



STAFF REPORT

February 21, 2024
File Number 0810-20

SUBJECT

REPEAL OF ESCONDIDO MUNICIPAL CODE CHAPTER 33, ARTICLE 40, SECTION 33-791, HISTORIC PRESERVATION COMMISSION

DEPARTMENT

City Clerk’s Office

RECOMMENDATION

Request the City Council introduce Ordinance No. 2024-03 to repeal Escondido Municipal Code Chapter 33, Article 40, Section 33-791, Historic Preservation Commission.

Staff Recommendation: Approval (City Clerk: Zack Beck)

Presenter: Zack Beck, City Clerk

ESSENTIAL SERVICE – Yes, Land Use/Development

COUNCIL PRIORITY – Encourage Housing Development

PREVIOUS ACTION

On February 7, 2024, the City Council voted 5-0 to approve the Boards and Commissions Subcommittee recommendation to align with the Comprehensive Economic Development Strategy and Council Priorities by dissolving the Historic Preservation Commission and transferring their responsibilities to the Planning Commission, Zoning Administrator and Staff with criteria for Certificates of Appropriateness on Major Projects.

BACKGROUND

On August 19, 2020, the City Council formed a Boards and Commissions Subcommittee and assigned then Mayor Paul McNamara and Councilmember Consuelo Martinez to serve on it. The Subcommittee was tasked with reviewing the function of the City’s Boards and Commissions in order to provide recommendations to make the commissions more efficient and effective to the full Council as needed.

On December 15, 2021, the City Council approved the following Boards and Commissions Subcommittee recommendations: 2-year terms for all commissions, uniform bylaws for all commissions, expansion to seven members for all commissions and an annual meeting between City Council and Commissioners. The



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2-year terms, uniform bylaws and expansion to seven members were not applicable to the Planning Commission and Library Board of Trustees, as they are both governed by State Law.

On April 12, 2022, Development Services Staff presented the concept of dissolving the Historic Preservation Commission (HPC) to the Boards and Commissions Subcommittee. Staff noted that the HPC experienced challenges with recruiting qualified candidates and making quorum for meetings which resulted in certain projects being delayed. The Subcommittee decided to observe the HPC for a bit longer before making a dissolution recommendation to the full Council.

After the 2022 Election, Mayor White replaced former Mayor Paul McNamara on the Boards and Commissions Subcommittee. The Subcommittee met throughout 2023 and specifically reviewed the HPC. The Subcommittee reached a conclusion that they would recommend dissolving the HPC and transfer certain historic preservation responsibilities to the Planning Commission and other responsibilities to staff (Attachment "1").

The primary purpose for dissolving the HPC is to bring the City into better alignment with the *Comprehensive Economic Development Study (CEDS)*. The CEDS identified that the City of Escondido's process for permitting housing is slow as stated below:

"Slow Housing Permitting In a region with strong housing demand, the pace of housing permitting in Escondido is slow, relative to its peers. In terms of economic or demographic fundamentals, the City does not face any significant barriers to permitting new housing. Even Measure S, which is sometimes linked to the City's land use status quo, cannot obviously be linked to slow permitting. Interviews with planning officials and other city leaders indicate that there is widespread commitment towards increasing the number of housing units on the market. Indeed, since 2017 there has been a marked improvement in permits issued. However, neighboring cities still do better in this regard, especially in the multi-family category. Slow permitting has two major effects on the Escondido economy. First, it makes the City more expensive and therefore less attractive to younger working families who might otherwise bring incomes and the 'workforce of tomorrow' into the City. The City will be less attractive to families if it continues to lock them out of home ownership. Second, it represents an unnecessary drag on the construction industry. Construction added more jobs than any other sector between 2016 and 2021, but it would have added even more if Escondido permitted more housing. Slow permitting is also somewhat related to the ability of Escondido to provide adequate housing to its residents. Community respondents, especially from the business sector, reported concerns about public homelessness. A small part of this problem can be connected to barriers (in Escondido and across California) to the construction of new housing units."

By transferring historic preservation responsibilities to the Planning Commission and staff, it should lead to a more expeditious approval process. This also aligns with City Council priority to *Encourage Housing Development*.



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There are unique qualifications for the HPC as listed here: [Boards & Commissions - City of Escondido](#) and fortunately, we have recently been able to fill the seats with qualified candidates. The current Historic Preservation Commissioners are actively engaged and doing their best with limited resources, staff liaison turnovers and bi-monthly meetings. The recommendation of the Subcommittee to dissolve the HPC is not a reflection of its displeasure with the current commissioners, rather it is intended to make the City more efficient by aligning processes and polices with the Comprehensive Economic Development Study and Council Priorities.

At the request of the Subcommittee, the City Clerk informed the Historic Preservation Commissioners about the possibility of dissolution at the November 16, 2023 meeting. In addition, the City Clerk provided background information about the possible HPC dissolution to the Old Escondido Neighborhood Group as well as the Planning Commission. Planning Commission discussed the potential dissolution of the Historic Preservation Commission (“HPC”) during their January 9th and January 23rd regularly scheduled meetings. During these discussions, the commission discussed the benefits of historic preservation within the City, potential issues associated with the dissolution of the HPC, and what obstacles the HPC may present to residential development within the City. The Planning Commission did not vote on a formal recommendation regarding the HPC.

The Subcommittee is committed to historic preservation which is why they propose transferring HPC responsibilities to the Planning Commission. This will encourage the Planning Commission to view projects through a historical lens, with the goal being a more cohesive vision for development that reflects Escondido’s vibrant community.

ORDINANCES

- a. Ordinance No. 2024-03

ATTACHMENTS

- a. Attachment “1” – Delegation of HPC Responsibilities

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, REPEALING ESCONDIDO MUNICIPAL CODE CHAPTER 33, ARTICLE 40, SECTION 33-791, HISTORIC PRESERVATION COMMISSION

The City Council of the City of Escondido, California does ordain as follows:

SECTION 1. The City Council makes the following findings:

a) That Escondido Municipal Code Chapter 33, Article 40, Section 33-791, Historic Preservation Commission is hereby repealed.

SECTION 2. SEVERABILITY. 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 3. As of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. The City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation for the City of Escondido.

PROPOSED DELEGATION OF HISTORIC PRESERVATION RESPONSIBILITIES

Action/Task	Current Final Authority on Action	Proposed Final Authority on Action
Designating Local Register or Local Landmark	Historic Preservation Commission, with planning staff recommendation	Zoning Administrator (ZA), with planning staff recommendation
Rescinding Local Register or Landmark Status	Historic Preservation Commission	Zoning Administrator with planning staff recommendation
Designation of a Historic District	City Council with Historic Preservation Commission recommendation	City Council with Planning Commission recommendation
Certificate of Appropriateness (Major Projects)	Director with Historic Preservation Commission recommendation	Director, with criteria to elevate to PC for Design Review
Certificate of Appropriateness w/ discretionary action	Final decision maker authority (based on discretionary action) with Historic Preservation Commission recommendation	Final decision maker
Emergency Demolition Permit	Two HPC commissioners, architect/engineer, and the Director	Chief Building Official, City Planner, Fire Marshall, and the Director
Non-emergency demolition permit for non-significant structure	Planning staff	Planning staff
Non-emergency demolition for significant resource	City Council with Historic Preservation Commission recommendation	City Council with Planning Commission recommendation
Mills Act Contracts	City Council with Historic Preservation Commission recommendation	City Manager and/or their designee with planning staff recommendation