



# CITY of ESCONDIDO

## PLANNING COMMISSION MEETING

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September 26, 2023 at 7:00 PM

**Council Chambers: 201 North Broadway, Escondido, CA 92025**

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### WELCOME TO YOUR COMMISSION MEETING

We welcome your interest and involvement in the legislative process of Escondido. This agenda includes information about topics coming before the Commission.

#### CHAIR

Rick Paul

#### VICE CHAIR

Katharine Barba

#### COMMISSIONERS

David Barber

Carrie Mecaro

Judy Fitzgerald

Barry Speer

Stan Weiler

#### MINUTES CLERK

Alex Rangel

### HOW TO WATCH

The City of Escondido provides one way to watch a Commission meeting:

#### In Person



201 N. Broadway, Escondido, CA 92025

### HOW TO PARTICIPATE

The City of Escondido provides two ways to communicate with the Commission during a meeting:

#### In Person



Fill out Speaker Slip and Submit to City Clerk

#### In Writing



<https://escondido-ca.municodemeetings.com>



# CITY of ESCONDIDO

## PLANNING COMMISSION

TUESDAY, SEPTEMBER 26, 2023

### **ASSISTANCE PROVIDED**

If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 760-839-4869. Notification 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility. Listening devices are available for the hearing impaired – please see the City Clerk.





# CITY of ESCONDIDO

## PLANNING COMMISSION

TUESDAY, SEPTEMBER 26, 2023

### AGENDA

#### CALL TO ORDER

#### FLAG SALUTE

#### ROLL CALL

#### APPROVAL OF MINUTES

1. September 12, 2023

#### WRITTEN COMMUNICATIONS

Under state law, all items under Written Communications can have no action, and will be referred to the staff for administrative action or scheduled on a subsequent agenda.

#### ORAL COMMUNICATIONS

Under state law, all items under Oral Communications can have no action, and will be referred to the staff for administrative action or scheduled on a subsequent agenda.

This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

#### PUBLIC HEARINGS

Please limit your testimony to three minutes.

2. **PL23-0329 | 2023 Omnibus Zoning Code Update**

**REQUEST:** A request for a series of amendments to the Escondido Zoning Ordinance and one amendment to the Escondido Subdivision Ordinance to address changes in state laws, correct errors, and clarify or improve existing regulations. The proposal involves minor amendments to Chapter 33, including Articles 1 (General Provisions and Definitions), 6 (Residential Zones), 36 (Cargo Container Restrictions), 39 (Off-Street Parking), 55 (Grading and Erosion Control), 61 (Administration and Enforcement), 63 (Transient Lodging Facilities), 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and 79 (East Valley Parkway Overlay Zone); and to Chapter 32 Article 2 (Tentative Maps).

**PROPERTY SIZE AND LOCATION:** CityWide

**APPLICANT:** City of Escondido



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**CEQA RECOMMENDATION:** Statutorily or categorically exempt pursuant to Public Resources Code section 21080.17 and CEQA Guidelines sections 15061(B)(3), 15282(h), 15304, and/or 15378(b) as they do not qualify as a “project” under CEQA.

**STAFF RECOMMENDATION:** Approval

CITY COUNCIL HEARING REQUIRED: ☒ YES ☐ NO

### CURRENT BUSINESS

### FUTURE AGENDA ITEMS

### ORAL COMMUNICATIONS

Under state law, all items under Oral Communications can have no action, and will be referred to the staff for administrative action or scheduled on a subsequent agenda.

This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

### PLANNING COMMISSIONERS REPORT

### CITY PLANNER'S REPORT

[3.](#) Tentative Future Agenda

### ADJOURNMENT



# CITY of ESCONDIDO

## PLANNING COMMISSION MINUTES

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**September 12, 2023 at 7:00 PM**

**Council Chambers: 201 North Broadway, Escondido, CA 92025**

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### **WELCOME TO YOUR COMMISSION MEETING**

We welcome your interest and involvement in the legislative process of Escondido. This agenda includes information about topics coming before the Commission.

#### **CHAIR**

Rick Paul

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Stan Weiler

#### **MINUTES CLERK**

Alex Rangel

### **HOW TO WATCH**

The City of Escondido provides one way to watch the Planning Commission meeting:

#### **In Person**



201 N. Broadway, Escondido, CA 92025



# CITY of ESCONDIDO

## PLANNING COMMISSION MINUTES

TUESDAY, SEPTEMBER 12, 2023

### MINUTES

**CALL TO ORDER:** 7:01 p.m.

**FLAG SALUTE:** Carrie Mecaro

**ROLL CALL:**

**Commissioners Present:** Rick Paul, Chair; David Barber, Commissioner; Judy Fitzgerald, Commissioner; Carrie Mecaro, Commissioner; Barry Speer, Commissioner; and Stan Weiler, Commissioner.

**Commissioner Absent:** Katharine Barba, Vice-Chair.

**City Staff Present:** Veronica Morones, City Planner; Dare DeLano, Senior Deputy City Attorney; Owen Tunnell, Assistant City Engineer; Alex Rangel, Minutes Clerk.

**APPROVAL OF MINUTES:** August 22, 2023

Motion: Commissioner Barber; Second: Commissioner Fitzgerald.

Motion carried (6-0) to approve the minutes.

Ayes: Paul, Barber, Fitzgerald, Mecaro, Speer, and Weiler. Absent: Barba.

**WRITTEN COMMUNICATIONS:**

None.

**ORAL COMMUNICATIONS:**

None.

**PUBLIC HEARINGS:**

1. **PL23-0174 – Christ Community Reformed Church**

**REQUEST:** A modification to a Conditional Use Permit to add a 2,400 square foot, single-story modular building at the Christ Community Reformed Church. The structure would be used as additional classrooms and meeting space to support ongoing activities as the facility.

**PROPERTY SIZE AND LOCATION:** The 6.8-acre site is located on the south side of Felicita Avenue, west of South Redwood Street and east of Montview Drive, address at 777 West Felicita Avenue. (Assessor's Parcel Number(s): 236-240-04-00, 236-240-34-00, 236-240-40-00 and 236-240-46-00).

**ENVIRONMENTAL STATUS:** Categorical Exemptions – CEQA Guidelines Section 15301 (Existing Facilities) and 15303 (New Construction of Small Structures).



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**APPLICANT:** Christ Community Reformed Church

**STAFF RECOMMENDATION:** Approval

**PUBLIC COMMENT:**

Chad Hawk submitted written comments regarding the project.

Mary Weller, Mary Kimball, Robin Kimball, Brian Melonakos, Robert Balfour, Jonathan Sheeder, Gillian Allen, John Gagliano, and Rick Jeldy provided oral comments regarding the project.

**COMMISSION DISCUSSION:**

Commissioners discussed various aspects of the proposal, including traffic impacts, landscaping, and the use of the proposed facilities.

**COMMISSION ACTION:**

Motion to approve Planning Commission Resolution 2023-17, approving the project.

Motion: Commissioner Barber; Second: Commissioner Weiler.

Motion carried (6-0) to approve.

Ayes: Paul, Barber, Fitzgerald, Mecaro, Speer, and Weiler. Absent: Barba.

**2. PL23-0176 and ADM19-0092 – Vermont Avenue Apartments**

**REQUEST:** An applicant request to modify a Major Plot Plan in order to eliminate Condition of Approval No. 15 requirement to fund ongoing operational costs of providing municipal services to the project.

**PROPERTY SIZE AND LOCATION:** The 1.05-acre site is located at the northeast corner of S. Escondido Blvd. and Vermont Avenue and is addressed at 1860, 1866, 1870 & 1896 S. Escondido Blvd. (Assessor's Parcel Number(s): 236-260-34, -35, -36 and 236-260-37-00).

**ENVIRONMENTAL STATUS:** The previously approved project was determined to be Categorically Exempt – CEQA Guidelines Section 15332 (In-Fill Development Projects).

**APPLICANT:** Vermont Escondido Apartments, LLC.

**STAFF RECOMMENDATION:** To recommend to City Council to deny the modification request, and uphold the Director's decision.

**COMMISSION DISCUSSION:**

Commissioners discussed various aspects of the request, including the original Conditions of Approval and the current fee impacts of the project.



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## PLANNING COMMISSION MINUTES

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### COMMISSION ACTION:

Motion to approve Planning Commission Resolution 2023-16, recommending approval of the applicant's request.

Motion: Commissioner Barber; Second: Commissioner Mecaro.

Motion failed (2-4) to recommend approval of the request.

Ayes: Barber and Mecaro. Nays: Fitzgerald, Paul, Speer, and Weiler. Absent: Barba.

Motion to approve Planning Commission Resolution 2023-15, recommending denial of the applicant's request.

Motion: Commissioner Speer; Second: Commissioner Weiler.

Motion carried (4-2) to recommend denial of the request.

Ayes: Fitzgerald, Paul, Speer, and Weiler. Nays: Barber and Mecaro. Absent: Barba.

### CURRENT BUSINESS:

#### 1. PL23-0061 – Comprehensive Sign Ordinance Update

**REQUEST:** Status report on Sign Ordinance update based on feedback received from the Planning Commission subcommittee, and the City Council Economic Development Subcommittee.

**PROPERTY SIZE AND LOCATION:** Citywide.

**ENVIRONMENTAL STATUS:** Not a project under CEQA, pursuant to CEQA Guidelines Section 15378 (b)(5).

**APPLICANT:** Development Services Department.

**STAFF RECOMMENDATION:** None.

### COMMISSION DISCUSSION:

Commissioners discussed the actions of the Planning Commission Subcommittee, and future plans for the Sign Ordinance Update.

### COMMISSION ACTION:

None.

### FUTURE AGENDA ITEMS:

None.

### ORAL COMMUNICATIONS:





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## PLANNING COMMISSION MINUTES

TUESDAY, SEPTEMBER 12, 2023

None.

### PLANNING COMMISSIONERS:

None.

### CITY PLANNER'S REPORT:

City Planner Morones provided information related to the upcoming September 26, 2023, Planning Commission meeting.

### ADJOURNMENT

Chair Paul adjourned the meeting at 8:23 p.m.

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Veronica Morones, Secretary to the Escondido  
Planning Commission

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Alex Rangel, Minutes Clerk



# STAFF REPORT

DATE: September 26, 2023  
PL23-0329 | 2023 Omnibus Zoning Code Update

**PROJECT NUMBER / NAME:** PL23-0329 | 2023 Omnibus Zoning Code Update

**REQUEST:** A request for a series of amendments to the Escondido Zoning Ordinance and one amendment to the Escondido Subdivision Ordinance to address changes in state laws, correct errors, and clarify or improve existing regulations. The proposal involves minor amendments to Chapter 33, including Articles 1 (General Provisions and Definitions), 6 (Residential Zones), 36 (Cargo Container Restrictions), 39 (Off-Street Parking), 55 (Grading and Erosion Control), 61 (Administration and Enforcement), 63 (Transient Lodging Facilities), 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and 79 (East Valley Parkway Overlay Zone); and to Chapter 32 Article 2 (Tentative Maps).

**PROPERTY SIZE AND LOCATION:** CityWide

**APPLICANT:** City of Escondido

**GENERAL PLAN / ZONING:** N/A

**PRIMARY REPRESENTATIVE:** Development Services,  
Planning Division

**DISCRETIONARY ACTIONS REQUESTED:** Zoning Code Text Amendments

**PREVIOUS ACTIONS:** N/A

**CEQA RECOMMENDATION:** Statutorily or categorically exempt pursuant to Public Resources Code section 21080.17 and CEQA Guidelines sections 15061(B)(3), 15282(h), 15304, and/or 15378(b) as they do not qualify as a "project" under CEQA.

**STAFF RECOMMENDATION:** Approval

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2023-18

CITY COUNCIL HEARING REQUIRED: ☒ YES ☐ NO

REPORT APPROVALS:   X   Dare Delano, Senior Deputy City Attorney



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## STAFF REPORT

Item 2.

### BACKGROUND

In 2017, the City initiated a reoccurring work program to annually review and update the Escondido Zoning Code so it corresponds with obligatory California state-mandated updates, addresses needed zoning code corrections, and provides the necessary clarifications to streamline processes within the City. Periodic review and changes to the code help create efficiencies and avoid conflicts with State law. At the City of Escondido, the Planning Division is tasked with maintaining and enforcing the City's codes and regulations. Given the department's role and expertise, the Planning Division is also poised to lead the City's annual zoning code updates.

Once a year, the Planning Division brings forth a set of proposed ordinance amendments that seek to clarify the City's zoning code and achieve compliance with state regulations. The 2023 Omnibus includes amendments to various articles from the City's Zoning Ordinance (Chapter 33) and one amendment to the City's Subdivision Ordinance (Chapter 32) of the Escondido Municipal Code. City staff prepare the proposed code changes. The Planning Commission has the authority under Section 33-1262 of Article 61 of the Escondido Zoning Code (Administration and Enforcement Ordinance) to review and consider amendments to the Zoning Code, which requires a Planning Commission recommendation to City Council. No other discretionary permits are requested or required.

It should be noted that the public notice for this item included a referenced amendment to Article 56 (Miscellaneous Development Standards); however, staff does not have a proposed amendment to Article 56 at this time.

### SUMMARY OF REQUEST

Table 1 below identifies the Articles within Chapters 32 and 33 of the Escondido Municipal Code and a general scope of the proposed amendments. Further analysis is provided in this staff report for Articles denoted in bold. A strikethrough and underlined version of all proposed Zoning Code changes is provided under Attachment 1. Exhibit B to Planning Commission Resolution No. 2023-18 (Attachment 2) provides a "clean" copy of the changes and reflects what they would look like if adopted by City Council.

**TABLE 1 - SUMMARY OF PROPOSED CHANGES**

Chapter/Article	Proposed Change
Chapter 32, Article 2 – Tentative Maps	Language added for clarification and consistency.
Chapter 33, Article 1 - General Provisions and Definitions	Language added for consistency with State law.
<b>Article 6 - Residential Zones</b>	Clean up to existing footnote; <b>allow for community garden uses on City owned property in multifamily zones.</b>
Article 36 – Cargo Container Restrictions	Addition of R-5 zone to prohibited locations of cargo containers.
Article 39 – Off-Street Parking	Language added for clarification.



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Article 55 – Grading and Erosion Control	Grammatical correction.
<b>Article 61 – Administration and Enforcement</b>	<b>State law requirement;</b> modification to conditional use permit expiration timeframe; modification for consistency with Articles 32 and 33.
Article 63 – Transient Lodging Facilities	Language added for clarification.
<b>Article 70 – Accessory Dwelling Units and Junior Accessory Dwelling Units</b>	<b>Additional development standard added based on State ADU law clarification.</b>
<b>Article 79 – East Valley Parkway Overlay Zone</b>	<b>Clean up and consistency alignment following East Valley Specific Plan adoption.</b>

### PROJECT ANALYSIS

#### Article 6 – Residential Zones

The proposed change would allow for community garden uses on City-owned property with a multifamily residential zoning designation (i.e., R-2, R-3, R-4, and R-5). According to the latest County Assessor's data, the City owns less than 10 properties with multifamily zoning designations located within City boundaries. Further, none of the identified City-owned multifamily properties are located on the City's Suitable Sites Inventory. Currently, community garden uses are not permitted as a primary use in multifamily residential zones. Agricultural Resources Policy 4.6 of the Escondido General Plan's Resource Conservation Element supports community gardens within multifamily neighborhoods, provided they are managed and operated to prevent impacts on adjoining uses. The proposed change would allow for community gardens as a primary use on City-owned property, subject to the required real property process the City's Economic Development Division manages when leasing City property. Community gardens on private property are not included in this year's omnibus. Community gardens on private property will be developed under a separate stand-alone community garden ordinance.

#### Article 61 – Administration and Enforcement

In 2017, the State Legislature passed Assembly Bill ("AB") 1397, which requires jurisdictions to allow by-right residential and mixed-use developments when the development proposal includes 20% of the units for lower income housing. As part of the City's adopted sixth cycle housing element, Program 1.3 directs the City to integrate AB 1397 requirements into the City's zoning ordinance. Sites subject to the provisions of AB 1397 are those used in past housing element cycles (i.e., sites identified in the 4<sup>th</sup> and/or 5<sup>th</sup> cycles) and allocated low-income units for the purpose of meeting the City's regional housing needs allocation ("RHNA"). The City's adopted housing element identifies these sites which are located in the Downtown, South Centre City, and East Valley Specific Plan areas. The proposed language aids in aligning the City's process with state requirements under AB 1397.

#### Article 70 – Accessory Dwelling Units and Junior Accessory Dwelling Units

The proposed changes to the accessory and junior accessory dwelling units ("ADU"/"JADU") regulations include removal of a regulation that conflicts with state ADU law regarding maximum unit sizes, and addresses the number



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of ADUs/JADUs permitted on sites where multiple detached single-family dwellings exist on a lot. The state Department of Housing and Community Development (“HCD”) released updated guidance specifically addressing how many ADUs/JADUs may be developed on properties where more than one detached single-family dwelling exists on-site. While up to three ADUs may be developed on a lot with only one single-family dwelling, there are limitations on the number of permitted ADUs when more than one single-family dwelling is present. Under these circumstances, up to two ADUs may be constructed and no JADUs are allowed.

### **Article 79 – East Valley Parkway Overlay Zone**

On July 19 2023, the City Council adopted the East Valley Specific Plan (“EVSP”). The adoption of the EVSP impacts the City’s existing East Valley Parkway Area Plan and its associated section of the zoning ordinance, Article 79. The EVSP’s adopted boundary coincides with portions of the area plan’s boundary, and requires exhibit changes based on the new adopted EVSP area. Article 79’s change would include replacement of the overlay zone map to show the updated area. In addition to a change in the area plan’s geographic boundary, adoption of the EVSP eliminated the commercial professional (CP), hospital professional (HP), and planned development residential (PD-R) zones from the area plan.

### **General Plan Conformance**

The proposed zoning code amendments and subdivision code amendment are consistent with the General Plan in that:

1. The proposed amendments to Chapter 32, Article 2 (Tentative Maps) and Chapter 33, Article 1 (General Provisions and Definitions), Article 6 (Residential Zones), Article 36 (Cargo Container Restrictions), Article 39 (Off-Street Parking), Article 55 (Grading and Erosion Control), Article 61 (Administration and Enforcement), Article 63 (Transient Lodging Facilities), Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and Article 79 (East Valley Parkway Overlay Zone) are consistent with the Land Use and Community Form Chapter, Goal 2 and subsequent policy 2.1 in that the proposed changes provide clarification and cleanup of regulations that clearly and effectively implement land use development goals and objectives. The basis of establishing and updating, as necessary, local standards and guidelines for land use activities ensures land use compatibility is achieved. The batch of amendments relate to organizational effectiveness and efficiency and are considered a housekeeping measure. The proposed Zoning Code changes would make the code more internally consistent, and easier to understand and apply. The amendments make corrections, clarifications, and updates to improve the application process or how the codes are administered, and;
2. The proposed amendment to Article 6 (Residential Zones) regarding community gardens is consistent with the Resource Conservation Chapter policy 4.6 which permits for the development of community gardens on vacant properties within multi-family neighborhoods provided they are managed and operated to prevent impacts on adjoining uses. The City’s Economic Development Department handles leasing of City property through legal agreements in conjunction with the City Attorney’s Office to ensure any use of City property complies with City regulations. Therefore, the proposed amendment to permit community gardens on City-owned properties within multi-family residential zones would be consistent with policy 4.6.

### **FISCAL ANALYSIS**



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

### ENVIRONMENTAL ANALYSIS

There are a number of CEQA exemptions that are applicable to the 2023 Omnibus Zoning Code Update. Some proposed amendments are not considered a Project under CEQA, as defined in section 15378(b)(5) of the State CEQA Guidelines, while others are categorically or statutorily exempt under CEQA. The following details the applicable exemption for each proposed zoning text amendment under CEQA.

- The amendments that relate to error correction, formatting changes, and general reference cleans up, specifically those in Chapter 32, Article 2 (Tentative Maps), and Chapter 33, Article 1 (General Provisions and Definitions), Article 6 (Residential Zones), Article 36 (Cargo Container Restrictions), Article 39 (Off-Street Parking), Article 55 (Grading and Erosion Control), Article 61 (Administration and Enforcement), Article 63 (Transient Lodging Facilities), and Article 79 (East Valley Parkway Overlay Zone) are not considered a Project under CEQA, as defined in section 15378(b)(5) of the State CEQA Guidelines. The scope of these proposed changes includes corrective clerical errors or clarification of ambiguities and relates to organizational and administrative actions of government that will not result in direct or indirect physical changes in the environment.
- The amendment related to a zone's permitted use table in Article 6 (Residential Zones) is categorically exempt from CEQA pursuant to section 15304(e) as community gardens on City-owned properties would entail a minor temporary use of land having negligible or no permanent effects on the environment. Use of City-owned properties by non-City entities are subject to licensing agreements through the City's Real Property Division under the Economic Development Department and in accordance with the requirements of the Surplus Land Act ("SLA"); therefore, use of such lands for the purposes of community gardens would be temporary in nature. Further, none of the City-owned properties which would fall under the subject use are located in or near a sensitive environment. The City-owned properties impacted by the project include already developed sites, as well as vacant infill sites surrounded by development that have been previously disturbed.
- The amendment related to AB 1397 in Article 61 (Administration and Enforcement) is exempt under CEQA pursuant to section 15061(b)(3) as the incorporation by reference of AB 1397 (and associated Government Code section 65583.2) does not have the potential to cause a significant effect on the environment. The identified sites within the adopted sixth cycle housing element's suitable sites inventory subject to the provisions of Gov. Code section 65583.2 are located within the Downtown, South Centre City, and East Valley Specific Plan areas which already permit for multifamily and mixed-use developments by-right, with or without a 20% affordability requirement. Further, the proposed text amendment is necessary to align the Escondido Zoning Code with state law and any conceivable impact of the proposed incorporation of such language would be speculative in the absence of specific development proposals.
- The amendments that relate to accessory dwelling units (Article 70) are statutorily exempt from CEQA pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h). Under Public Resources Code section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code (Accessory Dwelling Unit law). CEQA Guidelines section 15282(h) statutorily exempts the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the



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provisions of sections 65852.1 and 65852.2 of the Government Code as set forth in section 21080.17 of the Public Resources Code.

- Furthermore, none of the exceptions listed under CEQA Guidelines section 15300.2 apply to the proposed project. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time, given the proposed project is consistent with the General Plan policies which were addressed in the General Plan Final EIR. There are no unusual circumstances surrounding the proposed project that result in a reasonable possibility of a significant effect on the environment because the project entails text corrections and consistency clean ups, as well as allowance of a use consistent with General Plan Agricultural Resources Policy 4.6. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings or similar resources in that, sites eligible for the proposed community garden use are located on fewer than 10 lots within the City that are either already developed, or vacant and previously disturbed surrounded by development on all sides.

### **PUBLIC INPUT**

The 2023 Zoning Code Update 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 ten calendar days prior to this public hearing. Due to the nature of the Zoning Code Update, staff did not conduct specific project-related outreach. As of the time the staff report was prepared, no public correspondence was received

### **CONCLUSION AND RECOMMENDATION**

The Planning Division requests the Planning Commission recommend approval of the proposed Zoning Code amendments to the City Council for final decision pursuant to Section 33-1262 of Article 61 of the Escondido Zoning Code (Administration and Enforcement Ordinance). Approval of these changes will improve the department's processes, improve clarification within the Zoning Code, and ensure compliance with state mandates. No other discretionary permits are requested or required.

### **ATTACHMENTS**

1. Strikethrough and underline of proposed changes
2. Draft Planning Commission Resolution No. 2023-18 including Exhibits A – Findings, and B – Clean copy of proposed changes

# Chapter 32

## ARTICLE 2. TENTATIVE MAPS

**Consistency clean up to align extensions of time for subdivisions of four or fewer lots with Chapter 33**

### **32.210.02. Extension Of Time.**

B. The time at which an approved or conditionally approved Tentative Map expires may be extended by the legislative body or advisory agency, or Director for subdivisions of four lots or fewer, for a period or periods not exceeding a total of six (6) years. A public hearing and/or public notice may be required if the Director of ~~Community~~ Development Services determines that it is warranted.



# Chapter 33

## ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

### Update to urban lot splits definition

#### Sec. 33-8. Definitions.

*Urban lot split* means the subdivision of any lot in a single-family residential zone or parcels designated for primarily single-family development in a specific plan into two lots **and shall have the same meaning as stated in California Government Code Section 66411.7.**

## ARTICLE 6. RESIDENTIAL ZONES

### Consistency cleanup of existing foot note and addition of community gardens as a permitted use on residentially zoned City-owned property

#### Sec. 33-94. Permitted and conditional uses and structures.

Table 33-94 lists those uses in residential districts that are permitted (P) or subject to a major conditional use permit (C) or minor conditional use permit (C#).

**Table 33-94**

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
<b>Residential and Lodging</b>								
Single-family dwellings detached	P	P	P		P	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
Mobilehome on parcel alone, pursuant to section 33-111	P	P	P	P				
Two-family dwelling units and urban lot splits		P <sup>2</sup>	P <sup>2</sup>					
Two-family, three-family, and multiple-family dwellings					P	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
Mobilehome parks pursuant to Article 45 and Title 25. A minimum 400,000 sq. ft. in land area required			C	C	C			
Small lot developments pursuant to section 33-114					P	P <sup>1</sup>		
Transitional housing and supportive housing constructed as residential dwellings consistent with the underlying zone pursuant to section 33-8 of Article 1	P	P	P	P	P	P	P	P
Rooming house, boarding house, mini-dorms etc. with central kitchen, interior access to sleeping rooms					C	C	C	C
<b>Permitted/Conditional Uses &amp; Structures</b>	<b>R-A</b>	<b>R-E</b>	<b>R-1</b>	<b>R-T</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>
Bed and breakfast facilities, pursuant to Article 32	C#	C#	C		C	C	C	C
Senior housing	P	P	P	P	P	P	P	P
<b>Care in Residential Zones</b>								

<b>Permitted/Conditional Uses &amp; Structures</b>	<b>R-A</b>	<b>R-E</b>	<b>R-1</b>	<b>R-T</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>
Licensed residential care facilities and group quarters for 6 or fewer persons including, but not limited to, sanitariums, convalescent homes, rest home services, transitional and supporting housing	P	P	P	P	P	P	P	P
Licensed residential care facilities and group quarters for 7 or more persons, including, but not limited to, sanitariums, convalescent homes, rest home services, transitional and supportive housing	C	C	C		C	C	C	C
Small and large family day care as defined in section 33-8 pursuant to section 33-1104 of Article 57	P	P	P		P	P	P	P
Day nurseries, child care centers (excluding small and large family care which are permitted uses)	C	C	C		C	C	C	C
<b>Agriculture and Animals</b>								
Animal specialties, poultry and egg production, rabbits, apiaries, aviaries, small animal farms	C							
Animals other than those listed in Table 33-95a, and provisions pursuant to section 33-1116 of Article 57	C#	C#	C#					
Field and seed crops	P							
Horse stable (commercial), subject to sections 33-144(b) and 33-145, with the quantities of animals allowed pursuant to Table 33-95a or Article 9	C	C						
Livestock (on sites exceeding nine acres)	C							
Truck crops (includes vegetables, berries, melons); Orchards and vineyards (fruit and tree nuts); Horticultural specialties	P	P	P					
Wineries with a tasting room pursuant to section 33-1107 of Article 57	C	C						
Wineries without a tasting room pursuant to section 33-1107 of Article 57 (at least 50%	P	P						

<b>Permitted/Conditional Uses &amp; Structures</b>	<b>R-A</b>	<b>R-E</b>	<b>R-1</b>	<b>R-T</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>
of fruit used in winemaking must be grown on site)								
<b><u>Community Gardens on City-owned property</u></b>					<b><u>P<sup>3</sup></u></b>	<b><u>P<sup>3</sup></u></b>	<b><u>P<sup>3</sup></u></b>	<b><u>P<sup>3</sup></u></b>
<b>Social, Religious, Educational, Recreational, Governmental</b>								
Golf courses, private and public	C	C	C	C	C	C		
Government services (except correctional institutions)	C	C	C	C	C	C	C	C
Nursery, primary and secondary (grades K-12), post-secondary and professional schools and education	C	C	C		C	C	C	C
Religious activities, civic associations, social clubs and fraternal organizations and lodges	C	C	C	C	C	C	C	C
Resorts and group camps	C							
Tennis courts, private membership only	C	C	C	C	C	C		
Youth organizations pursuant to section 33-1105 of Article 57	C	C	C	C	C	C	C	C
Other public recreation uses and structures	C	C	C	C	C	C	C	C
<b>Utility and Communications Operations</b>								
Communications (excluding offices and relay towers, microwave or others)	C	C	C	C	C	C	C	C
Utility facilities	C	C	C	C	C	C	C	C
Wireless service facilities on private property, including communication antennas, pursuant to Article 34	C	C	C	C	C	C	C	C
<b>Permitted/Conditional Uses &amp; Structures</b>	<b>R-A</b>	<b>R-E</b>	<b>R-1</b>	<b>R-T</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>
<b>Miscellaneous</b>								
Aluminum can and newspaper redemption centers without can crushing facilities (only as an accessory use to nursery, primary, secondary, post-secondary and professional education, and religious activities)	C	C			C	C	C	C

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Arts and crafts shows as defined in section 33-8, with permit pursuant to section 33-1119 of Article 57	P	P	P	P	P	P	P	P
Cemeteries and/or mausoleums	C	C	C		C			
Uses or structures permitted or conditionally permitted by this zone and involving hazardous materials (pursuant to section 33-666 of Article 30)	C	C	C	C	C	C	C	C

**Notes:**

1 No vacant or underdeveloped lot or parcel of land in any R-3, R-4, and R-5 zone shall be improved or developed at a density below seventy (70) percent of the maximum permitted density. Exceptions to the minimum density requirement may be granted in writing as part of the plan approval required by section 33-106 provided the development will not preclude the city from meeting its housing needs as described in the housing element of the Escondido general plan. Minimum density requirements shall not apply to property owners seeking to enhance or enlarge existing dwelling units or construct other accessory structures on a site.

**2 Subject to requirements under section 33-116.**

**3 Subject to required licensing agreements through the City's real property process.**

## **ARTICLE 36. CARGO CONTAINER RESTRICTIONS**

### **Update to prohibited zones**

#### **Sec. 33-721. Permitted locations and prohibitions.**

(a) It is unlawful to place, use, allow or maintain cargo containers on residential property zoned R-1, R-2, R-3, R-4, **R-5** or RT; unless specifically exempted pursuant to this article.

## **ARTICLE 39. OFF-STREET PARKING**

**Language added for consistency with State Law**

### **Sec. 33-760. Off-street parking.**

The number of off-street parking spaces required in connection with any particular land use shall be not less than that set forth in the applicable zoning regulations or as set forth in this article, **unless otherwise preempted by state law.**

## **ARTICLE 55. GRADING AND EROSION CONTROL**

**Addition of a missing word.**

### **Sec. 33-1068.B. Restrictions on removal of vegetation.**

- (a) Permits required for removal of vegetation.
- (1) Requests to remove and replace trees located within the public right-of-way shall be submitted to the city engineer **pursuant** to Article 62 of this chapter.



## ARTICLE 61. ADMINISTRATION AND ENFORCEMENT

### Incorporation of Assembly Bill (“AB”) 1397 by-right approval requirements.

#### Sec. 33-1314. Definition and purpose.

#### Sec. 33-1314. Definition, and purpose, and applicability.

(a) *Plot plan* means a zoning instrument used primarily to review the location and site development of certain permitted land uses. The plot plan review process is required when any of the following are proposed in a multifamily, commercial, or industrial zone:

- (1) A new building, structure, or addition;
- (2) A new permitted use of land or existing structure that may require additional off-street parking;
- (3) A modification of an existing development affecting the building area, parking (when a reduction in parking spaces is proposed), outdoor uses, or on-site circulation. Changes to parking areas that do not result in a reduction in parking spaces are exempt from plot plan review, but require design review, as provided in section 33-1355(b)(2);
- (4) As may otherwise be required by this chapter.

Plot plan review is not required for residential development created by a planned development or residential subdivision of single-family lots.

(b) *Minor plot plan* may include, but shall not be limited to, a change in use with no additional floor area, minor building additions, outdoor storage as an accessory use in the industrial zones, or other site plan changes affecting site circulation and parking, as determined by the director.

(c) *Major plot plan* may include, but shall not be limited to, new construction, reconstruction and additions of facilities permitted in the underlying zone, or other projects that exceed thresholds for a minor plot plan, as determined by the director. All two-family dwelling projects proposed pursuant to section 33-115 shall be subject to the approval of a major plot plan.

**(d) Pursuant to AB 1397, rezoning of sites for the RHNA past the April 15, 2021 statutory deadline is subject to by-right approval of housing projects that include 20% of lower income units. Select sites identified in the City’s adopted Suitable Sites Inventory (Appendix B of the City’s Housing Element) are subject to the required by-right provisions of AB 1397 (Government Code section 65583.2). The select sites identified in the City’s adopted Suitable Sites Inventory provide by-right approval through the plot plan review process for multi-family housing consistent**

**with the densities and development standards established for the specific plan areas. To be consistent with AB 1397, this section further specifies that housing projects setting aside 20% of the units for lower income households are permitted by-right, without discretionary review.**

**Sec. 33-1315. Authorization, procedure and modifications.**

(a) Authorization. The director, or designee, shall have the authority to grant, conditionally grant or deny a plot plan application, or refer it to the planning commission as provided for in Section 65900 et seq. of the California [Government Code](#), based on sound principles of land use.

(b) Procedure. Application for a plot plan may be initiated by the property owner or agent of the property affected. Application shall be made on forms provided by the city and shall be accompanied by the appropriate fee. **A discretionary project** ~~The~~ application shall further be accompanied by such materials as required by the director. The project shall be reviewed for conformance to all applicable requirements of the general plan, zoning code, specific plans, area plans, city design standards, building and safety requirements, and other applicable city standards, to the satisfaction of the director.

(c) Modifications. The director may approve or conditionally approve minor modifications to a project that are consistent with the intent of the plot plan approval and do not intensify the use(s) on the site.

**Extend the approval period of a Conditional Use Permit (“CUP”) from 12 to 24 months.**

**Sec. 33-1206. Expiration.**

Unless otherwise specified in the action granting a conditional use permit, any such permit shall become automatically null and void unless the uses authorized by the permit have been substantially implemented within ~~twelve (12)~~**24** months from the grant of the permit. The abandonment or non-use of a permit for a period of ~~twelve (12)~~**24** consecutive months shall also result in such permit becoming automatically null and void. The director shall have authority to grant extensions to the deadlines in this section. Once any portion of a conditional use permit is utilized, the other conditions thereof become immediately operative and must be strictly complied with.

**Consistency clean up to align authority to grant extensions for maps and permits with initial administrative action.**

**Sec. 33-1319. Powers and duties and procedure.**

(a) The zoning administrator is authorized to consider and approve, disapprove or modify applications and/or issue use permits, for requests that include, but are not limited to:

- (1) Minor conditional use permits as defined in Division 1 of this article;
- (2) Minor conditional use permits for non-residential parking pursuant to section 33-764 of Article 39;
- (3) Variances as defined in Division 2 of this article;
- (4) Reasonable accommodation as provided in Division 5 of this article;
- (5) Grading exemptions not associated with a discretionary project pursuant to section 33-1066(d) of Article 55;
- (6) Proposed modifications to an approved precise development plan pursuant to section 33-411 of Article 19;
- (7) Time extensions for maps and permits, **except those maps and permits initially approved by the director as specified in this Article and Chapter 32,** upon submittal of a written request for an extension request, justification statement, and payment of all required application fees;

## ARTICLE 63. TRANSIENT LODGING FACILITIES

### Specific Plan authority reference.

#### Sec. 33-1348. Hotel conversions.

(c) Authority.

(1) The director, or director's designee, shall have the authority to grant, conditionally grant, or deny a hotel conversion permit application for any use that is permitted in the zoning district. For projects including other discretionary actions that must be approved at a higher level than the director (such as by the planning commission or city council), the design review permit will also be decided upon at that higher level.

(2) The conversion of hotels, motels, and other transient lodgings to any other use that is conditionally permitted in the same zoning district shall be reviewed and considered by the planning commission through the issuance of a major conditional use permit, or as otherwise identified in an applicable specific plan.

## **ARTICLE 70. ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

### **Consistency changes to comply with State ADU Law**

#### **Sec. 33-1474. Development standards.**

(a) Accessory dwelling units shall be subject to all development standards of the zone in which the property is located, except as modified below. Notwithstanding, this section shall be interpreted liberally in favor of accessory dwelling unit construction. Furthermore, any property development standard provided herein that regulates the minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings shall permit at least an eight hundred fifty (850) square foot accessory dwelling unit to be constructed in compliance with all other local development standards and building code requirements.

(1) Number of bedrooms. There is no allowed limit on the number of bedrooms provided that the accessory dwelling unit and/or junior accessory dwelling unit complies with local building and fire code requirements.

(2) The accessory dwelling unit shall be provided with a separate exterior entry. The accessory dwelling unit shall not have direct, interior access into the main building.

(3) The accessory dwelling unit shall include separate bath/sanitation facilities and include a separate kitchen.

(4) Setbacks. An attached or detached accessory dwelling unit, including a detached accessory unit that is attached to another accessory structure, shall be required to maintain minimum side and rear yard setbacks of at least four (4) feet, and shall comply with front yard setbacks for the underlying zone. For attached accessory structures, whether attached to the primary unit or another detached accessory structure, the portion of the structure which does not include the habitable floor area of the accessory dwelling unit shall comply with setback requirements for the underlying zone. Roof eaves and other architectural projections for accessory dwelling units shall comply with section 33-104.

(A) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit. The accessory dwelling unit may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress, subject to the terms and limitations of this article.

(5) Maximum unit size. The maximum accessory dwelling unit size is determined by the size of the lot as provided in Table 33-1474. ~~The living area of the accessory dwelling unit shall not exceed more than fifty (50) percent of the existing or proposed living area of the primary residence.~~

(A) If authorized by the underlying zoning, an accessory dwelling unit may be attached to a guest house provided that the overall combined floor area of the combined building or structure does not exceed seventy-five (75) percent of the main unit.

(B) When an accessory dwelling unit is attached to other accessory building(s) or structure(s), such as a garage, carport, or patio cover, the overall combined building area of the structure(s) shall not exceed the existing floor area of the main residence.

**Table 33-1474**

Lot size	Maximum Permitted Accessory Dwelling Unit Size	
	<i>1 bedroom or less</i>	<i>More than 1 bedroom</i>
Less than 20,000 square feet	850 square feet	1,000 square feet
20,000 square feet or more	1,000 square feet	1,000 square feet

(6) Minimum unit size. The minimum permitted size of an accessory dwelling unit shall be the size of an efficiency unit as defined by the California [Health and Safety Code](#) section 17958.1. The minimum unit size of the residential zone shall not apply to the accessory dwelling unit that is built on the same legal lot as the primary residence in compliance with all local development standards.

(7) Height. Accessory dwelling units shall conform to the height limits of the zone, except that an accessory dwelling unit sixteen (16) feet in height shall be allowed regardless of the applicable height limit.

(8) Lot coverage. The combined area of all structures on a lot shall conform to the lot coverage limitation of the zone in which the property is located.

**(9) Number of accessory dwelling units on properties with more than one detached single-family dwelling. One ADU shall be permitted through conversion of space within proposed or existing space of a single-family dwelling or existing structure, and through construction of a new detached ADU.**

(b) Junior accessory dwelling units, as constructed within the existing or proposed single-family residence, shall be subject to all development standards of the zone in which the property is located, except as modified below.

(1) Number of bedrooms. There is no allowed limit on the number of bedrooms provided that the accessory dwelling unit and/or junior accessory dwelling unit complies with local building and fire code requirements.

(2) The junior accessory dwelling unit shall be provided with a separate exterior entry and may have direct, interior access into the main building.

(3) A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(4) The junior accessory dwelling unit shall include an efficiency kitchen.

(5) Maximum unit size. The maximum junior accessory dwelling unit size shall not exceed five hundred (500) square feet in total floor area and shall be contained entirely within an existing or proposed single-family residence and may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions of the existing residence to accommodate ingress and egress.

(6) Minimum unit size. The minimum permitted size of a junior accessory dwelling unit shall be the size of an efficiency unit as defined by the California [Health and Safety Code](#) section 17958.1. The minimum unit size of the residential zone shall not apply to the junior accessory dwelling unit that is built on the same legal lot as the primary residence in compliance with all local development standards.

(7) Except as provided herein, a junior accessory dwelling unit shall comply with all other zoning code standards, including, but not limited to, setbacks, building height, floor area ratio, and lot coverage.

**(8) Number of junior accessory dwelling units on properties with more than one detached single-family dwelling. No JADUs shall be permitted on properties with multiple detached single-family dwellings.**

## ARTICLE 79. EAST VALLEY PARKWAY OVERLAY ZONE

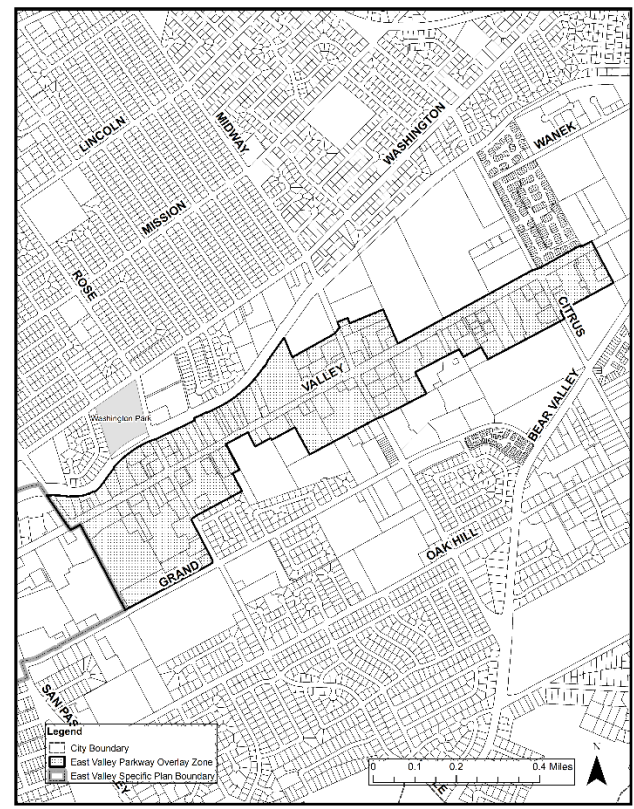
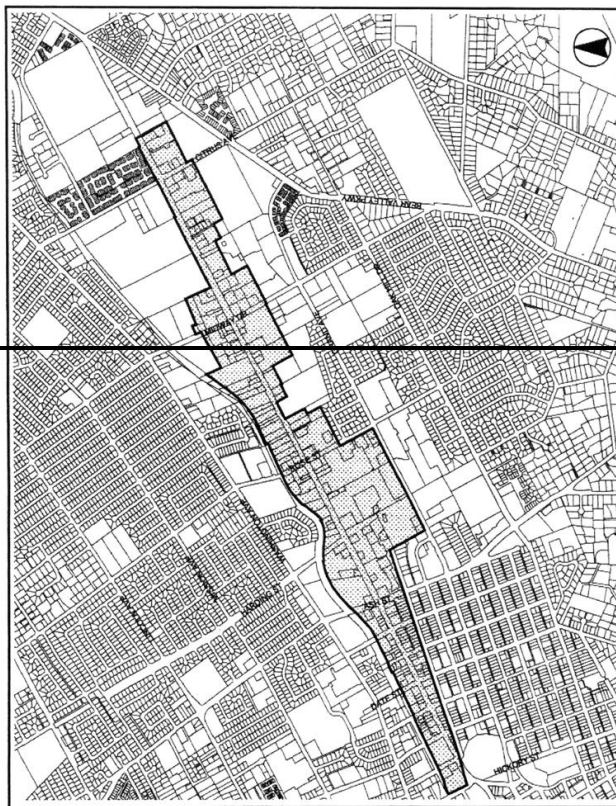
Update to the East Valley Parkway Overlay Zone due to East Valley Specific Plan adoption.

### Sec. 33-1631. Land uses.

(a) Underlying zone. Areas zoned general commercial (CG), ~~commercial professional (CP)~~, ~~hospital professional (HP)~~, and ~~planned development residential (PD-R)~~ located within the overlay zone shall comply with any underlying zone requirements as well as the East Valley Parkway area plan.

(b) Conflict in zone standards. If there is any express conflict between the underlying zone standards and the overlay zone standards, the overlay zone standards shall prevail.

## EAST VALLEY PARKWAY OVERLAY ZONE





Planning Commission

Hearing Date: September 26, 2023

Effective Date: September 27, 2023

PLANNING COMMISSION RESOLUTION NO. 2023-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMENDING APPROVAL TO AMEND VARIOUS ARTICLES OF THE ESCONDIDO ZONING CODE AND ONE AMENDMENT TO THE ESCONDIDO SUBDIVISION ORDINANCE

APPLICANT: City of Escondido

CASE NO: PL23-0329

WHEREAS, the City of Escondido Planning Division has conducted an annual review of the Escondido Zoning Code to determine if any revisions are necessary to reflect State mandated changes; to correct errors or inconsistencies; and to address land use considerations that may previously been overlooked; and; and

WHEREAS, Planning Division staff identified the need to amend Articles 1 (General Provisions and Definitions), 6 (Residential Zones), 36 (Cargo Container Restrictions), 39 (Off-Street Parking), 55 (Grading and Erosion Control), 61 (Administration and Enforcement), 63 (Transient Lodging Facilities), 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and 79 (East Valley Parkway Overlay Zone) of the Escondido Zoning Code, and Article 2 (Tentative Maps) of the Escondido Subdivision Ordinance (collectively, the "Project"); and

WHEREAS, pursuant to CEQA and the CEQA Guidelines (Title 14 of California Code of Regulations, Section 15000 et. seq.), the City is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

WHEREAS, City staff provided public notice of the agenda item in accordance with City and State public noticing requirements; and

WHEREAS, on September 26, 2023, the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission received and considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony regarding the Project. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including written and graphical information, and other material;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated September 26, 2023, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

WHEREAS, the public hearing before the Planning Commission was conducted in all respects as required by the Escondido Municipal Code and the rules of this Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Escondido that:

- 1. The above recitations are true and correct.
- 2. The proposed Zoning Code Amendments are statutorily or categorically exempt from further review pursuant to various sections of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, as further described in the staff report. The proposed Zoning Code Amendments would not, in and of themselves, result in development or any other material change to the environment. Projects seeking to implement the amended provisions would be subject to separate review under the California Environmental Quality Act (CEQA).

3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and on its behalf, the Planning Commission makes the following substantive findings and determinations, attached hereto as Exhibit "A," relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.

4. The Planning Commission hereby recommends that the City Council approve the Zoning Code amendments identified herein, and reflected in Exhibit "B" attached hereto.

PASSED, ADOPTED, AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 26<sup>th</sup> day of September, 2023, by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ABSENT: COMMISSIONERS:

---

Rick Paul, Chair  
Escondido Planning Commission

ATTEST:

---

Veronica Morones, Secretary of the  
Escondido Planning Commission

I hereby certify that the foregoing Resolution was passed at the time and by the vote above stated.

---

Alexander Rangel, Minutes Clerk  
Escondido Planning Commission

**EXHIBIT “A”****PLANNING CASE NOS. PL23-0329.****FACTORS TO BE CONSIDERED / FINDINGS OF FACT****Zoning Code Amendment Determinations:**

1. That the public health, safety and welfare will not be adversely affected by the proposed change in that:
  - a. The proposed batch of Zoning Code amendments and Subdivision Code amendment correct internal inconsistencies, improve readability, update references to other code sections or regulatory documents, codify prior interpretations, and make the Code consistent with changing state or federal regulations. The proposed batch of Zoning Code amendments and Subdivision Code amendment are consistent with the objectives, policies, general land uses, and programs within the General Plan as they further Goal 2, Policy 2.1 of the Land Use and Community Form chapter because, among other things, they address changes in state laws; correct errors; improve existing regulations to eliminate uncertainty for staff, customers, and the public; and are not intended to be a comprehensive update to the local code or change land use densities or intensities, and;
  - b. Over the years, staff and members of the public have found certain sections of the Escondido Zoning Code are sometimes vague, unclear, or conflicting, which results in confusion and potential disagreement in Code interpretation. It is important that the City of Escondido review policies and procedures on an on-going basis to ensure our resident-focused government through transparent services and positive organizational culture. These Zoning Code amendments and Subdivision Code amendment are the result of such review.
2. That the property involved is suitable for the uses permitted by the proposed Zoning Code amendments in that:
  - a. City-owned properties affected by the proposed use allowance within multifamily residential zones are limited in number and are sites already developed with improvements or are vacant and previously disturbed. Further, such use allowance would be subject to the real property process through the Economic Development Division which requires licensing agreements prior to any occupancy or improvement on a City-owned property.

Such licensing requirements ensure applicable parties operate consistent with City requirements such as those related to noise;

- b. The remaining amendments do not entail a project-specific site for the Project. The proposed Zoning Code amendments and Subdivision Code amendment would go into effect Citywide and would affect all properties subject to the Escondido Municipal Code and their respective land use designation and zoning district, as is appropriate for the Zoning Code amendments, and;
3. That the uses permitted by the proposed Zoning Code amendments would not be detrimental to surrounding properties in that the Zoning Code amendment which affects allowable uses, such as those in Article 6 (Residential Zones) have been reviewed and analyzed as part of this Zoning Code amendment and are subject to licensing requirements through the City's Economic Development Division prior to any occupancy or improvement on a City-owned site. Such licensing requirements ensure applicable parties operate consistent with City requirements such as those related to noise.
4. That the proposed Zoning Code amendments are consistent with the adopted general plan in that:
  - a. The Land Use and Community Form chapter states "Escondido's growth and development patterns are to be managed in a way that does not overwhelm or reduce the quality of community services, safety and protection provided by the city." The proposed Zoning Code amendments are consistent with this statement and will not adversely impact the public health, safety and welfare because those related to Chapter 32, Article 2 (Tentative Maps) and Chapter 33, Article 1 (General Provisions and Definitions), Article 36 (Cargo Container Restrictions), Article 39 (Off-Street Parking), Article 55 (Grading and Erosion Control), Article 61 (Administration and Enforcement), Article 63 (Transient Lodging Facilities), Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and Article 79 (East Valley Parkway Overlay Zone) are nominal in nature and/or are a requirement of state law;
  - b. The proposed Zoning Code amendments and Subdivision Code amendment correct internal inconsistencies, improve readability, update references to other code sections or regulatory documents, codify prior interpretations, and make the Code consistent with changing state or federal regulations. The proposed Zoning Code amendments are consistent with the objectives, policies, general land uses, and programs within the General Plan as they further Goal 2, Policy 2.1 of the Land Use and Community Form chapter because, among other things, they address changes in state laws; correct errors; improve existing regulations to eliminate uncertainty for staff,

- customers, and the public; and are not intended to be a comprehensive update to the local code or change land use densities or intensities, and;
- c. The Resource Conservation chapter, Agricultural Resources Policy 4.6 states, “[p]ermit the development of community gardens on vacant properties in commercial and industrial areas and multi-family neighborhoods, provided that they are managed and operated to prevent adverse impacts on adjoining uses.” The proposed use change to Article 6 (Residential Zones) would permit for community gardens on City-owned properties only, subject to the the real property process through the Economic Development Division which requires licensing agreements prior to any occupancy or improvement on a City-owned property. Such licensing requirements ensure applicable parties operate consistent with City requirements such as those related to noise.
5. That the relationship of the proposed Zoning Code amendments is applicable to specific plans in that the proposed Project would not conflict with any specific plan as the proposed Zoning Code amendments are consistent with the objectives, policies, general land uses, and programs within the General Plan as they further Goal 2, Policy 2.1 of the Land Use and Community Form chapter because, among other things, they address changes in state laws; correct errors; improve existing regulations to eliminate uncertainty for staff, customers, and the public; and are not intended to be a comprehensive update to the local code or change land use densities or intensities.

# Omnibus 2023

## Chapter 32

### ARTICLE 2. TENTATIVE MAPS

**Consistency clean up to align extensions of time for subdivisions of four or fewer lots with Chapter 33**

#### **32.210.02. Extension Of Time.**

B. The time at which an approved or conditionally approved Tentative Map expires may be extended by the legislative body or advisory agency, or Director for subdivisions of four lots or fewer, for a period or periods not exceeding a total of six (6) years. A public hearing and/or public notice may be required if the Director of Development Services determines that it is warranted.



# Omnibus 2023

## Chapter 33

### ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

#### Update to urban lot splits definition

##### **Sec. 33-8. Definitions.**

*Urban lot split* means the subdivision of any lot in a single-family residential zone or parcels designated for primarily single-family development in a specific plan into two lots and shall have the same meaning as stated in California Government Code Section 66411.7.

# Omnibus 2023

## ARTICLE 6. RESIDENTIAL ZONES

**Consistency cleanup of existing foot note and addition of community gardens as a permitted use on residentially zoned City-owned property**

### Sec. 33-94. Permitted and conditional uses and structures.

Table 33-94 lists those uses in residential districts that are permitted (P) or subject to a major conditional use permit (C) or minor conditional use permit (C#).

**Table 33-94**

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
<b>Residential and Lodging</b>								
Single-family dwellings detached	P	P	P		P	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
Mobilehome on parcel alone, pursuant to section 33-111	P	P	P	P				
Two-family dwelling units and urban lot splits		P <sup>2</sup>	P <sup>2</sup>					
Two-family, three-family, and multiple-family dwellings					P	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
Mobilehome parks pursuant to Article 45 and Title 25. A minimum 400,000 sq. ft. in land area required			C	C	C			
Small lot developments pursuant to section 33-114					P	P <sup>1</sup>		
Transitional housing and supportive housing constructed as residential dwellings consistent with the underlying zone pursuant to section 33-8 of Article 1	P	P	P	P	P	P	P	P
Rooming house, boarding house, mini-dorms etc. with central kitchen, interior access to sleeping rooms					C	C	C	C
<b>Permitted/Conditional Uses &amp; Structures</b>	<b>R-A</b>	<b>R-E</b>	<b>R-1</b>	<b>R-T</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>
Bed and breakfast facilities, pursuant to Article 32	C#	C#	C		C	C	C	C
Senior housing	P	P	P	P	P	P	P	P
<b>Care in Residential Zones</b>								

# Omnibus 2023

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Licensed residential care facilities and group quarters for 6 or fewer persons including, but not limited to, sanitariums, convalescent homes, rest home services, transitional and supporting housing	P	P	P	P	P	P	P	P
Licensed residential care facilities and group quarters for 7 or more persons, including, but not limited to, sanitariums, convalescent homes, rest home services, transitional and supportive housing	C	C	C		C	C	C	C
Small and large family day care as defined in section 33-8 pursuant to section 33-1104 of Article 57	P	P	P		P	P	P	P
Day nurseries, child care centers (excluding small and large family care which are permitted uses)	C	C	C		C	C	C	C
<b>Agriculture and Animals</b>								
Animal specialties, poultry and egg production, rabbits, apiaries, aviaries, small animal farms	C							
Animals other than those listed in Table 33-95a, and provisions pursuant to section 33-1116 of Article 57	C#	C#	C#					
Field and seed crops	P							
Horse stable (commercial), subject to sections 33-144(b) and 33-145, with the quantities of animals allowed pursuant to Table 33-95a or Article 9	C	C						
Livestock (on sites exceeding nine acres)	C							
Truck crops (includes vegetables, berries, melons); Orchards and vineyards (fruit and tree nuts); Horticultural specialties	P	P	P					
Wineries with a tasting room pursuant to section 33-1107 of Article 57	C	C						

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Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Wineries without a tasting room pursuant to section 33-1107 of Article 57 (at least 50% of fruit used in winemaking must be grown on site)	P	P						
Community Gardens on City-owned property					P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>
<b>Social, Religious, Educational, Recreational, Governmental</b>								
Golf courses, private and public	C	C	C	C	C	C		
Government services (except correctional institutions)	C	C	C	C	C	C	C	C
Nursery, primary and secondary (grades K-12), post-secondary and professional schools and education	C	C	C		C	C	C	C
Religious activities, civic associations, social clubs and fraternal organizations and lodges	C	C	C	C	C	C	C	C
Resorts and group camps	C							
Tennis courts, private membership only	C	C	C	C	C	C		
Youth organizations pursuant to section 33-1105 of Article 57	C	C	C	C	C	C	C	C
Other public recreation uses and structures	C	C	C	C	C	C	C	C
<b>Utility and Communications Operations</b>								
Communications (excluding offices and relay towers, microwave or others)	C	C	C	C	C	C	C	C
Utility facilities	C	C	C	C	C	C	C	C
Wireless service facilities on private property, including communication antennas, pursuant to Article 34	C	C	C	C	C	C	C	C
Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
<b>Miscellaneous</b>								
Aluminum can and newspaper redemption centers without can crushing facilities (only as an accessory use to nursery, primary,	C	C			C	C	C	C

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Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
secondary, post-secondary and professional education, and religious activities)								
Arts and crafts shows as defined in section 33-8, with permit pursuant to section 33-1119 of Article 57	P	P	P	P	P	P	P	P
Cemeteries and/or mausoleums	C	C	C		C			
Uses or structures permitted or conditionally permitted by this zone and involving hazardous materials (pursuant to section 33-666 of Article 30)	C	C	C	C	C	C	C	C

## Notes:

- 1 No vacant or underdeveloped lot or parcel of land in any R-3, R-4, and R-5 zone shall be improved or developed at a density below seventy (70) percent of the maximum permitted density. Exceptions to the minimum density requirement may be granted in writing as part of the plan approval required by section 33-106 provided the development will not preclude the city from meeting its housing needs as described in the housing element of the Escondido general plan. Minimum density requirements shall not apply to property owners seeking to enhance or enlarge existing dwelling units or construct other accessory structures on a site.
- 2 Subject to requirements under section 33-116.
- 3 Subject to required licensing agreements through the City's real property process.

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## **ARTICLE 36. CARGO CONTAINER RESTRICTIONS**

### **Update to prohibited zones**

#### **Sec. 33-721. Permitted locations and prohibitions.**

(a) It is unlawful to place, use, allow or maintain cargo containers on residential property zoned R-1, R-2, R-3, R-4, R-5 or RT; unless specifically exempted pursuant to this article.

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## **ARTICLE 39. OFF-STREET PARKING**

**Language added for consistency with State Law**

### **Sec. 33-760. Off-street parking.**

The number of off-street parking spaces required in connection with any particular land use shall be not less than that set forth in the applicable zoning regulations or as set forth in this article, unless otherwise preempted by state law.

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## **ARTICLE 55. GRADING AND EROSION CONTROL**

**Addition of a missing word.**

### **Sec. 33-1068.B. Restrictions on removal of vegetation.**

- (a) Permits required for removal of vegetation.
- (1) Requests to remove and replace trees located within the public right-of-way shall be submitted to the city engineer pursuant to Article 62 of this chapter.



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## ARTICLE 61. ADMINISTRATION AND ENFORCEMENT

### Incorporation of Assembly Bill (“AB”) 1397 by-right approval requirements.

#### Sec. 33-1314. Definition and purpose.

#### Sec. 33-1314. Definition, purpose, and applicability.

(a) *Plot plan* means a zoning instrument used primarily to review the location and site development of certain permitted land uses. The plot plan review process is required when any of the following are proposed in a multifamily, commercial, or industrial zone:

- (1) A new building, structure, or addition;
- (2) A new permitted use of land or existing structure that may require additional off-street parking;
- (3) A modification of an existing development affecting the building area, parking (when a reduction in parking spaces is proposed), outdoor uses, or on-site circulation. Changes to parking areas that do not result in a reduction in parking spaces are exempt from plot plan review, but require design review, as provided in section 33-1355(b)(2);
- (4) As may otherwise be required by this chapter.

Plot plan review is not required for residential development created by a planned development or residential subdivision of single-family lots.

(b) *Minor plot plan* may include, but shall not be limited to, a change in use with no additional floor area, minor building additions, outdoor storage as an accessory use in the industrial zones, or other site plan changes affecting site circulation and parking, as determined by the director.

(c) *Major plot plan* may include, but shall not be limited to, new construction, reconstruction and additions of facilities permitted in the underlying zone, or other projects that exceed thresholds for a minor plot plan, as determined by the director. All two-family dwelling projects proposed pursuant to section 33-115 shall be subject to the approval of a major plot plan.

(d) Pursuant to AB 1397, rezoning of sites for the RHNA past the April 15, 2021 statutory deadline is subject to by-right approval of housing projects that include 20% of lower income units. Select sites identified in the City’s adopted Suitable Sites Inventory (Appendix B of the City’s Housing Element) are subject to the required by-right provisions of AB 1397 (Government Code section 65583.2). The select sites identified in the City’s adopted Suitable Sites Inventory provide by-right approval through the plot plan review

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process for multi-family housing consistent with the densities and development standards established for the specific plan areas. To be consistent with AB 1397, this section further specifies that housing projects setting aside 20% of the units for lower income households are permitted by-right, without discretionary review.

## **Sec. 33-1315. Authorization, procedure and modifications.**

(a) Authorization. The director, or designee, shall have the authority to grant, conditionally grant or deny a plot plan application, or refer it to the planning commission as provided for in Section 65900 et seq. of the California [Government Code](#), based on sound principles of land use.

(b) Procedure. Application for a plot plan may be initiated by the property owner or agent of the property affected. Application shall be made on forms provided by the city and shall be accompanied by the appropriate fee. A discretionary project application shall further be accompanied by such materials as required by the director. The project shall be reviewed for conformance to all applicable requirements of the general plan, zoning code, specific plans, area plans, city design standards, building and safety requirements, and other applicable city standards, to the satisfaction of the director.

(c) Modifications. The director may approve or conditionally approve minor modifications to a project that are consistent with the intent of the plot plan approval and do not intensify the use(s) on the site.

## **Extend the approval period of a Conditional Use Permit (“CUP”) from 12 to 24 months.**

### **Sec. 33-1206. Expiration.**

Unless otherwise specified in the action granting a conditional use permit, any such permit shall become automatically null and void unless the uses authorized by the permit have been substantially implemented within 24 months from the grant of the permit. The abandonment or non-use of a permit for a period of 24 consecutive months shall also result in such permit becoming automatically null and void. The director shall have authority to grant extensions to the deadlines in this section. Once any portion of a conditional use permit is utilized, the other conditions thereof become immediately operative and must be strictly complied with.

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**Consistency clean up to align authority to grant extensions for maps and permits with initial administrative action.**

**Sec. 33-1319. Powers and duties and procedure.**

(a) The zoning administrator is authorized to consider and approve, disapprove or modify applications and/or issue use permits, for requests that include, but are not limited to:

- (1) Minor conditional use permits as defined in Division 1 of this article;
- (2) Minor conditional use permits for non-residential parking pursuant to section 33-764 of Article 39;
- (3) Variances as defined in Division 2 of this article;
- (4) Reasonable accommodation as provided in Division 5 of this article;
- (5) Grading exemptions not associated with a discretionary project pursuant to section 33-1066(d) of Article 55;
- (6) Proposed modifications to an approved precise development plan pursuant to section 33-411 of Article 19;
- (7) Time extensions for maps and permits, except those maps and permits initially approved by the director as specified in this Article and Chapter 32, upon submittal of a written request for an extension request, justification statement, and payment of all required application fees;

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## **ARTICLE 63. TRANSIENT LODGING FACILITIES**

### **Specific Plan authority reference.**

#### **Sec. 33-1348. Hotel conversions.**

(c) Authority.

(1) The director, or director's designee, shall have the authority to grant, conditionally grant, or deny a hotel conversion permit application for any use that is permitted in the zoning district. For projects including other discretionary actions that must be approved at a higher level than the director (such as by the planning commission or city council), the design review permit will also be decided upon at that higher level.

(2) The conversion of hotels, motels, and other transient lodgings to any other use that is conditionally permitted in the same zoning district shall be reviewed and considered by the planning commission through the issuance of a major conditional use permit, or as otherwise identified in an applicable specific plan.

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## ARTICLE 70. ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

### Consistency changes to comply with State ADU Law

#### Sec. 33-1474. Development standards.

(a) Accessory dwelling units shall be subject to all development standards of the zone in which the property is located, except as modified below. Notwithstanding, this section shall be interpreted liberally in favor of accessory dwelling unit construction. Furthermore, any property development standard provided herein that regulates the minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings shall permit at least an eight hundred fifty (850) square foot accessory dwelling unit to be constructed in compliance with all other local development standards and building code requirements.

(1) Number of bedrooms. There is no allowed limit on the number of bedrooms provided that the accessory dwelling unit and/or junior accessory dwelling unit complies with local building and fire code requirements.

(2) The accessory dwelling unit shall be provided with a separate exterior entry. The accessory dwelling unit shall not have direct, interior access into the main building.

(3) The accessory dwelling unit shall include separate bath/sanitation facilities and include a separate kitchen.

(4) Setbacks. An attached or detached accessory dwelling unit, including a detached accessory unit that is attached to another accessory structure, shall be required to maintain minimum side and rear yard setbacks of at least four (4) feet, and shall comply with front yard setbacks for the underlying zone. For attached accessory structures, whether attached to the primary unit or another detached accessory structure, the portion of the structure which does not include the habitable floor area of the accessory dwelling unit shall comply with setback requirements for the underlying zone. Roof eaves and other architectural projections for accessory dwelling units shall comply with section 33-104.

(A) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit. The accessory dwelling unit may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing

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accessory structure shall be limited to accommodating ingress and egress, subject to the terms and limitations of this article.

(5) Maximum unit size. The maximum accessory dwelling unit size is determined by the size of the lot as provided in Table 33-1474.

(A) If authorized by the underlying zoning, an accessory dwelling unit may be attached to a guest house provided that the overall combined floor area of the combined building or structure does not exceed seventy-five (75) percent of the main unit.

(B) When an accessory dwelling unit is attached to other accessory building(s) or structure(s), such as a garage, carport, or patio cover, the overall combined building area of the structure(s) shall not exceed the existing floor area of the main residence.

**Table 33-1474**

Lot size	Maximum Permitted Accessory Dwelling Unit Size	
	<i>1 bedroom or less</i>	<i>More than 1 bedroom</i>
Less than 20,000 square feet	850 square feet	1,000 square feet
20,000 square feet or more	1,000 square feet	1,000 square feet

(6) Minimum unit size. The minimum permitted size of an accessory dwelling unit shall be the size of an efficiency unit as defined by the California [Health and Safety Code](#) section 17958.1. The minimum unit size of the residential zone shall not apply to the accessory dwelling unit that is built on the same legal lot as the primary residence in compliance with all local development standards.

(7) Height. Accessory dwelling units shall conform to the height limits of the zone, except that an accessory dwelling unit sixteen (16) feet in height shall be allowed regardless of the applicable height limit.

(8) Lot coverage. The combined area of all structures on a lot shall conform to the lot coverage limitation of the zone in which the property is located.

(9) Number of accessory dwelling units on properties with more than one detached single-family dwelling. One ADU shall be permitted through conversion of space within proposed or existing space of a single-family dwelling or existing structure, and through construction of a new detached ADU.

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(b) Junior accessory dwelling units, as constructed within the existing or proposed single-family residence, shall be subject to all development standards of the zone in which the property is located, except as modified below.

(1) Number of bedrooms. There is no allowed limit on the number of bedrooms provided that the accessory dwelling unit and/or junior accessory dwelling unit complies with local building and fire code requirements.

(2) The junior accessory dwelling unit shall be provided with a separate exterior entry and may have direct, interior access into the main building.

(3) A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(4) The junior accessory dwelling unit shall include an efficiency kitchen.

(5) Maximum unit size. The maximum junior accessory dwelling unit size shall not exceed five hundred (500) square feet in total floor area and shall be contained entirely within an existing or proposed single-family residence and may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions of the existing residence to accommodate ingress and egress.

(6) Minimum unit size. The minimum permitted size of a junior accessory dwelling unit shall be the size of an efficiency unit as defined by the California [Health and Safety Code](#) section 17958.1. The minimum unit size of the residential zone shall not apply to the junior accessory dwelling unit that is built on the same legal lot as the primary residence in compliance with all local development standards.

(7) Except as provided herein, a junior accessory dwelling unit shall comply with all other zoning code standards, including, but not limited to, setbacks, building height, floor area ratio, and lot coverage.

(8) Number of junior accessory dwelling units on properties with more than one detached single-family dwelling. No JADUs shall be permitted on properties with multiple detached single-family dwellings.

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## ARTICLE 79. EAST VALLEY PARKWAY OVERLAY ZONE

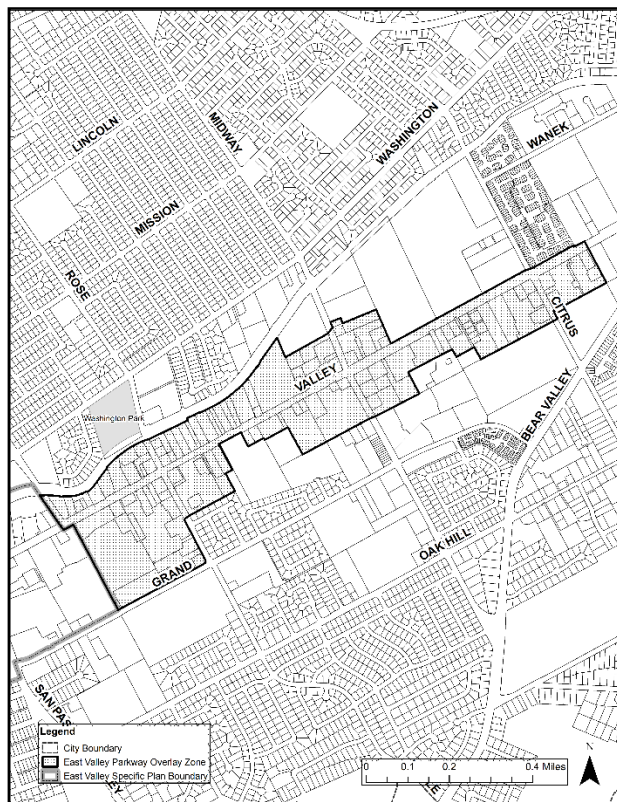
**Update to the East Valley Parkway Overlay Zone due to East Valley Specific Plan adoption.**

### Sec. 33-1631. Land uses.

(a) Underlying zone. Areas zoned general commercial (CG) and located within the overlay zone shall comply with any underlying zone requirements as well as the East Valley Parkway area plan.

(b) Conflict in zone standards. If there is any express conflict between the underlying zone standards and the overlay zone standards, the overlay zone standards shall prevail.

## EAST VALLEY PARKWAY OVERLAY ZONE







# CITY of ESCONDIDO

## STAFF REPORT

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Agenda Item No. 3

September 26, 2023

Tentative Future Agenda Items

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DATE: September 26, 2023

TO: Planning Commissioners

FROM: Veronica Morones, City Planner

SUBJECT: Tentative Future Agenda Items

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The items listed below are anticipated to be brought to the Planning Commission for consideration, discussion, and/or recommendation to the City Council over the next several months. Because there are factors out of City staff's control, this list is subject to change. The intent is to provide visibility regarding projects that the Commission should expect to see in the near future. (Items are listed in no particular order.)

Additionally, these items shall not be considered to be agenda items for this meeting so no discussion is permitted other than clarification of what the item is.

Private Development Projects:

- In-n-Out / Coffee Bean & Tea Leaf
- Goal Line Energy (battery storage facility)
- Costco

Policy Work:

- General Plan Amendment – EVSP Follow-Up

Informational Presentations:

- Community Facilities Districts
- North County Mall
- California Environmental Quality Act
- Parklets
- Short-Term Rental Ordinance