



STAFF REPORT

DATE: March 26, 2024

PL24-0017 – Article 40 Revisions

PROJECT NUMBER / NAME: PL24-0017 – Article 40, 61, 64, and 65 Revisions

REQUEST: A request for approval of amendments to the Escondido Zoning Code including Article 40 (Historical Resources), Article 61 (Administration and Enforcement), Article 64 (Design Review), and Article 65 (Old Escondido Neighborhood). Such text updates are related to dissolution of the Historic Preservation Commission, reassignment of historic preservation responsibilities to the Planning Commission, Zoning Administrator, and/or City staff, permitting the Zoning Administrator to list properties on the Local Register of Historical Places, permitting the Planning Commission to conduct design review on specific projects, and clarifying the appeal process for staff approvals of projects, respectively.

PROPERTY SIZE AND LOCATION: CityWide

APPLICANT: Development Services Department

GENERAL PLAN / ZONING: N/A

PRIMARY REPRESENTATIVE: Ivan Flores, AICP, Senior Planner

DISCRETIONARY ACTIONS REQUESTED: Zone Text Amendment

PREVIOUS ACTIONS: On February 21, 2024, City Council adopted Ordinance No. 2024-03 dissolving the Historic Preservation Commission.

CEQA RECOMMENDATION: Categorical Exemption – CEQA Guidelines Section 15061 (Common Sense Exemption)

STAFF RECOMMENDATION: Recommend approval to City Council

REQUESTED ACTION: Approve Planning Commission Resolution No. 2024-05

CITY COUNCIL HEARING REQUIRED: YES NO

REPORT APPROVALS: Christopher McKinney, Interim Director of Development Services

Veronica Morones, City Planner



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BACKGROUND

On August 19, 2020, the City Council formed a Boards and Commission subcommittee to evaluate the function of various City boards and commissions. The purpose of the subcommittee is to provide recommendations to the full City Council on how to improve board and commission efficiencies, such as adopting uniform by-laws, 2-year terms, and a yearly meeting between commissioners and City Council members.

On April 12, 2022, Development Services staff presented the concept of dissolving the Historic Preservation Commission (HPC) to the subcommittee. City staff cited challenges in recruiting qualified candidates meeting the requirements for a Certified Local Government (CLG) and reaching quorum for meetings where an action needed to be made on a specific project as the primary reasons for dissolution. Throughout 2023, the subcommittee continued observing the HPC and ultimately decided to recommend dissolution to the full City Council in order to align with the newly adopted Comprehensive Economic Development Study (CEDs). The CEDs concluded the City lagged behind neighboring cities in the permitting of new housing development which impacts its ability to provide adequate housing to its residents, and makes it more expensive for younger working families. On February 21, 2024, City Council adopted Ordinance No. 2024-03 dissolving the HPC (see page 4 of Attachment 1 for adopted ordinance).

SUMMARY OF REQUEST

The dissolution of the HPC requires amendments to Chapter 33 (Escondido Zoning Code) that would streamline the review process for historic projects; delegate historic preservation responsibilities to City staff, Planning Commission, and the City Council; and create general consistency throughout the zoning code given the dissolution of HPC. The proposed amendments include amendments to Article 40 (Historical Resources), Article 61 (Administration and Enforcement), Article 64 (Design Review), and Article 65 (Old Escondido Neighborhood). Further discussion on the effected sections of the Escondido Zoning Code is provided below in the Project Analysis.

The primary responsibilities of the HPC are listed below:

1. Designating Local Register or Landmarks
2. Rescinding Local Register or Landmark Status
3. Designation of a Historic District
4. Certificate of Appropriateness (stand-alone Major Projects)
5. Certificate of Appropriateness w/ Discretionary Actions
6. Emergency Demolition Permit
7. Non-emergency demolition permit for non-significant structures
8. Non-emergency demolition for significant resources
9. Maintaining historic incentive programs e.g., Mills Act contracts

The proposed text amendments are illustrated in Attachment 2 of this staff report and are made easily identifiable through the use of **bold and underline text** (newly added language) and ~~strikethroughs~~ (deleted text). The attachment only identifies the specific sections that would be amended by the Zone Text Amendment; however, as shown in Exhibit B of Resolution 2024-05, Article 40 would be repealed in its entirety for ease of updating the zoning code through the City Clerk's office. The full text amendment is located in the aforementioned Exhibit.



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PROJECT ANALYSIS

Article 40 (Historical Resources)

Staff identified several sections within Article 40 that must be amended due to the dissolution of the HPC. The amendments address the aforementioned main responsibilities of the HPC, and a table illustrating the existing processes, as well as proposed processes, is shown on page 5 of the attached City Council staff report (see Attachment 1 of this report).

Under the proposed Zone Text Amendment, items 1, 4, and 9, as shown above, are of utmost significance because the HPC acts on these types of applications more than the other listed items.

Item 1 - Designating Local Register or Landmarks

Under the proposed changes, City staff recommend empowering the Zoning Administrator to maintain, place, and remove historic resources from the City’s Local Register of Historic Places (“Local Register”). Staff researched historic preservation regulations of surrounding cities, and recommend a formal body (e.g., zoning administrator, planning commission, city council) as the appropriate decision maker for such requests. Pursuant to Division 9 (Zoning Administrator) of Article 61 (Administration and Enforcement) the Director of Development Services or their designee acts in the capacity as the Zoning Administrator, and would continue the existing local register process, including the decision being made at a public meeting.

Item 4 - Certificate of Appropriateness (stand-alone Major Projects)

Under the proposed changes, staff recommend the Planning Commission conduct design review on Certificates of Appropriateness for projects that are considered “Major Projects” under Article 40. As illustrated in Attachment 2, the HPC is responsible for advising, not approving, staff on project design review for issuance of a Certificate of Appropriateness – Major Projects. Article 40 defines “Major Projects” as: all new construction (primary structure, out-buildings), additions (including porch enclosures, dormers, etc.), removal, relocation, change to the site, (grading, parking lots, paving), public right-of-way improvements (curb and, gutter, sidewalks, street paving, driveways, curb cuts, stamped sidewalk), new freestanding signs, street furniture, and any project requiring a plot plan review.

The proposed change would identify the Planning Commission as the responsible commission for design review in instances where properties are located within the Old Escondido Neighborhood District (OEN) and identified on the Local Register. Table 1 illustrates the existing and proposed process for “Major Projects”.

Table 1: Review Processes

Historical Status	Existing Review Process	Proposed Review Process
On the Local Register <u>and</u> within the OEN	Design Review by the HPC	Design Review by the Planning Commission
On the Local Register <u>outside</u> of the OEN	Design Review by the HPC	Staff design review approval with an option to elevate to Planning Commission



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Identified on the 2001 Historic Resource Inventory <u>and</u> within the OEN	Design Review by the HPC	Staff design review approval with an option to elevate to Planning Commission
<u>Not</u> identified on the 2001 survey <u>or</u> on the Local Register, <u>but</u> within the OEN	Design Review by the HPC	Staff design review approval with an option to elevate to the Planning Commission
On the 2001 survey <u>outside</u> of the OEN	Staff level review	No changes.

In evaluating these changes, staff considered the most significant resources under Article 40 in conjunction with the goal of streamlining development proposals. Resources identified on the Local Register *and* within the Old Escondido Neighborhood district warrant additional review in order to ensure compatibility with the neighborhood. Resources that fall into this category are considered the most significant resources as they are individually significant and contribute to the significance of the overall district. The proposed amendment authorizes the Director to approve Certificates of Appropriateness for all other properties within the OEN (i.e., properties not on the register but in the OEN); however, the Director may elevate those items to the Planning Commission for design review, if a project does not conform to the *Design Guidelines for Homeowners of Historic Resources* (Attachment 3).

Both the Downtown Specific Plan and the South Centre City Specific Plan require Certificates of Appropriateness for projects within those specific plan areas, and would be subject to the newly revised Article 40. It is unlikely that projects within these specific plans would require design review by the Planning Commission; however, the option to elevate the project to the Planning Commission would still be available.

Item 9 - Historic incentive programs

Under the proposed changes, the Director assumes HPC's role of identifying, maintaining, and executing incentives for preserving historical resources. At this time, the only ongoing incentive that exists for historic preservation is the execution of Historic Preservation Property Agreements (also known as Mills Act Contracts). The HPC's role entailed advising the City Council on the contents of the Mills Act Contracts, with the City Council as the final authority on the execution of the contract. The Boards and Commissions Subcommittee directed staff to delegate Mills Act Contracts to lower bodies for approval and execution. Due to language in Government Code Section 50280, the legislative body of the City (i.e. City Council) must approve the agreement; however, the Zone Text Amendment delegates the approval and signature authority to the Planning Commission and City Manager or their designee, respectively. The proposed revisions identify the Planning Commission as the authority responsible for review and approval of Mills Act Contracts as current business (non-public hearing item), and provides authority to the City Manager to sign on behalf of the City for contract execution. This delegation of authority is consistent with the direction from the subcommittee and the aforementioned Government Code section.

Article 61 (Administration and Enforcement)

Prior to dissolution, the HPC retained authority to remove and add properties to the Local Register of Historic Places. City staff researched surrounding cities, and consulted with the City's contract planner who is a qualified



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professional under the Secretary of the Interior's Guidelines for Historic Preservation, on how best to maintain the Local Register. Based on the research conducted by staff, the proposed changes grant authority to the Zoning Administrator for the removal and addition of properties to the Local Register, whose authority and powers are outlined in Division 9 of Article 61. The Zone Text Amendment would empower the Zoning Administrator to maintain and place historical resources on the Local Register, and remain consistent with the current procedures under Article 40 for listing.

Article 64 (Design Review)

The HPC's primary role, in addition to maintaining the local register, was to advise staff on the issuance of a Certificate of Appropriateness for projects considered "Major Projects" as defined in Article 40.

Staff recognizes the significance of the Old Escondido Neighborhood District and potential impacts from projects that may warrant additional scrutiny and review by the appropriate body. The proposed Zone Text Amendment assigns design review responsibility to the Planning Commission for properties within the OEN and on the Local Register. The amendment to Article 64 assigns the Planning Commission as the reviewing body for design review applications when required, and provides the Director with the authority to elevate the review process, if necessary.

Article 65 (Old Escondido Neighborhood)

The proposed changes to Article 65 clarify appeals of staff decisions for consistency with the aforementioned proposed modifications. Specifically, it clarifies appeals would be heard by the Planning Commission, where previously appeals of staff decisions went to the Historic Preservation Commission. Under the current text, Planning Commission decision may be appealed to the City Council.

General Plan Conformance:

The proposed changes will amend several articles of the Escondido Zoning Code to create consistency due to the dissolution of the Historic Preservation Commission. The dissolution of the HPC would not affect existing historic preservation programs including but not limited to: Certificate of Appropriateness permits for modifications to historical resources, historic incentive programs (e.g., Mills Act Contracts, parking reductions), and maintenance of the Local Register because the proposed changes retain all functions of the HPC and only delegate authority to existing decision makers. The proposed amendments conform to several of the City's 2012 General Plan policies as described below:

Land Use Zoning Policy 2.1: Update and revise City ordinances to reflect the goals, objectives, and policies in the adopted General Plan

There are several policies within the Land Use and Community Form, and Economic Prosperity Element that encourage streamlining development processes in order to facilitate orderly development within the City. The proposed Zone Text Amendments streamline the development process for properties with historic resources while continuing to protect historic resources as discussed in the Resource Conservation element. Furthermore, the revision to the City's ordinances would bring the Escondido Zoning Code into alignment with the City's recently adopted CEDS. The CEDS identified the pace of housing permitting within the City as a detriment to the City's economy; furthermore, it represents an unnecessary drag on the construction industry. Through this Zone Text Amendment, the development process would be streamlined by removing



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an additional review body, and allowing the Planning Commission to render a decision on an application while still taking into consideration the historic nature of the project.

Cultural Resources Policy 5.2: Preserve significant cultural and paleontological resources listed on the national, State, or Local register through: maintenance or development of appropriate ordinances that protect, enhance, and perpetuate resource; incentive programs; and/or the development review process

Cultural Resources Policy 5.8: Consider providing financial incentives, and educational information on existing incentives provided by the federal government to private owners and development in order to maintain, rehabilitate, and preserve historic resources.

The proposed Zone Text Amendment does not impact the City's ability to preserve historical resources, and City staff would continue to administer existing historic preservation programs as identified in these General Plan policies. The Zone Text Amendment would streamline the process for which homeowners may apply for a Mills Act Contract by requiring review and approval by the Planning Commission, instead of the City Council.

FISCAL ANALYSIS

There will be no fiscal impacts to the City of Escondido as a result of these amendments.

ENVIRONMENTAL ANALYSIS

The proposed amendments to the Escondido Zoning Code including Article 40 (Historical Resources), Article 61 (Administration and Enforcement), Article 64 (Design Review), and Article 65 (Old Escondido Neighborhood) qualify for an exemption under the California Environmental Quality Act (CEQA) Guidelines Section 15061 (b) ("Common Sense Exemption") and Section 33-922 (c)(1) of the Article 47 (Environmental Quality) of the Escondido Zoning Code as it can be seen with certainty that the proposed action consisting of minor municipal code amendments will not have a significant effect on the environment. The proposed changes are nominal in nature as no programs or development standards or requirements would be modified. The proposed changes would entail changes to review and decision-making authority for the purposes of dissolving an advisory commission on historic preservation. The City would continue to implement such historic preservation regulations and requirements outlined within Article 40 of the Escondido Zoning Code, consistent with the City's General Plan.

PUBLIC INPUT

The proposed Zone Text Amendment was noticed in accordance with Article 61, Division 6 of the Escondido Zoning Code. A public notice was published in the Escondido Times Advocate at least 10 calendars prior to this public hearing. Additionally, the City Clerk's office notified various stakeholder groups regarding the dissolution of the Historic Preservation Commission, and staff is not aware of any comments received as a result of those notifications.

CONCLUSION AND RECOMMENDATION

The proposed amendments to the Escondido Zoning Code would streamline the review of historic resources, and bring Article 40 in alignment with the CEDS while also maintaining protections for historic resources. Furthermore, the amendments would ensure consistency with other articles of the Escondido Zoning Code.



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Based on the analysis contained in this staff report, and the presentation by staff, staff recommends that the Planning Commission adopt Resolution No. 2024-05 recommending approval of the proposed Escondido Zoning Code Amendments to the City Council.

ATTACHMENTS

1. City Council staff report and attachments (dated February 21, 2024)
2. Strikethrough and underline of proposed changes
3. Design Guidelines Homeowners of Historic Resources
4. Draft Planning Commission Resolution No. 2024-05 including Exhibits A (Findings) and B (Clean copy of proposed changes)