

ORDINANCE NO. 2018-13R

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING ARTICLE 16 (COMMERCIAL ZONES), ARTICLE 26 (INDUSTRIAL ZONES), AND ARTICLE 57 (MISCELLANEOUS USE RESTRICTIONS) OF THE ESCONDIDO ZONING CODE; AMENDING TABLE 4.1 OF THE EAST VALLEY PARKWAY AREA PLAN; AND AMENDING TABLE 4.2 OF SOUTH CENTRE CITY SPECIFIC PLAN TO LIMIT CARWASH FACILITIES AND MAXIMIZE THE CITY'S ABILITY TO EXERCISE DISCRETIONARY REVIEW OF CARWASH FACILITY APPLICATIONS

APPLICANT: City of Escondido  
PLANNING CASE NO.: AZ 18-0003

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

SECTION 1. Given uncertainty about the adequacy of existing carwash related regulations in the City of Escondido, an Interim Urgency Ordinance imposing a moratorium on carwash facilities was adopted on May 2, 2018, by Ordinance No. 2018-11. This Urgency Ordinance explicitly prohibited the issuance of any zoning, land use, discretionary permit, building permit, environmental approval, business license or any other entitlement involving businesses described as carwashes, whether intended as primary uses or accessory uses in the City of Escondido for forty-five (45) days. During that time period, the City evaluated and reviewed potential modifications to the Escondido Zoning Code and other land use regulations that pertain to carwash facilities.

SECTION 2. 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.

SECTION 3. The Planning Commission conducted a public hearing on April 24, 2018, to discuss and consider the proposed amendments, considered public testimony, and made a recommendation to the City Council.

SECTION 4. The City Council has duly reviewed and considered all evidence submitted at said hearings, including, without limitation:

- a. Written information;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated May 23, 2018, which along with its attachments is incorporated herein by this reference as though fully set forth herein; and
- d. Additional information submitted during the Public Hearing.

SECTION 5. The City Council finds public health, safety, and welfare concerns have been expressed regarding the proliferation and potential oversaturation of car washing facilities in the community. The economic benefit of these facilities is negligible as the City collects minimal sales tax revenues associated with carwash facility operations.

SECTION 6. The City Council finds that carwash facilities also have the potential to generate undesirable conditions for adjacent properties. Airborne mist, odors from chemicals and vehicle exhaust, and noise from vacuums, pumps, pressurized sprayers, dryers, engines and car stereos are examples of common impacts generated by these uses. The impacts can be detrimental to the quality of life for adjacent residents and disruptive to adjacent businesses.

SECTION 7. At this time, the City Council of the City Escondido desires to amend the Escondido Zoning Code to limit carwash facilities and maximize the City's ability to exercise discretionary review of carwash facility applications. The Zoning Code

Amendment requires ancillary and conforming amendments to the East Valley Parkway Area Plan and South Centre City Specific Plan to ensure carwash facilities are reviewed and considered consistently, Citywide.

SECTION 8. This action is exempt from environmental review pursuant to California Environmental Quality Act Guidelines (“CEQA” and “CEQA Guidelines”) Section 15061(b)(3) since there would be no possibility of a significant effect on the environment because the amendments will not directly result in development. Any future project or development as defined by the CEQA that may occur as a result of the amended language would be subject to CEQA review and analysis.

SECTION 9. That upon consideration of the staff report, Planning Commission recommendation, Planning Commission staff report, all public testimony presented at the hearing held on this project, and the “Findings of Fact,” attached as Exhibit “A” to this Ordinance and incorporated herein by this reference as though fully set forth herein, this City Council finds the proposed amendments are consistent with the General Plan and all applicable specific plans of the City of Escondido, as amended.

SECTION 10. That the specified sections of the Escondido Zoning Code, East Valley Parkway Area Plan, and South Centre City Specific Plan are amended as set forth in Exhibit “B” to this Ordinance and incorporated herein by this reference as though fully set forth herein.

SECTION 11. Exhibit “B” to this Ordinance provides reference to Section 33-1125 within Article 57 (Miscellaneous Use Restrictions) of the Escondido Zoning Code. The content of Section 33-1125 was included in Ordinance 2018-12 and is separate from this action. Because of this relationship, Ordinance 2018-13R shall not be effective unless

and until Ordinance 2018-12 is approved and is procedurally effective within its corporate limits as a statute in the manner provided by state law.

SECTION 12. HARDSHIP EXEMPTION. This Ordinance outlines the basic requirements and use-related provisions dealing with carwash-related facilities. The City Council hereby finds that an extreme hardship would result from the strict application of the Ordinance to the current processing of a land use development application for a new carwash facility, located at 862 N. Broadway. Since the hardship did not result from actions taken by the applicant or the property owner, the City Council hereby exempts Planning Case File No. ADM17-0101, on file with the Planning Division of the City of Escondido, from the provisions of this Ordinance. Said application shall be processed, reviewed and considered by the City in accordance with the standards existing at the time the application was submitted, as well as all applicable laws.

SECTION 13. 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 14. That as of the effective date of this Ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 15. 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 6<sup>th</sup> day of June, 2018 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MASSON

NOES : Councilmembers: MORASCO, ABED

ABSENT : Councilmembers: NONE

APPROVED:



SAM ABED, Mayor of the  
City of Escondido, California

ATTEST:



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

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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. 2018-13R passed at a regular meeting of the City Council of the City of Escondido held on the 6<sup>th</sup> day of June, 2018, after having been read at the regular meeting of said City Council held on the 23<sup>rd</sup> day of May, 2018.



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

ORDINANCE NO. 2018-13R

## EXHIBIT "A"

### FACTORS TO BE CONSIDERED/FINDINGS OF FACT

#### Zoning Code and Specific Plan Amendments

1. The public health, safety, and welfare would not be adversely affected by the proposed Zoning Code and Specific Plan Amendments. The proposed amendment develops new land use limitations and revises the permitting process for carwash facilities, which requires findings of necessity and strategies necessary to capture economic investment and locate development appropriately. The proposed Zoning Code and Specific Plan Amendments would not be detrimental to surrounding properties because no physical improvements are proposed as part of these proposed amendments. Future construction must comply with any applicable laws and standards. This includes the Building Code, the Fire Code, and any property standards bylaws.
2. The proposed Zoning Code and Specific Plan Amendments help ensure land resources are more closely aligned with critical overarching economic goals of the city, while addressing neighborhood concerns about certain types of businesses.
3. The proposed Zoning Code and Specific Plan Amendments, implemented over time though updated permit processing and review criteria, would likely lead to increased property values by promoting higher quality carwash facility development and/or preventing unwanted or unsightly forms of development in key areas where high employment uses are desired.
4. The proposed Zoning Code and Specific Plan Amendments would be consistent with the goals and policies of the General Plan because the amendments would not, in and of themselves, result in development or any other material change to the environment. Updating key portions of the Zoning Code establishes specific conditions or standards that would apply to future projects to promote land use compatibility, reflect current community needs, and ensure their consistent application regardless of zone district type. The proposed Zoning Code and Specific Plan Amendments would not diminish the Quality of Life Standards of the General Plan, nor adversely impact community health or natural resources. This Project requires ancillary and conforming amendments to the East Valley Parkway Area Plan and South Centre City Specific Plan to ensure carwash facilities are reviewed and considered consistently, citywide.
5. This Project requires an ancillary and conforming amendments to the East Valley Parkway Area Plan and South Centre City Specific Plan to ensure carwash facilities are reviewed and considered consistently, citywide. No changes are proposed or required for the West Mission Specific Plan since the plan defers to the citywide Zoning Code, which as amended, would ensure lateral consistency. The proposed Zoning Code and Specific Plan Amendments do not conflict with any specific plan.

**EXHIBIT "B"**

**PROPOSED ZONING CODE AND SPECIFIC PLAN AMENDMENTS**

**AZ 18-0003**

**SECTION I.**

**Article 16, Sec. 33-332, Table 33-332, Permitted and Conditionally Permitted Principal Uses.**

Car-wash, polishing, vacuuming, or detailing (primary or accessory use)

CG	CN	CP
<u>PC</u>		

**Article 26, Sec. 33-564, Table 33-564, Permitted and Conditionally Permitted Principal Uses.**

Automotive services (excluding gasoline service stations and car-wash related uses)

I-O	M-1	M-2	I-P
	P	P	

**Article 26, Sec. 33-564, Table 33-564, Permitted and Conditionally Permitted Principal Uses. Establish "car-wash, polishing, vacuuming, or detailing" as a land use activity, by conditional use permit.**

Car-wash, polishing, vacuuming, or detailing (primary or accessory use)

I-O	M-1	M-2	I-P
	<u>C</u>	<u>C</u>	

**Article 57, Sec. 33-1126. ~~Reserved~~ Car-wash, polishing, vacuuming, or detailing.**

The following section shall also apply to car-wash, polishing, vacuuming, and/or detailing uses (including self-service and automated facilities). This section applies to any primary or accessory use and any structure or part thereof used for the washing of cars either by manual or assembly line techniques, utilizing employees or the car owner, or a combination of both. Car-wash, polishing, and detailing uses shall comply with the development standards of the zoning district, general development standards, and this section. This section does not apply to temporary car-wash activities that occur on not more than three (3) consecutive days at the same location.

(a) All detailing or waxing (except for spray waxing) shall be conducted inside a building enclosed on no less than three sides, subject to the satisfaction of the Director of Community Development.

(b) Bay enclosures.

(1) Sides of car-wash bays or tunnels open to a residential use or a residential or mixed use zoning district that abuts or is across an alley from the site shall be completely enclosed or otherwise screened by a wall. Solid windows that do not open, glass block, or other closed material may be used as part of the wall face.

(2) All car-wash bays and tunnels and all car-wash equipment shall be designed to minimize the creation, and carrying off the premises, of airborne particles of water, chemicals, and dust.

(c) The exit from the car-wash shall have a drainage system which is subject to the approval of the City.

(d) Vacuum stations.

(1) Vacuum stations and related equipment shall comply with the setbacks for the principal structure.

(2) The site shall be designed to reduce the visual impacts of vacuum stations and waiting cars as viewed from surrounding development and public streets. The vacuum stations shall be screened to the extent feasible by an intervening building or by a combination of landscaping, wall/fencing, and/or berming.

e) Automated and drive-through car-wash related facilities must also comply with the commercial drive-through requirements set forth in Section 33-341(b).

f) The following types of land use activities shall be subject to Section 33-1125 of this article.

(1) The construction of a new car-wash related facility; and

(2) The expansion of an existing car-wash related facility that increases the size of the lot and involves new land area devoted to car-wash related improvements.

Other types of expansions, additions, repairs, upgrades, replacement or reconstruction of existing facilities shall be exempt from the requirements of Section 33-1125.

**SECTION II.**

Amend the East Valley Area Plan to read as specified below. The changes are listed in order by section number, with ~~strikeout~~ typeface illustrating deletions and underline typeface illustrating new text.



**Table 4.1. Permitted and Conditionally Permitted Principal Uses. Change description of use and source of special use regulations.**

Car-wash, polishing, <u>vacuuming</u> , detailing, as a primary <u>or accessory</u> use ( <u>Section 33-1126*</u> )	CG
	C*

**SECTION III.**

Amend the South Centre City Specific Plan to read as specified below. The changes are listed in order by section number, with ~~strikeout~~ typeface illustrating deletions and underline typeface illustrating new text.

**Chapter 4, Table 4.2. Permitted Land Uses for Specified Districts/Subareas. Establish land use authorization for car-wash facilities, by conditional use permit.**

Car-wash, polishing, <u>vacuuming</u> , detailing ( <u>as a primary or accessory use, subject to Section 33-1126 of the EZC</u> )	WM General	SE General
	<u>PC</u>	<u>PC</u>