A. CALL TO ORDER:  7:00 p.m.

B. FLAG SALUTE

C. ROLL CALL:

D. MINUTES:  04/24/18

The Brown Act provides an opportunity for members of the public to directly address the Planning Commission on any item of interest to the public before or during the Planning Commission's consideration of the item. If you wish to speak regarding an agenda item, please fill out a speaker's slip and give it to the minutes clerk who will forward it to the chairman.

Electronic Media: Electronic media which members of the public wish to be used during any public comment period should be submitted to the Planning Division at least 24 hours prior to the meeting at which it is to be shown.

The electronic media will be subject to a virus scan and must be compatible with the City’s existing system. The media must be labeled with the name of the speaker, the comment period during which the media is to be played and contact information for the person presenting the media.

The time necessary to present any electronic media is considered part of the maximum time limit provided to speakers. City staff will queue the electronic information when the public member is called upon to speak. Materials shown to the Commission during the meeting are part of the public record and may be retained by the City.

The City of Escondido is not responsible for the content of any material presented, and the presentation and content of electronic media shall be subject to the same responsibilities regarding decorum and presentation as are applicable to live presentations.

If you wish to speak concerning an item not on the agenda, you may do so under "Oral Communications" which is listed at the beginning and end of the agenda. All persons addressing the Planning Commission are asked to state their names for the public record.

Availability of supplemental materials after agenda posting: any supplemental writings or documents provided to the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning Division located at 201 N. Broadway during normal business hours, or in the Council Chambers while the meeting is in session.

The City of Escondido recognizes its obligation to provide equal access to public services for individuals with disabilities. Please contact the A.D.A. Coordinator, (760) 839-4643 with any requests for reasonable accommodation at least 24 hours prior to the meeting.
E. WRITTEN COMMUNICATIONS:

"Under State law, all items under Written Communications can have no action, and will be referred to the staff for administrative action or scheduled on a subsequent agenda."

1. Future Neighborhood Meetings

F. ORAL COMMUNICATIONS:

"Under State law, all items under Oral Communications can have no action, and may be referred to the staff for administrative action or scheduled on a subsequent agenda."

This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

G. Proclamation honoring Jeff Weber, former Planning Commissioner Chairman.

H. PUBLIC HEARINGS:

Please try to limit your testimony to 2-5 minutes.

1. APPEAL OF ADMINISTRATIVE DECISION – PHG 18-0008:

REQUEST: An appeal of Administrative Decision Per Article 40, Section 33-803 of the Escondido Zoning Code, for the non-emergency demolition of a skating rink building constructed in 1950 and remodeled in 1959. Demolition of the building has been requested in conjunction with a Plot Plan application to construct a carwash facility on the property. In accordance with City policy, the existing building was evaluated to determine if the building constitutes a significant historic resource. The assessment concluded that the subject building does not qualify under any criterion for nomination to the California Register of Historical Resources/National Register of Historical Places, and is not eligible for listing on the Local Register of Historical Places. Therefore, the Planning Division concluded that the non-emergency demolition permit could be considered at a staff level. Gary and Christine Stang (Skate World) is appealing the administrative decision to the Planning Commission. The subject site is located with the CG (Commercial General) zone, and within the GC (General Commercial) General Plan designation. The scope of the hearing only includes the procedure and findings for obtaining a non-emergency demolition permit.

PROPERTY SIZE AND LOCATION: The subject site is located on the east side of N. Broadway, just north of Mission Avenue and south of Lincoln Avenue, addressed as 862 N. Broadway, (APN: 229-130-49)

ENVIRONMENTAL STATUS: The proposed non-emergency demolition of a skating rink building is exempt from environmental review in conformance with CEQA Section 15301 (l), Class 1 “Existing Facilities.”

APPLICANT: Gary and Christina Stang (Skate world)

STAFF RECOMMENDATION: Uphold the Administrative Decision

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:
2. **ZONING CODE AMENDMENT – AZ 18-0004:**

REQUEST: Amendment to the Escondido Zoning Code to change the number of menu boards allowed for drive-through restaurants. Current citywide sign regulations allow up two (2) freestanding menu board signs for each drive-through business. The proposed Zoning Code Amendment would increase the maximum number of menu board signs allowed to accommodate businesses that feature more than one stacking lane. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: Citywide

ENVIRONMENTAL STATUS: Exemption under the General Rule, CEQA Section 15061(b)(3).

APPLICANT: Christopher Wadleigh (Habit Burger)

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

I. **CURRENT BUSINESS:**

Note: Current Business items are those which under state law and local ordinances do not require either public notice or public hearings. Public comments will be limited to a maximum time of three minutes per person.

1. **Informational presentation on the Climate Action Plan Update (PHG 18-0009) and summary of anticipated outreach events and activities.**

J. **ORAL COMMUNICATIONS:**

"Under State law, all items under Oral Communications can have no action and may be referred to staff for administrative action or scheduled on a subsequent agenda."

This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

K. **PLANNING COMMISSIONERS**

L. **ADJOURNMENT**
MINUTES OF THE REGULAR MEETING OF THE
ESCONDIDO PLANNING COMMISSION

April 24, 2018

The meeting of the Escondido Planning Commission Meeting was called to order at 7:00 p.m. by Vice-Chair Romo, in the City Council Chambers, 201 North Broadway, Escondido, California.

Swearing in of new commissioners:

Joe Garcia, James Spann, and Mark Watson were sworn in as new commissioners on the Planning Commission by Ty Paulson, Minutes Clerk.

Commissioners present:; James Spann, Chairman; Don Romo, Vice-chairman; Joe Garcia, Commissioner; James McNair, Commissioner; Mark Watson, Commissioner; and Stan Weiler, Commissioner.

Commissioners absent: Michael Cohen, Commissioner.

Staff present: Bill Martin, Director of Community Development; Mike Strong, Assistant Planning Director; Owen Tunnell, Principal Engineer; Adam Phillips, Deputy City Attorney; and Ty Paulson, Minutes Clerk.

SELECTION OF CHAIR AND VICE-CHAIR:

Mike Strong, Assistant Planning Director, noted that Commissioner Cohen would accept nominations to Vice-chair.

ACTION:

Moved by Commissioner Weiler, seconded by Commissioner Garcia, to nominate Commissioner Spann to Chair. Motion carried unanimously. (6-0)

ACTION:

Moved by Chair Spann, seconded by Commissioner Weiler, to re-elect Vice-chair Romo to Vice-chair. Motion carried unanimously. (6-0)
MINUTES:

Moved by Commissioner Weiler, seconded by Commissioner McNair, to approve the minutes of the February 27, 2018, meeting. Motion carried. Ayes: Garcia, McNair, Spann, Romo, and Weiler. Noes: None. Abstained: Watson. (5-0-1)

WRITTEN COMMUNICATIONS – None.

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS: – None

PUBLIC HEARINGS:

1. ZONING CODE AMENDMENT – AZ 18-0002:

REQUEST: Amendment to the Escondido Zoning Code to limit self-storage facilities and maximize the City’s ability to exercise discretionary review of self-storage facility applications. No development project is proposed. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: Citywide

Mike Strong, Assistant Planning Director, referenced the staff report and noted staff recommended approval of the proposed Zoning Code and Specific Plan Amendments for the following reasons:

- The Zoning Code Amendment clarifies land use authorization for self-storage facilities in industrial zones.
- The Zoning Code Amendment maximizes the City’s ability to exercise discretionary review of self-storage facility applications. Discretionary review is a higher level of review of land use development applications. Through the new proposed use limitations and criteria, the decision-maker may exercise discretion in granting approval of new self-storage facility proposals.
- The proposed changes to Article 57, related to self-storage facilities, would apply citywide to all existing and proposed specific plans, master plans, and related amendments. The proposed amendment ensures land resources
are more closely aligned with critical overarching economic goals of the city, while also addressing concerns about certain types of businesses and neighborhood compatibility.

Commissioner Weiler and Mr. Strong discussed Item H, on Page 7 of the staff report as well as a clarification of the scope of analysis required for existing storage facilities looking to expand. Mr. Strong clarified that the proposed demand analysis and economic impact study would not change the nature of existing property owner/operator rights.

Commissioner McNair and staff discussed the requirements for new storage facilities.

Commissioner Watson and staff discussed Item B on Page 3 of the staff report. Commissioner Watson expressed his concern with the use of the word, “obnoxious” as outlined on Item C on Page 7 of the staff report. Mr. Strong indicated that the word “obnoxious” could be interpreted as different meanings. Mr. Strong stated that it is existing language and the focus of the Zoning Code Amendment was to not change existing criteria, but rather to expand upon it. Mr. Strong notes that the Commission could suggest replacement language as part of their recommendation to City Council.

Commissioner Weiler supported staff’s recommendation and suggested allowing storage facilities in other industrial zones, such as M2 zones.

Vice-chair Romo was opposed to allowing storage facilities in the M1 and M2 zones, feeling there were better economic uses for those areas. He was in favor of limiting the proliferation of storage facilities.

Chair Spann felt the market would dictate whether storage facilities were warranted.

**ACTION:**

Moved by Vice-Chair Romo, seconded by Commissioner McNair, to approve staff’s recommendation. Motion carried unanimously. (6-0)

2. **ZONING CODE AMENDMENT – AZ 18-0003:**

REQUEST: Amendment to the Escondido Zoning Code to maximize the City’s ability to exercise discretionary review of drive-through car wash and detailing land
use applications. No development project is proposed. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: Citywide

Commissioner Watson recused himself from Item 2.

Mike Strong, Assistant Planning Director, referenced the staff report and noted staff recommended approval of the proposed Zoning Code and Specific Plan Amendments for the following reasons:

- The Zoning Code Amendment clarifies land use authorization for car-wash facilities in industrial zones.
- The Zoning Code and Specific Plan Amendments maximize the City’s ability to exercise discretionary review of car-wash applications. Discretionary review is a higher level of review of land use development applications. The decision-maker may exercise discretion in granting approval of car-wash and detailing proposals.
- The proposed amendment creates new land development regulations for car wash (primary use or accessory use) proposals. These proposed special use regulations would apply citywide to all existing and proposed specific plans, master plans, and related amendments. The Zoning Code Amendment makes it clear that the new terms and limitations do not apply to temporary not-for-profit car wash activities that occur on not more than three (3) consecutive days, which would continue to be subject to Temporary Use Permits.

Mr. Strong also noted that the proposed language provides exception criteria for temporary non-for-profit car wash activities and suggested that the exceptions should also apply to mobile detailers or temporary for-profit businesses.

Vice-chair Romo and staff discussed the requirements for self-service car wash facilities.

**ACTION:**

Moved by Commissioner Weiler, seconded by Vice-chair Romo, to approve staff’s recommendation. Motion carried. Ayes: Garcia, McNair, Spann, Romo, and Weiler. Noes: None. Recused: Watson. (5-0-1)
CURRENT BUSINESS ITEMS:


Mike Strong, Assistant Planning Director, referenced the staff report and provided an informational report on the implementation of the General Plan, as it was presented to City Council in March, 2018.

ORAL COMMUNICATIONS: – None.

PLANNING COMMISSIONERS:

The Commissioner welcomed Commissioner Watson to the Commission. Commissioner Watson thanked the Commission for their warm welcome and to Mike Strong for helping him get acclimated to the Commission.

ADJOURNMENT:

Chair Spann adjourned the meeting at 7:56 p.m. The next meeting was scheduled for May 8, 2018, at 7:00 p.m. in the City Council Chambers, 201 North Broadway, Escondido, California.

__________________________  ____________________________
Mike Strong, Secretary to the Planning Commission  Ty Paulson, Minutes Clerk
CASE NUMBER: PHG 18-0008

APPELLANT: Christina & Gary Stang (Skate world)

LOCATION: The subject site is located on the east side of N. Broadway, just north of Mission Avenue and just south of Lincoln Avenue, addressed as 862 N. Broadway, (APN: 229-130-49)

TYPE OF PROJECT: Appeal of an Administrative Decision

PROJECT DESCRIPTION: An appeal of an administrative decision related to a request for a non-emergency demolition permit to demolish a skating rink building, located at 862 N. Broadway. Demolition of the building has been requested in conjunction with a Plot Plan application (ADM 17-0101) to construct a car-wash facility on the property. The subject site is located with the CG (Commercial General) zone, and within the GC (General Commercial) General Plan designation. The scope of the public hearing only includes the procedure and findings for obtaining a non-emergency demolition permit.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission uphold the administrative decision that the building, located at 862 N. Broadway, is not a significant historical resource and the site is not significant, based on the facts and findings in this staff report.

GENERAL PLAN DESIGNATION: General Commercial (GC)

ZONING: CG (Commercial General).

BACKGROUND/SUMMARY OF ISSUES: When staff receives a request for non-emergency demolition of a building, City staff evaluates the building and site to determine if the request is subject to Article 40 (Historic Resources) of the Escondido Zoning Code. In accordance with Section 33-803, the City shall perform a preliminary assessment of the building and site to determine if the resource is historically significant. If the building is determined not to be significant, the demolition permit may be considered at an administrative level. The decision of the Director of Community Development may be appealed to the Planning Commission.

A Plot Plan application (ADM17-0101) was submitted to the Planning Division on June 7, 2017 for a proposed car-wash facility at 862 N. Broadway, located just south of Lincoln Parkway. The existing building on the site is proposed to be demolished. The site is currently developed with a 17,600 SF Quonset hut-style building and surface parking, which previously accommodated a skating rink.
Since the existing structure on site is more than 50-years-old, City staff recommended the building be evaluated to determine if the building has any historical significance and whether or not the proposed demolition will constitute an adverse impact, as defined by the California Environmental Quality Act (CEQA) and in conformance with Section 33-803 of Article 40 (Historical Resources) of the Escondido Zoning Code. Brain F. Smith and Associates, Inc. was contracted to complete a historic evaluation of the building (consisting of the former skating rink, attached lobby/snack bar, and pole sign) to determine if any element of the building or site can be categorized as significant historic resources. The historical assessment, dated April 7, 2017, indicated that only the skating rink portion of the building meets the minimum age threshold (50 years) to be considered a historic structure, and therefore, it was the only portion of the building that should be evaluated for significance. The assessment concluded that the age of the building does not constitute significance, and that the proposed development of this parcel could be approved with a condition that as-built drawings and photographic evidence of the skating rink be completed prior to its demolition or alternation.

As of this writing, the non-emergency demolition permit and Plot Plan permit have not been approved or issued. On May 2, 2018 the City Council passed an interim ordinance, imposing a 45-day moratorium on the issuance of any zoning, land use, discretionary, building permit, environmental approval, business license or any other entitlement involving businesses described as carwashes, whether intended as primary uses or accessory uses. Although the moratorium puts a lawful suspension on carwash related permits (and holds the Plot Plan permit application in abeyance for 45-days) and allows the Planning Division an opportunity to develop and present new land use standards regulating carwashes, it does not preclude the review and consideration of non-emergency demolition permits. The non-emergency demolition permit request at 862 N. Broadway is a separate project and can be implemented independently from the Plot Plan application.

A Notice of Intended Decision, regarding an administrative decision and potential approval of a non-emergency demolition permit, was sent to surrounding property owners on March 26, 2018. Notice of this administrative decision was also distributed and published in the local newspaper, in accordance with Section 33-803(a) and Section 33-1300 of Article 61 (Administration and Enforcement). In addition, public contact was made through posting of the Notice of Intended Decision on the official bulletin board and the site was publicly noticed by City staff. The notice indicated that the administrative decision would be final, unless a timely, written appeal was received by the Office of the City Clerk.

The specific procedures for an appeal of an administrative decision may be found in Section 33-1303 of the Escondido Zoning Code. The purpose of an appeal is to provide persons dissatisfied with the decision a venue for review and possible reversal of that decision. An appeal by Gary and Christina Stang was filed on April 6, 2018. A copy of the appeal is attached to this staff report for reference. The general issue for the appeal, as described in the appellant’s letter, dated April 6, 2018, include (abridged) a desire to keep the former skating rink building/use on the property.
The scope of the public hearing only includes the procedure and findings for obtaining a non-emergency demolition permit. The Planning Commission shall consider the record and such additional evidence as may be offered. The Planning Commission may affirm, reverse or modify, in whole or in part, the intended decision of the Director. If the building or site is determined to be historically significant or if the administrative decision is reversed, the non-emergency permit will be held in abeyance and preparation of a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report may be required. Categorical exemptions may not be used for any project that may cause a substantial adverse change in the significance of a historical resource (CEQA Guidelines, Section 15300.2(f.))

**Issues are as follows:**

1. Whether the existing structure or subject site is historically significant and whether the property may contain historical resources – even if they haven’t previously been identified.

**REASONS FOR STAFF RECOMMENDATIONS:**

1. The scope of the public hearing only includes the procedure and findings for obtaining a non-emergency demolition permit. Article 40, Section 33-803 of the Escondido Zoning Code allows for the issuance of a non-emergency demolition permit if the structure is not considered Historically significant. There were no procedural violations that justifies further proceedings.
2. The existing structure is not historically significant concluded by an historical assessment that was completed on April 7, 2017 by Brian Smith and Associates and in accordance with CEQA and Section 33-803 of Article 40 (Historical Resources) of the Escondido Zoning Code.

Respectfully Submitted,

[Signature]

Darren Parker
Associate Planner

Exhibits

A - Findings of Fact

Attachments

A – Historical Assessment dated April 10, 2017
B – Appeal from Gary and Christina Stang dated April 13, 2018
Plate 3

View of the 1970s Lobby/Snack Bar Addition on the Southwest Façade of the Skating Rink, Facing Northeast

862 North Broadway
ANALYSIS

A. Land Use Compatibility/Surrounding Zoning

North: CG and PD-C (Commercial General and Planned Development Commercial) zoning-
Directly to the north of the subject site are two existing commercial business. Further north on the southeast corner of Lincoln Parkway and N. Broadway is a large Toyota car dealership business.

South: CG zoning – The area to the immediate south of the project site is occupied by a single commercial user (Toyota detaining business) on approximately 1.09-aces with access of North Broadway.

East: CG Zoning- Directly to the east of the subject site is an existing single-story self-storage facility with access off of Juniper Street. The subject site is smaller in size approximately 0.49-aces in size.

West: CG Zoning- Directly to the west of the subject site across N. Broadway is a used auto dealership and auto repair business with access off of W. Crest Street.

B. Environmental Status:

In CEQA (Public Resources Code 21000–21189) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000 -15387), “Historical Resources” include properties listed in or formally determined eligible for listing in the California Register of Historical Resources. All properties formally determined eligible for the National Register of Historic Places are thereby listed in the California Register and are historical resources pursuant to CEQA. However, when a building or site is not mandatorily or presumptively a historical resource, the lead agency may still independently determine whether the property should be treated as a historical resource under the provisions of CEQA. The agency’s determination need only be supported by substantial evidence.

To assist in making the determination of how to process the proposed demolition permit through CEQA, the City, acting as the lead agency, utilized the conclusions of a historical assessment to make the determination that the building and site is not historically significant. Absence of evidence that a structure is historic is sufficient to support an agency’s determination that it is not historic.

The proposal is exempt from CEQA in accordance with CEQA Guidelines, Section 15301 (I), Class 1 “Existing Facilities”, meeting the following conditions:
The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

b) The proposed demolition occurs within city limits on a project site of not more than five acres surrounded by commercial uses.

c) The project site has no value as habitat for endangered, rare, or threatened species.

d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

e) The site can be adequately served by all required utilities and public services.

The proposed project is consistent with the General plan designation of GC and the zoning designation of CG. The project site is within City Limits, is under five acres in size, and is substantially surrounded by commercial uses on all four sides. No significant impacts related to traffic, noise, air quality, or water quality have been identified in the review of the proposed demolition permit. The need for a future building permit does not require CEQA review under the “whole of the action” theory, because future action on a building permit might not be significant in that it will change the scope and nature of the initial project or its environmental consequences. Furthermore, the actions serve different purposes and can be implemented independently.

C. AVAILIBILITY OF PUBLIC SERVICES

1. **Effect on Police Service** - The Police Department has reviewed the project application and has expressed no concern regarding their ability to serve the site.

2. **Effect on Fire Service** - Escondido Fire Department has indicated that this project will not have an impact on their ability to provide fire service to the site, since the request is only for the demolition of the existing structure. The nearest fire station is Fire Station 1, located at 310 N Quince.

3. **Traffic** - There will be no project impacts to the circulation system that would result in degradation of the existing Level of Service for this area.

4. **Utilities** - City sewer and water mains are available within the adjoining streets. The Utilities Division has reviewed the project proposal and indicated that the proposed project will not have an impact on their ability to provide service to the project.

5. **Drainage** - The Engineering Services and Utilities Departments have reviewed the drainage study and Storm Water Quality Management Plan submitted by the applicant and found it to be adequate, pending some revisions/clarifications to be addressed at the final engineering stage.
D. CONFORMANCE WITH CITY POLICY

General Plan Consistency - The project site is located within the General Office (GC) land use designation, which allows a variety of retail and service activities intended to serve a broad customer base. In general, buildings, structures, and land shall be used, and buildings and structures shall be erected, structurally altered, or enlarged only for uses allowed in the land use designation or by zoning. Should the administrative decision be upheld, and a non-emergency demolition permit be issued, there would be no substantial change in the land use or development patterns in the vicinity that would cause detriment to the public health, safety, or welfare, because the property has both the same or compatible land use and zoning as surrounding properties. The existing structure on site was previously used as a skating rink, and its demolition or conversion to another general commercial use is allowed.

Administration and Basis of Appeal – The appeal was analyzed for conformance with the Article 61 (Administration and Enforcement) of the Escondido Zoning Code, which has broad jurisdiction over the process in which appeals are to be made and how they are to be filed. The specific procedures for appeal of an administrative decision may be found in Section 33-1303(c), which requires a written basis or reason for the appeal, among other things. An appeal not containing the basis for appeal may be rejected as incomplete.

Failure to raise an evidentiary issue by close of the record, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue at hand, precludes an analysis of the appeal based on that issue. The general issues for the appeal as described in the appellant’s letter, dated April 6, 2018, are not related to the administrative decision. The issues raised by the Appellant are limited to an expressed interest in preserving the former recreational use (skating rink), which is no longer in operation, rather than the scope of the procedure and findings for obtaining a non-emergency demolition permit on the same site. As noted earlier in this staff report, when staff receives a request for non-emergency demolition permit, the request is assessed to determine if the building or site is historically significant. Whether or not the building is a historical resource for purposes of this requirement is reviewed under the substantial evidence test. If the site is determined not to be significant, the demolition permit will be considered at an administrative level after appropriate environmental review has been publicly noticed.

1. Whether the Existing Structure is Historically Significant

The original Ups and Downs skating rink was established in 1950. Initially, the rink was an open air skating park enclosed by a chain-link fence. The current skating rink portion of the building was built in 1959 in the same location to replace the open-air skating rink. The skating rink was a prefabricated, Quonset hut-style building. In 1963, the existing pole sign was installed. Since 2006 the City has not had an active business license for the subject site. The subject site is not located on the city’s inventory of historic sites. However, the subject building is more than 50 years old. So in order to determine if the subject site has any historical significance, an historical assessment was required to evaluate the structures on site in accordance with Section 33-108 of Article 40 (Historic Resources) and CEQA provisions. Brian Smith and Associates were hired
to conduct the assessment of the property and structures on site. The assessment concluded that the age of the building does not constitute significance, and that the proposed development of this parcel should be approved with a condition that as-built drawings and photographic evidence of the skating rink be completed prior to its demolition or alteration.

The request is an appeal of Administrative Decision Per Article 40, Section 33-803, of the Escondido Zoning Code, for the non-emergency demolition of a skating rink building constructed in 1950 and remodeled in 1959. Demolition of the building has been requested in conjunction with a Plot Plan application to construct a carwash facility on the property. In accordance with City policy, the existing building was evaluated to determine if the building constitutes a significant historic resource. The assessment concluded that only the skating rink portion of the building meets the minimum age threshold (50 years) to be considered a historic resource; and therefore, it is the only portion of the building that was evaluated for significance.

The assessment, provided as Attachment “A,” evaluated the architectural and historical significance of the historic skating rink in conformance with CEQA and the City of Escondido Zoning Code. The assessment concluded that the building is not associated with any significant persons, events, designers, or craftsmen, and is not an exemplary illustration of Quonset hut style architecture. Therefore, because it is not financially feasible to preserve the building as a skating rink, and because age alone does not constitute significance, the report concluded that the proposed development of this site can be approved with conditions. The subject building does not qualify under any criterion for nomination to the California Register of Historical Resources/National Register of Historical Places, and is not eligible for listing on the Local Register of Historical Places. Therefore, a decision was made that the non-emergency demolition permit could be considered at an administrative level.

2. **Whether the Issuance of a Non-Emergency Demolition Permit should be Permitted.**

In accordance with Section 33-803, Article 40 (Historic Resources), the subject site has been evaluated by Brian Smith and Associates, which determined that no historical significance exists expect for the age of the skating portion of the building, which does not constitute of being historically significant. Notice of this decision was distributed and published in the local newspaper, in accordance with Section 33-803(a) and Section 33-1300 of Article 61 (Administration and Enforcement). In addition, public contact was made through posting of the Notice of Intended Decision on the City’s official bulletin board and the site was publically noticed by City staff.

The subject site has been vacant since 2006. Previously the building was occupied by the Ups and Downs skating rink business, which closed its doors in 2006. The subject site is surrounded on all three sides by commercial business and to the east of the subject site across N. Broadway are a car dealership and an auto repair business. The demolition of the building will have to comply with all City requirements and the California Building Code.
SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The site is located on the east side of N. Broadway, just north of Mission Avenue and south of Lincoln Avenue. Direct vehicle access is available from N. Broadway. The site is fairly level and developed with a 17,600 SF Quonset style-hut building and parking.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size
   Approx. 0-76-acres

2. Size of Building:
   Approx. 17,600 SF

C. CODE COMPLAINCE ANALYSIS:

Demolition of the structure on site would be in compliance with the Escondido Zoning Code Article 40, Section 33-803 and the California Building Code.
FINDINGS OF FACT

Appeal of an Administrative Decision
related to a Non-Emergency Demolition Permit

PHG 18-0008

EXHIBIT “A”

1. In accordance with Section 33-803 of Article 40 (Historical Resources), when City staff receives a request for non-emergency demolition of a building or site, City staff shall perform a preliminary assessment to determine if the resource is historically significant in concert with the city’s Environmental Quality Regulations. Staff may employ a registered historian to help make this determination. If the site is determined not to be significant, the demolition permit will be considered at an administrative level after appropriate environmental review has been publicly noticed and issued and photo documentation to the City’s satisfaction has been performed.

2. The specific procedures for appeal of an administrative decision may be found in Section 33-1303(c) of Article 61 (Administration and Enforcement), which requires a written basis or reason for the appeal, among other things. An appeal not containing the basis for appeal may be rejected as incomplete.

3. The scope of the public hearing and the Planning Commission’s decision only includes the procedure and findings for obtaining a non-emergency demolition permit.

4. There are no procedural violations that justifies further proceedings. City staff has conducted necessary investigations to assure the administrative decision complies with all local procedures for obtaining a non-emergency demolition permit. The decision made by the Planning Commission to deny the appeal, and support the administrative decision that the building and site are not historically significant, is based on and includes findings of fact supported in the record of the proceedings, sufficient to provide a reasonable basis for understanding the reasons for the decision. A copy of the historical assessment, dated April 7, 2018, has been made part of the record of these proceedings. The findings and conclusions of said assessment, which are attached to the May 8, 2018 Planning Commission staff report, are hereby adopted and incorporated herein by this reference as though fully set forth herein.

5. Since the subject site is not considered historically significant by an historical assessment conducted by Brian Associates dated April 7, 2017, the City of Escondido’s inventory of historical resources would not be diminished by the issuance of non-emergency demolition permit for the subject site. The issuance of non-emergency demolition permit will be conditioned to allow the Historical Society and/or other public appropriate historical agency access to the building to retrieve any historical material, and to provide photo documentation of the resources conducted according to Historic American Building Survey (HABS) specifications. The issuance of a non-emergency demolition permit would be subject to the approval of a demolition permit, plot plan or development plan approved by the city.
6. All permits and approvals applicable to the proposed demolition pursuant to the Escondido Zoning Code will be obtained prior to the issuance of a building permit. The non-emergency demolition of the building meets all of the requirements of the Zoning Code.

7. All of the requirements of the California Environmental Quality Act (CEQA) have been met and a Notice of Exemption will be issued for the proposed project. The findings of the analysis identified no impacts that might potentially be significant. Under the provisions of Section 15301, Existing Facilities, of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is found to be categorically exempt. The Planning Commission, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Diego in accordance with CEQA Guidelines.
Historical Assessment
PHG 18-0008

Attachment “A”

Due to the number of pages of Attachment “A”, a link has been provided to review the document electronically.

https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/862NorthBroadwayHistoricStructureAssessment.pdf

A hardcopy of the Attachment “A” is available for review in the Office of the City Clerk during normal business hours. To obtain a copy, please the City Clerk at (760) 839-4617.
April 13, 2018

Skateworld San Diego
6907 Linda Vista Road
San Diego, CA 92111
(858)736-7775

To Whom It May Concern,

We are writing to appeal the decision to demolish the property formerly known as Ups and Downs Roller Rink located at 862 N. Broadway, Escondido. The property is not only one of the few single span buildings left in San Diego County, it also has the history and ability to be restored to its former glory as a roller skating rink.

We at Skateworld San Diego have a vested interest in keeping the building standing as we are currently the only roller skating rink left in the City of San Diego. The closest other rink to Escondido is located in Murrieta (although its facility has poles running down the middle of its skating floor). We would love to bring the inexpensive family friendly activity back to north county. We tried to go into discussions with the owner back in 2013 about leasing the building to restore it to a skating rink and the owner wouldn’t even discuss it with us as he had heard bad things about roller rink operators in the past. Although understandable, as there used to be 20+ rinks in San Diego County, we have been running a successful business for over 43 years! We have enjoyed watching multiple generations grow up within our walls. We receive multiple calls a week asking if we have a north county location.

As I am sure you know, there are have been several interested parties calling the City to ask how to help save the property. This includes concerned citizens who spent their childhood skating and hosting birthday parties at this rink. It also includes several people from the Old Escondido Historic Society who do not agree with the decision that the property is considered to be not historic. Being a single span building that has provided entertainment and joy to hundreds of Escondido citizens for multiple decades which most other buildings would not work for this kind of entertainment. It would be very hard (and unsafe) to skate 400-500 people on Saturday night, as we do here at Skateworld, with poles running down the middle of a floor.

Broadway street does not need another car wash, it needs to bring back the family friendly activities that all ages can enjoy. The skating surface itself was in pristine condition when we toured the property in 2013 and would need some roof and other building repairs to get it up to code. Please consider our appeal and help to bring back Ups and Downs to its former glory.

Sincerely,

The Stang Family

PROPOSED PROJECT
ADM 17-0101
CASE NUMBER: AZ 18-0004

APPLICANT: Christopher Wadleigh (Habit Burger)

LOCATION: Citywide

TYPE OF PROJECT: Zoning Code Amendment

PROJECT DESCRIPTION: A proposed amendment to Article 66 (Sign Ordinance) of the Escondido Zoning Code to modify the number and size of menu signs allowed for drive-through restaurants. The existing code allows a drive-through business to install two (2) freestanding menu signs, up to thirty-two (32) square feet each, with a maximum height of six (6) feet. The proposed code amendment would change this requirement to allow two (2) freestanding menu signs for each stacking lane rather than each drive-through business, and would limit the size of one of the two menu boards to thirty-two (32) square feet and the other to twenty-four (24) square feet for each stacking lane in instances where more than one lane is provided. Size requirements for drive-through restaurants with only one stacking lane would not change.

STAFF RECOMMENDATION:
Recommend City Council approval of the proposed Zoning Code Amendment as set forth in Exhibit “B.”

BACKGROUND/SUMMARY OF ISSUES: Signage in Escondido is regulated by Article 66 of the Zoning Code (also referred to as the Sign Ordinance). Amendments to sign regulations typically have been made to respond to a particular community interest, such as a request made from a business or stakeholder group. The last amendment to the Escondido Sign Ordinance occurred in May 2017, addressing standards for freestanding signs for private and charter schools.

Although the Escondido Zoning Code does not provide a land use category definition for drive-through restaurants, in general, drive-through restaurants collect food orders or provide food products or services to persons remaining in vehicles that are in designated stacking aisles. While the principles of drive-through restaurants have remained the same for decades, new technology and menu system operations have evolved to create efficient stacking movements on site and to ease customers’ decision-making process. Today, drive-through restaurants typically provide two (2) menu boards. One menu board functions as a designated ordering kiosk, touch screen, or other form of technology where customers go to order food. The other menu board, often referred to as a “pre-menu” board, provides menu information to customers in advance of their arrival at the ordering kiosk. This serves the purpose of assisting customers’ decision-making process and helps move vehicles through the facility faster.

The Escondido Zoning Code currently accommodates two (2) menu boards per restaurant. However, some new drive-through restaurants have two (2) stacking lanes. When two (2) stacking lanes are provided, two (2) additional order boards are necessary to continue facilitating the intended use as a quick-serve space. The provisions of the existing sign ordinance did not anticipate drive-through restaurants with multiple stacking lanes, and therefore do not accommodate the installation of preview boards since only two (2) boards are allowed for each drive-through
business, not each stacking lane. The proposed Zoning Code Amendment would assign the number of allowed menu boards to the number of stacking lanes, rather than the drive-through business.

In June, 2017, the City approved a Plot Plan for the Centre City Shopping Center, which is currently under construction at the southeast corner of N. Centre City Parkway and W. Mission Avenue. The project includes two (2) drive-through facilities, one of which (Habit Burger) has been designed with two (2) stacking lanes to increase vehicle queuing on-site and prevent impacts on the adjacent public roads. While Habit Burger has requested the Zoning Code Amendment for the benefit of their project, the amendment would apply to citywide.

REASONS FOR STAFF RECOMMENDATION: Staff recommends approval of the proposed Resolution, recommending that the City Council adopt, with any suggested edits, amendments to Article 66 of the Zoning Code, for the following reasons:
1. The proposed amendment would update sign regulations to accommodate drive-through restaurants constructed with multiple drive-through lanes.

2. Allowing two (2) boards per stacking lane helps promote and achieve appropriate site development of drive-through facilities. Allowing a preview board and an order board for each stacking lane will further one of the purposes of providing multiple stacking lanes by reducing the likelihood that queuing vehicles would spill out on public streets and major parking lot aisles.

Respectfully submitted,

[Signature]

Adam Finestone, AICP
Principal Planner
ENVIRONMENTAL STATUS:

The proposed Zoning Code Amendment is exempt from CEQA, pursuant to Section 15061 (b)(3). The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed Zoning Code Amendment would not, in and of itself, result in development or any other material change to the environment. Projects seeking to implement the amended provisions of the Sign Ordinance would be subject to separate review under the California Environmental Quality Act (CEQA). Therefore, pursuant to CEQA Guidelines Section 15061(b)(3), the proposed Zoning Code amendment does not have the potential for causing a significant effect on the environment and is not subject to CEQA review.

ZONING CODE AMENDMENT ANALYSIS:

Sign regulations are established by cities and counties to provide a comprehensive system of regulations for signs that are visible from the public right-of-way, parking lots, and driveways on properties in non-residential zones. The intent of these regulations is to provide a set of standards that are designed to optimize communication and messaging for a variety of land uses and types, while protecting the public and the aesthetic character of a community or neighborhood. Cities and counties regularly monitor their specific standards and adjust the standards as necessary to achieve balance among the following differing, and at times competing, goals:

- encourage the effective use of signs as a means of communication for businesses, organizations, and individuals;
- protect the safety and welfare of the public by minimizing hazards to pedestrian and vehicular traffic; and
- minimize the possible adverse effect of signs on nearby public and private property.

Drive-through restaurants have proven to be successful as they target the mobile and car-oriented markets with the convenience and service of fast food. Therefore, operational efficiencies within the drive-through are extremely important. The main focus is to have a point of sale process that helps customers to buy fast food through an easier way and assist the fast food restaurant to work more efficiently. The proposed Zoning Code Amendment request would tie the number of menu boards to the number of stacking lanes, rather than the business itself. This would allow drive-through restaurants that have two (2) stacking lanes to provide a preview board and an order board for each lane, providing the customer with the same information that can be provided at drive-through restaurants that have only one lane. In doing so, it will give customers more time to make their menu selections prior to arriving at the order board, thus creating a more efficient flow of drive-through traffic.

City staff researched other local development codes to collect information about how nearby jurisdictions are regulating menu boards for drive-through facilities. There is no consistency in menu board regulations from one jurisdiction to another. A survey of several nearby jurisdictions yielded the following information:

<table>
<thead>
<tr>
<th>City</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carlsbad</td>
<td>Allows two (2) menu boards per establishment; maximum size is 24 square feet; maximum height is six (6) feet</td>
</tr>
<tr>
<td>Oceanside</td>
<td>Menu boards are not addressed in the sign ordinance. All drive-through restaurants require Conditional Use Permits (CUPs), and menu boards are analyzed as part of the CUP application. The Oceanside Planning Division informed staff that they have drive-through facilities with multiple stacking lanes, with each lane having more than one menu board.</td>
</tr>
<tr>
<td>Poway</td>
<td>Allows two (2) menu boards per drive-through lane; maximum size is 40 square feet; maximum height is eight (8) feet; boards must be directed at drive-through traffic and screened from public streets</td>
</tr>
<tr>
<td>San Marcos</td>
<td>Menu boards are not addressed in the sign ordinance. All drive-through restaurants require CUPs, and menu boards are analyzed as part of the CUP application. San Marcos does have drive-through facilities with multiple stacking lanes; however, staff was not able to determine if multiple menu boards were permitted for each lane.</td>
</tr>
<tr>
<td>Vista</td>
<td>Allows two (2) menu boards per site; maximum size is 30 square feet; maximum height is six (6) feet. All drive-through restaurants require CUPs, and Vista allows for deviation</td>
</tr>
</tbody>
</table>
from sign ordinance requirements as part of the CUP application and/or through a Comprehensive Sign Program.

County of San Diego: Classifies menu boards as accessory signs for drive-through businesses. Maximum size is 25 square feet; no maximum height identified. Does not identify number permitted, however does specific that signs "shall not be designed to be viewed from beyond the premises."
EXHIBIT “A”
FACTORS TO BE CONSIDERED
AZ 18-0004

Zoning Code Amendment

1. The public health, safety, and welfare would not be adversely affected by the proposed Zoning Code Amendment. Drive-through restaurants are already permitted to have two (2) menu board signs to provide information to their customers and accommodate the placement of orders from a vehicle. Typically, one serves as a preview board and the other as an order board. This Zoning Code Amendment would only expand the number of menu boards in circumstances where an additional stacking lane(s) are provided so that each lane would have a preview board and an order board and function the same (i.e. take full advantage of the various features and benefits of the technology and menu system operation).

2. The proposed Zoning Code Amendment would not be detrimental to surrounding properties because no physical improvements are proposed as part of this Zoning Code Amendment. Future sign construction must comply with any applicable laws and standards. Furthermore, in the review and consideration of future sign permit applications, the City would ensure future signs are compatible with the structure and/or property where they are installed, do not adversely impact the visual character of the surrounding area, and do not provide additional signage beyond that necessary to serve the purpose identified above.

3. The proposed Zoning Code Amendment would be consistent with the goals and policies of the General Plan because the amended Sign Ordinance would not, in and of itself, result in development or any other material change to the environment. The proposed amendment provides for new sign standards that facilitate economic development and economic development activity, which is generally consistent with the General Plan. The proposed Zoning Code Amendment would not diminish the Quality of Life Standards of the General Plan, nor adversely impact the community health or natural resources.

4. The proposed zoning code amendment does not conflict with any specific plan.
EXHIBIT “B”
PROPOSED CHANGES TO THE ZONING CODE
AZ 18-0004

Amend the various zoning code sections to read as specified below.

ARTICLE 66. SIGN ORDINANCE

Revise Section 33-1395.2, Sign standards—Freestanding signs—CG and CN zones, as set forth below.

(b) Number. No more than one (1) freestanding sign per street frontage shall be permitted except as follows:

(4) Menu signs. In conjunction with a drive-through business, up to two (2) freestanding menu, or other similar signs up to thirty-two (32) square feet and a maximum height of six (6) feet may be permitted. Menu signs may be internally illuminated and utilize changeable copy. The area of the menu signs shall not be counted against the allowable sign area for the business.

(A) Up to two (2) freestanding menu, or other similar signs up to thirty-two (32) square feet each and a maximum height of six (6) feet may be permitted for businesses with one (1) stacking lane.

(B) Drive-through businesses with more than one (1) stacking lane shall be allowed one (1) freestanding menu sign, or other similar sign, up to thirty-two (32) square feet and a maximum height of six (6) feet, and one (1) freestanding menu sign, or other similar sign, up to twenty-four (24) square feet and a maximum height of six (6) feet, for each stacking lane.

(C) A maximum of two (2) freestanding menu, or other similar signs, shall be oriented toward each stacking lane.

(D) Menu signs shall be screened from view from adjacent properties and rights-of-way through the use of landscaping, earthen berms, walls, etc., to the maximum extent possible.

(E) Menu signs may be internally illuminated and utilize changeable copy.

(F) The area of the menu signs shall not be counted against the allowable sign area for the business.
Notice of Exemption

To: San Diego Assessor/Recorder/County Clerk
Attn: Fish & Wildlife Notices
1600 Pacific Hwy, Room 260
San Diego, CA 92101
MS A-33

From: City of Escondido
Planning Division
201 North Broadway
Escondido, CA 92025

Project Title/Case No.: Zoning Code Amendment / AZ 18-0004

Project Applicant: Christopher Wadleigh (Habit Burger)

Project Location - Specific: Citywide
Project Location - City: Escondido
Project Location - County: San Diego

Description of Nature, Purpose and Beneficiaries of Project: Amendment to Article 66 (Sign Ordinance) of the Escondido Zoning Code to modify the sign standards for menu boards at drive-through restaurants. The proposed amendment would allow two menu boards per stacking lane rather than two per drive-through business. The amendment would be applicable to properties in the CG and CN zones, and to specific plans that reference this provision of the Sign Ordinance.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:
Name: Adam Finestone, Principal Planner, City of Escondido
Address: 201 N. Broadway, Escondido, CA 92025
Phone: (760) 839-6203

☐ Private entity ☐ School district ☑ Local public agency ☐ State agency ☐ Other special district

Exempt Status:
Categorical Exemption. CEQA Section 15061(b)(3) “General Rule”.

Reasons why project is exempt:
1. The proposed zoning code amendment consists of text changes and does not involve any physical modifications or lead to any physical improvements beyond those typically exempt.
2. Future development applications will include environmental review and the preparation of appropriate individual CEQA documents.
3. In staff's opinion, the proposed code amendments would have no impact on fish and wildlife resources, sensitive species or habitat, or affect any cultural or historic resources, since there is no physical development project associated with the code changes.

Lead Agency Contact Person: Adam Finestone, AICP
Area Code/Telephone/Extension: (760) 839-6203
Email: afinestone@escondido.org

Signature: [Signature]
Adam Finestone, Principal Planner

Date: 5-3-18

☑ Signed by Lead Agency
☐ Signed by Applicant

Date received for filing at OPR:
Agenda Item No.: I.1
Date: May 8, 2018

CASE NUMBER: PHG 18-0009
APPLICANT: City of Escondido
LOCATION: Citywide

TYPE OF PROJECT: Climate Action Plan Update

PROJECT DESCRIPTION: Climate Action Plans (CAPs) are comprehensive roadmaps that outline the specific activities that a city or county will undertake to reduce greenhouse gas (GHG) emissions. CAPs build upon the information gathered by GHG emission inventories and generally focus on those activities that can achieve the reductions in the most cost effective manner. The City of Escondido Council adopted a CAP in 2013. Although the City of Escondido was one of the first group of cities to prepare and adopt a CAP in the San Diego region, a lot has changed since then – and the City’s CAP needs to be amended. The adoption and implementation of a CAP update would reinforce and build upon General Plan policies and programs related to energy use, transportation, land use, water, solid waste, and more. The anticipated CAP update work program and its adoption would also implement an “action item” from the City Council Action Plan.

STAFF RECOMMENDATION: Receive report and presentation. No action is required at this time except to provide direction to staff as appropriate.

BACKGROUND/SUMMARY OF ISSUES: In 2013, the City of Escondido adopted a CAP as a pathway toward creating a more sustainable, healthy, and livable community. The strategies outlined in the Plan not only reduce GHG emissions but will also provide energy, fuel, water, and monetary savings while improving the quality of life in Escondido. The City recently initiated an effort with the help of SANDAG to update the City’s CAP, with the objective of recommending updated strategies and programs to ensure compliance with updated state policies and regulations. This means that the City will reevaluate GHG reduction targets consistent with State guidelines, refine existing CAP strategies, and potentially develop new goals, quantitative actions, and qualitative supporting measures. Also assisting the work program is Ascent Environmental Inc. and EPIC. These services are free to the City, and were made available through SANDAG’s Local Government Partnership with SDG&E.

During the course of updating the CAP, community ideas and input will be gathered in multiple ways, including public events and workshops. The approach to community engagement has been embodied in a draft Outreach Plan, which can be accessed at Project website from the link below.

The work program expected to occur throughout most of 2018, with potential CAP adoption in early 2019. The proposed Outreach Plan and schedule proposes a series of meetings with the Planning Commission over the next year to discuss different aspects and components of the CAP and to bring back certain issues and facilitate Commission review. In general, the concept of an expanded review process in a public setting increases public input and facilitates additional dialogue. The format will provide the Commission with an opportunity to learn more about the project; hear from residents, businesses, and community members; and to discuss preliminary issues/comments. Study sessions and “check-ins” in advance of final action allow the Commission to methodically work through new policies and potential CAP measures. Concluding these sessions will be a formal public hearing culminating in formal recommendations on the CAP update to the City Council. It is anticipated that public hearings will occur in early 2019.

The May 8, 2018 Planning Commission meeting is devoted to providing a basic description of the CAP update work program and define the purpose of completing the project. As set forth, the Commission will be asked to review the overall work program schedule and provide direction, which in turn will be presented to City Council at a future meeting date.

Respectfully submitted,

MDS

Mike Strong
Assistant Planning Director
ENVIRONMENTAL STATUS:

The action before the Planning Commission is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262, Feasibility and Planning Studies. This organizational and administrative activity relates to the ongoing study of preparing a CAP update. The Planning Commission will provide direction as appropriate to facilitate the public's review of the CAP update. This general direction does not have a legally binding effect on any possible future discretionary action.

Public input received and technical information prepared during the proposed process will be utilized in preparing a future environmental review document to support the CAP update work program. As of this writing, it is anticipated that the CAP update would culminate into something intended to streamline future environmental review of development projects in Escondido by following the CEQA Guidelines for a Qualified GHG Reduction Strategy.