



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, APRIL 09, 2025

4:00 PM - Closed Session (Parkview Conference Room)

5:00 PM - Regular Session

Escondido City Council Chambers, 201 North Broadway, Escondido, CA 92025

WELCOME TO YOUR CITY COUNCIL MEETING

We welcome your interest and involvement in the legislative process of Escondido. This agenda includes information about topics coming before the City Council and the action recommended by City staff.

MAYOR

Dane White

DEPUTY MAYOR

Consuelo Martinez (District 1)

COUNCILMEMBERS

Joe Garcia (District 2)

Christian Garcia (District 3)

Judy Fitzgerald (District 4)

CITY MANAGER

Sean McGlynn

CITY ATTORNEY

Michael McGuinness

CITY CLERK

Zack Beck

HOW TO WATCH

The City of Escondido provides three ways to watch a City Council meeting:

In Person



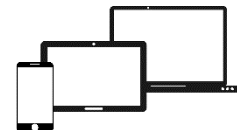
201 N. Broadway

On TV



Cox Cable Channel 19 and U-verse Channel 99

Online



www.escondido.gov



CITY *of* ESCONDIDO

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WEDNESDAY, APRIL 09, 2025

HOW TO PARTICIPATE

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

In Person



Fill out Speaker Slip and Submit to City Clerk

In Writing



escondido-ca.municodemeetings.com

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

COUNCIL MEETING AGENDA

WEDNESDAY, APRIL 09, 2025

CLOSED SESSION

4:00 PM

CALL TO ORDER

1. Roll Call: Fitzgerald, C. Garcia, J. Garcia, Martinez, White

ORAL COMMUNICATIONS

In addition to speaking during particular agenda items, the public may address the Council on any item which is not on the agenda provided the item is within the subject matter jurisdiction of the City Council. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. Speakers are limited to only one opportunity to address the Council under Oral Communications.

CLOSED SESSION

I. CONFERENCE WITH LEGAL COUNSEL– ANTICIPATED LITIGATION (Government Code § 54956.9(d)(2))

- (a) *Timothy Reiley v. City of Escondido*
Workers Compensation Appeals Board Case No. ADJ12491047

II. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code § 54956.8)

- (a) Property: 340 N. Escondido Blvd., Escondido (California Center for the Arts, Escondido)
Agency Negotiator: Sean McGlynn, City Manager, or designees
Negotiating Party: California Center for the Arts, Escondido
Under Negotiation: Terms of Management Agreement

ADJOURNMENT



CITY *of* ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, APRIL 09, 2025

REGULAR SESSION

5:00 PM Regular Session

MOMENT OF REFLECTION

City Council agendas allow an opportunity for a moment of silence and reflection at the beginning of the evening meeting. The City does not participate in the selection of speakers for this portion of the agenda, and does not endorse or sanction any remarks made by individuals during this time. If you wish to be recognized during this portion of the agenda, please notify the City Clerk in advance.

FLAG SALUTE

The City Council conducts the Pledge of Allegiance at the beginning of every City Council meeting.

CALL TO ORDER

Roll Call: Fitzgerald, C. Garcia, J. Garcia, Martinez, White

PROCLAMATIONS

Earth Day

CLOSED SESSION REPORT

ORAL COMMUNICATIONS

In addition to speaking during particular agenda items, the public may address the Council on any item which is not on the agenda provided the item is within the subject matter jurisdiction of the City Council. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. Speakers are limited to only one opportunity to address the Council under Oral Communications.

CONSENT CALENDAR

Items on the Consent Calendar are not discussed individually and are approved in a single motion. However, Council members always have the option to have an item considered separately, either on their own request or at the request of staff or a member of the public.

1. AFFIDAVITS OF PUBLICATION, MAILING, AND POSTING (COUNCIL/RRB)



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, APRIL 09, 2025

2. APPROVAL OF WARRANT REGISTER (COUNCIL)

Request the City Council approve the City Council and Housing Successor Agency warrant numbers issued between March 24, 2025 to March 30, 2025.

Staff Recommendation: Approval (Finance Department: Christina Holmes, Director of Finance)

3. APPROVAL OF MINUTES: None

4. WAIVER OF READING OF ORDINANCES AND RESOLUTIONS

5. A RESOLUTION IN SUPPORT OF AN APPLICATION BY THE DEVELOPERS OF THE ROSEGATE PROJECT FOR TAX-EXEMPT BOND FUNDING OF DEVELOPMENT IMPACT FEES VIA THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY'S BOND OPPORTUNITIES FOR LAND DEVELOPMENT PROGRAM

Request the City Council adopt Resolution No. 2025-29 in support of an application by the developer of the Rosegate Project for tax-exempt bond funding of development impact fees. The application will be submitted to the California Municipal Finance Authority's ("CMFA") for consideration of funding via the Bond Opportunities for Land Development ("BOLD") Program.

Recommendation: Approval (Development Services Department: Christopher W. McKinney, Deputy City Manager/Interim Director of Development Services)

Presenter: Christopher W. McKinney, Deputy City Manager/Interim Director of Development Services

a) Resolution No. 2025-29

6. FINAL MAP UNDER CONSIDERATION FOR APPROVAL

Request the City Council receive and file notice that a Final Map for Tract PL22-0134 at the northwest corner of North Ash Street and Lehner Avenue, APN 224-130-10-00, has been filed for approval.

Staff Recommendation: Receive and File (Development Services Department: Christopher McKinney, Deputy City Manager/Interim Director of Development Services, and Jonathan Schauble, City Engineer)

Presenter: Jason Christman, Engineering Manager

7. PLANNING COMMISSION VACANCY DECLARATION

Request the City Council consider the recommendation of the Mayor to declare a vacancy on the Escondido Planning Commission by concluding the term of Commissioner David Barber on April 9, 2025.

Staff Recommendation: None (City Clerk's Office: Zack Beck, City Clerk)

Presenters: Zack Beck, City Clerk, and Dane White, Mayor



CITY of ESCONDIDO

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WEDNESDAY, APRIL 09, 2025

PUBLIC HEARINGS

8. 2024 OMNIBUS ZONING CODE UPDATE- PL24-0258

Request the City Council adopt Ordinance No. 2025-01 approving amendments to various articles in the Escondido Zoning Code and one amendment to the Escondido Subdivision Ordinance to address changes in state laws, correct errors, and clarify or improve existing regulations.

Staff Recommendation: Approval (Development Services Department: Christopher W. McKinney, Deputy City Manager/Interim Director of Development Services)

Presenter: Pricila Roldan, Associate Planner

a) Ordinance No. 2025-01 (First Reading and Introduction)

CURRENT BUSINESS

9. LETTER IN SUPPORT OF STATE OF CALIFORNIA FUNDING FOR PROPOSITION 36

Request the City Council review and approve the attached letter to Governor Gavin Newsom requesting dedicated funding for the full implementation of Proposition 36 in the 2025-26 State Budget.

Staff Recommendation: Approval (City Clerk's Office: Zack Beck, City Clerk)

Presenter: Zack Beck, City Clerk

10. RECONSIDERATION OF COMMUNITY REQUEST – FUNDING FOR INDIGENOUS CULTURE AND ART FESTIVAL

Staff recommends that the City Council (1) vote on the request of Councilmember Fitzgerald to reconsider Council Agenda Item No. 11 on the April 2, 2025 agenda (Community Request – Funding Request for the Indigenous Culture and Art Festival); and (2) affirm the City Manager's execution of the Professional Services Agreement with the San Pasqual Band of Luiseno Indians based on existing contracting authority.

Staff Recommendation: Approval (City Clerk's Office: Zack Beck, City Clerk)

Presenter: Zack Beck, City Clerk



CITY of ESCONDIDO

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WEDNESDAY, APRIL 09, 2025

FUTURE AGENDA

11. FUTURE AGENDA

The purpose of this item is to identify issues presently known to staff or which members of the City Council wish to place on an upcoming City Council agenda. Council comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed.

Staff Recommendation: None (City Clerk's Office: Zack Beck)

COUNCILMEMBERS SUBCOMMITTEE REPORTS AND OTHER REPORTS

CITY MANAGER'S REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety, and Community Development.

ORAL COMMUNICATIONS

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ADJOURNMENT

UPCOMING MEETING SCHEDULE

Wednesday, April 16, 2025	4:00 & 5:00 PM	Closed Session, Regular Meeting, <i>Council Chambers</i>
Wednesday, May 07, 2025	4:00 & 5:00 PM	Closed Session, Regular Meeting, <i>Council Chambers</i>

SUCCESSOR AGENCY

Members of the Escondido City Council also sit as the Successor Agency to the Community Development Commission, Escondido Joint Powers Financing Authority, and the Mobilehome Rent Review Board.



A F F I D A V I T S

O F

I T E M

P O S T I N G –

- 2024 OMNIBUS ZONING CODE
AMENDMENT- PL24-0258



**CITY OF ESCONDIDO
OFFICE OF THE CITY CLERK
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
760-839-4617**

NOTICE OF PUBLIC HEARING

The Escondido City Council will hold a public hearing, in the City Council Chambers, Escondido City Hall, 201 N. Broadway, Escondido, CA at **5 p.m. on Wednesday, April 9, 2025**, to consider the item below:

2024 OMNIBUS ZONING CODE AMENDMENT- PL24-0258:

REQUEST: 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 32, Article 2 (Tentative Maps) and to Chapter 33, Articles 1 (General Provisions and Definitions), 6 (Residential Zones), 16 (Commercial Zones), 26 (Industrial Zones), 30 (Hazardous Chemical Overlay (H-C-O) Zone), 37 (Public Art), 39 (Off-Street Parking), 57 (Miscellaneous Use Restrictions), 61 (Administration and Enforcement), 65 (Old Escondido Neighborhood), 66 (Sign Ordinance), 67 (Density Bonus and Residential Incentives).

PROPERTY SIZE AND LOCATION: CityWide

ENVIRONMENTAL STATUS: The proposed code amendments are statutorily exempt pursuant to Public Resources Code section 21080.17 and California Environmental Quality Act (CEQA) Guidelines section 15282(h) and/or 15378(b)(5) as they do not qualify as a "project" under CEQA.

If you challenge this item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

PLANNING COMMISSION AND PREVIOUS ACTIONS: On January 14, 2025, the Planning Commission voted 4-0 recommending approval of the 2024 Omnibus Zoning Code Text Amendment. The item was scheduled as a public hearing at the February 19, 2025 City Council meeting, and was tabled to a future City Council meeting date.

PUBLIC COMMENT: To submit comments in writing, please do so at the following link: <https://escondido-ca.municodemeetings.com/bc-citycouncil/webform/public-comment>. All comments received from the public will be made a part of the record of the meeting.

The City of Escondido remains committed to complying with the Americans with Disabilities Act (ADA). Qualified individuals with disabilities who wish to participate in City programs, services, or activities and who need accommodations are invited to present their requests to the City by filing out a Request for Accommodations Form or an Inclusion Support Request Form for Minors, or by calling 760-839-4643, preferably at least 72 hours in advance of the event or activity. Forms can be found on the City's website at: <https://escondido.gov/820/Americans-with-Disabilities-Act>.

The staff report will be available at the Escondido Planning Division, 201 N. Broadway, Escondido, CA 92025; and on the City's website at <https://escondido-ca.municodemeetings.com/> after **Thursday, April 3, 2025**.

For additional information, please contact Pricila Roldan, Associate Planner, at (760) 839-4546, or via email at Pricila.Roldan@Escondido.gov, and refer to Case No. PL24-0258.

DocuSigned by:

Zack Beck

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Zack Beck, City Clerk
City of Escondido

Dated: March 27, 2025

Published in THE ESCONDIDO TIMES-ADVOCATE: 3/27/25



STAFF REPORT

April 09, 2025
File Number 0400-40

SUBJECT**APPROVAL OF WARRANT REGISTER****DEPARTMENT**

Finance

RECOMMENDATION

Approval for City Council and Housing Successor Agency warrants issued between March 24, 2025 to March 30, 2025

Staff Recommendation: Approval (Finance Department: Christina Holmes)

ESSENTIAL SERVICE – Internal requirement per Municipal Code Section 10

COUNCIL PRIORITY –

FISCAL ANALYSIS

The total amount of the warrants for the following periods are as follows:

Dates	03/24/2025 to 03/30/2025
Total	\$2,301,053.97
Number of Warrants	733

BACKGROUND

The Escondido Municipal Code Section 10-49 states that warrants or checks may be issued and paid prior to audit by the City Council, provided the warrants or checks are certified and approved by the Director of Finance as conforming to the current budget. These warrants or checks must then be ratified and approved by the City Council at the next regular Council meeting.



Consent Item No. 3

April 9, 2025

APPROVAL

OF

MINUTES



STAFF REPORT

ITEM NO. 4

SUBJECT

WAIVER OF READING OF ORDINANCES AND RESOLUTIONS –

ANALYSIS

The City Council/RRB has adopted a policy that is sufficient to read the title of ordinances at the time of introduction and adoption, and that reading of the full text of ordinances and the full text and title of resolutions may be waived.

Approval of this consent calendar item allows the City Council/RRB to waive the reading of the full text and title of all resolutions agendaized in the Consent Calendar, as well as the full text of all ordinances agendaized in either the Introduction and Adoption of Ordinances or General Items sections. **This particular consent calendar item requires unanimous approval of the City Council/RRB.**

Upon approval of this item as part of the Consent Calendar, all resolutions included in the motion and second to approve the Consent Calendar shall be approved. Those resolutions removed from the Consent Calendar and considered under separate action may also be approved without the reading of the full text and title of the resolutions.

Also, upon the approval of this item, the Mayor will read the titles of all ordinances included in the Introduction and Adoption of Ordinances section. After reading of the ordinance titles, the City Council/RRB may introduce and/or adopt all the ordinances in one motion and second.

RECOMMENDATION

Staff recommends that the City Council/RRB approve the waiving of reading of the text of all ordinances and the text and title of all resolutions included in this agenda. Unanimous approval of the City Council/RRB is required.

Respectfully Submitted,

Zack Beck
City Clerk



STAFF REPORT

April 9, 2025
File Number 0440-20

SUBJECT

A RESOLUTION IN SUPPORT OF AN APPLICATION BY THE DEVELOPERS OF THE ROSEGATE PROJECT FOR TAX-EXEMPT BOND FUNDING OF DEVELOPMENT IMPACT FEES VIA THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY'S BOND OPPORTUNITIES FOR LAND DEVELOPMENT PROGRAM

DEPARTMENT

Development Services

RECOMMENDATION

Request the City Council adopt Resolution No. 2025-29 in support of an application by the developer of the Rosegate Project for tax-exempt bond funding of development impact fees. The application will be submitted to the California Municipal Finance Authority's ("CMFA") for consideration of funding via the Bond Opportunities for Land Development ("BOLD") Program.

Recommendation: Approval (Development Services Department: Christopher W. McKinney, Deputy City Manager/Interim Director of Development Services)

Presenter: Christopher W. McKinney, Deputy City Manager/Interim Director of Development Services

FISCAL ANALYSIS

There is no direct expenditure of funds by the City. All costs related to the formation, issue of bonds, and ongoing administration for any Community Facilities District ("CFD") formed by the BOLD program as a result of the application is the responsibility of CMFA. If bond funds are issued to fund facilities projects in the City, Finance Department staff will be responsible for monitoring the timely and appropriate expenditure of the project funds. Staff and processes are already in place to monitor other sources of bond financing (e.g., Water and Wastewater bond funding), so the additional monitoring is not anticipated to additionally burden staff. All future City project costs, including project management cost, would be funded through the bond proceeds. The bonds themselves would be repaid through property assessments on future homeowners.

The table on the following page shows the funding that the developer is planning to submit to the CMFA BOLD Program to cover development impact fees of the Rosegate Project. If tax-exempt bonds are sold to fund the project's impact fees, the City will have 3 years to identify specific projects within the City and expense the funds. These levels of funding – both the amounts in each category and the total amount – are not final and are pending CMFA's processing of the developer's application.



CITY of ESCONDIDO

STAFF REPORT

Exhibit 2
KB Home
Rosegate
Proposed CMFA BOLD CFD (City of Escondido)
Preliminary Facilities List

	<u>Per Unit</u>	<u>No. Units</u>	<u>Total</u>
Attached Residential Project			
City of Escondido Impact Fees [1]			
Local Traffic Fee	2,095	42	88,006
Regional Traffic Fee	2,875	42	120,753
Public Facilities Fee	4,970	42	208,740
Park Fee (Multi-Family)	6,664	42	279,878
Drainage Fee (Multi-Family)	469	42	19,707
Water Connection Fee	3,510	42	147,420
Wastewater Connection Fee (3 or more bedrooms)	7,500	21	157,500
Wastewater Connection Fee (less than 3 bedrooms)	5,625	21	118,125
Total City of Escondido Fees:	\$ 27,146		\$ 1,140,128

Footnotes:

[1] Represents the proposed CMFA BOLD CFD eligible impact fees and water/sewer fees per the authorizing resolution for the City of Escondido. The City is currently in the process of updating its Fee Schedule, however the City has not indicated a timeline to approve and adopt any fee increases at this time. Reflect the current City of Escondido Fee Schedule as of 9/15/24.

PREVIOUS ACTION

On November 15, 2023, the City Council held a Public Hearing and adopted Resolution No. 2023-155 authorizing City participation in the California Municipal Finance Authority's ("CMFA") Bond Opportunities for Land Development ("BOLD") Program.

On January 10, 2024, the City Council adopted Resolution No. 2024-09 supporting an application by the developer of the Nutmeg Condominium Project for tax-exempt bond funding of development impact fees.

On April 2, 2025, the City Council adopted Resolution No. 2025-07 supporting an application by the developer of the Tesoro Square Project for tax-exempt bond funding of development impact fees.



CITY of ESCONDIDO

STAFF REPORT

BACKGROUND

Rosegate Project

The Rosegate Project is a residential project totaling 42 units. This project is located at 2608 S Escondido Blvd.

BOLD Program

CMFA instituted the BOLD program to aid municipalities in their mission to provide infrastructure and other public facilities, such as schools. The BOLD Program offers a means to finance new or continuing construction of infrastructure and public facilities through bonds. These bonds are issued by CMFA as an alternative to issuance of land-secured bonds directly by the City. The BOLD Program is designed to help local governments, including cities and schools, and land developers throughout the State to work together to cost effectively finance public infrastructure projects and development fees.

Under the BOLD Program, bonds are issued by a community facilities district ("CFD") formed by CMFA under the Mello-Roos Community Facilities Act of 1982 (California Government Code Section 53311 et seq.) ("Act"). The Act offers great financing flexibility and is commonly used by cities, schools and other local agencies throughout the State to generate funds for the payment of public facilities, including development fees for facilities.

The BOLD Program is managed by CMFA through a team of bond industry professionals with experience in CFDs in the State. According to CMFA, all bond industry professionals engaged by CMFA have expertise in CFD bond issues. Presently, the BOLD Program uses Jones Hall for bond counsel, Koppel & Gruber for special tax consulting services, and Piper Sandler & Co. for underwriting services. The City, at its option, may use a municipal advisor of its choosing to review future BOLD Program applications and/or other program documents, with all related costs payable from bond proceeds.

STAFF RECOMMENDATION

Staff recommends adoption of Resolution No. 2025-29 supporting an application by the developer of the Rosegate Project for tax-exempt bond funding of development impact fees via the CMFA BOLD Program.

RESOLUTIONS

- a) Resolution No. 2025-29

RESOLUTION NO. 2025-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, IN SUPPORT OF AN APPLICATION BY THE DEVELOPERS OF THE NUTMEG CONDOMINIUM PROJECTS FOR TAX-EXEMPT BOND FUNDING OF DEVELOPMENT IMPACT FEES VIA THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY'S BOND OPPORTUNITIES FOR LAND DEVELOPMENT PROGRAM

WHEREAS, the California Municipal Finance Authority (the "CMFA") is a joint exercise of powers authority, the members of which include numerous cities, counties and other local agencies in the State of California (the "State"); and

WHEREAS, the City of Escondido (the "City") is currently a member of CMFA in good standing; and

WHEREAS, the City Council authorized, via adoption of Resolution No. 2023-155, the City's participation in the CMFA's Bond Opportunities for Land Development Program (the "BOLD Program"), which allows the financing of certain public facilities and/or certain development impact fees through the levy of special taxes under the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"); and

WHEREAS, the property owner and developer of the Rosegate Project wish to apply to CMFA for tax-exempt bond financing for certain development fees via the BOLD Program; and

WHEREAS, the City finds that the BOLD program offered by the CMFA can provide significant public benefits, and in conformance with Government Code Section 6586.5 relating to the issuance of bonds by a joint powers authority of which the City is a member.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. The City of Escondido supports an application by the developers of the Rosegate Project for tax-exempt bond funding of development impact fees via the CMFA's BOLD Program.

2. The City's responsibilities during the application submission, application review, potential issue of bonds, and future expenditure of bond funds are those described in Resolution No. 2023-155, which approved the City's participation in the BOLD Program.



STAFF REPORT

April 9, 2025
File Number 0800-10

SUBJECT

FINAL MAP UNDER CONSIDERATION FOR APPROVAL

DEPARTMENT

Development Services Department

RECOMMENDATION

Request the City Council receive and file notice that a Final Map for Tract PL22-0134 at the northwest corner of North Ash Street and Lehner Avenue, APN 224-130-10-00, has been filed for approval.

Staff Recommendation: Receive and File (Development Services Department: Christopher McKinney, Deputy City Manager/Interim Director of Development Services, and Jonathan Schauble, City Engineer)

Presenter: Jason Christman, Engineering Manager

ESSENTIAL SERVICE – Yes, Land Use/Development

COUNCIL PRIORITY – Encourage Housing Development

FISCAL ANALYSIS

None

PREVIOUS ACTION

None

BACKGROUND

Pursuant to Escondido Municipal Code (EMC) § 32.303.03, adopted in Ordinance No. 2022-02, upon the City Engineer's receipt of a Final Map, he must fully examine its conformity with the approved Tentative Map, and approved alterations thereto; its technical correctness; and, its lawfulness under the EMC. Further, the City Engineer shall notify the City Council at its next regular meeting that a Final Map is being reviewed for final approval and the City Clerk shall provide notice of any pending approval or disapproval, which notice must be attached and posted with the City Council's regular agenda and mailed to interested parties. Thereafter, pursuant to the EMC, within 10 days following the City Council meeting, the City Engineer must approve the Final Map if it conforms to all requirements of the EMC applicable at the time of approval and all requirements of the Map Act. EMC § 32.303.03.A(1)-(3).



CITY *of* ESCONDIDO

STAFF REPORT

The following Final Map is under consideration for approval by the City Engineer in accordance with Ordinance No. 2022-02:

Tract PL22-0134 at the Northwest corner of North Ash Street and Lehner Avenue, APN 224-130-10-00:
A 20 Lot Single Family Residential Subdivision.



STAFF REPORT

April 9, 2025
File Number 0120-10

SUBJECT

PLANNING COMMISSION VACANCY DECLARATION

DEPARTMENT

City Clerk's Office

RECOMMENDATION

It is requested that the City Council consider the recommendation of the Mayor to declare a vacancy on the Escondido Planning Commission by concluding the term of Commissioner David Barber on April 9, 2025.

Staff Recommendation: None

Presenters: Zack Beck, City Clerk, and Dane White, Mayor

ESSENTIAL SERVICE – Yes, Land Use/Development

COUNCIL PRIORITY – Encourage Housing Development

FISCAL ANALYSIS

None

PREVIOUS ACTION

None

BACKGROUND

Commissioner David Barber has served as a member of the Escondido Planning Commission with dedication. Throughout his tenure, Commissioner Barber has contributed to the important work of the Commission, including consideration of a variety of land use and planning matters. The City Council and staff thank Commissioner Barber for his service and the contributions he has made to the community.

Upon consideration of the factors discussed recently by the City Council in charting the future of the City, Mayor Dane White seeks the support of the City Council in his recommendation that the Planning Commission membership change, which involves the removal of Commissioner Barber from the Commission. The Escondido Municipal Code provides that members of the Planning Commission serve at



CITY *of* ESCONDIDO

STAFF REPORT

the pleasure of the City Council and may be removed with or without cause by a majority vote of the Council. If the recommendation is accepted by a majority vote, the City Council is acting in accordance with this authority in this matter.

Commissioner Barber's term on the Planning Commission was set to expire on March 31, 2026. If removed from the Commission, this term will remain vacant until a new commissioner is appointed. The City Clerk's office will initiate the process of accepting applications for candidates who wish to fill the remainder of Commissioner Barber's term, which runs through March 31, 2026.

The application period for interested candidates will be open until April 30, 2025. The City Clerk's office will work with the public to ensure broad participation in this process and encourage a diverse pool of candidates.

Interviews for potential Planning Commission candidates will be scheduled for May 14, 2025. In order to consolidate all Board and Commission interviews into one efficient meeting, the previously scheduled interviews for other City Boards and Commissions, which were set to take place on April 16, 2025, will be rescheduled to the May 14, 2025 meeting. This will allow the City Council to conduct all interviews in a single session, streamlining the process and maximizing efficiency.

Should the City Council approve the mayor's recommendation, the City Clerk will begin the application process and move forward with the scheduling of interviews as outlined.



STAFF REPORT

April 9, 2025
File Number 0800-40

SUBJECT

2024 OMNIBUS ZONING CODE UPDATE- PL24-0258

DEPARTMENT

Development Services

RECOMMENDATION

Request the City Council adopt Ordinance No. 2025-01 approving amendments to various articles in the Escondido Zoning Code and one amendment to the Escondido Subdivision Ordinance to address changes in state laws, correct errors, and clarify or improve existing regulations.

Staff Recommendation: Approval (Development Services, Christopher W. McKinney, Deputy City Manager)

Presenter: Pricila Roldan, Associate planner

ESSENTIAL SERVICE – Yes, Keep City Clean for Public Health and Safety; Land Use/Development

COUNCIL PRIORITY– Increase Retention and Attraction of People and Businesses to Escondido; Encourage Housing Development

FISCAL ANALYSIS

This project has no direct fiscal impact to the City budget.

PREVIOUS ACTION

On January 14, 2025, the Planning Commission voted 4-0 to recommend approval of the project to City Council, with a modification to fix a typographical error. The item was scheduled as a public hearing at the February 19, 2025 City Council meeting, however, further analysis on the proposed text amendments for Chapter 33, Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units) were necessary. As part of the April 9, 2025 hearing, staff would like the City Council to consider approval zoning code text amendments without amendments to Chapter 33, Article 70. Modifications to Article 70 will be proposed at a later time.



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BACKGROUND

It is important that municipalities periodically review and update their codes and regulations to ensure they stay current and up-to-date. In 2017, the City of Escondido initiated a reoccurring work program to annually review the Zoning Code and determine whether any updates are required. The City of Escondido's Planning Division is tasked with preparing and reviewing annual zoning text amendments and updates. Once a year, the Planning division provides a single batch of changes that clean-up and modify the zoning code, as well as any related changes to Chapter 32 (Subdivisions)—as needed; this effort is referred to as the annual Omnibus Zoning Code Update ("Omnibus").

The 2024 Omnibus includes amendments to Chapter 32 (Subdivisions) and Chapter 33 (Zoning) of the Escondido Municipal Code. As with past omnibus updates, a majority of the changes are minor and meant to provide clarifications around code requirements. More considerable updates are observed in Articles 37 (Public Art) and 67 (Density Bonus and Residential Incentives). Changes to Articles 37 and 67 seek to align ordinances with City adopted plans and State law. For example, changes to Article 37 align with the Public Art Strategic Plan adopted by the City Council on September 18, 2024 (Resolution No. 2024-118).

Table A, shown below, categorizes the proposed amendments by their primary function: clarification of existing regulations; grammatical error cleanup/consistency changes with State law; streamlining of existing processes. Additional information can be found within the January 14, 2025 Planning Commission Staff Report, provided under Attachment "1" of this Staff Report. For full details on the proposed text amendment, Attachment "2" provides a strikethrough and underlined version of the proposed changes (excerpted). The draft City Council Ordinance No. 2025-01 Exhibit "B" provides a clean copy of the changes and reflects how the ordinances would read if adopted by City Council.

During the January 14, 2025, Planning Commission meeting, commissioners requested additional information regarding the adopted Public Art Strategic Plan. As part of the Commission's action, the Commission included a modification to Chapter 32, Article 2's section reference which contained an error in reference number. The Commission's action corrected this error from 33-1318 to 33-1319(a)(7).

The 2024 Omnibus was initially scheduled as a public hearing item at the February 19, 2025 City Council meeting, however, a public comment received from the California Housing Defense Fund ("CalHDF") has prompted staff to re-evaluate amendments to Chapter 33, Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units). Staff would like to present the 2024 Omnibus without Article 70 text amendments. Text amendments for Article 70 will be proposed at a later time.



CITY of ESCONDIDO

STAFF REPORT

Table A – Categorization of Proposed Amendments

Clarification	Grammatical error/Consistency Changes	Streamlined Process
<ul style="list-style-type: none"> Article 2 (Tentative Maps) * Article 1 (General Provisions and Definitions) Article 39 (Off-Street Parking) 	<ul style="list-style-type: none"> Article 6 (Residential Zones) Article 16 (Commercial Zones) Article 26 (Industrial Zones) Article 30 (Hazardous Chemical Overlay (H-C-O) Zone) Article 37 (Public Art) Article 57 (Miscellaneous Restrictions) Article 65 (Old Escondido Neighborhood) Article 67 (Density Bonus and Residential Incentives) 	<ul style="list-style-type: none"> Article 1 (General Provisions and Definitions) Article 61 (Administration and Enforcement) Article 66 (Sign Ordinance)
*Chapter 32 – Escondido Subdivision Ordinance		

ENVIRONMENTAL REVIEW

There are a number of CEQA exemptions that are applicable to the 2024 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. Other amendments are statutorily exempt under CEQA pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h).

PUBLIC NOTICING

The 2024 Omnibus was noticed in accordance with Article 61, Division 6 of the Escondido Zoning Code, and in compliance with State law. Due to the nature of an Omnibus, staff did not conduct specific project-related outreach. As of the time the Staff Report was prepared, no public correspondence has been received.

CONCLUSION AND RECOMMENDATION

Planning staff recommend the City Council adopt Ordinance No. 2025-01 approving the 2024 Omnibus Zoning Code Update. Approval of these changes will improve and clarify planning processes and ensure compliance with state mandates. No other discretionary permits are requested or required.



CITY *of* ESCONDIDO

STAFF REPORT

ORDINANCES

- a) Ordinance No. 2025-01
- b) Ordinance No. 2025-01 Exhibits "A" – Factors to Be Considered/Findings of Fact
- c) Ordinance No. 2025-01 Exhibits "B" – Proposed Amendments

ATTACHMENTS

- a) Attachment "1"–January 14, 2025 Planning Commission Staff Report (excerpt)*
- b) Attachment "2"–Strikethrough/Underlined Version of Proposed Changes*

*Attachments include modifications to Chapter 33, Article 70 (Accessory Dwelling Unit and Junior Accessory Dwelling Units). Amendments to Article 70 are no longer considered as part of the 2024 Omnibus Zoning Code Update. Staff will provide updated revisions to Article 70 at a later time.

ORDINANCE NO. 2025-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ESCONDIDO, CALIFORNIA, APPROVING THE 2024
OMNIBUS ZONING CODE UPDATE THAT AMENDS
VARIOUS ARTICLES OF THE ESCONDIDO ZONING CODE
AND ONE AMENDMENT TO THE ESCONDIDO
SUBDIVISION ORDINANCE

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

SECTION 1. The City Council makes the following findings:

- a) The City of Escondido Planning Division conducts 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 have previously been overlooked.
- b) Planning Division staff identified the need to amend Chapter 32, Article 2 (Tentative Maps) and Chapter 33, Articles 1 (General Provisions and Definitions), 6 (Residential Zones), 16 (Commercial Zones), 26 (Industrial Zones), 30 (Hazardous Chemical Overlay (H-C-O) Zone), 37 (Public Art), 39 (Off-Street Parking), 57 (Miscellaneous Use Restrictions), 61 (Administration and Enforcement), 65 (Old Escondido Neighborhood), 66 (Sign Ordinance), and 67 (Density Bonus and Residential Incentives).
- c) The Planning Commission of the City of Escondido held a duly noticed public hearing on January 14, 2025, to consider the 2024 Omnibus Zoning Code Update amendments and recommended approval of the items as provided in Exhibit "B".

- d) On February 18, 2025, staff received a public comment from the California Housing Defense Fund (CalHDF) prompting the reanalysis of amendments to Chapter 33, Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units).
- e) In response to the February 18, 2025 CalHDF letter, the City Council continued the 2024 Omnibus item from the February 19, 2025 City Council meeting. City staff reviewed the CalHDF letter and removed the proposed Article 70 amendments from the 2024 Omnibus Zoning Code Update. The modified 2024 Omnibus changes are all those provided under Exhibit "B".

SECTION 2: Proper notices of a public hearing have been given and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 3. The City Council has reviewed and considered reports and recommendations of the Planning Commission and City staff, and gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter. Evidence was submitted to and considered by the City Council, including, without limitation:

- a. Oral testimony from City staff, interested parties, and the public;
- b. The City Council staff report, dated April 9, 2025, with its attachments as well as City staff's recommendation on the request, which is incorporated herein as though fully set forth herein;
- c. The Planning Commission's recommendation on the request; and
- d. Additional information submitted during the public hearing.

SECTION 4. Upon consideration of the Findings of Fact/Factors to be considered, attached hereto as Exhibit “A” and incorporated herein by reference as though fully set forth herein, the City Council desires at this time and deems it to be in the best public interest to approve said amendments, attached as Exhibit “B” hereto and incorporated herein by this reference as though fully set forth herein.

SECTION 5. ENVIRONMENTAL REVIEW. The proposed Zoning Code Amendments and one Subdivision Ordinance amendment are statutorily exempt from further review pursuant to the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines or are not considered a Project under CEQA. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Diego in accordance with CEQA Guidelines, as follows:

- a. A number of the amendments are not considered to be a Project under CEQA, as defined in section 15378(b)(5), specifically amendments that relate to error correction, formatting changes, and general reference cleans up, and for those amendments no further environmental review is required. Changes in Chapter 32: Article 2 (Tentative Maps), and Chapter 33: Article 1 (General Provisions and Definitions), Article 6 (Residential Zones): Change 1 and 2, Article 16 (Commercial Zones), Article 26 (Industrial Zones), Article 30 (Hazardous Chemical Overlay (H-C-O) Zone), Article 37 (Public Art), Article 39 (Off-Street Parking), Article 57 (Miscellaneous Restrictions), Article 61 (Administration and Enforcement), Article 65 (Old Escondido Neighborhood), Article 66 (Sign Ordinance) are error, general reference amendments, or administrative changes; and
- b. Changes in Chapter 33, Article 6 (Residential Zones) concerning two units in a single-family or multifamily residential zone, are statutorily exempt from CEQA pursuant to CEQA Guidelines section 15282(h).

SECTION 6. 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 7. As of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. 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.

EXHIBIT "A"

PLANNING CASE NOS. PL24-0258

FACTORS TO BE CONSIDERED / FINDINGS OF FACT

Environmental Determinations:

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) ("CEQA"), and its implementing regulations (14 C.C.R. § 15000 et seq.) ("CEQA Guidelines"), the City of Escondido ("City") is the Lead Agency for the project ("Project"), as the public agency with the principal responsibility for approving the Project.
1. The Project qualifies for the following exemptions which have been determined to not have a significant effect on the environment, and are declared statutorily exempt from the requirement for the preparation of environmental documents. The proposed Project is statutorily exempt or not a project pursuant to CEQA Guidelines Section 15282(h) (OTHER STATUTORY EXEMPTIONS) and/or 15378(b)(5) (PROJECT), in that the proposed project consists of a series of requests to update the Zoning Code so it complies with state-mandated changes, addresses errors or inconsistencies, and provides any clarification needed. A majority of Zoning Code text amendments entail administrative changes that will not result in direct or indirect physical changes in the environment and are therefore "not a project" under CEQA. Other changes are statutory exempt, as specified in the Staff Report.
2. The Planning Commission has independently considered the full administrative record before it, which includes but is not limited to the January 14, 2025, Staff Report; testimony by staff and the public; and other materials and evidence submitted or provide to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

Zoning Code Amendment Determinations (PL24-0258)

Section 33-1263 of Article 61 (Administration and Enforcement), Division 4 (Amendments and Zone Changes)

1. *That the public health, safety and welfare will not be adversely affected by the proposed change*
 - The proposed batch of Zoning Code amendments 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 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;

- 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 are the result of such review.

2. *That the property involved is suitable for the uses permitted by the proposed Zoning Code amendments*

- There is not a project-specific site proposed for the Project. The proposed Zoning Code amendments 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. *The proposed Zoning Code amendments would not be detrimental to surrounding properties*

- A majority of the Zoning Code amendments correct internal inconsistencies, improve readability, update references to other code sections or regulatory documents; however, this year, there are two Zoning Code amendments that affect land uses. Both amendments can be found within the land use table in Article 16 (Commercial Zones). The first amendment is prompted by Assembly Bill ("AB") 2085 which calls for the ministerial approval of a community clinic that provides reproductive health services in a zone where office, retail, parking, or health care are a permitted use. As a result, Zoning Code amendments would allow community clinics for reproductive health to be permitted 'by right' in the zones described above. Community Clinics function similar to an office or retail space by having similar operating hours, influx of customers, and needs for public services. The similarities between clinics and already permitted uses like office and other health clinics suggest that amendments in relation to AB 2085 would not be detrimental to surrounding properties. The second amendment is prompted by AB 2632 which requires equal treatment between thrift stores and their non-thrift retail counterpart. AB 2632 calls for the equal treatment between and one use and another, in this case, thrift stores and their non-thrift retail counterpart. Thrift stores, like other retail stores, function comparably by having similar operating hours, customer demand, and infrastructure needs. Under the proposed amendments the City would permit thrift-stores in land uses where their identical non-thrift counterpart is also permitted or conditionally permitted. For example, if a retail store is conditionally permitted in a zone, their thrift counterpart would also be conditionally permitted. Because both stores function analogously, it can be reasonably believed that surrounding properties would not be detrimentally affected by proposed changes.

4. *That the proposed Zoning Code amendments are consistent with the adopted general*

- 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 to Chapter 33, Articles 1 (General Provisions and Definitions), 6 (Residential Zones), 16 (Commercial Zones), 26 (Industrial Zones), 30 (Hazardous Chemical Overlay (H-C-O) Zone), 37 (Public Art), 39 (Off-Street Parking), 57 (Miscellaneous Use Restrictions), 61 (Administration and Enforcement), 65 (Old Escondido Neighborhood), 66 (Sign Ordinance), and 67 (Density Bonus and Residential Incentives) are nominal in nature and/or are a requirement of state law, and;
 - The proposed Zoning Code amendments 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.
5. *That the proposed change of zone does not establish a residential density below 70% of the maximum permitted density of any lot or parcel of land previously zoned R-3, R-4, or R-5 unless the exceptions regarding dwelling unit density can be made pursuant to the provisions set forth in Article 6;*
- The Project does not entail any changes to the zoning designations of any parcel or land within the City. The proposed Zoning Code amendments 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.
6. *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.

Chapter 32

Modify Section 32.210.02(B) by adding the following after the word 'Director': ", as defined in Chapter 33, Article 61, Division 9, Section 33-1319(7),".

ARTICLE 2 TENTATIVE MAPS

Sec. 32.210.02 Extension of Time

- A. Extensions of time for an approved or conditionally approved Tentative Map will be considered upon submittal of a written request, justification statement, and all required fees to the Planning Division prior to and within four months of the expiration date of the Tentative Map.
- 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, as defined in Chapter 33, Article 61, Division 9, Section 33-1319(7), for subdivisions of four lots or fewer, for a period or periods not exceeding a total of six years. A public hearing and/or public notice may be required if the Director of Development Services determines that it is warranted.
- C. If an extension of time is approved, an applicant must comply with the provisions of Chapter 3, Article 2 of the Map Act and all provisions and findings of this ordinance applicable to the initial filing of Tentative Maps pursuant to Article 2 of this chapter. In order to assure this compliance, the conditions of initial approval of the Tentative Map may be modified or deleted and new conditions may be added when the extension of time is approved.

Chapter 33

Remove only the definition for "Bargain basement store" and replace with the below definition of "Bargain basement store" in Section 33-8.

Add new section 33-17 as written below to Article 1. Section 33-17 is to be placed at the end of Article 1, in numeric order following existing section 33-16.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

Sec. 33- 8 Definitions

"Bargain basement store" means any for-profit or non-profit store including any establishment, operation, or enterprise with one or more of the following characteristics: (1) a majority of the store's merchandise is offered for sale at a price lower than those prices typically charged for comparable new goods in non-bargain basement retail establishments (i.e., other "General Retail" uses); (2) merchandise priced lower than merchandise typically charged for comparable new goods in non-bargain basement retail establishments occupies at least one-half of the store's floor area which is devoted to retail sales; (3) used and/or liquidation items represent a majority of the merchandise offered for sale in the store; or (4) used and/or liquidation merchandise occupies at least one-half of the floor area in the store devoted to retail sales; (5) there is a gamification component to the sale of merchandise. Used merchandise herein is defined as all forms of used items including, without limitation, items that were formerly used but have been repaired, refurbished, and /or repackaged. Liquidation merchandise herein is defined as items that are or have been overstocked by a manufacturer or other commerce/retailer, returned by customers, refurbished, or sold during a store permanently closing. Gamification component herein is defined as any operational component that applies typical elements of game playing (e.g. competition, point scoring, rules of play, etc.) The bargain basement store definition excludes: (1) bona fide antique stores; (2) thrift stores, second-hand dealers, and pawn shops; (3) stores which primarily engage in the sale of used books, periodicals, videos, or DVDs; (4) stores specializing in the sale of highly collectible items such as used coins, stamps, baseball cards, and other similar collectibles; and (5) a store where the majority of the items sold, measured by receipts or number of items sold, consist of food and/or beverage items.

Section 33-17. Processing of Concurrent Applications for Permits, and Hearings

- A. For purposes of this section, "permit" means any permit, entitlement or approval required pursuant to Chapter 33 or Article 2 of Chapter 32, or pursuant to any applicable master, specific, or planned development.
- B. Permits or procedures that require discretionary approval may be processed concurrently as long as:

- i. there is a reasonable overlap;
 - ii. consolidation would be more efficient and cost-effective.
- C. Concurrent processing of applications for permits shall be reviewed by the decision-making body associated with the highest-level action among the applications to be considered.
- D. Appeals shall be subject to the process outlined in Division 6 of Article 61 of this Chapter.

Modify Table 33-94 to include a new row after 'Uses of structures permitted or conditionally permitted by this zone and involving hazardous materials (pursuant to section 33-666 of Article 30)' that states: "Short-Term Rentals pursuant to Ch. 16, Article 8" and include the denotation of "P³" to every cell in said row, with exception of the cell under 'R-T'.

Add new note "3" following Table 33-94 to state: "3 = Subject to requirements and permitting under Chapter 16, Article 8."

Strike from Section 33-115(c)(2) the language "or the physical environment" following the words 'public health and safety'.

Strike from Section 33-115(g) subsection (1) and renumber subsections (2), (3), (4), (5), and (6) to read as "(1)", "(2)", "(3)", "(4)", and "(5)", respectively.

Modify Section 33-116 to include the following language after the word 'located': "and development standards are related to the design or improvements of a parcel".

ARTICLE 6 RESIDENTIAL ZONES

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
Miscellaneous								
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
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
Short-Term Rentals pursuant to Ch. 16, Article 8	P ³	P ³	P ³		P ³	P ³	P ³	P ³

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 70% 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 33-115 and 33-116.

3 = Subject to requirements and permitting under Chapter 16, Article 8.

Sec. 33-115 two- family dwellings in a single-family residential zones and specific plans

(c) Permit Required. Two-family dwellings shall require processing of a major plot plan application as described in division 8 of article 61 of this chapter.

- (1) The director of development services or their designee (director) shall review complete applications for compliance with the requirements of this section and the underlying development standards in the zoning district or specific plan in which it is located, and any other applicable objective development standards stated in the municipal code. Notwithstanding language in any specific plan to the contrary, provisions of this section shall supersede where any conflict exists. The director shall ministerially approve complete applications found to be in compliance with these standards.
- (2) The director may deny a complete application if it fails to comply with the requirements of this section, the underlying development standards in the zoning district or specific plan in which it is located, and any other applicable objective development standards stated in the municipal code. In addition to the foregoing, the director may deny an application if such denial is based upon a preponderance of evidence and the written finding of the building official that the proposed two-family dwelling project would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Notwithstanding the foregoing, an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards.

(g) Additional Requirements.

- (1) Any unit created pursuant to this section shall, if rented, be rented for a term longer than 30 days.
- (2) A deed restriction prepared by the city shall be recorded against the subject property prior to issuance of any building permit(s) for a two-family dwelling. The deed restriction shall run with the land and shall stipulate compliance with the applicable provisions of this section.
- (3) New dwelling units constructed as part of a two-family dwelling shall meet the requirements of the California Building, Residential, and Fire codes, as such codes have been adopted and amended by Chapters 6 and 11 of the Escondido Municipal Code.
- (4) Both units in a two-family dwelling project shall utilize the same colors and materials. This requirement applies whether both units are constructed at the same time or if one unit is added to a property that is currently developed with an existing unit.
- (5) Solar panels shall be required on newly constructed units within a two-family dwelling project in compliance with the California Energy Code.

Sec. 33-116 Urban lot split

Consistency changes to comply with SB 450: Housing development: approvals, which removed certain language to facilitate housing production

- (f) Development Standards. Parcels shall be subject to all development standards of the zone in which the property is located and development standards are related to the design or improvements of a parcel, except as modified below:

Strike from the Permitted and Conditionally Permitted Principal Uses table in Section 33-332 the 'C' in the Thrift Shop row and replace with "2". Add "2" in each subsequent cell in the Thrift Shop row under columns 'CN' and 'CP'.

*Add a new row to the Permitted and Conditionally Permitted Principal Uses table in Section 33-332 under 'Medical clinics and blood banks' that states: "Health community clinics**" and add "P" to each subsequent cell under columns 'CG', 'CN', and 'CP'.*

Add a new note under the Permitted and Conditionally Permitted Principal Uses table in Section 33-332, in between existing notes '' and '1', that states: "*** = Community clinics licensed pursuant to Section 1204 of the California Health and Safety Code that provide reproductive health services as defined in subdivision (f) of Section 423.1 of the California Penal Code shall be ministerially approved within 60 days and exempted from CEQA as per Section 65914.900 of the California Government Code."*

Add a new note under the Permitted and Conditionally Permitted Principal Uses table in Section 33-332, in between existing notes '1' and 'P' that states: "2 Thrift stores shall be permitted or conditionally permitted in the same manner as the "general retail" use type for which the thrift store use parallels."

ARTICLE 16 COMMERCIAL ZONES

Sec. 33-332 Principal Uses

Table 33-332 PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES			
Use Title	CG	CN	CP
General retail			
Bargain basement store	C		
Drugstores with drive through* (subject to section 33-341)	C	C	C
Pharmacies with drive through* (subject to section 33-341)	C	C	C
Florists, gifts, cards, newspapers, and magazines with drive through* (subject to section 33-341)	C	C	C
General retail with drive through* (subject to section 33-341)	C	C	C
Tobacco product store			

Building materials and supplies including lumber, heating, plumbing, and electrical equipment, etc. (outdoor storage or sale subject to CUP)	P		
Drugstores	P	P	P
Pharmacies	P	P	P
Florists, gifts, cards, newspapers and magazines	P	P	P
Furniture, home and office furnishing and equipment, electrical appliances, and office machines and supplies	P		
General retail, NEC (as determined by the director, based on conformance with the purpose of the specific zone, interaction with customers, the appearance of the building, the general operating characteristics, and the type of vehicles and equipment associated with the use, and including incidental assembling of customized items)	P	P	
Hospital/medical equipment sales	P		P
Nurseries and garden supply stores	P	P	
Outdoor retail, NEC (as a principal use)	C#		
Sporting goods (includes ammunition and firearms, fishing, hunting, golf, playground equipment, etc.)	P		
Temporary seasonal sales such as Christmas tree and wreath sales, pumpkin sales, etc., on vacant lots subject to a temporary use permit* (Article 73)	P	P	P
Used Merchandise			
Consignment shop* (subject to Chapter 15 and Article 57)	C		
Pawn shop* (subject to Chapter 15 and Article 57)			
Secondhand store* (subject to Chapter 15 and Article 57)	C		
Thrift shop* (subject to Chapter 15 and Article 57)	2	2	2
Medical, dental and related health services			

Hospitals, excluding small medical clinics	C		C
Massage establishments* (Article 38)	P/C		
Medical, dental and optical laboratories	P		P
Medical clinics and blood banks	P		P
Health community clinics**	P	P	P
Medical, dental, optical, and other health care offices	P	P	P
Other medical and health services NEC	P		P

Notes:

- * = Subject to special regulations—see Article in parentheses.
- ** = Community clinics licensed pursuant to Section 1204 of the California Health and Safety Code that provide reproductive health services as defined in subdivision (f) of Section 423.1 of the California Penal Code shall be ministerially approved within 60 days and exempted from CEQA as per Section 65914.900 of the California Government Code.
- 1 Single-room occupancy (SROs) units shall only be permitted as a result of conversion from existing hotel/motel uses in the CG zone subject to Article 63, section [33-1348](#).
- 2 Thrift stores shall be permitted or conditionally permitted in the same manner as the “general retail” use type for which the thrift store use parallels.
- P = Permitted use.
- C = Conditionally Permitted Use [subject to a Major Conditional Use Permit (CUP)] pursuant to section [33-1200](#) et seq.
- C# = Conditionally Permitted Use [subject to a Minor CUP] pursuant to section [33-1200](#) et seq.
- NEC = Not Elsewhere Categorized.

*Modify the Notes under Table 33-564 in section 33-564. Specifically, modify Note ‘***’ to remove the number ‘15’ and replace with the number “50”.*

ARTICLE 26 INDUSTRIAL ZONES

Sec. 33-564 Land uses

- (a) Principal Uses and Structures. The following Table 33-564 lists those uses which are permitted (P) or subject to a conditional use permit (C) in industrial districts. Major conditional use permits (C) and minor conditional use permits (C#) shall be processed pursuant to Article 61, Division 1 of this chapter.

Table 33-564 PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES

Notes:

- * = As determined by the director and the fire chief based on information provided by the business describing the quantity and nature of hazardous chemicals used.
- ** = Retail or support service components greater than the maximum 50% floor area/sales allowed by section 33-565 (Accessory uses and structures) is allowed only in M-1 and M-2 zones, subject to conditions in section 33-566—Specialized retail uses.
- *** = Only on sites immediately adjacent to the general commercial zone and within 500 feet of public transportation.
- **** = Only on sites within the emergency shelter overlay, Figure 33-661, and subject to the requirements of Article 27.
- ***** = Dog shelters generally means an establishment, especially one supported by charitable contributions, that provides a temporary home for dogs, cats and other animals that are offered for adoption.
- 1 = Pursuant to Article 33 of the zoning code (recycling facilities).
- 2 = Pursuant to section 33-576 of this article (animal boarding and daycare).
- 3 = Includes instruction. Pursuant to Chapter 17, Article 12 (noise abatement and control).
- P = Permitted use.
- C = Conditionally permitted use subject to issuance of a conditional use permit; either major (C) or minor (C#) (pursuant to Article 61, Division 1 of this chapter).

Strike subsection (b) from section 33-669.1 and modify existing subsections (c) and (d) to read as "(b)" and "(c)", respectively.

ARTICLE 30 HAZARDOUS CHEMICAL OVERLAY (H-C-O) ZONE

Removal of reference to an Area Plan that no longer exists

Sec. 33-669.1 Findings for approval of off-site hazardous waste projects in H-C-O zone

Prior to approval of an off-site hazardous waste management facility, all of the following findings shall be made:

- (a) The location and design of a facility will not create a significant threat to life and property due to fire, explosion, water contamination, spill, emissions or other hazards;
- (b) That the proposed facility in itself, or in combination with other similar facilities, does not substantially exceed the city's and county's "fair share" for the type of treatment which such a facility would provide;
- (c) That the facility does not result in an over-concentration of facilities in a particular geographic area.

Modify section 33-730 subsection (a) to strike and replace 'city' with "City" and strike and replace 'the arts' with "art" in the first sentence. Strike and replace 'city' with "City" in the last sentence of subsection (a).

Modify section 33-730 subsection (b) by striking 'public art partnership program' from the first sentence and replacing it with "Public Art Program". Strike 'city' and replace with "City". In the second sentence of subsection (b) strike 'program' and replace with "Program" and strike 'partnership' and replace with "collaboration".

Modify section 33-731 definition of 'Art in public places' by inserting after 'Art in public places' the following: "or 'Public Art'". Strike from this definition the word 'or' following the word 'glass' and add a comma after the word 'glass'. Insert after the word 'ceramics' the following: ", digital art, light art, tapestries, dance, or temporary installations."

Insert new definitions alphabetically to section 33-731 for "Annual Public Art Work Plan", "Art in lieu" or "in lieu fees", "Public Art Program" or "Program", "Public Art Commission" or "Commission", and "Public Art Strategic Plan", as drafted below.

Modify the first, second, and last sentence of section 33-732 subsection (a) by capitalizing the beginning letters of the following existing terms: city council, public art commission, commission, and public art commission. Insert in subsection (a) "of the Commission" following the word 'Members', and "area" following the term 'general plan' in all three references of sentence three. Strike and replace the word 'office' in the last sentence to "the Commission".

Capitalize the first letter of each word of the existing term 'public art commission' in section 33-732 subsection (b).

Modify section 33-732 subsection (c) by inserting "within the Commission" after the word 'vacancy'. Strike and replace the word 'section' with the following: "Escondido Municipal Code section".

Strike section 33-732 subsection (d), subsection (e), and subsections (e)(1), (2), (3), (4), and (5).

Modify the title of section 33-733 by striking 'panel' and replace with "Commission".

Modify section 33-733 by striking 'public art partnership panel' and replacing with "Public Art Commission".

Strike section 77-733 subsection (a) and replace with new subsection (a) as detailed below.

Insert new section 77-733 subsection (b), as detailed below, following subsection (a) and renumber existing subsections (c) through (g) to address the insertion of new subsection (b).

Strike existing section 77-733 subsection (h).

Insert new section 77-733 subsection (i), as detailed below, following newly renumbered subsection (h) and renumber existing subsections (i) through (l) to address the insertion of new subsection (i).

Modify the existing subsections (c) and (d) of section 33-733 by striking and replacing 'city' with "City".

Modify section 33-733 existing subsection (b) by striking and replacing 'city council' with "City Council".

Modify section 33-733 existing subsection (f) by striking and replacing 'city' with "City" and 'public art partnership program' with "Public Art Program".

Modify section 33-733 existing subsection (j) by striking and replacing 'preserve' with "establish/create" and 'public art partnership panel' with "Public Art Commission". Insert after the word 'through' the following: "approval of".

Modify section 33-734 subsections (a) and (b) by striking the terms 'city council' and 'city' where found and replacing with "City Council" and "City", respectively.

Strike from section 33-734 subsection (b)(3) beginning with 'public art' through 'resolution' and replace with the following: "Public Art Commission provide documentation of the art's minimum value from a certified art appraiser. The appraiser must hold membership in a recognized professional organization, such as the International Society of Appraisers, the Appraisers Association of America, the American Society of Appraisers or the like. Approval by the Commission shall be contingent upon the appraiser's valuation meeting the requirements of the fee schedule established by City Council resolution".

Insert new subsection (4) as detailed below in section 33-734 subsection (b) and renumber existing subsection (4) to (5).

Modify section 33-734 subsections (c) and (e) by striking the term 'panel' where found and replacing with "Commission".

Modify section 33-735 by striking 'public art partnership' and 'public art partnership program' and replacing with "Public Art Commission" and "Public Art Program", respectively.

Modify section 33-736 by striking the existing text and replacing with the following: "Shall be advertised on the City's website any time the Commission reviews an art proposal."

Modify section 33-737(a) through (f) by striking and replacing where found the term 'panel' with "Commission". Capitalize the terms 'article', 'city clerk' and 'city clerk's'.

Modify section 33-737 by striking 'public art partnership panel' and replace with "Public Art Commission".

Modify section 33-737 subsection (e) by striking 'of \$50 to cover costs on appeal' and replacing with the following: "based on the fee schedule in effect at the time."

Modify section 33-738 subsections (a) and (b) by replacing 'public art partnership panel' with "Public Art Commission" where found, and 'panel' with "Commission" where found.

Modify section 33-740 to include new text as detailed below and revise the title of section 33-740 through section 33-749 (reserved) to state: "Sec. 33-742 through sec. 33-749 (Reserved)".

ARTICLE 37 PUBLIC ART

Sec. 33-730 Intent

- (a) It is the intent of the City to create a program designed to promote art in public places. It is intended that art work will be installed throughout the neighborhoods of Escondido and be a source of pride to the residents of the City and the community life.
- (b) The Public Art Program will provide art education and experiences which will enhance the economic vitality, commemorate local values, history and progress, as well as develop community pride and identity and improve the general welfare and quality of life in the City. The Program will promote collaboration between business, local government and private citizens and thereby encourage awareness and enjoyment of art experiences. An increase in the quantity and quality of distinguished works of art will improve and expand the use and value of public buildings and facilities and enhance the urban development of the community.

Sec. 33-731 Definitions

"Art in public places" or "Public Art" means any visual work of art, accessible to public view, on public or private property within the Escondido neighborhood environs including residential, business or industrial buildings, apartment and condominium complexes, parks, multiple-use structures and similar facilities. The work of art may include, but need not be limited to, sculptures, murals, monuments, frescoes, fountains, paintings, stained glass, ceramics, digital art, light art, tapestries, dance, or temporary installations. Media may include, but need not be limited to, steel, bronze, wood, plastic, stone and concrete.

"Tenant improvements" mean improvements within the confines of an existing building exclusive of those required to meet minimum Uniform Building Code occupancy standards, such as wiring or plumbing.

"Annual Public Art Work Plan" as used in this Article 37 shall mean annual initiatives prepared by the Community Services Department and managed by the Public Art

Commission to fund new artworks, including but not limited to; educational programs, maintenance, and decommissioning. It establishes project timelines, budget allocations, and public involvement processes to enhance Escondido's cultural landscape and community engagement through art

"Art in lieu" or "in lieu fees" shall mean charges levied on private property developers to support the integration of public art within the cityscape. Enacted through City Council resolution, these fees apply to both residential and non-residential development projects. Developers have the option to fulfill this requirement either by paying a specified public art fee or by integrating art pieces directly into their developments. This initiative aims to enhance the aesthetic appeal and cultural identity of the City by ensuring that new constructions contribute to the public realm through art installations. The fee structure is detailed in the City's Fee Guide for Development Projects, periodically updated to reflect current requirements and values.

"Public Art Program" or "Program" as used in this Article 37 refers to a comprehensive initiative established by the City to promote art in public places. It aims to enhance community life by integrating visual art throughout residential, business, and recreational environments. The Program includes installations such as sculptures, murals, and digital art, fostering civic pride, commemorating local heritage, and supporting economic vitality. Managed by the Public Art Commission, the Program coordinates art education, maintenance, and the development of a diverse public art portfolio, thereby enriching Escondido's cultural landscape and urban development.

"Public Art Commission" or the "Commission" as used in this Article 37 shall mean the advisory body that develops recommendations and presents supporting information to the City Council in matters pertaining to art in public places. Their role includes but is not limited to hearing public testimony, building community consensus for proposals or projects, facilitating a study of issues, guiding implementation of new or regulating established programs, or assessing the alternatives regarding issues of community concern.

"Public Art Strategic Plan" as used in this Article 37 shall mean the document used to define the City's role in public art, including the role of the Public Art Commission and staff administration role. This document seeks to clarify the intention of public art in the City of Escondido as a means to provide a unified purpose for local art organizations and artists, to express and unite the City, nonprofits, and businesses to motivate residents and visitors to be inspired through art. It is designed to further guide the City's decision-making in the management of the City's public art portfolio.

Sec. 33-732 Appointment and terms of office

- (a) The City Council shall appoint a Public Art Commission, which shall meet as needed. The Commission shall consist of seven members possessing an interest in public art.

Members of the Public Art Commission shall be appointed by the mayor. Members of the Commission shall reside or own a business within the city's general plan area; up to two members may be appointed who do not reside or own a business within the city's general plan area provided they are employed at a business within the city's general plan area. Members of the Public Art Commission shall serve at the pleasure of the City Council, and may be removed from the Commission at any time, without cause.

- (b) The terms of office for members of the Public Art Commission shall be for a two year period commencing with the actual date of appointment and ending on March 31st of the second year thereafter.
- (c) Any vacancy within the Commission which occurs prior to the expiration of a term shall be filled by appointment for the unexpired portion of such term consistent with the nomination procedure provided for in Escondido Municipal Code section 2-30.

Sec. 33-733 Administrative Commission duties

The duties of the Public Art Commission shall include, but not be limited to, the following:

- (a) To establish an annual Public Art Work Plan that is approved by the Commission and then brought to City Council;
 - (1) The Annual Public Art Work Plan will outline key priorities for the City in the following categories: art solicitation, education, maintenance, deaccessioning and budget for these items;
 - (2) The Annual Public Art Work Plan must align with the City's Public Art Strategic Plan and the City's adopted Cultural Arts Policies;
- (b) To review, select and approve art work proposed within the Public Art Program;
- (c) To devise methods of selecting and commissioning artists with respect to the design, execution and placement of art in public places and to advise the City Council on the selection and commissioning of artists for such purposes;
- (d) To advise the City in matters pertaining to the quality, quantity, scope and style of art in public places;
- (e) To advise the City regarding the amount of the "percent for art" fund to be expended on specific art projects;

- (f) To review and maintain an inventory of art in public places and advise the city in matters pertaining to the maintenance, placement, alteration, sale, transfer, ownership and acceptance or refusal of donations and other matters pertaining to art in public places;
- (g) To recommend the retention of consultants to assist the City in making decisions concerning the Public Art Program;
- (h) To advise and assist private property owners regarding the selection and installation of works of art to be located on private property in the public view;
- (i) To make recommendations as to art funded by the program which is to be installed on private property;
- (j) To establish and maintain an inventory of meritorious works of art in the public view and give recognition to the artist and the donor;
- (k) To endeavor to establish/create works of art in the public view deemed to be meritorious by the Public Art Commission through approval of agreements with the property owners and the artist;
- (l) To seek grants, donations, gifts and other funding methods for works of art in public places;
- (m) To educate, edify and generally inform the public about art.

Sec. 33-734 Fees

- (a) By resolution, the City Council shall establish a schedule of construction requiring building permits from the city which shall pay a fee for art in public places or provide art in public places pursuant to subsection **(b)** of this section. There shall be no fee for the following:
 - (1) Individual tenant improvements in a commercial or industrial building and all residential improvements to existing residential structures (such as room additions) except for work which results in an additional dwelling unit.
 - (2) The first 2,000 square feet of any structure. This exception shall not apply on an individual basis to commercial structures which are part of a larger integrated commercial center, but shall apply only to the first 2,000 square feet of the entire center.
- (b) Prior to issuance of a building permit, the applicant or developer for projects identified in subsection **(a)** of this section shall be required to either:

- (1) Pay the art fee which shall be established from time to time by City Council resolution; or
 - (2) Enter into an agreement with the City to defer payment to a date established by the City, not to exceed one year from building permit issuance, with the calculation of such fee due based on the fee schedule in effect at the time of payment; or
 - (3) In lieu of the fee, donate art which shall have been approved by the Public Art Commission provide documentation of the art's minimum value from a certified art appraiser. The appraiser must hold membership in a recognized professional organization, such as the International Society of Appraisers, the Appraisers Association of America, the American Society of Appraisers or the like. Approval by the Commission shall be contingent upon the appraiser's valuation meeting the requirements of the fee schedule established by City Council resolution; or
 - (4) Enter into a Public Art Program with the City; or
 - (5) A combination of the above.
- (c) If art has been provided in lieu of a fee for construction requiring building permits, the art shall be installed, maintained and operated at all times in substantial conformance with the manner in which the art was originally approved by the Commission.
- (d) Following approval of the project, the applicant shall record a document with the county recorder setting forth a description of the art and stating the obligation of the property owner to repair and maintain the art project. This document and the underlying land shall be in form to run with the land and provide notice to future property owners of the obligation to repair and maintain the art project.
- (e) At any time the Commission has determined that project has not been maintained in substantial conformance to the manner in which it was originally approved, the Commission shall require the current property owner to either:
- (1) Repair or maintain the art; or
 - (2) Pay the art fee required by subsection (b) of this section, based upon the current fee schedule and the square footage of the building, structure or improvement for which the art was required.

Sec. 33-735. Art project proposals

The Public Art Commission shall develop procedures to implement the Public Art Program and shall develop and review criteria for all art under the program.

Sec. 33-736 Notice

Shall be advertised on the City's website any time the Commission reviews an art proposal.

Sec. 33-737 Appeal

Decisions of the Public Art Commission pursuant to this Article and related resolutions on art for private and public property are deemed final at the time they are made and are effective 10 days after the decision is made. An appeal of any final decision filed with the City Clerk within 10 days of the date the decision is made shall stay the decision until determination of the appeal. An appeal to the Commission for reconsideration of the Commission's decision may be filed by any aggrieved person, and shall be processed as follows:

- (a) An appeal shall be reviewed at the first regularly scheduled meeting after it is filed;
- (b) Appeals shall be filed on forms available at the City Clerk's office and shall contain the grounds upon which the appeal is made;
- (c) On appeal, the Commission shall review all pertinent documents, including the original application, records, specifications and details of the appeal which may indicate how or why the application and art proposal failed to meet the requirements of this article and the related resolutions and guidelines;
- (d) The Commission may affirm, reverse or modify in whole, or in part, any appealed decision, determination or requirement. Before granting any appealed petition which was originally denied, the Commission shall indicate in writing where and how the proposal meets or fails to meet the relevant requirements as stated;
- (e) The Commission review of its own action may be appealed by any aggrieved person in writing to the city council within 10 days of the Commission's final decision. The appeal shall state the grounds upon which it is based. A fee based on the fee schedule in effect at the time, shall be paid at the time the appeal is filed;
- (f) The city council will not exercise its independent judgment on artistic matters unless the city council requests that the matter be put on the agenda for review or an appeal of a Commission decision is filed. Unless the city council determines to

exercise its independent judgment as provided in this section, designs, sketches, precise plans, photographs, art examples and similar items concerning art in public places shall not be transmitted to the city council as a matter of course in conjunction with projects before the city council.

Sec. 33-738 Installation

A certificate of occupancy shall not be issued until such time as the art/sculpture is in place, the appropriate fee has been paid or a letter of credit for the full amount of the fee has been deposited with the city. If the art work is not completed within 12 months, the fee or letter of credit shall be forfeited and the obligation satisfied.

Sec. 33-739 Nondevelopment proposals

- (a) The Public Art Commission shall receive art/sculpture project proposals from sculptors, painters, environmental artists, ceramicists, glass artists, woodworkers and metalsmiths. All such artists who work in either large or small scale are encouraged to submit project ideas. The Commission shall maintain such ideas in readiness for continuous review by the Commission and such ideas shall be matched with requests by developers, builders, owners or users of prospective sites. The Commission shall also make available to other public and private organizations such information.
- (b) The Public Art Commission shall develop necessary criteria for the nondevelopment proposals.

Section 33-740. Duties of public art artists

- (a) The artist must maintain the art for its duration or five years, whichever comes first
- (b) After five years or a pre-defined time period that is less than five years, the ownership of the art shall become property of the artist or the City as defined within the artist agreement
- (c) Public Art shall be owned by the City and shall only be reproduced by the artist or the City, or with the City's permission

Section 33-741. Internal City staff review

- (a) Public Art shall be reviewed by city staff for risk, safety, and compliance
- (b) Public Art installed or created without the approval of the Public Art Commission on public property or in the public right of way is subject to removal

Sec. 33-740 33-742. through § 33-749. (Reserved)

Modify the language and format in the Parking Spaces Required table in section 33-765 for 'Multiple Dwellings' only to read as drafted below.

ARTICLE 39 OFF-STREET PARKING

Sec. 33-765 Parking spaces required

Except as specifically required in applicable zoning regulations, specific plans, or in section 33-782, Parking for historic structures, the number of off-street parking spaces shall be not less than that specified below. When an addition is made to an existing building, only the square footage in such addition need be used in computing the required off-street parking.

Use	Parking Spaces Required
Residential	
Single-family and two-family residences	Two car garage or carport for each unit.
Bed and breakfast	One parking space for each sleeping room available for rent, in addition to those spaces required by this section for the primary residential use. All spaces shall be located on site.
Accessory dwelling units	None.
Hotel conversions	Subject to Article 63, section 33-1348(e)(11).
Multiple Dwellings	<p>A. Each unit shall have a minimum of one covered parking space.</p> <p>B. There shall be provided a guest parking space for each four units or fraction thereof. On-street parking spaces, when approved by the staff development committee, may be counted toward fulfilling this requirement. Street frontages abutting the subject property and which are included in the circulation element of the general plan shall not be included in fulfilling this requirement.</p> <p>C. In addition to the requirements A and B, parking for Multiple Dwellings shall be as follows:</p>
Bachelor	One parking space per unit.
One bedroom	One and one-half (1½) parking space per unit.
Two bedroom	One and three-quarter (1¾) parking space per unit.
Three or more bedrooms	Two parking spaces per unit.
Mobilehome parks	Two parking spaces for each site. Parking may be in tandem. In addition, one space for each 10 sites for the laundry and recreation facilities.

Rooming houses, lodging houses, clubs and fraternities having sleeping rooms	One parking space for each two sleeping rooms.
Sanitariums, children's, homes, supportive housing, congregate and care facilities, asylums, nursing homes, etc.	A minimum of one parking space for each three beds is required. Additional parking requirements may be applied based on type and intensity of occupancy. The number of required parking spaces shall be determined by the director of community development and shall be based on the operating characteristics of a specific proposal, including, but not limited to, number of: (1) on-site employees, (2) service deliveries, (3) on-site amenities, and (4) group-use programmed space. Adequate provisions for loading and unloading or pick-up and drop off zones shall be provided, subject to approval of a plot plan/CUP.
Senior housing	Two parking spaces, plus three parking spaces for every four units that are studios/bachelor units or one bedroom units. Units with two or more bedrooms require one and one-half (1½) spaces per unit. Senior housing must also provide adequate provisions for loading and unloading or pick-up and drop-off zones.

Modify section 33-1127 by adding to subsection 33-1127(a) the following after the word 'criteria': “, unless such criteria conflicts with Government Code Section 65631 in which state law shall prevail.”

Modify section 33-1127 by striking subsection (a)(8).

ARTICLE 57 MISCELLANEOUS USE RESTRICTIONS

Sec. 33- 1127 Used Merchandise

(a) All consignment shops, secondhand stores, and thrift shops shall provide or satisfy the following criteria, unless such criteria conflicts with Government Code Section 65631 in which case state law shall prevail:

- (1) A designated area inside the building shall be established for the receipt, sorting and processing of goods. Donated goods or received merchandise shall be accepted only during regular business hours.
- (2) No more than 30% of the floor area shall be utilized for receiving, sorting and storage of donated and traded goods. The area devoted to receiving, sorting and storage may be increased to 40% if the store/shop occupies more than 15,000 square feet of building space.
- (3) Signs advising patrons that the merchandise/goods within the store are primarily preowned.
- (4) Enclosed Activities. All activities shall be completely enclosed within the building for the use.
- (5) Property Maintenance. The subject property shall be maintained free of trash and debris at all times. Management shall be responsible for the removal of litter from the subject property, adjacent property, and streets that results from the thrift store (with adjacent property owner consent). The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall include the maintenance of exterior façades of the building, designated parking areas serving the use, walls and fences and the perimeter of the site (including all public parkways).
- (6) The storefront windows shall be permanently maintained as displays of merchandise in a professional and attractive manner (i.e., unsightly clothing racks and displays shall not be placed adjacent to the windows).
- (7) Thrift shop. All goods donated for sale at the thrift shop must be accepted through the rear of the store. Adequate directional signage shall be provided from the main entrance to the use to direct individuals to the collection area. The collection area shall be noticed to prohibit depositing goods during nighttime hours or when the store is closed. Signage should include daytime collection hours for donated goods.

- (b) Pawn shops are prohibited use. Any existing pawn shop store or proprietor with a duly issued permit may continue to operate subject to the limitations and restrictions of Chapter 15 (Secondhand Dealer Ordinance) and Article 61 of Chapter 33.

Modify section 33-1224 by striking the words ‘which authorizes’ and replace with “for the authorization”.

Modify section 33-1224 by inserting a new subsection (e) to state the following: “Modifications to fences or walls within the street side yard setback of a corner lot when extenuating circumstances are present, including but not limited to, unusual topography, adverse adjacent uses, and other constraints.”

Modify existing subsections (e) and (f) by renumbering to ‘(f)’ and ‘(g)’, respectively.

ARTICLE 61 ADMINISTRATION AND ENFORCEMENT

Sec. 33-1221 Administrative adjustment defined

Administrative adjustment is a reduction or exceedance of certain standards prescribed in the zoning code, which may be granted in accordance with the requirements of this division. An administrative adjustment may not be granted for the authorization of a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property. Administrative adjustments may be requested for the following property development standards:

- (a) Up to a 25% reduction of required yards/setbacks for structures, signs, and parking areas;
- (b) Reductions up to 25% of the required number of parking spaces for uses in nonresidential zones, pursuant to section 33-764 of this chapter.
- (c) Increases above the 50% limitation on the cumulative costs of improvements as a percentage of the replacement value of the nonconforming use for a nonconforming single-family residential structure in a single-family zone, pursuant to section 33-1243 of this chapter.
- (d) Modifications of the identified front, street side, side and rear lot lines of a lot in order to facilitate orderly development on a parcel subject to unusual circumstances, including but not limited to, topography, grading, drainage and stormwater treatment, utility facilities, easements, access and other site constraints or development requirements.
- (e) Modifications to fences or walls within the street side yard setback of a corner lot when extenuating circumstances are present, including but not limited to, unusual topography, adverse adjacent uses, and other constraints.
- (f) Up to a 25% increase in fence height for commercial zoned properties, and up to a 50% increase in fence height for industrial zoned properties.
- (g) Other adjustments as specified by this chapter. (f) Other adjustments as specified by this chapter.

Strike from section 33-1373 subsection (a) the section reference '33-162' and replace with the corrected section of "33-95".

ARTICLE 65 OLD ESCONDIDO NEIGHBORHOOD

Sec. 33-1373 Permitted accessory uses and structures

- (a) Accessory uses and structures are permitted in the Old Escondido Neighborhood, provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure (i.e., garage, storage, shed, etc.). Accessory uses and structures are permitted according to section 33-95 (R-1 zone) of this zoning code.

Strike and replace '180' from section 33-1399 subsection (b)(1) and replace with "365".

ARTICLE 66 SIGN ORDINANCE

Consistency update to abandoned sign time limitations

Sec. 33-1399 Nonconforming signs

- (b) Removal of nonconforming signs without compensation. A legal nonconforming sign shall be removed or brought into conformance with this article without compensation when such sign meets any of the following criteria:
- (1) A sign lawfully erected, but whose business or use has become inoperative or abandoned for a period of not less than 365 calendar days. This does not apply to signs which are in conformance with an approved comprehensive sign program for a commercial/industrial center;

Modify section 33-1411 by adding to the definition for 'Senior citizen housing' the following after the term 'Civil Code': "or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code".

Modify the section title of section 33-1413 to add "ard" after the word 'Stand'.

Modify section 33-1413 subsection (a)(3) to include the following sentence at the end of the subsection: "For purposes of this subparagraph, "development" includes a shared housing building development and a residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code."

Modify section 13-1413 subsection (a)(6) by striking 's' from 'Students' and adding the word "housing" after 'Student'.

Modify section 13-1413 subsection (a)(6)(A) to strike out 'full time' and insert in its place the following: "currently or in the past six months in at least six units". In the same subsection, strike out beginning at 'providing evidence' through 'student housing development' and insert in its place the following: "do any one of the following:"

Insert to section 33-1413 subsection (a)(6)(A) new subsections (1) and (2) as written below.

Strike from section 33-1413 (a)(6)(C) the following 'nineteen and one half (19.5)' and replace with "30 percent of 65".

Modify section 33-1413(b)(1)(F) by striking 's' from 'Students' and adding the word "housing" after 'Student', and by striking the following '35% of the student housing units.' and insert in its place the following: "calculated as follows:"

Insert a new table, Table C-1 as shown below, immediately following Section 33-1413(b)(1)(F).

Strike only Table E from section 33-1414 subsection (a)(1)(A) and replace with Table E as depicted below.

ARTICLE 67 DENSITY BONUS AND RESIDENTIAL INCENTIVES

Sec. 33-1411 Definitions

"Senior citizen housing" means as currently defined by Sections 51.3 and 51.12 of the Civil Code or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code and any subsequent amendments or revisions thereto.

Sec. 33-1413 Standard incentives for new residential construction

- (a) The decision-making body shall grant one density bonus, as specified in subsection (b) of this section, and/or incentives or concessions, as set forth in section 33-1414, when a developer of a housing development of at least five units (or at least three units if the housing development is located within the South Centre City Specific Plan) seeks and agrees to construct at least any one of the following. (The density bonus units shall not be included when determining the total number of target units in the housing development.)
- (1) Low income households. A minimum of 10% of the total units of the housing development as restricted and affordable to lower income households, as defined in Health and Safety Code section 50079.5.
 - (2) Very low income households. A minimum of 5% of the total units of the housing development as restricted and affordable to very low income households, as defined in Health and Safety Code section 50105.
 - (3) Senior citizen housing. A senior citizen housing development or mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California Civil Code. For purposes of this subparagraph, "development" includes a shared housing building development and a residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code.
 - (4) Moderate income households. A minimum of 10% of the total units in a common interest development as restricted and affordable to moderate income households, as defined in Health and Safety Code section 50093, provided that all units in the development are offered to the public for purchase.
 - (5) Transitional foster youth, disabled veterans, homeless persons. A minimum of 10% of the total units of the housing development as restricted for transitional foster youth, as defined in Education Code section 66025.9; disabled veterans, as defined in Government Code section 18541; or homeless persons, as defined in the Federal McKinney-Vento Homeless Assistance Act (42 U.S.C. section 11301 et seq.).
 - (6) Student housing. A minimum of 20% of the total units for lower income students in a student housing development that meets the following requirements:
 - (A) All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled currently or in the past six months in at least six units at an institution of higher

education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the developer shall, as a condition of receiving a certificate of occupancy, do any one of the following:

- (1) Provide evidence to the city that the developer entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.
- (2) Provide evidence to the City that the developer has established a system for confirming its renters' status as students to ensure that all units of the student housing development are occupied with students from an institution of higher education.
- (B) The applicable target units will be used for lower income students, which for purposes of this clause means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in **Education Code** section 64932.7(k)(1). The eligibility of a student under this clause shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education that the student is enrolled in, or by the California Student Aid Commission, that the student receives or is eligible for financial aid, including an institutional grant or fee waiver, from the college or university, the California Student Aid Commission, or the Federal Government.
- (C) The rent provided in the target units shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.

[unchanged intervening subsections]

- (b) Density bonus. When a developer seeks and agrees to construct a housing development meeting the criteria specified in subsection **(a)** of this section, the decision-making body shall grant a density bonus subject to the following:

 - (1) The amount of density bonus to which a housing development is entitled shall vary. The density bonus may be increased according to the percentage of

affordable housing units provided above the minimum percentages established in subsection (a) of this section, but shall not exceed 50% except in accordance with subsection (c) of this section or as otherwise authorized by State Density Bonus Law.

- (A) Low income households. For housing developments meeting the criteria of subsection (a)(1) of this section, the density bonus shall be calculated as follows:

Table A	
Density Bonus for Housing Developments with Units Affordable to Low Income Households	
Percentage (%) of Low Income Units (Minimum 10% required)	Percentage (%) of Density Bonus to Be Granted (Additional 1.5% bonus for each 1% increase above the 10% minimum)
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35
21	38.75
22	42.5
23	46.25
24	50

- (B) Very low income households. For housing developments meeting the criteria of subsection (a)(2) of this section, the density bonus shall be calculated as follows:

Table B	
Density Bonus for Housing Developments with Units Affordable to Very Low Income Households	
Percentage (%) of Very Low Income Units (Minimum 5% required)	Percentage (%) of Density Bonus to Be Granted (Additional 2.5% bonus for each 1% increase above the 5% minimum)
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

(C) Senior citizens. For housing developments meeting the criteria of subsection (a)(3) of this section, the density bonus shall be 20% of the number of senior housing units.

(D) Moderate income households in a common interest development. For housing developments meeting the criteria of subsection (a)(4) of this section, the density bonus shall be calculated as follows:

Table C	
Density Bonus for Common Interest Developments with Units Affordable to Moderate Income Households	
Percentage (%) of Moderate Income Units (Minimum 10% required)	Percentage (%) of Density Bonus to Be Granted (Additional 1% bonus for each 1% increase above the 10% minimum)
10	5
11	6
12	7
13	8
14	9
15	10

16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35
41	38.75
42	42.5
43	46.25
44	50

(E) Transitional foster youth, disabled veterans, homeless persons. For housing developments meeting the criteria of subsection (a)(5) of this section, the density bonus shall be 20% of the number of the type of units giving rise to a density bonus under that subsection.

- (F) Student housing. For housing developments meeting the criteria of subsection (a)(6) of this section, the density bonus shall be calculated as follows:

Table C-1	
Density Bonus for Student Housing	
Percentage (%) of total student housing bedspaces reserved for lower income students (Minimum 20% required)	Percentage (%) of Density Bonus
20	35
21	38.75
22	42.5
23	46.25
24	50

- (G) 100% affordable projects. For housing developments meeting the criteria of subsection (a)(7) of this section, the density bonus shall be 80% of the number of units for lower income households. If the housing development is located within one half (½) mile of a major transit stop, the city shall not impose any maximum controls on density.

Sec. 33-1414 Alternative or additional incentives and concessions for housing developments.

- (a) When a developer requests a density bonus and/or incentives or concessions pursuant to section 33-1413, the decision-making body shall grant incentives or concessions, subject to the following:
- (1) Number of incentives/concessions.
- (A) The developer shall receive the following number of incentives or concession based upon the minimum percentage of total units to be restricted as target units:

Table E	
Number of Incentives/Concessions	
Number of Incentives/Concessions	Percentage (%) of Target Units (Minimum required)
1 Incentive/Concession	5% for very low income households
	10% for lower income households and 20% for lower income student housing

Table E	
Number of Incentives/Concessions	
Number of Incentives/Concessions	Percentage (%) of Target Units (Minimum required)
	10% for moderate income persons or families in a development in which the units are for sale
2 Incentives/ Concessions	10% for very low income households
	17% for lower income households and 23% for lower income student housing
	20% for moderate income persons or families in a development in which the units are for sale
3 Incentives/Concessions	15% for very low income households
	24% for lower income households
	30% for moderate income persons or families in a development in which the units are for sale
4 Incentives/Concessions	16% for very low income households
	45% for moderate income persons or families in a development in which the units are for sale
5 Incentives/Concessions	<p>100% of all units, including density bonus units, but exclusive of managers units are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code. For purposes of this subparagraph, "development" includes a shared housing building development.</p> <p>If the project is located within one-half mile of a major transit stop or is located in a very low vehicle travel area as defined in Section 65915(o)(10) of the Government Code in a designated county, the applicant shall also receive a height increase of up to three additional stories, or 33 feet if requested.</p>



STAFF REPORT

DATE: 01/14/2025

PL24-0258 – 2024 Omnibus Zoning Code Update
PROJECT NUMBER / NAME: PL24-0258 – 2024 Omnibus Zoning Code Update

REQUEST: 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 32, Article 2 (Tentative Maps) and to Chapter 33, Articles 1 (General Provisions and Definitions), 6 (Residential Zones), 16 (Commercial Zones), 26 (Industrial Zones), 30 (Hazardous Chemical Overlay (H-C-O) Zone), 37 (Public Art), 39 (Off-Street Parking), 57 (Miscellaneous Use Restrictions), 61 (Administration and Enforcement), 65 (Old Escondido Neighborhood), 66 (Sign Ordinance), 67 (Density Bonus and Residential Incentives), 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

PROPERTY SIZE AND LOCATION: Citywide

APPLICANT: City of Escondido

GENERAL PLAN / ZONING: N/A

PRIMARY REPRESENTATIVE: Pricila Roldan, Associate Planner

DISCRETIONARY ACTIONS REQUESTED: Zoning Code Text Amendments

PREVIOUS ACTIONS: N/A

CEQA RECOMMENDATION: Statutorily exempt pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h) and/or 15378(b)(5) as they do not qualify as a "project" under CEQA.

STAFF RECOMMENDATION: Approval

REQUESTED ACTION: Approve Planning Commission Resolution No. 2025-01

CITY COUNCIL HEARING REQUIRED: ☒ YES ☐ NOREPORT APPROVALS: ☒ Dare DeLano, Assistant City Attorney☒ Veronica Morones, City Planner



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BACKGROUND

A municipal code is a collection of local laws that outline the rules, regulations, and standards for a city. Local governments manage their municipal code and organize it into various chapters addressing topics such as safety, utilities, traffic, and zoning. The City of Escondido's Municipal Code includes Chapter 33 (Zoning) which is referred to as the zoning code, and details development regulations and standards for land throughout the City including regulation on the types of uses allowed and the overall appearance of development. The zoning code is the implementation tool of the General Plan's Land Use Element (Land Use and Community Form chapter).

In 2017, the City of Escondido ("City") initiated a reoccurring work program to annually review and update the Zoning Code so it complies with state-mandated changes, addresses errors or inconsistencies, and clarifies existing regulation. Periodic reviews and updates to the Zoning Code create efficiencies and avoid conflicts with California state codes and regulations. At the City of Escondido, the Planning Division is tasked with preparing and reviewing the series of annual zoning text amendments and updates. Once a year, the Planning division provides a single batch of changes that clean-up and modify the zoning code (as well as any related changes to Chapter 32 (Subdivisions)—as needed); this effort is referred to as the annual omnibus zoning code update ("Omnibus").

The 2024 Omnibus includes amendments to Chapter 32 (Subdivisions) and Chapter 33 (Zoning) of the Escondido Municipal Code. Article 61, Division 4 (Amendments and Zone Changes), Section 33-1262 of the zoning code authorizes the Planning Commission to review and consider amendments to the Chapter 33. If the 2024 Omnibus is approved, staff would provide Planning Commission's recommendation to City Council.

SUMMARY OF REQUEST

Table 1 provides a summary of the 2024 Omnibus' proposed changes. While most of the proposed changes are minor in nature, additional information is provided for the proposed modifications to Articles 37 (Public Art), 67 (Density Bonus and Residential Incentives) and 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units) under the "PROJECT ANALYSIS" section of this staff report. A strikethrough and underlined version of all proposed Omnibus changes is provided under Attachment 1. Exhibit B of the Planning Commission Resolution 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 number: Article Name	Proposed Change
Chapter 32- Article 2: Tentative maps	1. Clarify the authority for Tentative Parcel Map extensions.
Chapter 33- Article 1: General Provisions and Definitions	1. Clarify the definition of a "Bargain Basement Store." 2. New language to clarify concurrent processing of planning entitlements.



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Chapter 33- Article 6: Residential Zones

1. New permitted use to the "Miscellaneous" section of Table 33-94. "Short term rental" uses are permitted in most residential land uses, in accordance with Ordinance No. 2024-07 (adopted December 4, 2024).
2. Consistency amendment to an existing footnote of Table 33-94.
3. **State law requirement:** Language changes in accordance with Senate Bill ("SB") 450. SB 450 modified language to two-family dwelling requirements (also known as SB 9) to allow the demolition of more than 25% of the existing exterior structural walls.

Chapter 33- Article 16: Commercial Zones

1. **State law requirement:** Changes in uses in accordance with Assembly Bill ("AB") 2085. AB 2085 calls for the ministerial approval of a community clinic that provides reproductive health services in a zone where office, retail, parking, or health care are a permitted use.
2. **State law requirement:** Changes in uses in accordance with AB 2632. AB 2632 requires equal treatment between thrift stores and their non-thrift retail counterpart.

Chapter 33- Article 26: Industrial Zones

1. Cleanup of existing foot note to align with the Business Recovery ordinance.

Chapter 33- Article 30: Hazardous Chemical Overlay (H-C-O) Zone

1. Removal of outdated reference to a former Area Plan.

Chapter 33- Article 37: Public Art

1. Language updates in accordance with the Public Art Strategic Plan (adopted September 18, 2024 via Resolution 2024-118).

Chapter 33- Article 39: Off-Street Parking

1. Reorganization and clarification of parking requirements related to multiple dwelling units.

Chapter 33- Article 57: Miscellaneous Restrictions

1. **State law requirement:** Changes in language in accordance with AB 2632. AB 2632 requires equal treatment between thrift stores and their non-thrift retail counterpart.
2. Removal of outdated reference to a former Ordinance.



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**Chapter 33- Article 61:
Administration and Enforcement**

1. New administrative adjustment to allow modifications for fences on corner lots.

**Chapter 33- Article 65: Old
Escondido Neighborhood**

1. Correction to section reference.

**Chapter 33- Article 66: Sign
Ordinance**

1. Update to abandoned sign time limitations.

**Chapter 33- Article 67: Density
Bonus and Residential Incentives**

1. **State law requirement:** Changes in language in accordance with AB 2694. AB 2694 modifies the definition of an elderly facility.
2. **State law requirement:** Changes in language in accordance with AB 3116. AB 3116 updates Density Bonus incentives for Student Housing.
3. Consistency update with State language.

**Chapter 33- Article 70: Accessory
Dwelling Unit and Junior Accessory
Dwelling Units**

1. Reference updates to sections of the State Code
2. **State law requirement:** Changes in language in accordance with SB 1211. SB 1211 modifies Accessory Dwelling Unit ("ADU") limits for existing multifamily developments.
3. Removal of "Second Front Door" standard.

PROJECT ANALYSIS

Article 37 – Public Art

The City Council adopted a Public Art Strategic Plan on September 18, 2024. The Public Art Strategic Plan aims to position the City of Escondido as a leader in public art for cultural and economic development. In response to the adopted strategic plan, proposed changes to Article 37 would ensure alignment and general clean up consistent with the strategic plan. Changes in the implementation and management of the program include updating "Public Art Partnership Panel" to "Public Art Commission," as it is currently practiced. Proposed changes further define terms that are used throughout the section, providing clear expectations for stakeholders including the public, artists, developers, and the Public Art Commission. Updates for consistency amongst terms, such as "Art in lieu" and "in lieu fees", and changes that further emphasize the alignment of strategic goals through an Annual Work Plan process and adopted Public Art Strategic Plan (Resolution No. 2024-118).



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Article 67 – Density Bonus

State Density Bonus law is a policy designed to encourage affordable housing by offering incentives, concessions, and the ability for developers to build beyond the maximum number of units allotted to a specific parcel. Developers who dedicate a percentage of housing units to very low, low, and moderate-income households and invoke Density Bonus may be entitled to receive incentives that make a project more feasible. In 2024, the State Legislature passed Assembly Bill (“AB”) 2694 and 3116. AB 2694 redefines the meaning of a “senior citizen housing development” to include shared housing and residential care facility for the elderly. While AB 3116 increases the density bonus for student housing developments from 35% to 50%, as long as projects meet minimum affordable bedspaces, as defined in Section 65915 of the Government Code and Article 67. Proposed changes in Article 67 would ensure consistency between the City’s density bonus ordinance and state law, and also include updates to the number of incentives and concessions granted to developers since current language in the Zoning code did not align with language in Section 65915 of the Government Code.

Article 70 – Accessory Dwelling Units and Junior Accessory Dwelling Units

In recent years the California legislature has passed a series of laws that modify the restrictions and requirements around Accessory Dwelling Units (“ADUs”). In 2024, the State Legislature passed Senate Bill (“SB”) 1211, which increases the number of ADUs allowed on existing multifamily properties from two detached ADUs to up to eight ADUs, depending on the number of multifamily units on the site. SB 1211 also prohibits local governments from requiring replacement of surface parking spaces when existing parking is repurposed for ADUs. Proposed changes in Article 70 also include updates to Government Code references and the removal of “Second Front Door” standard as the standard can be prohibitive for applicants.

1. General Plan Conformance:

The Escondido General Plan is the City’s long-term blueprint that lays out goals and policies for the City’s physical, economic, and social development. The General Plan provides guidance on topics like land use patterns, mobility network, safety, and quality of life standards. The Implementation Program Chapter of the General Plan, Chapter 10, recognizes the zoning code to be a “key feature” in directing local decisions and facilitating the implementation of the General Plan. Recurring zoning code updates for clarification and alignment with State law ensures that the General Plan’s policies will be carried out accordingly. Changes proposed in the 2024 Omnibus seek to clarify zoning code language and conform with State regulations, furthering the implementation of the General Plan. The changes proposed under the annual omnibus are nominal in nature and/or related to state compliance. Therefore, no substantive changes to the zoning code that would be inconsistent with the General Plan are a part of this request.

2. Zoning or Specific Plan conformance:

The 2024 Omnibus seeks to clarify and/or correct zoning code language, conform with new State regulations, and address errors/typos. Annual clean ups facilitate continued improvement on zoning code interpretation and further its purpose: to promote public peace, health, safety, convenience, comfort, prosperity or general welfare (Section 33-3 and 33-6 of Article 1 of the Zoning code). Approving the 2024 Omnibus would further the zoning code’s objectives, making this effort compliant with the zoning code.



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Additionally, zoning text amendments such as this require the mandatory findings outlined under Article 61 (Administration and Enforcement), Division 4 (Amendments and Zone Changes), Section 33-1263 be substantiated. Exhibit "A" under the draft resolution attached to this staff report provide such justification for this Omnibus.

3. Climate Action Plan Consistency:

The City's 2021 Climate Action Plan provides a roadmap for reducing greenhouse gas ("GHG") emissions through the implementation of various strategies, goals, actions and supporting measures. The 2024 Omnibus changes do not directly address or modify any of the Climate Action Plan's implementation objectives or activities.

FISCAL ANALYSIS

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 2024 Omnibus. Some proposed amendments are not considered a Project under CEQA, as defined in section 15378(b)(5) of the State CEQA Guidelines. While other proposed amendments are statutorily exempted. The following bullets provide applicable CEQA determinations for proposed zoning text amendments.

- **Projects that are "not a project" under CEQA:** As defined in section 15378(b)(5) of the State CEQA Guidelines, government organizational or administrative activities that will not result in direct or indirect physical changes in the environment are "not a project" under CEQA. This may include amendments that relate to error correction, formatting changes, general reference clean ups, and administrative amendments that modify the land uses associated with zoning and do not result in direct or indirect physical changes in the environment. Changes in Chapter 32: Article 2 (Tentative Maps), and Chapter 33: Article 1 (General Provisions and Definitions), Article 6 (Residential Zones): Change 1 and 2, Article 16 (Commercial Zones), Article 26 (Industrial Zones), Article 30 (Hazardous Chemical Overlay (H-C-O) Zone), Article 39 (Off-Street Parking), Article 57 (Miscellaneous Restrictions), Article 61 (Administration and Enforcement), Article 65 (Old Escondido Neighborhood), Article 66 (Sign Ordinance) are error, general reference amendments, or administrative changes.
- **Projects that are exempt under CEQA:** According to Section 15282(h) of State CEQA Guidelines, a city or county's adoption of an ordinance which seeks to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code, which concerns two units in a single-family or multifamily residential zone, are statutorily exempted making text amendment change number 3 of Chapter 33, Article 6 (Residential Zones) statutorily exempt. Accessory Dwelling Units, on the other hand, require ministerial approval under state law. Text amendments to Chapter 33- Article 70 (Accessory Dwelling Unit and Junior Accessory Dwelling Units) apply to accessory dwelling units only, making updates to the zoning code also exempt.



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PUBLIC NOTICING

The 2024 Omnibus 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 an Omnibus, staff did not conduct specific project-related outreach. As of the time the staff report was prepared, no public correspondence has been received.

CONCLUSION AND RECOMMENDATION

Planning staff recommend the Planning Commission approve Resolution No. 2025-01, recommending approval of the proposed 2024 Omnibus 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 and clarify planning processes, and ensure compliance with state mandates. No other discretionary permits are requested or required.

ATTACHMENTS

1. Attachment 1- Strikethrough and underline of proposed text changes
2. Attachment 2- Draft Planning Commission Resolution No. 2025-1, including Exhibit A- Findings and Exhibit B- Clean copy of proposed changes

Chapter 32

ARTICLE 2 TENTATIVE MAPS

1. *Include authority for Tentative Parcel Map extensions granted by Chapter 33, Article 61 of the Escondido Zoning Code.*

Sec. 32.210.02 Extension of Time

- A. Extensions of time for an approved or conditionally approved Tentative Map will be considered upon submittal of a written request, justification statement, and all required fees to the Planning Division prior to and within four months of the expiration date of the Tentative Map.
- 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, **as defined in Chapter 33, Article 61, Division 9, Section 33-1319(7),** for subdivisions of four lots or fewer, for a period or periods not exceeding a total of six years. A public hearing and/or public notice may be required if the Director of Development Services determines that it is warranted.
- C. If an extension of time is approved, an applicant must comply with the provisions of Chapter 3, Article 2 of the Map Act and all provisions and findings of this ordinance applicable to the initial filing of Tentative Maps pursuant to Article 2 of this chapter. In order to assure this compliance, the conditions of initial approval of the Tentative Map may be modified or deleted and new conditions may be added when the extension of time is approved.

Chapter 33

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

1. *Clarification of the definition for a "Bargain Basement Store".*
2. *Add language to clarify and direct for concurrent planning permit processing.*

Sec. 33- 8 Definitions

"Bargain basement store" means any for-profit or non-profit store including any establishment, operation, or enterprise with one or more of the following characteristics: (1) a majority of the store's merchandise is offered for sale at a price ~~equal to or below \$5 lower than those prices typically charged for comparable new goods in non-bargain basement retail establishments (i.e., other "General Retail" uses);~~ (2) merchandise priced ~~at or below \$5 lower than merchandise typically charged for comparable new goods in non-bargain basement retail establishments~~ occupies at least one-half of the store's floor area which is devoted to retail sales; (3) used and/or liquidation items represent a majority of the merchandise offered for sale in the store; or (4) used and/or liquidation merchandise occupies at least one-half of the floor area in the store devoted to retail sales; (5) there is a gamification component to the sale of merchandise. Used merchandise herein is defined as all forms of used items including, without limitation, items that were formerly used but have been repaired, refurbished, and /or repackaged. Liquidation merchandise herein is defined as items that are or have been overstocked by a manufacturer or other commerce/retailer, returned by customers, refurbished, or sold during a store permanently closing. Gamification component herein is defined as any operational component that applies typical elements of game playing (e.g. competition, point scoring, rules of play, etc.) The bargain basement store definition excludes: (1) bona fide antique stores; (2) thrift stores, second-hand dealers, and pawn shops; (3) stores which primarily engage in the sale of used books, periodicals, videos, or DVDs; (4) stores specializing in the sale of highly collectible items such as used coins, stamps, baseball cards, and other similar collectibles; and (5) a store where the majority of the items sold, measured by receipts or number of items sold, consist of food and/or beverage items.

Section 33-17. Processing of Concurrent Applications for Permits, and Hearings

- A. **For purposes of this section, “permit” means any permit, entitlement or approval required pursuant to Chapter 33 or Article 2 of Chapter 32, or pursuant to any applicable master, specific, or planned development.**
- B. **Permits or procedures that require discretionary approval may be processed concurrently as long as:**
 - i. **there is a reasonable overlap;**
 - ii. **consolidation would be more efficient and cost-effective.**
- C. **Concurrent processing of applications for permits shall be reviewed by the decision-making body associated with the highest-level action among the applications to be considered.**
- D. **Appeals shall be subject to the process outlined in Division 6 of Article 61 of this Chapter.**

ARTICLE 6 RESIDENTIAL ZONES

1. Addition of a row to the "Miscellaneous section of Table 33-94 permitting "short term rental" uses consistent with Ordinance No. 2024-07.
2. Addition of missing language for consistency purposes to an existing foot note.
3. Conformance with Senate Bill ("SB") 450: Housing development: approvals, which removed certain language.

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
Miscellaneous								
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
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
<u>Short-Term Rentals pursuant to Ch. 16, Article 8</u>	<u>P³</u>	<u>P³</u>	<u>P³</u>		<u>P³</u>	<u>P³</u>	<u>P³</u>	<u>P³</u>

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 70% 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 **33-115 and** 33-116.

3 = Subject to requirements and permitting under Chapter 16, Article 8.

Sec. 33-115 two- family dwellings in a single-family residential zones and specific plans

(c) Permit Required. Two-family dwellings shall require processing of a major plot plan application as described in division 8 of article 61 of this chapter.

(1) The director of development services or their designee (director) shall review complete applications for compliance with the requirements of this section and the underlying development standards in the zoning district or specific plan in which it is located, and any other applicable objective development standards stated in the municipal code. Notwithstanding language in any specific plan to the contrary, provisions of this section shall supersede where any conflict exists. The director shall ministerially approve complete applications found to be in compliance with these standards.

(2) The director may deny a complete application if it fails to comply with the requirements of this section, the underlying development standards in the zoning district or specific plan in which it is located, and any other applicable objective development standards stated in the municipal code. In addition to the foregoing, the director may deny an application if such denial is based upon a preponderance of evidence and the written finding of the building official that the proposed two-family dwelling project would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), upon public health and safety ~~or the physical environment~~ and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Notwithstanding the foregoing, an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards.

(g) Additional Requirements.

~~(1) Construction of a two-family dwelling project shall not require the demolition of more than 25% of the exterior structural walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.~~

(21) Any unit created pursuant to this section shall, if rented, be rented for a term longer than 30 days.

(32) A deed restriction prepared by the city shall be recorded against the subject property prior to issuance of any building permit(s) for a two-family dwelling. The deed restriction shall run with the land and shall stipulate compliance with the applicable provisions of this section.

(43) New dwelling units constructed as part of a two-family dwelling shall meet the requirements of the California Building, Residential, and Fire codes, as such codes have been adopted and amended by Chapters 6 and 11 of the Escondido Municipal Code.

(54) Both units in a two-family dwelling project shall utilize the same colors and materials. This requirement applies whether both units are constructed at the same time or if one unit is added to a property that is currently developed with an existing unit.

(65) Solar panels shall be required on newly constructed units within a two-family dwelling project in compliance with the California Energy Code.

Sec. 33-116 Urban lot split

(f) Development Standards. Parcels shall be subject to all development standards of the zone in which the property is located and development standards are related to the design or improvements of a parcel, except as modified below:

ARTICLE 16 COMMERCIAL ZONES

1. *Conformance with Assembly Bill ("AB") 2085: Planning and zoning: permitted use: community clinic*
2. *Conformance with AB 2632: Planning and zoning: thrift retail stores.*

Sec. 33-332 Principal Uses

Table 33-332 PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES			
Use Title	CG	CN	CP
General retail			
Bargain basement store	C		
Drugstores with drive through* (subject to section 33-341)	C	C	C
Pharmacies with drive through* (subject to section 33-341)	C	C	C
Florists, gifts, cards, newspapers, and magazines with drive through* (subject to section 33-341)	C	C	C
General retail with drive through* (subject to section 33-341)	C	C	C
Tobacco product store			
Building materials and supplies including lumber, heating, plumbing, and electrical equipment, etc. (outdoor storage or sale subject to CUP)	P		
Drugstores	P	P	P
Pharmacies	P	P	P
Florists, gifts, cards, newspapers and magazines	P	P	P

Furniture, home and office furnishing and equipment, electrical appliances, and office machines and supplies	P		
General retail, NEC (as determined by the director, based on conformance with the purpose of the specific zone, interaction with customers, the appearance of the building, the general operating characteristics, and the type of vehicles and equipment associated with the use, and including incidental assembling of customized items)	P	P	
Hospital/medical equipment sales	P		P
Nurseries and garden supply stores	P	P	
Outdoor retail, NEC (as a principal use)	C#		
Sporting goods (includes ammunition and firearms, fishing, hunting, golf, playground equipment, etc.)	P		
Temporary seasonal sales such as Christmas tree and wreath sales, pumpkin sales, etc., on vacant lots subject to a temporary use permit* (Article 73)	P	P	P
Used Merchandise			
Consignment shop* (subject to Chapter 15 and Article 57)	C		
Pawn shop* (subject to Chapter 15 and Article 57)			
Secondhand store* (subject to Chapter 15 and Article 57)	C		
Thrift shop* (subject to Chapter 15 and Article 57)	C ²	²	²
Medical, dental and related health services			
Hospitals, excluding small medical clinics	C		C
Massage establishments* (Article 38)	P/C		
Medical, dental and optical laboratories	P		P
Medical clinics and blood banks	P		P

<u>Health community clinics**</u>	<u>P</u>	<u>P</u>	<u>P</u>
Medical, dental, optical, and other health care offices	P	P	P
Other medical and health services NEC	P		P

Notes:

* = Subject to special regulations—see Article in parentheses.

**** = Community clinics licensed pursuant to Section 1204 of the California Health and Safety Code that provide reproductive health services as defined in subdivision (f) of Section 423.1 of the California Penal Code shall be ministerially approved within 60 days and exempted from CEQA as per Section 65914.900 of the California Government Code.**

1 Single-room occupancy (SROs) units shall only be permitted as a result of conversion from existing hotel/motel uses in the CG zone subject to Article 63, section [33-1348](#).

2 **Thrift stores shall be permitted or conditionally permitted in the same manner as the “general retail” use type for which the thrift store use parallels.**

P = Permitted use.

C = Conditionally Permitted Use [subject to a Major Conditional Use Permit (CUP)] pursuant to section [33-1200](#) et seq.

C# = Conditionally Permitted Use [subject to a Minor CUP] pursuant to section [33-1200](#) et seq.

NEC = Not Elsewhere Categorized.

ARTICLE 26 INDUSTRIAL ZONES

1. *Cleanup of existing foot note to align with the Business Recovery ordinance.*

Sec. 33-564 Land uses

- (a) Principal Uses and Structures. The following Table 33-564 lists those uses which are permitted (P) or subject to a conditional use permit (C) in industrial districts. Major conditional use permits (C) and minor conditional use permits (C#) shall be processed pursuant to Article 61, Division 1 of this chapter.

Table 33-564 PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES

Notes:

- * = As determined by the director and the fire chief based on information provided by the business describing the quantity and nature of hazardous chemicals used.
- ** = Retail or support service components greater than the maximum **50** ~~15~~% floor area/sales allowed by section 33-565 (Accessory uses and structures) is allowed only in M-1 and M-2 zones, subject to conditions in section 33-566—Specialized retail uses.
- *** = Only on sites immediately adjacent to the general commercial zone and within 500 feet of public transportation.
- **** = Only on sites within the emergency shelter overlay, Figure 33-661, and subject to the requirements of Article 27.
- ***** = Dog shelters generally means an establishment, especially one supported by charitable contributions, that provides a temporary home for dogs, cats and other animals that are offered for adoption.
- 1 = Pursuant to Article 33 of the zoning code (recycling facilities).
- 2 = Pursuant to section 33-576 of this article (animal boarding and daycare).
- 3 = Includes instruction. Pursuant to Chapter 17, Article 12 (noise abatement and control).
- P = Permitted use.
- C = Conditionally permitted use subject to issuance of a conditional use permit; either major (C) or minor (C#) (pursuant to Article 61, Division 1 of this chapter).

ARTICLE 30 HAZARDOUS CHEMICAL OVERLAY (H-C-O) ZONE

1. *Removal of outdated reference to an Area Plan that no longer exist.*

Sec. 33-669.1 Findings for approval of off-site hazardous waste projects in H-C-O zone

Prior to approval of an off-site hazardous waste management facility, all of the following findings shall be made:

- (a) The location and design of a facility will not create a significant threat to life and property due to fire, explosion, water contamination, spill, emissions or other hazards;
- ~~(b) The location, design, bulk, scale and overall character of a proposed project shall be visually and architecturally compatible with the I-15/78 Corridor Area Plan;~~
- (eb)** That the proposed facility in itself, or in combination with other similar facilities, does not substantially exceed the city's and county's "fair share" for the type of treatment which such a facility would provide;
- (ec)** That the facility does not result in an over-concentration of facilities in a particular geographic area.

ARTICLE 37 PUBLIC ART

1. *Language updates in accordance with the Public Art Strategic Plan (adopted September 18, 2024 via Resolution 2024-118).*

Sec. 33-730 Intent

- (a) It is the intent of the ~~city~~ **City** to create a program designed to promote ~~the arts~~ **art** in public places. It is intended that art work will be installed throughout the neighborhoods of Escondido and be a source of pride to the residents of the ~~city~~ **City** and the community life.
- (b) The ~~public art partnership program~~ **Public Art Program** will provide art education and experiences which will enhance the economic vitality, commemorate local values, history and progress, as well as develop community pride and identity and improve the general welfare and quality of life in the ~~city~~ **City**. The ~~program~~ **Program** will promote ~~partnership~~ **collaboration** between business, local government and private citizens and thereby encourage awareness and enjoyment of art experiences. An increase in the quantity and quality of distinguished works of art will improve and expand the use and value of public buildings and facilities and enhance the urban development of the community.

Sec. 33-731 Definitions

"Art in public places" or "Public Art" means any visual work of art, accessible to public view, on public or private property within the Escondido neighborhood environs including residential, business or industrial buildings, apartment and condominium complexes, parks, multiple-use structures and similar facilities. The work of art may include, but need not be limited to, sculptures, murals, monuments, frescoes, fountains, paintings, stained glass, ~~or~~ ceramics, digital art, light art, tapestries, dance, or temporary installations. Media may include, but need not be limited to, steel, bronze, wood, plastic, stone and concrete.

"Tenant improvements" mean improvements within the confines of an existing building exclusive of those required to meet minimum Uniform Building Code occupancy standards, such as wiring or plumbing.

"Annual Public Art Work Plan" as used in this Article 37 shall mean annual initiatives prepared by the Community Services Department and managed by the

Public Art Commission to fund new artworks, including but not limited to; educational programs, maintenance, and decommissioning. It establishes project timelines, budget allocations, and public involvement processes to enhance Escondido's cultural landscape and community engagement through art

“Art in lieu” or “in lieu fees” shall mean charges levied on private property developers to support the integration of public art within the cityscape. Enacted through City Council resolution, these fees apply to both residential and non-residential development projects. Developers have the option to fulfill this requirement either by paying a specified public art fee or by integrating art pieces directly into their developments. This initiative aims to enhance the aesthetic appeal and cultural identity of the City by ensuring that new constructions contribute to the public realm through art installations. The fee structure is detailed in the City’s Fee Guide for Development Projects, periodically updated to reflect current requirements and values.

“Public Art Program” or “Program” as used in this Article 37 refers to a comprehensive initiative established by the City to promote art in public places. It aims to enhance community life by integrating visual art throughout residential, business, and recreational environments. The Program includes installations such as sculptures, murals, and digital art, fostering civic pride, commemorating local heritage, and supporting economic vitality. Managed by the Public Art Commission, the Program coordinates art education, maintenance, and the development of a diverse public art portfolio, thereby enriching Escondido's cultural landscape and urban development.

“Public Art Commission” or the “Commission” as used in this Article 37 shall mean the advisory body that develops recommendations and presents supporting information to the City Council in matters pertaining to art in public places. Their role includes but is not limited to hearing public testimony, building community consensus for proposals or projects, facilitating a study of issues, guiding implementation of new or regulating established programs, or assessing the alternatives regarding issues of community concern.

“Public Art Strategic Plan” as used in this Article 37 shall mean the document used to define the City’s role in public art, including the role of the Public Art Commission and staff administration role. This document seeks to clarify the intention of public art in the City of Escondido as a means to provide a unified purpose for local art organizations and artists, to express and unite the City,

nonprofits, and businesses to motivate residents and visitors to be inspired through art. It is designed to further guide the City's decision-making in the management of the City's public art portfolio.

Sec. 33-732 Appointment and terms of office

- (a) The ~~city council~~ City Council shall appoint a ~~public art commission~~ Public Art Commission, which shall meet as needed. The ~~commission~~ Commission shall consist of seven members possessing an interest in public art. Members of the ~~public art commission~~ Public Art Commission shall be appointed by the mayor. Members of the Commission shall reside or own a business within the city's general plan area; up to two members may be appointed who do not reside or own a business within the city's general plan area provided they are employed at a business within the city's general plan area. Members of the ~~public art commission~~ Public Art Commission shall serve at the pleasure of the ~~council~~ City Council, and may be removed from ~~office~~ the Commission at any time, without cause.
- (b) The terms of office for members of the ~~public art commission~~ Public Art Commission shall be for a two year period commencing with the actual date of appointment and ending on March 31st of the second year thereafter.
- (c) Any vacancy within the Commission which occurs prior to the expiration of a term shall be filled by appointment for the unexpired portion of such term consistent with the nomination procedure provided for in section Escondido Municipal Code section 2-30.
- ~~(d) The commission shall appoint a chairperson and shall designate ex officio advisers to aid in the commission functions without vote.~~
- ~~(e) Ex officio advisers shall include:~~
 - ~~(1) A visual artist;~~
 - ~~(2) An architect or urban designer;~~
 - ~~(3) An arts professional such as a curator, fine arts collector, art critic or art educator;~~
 - ~~(4) A member of the business or industry community;~~

~~(5) A member of the community services commission.~~

Sec. 33-733 Administrative ~~panel~~ Commission duties

The duties of the ~~public art partnership panel~~ **Public Art Commission** shall include, but not be limited to, the following:

~~(a) To review, select and approve art work proposed within the public art partnership program;~~

(a) To establish an annual Public Art Work Plan that is approved by the Commission and then brought to City Council;

(1) The Annual Public Art Work Plan will outline key priorities for the City in the following categories: art solicitation, education, maintenance, deaccessioning and budget for these items;

(2) The Annual Public Art Work Plan must align with the City's Public Art Strategic Plan and the City's adopted Cultural Arts Policies;

(b) To review, select and approve art work proposed within the Public Art Program;

~~(bc)~~ To devise methods of selecting and commissioning artists with respect to the design, execution and placement of art in public places and to advise the ~~city council~~ **City Council** on the selection and commissioning of artists for such purposes;

~~(cd)~~ To advise the ~~city~~ **City** in matters pertaining to the quality, quantity, scope and style of art in public places;

~~(de)~~ To advise the ~~city~~ **City** regarding the amount of the "percent for art" fund to be expended on specific art projects;

~~(ef)~~ To review and maintain an inventory of art in public places and advise the city in matters pertaining to the maintenance, placement, alteration, sale, transfer, ownership and acceptance or refusal of donations and other matters pertaining to art in public places;

~~(fg)~~ To recommend the retention of consultants to assist the ~~city~~ **City** in making decisions concerning the ~~public art partnership program~~ **Public Art Program**;

(gh) To advise and assist private property owners regarding the selection and installation of works of art to be located on private property in the public view;

~~(h) To act as a liaison between artists and private property owners desiring to install works of art on private property in public view~~

(i) To make recommendations as to art funded by the program which is to be installed on private property;

(ij) To establish and maintain an inventory of meritorious works of art in the public view and give recognition to the artist and the donor;

(jk) To endeavor to ~~preserve~~ **establish/create** works of art in the public view deemed to be meritorious by the ~~public art partnership panel~~ **Public Art Commission** through **approval of** agreements with the property owners and the artist;

~~(kl)~~ To seek grants, donations, gifts and other funding methods for works of art in public places;

(lm) To educate, edify and generally inform the public about art.

Sec. 33-734 Fees

(a) By resolution, the ~~city council~~ **City Council** shall establish a schedule of construction requiring building permits from the city which shall pay a fee for art in public places or provide art in public places pursuant to subsection **(b)** of this section. There shall be no fee for the following:

- (1) Individual tenant improvements in a commercial or industrial building and all residential improvements to existing residential structures (such as room additions) except for work which results in an additional dwelling unit.
- (2) The first 2,000 square feet of any structure. This exception shall not apply on an individual basis to commercial structures which are part of a larger integrated commercial center, but shall apply only to the first 2,000 square feet of the entire center.

- (b) Prior to issuance of a building permit, the applicant or developer for projects identified in subsection (a) of this section shall be required to either:
- (1) Pay the art fee which shall be established from time to time by ~~city council~~ **City Council** resolution; or
 - (2) Enter into an agreement with the ~~city~~ **City** to defer payment to a date established by the ~~city~~ **City**, not to exceed one year from building permit issuance, with the calculation of such fee due based on the fee schedule in effect at the time of payment; or
 - (3) In lieu of the fee, donate art which shall have been approved by the ~~public art partnership panel and have a minimum value determined by the panel based upon the fee schedule which shall be established by city council resolution~~ **Public Art Commission provide documentation of the art's minimum value from a certified art appraiser. The appraiser must hold membership in a recognized professional organization, such as the International Society of Appraisers, the Appraisers Association of America, the American Society of Appraisers or the like. Approval by the Commission shall be contingent upon the appraiser's valuation meeting the requirements of the fee schedule established by City Council resolution;** or
 - (4) Enter into a Public Art Program with the City; or**
 - (45)** A combination of the above.
- (c) If art has been provided in lieu of a fee for construction requiring building permits, the art shall be installed, maintained and operated at all times in substantial conformance with the manner in which the art was originally approved by the ~~panel~~ **Commission**.
- (d) Following approval of the project, the applicant shall record a document with the county recorder setting forth a description of the art and stating the obligation of the property owner to repair and maintain the art project. This document and the underlying land shall be in form to run with the land and provide notice to future property owners of the obligation to repair and maintain the art project.

(e) At any time the ~~panel~~ **Commission** has determined that project has not been maintained in substantial conformance to the manner in which it was originally approved, the ~~panel~~ **Commission** shall require the current property owner to either:

(1) Repair or maintain the art; or

(2) Pay the art fee required by subsection (b) of this section, based upon the current fee schedule and the square footage of the building, structure or improvement for which the art was required.

Sec. 33-735. Art project proposals

The ~~public art partnership~~ **Public Art Commission** shall develop procedures to implement the ~~public art partnership program~~ **Public Art Program** and shall develop and review criteria for all art under the program.

Sec. 33-736 Notice

~~At any time the panel reviews an art project proposal, the advance notice shall be published at least once in a newspaper of general circulation. At any time the panel or the city council reviews an appeal of a decision on an art project proposal, advance notice of such review shall be given to the applicant and shall be published at least once in a newspaper of general circulation. Shall be advertised on the City's website any time the Commission reviews an art proposal.~~

Sec. 33-737 Appeal

Decisions of the ~~public art partnership panel~~ **Public Art Commission** pursuant to this ~~article~~ **Article** and related resolutions on art for private and public property are deemed final at the time they are made and are effective 10 days after the decision is made. An appeal of any final decision filed with the ~~city clerk~~ **City Clerk** within 10 days of the date the decision is made shall stay the decision until determination of the appeal. An appeal to the ~~panel~~ **Commission** for reconsideration of the ~~panel~~ **Commission's** decision may be filed by any aggrieved person, and shall be processed as follows:

(a) An appeal shall be reviewed at the first regularly scheduled meeting after it is filed;

(b) Appeals shall be filed on forms available at the ~~city clerk's~~ **City Clerk's** office and shall contain the grounds upon which the appeal is made;

- (c) On appeal, the ~~panel~~ **Commission** shall review all pertinent documents, including the original application, records, specifications and details of the appeal which may indicate how or why the application and art proposal failed to meet the requirements of this article and the related resolutions and guidelines;
- (d) The ~~panel~~ **Commission** may affirm, reverse or modify in whole, or in part, any appealed decision, determination or requirement. Before granting any appealed petition which was originally denied, the ~~panel~~ **Commission** shall indicate in writing where and how the proposal meets or fails to meet the relevant requirements as stated;
- (e) The ~~panel~~ **Commission** review of its own action may be appealed by any aggrieved person in writing to the city council within 10 days of the ~~panel's~~ **Commission's** final decision. The appeal shall state the grounds upon which it is based. A fee ~~of \$50 to cover costs on appeal based on the fee schedule in effect at the time,~~ shall be paid at the time the appeal is filed;
- (f) The city council will not exercise its independent judgment on artistic matters unless the city council requests that the matter be put on the agenda for review or an appeal of a ~~panel~~ **Commission** decision is filed. Unless the city council determines to exercise its independent judgment as provided in this section, designs, sketches, precise plans, photographs, art examples and similar items concerning art in public places shall not be transmitted to the city council as a matter of course in conjunction with projects before the city council.

Sec. 33-738 Installation

A certificate of occupancy shall not be issued until such time as the art/sculpture is in place, the appropriate fee has been paid or a letter of credit for the full amount of the fee has been deposited with the city. If the art work is not completed within 12 months, the fee or letter of credit shall be forfeited and the obligation satisfied.

Sec. 33-739 Nondevelopment proposals

- (a) The ~~public art partnership panel~~ **Public Art Commission** shall receive art/sculpture project proposals from sculptors, painters, environmental artists, ceramicists, glass artists, woodworkers and metalsmiths. All such artists who work in either large or small scale are encouraged to submit project ideas. The ~~panel~~ **Commission** shall maintain such ideas in readiness for continuous review by the ~~panel~~ **Commission** and such

ideas shall be matched with requests by developers, builders, owners or users of prospective sites. The ~~panel~~ **Commission** shall also make available to other public and private organizations such information.

- (b) The ~~public art partnership panel~~ **Public Art Commission** shall develop necessary criteria for the nondevelopment proposals.

Section 33-740. Duties of public art artists

- (a) **The artist must maintain the art for its duration or five years, whichever comes first**
- (b) **After five years or a pre-defined time period that is less than five years, the ownership of the art shall become property of the artist or the City as defined within the artist agreement**
- (c) **Public Art shall be owned by the City and shall only be reproduced by the artist or the City, or with the City's permission**

Section 33-741. Internal City staff review

- (a) **Public Art shall be reviewed by city staff for risk, safety, and compliance**
- (b) **Public Art installed or created without the approval of the Public Art Commission on public property or in the public right of way is subject to removal**

Sec. ~~33-740~~ 33-742. through § 33-749. (Reserved)

ARTICLE 39 OFF-STREET PARKING

1. *Reorganization and clarification of parking requirements related to multiple dwelling units.*

Sec. 33-765 Parking spaces required

Except as specifically required in applicable zoning regulations, specific plans, or in section 33-782, Parking for historic structures, the number of off-street parking spaces shall be not less than that specified below. When an addition is made to an existing building, only the square footage in such addition need be used in computing the required off-street parking.

Use	Parking Spaces Required
Residential	
Single-family and two-family residences	Two car garage or carport for each unit.
Bed and breakfast	One parking space for each sleeping room available for rent, in addition to those spaces required by this section for the primary residential use. All spaces shall be located on site.
Accessory dwelling units	None.
Hotel conversions	Subject to Article 63, section 33-1348(e)(11).
Multiple Dwellings	<p><u>A. Each unit shall have a minimum of one covered parking space.</u></p> <p><u>B. There shall be provided a guest parking space for each four units or fraction thereof. On-street parking spaces, when approved by the staff development committee, may be counted toward fulfilling this requirement. Street frontages abutting the subject property and which are included in the circulation element of the general plan shall not be included in fulfilling this requirement.</u></p> <p><u>C. In addition to the requirements A and B, parking for Multiple Dwellings shall be as follows:</u></p>
Bachelor	One parking space per unit.
One bedroom	One and one-half (1½) parking space per unit.
Two bedroom	One and three-quarter (1¾) parking space per unit.

Three or more bedrooms	Two parking spaces per unit.
	Each unit shall have a minimum of one covered parking space. In addition, there shall be provided a guest parking space for each four units or fraction thereof. On-street parking spaces, when approved by the staff development committee, may be counted toward fulfilling this requirement. Street frontages abutting the subject property and which are included in the circulation element of the general plan shall not be included in fulfilling this requirement.
Mobilehome parks	Two parking spaces for each site. Parking may be in tandem. In addition, one space for each 10 sites for the laundry and recreation facilities.
Rooming houses, lodging houses, clubs and fraternities having sleeping rooms	One parking space for each two sleeping rooms.
Sanitariums, children's homes, supportive housing, congregate and care facilities, asylums, nursing homes, etc.	A minimum of one parking space for each three beds is required. Additional parking requirements may be applied based on type and intensity of occupancy. The number of required parking spaces shall be determined by the director of community development and shall be based on the operating characteristics of a specific proposal, including, but not limited to, number of: (1) on-site employees, (2) service deliveries, (3) on-site amenities, and (4) group-use programmed space. Adequate provisions for loading and unloading or pick-up and drop off zones shall be provided, subject to approval of a plot plan/CUP.
Senior housing	Two parking spaces, plus three parking spaces for every four units that are studios/bachelor units or one bedroom units. Units with two or more bedrooms require one and one-half (1½) spaces per unit. Senior housing must also provide adequate provisions for loading and unloading or pick-up and drop-off zones.

ARTICLE 57 MISCELLANEOUS USE RESTRICTIONS

1. *Conformance with Assembly Bill ("AB") 2632: Planning and zoning: thrift retail stores.*
2. *Removal of outdated reference to an Ordinance that no longer exist.*

Sec. 33- 1127 Used Merchandise

(a) All consignment shops, secondhand stores, and thrift shops shall provide or satisfy the following criteria, **unless such criteria conflicts with Government Code Section 65631 in which case state law shall prevail:**

- (1) A designated area inside the building shall be established for the receipt, sorting and processing of goods. Donated goods or received merchandise shall be accepted only during regular business hours.
- (2) No more than 30% of the floor area shall be utilized for receiving, sorting and storage of donated and traded goods. The area devoted to receiving, sorting and storage may be increased to 40% if the store/shop occupies more than 15,000 square feet of building space.
- (3) Signs advising patrons that the merchandise/goods within the store are primarily preowned.
- (4) Enclosed Activities. All activities shall be completely enclosed within the building for the use.
- (5) Property Maintenance. The subject property shall be maintained free of trash and debris at all times. Management shall be responsible for the removal of litter from the subject property, adjacent property, and streets that results from the thrift store (with adjacent property owner consent). The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall include the maintenance of exterior façades of the building, designated parking areas serving the use, walls and fences and the perimeter of the site (including all public parkways).
- (6) The storefront windows shall be permanently maintained as displays of merchandise in a professional and attractive manner (i.e., unsightly clothing racks and displays shall not be placed adjacent to the windows).
- (7) Thrift shop. All goods donated for sale at the thrift shop must be accepted through the rear of the store. Adequate directional signage shall be provided from the main entrance to the use to direct individuals to the collection area. The collection area shall be noticed to prohibit depositing goods during

nighttime hours or when the store is closed. Signage should include daytime collection hours for donated goods.

~~(8) All secondhand dealers are subject to the limitations and restrictions of Chapter 15 (Secondhand Dealer Ordinance).~~

- (b) Pawn shops are prohibited use. Any existing pawn shop store or proprietor with a duly issued permit may continue to operate subject to the limitations and restrictions of Chapter 15 (Secondhand Dealer Ordinance) and Article 61 of Chapter 33.

ARTICLE 61 ADMINISTRATION AND ENFORCEMENT

1. *Clarification to existing language and addition of an administrative adjustment to allow modifications for fences on corner lots.*

Sec. 33-1221 Administrative adjustment defined

Administrative adjustment is a reduction or exceedance of certain standards prescribed in the zoning code, which may be granted in accordance with the requirements of this division. An administrative adjustment may not be granted ~~which authorizes~~ **for the authorization** of a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property. Administrative adjustments may be requested for the following property development standards:

- (a) Up to a 25% reduction of required yards/setbacks for structures, signs, and parking areas;
- (b) Reductions up to 25% of the required number of parking spaces for uses in nonresidential zones, pursuant to section 33-764 of this chapter.
- (c) Increases above the 50% limitation on the cumulative costs of improvements as a percentage of the replacement value of the nonconforming use for a nonconforming single-family residential structure in a single-family zone, pursuant to section 33-1243 of this chapter.
- (d) Modifications of the identified front, street side, side and rear lot lines of a lot in order to facilitate orderly development on a parcel subject to unusual circumstances, including but not limited to, topography, grading, drainage and stormwater treatment, utility facilities, easements, access and other site constraints or development requirements.
- (e) Modifications to fences or walls within the street side yard setback of a corner lot when extenuating circumstances are present, including but not limited to, unusual topography, adverse adjacent uses, and other constraints.**
- (ef)** Up to a 25% increase in fence height for commercial zoned properties, and up to a 50% increase in fence height for industrial zoned properties.
- (fg)** Other adjustments as specified by this chapter. (f) Other adjustments as specified by this chapter.

ARTICLE 65 OLD ESCONDIDO NEIGHBORHOOD

1. Consistency cleanup to point to the correct section.

Sec. 33-1373 Permitted accessory uses and structures

- (a) Accessory uses and structures are permitted in the Old Escondido Neighborhood, provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure (i.e., garage, storage, shed, etc.). Accessory uses and structures are permitted according to section ~~33-162~~ 33-95 (R-1 zone) of this zoning code.

ARTICLE 66 SIGN ORDINANCE

1. *Update to abandoned sign time limitations.*

Sec. 33-1399 Nonconforming signs

- (b) Removal of nonconforming signs without compensation. A legal nonconforming sign shall be removed or brought into conformance with this article without compensation when such sign meets any of the following criteria:
 - (1) A sign lawfully erected, but whose business or use has become inoperative or abandoned for a period of not less than ~~180~~ 365 calendar days. This does not apply to signs which are in conformance with an approved comprehensive sign program for a commercial/industrial center;

ARTICLE 67 DENSITY BONUS AND RESIDENTIAL INCENTIVES

1. *Conformance with Assembly Bill ("AB") 2694: Density Bonus Law: residential care facilities for the elderly.*
2. *Conformance with Assembly Bill ("AB") 3116: Housing development: density bonuses: student housing developments.*
3. *Consistency update with State language.*

Sec. 33-1411 Definitions

"Senior citizen housing" means as currently defined by Sections 51.3 and 51.12 of the Civil Code or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code and any subsequent amendments or revisions thereto.

Sec. 33-1413 Standard incentives for new residential construction

- (a) The decision-making body shall grant one density bonus, as specified in subsection (b) of this section, and/or incentives or concessions, as set forth in section 33-1414, when a developer of a housing development of at least five units (or at least three units if the housing development is located within the South Centre City Specific Plan) seeks and agrees to construct at least any one of the following. (The density bonus units shall not be included when determining the total number of target units in the housing development.)
- (1) Low income households. A minimum of 10% of the total units of the housing development as restricted and affordable to lower income households, as defined in Health and Safety Code section 50079.5.
 - (2) Very low income households. A minimum of 5% of the total units of the housing development as restricted and affordable to very low income households, as defined in Health and Safety Code section 50105.
 - (3) Senior citizen housing. A senior citizen housing development or mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California Civil Code. **For purposes of this subparagraph, "development" includes a shared housing**

building development and a residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code.

- (4) Moderate income households. A minimum of 10% of the total units in a common interest development as restricted and affordable to moderate income households, as defined in Health and Safety Code section 50093, provided that all units in the development are offered to the public for purchase.
- (5) Transitional foster youth, disabled veterans, homeless persons. A minimum of 10% of the total units of the housing development as restricted for transitional foster youth, as defined in Education Code section 66025.9; disabled veterans, as defined in Government Code section 18541; or homeless persons, as defined in the Federal McKinney-Vento Homeless Assistance Act (42 U.S.C. section 11301 et seq.).
- (6) Students **housing**. A minimum of 20% of the total units for lower income students in a student housing development that meets the following requirements:
 - (A) All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled **full-time currently or in the past six months in at least six units** at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the developer shall, as a condition of receiving a certificate of occupancy, **provide evidence to the city that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development. do any one of the following:**
 - (1) Provide evidence to the city that the developer entered into an operating agreement or master lease with one or more**

institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.

(2) Provide evidence to the City that the developer has established a system for confirming its renters' status as students to ensure that all units of the student housing development are occupied with students from an institution of higher education.

(B) The applicable target units will be used for lower income students, which for purposes of this clause means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in **Education Code** section 64932.7(k)(1). The eligibility of a student under this clause shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education that the student is enrolled in, or by the California Student Aid Commission, that the student receives or is eligible for financial aid, including an institutional grant or fee waiver, from the college or university, the California Student Aid Commission, or the Federal Government.

(C) The rent provided in the target units shall be calculated at ~~nineteen and one-half (19.5)~~ **30 percent of 65** percent of the area median income for a single-room occupancy unit type.

[unchanged intervening subsections]

(b) Density bonus. When a developer seeks and agrees to construct a housing development meeting the criteria specified in subsection (a) of this section, the decision-making body shall grant a density bonus subject to the following:

(1) The amount of density bonus to which a housing development is entitled shall vary. The density bonus may be increased according to the percentage of affordable housing units provided above the minimum percentages established in subsection (a) of this section, but shall not exceed 50% except in accordance with

subsection (c) of this section or as otherwise authorized by State Density Bonus Law.

(A) Low income households. For housing developments meeting the criteria of subsection (a)(1) of this section, the density bonus shall be calculated as follows:

Table A	
Density Bonus for Housing Developments with Units Affordable to Low Income Households	
Percentage (%) of Low Income Units (Minimum 10% required)	Percentage (%) of Density Bonus to Be Granted (Additional 1.5% bonus for each 1% increase above the 10% minimum)
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35
21	38.75
22	42.5
23	46.25
24	50

(B) Very low income households. For housing developments meeting the criteria of subsection (a)(2) of this section, the density bonus shall be calculated as follows:

Table B	
Density Bonus for Housing Developments with Units Affordable to Very Low Income Households	
Percentage (%) of Very Low Income Units (Minimum 5% required)	Percentage (%) of Density Bonus to Be Granted (Additional 2.5% bonus for each 1% increase above the 5% minimum)
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

(C) Senior citizens. For housing developments meeting the criteria of subsection (a)(3) of this section, the density bonus shall be 20% of the number of senior housing units.

(D) Moderate income households in a common interest development. For housing developments meeting the criteria of subsection (a)(4) of this section, the density bonus shall be calculated as follows:

Table C	
Density Bonus for Common Interest Developments with Units Affordable to Moderate Income Households	
Percentage (%) of Moderate Income Units (Minimum 10% required)	Percentage (%) of Density Bonus to Be Granted (Additional 1% bonus for each 1% increase above the 10% minimum)
10	5
11	6
12	7

13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35
41	38.75

42	42.5
43	46.25
44	50

(E) Transitional foster youth, disabled veterans, homeless persons. For housing developments meeting the criteria of subsection (a)(5) of this section, the density bonus shall be 20% of the number of the type of units giving rise to a density bonus under that subsection.

(F) Students **housing**. For housing developments meeting the criteria of subsection (a)(6) of this section, the density bonus shall be **calculated as follows: 35% of the student housing units.**

<u>Table C-1</u>	
<u>Density Bonus for Student Housing</u>	
<u>Percentage (%) of total student housing bedspaces reserved for lower income students (Minimum 20% required)</u>	<u>Percentage (%) of Density Bonus</u>
<u>20</u>	<u>35</u>
<u>21</u>	<u>38.75</u>
<u>22</u>	<u>42.5</u>
<u>23</u>	<u>46.25</u>
<u>24</u>	<u>50</u>

(G) 100% affordable projects. For housing developments meeting the criteria of subsection (a)(7) of this section, the density bonus shall be 80% of the number of units for lower income households. If the housing development is located within one half (½) mile of a major transit stop, the city shall not impose any maximum controls on density.

Sec. 33-1414 Alternative or additional incentives and concessions for housing developments.

(a) When a developer requests a density bonus and/or incentives or concessions pursuant to section 33-1413, the decision-making body shall grant incentives or concessions, subject to the following:

(1) Number of incentives/concessions.

- (A) The developer shall receive the following number of incentives or concession based upon the minimum percentage of total units to be restricted as target units:

Table E	
Number of Incentives/Concessions	
Number of Incentives/Concessions	Percentage (%) of Target Units (Minimum required)
1 Incentive/Concession	5% for very low income households
	10% for lower income households <u>and 20% for lower income student housing</u>
	10% for moderate income persons or families in a common interest development <u>in which the units are for sale</u>
2 Incentives/ Concessions	10% for very low income households
	17% for lower income households <u>and 23% for lower income student housing</u>
	20% for moderate income persons or families in a common interest development <u>in which the units are for sale</u>
3 Incentives/Concessions	15% for very low income households
	24% for lower income households
	30% for moderate income persons or families in a common interest development <u>in which the units are for sale</u>
4 or more Incentives/Concessions	At the discretion of the decision-making authority
<u>4 Incentives/Concessions</u>	<u>16% for very low income households</u>
	<u>45% for moderate income persons or families in a development in which the units are for sale</u>
<u>5 Incentives/Concessions</u>	<u>100% of all units, including density bonus units, but exclusive of managers units are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the units in the development, including total units</u>

Table E	
Number of Incentives/Concessions	
Number of Incentives/Concessions	Percentage (%) of Target Units (Minimum required)
	<p><u>and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code. For purposes of this subparagraph, "development" includes a shared housing building development.</u></p> <p><u>If the project is located within one-half mile of a major transit stop or is located in a very low vehicle travel area as defined in Section 65915(o)(10) of the Government Code in a designated county, the applicant shall also receive a height increase of up to three additional stories, or 33 feet if requested.</u></p>



STAFF REPORT

April 9, 2025
File Number 0145-30

SUBJECT

LETTER IN SUPPORT OF STATE OF CALIFORNIA FUNDING FOR PROPOSITION 36

DEPARTMENT

City Clerk's Office

RECOMMENDATION

Request the City Council review and approve the attached letter to Governor Gavin Newsom requesting dedicated funding for the full implementation of Proposition 36 in the 2025-26 State Budget.

Staff Recommendation: Approval (City Clerk's Office: Zack Beck, City Clerk)

Presenter: Zack Beck, City Clerk

ESSENTIAL SERVICE – Yes, Police Services; Fire/EMS Services; Keep City Clean for Public Health and Safety

COUNCIL PRIORITY – Improve Public Safety; Increase Retention and Attraction of People and Businesses to Escondido

FISCAL ANALYSIS

None

PREVIOUS ACTION

None

BACKGROUND

In November 2024, Proposition 36 was overwhelmingly approved by California voters, with nearly 70% in favor. This important measure addresses concerns about crime, drug addiction, and public safety across the state. Proposition 36 aims to enhance public safety by increasing penalties for certain drug-related offenses and theft while also providing critical resources for drug treatment and mental health programs.

For Proposition 36 to be successfully implemented and fulfill its goals, local governments, including Escondido, will face significant financial obligations. These costs include expanded court workloads, enhanced law enforcement efforts, and the establishment of vital treatment programs to help those



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suffering from addiction. Adequate funding will be necessary for local jurisdictions to effectively implement the provisions of Proposition 36.

The Escondido City Council recognizes the importance of this initiative and the need for dedicated state funding to ensure its success. By securing sufficient funding, the state can help local communities, like Escondido, meet these new responsibilities while remaining focused on public safety and compassionate solutions for addiction.

The proposed letter, drafted on behalf of the Escondido City Council, respectfully requests that Governor Gavin Newsom prioritize and allocate funding for the full implementation of Proposition 36 in the 2025-26 State Budget. The letter highlights the overwhelming voter support for the measure and emphasizes the importance of adequate state resources to support local efforts in implementing the initiative effectively.

The letter also underscores the alignment of Proposition 36's goals with the City of Escondido's commitment to public safety and compassionate solutions to addiction. The letter requests that the Governor work with the Legislature to ensure these resources are included in the state's upcoming budget proposal, particularly as the May Revision is developed.

The fiscal impact to the City of Escondido is not directly associated with this letter. However, securing the requested state funding will assist the City in meeting the anticipated costs related to the implementation of Proposition 36, including law enforcement, judicial processes, and treatment program creation.

The proposed letter aligns with the City Council's values of public safety, effective criminal justice, and compassion for those impacted by addiction. The City of Escondido is committed to ensuring that Proposition 36 is implemented effectively, and requesting state funding for its full implementation is a key step in ensuring success. It is recommended that the City Council approve the letter and authorize its submission to Governor Gavin Newsom.

ATTACHMENTS

- a) Attachment "1" - Letter in Support of Prop 36 Funding



April 9, 2025

The Honorable Gavin Newsom
Governor of California
State Capitol, Suite 1173
Sacramento, CA 95814

Subject: Request for Dedicated Funding to Support the Implementation of Proposition 36 in the 2025-26 State Budget

Dear Governor Newsom,

I hope this letter finds you well. On behalf of the Escondido City Council, I am writing to respectfully request that you prioritize and include dedicated funding for the full implementation of Proposition 36 in your 2025-26 State budget proposal. As you know, Proposition 36 was overwhelmingly approved by nearly 70% of California voters in November 2024, signaling a strong and clear mandate from the people to address the growing concerns related to crime, drug addiction, and public safety throughout our state.

Proposition 36 seeks to improve public safety by increasing penalties for certain drug and theft-related offenses while providing essential resources for drug treatment and mental health programs. However, for this vital initiative to be fully effective, sufficient funding must be allocated to local governments and counties that will be tasked with implementing its provisions. The anticipated financial burden includes expanded court workloads, enhanced law enforcement efforts, and, perhaps most importantly, the creation and funding of treatment programs that will help those suffering from addiction on their path to recovery.

As a community that values both the safety of our residents and compassionate solutions to the challenges of addiction, the Escondido City Council believes that fully funding Proposition 36 is essential to achieving the goals set forth by voters. It is our firm belief that such funding aligns with your administration's commitment to both safeguarding our communities and addressing the root causes of crime in a compassionate and effective manner.

We urge you to work closely with the Legislature in the coming months—particularly as you prepare the May Revision—to ensure that the necessary resources are included in the budget. This investment will not only honor the will of the people but also demonstrate a steadfast commitment to the public safety and well-being of all Californians.

Thank you for your time, leadership, and thoughtful consideration of this request. We look forward to seeing a budget that reflects the priorities of California's voters, as expressed through Proposition 36. Should you wish to discuss this matter further, please feel free to contact me at (760) 839-4617 or via email at dane.white@escondido.gov.

Sincerely,

Dane White
Mayor of Escondido
201 N. Broadway
Escondido, CA 92025
Phone: (760) 839-4617
Email: dane.white@escondido.gov



STAFF REPORT

April 9, 2025
File Number 0610-90

SUBJECT

RECONSIDERATION OF COMMUNITY REQUEST – FUNDING FOR INDIGENOUS CULTURE AND ART FESTIVAL

DEPARTMENT

City Clerk's Office

RECOMMENDATION

Staff recommends that the City Council (1) vote on the request of Councilmember Fitzgerald to reconsider Council Agenda Item No. 11 on the April 2, 2025 agenda (Community Request – Funding Request for the Indigenous Culture and Art Festival); and (2) affirm the City Manager's execution of the Professional Services Agreement with the San Pasqual Band of Luiseno Indians based on existing contracting authority.

Staff Recommendation: Approval (City Clerk's Office: Zack Beck, City Clerk)

Presenter: Zack Beck, City Clerk

ESSENTIAL SERVICE – No

COUNCIL PRIORITY – Increase Retention and Attraction of People and Businesses to Escondido

FISCAL ANALYSIS

None

PREVIOUS ACTION

None

BACKGROUND

On April 2, 2025, the City Council by a vote of 4-1 (Martinez abstaining) approved the funding request for the Indigenous Culture and Art Festival. Following this approval, it was brought to the attention of Councilmember Judy Fitzgerald that she received a campaign contribution from the San Pasqual Band of Luiseno Indians in the amount of \$2,500 on October 5, 2024. This contribution was not previously disclosed during the original decision-making process. In light of this, Councilmember Fitzgerald has requested the reconsideration of the funding decision made at the April 2, 2025, Council meeting.



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After the City Council's vote, on April 3, 2025, the City Manager executed the Professional Services Agreement consistent with his authority under the Escondido Municipal Code and consistent with the Council's direction.

Councilmember Fitzgerald submitted a formal request for reconsideration in writing, as required by the Council's Policies and Rules of Procedure. As per the "Reconsideration" section of the rules, any member of the Council who voted in the majority on an action may request the Council reconsider the action at a subsequent meeting. Mayor White approved the request for reconsideration, and the item has been placed on the April 9, 2025, City Council agenda for discussion and vote.

Sequentially, the City Council will first vote whether to reconsider the agenda item. If the vote fails to achieve a majority, the April 2, 2025, 4-1 vote will stand. If, on the other hand, the reconsideration request is approved by a majority vote, the City Council will then be asked whether they wish to affirm the City Manager's prior execution of the Professional Services Agreement with the San Pasqual Band of Luiseno Indians based on both his pre-existing contract authority under the Escondido Municipal Code and the discussion, comments, and direction of a majority of the council. Councilmember Fitzgerald will recuse herself from voting on both items due to the campaign contribution received from the San Pasqual Band of Luiseno Indians.

The Council's Policies and Rules of Procedure specify that: "Any member of the Council, voting in the majority on any action of the Council, may at the same meeting, or at a subsequent time, request the Council reconsider an action. A reconsideration request made by a member of the Council voting in the minority shall not be allowed, except when made more than one (1) year after the date of the original action."

There is no immediate fiscal impact associated with placing this request for reconsideration on the agenda. However, should the Council choose to revisit the funding request and vote to amend the decision, any changes to the funding approval may have future budgetary implications.

ATTACHMENTS

- a) Attachment "1" - Councilmember Fitzgerald Request for Reconsideration

From: Zack Beck
Sent: Thursday, April 3, 2025 1:58 PM
To: Dane White; Consuelo Martinez; Christian Garcia; Joe Garcia
Cc: Judy Fitzgerald; Sean McGlynn; Michael McGuinness; Robert Rhoades
Subject: Request for Reconsideration of Community Request - Funding
Request for Indigenous
Culture and Art Festival

Dear Mayor White and Member of the City Council,

Hope all is well and that you are having a nice day so far.

With that being said, please find the following request for reconsideration from Councilmember Fitzgerald below. If approve by Mayor White, this item will be placed on the April 9th Council Meeting:

Honorable Mayor and Members of the Escondido City Council,

I hope this message finds you well. I am writing to respectfully request the reconsideration of the recent decision made regarding the "Community Request - Funding Request for the Indigenous Culture and Art Festival", which was approved during the April 2, 2025, Council meeting.

It has come to my attention that, after the approval of this item, I received a campaign contribution from the San Pasqual Band of Luiseno Indians in the amount of \$2,500 on October 5, 2024. This contribution, while not previously disclosed, is relevant to the funding request discussed at the aforementioned meeting, and I believe it is important to raise this matter for clarity and to ensure full transparency in accordance with our Council's policies.

As outlined in the Council's Policies and Rules of Procedure, specifically the section on "Reconsideration," any member of the Council who voted in the majority may request the Council to reconsider an action at a subsequent time. Given the circumstances surrounding the timing of the campaign contribution, I believe that reconsideration of this matter is warranted to avoid any appearance of a conflict of interest and to uphold the integrity of our decision-making process. As a result, I will be recusing myself from the item.

To facilitate the reconsideration, I am submitting this request in writing, in compliance with the procedure outlined in our policies. I would appreciate it if the request for reconsideration could be placed on the next available agenda for discussion and further consideration. Additionally, should this

item require public notice, I trust that the necessary steps will be taken to ensure compliance with applicable requirements.

Thank you for your understanding and consideration of this request. Please let me know if you require any additional information or clarification. I look forward to discussing this matter further with the Council at your earliest convenience.

Sincerely,
Judy Fitzgerald
Councilmember, District 4
City of Escondido

Please let me know if you have any questions, or if there is anything else I can do to be of assistance to you regarding this item. Hope you have a great day.

Best Regards,

Zack Beck

Zack Beck, CMC, CPMC
City Clerk
City Clerk's Office | City of Escondido
Direct: 760-839-4560 | Main: 760-839-4617
www.escondido.gov

KEY-

CONSENT CALENDAR CURRENT BUSINESS

PUBLIC HEARING WORKSHOP PROCLAMATION

Item 11.



CITY of ESCONDIDO

FUTURE AGENDA

4/16/2025

PROCLAMATION: Volunteer Appreciation Month

PROCLAMATION: Fair Housing Month

CONSENT CALENDAR - (J. SCHOENECK) - MOVING SERVICES AGREEMENT FOR TEMPORARY LIBRARY RELOCATION - It is requested that the City Council adopt Resolution 2025-26 authorizing the Mayor to execute a Public Service Agreement ("PSA") for moving services for the transfer of materials and equipment to the temporary Library location.

CONSENT CALENDAR - (C. MCKINNEY) - MATRIX CONSULTING GROUP, INC. AGREEMENT - It is requested that the City Council approve Budget Authorization and Approval of Second Amendment to the Agreement with Matrix Consulting Group, Inc. for the Streamlining of Development Services.

CONSENT CALENDAR - (C. MCKINNEY) - PL24-0358, OUT-OF-AGENCY SEWER SERVICE AGREEMENT FOR 455 BEAR VALLEY PARKWAY

CONSENT CALENDAR - (C. MCKINNEY) - SMART GROWTH INCENTIVE PROGRAM - Request for Authorization to file a Smart Growth Incentive Program grant application for grant funds and acceptance of terms of grant agreement

CONSENT CALENDAR - (A. MORROW) - CONTINUING REPAIR OF THE EMERGENCY REPAIR OF THE ESCONDIDO TRUNK SEWER MAIN - It is requested that the City Council adopt Resolution No. 2025-30 declaring that pursuant to the terms of Section 22050 of the California Public Contract Code, the City Council finds there is a need to continue the emergency repair of the Escondido Trunk Sewer Main. The resolution, which must be passed by four-fifths vote, also declares that public interest and necessity demand the immediate expenditure to safeguard life, health, or property.

CONSENT CALENDAR - (R. BANKS) - NATIONAL PUBLIC SAFETY GROUP - COMPUTER AIDED DISPATCH (CAD) CONSULTING SERVICES AGREEMENT - REQUEST THE CITY COUNCIL ADOPT RESOLUTION #2025-13 AUTHORIZING THE MAYOR TO ENTER AN AGREEMENT WITH NATIONAL PUBLIC SAFETY GROUP. FOR CONSULTING SERVICES FOR THE POLICE DEPARTMENT REGARDING COMPUTER AIDED DISPATCH (CAD) IN THE AMOUNT OF \$282,428.

CURRENT BUSINESS - (J. SCHOENECK) - TEMPORARY RELOCATION OF LIBRARY SERVICES - Request the City Council approve funding for the expenses associated with the temporary relocation of Library Services during the Library infrastructure construction project.

4/23/2025 - NO MEETING (SPRING BREAK)

4/30/2025 - NO MEETING