

CITY OF ESCONDIDO**MINUTES OF THE REGULAR MEETING OF THE
ESCONDIDO PLANNING COMMISSION****March 14, 2017**

The meeting of the Escondido Planning Commission Meeting was called to order at 7:00 p.m. by Chairman Weber in the City Council Chambers, 201 North Broadway, Escondido, California.

Commissioners present: Jeffery Weber, Chairman; Don Romo, Vice-Chairman; Michael Cohen, Commissioner; Joe Garcia, Commissioner; James McNair, Commissioner; James Spann, Commissioner; and Stan Weiler, Commissioner.

Commissioners absent: None.

Staff present: Bill Martin, Director of Community Development; Mike Strong, Assistant Planning Director; Owen Tunnell, Principal Engineer; Adam Phillips, Deputy City Attorney; and Ty Paulson, Minutes Clerk.

MINUTES:

Moved by Commissioner Spann, seconded by Commissioner Cohen, to approve the minutes of the February 28, 2017, meeting. Motion carried unanimously. (7-0)

WRITTEN COMMUNICATIONS – Received.

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS: None.

PUBLIC HEARINGS:**1. ZONING CODE AMENDMENT – AZ 16-0007 (Continued from 02/14/17):**

REQUEST: Amendments to the Escondido Zoning Code (EZC) to bring City regulations of second dwelling units (now called accessory dwelling units) into compliance with recent State law changes. A majority of the proposed changes are focused to Article 70 of the Zoning Code, where specified provisions regarding accessory dwelling units are provided. However, additional EZC amendments are

necessary to help maintain internal consistency between various code sections. No development project is proposed.

PROPERTY SIZE AND LOCATION: Citywide

Mike Strong, Assistant Planning Director, referenced the staff report and noted that as set forth, the Commission will be asked to open the continued public hearing, receive testimony, discuss any policy-related issues, review and consider the draft ordinance, and forward a recommendation to the City Council. Staff recommended approval of the proposed Resolution, recommending that the City Council adopt, with any suggested edits, amendments to Articles 1, 7, 8, 10, 12, 13, 14, 39, 65, and 70 of the Zoning Code, for the following reasons: 1) The proposed amendments to Article 70 of the Zoning Code address recent changes in State law and provide use and development standards to implement relevant State law requirements. (Any local ordinance adopted prior to January 1, 2017 that is not in compliance with the changes to Accessory Dwelling Unit law are null and void.); 2) the proposed amendments to other code sections help maintain internal consistency between various code sections. They are ancillary to the focused amendments to Article 70 (i.e. they are minor and technical in nature); and 3) it was the intent of State law that any Accessory Dwelling Unit Ordinance ordinances adopted by local agencies are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create Accessory Dwelling Units in zones in which they are authorized. The proposed amendments would help facilitate Accessory Dwelling Unit construction for homeowners to meet current and future housing needs.

Commissioner Weiler and staff discussed the history for the established size limitations for accessory dwelling units. Additionally, they discussed the intent of Item (i) on Page 17 of the staff report.

Commissioner Garcia, Commissioner Romo and staff discussed Item 4 on Page 17 of the staff report.

Alice Davis Winkle, Escondido, referenced an email she had forwarded to the Commission, noting her desire to purchase her parent's home and construct an accessory dwelling unit on the .75-acre property. She stated that being able to construct a second dwelling unit would enable her to take care of her parents, be close to family, and receive help with her children. She indicated that they had no intent to rent the unit. She also felt allowing accessory dwelling units would help alleviate the high cost associated with care facilities.

Douglas Shultz, Escondido, referenced a handout he had provided to the Commission and noted establishing a maximum unit size would help mitigate

issues. He recommended for lots less than 10,000 square feet; attached accessory dwelling units should not exceed 500 square feet. For lots over 10,000 square feet and less than 20,000 square feet, accessory dwelling units should not exceed 640 square feet. For lots over 20,000 square feet, accessory dwelling units should be allowed up to 1,200 square feet and should not contain more than 2 bedrooms and 1 bathroom.

Donna Davis, Escondido, noted that as a realtor she received numerous requests for housing with accessory dwelling units. She stated that the reason varied from wanting to be near family to being able to provide for family members. She felt allowing accessory dwelling units would help the community accommodate family needs. She asked that the Commission consider allowing larger accessory dwelling units on larger lots, noting that 640 square feet would not accommodate two people and a caregiver. She also noted that detached accessory units should be permitted because adding on to her residence would be more impactful than a separate accessory dwelling unit.

Lacie Moretti, Escondido, felt there was a need for more accessory dwelling units in order to accommodate the multi-generational and inter-generational families. She stated that society was changing in that people were living longer. She indicated that older adults were living with their children and families were moving in together, noting that 2.3 million elderly parents lived with their families in the year 2000. She noted that research showed that adding accessory dwelling units provided practical housing for the elderly, disabled, empty nesters, and young workers. Additionally, it could provide additional income for homeowners; increase the housing stock, and the property tax base. She stated that loosening the restrictions on accessory dwelling units would help provide students the opportunity to live within higher quality school districts. She expressed support for detached accessory dwelling units feeling this would provide more opportunity. Ms. Moretti noted that the State was coming together to allow accessory dwelling units and, as such, she asked that the City allow accessory dwelling units.

Roy Garrett, Escondido, stated that he owned six properties with accessory dwelling units which all had alley access, noting they were easy to rent and were affordable. He felt accessory dwelling units provided affordable housing at the least expense. He expressed his view that the subject ordinance was drafted to do the minimum necessary to meet state requirements. He noted that allowing detached accessory dwelling units in Old Escondido was important because it allowed some individuals the ability to save their homes. He felt this should be allowed in other areas of the City as well. He was opposed to requiring the owner occupancy deed restriction, noting this would create financing and resale issues. He then referenced Paragraph (c) on Page 18 of the staff report, feeling the word "may" in the paragraph was vague.

Commissioner Spann felt a sewer connection fee would be appropriate but was opposed to charging for another line. Mr. Strong noted that the current approach would be not to charge a fee if the unit was within the existing footprint of the home and to charge for those outside the footprint of the home.

Commissioner Spann and Mr. Strong discussed the appeal process for historic properties as well as what constituted a manufactured home.

Commissioner Weiler was in favor of accessory dwelling units when used in the way they were intended, noting he did not want to create a situation where the community was impacted by adding another dwelling unit, especially with parking. He felt there were items in the code that helped regulate potential impacts. He suggested referencing sections in the ordinance on the application so applicants were fully aware of the requirements at the beginning. He then questioned why detached accessory dwelling units were not allowed in other parts of the City other than the Old Escondido Neighborhood.

Mr. Martin noted that the accessory dwelling unit regulations in the Old Escondido Neighborhood had just been changed in response to previous inquiries to build detached accessory dwelling units in this neighborhood. He mentioned the Old Escondido Neighborhood had alley access and the Historic Preservation Commission had concurred that detached structures could be added in a way that would still maintain the historic nature of the district. He noted that other areas of the City had not been looked at but the Commission could consider making a recommendation on those areas.

Commissioner Weiler stated that he could support detached accessory dwelling units on larger lots with the assurance there would be no impacts to adjacent neighbors. He questioned how the setback requirements would be met. Mr. Strong noted that a new accessory dwelling unit would have to comply with the underlying zone restrictions.

Chairman Weber expressed his concern with the reduced parking standard established by the State for properties in proximity to public transportation, noting that a bus stop location could change but an accessory dwelling unit will remain in its original location. He felt the subject ordinance had the potential to turn an R-1 zone into an R-2 zone. He was concerned with the potential for a proliferation of Airbnb's, excessive rentals, and the impacts they would have on parking. He felt accessory dwelling units were needed but was not prepared to support until more input and review was considered. He also noted that he was in favor of allowing detached accessory dwelling units on larger lots.

Commissioner Garcia noted that the major complaint in the community was parking. He felt more discussion and public input was needed before action was taken.

Commissioner McNair felt more discussion and public input was needed.

Mr. Strong noted state law was in effect as of January 1 and it was incumbent to work on this diligently, noting that any second dwelling unit requests submitted to the Planning Division would default to State law if the City had nothing in place.

Commissioner Weiler suggested forwarding a recommendation of approval to City Council with a request that Council direct staff and a Commission subcommittee to consider additional refinements to address the parking and detached unit issues that had been expressed.

Commissioner Spann felt the parking needed to be regulated. He concurred with referring this item to City Council and then having it come back for revisions. He stated that he was in favor of allowing accessory dwelling units on larger lots.

Commissioner Romo asked if the City had any current request for accessory dwelling units. Mr. Strong noted that he was aware of three property owners who were waiting to see the outcome of this item.

Commissioner Romo concurred with creating a subcommittee to work on this item.

Commissioners Romo, Cohen, and Weiler volunteered to serve on the subcommittee should Council provide that direction.

ACTION:

Moved by Commissioner Weiler, seconded by Commissioner Spann, to approve staff's recommendation with a request that Council form a Planning Commission subcommittee to review and consider recommendations and revisions that would strengthen the ordinance. Motion carried. Ayes: Weber, Weiler, Spann, Garcia, Cohen, and McNair. Noes: Romo. (6-1)

CURRENT BUSINESS: None.

ORAL COMMUNATIONS: None.

PLANNING COMMISSIONERS: No comments.

ADJOURNMENT:

Chairman Weber adjourned the meeting at 8:13 p.m. The next meeting was scheduled for April 11, 2017, at 7:00 p.m. in the City Council Chambers, 201 North Broadway, Escondido, California.



Mike Strong, Secretary to the Escondido
Planning Commission



Ty Paulson, Minutes Clerk