

ORDINANCE NO. 2014-06

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A MODIFICATION TO THE
MASTER AND PRECISE DEVELOPMENT PLAN-
MASTER SIGN PROGRAM FOR WESTFIELD
NORTH COUNTY TO ALLOW A FREEWAY-
ORIENTED, ON-PREMISE DIGITAL READER
BOARD SIGN

PLANNING CASE NO. PHG 13-0023

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 October 17, 2013.

SECTION 3. That the City Council has reviewed the Mitigated Negative Declaration prepared for the project in conformance with the California Environmental Quality Act ("CEQA") and public comments received in response to the Mitigated Negative Declaration, as well as materials submitted at the City Council hearing, and as determined that it adequately addresses all the environmental issues associated with the project.

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 (Master Sign Program) 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 (Master Sign Program) for Westfield North County for the installation of an 87.5-foot-high freeway-oriented, on-premise digital reader board sign, subject to the Conditions of Approval and Mitigation Monitoring and Reporting Program set forth in Exhibit "B," attached to this Ordinance and incorporated by this reference. The subject 83-acre regional commercial center generally 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 15th day of January, 2014 by the following vote to wit:

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

NOES : Councilmembers: NONE

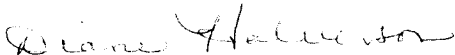
ABSENT : Councilmembers: NONE

APPROVED:



SAM ABED, Mayor of the
City of Escondido, California

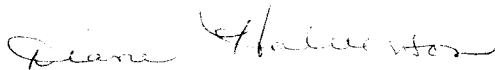
ATTEST:



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. 2014-06 passed at a regular meeting of the City Council of the City of Escondido held on the 15th day of January, 2014, after having been read at the regular meeting of said City Council held on the 8th day of January, 2014.



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

ORDINANCE NO. 2014-06

EXHIBIT "A"

FINDINGS OF FACT PHG 13-0023

1. The Modification to the Master and Precise Development Plan (Sign Program) to allow a digital LED reader board to be incorporated into the previously approved new Westfield pylon sign would be in conformance with the Escondido General Plan that identifies the project site as an 83-acre multistory regional shopping mall with large anchor tenants, smaller inline shops and freestanding up-scale dining establishments. The proposed project would be in conformance with General Plan Goals and Policies regarding "Economic Prosperity" that support recruiting a range of new high quality businesses and expansion of existing businesses to increase employment densities and to sustain a strong economic base. The Guiding Principles for this area continue to coordinate future expansion efforts that attract a regional customer base and support city revenues. The proposed project would be consistent with these core principles, and would provide information to the public by advertising establishments, businesses or services located on, or offered from, Westfield North County. The proposed project would also preserve neighborhoods and would conserve and sustain resources by siting the freeway-oriented sign within an already built-up commercial area. The proposed project would add a new element to this important intersection and Escondido gateway, continuing the ongoing updating of Westfield North County.

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 or light, nor create a hazardous condition along nearby roadways, as discussed in the staff report and Mitigated Negative Declaration issued for project. The proposed project also would be in conformance with any other criteria and specific plan requirements applicable to the Westfield North County regional shopping center. The proposal would be consistent with the City's Sign Ordinance (Zoning Code Article 66) which does not permit off-premise signs/advertising.

2. The approval of the proposed modification to the Master and Precise Development Plan to allow a digital LED reader board to be incorporated into the previously approved freeway-oriented pylon sign would be based on sound principles of land use and would not cause deterioration of bordering land uses because the site is zoned for commercial development and is developed with an approximately 1.2 million SF (GLA) regional shopping mall on 83+ acres of land. The current Master Sign Program allows for a new freeway-oriented pylon sign along the Interstate frontage up to 93 feet in height. A visual analysis consisting of photo simulations demonstrates the location and height of the sign is appropriate from nearby vantage points along Interstate 15. The inclusion of digital LED display component on the sign in combination with the "Westfield" logo and tenant sign cabinets provide an appropriate balance and scale for a sign that serves as the primary means of identification for an 83-acre regional shopping center. The LED reader boards would be equipped with multi-directional light sensing equipment to adjust the brightness according to lighting and weather conditions and the light intensity would not exceed Outdoor Advertising Association of America (OAAA) recommendations for maximum ambient light output levels. Therefore, the illumination from the digital display would not be considered vision-impairing. The nearest light sensitive uses

are single-family residential homes located approximately 800 feet west and northwest of the mall across Interstate 15 and Del Lago Boulevard. The lighting study prepared for the project indicates the light intensity at the nearest residence would be minimal. In addition the perceived size of the proposed sign from nearby residential properties would be very small to negligible due to the distance and view angles. LED images would remain on the screen for a minimum of eight seconds before switching to another static screen image, and there would be no fading or changing effects or moving or flashing images that could be a distraction to drivers.

3. The proposed location of the project within an existing landscaped embankment area adjacent to Interstate 15 and therefore would not have an impact to on-site parking, circulation, utilities or access. The project also would not adversely impact traffic levels on nearby roadways and intersections. The project does not contain any sensitive biological resources or habitat. Any existing ornamental landscaping within the project area removed as part of this project would be replaced in conformance with the City's tree replacement requirements and landscape provisions.
4. The proposed development is well-integrated with the surrounding properties because the site will continue to function as a regional shopping center and the new digital reader board and modifications to the freeway-oriented pylon sign would be appropriate for the site considering the overall scale of the regional mall. As detailed in the Mitigated Negative Declaration, the project would not adversely impact views or scenic resources, nor be out of character for the area.
5. The overall design of the proposed planned development would produce an attractive commercial facility due to its location and the architectural features provided. The proposed sign and digital LED reader board element would have a beneficial effect not obtainable under existing zoning/sign regulations that would not allow a sign of this height, size and design within a standard, non-regional type of commercial center. The overall design and placement of the sign is warranted for this regional shopping center.
6. All of the requirements of the California Environmental Quality Act (CEQA) have been met and a Mitigated Negative Declaration was issued for the proposed project. The findings of the analysis identified impacts that might potentially be significant, but mitigation measures would reduce these impacts to a less than significant level. Potential impacts identified in the Initial Study which require mitigation are related to potential Biological Resources. The mitigation measures have been included in the Conditions of Approval and Mitigation Monitoring and Reporting Program.

EXHIBIT "B"

CONDITIONS OF APPROVAL PHG 13-0023

Planning Division Conditions

1. This modification is limited to the freeway-oriented pylon sign only. All conditions and provision (including all other sign standards) approved as part of the previous Master and Precise Development Plan (City File No. PHG 12-0005) shall remain in full force and effect unless expressly modified herein.
2. 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.
3. 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.
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 new exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code. The proposed new freeway oriented digital display also shall include automatic sensors to monitor ambient lighting conditions and adjust the lighting intensity from the sign. The maximum foot-candle levels shall not exceed the levels detailed in the City Council staff report "Details of Request."
6. Colors, materials and design of the project shall be in substantial conformance with the plans/exhibits approved by the City Council on January 8, 2014 and the exhibits and details in the staff report to the satisfaction of the Planning Division.
7. A 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.
8. Individual sign panels located below the Westfield logo on the freeway pylon shall be limited to on-site tenant names only.
9. Only one freeway-oriented sign shall be permitted. The existing freeway-oriented sign shall be removed prior to operation of the new freeway oriented sign.
10. Conditions 10a – 10f shall be applied to the new Digital (LED) reader board sign component of the freeway-oriented pylon sign:

- a. Any advertising or signage of products, events, businesses or services of any type which are not routinely and in the normal course of business sold, located, or made available on the premises ("off-premise advertising") shall be strictly prohibited. Signage that is not considered "off-premise advertising" shall be permitted. In addition, promotional advertisements for the shopping center and/or Westfield shall be permitted. All sign text and images shall also be in compliance with the Outdoor Advertising Act definition of "On-Premise" advertising (Chapter 2, Division 3, California Business and Professions Code).
 - b. All text and images on the sign shall be reviewed and approved by Westfield staff (or their designee or agent) to assure compliance with the requirements of this condition. Nothing in this condition shall prohibit Westfield from directly selling advertising or from engaging a third party advertising agency or vendor from selling advertising on the sign, provided such advertising complies with this condition. All revenue from displays on the sign shall be subject to that certain Ground Lease Agreement (as may be amended from time to time) between the City and EWH Escondido Associates, L.P. and North County Fair LP, as tenant-in-common (collectively "Westfield").
 - c. The minimum message cycling or "dwell time" for each image shall be no shorter than eight seconds in compliance with the Outdoor Advertising Act and Regulations – 2013 Edition.
 - d. No flashing, moving, animated or special effects shall accompany any message/image display. No special effects that include moving or flashing light shall accompany the transition between messages/images.
 - e. From time to time the City may request, and Westfield shall reasonably allow, the City of Escondido to have text and images on the sign on a space-available basis but not to exceed 5% of the total operating time of the sign (in a 24 hour period), for the purpose of displaying the City's own non-commercial messages. The City shall retain the sole discretion whether to request such text and images. Westfield shall have the right to disapprove such City text and images if it reasonably determines that such text and images are detrimental to the operations of the shopping center. The City's text and images must meet Westfield's graphics-arts standards that were previously delivered to the City so that the messages are "camera ready," at no cost to Westfield.
 - f. As both a requirement imposed by the City, and as a voluntary agreement by Westfield, text and images on the sign shall not include matters that: (1) are obscene; (2) promote illegal drugs, violence or criminal activity (except in connection with advertising for any motion pictures, television, or cable television series or movies, the subject of which is any of the foregoing), tobacco products or sexually explicit products; (3) promote competing shopping centers or shopping center developers; (4) promote sexually oriented businesses or barrooms; or (5) are otherwise prohibited by law or regulation. City may request the removal of, and Westfield shall retain the right to reject any material that, in its reasonable discretion, it considers offensive to the moral sensibilities of the community; provided, however, the City shall not request the removal of any signage that otherwise satisfies the requirements set forth in this Section f.
11. The digital LED reader boards shall be restricted to the hours of 5:00 a.m. to 12:00 a.m. (midnight).

12. All new utilities shall be underground.
13. Five copies of a detailed landscape and irrigation plan(s) shall be submitted prior to the issuance of any grading or building permits for the new sign. 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.
14. As proposed, specimen-sized trees shall be replanted along the Interstate 15 frontage in the vicinity of the existing pylon sign to be removed at a minimum ratio of 1:1. The trees shall be shown on the landscape plan.
15. The area around the base on the new sign shall be re-landscaped with an appropriate mix of materials, to replace the removal of existing landscaping. The area where mature trees are to be removed shall be landscaped to provide screening of the adjacent parking lot area.
16. Mitigation Measure (Biology) - Construction Activities. Removal of suitable vegetation for migratory birds shall occur outside the nesting season (i.e., September 1 through January 14) to avoid potential impacts to nesting birds, if feasible. If vegetation removal is required during the nesting season, within 10 days of the commencement of construction activity, a qualified biologist shall survey the area once within 100 feet of the proposed freeway-oriented sign base for the presence of nesting birds. It should be noted that due to its location a short distance from a busy I-15 Freeway, the Via Rancho Parkway overpass, and Westfield North County parking lots and restaurants, the site is currently subject to a great deal of noise and vibration. Birds found nesting in these conditions have a high tolerance to such disturbances when compared to other birds living in less noisy areas. Consequently the commonly accepted avoidance buffer distances for nesting songbirds of 300 feet (500 feet for raptors) do not apply. If any active nests are detected it shall be determined by the biologist at what distance, if any, an avoidance buffer needs to be observed. If the biologist determines that an avoidance buffer is necessary to protect the nest, that area shall be delineated, flagged, and avoided until the nesting cycle is complete, or as determined appropriate by the biologist. Biological monitoring shall also occur until the nesting cycle is complete.
17. The City of Escondido hereby notifies the applicant that State Law (AB 3158) effective January 1, 1991, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval ("the effective date" being the end of the appeal period, if applicable) a certified check payable to the "County Clerk," in the amount of \$2,185.25 for a project with a Negative Declaration. In addition, these fees include an additional authorized County administrative handling fee of \$50.00 **(Total Fee of \$2,231.25)**. Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid.

Table B-1
Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation (I)/ Monitoring (M) Phase	Enforcement Agency	Verification		Remarks
			Staff Compliance Verification	Date of Implementation (I)/ Monitoring (M)	
<p>Biological Resources</p> <p>Mitigation Measure BIO-1: Avoid Migratory Bird Nesting Season or Complete Surveys Before Construction Activities.</p> <p>Removal of suitable vegetation for migratory birds shall occur outside the nesting season (i.e., September 1 through January 14) to avoid potential impacts to nesting birds, if feasible. If vegetation removal is required during the nesting season, within 10 days of the commencement of construction activity, a qualified biologist shall survey the area once within 100 feet of the proposed freeway-oriented sign base for the presence of nesting birds. It should be noted that due to its location a short distance from a busy I-15 Freeway, the Via Rancho Parkway overpass, and Westfield North County parking lots and restaurants, the site is currently subject to a great deal of noise and vibration. Birds found nesting in these conditions have a high tolerance to such disturbances when compared to other birds living in less noisy areas. Consequently the commonly accepted avoidance buffer distances for nesting songbirds of 300 feet (500 feet for raptors) do not apply. If any active nests are detected it shall be determined by the biologist at what distance, if any, an avoidance buffer needs to be observed. If the biologist determines that an avoidance buffer is necessary to protect the nest, that area shall be delineated, flagged, and avoided until the nesting cycle is complete, or as determined appropriate by the biologist. Biological monitoring shall also occur until the nesting cycle is complete.</p>	<p>(I) Pre-construction; during construction</p> <p>(M) Pre-construction; during construction</p>	<p>■ City of Escondido</p>	<p>(I)</p> <p>(M)</p>	<p>(I)</p> <p>(M)</p>	