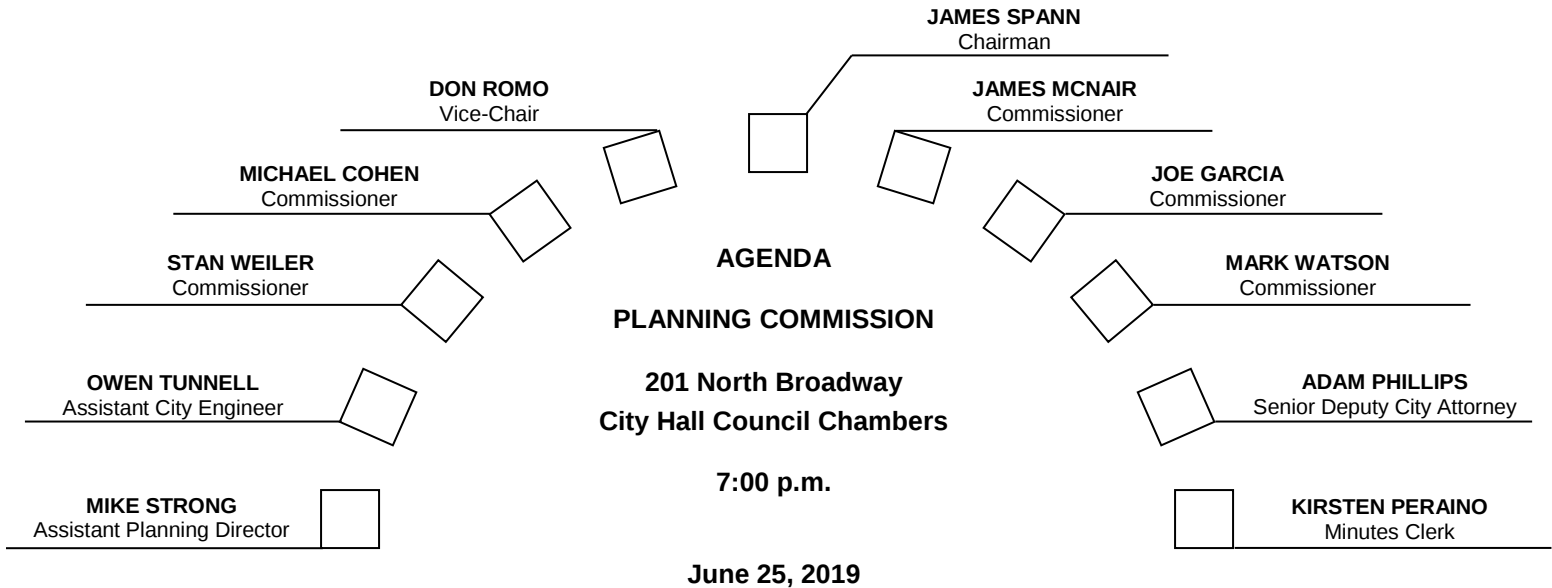


CITY OF ESCONDIDO

Planning Commission and Staff Seating



- A. CALL TO ORDER:** 7:00 p.m.
- B. FLAG SALUTE**
- C. ROLL CALL:**
- D. MINUTES:** 05/28/19

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) 839-4643 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. PUBLIC HEARINGS:

Please try to limit your testimony to 3 minutes.

1. ZONING CODE AMENDMENT – AZ 19-0001 (Continue to a date uncertain):

REQUEST: A proposed amendment to Article 34 (Communication Antennas Ordinance) of the Escondido Zoning Code to update the requirements for wireless communication facilities within the right-of-way. The amendment includes an update to the entitlement process to streamline deployment of 5G networks and simplified language to be consistent with Federal Communications Commission Order. The proposal also includes new guidelines for wireless communications facilities in the right-of-way, as well as the environmental determination prepared for the project. No development project is proposed.

PROPERTY SIZE AND LOCATION: Citywide

ENVIRONMENTAL STATUS: Exemption under the General Rule, CEQA Section 15061(b)(3).

APPLICANT: City of Escondido

STAFF RECOMMENDATION: Continue item

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

2. ZONING CODE AND SPECIFIC PLAN AMENDMENTS – AZ 18-0006:

REQUEST: A Zoning Code and Specific Plan Amendment to various sections of the Zoning Code and Specific Plans. In 2018, the City Council initiated a planning process to address various nonresidential land uses that tend to negatively impact surrounding properties. The overall work program, called the “Zoning Code and Land Use Study,” was created to comprehensively examine the degree to which various land use activities are permitted within each zoning district. With the study complete, the first phase of the results were presented to the Planning Commission on May 28, 2019. The second phase of the results will be presented to the Planning Commission on June 25, 2019, involving a series of changes to Articles 1, 16, 26, 56, and 57 of the Escondido Zoning Code; and the land use tables of the Downtown, East Valley, and South Centre City Specific Plans. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: Citywide

ENVIRONMENTAL STATUS: Exemption under the General Rule, CEQA Section 15061(b)(3).

APPLICANT: City of Escondido

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

3. ZONING CODE AMENDMENT – AZ 19-0003:

REQUEST: A series of Escondido Zoning Code Amendments to address changes in state laws, correct errors, and improve existing regulations. The proposal involves minor amendments to Articles 1, 6, 9, 16, 26, 39, 61, 65, 67, 70, and 73 of the Escondido Zoning Code. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: Citywide

ENVIRONMENTAL STATUS: Exemption under the General Rule, CEQA Section 15061(b)(3).

APPLICANT: City of Escondido

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

H. 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.

I. 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.

J. PLANNING COMMISSIONERS

K. ADJOURNMENT

CITY OF ESCONDIDO

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

May 28, 2019

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

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

Commissioners absent: None.

Staff present: Bill Martin, Director of Community Development; Mike Strong, Assistant Planning Director, Owen Tunnell, Principal Engineer; Adam Phillips, Senior Deputy City Attorney; Adam Finestone, Principal Planner; Peggy Chapin, Contract Consultant; and Kirsten Peraino, Minutes Clerk.

MINUTES:

Moved by Commissioner Watson, seconded by Commissioner Cohen to approve the Action Minutes of the April 23, 2019 meeting. Motion carried unanimously (7-0-0)

WRITTEN COMMUNICATIONS: – Received.

FUTURE NEIGHBORHOOD MEETINGS: – None.

ORAL COMMUNICATIONS: – None.

PUBLIC HEARINGS:

1. MASTER AND PRECISE DEVELOPMENT PLAN FOR A 127-UNIT MIXED-USE DEVELOPMENT WITHIN THE DOWNTOWN SPECIFIC PLAN – PHG 19-0010:

REQUEST: A Master and Precise Development Plan to construct a 187,808 square foot, five-story mixed-use structure within the Historic District of the Downtown Specific Plan containing 127 apartment units, 1,175 sf of commercial space, underground parking, recreation areas for residents, and adjacent street improvements. The project will provide studios, 1-bedroom and 2-bedroom units ranging in size from 550 sf to 995 sf and 157 garage spaces including 26 tandem spaces. Public and guest parking spaces will be constructed on E. 2nd Avenue, Ivy Street and E. 3rd Avenue. Zoning provisions allow 76 units at the site. The request includes a Density Bonus of 35% or 27 units (including 9 units for Very Low Income households) for providing affordable housing and a 24-unit increase allocated from the Density Transfer Program for the Downtown Specific Plan area through a Development Agreement. The project also includes a request to adopt a Class 32 Exemption in accordance with the California Environmental Quality Act (CEQA).

PROPERTY SIZE AND LOCATION: The 1.002 acre site is located between East 2nd Avenue and East 3rd Avenue bordering on South Ivy Street addressed as 343 E. 2nd Avenue.

ENVIRONMENTAL STATUS: Exempt pursuant to a CEQA Section 15332, Class 32 In-fill development project prepared by Harris & Associates, February 2019.

PUBLIC SPEAKERS:

Carol Rea, Historic Preservation Commission and Old Escondido Neighborhood, spoke in opposition to the project.

Maya Rosas, Circulate San Diego, spoke in favor of the project.

Dan Forster, Downtown Business Association, spoke in favor of the project.

Nicole Purvis, Historic Preservation Commission, spoke in opposition to the project.

Kerry Garza, Applicant, President of Touchstone Communities, project proponent.

Addison Garza, Applicant, Vice-President of Touchstone Communities, project proponent.

COMMISSIONER DISCUSSION AND QUESTIONS

The Commissioners discussed various aspects of the project.

COMMISSION ACTION:

Moved by Commissioner Weiler, seconded by Commissioner Watson to approve the staff's recommendation with the modifications as recommended by staff. Motion carried unanimously (7-0-0).

2. ZONING CODE AND SPECIFIC PLAN AMENDMENTS – AZ 18-0006:

REQUEST: A Zoning Code and Specific Plan Amendment to various sections of the Zoning Code and Specific Plans. In 2018, the City Council initiated a planning process to address various nonresidential land uses that tend to negatively impact surrounding properties. The overall work program, called the "Zoning Code and Land Use Study," was created to comprehensively examine the degree to which various land use activities are permitted within each zoning district. With the study complete, the results have been compiled into a draft ordinance, involving a series of Escondido Zoning Code and Specific Plan Amendments. Most of the proposed amendments consist of changes to Articles 1, 16, 26, 56, and 57 of the Escondido Zoning Code; and the land use tables of the Downtown, East Valley, and South Centre City Specific Plans. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: Citywide

ENVIRONMENTAL STATUS: Exemption under the General Rule, CEQA Section 15061(b)(3).

PUBLIC SPEAKERS:

David Kubly, Director of Projects with Goodwill Industries, provided a presentation regarding a potential relocation of their store and spoke in favor of changing use allowances for thrift stores.

Toni Griffin, President and CEO of Goodwill Industries, spoke in favor of changing use allowances for thrift stores.

COMMISSIONER DISCUSSION AND QUESTIONS

The Commissioners discussed various aspects of the project.

COMMISSION ACTION:

Moved by Commissioner Weiler, seconded by Commissioner Watson to approve the staff's recommendation with directions to staff to return with options on how to regulate thrift stores within the Downtown Specific Plan. Motion carried unanimously (7-0-0).

ADJOURNMENT:

Chairman Spann adjourned the meeting at 9:17 p.m. The Planning Commission meeting scheduled for June 11, 2019 has been cancelled. The next regularly scheduled Planning Commission meeting will be held at 7:00 p.m. on Tuesday, June 25, 2019 in the City Council Chambers, 201 North Broadway Escondido, California.

Mike Strong, Secretary to the
Escondido Planning Commission

Kirsten Peraino, Minutes Clerk

PLANNING COMMISSION

Agenda Item No.: G.1
Date: June 25, 2019

PROJECT NUMBER / NAME: AZ 19-0001 / Personal Wireless Service Facilities Regulations

REQUEST: A proposed amendment to Article 34 (Communication Antennas Ordinance) of the Escondido Zoning Code to update the requirements for wireless communication facilities within the right-of-way. The amendment includes an update to the entitlement process to streamline deployment of 5G networks and simplified language to be consistent with Federal Communications Commission Order. The proposal also includes new guidelines for wireless communications facilities in the right-of-way, as well as the environmental determination prepared for the project. No development project is proposed.

LOCATION: Citywide

APPLICANT: City of Escondido

APN / APNS: N/A

PRIMARY

REPRESENTATIVE: Planning Division

GENERAL PLAN / ZONING: N/A

REQUESTED ACTION: Continuance to a future date uncertain

It is requested that the Planning Commission continue the subject project (AZ 19-0001 – Personal Wireless Service Facility Regulations) to a future date uncertain to allow staff additional time to analyze said project in light of correspondence received from representatives of the wireless industry.

REPORT APPROVALS:

☒ Bill Martin, Community Development Director

☒ Mike Strong, Assistant Planning Director

PLANNING COMMISSION

Agenda Item No.: G.2
Date: June 25, 2019

PROJECT NUMBER / NAME: AZ 18-0006 / Zoning Code and Land Use Study

REQUEST: This is a continued discussion of the Zoning Code and Land Use Study, originally discussed by the Planning Commission on May 28, 2019. The continued discussion involves a limited set of proposed changes to the Escondido Zoning Code and any relevant specific plans to enhance regulation of tobacco stores and to allow thrift stores in the downtown as a conditionally permitted use. No development project is proposed.

LOCATION: Citywide

APPLICANT: City of Escondido

APN / APNS: N/A

PRIMARY

REPRESENTATIVE: Planning Division

GENERAL PLAN / ZONING: N/A

DISCRETIONARY ACTIONS REQUESTED: Zoning Code and Specific Plan Amendments

PREVIOUS ACTIONS: Planning Case No. AZ 18-0006

PROJECT PLANNER: Mike Strong, Assistant Planning Director
mstrong@escondido.org

CEQA RECOMMENDATION: Exempt (CEQA Guidelines Section 15061(b)(3)).

STAFF RECOMMENDATION: Provide a recommendation to City Council to approve the Project

REQUESTED ACTION: Approve Planning Commission Resolution No. 2019-11

CITY COUNCIL HEARING REQUIRED: ☒ YES ☐ NO

REPORT APPROVALS:

- ☐ Bill Martin, Community Development Director
☒ Mike Strong, Assistant Planning Director

A. BACKGROUND:

Over the course of the last twelve (12) months, the City has been examining the degree to which various land use activities are permitted in each zoning district. This effort has been referred to as the Zoning Code and Land Use Study. The goal of the twelve (12) month study was to build study context, establish a menu of potential regulatory options, create a framework for public engagement, and seek out new ways to control the negative effects that some land use activities have on health, aesthetics, home values, and neighborhood compatibility. Based on research, best practices, and community feedback, a comprehensive set of preliminary recommendations were presented to the Planning Commission on May 28, 2019. The land use activities covered during the May 28, 2019 presentation consisted of new use regulation and standards for car dealerships and sales; auto repair services and shops; fleet maintenance and storage yards; tattoo parlors; laundromats and dry-cleaning; lodging, motels, and hotels; thrift, pawn, consignment and second-hand dealers; discount/bargain stores; banks; check-cash and payday establishments; drive-through services/restaurants; and off-site beer/liquor sales. More information about how the Zoning Code and Land Use Study was developed by City staff can be found in Attachment 1. During the May 28, 2019 presentation and discussion, it was acknowledged by City staff that an additional Agenda Report and presentation would be prepared and discuss ways to enhance regulation of smoke, e-cigarette, and vape shops. At the time, staff indicated that more work was to be done on researching the issue. After concluding deliberation, and in consideration of the scope of the project and written and oral testimony received, the Commission expressed interest in further discussing how to permissively regulate thrift shops in the downtown area. After forming group consensus on continuing these discussions, the Commission adopted Resolution No. 2019-10 with a 7-0 vote, and provided a recommendation to the City Council to adopt the study's findings, excepting regulation of smoke, e-cigarette, vape shops, which would be continued to June 25, 2019. Commission action also directed staff to return to the Planning Commission with more information and a menu of regulatory options to permissively regulate thrift stores. The June 25, 2019 Agenda Report is intended to follow-up on this item and conclude the Commission's work on the Zoning Code and Land Use Study. For more information about the overall Zoning Code and Land Use Study can be found in Attachment 1.

B. PROJECT ANALYSIS:

For any particular district, the Zoning Code (and any relevant specific plan) includes permitted use tables listing descriptions of what land uses may occur in each zone. The zoning district is located on the vertical column and the use is located on the horizontal row of this matrix. Some uses will be permitted (often referred to as an "outright permitted use"), which means that the approval of the use is not subject to approval subjective criteria. Other uses will be listed as "conditional" or "special" uses. These are subject to discretionary criteria and a local government may deny the land use or place conditions on approval of the use. Conditional use (a project based permit) is typically allowed subject to public notice and permit hearing procedure in front of

the Zoning Administrator or Planning Commission. In addition, some uses may also be listed as prohibited, whereby the use is not allowed in the applicable zoning designation.

1. Thrift stores.

As of this writing, thrift stores a permitted land use activity in the Commercial General (CG) Zone and the use is conditionally permitted in some districts of the South Centre City Specific Plan. However, in the Downtown Specific Plan and the East Valley Specific Plan, the land use activity is prohibited. This means that if a business owner (or non-profit organization) wants to establish a new thrift store business in the City of Escondido, the business owner or operator would need to consider suitable locations in the CG Zone. No permits for new occupancy would be issued on properties in the Downtown Specific Plan and East Valley Specific Plan. However, existing land use activities in the downtown and east valley areas, if any, would be allow to continue as a non-conforming use subject to the limitations of Article 61 of the Escondido Zoning Code.

The Planning Commission voted previously to enhance the regulation of thrift stores in the CG Zone by requiring a conditional use permit (refer to Planning Commission Resolution No. 2019-10). This means that if a business owner (or non-profit organization) wants to establish a new thrift store business in the City of Escondido in the CG Zone, a conditional use permit would first have to be issued. Although Resolution No. 2019-10, advances this regulatory control throughout most areas of the city (in the CG Zone), the Planning Commission was unsure how to proceed with regulating thrift stores in the downtown area. Although the use is currently prohibited in the downtown area, two (2) public speakers stated their interest in locating a thrift shop in the Centre City Urban (CCU sub-area) of the Downtown Specific Plan. In consideration of this testimony, the Planning Commission continued the matter to a future meeting date and asked staff to return with a menu of options to consider to permissively regulate the use in the CCU sub-area.

Subsequent to receiving this discussion, City staff evaluated different regulatory approaches to control this use type in the CCU sub-area. After researching and considering various regulatory tools and how it might be applied to this particular sub-area, the following menu of options have been assembled for the Commission's review and consideration.

- Prohibition. Continue to prohibit the use in the Downtown Specific Plan.
- Minimum Lot Size Requirement – Allow the use as long as the site has a minimum lot size of 1 acre (to establish a thrift store business in the CCU sub-area).
- Minimum Building Size Requirement – Use shall have a minimum floor area of 15,000 SF in the CCU-sub-area.

- Similar Use Separation Requirement - No thrift store shall be located within 500 feet of any other thrift store, as measured from the nearest walls of the buildings within which the thrift stores are established.
- Conditional Permit the Use. Require a conditional use permit for thrift store businesses in the CCU sub-area.

Since zoning regulations and restrictions are used by cities and counties to control and direct the development of property over time, the Commission should consider the existing environment as well as the future vision or build-out the sub-area in their deliberations. The CCU sub-area of the Downtown Specific Plan is located along the east side of Centre City Parkway and north of Washington Avenue. It is planned to serve and contribute as a part of the retail-strip corridor of Centre City Parkway and Escondido Boulevard, while at the same time permit residential densities up to 100 units per acre in most of the sub-area district. There are opportunities for mixed-use infill redevelopment within the sub-area, as well as opportunities for large, nationally recognized, anchors and major retailers because of the daily traffic and market draw visibility. The sub-area's size and central location in the city makes it suitable for intensive commercial development that would draw shoppers to the downtown area and stimulate further revitalization activity.

Should the Planning Commission be interested in facilitating thrift store(s) in the CCU sub-area, it is recommended by City staff that the Commission combine one or two of the options to limit the potential proliferation of thrift stores within the sub-area. For that reason, draft Resolution No. 2019-11 proposes that thrift stores be conditionally permitted in the CCU subarea, provided that the use maintains a minimum building size requirement. This would provide greater oversight and future discretion to Planning Commission review project proposals, while limiting eligible locations in the CCU sub-area based on building size.

2. Smoke, e-cigarette, and vape shops.

Currently, there are sixteen (16) smoke, e-cigarette, and/or vape shops in Escondido, thirteen (13) in Oceanside, seven (7) in Carlsbad, four (4) in Encinitas, six (6) in Vista, and eight (8) in San Marcos. These statistics do not include retailers with accessory sales, by which the sale of tobacco related products may be incidental to other products or sales occurring on the same premises (e.g. grocery store, gas station, etc.). As of this writing, smoke, e-cigarette, and vape shops are a permitted land use activity in commercial zones and the Downtown Specific Plan. Accessory retail is permitted in all commercial zones. The land use activity is not permitted as a principal use in the East Valley Specific Plan and limited as a conditional use in some areas of the South Centre City Specific Plan. This means that if a business owner wants to establish a new smoke, e-cigarette, and vape shop business in the City of Escondido, the business owner or operator would be allowed to locate in nearly all commercial zones in the city, excepting the east valley area.

According to the Centers for Disease Control and Prevention (Attachment 3), and other material submitted through public correspondence as part of the May 28, 2019 Agenda Packet (Attachment 1), cigarette smoking harms nearly every organ of the body, causes many diseases, and reduces the health of smokers in general. Cigarette smoking causes more than 480,000 deaths each year in the United States. This is nearly one (1) in five (5) deaths. Over the past 40 years, great strides have been made to protect youth from tobacco marketing, prohibiting youth-oriented tobacco products marketing. Presently in the State of California, these restrictions are not interpreted to apply to e-cigarettes and vaping products. Although e-cigarettes may have been created as healthier, alternative delivery devices for nicotine and to help smokers kick the habit, the health effects of nicotine and nicotine poisonings are also present in e-cigarette and vaping products. Furthermore, clever drug users have already crafted them for different uses. The cartridge of liquid nicotine solution that goes into an e-cigarette can easily be replaced by any liquid. A person can covert use of drugs without arising suspicions. As the presence and marketing of e-cigarettes and vaping proliferates, youth are finding that a user can use e-cigarettes or vaping paraphernalia to inhale liquid THC, get high, and never give off the usual signs of illicit drug use, which would normally come from a smoke odor.

Tobacco product and e-cigarette/vaping product use rates vary widely. However, limiting access to tobacco products is the first step in preventing tobacco-related diseases and promoting youth prevention of e-cigarette and vaping products. Effective strategies include eliminating the sale of tobacco products to minors, regulating e-cigarettes, increasing enforcement of existing laws, and reducing exposure to secondhand smoke. The regulation of smoke, e-cigarette, and vape shops is necessary and in the interests of the public health, safety, and general welfare because there is the substantial likelihood of the establishment and operation of smoke shops and tobacco stores in the city. The expansion of existing stores or addition of new stores in the city would result in undesirable impacts to the community. Among these impacts are increased potential for tobacco sales to minors, greater opportunity for the sale of illegal drug paraphernalia that is marketed as tobacco paraphernalia, and heightened risk of negative aesthetic impacts, blight, and loss of property values of residential neighborhoods and businesses in close proximity to such uses. Draft Resolution No. 2019-11 provides a recommendation to prohibit smoke e-cigarette, and/or vape shops, citywide, consistent with previous Council direction. This action follows good zoning and planning practices to address such negative impacts of these types of shops and stores.

City Council previously provided direction to staff to develop a license for tobacco and vaping product retailing. This information, which includes amendments to Municipal Code Chapters 16 and 22A, will be developed by the Office of the City Attorney and presented directly to the City Council at some point during the summer. Amendments to Chapters 16 and 22A will likely involve new definitions for "tobacco products" and "tobacco product

stores,” which will likely be added to the Zoning Code to ensure consistency between Municipal Code chapters. It is anticipated that these new definitions would be broad enough to include e-cigarettes and vaping products so that all are regulated similarly.

3. General Plan Consistency.

The proposed Municipal Code, Zoning Code, and Specific Plan Amendments would be consistent with the existing General Plan goals and policies. Goal 2 et. seq. policies of the Land Use and Community Form portion of the General Plan addresses the need for regulations that clearly and effectively implement land use development goals and objectives. The basis of establishing and updating, as necessary, local standards and guidelines for land use activities in non-residential areas ensures land use compatibility is achieved. The proposed modifications are based on best practices, facilitated by community input and refined according to zoning and planning standards. The proposed Zoning Code and Specific Plan Amendments are also consistent with Policy 4.2 for neighborhood maintenance and preservation since the project seeks to protect neighborhoods and community character from the encroachment of incompatible activities or land uses. Land use authority is maintained in key areas of the city so that more economically prosperous and well-designed commercial districts can be developed over time through the implementation of the project (Goal 8 of the Land Use and Community Form Element). The project is intended to support and strengthen the important role that land use and design play in creating a city that is characterized by attractive and functionally efficient commercial support services and development.

C. PUBLIC OUTREACH:

As documented in Attachment 1, the City created basic project awareness and engaged the public through conversations about how the updated Zoning Code could be improved within the defined scope of the study. City staff published two (2) print display advertisements in the Union Tribune and sent direct mailers to the businesses covered and involved in the study (approximately received by 500+ businesses). These notices identified the land use activities covered by the study and created notice of potential input opportunities. City staff also hosted two (2) stakeholder meetings on January 15 and 31, 2019, to hear directly from interested parties on the subject study. At these meetings, participants spoke of personal experiences, desired values, and commented on specific issues with the existing Zoning Code. The feedback received at these meetings, and with follow-up communications, formed the steering guidance necessary to move forward with the study.

City staff also facilitated an additional stakeholder meeting on May 16, 2019. The focus of this outreach was to solely discuss potential tobacco and vaping product regulation, including potentially developing a tobacco retail license. Notices were sent to every tobacco and vaping product operator in the city. Although fourteen (14) stakeholders attended the meeting, most

represented community health support groups or advocates. Only one (1) store owner was present. All supported some form of additional regulation, inclusive of delineations for vaping products (like e-cigarettes) and drug paraphernalia. Although there was broad support for additional regulation, there were some clear differences on how effective a tobacco retail license would be and if the proposed program's administration could inadvertently create some challenges for the police department. Whereas some attendees wanted to focus on drug paraphernalia and vaping products, others spoke of the value that retail licensing would bring to the city and control all forms of smoking accessories.

D. ENVIRONMENTAL STATUS:

The proposed project is categorically exempt from environmental review in conformance with CEQA Section 15061(b)(3). The activity is covered by the general rule that exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. Approval of the proposed amendment to the Escondido Zoning Code would not individually or cumulatively result in the possibility of creating significant effects on the environment because the proposed amendments to the Zoning Code and Specific Plans establish criteria that in turn would be utilized to assess and process future land use development applications. The proposed Zoning Code and Specific Plan Amendments are not a "physical condition" that will impact the environment for the purposes of CEQA. Therefore, the proposed project is not subject to CEQA under the General Rule and no further environmental review is necessary.

E. CONCLUSIONS:

The proposed project clearly and effectively implements land use development goals and objectives of the General Plan. It seeks to establish and update local standards and guidelines for land use activities in non-residential areas to ensure land use compatibility is achieved, neighborhoods are preserved, and community character is protected. The Planning Commission has the authority under Section 33-1262 of Article 61 of the Escondido Zoning Code (Administration and Enforcement Ordinance) to review and consider amendments to the Zoning Code, which requires a Planning Commission recommendation to City Council. No other discretionary permits are requested or required.

In the development and execution of Planning Commission Resolution No. 2019-11, it is recognized that there are certain land uses including smoke, e-cigarette, and vape shops, which create conditions harmful to the public health, welfare, and safety when such uses are allowed to become numerous or concentrated within a limited geographical area, or when such uses exist near residential neighborhoods, family-oriented uses or sites commonly used by minors. The negative secondary effects from these types of shops or stores constitutes a harm which the City has a substantial government interest in preventing and/or abating. Special prohibitions on these land use activities are therefore necessary to protect the community from consequent blight, depreciated property values, law enforcement problems, and interference with residential neighborhoods as well as interference with activities oriented toward families or minors.

ATTACHMENTS:

1. May 28, 2019 Planning Commission Agenda Report
2. Draft Planning Commission Resolution No. 2019-11
3. Public Correspondences

ATTACHMENT 1
AZ 18-0006

Due to the number of pages of Attachment 1, a link has been provided to review the document electronically, which connects to the full May 28, 2019 Planning Commission Agenda Packet.

<https://www.escondido.org/Data/Sites/1/media/agendas/PC/2019/05.28.19PCAgendaPacket.pdf>

A hardcopy of the Attachment is available for review in the Office of the City Clerk during normal business hours. To obtain a copy, please the City Clerk at (760) 839-4617. For City Council members, a copy is available in the City Council reading file.

ATTACHMENT 2

Planning Commission

Hearing Date: June 25, 2019

Effective Date: June 26, 2019

PLANNING COMMISSION RESOLUTION NO. 2019-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, WHICH SUPPLEMENTS PLANNING COMMISSION RESOLUTION NO. 2019-10, AND RECOMMENDS APPROVAL OF A SERIES OF ACTIONS TO COMPLETE THE ZONING CODE LAND USE STUDY, AMENDING PORTIONS OF THE ZONING CODE, AND SPECIFIC PLANS.

APPLICANT: City of Escondido

CASE NO: AZ 18-0006

WHEREAS, the Planning Commission of the City of Escondido did, on May 28, 2019 hold a Public Hearing to consider the Zoning Code and Land Use Study, a proposal to modify the Municipal Code, Zoning Code, and Specific Plans to enhance regulation of over-saturated or potentially objectionable non-residential land uses; and

WHEREAS, at said Public Hearing, the Planning Commission requested deferral of Commission consideration of a limited set of proposed changes to the Escondido Zoning Code and any relevant specific plans to enhance regulation of tobacco stores; and a proposal to allow thrift stores in the downtown as a conditionally permitted use; and

WHEREAS, the Planning Commission referred the proposed amendments back to the Planning Commission for review and recommendation on June 25, 2019; and

WHEREAS, the Planning Commission of the City of Escondido did, on June 25, 2019 hold a Public Hearing to consider the continued discussion of the Zoning Code and Land Use Study to enhance regulation of tobacco stores and to allow thrift stores in the downtown as a conditionally permitted use; and

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.
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.

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

1. That the above recitations are true and correct.
2. The proposed project is exempt from CEQA, pursuant to Section 15061 (b)(3). The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed Municipal Code, Zoning Code, and Specific Plan Amendments would not, in and of themselves, result in development or any other material change to the environment. Projects seeking to implement the amended provisions would be subject to separate review under the California Environmental Quality Act (CEQA).

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

4. That, considering the Findings of Fact and applicable law, the Planning Commission hereby makes a motion to recommend City Council approval of said amendments, attached as Exhibit "B."

5. The Planning Commission hereby recommends that when the subject matter of the Zoning Code Land Use Study be presented to City Council for review and consideration that City staff consolidate the recommendations contained in this Resolution with Resolution No. 2019-10, and any other items deemed necessary by the Office of the City Attorney, to comprise the totality of the Zoning Code and Land Use Study. Planning Commission Resolution No. 2019-11 is intended to supplement and conclude the Planning Commission's work on the study.

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 25th day of June, 2019, by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ABSENT: COMMISSIONERS:

JAMES SPANN, Chairman
Escondido Planning Commission

ATTEST:

MIKE STRONG, Secretary of the
Escondido Planning Commission

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

KIRSTEN PERAINO, Minutes Clerk
Escondido Planning Commission

EXHIBIT A
FACTORS TO BE CONSIDERED/FINDINGS OF FACT
AZ 18-0006 (Continued in part from May 28, 2019)

1. The Planning Commission's recommendation is based on factors pursuant to Section 33-1263 of the Escondido Zoning Code. The action to which the Commission takes action on helps conclude a Zoning Code and Land Use Study, which comprehensively examined the degree to which various land use activities are permitted in each zoning district.
2. Cities from time to time make significant efforts to tailor their city's ordinances to create a local community that develops in a way that the local policy-makers desire. Cities use its "police power" to create laws that promote the general health, safety, and welfare of its citizens. The public health, safety, and welfare of the City of Escondido would not be adversely affected by the proposed batch of Municipal Code, Zoning Code and Specific Plan Amendments because the project establishes and updates, as necessary, local standards and guidelines for land use activities in non-residential areas to ensure land use compatibility is achieved, neighborhoods are preserved, and community character is protected. The adoption of the ordinances utilized to support and complete the Zoning Code and Land Use Study would enable City officials and City staff to effectively implement selected long-term objectives.
3. The proposed batch of amendments would be consistent with the goals and policies of the General Plan because they address they advance a number of land use goals and policies. Goal 2 et. seq. policies of the Land Use and Community Form Element addresses the need for regulations that clearly and effectively implement land use development goals and objectives. This project is based on establishing and updating, as necessary, local standards and guidelines for land use activities to reflect current values. The proposed project is also consistent with Policy 4.2 of the same element for neighborhood maintenance and preservation since the project seeks to protect neighborhoods and community character from the encroachment of incompatible activities or land uses. Land use authority is maintained in key areas of the city so that more economically prosperous and well-designed commercial districts can be developed over time through the implementation of the project (Goal 8 of the Land Use and Community Form Element).
4. The Zoning Code Land Use Study concluded that some land use activities can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. However, some forms of development — covering industrial, commercial, and other non-residential activities may carry potentially specific, direct and direct impacts that can be detrimental to both neighboring properties and the community as a whole. These may include impacts related to socioeconomic and social equity; public health; environmental justice; urban design and visual; hazardous material storage, solid waste, and sanitation services; energy; transportation and mobility; air quality; noise; and neighborhood character.

5. In the development and execution of this ordinance, it is recognized that there are certain land uses including smoke, e-cigarette, and vape shops, which create conditions harmful to the public health, welfare, and safety when such uses are allowed to become numerous or concentrated within a limited geographical area, or when such uses exist near residential neighborhoods, family-oriented uses or sites commonly used by minors. The location of smoke, e-cigarette, and vape shops, and smoking and vapor adversely impacts certain sensitive uses and are aesthetically displeasing and tend to contribute to visual blight. The over-concentration of such business and/or activity tend to attract groups of visitors who would tend to loiter outside such shops, creating health hazards from secondhand smoke in the congregation of their patrons, and further creating safety hazards when loitering in an area of such shops.
6. In the development and execution of this ordinance, it is presumed that establishing or preserving an appropriate and balanced mix of commercial businesses will more effectively serve to achieve this purpose as a strategy to maintain the economic health of the community's business districts and its suburban ambiance, and will promote the redevelopment of the city's downtown area. The proliferation of smoke, e-cigarette, and vape shops in the commercial areas of the city has a deleterious effect on the vitality of a strong central business corridors, neighborhood centers, and a downtown area, removing from the stock of commercial properties those properties that could be better utilized for local retail operations that would complement the existing and future commercial activities and vital investment and the potential redevelopment of existing commercial areas.
7. Based upon the record as a whole, the Planning Commission recommends to the City Council to regulate the location and operation of retail purveyors of tobacco products, in the City of Escondido in order to maintain the city's character, the diversity and vitality of the community's commercial areas, and the quality of life of residents. The negative effects from smoke, e-cigarette, and vape shops as detailed in the June 25, 2019 Planning Commission staff report and attachments, constitute a harm which the City has a substantial government interest in preventing and/or abating. Special prohibitions on these land use activities are therefore necessary to protect the community.

The City Council previously provided direction to staff to develop a license for tobacco and vaping product retailing. This information, which includes amendments to Municipal Code Chapters 16 and 22A, will be developed by the Office of the City Attorney and presented directly to the City Council. Amendments to Chapters 16 and 22A will likely involve new definitions for "tobacco products" and "tobacco product stores." It is anticipated that these new definitions will include by reference "e-cigarettes" and "vaping products." The Planning Commission understands that the words and terms used in the anticipated Municipal Code Amendments shall have the same meaning as provided in the sections covered by this project as reviewed and considered by the Planning Commission at their meeting on June 25, 2019. Smoke, e-cigarette, and vape shops that are legally existing on the effective date of any ordinance that codifies this resolution as discussed herein may continue to operate as legal nonconforming uses.

8. The proposed Zoning Code Amendments do not conflict with any Specific Plan as the project embodies several ancillary and conforming Specific Plan Amendments. The portion of the project that consists of Specific Plan Amendments meet the minimum requirements of Section 65451 of the Government Code.
9. There are no assurances to residents and project proponents that the affected chapters and sections of this project will not be subject to future revisions.

EXHIBIT B
ZONING CODE AND SPECIFIC PLAN AMENDMENTS
AZ 18-0006 (Continued in part from May 28, 2019)

SECTION I.

Amend the Chapter 33 of the Escondido Municipal Code to read as specified below. The changes are listed in order by section number, with ~~strikeout~~ typeface illustrating deletions and underline typeface illustrating new text.

CHAPTER 33. ZONING CODE

ARTICLE 16. Commercial Zones.

Table 33-332. Permitted and conditionally permitted principle uses. Add new uses to the matrix table and prohibit their use.

Use Title	CG	CN	CP
<u>Private smokers' lounge</u>	---	---	---
<u>Tobacco product store</u>	---	---	---

SECTION II.

Amend the Downtown Specific Plan to read as specified below. The changes are listed in order by section number, with ~~strikeout~~ typeface illustrating deletions and underline typeface illustrating new text.

FIGURE II-2. Permitted and Conditional Uses.

Land Use	HD*	PV	CCU	GT	M	SG	CN
General Retail							
<u>Thrift shop (subject to Article 57 of the Zoning Code)</u>	---	---	<u>C¹⁴</u>	---	---	---	---
<u>Tobacco product store</u>	---	---	---	---	---	---	---
Specialty Services							
<u>Private smokers' lounge</u>	---	---	---	---	---	---	---

14 Use shall have a minimum building floor area of 15,000 square feet.

SECTION III.

Amend the East Valley Parkway Specific Plan to read as specified below. The changes are listed in order by section number, with ~~strikeout~~ typeface illustrating deletions and underline typeface illustrating new text.

Section 4.7. Prohibited Uses. Add “tobacco store” and “private smokers’ lounge” to the list of prohibited uses.

SECTION IV.

Amend the South Centre City Specific Plan to read as specified below. The changes are listed in order by section number, with ~~strikeout~~ typeface illustrating deletions and underline typeface illustrating new text.

CHAPTER 4.

TABLE 4.2. Permitted Land Uses for Specified Districts/Subareas.

Land Uses	WM General	WM Comm.	9 th Overlay	13 th District	Felicita District	EB MU Overlay	EB Comm	SE Comm	SE MU Overlay
Retail Trade									
Tobacco, smoke, and/or electronic vapor substance inhalation shop <u>Tobacco product store or private smoker’s lounge</u>	---	---	CUP#	---	---	---	--	---	---

CHAPTER 10.

APPENDIX A. Definitions.

~~Tobacco, smoke, and/or electronic/vapor substance inhalation shop.~~

~~Any store, stand, booth, concession, or other place that either devotes a substantial portion of its display area (i.e., fifteen (15) percent or more of floor space) to tobacco products and/or electronic/vapor inhalation substance products, and/or drug paraphernalia or similar products, or devotes more than sixteen (16) cubic feet of shelf space, for the display or sale of tobacco products and/or electronic/vapor inhalation substance products or similar products or drug paraphernalia to purchasers for consumption or use.~~

ATTACHMENT 3

Mike Strong

From: Troutman, Parke <Parke.Troutman@sdcounty.ca.gov>
Sent: Tuesday, May 21, 2019 2:12 PM
To: Mike Strong
Cc: Haley E. Guiffida
Subject: Tobacco control

Hello, Mike,

Just tried to call. I am tentatively scheduled to talk to the youth at Escondido Educational COMPACT about the tobacco control and I wanted to make sure that I spoke about the right things. I was wondering, since I wasn't able to attend the stakeholder meeting (I teach TuTH nights this quarter), could I have a list of what the proposals about tobacco are going to the planning commission? I heard from VCC that TRL took up the bulk of the discussion at the stakeholder meeting. Your previous email mentioned updating definitions. VCC said that you mentioned something about tobacco shops at the beginning but they couldn't remember exactly what it was.

Also, do you need any data or model language?

Thank you! ~~ Parke

Parke Troutman, Planning and Policy Development Specialist
Maternal, Child and Family Health Services
County of San Diego Health & Human Services Agency
C: 619-753-2581



Mike Strong

From: Lynda Barbour <lynda.barbour@cancer.org>
Sent: Tuesday, May 28, 2019 4:25 PM
To: Mike Strong
Cc: Bill Martin
Subject: RE: City of Escondido Tobacco Regulations Update

Hi Mike,

Thanks for the update.

Is there anything we can do to help? Is there info you / council needs to support the tobacco retail policy work.

We will be on the lookout for a hearing in June sometime.

Thanks for your work on this!

Lynda

From: Mike Strong <mstrong@escondido.org>
Sent: Thursday, May 23, 2019 2:01 PM
Cc: Bill Martin <bmartin@escondido.org>
Subject: City of Escondido Tobacco Regulations Update

Thanks again for participating in our stakeholder meeting last week.

I mentioned that the Zoning Code Land Use Study would be going, in its entirety, to the Planning Commission on May 28th. Although I intended to bring everything together, the tobacco regulation piece needs more time. **The Tobacco and Smoking Ordinance will not be heard on May 28th.** Most of the Zoning Code Land Use Study will still be reviewed and considered by the Commission on May 28th, but regulations on tobacco products, vaping products, licensing, drug paraphernalia, and storefronts will be heard at a future date. Likely June 25th.

You may sign up for Planning Commission notices at the following link:

https://visitor.r20.constantcontact.com/manage/optin?v=001QYf9OFFTW-11dNvtJoek4gTi1Loy6vSCSBYezORKA8OYRfUEHaTs4T5bqpeIS_T201HyJaNiq43t-f6ucT8EwuulI9SZysY4_MPjYk3n8lw5a1LbhWv8DinAQKXHNrK4XncX08L_H7iwmUaAimdWIna3XRKQx-UVT25K4UKM03VBExktYky-A%3D%3D

Please let me know if you have any questions.

Thanks

Mike Strong
Assistant Planning Director
City of Escondido
(760) 839-4556
mstrong@escondido.org



Lynda Barbour | Southern California Government Relations Director
American Cancer Society Cancer Action Network, Inc.
5333 Mission Center Road Suite 105
San Diego, CA 92108
Phone: 619.682.7416
fightcancer.org

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Centers for Disease Control and Prevention
CDC 24/7: Saving Lives, Protecting People™

Smoking & Tobacco Use

Health Effects of Cigarette Smoking

Cigarette smoking harms nearly every organ of the body, causes many diseases, and reduces the health of smokers in general.^{1,2}

Quitting smoking lowers your risk for smoking-related diseases and can add years to your life.^{1,2}

Smoking and Death

Cigarette smoking is the leading preventable cause of death in the United States.¹

- Cigarette smoking causes more than 480,000 deaths each year in the United States. This is nearly one in five deaths.^{1,2,3}
- Smoking causes more deaths each year than the following causes combined:⁴
 - Human immunodeficiency virus (HIV)
 - Illegal drug use
 - Alcohol use
 - Motor vehicle injuries
 - Firearm-related incidents
- More than 10 times as many U.S. citizens have died prematurely from cigarette smoking than have died in all the wars fought by the United States.¹
- Smoking causes about 90% (or 9 out of 10) of all lung cancer deaths.^{1,2} More women die from lung cancer each year than from breast cancer.⁵
- Smoking causes about 80% (or 8 out of 10) of all deaths from chronic obstructive pulmonary disease (COPD).¹
- Cigarette smoking increases risk for death from all causes in men and women.¹
- The risk of dying from cigarette smoking has increased over the last 50 years in the U.S.¹

Smoking and Increased Health Risks

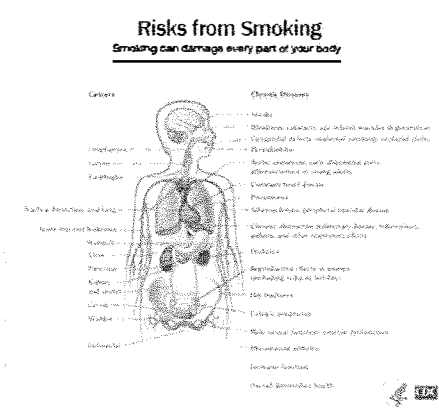
Smokers are more likely than nonsmokers to develop heart disease, stroke, and lung cancer.¹

- Estimates show smoking increases the risk:
 - For coronary heart disease by 2 to 4 times^{1,6}
 - For stroke by 2 to 4 times¹
 - Of men developing lung cancer by 25 times¹
 - Of women developing lung cancer by 25.7 times¹
- Smoking causes diminished overall health, increased absenteeism from work, and increased health care utilization and cost.¹

Smoking and Cardiovascular Disease

Smokers are at greater risk for diseases that affect the heart and blood vessels (cardiovascular disease).^{1,2}

- Smoking causes stroke and coronary heart disease, which are among the leading causes of death in the United States.^{1,3}
- Even people who smoke fewer than five cigarettes a day can have early signs of cardiovascular disease.¹
- Smoking damages blood vessels and can make them thicken and grow narrower. This makes your heart beat faster and your blood pressure go up. Clots can also form.^{1,2}
- A stroke occurs when:
 - A clot blocks the blood flow to part of your brain;
 - A blood vessel in or around your brain bursts.^{1,2}
- Blockages caused by smoking can also reduce blood flow to your legs and skin.^{1,2}



Smoking and Respiratory Disease

Smoking can cause lung disease by damaging your airways and the small air sacs (alveoli) found in your lungs.^{1,2}

- Lung diseases caused by smoking include COPD, which includes emphysema and chronic bronchitis.^{1,2}
- Cigarette smoking causes most cases of lung cancer.^{1,2}
- If you have asthma, tobacco smoke can trigger an attack or make an attack worse.^{1,2}
- Smokers are 12 to 13 times more likely to die from COPD than nonsmokers.¹

Smoking and Cancer

Smoking can cause cancer almost anywhere in your body:^{1,2} (See figure above)

- Bladder
- Blood (acute myeloid leukemia)
- Cervix
- Colon and rectum (colorectal)
- Esophagus
- Kidney and ureter
- Larynx
- Liver
- Oropharynx (includes parts of the throat, tongue, soft palate, and the tonsils)
- Pancreas
- Stomach

- Trachea, bronchus, and lung

Smoking also increases the risk of dying from cancer and other diseases in cancer patients and survivors.¹

If nobody smoked, one of every three cancer deaths in the United States would not happen.^{1,2}

Smoking and Other Health Risks

Smoking harms nearly every organ of the body and affects a person's overall health.^{1,2}

- Smoking can make it harder for a woman to become pregnant. It can also affect her baby's health before and after birth. Smoking increases risks for:^{1,2,5}
 - Preterm (early) delivery
 - Stillbirth (death of the baby before birth)
 - Low birth weight
 - Sudden infant death syndrome (known as SIDS or crib death)
 - Ectopic pregnancy
 - Orofacial clefts in infants
- Smoking can also affect men's sperm, which can reduce fertility and also increase risks for birth defects and miscarriage.²
- Smoking can affect bone health.^{1,5}
 - Women past childbearing years who smoke have weaker bones than women who never smoked. They are also at greater risk for broken bones.
- Smoking affects the health of your teeth and gums and can cause tooth loss.¹
- Smoking can increase your risk for cataracts (clouding of the eye's lens that makes it hard for you to see). It can also cause age-related macular degeneration (AMD). AMD is damage to a small spot near the center of the retina, the part of the eye needed for central vision.¹
- Smoking is a cause of type 2 diabetes mellitus and can make it harder to control. The risk of developing diabetes is 30–40% higher for active smokers than nonsmokers.^{1,2}
- Smoking causes general adverse effects on the body, including inflammation and decreased immune function.¹
- Smoking is a cause of rheumatoid arthritis.¹

Quitting and Reduced Risks

- Quitting smoking cuts cardiovascular risks. Just 1 year after quitting smoking, your risk for a heart attack drops sharply.²
- Within 2 to 5 years after quitting smoking, your risk for stroke may reduce to about that of a nonsmoker's.²
- If you quit smoking, your risks for cancers of the mouth, throat, esophagus, and bladder drop by half within 5 years.²
- Ten years after you quit smoking, your risk for dying from lung cancer drops by half.²

References

1. U.S. Department of Health and Human Services. The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014 [accessed 2017 Apr 20].
2. U.S. Department of Health and Human Services. How Tobacco Smoke Causes Disease: What It Means to You. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010 [accessed 2017 Apr 20].
3. Centers for Disease Control and Prevention. QuickStats: Number of Deaths from 10 Leading Causes—National Vital Statistics System, United States, 2010. Morbidity and Mortality Weekly Report 2013;62(08);155. [accessed 2017 Apr 20].
4. Mokdad AH, Marks JS, Stroup DF, Gerberding JL. Actual Causes of Death in the United States. JAMA: Journal of the American Medical Association 2004;291(10):1238–45 [cited 2017 Apr 20].
5. U.S. Department of Health and Human Services. Women and Smoking: A Report of the Surgeon General. Rockville (MD): U.S. Department of Health and Human Services, Public Health Service, Office of the Surgeon General, 2001 [accessed 2017 Apr 20].
6. U.S. Department of Health and Human Services. Reducing the Health Consequences of Smoking: 25 Years of Progress. A Report of the Surgeon General  . Rockville (MD): U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 1989 [accessed 2017 Apr 20].

For Further Information

Centers for Disease Control and Prevention
National Center for Chronic Disease Prevention and Health Promotion
Office on Smoking and Health
E-mail: tobaccoinfo@cdc.gov
Phone: 1-800-CDC-INFO

Media Inquiries: Contact CDC's Office on Smoking and Health press line at 770-488-5493.

Fact Sheets

Adult Data

Secondhand Smoke

Cessation

Smokeless Tobacco

Economics

Tobacco Marketing and Products

Fast Facts

Youth Tobacco Use

Health Effects

Page last reviewed: January 17, 2018

Content source: Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion



HEALTH ADVISORY – January 28, 2015

Electronic Cigarettes: A Summary of the Public Health Risks and Recommendations for Health Care Professionals

This health advisory seeks to inform health care professionals of the public health risks posed by the marketing, sale and use of electronic cigarettes (e-cigarettes) especially to children and young people. Electronic cigarettes (e-cigarettes) are battery-operated devices, often designed to resemble a cigarette, that deliver and emit a nicotine-containing aerosol. E-cigarettes are considered electronic nicotine delivery devices (ENDS) and have many names. They are frequently referred to as e-cigs, e-hookahs, hookah pens, vapes, vape pens, vape pipes, or mods. There are disposable and rechargeable e-cigarettes as well as refillable “tank systems” that hold a larger volume of the e-cigarette liquid (e-liquid) and that heat the e-liquid to higher temperatures.¹

Toxicity of E-cigarettes and Exposure to Emissions

The heated e-liquid forms an aerosol that contains high concentrations of ultrafine particles that are inhaled and become trapped in the lungs.² Chemicals in the aerosol are absorbed through the blood stream and delivered directly to the brain and all body organs. Analyses of e-liquids by the Food and Drug Administration (FDA) and other laboratories found variability in the content of e-liquids and inaccurate product labeling related to nicotine content and chemicals.³

Typically, e-liquids contain nicotine, flavoring agents, propylene glycol and toxic chemicals known to cause cancer, birth defects and other reproductive harm.^{1, 4-7} While several studies found lower levels of carcinogens in the e-cigarette aerosol compared to smoke emitted by traditional cigarettes, both the mainstream and secondhand e-cigarette aerosol have been found to contain at least ten chemicals that are on California’s Proposition 65 list of chemicals known to cause cancer, birth defects or other reproductive harm, including acetaldehyde, benzene, cadmium, formaldehyde, isoprene, lead, nickel, nicotine, n-nitrosornicotine, and toluene.^{1, 5-7}

E-cigarette emissions are also a health concern for those exposed to the secondhand aerosol. Although not as dangerous as secondhand smoke from combustible tobacco products, people exposed to e-cigarette aerosol absorb nicotine at levels comparable to people exposed to secondhand smoke.⁸ E-cigarette emissions also contain volatile organic compounds (VOCs) and fine/ultrafine particles.⁶ These ultrafine particles can travel deep into the lungs where they get trapped and may lead to tissue inflammation.⁹

Health Effects of Nicotine

Nicotine, the primary psychoactive ingredient in e-liquid, stimulates pleasure/reward pathways in the brain. It is a highly addictive neurotoxin that is as addictive as heroin and cocaine.^{10, 11} It affects the cardiovascular and central nervous systems, causing blood vessels to constrict, raising the pulse and blood pressure.¹² Nicotine adversely affects maternal and fetal health during pregnancy, contributing to low birth weight, preterm delivery and stillbirth.¹³ Nicotine is also known to cross the placenta and is detectable in the breast milk of smoking mothers as well as mothers exposed to secondhand smoke.^{14, 15} Preliminary studies show that using a nicotine-containing e-cigarette for just five minutes causes similar lung irritation, inflammation and effect on blood vessels as smoking a traditional cigarette, which may increase the risk of a heart attack.^{1, 9}

Exposure to and use of nicotine products by adolescents is of particular concern because adolescence is a critical period for brain growth and development. As a consequence, adolescents are especially vulnerable to the toxic effects of nicotine. Exposure to nicotine during adolescence may harm brain development and predispose future tobacco use.^{13, 16, 17} Even a brief period of continuous or intermittent nicotine exposure in adolescence elicits lasting neurobehavioral damage.¹⁸

Nicotine Poisonings

E-liquids are available in flavors such as bubble gum, cherry and chocolate, which makes them appealing to children and youth. E-cigarette cartridges and e-liquid bottles are not equipped with child resistant caps and often leak, creating a potential source of poisoning through ingestion and skin or eye contact. Even a small amount of e-liquid ingested by a small child can be lethal.¹⁹

There has been a significant rise in the number of calls to poison control centers for both adults and children who were accidentally exposed to e-liquids.²⁰ Nationally, the number of calls rose from one per month in September 2010 to 215 per month in February 2014.²¹ Figure 1 depicts e-cigarette-related calls to the California Poison Control Center over a five year period. In California, from 2012 to 2014, the number of calls to the poison control center

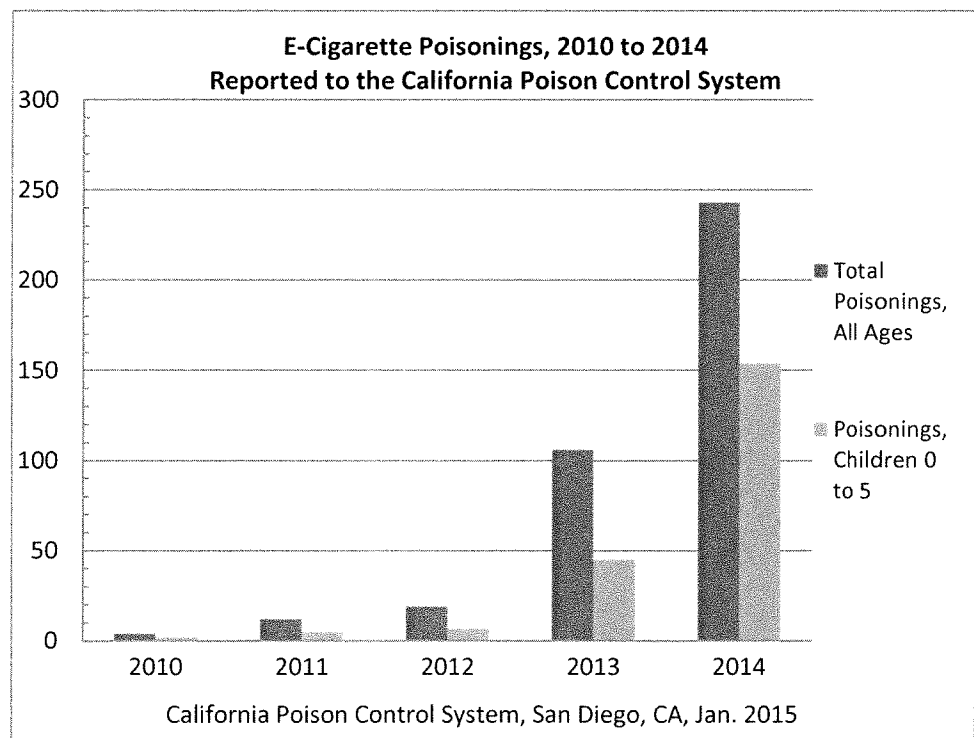


Figure 1: E-cigarette-related calls to the California Poison Control System.

involving e-cigarette exposures in children five and under increased sharply from 7 to 154. By the end of 2014, e-cigarette poisonings to young children tripled in one year, making up more than 60% of all e-cigarette poisoning calls. Adults have also mistakenly used e-liquid in harmful ways, such as eye drops, and have been harmed by exploding cartridges.

E-cigarette Use and Youth

Recent national and preliminary California data show that youth are experimenting with e-cigarettes at an alarming rate. In 2014, the Monitoring the Future survey, which tracks substance abuse trends among over 40,000 youth nationally, found that the use of e-cigarettes among teens surpassed the use of traditional cigarettes. More than twice as many 8th and 10th graders reported using e-cigarettes than traditional cigarettes in the survey, and among 12th graders, 17 percent reported currently using e-cigarettes vs. 14 percent using traditional cigarettes.²² Another survey, the National Youth Tobacco Survey, found that in 2013, that e-cigarette use among high school students tripled between 2011 and 2013, increasing from 1.5 percent to 4.5 percent.²³ Over a quarter million students who reported using e-cigarettes had never used traditional cigarettes.²⁴ Overall, studies suggest that youth who may have otherwise never smoked cigarettes are now getting hooked on nicotine due to e-cigarettes, and that adolescents who use e-cigarettes are more likely to progress from experimenting with cigarettes to becoming established smokers.^{25, 26}

E-cigarette devices may also be used to inhale illegal substances, such as marijuana and hash oil.¹⁹ Because many of these devices are similar in appearance to a ball point pen, school and law enforcement personnel are unaware that inappropriate use of nicotine and illegal substances is occurring.

E-cigarette Use and Adults

Among California adults, use of e-cigarettes in the past 30 days doubled from 1.8 percent in 2012 to 3.5 percent in 2013. For younger adults (18 to 29 year old), e-cigarette use tripled in one year from 2.3 percent to 7.6 percent. Young adults are three times more likely to use e-cigarettes than those 30 and older. Nearly 20 percent of young adult e-cigarettes users have never smoked traditional cigarettes.²⁷

E-cigarette Availability

E-cigarettes are readily accessible throughout California, and the number of stores selling e-cigarettes quadrupled between 2011 and 2013, increasing from 12 percent to 46 percent.^{28, 29} Figure 2 depicts the percent of tobacco stores selling e-cigarettes in California counties.

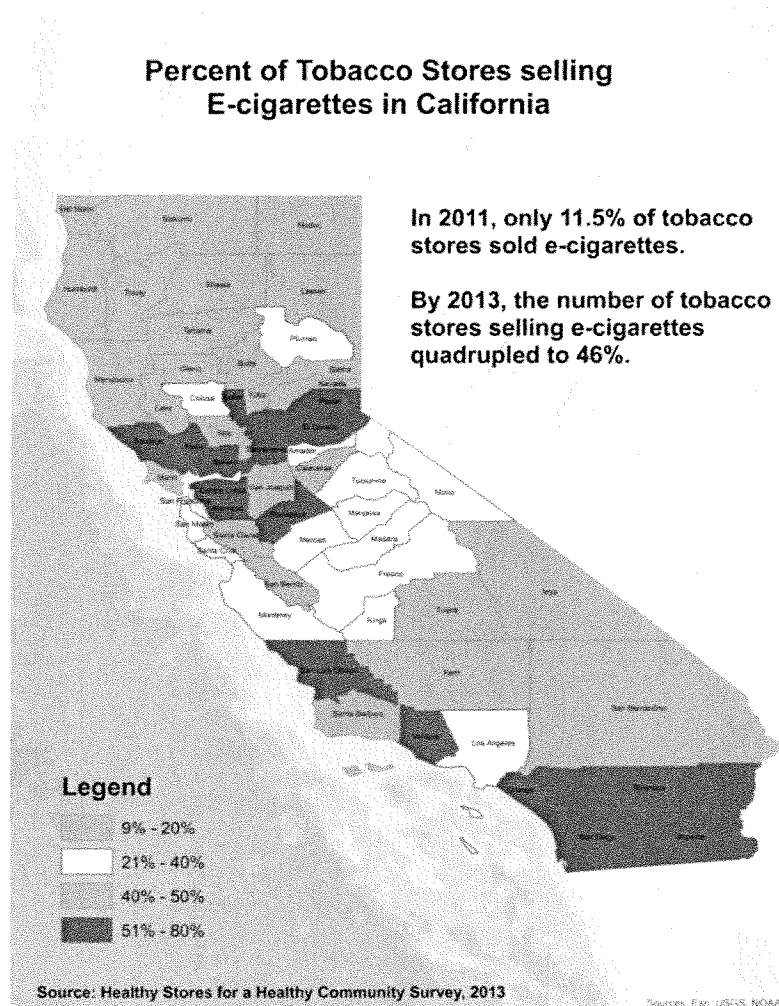
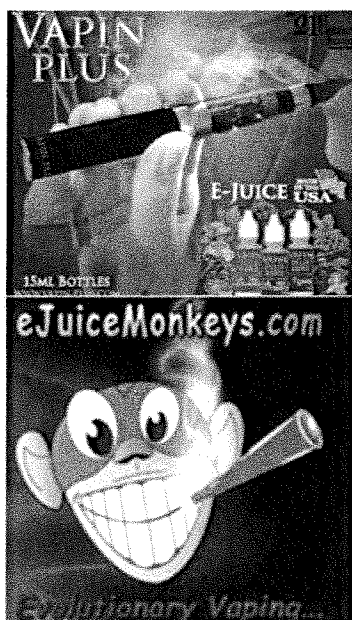


Figure 2: Percent of tobacco stores selling e-cigarettes in CA.

E-cigarette Marketing

Over the past 40 years, great strides have been made to protect youth from tobacco marketing. Numerous state and federal laws and litigation regulate the sale, marketing and distribution of traditional tobacco products and tobacco-related paraphernalia. These restrictions include: prohibiting tobacco advertising on television, radio and billboards; prohibiting youth-oriented tobacco products marketing, including a ban on the sale of flavored cigarettes and the use of cartoon characters; prohibiting free sampling of cigarettes and restrictions on sampling of other tobacco products; restrictions on brand name sponsorship of sporting, music, and cultural events; restrictions on giving away branded promotional items such as t-shirts.³⁰ Presently in California, these restrictions are not interpreted to apply to e-cigarettes. As a result, the e-cigarette industry is legally allowed to use marketing strategies and tactics that are no longer permissible for traditional tobacco products.

Many television networks (e.g., ABC Family, USA, Bravo, E!, MTV, VH1 and Comedy Central) with a substantial proportion of youth viewers, are airing e-cigarette advertising. There is also e-cigarette advertising on radio, internet, billboards, in magazine and print publications, and in stores.³¹ E-liquid containing nicotine is frequently marketed as “e-juice” and is sold in fruit and candy flavors. Promoting and labeling nicotine containing products as “juice” may mislead consumers to believe that e-liquid is safe to ingest and that e-cigarettes pose no health risk.



The use of cartoon characters in advertising and promoting of e-cigarettes as fashion accessories are other ways these products appeal to youth with the implication that these products are harmless (see Figure 3). E-cigarette manufacturers report sponsoring concerts, sporting events, and parties that include the distribution of free samples; many of these events occurred in California.³² Another tactic to create a perception that e-cigarettes are family friendly is through the association of these products with family oriented attractions.

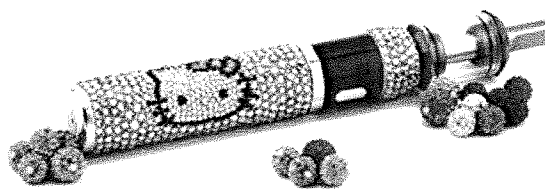


Figure 3: E-cigarette products and accessories.

Cessation Claims

There is no scientific evidence that e-cigarettes help smokers to successfully quit traditional cigarettes or that they reduce consumption of traditional cigarettes.^{25, 33} A number of recent studies show that e-cigarette users are no more likely to quit than regular smokers. One study found that 89 percent of e-cigarette users are still using them one year later and another study found that e-cigarette users are a third less likely to quit cigarettes.^{34, 35} These studies suggest that e-cigarettes are effectively inhibiting people from successfully kicking their nicotine addiction. In addition, dual use of cigarettes and e-cigarettes is continuing to rise, which may diminish any potential benefits of cutting back on traditional cigarettes.³⁶ Continuing to smoke traditional cigarettes, while also using e-cigarettes, does not reduce the cardiovascular health risks.^{1, 37, 38}

California health care providers are recommended to:

Educate, Advise and Protect Unborn Children, Young Children and Adolescents.

- Educate parents, adolescents, and the public, as well as health care personnel, school personnel, child care providers, and community leaders, about these products:
 - Nicotine is contained and is highly addictive and toxic
 - Increases in e-cigarette related poisonings, especially to children.
- Advise that these products are especially harmful to adolescents and pregnant women.
- Advise and warn e-cigarette users about toxicity of these products to themselves and those subjected to secondhand emissions.

Educate About Clean Indoor Air.

- Educate parents and the public to take steps to protect children and themselves from exposure to e-cigarette emissions.

Encourage Cessation.

- Current smokers and e-cigarette users should be advised to quit and offered support.
- Refer users to cessation resources offered by their health insurance plan including access to FDA approved cessation medications.
- The California Smokers' Helpline at 1-800-NO BUTTS is another cessation resource.

Protect Children from Nicotine Poisoning.

- Inform parents and e-cigarette users that e-cigarette cartridges and e-liquid bottles are a potential source of poisoning through ingestion, skin or eye contact. Store these materials out of the reach of children, away from medications, and call the California Poison Control Center at 1-800-222-1221 for expert help in case of accidental exposure.

Promote Health Literacy: Educate about Misleading Marketing.

- Educate parents and e-cigarette users about misleading advertising and labeling.
- Educate adolescents, parents and others about unknown ingredients and rights as consumers to have ingredient disclosure readily accessible.

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E-Cigarettes Secretly Used To Hide Drug Use

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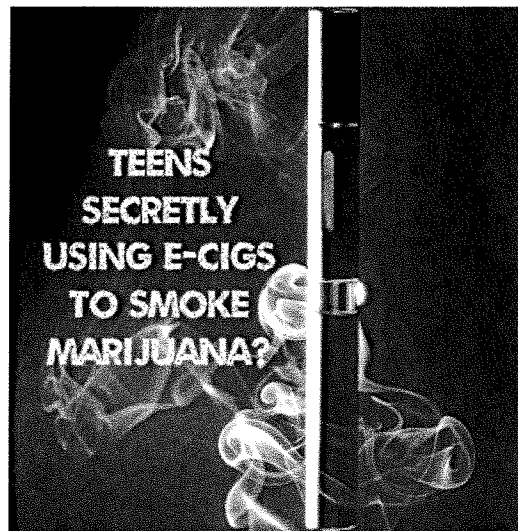
The e-cigarette is a modern invention and an alternative to tobacco cigarettes. They were designed to allow people to smoke and to get nicotine into the bloodstream without inhaling all of the toxins found in tobacco. E-cigarettes may be helping people to quit smoking, and because they do not produce actual smoke, they may also allow people to get their nicotine without affecting the people around them.

On the surface, it seems that e-cigarettes are a great invention that can help people. Unfortunately, there are downsides to these fake cigarettes, not least of which is the fact that they can be used to smoke illegal drugs, like marijuana (<http://www.nbcnewyork.com/news/local/ECigarettes-Drugs-Marijuana-Vapor-Pens-Smoking-I-Team-227269001.html>). Because of the way they work, someone can smoke pot using an e-cigarette without being detected.

The E-Cigarette Revolution

An e-cigarette is different from a traditional cigarette in that it does not use tobacco. Instead, it uses batteries and a liquid solution of nicotine. The battery heats and vaporizes the solution so that the user inhales and exhales vapors, rather than smoke. Because nicotine is the only ingredient, the user is also not inhaling all of the additives in tobacco that are so harmful, such as tar, acetone and arsenic.

Although nicotine is still a drug, and one that is harmful and addictive, smoking an e-cigarette is much less dangerous than smoking tobacco cigarettes. It is also less harmful to others around the smoker because there is no secondhand smoke. Without the offensive fumes, it may be possible for people to smoke using e-cigarettes in areas that are normally restricted to smokers.



For the above reasons, e-cigarettes are set to become big sellers in the U.S. and elsewhere. Some experts are even predicting that they will start to outsell real cigarettes (http://www.nytimes.com/2013/10/09/business/international/european-lawmakers-reject-tight-restrictions-on-e-cigarettes.html?_r=0) within a decade. E-cigarettes are already big business in Europe. The European Parliament recently rejected a proposal to regulate them as medical devices, which would have meant tight restrictions on sales.

E-Cigarettes Being Used To Smoke Marijuana

Although e-cigarettes may have been created as healthier, alternative delivery devices for nicotine and to help smokers kick the habit, clever drug users have already crafted them for different uses. The cartridge of liquid nicotine solution that goes into an e-cigarette can easily be replaced by any liquid. Any substance can be vaporized and inhaled using one of these devices.

Most commonly, abusers are using a cartridge with a liquid solution of THC, the main psychoactive substance found in marijuana (http://www.10tv.com/content/stories/2013/10/01/Columbus_Electronic_Cigarettes.html). With liquid THC in an e-cigarette, a person can get high and yet appear to be legally inhaling legal, nicotine vapors. The same property of e-cigarettes that allows users to smoke without offending those around them, allows for covert use of illicit drugs. The vapors produced by the e-cigarette are odorless. A person can get high without arousing suspicions.

Teens Smoking Marijuana With No Recognizable Odor

While an adult covertly smoking pot is a concern, a bigger one is the use of marijuana by teenagers. As the presence of e-cigarettes proliferates, teens are finding that they make an excellent vehicle for smoking pot. Smoking marijuana produces a characteristic odor that clings to clothes, hair and fingers. With e-cigarettes, a teen can inhale liquid THC, get high, and never give off the usual signs. Parents who are concerned that their teens may be using marijuana will have to be more vigilant and look for other signs of intoxication.

E-Cigarettes Targeting Young People?

Another concern regarding teens and e-cigarettes is that these new devices may be targeting young people. E-cigarettes can be sold with different types of nicotine cartridges with flavors like strawberry, peach and grape. They are also sold online, which makes it easier for kids to get a hold of them. If kids start using these devices at a young age, they may be more inclined to try other substances. In other words, e-cigarettes may become the new gateway drug. The problem has already begun, as statistics indicate that the number of middle and high school students using e-cigarettes (http://blog.nj.com/njv_guest_blog/2013/09/e-cigarettes_a_new_drag_on_chi.html) is rising.

It seems that e-cigarettes have a place in our modern world. They allow adults to use a legal substance in a way that is less harmful than cigarettes. They also help those who want to quit the habit of smoking. On the other hand, e-cigarettes pose a big problem. Until we can figure out how regulate them fairly, or how to detect illegal drugs being used in e-cigarettes, parents and other adults should be aware of the possibility that they are being abused by teens.

Read About Smoking Marijuana And The Future Effects On Teens

(<http://www.drugrehab.us/news/marijuana-use-associated-with-multiple-negative-outcomes-in-teens/>)

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PLANNING COMMISSION

Agenda Item No.: G.3
Date: June 25, 2019

PROJECT NUMBER / NAME: AZ 19-0003 / Omnibus Code Clean-Up

REQUEST: A series of proposed Zoning Code Amendments to address changes in state laws, correct errors, and improve existing regulations. The proposal involves minor amendments to Articles 1, 6, 9, 16, 26, 39, 56, 61, 65, 67, 70, and 73 of the Escondido Zoning Code and Article 1 of Chapter 32 of the Municipal Code. The proposal also includes the adoption of the environmental determination prepared for the project.

LOCATION: Citywide

APPLICANT: City of Escondido

APN / APNS: N/A

**PRIMARY
REPRESENTATIVE:** Planning Division

GENERAL PLAN / ZONING: N/A

DISCRETIONARY ACTIONS REQUESTED: Zoning Code Amendments

PREVIOUS ACTIONS: N/A

PROJECT PLANNER: Mike Strong, Assistant Planning Director
mstrong@escondido.org

CEQA RECOMMENDATION: Exempt (CEQA Guidelines Section 15061(b)(3)).

STAFF RECOMMENDATION: Provide a recommendation to City Council to approve the Project

REQUESTED ACTION: Approve Planning Commission Resolution No. 2019-12

CITY COUNCIL HEARING REQUIRED: ☒ YES ☐ NO

REPORT APPROVALS: ☐ Bill Martin, Community Development Director
☒ Mike Strong, Assistant Planning Director

A. BACKGROUND:

It is important that municipalities periodically review and update their codes and regulations to ensure that they stay current and up-to-date. In 2017, the City initiated a new, recurring work program to annually review the Zoning Code to see if anything needs to be updated to reflect State mandated changes, correct errors or inconsistencies, and to address today's land use challenges. Now, as established, the Planning Division is able to maintain a regular process and consistent schedule for maintaining the City's codes and regulations. These amendments are combined into a single clean-up batch proposal, called Annual Omnibus Code Clean-Up, as a means of efficiently modifying the Zoning Code.

The City proposes to amend the Zoning Code to correct minor errors in the text, incorporate code interpretations, and improve existing regulations to eliminate uncertainty for staff, customers, and the public. The proposed amendments affect many articles of the Zoning Code.

B. PROJECT ANALYSIS:

For the Annual Omnibus Code Cleanup, the suggested amendment list includes amendments to various articles of the Zoning Code. Many of the proposed changes are self-explanatory consisting of grammar and punctuation corrections or simple updates to position titles to reflect those currently used by the City. The proposed changes that require further explanation can be found below.

1. New or revised definitions.

These proposed amendments add or revise definitions for "building height," "flag lots," "horse stables," and "vending machines." These changes are necessary to establish parameters to understanding the term throughout the Zoning Code, as words that have common meanings in everyday usage may have different definitions in terms of zoning regulation. Modifying the definition of "density" also requires ancillary amendments to Chapter 32 (Subdivisions Ordinance) of the Municipal Code.

2. Setback standards for accessory structures that enclose animals.

The absence of special regulation for animal enclosures means that such buildings and structures are regulated the same as all other buildings and structures. However, residential land uses involving animals which are kept and bred primarily for personal use and recreation, may, create unwanted impacts on surrounding properties. The following concerns are born of both fact and perception with respect to the keeping of livestock of any scale on residential properties:

- animal waste management,
- storage and usage areas,

- noise,
- health risks,
- odors,
- vectors,
- water pollution and treatment,
- lighting of animals,
- fencing, and
- erosion and sedimentation control.

In consideration of the foregoing, only the Animal Overlay Zone (Article 9 of the Zoning Code) identifies setback standards for animal enclosures. The proposed amendments help align animal enclosures so that there is equal protection, citywide. Additional regulations are also proposed to ensure that the keeping and care of animals and the setbacks of animal enclosures achieves varying objectives of land use compatibility as well as the individual needs of neighborhoods regarding the quality of the environment. Such provisions can significantly impact the size and nature of principal and accessory uses which are permitted within such districts.

It should be noted at the outset that this is not a recommendation that the keeping of livestock, even on a small domestic scale, is appropriate in all residential areas. It is not. Considering development density and open space, some large lots on rural or estate residential zones in outlying areas have greater potential to accommodate domestic livestock uses than urban fringe or suburban areas. Even so, conflicts can and have occurred between the residents of adjacent dwellings and existing or proposed small-scale livestock uses in rural areas of relatively low density. It is essential that the City consider the nature of the zone in which a domestic livestock use would be permitted and the quantities allowed. For this reason, the quantities and types of animals permitted in each residential zone would return for Planning Commission discussion through a separate process at a later date when the issue can be more thoroughly analyzed and public can be more effectively engaged. Part of the conversation could be whether such uses are to be (1) permitted directly (as a “use by right”), (2) reviewed by the Planning Division when permitted by special exception, or (3) acted on by the governing body (i.e. Zoning Administrator or Planning Commission) if permitted as a conditional use.

3. Off-street parking.

Article 39 of the Escondido Zoning Code sets forth minimum number and minimum size requirements for individual parking spaces. With new land use development applications, City staff reviews the plans to ensure compliance with all City Zoning and engineering standards and regulations, including review and other applicable local and state regulations. Design standards for handicapped parking (stalls shall be provided in compliance with current requirements of the California Building Code and the American

Disabilities Act (ADA). Often, when retrofitting spaces to accommodate ADA compliance, the number of parking spaces provided is reduced, which has caused some confusion among people responsible for providing parking. Furthermore, updates to standards to accommodate new recycling requirements (upsizing trash enclosure areas) and/or electric vehicle charging infrastructure will further frustrate property owners and provide a constraint to those seeking compliance. While standards for these improvements in parking lots are well known and clear standards exist, cities have not addressed what is required to be done where the parking is insufficient or when requirements do not exist. The proposed amendments create flexibility and allows a minor reductions of parking at an administrative level.

4. Retail vending machines.

The City currently lacks guidance regarding the minimum standards for the design, construction, and maintenance of retail vending machine equipment. The purpose of this amendment is to provide standards relative to the accessibility, appearance, and safety in regards to commercial vending.

The proposed Zoning Code Amendments would be consistent with the existing General Plan goals and policies. Goal 2 et. seq. policies of the Land Use and Community Form portion of the General Plan addresses the need for regulations that clearly and effectively implement land use development goals and objectives. The basis of establishing and updating, as necessary, local standards and guidelines for land use activities ensures land use compatibility is achieved. The batch of amendments relate to organizational effectiveness and efficiency and are considered a housekeeping measure. The proposed Zoning Code changes would make the code more internally consistent and easier to understand and apply. The amendments make corrections, clarifications, and updates to improve the application process or how the codes are administered.

C. ENVIRONMENTAL STATUS:

The City finds that the adoption of the Zoning Code Amendments would be exempt from Environmental Review pursuant to General Rule 15061(b)(3) since there would be no possibility of a significant effect on the environment because the amendments will not directly result in development. Any future project or development as defined by the California Environmental Quality Act (CEQA) that may occur as a result of the amended language would be subject to CEQA review and analysis. The scope of the changes being considered through this action includes corrective clerical errors or clarification of ambiguities.

D. CONCLUSIONS:

The Planning Division maintains a regular process and consistent schedule for maintaining the City's codes and regulations. These amendments are combined into a single clean-up batch proposal, called Annual Omnibus Code Clean-Up, as a means of efficiently modifying the Zoning

Code. The City proposes to amend the Zoning Code to correct minor errors in the text, incorporate code interpretations, and improve existing regulations to eliminate uncertainty for staff, customers, and the public. The batch of amendments relate to organizational effectiveness and efficiency and are considered a housekeeping measure. The Planning Commission has the authority under Section 33-1262 of Article 61 of the Escondido Zoning Code (Administration and Enforcement Ordinance) to review and consider amendments to the Zoning Code, which requires a Planning Commission recommendation to City Council. No other discretionary permits are requested or required.

ATTACHMENTS:

1. Draft Planning Commission Resolution No. 2019-12

ATTACHMENT 1

Planning Commission

Hearing Date: June 25, 2019

Effective Date: June 26, 2019

PLANNING COMMISSION RESOLUTION NO. 2019-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMENDING APPROVAL OF AMENDMENTS TO ARTICLES 1, 6, 9, 16, 26, 39, 56, 61, 65, 67, 70, AND 73 OF THE ESCONDIDO ZONING CODE AND ARTICLE 1 OF CHAPTER 32 OF THE MUNICIPAL CODE

APPLICANT: City of Escondido

CASE NO: AZ 18-0006

WHEREAS, the Planning Commission of the City of Escondido did, on June 25, 2019 hold a Public Hearing to consider the Omnibus Code Clean-Up, a proposal to modify the Municipal Code and Zoning Code to correct minor errors in the text, incorporate code interpretations, and improve existing regulations to eliminate uncertainty for staff, customers, and the public; and

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.
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.

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

1. That the above recitations are true and correct.

2. The proposed project is exempt from CEQA, pursuant to Section 15061 (b)(3). The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed Municipal Code and Zoning Code Amendments would not, in and of themselves, result in development or any other material change to the environment. Projects seeking to implement the amended provisions would be subject to separate review under the California Environmental Quality Act (CEQA).

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

4. That, considering the Findings of Fact and applicable law, the Planning Commission hereby makes a motion to recommend City Council approval of said amendments, attached as Exhibit "B."

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 25th day of June, 2019, by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ABSENT: COMMISSIONERS:

JAMES SPANN, Chairman
Escondido Planning Commission

ATTEST:

MIKE STRONG, Secretary of the
Escondido Planning Commission

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

KIRSTEN PERAINO, Minutes Clerk
Escondido Planning Commission

EXHIBIT “A”
FACTORS TO BE CONSIDERED/FINDINGS OF FACT
AZ 19-0003

Zoning Code Amendments

1. Over the years, staff and customers have found certain sections of the Zoning Code are vague, unclear, or conflicting, which results in confusion and disagreement in code interpretation. It is important that the City of Escondido review policies and procedures on an on-going basis to ensure a customer-focused government through transparent services and positive organizational culture.

The Planning Division maintains a regular process and schedule for maintaining the City's codes and regulations. Those issues that have been identified are being addressed as part of this clean-up effort, whereby all code amendments have been combined in a single batch, called an omnibus. Additional items to correct or improve the Zoning Code may be considered in the next annual omnibus code clean-up cycle.

2. The Planning Commission's recommendation is based on factors pursuant to Section 33-1263 of the Escondido Zoning Code.
3. The public health, safety, and welfare would not be adversely affected by the proposed batch of Zoning Code Amendments because they correct internal inconsistencies, improve readability, update references to other code sections or regulatory documents, codify prior interpretations, and make the code consistent with changing state or federal regulations.
4. The proposed batch of Zoning Code amendments would be consistent with the goals and policies of the General Plan because they address changes in state laws, correct errors, and improve existing regulations to eliminate uncertainty for staff, customers, and the public. This effort is not intended to be a comprehensive update to the local code or change land use densities or intensities.
5. The proposed Zoning Code amendments do not conflict with any specific plan.

EXHIBIT “B”
MUNICIPAL AND ZONING CODE CHANGES
AZ 19-0003

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

Sec. 33-8. Definitions. New definitions to be inserted or replaced, maintaining the sequencing of the existing alphabetical order.

Building.

(2) *Building height (also structure height)* means the vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building or structure to the top of the roof; ~~provided that chimneys, spires, towers, tanks and similar projections shall not be included in the height.~~ highest point immediately above all areas of the building or structure. When a basement element or underground structures exist or are proposed, height is measured from the finished grade (above the underground parking or basement element) provided the finished grade is at or below the previous natural grade. Allowable projections listed in section 33-1075 need not be included in the building/structure height calculation.

Lot means:

(1) A parcel of real property shown as a delineated parcel of land with a number and other designation on the final map of subdivision recorded in the office of the county recorder of San Diego County; or

(2) A parcel of land, the dimensions or boundaries of which are defined by a record of survey maps recorded in the office of the county recorder of San Diego County in accordance with the law regulating the subdivision of land; or

(3) A parcel of real property not delineated as in subsection (1) or (2) of this definition, and containing not less than the prescribed minimum area required in the zone in which it is located and which abuts at least one (1) public street or easement which the planning commission has designated adequate for access purposes, and is held under one (1) ownership.

(4) The various definitions in this category are as follows:

(A) *Lot area* means the total area measured in a horizontal plane, included within the lot lines of a lot or parcel of land.

(B) *Corner lot* means a lot situated at the intersection of two (2) or more streets, which streets have an angle of intersection of not more than one hundred thirty-five (135) degrees.

(C) *Lot coverage* means the total horizontal area of a lot, parcel or building site covered by any building which extends more than three (3) feet above the surface of the ground level and including any covered car parking spaces. Covered patios shall not be considered as lot coverage provided that said patio is not more than fifty (50) percent enclosed.

(D) *Lot depth* means the horizontal length of a straight line connecting the bisecting points of the front and the rear lot lines.

(E) Lot width means the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines.

~~(E)~~(F) Cul-de-sac lot means an interior lot taking access from and having frontage primarily on the bulb of a cul-de-sac.

~~(F)~~(G) Flag lot means a lot in the approximate configuration of a flag pole, panhandle, or sign post, with the pole or post functioning primarily as an access way to the main body of the lot from the street of access, meeting the requirements of section 33-1084. In determining setbacks for a flag lot, the handle or access portion of the lot shall not be used to determine building setbacks. Setbacks shall be determined as though no handle was on the lot.

~~(G)~~(H) Front lot line means a line separating an interior lot from a street, or a line separating the narrower street frontage of a corner lot from the street.

~~(H)~~(I) Interior lot means a lot other than a corner lot or reversed corner lot.

~~(I)~~(J) Key lot means the first lot to the rear of a reversed corner lot whether or not separated by an alley.

~~(J)~~(K) Rear lot line means the record lot line or lines most distant from and generally opposite the front lot line except that in the case of an interior triangular or gore-shaped lot, it shall mean a straight line ten (10) feet in length which is: (i) parallel to the front lot line or its chord; and (ii) intersects the two (2) other lot lines at points most distant from the front lot line.

~~(K)~~(L) Reversed corner lot means a corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which the rear of said corner lot abuts.

~~(L)~~(M) Side lot line means any lot boundary line not a front lot line or a rear lot line.

~~(M)~~(N) Through lot means a lot having a frontage on two (2) parallel or approximately parallel streets.

Horse stable.

(1) Private horse stable means facilities for the keeping of horses, mules, donkeys or ponies for the use of the owners or lessees of the property and owners of the boarded animals.

(2) Commercial horse stable shall mean equestrian facilities such as, but not limited to, riding academies, riding rings, or training areas for horses, mules, donkeys or ponies which are rented, shown, used or boarded on a commercial basis for compensation. Accessory uses such as tack shops, on-site sale of food for people and animals, or similar uses may be permitted in conjunction with a commercial use permit. A commercial horse stable may include an office, employee break area, full bathroom and other associated areas or structures related to a commercial use. The temporary gathering of additional people and horses for a horse event, show or competition which is not a part of the active operations of a commercial horse stable shall be considered.

Vending machine.

(1) Retail vending machine means any self-service device offered to the public for commercial use used for displaying or storing articles for sale, rent, or lease, or delivery, which, upon insertion of payment, or by other means, dispenses commercial products, merchandise, food or beverage either in bulk or in package, without the necessity of replenishing the device between each vending operation.

(2) Reverse vending machine means an automated machine that utilizes advanced technology to identify, sort, collect, and process used containers, provided that the entire process is enclosed within the machine.

ARTICLE 6. RESIDENTIAL ZONES.

Sec. 33-94. Permitted accessory uses and structures. Social, Religious, Educational, Recreational, Governmental. New land use categories to be inserted or replaced, maintaining the sequencing of the existing alphabetical order.

Table 33-94

Permitted / Conditional Uses and Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Nursery, primary and secondary (grades K- 12), post- secondary and professional <u>schools and education</u>	C	C	C	---	C	C	C	C
<u>Horse stable (commercial), subject to section 33- 145, with the quantities of animals allowed pursuant to</u>	<u>C</u>	<u>C</u>	---	---	---	---	---	---

<u>Table 33-95a or Article 9.</u>								
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ARTICLE 6. RESIDENTIAL ZONES.

Sec. 33-95. Permitted accessory uses and structures. Accessory structures.

Table 33-95.

Permitted Accessory Uses and Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Swimming pools constructed in accordance with the provisions of this chapter <u>Article</u> <u>57</u>	P	P	P	P	P	P	P	P

ARTICLE 6. RESIDENTIAL ZONES.

Sec. 33-95. Permitted accessory uses and structures. Accessory uses and activities. New land use categories to be inserted or replaced, maintaining the sequencing of the existing alphabetical order.

Table 33-95.

Permitted Accessory Uses and Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
<u>Accessory buildings for animals and animal enclosures, subject to section 33- 145</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

<u>Barbeque pits, outdoor fireplaces, and grills</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Horse stable (commercial), subject to section 33-145, with the quantities of animals allowed pursuant to Table 33-95a or Article 9.</u>	<u>C</u>	<u>C</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>
<u>Horse stable (private), subject to section 33-145, with the quantities of animals allowed pursuant to Table 33-95a or Article 9.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>

ARTICLE 6. RESIDENTIAL ZONES.

Sec. 33-100. Side setback.

Table 33-100

Interior Side Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Interior side setback width (feet)	10 ¹	10 ¹	5 ^{1, 2}	5 ⁴	5 ^{3, 4}	5 ^{3, 4}	5 ^{3, 4}	5 ^{1, 5}

Notes:

- 1 When used for access to a required parking facility, the drive aisle clearance shall be wide enough for a 10-foot-wide, unobstructed, paved driveway. The minimum width shall be increased to 16 feet with an approved turnaround (large enough to accommodate fire trucks) for driveways longer than 150 feet.

- 2 If the lot or parcel does not abut an alley, one such side setback shall be at least 10 feet in width.
- 3 An additional 5-foot setback shall be provided on each side of a lot or parcel of land for each story over 2 of a principal building, with a maximum requirement for any such side setback of 15 feet. Exception: The additional, 5-foot set-back standard does not apply to the third-story immediately above an enclosed, off-drive parking space on a lot or parcel in the R-4 or R-5 Zone with a lot width of 50 feet or less. Said exception is allowed provided that the building still maintains a setback from the side lot line or other structures as required by the California Building Code for fire separation.
- 4 A driveway that serves 2 homes has a minimum width of 20 feet. A driveway that provides a parking facility housing 3 homes or 9 or more vehicles with access to a street or alley shall be at least 24 feet wide, unless the parking facility is served by 2 one-way drives, in which case each driveway shall be at least 12 feet wide. All driveways shall have a height clearance of at least 13 feet, and shall be paved with cement, asphaltic concrete, or other construction material(s) to the satisfaction of the Director of Community Development.
- 5 Title 25 provisions shall apply where appropriate.

ARTICLE 6. RESIDENTIAL ZONES.

Sec. 33-102. Accessory buildings side setback and building requirements.

(i) Accessory dwelling units shall conform to the side yard setback requirements of the underlying residential zone ~~for the primary structure~~, unless otherwise permitted by Article 70.

ARTICLE 6. RESIDENTIAL ZONES.

Sec. 33-103. Accessory buildings rear setback and building requirements.

(g) Accessory dwelling units, shall conform to the ~~mentioned~~ rear yard setback requirements of the underlying residential zone ~~for the accessory building~~, unless otherwise permitted by Article 70.

ARTICLE 6. RESIDENTIAL ZONES.

Sec. 33-104. Projections into setbacks (single- and multi-family zones, excluding R-T zone).

(a) The following structures may be erected or projected into any required setback in all residential zones (excluding the R-T zone):

- (1) Fences and walls in accordance with 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 that permitted by city codes or ordinances;
- (3) Necessary appurtenances for utility services;

(4) Ground-mounted mechanical equipment, including heating and air conditioning units, provided the auxiliary structure is at least three (3) feet to interior side and rear lot lines, provided such units are screened from the street or adjoining lot by a sight obscuring fence or planting;

(5) Pools and pool equipment, subject to Article 57.

(6) Barbeque pits, outdoor fireplaces, and grills with the prior approval of the fire chief or designee. Structures shall still maintain a side yard or rear yard setback as required by the California Building Code for fire separation. Incinerators, outdoor fireplaces, barbecues and grills shall not be built, installed, or maintained near combustible materials or in hazardous fire areas without prior approval of the city.

ARTICLE 9. ANIMAL OVERLAY (AO) ZONE.

Sec. 33-144. Animal enclosures.

(b) Animal enclosures are defined as pens, coops, hutches, stables, corrals and similar structures used for the keeping of poultry or animals.

(1) That the location size and design of the animal enclosure(s) will be compatible with adjacent uses, residences, buildings or structures, with consideration given to the suitability of the site for the number of animals proposed on the premises, and the harmful effect, if any, upon desirable neighborhood character.

(2) Animals shall be provided with adequate living facilities including an enclosed paddock, corral or stall, etc. for keeping. Such area shall be located within an animal enclosure or stable. Paddocks, corrals or stalls for horses and large animals shall have enough room for the animal to move about and lay down without restriction.

(3) An animal enclosure shall be maintained to standard best management practices in compliance with the grading, stormwater, and watershed protection ordinances.

(4) Manure Management. The stable shall be kept in a clean and sanitary manner by the daily removal of manure to a manure management area from all usable areas to prevent the accumulation of flies, the spread of disease, or offensive odor. Manure shall be kept in the manure management area in a covered or enclosed bin or container unless being composted. Manure shall be removed from the property a minimum of every other week or properly composted onsite. The manure management area shall meet animal enclosure setbacks.

(5) Dust and odors from the animal enclosure shall not create a nuisance or a hazard to adjoining properties.

ARTICLE 9. ANIMAL OVERLAY (AO) ZONE

Sec. 33-145. Animal enclosure setback requirements.

(a) Animal enclosures shall be set back from property lines as follows:

(1) Side yard: fifteen (15) feet;

(2) Rear yard: ten (10) feet.

(b) Animal enclosures shall be set back from any residence twenty (20) feet.

(c) Additional setbacks shall be required for a private horse stable and commercial horse stable as follows:

(1) All storage areas of materials related to the horse stable use and parking shall meet the animal enclosure setbacks, this includes trailer parking, loading and delivery areas, hay storage, etc.

(2) Any structure permitted as part of a commercial horse stable that is over 1000 square feet in area shall meet a minimum twenty-five (25) foot setback from all property lines. Such structures include barns, hay barns, covered arenas, covered riding areas, stables and other structures.

ARTICLE 16. COMMERCIAL ZONES.

Sec. 33-332. Principal land uses.

Table 33-332. PERMITTED AND CONDITIONALLY PERMITTED LAND USES

Use Title	CG	CN	CP
Food stores (grocery, produce, candy, baked goods, meat, delicatessen, etc., with or without off- sale beer and wine, off-sale general license excluding concurrent sale)	P	P	---
With facilities to dispense gasoline to 4 or fewer vehicles at a time* (Article 57)	P	---	---
With facilities to dispense gasoline to 5 or more vehicles at a time* (Article 57)	C#	---	---
Gasoline sales or service stations including	<u>C#</u>	<u>---</u>	<u>---</u>

concurrent sale of alcoholic beverages and motor vehicle fuel* (Articles 57 and Council Resolution #5002)			
With facilities to dispense gasoline to 4 or fewer vehicles at a time	P	---	---
With facilities to dispense gasoline to 5 or more vehicles at a time	C#	---	---

ARTICLE 16. COMMERCIAL ZONES.

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

Table 33-333. PERMITTED ACCESSORY USES AND STRUCTURES

Use Title	CG	CN	CP
Vending machines* (Article 33 for <u>recycling and Article 73 for outdoor retail</u>)	P	P	P

ARTICLE 26. INDUSTRIAL ZONES.

Sec. 33-565. Permitted accessory uses and structures.

Table 33-565. PERMITTED ACCESSORY USES AND STRUCTURES.

Use Title	I-O	M-1	M-2	I-P
<u>Reverse vending machines* (Article 33)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

ARTICLE 39. OFF-STREET PARKING

Sec. 33-763. Nonconforming facilities.

Any use of property which, on the effective date of this article or of any subsequent amendment thereto, is nonconforming only as to the regulations relating to off-street parking facilities may continue in the same manner as if the parking facilities were conforming. Such existing facilities shall not be further reduced, except when necessary to meet federal, state or regional requirements, such as to accommodate updated standards related to the Americans with Disabilities Act (ADA), retrofitting existing dumpster areas for refuse collection, and/or accommodating electrical vehicle charging infrastructure. When the updating of parking facilities to meet ~~ADA~~the standards results in fewer parking spaces than required by section 33-765, the reduced parking shall not be considered when determining if a property is nonconforming pursuant to Article 61, Division 3 of this chapter.

ARTICLE 39. OFF-STREET PARKING.

Sec. 33-764. Adjustments to nonresidential parking.

(a) Administrative Adjustment. For uses in nonresidential zones, adjustments up to twenty-five (25) percent of the number of parking spaces required by section 33-765 may be considered by the director upon the submittal of an application for an administrative adjustment with the application fee adopted by city council. The director may approve or conditionally approve the request upon demonstration that the proposed adjustment will be compatible with adjacent properties or improvements. The director will consider the following: proximity to public transit; on-street and/or overflow parking; and the range of uses in the area. The director shall give notice of his or her intended decision as outlined in Article 61 of this chapter. Multiple requests for reductions of required parking spaces may be considered when the total of all requests for reductions related to the subject property does not exceed twenty-five (25) percent of the overall number of parking spaces required for the entire property.

(b) Minor Conditional Use Permit. For uses in nonresidential zones, a request to provide fewer than seventy-five (75) percent of the parking spaces required by section 33-765 may be considered by the zoning administrator upon the submittal of an application for a minor conditional use permit pursuant to Article 61, Division 1, with the application fee adopted by city council. The zoning administrator may approve or conditionally approve the request upon demonstration that the proposed reduction will be compatible with adjacent properties, uses and improvements; the development is in close proximity to public transit; and the number of parking spaces provided is suitable for the mix of uses proposed. The zoning administrator may require additional information with the application, including, but not limited to, a market demand study or report that substantiates the appropriateness of the requested parking reduction.

(c) The minimum required parking spaces for any existing development may be reduced by minor plot plan as necessary by the director to accommodate updated standards related to federal accessibility requirements (Americans with Disabilities Act), retrofitting existing

dumpster areas for refuse collection, and/or accommodating electrical vehicle charging infrastructure.

(d) Major Conditional Use Permit. Unbundling any amount of parking or other means to separate the cost to rent a parking space from the cost of renting an apartment or condo.

ARTICLE 57. MISCELLANEOUS DEVELOPMENT STANDARDS.

Sec. 33-1075. Permitted structures in excess of height limit.

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, roof-level architectural screening devices, roof-top gardening storage areas and/or equipment, skylights, towers, church steeples, flagpoles, chimneys, smokestacks, silos, water tanks, windmills, windbreaks, wireless masts or other similar structures (subject to the provisions of Article 34 (Communication Antennas)) Antennas may be erected above the height limits established for the various zones provided that no portion of the structure in excess of the allowable building height shall be used for sleeping or eating quarters, nor shall such portion of the structures in excess of the allowable building height be used for the purpose of providing additional habitable floor space or be deemed as an excessive or unreasonable use of space that creates an unnecessary aesthetic impact on surrounding properties (as determined by the director of community development).

ARTICLE 61. ADMINISTRATION AND ENFORCEMENT.

Sec. 33-1300. Notification of surrounding property owners.

The following provisions shall govern all notices of public hearing or public notices. Such notices shall be given as follows, unless noted otherwise:

(a) For notices of public hearings, the notice shall be published at least ten (10) calendar days before the hearing at least once in a newspaper of general circulation in the community. Such notice shall include a general explanation of the matter to be considered, the time, date and place of the hearing, the hearing body or officer, and any subject property.

(b) For notices of intended decision ~~and other public notices~~, the matter shall be published at least ten (10) days before the action at least once in a newspaper of general circulation in the community. Such notice shall include a general explanation of the matter to be considered and other information required pursuant to subsection (a) of this section. The findings, determination, or order contained in that notice will be declared as final on the date of noticed decision unless appealed as provided by the procedures commencing at section 33-1303.

ARTICLE 65. OLD ESCONDIDO NEIGHBORHOOD.

Sec. 33-1374. Conditional uses.

(d) ~~Staff and~~The planning commission shall evaluate all conditional use permits against the criteria set forth in Article 61 of this zoning code. In addition, those conditional use permits pursuant to section 33-1374(b) shall be subject to the following:

- (1) Hours of operation shall be from 7:00 a.m. to 11:00 p.m.
- (2) Adaptive reuse shall conform to design guidelines for historic resources. Every project for adaptive reuse will be subject to design review to assess appropriateness of the proposed use and any proposed changes in relation to the area, the building and the site.
- (3) Parking for employees shall be provided on site at a ratio of one (1) parking space per three hundred (300) square feet of the office area.

Curbside parking with a two (2) hour limit will be provided for customer parking. The city will provide parking stickers for residents.

- (4) Noise and lighting standards shall be the same as for residential areas.
- (5) Signs shall conform to section 33-1379 of this article

ARTICLE 66. SIGN ORDINANCE.

Sec. 33-1396. General use signs.

(a) Special event signs. Commercial grand opening and similar signs may be approved by the director for a limited period of time in the ~~GOCG~~ (general commercial) and CN (neighborhood commercial zones) and for specific uses in the M-I (light industrial) and M-2 (general industrial) zones, as a means of publicizing grand openings and special events such as new management and promotional sales. In addition, special event signs are also allowed for private schools, day care centers and churches regardless of the zoning. The regulation and limitation of the signs shall be as follows:

ARTICLE 67. DENSITY BONUS AND RESIDENTIAL INCENTIVES.

Sec. 33-1412. Implementation.

(a) Any developer requesting a density bonus and any incentive(s), waiver(s), or parking reductions provided by State Density Bonus Law shall submit a density bonus report as described below. The density bonus report shall not exceed the reasonable documentation standards of state law. The requests contained in the density bonus report shall be processed concurrently with the planning application for the first ~~discretionary~~ permit required for the housing development and shall include the following information:

ARTICLE 67. DENSITY BONUS AND RESIDENTIAL INCENTIVES.

Sec. 33-1412. Implementation.

(b) For projects proposing a density bonus:

(1) The city shall grant, according to Government Code Section 65915, a density bonus and/or concession(s) or incentive(s), waiver(s) or reductions of development standards and parking ratios, or financially equivalent incentive(s) as required by State Density Bonus Law. Each housing development is entitled to only one (1) density bonus. If a housing development qualifies for more than one (1) density bonus based on the number of target units provided, or as otherwise granted under State Density Bonus Law, the developer shall select the category under which the density bonus is granted and may not combine bonus density calculations.

(2) In order to qualify for this bonus, a housing development must consist of five (5) or more dwelling units, including mixed use developments, except those housing developments located within the ~~Centre City residential area~~South Centre City Specific Plan, ~~as defined in the city's General Plan~~, may consist of three (3) dwelling units to qualify for this bonus. In determining the total number of units to be granted, a developer for a housing development must seek and agree to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this article, that will contain at least any one (1) of the following target households:

ARTICLE 67. DENSITY BONUS AND RESIDENTIAL INCENTIVES.

Sec. 33-1412. Implementation.

(c) For projects not proposing a density bonus:

(1) The city shall grant concessions or incentives as detailed in section 33-1415 of this article.

(2) In order to qualify for the listed concessions or incentives, a housing development must consist of five (5) or more dwelling units, except those housing developments located within the ~~Centre City residential area~~South Centre City Specific Plan may consist of three (3) dwelling units to qualify for the concessions or incentives. All housing developers requesting incentives must meet the criteria listed in 33-1412(b).

ARTICLE 67. DENSITY BONUS AND RESIDENTIAL INCENTIVES

Sec. 33-1414. Project application procedure.

(a) Density Bonus Projects. After notification to the applicant regarding the city's determination on the preliminary application review and/or granting additional concessions or incentives, or waiver of development standard(s), the applicant may submit the development application, which shall be subject to a separate ~~discretionary~~ permit. The proposal shall be submitted in conjunction with a subdivision map, conditional use permit application or planned development application. All appropriate requirements shall be delivered to the planning division

in order for the application to be deemed complete. Not later than thirty (30) calendar days after the city has received the planning application, the planning division shall notify the developer in writing whether the application is complete as required by Government Code Section 65943.

At time of application, a notice shall be posted on the project site detailing a general description of the proposal in conformance with section 33-1300 of this chapter.

ARTICLE 67. DENSITY BONUS AND RESIDENTIAL INCENTIVES

Sec. 33-1416. Requirements for participation.

(a) In order for a developer to participate in the program and be eligible for the density bonus and additional concessions, incentives or financially equivalent incentives, or residential incentives, the following requirements must be met:

(1) The developer/property owner shall restrict target units for the prescribed time period, the number of units by bedroom size which are designated for target households, unless transferred through a land donation as described in this article. A unit shall be counted toward meeting this requirement if it is either vacant and held out for rent/sale at affordable housing costs to low- or moderate-income households or occupied by a senior household or other target household as defined by this article. Priority shall be given to target households that do not receive other housing subsidies.

(A) The units described in this section shall be subject to a recorded affordability restriction of fifty-five (55) years.

(B) The target units must be compatible in floor plan, furnishings and exterior design to non-target units. The exterior appearance, interior finishes, and resident amenities shall be comparable to the market-rate units in the same housing development. Further, the target units must be reasonably dispersed throughout the development.

(C) If the development proposes a phased building plan, a proportionate share of target units shall be constructed in each phase. Otherwise, the city shall not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the target units, and the city shall not approve any final inspections or certificates of occupancy for more than fifty (50) percent of the market rate units until it has issued certificates of occupancy for all of the affordable units.

(D) The number of bedrooms shall at least equal the minimum number of bedrooms of the market-rate units. For non-senior projects involving five (5) to nine (9) units, or three (3) to nine (9) units in the ~~Centre City residential area~~South Centre City Specific Plan, exclusive of the target units, and which receive incentives in addition to the minimum required by State Density Bonus Law, all target units shall be two (2) bedrooms or larger in size.

ARTICLE 70. ACCESSORY DWELLING UNITS.

Sec. 33-1472. Permitted zones.

Accessory dwelling units shall be permitted in the RA, RE, R1, R2, R3, ~~and R4~~, and R5 zones on properties with only one (1) single-family residence on the lot, subject to the approval of an accessory dwelling unit permit. Accessory dwelling units within the Old Escondido Neighborhood shall observe the same standards and review procedures required of similar building expansions in that neighborhood. Accessory dwelling units shall not be permitted on property developed in a planned development zone or as a part of a planned unit approval, unless approved as a part of the original PD or PUA and the subject lot is not less than six thousand (6,000) square feet in size.

ARTICLE 70. ACCESSORY DWELLING UNITS.

Sec. 33-1474. Development standards.

(d) Setbacks. Attached accessory~~Accessory~~ dwelling units shall conform to the setback requirements of the underlying residential zone for the primary structure. Detached accessory dwelling units, other than those structures otherwise regulated within this section, may have a building height and setbacks as outlined for accessory residential structures of the underlying zone.

ARTICLE 73. OUTDOOR DISPLAY AND SALE OF RETAIL MERCHANDISE

Sec. 33-1533. Permitted uses.

- (a) Outdoor display.
- (1) The following items are acceptable for outdoor display if permitted by the applicable zone in which the associated business is located.
- (T) Retail vending machines

Sec. 33-1534. Development standards.

All outdoor displays of retail merchandise and temporary outdoor sales shall be subject to the following development standards:

- (d) Outdoor retail vending machines. Outdoor retail vending machines are allowed in all commercial zones subject to the following standards:
 - (1) Retail vending machines shall not sell, store, or dispense anything other than the commercial products, merchandise, food or beverages permitted by the underlying zone or authorized by the Escondido Municipal Code.
 - (2) Retail vending activities may be established only in conjunction with an otherwise allowed and authorized principal land use activity and may not exceed a maximum of two (2)

machines per site or occupy not more than twenty (20) feet of the wall facing the street or access drive.

(3) Retail vending machines shall be located along the face of a building or flush against a structure designed to accommodate them and be located on the site in a manner which will ensure compatibility with surrounding uses. The machine(s) shall not be within ten (10) feet of an entranceway to any business open to the public nor block any store window.

(4) All machines shall be visible in well-lit areas from access drives or public streets and be maintained in a litter free condition.

(5) Retail vending machines shall not obstruct private pedestrian walkways. A minimum four (4) foot wide pedestrian area remains clear and unobstructed and all fire, building and handicapped access requirements shall be kept clear of obstructions, or more if pedestrian traffic volume warrants.

(6) Retail vending machines are not allowed on public sidewalks, alleys, drive-aisles, or within the public right-of-way.

(7) The business owner or operator of said principal land use activity is responsible for the accessibility, maintenance, appearance, and safety in regards to retail vending.

(8) Business owner or operator shall not utilize or permit the utilization of any device which produces loud noise, or use and operate any loudspeaker, public address system, radio, sound amplifier, or similar noise creating device to attract the attention of the public, subject to the noise restrictions of the underlying zone.