

ORDINANCE NO. 2018-11

AN UNCODIFIED INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, TO IMMEDIATELY PROHIBIT NEW CAR WASH USES IN CONTEMPLATION OF A ZONING PROPOSAL BEING CONSIDERED BY THE CITY IN ORDER TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE

WHEREAS, there are over 28 carwash facilities currently in the City of Escondido (“City”), which are permitted in a variety of manners depending on the zoning classification; and

WHEREAS, the City has the most permissive policy towards carwash facilities when compared to other agencies in the North San Diego County area which contributes to the City’s proliferation of carwashes; and

WHEREAS, the oversaturation of carwashes in the community provides little economic benefit to the City or City residents; and

WHEREAS, an urgency ordinance pursuant to California Government Code section 65858 requires a four-fifths vote of the legislative body for adoption; and

WHEREAS, in light of the proliferation of car washes in the City and the impacts as provided in this Ordinance 2018-11 (“Urgency Ordinance”) there exists an emergency with respect to the health, public welfare and property in the City of Escondido; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

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

SECTION 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

SECTION 2. This Urgency Ordinance shall explicitly prohibit the issuance of any zoning, land use, discretionary permit, building permit, environmental approval, business license or any other entitlement involving businesses described as carwashes, whether intended as primary uses or accessory uses in the City of Escondido for forty-five (45) days. Notwithstanding the foregoing, any existing carwash facility shall be allowed to obtain their annual City of Escondido business license. Any carwash facilities under construction with a valid building permit on the effective date of this Urgency Ordinance shall be exempt from this Urgency Ordinance.

SECTION 3. CEQA. The City Council finds this Urgency Ordinance is exempt from the California Environmental Quality Act (Public Resources Code § 21000, et seq.) (“CEQA”) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment (CEQA Guidelines 14 CCR §§ 15061(b)(3)) and because it consists of regulations and restrictions on activities to assure the maintenance, restoration, or enhancement of natural resources and the environment by prohibiting environmentally destructive components of currently permitted carwash facilities (CEQA Guidelines 14 CCR §§ 15307, 15308). This Ordinance is also exempt from CEQA because it is an urgency measure necessary to protect the City from a current and immediate threat to the public health, safety, and welfare. (Public Resources Code § 21080(b)(4); CEQA Guidelines 14 CCR § 15269.). The City Council, therefore, directs that a Notice of Exemption, (attached as Exhibit “A” and incorporated by this reference), be filed with the County Clerk of the County of San Diego in accordance with CEQA Guidelines.

SECTION 4. Findings. The adoption of this Urgency Ordinance is necessary for the immediate protection of the public welfare, health and safety. In accordance with California Government Code § 65858 and in order to protect the public welfare, health and safety, the City Council of the City of Escondido finds and determines as follows:

(a) Currently, there are over 28 carwash facilities currently in the City which were permitted in a variety of manners depending on the zoning classification with potentially more facilities in the immediate future. The City has the most permissive policy towards these uses compared to other agencies in the North San Diego County area which is an attributable cause to the City's proliferation of carwash facilities.

(b) The current oversaturation of carwash facilities in the community provides the City little economic benefit as there are minimal sales tax revenues associated with carwash operations. The unregulated allowance of carwashes is in direct contradiction to the City Council Action Plan priority of Fiscal Management and the strategy to: "Establish regulations that limit the proliferation of targeted non-residential land uses that do not serve the broader interest of enhancing city revenues." Allowing the continued establishment of carwashes will result in the immediate loss of potential revenues to the City and the immediate loss of desirable commercial and industrial sites throughout the City.

(c) Carwash facilities hire few employees and typical wages paid at carwash facilities would not increase the City's overall median incomes. Carwashes would therefore not bolster employee densities in commercial and industrial zones or increase the per capita median income of the community. Allowing the continued establishment of carwashes will result in the immediate loss of potential income to City residents and reduce potential employment opportunities throughout the City.

(d) Carwashes also generate undesirable conditions for adjacent properties. Airborne mist, odors from chemicals and vehicle exhaust, and noise from vacuums, pumps, pressurized sprayers, dryers, engines and car stereos are examples of common impacts generated by these uses. The impacts can be detrimental to the quality of life for adjacent residents and disruptive to adjacent businesses. Allowing the continued establishment of carwashes will result in the immediate potential for disruptions to the quality of live for adjacent residents and businesses.

(e) As outlined above, the continued allowance of carwashes will immediately frustrate the City Council Action Plan and be detrimental to the public health, welfare, and safety.

SECTION 5. 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 6. Effective Date. The City Council hereby declares, on the basis of the findings set forth above, that this Urgency Ordinance is necessary to preserve the public welfare, health and safety. Accordingly, this Urgency Ordinance is adopted as an urgency ordinance and shall take effect and be in force immediately upon its adoption.

SECTION 7. 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 2<sup>nd</sup> day of May, 2018 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MASSON, MORASCO, ABED

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:



SAM ABED, Mayor of the  
City of Escondido, California

ATTEST:



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

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

I, DIANE HALVERSON, City Clerk of the City of Escondido, hereby certify that the foregoing INTERIM URGENCY ORDINANCE NO. 2018-11 passed at a regular meeting of the City Council of the City of Escondido held on the 2<sup>nd</sup> day of May, 2018.



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

ORDINANCE NO. 2018-11



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

### Notice of Exemption

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

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

**Project Title/Case No.:** Interim Ordinance Imposing a Moratorium on Carwash Facilities

**Project Applicant:** City of Escondido

**Project Location - Specific:** Citywide

**Project Location - City:** Escondido

**Project Location - County:** San Diego

**Description of Nature, Purpose and Beneficiaries of Project:**

An interim urgency measure, pursuant to Government Code 65858, imposing a moratorium on the issuance of any zoning, land use, discretionary permit, building permit, environmental approval, business license or any other entitlement involving businesses described as carwashes, whether intended as primary uses or accessory uses. The proposed moratorium would allow the Planning Division an opportunity to develop and present new land use standards regulating this particular land use.

**Name of Public Agency Approving Project:** City of Escondido

**Name of Person or Agency Carrying Out Project:**

Name: Bill Martin, Community Development Director

Telephone: (760) 839-4671

Address: City of Escondido Planning Division, 201 N. Broadway, Escondido, CA 92025

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

**Exempt Status:**

Categorical Exemption. Because it can be seen with certainty that there is no possibility that the proposed action will have a significant effect on the environment (CEQA Guidelines 14 CCR §§ 15061(b)(3)); and an urgency measure necessary to protect the City from a current and immediate threat to the public health, safety, and welfare. (Public Resources Code § 21080(b)(4); CEQA Guidelines 14 CCR § 15269.).

**Reasons why project is exempt:**

1. The unregulated allowance of carwashes is in direct contradiction to the City Council Action Plan priority of Fiscal Management and the strategy to: "Establish regulations that limit the proliferation of targeted non-residential land uses that do not serve the broader interest of enhancing city revenues." Allowing the continued establishment of carwashes will result in the immediate loss of potential revenues to the City and the immediate loss of desirable commercial and industrial sites throughout the City.
2. Carwashes also generate undesirable conditions for adjacent properties. Airborne mist, odors from chemicals and vehicle exhaust, and noise from vacuums, pumps, pressurized sprayers, dryers, engines and car stereos are examples of common impacts generated by these uses. The impacts can be detrimental to the quality of life for adjacent residents and disruptive to adjacent businesses. Allowing the continued establishment of carwashes will result in the immediate potential for disruptions to the quality of life for adjacent residents and businesses.

**Lead Agency Contact Person:**

Area Code/Telephone/Extension (760) 839-4671

Signature: \_\_\_\_\_  
Bill Martin, Community Development Director \_\_\_\_\_ Date

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant