

CITY COUNCIL

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 9

Date: March 10, 2010

TO: Honorable Mayor and Members of the City Council

FROM: Jonathan H. Brindle, Director of Community Development

SUBJECT Amendments to the Interim Downtown Specific Plan (AZ 09-0005).

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of five of the six proposed amendments on February 9, 2010. They recommended that Subitems A, B, D, E and F be approved and that Subitem C be continued for further discussion.

STAFF RECOMMENDATION:

It is requested that Council adopt Resolution No 2010-29 approving Subitems A, B, D, E and F of the proposed Amendment to the Interim Downtown Specific Plan.

PROJECT DESCRIPTION:

Subitem A: Amendment to Interim Downtown Specific Plan, Figure II-2, permitted use matrix, to alleviate inconsistencies between which districts allow religious assembly uses and other miscellaneous assembly uses. Religious assembly uses would be permitted in all seven districts with a Conditional Use Permit, similar to non-religious assembly uses. Youth organizations would be placed into a separate category.

Subitem B: Amendment to Interim Downtown Specific Plan, Figure II-1, map of districts within the Specific Plan Area, to adjust the boundary of the Retail Core Area to align with the property line of property addressed as 333-351 East Grand Avenue. The Retail Core Area boundary currently splits the existing building.

Subitem C: Amendment to Interim Downtown Specific Plan, Sections III.B.5, VI.A.1.b and VIII.A.1.d, and Figure VIII-1, to add a definition of murals, distinguish them from signs, and establish a process for their review.

Subitem D: Amendment to Interim Downtown Specific Plan, Section III.C, to add language related to permitted uses in existing structures where a Planned Development has been approved, but not yet constructed.

Subitem E: Amendment to Interim Downtown Specific Plan, Figure III-4, Land-Use District Development Standards, and Section VI.A.4.a, to modify the required setbacks for signs to coincide with the required setbacks for structures in various districts.

Subitem F: Amendment to the Interim Downtown Specific Plan, Figure II-2, permitted use matrix, to allow retail furniture and home furnishing sales in the historic Retail Core Area.

LOCATION:

The proposed Amendments to the Interim Downtown Specific Plan affect properties within the Downtown Specific Plan area.

ENVIRONMENTAL STATUS:

In accordance with CEQA Section 15061(b)(3), "General Rule," a Notice of Exemption was issued on February 3, 2010. The project will not have any impact on fish and wildlife resources.

FISCAL IMPACT:

None

GENERAL PLAN ANALYSIS:

The proposed Amendments to the Interim Downtown Specific Plan would be consistent with the General Plan, since modifications are being proposed to existing language in the Plan for consistency and clarity. No General Plan policies or land use designations would be modified or impacted.

SUBITEM A: Assembly uses

BACKGROUND:

An issue has been raised about a discrepancy in the downtown area between districts that permit religious assembly uses and those that permit non-religious assembly uses. Staff desires to eliminate the distinction between religious and secular assembly uses to eliminate the possibility of discrimination. A Specific Plan Amendment is being proposed which would make the land use matrix of the Interim Downtown Specific Plan (IDSP) more consistent in the districts in which various assembly uses are permitted.

ANALYSIS:

The City desires to allow religious and secular assembly uses in the districts of the Specific Plan on similar terms, to make application of the Plan more consistent. "Churches, synagogues, temples, missions, religious reading rooms, and other religious activities" are permitted with a CUP in the Southern Gateway and Creekside Neighborhood districts. "Social, professional and youth organizations that conduct group and/or membership meetings on the premises, including political, veterans, civic, labor, charitable and similar organizations" are permitted in each of the seven districts with a CUP, except that they are not permitted on the ground floor within the Retail Core Area on Grand Avenue within the front one-third or 1,000 SF of building space, whichever is greater, similar to other non-retail uses.

A goal of the Downtown Specific Plan is to attract visitors to the downtown, specifically distinguishing the Retail Core Area as an entertainment and retail corridor, including restaurants and establishments that serve alcohol. In determining whether an ABC license should be issued, the State Department of Alcoholic Beverage Control (ABC) may consider the proximity of a school, church, park, youth facility or hospital to a license request. The department is authorized, but not required, to refuse issuance of a license when the premise is located within 600 feet of schools and playgrounds or nonprofit youth facilities or within the "immediate vicinity of churches and hospitals." Allowing youth or religious assembly uses along Grand Avenue could preclude a future desirable use locating nearby in conflict with the City's goal of for the Retail Core area. The distinctions in operational characteristics between the groups of assembly uses are minimal, since they have similar occupant loads and consist of similar gatherings of groups of people. Allowing all of the assembly groups listed above in each of the seven districts with a Conditional Use Permit would generally not have a negative impact on the downtown area or any of the districts, and staff and the Planning Commission would retain discretion over individual uses through the CUP process. The requirement that the uses within the Retail Core Area not be permitted on the ground floor on Grand Avenue within the front one-third or 1,000 SF of building space, whichever is less, would remain for all uses in the "social, professional, etc" category, to preserve the retail character in that area. "Youth organizations" would be removed from this category and given its own category in the matrix. "Youth organizations" would be permitted with a CUP in six districts, but would be prohibited in the Historic Downtown district. "Churches, synagogues, temples, missions, religious reading rooms, and other religious activities" would be permitted with a Conditional Use Permit in all seven districts, but would not be allowed within the Grand Avenue "historic retail core area." Future desirable uses would not be precluded from locating on Grand Avenue, and the Interim Downtown Specific Plan would not discriminate between religious and secular assembly uses.

The category "public assembly, miscellaneous, including amphitheatres, auditoriums and exhibition halls" would be entirely removed from the matrix since the uses are repetitive with other existing use categories.

SUBITEM B: Boundary Adjustment

BACKGROUND:

The Retail Core Area of the Interim Downtown Specific Plan fronts on both sides of Grand Avenue and is located within a portion of the Historic Downtown district. It is bound roughly by Valley Parkway on the north, 2nd Avenue on the south, Juniper Street on the east and just west of Maple Street on the west. To further the City's goals of attracting visitors and customers to the Grand Avenue area, there are specific requirements for land uses in the Retail Core Area. "Active-retail" uses involving the sale of a physical product on the premises and pedestrian related uses are highly encouraged, and many uses require a front portion of the building floor area to be designated as retail display.

An approximately 10,000 SF building and an associated paved parking area, addressed as 333-351 East Grand Avenue, were constructed in the 1940s on two adjacent parcels totaling 17,500 SF. The eastern boundary of the Retail Core Area is located between the two parcels, and through the center

of the building. The eastern parcel, which includes all the parking plus a portion of the building is not located within the Retail Core Area and the western parcel with the majority of the building is located within the Retail Core Area. Staff wants to adjust the boundary of the Retail Core Area to the east approximately 75 feet to include the entire development at 333 East Grand Avenue, including the building and the parking area.

ANALYSIS:

Having the boundary of the Retail Core overlay located in the middle of the subject property has caused difficulties determining permitted uses both for the City and the property owner. The two parcels over which the building and parking were constructed are under the same ownership and the building is currently vacant. The previous use was a retail antique mall. The minor boundary change to include the entire property within the overlay would provide more consistency in applying zoning requirements to the site and the revised boundary would be more logical than the current boundary. No other parcels would be affected.

SUBITEM C: Murals

BACKGROUND:

Murals are not currently addressed anywhere in the Specific Plan. The City has received several requests from business and property owners in the downtown area to paint murals on their building walls. Currently the requests are reviewed by staff and the Design Review Board on a case-by-case basis. Staff desired to address murals in the IDSP and distinguish them from signs to encourage creativity by businesses and aesthetically enhance the downtown. The Planning Commission recommended that the item be continued to further refine the requirements and definition of a mural. This subitem is not part of this request.

SUBITEM D: Interim Uses in PD Zone

BACKGROUND:

The Interim Downtown Specific Plan contains provisions for mixed-use developments throughout the downtown area where non-residential uses are permitted, through the Planned Development (PD) process. Several mixed-use developments have been approved in the downtown area. While some of the projects have been constructed, others have been put on hold by the developers due to financial constraints or other reasons. In many cases those buildings remain vacant. In the meantime, there is a demand to occupy some of these vacant commercial buildings by new businesses, but the zoning changes approved with the mixed-use development anticipated demolition of existing structures and do not allow re-use of these remaining buildings. For example, there is a vacant building located on Escondido Boulevard, previously used by a bank. A mixed use development has been approved but the building has not been demolished and it is unknown when the project will be constructed. The proposed amendment would establish permitted uses for this building and others in a similar situation.

ANALYSIS:

When a specific mixed-use development is approved the zoning is changed to PD and a list of permitted uses is adopted which is often more narrow than the permitted uses in the underlying district. A developer may not want to demolish a building until he is ready to construct the new project, and there may be a market for the interim use of the existing building by new businesses. During the period between approval of a project and demolition of the structure(s), staff sees a need to establish permitted uses for any potential tenants in an existing building. Allowing tenants to locate in buildings where a PD has been approved reduces the number of abandoned/unoccupied buildings, and does not impact the future of any approved project. The permitted uses would be those permitted in the underlying district, until the existing structures are demolished. Any new uses would be consistent with the previously permitted uses and would not have a negative impact on any site or neighborhood. The proposed modification would give property owners the ability to use an existing building approved for a PD, with permitted uses that do not materially change the building.

SUBITEM E: Sign Setbacks

BACKGROUND:

The Interim Downtown Specific Plan includes a table that summarizes the development standards applicable to each district (Figure III-4), including maximum building height, setbacks, minimum lot size and maximum building coverage. The Park View (PV), Centre City Urban (CCU), and Gateway Transit (GT) districts each have required minimum setbacks that are different for signs and buildings. There is no required front setback for structures in all three districts, and no side, street-side or rear setbacks in the Gateway Transit district. However, in each instance there is a five-foot setback for signs. The proposed amendment would provide consistency in the required setbacks for buildings and signs in all districts within the Specific Plan Area.

ANALYSIS:

In Chapter VI, "Sign Criteria and Guidelines," there are existing requirements that would remain, that signs cannot create a traffic hazard at driveways or corners, and that signs over 3 ½ feet in height are not permitted within 10 feet of driveway entrances. Since there would be no sight distance issue for vehicles or pedestrians, staff feels there is no need to have a greater setback for signs than structures. The reference to "& signs 5' " in the development standards matrix (page III-27) would be removed from the front yard requirement for the Park View, Centre City Urban, and Gateway Transit districts; and from the side, street-side and rear yard requirements of the Gateway Transit district. All other setbacks in the districts would remain the same.

SUBITEM F: Home Furnishings

BACKGROUND:

In the permitted use matrix of the IDSP, one of the categories of uses includes "Furniture and large appliance sales (including incidental service)," which is permitted in five of the seven districts, including the Historic Downtown district. Within the "historic retail core area" of the Historic Downtown district, the use is not allowed on the ground floor along Grand Avenue.

There has been interest from the Downtown Business Association (DBA) to allow retail sales of specialized furniture and home furnishings within the Retail Core Area. The proposed amendment would establish a new use category for home furnishings that is permitted within the Retail Core Area of the Historic Downtown district.

ANALYSIS:

A newly created category would be "home furnishings with retail display (not including mattress-only and discount furniture stores)," which would be distinguished in the permitted use matrix from appliance sales. The types of businesses that would be included in this category would typically include design services, vignettes and display of room arrangements, including art, accessories and lighting. The use would be permitted in the same districts as appliance sales, with the exception that it also would be permitted within the Retail Core Area. This change would further promote the retail nature of the downtown area and attract pedestrians and other visitors to Grand Avenue. "Large appliance sales (including incidental service)" would continue to be permitted in the same districts as they are currently. Information from a business owner would determine which category a specific business falls under.

PLANNING COMMISSION ACTION:

On February 9, 2010, the Planning Commission considered proposed amendments to the Specific Plan, discussed each of the subitems, and voted on them individually. The Commissioners did not express any concern with subitems B, D or E and voted 5-0-1 (Campbell abstained) to recommend approval of those subitems.

The Commissioners voted 4-1-1 (Weber voted no, Campbell abstained) to recommend approval of subitem A (assembly uses). Commissioner Weber expressed a concern with the proposed public assembly matrix.

The Commissioners discussed the proposed amendment related to murals (subitem C) and the majority felt that the proposed changes were too vague and that the standards needed to be more specific. They discussed the amount of signage that would be permitted in conjunction with a mural and the proposed review process. The Commission voted 3-2-1 (Caster and McQuead voted no, Campbell abstained) to continue subitem C so that staff could further clarify what constitutes a mural. The subitem has been deferred from this request for further refinement.

The Commissioners discussed subitem F and voted 4-1-1 (Lehman voted no, Campbell abstained) to recommend approval. Commissioner Lehman felt that what constitutes a discount store needed to be better defined. The Commissioners discussed potentially limiting the amount of product storage permitted. It was noted that staff is currently working on language related to retail uses on Grand Avenue. There were no other concerns expressed.


PUBLIC COMMENT:

The Downtown Business Association expressed support of the proposed amendments to the Interim Downtown Specific Plan. Staff has received no written comments or telephone calls regarding the proposed amendments. Two people spoke at the Planning Commission hearing related to the proposed Amendments. One was opposed to not permitting public assembly along Grand Avenue and questioned the amount of signage permitted in conjunction with a mural. Another speaker noted that he was in favor of the proposed changes to the permitted use matrix and that home furnishings would be a good addition to the downtown area.

Respectfully submitted,



Jonathan H. Brindle
Director of Community Development



Kristina Owens
Assistant Planner II

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CITY OF ESCONDIDO **FOR STUDY ONLY**

MINUTES OF THE REGULAR MEETING OF THE ESCONDIDO PLANNING COMMISSION

February 9, 2010

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

Commissioners present: Darol Caster, Chairman; Jack Campbell, Commissioner; Edward Lehman, Commissioner; Bob McQuead, Commissioner; Guy Winton, Commissioner; and Jeffery Weber, Commissioner (One position vacant).

Commissioners absent: None.

Staff present: Barbara Redlitz, Assistant Planning Director; Bill Martin, Principal Planner; Jay Petrek, Principal Planner; Owen Tunnell, Associate Engineer; Corrine Neuffer, Deputy City Attorney; and Ty Paulson, Minutes Clerk.

MINUTES:

Moved by Commissioner Lehman, seconded by Commissioner Winton, to approve the minutes of the January 26, 2009, meeting. Motion carried unanimously. (6-0)

WRITTEN COMMUNICATIONS – None.

NEIGHBORHOOD MEETINGS – None.

CITY COUNCIL UPDATE – None.

PUBLIC HEARINGS:

1. **CONDITIONAL USE PERMIT – PHG 09-0028:**

REQUEST: A request for a Conditional Use Permit to construct a wireless communication facility for Clearwire at the Escondido Adventist Academy. The facility would consist of nine antennas mounted inside a previously approved 70-foot-high steeple on the church, which is currently under construction. All related equipment would be located within an existing mechanical enclosure.

LOCATION: Approximately 14.55 acres on the western side of Interstate 15 at the northern terminus of Deodar Road, approximately 900 feet north of Rock Springs Road, addressed as 1301 Deodar Road.

Bill Martin, Principal Planner, referenced the staff report and noted staff issue were whether the design and location of the proposed wireless communication facility was appropriate for the site and consistent with the Communication Antennas Ordinance. Staff recommended approval based on the following: 1) The proposed wireless facility would be consistent with the Communication Antennas Ordinance since it would meet the height requirement of the zone, as specified for non-habitable structures, and would be entirely integrated into the site. The facility would not create adverse visual impacts to surrounding properties due to its placement within a previously approved structure; and 2) The proposed facility would not result in a potential health hazard on-site or to nearby residents since the Radio Frequency (RF) study prepared for the proposed project indicates the facility would be within maximum permissible exposure (MPE) limits and Federal Communication Commission (FCC) standards.

ACTION:

Moved by Commissioner Winton, seconded by Commissioner McQuead, to approve staff's recommendation. Motion carried unanimously. (6-0)

- 2. AMENDMENTS TO THE INTERIM DOWNTOWN SPECIFIC PLAN – AZ 09-0005: The project proposes miscellaneous amendments to the Interim Downtown Specific Plan primarily focused on the following subitems:**

LOCATION: Properties within the Interim Downtown Specific Plan Area.

Subitem A: Amendment to Interim Downtown Specific Plan, Figure II-2, permitted use matrix, to alleviate inconsistencies between which districts allow religious assembly uses and other miscellaneous assembly uses.

Ms. Redlitz referenced the staff report and noted staff recommended approval based on the following: 1) The various assembly uses permitted in the downtown area with a Conditional Use Permit should be permitted in the same districts for consistency in application of the IDSP. The proposed Specific Plan Amendment would clarify which districts permit the various assembly uses listed in the permitted use matrix with a CUP, continuing to implement the city's goal of attracting visitors downtown and distinguishing the Grand Avenue Retail Core from the surrounding City fabric with pedestrian-scaled street spaces, historic character, specialty retail, entertainment venues, restaurants, sidewalk cafes, antiques shops, art galleries/studios, and professional offices.

Subitem B: Amendment to Interim Downtown Specific Plan, Figure II-1, map of districts within the Specific Plan Area, to adjust the boundary of the Retail Core Area to align with the property line of property addressed as 333-351 East Grand Avenue.

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Ms. Redlitz referenced the staff report and noted staff recommended approval based on the following: 1) The proposed Amendment to the Interim Downtown Specific Plan should be approved since it would provide for a consistent zoning designation for the property addressed as 333-351 East Grand Avenue, provide more consistency in applying zoning requirements, and result in the development not being split-zoned.

Subitem C: Amendment to Interim Downtown Specific Plan, Sections III.B.5, VI.A.1.b and VIII.A.1.d, and Figure VIII-1, to add a definition of murals, distinguish them from signs, and establish a process for their review.

Ms. Redlitz referenced the staff report and noted staff recommended approval based on the following: 1) The proposed Amendment to the Interim Specific Plan should be approved since it would establish a definition and a specific review procedure for murals. Allowing murals and distinguishing them from signs would encourage creativity among business and property owners and could enhance the appearance of building wall surfaces in the downtown area.

Commissioner Weber asked why the current process was not adequate for murals. Ms. Redlitz noted there was no definition for murals and the new language clarified the difference between signage and murals.

Commissioner Winton asked if the prohibition for placing a name in the mural meant the name could not be prominent. Ms. Redlitz noted the intent was to depict a difference between signage and a mural.

Commissioner Winton asked if the colors for murals went through an approval process. Ms. Redlitz replied in the affirmative.

Commissioner McQuead asked if the Public Art Commission would review murals. Ms. Redlitz replied in the negative, noting their main focus was on public art projects.

Commissioner Winton asked if a first amendment issue could occur with denying the design of a mural, questioning whether specific language was needed. Ms. Neuffer replied in the affirmative but noted this could also occur with the sign ordinance.

Commissioner Winton felt the code was vague with regard to differentiating between signage and murals.

Subitem D: Amendment to Interim Downtown Specific Plan, Section III.C, to add language related to permitted uses in existing structures where a Planned Development has been approved, but not yet constructed.

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Ms. Redlitz referenced the staff report and noted staff recommended approval based on the following: 1) The proposed amendment to the Interim Downtown Specific Plan clarifies language related to permitted uses on sites where a mixed-use development has been approved but not yet constructed. Since the permitted uses would be the same as those of the underlying district, the proposed amendment would make leasing or occupying some vacant commercial buildings easier, and there would be no negative impact to any site or neighborhood during the time between the structure(s) being demolished and the approved mixed-use development being constructed.

Commissioner Lehman asked if someone with a temporary use would have to bring their structure up to code. Ms. Redlitz noted that if a building permit was required, then it would have to be brought up to code.

Subitem E: Amendment to Interim Downtown Specific Plan, Figure III-4, Land-Use District Development Standards, and Section VI.A.4.a, to modify the required setbacks for signs to coincide with the required setbacks for structures in various districts.

Ms. Redlitz referenced the staff report and noted staff recommended approval based on the following: 1) The proposed amendment to the Interim Specific Plan would provide consistency to the required setbacks of structures and signs, since there is no reason for signs to have a greater setback than a structure, provided there is no sight distance issue. All visibility requirements would remain and no district would have a greater required setback for a sign than for a structure.

Subitem F: Amendment to the Interim Downtown Specific Plan, Figure II-2, permitted use matrix, to allow retail furniture and home furnishing sales in the historic Retail Core Area.

Ms. Redlitz referenced the staff report and noted staff recommended approval based on the following: 1) The proposed amendment to the IDSP would further clarify that the primary goal of the historic Retail Core Area is to provide retail uses that promote the downtown area and attract pedestrians and other visitors. The type of furniture and furnishings permitted within the Retail Core Area would be specialized and would include the type of retail use that would promote and preserve the long-term viability of the Retail Core Area.

Commissioner Lehman asked who would determine that a use would be included in the category of a discount store. Ms. Redlitz noted that the concept was for the applicant to provide a business plan in order for staff to make a determination of which category it fell under.

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Commissioner Winton asked if consideration was given to limiting the amount of storage of sales product in order to limit the amount of space allowed for storage. Ms. Redlitz noted that staff was working on the language and concept of what constituted the front portion of a retail store. She noted that currently staff reviewed each use on a case by case basis. Commissioner Winton felt these standards needed to be better clarified.

Jack Campbell, Escondido, was opposed to taking out public assembly including auditoriums and exhibit halls along Grand Avenue. He noted that the old Ritz facility was a good example for this use. He also questioned how much of a mural wall could be allocated to signage.

Tom Rostai, Escondido, supported amending the permitted use matrix, feeling it would promote foot traffic in the downtown area. He also felt home furnishing uses could be a clean and green type of business that would be good for the downtown area.

Commissioner Lehman felt the proposed amendments had too many grey areas that needed to be better clarified such as better defining what constituted a discount store and tightening up the standards for murals.

Chairman Caster asked if a sign could be incorporated within a mural. Ms. Redlitz replied in the affirmative.

Commissioner Winton questioned whether the Ritz facility could only be used for a non-business use. Ms. Redlitz replied in the negative. She then referenced Page 11 of the staff report and noted that staff recommended deleting the general reference to public assembly.

Commissioner Weber expressed concern with the matrix under public assembly. He also felt the definition of a mural was vague.

ACTION ITEM A:

Moved by Commissioner McQuead, seconded by Chairman Caster, to approve staff's recommendation. Motion carried. Ayes: Caster, Winton, Lehman, and McQuead. Noes: Weber. Abstained: Campbell. (4-1-1)

ACTION ITEM B:

Moved by Commissioner McQuead, seconded by Commissioner Lehman, to approve staff's recommendation. Motion carried. Ayes: Caster, Winton, Lehman, Weber, and McQuead. Noes: None. Abstained: Campbell. (5-0-1)

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ACTION ITEM C:

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Moved by Commissioner Weber, seconded by Commissioner Lehman, to refer Item C back to staff for further clarification of what constituted a mural. Motion carried. Ayes: Weber, Winton, and Lehman. Noes: McQuead and Caster. Abstained: Campbell. (3-2-1)

ACTION ITEM D:

Moved by Commissioner McQuead, seconded by Commissioner Winton, to approve staff's recommendation. Motion carried. Ayes: Caster, Winton, Lehman, Weber, and McQuead. Noes: None. Abstained: Campbell. (5-0-1)

ACTION ITEM E:

Moved by Commissioner Lehman, seconded by Commissioner Weber, to approve staff's recommendation. Motion carried. Ayes: Caster, Winton, Lehman, Weber, and McQuead. Noes: None. Abstained: Campbell. (5-0-1)

ACTION ITEM F:

Moved by Commissioner McQuead, seconded by Commissioner Weber, to approve staff's recommendation. Motion carried. Ayes: Caster, Winton, Weber, and McQuead. Noes: Lehman. Abstained: Campbell. (4-1-1)

3. MODIFICATION TO CONDITIONAL USE PERMIT – PHG 09-0044:

REQUEST: A request for a modification to a previously approved Conditional Use Permit (2000-08-CUP) to add antennas and equipment to an existing wireless communication facility at Escondido High School. Sprint/Nextel has six existing antennas mounted to a 70-foot-tall light pole located on the western side of the football field. Clearwire proposes to add three panel antennas and three round directional antennas to the pole. New equipment for the Clearwire facility would be located within the existing equipment enclosure.

LOCATION: The 51.22-acre Escondido High School campus is located on the western side of North Broadway between Sheridan Avenue and Leslie Lane, addressed as 1535 North Broadway.

Bill Martin, Principal Planner, referenced the staff report and noted staff issues were whether the design and location of the proposed wireless communication facility was appropriate for the site and consistent with the Communication Antennas Ordinance. Staff recommended approval based on the following: 1) The proposed wireless facility would be consistent with the Communication Antennas Ordinance since it would be co-located onto an existing facility, is located on a non-residential site in a residential zone, and would be integrated into the site by

PLANNING COMMISSION

Agenda Item No.: G.2
Date: February 9, 2010

CASE NUMBER: AZ 09-0005

APPLICANT: City of Escondido

LOCATION: Within the Downtown Specific Plan Area

TYPE OF PROJECT: Amendments to the Interim Downtown Specific Plan

PROJECT DESCRIPTION:

The project proposes miscellaneous amendments to the Interim Downtown Specific Plan primarily focused on the following subitems:

Subitem A: Amendment to Interim Downtown Specific Plan, Figure II-2, permitted use matrix, to alleviate inconsistencies between which districts allow religious assembly uses and other miscellaneous assembly uses.

Subitem B: Amendment to Interim Downtown Specific Plan, Figure II-1, map of districts within the Specific Plan Area, to adjust the boundary of the Retail Core Area to align with the property line of property addressed as 333-351 East Grand Avenue.

Subitem C: Amendment to Interim Downtown Specific Plan, Sections III.B.5, VI.A.1.b and VIII.A.1.d, and Figure VIII-1, to add a definition of murals, distinguish them from signs, and establish a process for their review.

Subitem D: Amendment to Interim Downtown Specific Plan, Section III.C, to add language related to permitted uses in existing structures where a Planned Development has been approved, but not yet constructed.

Subitem E: Amendment to Interim Downtown Specific Plan, Figure III-4, Land-Use District Development Standards, and Section VI.A.4.a, to modify the required setbacks for signs to coincide with the required setbacks for structures in various districts.

Subitem F: Amendment to the Interim Downtown Specific Plan, Figure II-2, permitted use matrix, to allow retail furniture and home furnishing sales in the historic Retail Core Area.

STAFF RECOMMENDATION: Approval of Subitems A, B, C, D, E and F

SUBITEM A: Amendment to Interim Downtown Specific Plan, Figure II-2, permitted use matrix, to alleviate inconsistencies between which districts allow religious assembly uses and other miscellaneous assembly uses.

BACKGROUND/SUMMARY OF ISSUES: The Interim Downtown Specific Plan (IDSP) was adopted on March 21, 2007, and includes seven land-use districts. Figure II-2 of the IDSP is the permitted use matrix for all districts within the Specific Plan Area. An issue has been raised about a discrepancy in the downtown area between districts that permit religious assembly uses and those that permit non-religious assembly uses. A Specific Plan Amendment is being proposed which would make the land use matrix of the IDSP more consistent in the districts in which various assembly uses are permitted.

REASON FOR STAFF RECOMMENDATION:

1. Staff feels the various assembly uses permitted in the downtown area with a Conditional Use Permit should be permitted in the same districts for consistency in application of the IDSP. The proposed Specific Plan Amendment would clarify which districts permit the various assembly uses listed in the permitted use matrix with a CUP, continuing to implement the city's goal of attracting visitors downtown and distinguishing the Grand Avenue Retail Core from the surrounding City fabric with pedestrian-scaled street spaces, historic character, specialty retail, entertainment venues, restaurants, sidewalk cafes, antiques shops, art galleries/studios, and professional offices.

ANALYSIS

The City desires to allow religious and secular assembly uses in the districts of the Specific Plan on similar terms, to make application of the Plan more consistent. Currently, assembly uses are generally permitted in the districts of the Specific Plan with a Conditional Use Permit. "Churches, synagogues, temples, missions, religious reading rooms, and other religious activities" are permitted with a CUP in the Southern Gateway and Creekside Neighborhood districts. "Social, professional and youth organizations that conduct group and/or membership meetings on the premises, including political, veterans, civic, labor, charitable and similar organizations" are permitted in each of the seven districts with a CUP, except that they are not permitted within the Retail Core Area on Grand Avenue within the front one-third or 1,000 SF of building space, whichever is greater, similar to other non-retail uses.

The distinctions in operational characteristics between the groups of assembly uses are minimal, since they have similar occupant loads and consist of similar gatherings of groups of people. Allowing all of the assembly groups listed above in each of the seven districts with a Conditional Use Permit would generally not have a negative impact on the downtown area or any of the districts and staff and the Planning Commission would retain discretion over individual uses through the CUP process. The requirement that the uses within the Retail Core Area not be permitted on the ground floor on Grand Avenue within the front one-third or 1,000 SF of building space, whichever is less, would remain for all "social and professional" assembly uses to preserve the retail character in that area. "Youth organizations" will be removed from this category and given its own category in the matrix. "Youth organizations" would be prohibited in the Historic Downtown district and "churches, synagogues, temples, missions, religious reading rooms, and other religious activities" would be permitted with a Conditional Use Permit in all seven districts, but would not be allowed within the Grand Avenue "historic retail core area," because the State Department of Alcoholic Beverage Control (ABC) has minimum distance requirements between establishments serving or selling alcohol and churches, schools and youth organizations. Allowing youth or religious assembly uses along Grand Avenue could preclude a future desirable use locating nearby which would conflict with the City's goal of attracting visitors downtown and distinguishing the Retail Core area as an entertainment and retail corridor with specialty retail, restaurants, and

sidewalk cafes. Those uses would be excluded from the Retail Core Area in order to preserve the entertainment and retail nature of the Grand Avenue corridor.

The category "public assembly, miscellaneous, including amphitheaters, auditoriums and exhibition halls" Would be entirely removed from the matrix since the uses are repetitive with other existing use categories.

SUBITEM B: Amendment to Interim Downtown Specific Plan, Figure II-1, map of districts within the Specific Plan Area, to adjust the boundary of the Retail Core Area to align with the property line of property addressed as 333-351 East Grand Avenue.

BACKGROUND/SUMMARY OF ISSUES: Figure II-1 of the Interim Downtown Specific Plan is a map which shows the boundaries of the Specific Plan, the boundaries of each of the seven districts, and the location of the Retail Core Area overlay. The Retail Core Area fronts on both sides of Grand Avenue and is located within a portion of the Historic Downtown district. It is bound roughly by Valley Parkway on the north, 2nd Avenue on the south, Juniper Street on the east and just west of Maple Street on the west. To further the City's goals of attracting visitors and customers to the Grand Avenue area, there are specific requirements for land uses in the Retail Core Area, in addition to the requirements of the Historic Downtown district. "Active-retail" uses involving the sale of a physical product on the premises and pedestrian related uses are highly encouraged. Many uses require a front portion of the building floor area to be designated as retail display.

An approximately 10,000 SF building and an associated paved parking area, addressed as 333-351 East Grand Avenue, were constructed on two adjacent parcels in the 1940s. The eastern parcel, which includes all the parking plus a portion of the building is not located within the Retail Core Area and the western parcel with the majority of the building is located within the Retail Core Area. The ~~western~~^{east} boundary of the Retail Core Area is located between the two parcels, and through the center of the building. Staff wants to adjust the boundary of the Retail Core Area to the east approximately 75 feet to include the entire development at 333 East Grand Avenue, including the building and the parking area. This minor boundary change would provide more consistency in applying zoning requirements to the site.

In the future the City will investigate expanding the boundaries of the Retail Core Area easterly and westerly along Grand Avenue, at the request of the Downtown Business Association.

REASON FOR STAFF RECOMMENDATION:

1. Staff feels the proposed Amendment to the Interim Downtown Specific Plan should be approved since it would provide for a consistent zoning designation for the property addressed as 333-351 East Grand Avenue, provide more consistency in applying zoning requirements, and result in the development not being split-zoned.

ANALYSIS

The development addressed as 333 East Grand Avenue consists of an approximately 10,000 SF building and paved parking on a 17,500 SF lot. The two parcels over which the building and parking were constructed are under the same ownership. The ~~western~~^{east} boundary of the Retail Core Area overlay is located through the center of the existing building. The intent of the Retail Core Area has been to attract customers and visitors to the downtown area with pedestrian-scaled street spaces and pedestrian related uses. Having the boundary of the overlay in the middle of the property has caused difficulties determining permitted uses both for the City and the property owner. The building is currently vacant, while the previous use was a retail antique mall. Under the proposed amendment the Retail Core Area boundary would be relocated approximately 75 feet to the east to include the entire building and associated paved parking. The revised boundary would be more logical than the current boundary. No other parcels would be affected. The building is immediately adjacent to the building to the west, which is within the Retail Core, providing continuity in the streetscape and storefronts to pedestrians and passing vehicles.

SUBITEM C: Amendment to Interim Downtown Specific Plan, Sections III.B.5, VI.A.1.b and VIII.A.1.d, and Figure VIII-1, to add a definition of murals, distinguish them from signs, and establish a process for their review.

BACKGROUND/SUMMARY OF ISSUES: There are several sections in the IDSP which address signage, including Chapter VI, which includes sign criteria and guidelines for each type of sign in the various districts. Murals are not currently addressed anywhere in the Specific Plan. The City has received several requests from business and property owners to paint murals on their building walls. Staff desires to address murals in the IDSP and distinguish them from signs to encourage creativity by businesses and aesthetically enhance the downtown.

REASON FOR STAFF RECOMMENDATION:

1. Staff feels the proposed Amendment to the Interim Specific Plan should be approved since it would establish a definition and a specific review procedure for murals. Allowing murals and distinguishing them from signs would encourage creativity among business and property owners and could enhance the appearance of building wall surfaces in the downtown area.

ANALYSIS

Currently, there is no reference to murals in the IDSP, including Chapter VI, "Sign Criteria and Guidelines." The City has received several requests for murals on the walls of businesses, especially in the downtown area, and they have been reviewed by staff and the Design Review Board on a case-by-case basis. Staff and the Downtown Business Association desire to codify the policy of allowing business and property owners to have murals to encourage creativity downtown, without them being counted against their allowable sign area. A definition of a mural would be added to the IDSP to distinguish a mural from a sign. Also, murals would be limited to commercial, mixed-use, and multi-family residential uses/businesses (not single-family residential) in the downtown.

A mural would be defined as "A picture, painting, or representation, in any type of medium, applied to and made integral with an exterior surface of a building or garden wall, that does not contain the name of the business, product, or service located on the premises." Prohibiting the name of a business, product or service on the premises allows murals to be distinguished from signs. Murals would be subject to review and approval by the Design Review Board, including the design, any proposed exterior illumination, and the size of any text. Murals also would be specifically listed in the IDSP Chapter VIII, "Implementation and Administration," as a project requiring DRB review and approval.

SUBITEM D: Amendment to Interim Downtown Specific Plan, Section III.C to add language related to permitted uses in existing structures where a Planned Development has been approved, but not yet constructed.

BACKGROUND/SUMMARY OF ISSUES: Section III.B.13 of the Interim Downtown Specific Plan contains provisions for mixed-use developments throughout the downtown area where non-residential uses are permitted. In the past several years some mixed-use developments have been approved in the downtown area utilizing the standards established in the IDSP. While some of the projects have been constructed, others have been put on hold by the developers due to financial constraints or other reasons. In many cases those buildings remain vacant. In the meantime, there is a demand to occupy some of these vacant commercial buildings by new businesses, but the zoning changes approved with the mixed-use development anticipated demolition of existing structures and do not allow re-use of these remaining buildings.

The IDSP would be amended to establish permitted uses on a site when a Planned Development has been approved, but not constructed, and the previous building remains on the site. The permitted uses would be those permitted in the underlying district.

REASON FOR STAFF RECOMMENDATION:

1. The proposed amendment to the Interim Downtown Specific Plan clarifies language related to permitted uses on sites where a mixed-use development has been approved but not yet constructed. Since the permitted uses would be the same as those of the underlying district, the proposed amendment would make leasing or occupying some vacant commercial buildings easier, and there would be no negative impact to any site or neighborhood during the time between the structure(s) being demolished and the approved mixed-use development being constructed.

ANALYSIS

Mixed-use developments are permitted in many districts in the downtown where non-residential uses are permitted, through the Planned Development (PD) process. When a specific mixed-use development is approved the zoning is changed to PD and a list of permitted uses is adopted which is often more narrow than the permitted uses in the underlying district. In some cases an approved mixed-use project is not constructed immediately. A developer may not want to demolish a building until he is ready to construct the new project, and there may be a market for the interim use of the existing building by new businesses. During the period between approval of a project and demolition of the structure(s), staff sees a need to establish permitted uses for any potential tenants in an existing building. Allowing tenants to locate in building(s) where a PD has been approved reduces the number of abandoned/unoccupied buildings, and does not impact the future of any approved project.

A section would be added to the Interim Downtown Specific Plan in chapter III, "Design Principles, Guidelines, and Standards," under section C, "General Provisions." The new section would be entitled "Permitted Uses Within Mixed-Use Planned Development Zones." It would establish that the permitted uses for a site where a Planned Development has been approved, but not yet constructed, shall be those of the underlying district, until the existing structures are demolished. Any new uses would be consistent with the previously permitted uses and would not have a negative impact on any site or neighborhood.

SUBITEM E: Amendment to Interim Downtown Specific Plan, Figure III-4, Land-Use District Development Standards, and Section VI.A.4.a, to modify the required setbacks for signs to coincide with the required setbacks for structures in various districts.

BACKGROUND/SUMMARY OF ISSUES: The Interim Downtown Specific Plan includes a table that summarizes the development standards applicable to each district (Figure III-4), including maximum building height, setbacks, minimum lot size and maximum building coverage. Each district has its own required front-, side-, street side-, and rear-yard setbacks. In three of the seven districts there is no required setback from a property line to a structure, while there is a required setback for signs. The proposed amendment would provide consistency in the required setbacks for buildings and signs in all districts within the Specific Plan Area.

REASON FOR STAFF RECOMMENDATION:

1. The proposed amendment to the Interim Specific Plan would provide consistency to the required setbacks of structures and signs, since there is no reason for signs to have a greater setback than a structure, provided there is no sight distance issue. All visibility requirements would remain and no district would have a greater required setback for a sign than for a structure.

ANALYSIS

The required development standards of each district in the IDSP are summarized in Figure III-4. The Park View (PV), Centre City Urban (CCU), and Gateway Transit (GT) districts each have required minimum setbacks that are different for signs and buildings. There is no required front setback for all three districts, and no side, street-side or rear setbacks in the Gateway Transit district for structures. However, in each instance there is a five-foot setback for signs. There has been a request to reconcile this apparent inconsistency.

Signs are subject to the requirements of Chapter VI, "Sign Criteria and Guidelines" of the IDSP, including design, height, and size. In that section there are existing requirements that signs cannot create a traffic hazard at driveways or corners, and that signs over 3 ½ feet in height are not permitted within 10 feet of driveway entrances. In addition, the section relating to pole signs states that a pole sign is subject to the setback requirements of the district. The monument sign section, however, indicates that a monument sign "may encroach to within 5 feet of property line adjacent to the street." If there is no sight distance issue for vehicles or pedestrians, as already required, there is no reason to have a greater setback for signs than structures.

The reference to "& signs 5' " in the development standards matrix (page III-27) would be removed from the front yard requirement for the Park View, Centre City Urban, and Gateway Transit districts; and from the side, street-side and rear yard requirements of the Gateway Transit district. All other setbacks in the districts would remain the same. The reference to setbacks for monument signs in the sign chapter would be changed to read "May encroach to within 5 feet of property line adjacent to the street, or as required in the district, whichever is less," to allow signs to have no setback when there is no required setback for structures in a district.

SUBITEM F: Amendment to the Interim Downtown Specific Plan, Figure II-2, permitted use matrix, to allow retail furniture and home furnishing sales in the historic Retail Core Area.

BACKGROUND/SUMMARY OF ISSUES: Figure II-2 of the IDSP is the permitted use matrix for all districts within the Plan area. One of the categories of uses includes "Furniture and large appliance sales (including incidental service)." Those uses are permitted in five of the seven districts, including the Historic Downtown district. Within the "historic retail core area" of the Historic Downtown district, the uses are not allowed on the ground floor along Grand Avenue.

There has been interest from the Downtown Business Association (DBA) to allow retail sales of specialized furniture and home furnishings within the Retail Core Area. The amendment would establish a new use category for home furnishings that is permitted within the Retail Core Area of the Historic Downtown district.

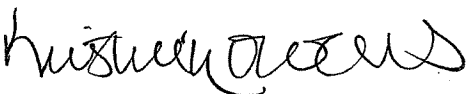
REASON FOR STAFF RECOMMENDATION:

1. The proposed amendment to the IDSP would further clarify that the primary goal of the historic Retail Core Area is to provide retail uses that promote the downtown area and attract pedestrians and other visitors. The type of furniture and furnishings permitted within the Retail Core Area would be specialized and would include the type of retail use that would promote and preserve the long-term viability of the Retail Core Area.

ANALYSIS

Currently, the category of uses "furniture and large appliance sales (including incidental service)" is permitted outright or with conditions in five of the downtown districts of the IDSP. In the Historic Downtown district the use is not permitted along Grand Avenue on the ground floor within the historic Retail Core Area. There has been a desire expressed by the Downtown Business Association to permit businesses selling specialized furniture and home furnishings in the historic Retail Core Area. The use would be distinguished from appliance sales and would not include "mattress only" stores and "discount furniture" stores. The types of businesses that would be categorized in the "home furnishings" category would typically include design services and display of room arrangements. There would be two categories of furniture/appliance uses in the permitted use matrix. "Large appliance sales (including incidental service)" would continue to be permitted in the same districts as they are currently. A new category, "home furnishings, not including "mattress only" and discount furniture stores," would be permitted in the same districts as appliance sales, with the exception that they also would be permitted within the Retail Core Area. This change would further promote the retail nature of the downtown area and attract pedestrians and other visitors to Grand Avenue.

Respectfully submitted,



Kristina Owens
Assistant Planner II

A. ENVIRONMENTAL STATUS

1. The proposed Amendments to the Interim Downtown Specific Plan are exempt pursuant to CEQA Section 15061(b)(3), "General Rule."
2. In staff's opinion, the proposed Zoning Code Amendment would not result in a significant impact to the environment, since the proposal involves minor code amendments which refine the existing language in the Specific Plan for consistency and clarity.
3. The project will not have an impact on fish and wildlife resources since no sensitive or protected habitat would be impacted by the proposed Downtown Specific Plan provisions.

B. CONFORMANCE WITH GENERAL PLAN

The proposed Zoning Code Amendments would be consistent with the General Plan, since modifications are being proposed to existing language in the Interim Downtown Specific Plan for consistency and clarity. No General Plan policies or land use designations would be modified or impacted.

FACTORS TO BE CONSIDERED
AZ 09-0005
EXHIBIT "A"

1. The public health, safety and welfare would not be adversely affected by the proposed Amendments to the Interim Downtown Specific Plan, since they would not modify any policies, but only clarify language, provide consistency to the document, and codify existing policies.
2. The proposed Amendments to the Interim Downtown Specific Plan would not be detrimental to surrounding properties, since they would only refine existing language in the Specific Plan to provide consistency and clarity within the document, while preserving the existing policies of the downtown area.
3. The proposed Amendments to the Interim Downtown Specific Plan would be consistent with the General Plan, since no land uses or policies would be amended or impacted. The amendments would only clarify language and codify existing policies for consistency and clarity in the document, and to strengthen redevelopment efforts in the downtown

EXHIBIT "B"
AZ 09-0005

SUBITEM A

PROPOSED AMENDMENT TO RESOLUTION 2007-35, THE INTERIM DOWNTOWN SPECIFIC PLAN:

Amend Figure II-2:

LAND USE	HD	PV	CCU	GT	M	SG	CN
ENTERTAINMENT AND RECREATION (continued)							
Galleries and studios pertaining to artists, craft workers and photographers (including incidental developing and printing), libraries, museums, etc., including incidental sale of merchandise pertaining to the primary use	P	P	P	P	P	P	P6
Dance and martial arts studios	P2		P	P	P	P3	P6
Entertainment establishments (including internet cafes) with incidental sale of food or alcohol (excluding incidental entertainment in restaurants)	C	C	C	C	C	C3	
Parks - general recreation	P	P	P	P		P	P
Public assembly, miscellaneous, including amphitheaters, auditoriums and exhibition halls	E	E					
Roller-skating and bowling alleys and similar indoor arena sports			P	P	C		
Swimming pools and schools		P					P6
Theater, live and motion picture	P	P	P	P			
SOCIAL, PROFESSIONAL, RELIGIOUS ORGANIZATIONS*							
Churches, synagogues, temples, missions, religious reading rooms, and other religious activities (not allowed within Grand Ave. "historic retail core area")	C	C	C	C	C	C	C
Social and professional and youth organizations that conduct group and/or membership meetings on the premises, including political, veterans, civic, labor, charitable and similar organizations	C2	C	C	C	C	C	C
Youth Organizations		C	C	C	C	C	C

P = Permitted C = Conditional Use Permit required

- 1 Under 3,000 square feet.
- 2 Within Grand Avenue's "historic retail-core area" use not permitted on ground floor on Grand Avenue within front one-third or 1,000 SF of building space, whichever is greater.
- 3 Only permitted on Escondido Boulevard.
- 4 Only permitted within a multi-tenant building. May not occupy more than 30% of the gross floor area.
- 5 Only when integrated into a residential project.
- 6 Only permitted on Pennsylvania Avenue
- 7 Not allowed along Grand Avenue on ground floor within the "historic retail core area."
- 8 Residential and mixed-use projects are permitted in specified areas, subject to Master Project Plan approval similar to the planned development process (or equivalent) specified in Article 19 of the Escondido Zoning Code.
- 9 No residential uses permitted between Woodward Avenue, Washington Avenue, Escondido Boulevard and Broadway.
- * Existing automobile dealerships were a non-conforming use at the time of adoption of the Interim Downtown Specific Plan. Conversion of these sites to a new, substantially different, use shall require plot plan review pursuant to Article 16 of the Escondido Zoning Code.

DOWNTOWN DISTRICTS:

HD	Historic Downtown
PV	Park View
CCU	Centre City Urban
GT	Gateway Transit
M	Mercado
SG	Southern Gateway
CN	Creekside Neighborhood

NOTE: Should a conflict arise between this matrix and the land-use district text, the land use district text discussion shall take precedence in determining the appropriateness of the land use.

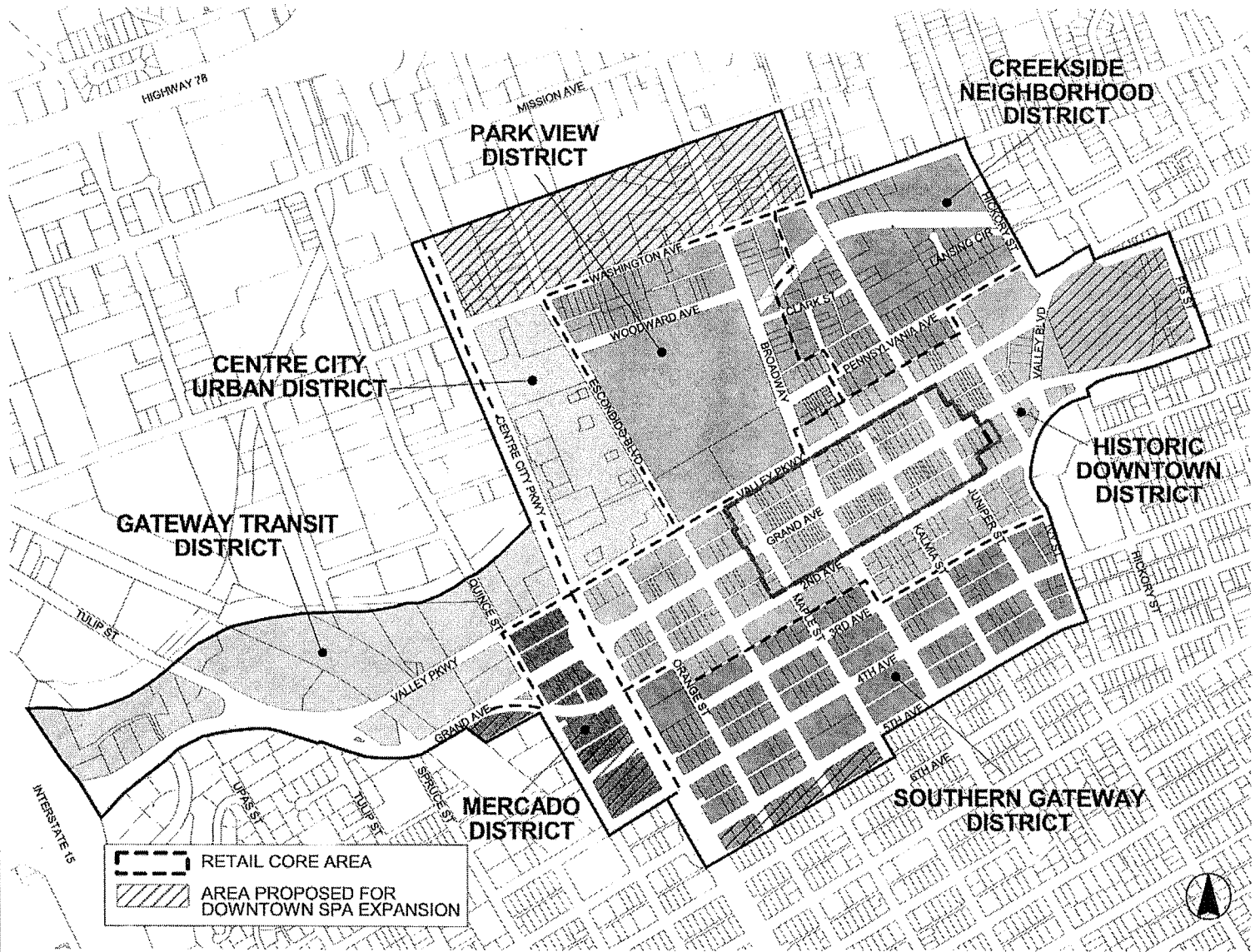
SUBITEM B

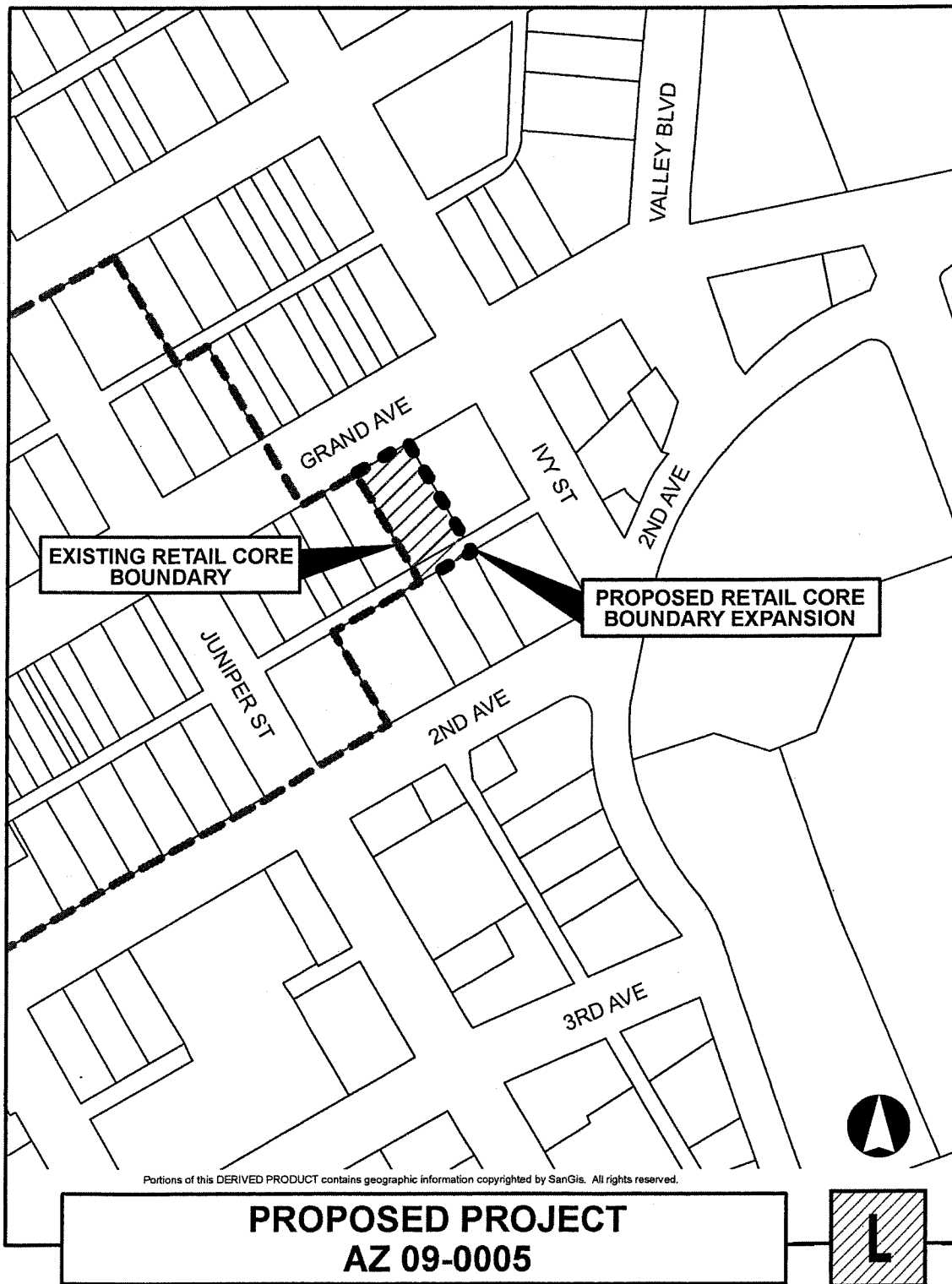
PROPOSED AMENDMENT TO RESOLUTION 2007-35, THE INTERIM DOWNTOWN SPECIFIC PLAN:

Amend Figure II-1, Specific Plan Map:

PROPOSED PROJECT AZ 09-0005

S
SITE PLAN





SUBITEM C

PROPOSED AMENDMENT TO RESOLUTION 2007-35, THE INTERIM DOWNTOWN SPECIFIC PLAN:

Amend Section III.B.5 Building Exterior Modifications

5. BUILDING EXTERIOR MODIFICATIONS

Prior to beginning any work, proposed exterior modifications shall be reviewed by the Director of Community Development or his/her designee, pursuant to Figure VIII-1, to determine conformance with the design guidelines and policies of this Specific Plan. Any proposed ~~changes~~ **modifications** may be referred to the City's Design Review Board. **Modifications** ~~Alterations~~ include, but are not limited to: painting or otherwise modifying exterior features different than existing, altering exterior architectural finishes, installing awnings, windows, doors, signs, etc, **and adding a mural**. The approval of any building modification would constitute a binding agreement between the City and the property owner.

Amend Section VI.A.1.b Private Signage:

b. Private Signage

Two major categories of signs on private property are regulated by these Design Guidelines.

1) Building Sign - Refers to a sign attached to the exterior surface of a building or visible from the exterior. For purposes of this section, building signs are divided according to location into:

- (a) Wall signs;
- (b) Glazed area/window signs;
- (c) Projecting signs;
- (d) Awning signs; and
- (e) Top-of-building signs.

2) Freestanding Sign - Refers to any sign which is wholly or partially supported by one or more uprights or braces in, or upon, the ground. For purposes of this section, freestanding signs are divided into:

- (a) Monument signs 6-feet tall or less; and
- (b) Pole and high-profile signs over 6-feet tall.

3) Murals-

(a) A Mural is defined as: "A picture, painting, or representation, applied to and made integral with an exterior surface of a building or garden wall, that does not contain the name of the business, product, or service located on the premises."

(b) For purposes of determining sign allowances for any business, a mural is not considered a wall sign and the size of a mural does not count towards allowable signage area for a business or building.

(c) Any mural will require review and approval by the Design Review Board, as specified in Figure VIII-1.

(d) No sign permit is required.

(e) Murals are permitted in conjunction with commercial, mixed-use and multi-family residential uses/buildings, not single-family residential uses.

Amend Section VIII.A.1.d, Major Projects:

d. Major projects - Projects including all new construction (primary structure, outbuildings, additions), demolition, relocation, change to the site (grading, paving, landscaping, etc.), public right-of-way improvements, any project requiring a Plot Plan Approval, including minor plot plan review for the conversion of existing or vacant automobile dealerships to a new, substantially different use, or a Conditional Use Permit, **or mural** will be reviewed by Design Review Board (DRB). DRB will review the project based on the design guidelines outlined in this document and either:

- Issue a Recommendation of Approval or Conditional Approval; or
- Disapprove the proposed work and provide the applicant with a written statement either giving the reasons for disapproval; or identifying recommended modifications to the proposed work.

Amend Figure VIII-1, Activity Construction Review Process:

Figure VIII-1
ACTIVITY CONSTRUCTION REVIEW PROCESS

Type of Work to be Done:	COA Required Reviewed by: Staff	DRB	Building Permit Issued by: Bldg. Div.	Engineering Permits Issued by: Engin. Div.
<u>New Construction:</u>				
Primary Structure	X	X	X	
Accessory Structures	X	H	X	
Additions (including porch enclosures, dormers, etc.)	X	H	X	
Additions to Commercial Properties	X	X	X	
<hr/>				
<u>Removal, Demolition</u>	X	H		
<hr/>				
<u>Relocation</u>	X	X	X	
<hr/>				
<u>Exterior Changes to the structure and material restoration changes:</u>				
Architectural details and decorative elements: (fish scale, shingles, dentils, shutters, siding, brick, stucco, metal, roof material, porches, columns, cornices, trim, railing, ornamentation, etc.)	X	H	X	
<hr/>				
Painting – exterior	X			
Roofs (changes in shape, eaves, ornament)	X	X ¹	X	
Staircases, steps (exterior)	X	X ¹	X	
Doors	X		X	
<hr/>				
Windows, skylights	X		X	
Mechanical systems (roof top and window units, exhaust fans, vents)	X	X ¹	X	
Storm windows, doors, security grills	X		X	
<hr/>				
Satellite dishes	X		X	
Solar collectors	X		X	
<hr/>				
<u>Changes and modifications to the site:</u>				
Grading	X			X ²
Parking lots (pavement and landscaping)	X			X ²
Surface paving	X			
Landscaping	X ¹			
<hr/>				
Public right-of-way improvements (curb & gutters, sidewalks, street paving, driveways, curb cuts, street furniture, outdoor dining areas, etc.)	X			X ³
	X			X ³
Swimming pools	X			
Light fixtures	X			
Removal of specimen vegetation	Pursuant to Article 55, Sections 33-1068A – 33-1069			
<hr/>				
<u>Signs</u>	X			
<u>Fencing walls, retaining walls</u>	X		X ⁴	
<hr/>				
<u>Murals</u>		X		

X = Review required for all buildings.

H = Review required for properties listed on the City's Historic Local Register only.

1. Review required for all structures EXCEPT single-family residences NOT on the Historic Local Register.
2. Grading Plan Approval and Grading Permit required for over 1 foot of fill, over 2 feet of cut, or over 200 cubic yards.
3. Encroachment Permit required for any work in the public right-of-way.
4. Fences over 6' high, retaining walls over 3' high.
5. Staff may refer projects to the Design Review Board.

SUBITEM D

PROPOSED AMENDMENT TO RESOLUTION 2007-35, THE INTERIM DOWNTOWN SPECIFIC PLAN:

Add Section III.C.8, Permitted Uses Within Mixed-Use Planned Development Zones :

8. PERMITTED USES WITHIN MIXED-USE PLANNED DEVELOPMENT ZONES

In situations where a Mixed-Use Planned Development has been approved in conformance with the provisions of the Interim Downtown Specific Plan and the Zoning Code, but has not been constructed, the permitted uses for the existing building(s) within the Planned Development zone shall be those of the underlying district.

SUBITEM E

PROPOSED AMENDMENT TO RESOLUTION 2007-35, THE INTERIM DOWNTOWN SPECIFIC PLAN

Amend Figure III-4 Development Standards: (Page III-27)

FIGURE III-4
Land-Use District Development Standards

	HD	PV	CCU	GT	M	SG	CN
Maximum Building Height	57' between CCP and Maple Street, 45' between Maple and Juniper Streets, 60' between Juniper and Date Streets. (120' for hospital tower)	35', not to exceed two stories, between Washington and Woodward Ave, 57' east side of Broadway, up to 85' within Grape Day Park, Civic & Cultural areas with PD application	60' and up to 75' for multi-family and mixed-use projects through the Project Plan application process	35' west of NCDT Rail line; elsewhere up to 57'	Up to 55'	57' between CCP and Broadway and between Second and Third Avenues, Historic Adaptive Reuse: 28'	57' except those areas along the northern side of Pennsylvania Street shall be 28'
Min. Frontage	None	50'	50'	50'	50'	50'	50'
Front Setback (Parking, Signs)	None 10' max strongly encouraged	None 10' max strongly encouraged (Parking & signs 5')	None 10' max strongly encouraged (Parking & signs 5')	None (Parking & signs 5')	None (Parking 5')	10' Esc. Blvd: 0' (Historic Adaptive Reuse: 15') (Parking 5')	10' Pennsylvania Avenue: 0' (Garage entrance 20')
Side Setback	Not Permitted	None	None	None (Signs 5')	None	None (Historic Adaptive Reuse: 5')	Pennsylvania Ave.: 0' Elsewhere: 5' + 5' for each story over 2
Street Side Setback	None 10' Max.	10'	10' (Parking & signs 5')	None (Parking & signs 5')	None (Parking 5')	None (Historic Adaptive Reuse: 10') (Parking 5')	10' (Garage entrance 20')
Rear Setback	None	None (Parking 5')	5' (10' if next to public street)	None (Parking & signs 5')	None (Parking 5')	None (Historic Adaptive Reuse: 10') (Parking 5')	10' + 5' for each story over 2 (parking 5')
Min. Lot Size	None	None	None	None	None	None	None
Max. Bldg. Cov.	None	None	None	None	None	None	None

Parcels of land that were created prior to the adoption of this Plan shall not be denied a building permit for reasons of nonconformance with the frontage requirement of this section.

Districts:

HD = Historic Downtown
CCU = Centre City Urban

M = Mercado
PV = Park View

GT = Gateway Transit
SG = Southern Gateway

CN = Creekside Neighborhood

4. FREESTANDING SIGN STANDARDS AND GUIDELINES

The types of freestanding signs permitted in the Downtown Specific Plan Area vary according to each Downtown District as shown in Figure VI-3. Regulations and guidelines for freestanding signs are presented in the sections which follow:

a. Monument Signs

Monument signs (freestanding signs 6 feet or less in height) are intended to provide street addresses and identification for major uses where a pole sign is not considered appropriate. Monument signs also are used for residential buildings. Any building type for which a pole sign is permitted may use a monument sign in lieu of the pole sign if the sign meets the standards presented below.

1) Standards - The following standards apply to all monument signs:

- (a) *Height of Sign* - The height of a monument sign shall be limited to a maximum 6 feet, including the base. No sign over 3-1/2 feet in height is permitted within 10 feet of driveway entrances.
- (b) *Location* – May encroach to within 5 feet of property line adjacent to the street, **or as required in the district, whichever is less**. Signs shall not create traffic hazards at driveways or corners.

SUBITEM F

PROPOSED AMENDMENT TO RESOLUTION 2007-35, THE INTERIM DOWNTOWN SPECIFIC PLAN

Amend Figure II-2, Permitted Use Matrix (Page II-4)

LAND USE	HD	PV	CCU	GT	M	SG	CN
GENERAL RETAIL (continued)							
Carpet and floor covering and installations				P		P3	
Furniture and large appliance sales (including incidental service)	P7		P	P	P1	P3	
Home Furnishings with retail display (not including "mattress only" and discount furniture stores)	P		P	P	P1	P3	
Hardware, paint, glass, tools, curtains, home improvement	P1		P	P	P1	P1, 3	
Medical equipment sales/rentals and health supplies	P1		P	P		P3	
EATING AND DRINKING ESTABLISHMENTS*							
All types of eating establishments providing meal service from an on-site operating commercial-grade kitchen, and/or dessert service from an on-site operating commercial-grade freezer/refrigerator facility with, or without, incidental sale of alcohol (including micro-breweries, outdoor dining, but with no drive-through, including incidental reception-room space and off-site catering) with no live amplified entertainment or dancing	P	P	P	P	P	P3	
Wine- and beer-tasting establishments (only with retail sales involving related merchandise that includes a significant portion of the sales area)	C	C	C	C	C	C3	
Eating establishments (as defined above) with amplified live entertainment and/or dancing, drinking establishments, cabarets, bars and nightclubs serving alcohol with or without live entertainment and/or dance	C	C	C	C	C	C3	

P = Permitted C = Conditional Use Permit required

- 1 Under 3,000 square feet.
 - 2 Within Grand Avenue's "historic retail-core area" use not permitted on ground floor on Grand Avenue within front one-third or 1,000 SF of building space, whichever is greater.
 - 3 Only permitted on Escondido Boulevard.
 - 4 Only permitted within a multi-tenant building. May not occupy more than 30% of the gross floor area.
 - 5 Only when integrated into a residential project.
 - 6 Only permitted on Pennsylvania Avenue
 - 7 Not allowed along Grand Avenue on ground floor within the "historic retail core area."
 - 8 Residential and mixed-use projects are permitted in specified areas, subject to Master Project Plan approval similar to the planned development process (or equivalent) specified in Article 19 of the Escondido Zoning Code.
 - 9 No residential uses permitted between Woodward Avenue, Washington Avenue, Escondido Boulevard and Broadway.
- * Existing automobile dealerships were a non-conforming use at the time of adoption of the Interim Downtown Specific Plan. Conversion of these sites to a new, substantially different, use shall require plot plan review pursuant to Article 16 of the Escondido Zoning Code.

DOWNTOWN DISTRICTS:

HD	Historic Downtown
PV	Park View
CCU	Centre City Urban
GT	Gateway Transit
M	Mercado
SG	Southern Gateway
CN	Creekside Neighborhood

NOTE: Should a conflict arise between this matrix and the land-use district text, the land use district text discussion shall take precedence in determining the appropriateness of the land use.



CITY OF ESCONDIDO
PLANNING DIVISION
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
(760) 839-4671

Notice of Exemption

To: San Diego County Recorder's Office
Attn: Linda Kesian
P.O. Box 121750
San Diego, CA 92112-1750

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

Project Title/Case No.: AZ 09-0005

Project Location - Specific: Citywide.

Project Location - City: Escondido, **Project Location - County:** San Diego

Description of Project:

Subitem A: Amendment to Interim Downtown Specific Plan, Figure II-2, permitted use matrix, to alleviate inconsistencies between which districts allow religious assembly uses and other miscellaneous assembly uses.

Subitem B: Amendment to Interim Downtown Specific Plan, Figure II-1, map of districts within the Specific Plan Area, to adjust the boundary of the Retail Core Area to align with the property line of property addressed as 333-351 East Grand Avenue.

Subitem C: Amendment to Interim Downtown Specific Plan, Sections III.B.5, VI.A.1.b and VIII.A.1.d, and Figure VIII-1, to add a definition of murals, distinguish them from signs, and establish a process for their review.

Subitem D: Amendment to Interim Downtown Specific Plan, Section III.C, to add language related to permitted uses in existing structures where a Planned Development has been approved, but not yet constructed.

Subitem E: Amendment to Interim Downtown Specific Plan, Figure III-4, Land-Use District Development Standards, and Section VI.A.4.a, to modify the required setbacks for signs to coincide with the required setbacks for structures in various districts.

Subitem F: Amendment to the Interim Downtown Specific Plan, Figure II-2, permitted use matrix, to allow retail furniture and home furnishing sales in the historic Retail Core Area.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: City of Escondido

Telephone: (760) 839-4671

Address: 201 North Broadway, Escondido, CA 92025

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

Exempt Status:

Categorical Exemption. Type and section number: 15061(b)(3), "General Rule."

Reasons why project is exempt:

1. The proposed Specific Plan Amendments do not involve any physical modifications or lead to any physical improvements beyond those typically exempt. Each of the amendments involves refining existing language for consistency and clarity.
2. There is no possibility that the proposed Specific Plan Amendments would have a significant effect on the environment, since they would only clarify and refine existing development standards and language.
3. In staff's opinion the proposed amendments would have no impact on fish and wildlife resources, since no sensitive species or habitat would be impacted by the proposed provisions.

Lead Agency Contact Person: Kristina Owens Area Code/Telephone/Extension (760) 839-4310

Signature: Kristina Owens Date: 2/3/10
Assistant Planner II

☒ Signed by Lead Agency

Date received for filing at OPR:

☐ Signed by Applicant

RESOLUTION NO. 2010-29

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A REQUEST TO AMEND
SEVERAL SECTIONS OF THE INTERIM
DOWNTOWN SPECIFIC PLAN

Applicant: City of Escondido
Planning Case No.: AZ 09-0005

WHEREAS, on February 9, 2010, the Planning Commission recommended approval of the proposed amendments to the Interim Downtown Specific Plan, described as follows:

- Subitem A:** Amendment to Interim Downtown Specific Plan, Figure II-2, permitted use matrix, to alleviate inconsistencies between which districts allow religious assembly uses and other miscellaneous assembly uses.
- Subitem B:** Amendment to Interim Downtown Specific Plan, Figure II-1, map of districts within the Specific Plan Area, to adjust the boundary of the Retail Core Area to align with the property line of property addressed as 333-351 East Grand Avenue.
- Subitem D:** Amendment to Interim Downtown Specific Plan, Section III.C, to add language related to permitted uses in existing structures where a Planned Development has been approved, but not yet constructed.
- Subitem E:** Amendment to Interim Downtown Specific Plan, Figure III-4, Land-Use District Development Standards, and Section VI.A.4.a, to modify the required setbacks for signs to coincide with the required setbacks for structures in various districts.
- Subitem F:** Amendment to the Interim Downtown Specific Plan, Figure II-2, permitted use matrix, to allow retail furniture and home furnishing sales in the historic Retail Core Area.

WHEREAS, the City Council held a duly noticed public hearing to consider the proposal, the staff report, the notice of exemption, the recommendation of the Planning

Commission, and the public testimony presented at the hearings; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve said amendments to the Interim Downtown Specific Plan;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the City Council has reviewed and considered the Statement of Exemption, which was issued pursuant to the California Environmental Quality Act, Section 15061(b)(3), "General Rule," and has determined that it adequately addresses all the environmental issues associated with the project.
3. That upon consideration of the Environmental Review, all material in the staff report (a copy of which is on file in the Planning Division), the recommendation of the Planning Commission, public testimony presented at the hearings, and all other oral and written evidence on this project, the City Council hereby approves the proposed amendments to the Interim Downtown Specific Plan set forth in Exhibit "A," which is attached to this resolution and incorporated by this reference.

EXHIBIT "A"
AZ 09-0005

SUBITEM A

PROPOSED AMENDMENT TO RESOLUTION 2007-35, THE INTERIM DOWNTOWN SPECIFIC PLAN:

Amend Figure II-2:

<u>LAND USE</u>	HD	PV	CCU	GT	M	SG	CN
ENTERTAINMENT AND RECREATION (continued)							
Galleries and studios pertaining to artists, craft workers and photographers (including incidental developing and printing), libraries, museums, etc., including incidental sale of merchandise pertaining to the primary use	P	P	P	P	P	P	P6
Dance and martial arts studios	P2		P	P	P	P3	P6
Entertainment establishments (including internet cafes) with incidental sale of food or alcohol (excluding incidental entertainment in restaurants)	C	C	C	C	C	C3	
Parks - general recreation	P	P	P	P		P	P
Roller-skating and bowling alleys and similar indoor arena sports			P	P	C		
Swimming pools and schools		P					P6
Theater, live and motion picture	P	P	P	P			
<u>SOCIAL, PROFESSIONAL, RELIGIOUS ORGANIZATIONS*</u>							
Churches, synagogues, temples, missions, religious reading rooms, and other religious activities (not allowed within Grand Ave. "historic retail core area")	C	C	C	C	C	C	C
Social and professional organizations that conduct group and/or membership meetings on the premises, including political, veterans, civic, labor, charitable and similar organizations	C2	C	C	C	C	C	C
Youth Organizations		C	C	C	C	C	C

P = Permitted C = Conditional Use Permit required

- 1 Under 3,000 square feet.
- 2 Within Grand Avenue's "historic retail-core area" use not permitted on ground floor on Grand Avenue within front one-third or 1,000 SF of building space, whichever is greater.
- 3 Only permitted on Escondido Boulevard.
- 4 Only permitted within a multi-tenant building. May not occupy more than 30% of the gross floor area.
- 5 Only when integrated into a residential project.
- 6 Only permitted on Pennsylvania Avenue
- 7 Not allowed along Grand Avenue on ground floor within the "historic retail core area."
- 8 Residential and mixed-use projects are permitted in specified areas, subject to Master Project Plan approval similar to the planned development process (or equivalent) specified in Article 19 of the Escondido Zoning Code.
- 9 No residential uses permitted between Woodward Avenue, Washington Avenue, Escondido Boulevard and Broadway.
- * Existing automobile dealerships were a non-conforming use at the time of adoption of the Interim Downtown Specific Plan. Conversion of these sites to a new, substantially different, use shall require plot plan review pursuant to Article 16 of the Escondido Zoning Code.

DOWNTOWN DISTRICTS:

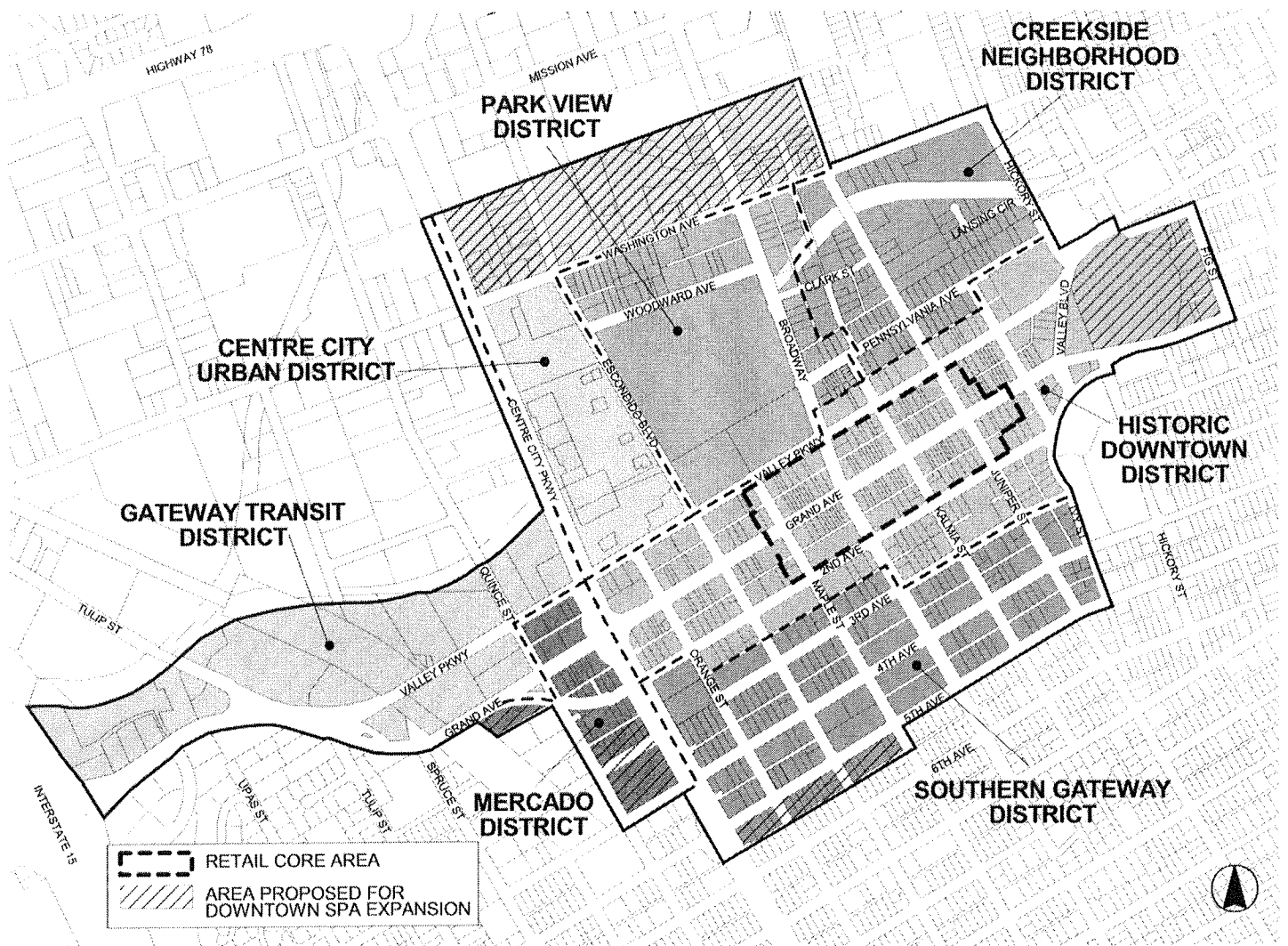
HD	Historic Downtown
PV	Park View
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GT	Gateway Transit
M	Mercado
SG	Southern Gateway
CN	Crescent Neighborhood

NOTE: Should a conflict arise between this matrix and the land-use district text, the land use district text discussion shall take precedence in determining the appropriateness of the land use.

SUBITEM B

PROPOSED AMENDMENT TO RESOLUTION 2007-35, THE INTERIM DOWNTOWN SPECIFIC PLAN:

Amend Figure II-1, Specific Plan Map:



SUBITEM D

PROPOSED AMENDMENT TO RESOLUTION 2007-35, THE INTERIM DOWNTOWN SPECIFIC PLAN:

Add Section III.C.8, Permitted Uses Within Mixed-Use Planned Development Zones :

III.C.8 PERMITTED USES WITHIN MIXED-USE PLANNED DEVELOPMENT ZONES

In situations where a Mixed-Use Planned Development has been approved in conformance with the provisions of the Interim Downtown Specific Plan and the Zoning Code, but has not been constructed, the permitted uses for the existing building(s) within the Planned Development zone shall be those of the underlying district.

SUBITEM E

PROPOSED AMENDMENT TO RESOLUTION 2007-35, THE INTERIM DOWNTOWN SPECIFIC PLAN

Amend Figure III-4 Development Standards: (Page III-27)

**FIGURE III-4
Land-Use District Development Standards**

	HD	PV	CCU	GT	M	SG	CN
Maximum Building Height	57' between CCP and Maple Street, 45' between Maple and Juniper Streets, 60' between Juniper and Date Streets. (120' for hospital tower)	35', not to exceed two stories, between Washington and Woodward Ave, 57' east side of Broadway, up to 85' within Grape Day Park, Civic & Cultural areas with PD application	60' and up to 75' for multi-family and mixed-use projects through the Project Plan application process	35' west of NCDT Rail line; elsewhere up to 57'	Up to 55'	57' between CCP and Broadway and between Second and Third Avenues, Historic Adaptive Reuse: 28'	57' except those areas along the northern side of Pennsylvania Street shall be 28'
Min. Frontage	None	50'	50'	50'	50'	50'	50'
Front Setback	None 10' max strongly encouraged	None 10' max strongly encouraged (Parking 5')	None 10' max strongly encouraged (Parking 5')	None' (Parking 5')	None (Parking 5')	10' Esc. Blvd: 0' (Historic Adaptive Reuse: 15') (Parking 5')	10' Pennsylvania Avenue: 0' (Garage entrance 20')
Side Setback	Not Permitted	None	None	None	None	None (Historic Adaptive Reuse: 5')	Pennsylvania Ave.: 0' Elsewhere: 5' + 5' for each story over 2
Street Side Setback	None 10' Max.	10'	10' (Parking & signs 5')	None (Parking 5')	None (Parking 5')	None (Historic Adaptive Reuse: 10') (Parking 5')	10' (Garage entrance 20')
Rear Setback	None	None (Parking 5')	5' (10' if next to public street)	None (Parking 5')	None (Parking 5')	None (Historic Adaptive Reuse: 10') (Parking 5')	10' + 5' for each story over 2 (parking 5')
Min. Lot Size	None	None	None	None	None	None	None
Max. Bldg. Cov.	None	None	None	None	None	None	None

Parcels of land that were created prior to the adoption of this Plan shall not be denied a building permit for reasons of nonconformance with the frontage requirement of this section.

Districts:

HD = Historic Downtown
CCU = Centre City Urban

M = Mercado
PV = Park View

GT = Gateway Transit
SG = Southern Gateway

CN = Creekside Neighborhood

Amend Section VI.A.4.a.1 Monument Signs: (Page VI-12)

4. FREESTANDING SIGN STANDARDS AND GUIDELINES

The types of freestanding signs permitted in the Downtown Specific Plan Area vary according to each Downtown District as shown in Figure VI-3. Regulations and guidelines for freestanding signs are presented in the sections which follow:

a. Monument Signs

Monument signs (freestanding signs 6 feet or less in height) are intended to provide street addresses and identification for major uses where a pole sign is not considered appropriate. Monument signs also are used for residential buildings. Any building type for which a pole sign is permitted may use a monument sign in lieu of the pole sign if the sign meets the standards presented below.

1) Standards - The following standards apply to all monument signs:

- (a) *Height of Sign* - The height of a monument sign shall be limited to a maximum 6 feet, including the base. No sign over 3-1/2 feet in height is permitted within 10 feet of driveway entrances.
- (b) *Location* – May encroach to within 5 feet of property line adjacent to the street, or as required in the district, whichever is less. Signs shall not create traffic hazards at driveways or corners.

SUBITEM F

PROPOSED AMENDMENT TO RESOLUTION 2007-35, THE INTERIM DOWNTOWN SPECIFIC PLAN

Amend Figure II-2, Permitted Use Matrix (Page II-4)

LAND USE	HD	PV	CCU	GT	M	SG	CN
GENERAL RETAIL (continued)							
Carpet and floor covering and installations				P		P3	
Large appliance sales (including incidental service)	P7		P	P	P1	P3	
Home Furnishings with retail display (not including "mattress only" and discount furniture stores)	P		P	P	P1	P3	
Hardware, paint, glass, tools, curtains, home improvement	P1		P	P	P1	P1, 3	
Medical equipment sales/rentals and health supplies	P1		P	P		P3	
EATING AND DRINKING ESTABLISHMENTS*							
All types of eating establishments providing meal service from an on-site operating commercial-grade kitchen, and/or dessert service from an on-site operating commercial-grade freezer/refrigerator facility with, or without, incidental sale of alcohol (including micro-breweries, outdoor dining, but with no drive-through, including incidental reception-room space and off-site catering) with no live amplified entertainment or dancing	P	P	P	P	P	P3	
Wine- and beer-tasting establishments (only with retail sales involving related merchandise that includes a significant portion of the sales area)	C	C	C	C	C	C3	
Eating establishments (as defined above) with amplified live entertainment and/or dancing, drinking establishments, cabarets, bars and nightclubs serving alcohol with or without live entertainment and/or dance	C	C	C	C	C	C3	

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