

CITY OF ESCONDIDO

Planning Commission and Staff Seating



- A. CALL TO ORDER: 7:00 p.m.
- B. FLAG SALUTE
- C. ROLL CALL:
- D. MINUTES: 06/24/14

The Brown Act provides an opportunity for members of the public to directly address the Planning Commission on any item of interest to the public before or during the Planning Commission's consideration of the item. If you wish to speak regarding an agenda item, please fill out a speaker's slip and give it to the minutes clerk who will forward it to the chairman.

Electronic Media: Electronic media which members of the public wish to be used during any public comment period should be submitted to the Planning Division at least 24 hours prior to the meeting at which it is to be shown.

The electronic media will be subject to a virus scan and must be compatible with the City's existing system. The media must be labeled with the name of the speaker, the comment period during which the media is to be played and contact information for the person presenting the media.

The time necessary to present any electronic media is considered part of the maximum time limit provided to speakers. City staff will queue the electronic information when the public member is called upon to speak. Materials shown to the Commission during the meeting are part of the public record and may be retained by the City.

The City of Escondido is not responsible for the content of any material presented, and the presentation and content of electronic media shall be subject to the same responsibilities regarding decorum and presentation as are applicable to live presentations.

If you wish to speak concerning an item not on the agenda, you may do so under "Oral Communications" which is listed at the beginning and end of the agenda. All persons addressing the Planning Commission are asked to state their names for the public record.

Availability of supplemental materials after agenda posting: any supplemental writings or documents provided to the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning Division located at 201 N. Broadway during normal business hours, or in the Council Chambers while the meeting is in session.

The City of Escondido recognizes its obligation to provide equal access to public services for individuals with disabilities. Please contact the A.D.A. Coordinator, (760) 839-4641, with any requests for reasonable accommodation at least 24 hours prior to the meeting.

**The Planning Division is the coordinating division for the Planning Commission.
For information, call (760) 839-4671.**

E. WRITTEN COMMUNICATIONS:

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

1. Future Neighborhood Meetings

F. ORAL COMMUNICATIONS:

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

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

G. CONSENT CALENDAR:

Items on the Consent Calendar are not discussed individually and are approved in a single motion. However, Commission 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. Approve [Planning Commission Resolution 6015](#) DENYING Conditional Use Permit (PHG 14-0017) for government services to operate a 96-bed unaccompanied youth care facility and DENIAL of an associated extension of time for an existing skilled nursing residential care facility in the RE-20 zone.**

Location: 1817 Avenida Del Diablo

H. PUBLIC HEARINGS:

Please try to limit your testimony to 2-5 minutes.

1. [TENTATIVE PARCEL MAP, CONDITIONAL USE PERMIT AND ADMINISTRATIVE ADJUSTMENT – SUB 14-0003; PHG 14-0010 AND ADM 14-0031:](#)

REQUEST: A proposed Tentative Parcel Map to subdivide an existing 0.58-acre single-family residential lot in the R-1-7 (Single-Family Residential, 7,000 SF minimum lot size) zone into two (2) lots (8,018 SF and 9,632 SF), in conjunction with a Conditional Use Permit for a 22-foot wide easement access to the rear lot. The request also includes, an Administrative Adjustment for a 25% reduction of the required side yard setback from 10' to 7.5' and the required rear-yard setback from 20' to 15' for an existing single-family residence to remain on Parcel 1 and a 25% reduction to the required front-yard setback for Parcel 2 from 15' to 11.25'. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: Approximately .58-acres, on the west side of Miller Avenue, north of Danica Place and south of Montview Drive, addressed as 1935 Miller Avenue (APN 236-332-13)

ENVIRONMENTAL STATUS: The project is exempt from CEQA, in conformance with the CEQA section 15332, "Infill Development."

APPLICANT: Neal Benhoff, Alta Consultants

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

2. AMENDMENT TO THE ZONING CODE – AZ 14-0001:

REQUEST: An amendment to Article 16, pertaining to commercial zones, involving adding Planned Development - Office (PD-O) and Planned Development – Mixed Use (PD-MU) as new commercial zones implementing the Planned Office designation and mixed-use overlay of the General Plan, eliminating the Hospital Professional (HP) zone and incorporating the uses and development standards into the Commercial Professional (CP) zone, and amending/updating the matrix list of permitted and conditionally permitted principal uses for commercial zones (Table 33-332). No property zone changes are proposed at this time; staff will conduct a comprehensive zone change involving all properties affected by the General Plan update at a later time. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY LOCATION: Citywide

ENVIRONMENTAL STATUS: The proposed project is categorically exempt from environmental review in conformance with CEQA Section 15061(b)(3), "General Rule."

APPLICANT: City of Escondido

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

I. CURRENT BUSINESS:

Note: Current Business items are those which under state law and local ordinances do not require either public notice or public hearings. Public comments will be limited to a maximum time of three minutes per person.

J. ORAL COMMUNICATIONS:

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

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

K. PLANNING COMMISSIONERS

L. ADJOURNMENT

CITY OF ESCONDIDO

**MINUTES OF THE REGULAR MEETING OF THE
ESCONDIDO PLANNING COMMISSION**

June 24, 2014

The meeting of the Escondido Planning Commission 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; Bob McQuead, Vice-chairman; Ed Hale, Commissioner; Gregory Johns, Commissioner; James Spann, Commissioner; Merle Watson, Commissioner; and Guy Winton, Commissioner.

Commissioners absent: None

Staff present: Bill Martin, Principal Planner; Jay Petrek, Assistant Planning Director; Owen Tunnell, Principal Engineer; Kristina Owens, Associate Planner; Gary McCarthy, Senior Deputy City Attorney; and Ty Paulson, Minutes Clerk.

MINUTES:

Moved by Commissioner Hale, seconded by Commissioner Watson, to approve the minutes of the May 27, 2014, meeting. Motion carried 6-0 (Commissioner Winton was not present for the vote).

WRITTEN COMMUNICATIONS – Received.

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS – None.

PUBLIC HEARINGS:

1. TENTATIVE SUBDIVISION MAP – SUB 13-0005:

REQUEST: A proposed 6-lot single-family residential subdivision on a 1.15-acre site that has previously been approved for a 5-lot Tentative Subdivision Map (TR 859). Proposed lot sizes range from approximately 6,007 SF to 8,350 SF. Access would be provided by a new cul-de-sac street intersecting El Norte Parkway. The existing single-family residence located on the site is proposed to

be relocated off site or demolished. The project also includes adoption of the environmental determination prepared for the project.

PROPERTY LOCATION: The property consists of 1.15 acres of land on the southwestern corner of El Norte Parkway and East Valley Parkway, addressed as 3129 E. El Norte Parkway (APN 231-660-43).

Bill Martin, Principal Planner, referenced the staff report and noted staff issues were whether the revised six-lot residential project would be compatible with adjacent development and appropriate for the site, and whether appropriate on-site and on-street parking would be available with the additional lot. Staff recommended approval based on the following: 1) Staff felt that proposed six-lot subdivision would be appropriate for the site since it would be in conformance with the underlying R-1-6 zoning requirements, and the lot sizes and project density would be compatible with the surrounding single- and multi-family residential development. Appropriate buildable and open space areas could be provided for the lots; and 2) Although on-site parking would be limited due to the design and length of the new cul-de-sac street, each lot would be able to provide appropriate on-site parking for residents and guests with the condition to provide for six parking spaces on each lot. This could be accommodated with either a three-car garage and additional driveway parking areas, or a two-car garage and a longer driveway.

Commissioner McQuead and staff discussed the proposed parking and side yard setbacks for the project.

John Culver, Applicant, noted that he and his engineer were available for questions. He also noted no issue with providing a 15-foot separation between buildings.

Commissioner McQuead asked Mr. Culver if he was satisfied with the requirement for six parking spaces on each lot. Mr. Culver replied in the affirmative.

ACTION:

Moved by Commissioner Winton, seconded by Commissioner McQuead, to approve staff's recommendation. The motion included adding a condition to require all residences to have a separation of 15 feet between the structures. Motion carried unanimously. (7-0)

2. CONDITIONAL USE PERMIT AND EXTENSION OF TIME – PHG 14-0017:

REQUEST: A Conditional Use Permit for Government Services to operate a 96-bed unaccompanied youth care facility serving minors between 6 and 17 years of age, within an existing 35,200 SF building in the RE-20 zone. The facility would be operated by Southwest Key on behalf of the United States Department of Health and Human Services. The applicant is proposing to install six-foot-high fencing and a required trash enclosure cover; no other new construction or exterior modifications are proposed. The project also includes an extension of time for the existing skilled nursing residential care facility Conditional Use Permit so that it can be reactivated when the Conditional Use Permit for the unaccompanied youth care facility is terminated. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY LOCATION: The property consists of a 2.31-acre parcel on the southern side of Avenida del Diablo, between Valley Parkway and del Dios Road, addressed as 1817 Avenida del Diablo.

Jay Petrek, Assistant Planning Director, referenced the staff report and noted staff issues were whether the site was appropriate for the use as an unaccompanied youth care facility, and whether the existing Conditional Use Permit for a residential care facility should be suspended or extended and permitted to be used in the future. Staff recommended that the Commission receive testimony and approve, conditionally approve, or deny the request based on the totality of information provided at the meeting. Alternative CUP Findings of Fact have been written (Exhibit "A"). Conditions of Approval were proposed if the Planning Commission determined that the CUP should be conditionally approved (Exhibit B). The Planning Commission's decision was considered final unless appealed to the City Council within 10 days of action on the Findings of Fact.

Commissioner McQuead questioned how the parking was provided for during the shift changes, noting his view that it looked like it would be very difficult. Mr. Petrek noted the standard parking requirement was based on the number of beds and staff did not typically take into consideration shift changes for hospitals or care facilities when considering whether sufficient parking had been provided.

Commissioner Hale asked why the proposed CUP for the unaccompanied youth care facility was being tied together with a time extension for the existing CUP for a residential care facility. Mr. Petrek noted that this was at the request of the applicant.

Commissioner Hale asked Mr. McCarthy if the Commission had to consider the two CUPs together. Mr. McCarthy replied in the negative.

Dave Ferguson, representing the applicant, stated that Southwest Key were caregivers for children and had no role or participation in setting U.S. regulations for immigration laws or enforcement. He noted that their role was to reunite minors with their families as quickly as possibly in cases where Immigration and Customs Enforcement or the Border Patrol were involved. He stated that 90% of the time minors were united with their families within 30 days. He indicated that the subject site was selected after meeting with City staff, noting that they already had two operations in San Diego, developed networks with the County Office of Education, medical community, and charitable community. Mr. Ferguson stated that the Commission's focus was land use, noting that Southwest Key was not in a position to answer immigration questions. He felt that the five main concerns raised were security, noise, traffic, potential diseases, and impacts on local schools, which his representatives would be addressing. He also stated that the new owner of the subject property considered the subject use as a temporary use in order to deal with the current crises.

Chairman Weber asked how long the subject lease would be valid. Mr. Ferguson stated that the lease was for five years with an additional five-year option.

Alexia Rodriguez, Southwest Key, provided the background history for Southwest Key. She noted that they were a non-profit agency and had operated for 26 years with over 22 shelters. She stated that their facilities were not detention centers and operated under contract with the Department of Health and Human Services. She indicated that their goal was to reunite children they received from the Border Patrol with their families. She elaborated that the children receive education, counseling, case management, and medical services. She noted that the average length of stay was 21 days.

Ismael Avilez, Southwest Key, stated that they planned on utilizing faith-based centers with recreation areas for providing recreation to their adolescents. He indicated that they would transport the adolescents in unmarked mini vans or cars. He noted that they had no visitors thereby eliminating potential traffic. He also elaborated that they would have no impacts on the schools due to providing an educational curriculum on-site.

Ms. Rodriguez noted that the Border Patrol conducted medical screening before transporting the children to Southwest Key as well as Southwest Key having a doctor evaluate each child within 48 hours of entering the facility. She stated that since 2013 they had served 15,477 children with only eight having run away. She noted that they were unaware of any of their adolescents committing a crime in the neighborhood where they had operations. She indicated that the proposed fence was to protect the children. She elaborated that they would be providing over 150 jobs to the community, infusing \$8.5 million into the local economy, and

be a good neighbor. She stated that there were over 3,000 children at the border who needed humanitarian assistance.

Commissioner Johns asked if the presence of the subject children in the U.S. constituted a violation of any Federal, State or local law. Ms. Rodriguez noted that the children were undocumented and had entered the U.S. without permission.

Commissioner Johns asked if the function performed by Southwest Key corrected the legal status of the children in the country. Ms. Rodriguez noted they did not provide legal services but partnered with pro bono firms who did provide legal services. She stated that their role was to provide family reunification services.

Commissioner Johns asked if the reunification process corrected the legal status of the children. Ms. Rodriguez replied in the negative.

Commissioner Winton asked how many of the children were orphans or had no family ties. Ms. Rodriguez noted that this was a very small percentage of the children.

Commissioner Winton asked if the adolescents were allowed to leave the facility. Ms. Rodriguez replied in the negative, noting they were always with a staff member.

Commissioner Winton questioned how the subject facility could operate without providing recreational areas when this was one of the state requirements for a typical child care facility. Ms. Rodriguez stated that the State allowed for offsite recreation.

Commissioner Hale asked if staff was authorized to use force to retain someone who wanted to leave. Ms. Rodriguez noted that all of their staff were trained in CPI, which was a restraint method.

Commissioner Hale asked why the subject facility was not classified as a detention center. Ms. Rodriguez noted that the Supreme Court ruled in the case of Flores v. Reno that it was inhumane to put these children in detention centers and it was determined to place them in licensed childcare facilities.

Mr. Avilez stated that no adolescent could be detained from leaving a facility according to California Community Care Licensing Division.

John Blake, Solana Beach, was opposed to the location for the youth care facility. He felt the facility would be incompatible for a childcare facility since it

was constructed as a senior skilled care facility with its patrons having limited mobility. He was concerned with the traffic being impacted by the transportation needed for recreational activities.

Rico Avelar, Escondido, was opposed to the location for the youth care facility due to feeling that the use would be incompatible with the land use. He stated that the facility would cost approximately \$15 million. He noted that 87% of the children would be males between the ages of 14 and 22, noting his concern with some being from gangs.

Bill Durney, Escondido, was opposed to the location for the youth care facility due to feeling that it would be incompatible with the land use, reduce property values, create safety and security issues, and would not provide adequate parking and recreational areas.

Karen Morales, Escondido, was opposed to the location for the youth care facility due to feeling that the facility did not have adequate facilities for showering or meals to handle the amount of children being processed. She also expressed concern with the facility inundating the hospitals with children with mental health and medical issues.

Steve Wells, Vista, asked that the Commission listen to the citizens and make the right decision, noting his concern with this being a Federal government issue and not having to meet the same criteria as a private project.

Kimery Wells, Vista, noted that the subject facility would impact all of North County. She expressed her concern with some of the children being affiliated with gangs and asked who screened for this. She also took exception with Ms. Rodriguez indicating that citizens took for granted getting a free education and three meals a day, noting she did not take this for granted. She stated that she was in favor of legal immigration as opposed to illegal immigration.

Joseph Bologna, Escondido, thanked Southwest Key for their help with refugees from Haiti in the past, but noted that the subject situation was completely different. He stated that he was opposed to the Dream Act. He was opposed to the location for the youth care facility due to feeling it would create noise, safety, and traffic impacts on the surrounding neighborhoods.

Virginia Rodriguez, Escondido, was opposed to the location for the youth care facility. She questioned whether anyone had considered the human resource side and creating a liability with being able to evacuate the facility in a safe and timely manner during a fire. She also felt the use was incompatible with the zoning.

Janice Youngman, Escondido, was opposed to the subject use in Escondido, noting her concern for the safety of the citizens.

Tom Sutton, San Diego, Owner of the subject property, was in favor of the facility. He stated that he had visited the Lemon Grove Southwest Key facility, which had no fencing. He indicated that he had observed the adolescents doing chores such as cleaning the facility and doing dishes. He stated that this was a land use issue, noting his concern that there was a lot of misinformation.

Ly Kou, Ontario, stated as a law-abiding, tax-paying citizen she was opposed to this type of facility.

Luis Romero, Escondido, was in favor of the subject facility. He stated that the children needed a chance.

Joan Gardner, Escondido, asked that the Commission deny the CUP due to feeling it would be a detention facility or refugee relocation camp for unaccompanied minors. Approving the CUP would not be based on sound principles of land use and was not in response to services required by the community. She also felt the facility would diminish the quality of life for the area and be incompatible with the surrounding area.

Carole Hargraves, Escondido, was opposed to the subject land use.

Doug Grassy, Escondido, felt a better use for the property would be for homeless citizens or Veterans who needed help.

James Lund, Escondido, was opposed to the location for the youth care facility due to feeling that the use would be incompatible with the land use and would not provide adequate room or recreational facilities to handle the amount of children being processed. He was also concerned with the high turnover rate creating issues with traffic.

Billy Toor, Escondido, was opposed to the location for the youth care facility due to being concerned with the safety of the students at their temple and due to being concerned with potential vandalism.

Silvana Raicevic, Escondido, noted that she was an immigrant and was opposed to the CUP based on feeling there would be issues with traffic, noise, and crime. She also felt the use was too intense for the property. She questioned whether the City had taken into consideration the legal liabilities.

Angela Swift, Escondido, noted that she had worked at a County foster care facility, noting her concern for children being able to leave the subject facility and impacting the neighborhood.

Richard Weede, Escondido, felt the subject facility was an excuse for executive orders to protect children, which was a stepping-stone to amnesty. He suggested sending the children back to their county of origin and warning said countries that financial aid would be cut off unless they made provisions for their castoff citizens.

Joanne Tenney, Escondido, asked that the Commission not listen to Mayor Abed and base their decision on the land use.

Bertha Gutierrez, Chula Vista, noted that she was at this meeting with a group of individuals in support of the facility.

Iris Mendoza, (no city provided), noted that the some of the subject children were victims of violence and sexual abuse. She stated that the children were here temporarily and deserved to be treated with dignity and respect.

Chairman Weber recessed the meeting at 8:22 p.m. and reconvened at 8:27 p.m. for the purpose of bringing the meeting back to order.

Robert Zebuda, Escondido, was opposed to the location for the youth care facility due to being concerned with potential diseases the children could bring in to the area and impacting the residents and students. He felt the use would be incompatible with the area and that the proposed fencing would be inadequate. He also noted that Southwest Key had never exported anyone back to his or her country.

Commissioner Hale motioned to modify the public process with the caveat that the speaker slips be entered into the record with their comments and that participants of the public be restricted to offering new arguments. Motion failed due to lack of a second.

Larry Demry, Escondido, was opposed to the location for the youth care facility due to feeling it resembled a detention facility.

Kitty Demry, Escondido, expressed her concern with comparing Southwest Key's other locations in San Diego to the subject location, noting the other locations were significantly smaller. She felt the facility would be incompatible with the area and create traffic issues.

Larry Feltham, Escondido, noted a discrepancy in the processing hours which were reported to be from 7:00 am to 9:00 pm and the website stating they accepted children 24 hours a day. He also noted that the Mayor was opposed to the facility, noting he was a legal immigrant.

Thomas Goddard, Escondido, noted he represented 161 homes that were opposed to the subject CUP. He stated that they were concerned with the temporary use possibly being for 10 years.

Shane Holly, Escondido, was opposed to the location for the youth care facility due to feeling it would be a detention center.

Rita Connolly, Escondido, was opposed to the subject facility.

Deb Seaman, Escondido, asked that the Commission deny the CUP due to feeling that the facility would have inadequate outdoor space, transportation and security. She also felt the need for the facility was not in response to providing services requested by the community and would diminish the quality of life for the residents.

Douglas Cummings, Escondido, was opposed to the location for the youth care facility due to feeling that the use would be incompatible with the land use. He also felt the proposed fencing was inadequate.

Karen Guzman, Escondido, was in favor of the facility. She stated that the reality was that this was a humanitarian issue with children who were refugees fleeing from gang violence.

Hamlin Tallent, Escondido, questioned the ability to continually manage the proposed program, noting his concern for any Federal Program ever being stopped.

Kathy Palmer, Escondido, was opposed to the location for the youth care facility due to being concerned with traffic, safety and impacts on the schools in the area.

Linda Sills, Oceanside, stated that the individuals being discussed were illegal aliens. She stated that approving the subject operations encouraged more debt, taxpayer burdens, and loss of tranquility, which equaled treason.

Jeff Gallagher, Escondido, was in favor of the subject facility feeling the land use was appropriate. He then quoted from Emma Lazarus and the Beatitudes in Chapter 5 of Matthew and noted that the children wanted to borrow the land for a temporary time.

Linda Johnson, Escondido, did not feel this would be a short-term program. She expressed her concern with Southwest Key's website stating that they provided academic skills while facilitating permanency for the refugees.

Camille Ewing, Escondido, noted that as a physical education teacher for 18 years she was opposed to the location for the youth care facility due to feeling the facility would not have adequate recreational facilities. She felt this would burden the existing schools. She also stated that as a deputy sheriff she was concerned with children leaving the facility.

Elias Berlinger, Escondido, did not feel the proposed facility would serve the community, noting his concern for the safety of his child. He asked if the staff ratio was accurate when counting cooks and teachers.

Terri Young, Escondido, was opposed to the location for the youth care facility.

Annie Mueller, Brownsville, stated that all of Southwest Key's facilities had licensed clinicians to work with children with mental health issues. She stated that the facility provided a great opportunity to work with the children.

Charles Huettl, Escondido, was opposed to the CUP, feeling there were too many unanswered questions.

Judy Carle, Escondido, was opposed to the subject facility.

Garth Carle, Escondido, was opposed to the location for the youth care facility due to feeling that it would be an incompatible land use.

Joan Knobe, Escondido, was opposed to the location for the youth care facility due to feeling it did not have adequate facilities to provide food to the children.

Everard Meade, San Diego, noted there was no evidence that this type of facility created a risk of disease or threat to safety. He also stated that the children did not try to leave the facility due to being in a safe environment and knowing they would be reunited with their families.

David Granum, Escondido, was opposed to the location for the youth care facility due to feeling that the facility would be incompatible for the proposed use. He was concerned with issues with traffic, safety, and parking. He also felt it would be a detention facility.

Gary Coleman, Escondido, was opposed to the location for the youth care facility due to feeling that the facility would be incompatible for the proposed use. He was also concerned with issues with traffic, safety, and health.

Mariel Coleman, Escondido, expressed her concern for the individuals at this meeting located in the hallway and outside not being able to hear this hearing. She also stated that she was opposed to the subject facility.

Tom Carmichael, Escondido, was opposed to the proposed use due to being concerned with the operations generating over 1600 residents per year.

Kalani Hudson, Escondido, was opposed to the proposed use, feeling it was too rushed. She felt the use did not serve the community. She also expressed her concern with the children being transitional and the City being left holding the burden of the subject facility without any benefits to the community.

Andrea Garro, Escondido, was opposed to the location for the youth care facility due to feeling that the facility would be incompatible for the proposed use. Concerns were raised that the use would reduce property values, create issues with traffic, parking and safety.

Loree Masonis, Escondido, stated that she was opposed to the CUP, noting she concurred with the previous speakers in opposition.

Pat Mues, Escondido, noted that she lived within walking distance of the subject facility, noting there were many social service venues in the area, which she was in favor of. She asked that the Commission focus on the facts dealing with land use and planning.

Brenda Sparks, Escondido, felt the community should not open its doors to this type of operation. She expressed her concern for the safety of the community when someone escaped from the facility. She noted that an illegal alien killed her son. She felt the subject use was an invalid use of public space and public allocations. She asked that the Commission deny the CUP.

Tom Stinson, representing Assemblywoman Marie Waldron, referenced her letter and noted her view was that the use was incompatible with the neighborhood and previous use. She felt the use would have negative impacts on security, health and traffic. She also felt the underlying humanitarian reasons for the request did not outweigh the negative impacts. She asked that the CUP be denied.

Dawne Morris, Escondido, was opposed to the using the subject facility due to having limited recreational areas and foundation issues. She also questioned how the facility would deal with health issues.

Lee Vaughn, Escondido, expressed her concern with this being a permanent Federal program. She also expressed her concern with the facility creating health issues.

Josh Bliesath, Escondido, encouraged the Commission to walk the neighborhood. He was opposed to the location for the youth care facility.

Tania Bowman, Escondido, was in favor of the subject use, noting the children were not criminals, would carry no diseases, and were screened before coming to the facility.

John Bowman, Escondido, was in favor of the subject use. He stated that the nation was built on providing world solutions.

Daniel Davis, Escondido, was opposed to the location for the youth care facility due to feeling that it would be incompatible with the land use. He was concerned for the safety of his children and the children at the facility.

Prince Paul, Escondido, expressed his concern with inviting people to break the law. He was opposed to the location for the youth care facility due to feeling that it would be incompatible with the land use. He questioned why most of the individuals in support were from outside the area.

Daniel Perez, Escondido, was in favor of the subject facility. He felt the subject use would have the same impacts as the previous use. He felt more information was needed before a decision was made.

Karen Mattke, Escondido, was opposed to the proposed use due to feeling that it would add traffic to the already congested area. She expressed her concern with anyone coming to the U.S. illegally. She also felt the facility was incompatible for the proposed use.

Theresa Tugwell, Escondido, was opposed to using the subject facility for the proposed use when many men and woman had sacrificed their life to preserve the rule of law to protect the local and national security for generations to come. She then referenced an article published in the American Physicians and Surgeons Journal warning about the spread of disease from illegal immigrants.

Neil Turner, Carlsbad, expressed his concern with the Federal Government placing an ad for escort services for up to 65,000 unaccompanied alien children to transport them to refugee resettlement shelters, one of which the subject shelter fit under. He stated that it was an act of treason to lend aid to anyone invading our nation and violating our laws.

Jean Hebert, Escondido, felt there were issues that needed to be investigated further such as the transportation aspect for the request.

Krystal Price, Escondido, was opposed to the proposed CUP due to being concerned for the safety and security of the residents. She questioned how the subject children could be detained at the subject facility when the border could not be maintained. She was concerned with providing a pipeline for illegal aliens.

Maria Bowman, Escondido, was in favor of the subject facility. She noted that the subject facility would provide an opportunity for children in need.

Marcus Thompson, Escondido, expressed his concern with the focus of the program catering to ages between 14 to 17 and these adolescents being raised in an environment of fear.

Eleanor Markham, Escondido, was in favor of the subject facility, feeling it would help children in need.

Robert Mattke, Escondido, was opposed to the location for the youth care facility due to feeling that it would be incompatible with the land use.

Lydia Pringle, Escondido, was opposed to the subject facility. She felt the use was too intense for the area, noting that Southwest Key intended on processing between 1600 and 1700 children a year. She also expressed her concern with their main focus being to integrate disenfranchised children into the local community regardless of whether or not the children had family in the community.

Aaron Paff, Escondido, did not feel Southwest Key was the appropriate entity to operate the subject facility, noting his concern for potential crime.

Brian Kissler, Escondido, felt the proposed use would be incompatible for RE-20 zoning. He felt that changing the use to an illegal alien detention facility was in direct contrast to the previous CUP, noting his concern for an increase in crime and third world diseases.

Patricia Del Rio, Escondido, was opposed to the subject facility, noting it would not improve the character of the residential area and would reduce property values.

Robert Walker, Escondido, was opposed to the subject facility due to feeling it would be incompatible with the surrounding area. He was also concerned with the facility creating traffic issues.

Erik Castillo, Escondido, was opposed to the subject facility.

Rory Woodward, Escondido, was opposed to the subject facility, feeling it resembled a detention facility. He expressed concern with the subject children already breaking the law and continuing to do so. He also felt the facility would create traffic issues.

Francis Fitzpatrick, Escondido, was opposed to the subject use due to feeling it was too intense and incompatible for the area. He felt that the parking would be inadequate for the use. He noted that 50 employees would be coming and going from the site seven days a week, which he felt would not be in conformance with the quality of life standards in the General Plan.

James Bacca, Escondido, was opposed to the subject use due to feeling it would be too intense for the subject facility. He felt the children would feel like they were being detained and would want their freedom.

Chris Splane, Escondido, was opposed to the subject request.

Don Bergett, Escondido, representing Congressman Duncan Hunter, referenced a letter from Congressman Duncan Hunter, noting he was opposed to the subject CUP. He also noted that the letter was available at hunter.house.gov.

Michael Hunsaker, San Marcos, expressed his view that the proposed facility was inappropriate for the proposed use, noting his concern with the Federal Government operating the facility as proposed.

John Van Sickle, Escondido, was opposed to the subject facility, feeling it was a concentration camp for child refugees. He expressed concern for the City not being prepared to handle the amount of individuals attending this hearing. He also expressed concern with Commissioner Hale's earlier motion.

Elizabeth Schapel, Escondido, stated that she was an employee for Southwest Key and noted that she was a clinician, manager, and in charge of monitoring all programs to ensure compliance with the City and State's regulations. She noted that they were a good neighbor.

William Hagerty, Escondido, stated that he was opposed to the subject facility. He felt the facility resembled a jail, which would be incompatible with the existing zoning. He also expressed concern with some of the children belonging to gangs.

Iris Seifert, Escondido, felt the subject facility did not meet the intent of the CUP by ensuring compatibility with surrounding properties.

Shane Harmon, Solana Beach, Commercial Real Estate Broker representing Southwest Key, stated that the facility would have minimal impacts on traffic due to having staggered employee shifts as well as having staggered recreational shifts.

Karen Seibold, Escondido, stated that 99 percent of tonight's comments were opposed to the subject request. She was opposed to the subject facility due to feeling it could be used for something better.

Richard Allegre, Escondido, expressed his concern with the City considering a facility for illegal alien children. He felt a better use would be for disabled American Veterans.

Francisca Galvan, (no city provided), stated the issue with the children had to do with human smuggling, noting that the children were coming over due to being subject to violence and crime. She noted that culturally parents did not let their children go because of a better life, noting her view that these children were being stolen.

Kay Guy, Escondido, was in favor of the subject facility. She stated that she would welcome the subject facility in her neighborhood.

Bill Collier, Escondido, was opposed to the subject facility due being concerned with potential health risks to his family. He also felt the subject facility would have environmental impacts and asked that the City look into this.

Steven Guffanti, Vista, stated that the reason why the subject children did not have criminal records was due to the U.S. not having access to their records. He noted that the Texas Police Department assured the U.S. that the MS-13 Gang was coming through the borders.

Roni Draves, Escondido, was in favor of the subject facility. She stated that very few of the individuals who were opposed to the facility had attended the open house. She expressed her concern for the children and noted that the subject facility would provide a safe environment.

Claudia Conel, Escondido, noted that Southwest Key staff received numerous hours of training with the focus being on the welfare, care and security of the minors.

Kirsten Simon, Escondido, questioned whether this hearing was a moot point due to it being the Federal Government. She felt this would be a great opportunity to establish a church/state relationship.

Alister McCabe, Escondido, noted that he represented a local resident. He noted that the LLC that purchased the property was formed on May 22, noting that it was an effort on the part of the owners to recoup their \$6.2 million investment on the backs of the taxpayers. He expressed concern for potential traffic and safety issues. He also noted that they felt the facility would be incompatible for the use intended.

Duncan Fane, Escondido, expressed his concern with the subject facility being a Federal Government facility and the City having no ability to regulate it once it was established. He was opposed to the subject facility.

Commissioner Spann felt the proposed use would be inconsistent with the neighborhood and that the facility was inappropriate for the proposed use. He felt the use would have traffic, noise, and safety impacts on the neighborhood.

Commissioner Johns noted that the facts indicate that the residents of the facility would have a questionable legal status. Due to this status they would be in a secure fenced facility with supervised access to the community. He noted that the purpose of the facility was to correct the legal status of the children, noting that RE-20 zoning prohibits correctional institutions, which he felt this fell under.

Commissioner McQuead stated that Escondido did not have a need to serve children unless they were citizens. He felt a more appropriate location for this type of service would be at Camp Pendleton or San Pasqual Academy. Commissioner Winton expressed his view that the subject facility was inappropriate for a childcare facility, noting it was too small, could not provide outdoor recreational areas, and had inadequate parking. He did not feel the proposed fencing was adequate to protect the children. He also felt the Findings of Fact did not support the subject request.

Commissioner Watson expressed his view that the property was too small for the proposed use.

Commissioner Hale felt the site plan was inadequate. He felt the subject property was inappropriate for the intended use due to not being able to provide adequate recreational areas and parking. He felt the neighborhood would be impacted by noise and that the operations would create disruptions to the community. He stated that he would not vote in favor of any childcare facility going in the subject site.

Chairman Weber felt the proposed application was not based on sound principles, especially on Items 2 and 3 in the Findings of Fact in the staff report. He felt the operational characteristics were not in character with bordering land uses. He stated that the subject property was a gateway to the City. He

expressed his concern with the neighborhood already being impacted by the addition of churches and a high school, noting that the subject use would operate 24-hours a day, seven days a week which he felt was too intense for the area.

ACTION:

Moved by Commissioner Hale, seconded by Commissioner Johns, to deny the proposed Conditional Use Permit for the unaccompanied youth care facility and Extension of Time for the existing CUP. Motion carried unanimously. (7-0)

ORAL COMMUNICATIONS: None.

PLANNING COMMISSIONERS: Chairman Weber thanked the Police Department and Fire Department for their assistance at this meeting.

ADJOURNMENT:

Chairman Weber adjourned the meeting at 10:32 p.m. The next meeting was scheduled for July 22, 2014, at 7:00 p.m. in the City Council Chambers, 201 North Broadway Escondido, California.

Bill Martin, Secretary to the Escondido
Planning Commission

Ty Paulson, Minutes Clerk

PLANNING COMMISSION

Agenda Item No.: G.1
Date: July 22, 2014

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Resolution No. 6015 with Revised Findings (Case No. PHG 14-0017)

Resolution No. 6015 from the June 24, 2014, Planning Commission meeting is attached with findings supporting the Planning Commission's decision for final action. If approved, the 10-day appeal period will begin on Wednesday, July 23, 2014, and end on Friday, August 1, 2014. The effective date of the decision will be August 2, 2014.

Respectfully submitted,



Jay Petrek, AICP
Assistant Planning Director

Planning Commission
Hearing Date: June 24, 2014
Effective Date: _____

RESOLUTION NO. 6015

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, DENYING A CONDITIONAL USE PERMIT FOR GOVERNMENT SERVICES, TO OPERATE A 96-BED UNACCOMPANIED YOUTH CARE FACILITY, AND DENIAL OF AN ASSOCIATED EXTENSION OF TIME FOR AN EXISTING CONDITIONAL USE PERMIT FOR A SKILLED NURSING RESIDENTIAL CARE FACILITY IN THE RE-20 ZONE

APPLICANT: U.S. Department of Health and Human Services

CASE NO: PHG 14-0017

WHEREAS, the Planning Commission of the City of Escondido did, on June 24, 2014, hold a public hearing to consider a request for a Conditional Use Permit (CUP) for Government Services to operate a 96-bed unaccompanied youth care facility serving minors between 6 and 17 years of age, within an existing 35,200 SF building in the RE-20 zone. The facility would be operated by Southwest Key Program, on behalf of the United States Department of Health and Human Services. The applicant is proposing to install six-foot-high decorative tubular steel fencing on the site and would be required to construct a solid cover over the existing trash enclosure; no other new construction or exterior modifications are proposed. The project also includes an extension of time for the existing CUP for a skilled nursing residential care facility, allowing it to be reactivated when the CUP for the unaccompanied youth care facility is terminated. The site is located on the southern side of Avenida del Diablo, between

Valley Parkway and Del Dios Road, addressed as 1817 Avenida del Diablo, more particularly described in Exhibit "D."

WHEREAS, the following determinations were made:

1. That a notice was published and mailed as required by the Escondido Zoning Code and applicable State law.

2. That the application was assessed in conformance with the California Environmental Quality Act (CEQA) and that a Notice of Exemption was issued for the proposed project on June 5, 2014, in conformance with CEQA Section 15301 "Existing Facilities."

3. That a staff report was presented discussing the issues in the matter.

4. That a public hearing was held and that all persons desiring to speak did so.

5. That the Planning Commission closed the public hearing and approved a motion to deny the CUP and the associated extension of time by a vote of 7-0, including direction for staff to prepare more detailed findings based on the extensive public testimony and Planning Commission comments, and to return with the resolution at the next meeting on July 22, 2014.

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

1. That the above recitations are true and correct.

2. That the Planning Commission certifies that it has reviewed and considered the environmental review and determined that it is complete and adequate

for this project, and there are no significant environmental effects which are associated with the proposed project.

3. That the Findings of Fact, attached as Exhibit "A," were made by the Planning Commission.

4. That, considering the public record, public testimony, the findings of fact, and applicable law, the Planning Commission denied Applicant's request for a Conditional Use Permit and the associated Extension of Time.

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 22nd day of July, 2014, by the following vote, to wit:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSTAINED:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

JEFFERY WEBER, Chairman
Escondido Planning Commission

ATTEST:

BILL MARTIN, Secretary of the
Escondido Planning Commission

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

TY PAULSON, Minutes Clerk
Escondido Planning Commission

Decision may be appealed to City Council
pursuant to Zoning Code Section 33-1303

EXHIBIT “A”
FINDINGS OF FACT
PHG 14-0017

Conditional Use Permit

1. Conditional use permit shall mean a zoning instrument used primarily to review the location, site development or conduct of certain land uses. These are uses which generally have a distinct impact on the area in which they are located, or are capable of creating special problems for bordering properties unless given special attention.
2. The Planning Commission shall have the authority to grant, conditionally grant or deny a conditional use permit application as provided for in Section 65900 et seq. of the California Government Code, based on sound principles of land use.
3. A conditional use permit is granted at the discretion of the Planning Commission and is not the automatic right of any applicant.
4. The Planning Commission held a duly-noticed public hearing as required by the Escondido Zoning Code.
5. Hundreds of community residents attended the public hearing.
6. A large number of interested parties submitted 40 written communications to the Planning Commission prior to the public hearing with 37 of those communications expressing opposition to the conditional use permit.
7. Approximately 90 public speakers expressed their views.
8. A large majority of public speakers expressed strong views against granting the conditional use permit.
9. Escondido residents spoke and expressed their concerns that the proposed unaccompanied youth care facility at this location would have a negative impact on traffic in their neighborhood.
10. Escondido residents spoke and expressed their concerns that the proposed unaccompanied youth care facility at this location would have a negative impact on noise levels in their neighborhood.
11. Escondido residents spoke and expressed their concerns that the proposed unaccompanied youth care facility at this location would have a negative impact on the security of their neighborhood.

12. Escondido residents spoke and expressed their concerns that the proposed unaccompanied youth care facility lacked adequate outdoor recreational facilities for the unaccompanied minors.
13. Escondido residents spoke and expressed their concerns that the proposed unaccompanied youth care facility at this location would have a negative impact on their neighborhood as the facility operated around the clock and had rotating shift changes.
14. Escondido residents spoke and expressed their concerns that the proposed unaccompanied youth care facility at this location would have a negative impact on their neighborhood as the parking available on site was not adequate and overflow parking would impact their neighborhood.
15. Escondido residents spoke and expressed their concerns that the proposed unaccompanied youth care facility at this location would have a negative impact on their neighborhood and diminish their quality of life.
16. Escondido residents spoke and expressed their concerns that the proposed unaccompanied youth care facility at this location would have a negative impact on their neighborhood and change the character of their neighborhood.
17. Escondido residents spoke and expressed their concerns that the proposed unaccompanied youth care facility at this location would have a negative impact on their neighborhood that is already over-burdened with the cumulative impacts of a new high school, three churches, a fire station, and the lack of sidewalks in the general vicinity of the proposed facility.
18. Many public speakers also expressed views on the appropriateness of what they considered to be a federal detention facility in a residential zone.
19. Escondido Zoning Code Sec. 33-1203, Findings of the commission, states

“In granting a conditional use permit, the following guidelines shall be observed:

(a) A conditional use permit should be granted upon sound principles of land use and in response to services required by the community;

(b) A conditional use permit should not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.

(c) A conditional use permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is to be located.”

20. The Planning Commission finds that approval of the proposed conditional use permit for “Government Services” to operate an unaccompanied youth care facility at this location would not be based upon sound principles of land use.
- a. The Planning Commission did not consider any public comments that did not relate to land use.
 - b. The Planning Commission finds that it cannot ignore the community comments of traffic, parking, security and noise.
 - c. The Planning Commission finds that it cannot ignore the community comments concerning changing the residential character of the surrounding neighborhood.
 - d. The Planning Commission finds that the proposed site is too small for the proposed use.
 - e. The Planning Commission finds that when combined with the staff, the applicant plans to accommodate too many people into too small of a space.
 - f. The Planning Commission finds that the proposed site lacks adequate outdoor recreational space for up to 96 minors.
 - g. The Planning Commission finds that the applicant’s plan to provide no active outdoor recreation on site does not appear credible.
 - h. The Planning Commission finds that the proposed use would better fit in a larger, school sized setting similar to San Pasqual Academy.
 - i. The Planning Commission finds that the Applicant’s plan to use neighboring parks for recreation or local schools would have a negative impact on resident use of the same facilities.
 - j. The Planning Commission finds that the parking ratio for the proposed site appears insufficient. The staff analysis of one parking space for three beds for children’s homes do not factor in the parking required for on-site medical, dental, education, or social worker staffing nor space for the 12 vans required for the planned off-site services.
 - k. The Planning Commission finds the proposed fencing for the site appears inadequate for the anticipated security needs of the proposed facility.

- 4 of 6

- c. The Planning Commission finds the addition of up to 96 unaccompanied minors when combined with students from Del Lago Academy would adversely impact the bordering residential land uses.
- d. The proposed use would diminish the quality of life for established uses in the area because there would be an increase in noise and traffic from the vehicles transporting the occupants and employee vehicles, and the lack of adequate onsite parking for employees particularly during shift changes that occur with a 24-hour facility would contribute to overflow parking on surrounding local streets.
- e. Due to the security considerations for the minors and the existing site layout which does not contain, propose or have adequate space for any outdoor recreation areas, the proposed facility would not provide adequate outdoor recreation area for the minors as commonly provided with other facilities providing care for children, and would increase demand on other offsite recreational facilities for activities that would typically be accommodated onsite when providing care for a large group of children.
- f. The proposed conditional use permit for "Government Services" to operate an unaccompanied youth care facility at this location would cause a deterioration of bordering land uses and would create special problems in the area in which the facility is located, related to an anticipated increase in noise and traffic from the vehicles transporting the occupants and employee vehicles.
- g. The lack of adequate onsite parking for employees particularly during shift changes that occur with a 24-hour facility would contribute to overflow parking on surrounding local streets.
- h. Approval of the use would establish a non-residential use in the neighborhood that is more intensive than the previously approved skilled nursing facility, in a neighborhood that is already developed with a concentration of non-residential uses, including three religious facilities, a public high school campus and a fire station in close proximity, and would affect the suburban character of the established residential neighborhood.
- i. The proposed operational and security measures, including perimeter fencing and supervision without formal detention capabilities, are inadequate and would create security concerns and create a potential increase in demand for local police services in the event a minor leaves the premises without permission or accompaniment.

23. The proposed conditional use permit for “Government Services” to operate an unaccompanied youth care facility at this location has been considered in relationship to its effect on the surrounding neighborhood and has been determined not to be compatible with immediate surrounding properties that primarily include single family residential uses and taking into account the concentration of other non-residential uses in the neighborhood involving three religious facilities, a public high school and a fire station.
- a. The Planning Commission finds the proposed conditional use permit would establish a non-residential use that is more intensive than the previously approved skilled nursing facility, operating 24 hours a day seven days a week, thereby increasing impacts on the surrounding community related to traffic, parking, noise and security.
 - b. The Planning Commission finds the operational characteristics of the proposed project for youths are not compatible and consistent with the surrounding neighborhood.

Extension of Time

- 1. A conditional use permit abandoned or not used for twelve (12) consecutive months shall terminate said permit and any privileges granted thereunder shall become null and void.
- 2. The Planning Commission may grant an extension of time for a conditional use permit.
- 3. The Planning Commission finds no evidence supports extending the previously approved conditional use permit for a skilled nursing residential care facility for the proposed five to fifteen year period.
- 4. The Planning Commission finds the timeframe for reinstatement of the previous use is undetermined, rendering the potential demand, operational characteristics and service needs of the community at a future date as speculative.
- 5. Operations at the existing facility have been discontinued and several similar facilities are currently operating or are under construction to meet current demand.
- 6. The Planning Commission finds the current use should terminate if not used for twelve months in accordance with the Escondido Zoning Code.

PLANNING COMMISSION

Agenda Item No.: H.1
Date: July 22, 2014

CASE NUMBER: SUB 14-0003; PHG 14-0010 & ADM 14-0031

APPLICANT: Neal Benhoff, Alta Consultants- Applicant; Raintree Residential, LLC- Property Owner

LOCATION: On the west side of Miller Avenue, north of Danica Place and south of Montview Drive, addressed as 1935 Miller Avenue (APN 236-332-13)

TYPE OF PROJECT: Tentative Parcel Map, Conditional Use Permit and Administrative Adjustment

PROJECT DESCRIPTION: A proposed Tentative Parcel Map to subdivide an existing 0.58-acre single-family residential lot in the R-1-7 (Single-Family Residential, 7,000 SF minimum lot size) zone into two (2) lots (8,018 SF & 9,632 SF), in conjunction with a Conditional Use Permit for a 22-foot wide easement access. The request also includes, an Administrative Adjustment for a 25% reduction of the required street side-yard setback from 10' to 7.5' and the required rear-yard setback from 20' to 15' for an existing single-family residence to remain on Parcel 1 and a 25% reduction to the required front-yard setback for parcel 2 from 15' to 11.25'.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION/TIER Urban 1, (up to 5.5 du/ac)

ZONING: R-1-7 zone (Single-Family Residential, 7,000 SF minimum lot size).

BACKGROUND/SUMMARY OF ISSUES: The subject property is 0.58-acres in size with an existing single-family residence and detached garage facing Miller Avenue. The single-family residence would remain on site but the detached garage would be removed. Access to the lot is currently provided by an existing driveway located off of Miller Avenue. One new lot would be created to the west of Parcel 1 and the existing driveway would be improved and widened to twenty-feet (20') of pavement within a 22' wide access easement. A Conditional Use Permit is required for the project since the rear new parcel would not abut a public street. Access would be provided by a proposed road easement along the northern boundary. The request also includes, an Administrative Adjustment for a 25% reduction to the street side-yard setback from 10' to 7.5' and the required rear-yard setback from 20' to 15' for an existing single-family residence to remain on Parcel 1 and a 25% reduction to the required front-yard setback for parcel 2 from 15' to 11.25'

Staff feels that the Issues are as follows:

1. Whether the 22-foot wide private access easement is appropriate.
2. Whether the reduced setbacks for Parcel 1 and Parcel 2 is appropriate.

REASONS FOR STAFF RECOMMENDATION:

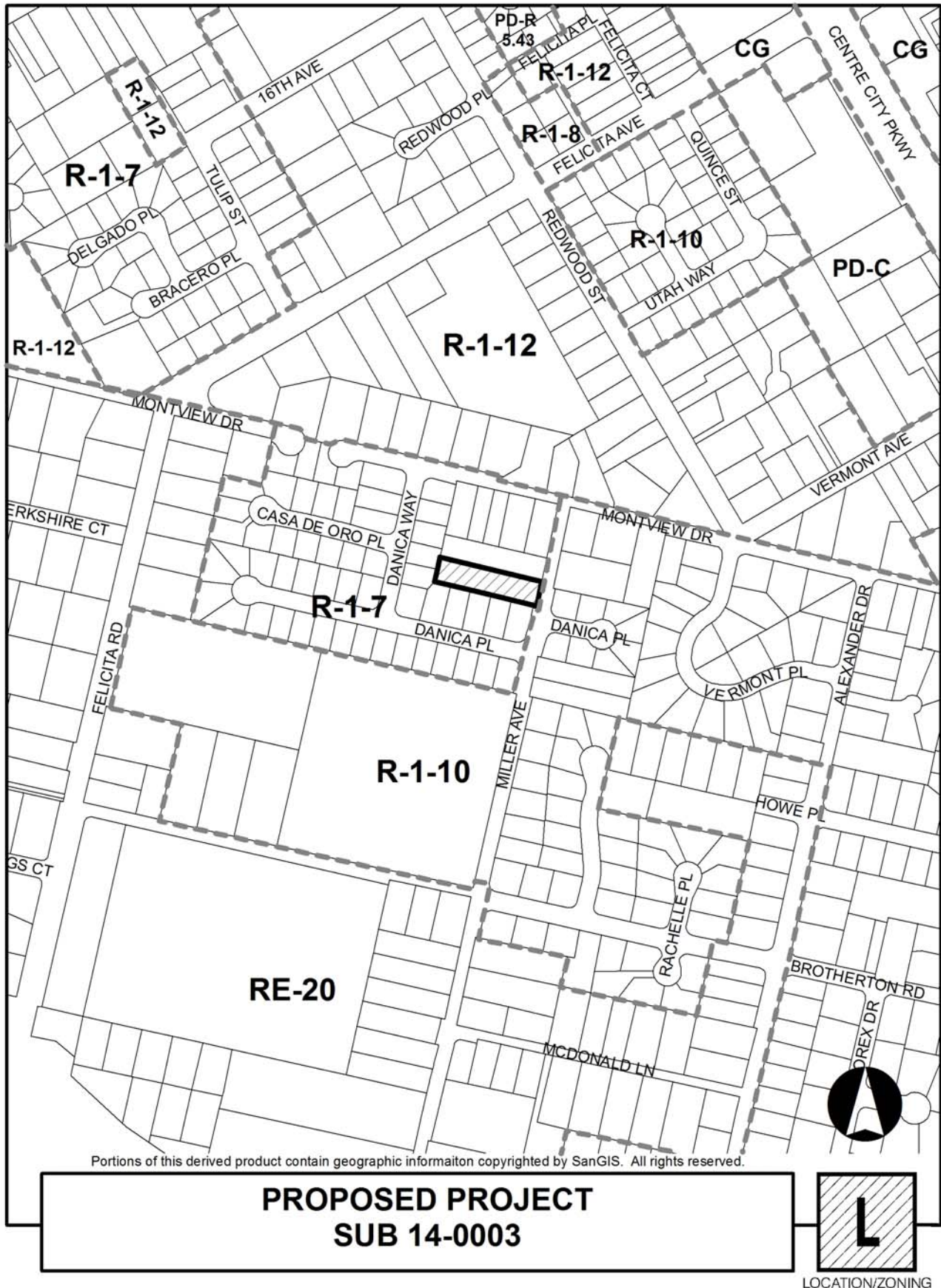
1. Staff feels the additional one lot with easement access would be consistent with existing development patterns, adequate parking can be provided on-site, sufficient fire access can be maintained, and an existing six (6) foot high wooden fence along the northern property line would be constructed to buffer the potential noise and light impacts associated with vehicles utilizing the access easement.

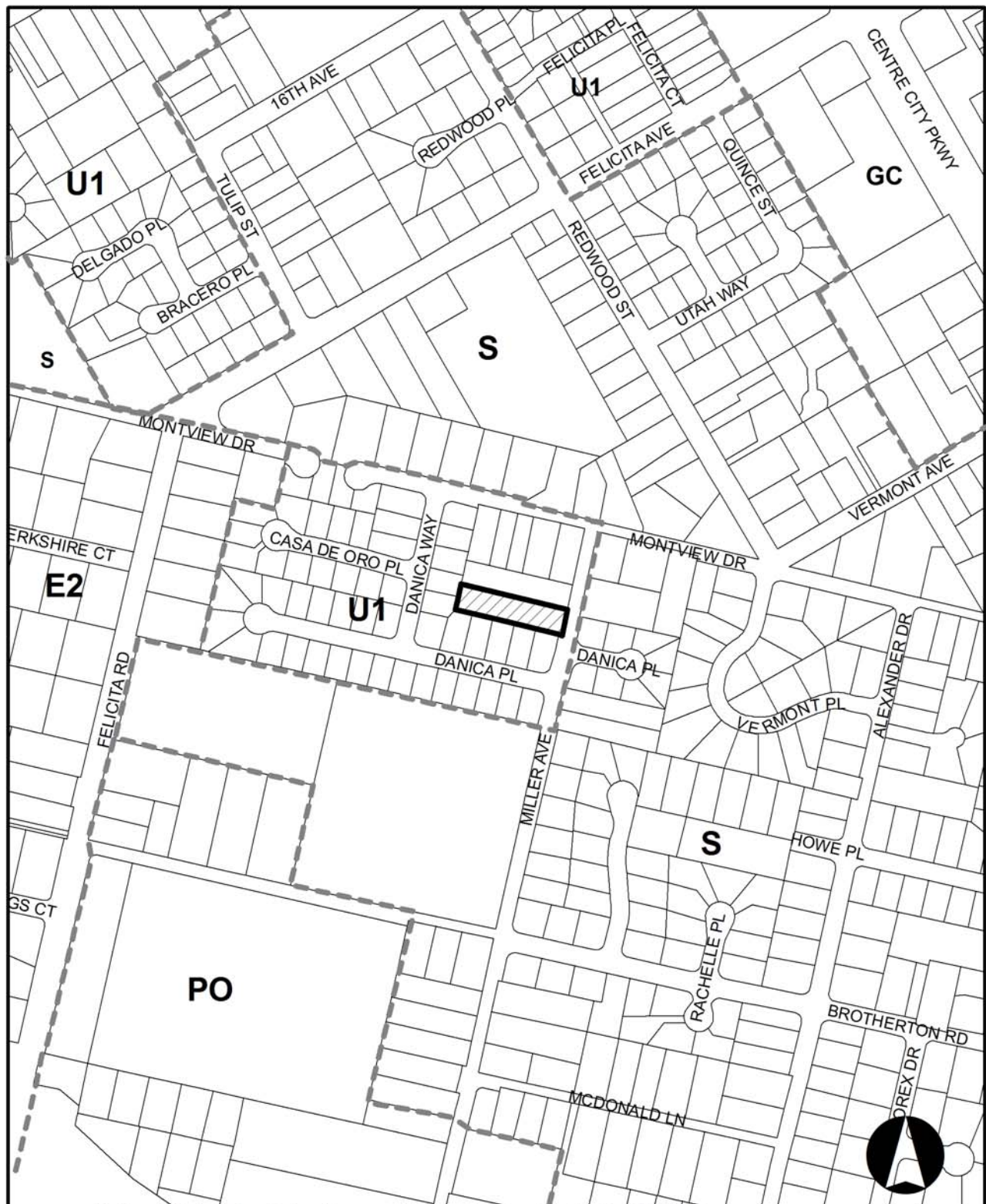
2. Staff feels the reduced street side-yard setback from 10' to 7.5' and the required rear-yard setback from 20' to 15' for parcel 1 is appropriate since the reduction of the required street side-yard setback would not adversely affect any of the surrounding properties to the north and to the south; the distance to the nearest property to the north is 50+ L.F. and 50+ feet to the proposed development on Parcel 2. Common property line fencing six feet high is conditioned to be provided between Parcel 1 and Parcel 2.

Respectfully submitted

Darren Parker

Darren Parker
Assistant Planner II



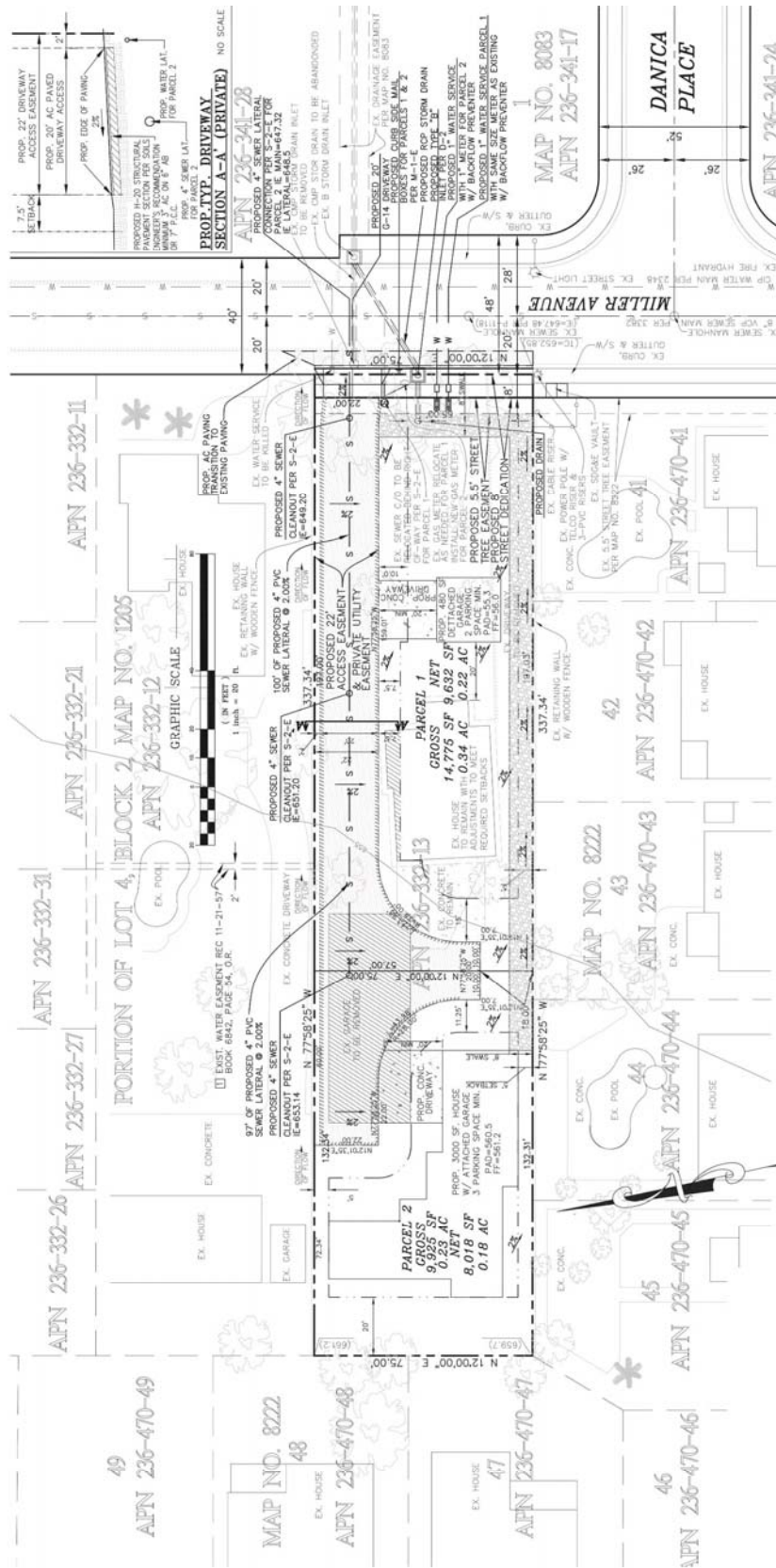


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PROPOSED PROJECT SUB 14-0003

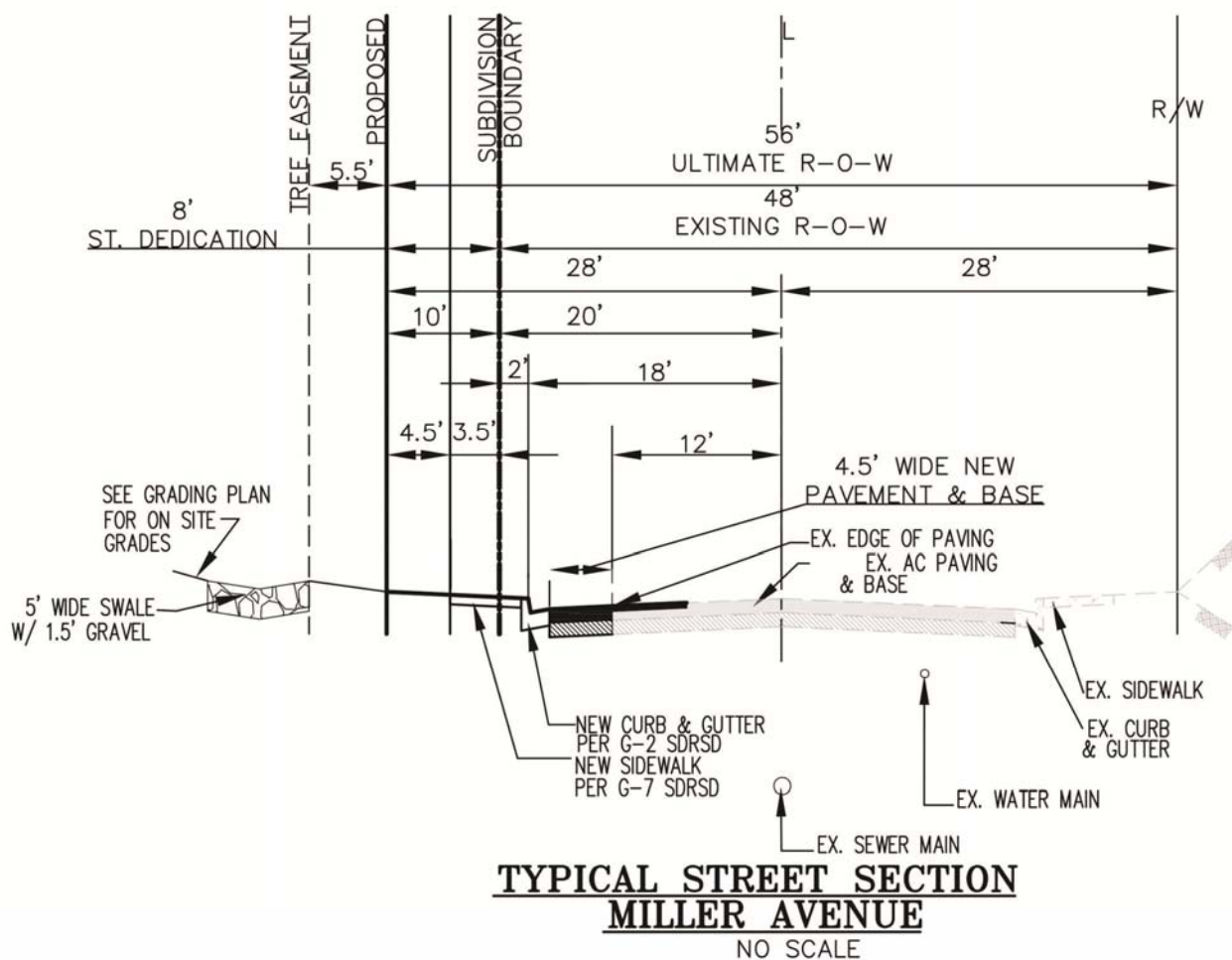


PROPOSED PROJECT SUB 14-0003





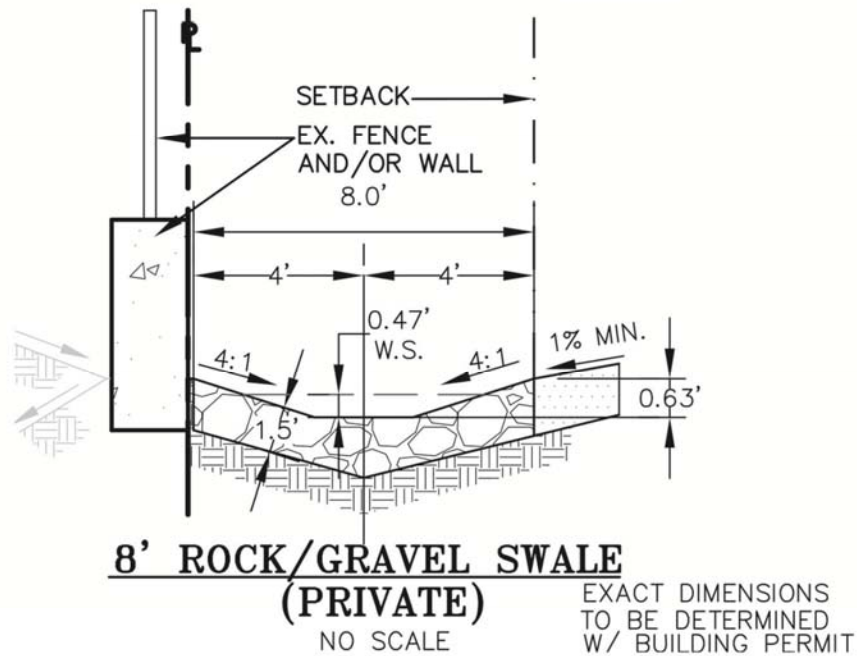
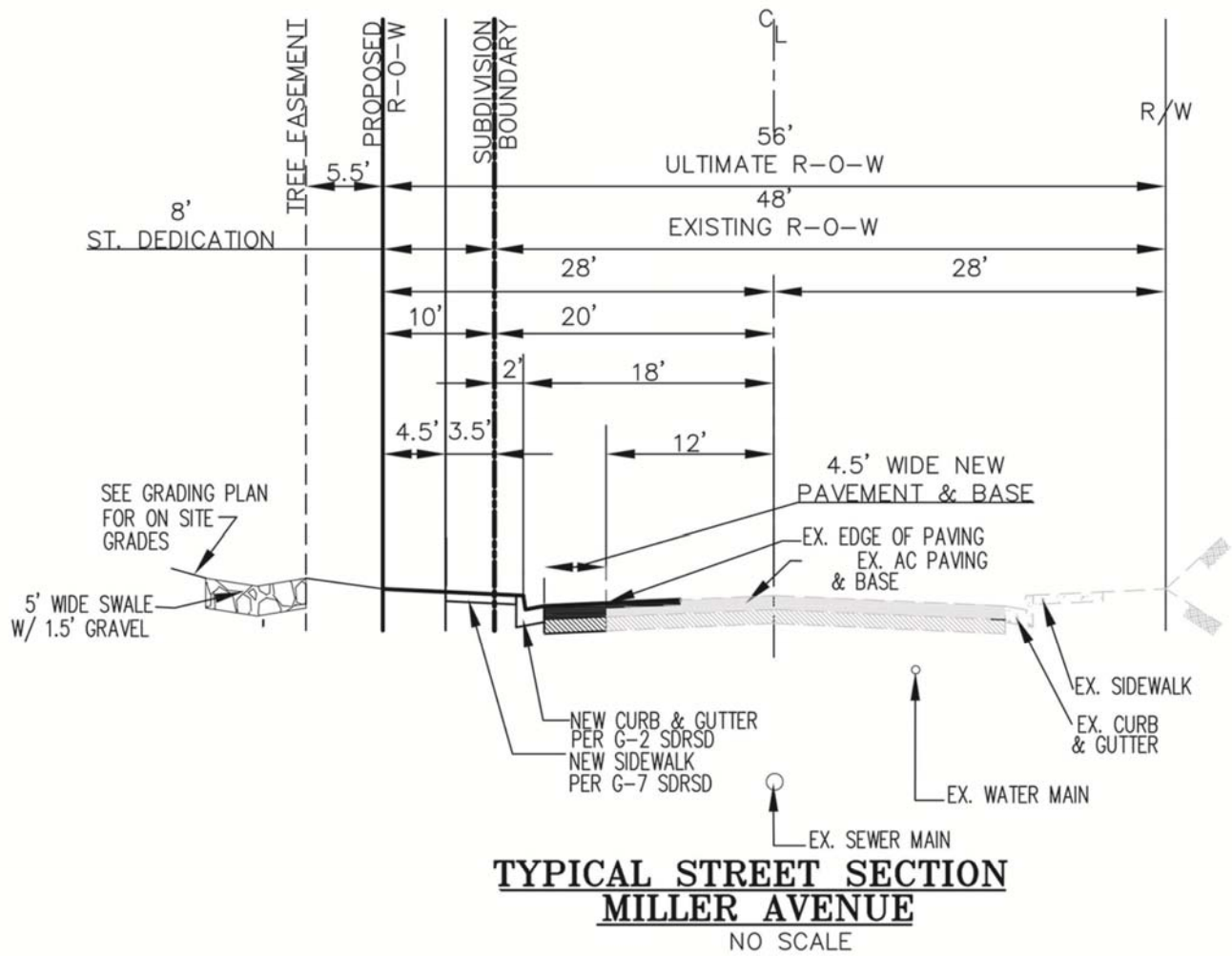
EXACT DIMENSIONS
TO BE DETERMINED
W/ BUILDING PERMIT



PROPOSED PROJECT

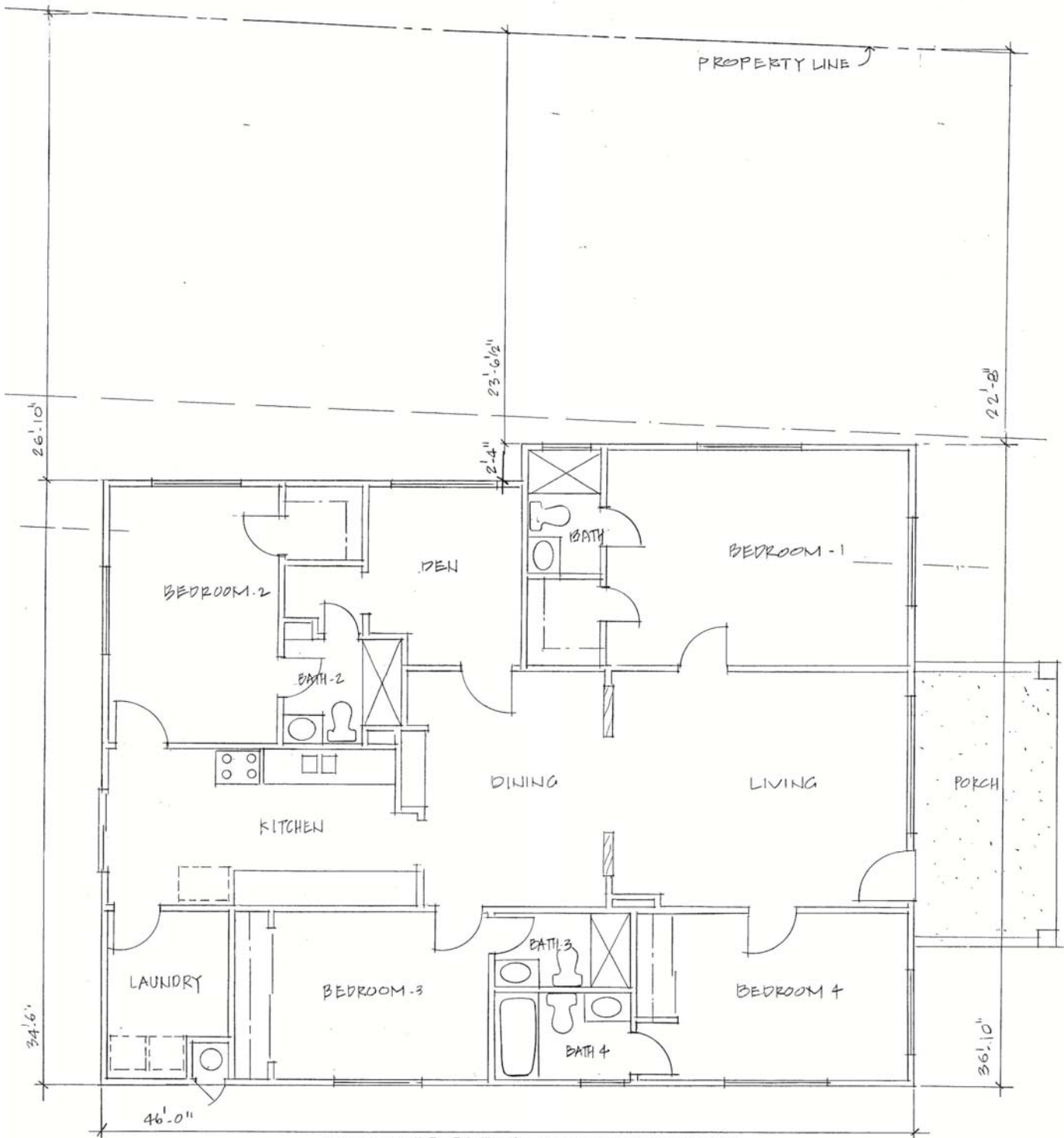
SUB 14-0003





PROPOSED PROJECT
SUB 14-0003

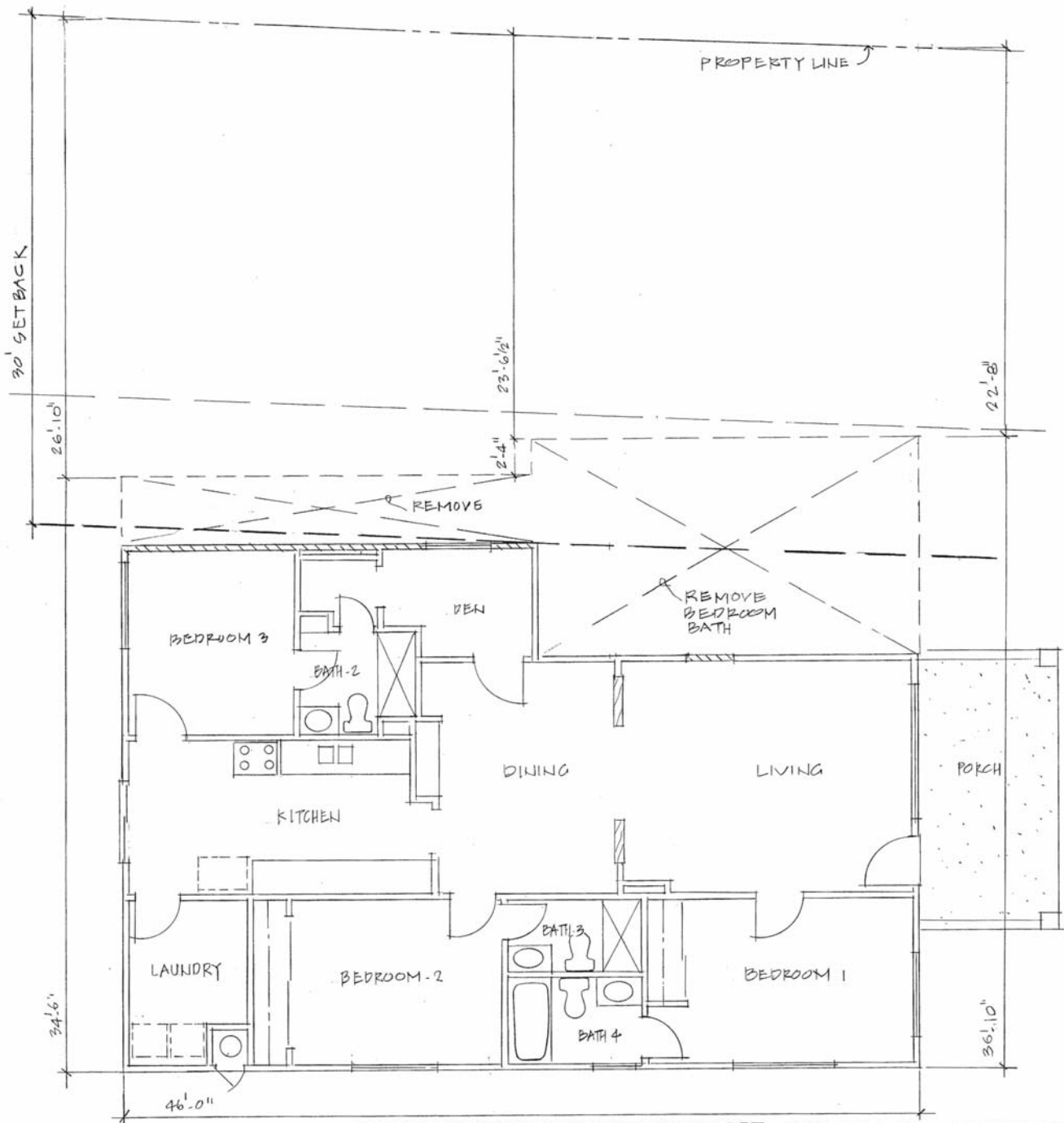




EXISTING ONE STORY RESIDENCE
 1935 MILLER AVE ESCONDIDO, CA 92025
FLOOR PLAN 4 BEDROOM - 4 BATH 1,839 SF

**PROPOSED PROJECT
 SUB 14-0003**





EXISTING ONE STORY RESIDENCE PROPOSED MODIFICATIONS
 1935 MILLER AVE ESCONDIDO, CA 92025

FLOOR PLAN

4 BEDROOM - 4 BATH 1,039 SF

**PROPOSED PROJECT
 SUB 14-0003**



A. LAND USE COMPATIBILITY/SURROUNDING ZONING

- NORTH** - R-1-7 zoning (Single-Family Residential, 7,000 SF minimum lot size) directly to the north of the subject site is a single-family residence and detached garage. A Chain-link fence six (6) feet high and ornamental landscaping separates the two properties.
- SOUTH** - R-1-7 zoning (Single-Family Residential, 7,000 SF minimum lot size) directly to the south of the subject site are five single-family residential lots approximately 7,200 SF+. The rear yards of the residences to the south abut the subject site. A six-foot high wooden fence separates the properties.
- East** - R-1-10 zoning (Single-Family Residential, 10,000 SF minimum lot size) several single-family homes on the east side of Miller Avenue are located directly to east of the subject site on lots ranging in size from approximately 10,000 SF to 11,700 SF. The subject site is at the same elevation than the properties to the east
- WEST** - R-1-7 zoning (Single-Family Residential, 7,000 SF minimum lot size) directly to the west of the subject site are two single-family residences on lots ranging in size from 7,590 SF to 8,000 SF and at the same elevation as the subject site. A wooden fence six (6) feet high is located along the western boundary of the site.

B. AVAILABILITY OF PUBLIC SERVICES

1. **Effect on Polices Service** –The Police Department has expressed no concern since the project will not have an impact on their ability to provide services.
2. **Effect on Fire Service** —the Escondido Fire Department expressed no concern relative to their ability to provide service to the site or relative to the 22-foot width of the road and utility easement proposed. An emergency vehicle turn-around will be provided at the end of the easement road between parcel 1 and parcel 2. The Fire Department will require both sides of the 22-foot road easement to be painted for “No Parking- Fire Lane.”
3. **Traffic** – The project site fronts onto Miller Avenue, which is a non-classified residential street. Based on SANDAG trip generation rates for the San Diego Region, the proposed development of one (1) additional residential lot is anticipated to generate 10 trips per dwelling unit, or up to 10 Average Daily trips (ADT). The Engineering Department indicated that an increase of 10 trips would not significantly impact the existing Levels of Service on the adjacent streets or intersections since a stable flow of traffic is maintained along the segment, and ability to maneuver within the vicinity of the project and along the street segment is not significantly restricted. The Engineering Department indicated the proposed project is not anticipated to have any significant individual or cumulative impacts to the circulation system or degrade the levels on any of the adjacent roadways or intersections.
4. **Utilities** – Water and sewer service can be provided to the site by the City of Escondido. The Engineering Department indicated that adequate services can be provided to the site through extensions from nearby facilities.
5. **Drainage** – The project site is not located within the 100-year flood zone as designated on current flood insurance rate maps. The Engineering Department indicated that the proposed project is not anticipated to materially degrade the existing drainage system with the installation of the necessary improvements. The project is conditioned to provide a drainage study which is used to determine the final on and off-site storm drain improvements. Drainage would be directed to a bio-retention swale along the southern boundary of the property and then into existing storm drain facilities located within or along Miller Avenue.

C. ENVIRONMENTAL STATUS

1. A Statement of Exemption was issued pursuant to CEQA Section 15332, Class 32, "Infill Development Projects."
2. In staff's opinion, no significant issues remain unresolved through compliance with code requirements and the recommended conditions of approval.

D. CONFORMANCE WITH CITY POLICY

1. **General plan-** The project site is located within the Urban I (U1) land use designation, which allows up to 5.5 du/ac for parcels with slopes ranging from 0-25 percent and requires a minimum lot size of 6,000 SF. The proposed minimum net lot size of 8,018 SF is consistent with the Urban 1 designation. The subject site is relatively flat and the proposed density of 3.44 dwelling units per acre is consistent with the Urban 1 designation.

2. **Proposed Access Easement**

The use of the access easement is generally reserved for situations where a public street is either not feasible, or is not necessary to extend across to other properties. In this case, a public street is not feasible due to the width of the site. The proposed easement access has a minimum width of 22' with a paved width of 20'. If the project is approved, a total of two residences would use the 22-foot wide easement access. A public road is not needed as there are no larger developable parcels to the west.

Since the proposed road would be private, maintenance would be provided by the individual property owners who utilize the road and a private access and maintenance agreement would be established between the proposed parcels. The Fire Department will require both sides of the 22-foot wide access road to be painted with a red stripe and white stencil with the words "NO PARKING FIRE-LANE." In addition, the project has been conditioned to provide off-street parking for a minimum of six (6) vehicles on each lot that does not have frontage on a public street (i.e., four (4) driveway spaces and a two-car garage or three driveway spaces and a three car garage). These spaces will compensate for the fact that the parcel does not have adjacent guest parking that would normally occur on a public street.

The access easement would run immediately along the northern property boundary abutting the side-yard of one single-family residence. There is an existing six-foot high chain-link fence that runs the entire length of the northern boundary that has been conditioned to be replaced with solid wooden fence six-feet high that would buffer the potential noise and light impacts associated with vehicle utilizing the road easement. The maintenance of the fence would be included in the easement access and maintenance agreement.

3. **Proposed Setback Reduction:**

Zoning Code section 33-167 of the Single-Family Residential R-1 zone allows minor adjustments to the required setbacks of up to twenty five percent (25%) upon demonstration that the proposed adjustment will be compatible with and will not prove detrimental to the adjacent property or improvements. The reduced street side-yard (north) setback from 10 feet to 7.5 and a reduction to the rear-yard (west) setback from 20' to 15' feet is requested in order to keep the residence on Parcel 1. The request also includes a 25% reduction to the front-yard (east) setback for parcel 2 from 15' to 11.25' to accommodate a future residence. The reduced side-yard setback will not have an impact on the adjacent neighbors and a six foot high (6) solid good neighbor fence has been conditioned to be constructed between the rear-yard of Parcel 1 and the front yard of Parcel 2. All other setbacks in the R-1-7 zone will be met.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS:

The subject site 0.58-acres, relatively flat (0-10% max) and developed with one single-family residence and detached garage. Access to the lot is provided by an existing driveway off of a public street, Miller Avenue. The rear portion of the lot is open yard area, with no significant vegetation. Most of the vegetation on the site is proposed to be removed. A detached garage shall also be removed to accommodate the proposed access easement.

B. SUPPLEMENT DETAILS OF REQUEST:

- | | |
|-------------------|----------------------------------|
| 1. Property Size: | 0.58-acre gross
0.57-acre net |
| 2. No. of lots: | 2 |
| 3. Density: | 3.44 du/ac |

C. CODE COMPLIANCE ANALYSIS:

	<u>Proposed</u>	<u>Required</u>
1. Proposed Setbacks for Existing home on Parcel 1	Front (east): 15 Street side (north): 7.5' Interior side (south): 13 Rear west: 20'	15' (20' for garage) 10' 5' 20'
2. Proposed Setbacks for future residence on Parcel 2	Front (east): 11.25 (20' for garage) Side yard: 5' and 10' Rear (west): 20'	15' (20' for garage) 5' and 10' 20'
3. Parking: All lots with no frontage on a public road (Parcel 2) would be conditioned to provide 4 guest spaces on the in addition to the 2 covered spaces required.		Two covered spaces
4. Lot Size:	Parcel 1: Net 9,632 SF Parcel 2: Net 8,018 SF	7,000 SF minimum lot size
5. Lot Width:	Ranges from 65' to 75'	65' average lot width
6. Easement Access width	Proposed 22' overall Paved 20' wide paved	22' minimum

D. GENERAL PLAN COMPLIANCE

1. General Plan:

a. Land Use Element Designation:

The General Plan Land use designation is Urban 1 (UI) which permits up to 5.5 du/ac, and a minimum lot size of 6,000 SF.

b. Circulation Element:

The project would take access from a proposed 22-foot wide private road access easement with primary access from Miller Avenue. Miller Avenue is classified as a non-circulation element street. The proposed project would not significantly impact levels-of-service to the adjacent street or intersections.

c. Noise Element:

The site is located within a 60 db contour area. The proposed use must comply with the City of Escondido Noise Ordinance (Ord. 90-6) which requires interior noise levels not to exceed 45db.

d. Ridgeline:

The site is not located on or near any intermediate or skyline ridgelines.

e. Trails:

There are no trail dedications required at this site.

FINDINGS OF FACT
SUB 14-0003; PHG 14-0010 & ADM 14-0031
EXHIBIT "A"

Tentative Parcel Map SUB 14-0003

1. The proposed 2-lot Tentative Parcel Map with a proposed density of 3.44 dwelling units per acre is consistent with the Urban 1 General Plan designation, which allows up to 5.5 dwelling units per acre.
2. The design and improvement of the proposed 2-lot parcel map with 8,000+ SF lot sizes is consistent with the Urban 1 General Plan designation which requires a minimum lot size of 6,000 SF.
3. The site is relatively flat and suitable for this residential type of development proposed with easement access, the site is zoned for single-family development, and is bordered by residential development of similar zoning and sizes. The site has an average slope of less than 6% and extensive grading will not be required.
4. The flat site is physically suitable for the proposed 3.44 dwelling units per acre since the conceptual designs shows minimal grading and future setbacks consistent with the standards of the Zoning Code.
5. The design of the parcel map and proposed improvements are not likely to cause serious public health problems since all vehicular traffic generated by the project would not materially degrade the level of service on the adjoining streets or intersections. Adequate sewer and water service could be provided to all parcels through the proposed private road easement which would tie into Miller Avenue.
6. The design of the parcel map and proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish, wildlife, or their habitat since no stream course or endangered wildlife exists on the property.
7. The design of the map and the type of improvements would not conflict with easements of record, or easements established through court judgments, or acquired by the population at large, for access through, or use of property within the proposed map. This was determined based on review of all available maps and a preliminary title report submitted by the applicant. Neither the City nor its employees assume any responsibility for the completeness or accuracy of these documents.
8. The requirements of the California Environmental Quality Act have been met and the project has been determined to be Categorically Exempt from the environmental review in conformance with CEQA Section 15332, Class 32 "Infill Development Projects."
9. The design of the map has provided to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. Lot sizes and subdivision configuration provide opportunities for passive/solar heating. Landscaping would provide passive cooling opportunities via shading each unit.

Conditional Use Permit- PHG 14-0010

1. Granting the Conditional Use Permit for easement access would be based on sound principles of land use and in response to services required by the community, since the site is physically suitable to accommodate the residential use and the proposed 22-foot wide road and utility easement would not be detrimental to the adjacent properties since the existing six foot high chain-link fence along the northern boundary adjacent to the easement access road would be replaced with a six-foot high solid wood fence.
2. Granting the Conditional Use Permit for a 22-foot wide access easement would not cause deterioration of bordering land uses since the single-family residential use is the same, and it would not create special problems for the area since no significant grading will be necessary. The width of the easement has also been approved by the Fire and Engineering Divisions.

3. The proposed Conditional Use Permit for easement access is consistent with the General Plan Urban I designation and the R-1-7 (Single-Family Residential, minimum lot size 7,000 SF) zoning standards. The proposed development would be similar to existing development in the area.

**CONDITIONS OF APPROVAL
SUB 14-0003; PHG 14-0010 & ADM 14-0031
EXHIBIT "B"**

General

1. The Tentative Parcel map shall expire after thirty-six months (36) if the final map is not recorded or an extension of time application is not granted.
2. This CUP shall remain valid for the effective life of the associated Tentative Parcel Map.
3. Three (3) copies of a revised Tentative Map reflecting all modifications and changes required by this approval shall be submitted to the Planning Division for certification prior to approval of the final Map.
4. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Engineering Department, Building Department, and Fire Department.
5. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
6. Any blasting within the City of Escondido is subject to the provisions of Ordinance No. 95-6 and a Blasting Permit must be obtained from the Escondido Fire Department. If blasting occurs, verification of a San Diego County Explosive Permit and a policy or certification of public liability insurance shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
7. Access for use of heavy fire fighting equipment, as required by the Fire Chief, shall be provided to the job site at the start of any construction and maintained until all construction is complete. Also, there shall be no stockpiling of combustible materials, and there shall be no foundation inspections given until on-site fire hydrants with adequate fire flow are in service to the satisfaction of the Fire Marshall.
8. All habitable buildings shall be noise-insulated to maintain interior noise levels of 45 dba or less.
9. Both sides of the access easement shall be identified as a fire lane and shall be painted with a red stripe and a white stencil with the words "NO PARKING FIRE LANE". All signage and striping shall be shown on the revised Tentative Parcel Map and site Grading/Drainage Plan and must be installed prior to final occupancy of any unit.
10. All requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to Building Permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
11. All exterior lighting shall conform to the requirements of Article 35. Outdoor Lighting (Ordinance No. 86-75).
12. Prior to or concurrent with the issuance of building permits, the appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Deputy City Manager and the Community Development Director.
13. All project-generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08), to the satisfaction of the Planning Division.
14. No exemptions from the Grading Ordinance are approved as part of this project. All proposed grading shall conform to the conceptual grading plan as shown on the Tentative Map.
15. All new utilities shall be underground.

16. The applicant shall submit an access and maintenance agreement that addresses the proposed 22-foot wide private easement road and fencing to the satisfaction of the Planning Division, Engineering Division and City Attorney's Office. The agreement shall specify maintenance intervals and extent of improvements. A note shall be included on the final Parcel Map indicating the individual property owners are responsible for maintenance of the private easement roads. Said agreements shall be submitted prior to recordation of the Final Map to the Planning and Engineering Divisions for review.
17. The six (6) foot high chain-link fence along the northern boundary shall be replaced with a solid, six-foot high wooden fence and shall be identified on the revised Tentative Map and to the satisfaction of the Planning Division. Maintenance of the fences shall be included in the access and maintenance agreement to the satisfaction of the Community Development Director
18. If the six-foot (6) high wooden fence along the southern and western boundary is damaged or removed during grading and project construction, a six (6) foot high solid wood, good neighbor fence shall be constructed along the western and southern boundary. Maintenance of the fences shall be included in the access and maintenance agreement to the satisfaction of the Community Development Director.
19. Good-neighbor fencing six-foot (6) high shall be provided between the rear yard of Parcel 1 and the front-yard of Parcel 2. The fence shall step down to 3' in height within the front-yard setbacks of each lot. Maintenance of the fences shall be included in the access and maintenance agreement to the satisfaction of the Community Development Director and shown on the revised Tentative Parcel Map for certification.
20. Since no on-street guest parking would be provided with the private easement road, sufficient on-site parking shall be provided for parcel 2 to accommodate six vehicles. In order to accommodate on-site parking requirements, one of the following shall be provided:
 - a. A front yard setback of 40 feet shall be provided between the garage and the edge of the easement to provide for a driveway of sufficient length that can accommodate four cars in addition to a two-car garage, or
 - b. A three-car garage shall be provided in addition to a driveway of sufficient width and length to accommodate additional three cars outside of the easement, or
 - c. A circular driveway shall be provided of sufficient width and length to accommodate three or four cars depending on whether a two-or three-car garage is provided with the home.

The grading plan shall be designed with sufficient pad area to accommodate the required off-street parking. Conformance with this condition shall be demonstrated on the grading plan and plotting of the homes in conjunction with the submittal of building permits, to the satisfaction of the Planning Division and Engineering Division.

21. The area of the passenger vehicle turn-around proposed between Parcel 1 and Parcel 2 shall be included as part of the access easement, and identified on-site as a "No Parking" area, to the satisfaction of the Planning Department, and it shall be identified on the revised Tentative Parcel Map for certification.
22. The surfacing of the area of the Fire Department turn-around proposed between Parcel 1 & Parcel 2, outside of the passenger vehicle turn-a-round shall be different than the pavement of the access easement, to the satisfaction of the Fire Marshall and Community Development Director.
23. All Parcels shall maintain a minimum 7,000 SF net lot size exclusive of the passenger vehicle turn-around portion of the access easement.
24. A deed restriction or other appropriate document shall be recorded for Parcels 1 & 2 to notify future owners of the restrictions in the use of the Fire Department turn-around area, to the satisfaction of the Fire Marshall and Planning Director.

25. The reduced street side-yard setback and rear yard setback for the existing residence on parcel 1 shall only apply to the entire length of the residence on the east and north side. The rest of the residence will meet the required R-1-7 setbacks (Single-Family Residential, 7,000 SF minimum lot size).
26. The reduced front-yard setback for parcel 2 shall only apply to the entire length of the future residence on the south side. The rest of the residence will meet the required R-1-7 setbacks (Single-Family Residential, 7,000 SF minimum lot size) including the garage.

Landscaping

1. If the final grading plan includes slopes higher than 3-feet, four copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of Grading or Building permits. A plan check fee will be collected at the time of submittal. The required landscape and irrigation plan(s) shall comply with the provisions, requirements and standards in Escondido Zoning Code Article 62. The plans shall be prepared by, or under the supervision of a licensed landscape architect.
2. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition.
3. All manufactured slopes, or slopes cleared of vegetation shall be landscaped within thirty (30) days of completion of rough grading. If, for whatever reason, it is not practical to install the permanent landscaping, then an interim landscaping solution may be acceptable. The type of plant material, irrigation and the method of application shall be to the satisfaction of the Planning Division and City Engineer.
4. Prior to occupancy of future units, all required landscape improvements shall be installed and all vegetation growing in an established, flourishing manner. The required landscape areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
5. Per Article 62 of the Escondido Zoning Code, all manufactured slopes over three (3) feet high shall be planted with an appropriate and attractive mix of trees, shrubs and groundcovers.
6. A minimum of three (3) street trees will be required along Miller Avenue. The minimum tree size shall be 15-gallon in size; six-feet tall planted, and have a trunk caliper of at least two inches. The precise location and type of tree shall be consistent with City standards and the current street tree list. Existing trees may be counted as street trees if their variety, location, and size meet minimum requirements and they are identified on the landscape plan.
7. The installation of the landscaping and irrigation shall be in conformance with EZC Article 62.

**ENGINEERING CONDITIONS OF APPROVAL
SUB 14-0003; PHG 14-0010 & ADM 14-0031
Exhibit "C"**

GENERAL

1. The applicant shall provide the City Engineering Dept. with a Parcel Map Guarantee and Title Report covering subject property.
2. The engineer shall submit to the Planning Department a copy of the Tentative Parcel Map as presented to the Planning Commission. The Tentative Parcel Map shall be signed by the Planning Department verifying that it is an accurate reproduction of the approved Tentative Parcel Map with any changes as required by the Planning Commission. A copy of this Certified Tentative Parcel Map must be included in the first submittal for plan check to the Engineering Department.
3. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the recordation of the Final Parcel Map.
4. No Building Permits shall be issued for any construction within this Subdivision until the Final Parcel Map is recorded and either:
 - a) All conditions of the Tentative Parcel Map and Conditional Use Permit have been fulfilled: or
 - b) Those conditions unfulfilled at the time of an application for Building Permits shall be secured and agreements executed in a form and manner satisfactory to the City Attorney and City Engineer.
5. If site conditions change adjacent to the proposed development prior to completion of the project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
6. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.

STREET IMPROVEMENTS AND TRAFFIC

1. Public street improvements shall be constructed to City Standards as required by the Subdivision Ordinance in effect at the time of the Tentative Map approval and to the satisfaction of the City Engineer.
2. The developer shall construct street improvements, including but not limited to, concrete curb, gutter, sidewalk, street lights, street trees, paving and base on the following streets within and adjoining the project boundary:

STREET

CLASSIFICATION

Miller Avenue

Residential Street (36' curb to curb) **

Private Drive.

Private driveway for 2 homes (20' paving w/ no parking)

** The Developer will be required to construct up to 28' width of full structural street section (AC and base) per current City Design Standards.

See appropriate typical sections in the current Escondido Design Standards for additional details.

3. Access to this project off of Miller Avenue shall be improved with a single driveway apron in accordance with Regional Standard Drawing G-14A with a minimum throat width of 20 feet.

4. The private drive together with a hammer-head turn-around located on Parcels 1 and 2 shall be designed by the developer's engineer and approved by the City Engineer, Community Development Director, and the Fire Marshal prior to recordation of the Final Parcel Map. This design shall be included in the improvement plans.
5. The developer shall construct the 20' wide private drive including the hammer-head turn-around as a condition of the Parcel Map.
6. All public sidewalk construction along Miller Avenue shall be contiguous to the curb in accordance with current Escondido Design Standards.
7. The address of each building/dwelling unit shall be posted in such a manner that the address is visible from the street. In both cases, the address shall be placed in a manner and location approved by the City Engineer and the Fire Marshal.
8. The developer will be required to provide a detailed detour and traffic control plan, for all construction within the public right-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior to issuance of an Encroachment Permit for work in the public right-of-way.
9. Any removal of existing striping and all new signing and striping shall be done by a private contractor at the developer's expense.
10. All damaged paving on Miller Avenue shall be replaced. As directed by the City Field Engineer, a 1 1/2" grind and 2" min. AC overlay may be required in whole lane widths where multiple utility trench patches associated with this project have degraded the surface of the roadway.

GRADING

1. Site grading, drainage, and erosion control including for the construction of the private drive, and all drainage facilities shall be shown and approved of on the grading plans and included in the grading bond quantities.
2. The submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report or update letter that he/she has reviewed the site layout and grading design and found it to be in conformance with his/her recommendations.
3. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to prevent sediment and silt from leaving the project. The developer shall be responsible for maintaining all erosion control facilities throughout the project.
4. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
5. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
6. All existing foundations and structures, other than those designated "to remain" on the Tentative Parcel Map, shall be removed or demolished from the site. These removals shall be completed prior to Parcel Map recordation.
7. Unless specifically permitted to remain by the County Health Department, all existing wells within the project shall be abandoned and capped, and all existing septic tanks shall be pumped and backfilled, per the San Diego County Health Department Requirements. These well and septic tank abandonments shall be completed prior to Parcel Map recordation.
8. The developer will be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.

9. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.

DRAINAGE

1. Final storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be shown on the improvement and grading plans, and shall be analyzed in a drainage study to be prepared by the engineer of work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. A public 18" storm drain pipe shall be extended across Miller Avenue from the existing storm drain inlet and a new storm drain inlet constructed as part of the project frontage improvements. This storm drain shall be designed and installed at a depth that will accommodate the installation of the onsite private storm drains and bio-retention basins. These drainage improvements shall be included in the improvement plans and bonding quantities.
3. A Final Water Quality Technical Report in compliance with City's latest adopted Storm Water Management Requirements shall be prepared and submitted for approval together with the final improvement and grading plans. The Water Quality Technical Report shall include post construction storm water treatment measures and maintenance requirements.
4. All site drainage with emphasis on the parking and drive way areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
5. Landscaping in and around the proposed Bio-retention basins shall be restricted to low shrubs and plants with minimal root systems and able to flourish in the well-draining soils required in the basins. No trees.
6. All on-site storm drains not in public easements and all bio-retention facilities are private. The responsibility for maintenance of these storm drains shall be that of the property owners.

WATER SUPPLY

1. If fire sprinklers are required by the Fire Department, a 1" minimum water service, 1" water meter, and back flow prevention device shall be required for each lot. Water meters and back flow prevention devices shall not be installed within the driveway apron or private drive areas. All water services shall be to the satisfaction of the Utilities Engineer.
2. All on-site water lines and backflow prevention devices beyond the City water meter will be considered a private water system. The property owner will be responsible for all maintenance of these water lines and backflow prevention devices.
3. No trees or deep rooted plants shall be planted within 10 feet of any water service.
4. All water services shall be installed per current City of Escondido Design Standards and Standard Drawings.

SEWER

1. A private 4" minimum PVC sewer lateral with a standard clean-out within 18" of the right-of way shall be constructed for each Parcel and shown on the Improvement plans. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings. The sewer lateral for Parcel 2 shall be constructed beyond the required private drive paving. The construction of all sewer laterals shall be included in the improvement plans and bonding quantities.

2. The existing house on Parcel 1 shall be verified to be connected to City Sewer prior to Parcel Map recordation.
3. No trees or deep rooted bushes shall be planted within 10' of any sewer lateral.
4. All sewer laterals will be considered a private sewer system. The property owners will be responsible for all maintenance of their individual sewer laterals to the sewer main in Miller Avenue.

FINAL PARCEL MAP - EASEMENTS AND DEDICATIONS

1. The developer shall make all necessary dedications for public rights-of-way on the following streets contiguous to the project to bring the roadways to the indicated classification.

STREET

CLASSIFICATION

Miller Avenue

Residential Street (56' right-of-way)

2. All easements, both private and public, affecting subject property shall be either delineated on the Final Parcel Map or noted for extinguishment on same.
3. Public Emergency Access Easements as required by the Fire Marshal shall be granted to the City on the Final Parcel Map and shown on the improvement and grading plans.
4. Any public utility easements if necessary for sewer, water, storm drain, etc. shall be granted to the City on the Final Parcel Map. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
5. The panhandle areas serving Parcels 2 shall be identified on the Final Parcel Map as "private access and utility easement for the benefit of Parcel 2 to be granted upon subsequent transfer of title".
6. Private 10' wide minimum drainage easements in locations necessary for cross lot drainage per the grading plan shall be delineated on the Final Parcel Map and labeled "private drainage easement for the benefit of Parcel 2 to be granted upon subsequent transfer of title".

CASH SECURITY AND FEES

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the Director of Engineering Services.
2. The developer will be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

DECLARATION OF RESTRICTIONS or CC&RS

1. Copies of Declaration of Restrictions shall be submitted to the Engineering Department and Planning Department for approval prior to their recording and reference on the Final Parcel Map.
2. The developer shall make provisions in the Declaration of Restrictions for use and maintenance by the Property Owners of private driveways, parking areas, any shared fences, the landscaping along Miller Avenue., private utilities (including sewer and water), storm water treatment and drainage facilities, private storm drains, and any common uses.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground as required by the Subdivision Ordinance.
2. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.



CITY OF ESCONDIDO
PLANNING DIVISION
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
(760) 839-4671

Notice of Exemption

To: San Diego County Recorder's Office
Attn: Linda Kesian
P.O. Box 121750
San Diego, CA 92112-1750

From: City of Escondido
201 North Broadway
Escondido, CA 92025

Project Title/Case No.: SUB14-0003, PHG14-0010 & ADM14-0031

Project Location – Specific: Located on the west side of Miller Avenue, north of Danica Place and south of Montview Drive, addressed as 1935 Miller Avenue (APN 236-332-13)

Project Location - City: Escondido, **Project Location - County:** San Diego

Description of Project: A request for a Tentative Parcel Map to subdivide an existing 0.58-acre single-family residential lot in the R-1-7 (Single-Family Residential, 7,000 SF minimum lot size) zone into two (2) lots (8,018 SF & 9,632 SF), in conjunction with a Conditional Use Permit for a 22-foot wide easement access. The request also includes, an Administrative Adjustment for a 25% reduction of the required street side-yard setback from 10' to 7.5' and the required rear-yard setback from 20' to 15' for an existing single-family residence to remain on Parcel 1 and a 25% reduction to the required front-yard setback for parcel 2 from 15' to 11.25'. The General Plan designation is Urban 1 (U1, up to 5.5 du/ac).

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Neal Benhoff- Alta Consultants

Telephone (858) 581-6101

Address: 1283 E. Main Street #109, El Cajon, CA 92021

☒ Private entity ☐ School district ☐ Local public agency ☐ State agency ☐ Other special district

Exempt Status:

Categorical Exemption. "In-fill Development Projects", Section 15332, Class 32

Reasons why project is exempt:

1. The project is consistent with the General Plan (Urban 1) designation and zoning (R-1-7), and no variances are required.
2. Adequate access and public utilities (including sewer and water) can be provided to the site from existing facilities within the adjacent right-of-way and/or adjacent properties. Police and Fire services currently are provided by the City of Escondido.
3. The site is less than 5 acres and surrounded by existing urban development on all sides.
4. The site has no value as habitat for endangered, rare or threatened species as the site is currently developed with one single-family residence and no habitat exists, except for ornamental landscaping.
5. Approval of the project would not result in any significant effects relating to traffic, air quality, or water quality. The project would not expose people to any significant noise generators since appropriate noise attenuation features would be incorporated into the project design in conformance with the General Plan polices and the City's Noise Ordinance.

Lead Agency Contact Person: Darren Parker

Area Code/Telephone/Extension (760) 839-4553

Signature: Darren Parker
Darren Parker, Assistant Planner II

July 16, 2014
Date

X Signed by Lead Agency

Date received for filing at OPR:

☐ Signed by Applicant

PLANNING COMMISSION

Agenda Item No.: H.2
Date: July 22, 2014

CASE NUMBER: AZ 14-0001

APPLICANT: City of Escondido

LOCATION: Citywide

TYPE OF PROJECT: Amendment to the Zoning Code

PROJECT DESCRIPTION: An amendment to Article 16, pertaining to commercial zones, involving adding Planned Development - Office (PD-O) and Planned Development – Mixed Use (PD-MU) as new commercial zones implementing the Planned Office designation and mixed-use overlay of the General Plan, eliminating the Hospital Professional (HP) zone and incorporating the uses and development standards into the Commercial Professional (CP) zone, and amending/updating the matrix list of permitted and conditionally permitted principal uses for commercial zones (Table 33-332). No property zone changes are proposed at this time; staff will conduct a comprehensive zone change involving all properties affected by the General Plan update at a later time. The proposal also includes the adoption of the environmental determination prepared for the project.

STAFF RECOMMENDATION: Approval

BACKGROUND/SUMMARY OF ISSUES:

The City of Escondido General Plan was adopted by the City Council on May 23, 2012. As part of the Land Use and Community Form Element, new commercial designations were added. The Planned Office designation is generally located on 87 acres surrounding the Interstate 15 and Felicita Road interchange. It is designed to integrate a “campus-style” employment center into a master planned development with coordinated architecture and site design. The proposed amendment to the Zoning Code to add the Planned Development-Office (PD-O) designation implements the General Plan by adding a Zoning designation that corresponds to, and is consistent with, the Planned Office General Plan land-use designation. No permitted uses or development standards are proposed for the PD-O zoning designation, because any individual projects would be reviewed for conformance with General Plan policies and the Planned Development section of the Zoning Code (Article 19).

Since the Planned Office General Plan designation is intended to encourage comprehensive site planning of “campus-style” employment centers, language is proposed to be added to the commercial zones permitted use matrix (Table 33-332), in the use “social, professional and religious organizations and services.” The language will specify that existing churches on property designated Planned Office will be allowed to operate subject to their approved Conditional Use Permit (CUP), and expansions may occur subject to Article 57 that do not increase the boundary of the CUP. No new churches will be permitted on land designated Planned Office.

The proposed amendment to the Zoning Code to add the Planned Development-Mixed Use (PD-MU) designation implements the General Plan by adding a Zoning designation that implements the mixed use overlay of the General Plan. It will be consistent with the existing General Plan designations that allow mixed-use developments: Planned Commercial (PC), Office (O) and General Commercial (GC). No permitted uses or development standards are proposed for the PD-MU zoning designation, because any individual projects would be reviewed for conformance with General Plan policies and the Planned Development section of the Zoning Code (Article 19).

Since the Palomar Medical Center (PMC) relocated to its new facility in western Escondido in 2012, there has been some confusion among the public and commercial real estate brokers about the existing zoning designation "Hospital Professional" (HP). While the zoning designation permits a variety of office uses, in addition to medical related uses, many people incorrectly presume that only hospital- or medical-related uses are permitted in the zone. The existing Professional Commercial (CP) zone is a more general category that allows professional offices, medical services, legal services and related uses, and is also located in close proximity to downtown. Incorporating the HP zone into the CP zone will not impact medical or related services and will not create any nonconforming uses or properties, but will streamline the commercial permitted use matrix and simplify the process of attracting new businesses. All properties currently zoned HP will be governed by the development standards and permitted uses of the CP zone until a comprehensive zone change is conducted at a later time.

The proposed Zoning Code amendment also includes some updates to the Commercial Zones permitted use matrix. The City of Escondido has been working diligently to attract new businesses to the City, through the 2013-2014 City Council Action Plan, General Plan policies, and other economic development efforts. One barrier to the goal of attracting education, bio-technology and other new commercial uses to the City is the use of valuable commercial space for non-commercial uses. Although some non-commercial uses are allowed in commercial zones only with a Conditional Use Permit (CUP), there are also some non-commercial uses permitted by right, including residential care facilities which are often located in large structures or on large properties. Allowing residential care facilities in the CG and CP zones (the two commercial zones that currently permit them by right) with a CUP will provide consistency to permitted uses in the commercial zones and still provide the City discretion to allow residential care facilities if proposed in an appropriate location.

The proposed amendment to the Zoning Code also eliminates "Lodging for organization members only," which is listed under the category of "Residential and Lodging" and is permitted by right in the CG zone. A similar use "assembly halls, fraternities, sororities, lodges, etc." is also listed in the matrix under the category "Other services" and is permitted with a conditional use permit in the CG zone. Other similar residential uses in commercial zones, such as hotels and motels, bed and breakfast facilities, and travel trailer parks require a conditional use permit, giving the City discretion over a specific use and location in commercial zones, especially in desirable gateway areas. The use "lodging for organization members only" will be eliminated in favor of the existing use "assembly halls, fraternities, sororities, lodges, etc," for consistency.

Staff feels that the issues are as follow:

1. Whether adding the PD-O and PD-MU zoning designations are appropriate.
2. Whether eliminating the HP designation from the Zoning Code and consolidating its uses and development standards into the CP zone is appropriate.
3. Whether the proposed changes/updates to the commercial zones permitted use matrix are appropriate.

REASONS FOR STAFF RECOMMENDATION:

1. The proposed new zoning designations of PD-O and PD-MU would implement the General Plan, providing zoning categories that are consistent with the existing Planned Office designation and the mixed-use overlay of the General Plan. No zone changes are proposed at this time.

2. Eliminating the Hospital Professional zone and incorporating the land uses and development standards into the Commercial Professional zone would streamline the commercial categories of the Zoning Code and assist in attracting businesses to the area, while not adversely impacting property or business owners
3. Requiring a conditional use permit for residential care facilities in the CG zones will help prevent valuable commercial property from being used by non-commercial uses, while still allowing residential care facilities through the CUP process for appropriate locations in commercial zones.
4. Allowing existing churches to remain and expand within their boundaries, but not allowing new churches within the area designated Planned Office in the General Plan would preserve those areas at city gateways for comprehensively planned employment centers, without negatively impacting existing churches.
5. The proposed amendment would update, modernize, and add flexibility for uses in the commercial permitted use matrix, including fixing an inconsistency among a type of residential use that is listed in the matrix twice.

Respectfully submitted,

Kristina Owens

Kristina Owens
Associate Planner

A. ENVIRONMENTAL STATUS

1. A Notice of Exemption was issued on July 14, 2014, in accordance with CEQA Section 15061(b)(3), "General Rule."
2. In staff's opinion, no significant issues remain unresolved through compliance with code requirements.
3. The project will have no impact on fish and wildlife resources since no sensitive or protected habitat would be impacted by the proposed Zoning Code Amendment.

B. CONFORMANCE WITH CITY POLICY/ANALYSIS

General Plan

The proposed Zoning Code Amendment would be consistent with the General Plan. The addition of Planned Development-Office and Planned Development-Mixed Use designations to the Zoning Code implements the General Plan by adding Zoning designations that are consistent with the existing General Plan. Combining the HP and CP zones into one zoning designation (CP) does not impact General Plan policies and existing Land-Use designations would remain the same.

The Housing Element of the General Plan includes a discussion of residential care facilities, including the requirement that the City allow State-licensed residential care facilities serving six or fewer persons to be treated as a regular residential use and be permitted by right in all residential zones allowing residential uses. The Housing Element also states that licensed residential care facilities are permitted by right in Commercial and Hospital Professional zones, although this is not a requirement of the Lanterman Developmental Disabilities Services Act of the California Welfare and Institutions Code or the State of California. The Lanterman Act addresses the requirement that residential care facilities with six or fewer residents be treated the same as residential uses in residential zones. The proposed amendment to require a Conditional Use Permit for large residential care facilities is not inconsistent with the Housing Element of the General Plan or State law.

Adding Planned Development-Office and Planned Development-Mixed Use Designations

New land use designations were created when the General Plan was adopted in 2012, involving Planned Office and Mixed Use. The Planned Office designation was intended to include bio-technology, research and development, corporate office, and related support office uses in a campus like setting. The area designated Planned Office is approximately 87 acres at the Interstate 15 and Felicita Road interchange area and it is one of the General Plan's target employment areas. The proposed amendment to the Zoning Code implements the General Plan by establishing a commercial zoning category, Planned Development - Office (PD-O), that is consistent with the General Plan designation. No zoning changes on any properties are proposed at this time.

The mixed use designation in the General Plan is intended to add flexibility in certain urban areas to promote infill development with commercial uses. The areas designated for mixed use total approximately 500 acres and are located at Centre City Parkway/Brotherton Road, Escondido Boulevard/Felicita Avenue, and along a portion of East Valley Parkway. The PD-MU zoning designation would implement the mixed use overlay.

A specific list of permitted and conditionally permitted uses and development standards is not being proposed for the PD-O or PD-MU zones since individual projects in a Planned Development zone are reviewed under the existing Planned Development Section of the Zoning Code (Article 19) and existing General Plan policies. Development standards, permitted uses and project design are established for a project on a case by case basis through the Planned Development process. The General Plan guiding principles for these designations will be utilized when reviewing any proposal for development in these areas, including a focus on attracting high paying, high employee density businesses and unified design

elements with buffers between higher intensity development and existing lower density residential development.

Eliminating the Hospital Professional Zone and Combining the Permitted Uses and Development Standards with the Commercial Professional Zone

Upon relocation of the Palomar Medical Center to its new location in western Escondido, including its emergency and acute care departments, some confusion has existed among the public and potential businesses as to the types of businesses permitted in the area surrounding the hospital's Downtown Campus. The term "hospital" in the Hospital Professional (HP) zone has led many to believe that only medical uses are permitted. Eliminating the HP zone and combining the existing Professional Commercial (CP) and HP zones into the CP zone will add clarity and increase flexibility for attracting new businesses to the area. Much of the property zoned HP or CP is located in one of the General Plan's target employment areas and both designations are in close proximity to downtown. The descriptions of both designations are similar, with the CP zone being more broad and inclusive. In order to ensure conformity and consistency for existing uses, all previously permitted and conditionally permitted uses in the HP zone will be incorporated into the CP zone, where they are not already included. Additionally, development standards, including setbacks and building height, will be consistent. Existing buildings and properties will not be made nonconforming due to this Zone Code amendment and no zone changes are proposed.

The Proposed Amendment to the Permitted Use Matrix Related to Residential Care Facilities in Commercial Zones

A primary focus of the City Council's 2013-2014 Action Plan is Economic Development. Many of the economic development goals aim to make Escondido more attractive to new businesses. Residential care facilities are currently a permitted use in the Commercial (CG) and Hospital Professional (HP) zones. Often residential care facilities occupy large commercial buildings or large vacant, commercial parcels at key gateways to the City, reducing the potential for aggregated commercial developments. Additionally, many residential care facilities are operated and/or owned by non-profit organizations, many of which are exempt from paying property taxes and do not pay business license fees. There may be sites in the CG or HP (now CP) zones where a residential care facility would be appropriate, so the Conditional Use Permit process would be maintained to allow discretionary approval. By requiring a CUP for residential care facilities in the CG and CP zones the City will maintain the ability to market commercial properties in desirable gateway areas to businesses with high employee density opportunities, while maintain the discretion to allow a residential care facility on an appropriate site.

Removing the Use "Lodging for Organization Members Only" From the Permitted Use Matrix

The majority of non-commercial uses and commercial uses with a residential component currently require a CUP in commercial zones, including hotels, motels and bed and breakfasts. "Lodging for organization members only" is currently listed in the commercial permitted use matrix in the "Residential and Lodging" section and is a permitted use in the CG zone. "Assembly halls, fraternities, sororities, lodges, etc." is also listed in the commercial matrix, but requires a CUP in the CG zone. Both groups of uses are intended to include the same types of establishments. For consistency, the use "Lodging for organization members only" will be eliminated, leaving "assembly halls, fraternities, sororities, lodges, etc." as requiring a CUP in the CG zone, similar to other similar residential, non-commercial uses. This will provide for more consistency in applying permitted uses in the commercial zones.

Churches and Church Expansion in the Professional Office Area

Churches often occupy large buildings or properties at key gateways to the City, reducing the potential for commercial property to be utilized for commercial development. The General Plan Planned Office designation is intended to encourage comprehensive site planning of "campus-style" employment centers, including research and development, corporate office, and related support uses at city gateways.

No ordinance text is proposed for the commercial zones permitted use matrix (Table 33-332), in the use “social, professional and religious organizations and services,” related to churches. Existing churches on property designated in the General Plan as Planned Office will be allowed to operate subject to their approved Conditional Use Permit (CUP), and expansions to existing churches may occur subject to Article 57 as long as they do not increase the boundary of the CUP, including parking. No new churches will be permitted on land designated Planned Office. This amendment would have no negative impact on existing churches, but would facilitate new commercial uses.

FACTORS TO BE CONSIDERED
AZ 14-0001
EXHIBIT "A"

1. The public health, safety and welfare would not be adversely affected by the proposed Zoning Code Amendment, since the amendment involves General Plan implementation, clarification and streamlining of the commercial zone permitted use matrix, and implementing current City Council policy on attracting businesses. No development standards are being modified, no properties are being re-zoned and no new, permitted uses are being added to residential zones.
2. The proposed Zoning Code Amendment would not be detrimental to surrounding properties, since it would implement the General Plan and streamline the commercial permitted use matrix, while not changing the zoning designation on any parcels or allowing new non-residential uses to residential zones. Modifications to permitted uses in commercial zones are consistent with the General Plan.
3. The proposed amendment would be consistent with the General Plan, since no land uses or policies would be amended or impacted, and it would implement the General Plan by adding zoning designation consistent with the General Plan land-uses. The amendment also would strengthen the City Council objective to attract new businesses to the City.

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**EXHIBIT “B”
AZ 14-0001**

ARTICLE 16. COMMERCIAL ZONES

Note

* Prior history: Zoning Code, Ch. 104, §§ 1041.1, 1041.2, 1041.21, 1041.23, 1041.25, 1041.27, 1041.28, 1041.31, 1041.32.3—1041.32.7, 1041.33, 1041.33.3, 1041.33.4, 1041.33.7, 1041.34.1—1041.34.9, 1041.35.1—1041.35.3, 1041.35.5, 1041.35.6, 1041.39, 1041.39.3, 1041.39.5, 1041.39.7, 1041.39.9, 1041.40 as amended by Ord. Nos. 88-58, 90-2, 90-19, 91-5, 92-17, 92-43, 94-32, 96-2 and 96-11.

Sec. 33-330. Purpose.

(a) Purpose of this article. The commercial zones are intended to implement development and operation of commercial areas for retail and service establishments, neighborhood convenience, and office uses required by residents of Escondido in a manner consistent with the general plan.

(b) Purpose of individual commercial land use districts.

(1) General commercial (CG) zone. The general commercial (CG) zone is established to provide for the community’s general commercial needs. This zone is used in areas where a wide range of retail, office, service establishments, and other uses not suitable for residential zones but less intensive than industrial uses, are needed to accommodate the surrounding community.

(2) Neighborhood commercial (CN) zone. The neighborhood commercial (CN) zone is established to provide a shopping center for the sale of convenience goods and personal services for day-to-day living needs, and provide a neighborhood/community activity center. The uses and structures allowed and the standards of development are designed to protect the adjacent residential zones, promote orderly development and avoid traffic congestion within the neighborhood. No land area shall be classified into this zone where such classification would create a zoned CN area of less than one (1) acre or larger than five (5) acres and may be required to be located on an intersection of improved collectors and/or major roads and/or prime arterials as shown on the adopted circulation plan of Escondido. Neighborhood commercial zones shall be separated by at least one (1) mile from any other commercial center or zone.

(3) Professional commercial (CP) zone. The professional commercial (CP) zone is established to provide for the development of certain business and professional offices, medical services, medically related retail, legal services and related support-type uses in locations ~~within or in close proximity to the downtown business district~~ where such uses can conveniently serve the public.

~~_____ (4) _____ Hospital professional (HP) zone. The hospital professional (HP) zone is established to provide areas in close proximity to hospitals for related medical, professional, and support type uses, including medically related retail. (Ord. 97-02, § 2 Exh. A, 1-22-97)~~

~~_____ (4) _____ Planned development (PD) zone. The planned development (PD) zone is established to encourage the comprehensive site planning and building design in a creative approach through variation in the siting of buildings and the appropriate mixing of land uses and activities. Planned development zoning is subject to Article 19 of the Escondido zoning code and applies to properties zoned Planned Development – Commercial (PD-C), Planned Development – Neighborhood Commercial (PD-CN), Planned Development – Office (PD-O) and Planned Development – Mixed Use (PD-MU).~~

~~_____ (c) _____ Interim development standards for properties located in the hospital professional (HP) zone.~~

~~_____ (1) _____ Properties located in the hospital professional (HP) zone identified on the city of Escondido adopted zoning map shall be governed by the standards of the professional commercial (CP) zone.~~

Sec. 33-331. General plan compatibility matrix.

Table 33-331 shows the general plan designation corresponding to the commercial zoning district designations.

Table 33-331

Zoning	Corresponding General Plan Designations
General Commercial (CG)	General Commercial (GC)
Neighborhood Commercial (CN)	General Commercial (GC), all residential designations (existing CN zoning only)
Professional Commercial (CP)	Offices (O), General Commercial (GC)
Hospital Professional (HP)	Offices (O)
Planned Development—Commercial (PD-C)	Planned Commercial (PC), Office (O), General Commercial (GC).
Planned Development—Neighborhood Commercial (PD-CN)	All designations
Planned Development—Office (PD-O)	Planned Office (PO)
Planned Development—Mixed Use (PD-MU)	Planned Commercial (PC), Office (O), General Commercial (GC)

(Ord. No. 97-02 § 2 Exh. A, 1-22-97)

Sec. 33-332. Principal land uses.

The following Table 33-332 lists those uses in the commercial districts which are permitted (P) subject to administrative or plot plan review, or subject to a conditional use permit

(C). In the planned development zones, permitted uses are identified in each planned development master plan approval. In addition to the uses listed below, the following uses shall be subject to conditional use permit requirements of section 33-1200 et seq., of this chapter.

(a) Any use or structure permitted or conditionally permitted in a zone and involving hazardous materials is subject to conditional use permit requirements of section 33-666 of this chapter.

(b) All uses permitted in the CN zone operating between the hours of 11:00 p.m. and 7:00 a.m.

(c) All uses and development permitted in the PD zone are subject to section 33-400 of this chapter.

Table 33-332

PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES

The conversion of existing or vacant automobile dealerships to a new, substantially different, use shall require plot plan review pursuant to section 33-344 of this article.

Use Title	CG	CN	CP	HP
Residential and Lodging				
Bed and breakfast* (Article 32)	C			€
Hotels and motels* (Article 63)	C			
Lodging for organization members only	P	-	-	-
Mobilehome parks or travel trailer parks* (Articles 45 & 46)	C			
Manufacturing, Wholesale Trade, and Storage				
Mini-warehouse storage facilities* (section 33-339)	C			
Newspaper printing and publishing	P			
Retail Trade				
Automotive and marine craft				
Sales lots and parts and accessories sale and supply (including autos, motorcycles, trailers, campers, recreational vehicles and marine craft vehicles excluding farm and construction vehicles, three-axle trucks, and buses)	P			
Gasoline service stations including concurrent sale of alcoholic beverages and motor vehicle fuel* (Articles 57 and Council Resolution #5002)	P			
With facilities to dispense gasoline to four (4) or fewer vehicles at a time				
With facilities to dispense gasoline to five (5) or more vehicles at a time	C			
Food and liquor				
Food stores (grocery, produce, candy, baked goods, meat, delicatessen, etc.), off-sale beer and wine, off-sale general	P	P		

Use Title	CG	CN	CP	HP
license excluding concurrent sale				
With facilities to dispense gasoline to four (4) or fewer vehicles at a time* (Article 57)	P			
With facilities to dispense gasoline to five (5) or more vehicles at a time* (Article 57)	C			
Liquor stores, packaged (off-sale)	P	P		
General retail				
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	P
Florists, gifts, cards, newspapers and magazines	P	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 of planning and building community development, 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	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 site plan approval	P	P	P	
Eating and Drinking Establishments				
Cabarets and nightclubs (with or without alcoholic beverages, including comedy clubs, magic clubs, etc.)	C			
Drinking places-alcoholic beverages (on-sale beer and wine and on-sale general licenses and public premises) includes bars and taverns, does not include restaurants serving alcoholic beverages.	C			
Restaurants, cafés, delicatessens, sandwich shops, etc.				
Without alcoholic beverages	P	P	P	P
With on-sale beer and wine and on-sale general licenses	P	C	C	
Auto oriented (drive-in,* drive-through*) (section 33-341)	P			
Specialized food sales from pushcart facilities* (section 33-342)	P	P	P	P
Services				
Animal care (excluding kennels)	P	P		

Use Title	CG	CN	CP	HP
Automotive services (including motorcycles, marine craft and recreational vehicles)				
Car-wash, polishing, detailing	P			
Rental and leasing* (Article 57 and Council Resolution #73-264-R) with or without drivers, taxicab service	P			
Repair and related services, except tire retreading and auto body	P			
Auto body	C			
Miscellaneous auto service, except repair and wash (includes motor clinics, auto towing service only)	P			
Educational services				
Day nurseries, child care centers* (<u>Article 57</u>)	P	C	C	€
Schools, including kindergarten, elementary, junior, and senior high schools* (Article 57)	P		<u>C</u>	€
University, college, junior college, and professional schools	P		P	€
Vocational and trade schools	P		P	
Other special training (including art, music, drama, dance, language, etc.)	P	P		
Special needs education	P	P	P	<u>P</u>
Government services				
Administrative centers and courts	P	C	P	€
Operation centers <u>Other government services NEC excluding correctional institutions</u>	C		C	€
Police and fire stations	C	C	C	€
Financial services and institutions (including banks, securities brokers, credit offices, real estate services)				
Insurance	P	P	P	<u>P</u>
Hospital and medical service organizations (including Blue Cross, Blue Shield, etc.)	P		<u>P</u>	<u>P</u>
Medical, dental and related health services				
Hospitals, excluding small medical clinics	C		C	€
Medical, dental and optical laboratories	P		P	<u>P</u>
Medical clinics and blood banks	P		<u>P</u>	<u>P</u>
Medical, dental, optical, and other health care offices	P	P	P	<u>P</u>
Other medical and health services NEC	P		P	<u>P</u>
Sanitariums, convalescent and licensed residential care facilities	<u>PC</u>		<u>C</u>	<u>P</u>
Offices and business services, except medical				
General business services (including advertising, credit reporting, building services, news syndicate, employment services, computer services, drafting, detective/protective services, etc.)	P	P	P	<u>P</u>
General office use (includes professional offices)	P	P	P	<u>P</u>
Mailing, stenographic , accounting and office services	P		P	<u>P</u>

Use Title	CG	CN	CP	HP
Messenger services	P	-	P	P
Travel agencies and services	P	P	P	
Repair services, except automotive				
Apparel and shoe repair and alteration	P	P		
Bicycle repair	P	P		
Locksmiths and key shops	P	P	P	
Miscellaneous repair services (excluding machine shops and welding services)	P			
Small appliance repair and services (including TV, radio, VCR, computers, household appliances, etc.)	P	P		
Watch, clock, and jewelry repair	P	P	P	
Social, professional, and religious organizations and services				
Churches, synagogues, temples, missions, religious reading rooms, and other religious activities* including columbariums and mausoleums* as an incidental use (Article 57). <u>Churches on property designated Planned Office in the general plan: Existing churches may operate subject to their approved conditional use permits. Expansions may occur subject to Article 57 that do not increase the boundary of the conditional use permit, including parking areas. No new churches are permitted on land in the general plan designated Planned Office.</u>	P	C	C	€
Social and professional organizations (political membership, veterans, civic, labor, charitable and similar organizations, etc.)	P	C	P	P
Youth organizations* (Article 57)	P	C		
Other services				
Assembly halls, fraternities, sororities, lodges, etc.	C			
Barber, beauty, nail, and tanning services	P	P	P	P
Equipment rental and leasing service* (Article 57 and Council Resolution #73-264-R) (includes airplanes, business equipment, chairs furniture, construction equipment, sanitation units, sports equipment, etc.)	P			
Mortuary (excluding crematories and mausoleums)	P			
Hospital/medical equipment rental and leasing	P		P	P
Laundry and dry cleaning services				
Self-service, coin-operated	P	P		
Pick-up service only	P	P	P	
Dry cleaning, laundering, pressing and dying for on-site retail customers only	P			
Personal services, NEC (including clothing and costume rental, tattooing, marriage bureaus, baby-sitting services, etc.)	P			

Use Title	CG	CN	CP	HP
Photographic and duplicating services:				
Blueprinting	P		P	
Photocopying	P	P	P	P
Studios, developing, printing, and similar services, except commercial photography	P	P	P	P
Commercial photography, including aerial photographs and mapping services	P		P	P
Picture framing, assembly only	P	P		
Recycling Services* (Article 33):				
Reverse vending machines occupying a total of fifty (50) square feet or less	P	P	P	P
Small collection facilities occupying a total of five hundred (500) square feet or less	P	P	P	P
Aluminum can and newspaper redemption center without can crushing facilities	C			
Cultural Entertainment and Recreation				
Adult entertainment establishments* (Article 42)	P			
Cultural, including museums, art galleries, etc.	P		P	
Entertainment assembly, amphitheater, concert halls, exhibit halls	C			
Health and fitness facilities, including gymnasiums, athletic clubs, body building studios, dance studios, martial arts schools, etc.	P	P	C	C
Swimming schools and pools	C	C		
Libraries	P	P	P	C
Parks	P	P	P	P
Sports and recreation facilities, including bowling alleys, billiards, indoor and outdoor skating facilities, batting cages, riding schools and stables, etc.	C			
Theaters, indoor motion picture and legitimate	P			
Transportation, Communications and Utilities				
Transportation				
Ambulance and paramedic	C		C	C
Bus and train depots	P			
Helipad (as an incidental use only)* (Article 57)	C		C	C
Park-and-ride facilities	P	P	P	P
Parking lots and parking structures (short term)	P		P	P
Taxicab stand	P		P	P
Communications (telephone, telegraph, radio, TV, etc.)				
Broadcasting (radio and/or television), recording, and/or sound studios	P		P	
Personal wireless service facilities* (subject to Article 34)				
Roof-mounted or building-mounted facilities incorporating stealthy designs and/or screened from	P	P	P	P

Use Title	CG	CN	CP	HP
public ways or significant views				
Pole-mounted or ground-mounted facilities that incorporate stealthy designs and do not exceed 35' in height	P	P	P	P
Pole-mounted or ground-mounted facilities that exceed 35' in height or roof-mounted or building-mounted designs which project above the roofline and are not completely screened or considered stealthy	C	C	C	C
Other communications, NEC	C		C	
Radio and television transmitting towers	C		C	
Telephone exchange stations and telegraph message centers	P	P	P	
Utilities (electric, gas, water, sewage, etc.)				
Central processing, regulating, generating, control, collection, storage facilities and substations	C	C	C	C
Distribution facilities	P	P	P	P

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

P = Permitted use;

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

NEC = Not Elsewhere Categorized.

(Ord. No. 97-02, § 2 Exh. A, 1-22-97; Ord. No. 97-11, § 2, 6-11-97; Ord. No. 99-15-R, § 4 Exh. A, 6-9-99; Ord. No. 2001-31R, § 14, 12-5-01; Ord. No. 2003-20(R), § 4 Exh. A, 10-15-03; Ord. No. 2004-21, § 10, 11-17-04; Ord. No. 2009-17, § 4, 7-15-09)

Sec. 33-333. Permitted accessory uses and structures.

Accessory uses and structures are permitted in commercial zones, provided they are incidental to, and do not substantially alter the operating character of the permitted principal use or structure as determined by the director of planning and building community development. Such permitted accessory uses and structures include, but are not limited to, the following:

Table 33-333

PERMITTED ACCESSORY USES AND STRUCTURES

Use Title	CG	CN	CP	HP
Accessory buildings such as garages, carports and storage buildings clearly incidental to a permitted use	P	P	P	P
Bus stop shelters* (Article 57 & Article 9, Chapter 23 EMC)	P	P	P	P
Caretaker's or resident manager's quarters (for lodgings,	P			P

Use Title	CG	CN	CP	HP
motels, hotels, and funeral parlors)				
Cottage food operations and home occupations as provided for in Article 44	P	P	P	P
Employee recreational facilities	P		P	P
Live entertainment	P	P	P	P
Outdoor dining in conjunction with an approved eating place* (Article 57)	P	P	P	P
Outdoor display of merchandise* (Article 73)	P	P	P	P
Satellite dish antennas* (Article 34, CUP required for some sizes and heights)	P/C	P/C	P/C	P/C
Storage of materials used for the construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto and provided further, that such use shall be permitted only during the construction period and the thirty (30) days thereafter	P	P	P	P
Swimming pools* (Article 57) and tennis courts	P		P	P
Temporary outdoor sales* (Article 73) and special events subject to the issuance of a temporary use permit	P	P	P	P
Vending machines* (Article 33)	P	P	P	P

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

P = Permitted Accessory Use

(Ord. No. 97-02, § 2 Exh. A., 1-22-97; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-334. Prohibited uses.

(a) All uses and structures not listed as permitted primary or accessory uses, or conditionally permitted uses shall be prohibited. However, the director of planning and building may approve a use, after study and deliberation, which is found to be consistent with the purposes of this article, similar to the uses listed as permitted uses, and not more detrimental to the zone than those uses listed as permitted uses.

(b) Any existing residential structure shall not be used for both residential and commercial purposes at the same time, except as provided for in Article 44. (Ord. No. 97-02, § 2 Exh. A, 1-22-97; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-335. Development standards.

(a) All zones. The standards contained in the following table shall apply to all commercial districts and shall be determined minimum unless stated otherwise.

(b) CN zone. No single use shall exceed a gross floor area of five thousand (5,000) square feet except that a grocery store may have a gross floor area of up to thirty thousand (30,000) square feet.

Table 33-335

COMMERCIAL DEVELOPMENT STANDARDS

	CG	CN	CP	HP
Lot area (SF) min. ⁽¹⁾⁽²⁾	None	7,000	7,000	7,000
Average lot width min. ⁽¹⁾	None	100'	50'	50'
Lot frontage min. ⁽¹⁾	All lots shall front on public street (does not include an alley)			50'
Front setback min. ⁽⁴⁾⁽⁷⁾	None ⁽⁵⁾⁽⁶⁾	10'	10'	10'
Corner and reverse corner lots	5' ⁽⁶⁾	10'	10'	10'
Facing Centre City Parkway in Landscape Master Plan Overlay ⁽³⁾	15'	15'	15'	15'
Side setback min. ⁽⁴⁾⁽⁷⁾	None ⁽⁵⁾⁽⁶⁾	None ⁽⁵⁾ except 10' adjacent to residential zones	None ⁽⁵⁾ <u>5' for first two stories plus 5' for each additional story up to 10' max. when adjacent to residential structures</u>	5' for first two stories plus 5' for each additional story up to 25' max. setback
Corner lots and reverse corner lots	5' ⁽⁶⁾	10'	5'	10'
Facing Centre City Parkway in Landscape Master Plan Overlay ⁽³⁾	15'	15'	15'	15'

	CG	CN	CP	HP
Rear setback min. ⁽⁷⁾	None ⁽⁵⁾⁽⁶⁾	20'	5' <u>10' for first two stories plus 5' for each additional story up to 15' max when adjacent to residential structures.</u>	10' for first two stories plus 5' for each additional story
Abutting an alley	None ⁽⁵⁾	10'	5'	10' for first two stories plus 5' for each additional story measured from center line of the alley with a min. 5' setback from edge of the alley
Facing Centre City Parkway in Landscape Master Landscape Overlay ⁽³⁾	15'	15'	15'	15'
Building height maximum	None (UBC)	1 story or 35' whichever is less	75'	75'
Landcaping	According to Article 62			
Lot coverage maximum	None	50%	None	None
Parking	According to Article 39			

	CG	CN	CP	HP
Loading	One off-street space/each building or separate occupancy thereof over 10,000 SF plus one space/each additional 20,000 SF of the gross floor area of the building	Loading to be performed on-site and be from the rear or side of the structure and concealed from street and adjoining residential zoned property by landscape or architecture features		None
Minimum space size	10' wide, 25' long, 14' high	None	None	
Trash storage	Required per section 33-338			
Walls and fences ⁽⁷⁾	A solid masonry wall minimum 6' feet high on the sides of property adjoining a residential zone, school or park (an alley shall constitute a separation, subject to Article 56			

(1) Lots or parcels of land which were legally created prior to the application of this zone shall not be denied a building permit for reason of nonconformance with the parcel requirements of this section.

(2) Parcels of land containing two (2) or more lots developed as a single project shall be maintained as a unit. Where two (2) or more lots are developed as one (1) unit, a covenant may be required by the city in a form satisfactory to the city attorney to ensure that required off-street parking facilities shall be provided on said premises.

(3) A reduced setback may be approved by the director if found consistent with the Centre City Parkway landscape master plan.

(4) Required yard shall not be used for vehicle parking (including overhang), except such portion as is devoted to driveway use.

(5) A building located on a lot line shall have facilities for the discharge of all roof drainage onto the subject lot.

(6) When the yard of a property zoned CG is adjacent or abutting the yard of a residentially zoned property, the following landscaped setbacks shall apply for all buildings and structures:

(A) Front yard setback:

Distance from structure to residential property	Front yard setback
25' or less	Equal to residential zone
26'—50'	10'
Over 50'	5'

(B) Side yard setback shall be minimum five (5) feet.

(C) Side yard setback adjacent to street when the rear yard of the corner and reverse corner lots abuts residentially zoned property shall be minimum ten (10) feet.

(D) Rear yard setback shall be same as the rear yard setback required for adjacent residential zone.

(7) Adjustments to the standards up to twenty-five (25) percent may be approved pursuant to section 33-343.

(Ord. No. 97-02, § 2 Exh. A, 1-22-97; Ord. No. 2011-19R, § 5, 1-11-12)

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Sec. 33-336. Projections into yards.

(a) Any yard. The following structures may be erected or projected into any required yard:

(1) Fences and walls in accordance with the city codes or ordinances;

(2) Landscape elements, including trees, shrubs and other plants, except that no hedge shall be grown or maintained at a height or location other than permitted by city ordinances or codes for fences;

(3) Necessary appurtenances for utility services.

(b) Maintain minimum yard. The structures listed below may project into the minimum front yard or rear yard not more than four (4) feet and into the minimum side yard not more than two (2) feet, provided that such projections shall not be closer than three (3) feet to any lot line:

(1) Cornices, eaves, belt courses, sills, buttresses or other similar architectural features;

(2) Fireplace structures and bays, provided that they are not wider than eight (8) feet measured in the general direction of the wall of which it is a part;

(3) Stairways, balconies, door stoops and fire escapes;

(4) Awnings;

(5) Planting boxes or masonry planter not exceeding forty-two (42) inches in height;

(6) Port-cochere over a driveway in side yard, providing such structure is not more than one (1) story in height and twenty-two (22) feet in length, and is entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features;

(7) Permitted signs;

(8) ~~Refuse container~~ Trash storage enclosures (rear yard only).

Adjustments to the standards up to twenty-five (25) percent may be approved pursuant to section 33-343. (Ord. No. 97-02, § 2 Exh. A, 1-22-97)

Sec. 33-337. Performance standards.

The following performance standards shall apply to all land and structures in commercial zones.

(a) All permitted uses shall be conducted entirely within completely enclosed buildings in all commercial zones, except vending machines, parking, loading, pushcarts for specialized food sales, outdoor display, outdoor dining, retail sale of flowers and plants from a gazebo or kiosk, vehicle, boat, and aircraft sales and rental lots, farm and nursery/garden supplies, helipads, and athletic and recreational facilities in conformance with the standards of this chapter, or outdoor retail approved as part of a conditional use permit or other permit issued by the city.

(b) No mechanical equipment, tank, duct, elevator enclosure, cooling tower and/or mechanical ventilator shall be erected, constructed, maintained or altered on the roof of any building or elsewhere on the premises unless all such equipment and appurtenances mentioned above are adequately screened by portions of the same building or other structure with construction and appearance similar to the building on which the equipment and other appurtenances are supported;

(c) No material, equipment or goods of any kind shall be stored on the roof of any building in the commercial zones.

(d) In the CN zone, business hours shall be limited to the hours between 7:00 a.m. and 11:00 p.m. except those uses which are granted a CUP under section 33-1200 et seq., of this chapter. Security lighting shall be permitted during closed hours. Those lighted signs which are directly used in conjunction with a twenty-four (24) hour use shall be reviewed with the CUP. ~~No other signs shall be allowed.~~ (Ord. No. 97-02, § 2 Exh. A, 1-22-97)

Sec. 33-338. Trash storage.

Containers for trash storage shall be of a size, type and quantity approved by the director of planning and building community development. They shall be placed so as to be concealed from the street and shall be maintained. Additionally, an area for the storage and pickup of recyclables must be included in this area. (Ord. No. 97-02, § 2 Exh. A, 1-22-97)

Sec. 33-339. Mini-warehouse storage facilities requirements.

In addition to the requirements set forth in sections 33-335 through 33-337 of this article, no mini-warehouse storage facility projects shall be granted a CUP unless the following requirements are satisfied:

(a) Adequate security shall be provided by managers during hours of operation and/or full-time resident caretakers.

(b) All storage shall be within completely enclosed structures.

- (c) Goods or products which are hazardous, toxic or obnoxious, shall be prohibited.
- (d) The development shall provide adequate fire and vehicular access and parking to accommodate anticipated vehicle types and quantities including, but not limited to, moving vans, trucks, fire equipment and automobiles.
- (e) The proposed development should be compatible with surrounding development (existing and/or anticipated) in terms of scale, mass and setbacks.
- (f) Screening should be provided as necessary to visually buffer the proposed development from surrounding streets and properties, particularly residential and may consist of any combination of landscaping, fencing, or other suitable method. Setbacks greater than those required within the CG zone may also be required to reduce impacts to surrounding properties. (Ord. No. 97-02, § 2 Exh. A, 1-22-97)

Sec. 33-340. Plot plan approval required.

At the time a building permit is requested for expansion of any building or structure, or at any time a new use of land or existing structure which may require additional off-street parking is proposed, or a new, substantially different, use is proposed for the site of an existing or vacant automobile dealership, a plot plan application package shall be submitted to the planning division together with the application fee as established by resolution of the city council. City staff shall review the plans for planning, architecture, zoning compliance, landscaping, engineering, building requirements and safety. After such review, staff may approve, conditionally approve or deny the proposed plan, or refer it to the planning commission. Any aggrieved party may appeal a decision of the staff to the planning commission as outlined in section 33-1303 of Article 61 of this chapter. (Ord. No. 97-02, § 2 Exh. A, 1-22-97; Ord. No. 2009-17, § 4, 7-15-09)

Sec. 33-341. Commercial drive-through facilities requirements.

- (a) Plot plan required. A plot plan application shall be required for all drive-through facilities not associated with a project requiring a discretionary application.
- (b) Development standards. The following development standards shall apply to all drive-through commercial facilities to ensure that such developments do not have negative impacts on traffic, safety, air quality and visual character of the area in which they are located:
 - (1) Pedestrian walkways that intersect the drive-through drive aisles, shall have clear visibility, and be emphasized by enriched paving or striping.
 - (2) Drive-through aisles shall have a minimum twelve (12) foot width on curves and a minimum eleven (11) foot width on straight sections.
 - (3) Sufficient vehicle stacking room shall be provided on-site behind the speaker area where orders are taken to accommodate a minimum of six (6) ~~cars~~vehicles.

(4) Drive-through aisles shall be constructed with (PCC) concrete.

(5) Drive-through aisles and associated structures should be oriented away from public streets unless significant screening is provided to the satisfaction of the director of ~~planning and building~~community development. (Ord. No. 97-02, § 2 Exh. A, 1-22-97)

Sec. 33-342. Specialized food sales from pushcarts.

Specialized food sales from pushcarts are permitted on private property subject to the approved design guidelines for pushcarts and review by the planning division. Where a pushcart request will eliminate existing parking spaces, pedestrian circulation, or landscaping, a minor plot plan application shall be required. (Ord. No. 97-02, § 2 Exh. A, 1-22-97)

Sec. 33-343. Administrative adjustments.

Certain standards identified in sections 33-335 and 33-336 are eligible for administrative adjustments. Adjustments of up to twenty-five (25) percent may be approved or conditionally approved by the director of ~~planning and building~~community development upon demonstration that the proposed adjustment will be compatible with, and will not prove detrimental to, adjacent property or improvements. The director shall give notice of his or her intended decision as outlined in Article 61 of this chapter. The applicant shall pay a fee to the city in an amount to be established by resolution of the city council. (Ord. No. 97-02, § 2 Exh. A, 1-22-97)

Sec. 33-344. Conversion of existing and vacant automobile dealerships.

(a) Plot plan required. A plot plan application shall be required for all existing and vacant automobile dealerships converting to a new, substantially different, use (either in whole or in part). A comprehensive sign program shall be included in applications for the conversion to multiple tenant spaces.

(b) Development criteria. City staff shall review all existing and vacant automobile dealerships converting to a new, substantially different, use to determine that such developments conform to the following criteria and do not have negative impacts on the physical or visual character of the area in which they are located. The following development standards shall not be in excess of those standards required for all other properties in the commercial zone, as provided in the zoning code:

(1) Appropriate on-site landscaping shall soften large expanses of paved areas and buildings, and buffer undesirable views.

(2) Screening of parking lots, trash storage areas, and delivery/service areas shall be provided to the extent feasible.

(3) Adequate street trees shall be included in the site design in proportion to the project and the site to provide shade where feasible.

(4) Site lighting shall meet commercial lighting standards.

- (5) Appropriate stormwater management improvements shall be provided.
- (6) Exterior colors shall be compatible and harmonious throughout the site.
- (7) Entries for multiple tenant spaces shall be defined, be in harmony with the style and proportions of the existing buildings, and not conflict with existing design elements.
- (8) Signage shall be compatible throughout the site with logical and integrated sign locations.
- (9) Visible window areas shall remain uncluttered.
- (10) Fencing or other improvements in disrepair shall be removed or rehabilitated.
(Ord. No. 2009-17, § 4, 7-15-09; Ord. No. 2011-19R, § 5, 1-11-12)

~~Secs. 33-345—33-359. Reserved.~~



CITY OF ESCONDIDO
PLANNING DIVISION
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
(760) 839-4671

Notice of Exemption

To: San Diego County Recorder's Office
Attn: James Scott
1600 Pacific Highway #260
P.O. Box 121750
San Diego, CA 92112-1750

From: City of Escondido
Planning Division
201 North Broadway
Escondido, CA 92025

Project Title/Case No.: AZ 14-0001

Project Location - Specific: Citywide.

Project Location - City: Escondido, **Project Location - County:** San Diego

Description of Project:

An amendment to Article 16, pertaining to commercial zones, involving adding Planned Development - Office (PD-O) as a new commercial zone implementing the Planned Office designation of the General Plan, eliminating the Hospital Professional (HP) zone and incorporating the uses and development standards into the Commercial Professional (CP) zone, and amending/updating the matrix list of permitted and conditionally permitted principal uses for commercial zones (Table 33-332).

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: City of Escondido

Telephone: (760) 839-4671

Address: 201 North Broadway, Escondido, CA 92025

Private entity ☐ School district ☒ Local public agency ☐ State agency ☐ Other special district

Exempt Status:

Categorical Exemption. Type and section number: 15061(b)(3), "General Rule."

Reasons why project is exempt:

1. The proposed Zoning Code Amendment does not involve any physical modifications or lead to any physical improvements beyond those typically exempt. The Amendment involves only modifications to the commercial zones section of the Zoning Code, including zoning designations and permitted uses. A separate environmental review would be required for any future projects, and they would be conditioned to comply with existing development standards.
2. There is no possibility that the proposed Zoning Code Amendment would have a significant effect on the environment, since it consists of changes to the commercial zones permitted use matrix, adding a new commercial zone designation and eliminating another commercial zone designation, consistent with the General Plan. No physical modifications are proposed and no development standards are being modified.
3. In staff's opinion the proposed amendment would have no impact on fish and wildlife resources, since no sensitive species or habitat would be impacted by the proposed provisions. The amendment involves language modifications to the commercial sections of the Zoning Code only.

Lead Agency Contact Person: Kristina Owens Area Code/Telephone/Extension (760) 839-4519

Signature: Kristina Owens

July 14, 2014

Associate Planner

Date

☒ Signed by Lead Agency

Date received for filing at OPR:

☐ Signed by Applicant