

ORDINANCE NO. 2016-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING ARTICLE 80 OF THE ZONING CODE PERTAINING TO THE PUBLIC FACILITIES OVERLAY ZONE ALONG WITH AMENDING THE GENERAL PLAN TO APPLY THE PUBLIC FACILITIES OVERLAY ZONE IN CONJUNCTION WITH REZONING APPROXIMATELY 15.4 ACRES TO APPLY THE PUBLIC FACILITIES OVERLAY ZONE FOR PROPERTY GENERALLY LOCATED ON THE NORTHEASTERN CORNER OF AVENIDA DEL DIABLO AND CITRACADO PARKWAY

Applicant: City of Escondido
Case No.: PHG15-0018 and ENV15-0008

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

SECTION 1. That proper notice of public hearings have been given and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 2. That on May 10, 2016, the Planning Commission recommended approval of the proposed amendment to the Article 80 of the Zoning Code, General Plan Amendment and Zone Change to apply the Public Facilities Overlay to the subject property (Resolution No. 6067).

SECTION 3. That the City Council has reviewed and considered the Mitigated Negative Declaration prepared for this project (City File No. ENV15-0008) and has determined the project would not have any significant impacts to the environment because all project related impacts have been mitigated, and adopts the Final Mitigated Negative Declaration as reflected on documents on filed in the offices of the City Clerk and Planning Division, and incorporated by this reference.

SECTION 4. That upon consideration of the Findings/Factors to be considered, attached as Exhibit "A" and incorporated by this reference, the staff report, Planning Commission recommendation, and all public testimony presented at the hearing held on this project, this City Council finds that the Amendment to the Zoning Code, General Plan Amendment and Zone Change is consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 5. That the General Plan Land-Use Map and the Zone District Map of the City of Escondido is hereby amended by applying the Public Facilities Overlay to the underlying land-use designation and zoning classification for the real property, as described and depicted in Exhibit "B" attached, and incorporated by this reference.

SECTION 6. That Article 80 of the Escondido Zoning Code is amended to read as outlined in Exhibit "C," which is attached to this Ordinance and incorporated by this reference.

SECTION 7. 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 County and circulated in the City of Escondido.

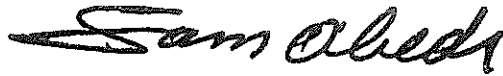
SECTION 8. That if any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 9. Those as of effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 22nd day of June, 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. 2016-06 passed at a regular meeting of the City Council of the City of Escondido held on the 22nd day of June, 2016, after having been read at the regular meeting of said City Council held on the 15th day of June, 2016.



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

ORDINANCE NO. 2016-06

EXHIBIT "A"**FINDINGS OF FACT/FACTORS TO BE CONSIDERED
PHG15-0018**Amendment to the Zoning Code

1. The public health, safety and welfare will not be adversely affected by the approval of the proposed amendment to Article 80 of the zoning code (Public Facilities Overlay Zone) because appropriate public utilities and corresponding operations/maintenance facilities are needed to serve all areas of the City. These facility may need to be located within various zoning designations and the proposed Public Facilities Overlay zone would be necessary to support the unique design requirements and operational characteristic in order to provide and/or support efficient and effective infrastructure to assure that basic health and safety needs are being met. Each facility within the proposed Public Facilities Overlay Zone would be subject to public review through the Conditional Use Permit process and environmental review in conformance with the California Environmental Quality Act (CEQA) to ensure the appropriateness of the proposed use on a specific site, as well as compatibility with adjacent uses.
2. The proposed amendment to Article 80 would not be detrimental to surrounding properties because all requested departures from the underlying zoning requirements would be specified and made public during the Conditional Use Permit process. The required findings for approval specify that a facility shall not significantly impair the use and enjoyment of neighboring properties and shall take into consideration the scale and architectural context of the surrounding neighborhood. The Conditional Use Permit process ensures the property involved would be suitable for the uses proposed on a specific site.
3. The proposed amendment to the Zoning Code would be consistent with the General Plan because the Escondido General Plan allows for single-use public facilities to be located on properties with a Public Facilities Overlay (PF-O) designation. The proposed Wastewater Collections Yard is a necessary component of the efficient operation of the City's Hale Avenue Resource Recovery Facility (HARRF) and is consistent with Quality of Life Standard 5 (Wastewater System) to ensure the city wastewater system provides the capacity to meet the demand in accordance with the City's Wastewater Master Plan. The proposed project also would be consistent with General Plan Implementation Program goals and policies (Maintenance and Operations, page X-11) by maintaining efficient and effective infrastructure to assure that basic health and safety needs are being met.

Zone Change and General Plan Amendment

1. The public health, safety and welfare will not be adversely affected by the proposed Zone Change and General Plan Amendment to apply the Public Facilities Overlay Zone on the subject parcels because the underlying zoning will remain the same and a limited number of departures from development standards are needed to accommodate the facility that will serve the ongoing public utility and wastewater collection needs of the community. The proposed Overlay Zone land-use and zoning designation would be subject to public review through the Conditional Use Permit process and environmental review in conformance with the California Environmental Quality Act (CEQA) to ensure the appropriateness of the proposed use on a specific site, as well as compatibility with adjacent uses.
2. The property involved is suitable for the uses permitted by the proposed zone because the site is immediately adjacent to the main HARRF facility on the north and the site already is used to support operations at the HARRF and other public works functions. Access to and through the site to the HARRF already is provided. The site will not require extensive grading or would have an adverse impacts to on-site sensitive resources. The proposed facility can be accommodated on the site without adversely affecting other properties or traffic circulation, as detailed in the staff report and Final Mitigated Negative Declaration.
3. The uses permitted by the proposed zone will not be detrimental to surrounding properties because the site is immediately adjacent to the City's HARRF facility on the north, and relatively isolated from most nearby land uses by Circulation Element streets, existing topography and woodland areas. The buildings have been located with appropriate setbacks from adjacent property boundaries and public streets in order to provide appropriate separation and landscape buffers. The current Open Space-Park zoning would remain in place that currently allows for the development of public utilities.

4. The proposed zone change to apply the Public Facilities Overlay Zone on the subject parcels is consistent with the underlying Open Space-Park zoning and SPA8 designation of the General Plan because the proposed project would establish a public utility maintenance facility in support of the adjacent HARRF, subject to the issuance of a Conditional Use Permit. The adjacent HARRF facility already has a Public Facilities Overlay General Plan land-use designation. The project site and adjacent HARRF facility is deemed essential for the provision of essential community services.
5. The proposed zone change will not conflict with any specific plans because there are no specific plans adopted for the subject site. The existing General Plan land-use designation of SPA8 would still remain for the subject parcels with a proposed Public Facilities Overlay zone and land-use designation.

Conditional Use Permit

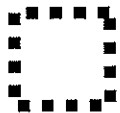
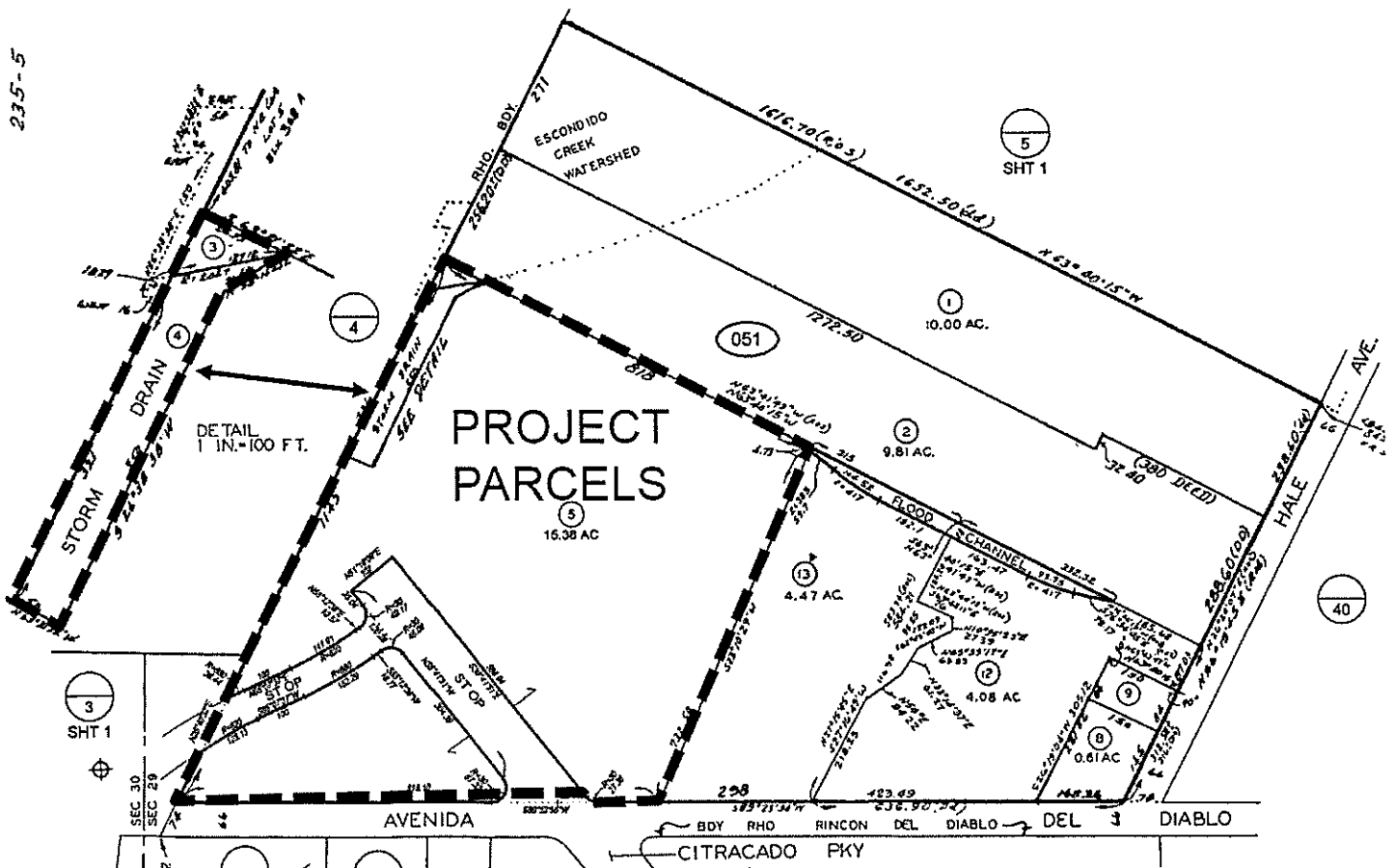
1. The Planning Commission believes that granting this Conditional Use Permit for the proposed Wastewater Collection Yard is based on sound principles of land use and would not create a nuisance, cause deterioration of bordering land uses or create special problems for the area in which it is located because the proposed facility would be situated in a disturbed area on the larger 15.4-acre parcel. The proposed development area is in close proximity to the existing main HARRF facility on the north and appropriate access is provided between both facilities. The proposed three metal buildings would be situated on a large 15-acre parcel and have been designed with appropriate architectural features and located to address any potential visual and compatibility impacts to surrounding uses, with appropriate setbacks from adjacent streets and residential properties. The majority of the wastewater collection operations will be housed inside of the buildings that have been designed to fit into a more rural/open space setting, and also will provide appropriate noise attenuation. The proposed buildings have been located with appropriate setbacks from adjacent property boundaries and public streets in order to provide appropriate separation and landscape buffers. The site will not require extensive grading or would have an adverse impacts to on-site sensitive resources. The proposed facility can be accommodated on the site without adversely affecting other properties or traffic circulation, as detailed in the staff report and Final Mitigated Negative Declaration. The proposed buildings have been designed and oriented to reduce potential compatibility and noise impacts to any adjacent sensitive receptors (residential uses). A sufficient number of on-site parking spaces are provided to serve the facility.
2. All of the requirements of the California Environmental Quality Act (CEQA) have been met because the findings of the environmental analysis (as demonstrated in Final Mitigated Negative Declaration ENV15-0008) are that the Initial Study identified impacts related to biological resources, and cultural and tribal cultural resources that may be potentially significant. However, design and minimization measures, revisions in the project plans and/or mitigation measures would provide mitigation to a point where potential impacts are reduced to less than a significant level. All other project impacts studied were found to be less than significant. The City also has complied with the provisions of Assembly Bill 52 and Senate Bill 18 regarding consultation with the Native American Tribes and appropriate mitigation measures have been included to address potential impacts to tribal cultural resources.
3. This project is in response to services required by the community because the facility is a component of the efficient operation of the City's Hale Avenue Resource Recovery Facility (HARRF) and is consistent with Quality of Life Standard 5 (Wastewater System) to ensure the city wastewater system provides the capacity to meet the demand in accordance with the City's Wastewater Master Plan. The proposed project also would be consistent with General Plan Implementation Program goals and policies (Maintenance and Operations, page X-11) by maintaining efficient and effective infrastructure to assure that basic health and safety needs are being met.
4. The proposed Conditional Use Permit and Public Facilities Overlay designation would be appropriate the subject site and would not be detrimental to surrounding properties because all requested departures from the underlying zoning requirements have been identified through the public Conditional Use Permit process. Any departures from standard zoning requirements are based upon the necessary operating characteristics of the facility and the efficient provision of public services. The facility would not impair the use and enjoyment of neighboring properties and has taken into consideration the scale and architectural context of the surrounding neighborhood. The property involved would be suitable for the uses proposed on a specific site as noted in the above Findings, staff report and Final Mitigated Negative Declaration prepared for the project.

5. The proposed project will not conflict with any specific plans because there are no specific plans adopted for the subject site. The existing General Plan land-use designation of SPA8 would still remain for the subject parcels with a proposed Public Facilities Overlay zone and land-use designation. The project has been considered in relationship to its effect on the community any neighborhood plan, and would not result in any significant operational or compatibility impacts with the surrounding neighborhood, as detailed in the above findings, staff report and environmental documents prepared for the project.

EXHIBIT "B"

PHG15-0018 Property Description

Certain parcels located in Block 143 of Map No. 724 in the City of Escondido, County of San Diego and identified as Assessor Parcel Nos. 235-051-03, -04 and -05 depicted on San Diego County Assessor's Map Book 235, PG 05, Sht. 2 of 3 as depicted below.



General Plan Land-Use Designation (apply the Public Facilities Overlay PFO)
 Zoning Classification (apply the Public Facilities Overlay PFO)

EXHIBIT "C"

ARTICLE 80. PUBLIC FACILITIES OVERLAY ZONE

Section 33-1650. Purpose

- (a) General Purpose. The purpose of the public facilities overlay zone is to provide uniform standards and procedures for the development of public utility, operations, maintenance, police department and fire department facilities throughout the city.

Section 33-1651. Applicability

The PFO (public facilities) overlay zone may be applied upon request, subject to discretionary review, in any residential, commercial, industrial, open space or specific plan zoning designation.

Section 33-1652. Permitted and conditional uses.

The permitted uses and structures and the accessory uses and structures shall be as permitted in the underlying zone. Those properties where the city council has applied the PFO overlay zone shall additionally allow the establishment of public utility, operations, maintenance, police department and/or fire department facilities subject to the issuance of a conditional use permit.

Section 33-1653. Development standards.

Standards for area, coverage, building height, sign placement and design, site planning, setbacks, landscaping and screening, distances between buildings, floor area ratio, open space, off-street parking, may vary from the underlying zoning as needed to ensure that public facilities meet community needs as recommended by the chief of police, or fire chief, or director of public works and subject to the approval of the planning commission and/or city council. All requested exceptions shall be noted in the staff report presented to the planning commission and consideration of the effects of such exception shall be given to surrounding residents and businesses.

Section 33-1654. Required findings for approval.

Prior to recommending approval of a conditional use permit, the planning commission shall find that the proposed public facility conforms to the following criteria:

- (a) The location of the facility is in response to the public service needs of the community and will not significantly impair the continue use and enjoyment of neighboring properties.
- (b) The design of the facility has taken into consideration the scale and architectural context of the neighborhood or business district in which the facility is located. Departures from standard zoning requirements are based upon the necessary operating characteristics of the facility and the efficient provisions of public services.
- (c) All vehicular traffic generated by the facility can be accommodated safely and without causing undue congestion upon adjoining streets.
- (d) That all requirements of the California Environmental Quality Act have been met.