities to expand or locate in Escondido that are clean and nonpolluting, provide additional employment opportunities, reduce the need for Escondido resident to commute out of the area, will maintain the City's fiscal stability, and are aesthetically superior. The proposed building additions would introduce new features into the center that are aesthetically pleasing and consistent with the existing mall architecture. The proposed project would not diminish the Quality-of-Life Standards of the General Plan as the project would not materially degrade the level of service on adjacent streets or public facilities, create excessive noise, and adequate parking, circulation and public services can be provided to the site as discussed in the staff report.
2. The approval of the proposed modification to the Master and Precise Development Plan would be based on sound principles of land use since adequate parking, circulation, utilities and access would be provided for the development. The proposed building additions would not conflict with the design of the existing shopping center due to their low profile designs and compatible architectural features. The proposed revision to the list of permitted uses adds additional business opportunities to create a lifestyle center that meets the commercial needs of local residents. The reduction in the parking ratio to 4.0 parking spaces per 1,000 SF of gross leasable area will still ensure adequate parking on the site except for approximately eight days during the Christmas holiday season when an appropriate amount of off-site parking will be provided for employees. The proposed modification to the Master Sign Program provides clarity on sign allowances and ensures an appropriate amount of exterior signage is available for tenant needs.
3. The proposed modification to the Master and Precise Development Plan would not cause deterioration of bordering land uses since the site is zoned for commercial development and is developed with an approximately 1.2 million SF (GLA) regional shopping mall. The proposed project area is adjacent to Interstate 15 to the west, Via Rancho Parkway and commercial development on the south, and is buffered from Kit Carson Park to the north by a large earthen berm. The proposed building additions will add less than 10,000 SF of net floor area to the mall and will be designed to be consistent with the existing architecture. The new parking lot addition will eliminate three vacant commercial buildings on the site and improve the appearance of the

northern side of the shopping center. The exterior renovation program will enhance the appearance of the mall property by adding new entry elements to the building, painting the entire exterior of the building and resurfacing the entire parking lot.

4. The proposed development is well-integrated with the surrounding properties since the site will continue to function as a regional shopping center and the new architectural elements and additions are relatively minor considering the scale of the mall and would be consistent with existing commercial structures. Additional on-site landscaping would be provided in the new parking lot area on the north side of the property.
5. The overall design of the proposed planned development would produce an attractive commercial facility due to its location, the architectural features provided, and landscape design.
6. The development will not require excessive grading since the site has been previously developed and is relatively level.

**CONDITIONS OF APPROVAL
PHG 12-0005
EXHIBIT "B"**

Planning Division Conditions

1. 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.
2. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
3. If blasting is required, verification of a San Diego County Explosives Permit and a copy of the blaster's public liability insurance policy shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
4. 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.
5. 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.
6. All new exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code. All outdoor lighting shall be provided with appropriate shields to prevent light from adversely affecting adjacent properties.
7. Parking shall be provided at a ratio of 4.0 parking spaces per 1,000 SF of gross leasable area. The proposed project would result in 1,279,485 SF of gross leasable area and a minimum requirement of 5,118 parking spaces. Said parking spaces shall be double-striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to double-stripe per City standards.
8. The applicant shall be required to implement an off-site parking program for employees during peak shopping days and hours between Thanksgiving and the end of December. The number of off-site spaces secured by the applicant shall correspond to the need established by the Shared Parking Analysis submitted as part of this project.
9. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Section 1129B (Accessible Parking Required) of the California 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.

10. An inspection by the Planning Division will be required prior to operation of the project. Items subject to inspection include, but are not limited to parking layout and striping (double-stripe), identification of handicap parking stalls and required tow-away signs, lighting, landscaping, as well as any outstanding condition(s) of approval. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4671 to arrange a final inspection.
11. Trash enclosures must be designed and built per City standards, and permanently maintained. All trash enclosures (including existing trash enclosures) shall meet current engineering requirements for storm water quality, which includes the installation of a decorative roof structure. Solid metal doors shall be incorporated into the trash enclosure. A decorative exterior finish shall be used. All trash enclosures must be screened by landscaping as specified in the Landscape Ordinance. All trash enclosures shall be of sufficient size to allow for the appropriate number of trash and recyclable receptacles as determined by the Planning Division and Escondido Disposal, Inc.
12. Colors, materials and design of the project shall be in substantial conformance with the plans/exhibits approved by the City Council on May 9, 2012, and the exhibits and details in the staff report to the satisfaction of the Planning Division.
13. No signage is approved as part of this permit. A separate sign permit shall be required prior to the installation of any signs. All proposed signage associated with the shopping center must comply with the Master Sign Program approved as part of this project.
14. Signs designated for advertising will be used to advertise an establishment, business or service located on the site or is a sponsor of any portion of the site, a product or any goods displayed, produced or available for purchase on the site, or an event that will occur on the site. To the extent property owner wishes to have exterior advertising different from, or beyond the criteria set forth above, approval may be obtained on a case by case basis from the Director of Community Development following an application in writing. The Director shall promptly act on any such requests, but such approval or disapproval shall not exceed 10 business days after a request is submitted (or such request is otherwise deemed approved), and property owner may appeal the decision as provided by the Escondido Zoning Code. Off-premise advertising is prohibited. Developer acknowledges that City reserves the right to reject any exterior signs that do not meet the criteria set forth herein that it considers to be inconsistent with the operation of a first class regional mall and the image of the shopping center and its retailers, and shall not include matters any violent, sexually explicit or obscene matters, or any matters which promote or encourage activity which is in violation of law.
15. Individual sign panels located below the Westfield logo on the freeway pylon shall be limited to on-site tenant names only.

16. All new utilities shall be underground.
17. All rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building.
18. 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 the 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 specific 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.
19. All project generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
20. All vegetation (including existing vegetation required as part of previous project approvals) 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.
21. Five copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of grading permit for the new parking lot in the former "duck pond" area. A plan check fee based on the current fee schedule will be collected at the time of the submittal. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code. The plans shall be prepared by, or under the supervision of a licensed landscape architect
22. Street trees shall be maintained along each of the site's street frontages, in conformance with the Landscape Ordinance and the City of Escondido Street Tree List. New trees within five feet of the pavement shall be provided with root barriers.
23. Permitted businesses, land uses and tenants on the mall site shall be regulated by the Master Plan List of Permitted Uses approved as part of this project.
24. Temporary parking lot events/uses shall be regulated by the Master Plan List of Permitted Temporary Uses approved as part of this project and shall be subject to the guidelines for Temporary Use Permits described therein. No temporary parking lot events (except Christmas tree sales) shall be permitted between Thanksgiving and Christmas.

25. The maximum size of the freestanding restaurant pad building approved as part of this project shall be limited to 7,000 SF. Architectural and grading plans for the restaurant building shall be consistent with this Master Plan approval and shall be subject to an administrative review process (Plot Plan) by the Director of Community Development prior to issuance of grading or building permits.
26. The new 207-space parking lot in the vicinity of the Onami building and former "duck pond" area shall be completed prior to issuance of a Certificate of Occupancy for the mall exterior renovation program (Building Permit B12-0245).
27. All conditions of previous Master and Precise Development Plans approved on the site shall remain in full force and effect unless expressly modified herein.

Engineering Division Conditions

STREET IMPROVEMENTS AND TRAFFIC

1. All 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.
2. The developer's engineer shall prepare a complete signing and striping plan for the proposed parking lot improvements. Developer's contractor shall complete any necessary removal of existing striping and shall install all new signing and striping.
3. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.

GRADING

1. A site grading and erosion control plan prepared by a Registered Civil Engineer shall be approved by the Engineering Department prior to issuance of building permits. The site grading and erosion control plan will not be forwarded from the Building Department, but shall be submitted separately to the Engineering Department.
2. The proposed parking lot shall be paved with a minimum of 4" AC over 6" of AB or 6" PCC over 6" AB or an alternative approved by the Director of Engineering Services. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC. Parking areas with slopes between 0.5% and 3% may be paved with decomposed granite with the review and approval of the City Engineer.
3. Erosion control, including riprap, interim sloping planting, gravel bags, 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. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retain wall design is in conformance with the recommendations and specifications as outlined in his report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Dept. plan review and permit process.
5. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Director of Engineering Services.
6. A General Construction Activity Storm Water Permit is required from the State Water Resources Board for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of 1 or more acres.
7. After the approval of the site grading and erosion control plan, and prior to the start of construction of the grading and street improvements, the developer will be required to sign a Storm Water Management Plan form, and then obtain a Grading Permit and Encroachment Permit from the Engineering Field Office.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Engineer of work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. The project shall limit drainage flows to their pre-construction rates. Details and calculations for the detention basin shall be submitted and approved as part of the grading plan check.
3. A Final Water Quality Technical Report together with Hydro-Modification Calculations in compliance with City's latest adopted Storm Water Management Requirements shall be prepared and submitted for approval by the City Engineer together with the grading plans. The Water Quality Technical Report shall include post construction storm water treatment and HMP measures and maintenance requirements.
4. All on-site storm drains, detention basins, and all other post-construction BMP facilities are private. The responsibility for maintenance of these storm drains shall be that of the property owner or property owner's association.
5. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.

WATER SUPPLY

1. Fire hydrants and detector checks shall be installed at locations approved by the Fire Marshal. All water improvements shall be designed and constructed to the satisfaction of the Utilities Director.
2. No deep rooted plants or trees shall be planted within 15 feet of any existing or proposed public water lines.
3. A portion of the proposed stairway is being built on top of the existing 12 inch public water line. The project engineer shall propose relocation of the 12 inch water line or propose a special design for the stairways to avoid impact to the 12 inch water line, subject to review and approval by the Utilities Director.

SEWER

1. All sewer improvements shall be subject to design and construction to the satisfaction of the Utilities Director.
2. A portion of the proposed restaurant is being built on top of the existing public sewer main. The project engineer shall relocate the existing sewer line or propose a special design foundation subject to review and approval by the Utilities Director.
3. No deep rooted plants or trees shall be planted within 15 feet of any existing or proposed public sewer lines.

EASEMENTS AND DEDICATIONS

1. All easements, both private and public, affecting subject property shall be delineated and labeled on the grading plans.
2. The developer shall make arrangements to remove from title all existing easements which conflict with the proposed grading and parking improvements on the site.

CASH SECURITY AND FEES

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the Director of Engineering Services.
2. The developer will be required to pay all development and plan check fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

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Fire Department Conditions

1. All tenant improvement work shall require separate submittals for fire protection systems and fire alarms to the Fire Department.
2. All construction and demolition shall comply with Chapter 14 of the California Fire Code.
3. All fabric awnings must contain fire retardant materials certified by the State Fire Marshal.
4. All driveway modifications shall have a minimum inside turning radius of 28' with curbs marked as fire lanes to the satisfaction of the Fire Department.