

# **WEST MISSION AVENUE SPECIFIC PLAN**

(Council Approved 11/5/03 - Resolution 2003-166-R)

## Section 1. Purpose and Intent

The goal of the West Mission Specific Plan is to facilitate the revitalization efforts within the planning area by identifying appropriate land uses, development standards, and review procedures. The Specific Plan implements General Plan policies calling for the City to promote its position as an economic center of North San Diego County, improve and develop its regional and sub-regional commercial shopping centers, and work to adaptively reuse existing retail space to a higher and better use.

The West Mission Avenue Specific Plan's size, configuration, location in the urban core, and highway-orientation make it a critical component of the City's economic development efforts. The area is challenged by outdated commercial development, lack of reinvestment, poor functional and aesthetic design, and significant amount of vacant space. Special planning efforts are necessary to encourage a strong, synergistic, tenant mix, to enhance architectural and site plan upgrades, to increase the City's retail sales and office base, and to prevent parcelization that would hinder land assembly efforts.

The area has the potential of supporting uses including mid to big box retailers or other uses that could anchor revitalization efforts in the area. The area's highway visibility, well-developed infrastructure, absence of environmental issues, and potential fee credits enhance the area's ability to attract a strong tenant base. Although the Specific Plan calls for expedited permit processing and other potential incentives, it discourages uses that underutilize the site, limit assembly of properties, or establish new uses without appropriate improvements.

Rather than generate a precisely defined list of permitted uses, the Specific Plan utilizes both administrative and Conditional Use Permit processes to ensure uses will complement revitalization efforts. The area-specific evaluation criteria address land uses, architectural design, landscaping, and signage.

## Section 2. Location

The Specific Plan includes all property bound by SR-78 to the north, Mission Avenue to the south, Quince Street to the east and Rock Springs Road to the west, as shown in Figure A.

The subject area consists of approximately 18.9 acres. It includes a variety of small retail and service uses, restaurants, a convenience store, a used automobile dealership, auto services, a Boomer's amusement facility/arcade and small, undeveloped parcels that surround a large vacant building previously occupied by K-Mart.

### Section 3. Authority and Scope

Section 65450, et seq., of the California Government Code enables a local government to adopt Specific Plans for the systematic implementation of their General Plan. This Specific Plan has been prepared in conformance with State requirements.

### Section 4. Conformance of the Specific Plan with State Law and the City of Escondido General Plan

#### A. Conformance with State Government Code Section 65454

The Government Code requires that Specific Plans be consistent with the City's General Plan. It is the intent of this Specific Plan to define appropriate land uses necessary to ensure that any proposed development of the subject property is compatible with surrounding land uses and consistent with the City's economic goals. This Specific Plan has been prepared consistent with the City's General Plan.

#### B. Conformance with State Government Code Section 65451

Section 65451 of the Government Code identifies the content of Specific Plans.

1. The Specific Plan specifies the distribution, location and extent of the uses of land, including open space, within the area covered by the plan.
2. The Specific Plan specifies any proposed distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy and other essential facilities proposed to be located within the area covered by the plan and needed to support the proposed land uses.
3. The Specific Plan contains standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
4. The Specific Plan contains a program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs 1, 2, and 3, where applicable.

#### C. Conformance with the City of Escondido General Plan Specific Plan Policy C4.4

The policy requires that the proposed Specific Plan be reviewed for compliance with the following requirements:

1. Residential, industrial and commercial structures built within the Specific Plan area will be constructed under rigorous quality control programs and safeguards (e.g. appropriate restrictive covenants running with the land).
2. Appropriate protection against soil erosion, particularly where hillside development is involved, has been assured.

3. Assurance has been provided that any hillside cutting will be minimized or appropriately landscaped so that visible scarring will be mitigated to the extent feasible.
4. All open space has been identified and appropriate measures providing for its preservation has been included.
5. Design criteria, development regulations, and building standards shall be provided sufficient to ensure that residential, industrial and commercial structures are compatible with the surrounding environment.
6. Adequate assurance has been provided that the circulation and access needs of the project residents and the surrounding community are properly addressed.
7. Appropriate arrangements have been addressed to ensure that public facilities and services adequate to serve the project residents are available.
8. The Specific Plan demonstrates implementation of the goals and objectives of the General Plan and furthers the interests of the community.

#### Section 5. Uses in Combination

The West Mission Avenue Specific Plan shall be used in conjunction with the CG (General Commercial) zone for properties within the Specific Plan boundaries. In the case of a conflict, the standards and uses specified within this Specific Plan shall prevail.

#### Section 6. Prohibited Uses

- A. The following uses are either currently permitted or conditionally permitted in the CG zone but shall not be permitted within the Specific Plan:
  - a) Mini-warehouse storage facilities
  - b) Equipment leasing and rental services as a primary use
  - c) Swap meets (interior or exterior), involving the rental or leasing of numerous small, delineated spaces to separate, unrelated proprietors which collectively sell a wide variety of goods and services, within a building, location or business, as a single entity.
  - d) Funeral Parlors
  - e) Youth Organizations and non-profit services
  - f) Newspaper printing and publishing
  - g) Nurseries and garden supply stores as a primary use
  - h) Assembly halls and lodges
  - i) Truck and automotive rental and leasing services as a primary use
  - j) Adult entertainment establishments
  - k) Retail uses with across the board maximum pricing or “everything under” pricing
  - l) Pawn shops
  - m) Outdoor sales and uses not associated with an existing tenant, except special events as specified in the Municipal Code, Chapter 16

## Section 7. Administrative Approval

The Director of Community Development shall review the following requests to determine if they are in conformance with this Specific Plan and the criteria in Section 8:

- All requests for new uses proposed east of Dan Way or north of Lenser Way.
- The partitioning of any existing building of 20,000 SF or less into individual tenant spaces.
- The creation of any new lots or Adjustment Plats that alter lot size by more than 10%.
- Color changes to buildings.

A Conditional Use Permit, pursuant to Zoning Code Article 61, Division 1 (Conditional Use Permits), would be required for any use which normally requires a Conditional Use Permit in the CG zone, and which is not listed as prohibited in Section 6. A Conditional Use Permit also would be required for any of the requests listed in Section 7, unless the Director determines that the proposed use is in conformance with all of the applicable criteria in Section 8.

All required Conditional Use Permits shall be subject to Article 61, Division 1 (Conditional Use Permits) of the Zoning Code, except that Staff shall designate a review team to respond to inquiries, meet with prospective tenants, provide technical assistance, and expedite requests.

## Section 8. Approval Criteria

New uses and businesses, expansions and alterations listed in Section 7 shall require review by the Director of Community Development. No Conditional Use Permit shall be required for otherwise permitted uses if the Director approves or conditionally approves the use or request. The request shall conform with or be conditioned to conform to all of the applicable criteria described below. Conditions placed on the use shall be commensurate with the request. Within five days of receipt of the request, the Director shall make a determination as to compliance with the criteria.

- A. The use provides attractive architecture that presents a desirable appearance from the highway and surrounding properties.
- B. The use is pleasing in appearance, including but not limited to, screening of mechanical equipment, building color, and attractive signage. The Director may refer requests involving only modifications to any of these three items to the Design Review Board.

- C. Landscaping conforms to current code requirements, or has been significantly upgraded.
- D. There are no apparent landscaping, property maintenance, or other code violations, or violations of past approvals, existing on the site.
- E. The use will not impede revitalization efforts by introducing a use that is over-represented in the area, is unattractive, underutilizes the center or property, or creates other barriers to revitalization. Temporary or periodic uses shall also be evaluated to ensure they do not result in unattractive or problematic uses that could adversely affect revitalization efforts.
- F. The use will not preclude the site's ability to attract a strong retail user or tenant mix.

#### Section 9. Appeal

A decision by the Director of Community Development may be appealed to the Planning Commission, upon receipt of a written request for a hearing, in accordance with the provisions of Zoning Code Sections 33-1300, 33-1303 and 33-1304. The Director shall schedule any appeal for the next available Planning Commission meeting based on notice times and agenda availability. When considering an appeal of the decision by the Director of Community Development to require a Conditional Use Permit, the Planning Commission shall use the same criteria in this Section, as well as the findings required for a Conditional Use Permit by Section 33-1203.

#### Section 10. Non-Conforming Uses

Legal uses in buildings, suites, or sites existing within the Specific Plan area at the time of its establishment, that do not conform with the uses allowed in the Specific Plan, shall be considered nonconforming and allowed to continue provided there is no cessation of the use for a continuous period of six months or more, pursuant to Article 61, Division 3 (Nonconforming Uses and Structures) of the Zoning Code.

#### Section 11 . Separability

If any section, sub-section, sentence, clause, phrase, or portion of this Specific Plan is for any reason held invalid or unconstitutional 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 hereof.