

ORDINANCE NO. 2018-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING CHAPTERS 17 AND 23 OF THE ESCONDIDO MUNICIPAL CODE AND ARTICLE 66 OF THE ESCONDIDO ZONING CODE RELATING TO SIGNS IN THE PUBLIC RIGHT-OF-WAY

APPLICANT: City of Escondido
PLANNING CASE NO.: AZ 18-0008

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

SECTION 1. That proper notices of a public hearing have been given and public hearings have been held before the Planning Commission on amending Article 66 of the Escondido Zoning Code, and before the City Council on amending Chapters 17 and 23 of the Escondido Municipal Code and Article 66 of the Escondido Zoning Code relating to signs in the public right-of-way.

SECTION 2. The City Council has duly reviewed and considered all evidence submitted at said hearings, including, without limitation:

- a. Written information;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated November 28, 2018, which, along with its attachments, is incorporated herein by this reference as though fully set forth herein; and
- d. Additional information submitted during the Public Hearing.

SECTION 3. That the City Council has reviewed and considered the Notice of Exemption prepared for this project, in conformance with the California Environmental Quality Act (“CEQA”) Section 15061(b)(3) “General Rule,” and has determined that all environmental issues have been addressed and finds that no significant environmental impact will result from approving the code amendment.

SECTION 4. That upon consideration of the staff report, Planning Commission recommendation, Planning Commission staff report, all public testimony presented at the hearing held on this project, and the “Factors to be Considered,” attached as Exhibit “A” to this Ordinance and incorporated herein by this reference as though fully set forth herein, this City Council finds the Municipal and Zoning Code Amendments are consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 5. That the specified sections of Chapters 17 and 23 of the Escondido Municipal Code and Article 66 of the Escondido Zoning Code are hereby amended as set forth in Exhibit “B” to this Ordinance and incorporated herein by this reference as though fully set forth herein.

SECTION 6. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 7. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. That the City Clerk is hereby directed to certify to the passage of this Ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 5th day of December, 2018 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MASSON, MORASCO

NOES : Councilmembers: NONE

ABSENT : Councilmembers: ABED

APPROVED:

DocuSigned by:
Sam Abed
6C713A0D961E4F1...

SAM ABED, Mayor of the
City of Escondido, California

ATTEST:

DocuSigned by:
Eva Heter
8EE60D9386884A3...

EVA HETER, Interim City Clerk of the
City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, EVA HETER, Interim City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2018-22 passed at a regular meeting of the City Council of the City of Escondido held on the 5th day of December, 2018, after having been read at the regular meeting of said City Council held on the 28th day of November, 2018.

DocuSigned by:
Eva Heter
8EE60D9386884A3
EVA HETER, Interim City Clerk of the
City of Escondido, California

ORDINANCE NO. 2018-22

EXHIBIT A

FACTORS TO BE CONSIDERED**Municipal and Zoning Code Amendments**

1. The public health, safety, and welfare would not be adversely affected by the proposed Municipal and Zoning Code Amendments. In order to preclude any adverse effects, the Amendments would allow monument signs to be placed in the public right-of-way only in very limited situations. A property owner must clearly demonstrate that no practical location exists for the placement of a monument sign on their property. Other considerations include limited roadway classifications, the existence of sufficient right-of-way, sight visibility issues, size and zoning of the adjacent private property, and proximity to an intersection. These limitations would preclude a proliferation of such signs in the public right-of-way.
2. The proposed Amendments would not be detrimental to surrounding properties because no physical improvements are proposed as part of these Amendments. 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 adjacent to which they are installed, do not adversely impact the visual character of the surrounding area, and do not provide additional signage beyond that which would be allowed if the sign were on the adjacent property.
3. The proposed Amendments would be consistent with the goals and policies of the General Plan because the amended sections would not, in and of themselves, 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 Amendments would not diminish the Quality of Life Standards of the General Plan, nor adversely impact the community health or natural resources.
4. The proposed Amendments do not conflict with any specific plan.
5. The proposed Amendments are exempt from review under the California Environmental Quality Act (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.

EXHIBIT B

PROPOSED CHANGES TO THE ESCONDIDO MUNICIPAL AND ZONING CODES

AZ 18-0008

Amend the various Municipal and Zoning Code sections to read as specified below. The changes are listed in order by section number, with ~~strikeout~~ typeface illustrating deletions and underline typeface illustrating new text.

MUNICIPAL CODE:**CHAPTER 17. OFFENSES—MISCELLANEOUS PROVISIONS****Section 17-22. Signs in the public right-of-way.**

(a) It is unlawful to place or direct the placement of any sign in the public right-of-way in the City of Escondido.

For the purposes of this article, the term “sign” shall mean any device designed to inform or attract the attention of persons who may reasonably be expected to observe the sign, except the following:

(1) Devices not exceeding one (1) square foot in area and bearing only property number, post box numbers, names of occupants of premises, or other identification of premises not indicating the nature of products, accommodations, services or activities provided on the premises.

(2) Flags and insignia of any government except when displayed for purposes of commercial promotion.

(3) Legal notices, identification, informational or directional devices erected or required by governmental bodies.

(4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

(b) Real estate kiosk signs shall be exempt from subsection (a) of this section subject to the provisions stated in section 33-1396(c) of the Escondido ~~Subdivisions and Zoning Code~~ and other applicable provisions of the laws of the City of Escondido.

(c) Signs placed within the public right-of-way for which there is a valid encroachment-removal agreement shall be exempt from subsection (a) of this section, subject to the provisions stated in Section 33-1396(j) of the Escondido Zoning Code and other applicable provisions of the laws of the City of Escondido.

~~(d)~~ A violation of this section is an infraction which shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.00).

~~(e)~~ All signs placed in violation of this section are declared to be a public nuisance. The police chief or designee shall have the right to summarily remove all signs placed contrary to the provisions of this section. Any sign placed on private property without the consent of the private property owner may be removed by the owner or representative of the owner.

(ef) This section is in addition to any other provisions of the laws of the city regulating signs. In the event of any conflict between this section and any other such law, the provisions of this section shall apply.

CHAPTER 23. STREETS AND SIDEWALKS

Section 23-131. Issuance of building permit for construction in setback areas, rights-of-way.

Except as herein specifically provided, no building permit shall be issued for construction of any structure in any building setback area or in the right-of-way of any mapped street, other than temporary structures such as walls, fences, signs or other easily removable structures costing less than five thousand dollars (\$5,000.00) except city streets which presently are of a width of eighty (80) feet shall be exempt from the provisions of this section if the circulation plan indicates those streets to be of a future width of eighty-four (84) feet. This section shall not apply to signs placed in the public right-of-way in compliance with the provisions stated in Section 33-1396(j) of the Escondido Zoning Code and other applicable provisions of the laws of the City of Escondido.

ZONING CODE:

ARTICLE 66. SIGN ORDINANCE

Section 33-1391. Definitions.

(7) Billboard means a sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which the sign is located (e.g., off-premises signs or outdoor advertising). A sign placed within the public right-of-way, immediately adjacent to commercially zoned property and property designated for commercial use, for which there is a valid encroachment-removal agreement shall not be considered a billboard.

Section 33-1393. Exempt and prohibited signs.

(b) Prohibited signs. Any sign not specifically authorized by this article shall be prohibited unless required by law or otherwise exempted by a local agency pursuant to the Government Code, sections 53090 et seq., of the State of California. The following signs are expressly prohibited:

(10) Signs within the public right-of-way, except where required by a government agency or otherwise permitted by sections 33-1396(c) and 33-1396(j).

Sec. 33-1395.2. Sign standards—Freestanding signs—CG and CN zones.

~~(c) Other limitations specific to properties on Centre City Parkway. Location. Freestanding signs for businesses adjacent to Centre City Parkway shall be oriented toward the vehicular entries on the cross streets or vehicular entries from Centre City Parkway, if any. A Notwithstanding subsection (b) above, a~~ maximum of one (1) freestanding sign along Centre City Parkway shall be permitted for each vehicular entry from Centre City Parkway.

Section 33-1396. General Use Signs.

(j) Signs within the public right-of-way for commercial activities for which there is a valid encroachment-removal agreement.

(1) Monument signs for which there is a valid encroachment-removal agreement may be placed within the public right-of-way, only under the following circumstances:

(A) Sufficient right-of-way exists between the ultimate edge of pavement or back of sidewalk, whichever is applicable, and the adjacent property line, as determined by the City Engineer.

(B) Existing underground public utilities preclude the placement of a monument sign on the property immediately adjacent to the location n where the sign is proposed.

(C) The right-of-way is classified as a Major Road or Prime Arterial in the General Plan.

(D) The public right-of-way intended for placement of a monument sign must be immediately adjacent to a commercially zoned property or property designated for commercial use, with an operating commercial land use activity, and the commercial property must be at least four (4) acres in size.

(E) The encroachment-removal agreement must be between the City of Escondido and the owner of the property immediately adjacent to the location where the sign is placed.

(F) No other freestanding sign is allowed for the adjacent shopping center along the street where the monument sign will be placed.

(G) New buildings have not been constructed on the property immediately adjacent to the location where the sign is proposed after the effective date of this ordinance in a location that would have otherwise provided an opportunity for a monument sign on said adjacent property.

(2) Monument signs placed within the public right-of-way shall be subject to the following conditions:

(A) Development standards (size, height, illumination, etc.) shall be the same as those applicable to the adjacent commercial property.

(B) The sign is considered an on-site sign for the immediately adjacent shopping center and shall be subject to all laws and regulations applicable to the subject shopping center for the duration of the encroachment-removal agreement.

(C) The sign shall be subject to Design Review.

(D) The sign shall have a decorative base and enhanced landscaping must be provided around the base of the sign.

(E) The sign shall be as close as possible to the immediately adjacent property line.

(F) The sign must be at least 100 feet from any intersection and shall not create or exacerbate an existing sight-distance issue.

(G) Placement of the sign shall not necessitate the removal of any trees, either for installation of the sign and/or visibility of the sign.

(3) The City may deny any request to place a sign in the public right if necessary to preserve the public health, safety, and welfare, or other public interest concerning the right-of-way.