

ORDINANCE NO. 2016-07

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING ARTICLE 66 OF THE ESCONDIDO
ZONING CODE, ARTICLE 66, TO REVISE THE
SIZE STANDARDS FOR REGIONAL MARKET
SIGNS

Planning Case No. AZ 16-0004

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 a
public hearing has been held before the City Council on this issue.

SECTION 2. That the City Council has determined that this Municipal Code
Amendment is exempt from the California Environmental Quality Act ("CEQA") in
conformance with Section 15061(b)(3) "General Rule" and finds that no significant
environmental impact will result from approving this code amendment.

SECTION 3. That upon consideration of the staff report; Planning Commission
recommendation; Factors to be Considered, attached as Exhibit "A" to this Ordinance
and incorporated by this reference; and all public testimony presented at the hearing
held on this project, this City Council finds the proposed amendment, which would
increase the allowable size of Regional Market Signs, to be consistent with the General
Plan and all applicable specific plans of the City of Escondido.

SECTION 4. That Escondido Zoning Code Chapter 33, Article 66 (Sign
Ordinance), is amended as described in the attached Exhibit "B", which is incorporated
by this reference.

SECTION 5. 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 6. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.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 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 24th day of August, 2016 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MASSON, MORASCO, ABED
NOES : Councilmembers: NONE
ABSTAIN : 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. 2016-07 passed at a regular meeting of the City Council of the City of Escondido held on the 24th day of August, 2016, after having been read at the regular meeting of said City Council held on the 17th day of August, 2016.



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

ORDINANCE NO. 2016-07

EXHIBIT "A"

**FINDINGS OF FACT
AZ 16-0004**

1. Approval of the proposed Zoning Code Amendment would not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the zone or vicinity in which the property is located. The amendment proposes to modify text in Section 33-1395(10) of the Zoning Code, to allow for larger Regional Market Signs than what is currently permitted. Only guidelines for total sign area, copy area, and changeable message board size will change. There will be no change to the allowed height of these signs. The amendment does not propose to amend which parcels are allowed to have Regional Market Signs, the number of signs that can be located in this area, or the definition of "regional market group". Individual sign proposals would still be required to obtain a Regional Market Sign Permit, and would still be subject to review by City staff and final approval by City Council, including any necessary environmental review as mandated by CEQA.
2. The subject property is suitable for the uses permitted since auto sales and related uses are permitted within industrial zones. The 1.17-acre project site is suitable to accommodate the enlarged sign since the structure would not interfere with internal traffic/circulation patterns or result in a significant impact to highway safety.
3. The proposed amendment would be compatible with Economic Prosperity Goal 1 of the General Plan, which encourages high quality, diversified, and employee-intensive industrial, retail, technology, manufacturing, and service-oriented businesses that create and sustain a strong economic base. It would also be compatible with the associated Policy 1.2, which encourages the preservation and expansion of existing industrial uses in appropriate designated areas that are consistent with the City's vision and goals. Auto sales and related uses are permitted within industrial zones, and the applicant maintains that the amendment to allow a larger Regional Market Sign on an industrial parcel would enhance their ability to attract consumers to their business, which in turn helps to sustain a strong economic base for Escondido.
4. The proposed code amendment is not applicable to any adopted specific plans since no specific plans have been adopted for this area.

EXHIBIT "B"

Amendments to Escondido Zoning Code Section 33-1395.10
(Language to be removed in ~~strikeout~~; language to be added in underline)

Sec. 33-1395.10. Sign standards—Regional market signs.

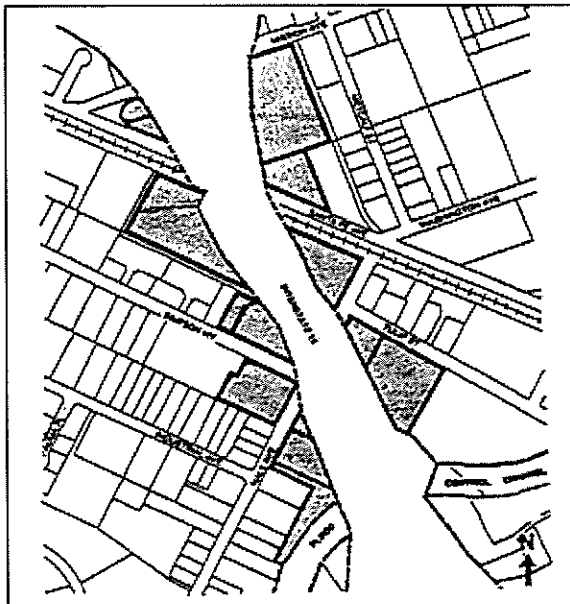
Notwithstanding other sections of this article, this section shall regulate the type, location, size, number, and eligible user(s) of regional market signs, as well as the application and review process.

(a) Eligible users. Only a regional market group or an affiliated business organization consisting of members of the regional market group, as approved by the city council, may request a regional market sign.

(b) Type of sign. Regional market signs may be freeway-oriented, freestanding pole or monument type signs, wall signs, structures, art pieces, or other building signs which are determined by the planning commission and city council to be consistent with the design guidelines, appropriate for the specific site and surrounding development, and comprehensively designed to provide artistically integrated elements which create an innovative and high-quality advertisement.

(c) Location. Regional market signs shall be located only on commercially and certain industrially zoned parcels contiguous to Interstate 15, as shown on Figure 33-1395.10(c)1.

Figure 33-1395.10(c)1



(d) Size. The area and height of the sign shall be the minimum needed to achieve a visible and functional sign in compliance with the design guidelines. Signs up to a maximum of eighty (80) feet high and ~~four hundred (400)~~ seven hundred ten (710) square feet in copy area including any message center panel approved by the city council, with the total sign area not exceeding ~~seven hundred fifty (750)~~ eight hundred twenty-five (825) square feet, may be considered based on specific site characteristics, adjacent freeway elevation and substantiation of the need for that large of sign. The Director of Community Development may approve a sign up to 10 percent larger than the maximum sign height and sign area specified here, upon receipt of an application for an administrative adjustment.

(e) Number.

(1) Not more than one (1) regional market sign is permitted for any regional market group or lot/center where the sign will be located. Not more than one (1) regional market sign shall be permitted within the industrially zoned area along Interstate 15 as described above in section 33-1395.10(c). The regional market sign may be in addition to any existing permitted freeway oriented advertising sign(s) not related to the regional market group, on the property at the time the regional market sign is requested. An appropriate separation based on specific site characteristics and existing signs shall be provided between freeway-oriented signs.

(2) A regional market group may have either a freeway-oriented regional market sign or a freeway-oriented advertising sign on any site; not both.

(f) Displays. Regional market signs may only identify the regional market group, group members, or affiliated business organization located on-site as owners or occupants of the premises, and/or advertise the business conducted or services rendered or goods produced or sold upon the property upon which the regional market sign is constructed, and other information consistent with Section 5405 of Division 3, Chapter 2 of the Business and Professions Code. Outdoor Advertising Act, and the policies of the California Department of Transportation (Caltrans) for freeway-oriented signs.

(g) Fixed text. Any permanent fixed copy on a regional market sign shall be individual letters or have the appearance of individual letters, and shall be consistent with the sign design guidelines including criteria for legibility and the avoidance of a cluttered appearance.

(h) Changeable message. An electronic message center may be incorporated in the regional market sign with the approval of the city council, subject to the following.

(1) Length of display. Each message shall be displayed for a period of at least eight (8) seconds. The sign shall remain blank (no messages or display) for at least one (1) second between displays. The messages and displays shall not be animated, appear in incremental stages or move across the changeable copy sign face. The software manufacturer and the software installer shall certify to the city that the software for the computer which controls the sign has been designed to and can only operate the sign at the approved on and off intervals.

(2) Maximum size. The maximum size of the electronic message center portion of a regional market sign shall be ~~two hundred seventy (270)~~ six hundred (600) square feet. The Director of Community Development may approve an electronic message center up to 10 percent larger than the maximum size specified here, upon receipt of an application for an administrative adjustment.

(i) Illumination. The permanent copy maybe illuminated by internal illumination of each individual letter or by halo back-lighting of each letter. No cabinet signs with illuminated backgrounds are allowed. The changeable copy area shall only be illuminated by the internal electronically controlled lights of the message center component.

(j) Initiation of application. Each sign application for a regional market sign shall be forwarded to the city council for initiation. The city council shall make the following findings prior to initiating any request.

Initiation findings.

(1) The applicant(s) constitute(s) a regional market group as defined by section 33-1391(52-1) or an affiliated business organization consisting of members of a qualified regional market group.

(2) The regional market group has limited visibility from the Interstate 15 freeway.

(3) Due to interurban competition, the defined group of users is at risk of a reduction in their share of the regional market; or

The regional market sign will assist in the retention of the regional market group uses in Escondido.

Upon initiation by the city council, a sign(s) shall be posted in a conspicuous location(s) on the project site so as to be visible from each public street adjacent to the site. The sign(s) shall notify the public of the submittal of a regional market sign application and shall be consistent with the requirement of section 33-1300(c)(2) of this chapter as to content and size.

(k) Review of application. Upon initiation by the city council, the sign permit application and processing fee shall be submitted to the planning division and shall include a site-specific study prepared pursuant to subsection (n) of this section, as well as a list of property owners within five hundred (500) feet of the proposed sign location pursuant to subsection (l) below. If the proposed location for the regional market sign is zoned PD-C (planned development-commercial), no separate modification of the master sign program for the planned development is necessary. The sign application shall be reviewed by the planning division, whose recommendations shall be considered by the planning commission and the city council at separate public hearings. The city council shall make all the following findings prior to any approval or conditional approval of a regional market sign.

Approval findings.

(1) The proposed sign size and design are appropriate for the proposed location, type of regional market group, and surrounding development including the elevation of the adjacent freeway travel lane and mature height of landscaping, and conform to the sign standards of this section.

(2) The proposed sign is comprehensively designed to artistically integrate the various elements of the advertising and structure consistent with the sign design guidelines, which creates a high quality advertisement.

(3) The proposed sign will not be materially detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity in which the property is located.

(4) The regional market group association has demonstrated the ability and intent to enter into an agreement with the city to provide continuing maintenance of the regional market sign in accordance with the sign standards and conditions of approval.

(l) Public hearing notice. Public notice of the public hearings before the planning commission and the city council shall be given pursuant to Division 6, section 33-1300 of this chapter. However, the five hundred (500) foot radius from the property line adjacent to the freeway shall be measured from the Caltrans right-of-way line on the opposite side of the freeway from the project site.

(m) Other permits. Any approval of a sign application submitted without a current sign permit from the California Department of Transportation (Caltrans) for the proposed location, shall be conditioned upon obtaining any applicable sign permit from Caltrans for the proposed location.

(n) Requirements of site-specific study. The applicant shall provide a visual study representing the sign at the proposed location which demonstrates the visibility of the proposed sign from northbound and southbound travel lanes of Interstate 15. The study may be photographs or video tape of sign mockups situated on the proposed site; photo simulations; computer simulations; or other appropriate representations to the satisfaction of the director.

(o) Maintenance agreement. A maintenance agreement between the regional market group and the city shall be executed prior to the issuance of building permits for the regional market sign. The agreement shall identify the party responsible for the maintenance and operation of the regional market sign and shall include the annual maintenance schedule, to the satisfaction of the city attorney. (Ord. No. 95-18, § 2, 9-13-95; Ord. No. 96-27, § 1, 8-28-96; Ord. No. 2008-22, § 7, 9-10-08; Ord. No. 2011-19R, § 5, 1-11-12)