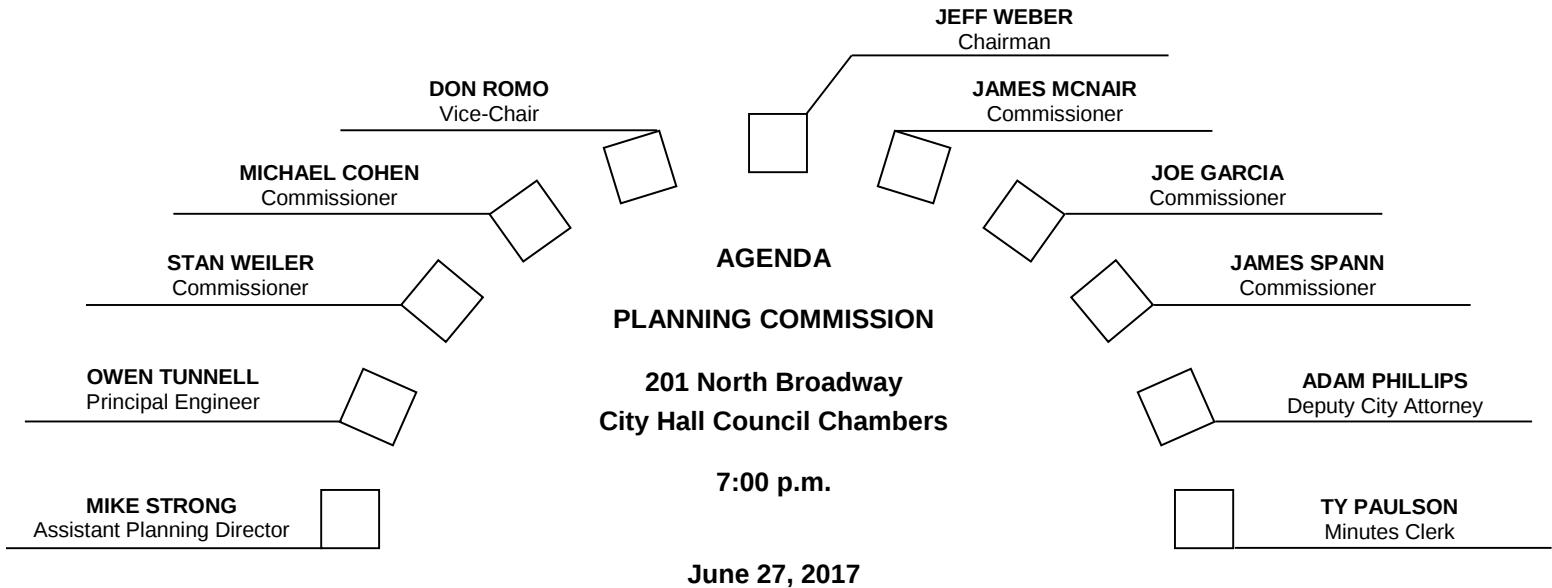


CITY OF ESCONDIDO

Planning Commission and Staff Seating



A. CALL TO ORDER: 7:00 p.m.

B. FLAG SALUTE

C. ROLL CALL:

D. MINUTES: 04/25/17

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 2-5 minutes.

1. CONDITIONAL USE PERMIT – PHG 14-0021(R):

REQUEST: A modification to a previously approved Conditional Use Permit and multi-phased master plan for Escondido United Reformed Church. Proposed modifications include the following:

- Increase the size of the proposed new two-story, approximately 46-foot-high Sanctuary Building from 12,243 SF to 14,770 SF. The request includes modifications to certain areas of the architecture and exterior materials. The capacity of the facility would remain the same with up to 950 seats.
- Increase the size of the proposed 30-foot-high, two-story multi-purpose/classroom building from 5,250 SF to 7,301 SF. The request includes modifications to certain areas of the architecture and exterior materials. The roof also has been redesigned and include an equipment well that projects approximately one to two feet above the roof. The project includes removal of the existing 4,900 SF single-story social hall/classroom building
- Elimination of the proposed enclosed 1,835 SF central Atrium/Narthex.
- Elimination of the new 5,000 SF, two-story freestanding Multi-Purpose Building that was to be constructed at a later phase.

The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The 4.36-acre property generally is located on the southeastern corner of North Broadway and Vista Avenue, addressed as 1864 N. Broadway (APN 227-010-61).

ENVIRONMENTAL STATUS: A Negative Declaration (Case No. ENV 14-0011) prepared and adopted for the proposed project in accordance with the California Environmental Quality Act (CEQA). The findings of the environmental review are that the project will not have a significant impact to the environment because there is no substantial evidence in the record to indicate project related impacts are potentially significant.

APPLICANT: Escondido United Reformed Church

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

2. CONDITIONAL USE PERMIT – PHG 15-0041:

REQUEST: A Conditional Use Permit to modify the first floor of an existing gas station building, and to add a second floor to the building. The existing one-story building is 2,281-SF in size and is occupied by a mini-market and an auto service area. Three roll-up doors leading into the auto service portion of the building would be removed and replaced with storefront glass panels to match existing windows on the structure. An interior wall separating the existing market space from the auto service area would be removed to create a larger market display area with a new walk-in freezer and shelving units. A second story approximately 1,510-SF in size would be added to the building and would contain offices, a conference room, and an employee kitchen. Sufficient parking and landscaping would be provided on the site to accommodate the proposed use. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The 0.53-acre project site is located on the northeast corner of North Midway Drive and East Valley Parkway, and is addressed as 2004 East Valley Parkway (APN 231-021-44).

ENVIRONMENTAL STATUS: The proposed project is categorically exempt from environmental review in conformance with CEQA Section 15301(e)(2) – Existing Facilities (addition up to 10,000 SF in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and that is not environmentally sensitive).

APPLICANT: OAA Investments

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

3. ZONING CODE AMENDMENT – AZ 16-0007:

REQUEST: Amendments to the Escondido Zoning Code (EJC) to bring City regulations of second dwelling units (now called accessory dwelling units) into compliance with recent State law changes. A majority of the proposed changes are focused to Article 70 of the EJC; however, additional EJC amendments are necessary elsewhere to help maintain internal consistency between various code sections. No development project is proposed.

Accessory dwelling unit regulation has been previously reviewed and considered by the Planning Commission. The Planning Commission opened the Public Hearing on February, 14, 2017, which was continued to March 14, 2017 to allow for more discussion and to better understanding how jurisdictions could administer compliance with recent changes in State law. An ad-hoc Planning Commission Subcommittee was later formed by the City Council of Escondido to discuss policy options that can be used to strengthen and clarify local accessory dwelling unit regulations. This subcommittee has completed their study. The findings of the subcommittee will be transmitted to entire Planning Commission for their review and consideration at the June 27, 2017 Public Hearing. The Planning Commission will be asked to provide a recommendation to the City Council.

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
MINUTES OF THE REGULAR MEETING OF THE
ESCONDIDO PLANNING COMMISSION

April 25, 2017

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

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

Commissioners absent: None.

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

MINUTES:

Moved by Commissioner Weiler, seconded by Commissioner Spann, to approve the minutes of the April 11, 2017, meeting. Motion carried unanimously. (7-0)

WRITTEN COMMUNICATIONS – None.

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS: – None.

PROCLAMATIONS:

1. Proclamation honoring Rozanne Cherry, Principal Planner, for 32 years of service to the City of Escondido.

PUBLIC HEARINGS:

1. ZONING CODE AMENDMENT AND REZONE – AZ 16-0005 / PHG 17-0007:

REQUEST: A Zoning Code Amendment to reorganize and consolidate the residential zones into one Zoning Code article; establish an R-5-30 (Very High Multi-Family Residential, 30 du/ac max.) zone with associated development standards to implement the adopted General Plan designation of Urban V in the High Density Multi-Family Residential category; rezone approximately 186 parcels within the Urban V General Plan designation from R-4-24 (High Multi-Family Residential, 24 du/ac max.) to R-5-30; and identify minor conditional use permits, update definitions and streamline the text. No development is proposed. The Code Amendment involves changes to Articles 1, 6, 7, 8, 10, 11, 12, 13, 14 and 57 of the Escondido Zoning Code.

PROPERTY SIZE AND LOCATION:

1. Code Amendment – Citywide;
2. Rezone – Approximately 186 parcels within the Urban V General Plan designation that are located between 6th and 15th Avenues and S. Escondido Blvd. and Centre City Parkway, in the S. Escondido Boulevard / Centre City Parkway Target Area.

Rozanne Cherry, Principal Planner, referenced the staff report and noted that staff issues were whether the proposed development standards for the new R-5-30 zone are appropriate for the General Plan Urban V designation, and whether the proposed change of zoning for the parcels within the Urban V designation was appropriate. Staff recommended approval based on the following: 1) The proposed amendments to the Zoning Code would consolidate all residential development standards in one Zoning Code article, streamline the text with the use of tables, and update and add definitions that reflect the current use of terms; 2) The proposed change of several conditionally permitted uses in the residential zones to Minor CUPs with review by the Zoning Administrator was consistent with the “Working Together to Get to Yes!” program associated with the City Council’s 2015-2016 Action Plan Economic Development goal to “Revamp and clean up policies, practices and standards around Planning, Development, Enforcement and Economic Development;” 3) The proposed R-5-30 zoning and development standards would be consistent with the General Plan Urban V designation which permits densities up to 30 du/ac in residential units, town homes, apartments, flats

and condominiums, and buildings up to 4-stories tall. The R-5-30 zone would provide the implementing zoning needed to make the Zoning Code consistent with the General Plan and allow development projects to utilize the higher Urban V density; and 4) Adopting the proposed R-5-30 zoning for the subject area would be appropriate since it is a flat area located within the Urban V General Plan designation between two major thoroughfares (S. Escondido Boulevard, and Centre City Parkway), and close to shopping centers, community facilities, employment opportunities and entertainment. The ordinance must be approved the City Council in order to be effective.

Smitty Smith, Escondido, expressed his concern about more vehicles parking on the neighborhood streets and was opposed to increasing the density around 9th Avenue for that reason. He felt the area was already impacted by being overpopulated and not having adequate parking.

Chairman Weber concurred with subject area having parking issues. He expressed his view that in order to accommodate the population increase was to have higher densities near transit and City services. He then asked staff whether there were any pending applications. Mrs. Cherry replied in the negative, but noted she was aware of one person who was waiting to hear the outcome of this item.

Assistant Planning Director Strong stated that the issue of density was already considered though the General Plan update process. That process resulted in a ballot measure, in which all registered voters in Escondido were able to consider, vote, and affirm General Plan land use designation changes in several key areas of the city; and reconfirm the preservation of land use designations elsewhere in the city. The project before the Planning Commission was to systematically implement the update General Plan.

ACTION:

Moved by Chairman Weber, seconded by Commissioner Spann, to approve staff's recommendation. Motion carried unanimously. (7-0)

2. ZONING CODE AMENDMENT – AZ 16-0009:

REQUEST: An amendment to Article 34 (Communication Antennas Ordinance) of the Escondido Zoning Code to modify the regulations for wireless communication facilities within the public right-of-way. The proposal also includes the adoption of the environmental determination prepared for the project. No development project is proposed.

PROPERTY SIZE AND LOCATION: Citywide

Mike Strong, Assistant Planning Director, referenced the staff report and noted that staff issues were the appropriateness of the new proposed Wireless Facilities Permit, development requirements, location preferences and processing requirements. Staff noted that the existing review and approval process has been very successful at regulating the development of traditional wireless facilities on private property, as well as the limited number of facilities currently developed within the public right-of-way over the years. However, that technology is changing and the Zoning Code must be updated. With the ever increasing demand for wireless service and the preferred use by providers to utilize the right-of-way to meet the demand, the proposed Ordinance would establish separate location and design guidelines to appropriately balance the City's goals of avoiding potential adverse visual and operational impacts associated with the placement and operation of wireless communication facilities in the public right-of-way with the goals of the wireless telecommunications providers to provide service to their customers. The ordinance must be approved the City Council in order to be effective.

Commissioner Weiler concurred with establishing the subject guidelines and encouraged staff to hold the carriers to standards that would be aesthetically pleasing.

Commissioner Garcia questioned whether the inclusion of cellular equipment on telephone poles or power poles would create an additional time element if the pole was knocked down. Mr. Strong noted that the new language prohibited cellular equipment on utility poles.

ACTION:

Moved by Commissioner Weiler, seconded by Commissioner Garcia, to approve staff's recommendation. Motion carried unanimously. (7-0)

ORAL COMMUNATIONS: None.

PLANNING COMMISSIONERS: No comments.

ADJOURNMENT:

Chairman Weber adjourned the meeting at 7:47 p.m. The next meeting was scheduled for May 9, 2017, at 7:00 p.m. in the City Council Chambers, 201 North Broadway, Escondido, California.

Mike Strong, Secretary to the Escondido
Planning Commission

Ty Paulson, Minutes Clerk

PLANNING COMMISSION

Agenda Item No.: G.1

Date: June 27, 2017

CASE NUMBER: PHG14-0021(R)

APPLICANT: Escondido United Reformed Church

LOCATION: On the southeastern corner of North Broadway and Vista Avenue, addressed as 1864 N. Broadway (APN 227-010-61).

TYPE OF PROJECT: Modification to a Conditional Use Permit

PROJECT DESCRIPTION: A modification to a previously approved Conditional Use Permit (PHG14-0021) for the Escondido United Reformed Church for a phased, multi-year, master construction/development plan for the following:

- Increase the size of the proposed new two-story, approximately 46-foot-high Sanctuary Building from 12,243 SF to 14,770 SF. The request includes modifications to certain areas of the architecture and exterior materials. The capacity of the facility would remain the same with up to 950 seats.
- Increase the size of the approximately 30-foot-high two-story multi-purpose/classroom building from 5,250 SF to 7,301 SF. The request includes modifications to certain areas of the architecture and exterior materials. The roof also has been redesigned and includes an equipment well that projects approximately one to two feet above the roof. The project includes removal of the existing 4,900 SF single-story social hall/classroom building
- Elimination of the proposed enclosed 1,835 SF central Atrium/Narthex.
- Elimination of a new 5,000 SF, two-story freestanding Multi-Purpose Building that was to be constructed at a later phase.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION: Suburban (Single-Family Residential, up to 3.3 dwelling units per acre)

ZONING: R-1-10 (Single-Family Residential, 10,000 SF min. lot size)

BACKGROUND/SUMMARY OF ISSUES: Escondido United Reformed Church was established at the Broadway site in 1962 under the County's jurisdiction. The Church annexed to the City of Escondido in 1973 (City File No. -AN73-101) and has expanded over the years to its current configuration. The adjacent Calvin Elementary School was constructed in 1967 under the County's jurisdiction with a shared parking arrangement with the church. The Calvin Christian High School north of the church site also has a joint parking arrangement with the church.

On January 27, 2015 the Planning Commission approved a modification to the Conditional Use Permit (City File No. PHG14-0021) for Escondido United Reformed Church to allow the development of a multi-phased master construction/development plan to build a new Sanctuary Building, convert the existing sanctuary building to a multi-purpose hall, and construct a new two-story classroom building. The plan also includes reconfiguration of the parking lot to provide better on-site circulation, vehicle stacking, and drop off area to support the existing elementary school. The remaining phases would be constructed as available funding and operational priorities necessitate the improvements. Although the Commission approved the modification to the Conditional Use Permit, the architectural plans for the new sanctuary building were only concept designs and the project was conditioned to return to the Planning Commission for final approval. On June 14, 2016, the Planning Commission approved a modification to the architecture of the sanctuary building that incorporated previous comments from City staff and the Planning Commission. These modifications included a slightly larger sanctuary building area from 12,243 SF to 13,141 SF. The height of the roof was increased from 40 feet to approximately 46 feet to accommodate the revised pitch of the roof. The design of the steeple was finalized with a height of approximately 66 feet. Since that time, grading plans have been issued and initial clearing of the site was done along with installation of appropriate storm water measures (BMPs).

The applicant has submitted building plans for the project that include modifications to the overall size and exterior design of the main sanctuary building, along with an increase in the size of the proposed two-story classroom building. A proposed later phase of the project (Phase 4) that included development of a new, two-story 5,000 SF multi-purpose building and 1,850 SF enclosed atrium structure have been eliminated from the plans. Due to the extent of the proposed changes and increase in square footage of the buildings, a modification to the Conditional Use Permit is necessary. Public hearing notices were mailed out to surrounding properties and a hearing sign posted on the site. As of this writing, staff has not received any inquiries regarding the proposed project or the request to modify the Conditional Use Permit.

Staff feels the issues are as follows:

1. Whether the proposed modifications to the project and components of the phased Master Development Plan are appropriate for the site, and whether the project would have any adverse visual, noise or compatibility impacts to surrounding residential uses.

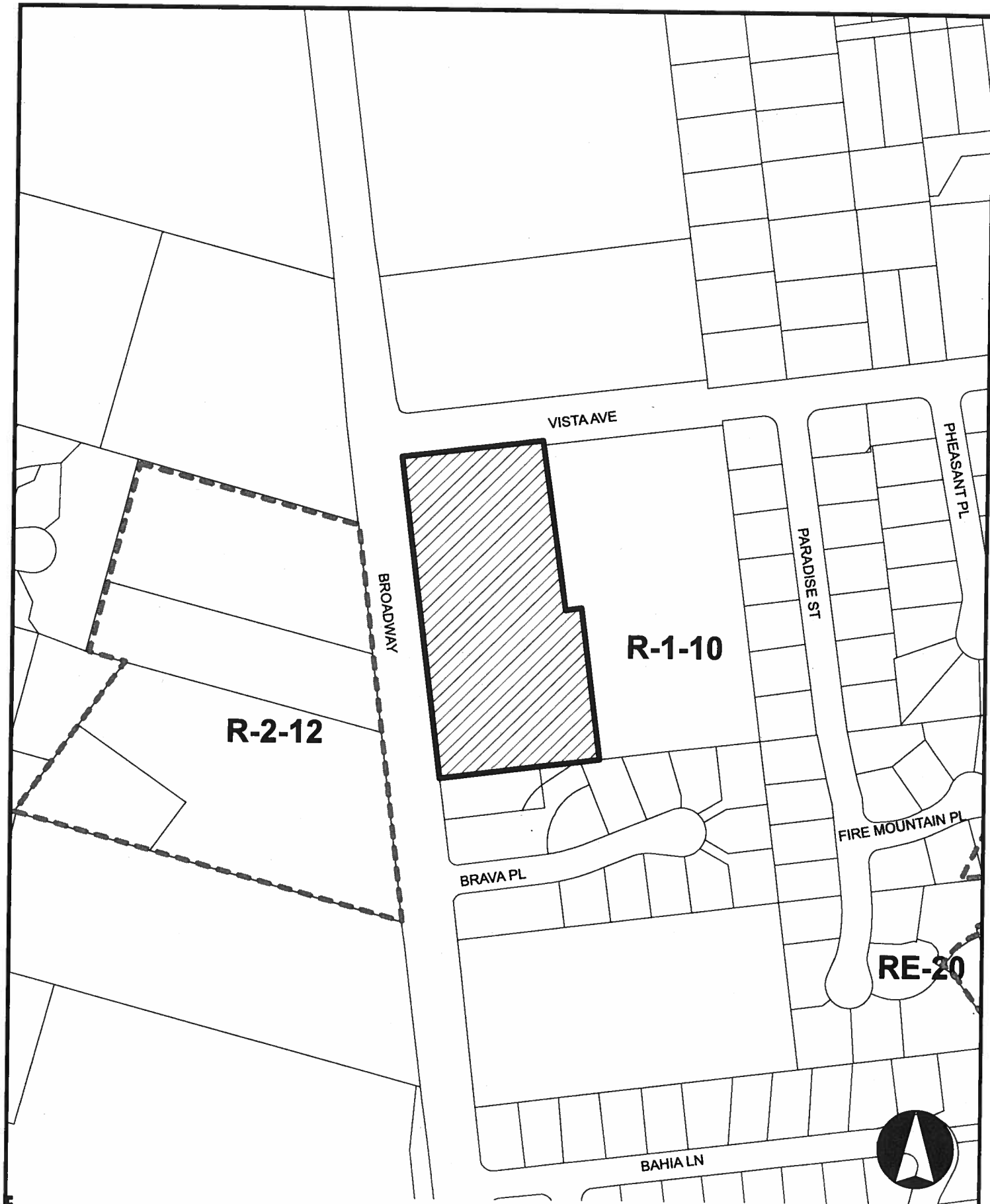
REASON FOR STAFF RECOMMENDATION:

1. The 4.36-acre church property has sufficient area to accommodate all of the proposed phases, including on- and off-site parking, drop-off area, and setbacks from residential uses. The buildings have been designed and located to address any potential visual, noise or compatibility impacts to surrounding uses. The proposed increase in building area would not impact the levels of service on the adjacent street segments or intersections.
2. The joint use of parking between the Church, Calvin Elementary School and High School is appropriate and adequate for all of the uses proposed because the hours of operation for the school and church activities would not conflict. The number of spaces provided through the shared parking arrangement exceeds the zoning code requirement, and could accommodate the operation of several of the most intensive uses. The site has been configured to provide appropriate drop-off area(s) for the operation of the elementary school, and the majority of the parking is readily accessible to all of the buildings. Conditions of approval regulating concurrent activities would ensure that adequate onsite parking is available. Overflow parking is available to accommodate any large event and on-street parking also is available along the project frontage.
3. The project as proposed will comply with all applicable development standards. The proposed project's design is well coordinated with what has been previously approved, which was previously found to be compatible with the surrounding types of land uses and structures.

Respectfully Submitted,

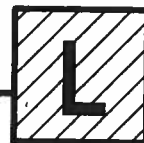


Jay Paul
Associate Planner

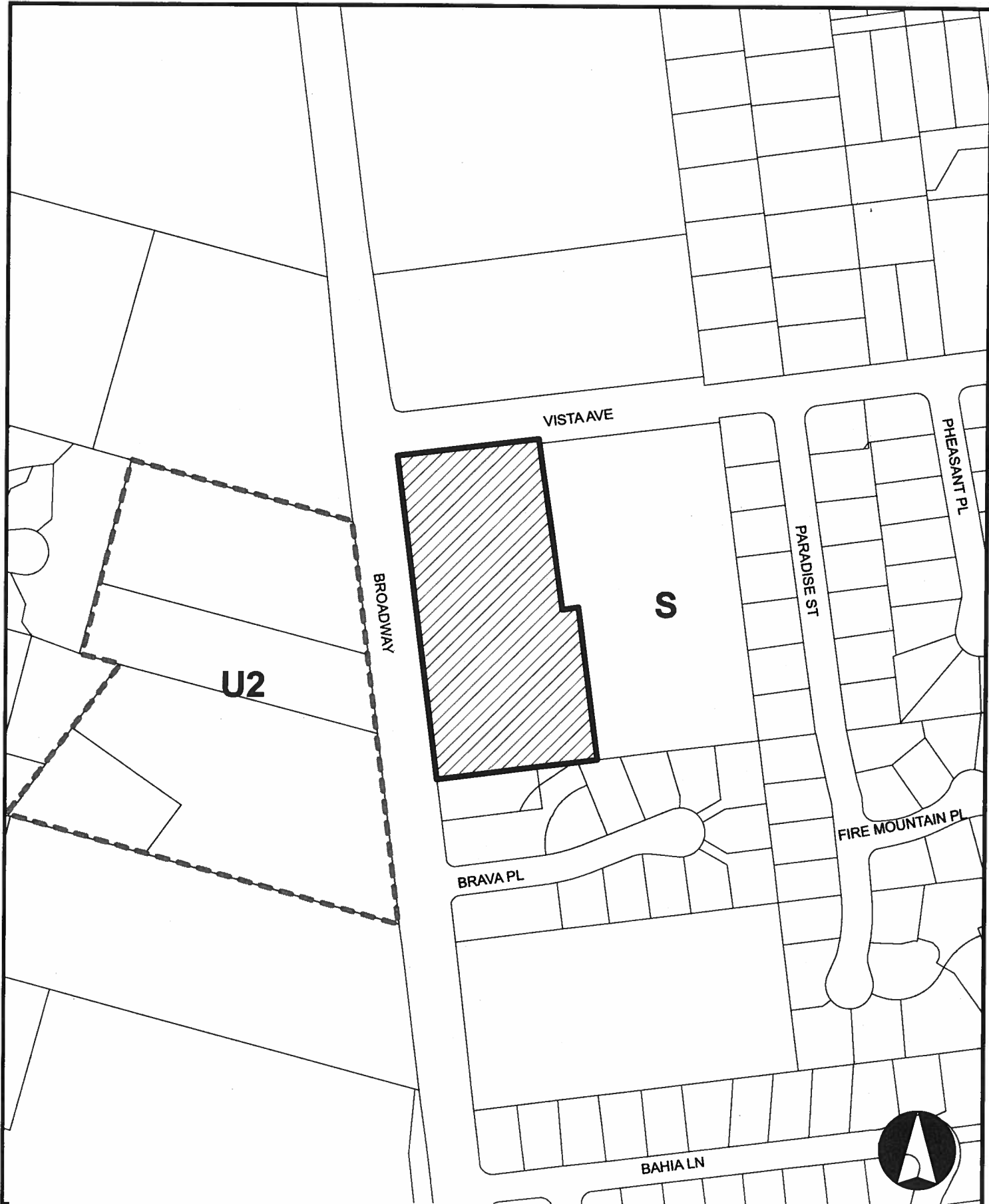


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PROPOSED PROJECT
PHG 14-0021



LOCATION/ZONING3



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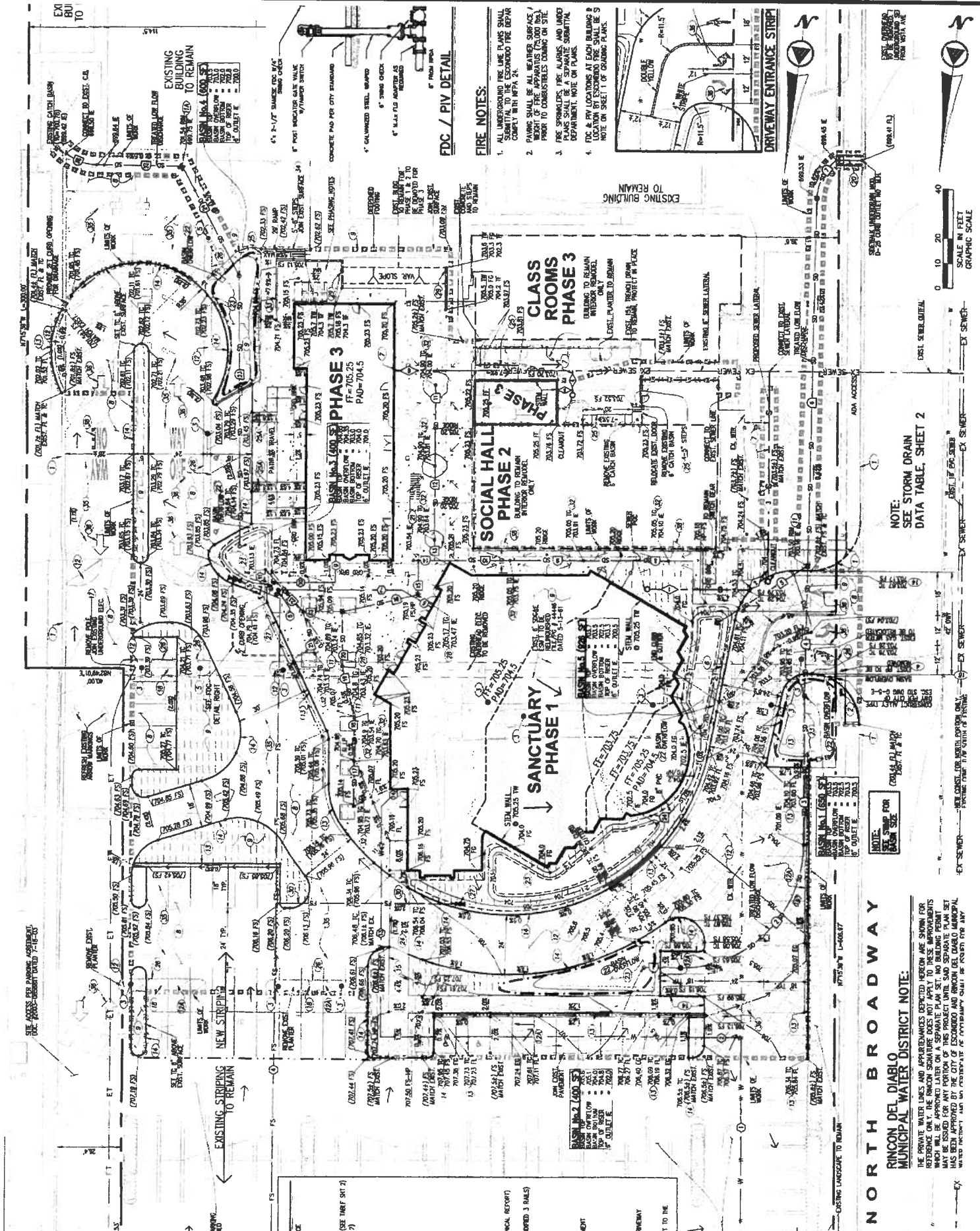
PROPOSED PROJECT
PHG 14-0021



PROPOSED PROJECT PHG 14-0021(R)

GRADING PLAN

5



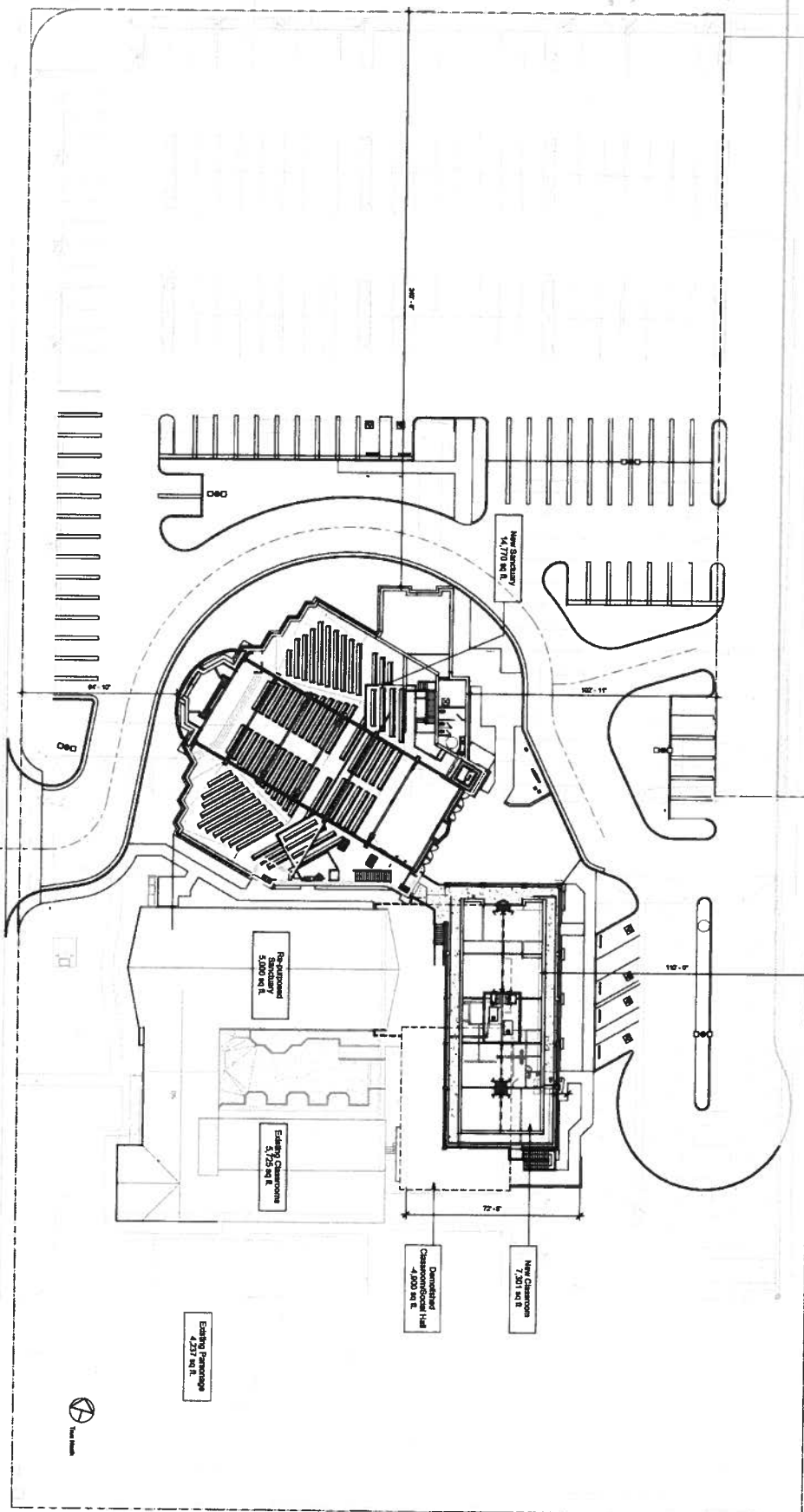
NORTH BROADWAY

RINCON DEL DIABLO
MUNICIPAL WATER DISTRICT NOTE:

THE PRIVATE WATER LINES AND APPURTENANCES DEPICTED HEREON ARE SHOWN FOR REFERENCE ONLY. THE RINCON SIGNATURE DOES NOT APPLY TO THESE IMPROVEMENTS WHICH WILL BE APPROVED LATER ON A SEPARATE PLAN SET. NO BUILDING PERMIT HAS BEEN APPROVED BY THE CITY OF ESCOBEDO AND RINCON DEL DIABLO MUNICIPAL WATER DISTRICT. LAND NOT COVERED BY CITY/STATE SHALL BE COVERED FOR ANY

Vista Avenue

North Broadway Blvd.

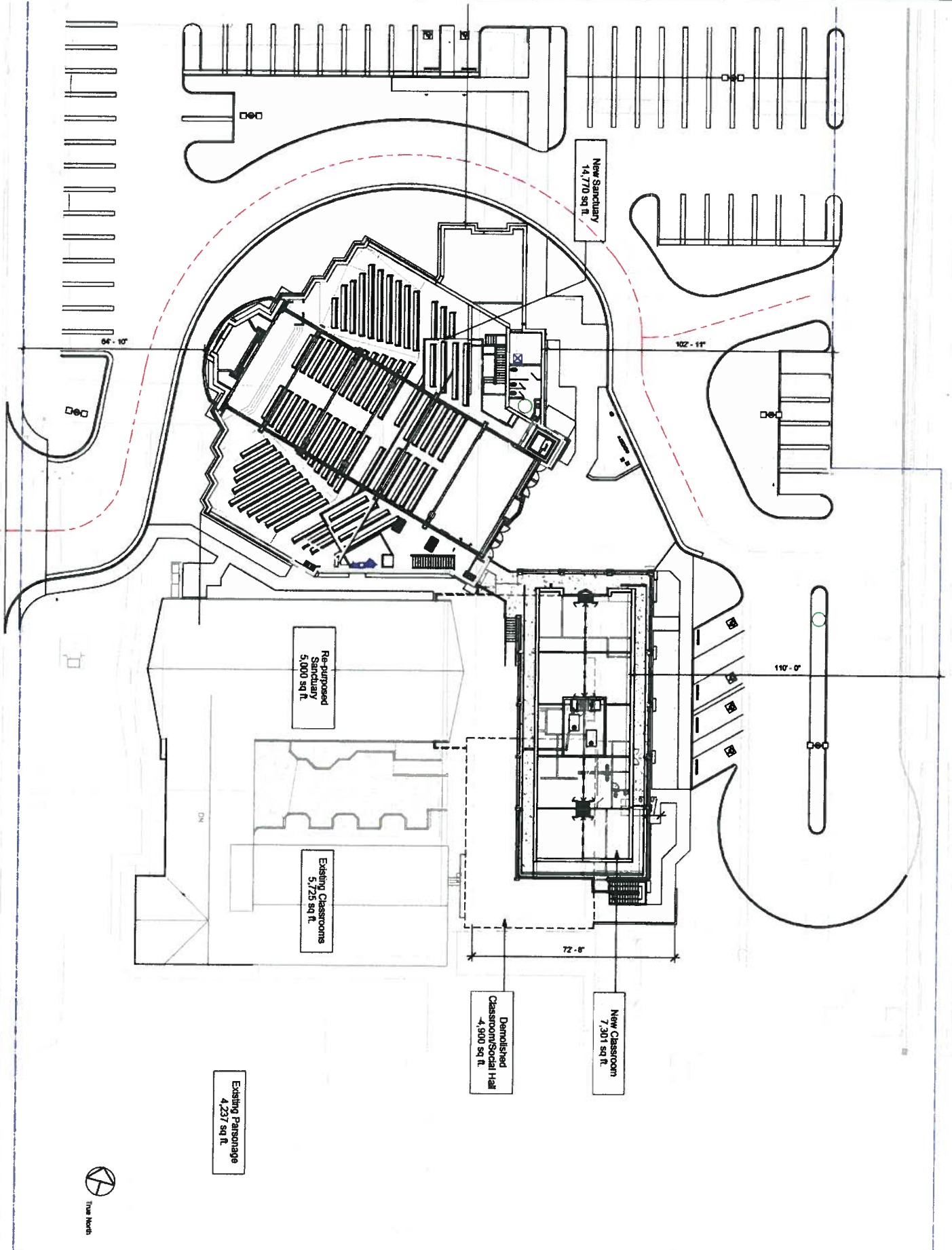


PROPOSED PROJECT
PHG 14-0021(R)

S

SITE PLAN

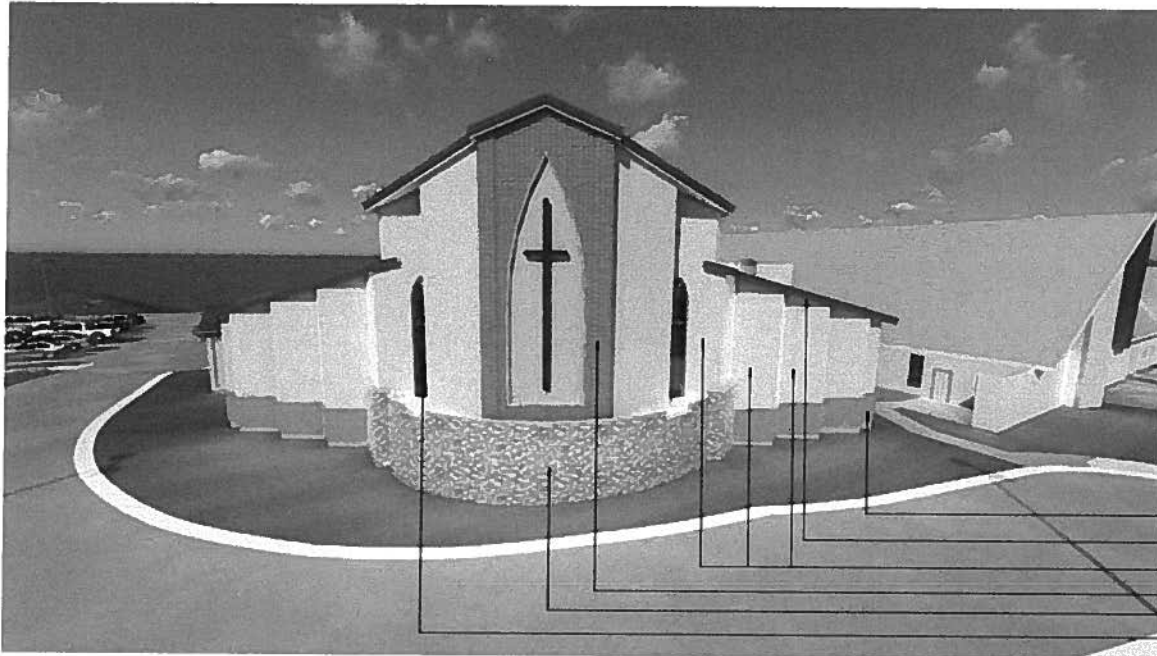
North Broadway Blvd.



PROPOSED PROJECT
PHG 14-0021(R)

S

SITE PLAN



- Red Brick veneer with brick cap
- Wood Fascia Board white gutter, paint Reverse Green as manufactured by Farnace Paint
- Stucco Primary Color Pacific Sand as manufactured by LaHabra Stucco, Light Spray texture
- Red Brick veneer with brick cap
- Stucco Veneer with custom stone cap
- Custom windows, with vinyl frame silver-gray

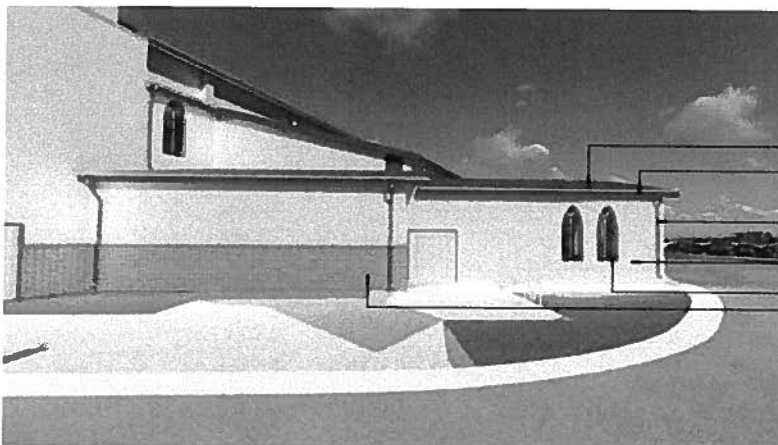
Sanctuary West Elevation (Broadway Blvd.)



Sanctuary West Elevation (Broadway Blvd.)

- Charismatic fixed storefront window system, frame clear aluminum finish
- Metal Shingle Roofing System, Color Slate Gray
- Wood Fascia Board white gutter, paint Reverse Green as manufactured by Farnace Paint
- Copper down drain, natural
- Stucco Primary Color Pacific Sand as manufactured by LaHabra Stucco, Light Spray texture
- Custom window, with vinyl frame silver-gray
- Red Brick veneer with brick cap

Sanctuary South Elevation (Partial)



- Metal Shingle Roofing System, Color Slate Gray
- Wood Fascia Board white gutter, paint Reverse Green as manufactured by Farnace Paint
- Copper down drain, natural
- Stucco Primary Color Pacific Sand as manufactured by LaHabra Stucco, Light Spray texture
- Custom window, with vinyl frame silver-gray
- Red Brick veneer with brick cap

Sanctuary East Elevation (Partial)

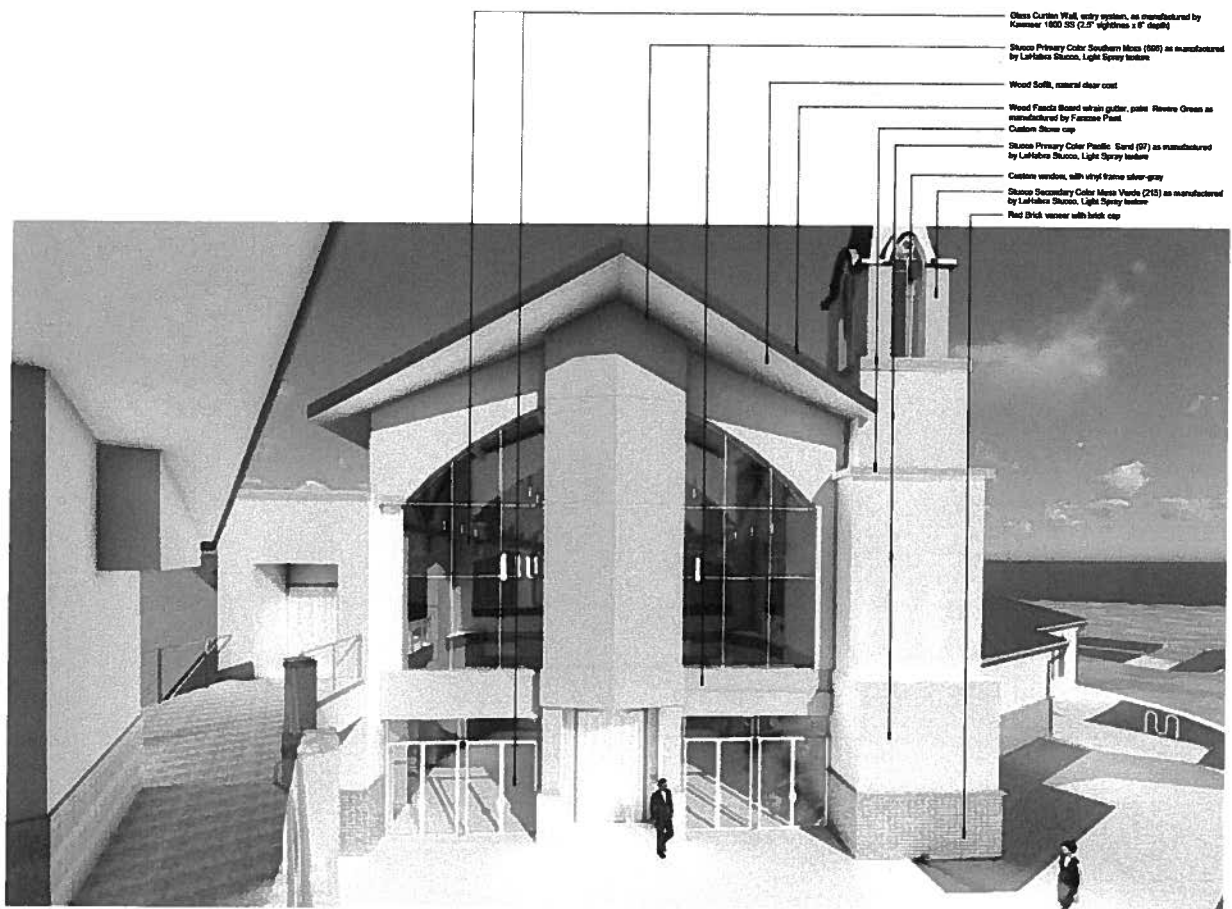
PROPOSED PROJECT
PHG 14-0021(R)

3D

3D RENDERINGS



Tower Perspective



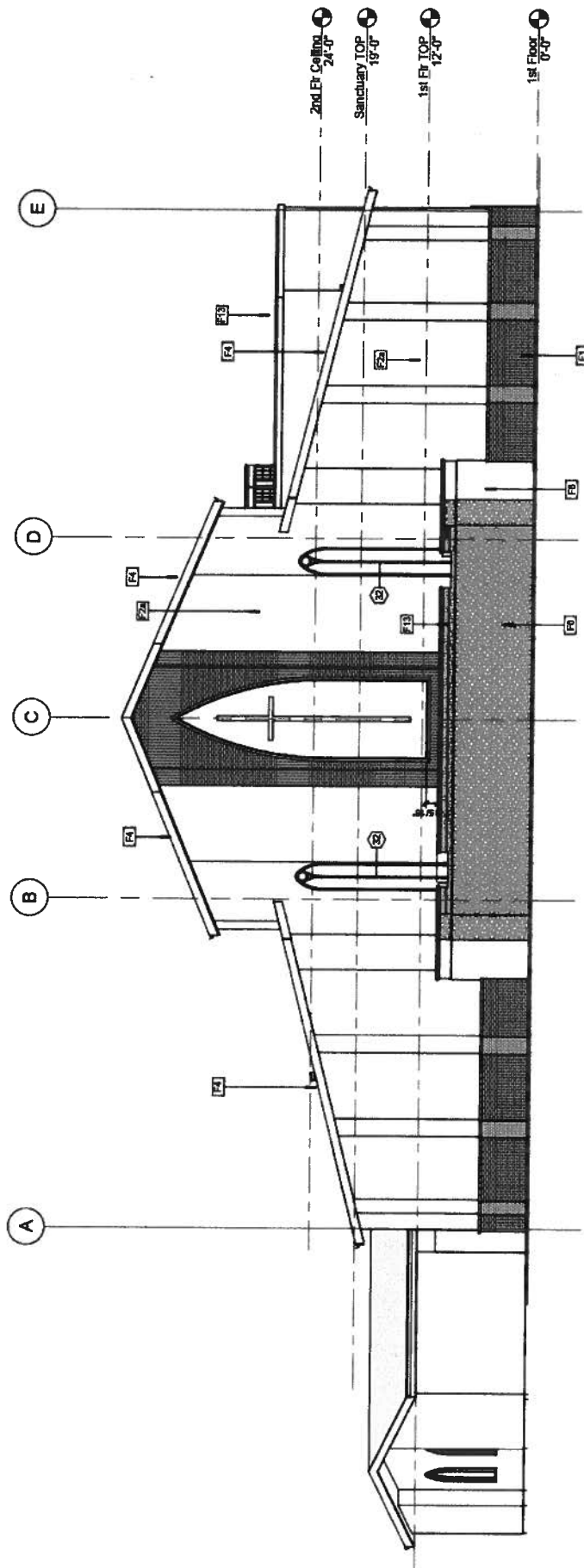
Sanctuary East Elevation (Primary Entry)

Sanctuary Illustrative Exterior Elevations

PROPOSED PROJECT
PHG 14-0021(R)

3D

3D RENDERINGS

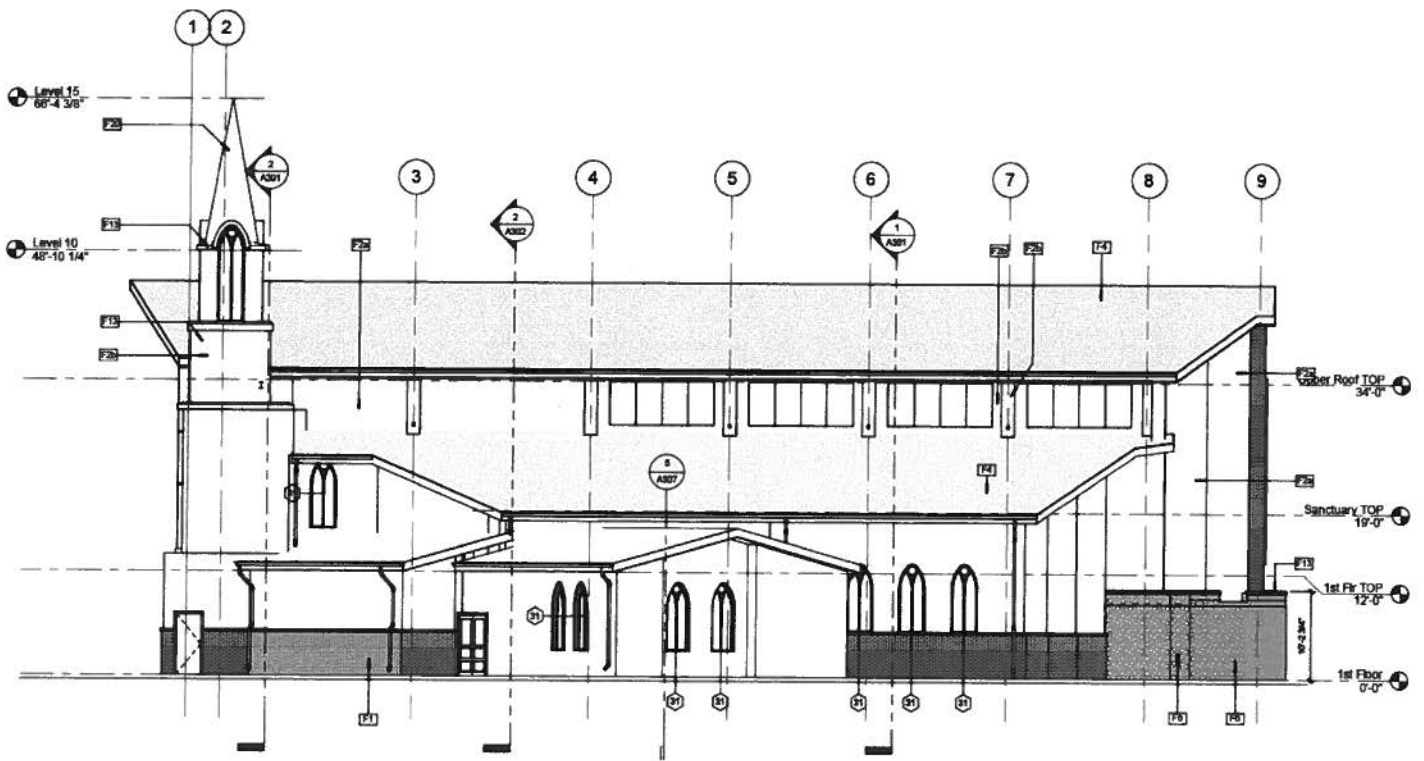


SANCTUARY ST ELEVATION (WEST)

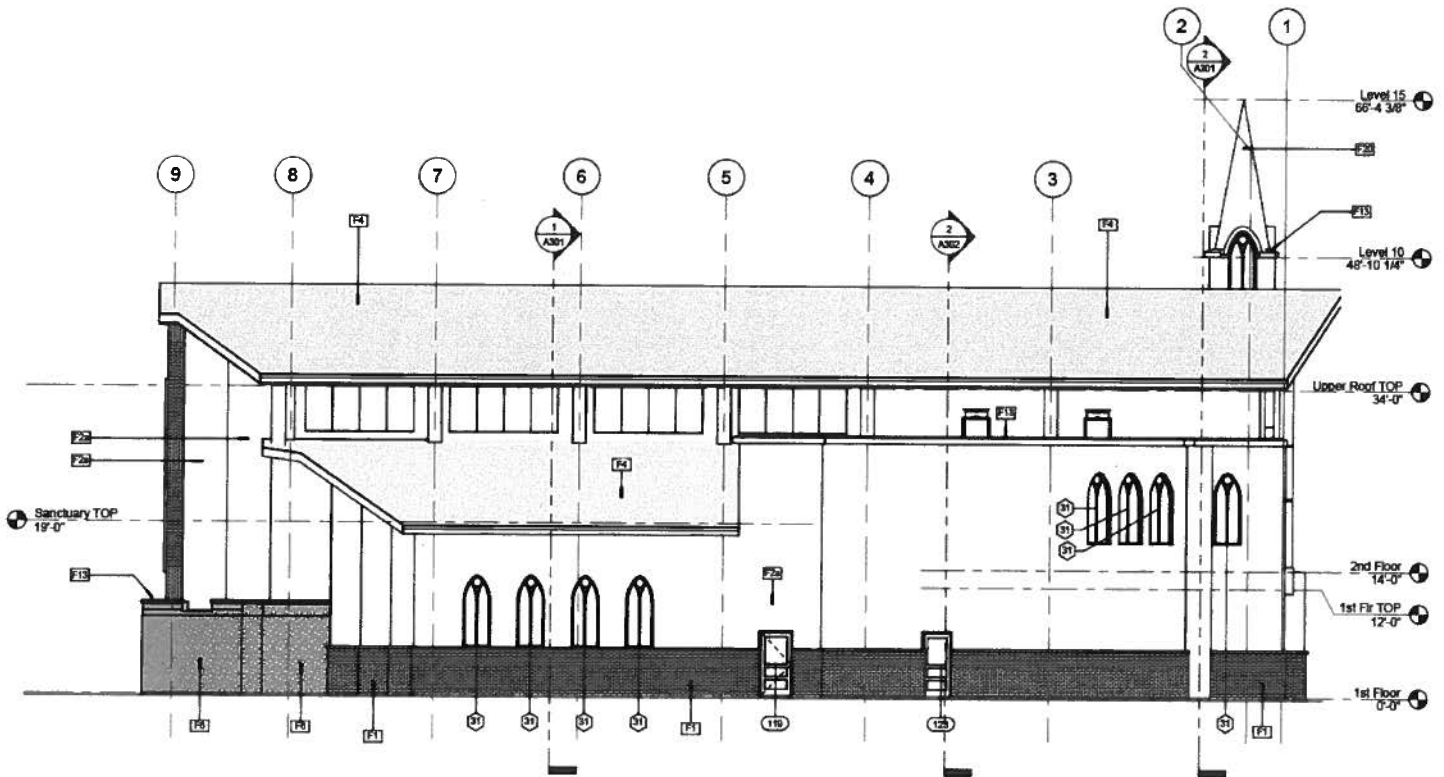
PROPOSED PROJECT
PHG 14-0021(R)

E

ELEVATIONS



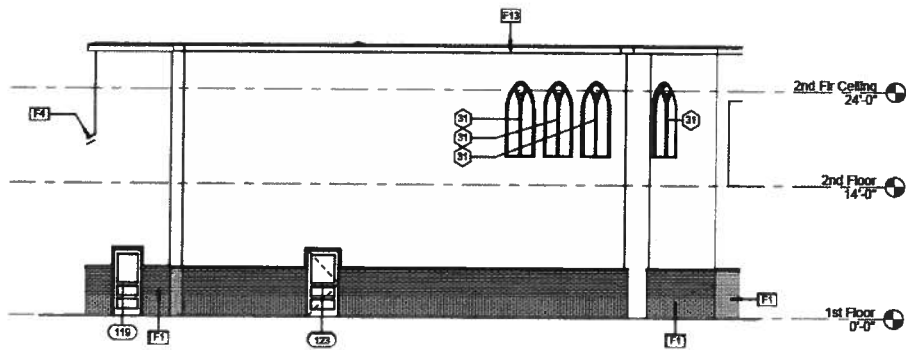
BUILDING ELEVATION (NORTH)



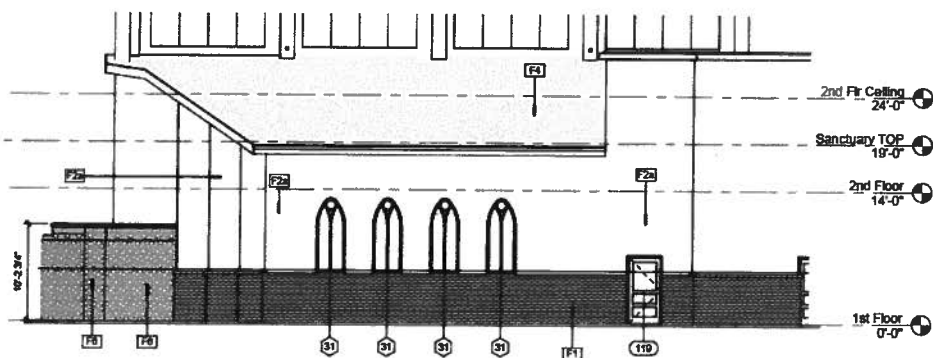
BUILDING ELEVATION (SOUTH)

PROPOSED PROJECT
PHG 14-0021(R)

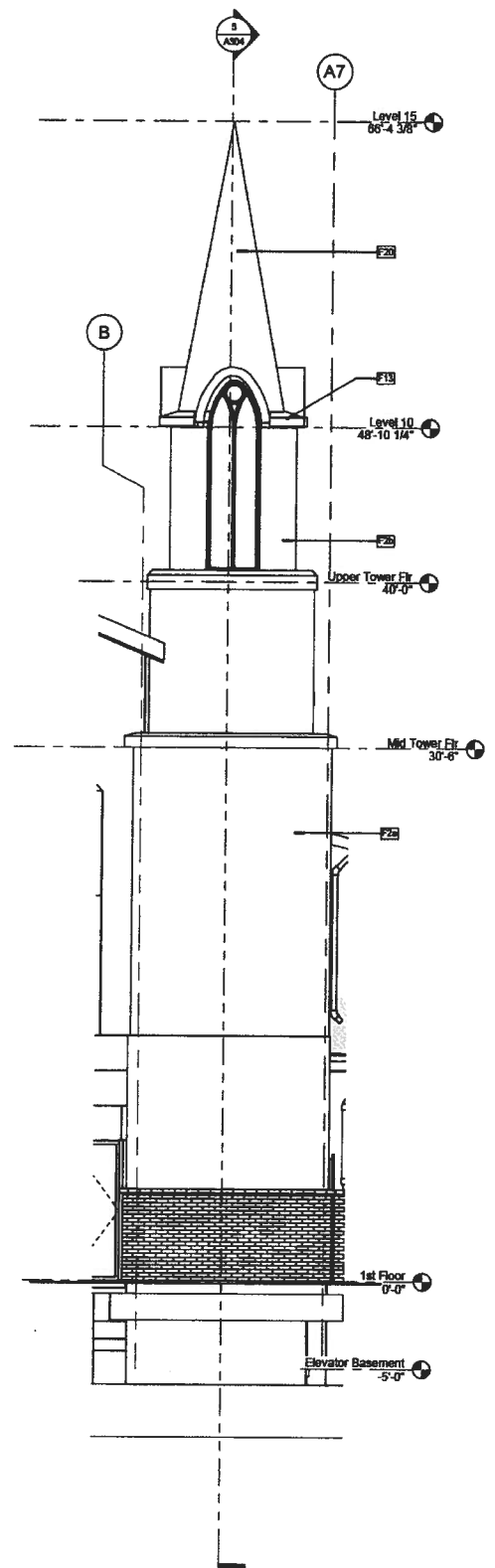
E



PARTIAL ELEVATION 1 (SOUTH)



PARTIAL ELEVATION 2 (SOUTH)



TOWER ELEVATION (EAST) TYP.

PROPOSED PROJECT
PHG 14-0021(R)

E

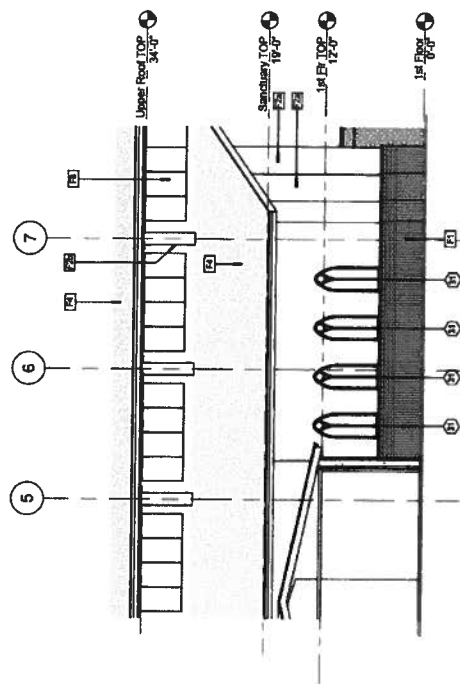
ELEVATIONS

**PROPOSED PROJECT
PHG 14-0021(R)**

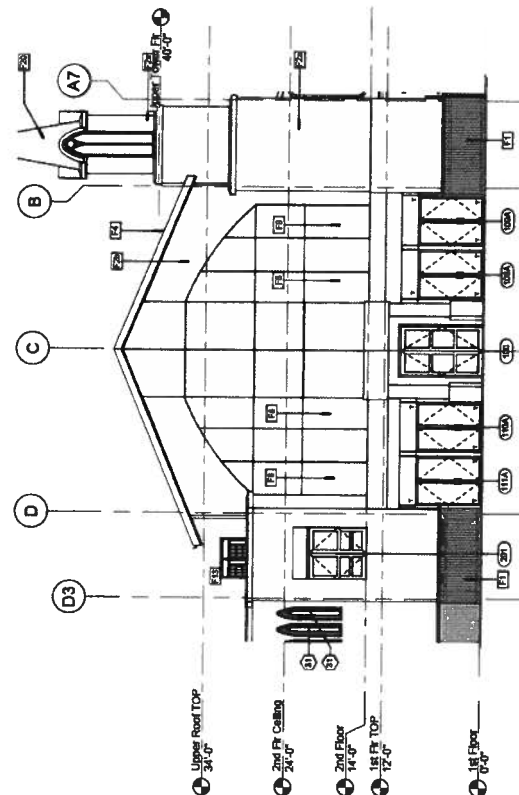
E

ELEVATIONS

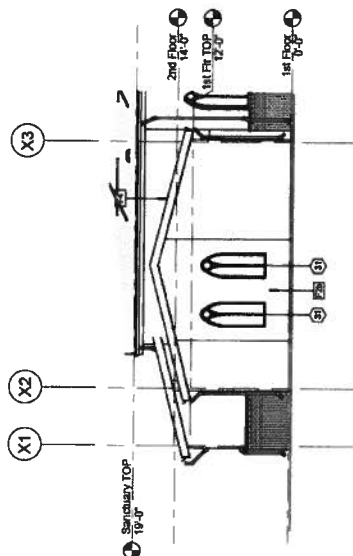
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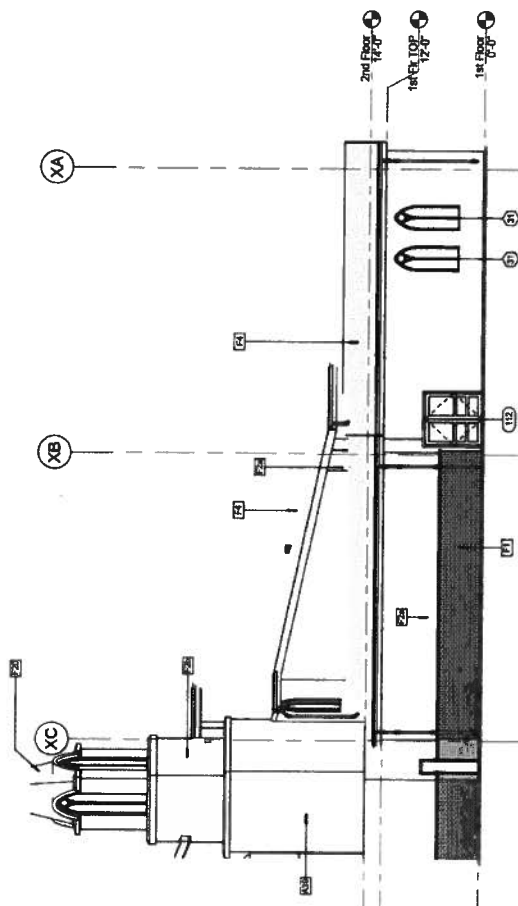
PARTIAL ELEVATION 2 (NORTH)



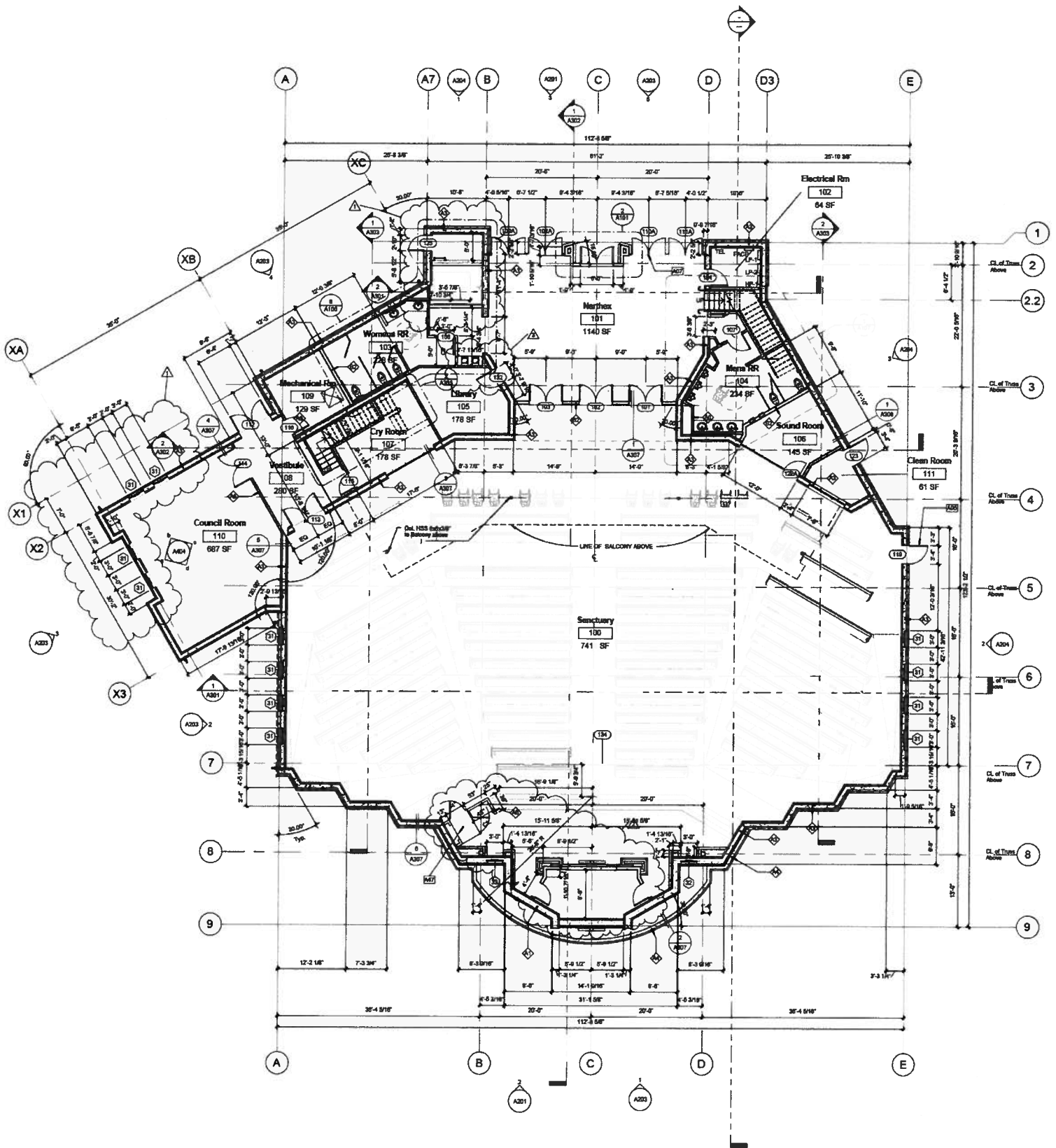
PARTIAL ELEVATION 2 (EAST)



PARTIAL ELEVATION 2 (NORTH)



PARTIAL ELEVATION 1 (EAST)

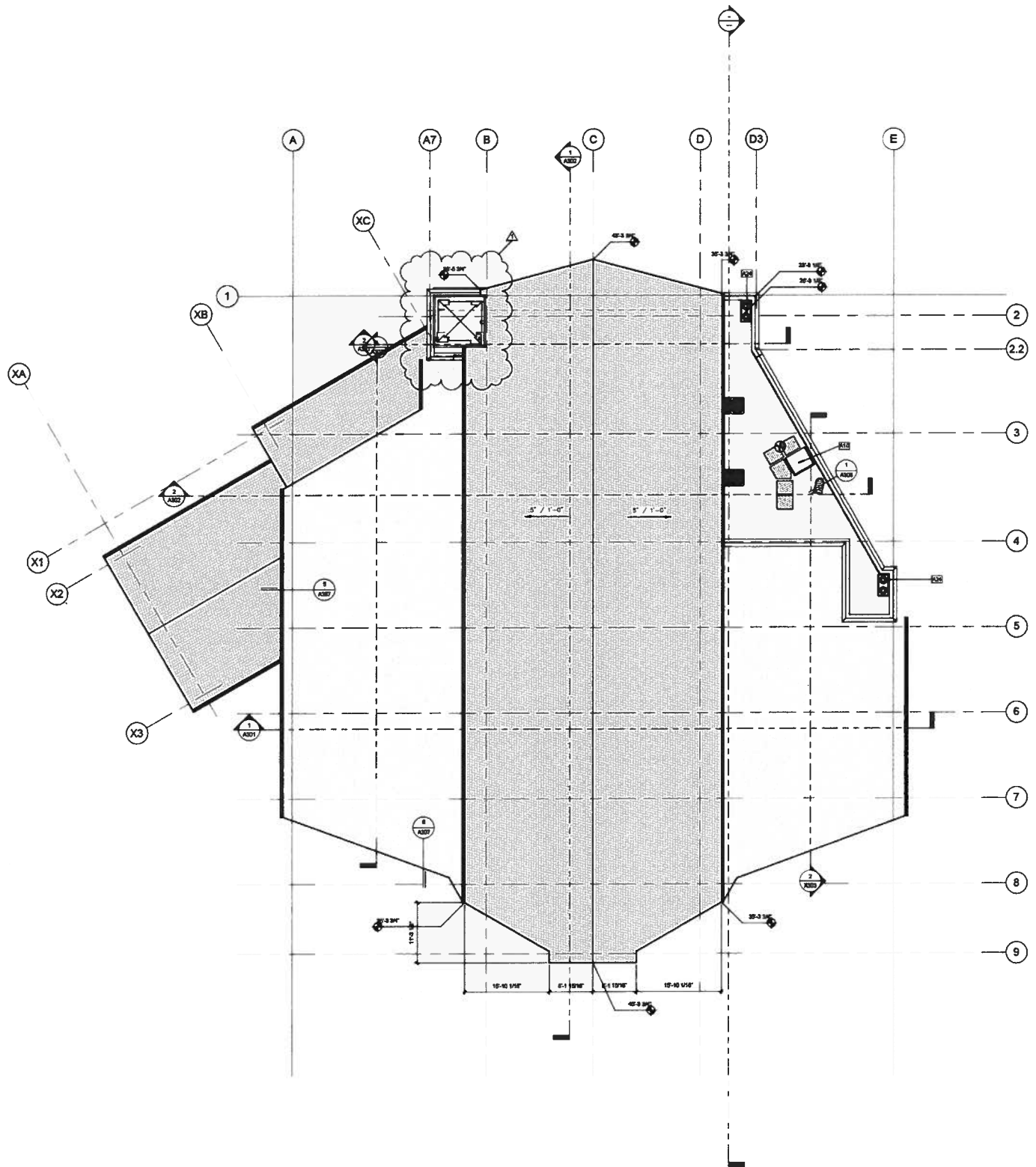


FIRST FLOOR SANCTUARY

PROPOSED PROJECT
PHG 14-0021(R)

F

FLOOR PLAN



UPPER ROOF PLAN

PROPOSED PROJECT
PHG 14-0021(R)

R

ROOF PLAN

ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

- NORTH** – Calvin Christian School (middle and high school) is located north of the site across Vista Avenue. Single-family residential development is located further to the northeast. Vista Avenue is classified as a Collector Road (84' R-O-W) but currently is developed as a Local Collector Road with one westbound and one eastbound lane, including curb-gutter and sidewalk along the project frontage and the Calvin Christian School frontage.
- SOUTH** – Single-family residential homes are located immediately south of the church property. First Congregational Church is located further to the south and Escondido High School to the southwest. A masonry block wall is located along the southern boundary of the adjacent Calvin Elementary School, and a wooden fence along the southern boundary of the church.
- EAST** – Calvin Elementary and Preschool is located on a 4.78-acre parcel immediately east of the church property. The church and school share parking facilities and access points/driveways along Broadway and Vista Avenue. Single-family residential development is located further to the east (approximately 305 feet to the east) of the church property/parcel.
- WEST** – Multi-family residential development is located west of the church property across North Broadway. The Meadowbrook Village retirement and congregate care facility is located further to the northwest. North Broadway is classified as a Major Road (102' R-O-W) with two northbound and two southbound lanes and a continuous center turn lane. The intersection of North Broadway and Vista Avenue is signalized.

B. ENVIRONMENTAL STATUS

1. A Negative Declaration (Case No. ENV14-0011) was adopted by the Planning Commission on January 27, 2014 with the approval of the Conditional Use Permit. The findings of this review were that the project will not have a significant impact to the environment because there is no substantial evidence in the record to indicate project related impacts are potentially significant. The proposed Conditional Use Permit modification is consistent with the previous environmental documentation.
2. In staff's opinion, no significant issues remain unresolved through compliance with code requirements and the recommended conditions of approval. The proposed project modifications do not involve any substantial changes that will require major revisions of the adopted Negative Declaration due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Therefore, the scope of the proposed modifications to project do not require a subsequent Negative Declaration or Addendum to the adopted Negative Declaration.

C. AVAILABILITY OF PUBLIC SERVICES

1. **Effect on Police Service** – The Police Department expressed no concern regarding their ability to serve the site.
2. **Effect on Fire Service** – The Fire Department did not express any concerns regarding their ability to serve the site.
3. **Traffic** – The Engineering Division indicated the proposed project and anticipated traffic generated by the increase in the size of the sanctuary and the larger classroom building would not adversely impact the level of service on the adjacent street and intersections. The proposed increase to the Sanctuary Building above the original approval of 12,243 SF to 14,770 SF (2,527 SF increase) would generate up to an additional 22 week-day trips and 90 trips for peak assembly time (generally Sundays). Based on the overall size of the facility at 14,770 SF, the church would generate up to 133 weekday trips and 531 trips during days of worship. However, the maximum number of seats approved as part of the original Conditional Use Permit would remain the same at 950. The Engineering Department indicated the anticipated increase would not have a significant adverse impacts to the local street segments or intersections. The increase in the classroom building is not anticipated to increase vehicle trips as the use and number of Sunday School students/teachers would not change.

North Broadway currently operates at an acceptable Level-of-Service (LOS) "C" or better and Vista Avenue (Broadway to Ash) operates at a LOS "B" within the City and "C" within the County. The intersection of Broadway/Ash, which is signalized, operates at LOS "B" in the a.m. peak hours and "A" during p.m. peak hours. The primary increase in trips associated with the sanctuary would be on days of worship/service, which generally are on the weekends during non-peak days and hours. The proposed project would not conflict with any applicable plan, ordinance, or policy related to traffic/circulation and, therefore, impacts would be less than significant. The project would be conditioned to implement a traffic management plan as part of the terms of the Conditional Use Permit to reduce potential conflicts during school and service peak time/days. In order to enhance pedestrian safety between the church and high school the project is conditioned to enhance the existing mid-block crossing on Vista Avenue by re-establishing and updating signing, striping and installation of a signal controlled pedestrian crossing or an alternate device subject to approval by the City Engineer and Transportation Commission.

4. **Utilities** -- Water service to the site is provided by the Rincon del Diablo Municipal Water District. The District indicated they would continue to provide water service to the site. City sewer with sufficient capacity to serve the project are available in the adjoining streets or easement. The Engineering Department concluded the project would not materially degrade the level-of-service of the public sewer and water system. Overhead utility lines are located along the Broadway frontage and the project is conditioned to underground these utilities.
5. **Drainage** -- There are no significant drainage courses within or adjoining the property. Runoff from the project would be directed to the adjoining public street or other drainage facility. The Engineering Department concluded the project would not materially degrade level-of-service of the existing or downstream drainage facilities. The project is required to conformance with existing NPDES, City storm water standards and storm water design requirements (SUSMP). Appropriate on-site storm water quality and drainage features will be constructed on-site.

C. CONFORMANCE WITH CITY POLICY

General Plan - The proposed CUP is consistent with the goals and policies of the General Plan because churches, schools and related religious activities are conditionally permitted within residential zones and previous Conditional Use Permits have been approved for the development of the site as a religious facility. The proposed church and Sunday school and church related activities would not adversely impact traffic or circulation, or create adverse parking impacts because the Engineering Division has indicated the adjacent streets and improvements could adequately accommodate the anticipated traffic increase from the project, and there is adequate parking and drop-off areas to accommodate students. Therefore, the proposed addition would not diminish the Quality-of-Life Standards of the General Plan as the project does not materially degrade the levels-of-service on adjacent streets or public facilities.

Project Design and Neighborhood Compatibility -- As the building plans/designs have progressed from the previous approvals by the Planning Commission, the applicant has been fine tuning the final design of the overall project and buildings they believe are more functional and cost effective for the Church and provides a superior architectural design from the original concept plans. The original roof design has been changed from green standing seam metal to dark gray metal shingles in a slate type pattern. Representative from the Church feel this is an upgraded material that will blend in better with the existing Sanctuary composition shingle roof. The exterior color palette would remain similar to the previous approval (tan primary exterior with moss green accents) in order to retain certain elements of the existing sanctuary building including the red brick wainscot and column accents. Several of the decorative windows have been removed from the western facade facing Broadway. The applicant indicated this was due issues regarding structural design and also to limit exterior light and view windows behind the main altar that can become a distraction during services. Some of the mechanical units would be located in a new rooftop equipment area located towards the southeastern corner of the building. Most of the mechanical units would be screen by a parapet wall, but there will be some larger units in this area that would project above the height of the parapet and might be visible from certain views. Due to the height of the rooftop and position of the equipment, the equipment would not create any significant visual impacts and any potentially visible tops of the units would be painted to blend in with the building. Although the proposed two-story classroom building has increased in size (from 5,250 to 7,301 SF), the overall height remains the same and the new building design would eliminate the need to construct the Phase 4, two-story 5,000 SF multi-purpose building. The overall modifications to the facility with the elimination of the Phase 4 building and the covered atrium results in a reduction in overall approved square footage for the master development plan.

Staff believes the project design would not create any adverse noise or compatibility impacts to adjacent uses, especially residential uses to the south because the proposed new Sanctuary Building and outdoor courtyard would be setback more than 250 feet from the nearest residential use to the south, and is separated from multi-family residential to the west by

Broadway, which is a Major Circulation Element Street. The various outdoor courtyards and plazas would be buffered from adjacent residential areas by existing and proposed buildings, which would reduce the potential for noise impacts. The existing single-family residence on the church property is used as the Pastor's residence. The Church also owns the single-family home south of the church property that includes a gated pathway between the two properties. A natural drainage/landscape channel provides a visual buffer from the other residential homes south of the church site. No evidence has been submitted or discovered that would suggest the proposed project would cause any material depreciation in appearance to the surrounding neighborhood. Therefore, staff supports the proposed modifications to the project design and material changes for the project.

Parking – There currently are 219 on-site parking spaces that are shared between the church and elementary school through a joint-use parking arrangement approved with previous Conditional Use Permits for both uses. Up to an additional 78 off-site spaces are available on the adjacent Calvin High School site through a recorded parking agreement. The existing church parking lot is proposed to be reconfigured to accommodate the new Sanctuary Building, and also to enhance the on-site circulation, vehicle stacking lane and drop-off areas for the Elementary School, which would reduce the amount of on-site parking to 183 striped spaces. Parking for the project would be based on the most intensive peak demand associated with the Church, which would require 240 spaces if both the new Sanctuary Building and converted Social Hall building were both being operated at the same time at full capacity. However, this typically is unlikely and church representatives indicate that conflicting activities within the other buildings would not occur during peak church functions that would create parking conflicts. There are more than sufficient parking spaces to meet the peak weekday parking demands of the Elementary School and High School, that also share the church's parking lot. On-street parking along the church and school Vista Street frontages also is not restricted. In addition, overflow parking that can accommodate up to 150 vehicles is available on the adjacent elementary school site's athletic field, which has been used in the past for large events. Therefore, staff feels the continued joint-use parking arrangement between all of the church and school uses is appropriate and a sufficient number of parking spaces would be provided to accommodate the variety of anticipated church and school related functions without impacting the surrounding neighborhood. Project conditions of approval regulating concurrent activities would ensure that adequate on-site parking is available for all of the uses (both on- and off-site).

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The approximately 4.36-acre property is developed as a religious facility that includes an approximately 5,320 SF one-story sanctuary building (468 seats); 11,164 SF two-story multi-purpose building containing various classrooms, meeting rooms, storage areas and administrative offices; detached approximately 2,000 SF single-story Pastor's residences; 1,464 SF detached multipurpose/storage building; and paved parking areas. The property fronts onto and takes access from North Broadway (Major Road) and Vista Avenue (Collector Road) which are classified as Circulation Element Streets.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 4.36 acres (one parcel) United Reformed Church

2. Existing Church Buildings:

Sanctuary	5,320 SF (one story) accommodates up to 468 seats
Attached Multi-Purpose Bldgs.	11,946 SF (one and two story) classrooms, social hall, admin offices, kitchen facilities, library, storage, meetings rooms – these spaces located within various building elements
Detached Multi-Purpose Bldg.	2,294 SF (cadet youth program-meetings and storage)
Pastors Residence	2,000 SF (one story)
Total	21,560 SF total building

3. **Proposed New Buildings:**

	<u>Proposed</u>	<u>Previous Approvals</u>
Sanctuary Building Phase 1:	<u>14,770 total SF (two story)</u>	12,423 SF original approval 13,141 SF (revised design June 14, 2016 PC approval)
<u>Current Proposal:</u>		
1 st Floor	11,944 SF (Sanctuary, narthex, Council room, library, bathrooms, cry room sound room, electrical, storage, elevator)	
2 nd Floor	2,826 SF (Sanctuary balcony seating, storage, mechanical, stairs, elevator)	
<u>Previous Approval</u>		
1 st floor	9,938 SF (Sanctuary, library, cry room, narthex, sound booth, bathrooms and storage spaces). The ground floor also will include a separate enclosed, but not covered 433 SF Consistory area.	
2 nd floor	2,485 SF (Sanctuary balcony seating, mechanical rooms, atrium balcony entrance).	
Prep Area Phase 3:	578 SF to be attached to the converted social hall/sanctuary building	
Classroom Buildings Phase 3:	<u>7,301 SF Proposed</u>	<u>5,250 SF Previous Approval</u>
Current Request		
1 st Floor	3,826 SF (Pastor's office, 1 large classroom/multipurpose space, kitchen bathroom, nursery rooms, electrical)	
2 nd Floor	3,475 SF (5 classrooms and outdoor covered balconies)	
Previous Approval		
1 st Floor:	2,625 SF (Nursery rooms, multi-purpose spaces and bathrooms)	
2 nd Floor:	2,625 SF (4 classrooms and outdoor covered balconies)	

4. Colors/Materials:	<u>Proposed</u>	<u>Previously Approved</u>
Main Buildings	Exterior colors to complement existing buildings and utilize a two-tone theme Southern Moss/green stucco and Pacific Sand/light tan stucco; red brick veneer on certain walls and columns as well as on main wall/cross feature facing Broadway; tan stone veneer on curved lower wall facing Broadway; metal shingle roofing system Slate Gray; wood fascia Revere Green, glass curtain walls: custom windows on certain elevations	Exterior stucco main body to match existing Sanctuary using two-tone theme of tan and light moss; red brick veneer on certain walls and columns and on main wall/cross feature facing Broadway; light stone veneer of curved lower wall; green standing seam metal roof. Chapel grey accent on certain walls.
Tower:	Primary stucco Pacific Sand and stone caps copper metal roof on steeple	Same

Proposed Building to be Deleted from Project:

Enclosed Atrium:	1,835 SF central atrium with roof structure to include skylights plus atrium balcony connecting the upper story Sanctuary building to the new classroom building
Future Bldg. Phase 4:	5,000 SF, two story multi-purpose bldg. (would require modification to CUP and parking update)

5. Buildings to be Demolished

One story multi-purpose wing	4,620 SF (contains existing classrooms, kitchen, library and social hall)
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6. Building to be Remodeled

Existing Assembly Hall	5,000 SF to be remodeled in social hall
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7. Church Hours of Operation:

Office:	8:30 a.m. – 7:00 p.m. Monday 8:30 a.m. – 5:00 p.m. Tuesday- Friday (closed to public on Wed.)
Church:	
Sunday Services	8:30 a.m., to 8:30 p.m. including Sunday school and group mtgs.
Saturday	8:00 a.m. - 7:00 p.m. (various group meetings/study)
Weekday Meetings:	6:30 a.m. – 10:00 p.m. (youth, adult, group and school meetings/study)
Social Events:	Such as wedding – dances typically end by 10:00 p.m.

Note: Church may vary hours and days to accommodate various programs/events.

Elementary School Hours

Elementary School (K-5)	8:10 a.m. – 2:50 p.m. M-F (early supervision begins at 7:00 a.m.) Student pickup ending at 3:00 p.m.
Afterschool Program	3:00 p.m. – 6:30 p.m. M-F
Preschool	6:30 a.m. – 6:30 p.m. M-F

Note: School may alter hours of operation as necessary to accommodate various programs/events.

C. CODE COMPLIANCE ANALYSIS:

	<u>Proposed</u>	<u>R-1-10 Zone Requirements</u>
1. Setbacks:		
Front (Vista Ave):	236' to existing new Sanctuary Bldg.	15' min.
Street Side(Broadway)	60' to Sanctuary Bldg.	10' min.
Rear:	150' to Phase 3 Classroom Bldg. 140' to Exterior stairs	20' min.
Note: Final setbacks may vary based on final grading design.		
2. Building Height:		35' (average height)
New Sanctuary Bldg.	46' top of ridgeline (35' average height)	
Existing Sanctuary	39'-6" top of ridgeline	
New Classrooms	30 feet to top of roof ridgeline with equipment well projecting approximately 1 to 2 feet	
Tower:	66'-5" top of spire	
3. Church Parking:	Sanctuary (950 total seating capacity) Social Hall conversion (5,000 SF)	190 spaces (1 per 5 seats) <u>50 spaces (1 per 100 SF assembly area)</u> 240 spaces
School Parking:	Based on number of teachers/employees (16 staff/faculty for K-5 and 13 for Preschool)	29 spaces
Total Available Parking:	183 spaces on-site <u>78 spaces on Calvin Christian High School site</u> 261 striped spaces available with existing joint use agreement	
Overflow Parking:	Overflow parking typically has been directed to use the turf athletic field on the adjacent Calvin Elementary School site, which can accommodate up to 150 vehicles. There is an existing joint use agreement between the Church and Elementary School from the original County use permit.	
Single-Family Parking:	The existing pastor's residence provides separate on-site parking within an enclosed two-car garage and driveway that takes access from Broadway.	

Note: On street parking along the project frontage (Vista Avenue) also is available, but is not counted towards meeting the min. parking requirement.

D. RELATED CASES:

1962	Escondido Reformed Church located on south side of Vista Ave. in County of SD.
1967	Calvin Christian Elementary School constructed on south side of Vista Ave. in County of SD.
AN 73-01	Church and School annexed to City of Escondido as part of the Barnes/Stanley Ave. annexation.
75-40-CUP	Addition to Elementary School of 1,006 SF classroom
77-69-CUP	Addition of meeting room to church
80-30-CUP	Calvin Christian High School constructed
86-139-CUP	Church expansion – classrooms, offices, storage and parking
87-89-CUP	Calvin Christian Junior High School constructed at High School site
97-12-CUP	Addition to classrooms at Elementary School

- 2007-13-CUP Conditional Use Permit to construct a detached, 1,464 SF, single-story, accessory/multipurpose building at the Escondido United Reformed Church.
- 2008 Lot Tie Agreement between APNs 227-010-61 and 227-680-31 for Cadet storage building
- PHG14-0021 January, 2015 United Reformed Church master development plan for new sanctuary building, 2-story classroom building, parking lot reconfiguration and repurpose of existing buildings.
- PHG14-0021 June, 2016 Redesign of Sanctuary Building exterior architecture approved by Planning Commission along with increase in building area and height of sanctuary building.

EXHIBIT "A"

FINDINGS OF FACT PHG14-0021(R)

Conditional Use Permit

1. Granting this Conditional Use Permit for the proposed church phased master development plan is based on sound principles of land use and would not create a nuisance, cause deterioration of bordering land uses or create special problems for the area in which it is located because the project would be located on a site that contains an existing religious facility and the 4.36-acre church property has sufficient area to accommodate all of the proposed phases, including sufficient parking, drop-off area and setbacks from residential areas. Additional overflow parking also is available to accommodate any large events. The proposed project has been designed to be consistent with and fit into the pattern of development of existing buildings, parking, landscape, access, circulation and connectivity consistent with the General Plan 2012, and in compliance with the requirements of the Zoning Code. The new Sanctuary building, two-story classroom and conversion of existing buildings to support various church functions church would not create any adverse noise impacts since outdoor spaces generally are buffered from adjacent residences by the existing or proposed building and large setbacks. The Engineering Department indicated that development of the various church related components would not result in a significant impact to the adjacent roadways and intersections because the bulk of the trips associated with the church occur during off-peak hours and weekends, and the adjacent street and intersections currently operate at acceptable levels of service. The project will not materially degrade the level-of-service of existing facilities and adequate services can be provided. The project will not diminish the Quality-of-Life Standards of the General Plan as the project, as conditioned, would not degrade the levels of service on adjacent street and intersections, and adequate public facilities and access would be provided (as discussed in the staff report and environmental review prepared for the project.).
2. The proposed CUP is consistent with the goals and policies of the General Plan since churches, schools and related religious activities are conditionally permitted within residential zones and previous Conditional Use Permits have been approved for the development of the site as a religious facility. The proposed project components would not adversely impact traffic or circulation, or create adverse parking impacts since the Engineering Division has indicated the adjacent streets and improvements could adequately accommodate the anticipated traffic increase from the project and sufficient on- and off-site parking would be provided in conformance with the Escondido Zoning Code. Therefore, the proposed project would not diminish the Quality-of-Life Standards of the General Plan as the project does not materially degrade the levels-of-service on adjacent streets or public facilities as discussed in the sections above, and the environmental review prepared for the project (Negative Declaration ENV14-0021).
3. A Negative Declaration (Case No. ENV14-0011) was adopted by the Planning Commission on January 27, 2014 with the approval of the Conditional Use Permit. The findings of this review were that the project will not have a significant impact to the environment because there is no substantial evidence in the record to indicate project related impacts are potentially significant. The proposed Conditional Use Permit modification is consistent with previous environmental documentation.

No significant issues remain unresolved through compliance with code requirements and the recommended conditions of approval. No mitigation measures are required. The proposed project modifications do not involve any substantial changes that will require major revisions of the adopted Negative Declaration due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Therefore, pursuant to CEQA Section 15162, the scope of the proposed modifications to project do not require a subsequent Negative Declaration or Addendum to the adopted Negative Declaration.

4. This proposal is in response to services required by the community since youth, educational and social programs provide services for the community and religious activities to the church members. The Church also would provide educational alternatives/choice tailored to the goals and needs of the congregation, parents and students.

EXHIBIT "B"

CONDITIONS OF APPROVAL Escondido United Reformed Church PHG14-0021(R)

General

1. The proposed church/school shall be subject to all relevant Conditions of Approval required as part of previous Conditional Use Permits for the site, unless specially authorized or superseded by this use permit.
2. All uses, capacity, hours of operation and outdoor activities shall be substantially consistent with the Details of Request and conditions of approval contained within this report.
3. Colors, materials and design of the project shall conform to the exhibits and references in the staff report, to the satisfaction of the Planning Division.
4. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued, including any applicable City Wide Facilities fees.
5. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
6. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
7. All exterior lighting shall conform to the requirements of Article 35, Outdoor Lighting (Ordinance No. 86-75). Any outdoor lighting adjacent to residential uses shall provide appropriate shields to prevent light from adversely affecting the adjacent properties. This shall be demonstrated on the building and site plans for the parking plot/buildings.
8. No signage is approved as part of this permit. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance.
9. All new utilities shall be placed underground.
10. Any new rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building(s). Any equipment that projects above the parapet or may be visible shall be painted to blend in with the building background.
11. Any new walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the building, grading and landscape plans. Walls also shall incorporate a decorative cap (rolled mortar caps not allowed).
12. A minimum of 183 on-site parking spaces shall be maintained with the development of the new Sanctuary Building, as indicated on the project plans. Said parking spaces shall be striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to stripe per City standards. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage

13. Allowable uses, activities and hours of operation for the church and school are described in the Detail of Request (Planning Commission staff report dated January 27, 2015). Concurrent activities generating a total parking demand in excess of 261 spaces shall not be scheduled during peak church activities or peak school hours.
14. The weekday mass/service schedule, and other intensive weekday activities shall not be scheduled to conflict with the peak drop-off and pick-up times of the adjacent Elementary School or Middle/High School.
15. The church may not rent out the social hall for non-congregational/church related functions/uses for commercial purposes.
16. Prior to the issuance of building permits for the project, the final exterior design of the buildings (including materials and colors) shall be submitted to the City for Design Review and shall be approved by the Planning Commission acting as the Design Review Board. The appropriate Design Review fee also shall be submitted.
17. This CUP shall become null and void unless utilized within twenty-four (24) months of the effective date of approval.
18. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval ("the effective date" being the end of the appeal period, if applicable) a certified check payable to the "County Clerk," in the amount of \$2,260 for a project with a Negative Declaration, which includes an additional authorized County administrative handling fee of \$50.00 (\$2,216 + \$50). Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid. If the fee increase after the date of this approval, the applicant shall be responsible for the increase.

Landscaping

1. Five copies of a detailed landscape and irrigation plan(s) shall be submitted to the Engineering Division prior to issuance of Grading or Building permits. A plan check fee will be collected at the time of submittal. The required landscape and irrigation plan(s) shall comply with the provisions, requirements and standards in Escondido Zoning Code Article 62 (Water Efficient Landscape Standards) and State Model Water Efficient Landscape Ordinance and include a drought tolerant design. The plans shall be prepared by, or under the supervision of a licensed landscape architect. The final plans shall include a statement on the cover (with signature area and signed with the final sets) on the plans that states, "I am familiar with the requirements for landscape and irrigation plans contained in the State Model Water Efficient Landscape Ordinance. I have prepared this plan in compliance with those regulations and certify that the plan implements those regulations to provide efficient use of water."
1. Any existing trees to remain and any trees to be removed shall be identified on the landscape and grading plans, to the satisfaction of the Planning Division. Specimen sized trees (min. 24" box) shall be used to replace any mature trees to be removed.
3. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition.

4. Prior to occupancy of future buildings, all required landscape improvements shall be installed and all vegetation growing in an established, flourishing manner. The required landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.

**ENGINEERING CONDITIONS OF APPROVAL
Escondido United Reform Church
PHG-14-0021(R)**

STREET IMPROVEMENTS AND TRAFFIC

1. The project owner shall rehab the existing roadway surface on Vista Avenue, along project frontage. Roadway rehabilitation work shall include a four-foot-wide, 2 inches deep header-cut along lip of gutter on both sides of the roadway and overlay with 2 inch A.C. pavement over the entire roadway. Vista Avenue shall be restriping in accordance with a striping plan prepared by the project owner and approved by the City Engineer.
2. The Project owner shall be responsible for removal and reconstruction of damaged curb, gutter and sidewalk along project frontages on N. Broadway and Vista Avenue.
3. The project owner shall enhance the existing mid-block crossing on Vista Avenue by re-establishing and updating signing, striping and installation of a signal controlled pedestrian crossing or an alternate device subject to approval by the City Engineer and Transportation Commission. The project owner shall be responsible for the design, construction and maintenance of the pedestrian crossing device and shall execute a maintenance agreement with the City for future maintenance of the pedestrian crossing system.
4. The project owner shall provide the City with an engineer designed signing and striping plan for the installation of the pedestrian crossing and re-establishment and enhancement of school zone and street signing and striping along Vista Avenue and N. Broadway. The plan will be subject to review and approval by the City Engineer. The project owner shall be responsible for construction of all signing and striping, including removal of the existing striping to the satisfaction of the City Engineer.
5. The project owner shall prepare and submit an on-site signing and striping and traffic management plans for the church and school activities to the City Engineer for review and approval. The project owner shall implement the approved traffic management during school hours and church services. Implementation of Traffic management plan will be subject to monitoring by the City engineering staff and subject to modification by the project owner, as required by the City Engineer.
6. The main access to the project on N. Broadway shall be a 42-foot-wide Alley-Type driveway with on-site signing and striping to the City Engineer's requirements.
7. Access routes conforming to the American Disabilities Act shall be provided into the project from the public sidewalk, to the satisfaction of the City Engineer.

An engineered improvement plan is required for all public improvements. The developer shall post security for these improvements and an improvement plan shall be approved by the City of Escondido prior to issuance of any building permits. All required improvements shall be constructed prior to project occupancy.

GRADING

1. A site grading and erosion control plan shall be approved by the Engineering Department prior to issuance of building permits. The project shall conform to the City of Escondido's Storm Water Management Requirements. Both Construction BMPs and Permanent Treatment BMPs shall be provided for the project
2. All private driveways and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 5 1/2" PCC over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
3. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
4. A General Construction Activity Storm Water Permit is required from the State Water Resources Board for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of one or more acres. One copy of the Storm Water Pollution Prevention Plan shall be submitted to the City.

All site grading and erosion control plans shall be prepared by a Registered Civil Engineer. A separate submittal to the Engineering Department is required for the site grading and erosion control plans.

DRAINAGE

1. A Final Water Quality Technical Report in compliance with City's latest adopted Storm Water Management Requirements shall be prepared and submitted for approval together with the final improvement and grading plans. The Water Quality Technical Report shall include hydro-modification calculations, post construction storm water treatment measures and maintenance requirements.
2. All onsite drainage system, storm water treatment and retention facilities shall be considered private. The responsibility for maintenance of these post construction storm water treatment facilities shall be that of the property owner.
3. The owner of the property shall be required to sign, notarize, and record a Storm Water Control Facility Maintenance Agreement. A signed copy of the agreement shall be provided to the City prior to approval final plans.

WATER SUPPLY

1. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.
2. This project is located within Rincon Del Diablo Water District. The developer shall coordinate all water related improvements for the project with Rincon staff. Approved water improvement plans for the project shall be submitted to the City Engineer prior to approval of grading or improvement plans by the City.

WASTEWATER SUPPLY

1. Onsite private wastewater service and shall be designed and constructed in accordance Building Division requirements. Property owner is responsible for the maintenance of the private wastewater system for the project.

SURVEYING AND MONUMENTATION

1. All property corners shall be monumented by a person authorized to practice land surveying and a Record of Survey Map (or Corner Record if appropriate) shall be recorded.

CASH SECURITIES

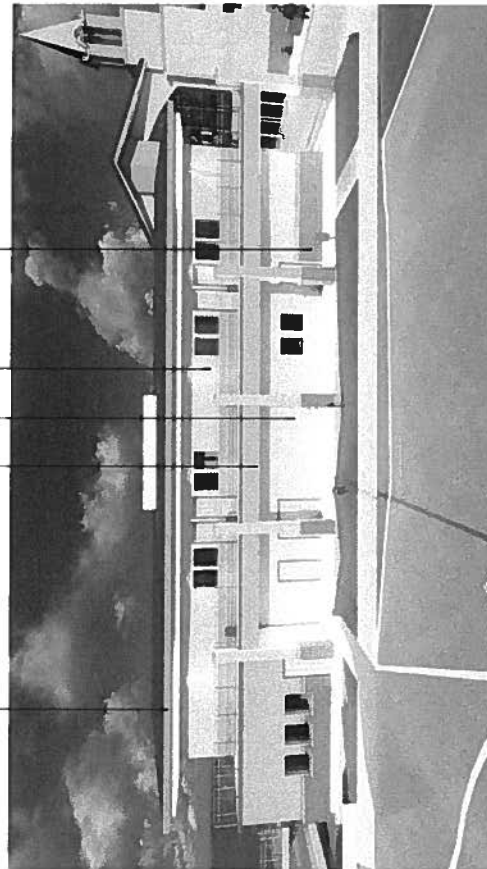
1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or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

UTILITY UNDERGROUNDING AND RELOCATION

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

**PROPOSED PROJECT
PHG 14-0021(R)**

These 3D renderings are illustrative only and are not intended to represent the final design. The design is subject to change without notice. The design is not intended to represent the final design. The design is subject to change without notice.



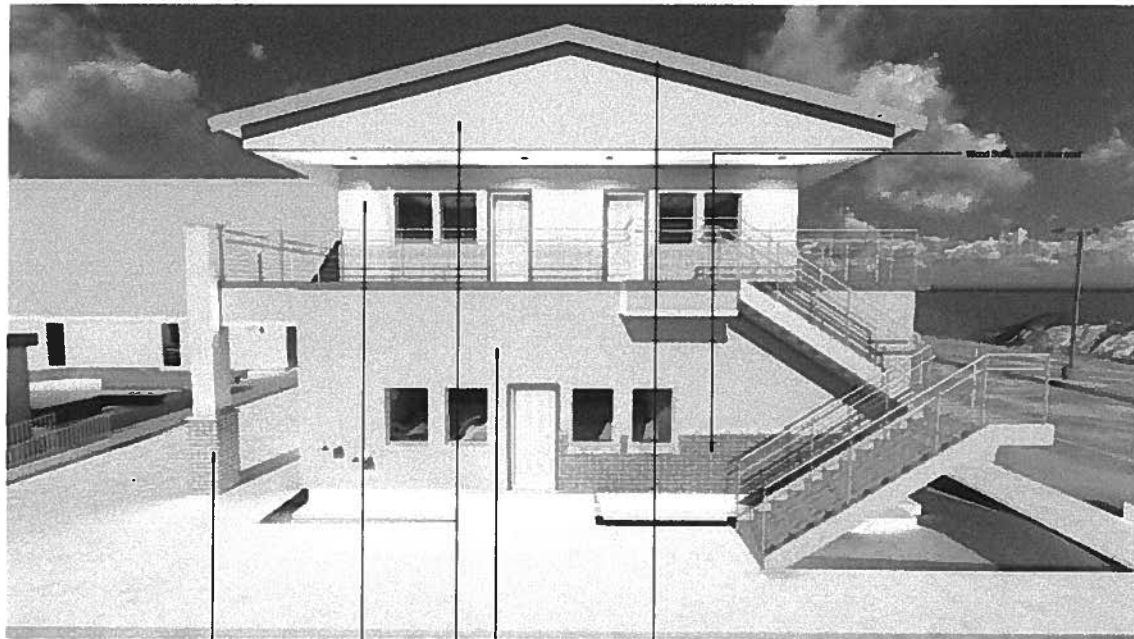
Classroom East Elevation



Classroom North Elevation

Classroom Illustrative Exterior Elevations

3D



Classroom South Elevation

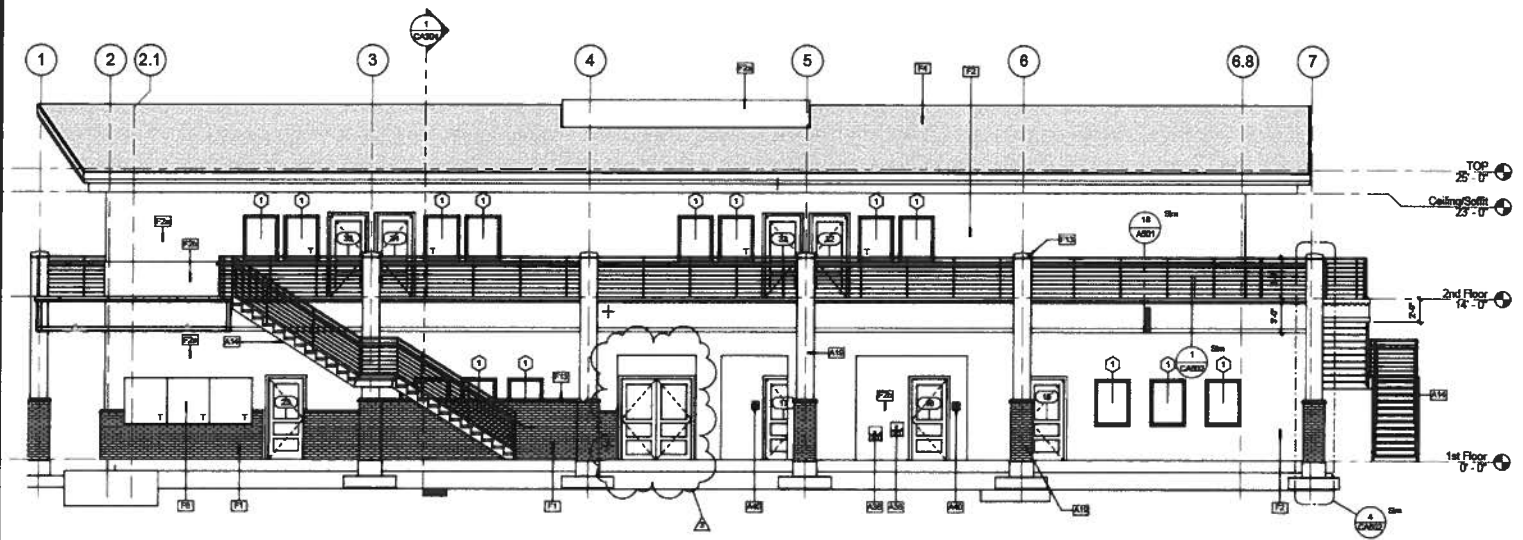
Wood Fascia Board white gutter, paint: Forest Green as manufactured by Farnco Paint
 Stucco Accent Color Southern Moss (006) as manufactured by LaFabra Stucco. Light Spray texture
 Stucco Primary Color Pacific Sand (077) as manufactured by LaFabra Stucco. Light Spray texture
 Red brick veneer with brick cap



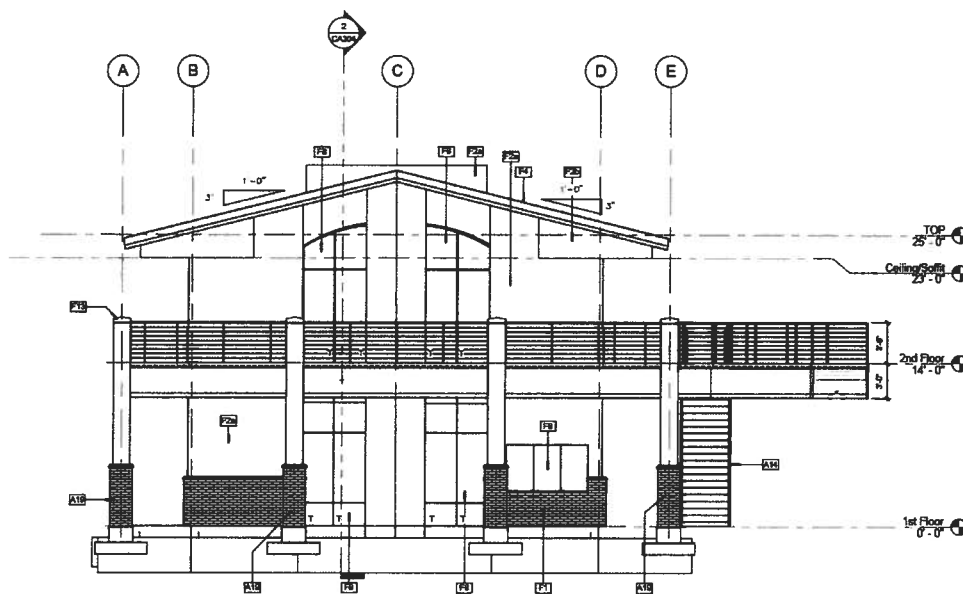
Classroom West Elevations

PROPOSED PROJECT
PHG 14-0021(R)

3D



South Elevation

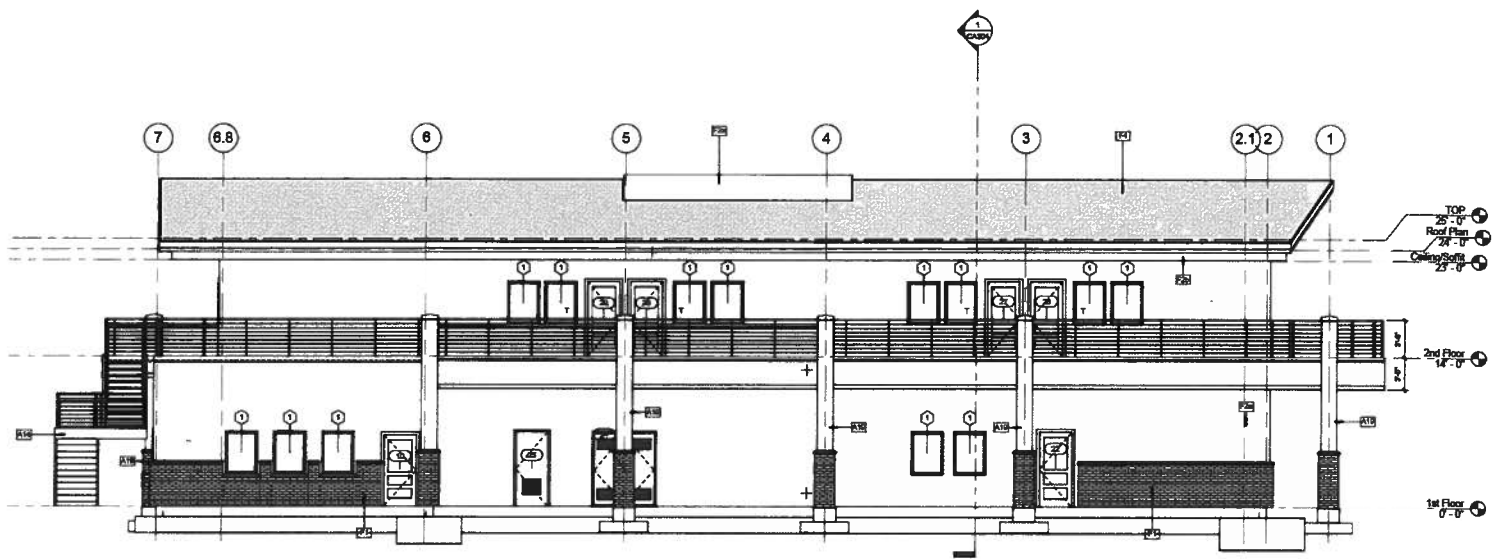


West Elevation

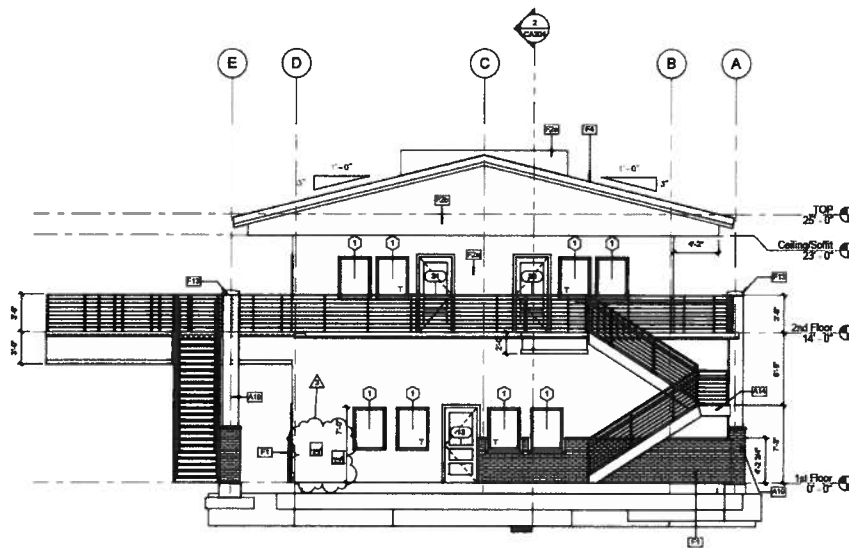
PROPOSED PROJECT
PHG 14-0021(R)

E

ELEVATIONS



North Elevation

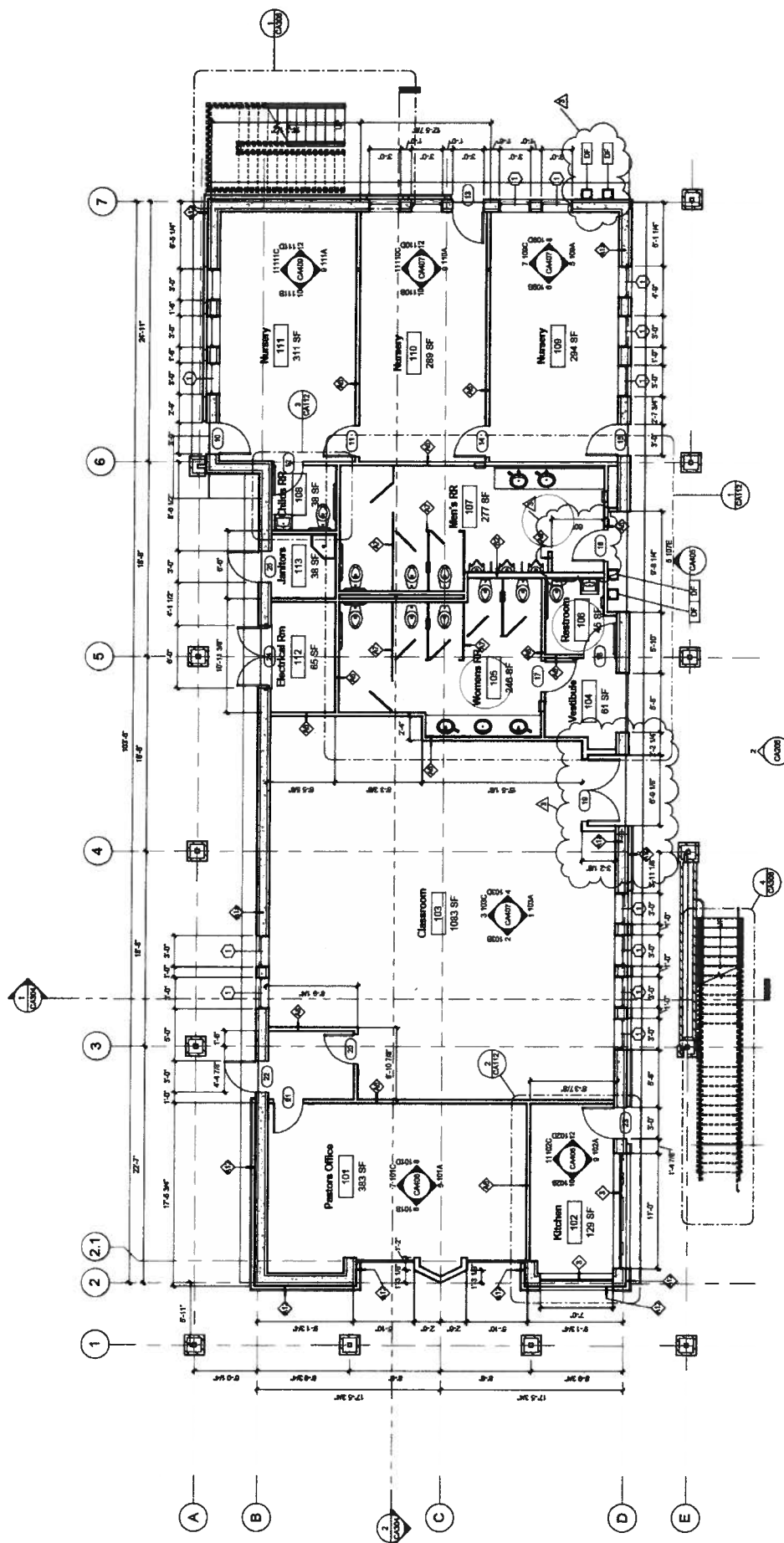


East Elevation

PROPOSED PROJECT
PHG 14-0021(R)

E

ELEVATIONS

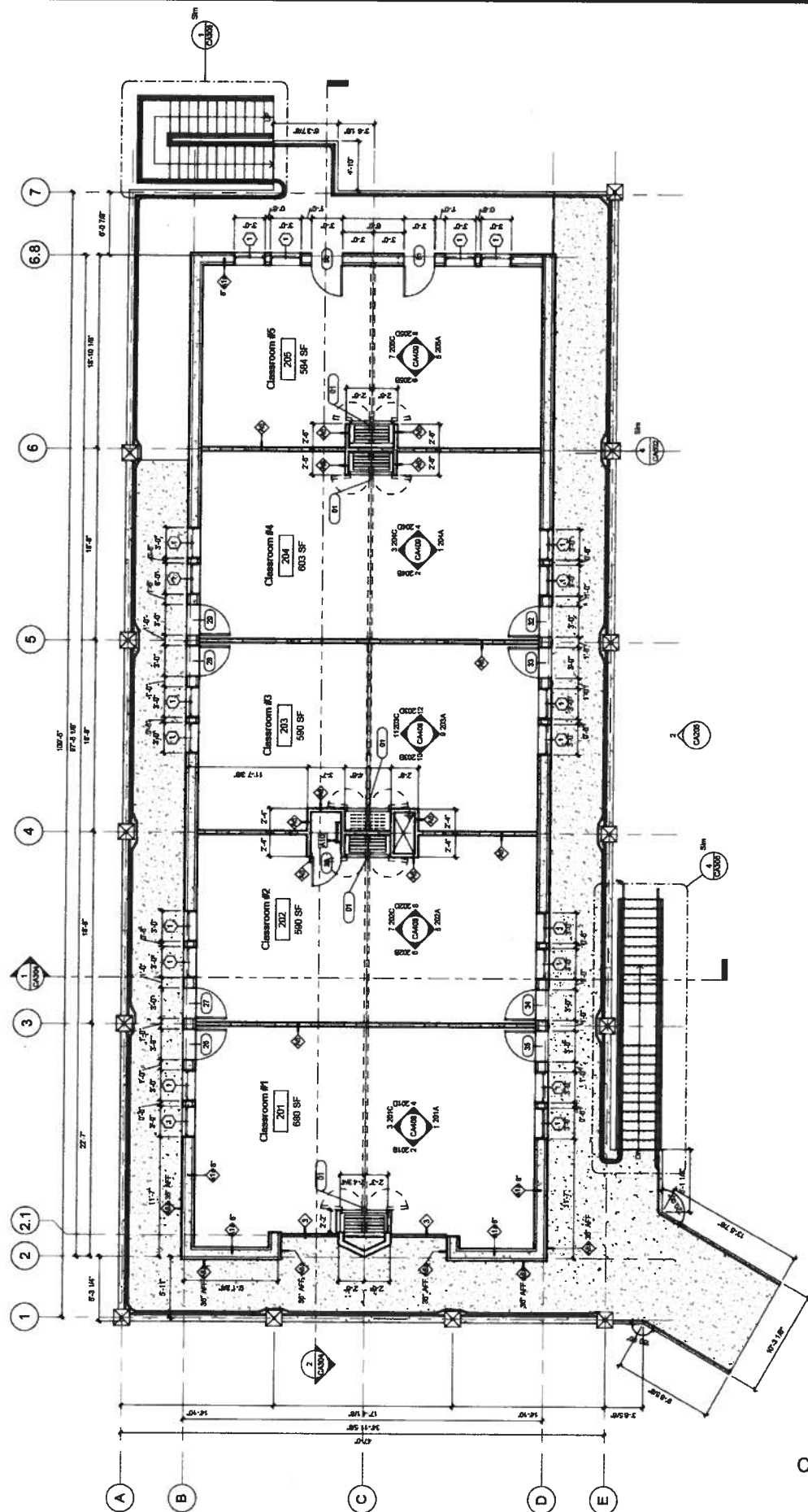


1ST FLOOR
CLASS ROOMS

PROPOSED PROJECT
PHG 14-0021(R)

F

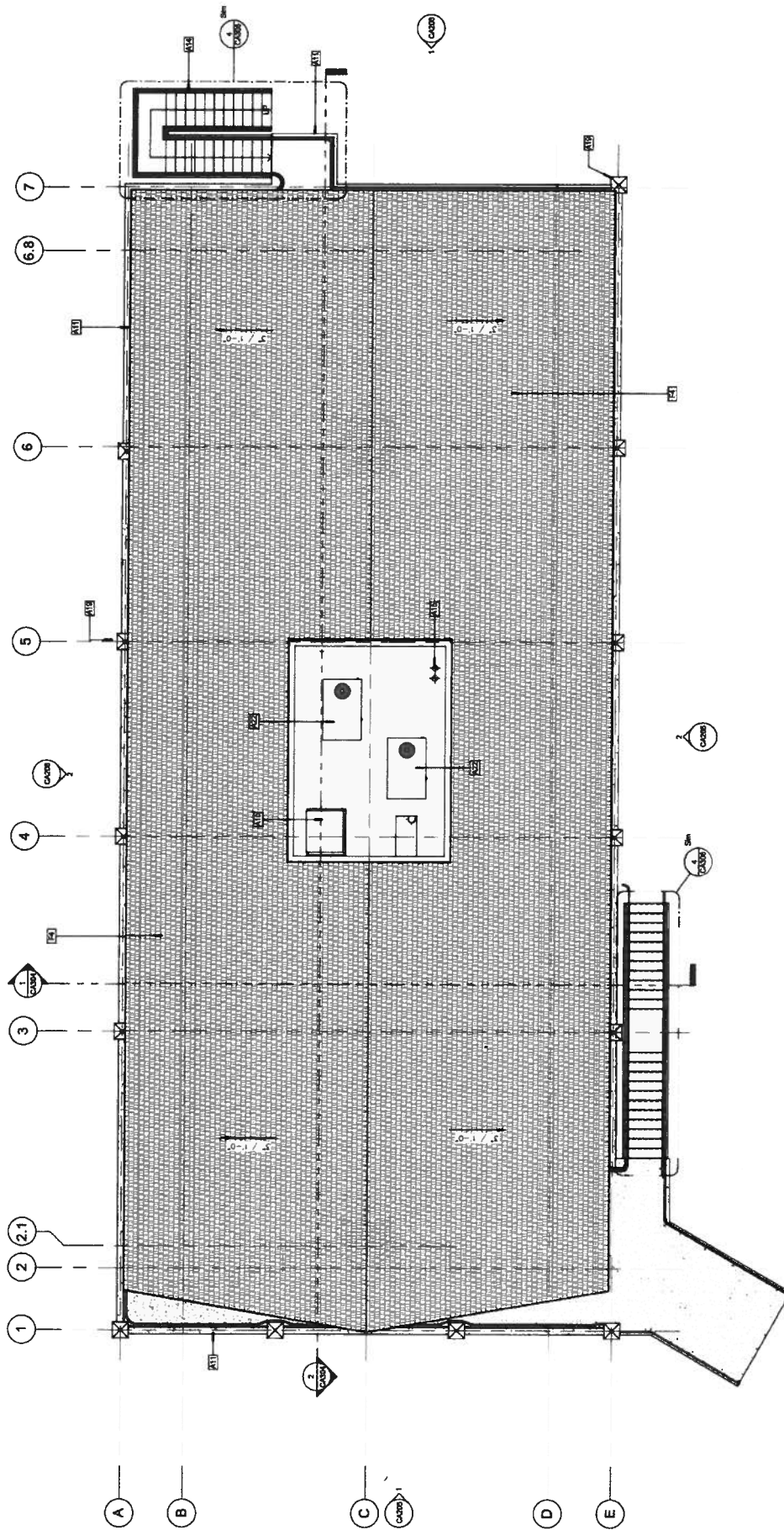
FLOOR PLAN



2ND FLOOR
CLASS ROOMS

PROPOSED PROJECT
PHG 14-0021(R)

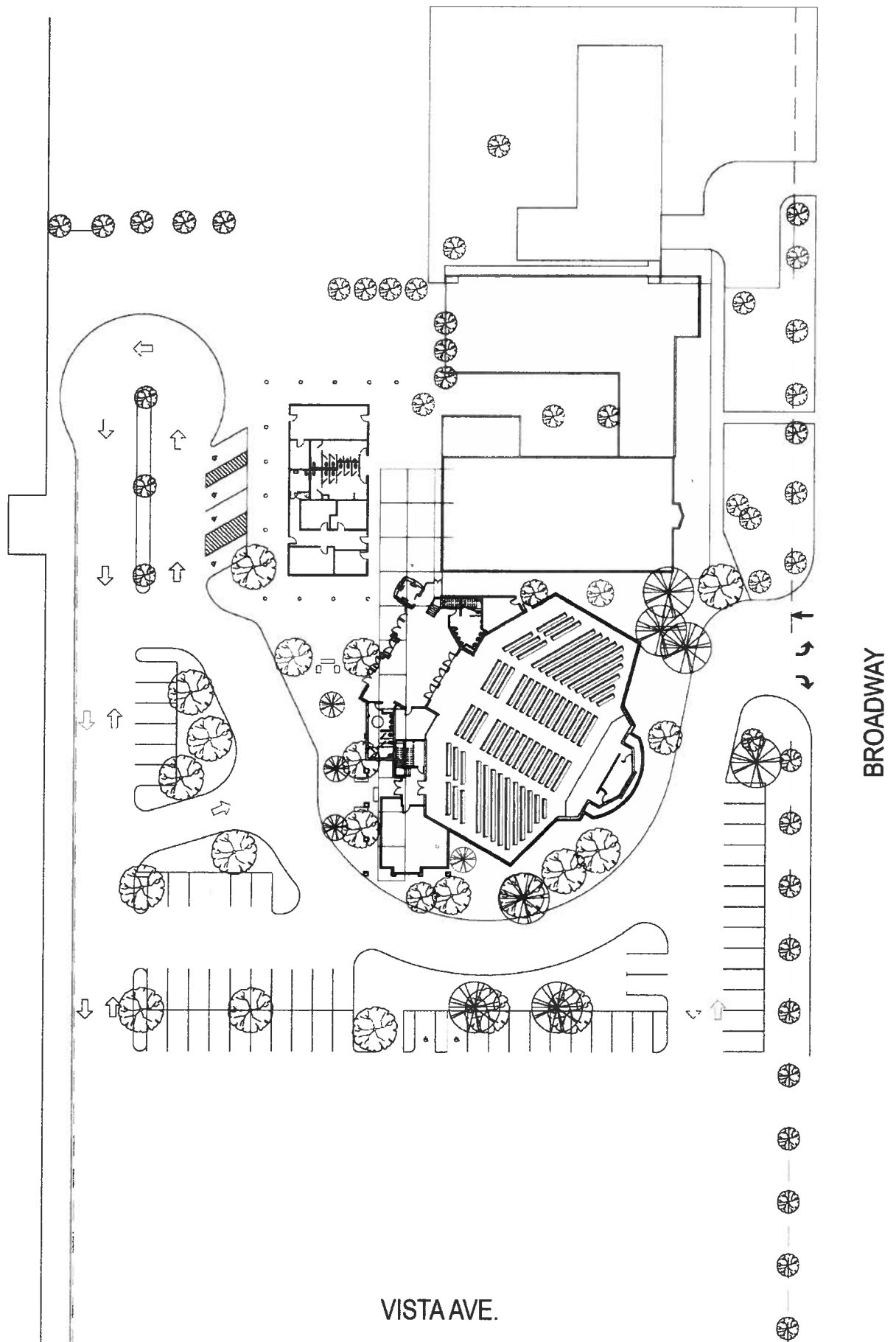
F



PROPOSED PROJECT
PHG 14-0021(R)

R

ROOF PLAN



Plan North

1 Site

VISTA AVE.

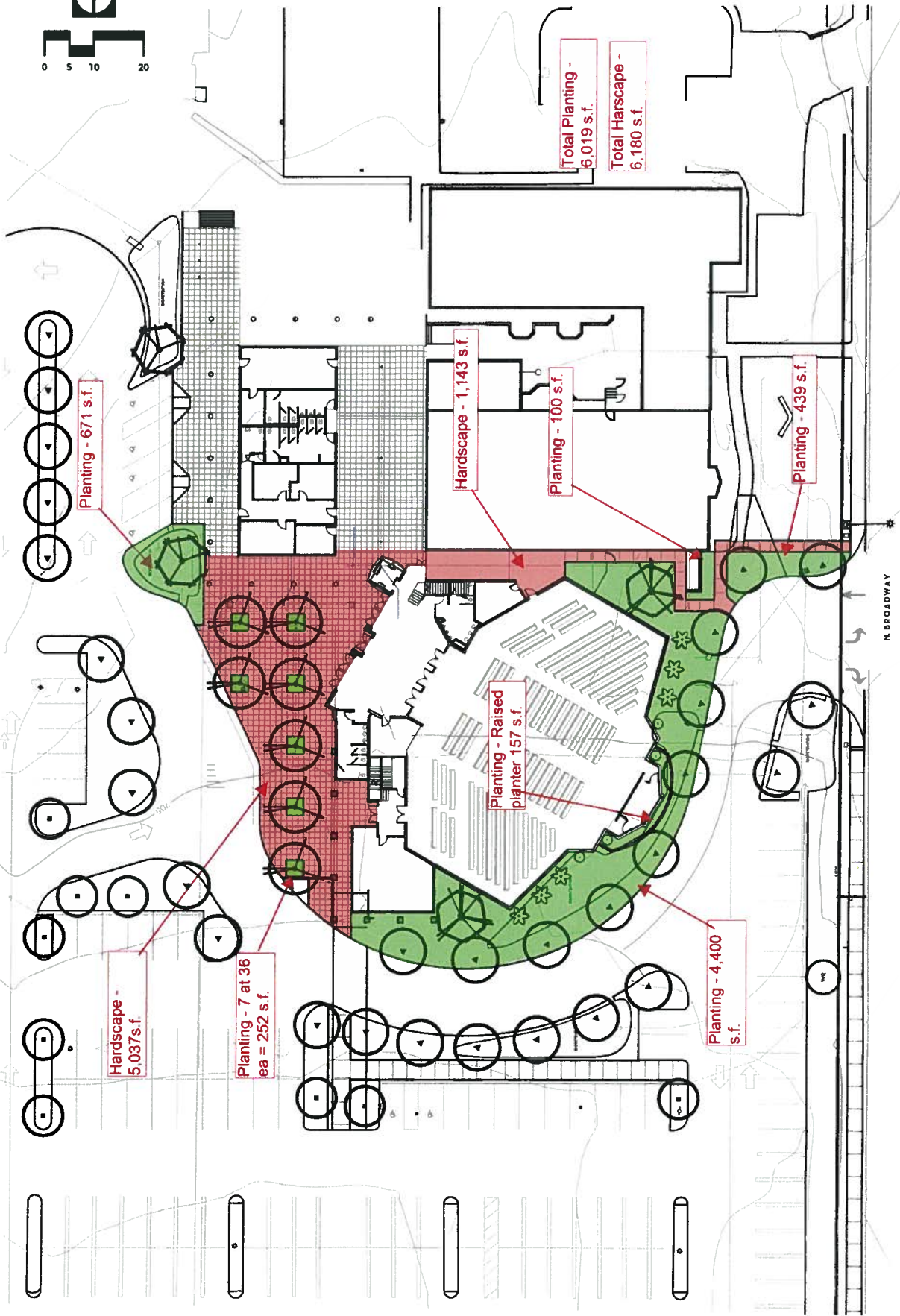
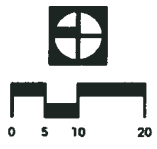
BROADWAY

PROPOSED PROJECT - (PREVIOUS APPROVAL)
PHG 14-0021

S

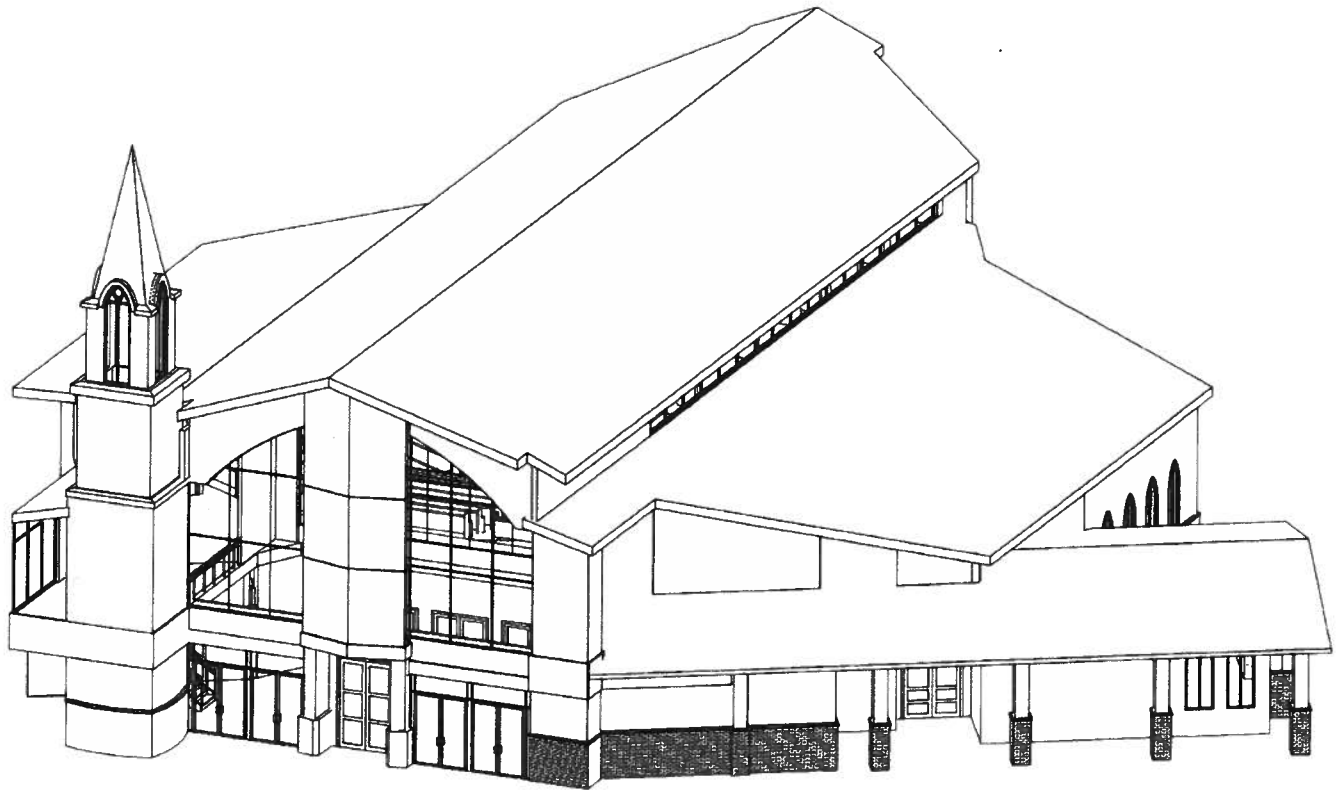
SITE PLAN

Landscape Concept Plan



PROPOSED PROJECT - (PREVIOUS APPROVAL)
PHG 14-0021

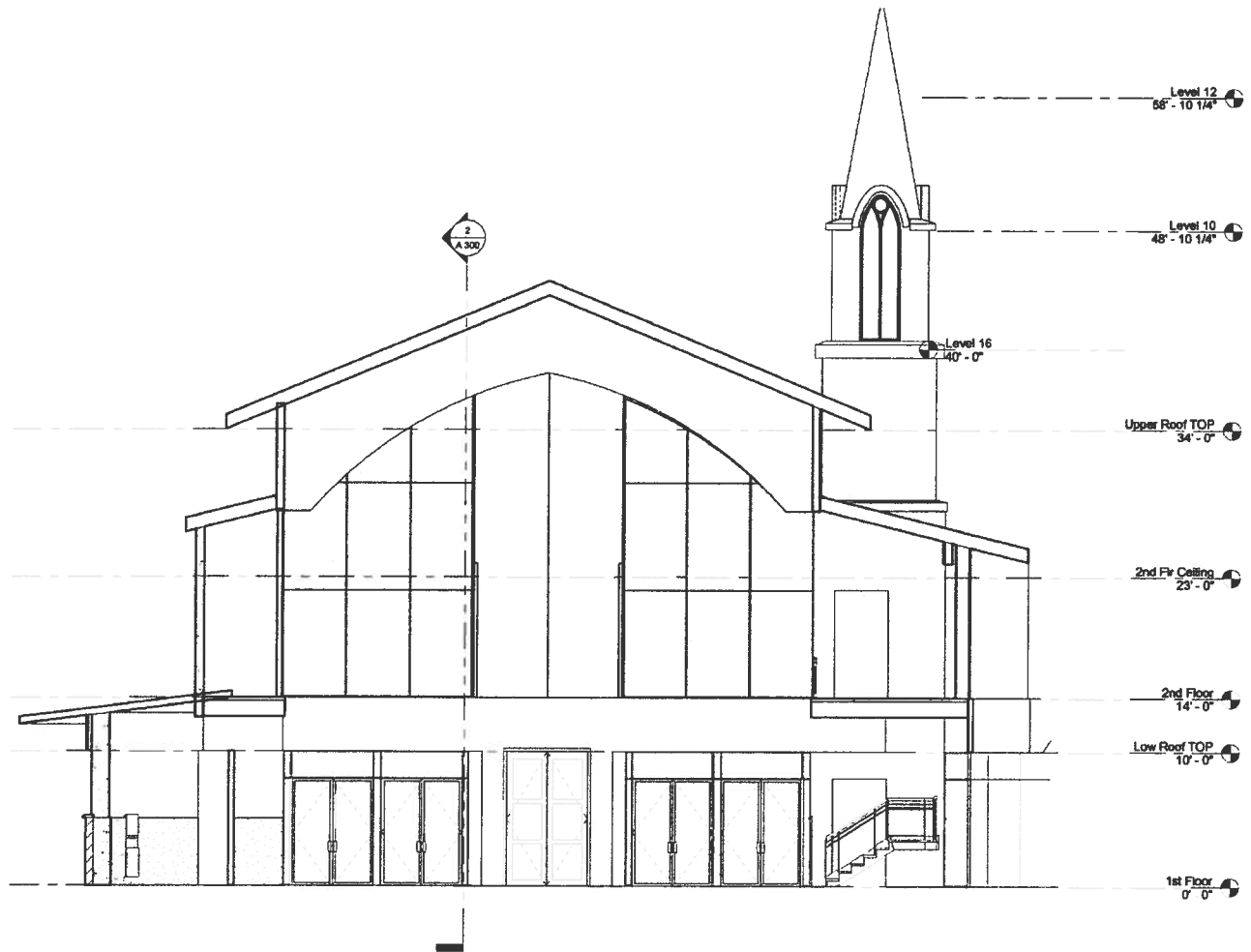




PROPOSED PROJECT - (PREVIOUS APPROVAL)
PHG 14-0021

3D

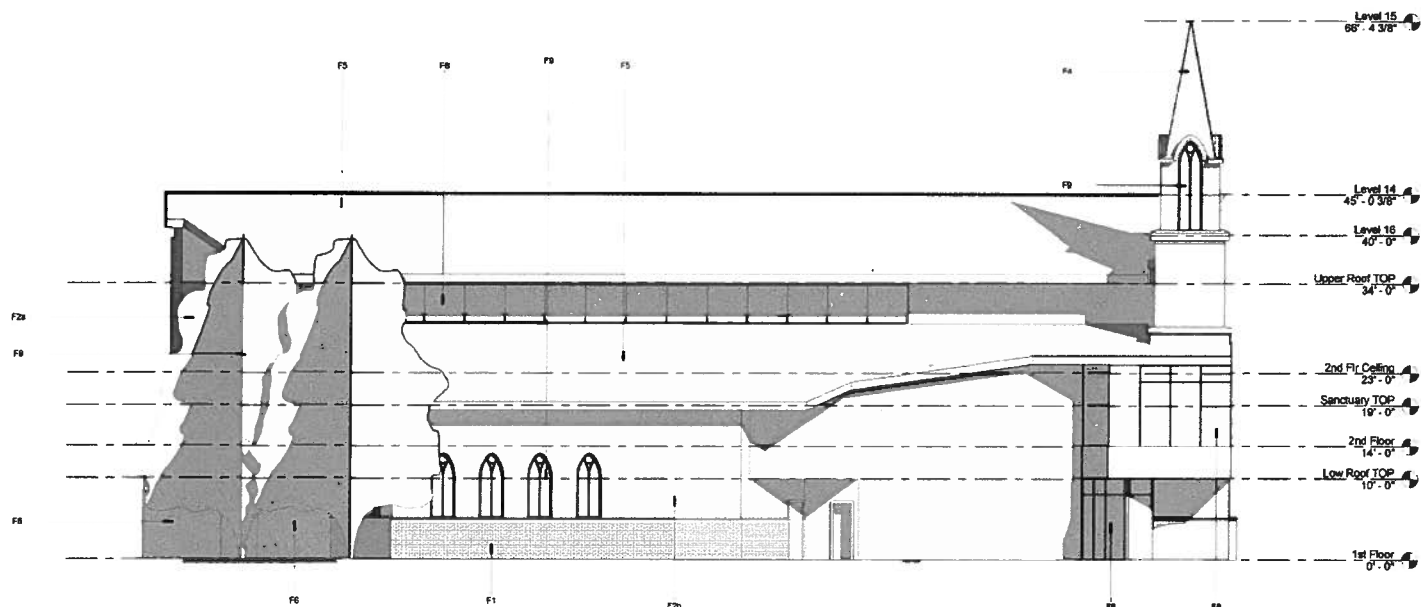
3D DRAWINGS



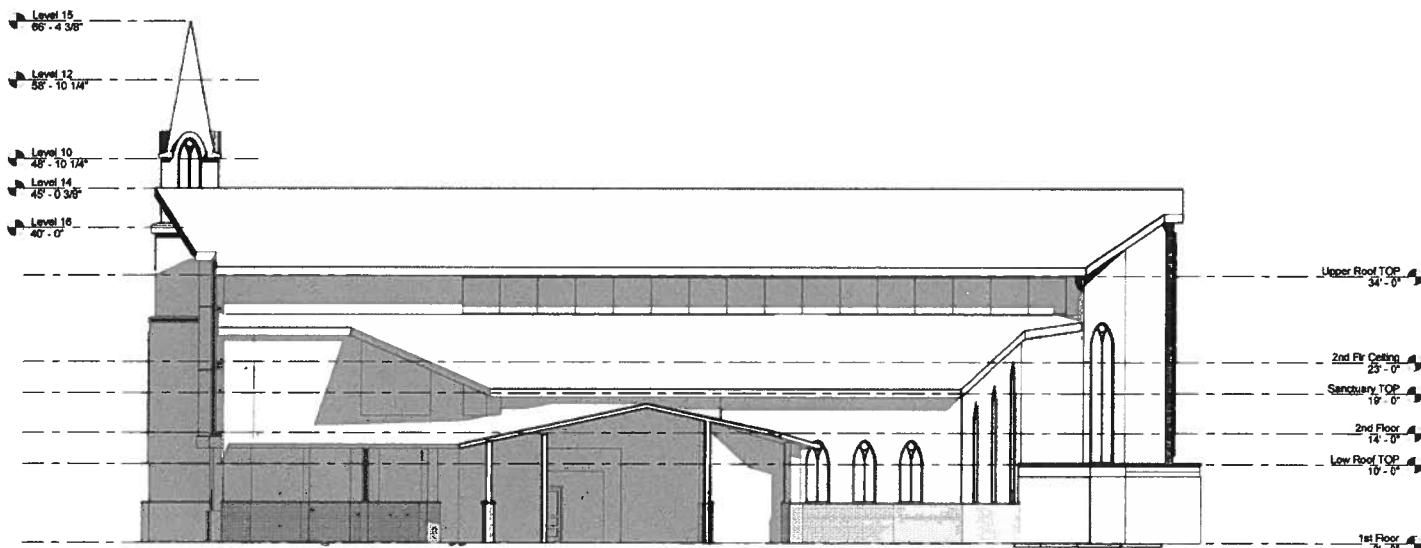
3 Section 12

PROPOSED PROJECT - (PREVIOUS APPROVAL)
PHG 14-0021

E



② South Elevation



① North Elevation

Keynote Legend

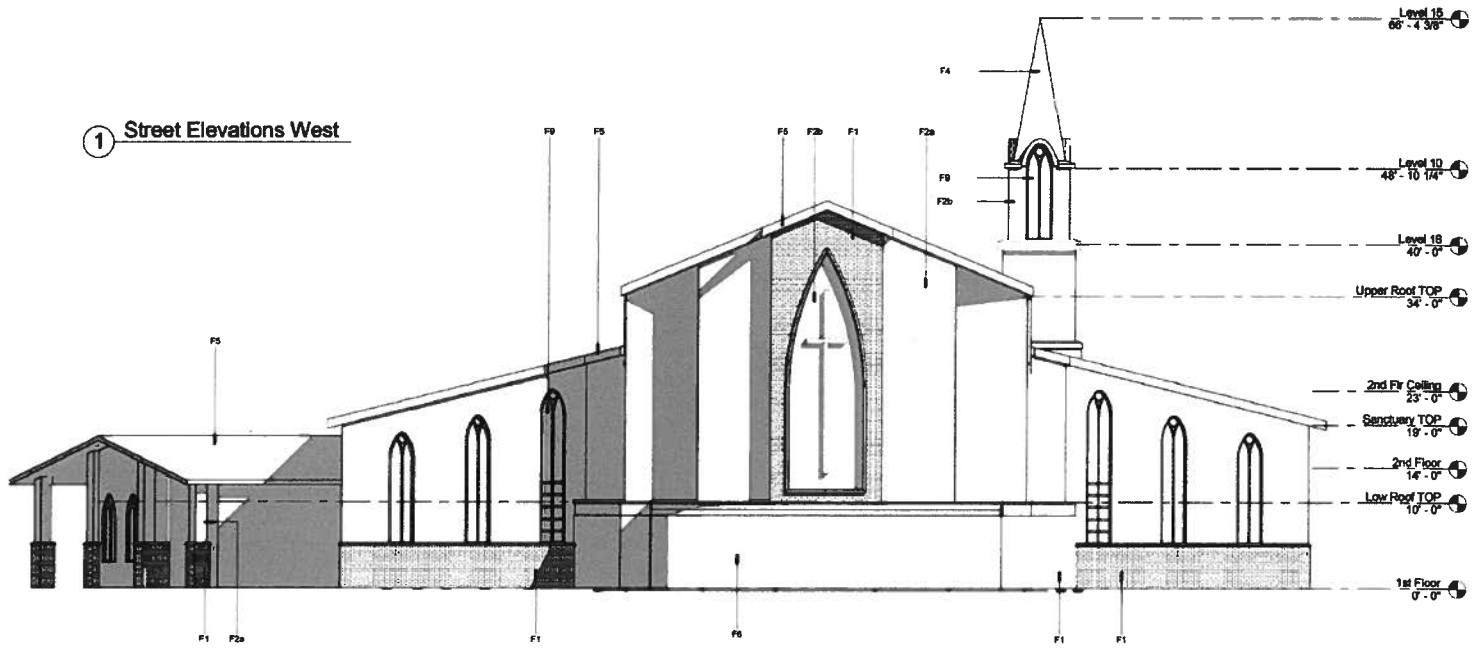
Key Value	Keynote Text
F1	Brick Color ("Brown") over primary wall section
F2a	Concrete wall painted Color Primary
F2b	Concrete wall painted Color Secondary
F4	Metal Standing Seam Roof - Color Copper
F5	Metal Standing Seam Roof - Color Green
F6	Stone Veneer by RCP " Feathered Fieldstone Webwall
F8	Store front Glazing
F9	Fixed Window Glazing

PROPOSED PROJECT - (PREVIOUS APPROVAL)
PHG 14-0021

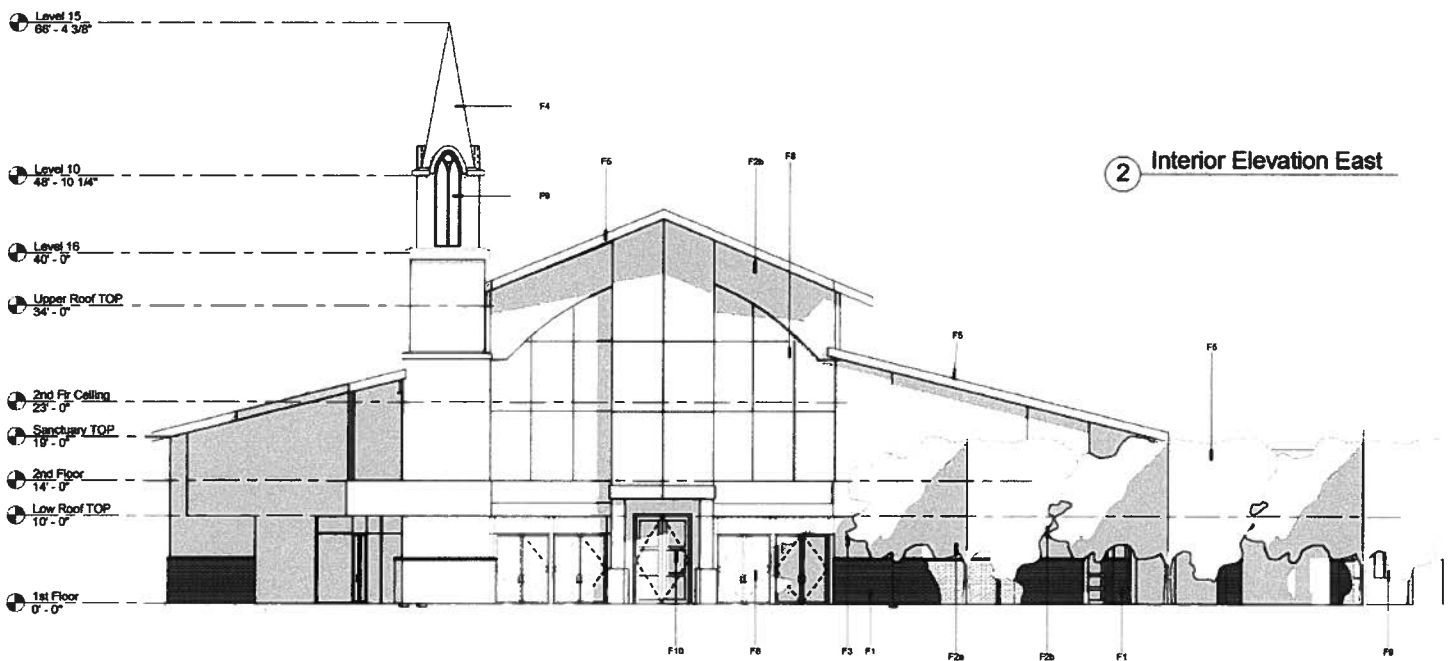
E

ELEVATIONS

1 Street Elevations West



2 Interior Elevation East



Keynote Legend

Key Value

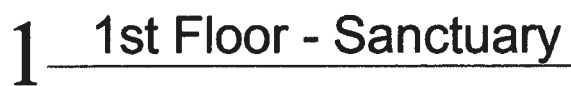
Keynote Text

F1	Brick Color ("Brown") over primary wall section	F6	Stone Veneer by RCP " Feathered Fieldstone Webwall
F2a	Concrete wall painted Color Primary	F8	Store front Glazing
F2b	Concrete wall painted Color Secondary	F9	Fixed Window Glazing
F3	Concrete Wall painted Color BEE Accent "Chapel Gray" 5413M as manufactured by Frazee	F10	Exterior metal door and frame
F4	Metal Standing Seam Roof - Color Copper		
F5	Metal Standing Seam Roof - Color Green		

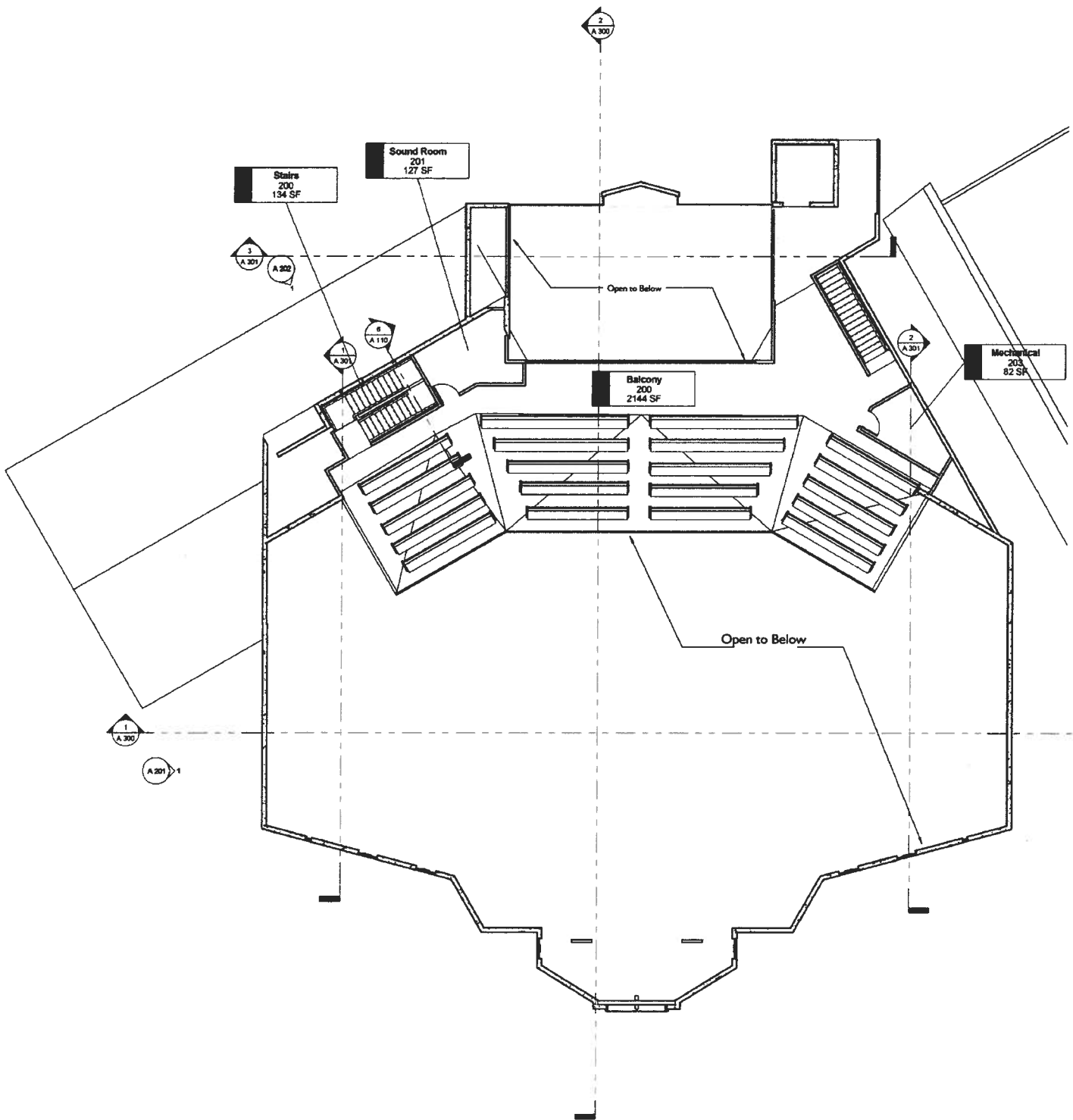
PROPOSED PROJECT - (PREVIOUS APPROVAL)
PHG 14-0021

E

ELEVATIONS



F



1 2nd Floor - Sanctuary



Plan North

PROPOSED PROJECT - (PREVIOUS APPROVAL)
PHG 14-0021

F

FLOOR PLAN



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

FILED
Ernest J. Dronenburg, Jr., Recorder County Clerk

DEC 05 2014
BY E. Alvarado
DEPUTY

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

CASE NO.: ENV 14-0011 "Escondido United Reformed Church Master Plan"

DATE ISSUED: December 4, 2014

PUBLIC REVIEW PERIOD: December 5, 2014 – December 24, 2014

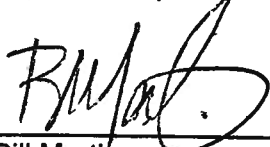
LOCATION: Escondido United Reformed Church generally is located on the southeastern corner of North Broadway and Vista Avenue in the City of Escondido, County of San Diego, addressed as 1864 N. Broadway (APN 227-010-61).

PROJECT DESCRIPTION: The proposed project involves a Conditional Use Permit (CUP) for a phased master development plan for Escondido United Reformed Church to include the construction of a new two-story approximately 13,075 SF sanctuary building to accommodate up to 576 fixed seats on the main floor and 140 fixed seats on the upper story mezzanine/balcony; reconfigure the existing parking lot; convert the existing 5,320 SF sanctuary building into a multi-purpose social hall with an new attached 578 SF kitchen/prep building; demolish the existing social hall building and construct a new 4,849 SF two-story building to accommodate a nursery, multi-purpose room, bathrooms and classrooms for Sunday school and other associated activities; and construct an enclosed 1,835 SF central Atrium/Narthex between the buildings. The final phase would include a new two-story freestanding Multi-Purpose Building. This would require a future modification to the CUP.

APPLICANT: City of Escondido

An Initial Study has been prepared to assess this project as required by the California Environmental Quality Act and Guidelines, Ordinances and Regulations of the City of Escondido. The Initial Study and Draft Negative Declaration are on file in the City of Escondido Planning Division can be viewed on the City of Escondido web Site at: <http://www.escondido.org/planning.aspx>.

Findings: The findings of this review are that the project will not have a significant impact to the environment because there is no substantial evidence in the record to indicate project related impacts are potentially significant.



Bill Martih,
Deputy Director of Planning



Environmental Checklist Form (Initial Study Part II – Draft)

1. Project title and case file number: ENV 14-0011 and PHG 14-0021 (Escondido United Reformed Church)
2. Lead agency name and address: City of Escondido, 201 N. Broadway, Escondido, CA 92025
3. Lead agency contact person name, title, phone number and email: Jay Paul, Associate Planner (760) 839-4537
jpaul@ci.escondido.ca.us
4. Project location: Escondido United Reformed Church generally is located on the southeastern corner of North Broadway and Vista Avenue in the City of Escondido, County of San Diego, addressed as 1864 N. Broadway (APN 227-010-61).
5. Project applicant's name, address, phone number and email: Escondido United Reformed Church (Brent Cooper)
1864 N. Broadway, Escondido, CA 92026 (619) 921-2849 bcooper@superiorm.com
6. General Plan Designation: Suburban (S)
7. Zoning: R-1-10 (Single-Family Residential 10,000 SF min. lot size)
8. Description of project: (Describe the whole action involved, including, but not limited to, later phases of the project and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)
The proposed project involves a Conditional Use Permit (CUP) for a phased master development plan for Escondido United Reformed Church to include the construction of a new two-story approximately 12,243 SF sanctuary building to accommodate up to 578 fixed seats on the main floor and 202 fixed seats on the upper story mezzanine/balcony, with up to 170 non-fixed seats for a total capacity of 950 seats; reconfigure the existing parking lot; convert the existing 5,320 SF sanctuary building into a multi-purpose social hall with an new attached 578 SF kitchen/prep building; demolish the existing social hall building and construct a new 4,849 SF two-story building to accommodate a nursery, multi-purpose room, bathrooms and classrooms for Sunday school and other associated activities; and construct an enclosed 1,835 SF central Atrium/Narthex between the buildings. The final phase would include a new two-story freestanding Multi-Purpose Building. This would require a future modification to the CUP.
9. Surrounding land uses and setting (briefly describe the project's surroundings):
The General Plan land-use designation for existing church site is Suburban (S) with an underlying zoning designation of R-1-10. The approximately 4.36-acre property is developed as a religious facility that includes an approximately one-story sanctuary building, two-story multi-purpose building, single-story Pastor's residences, detached multipurpose/storage building, and paved parking areas. The property fronts onto and takes access from North Broadway (Major Road) and Vista Avenue (Collector Road). In general, the surrounding area is characterized as urban/residential with a mix of multi-family and single-family residential development. Several non-residential uses are located within the immediate vicinity including Escondido High School to the southwest, Calvin Christian High School and Middle School to the north, Calvin Elementary School on the east, and First Congregational Church to the south. Vegetation throughout the surrounding area is typically of developed land, with a pocket of off-site natural habitat south of the site associated with an open drainage course, and Reidy Creek located west across North Broadway. Vegetation on the project site and adjacent Calvin Elementary School consists of a mix of mature trees, ornamental shrubs and groundcover, and turf grass. The site does not contain any native or sensitive habitats or vegetation.
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement).
N/A

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below potentially would be affected by this project involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| ☐ Aesthetics | ☐ Agricultural Resources | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Geology and Soils |
| ☐ Greenhouse Gas Emissions | ☐ Hazards & Hazardous Materials | ☐ Hydrology/Water Quality |
| ☐ Land Use/Planning | ☐ Mineral Resources | ☐ Noise |
| ☐ Population/Housing | ☐ Public Services | ☐ Recreation |
| ☐ Transportation/Traffic | ☐ Utilities/Service Systems | ☐ Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
- ☐ I find that, although the proposed project might have a significant effect on the environment, there would not be a significant effect in this case because revisions in the project have been made, or agreed to, by the project proponent. A MITIGATED NEGATIVE DECLARATION shall be prepared.
- ☐ I find that the proposed project might have a significant effect on the environment and/or deficiencies exist relative to the City's General Plan Quality of Life Standards, and the extent of the deficiency exceeds the levels identified in the City's Environmental Quality Regulations pursuant to Zoning Code Article 47, Section 33-924 (b), and an ENVIRONMENTAL IMPACT REPORT shall be required.
- ☐ I find that the proposed project might have a "potentially significant impact" or "potentially significant unless mitigated impact" on the environment, but at least one effect: a.) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and b.) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT shall be required, but it shall analyze only the effects that remain to be addressed.
- ☐ I find that, although the proposed project might have a significant effect on the environment, no further documentation is necessary because all potentially significant effects: (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project.

Signature

Jay Paul, Associate Planner
Printed Name and Title

Signature

Bill Martin, Deputy Director of Planner
Printed Name and Title

December 4, 2014
Date

ENV14-0011 (Escondido United Reformed Church)

FINAL EDITS 1-22-15

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. This section evaluates the potential environmental effects of the proposed project, generally using the environmental checklist from the State CEQA Guidelines as amended and the City of Escondido Environmental Quality Regulations (Zoning Code Article 47). A brief explanation in the Environmental Checklist Supplemental Comments is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. All answers must take into account the whole action involved, including off-site, on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts and mitigation measures. Once the lead agency has determined that a particular physical impact might occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. The definitions of the response column headings include the following:
 - A. "Potentially Significant Impact" applies if there is substantial evidence that an effect might be significant. If there are one or more "Potentially Significant Impact" entries once the determination is made, an EIR shall be required.
 - B. "Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 2 below, "Earlier Analyses," may be cross-referenced). Measures incorporated as part of the Project Description that reduce impacts to a "Less than Significant" level shall be considered mitigation.
 - C. "Less Than Significant Impact" applies where the project creates no significant impacts, only less than significant impacts.
 - D. "No Impact" applies where a project does not create an impact in that category. "No Impact" answers do not require an explanation if they are adequately supported by the information sources cited by the lead agency which show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. Earlier Analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - A. Earlier Analysis Used. Identify and state where it is available for review.
 - B. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of an adequately analyzed earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - C. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
3. Lead agencies are encouraged to incorporate references to information sources for potential impacts into the checklist (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
4. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
5. The explanation of each issue should identify the significance of criteria or threshold, if any, used to evaluate each question, as well as the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. <u>AESTHETICS.</u> Would the project:				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐
II. <u>AGRICULTURAL RESOURCES.</u> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency or (for annexations only) as defined by the adopted policies of the Local Agency Formation Commission, to non-agricultural use?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	☒
III. <u>AIR QUALITY.</u> Where applicable, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e. Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

IV. **BIOLOGICAL RESOURCES:** Would the project:

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e. Conflict with any local policies or ordinances protecting biological resources such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. <u>CULTURAL RESOURCES.</u> Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒
VI. <u>GEOLOGY AND SOILS.</u> Would the project:				
a. Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii. Strong seismic ground shaking?	☐	☐	☒	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv. Landslides?	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
VII. <u>GREENHOUSE GAS EMISSIONS.</u> Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	☐	☐	☐	☒
VIII. <u>HAZARDS AND HAZARDOUS MATERIALS.</u> Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

IX. HYDROLOGY AND WATER QUALITY. Would the project:

a. Violate any water quality standards or waste discharge requirements, including but not limited to increasing pollutant discharges to receiving waters (Consider temperature, dissolved oxygen, turbidity and other typical storm water pollutants)?	☐	☐	☒	☐
b. Have potentially significant adverse impacts on ground water quality, including but not limited to, substantially depleting groundwater supplies or substantially interfering with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner which would result in substantial/increased erosion or siltation on- or off-site?	☐	☐	☐	☒
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site and/or significant adverse environmental impacts?	☐	☐	☐	☒
e. Cause significant alteration of receiving water quality during or following construction?	☐	☐	☐	☒
f. Cause an increase of impervious surfaces and associated run-off?	☐	☐	☒	☐
g. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
h. Cause potentially significant adverse impact on ground water quality?	☐	☐	☐	☒
i. Cause or contribute to an exceedance of applicable surface or ground water receiving water quality objectives or degradation of beneficial uses?	☐	☐	☐	☒
j. Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?	☐	☐	☐	☒
k. Create or exacerbate already existing environmentally sensitive areas?	☐	☐	☐	☒
l. Create potentially significant environmental impact on surface water quality, to either marine, fresh, or wetland waters?	☐	☐	☐	☒
m. Impact aquatic, wetland or riparian habitat?	☐	☐	☐	☒
n. Otherwise substantially degrade water quality?	☐	☐	☐	☒
o. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
p. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
q. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
r. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒
X. <u>LAND USE PLANNING.</u> Would the project:				
a. Physically divide an established community?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

XI. MINERAL RESOURCES. Would the project:

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land-use plan?	☐	☐	☐	☒

XII. NOISE. Would the project result in:

a. Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. <u>POPULATION AND HOUSING.</u> Would the project:				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
XIV. <u>PUBLIC SERVICES.</u> Would the project:				
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	☐	☒
ii. Police protection?	☐	☐	☐	☒
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☒
XV. <u>RECREATION.</u> Would the project:				
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. <u>TRANSPORTATION/TRAFFIC.</u> Would the project:				
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?	☐	☐	☒	☐
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e. Result in inadequate emergency access?	☐	☐	☐	☒
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒
XVII. <u>UTILITIES AND SERVICE SYSTEMS.</u> Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c. Require, or result in, the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e. Result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g. Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE. Would the project:

a. Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number, or restrict the range, of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐
c. Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐
d. Where deficiencies exist relative to the City's General Plan Quality of Life Standards, does the project result in deficiencies that exceed the levels identified in the Environmental Quality Regulations {Zoning Code Section 33-924 (a) }?	☐	☐	☐	☒

NEGATIVE DECLARATION
(FINAL)
FOR THE ESCONDIDO UNITED REFORMED CHURCH
DEVELOPMENT MASTER PLAN
(City File No. ENV14-0011 and PHG14-0021)

ENVIRONMENTAL CHECKLIST
SUPPLEMENTAL COMMENTS

An Initial Study Environmental Checklist was prepared for this project and is included as a separate attachment to this Negative Declaration (MND). The information contained in the Initial Study and the ND Supplemental Comments will be used by the City of Escondido to determine potential impacts associated with the proposed project.

INTRODUCTION

This Negative Declaration assesses the environmental effects of the proposed United Reformed Church Development Master Plan generally located on the southeastern corner of North Broadway and Vista Avenue, addressed as 1864 N. Broadway (APN 227-010-61).

As mandated by CEQA Guidelines Section 15105, affected public agencies and the interested public may submit comments on the **Negative Declaration** in writing before the end of the **20-day** public review period starting on **November 5, 2014**, and ending on **November 24, 2014**. Written comments on the Negative Declaration should be submitted to the following address by **5:00 p.m., November 24, 2014**. Following the close of the public comment review period, the City of Escondido will consider this Negative Declaration and any received comments in determining the approval of this project.

City of Escondido
Planning Division
201 North Broadway
Escondido, CA 92025-2798

Contact: Jay Paul, Associate Planner
Telephone: (760) 839-4671
Fax: (760) 839-4313
Email: jpaul@escondido.org

A printed copy of this document and any associated plans and/or documents are available for review during normal operation hours for the duration of the public review period at the City of Escondido Planning Division at the address shown above, and also available on the City's website. The City of Escondido General Plan Update (2012); Final Environmental Impact Report (2012); and Climate Action Plan are incorporated by reference. These documents are available for review at, or can be obtained through the City of Escondido Planning Division or on the City of Escondido Web Site.

PROJECT DESCRIPTION

The proposed project involves a Conditional Use Permit (CUP) for a phased master development plan for Escondido United Reformed Church to include the following components:

Phase 1

- Construct a new 12,243 SF, two-story Sanctuary Building to accommodate up to 578 fixed seats on the main floor and 202 fixed seats on the upper story mezzanine/balcony, with up to 170 non-fixed seating for a maximum capacity of up to 950 seats.
- Reconstruct driveway off of Broadway and reconfigure the existing parking lot, drive aisles, new student drop-off area, paths of travel, hardscape and landscape improvements to support the Church and adjacent Calvin Elementary School.

Phase 2

- Convert the existing approximately 5,320 SF Sanctuary building into a multi-purpose social hall with a new attached 578 SF kitchen/prep building.

Phase 3

- Demolish the existing single-story social hall building (approx. 4,620 SF) and construct a new, approximately 5,250 SF, two-story building to accommodate a nursery, multi-purpose room, classrooms for Sunday school and other associated activities, and bathrooms, and an enclosed 1,835 SF lower story central Atrium/Narthex. As part of this phase, the existing nursery spaces would be located in the new building and additional classrooms added to the existing building.

Phase 4

- New two-story freestanding Multi-Purpose Building. This would require a future modification to the CUP when the architectural design and floor plans are submitted.

PROJECT LOCATION AND ENVIRONMENTAL SETTING

Escondido United Reformed Church generally is located on the southeastern corner of North Broadway and Vista Avenue in the City of Escondido, County of San Diego, addressed as 1864 N. Broadway (APN 227-010-61). The approximately 4.36-acre property is developed as a religious facility that includes an approximately 5,320 SF one-story sanctuary building (468 seats); 11,164 SF two-story multi-purpose building containing various classrooms, meeting rooms, storage areas and administrative offices; detached approximately 2,000 SF single-story Pastor's residences; 1,464 SF detached multipurpose/storage building; and paved parking areas. The property fronts onto and takes access from North Broadway (Major Road) and Vista Avenue (Collector Road) which are classified as Circulation Element Streets.

Escondido United Reformed Church original was established at the Broadway site in 1962 under the County's jurisdiction. The Church annexed to the City of Escondido in 1973 (City File No. AN73-101) and has expanded over the years to its current configuration. The adjacent Calvin Elementary School was constructed in 1967 under the County's jurisdiction with a shared parking arrangement with the church. The Calvin Christian High School north of the church site also has a joint parking arrangement with the church.

The General Plan land-use designation for subject site is Suburban (S) with an underlying zoning designation of R-1-10 (Single-Family Residential, 10,000 SF min. lot size). In general, the surrounding area is characterized as urban/residential with a mix of multi-family and single-family residential development. Several non-residential uses are located within the immediate vicinity including Escondido High School to the southwest, Calvin Christian High School and Middle School to the north, Calvin Elementary School on the east, and First Congregational Church to the south. Vegetation throughout the surrounding area is typically of developed land, with a pocket of off-site natural habitat south of the site associated with an open drainage course, and Reidy Creek located west across North Broadway.

Vegetation on the project site and adjacent Calvin Elementary School consists of a mix of mature trees, ornamental shrubs and groundcover, and turf grass. The site does not contain any native or sensitive habitats or vegetation. Surrounding zoning and land uses are as follows:

North: Calvin Christian School (middle and high school) is located north of the site across Vista Avenue. Single-family residential development is located further to the northeast. Vista Avenue is classified as a Collector Road (84' R-O-W) but currently is developed as a Local Collector Road with one westbound and one eastbound lane, including curb-gutter and sidewalk along the project frontage and the Calvin Christian School frontage.

South: Single-family residential homes are located immediately south of the church property. First Congregational Church is located further to the south and Escondido High School to the southwest. A masonry block wall is located along the southern boundary of the adjacent Calvin Elementary School, and a wooden fence along the southern boundary of the church.

East: Calvin Elementary and Preschool is located on a 4.78-acre parcel immediately east of the church property. The church and school share parking facilities and access points/driveways along Broadway and Vista Avenue. Single-family residential development is located further to the east (approximately 305 feet to the east) of the church property/parcel.

West: Multi-family residential development is located west of the church property across North Broadway. The Meadowbrook Village retirement and congregate care facility is located further to the northwest. North Broadway is classified as a Major Road (102' R-O-W) with two northbound and two southbound lanes and a continuous center turn lane. The intersection of North Broadway and Vista Avenue is signalized.

Responsibility Agency Permit Approvals

The applicant would be required to comply with the NPDES General Permit for Storm Water Discharges Associated with Construction of land Disturbance Activities (SWRCB Order No. 2009-0009-DWQ, NPDES No. CA2000002), as well as related City requirements for storm water/erosion control.

Anticipated Public Hearings

A public hearing for this project has been scheduled for January 27, 2015 (Planning Commission hearing).



Project Site



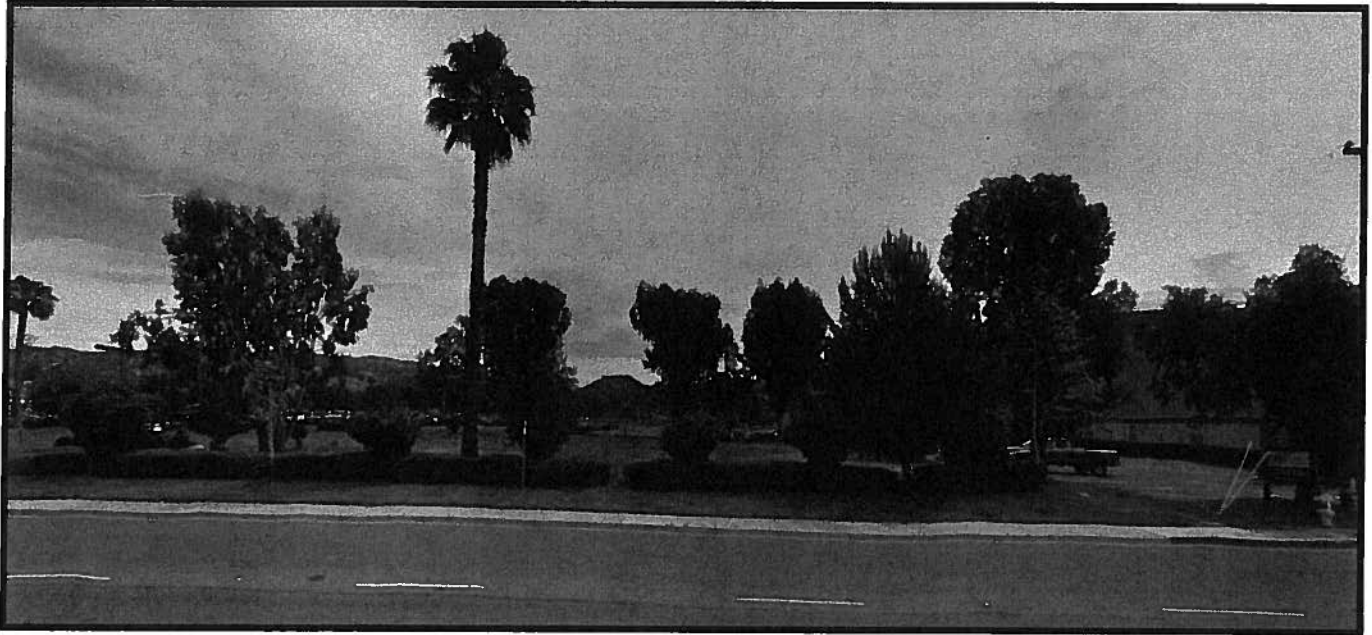
Imagery ©2014 DigitalGlobe, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2014 Google



Looking southeast across site from Broadway



Looking south across site from Vista Avenue



Looking east across project site from Broadway



Looking north along Broadway towards project site

I. AESTHETICS

- a. *Have a substantial adverse effect on a scenic vista?*
- b. *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*
- c. *Substantially degrade the existing visual character or quality of the site and its surroundings?*

Less Than Significant Impact - Scenic resources in the City of Escondido include views to and from hillsides and prominent ridgelines and other prominent natural landforms. No designated scenic resources are located within or in close proximity to the site, as identified in the General Plan Resource Conservation Element. More prominent ridgelines/hillside areas generally are located north and northeast towards the City's northern boundaries. Views through the site towards the distant hillsides would be altered with the development of the new structures. However, due to distance from designated scenic resources and the relatively small scale of the project, the new buildings would not adversely block views of ridgelines or other scenic vistas from public views or through the project site.

The 4.36-acre site is developed as a religious facility and contains a variety of one- and two-story buildings, paved parking and other supporting infrastructure. The proposed project consists of an infill type development within an urbanized/suburban area completely surrounded by a variety of existing development, including several schools and religious facilities. The project components primarily consist of a new sanctuary building; new two story multi-purpose/classroom building; and related surface parking lot and landscape improvements that have been designed to be compatible in height and scale with the existing on-site buildings and other development throughout the surrounding area. The site does not contain any significant on-site resources such as protected trees, rock outcroppings or any other significant topographical features. Several of the on-site mature trees (generally eucalyptus and pine species) would be removed or impacted during construction. These trees would be replaced as required by the City's Grading Ordinance and tree preservation requirements. Therefore the proposed project would not result in any adverse impacts directly, indirectly or cumulatively to the visual character or quality of the Planning Area.

- d. *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Less Than Significant Impact - Existing lighting sources on the site and surrounding area generally consist of street lights; security lights, parking lot lights, sport field lights and vehicle headlights. The proposed lighting for the project generally would consist of new or relocated parking lot lighting, new area lighting around the buildings and walkways, and building security lighting, which would be compatible with existing lighting throughout the project vicinity. All new lighting would be required to be in compliance with the City's Outdoor Lighting Ordinance, which would ensure potential impacts associated with glare or light will be minimized to below a level of significance.

II. AGRICULTURE RESOURCES

Significance Criteria and Impact Analysis

In determining whether impacts to agricultural resources are a significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. The effects of a project on agricultural resources are considered significant if the proposed project would:

- a. *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*
- b. *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*
- c. *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?*
- d. *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*
- e. *Result in the loss of forest land or conversion of forest land to non-forest use?*
- f. *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?*

No Impact - The proposed project site is currently developed as a religious facility/school and surrounded by urban/suburban development on all sides.. No farmland, forest land, timberland, or other agricultural uses occur on the project site or surrounding area. The property is not is not listed as agricultural or prime farmland by the California Department of Conservation (CDC) Farmland Mapping and Monitoring Program. The project site and surrounding area is not listed as prime Agricultural Lands in the General Plan Final EIR, which was prepared for the most recent General Plan revisions in 2000 (Escondido 2000). Therefore, the proposed project will not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use, or result in the conversion of forest land to non-forest use. The project site does not contain any Williamson Act or other agricultural land contracts. Accordingly, no associated impacts to agricultural-related zoning or contract land would result.

III. AIR QUALITY

Significance Criteria and Impact Analysis

Where applicable, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a. *Conflict with or obstruct implementation of the applicable air quality plan?*
- b. *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?*
- c. *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*
- d. *Expose sensitive receptors to substantial pollutant concentrations?*
- e. *Create objectionable odors affecting a substantial number of people?*

Within the San Diego region, air quality is monitored, evaluated, and controlled by the U.S. Environmental Protection Agency (USEPA), California Air Resources Board (CARB), and the San Diego County Air Pollution Control District (SDAPCD). The project is located within the San Diego Air Basin (Basin) under the jurisdiction of the SDAPCD. The SDAPCD develops and administers local regulations for stationary air pollutant sources within the Basin, and also develops plans and programs to meet attainment requirements for both federal and State Ambient Air Quality Standards. The SDAPCD and the San Diego Association of Governments (SANDAG) are responsible for developing and implementing the clean air plan for attainment and maintenance of the AAQS in the Basin. The San Diego County Regional Air Quality Strategy (RAQS) was initially adopted in 1991, with the most recent update in 2009. The RAQS outlines the SDAPCD's plans and control measures designed to attain the state air quality standards. The SDAPCD has also developed the air basin's input to the State Implementation Plan (SIP), which is required under the federal CAA for areas that are out of attainment of air quality standards.

Less Than Significant Impact - To determine consistency between the project and these air quality plans, the project must comply with all applicable SDAPCD rules and regulations, all proposed or adopted control measures of the RAQS, and be consistent with the growth forecasts utilized in preparation of the RAQS and SIP, which are based on regional population, housing, and employment projections prepared by SANDAG. The SDAPCD air quality management plans were developed based on growth assumptions prepared by SANDAG. Because the proposed project does not include growth-generating components the project would not conflict with growth projections contained in the City's General Plan and thus, would be consistent with SANDAG forecasts. Based on these considerations and pursuant to SDAPCD guidelines, project-related emissions would be accounted for and the project would be consistent with the SDAPCD air quality management plans and the SIP. For these reasons, the proposed project would not produce local or regional growth. The proposed project would not significantly increase traffic volumes on local streets and intersections as a result of the new sanctuary building and multipurpose building. The proposed project does not propose any land use changes, nor would it result in a land use that would create any significant additional operational emissions. Therefore, the proposed project is consistent with the City's General Plan, which would make it consistent with the AQMP, and no significant impact would occur. Any individual impacts attributed to the proposed project are small on a regional scale and will not cause ambient air-quality standards to be exceeded, nor contribute to any adverse cumulative impacts.

Construction Emissions and Odors

Due to the relatively minor amount of on-site earth disturbing activities/trenching associated with the project and based on air-quality studies for similar type projects, anticipated daily construction emissions from heavy equipment, or haul trucks and diesel equipment are projected to be less than the City of Escondido and SDAPCD thresholds for all criteria. Therefore, the proposed project would not expose sensitive receptors to substantial concentrations of criteria pollutants nor generate any objectionable odors, especially from diesel fumes. Any odors would be temporary in nature and would be confined to the immediate vicinity of the proposed project site. Because construction is a one time, temporary activity, operation of equipment during project construction is not anticipated to result in significant air quality impacts. As a matter of standard practice, dust and emission control during grading operations would be implemented to reduce potential nuisance impacts and to ensure compliance with SDAPCD rules and regulations. Due to the nature of the project, operation of the facility also is not anticipated to include the generation of objectionable odors affecting a substantial number of people. Therefore, the proposed project would have a less than significant impact on cumulative regional and local air quality.

IV. BIOLOGICAL RESOURCES

Significance Criteria and Impact Analysis

The effects of a project on biological resources are considered to be significant if the proposed project would:

- a. *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*
- b. *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*
- c. *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*
- d. *Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

- e. *Conflict with any local policies or ordinances protecting biological resources such as a tree preservation policy or ordinance?*
- f. *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

Less Than Significant Impact - The project site is located within an urban/suburban built-up area and is surrounded by existing development and/or public streets on all sides. The property is classified as developed/disturbed and contains a variety of buildings, paved parking and ornamental landscaping, including mature trees. No plant life or animal species recognized as threatened or endangered by the U.S Fish and Wildlife Service or California Department of Fish and Game, or other sensitive species, as identified in local/regional plans/policies or regulations, are known or anticipated to occur on the site. No raptor nests were observed within the proposed project area during a site reconnaissance. Based on the developed nature of the site and surrounding area, project implementation would not result in any impacts to wildlife movements or established wildlife corridors/habitat linkages. The project development area is outside the City of Escondido Focused Planning Areas as indicated on the MHCP maps and no conflicts with the provisions of the MHCP are expected. No riparian habitat or wetlands occur on the subject site. As such, the project would not directly or indirectly impact sensitive species or habitat. Although there are mature trees on the site, there are no protected trees (such as oak trees) located on the site. The removal of any mature trees due to the project development would be replaced in accordance with the City's grading and landscape requirements.

V. CULTURAL RESOURCES

Significance Criteria and Impact Analysis

The effects of a project on cultural resources are considered to be significant if the proposed project would:

- a. *Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*
- b. *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*
- c. *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*
- d. *Disturb any human remains, including those interred outside of formal cemeteries?*

No Impact - The project site is developed with a church and school. The original church sanctuary building was constructed in 1962, which is over 50 years old. However, the structure is not listed on any historic survey and the architecture or character of the building would not be considered a significant historical resource. The proposed project would not impact the character of the existing sanctuary building as it would be retained and the interior remodeled as one of the proposed project phases. No other potential historical resources occur on the project site and the project area does not appear to contain any indicators of significant cultural resources or geologic features due to the disturbed nature of the property and past development. As such, no impact to cultural/historical resources would occur as a result of the proposed project. Because extensive ground moving activities would not be required and the area of ground disturbance would be minimal, the likelihood of encountering cultural resources is unlikely. No human remains are anticipated to be discovered during project construction due to the lack of burial sites recorded on the site and the disturbed nature of the project area. In accordance with Health and Safety Code 7050.5, CEQA 15064.5(e), and Public Resources Code 5097.98, if any human remains are discovered, all work would be halted in the vicinity of the discovery, the appropriate authorities would be notified, and standard procedures for the respectful handling of human remains would be adhered to. Therefore, implementation of the proposed project would not result in a significant impact to these resources and no mitigation measures are required.

VI. GEOLOGY AND SOILS

Significance Criteria and Impact Analysis

The effects of a project on geology and soils are considered to be significant if the proposed project would:

- a. *Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving:*
 - i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*
 - ii. *Strong seismic ground shaking?*
 - iii. *Seismic-related ground failure, including liquefaction?*
 - iv. *Landslides?*
- b. *Result in substantial soil erosion or the loss of topsoil?*
- c. *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*
- d. *Be located on expansive soil, as defined in Table 18.1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

Less than Significant Impact - The subject site, including all areas of Escondido and surrounding San Diego County is located within a Seismic Zone 4 designation. The project site is not located within proximity to any mapped State of California Fault-Rupture hazard Zones (formerly known as Alquist-Priolo Special Studies Zones) or other known fault hazard designations (California Geological Survey [CGS] 2007). No known active or potentially active faults are located in the project site vicinity. Accordingly, fault surface rupture is not likely at this project. All new development would be required to conform to current seismic building code requirements designated for the specific area. Encounters with shallow groundwater is not expected. However, a number of standard methods are available to eliminate potential impacts from groundwater, such as dewatering. Disposal of any extracted groundwater (if necessary) would require coordination with the local RWQCB. Based on existing conditions and geologic/development history of the area, potential liquefaction and expansive soil issues are not anticipated to rise to a level of significance. Appropriate design and construction measures would be required to be incorporated into the development plans as recommended by any subsequent geotechnical/soils reports that may be required at the building/grading permit stage of site development, which include standard industry practices such as the use of appropriate foundation and footing designs, design and construction measures to accommodate projected seismic loading, implementation of properly engineered and non-expansive fill, and appropriate surface/subsurface drainage techniques. These and/or other appropriate measures would be implemented as part of any development permit and conformance with applicable regulatory/industry criteria such as the IBC/CBC, Greenbook and City Standards. Because the subject site and surrounding properties have been developed and situated on relatively level terrain, the project site is not considered to be susceptible to other potential geologic hazards such as landslides, tsunamis, or seiche. Additionally, the proposed development area contains no exposed soils that could be subject to soil erosion or loss of topsoil. Erosion and sedimentation impacts would be addressed through conformance with the NPDES *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit, State Water Resources Control Board [SWRCB]). Based on implementation of appropriate erosion and sediment control BMPs as part of, and in conformance with NPDES/City storm water requirements, potential erosion and sedimentation impacts from a proposed project would be avoided.

- e. *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

No Impact - The project site currently is serviced by an existing wastewater/sewer pipeline system with the City of Escondido. No septic tanks or alternative wastewater disposal system would be utilized as part of any future development projects.

VII. GREENHOUSE GAS EMISSIONS

In order to determine the potential effects of a project on greenhouse gas emission (GHG), would the project:

- a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant Impact – *The City of Escondido Greenhouse Gas Emissions Adopted CEQA Thresholds and Screening Tables* document provides guidelines on how to analyze GHG emissions and determine the significance of those emission during CEQA review of proposed projects within the City. Project that emits less than 2,500 MT CO₂e annually during construction or operation would not result in a potentially significant impact. The proposed development would generate GHGs from a variety of sources. Construction of the project would result in temporary emissions of GHG from the operation of construction equipment and from worker and building supply vendor vehicles. Once fully operational, the development's operations would generate GHG emissions from both area sources and mobile sources. Indirect source emissions associated with the proposed uses include electrical consumption, water and wastewater usage (transportation), and solid waste disposal. Mobile (direct) sources of air pollutants associated with the project would consist of motor vehicles trips to and from the site. Due to the short-term and phased nature and relatively low intensity of project construction, construction-related GHG emissions generated by this project are anticipated to be well below the screening level threshold of 2,500 MT CO₂e established by the City of Escondido. Based on a review of Appendix B of the City of Escondido Greenhouse Gas Emissions Adopted CEQA Thresholds and Screening Tables document, it is concluded that the GHG emissions generated by the project would not exceed 2,500 MT CO₂e per year. Thus, the GHG emissions attributable to the project would be less than significant.

Vehicle Emissions - Vehicular emissions are the greatest contributor to GHG emissions. Individual projects of this type and nature (religious and public assembly) do not have direct control over the types of vehicles or emission/fuel standards that would result from the proposed development. However, GHG emissions related to the project would be reduced by up to 36 percent by the year 2020 through a combination of compliance/implementation of state-wide and federal programs/regulations on vehicle engine and fuel technologies. Efforts to reduce transportation emissions by reducing vehicle miles traveled (VMT) on a regional level are anticipated to come from policies related to changes in future land use patterns and community design, as well as through improvements in public transportation. By reducing miles vehicles travel, vehicle emissions would be reduced. Because of the limited number of vehicle trips (especially non-peak hour trips) that would be produced by the project on the area circulation network, the project is not anticipated to increase local vehicle trip lengths sufficient enough to increase the average regional trip length, as defined in the CARB Business-As-Usual (BAU) 2020 Forecast used to develop the regulations to reduce vehicle GHG emissions. Therefore direct and indirect impacts on statewide, regional or area-wide vehicular GHGs would not be considered significant.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Significance Criteria and Impact Analysis

The effects of a project on hazards and hazardous materials are considered to be significant if the proposed project would:

- a. *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- b. *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*
- c. *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*
- d. *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

No Impact - Due to the nature of the proposed development, the project would not result in any associated impacts related to hazardous emissions or the handling of hazardous or acutely hazardous materials, substances or wastes. Use and/or storage of hazardous materials at the project site are expected to be minimal and would not constitute a level that would be subject to regulation. The project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (the Cortese List). Any development of the project site would be required to comply with all applicable Fire, Building, and Health and Safety Codes, which would eliminate any potential risk of upset. The site is not located within a 100-year floodplain. Therefore, the project will not create a significant risk of upset or hazard to human health and safety.

- e. *For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in safety hazard for people residing or working in the project area?*
- f. *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

The project is not located within an airport land-use plan, an airport land-use plan that is to be adopted, or within 2 miles of a public airport. The project also is not located within the vicinity of a private airstrip and would not result in a safety hazard for people residing or working in the project area. Therefore, the project would not result in any associated impacts related to safety hazards for people residing or working in the project area.

- g. *Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?*

The project does not include activities or structures that would impair implementation of, or physically interfere with, an emergency response plan. The proposed development is not expected to result in the need for additional emergency and fire facilities. Any development of the site would be required to comply with all applicable Fire, Building, and Health and Safety Codes. The Police and Fire Department indicated the proposed project would not impact service levels.

- h. *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

No Impact - The subject site is developed as a religious facility and is not adjacent to a wildland fire area. Therefore, the project does not involve the development of structures that would expose people or structures to a significant risk of wildland fires.

IX. HYDROLOGY AND WATER QUALITY

Significance Criteria and Impact Analysis

The effects of a project on hydrology and water quality are considered to be significant if the proposed project would:

- a. *Violate any water quality standards or waste discharge requirements, including but not limited to increasing pollutant discharges to receiving waters (Consider temperature, dissolved oxygen, turbidity and other typical storm water pollutants)?*
- b. *Have potentially significant adverse impacts on ground water quality, including but not limited to, substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*
- c. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner which would result in substantial/increased erosion or siltation on- or off-site?*
- d. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site and/or significant adverse environmental impacts?*
- e. *Cause significant alteration of receiving water quality during or following construction?*
- f. *Cause an increase of impervious surfaces and associated runoff?*
- g. *Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?*
- h. *Cause potentially significant adverse impact on ground water quality?*
- i. *Cause or contribute to an exceedance of applicable surface or ground water receiving water quality objectives or degradation of beneficial uses?*
- j. *Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?*
- k. *Otherwise substantially degrade water quality?*

Less Than Significant Impact - The project site currently is developed with religious facility and paved parking. The project site generally consists of level terrain and generally drains to existing public/private storm drain facilities, and as minor overland flow. No changes to the overall drainage patterns and directions would occur as a result of the proposed project. Any potential project related impacts from construction activities would be avoided or reduced below a level of significance through conformance with existing NPDES, City storm water standards and storm water design requirements (SUSMP). Therefore, future project implementation would result in a less than significant impacts related to runoff rates/amounts, associated flooding, hydromodification, or the capacity of existing/planned storm drain systems.

Water service to the site currently is provided by Rincon del Diablo Municipal Water District, and the project would not withdraw groundwater or otherwise substantially interfere with long-term groundwater recharge or the groundwater table level. Therefore, the proposed project would not result in any significant impacts to hydrology or water quality; result in a significant increase in runoff from the site; or adversely impacts surface water beneficial uses, water quality objectives, or 303(d) impaired water listings.

- k. *Create or exacerbate already existing environmentally sensitive areas?*
- l. *Create potentially significant environmental impact on surface water quality, to either marine, fresh, or wetland waters?*
- m. *Impact aquatic, wetland or riparian habitat?*

No Impact - As described in Section VII, Biological Resources, the proposed development would not affect any environmentally sensitive areas or aquatic/riparian/wetland habitats. The subject area proposed for development is outside the City of Escondido Focused Planning Areas as indicated on the MHCP maps. No conflicts with the provisions of the MHCP are expected.

- o. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*
- p. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*
- q. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*
- r. Inundation by seiche, tsunami, or mudflow?*

No Impact - The project site is located outside the 100-year flood zone with no associated mapped 100-year floodplains occurring locally in the SanGIS database or on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs). Therefore, no structures would impede or redirect flood flows. The project site and surrounding area are not located within a mapped dam inundation area associated with the upstream Lake Wohlford and Dixon Reservoir containment structures/reservoirs (General Plan 2012). Based on the location of the proposed project approximately 12 miles inland, no significant impacts related to tsunamis would result. No significant impacts related to seiches and associated flood hazards are anticipated to occur given the distance from the existing Lake Wohlford and Dixon Reservoirs, and channelization/improvement of Reidy Creek within the area. The project site and surrounding properties either are developed and/or landscaped with ornamental or native vegetation, and therefore the site is not subject to any anticipated mudflows.

X. LAND USE AND PLANNING

The City of Escondido General Plan designates the subject site as Suburban (S) and is zoned R-1-10 (Single-Family Residential, minimum lot size 10,000 SF). The existing church has existed at its current location for many years and has become an established part of the surrounding community. Additionally, the proposed project has been designed to be consistent with and fit into the pattern of development of existing buildings, parking, landscape, access, circulation and connectivity consistent with the General Plan 2025, Citywide Design Guidelines and in compliance with the requirements of the Zoning and Subdivision Codes. Therefore, the project impacts related to the community are less than significant. Therefore, the project will not impact City of Escondido existing or planned land uses.

Significance Criteria and Impact Analysis

The effects of a project on existing or planned land uses are considered significant if the proposed project would:

- a. Physically divide an established community?*
- b. Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*
- c. Conflict with any applicable habitat conservation plan or natural community conservation plan?*

No Impact - The proposed project would not disrupt or divide the physical arrangement of the area because the site already is developed as a religious facility. The proposed project would not result in the permanent closure of any streets or sidewalks or the separation of uses and/or disruption of access between land use types. The project would not conflict with any local policies or ordinances protecting biological resources because there are no significant or protected resources located on the site. Vegetation on the site generally consists of ornamental landscaping consistent with developed religious facility. The subject project area is not designated on the City's Draft Multiple Habitat Conservation Plan

(MHCP) Focus Planning Area or any other conservation planning area for preservation. Therefore, no detrimental land-use policy impacts would be result from the proposed project.

XI. MINERAL RESOURCES

Significance Criteria and Impact Analysis

The effects of a project on mineral resources are considered to be significant if the proposed project would:

- a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land-use plan?*

The subject site and adjacent properties have been previously developed. These properties are not known to contain any known mineral deposits of value. No known locally important mineral resource recovery sites delineated on a local general plan, specific plan or other land-use plan are present within the project site or surrounding area.

XII. NOISE

Significance Criteria and Impact Analysis

The effects of a project on noise are considered to be significant if the proposed project would result in:

- a. Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*
- b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?*
- c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*
- d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

Less than Significant Impact - Existing ambient noise within the area primarily is generated from the traffic along the adjacent roadways (North Broadway and Vista Avenue) and from the various residential and non-residential activities throughout the immediate area. The subject site is developed as a religious facility that contains a variety of active and passive uses. The site also is located next to two schools that contain outdoor play fields. Residential uses are considered sensitive to noise. The closest noise sensitive use to the church are existing residential homes located south of the property, and further east adjacent to the Calvin Elementary School. An apartment complex also is located west of the site across North Broadway. Operation of the new sanctuary building and classrooms is not anticipated to result in any significant noise impacts to the adjacent residential uses since all services and activities generally would be conducted within a completely enclosed building(s), and also due to the distance of the new sanctuary building in relation to the existing residential developments. Outdoor spaces generally have been oriented within the center of the site or would be buffered from adjacent residential uses by existing buildings or architectural features to reduce the potential for any noise conflicts. The proposed project does not include any components that would result in excessive groundborne vibration.

Construction Noise

Noise impacts from construction are a function of the noise generated by the construction equipment, the location and sensitivity of nearby land uses, and the timing and duration of the noise-generating activities. Noise levels within and adjacent to the specific construction sites would increase during the construction

period. Construction would not cause long-term impacts since it would be temporary and daily construction activities would be limited by the City's Noise Ordinance (Sections 17-234 and 17-238) to hours of less noise sensitivity. Upon completion of the project, all construction noise would cease. No pile driving or explosives blasting is anticipated as a result of the project and, thus, no significant vibrations or groundborne noise would be associated with construction of the proposed project

- e. *For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*
- f. *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

No private or public airstrips are located within 2 miles of the proposed project site; thus, people residing or working in the project area would not be exposed to excessive noise levels due to airport operations.

XIII. POPULATION AND HOUSING

Significance Criteria and Impact Analysis

The effects of a project on population and housing are considered to be significant if the proposed project would:

- a. *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*
- b. *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*
- c. *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

No Impact – The project does not consist of residential development and therefore would not alter the location, distribution or population density within the area, nor would it adversely impact the City's housing demand. The project also would not result in the removal of any existing housing units. The project would not be considered growth inducing since the area already is developed, and adequate public facilities are available within the area to serve the project.

XIV. PUBLIC SERVICES

Significance Criteria and Impact Analysis

The effects of a project on public services are considered to be significant if the proposed project would:

- a. *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

No Impact- The project site is developed as a religious facility and implementation of the proposed project would result in additional buildings to accommodate the range of uses offered by the church. The proposed project would not result in a need to provide additional park or open space amenities since the project would not increase population within the surrounding area. Therefore, no significant impact to recreational resources would occur as a result of project. SDG&E would provide electric facilities to the project. The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered SDG&E facilities. The new buildings would create an incremental increase in demand for electricity over existing levels, but the project increase in not

significant on an area-wide level and the project would not require a major expansion existing SDG&E power transmission facilities. Therefore, no significant impacts are anticipated to occur with respect to increased power demand from the proposed project.

XV. RECREATION

No. Impact – The proposed project does not include any uses that would increase demand on public parks/recreational facilities or require the development of additional facilities.

XVI. TRANSPORTATION/TRAFFIC

Significance Criteria and Impact Analysis

The effects of a project on transportation and traffic are considered to be significant if the proposed project would:

- a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.
- b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measure, or other standards established by the county congestion management agency for designated roads or highways
- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- d. *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*
- e. *Result in inadequate emergency access?*
- f. *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?*

Less Than Significant Impact - The Engineering Division indicated the proposed project and anticipated increase in traffic generated by the new sanctuary building (approx. 70 weekday trips and 279 trips during primary days of service) would not result in any adverse impacts to the local street segments or intersections. The anticipated traffic is based on the increase in sanctuary area (approx. 7,750 SF) above the existing sanctuary area that would be converted to another use. North Broadway currently operates at a Level-of-Service (LOS) "A," and Vista Avenue (*Broadway to Ash*) operates at a LOS "B" within the City and "C" within the County. The intersection of Broadway/Ash, which is signalized, operates at LOS "B" in the a.m. peak hours and "A" during p.m. peak hours. The primary increase in trips associated with the sanctuary would be on days of worship/service, which generally are on the weekends during non-peak days and hours. The proposed project would not conflict with any applicable plan, ordinance, or policy related to traffic/circulation and, therefore, impacts would be less than significant. The project would be conditioned to implement a traffic management plan as part of the terms of the Conditional Use Permit to reduce potential conflicts during school and service peak time/days.

Construction Traffic – Temporary traffic impacts would occur during site preparation and construction activities. Due to the nature of the project, the Engineering Division indicated additional trips are anticipated to be minimal. Construction traffic typically occurs during the off-peak hours. Therefore, impacts to LOS during temporary construction would be less than significant.

Design Features/Hazards/Emergency Access – The project does not include any design features or incompatible uses that would substantially increase hazards.

Air-Impacts – The project site is not located within the vicinity of a public or private airstrip and would not result in a change in air traffic patterns, increase in traffic levels, or a change in location that results in substantial safety risks. The height of the light poles would not interfere with air traffic patterns.

Adopted Plans/Policies – The proposed project would not conflict with adopted policies, plans, or programs supporting alternative transportation. Bus service in the vicinity of the site would not be impacted by the proposed project or impact any existing or proposed bicycle facilities in the area as designated on the City's Bicycle Facility Master Plan. The project also would not result in inadequate emergency access as determined by the Fire Department.

Congestion Management – None of the adjacent streets is designated as a Congestion Management Program (CMP) Arterial.

On-Site Parking – Appropriate on-site and overflow parking would be provided on the site and on the adjacent Calvin Elementary School property. The Church also has a parking agreement with the adjacent Calvin High School to use their on-site parking spaces.

XVII. UTILITIES AND SERVICE SYSTEMS

Significance Criteria and Impact Analysis

The effects of a project on utilities and service systems are considered to be significant if the proposed project would:

- a. *exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.*
- b. *require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.*
- c. *require, or result in, the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.*
- d. *have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.*
- e. *result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.*
- f. *be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.*
- g. *comply with federal, state, and local statutes and regulations related to solid waste.*

No Impact

Solid Waste – Escondido Disposal, Inc. (EDI) currently provides solid waste removal service for the Escondido area. EDI also operates a solid waste transfer station at their Washington Avenue site where solid waste is consolidated into larger transfer trucks and taken to a class III landfill for disposal. Solid waste pick-up is available for the site and any future development.

Sewer Service – The City's Utilities Division indicated the proposed project would not impact services or capacity at the Hale Avenue Resource Recovery Facility (HARRF).

Water Service – Water service to the site is provided by the Rincon del Diablo Municipal Water District. The District indicated they would continue to provide water service to the site.

Drainage Facilities – See analysis contained within Water Section No. IV.

MANDATORY FINDINGS OF SIGNIFICANCE

The project is not expected to have any significant impacts, either long-term, nor will it cause substantial adverse effects on human beings, either directly or indirectly. The project will not degrade the quality of the environment for plant or animal communities since the project will not cause fish and wildlife populations to drop below self-sustaining levels nor reduce the number or restrict the range of endangered plants or animals. The project will not materially degrade levels of service of the adjacent streets, intersection or utilities, nor have a significant impact on the City's Quality of Life Standards. Therefore, in staff's opinion, the proposed project would not have a significant individual or cumulative impact to the environment.

Materials Use in Preparation of this Analysis

Escondido General Plan Update and Environmental Impact Report (Escondido 2012)

Escondido Zoning Code and Land Use Maps

SANDAG Summary of Trip Generation Rates

Escondido Historic Sites Survey

City of Escondido

Public Works Department

Engineering Division

Traffic Division

Building Division

Fire Department

Police Department

Planning Division

FIRM maps (Flood Insurance Rate Maps)

Draft MHCP maps (Multiple Habitat Conservation Program)

County of San Diego Health Department, Hazardous Material Management Division (HMMD) Hazardous Sites List.

Escondido Drainage Master Plan (1995).

Escondido Water Master Plan (2000)

Escondido Wastewater Collection System Master Plan Update (Nov. 2005) and Wastewater Treatment and Disposal Facilities Capacity Study, Dec. 2006.

California Department of Conservation (CDC) 2008 Farmland Mapping and Monitoring Program (FMMP)

The California Air Pollution Control Officers Association (CAPCOA) guide to addressing greenhouse gas (GHG) emissions from projects subject to the California Environmental Quality Act (CEQA) 2008.

City of Escondido Climate Action Plan (2012)

Final Environmental Impact Report (EIR) for the Escondido General Plan Update and Climate Action Plan (2012).

PLANNING COMMISSION

Agenda Item No.: G.2

Date: June 27, 2017

CASE NUMBER: PHG 15-0041

APPLICANT: OAA Investments

LOCATION: On the northeastern corner of East Valley Parkway and North Midway Drive, addressed as 2004 East Valley Parkway (APN 231-021-44)

TYPE OF PROJECT: Conditional Use Permit

PROJECT DESCRIPTION: A Conditional Use Permit to renovate the first floor of an existing gas station building, and to add a second floor to the building. The existing building has one floor which is 2,281 SF in size. This floor is split into two halves, with a mini-market on the west side and an auto service area on the east side. Three hydraulic lifts in the auto service area have already been removed under building permit B17-0883, which was finalized on April 17, 2017. The applicant has proposed to remove three roll-up doors leading into the auto service area and replace them with storefront glass panels to match existing windows on the structure. An interior wall separating the existing market space from the auto service area would be removed to create a larger market area, and a new walk-in freezer and merchandise display shelves would be installed in this expanded space. A 1,510-SF second floor would be added to the building and would contain offices, a conference room, an employee kitchen, and two restrooms. Thirteen parking spaces would be provided on-site to accommodate the proposed uses.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION: GC (General Commercial)

ZONING: CG (General Commercial); also included in the East Valley Parkway Area Plan

BACKGROUND/SUMMARY OF ISSUES:

The property at 2004 East Valley Parkway has been occupied by a gas station for decades. The oldest building permit found for this property dates to 1961 (when the property was zoned M-1, or Light Industrial) and authorized a commercial structure approximately 420 SF in size. Another permit from 1970, listing Mobil Oil Corporation as the owner, allowed the installation of underground storage tanks.

In May of 1984, the owner of the station (a Mobil franchisee) applied for Conditional Use Permit 84-72-CUP for permission to demolish the existing gas station facilities and construct a modernized, 24-hour, full-service station to include three islands, a canopy, a trash enclosure, a sales office and snack shop, and a restroom. Shortly after the application was submitted, the project was converted to a Plot Plan (later filed under the number 87-1301-PPL) and was administratively approved. However, the applicant stated that he could not satisfy a condition of approval requiring him to close a driveway on Midway near the East Valley Parkway intersection, and asked that the application be withdrawn. The project file was shelved with no further action.

In May of 1985, a new owner (also a Mobil franchisee) again applied for a new Plot Plan (87-1300-PPL) to rehabilitate the gas station and add a snack shop. This Plot Plan was approved, again with a condition of approval requiring closure of the driveway on Midway near the intersection. The conditions of approval also required a minimum of five parking spaces, at least seven street trees of landscaping, installation of a street light on East Valley Parkway, and corner sidewalk improvements (widening and installation of a ramp). After a revision to the Plot Plan in February of 1986, the project was constructed.

By 2000, the gas station had again changed ownership. In March of that year, the owner submitted an application to the City's Façade and Property Improvement Matching Grant Program to make improvements to the property, including painting several structures (building exterior, canopy, planters, light poles, trash enclosure, and sign fixtures), repairing and seal coating the pavement, restriping the parking spaces and ADA areas (and increasing parking from five spaces to

nine), and planting flowers at the East Valley Parkway entrance. The grant application was approved and the proposed improvements were completed.

The gas station is currently owned by OAA Investments and operates under the name OAAI Gas Station and Market. The 2,281-SF, one-story gas station building is split into two halves. One half (the west side) contains a mini-market and sales counter, while the east half contains an automotive service area for oil changes and other routine maintenance services. The applicant is proposing to cease all auto repair activities, remove an interior wall separating these two halves of the building, and expand the mini-market's food displays to occupy the entire first floor. Three roll-up doors on the east side of the building would be removed and replaced with storefront glass to match the windows on the remainder of the building, and the applicant has already removed three hydraulic lifts in the auto service area. Additionally, the applicant is proposing to add a 1,510-SF second story to the building, to contain offices, a conference room, a kitchen area for employee use, and two restrooms.

The Zoning Code requires a food store in the General Commercial zone to obtain a Conditional Use Permit (CUP) when the store sells alcoholic beverages and also includes facilities to dispense gasoline to five or more vehicles at a time. The applicant intends to sell both food and gasoline on the premises, and has eight fuel pumps, but has stated that he does not intend to sell alcoholic beverages. Per the Zoning Code, this proposal would therefore be exempt from the CUP requirement. However, the site is also located within the East Valley Parkway Area Plan, which states that food stores are exempt from a CUP when they do not sell alcoholic beverages or tobacco products as a primary use, but that they require a CUP when they concurrently sell gasoline. Therefore, a CUP is necessary to review and consider the application request.

Staff has identified the following issues with this application request:

1. Whether the proposed building expansion is appropriate for the site.
2. Whether sufficient parking is provided to accommodate the range of anticipated uses.

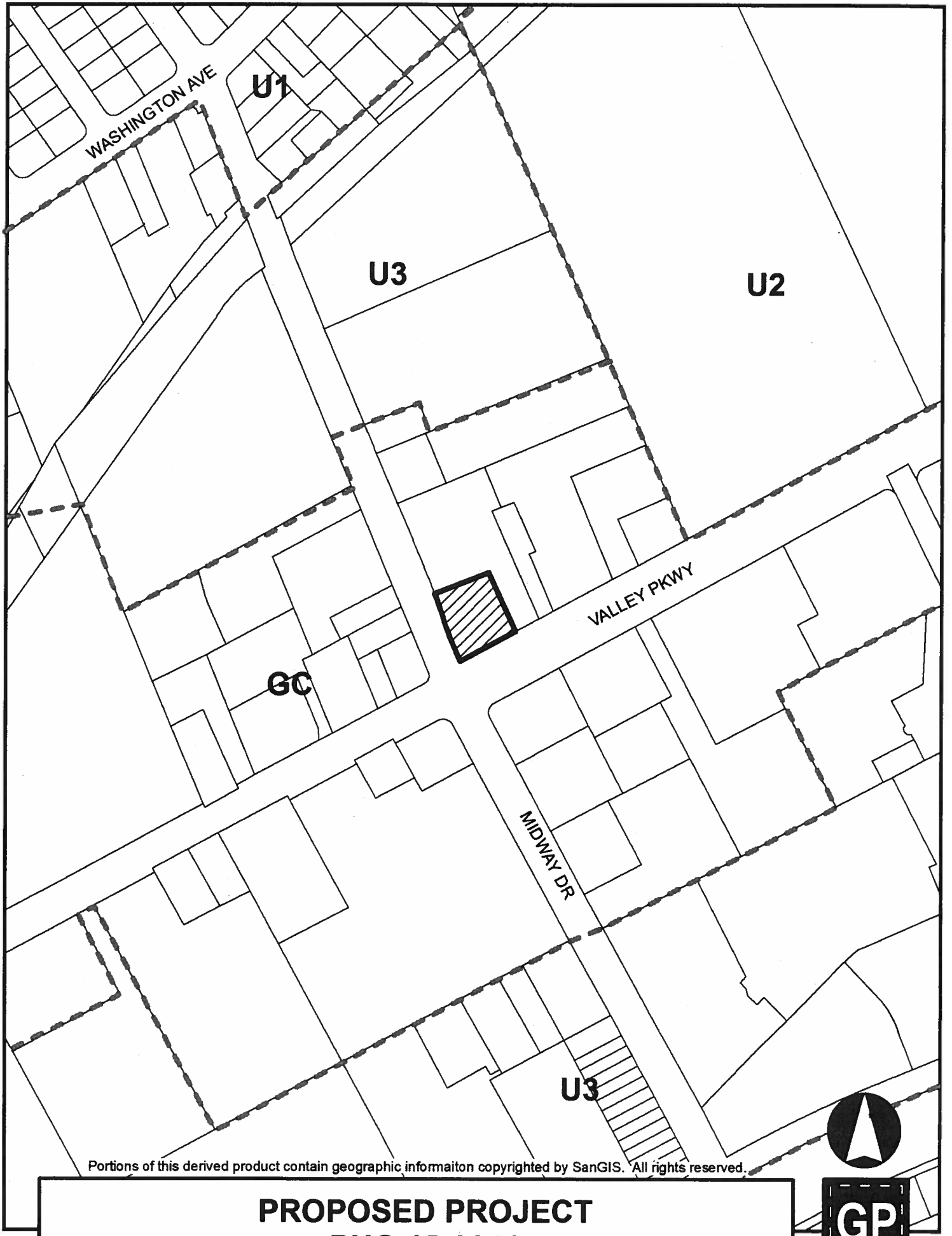
REASON FOR STAFF RECOMMENDATION:

1. The 0.53-acre project site is zoned General Commercial (CG) and is covered under the East Valley Parkway Area Plan. The site is part of a larger shopping center that includes Valley Max Supermarket, a 99 Cents Only store, the Assistance League thrift shop, and several smaller commercial businesses, all of which share the CG zoning designation. The site has been used as a gas station for several decades, and food sales have been associated with this use since the mid-80s, so the proposed expansion of the mini-market on the first floor will intensify a use that already exists and is permitted by the underlying zoning designation. The new second floor will add office, conference, kitchen, and bathroom facilities to the site, but these facilities will support the existing gas station use, since they are intended to be used by station management and employees. Although the offices will be accessory to the primary use on-site, offices are also a permitted use on this property per the Zoning Code and East Valley Parkway Area Plan.
2. The proposal calls for 2,281 square feet of retail space within the existing ground floor of the building, and 1,510 square feet of office, conference, and kitchen space within a new second floor. Based on overall square footage, the retail portion of the building would require nine parking spaces (at a ratio of one space per 250 square feet) while the office portion would require five spaces (at a ratio of one space per 300 square feet), for a total of 14 spaces (rounded down). Based on the utility and functionality of the space, the upstairs restrooms and stairway landing have been subtracted from the overall square footage, in order to reduce the parking requirement to 13 spaces, which can be accommodated on the site while conforming to standards for minimum dimensions, backup room, etc. In staff's judgment, the parking provisions provided on-site are adequate for the proposed project.

Respectfully Submitted,



Ann Dolmage
Associate Planner

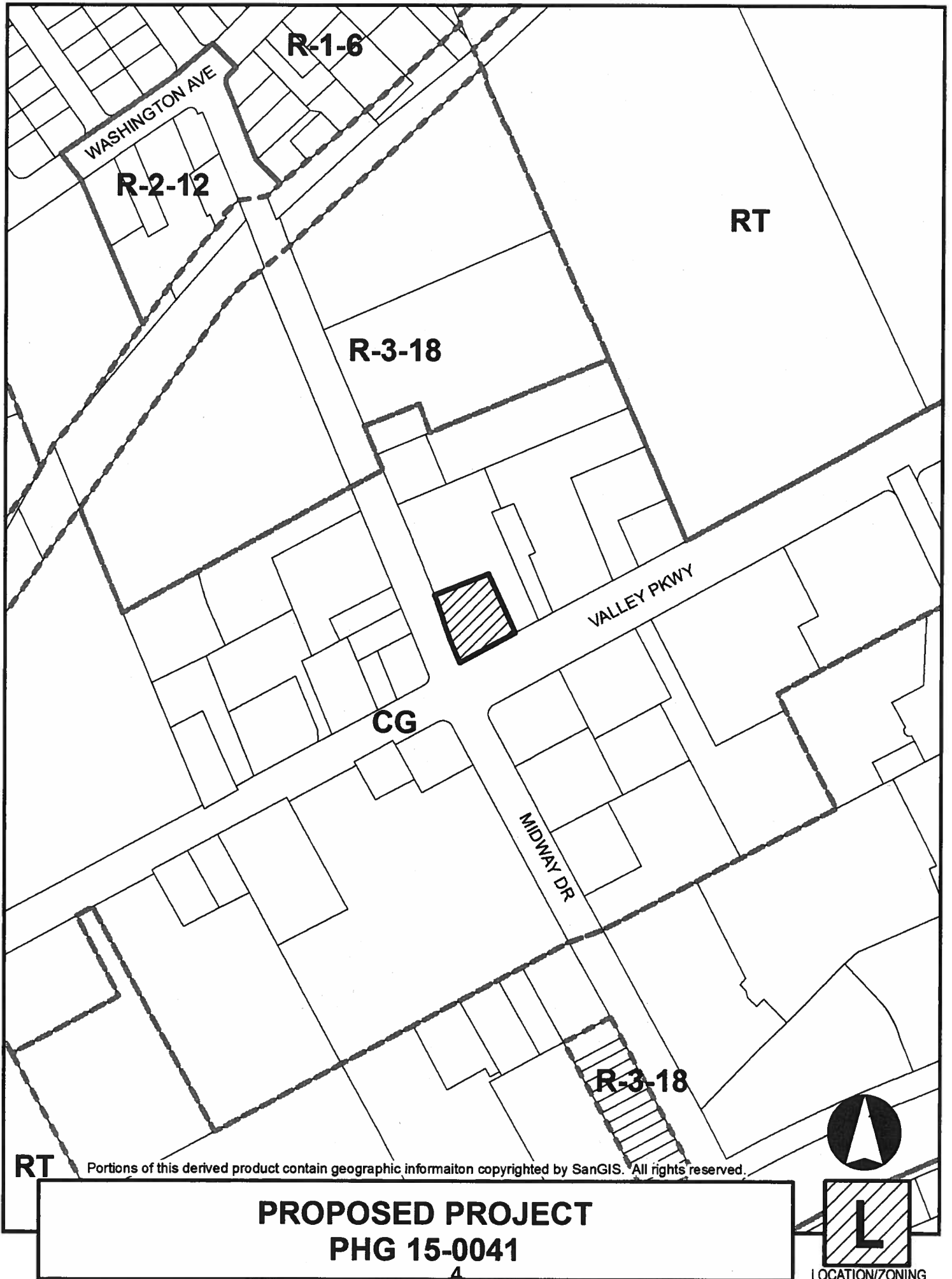


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PROPOSED PROJECT
PHG 15-0041



GENERAL PLAN



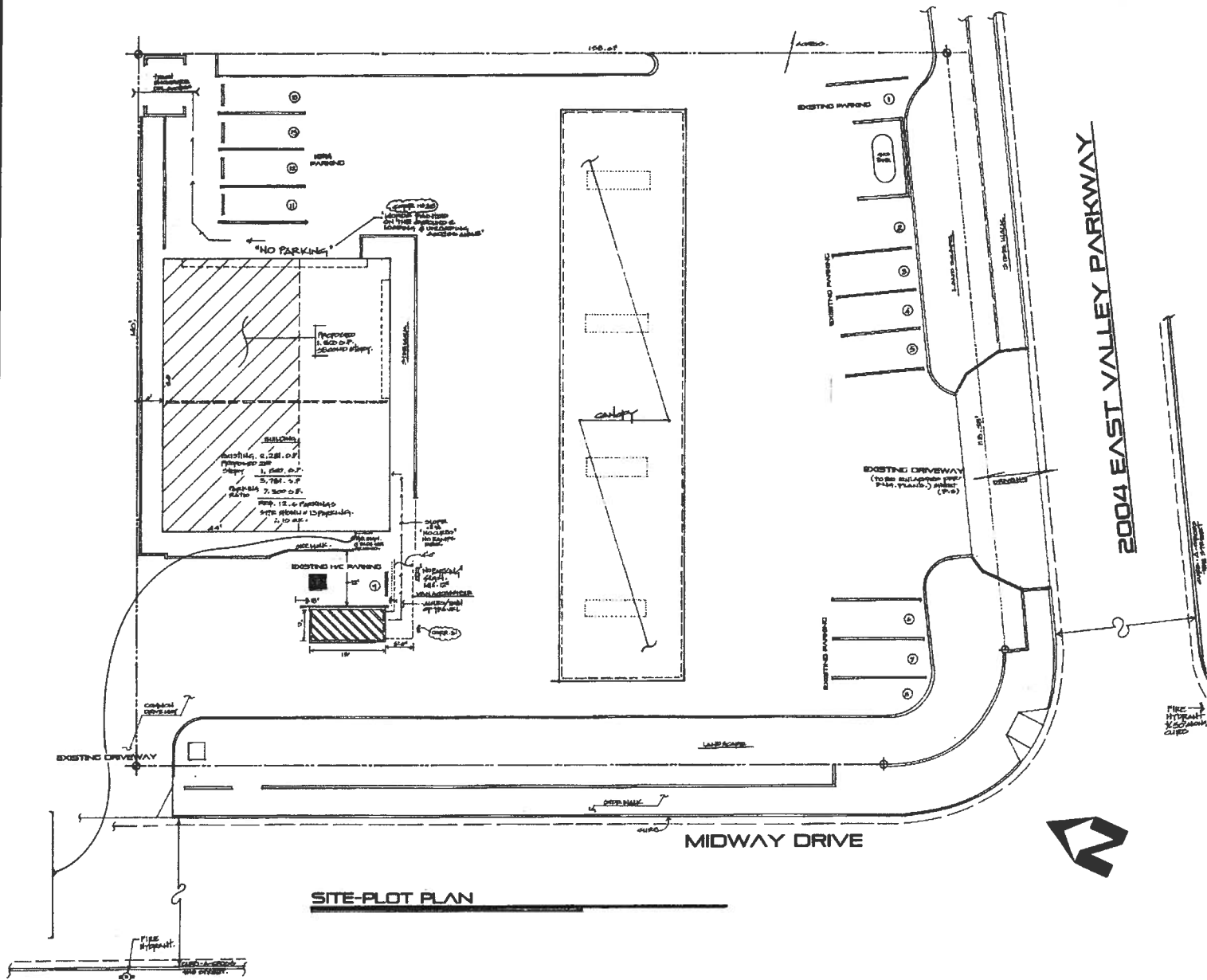
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PROPOSED PROJECT
PHG 15-0041



LOCATION/ZONING

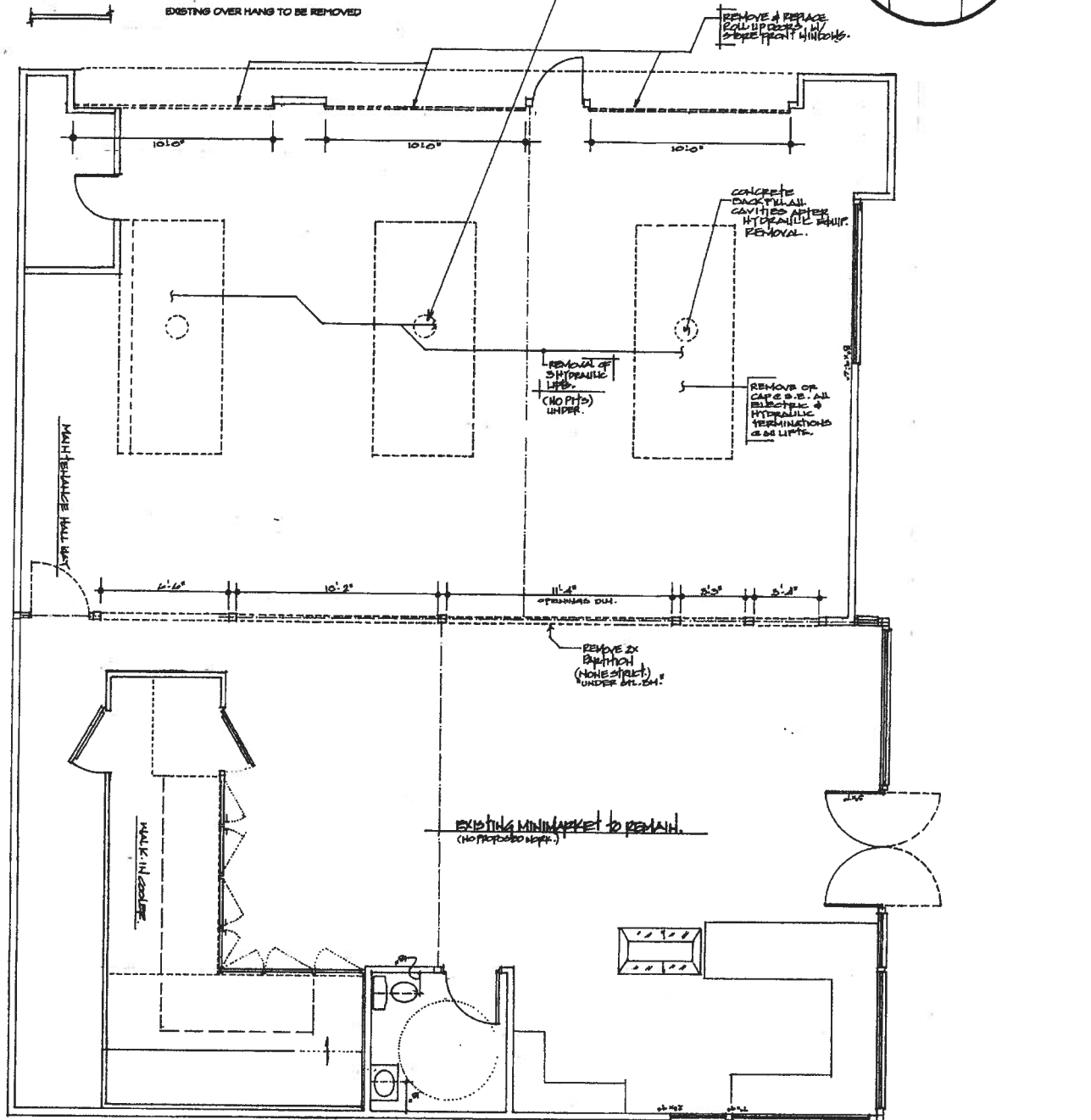


PROPOSED PROJECT
PHG 15-0041

SP

SITE PLAN

SYMBL	DENOTES:
	EXISTING WALL TO BE REMOVED
	EXISTING DOORS TO BE REMOVED
	EXISTING POCKET DOOR TO BE REMOVED
	EXISTING WINDOWS TO BE REMOVED
	EXISTING ROOF TO BE REMOVED
	EXISTING OVER HANG TO BE REMOVED

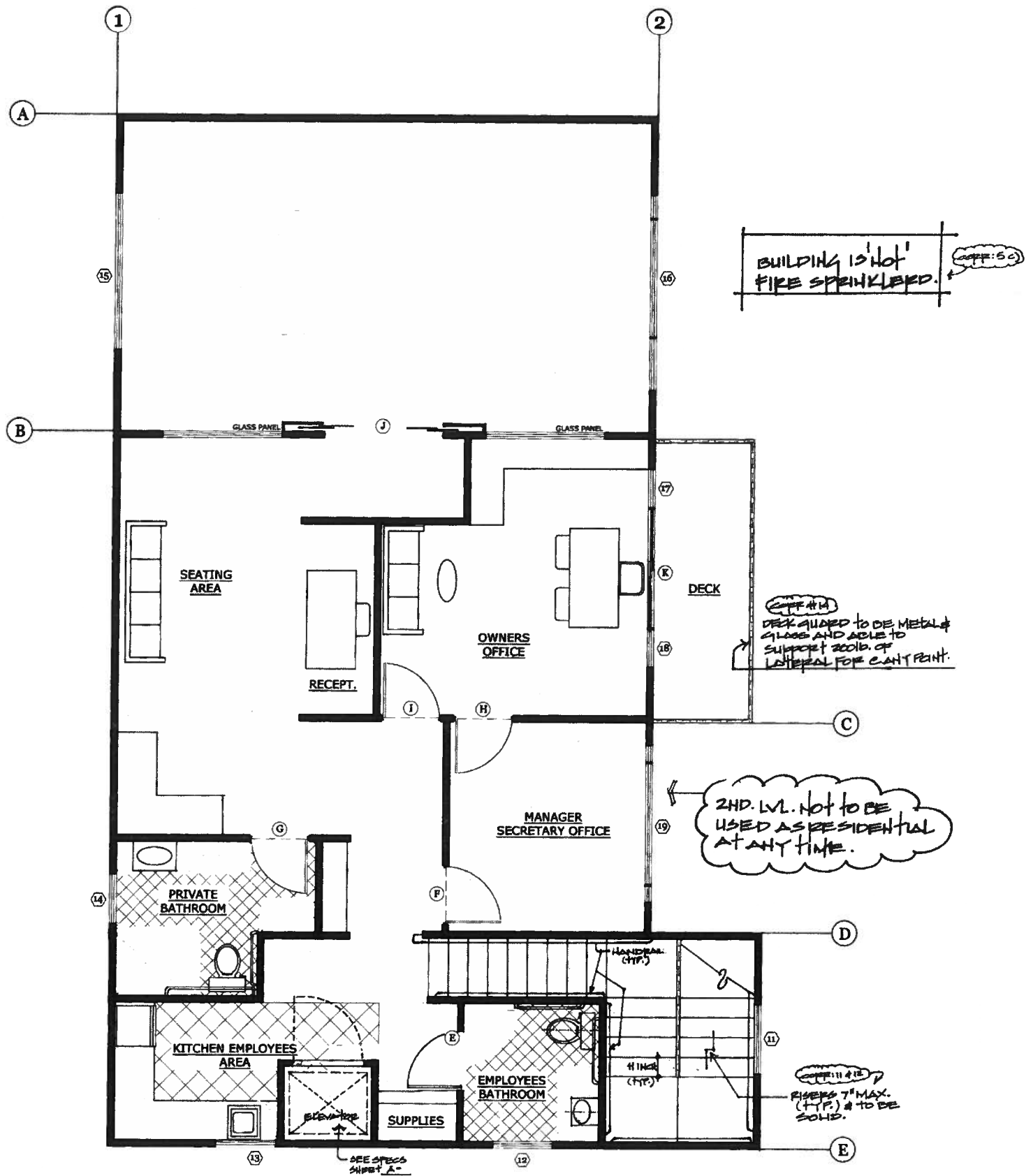


SYMBOL	DENOTES:
	EXISTING TOILET TO BE REMOVED / RELOCATED
	EXISTING SINK TO BE REMOVED / RELOCATED
	EXISTING SHOWER HEAD TO BE REMOVED / RELOCATED
	EXISTING TUB TO BE REMOVED / RELOCATED
	EXISTING DOUBLE SINK TO BE REMOVED / RELOCATED
	EXISTING FLOOR SINK TO BE REMOVED / RELOCATED

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f

FLOOR PLAN

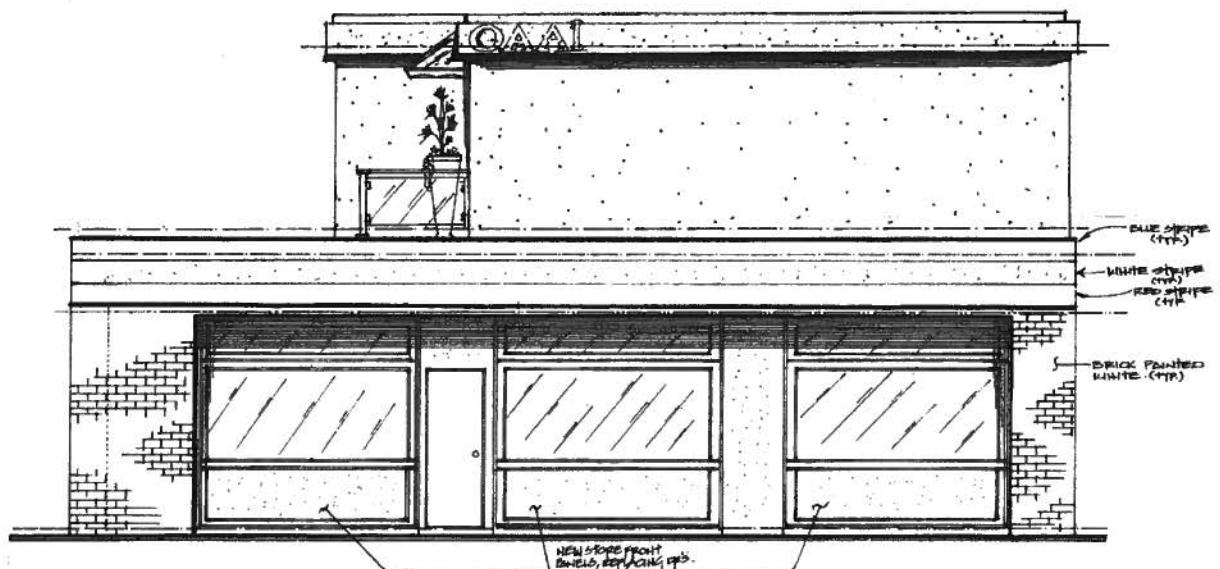


PROPOSED SECOND LEVEL FLOOR PLAN

**PROPOSED PROJECT
PHG 15-0041**

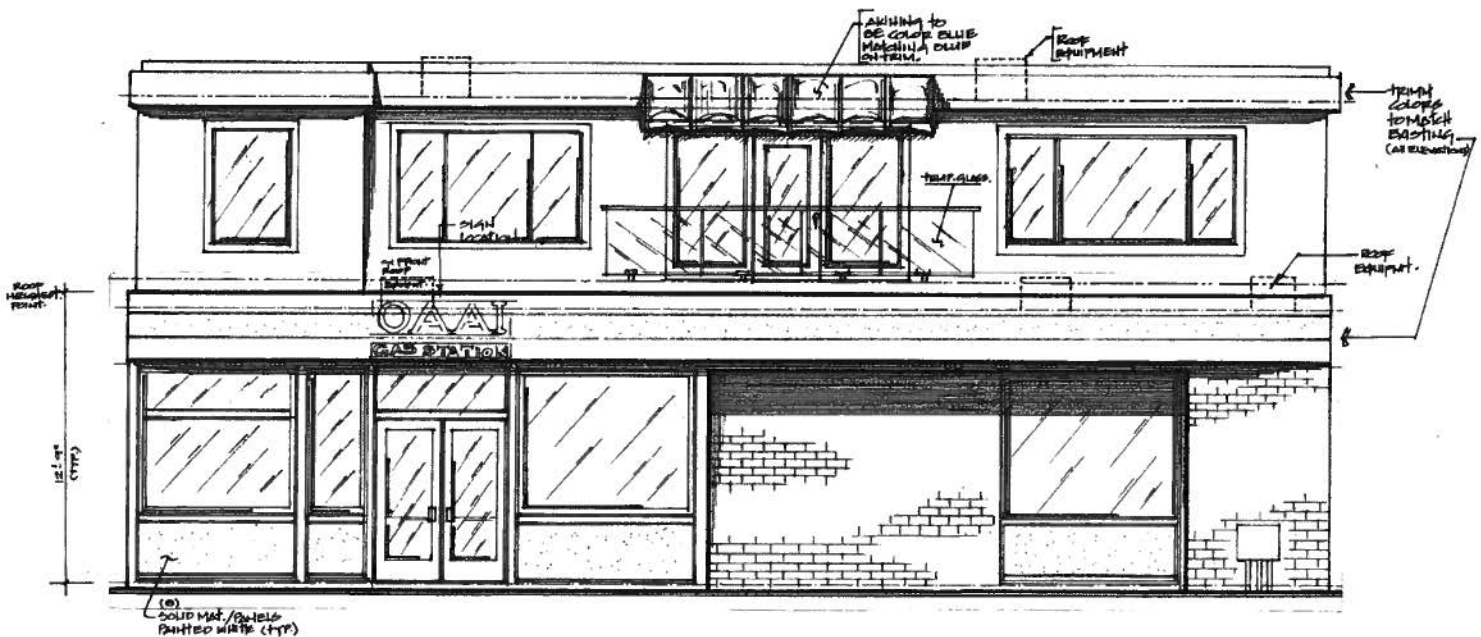
FP

FLOOR PLAN



TWO STORIES
BUILDING.

NORTH-EAST ELEVATION ✓



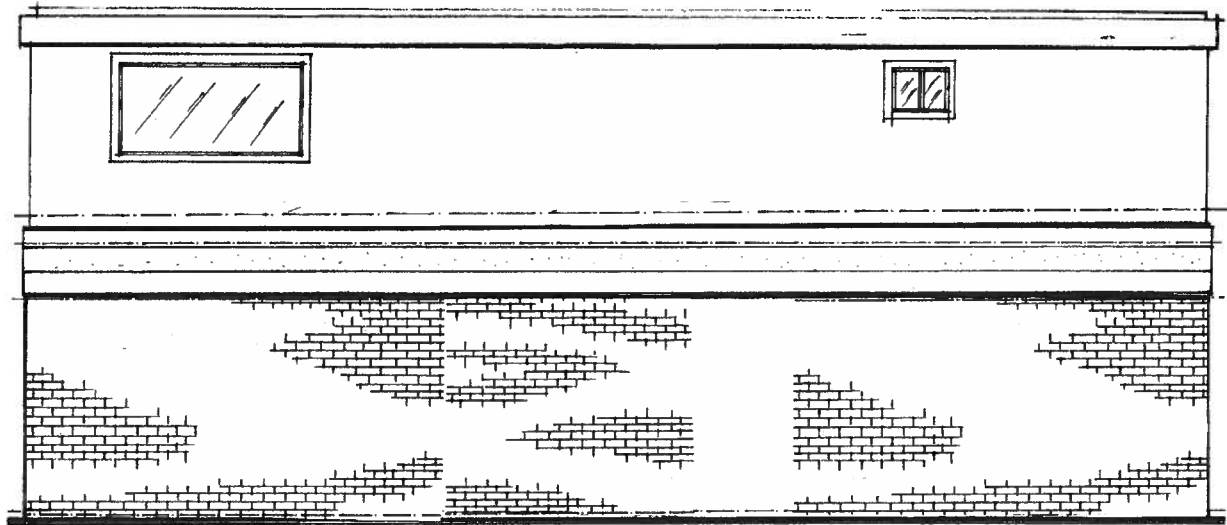
SOUTH-EAST ELEVATION ✓

PROPOSED PROJECT
PHG 15-0041

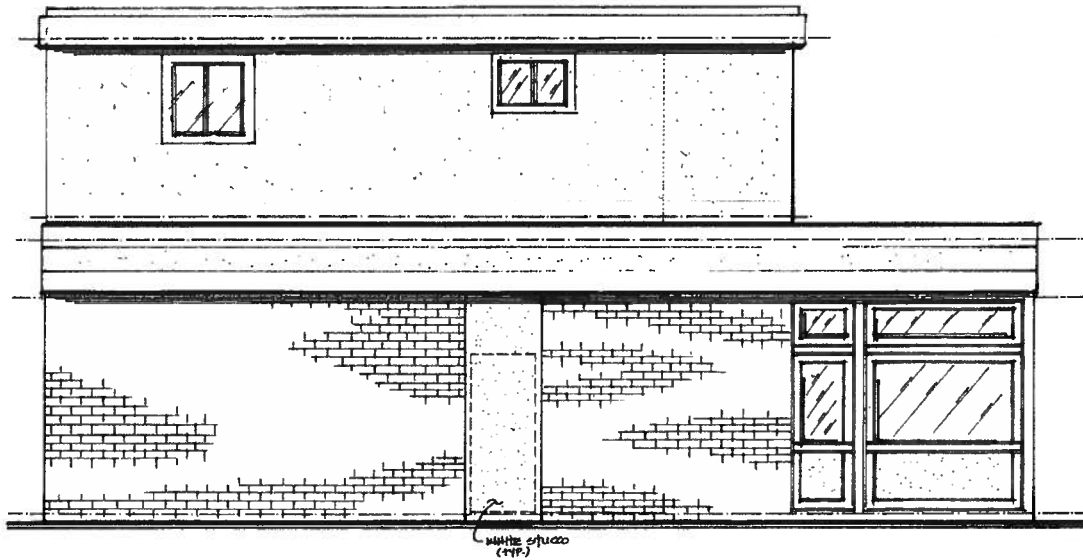
9

E

ELEVATIONS



NORTH-WEST ELEVATION ✓



SOUTH-WEST ELEVATION

PROPOSED PROJECT
PHG 15-0041

E

ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

- NORTH – CG (General Commercial), R-3-18 (Medium Multiple Residential; 18 units/net acre), and R-1-6 (Single Family Residential; 6 units/net acre) zoning – Commercial businesses (including a 99 Cents Only store in the Valley Max Supermarket shopping center, a self-storage facility, and a convenience store) lie to the direct north of the OAAI gas station and have CG zoning. Residential zoning occupies the remainder of the east side of Midway up to Washington Avenue, with two apartment complexes on the south side of the Escondido Creek channel and single-family homes on the north side of the channel.
- SOUTH – CG (General Commercial) - The properties at the southeast corner of East Valley Parkway and Midway have CG zoning and are occupied by various commercial businesses, including a gas station, thrift store, and multiple restaurants, shops, and offices.
- EAST - CG (General Commercial), RT (Mobilehome Residential), and R-2-12 (Light Multiple Residential; 12 units/acre) zoning - The Valley Max Supermarket shopping center and Assistance League thrift shop border the project site to the east. Two mobile home parks (Town & Country Club Park and Imperial Escondido Mobile Estates) are located east of the thrift shop and have RT zoning, and a condominium development with R-2-12 zoning sits at the northwest corner of East Valley Parkway and Citrus Avenue.
- WEST - CG (General Commercial) and R-3-18 (Medium Multiple Residential; 18 units/acre) –The properties at the northwest corner of East Valley Parkway and Midway have CG zoning and are occupied by various uses including an oil change center, a martial arts school, a fast-food restaurant, a flower store, San Diego County Child Welfare Services, and City of Escondido Fire Station #2. A condominium complex occupies the property between the fire station and the creek channel, and is zoned R-3-18. The southwest corner of East Valley Parkway and Midway is zoned CG and contains Palomar College's Escondido campus.

B. ENVIRONMENTAL STATUS

The proposal is exempt from the requirements of the California Environmental Quality Act (CEQA) in conformance with Section 15301(e)(2), "Existing Facilities" (an addition of less than 10,000 SF to an existing building, in an area where all public services and facilities are available for maximum development permissible in the General Plan, and that is not environmentally sensitive). A Notice of Exemption will be filed upon project approval (a copy is attached to this report). In staff's opinion, no project issues remain unresolved through compliance with code requirements and the recommended conditions of approval. The project will have no impact on fish and wildlife resources as no sensitive or protected habitat occurs within the project development area or will be impacted by the proposed facility.

C. AVAILABILITY OF PUBLIC SERVICES

1. Effect on Police Service -- The Police Department expressed no concerns regarding their ability to serve the site.
2. Effect on Fire Service -- The Fire Department expressed no concerns regarding their ability to serve the site.
3. Traffic – The gas station site has one driveway, located on East Valley Parkway just east of the intersection with Midway Drive. The adjacent Valley Max shopping center has additional driveways that can be used to access the gas station site, including three on East Valley Parkway and two on Midway. This configuration accommodates multiple points of entry and exit and would not impair on-site or off-site circulation. In the General Plan's Mobility and Infrastructure Element, East Valley Parkway is classified as a Major Road between Hickory Street and Midway Drive and a Prime Arterial between Midway Drive and El Norte Parkway. The segment between Rose Street and Midway Drive operates at a level of service (LOS) of D, while the segment between Midway and Citrus Avenue operates at an LOS of B. Midway Drive is classified as a Collector Road along its entire length, and operates at an LOS of F for the segment between Washington Avenue and East Valley Parkway, and an LOS of B for the segment between East Valley Parkway and Grand Avenue (all LOS data from 2011). Given the relatively small scale of the project, the Engineering Division did not require the applicant to submit a traffic impact study.

4. Utilities – City sewer and water mains with sufficient capacity to serve the project are available within the adjoining streets. The Utilities Department has reviewed the proposal and has expressed no concern that it would materially degrade the levels of service of the public sewer and water system.
5. Drainage – The project site is not located within a 100-year Flood Zone as indicated on current FEMA maps. There are no significant drainage courses within or adjoining the property. The project is required to conform to existing NPDES, City storm water standards and storm water design requirements (SUSMP).

D. CONFORMANCE WITH CITY POLICY

General Plan - The proposed Conditional Use Permit is consistent with the goals and policies of the General Plan since food stores that include facilities to dispense gasoline are conditionally permitted in the East Valley Parkway Area Plan.

Project Design and Neighborhood Compatibility – The subject property has been used for a gas station since at least the 1960s, though the existing building (housing the mini-market and auto service area) was constructed in the 1980s, following approval of 87-1300-PPL. This project would expand the mini-market into the auto service area of the building, and add a second story to the building to be used for offices, conference space, an employee kitchen, and restrooms. Three roll-up doors on the east elevation of the building would be removed and replaced with storefront windows, to match the rest of the building. The existing first floor has white brick walls and roofline trim painted with red, white, and blue bands, and the new second floor would have stucco walls but would be painted to match the first floor. A balcony would be installed on the second floor (facing the East Valley Parkway frontage, with access from the owner's office) and would feature a tempered-glass railing and a blue awning to match the building trim.

As described in more detail below, the expansion of the mini-market and the addition of the second floor to the building increase the parking requirement for the property, but the proposed parking amount can accommodate the size and operating characteristics of the proposed project. Landscaping opportunities on the gas station site are limited since the building, fuel pumps, trash enclosure, parking spaces, and vehicle circulation routes occupy the majority of the lot. However, the property contains 10'-wide landscaping strips along both the Midway and East Valley frontages (as does the remainder of the shopping center), as well as 6'-wide planters on the north property line (at the rear of the building) and the east property line. The project has been conditioned to require the applicant to maintain these landscaped areas in healthy condition.

The completion of the project would result in a new building height within the same approximate location. The gas station would be approximately 22'10" in height with the addition of the proposed second floor. Other major tenants in this shopping center (99 Cents Only, the Assistance League thrift shop, and Valley Max supermarket) range from 22'5" to 38' in height, per their respective Plot Plans. The gas station is situated at the southwest corner of the shopping center, and already partially obstructs views of 99 Cents Only from East Valley Parkway. The addition of a second floor to the gas station would increase the overall height of the building; however, the proposed project will be compatible with, and not adversely affect or be material detrimental to, the adjacent uses, buildings, and structures. The 99 Cents Only store has a wall sign at the far east end of its frontage that faces East Valley Parkway, and this sign would remain clearly visible to westbound motorists as they pass the shopping center. Motorists passing the center in an easterly direction may already have difficulty seeing that wall sign until they have cleared the gas station, due to the height and location of the existing fuel pump canopy. Since no changes to the canopy are proposed by the applicant, this project would neither exacerbate nor improve this situation. The 99 Cents Only store has a wall sign on its frontage facing Midway Drive, as well as a 31'-tall pylon sign adjacent to one of the Midway driveway entrances, both of which would continue to be visible to Midway motorists driving in either direction. The pylon sign also may be briefly visible to motorists driving eastward on East Valley Parkway, just as they pass through the intersection with Midway. The gas station's new second floor will not block views of the pylon sign for these eastbound drivers since the station is not in the direct line of sight between the intersection and the sign.

Parking – The gas station property is located within a larger shopping center that includes Valley Max Supermarket, a 99 Cents Only store, the Assistance League thrift/consignment store, and several smaller retail shops and services. Staff have conducted research to verify whether the gas station has any reciprocal parking agreements or shared parking obligations with the rest of the center. A 1996 staff memo found in the file for 87-1300-PPL notes that an early Variance allowing a parking reduction for the center (68-75 V) may have intended to include the gas station with the rest of the center in its parking analysis. However, no site plan for this Variance has been located, a portion of the Variance's staff report is also missing, and a second staff memo from 2001 (located in the project file for 2001-26-PPL, for an expansion of the Assistance League shop) concludes that early parking requirements for the center were inconclusive.

Notwithstanding, it is clear that the gas station has a history of various Plot Plan and façade improvement approvals that do not include the rest of the center, and the rest of the center has a history of approvals that do not include the gas station. Since parking requirements for each have been handled separately for years, it can be assumed that the applicant for this project is not responsible for contributing to the rest of the center's parking supply (or vice versa), and parking calculations for this project pertain exclusively to the gas station property. The completion of the project would result in 13 total parking spaces, which is adequate for the proposed project. This determination was made based on the size and operating characteristics of the proposed project. As such, a condition of approval has been added to ensure that the office space remains accessory to the primary use on-site, or otherwise demonstrate that the on-site parking provisions are adequate through a separate application to modify the CUP.

E. PUBLIC INPUT

Ron Kim, the owner of the 99 Cents Only store in this shopping center, visited the Planning Division on June 15 to express concerns with the proposed project. Mr. Kim's concerns were that the new second floor would impede views of his business from the surrounding streets, and that the expanded mini-market would increase competition for existing food-selling businesses in the center, including his own store and the neighboring supermarket. Mr. Kim was encouraged to submit his comments in writing to the Planning Division and/or to speak about them at the public hearing. As of this writing, no other public communications have been received regarding the proposed project.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The 0.53-acre property is developed as a gas station, including a one-story, 2,281-SF building that houses a mini-market and automotive service center; four fuel pump islands containing two pumps each (eight pumps total); nine parking spaces; a trash enclosure; and landscaping. The property is flat, with frontages on East Valley Parkway and Midway Avenue. In the General Plan's Mobility and Infrastructure Element, Midway Drive is classified as a Collector, while East Valley Parkway is classified as a Major Road between Hickory Street and Midway Drive and a Prime Arterial between Midway Drive and El Norte Parkway.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 0.53 acre
2. Existing Building Size: 2,281 SF (one story)
3. Proposed Building Size
 - 2,281 SF (first floor)
 - 1,510 SF (second floor)
 - 3,791 SF (total)
4. Colors/Materials:
 - Existing Building: One-story building. Brick walls painted white, with blue, white, and red stripes (4' wide total) along roofline trim. Glass storefront panels at main entry (southeast and southwest elevations). Business identification sign over main entrance. Three roll-up doors at northeast elevation for vehicle access into auto service area.
 - Proposed Building: Two-story building. No changes to colors or signage on first story, but roll-up doors replaced with storefront panels to match others on building. Second story to be painted to match first story (white stucco walls with striped trim along roofline). Balcony on southeast elevation (accessible from owner's office) with tempered-glass railing and blue awning to match trim. Windows to match those on first story.
5. Hours of Operation: 24 hours a day, 7 days a week

C. CODE COMPLIANCE ANALYSIS:

	<u>Existing</u>	<u>Proposed</u>	<u>CG Zone Requirements</u>
1. Setbacks			
Front (East Valley Parkway)	112'	112' (No change)	5' min.
Street Side (Midway Avenue)	46'	46' (No change)	5' min.
Interior Side	40'	40' (No change)	No min.
Rear	5'	5' (No change)	No min.
2. Building Height	12'9" (one story)	22'10" (two stories)	No max.
3. Lot Coverage	10%	10%	No max.

4. Floor Area Ratio (FAR)	0.10	0.16	No max.
5. Parking	9	13	13

D. HISTORY/RELATED CASES:

87-1301-PPL Modernization/rehabilitation of existing gas station to a 24-hour, full-service station (project approved but
(previously 84- not implemented)
72-CUP)

87-1300-PPL Modernization/rehabilitation of existing gas station (replaced 87-1301-PPL; approved and implemented)

(2000-no Façade improvement
project
number)

EXHIBIT "A"

FINDINGS OF FACT PHG15-0041

1. Granting this Conditional Use Permit for the OAAI Mini-Market expansion is based on sound principles of land use and in response to services required by the community. The property is zoned for commercial use and the East Valley Parkway Area Plan allows food stores with facilities to dispense gasoline as long as a Conditional Use Permit is obtained. Expansion of the mini-market into a portion of the building formerly used for auto service activities will provide the neighborhood with enhanced food-purchasing options, without affecting the number of gasoline pumps available to customers. The building's new second floor will provide office space, a conference room, and employee break space to support the functions of management and staff.
2. Granting this Conditional Use Permit would not create a nuisance, cause deterioration of bordering land uses, or create special problems for the area in which it is located. The project would be located on a site that has been used as a gas station since at least the 1960s, and that has included food sales since the 1980s. All proposed development conforms to site development standards for the CG zoning district, including setbacks, building heights, and lot coverage. The exterior appearance of the proposed second floor has been designed to coordinate with the existing first floor in colors and building materials. The project underwent staff design review on June 16, 2016, and recommendations from that meeting have been incorporated into the project design. Sufficient parking will be provided on site to accommodate both the expanded mini-market on the first floor and the new office space on the second floor of the building.
3. The proposed CUP is consistent with the goals and policies of the General Plan since food stores with facilities to dispense gasoline are permitted in the East Valley Parkway Area Plan with a Conditional Use Permit.
4. The project is categorically exempt from environmental review in conformance with CEQA Section 15301(e)(2), "Existing Facilities" (which exempts an addition of less than 10,000 SF to an existing building, in an area where all public services and facilities are available for maximum development permissible in the General Plan, and that is not environmentally sensitive). The proposal involves the renovation of the first floor of an existing building and the addition of a second floor to the building. The project site is not environmentally sensitive, and the Engineering Services Department has determined that all public utilities and services are available to serve the project. No evidence has been submitted or discovered that would suggest that the proposed project would adversely affect the surrounding neighborhood and/or community. All project-related issues remain resolved through compliance with code requirements, project design, and the recommended conditions of approval.

EXHIBIT "B"

CONDITIONS OF APPROVAL PHG15-0041

General

1. The gas station shall be subject to all relevant Conditions of Approval required as part of previous Conditional Use Permits for the site, unless specially authorized or superseded by this use permit.
2. All uses, capacity, and hours of operation shall be substantially consistent with the Details of Request and conditions of approval contained within this report. The offices, conference space, and employee break spaces on the new second floor shall be maintained as an accessory use to the primary use on the site (fuel and food sales). Any proposal to change the use of this space may require modification to the Conditional Use Permit and/or additional approvals.
3. Colors, materials and design of the project shall conform to the exhibits and references in the staff report and the recommendations of the staff design review meeting of June 16, 2016, to the satisfaction of the Planning Division.
4. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
5. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued, including any applicable City Wide Facilities fees.
6. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
7. Each project phase shall be subject to the stormwater regulations and policies in effect at the time of implementation.
8. All exterior lighting shall conform to the requirements of Article 35, Outdoor Lighting (Ordinance No. 2014-20).
9. No signage is approved as part of this permit. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance.
10. All new utilities shall be placed underground.
11. Any new rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building(s).
12. The trash enclosure shall be covered, and bins shall be stored inside the enclosure with doors closed. Access to the enclosure from the north side (via the addition of new doors) shall be provided since the south side will be blocked by parking spaces per the provided site plan.
13. The project shall provide 13 parking spaces, which shall be double-striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to stripe per City standards. Parking for disabled persons shall be provided (including "Van

Accessible" spaces) in full compliance with Chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage.

14. All existing planters shall be landscaped, and all landscaping shall be maintained in good condition, in accordance with Article 62 of the Zoning Code (the Water Efficient Landscape Ordinance).
15. The Conditional Use Permit shall be null and void if not utilized within twelve months of the effective date of approval.
16. The City of Escondido hereby notifies the applicant that the County Clerk's office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with the California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the date of the Planning Commission hearing) a check payable to the "County Clerk" of San Diego County in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specific time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations will apply.

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Engineering

1. The project owner shall be responsible to modify existing project driveway approach on E. Valley Parkway to comply with ADA standards and to the satisfaction of the City Engineer prior to issuance of Occupancy Permit. Driveway improvements should be reflected on the approved site plan. City Engineer will evaluate the condition of existing driveway and fronting streets prior to occupancy to determine if any additional repair work should be performed on the driveway or fronting streets due to construction activities damage or bad condition as determined by the City Engineer.
2. The project owner is responsible to obtain an Encroachment Permit form the City Field Engineering prior to performing any work in public right-of-way.
3. The project owner is responsible to implement Best Management Practices during all phases of project construction to the requirements of the City Engineer

PLANNING COMMISSION

Agenda Item No.: G.3
Date: June 27, 2017

CASE NUMBER: AZ 16-0007

APPLICANT: City of Escondido

LOCATION: Citywide

TYPE OF PROJECT: Zoning Code Amendment

PROJECT DESCRIPTION: Consideration of amendments to the Escondido Zoning Code to bring City regulations of second dwelling units into compliance with relevant State requirements. No development project is proposed.

BACKGROUND/SUMMARY OF ISSUES: The City of Escondido already has an Accessory Dwelling Unit ordinance in place. Article 70 of the Zoning Code includes specified provisions regarding areas where Accessory Dwelling Units may be located and their associated standards for new construction or conversion into a legalized unit. However, Article 70 is not internally consistent with recent changes in State law or new standards set by the State. Recent changes in State law seek to reduce regulations or eliminate barriers that unreasonably restrict the ability of homeowners to create Accessory Dwelling Units in zones in which they are authorized

The first draft of the ordinance was presented to the Planning Commission on February 14, 2017. At the conclusion of that meeting, the Commission expressed numerous concerns and directed staff to return with additional information, continuing the item. City staff returned to the Planning Commission on March 14, 2017 to review separate study topics of the ordinance. (Some of the key areas of concern included garage conversions and reduced replacement parking requirements.) During the deliberation, individual commission members felt that there was still more to study and that the Commission should not complete their review and discussion of accessory dwelling unit regulations. The majority of the Commission expressed that the process for undertaking additional review, topic-by-topic, seemed like a good idea, but it would be best to complete the review and quickly forward a recommendation to Council, clearly identifying remaining concerns. At the conclusion of the Public Hearing, the Planning Commission voted 6-1 (Romo opposed) to recommend approval of the proposed Zoning Code amendment. Through the motion, the Commission asked the City Council to consider forming a Planning Commission subcommittee to continue the study and review of accessory dwelling unit policy-related issues. As a whole, the Commission saw value in setting up opportunities to receive additional public input relating to the provision of accessory dwelling units. On April 26, 2017, the City Council reviewed and considered the zone code amendment request and took no action. The City Council provided direction to the Planning Commission to form the subcommittee to continue working on the Accessory Dwelling Unit Ordinance.

The City of Escondido proposes to amend Articles 70 of the City's Zone Code to respond to and fulfill the new State-mandated requirements. In addition to meeting basic State law requirements, an ad-hoc Planning Commission subcommittee was established to help develop the ordinance to address the growing demand for accessory dwelling unit production, while balancing the expectations of community compatibility. Commissioner Weiler, Commissioner Romo, and Commissioner Cohen served on the subcommittee. As part of their effort, the subcommittee conducted three (3) meetings to develop the framework and approach to the revised ordinance. The subcommittee completed their study at their third and final meeting on June 15, 2017. The purpose of this meeting is to present a draft ordinance that reflects the subcommittee's direction. The subcommittee's suggested edits are provided in Exhibit

"B," which also displays those portions of the Escondido zoning regulations that still need to be changed to be consistent with State law.

REASONS FOR STAFF RECOMMENDATION: Staff recommends approval of the proposed Resolution, recommending that the City Council adopt, with any suggested edits, amendments to Articles 6, 39, 65, and 70 of the Zoning Code, for the following reasons:

1. The proposed amendments to Article 70 of the Zoning Code address recent changes in State law and provide use and development standards to implement relevant State law requirements.
2. Proposed amendments to other code sections help maintain internal consistency between various code sections. They are ancillary to the focused amendments to Article 70 (i.e. they are minor and technical in nature).
3. It is the intent of State law that any Accessory Dwelling Unit Ordinance ordinances adopted by local agencies are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create Accessory Dwelling Units in zones in which they are authorized. The proposed amendments would help facilitate Accessory Dwelling Unit construction for homeowners to meet current and future housing needs.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "MDS", is written over the printed name.

Mike Strong
Assistant Planning Director

ANALYSIS

ENVIRONMENTAL STATUS:

The proposed zoning code amendments are 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. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Accessory Dwelling Units approved are themselves statutorily exempt from CEQA pursuant to Section 15268 (Ministerial Projects) of the CEQA Guidelines and Section 21080(b)(1) of the Public Resources Code. In addition, Accessory Dwelling Units can be found categorically exempt from CEQA pursuant to Sections 15301 and 15303 of the CEQA Guidelines, authority cited under Public Resources Code Section 21083 and 21087.

ZONING CODE AMENDMENT ANALYSIS:

At their February 14, 2017 and March 14, 2017 meetings, the Planning Commission reviewed and discussed the extent to which our local accessory dwelling unit regulations diverge from State law and identified all revisions necessary to bring the City into compliance with relevant State requirements. For more background information and analysis about the City's effort in responding to and fulfilling the requirements under revised State law, please refer to the February 14, 2017 and March 14, 2017 agenda reports.

The following analysis presents the subcommittee's methodology and approach to developing recommendations on how to revise the ordinance to address the growing demand for accessory dwelling unit production, while balancing the expectations of community compatibility.

Subcommittee Meetings

Based on the concerns expressed by the Planning Commission at their March 14, 2017 meeting, and the City Council on April 26, 2017, an ad-hoc Planning Commission subcommittee was established to develop a revised ordinance. The City Council advised staff to report back within two (2) months. As part of their effort, the subcommittee conducted three (3) meetings.

- May 9, 2017. At the first subcommittee meeting, subcommittee members reviewed existing local and State regulations and identified preliminary areas where the subcommittee would focus their study. The subcommittee also developed a critical path calendar to get through the process quickly, with opportunities for community input.
- May 22, 2017. At the second meeting, the subcommittee reviewed different policy and regulatory options and confirmed focused areas of change. The subcommittee generally identified areas of change that reflected previous public comments.

- June 15, 2017. A preliminary approach was developed for additional review and consideration. For the third and final meeting, notice was made that the public was invited to attend and participate. Eight (8) community members attended. City staff facilitated the meeting, with subcommittee members in attendance to receive and consider public input. During the meeting it was acknowledged that subcommittee members may potentially make further modifications based on public input. It was also noted that the findings of the subcommittee effort will be transmitted to the whole Planning Commission for their review and consideration. Public input was captured by staff and is provided as an attachment.

Subcommittee Approach

The analysis that follows presents the subcommittee's ultimate direction. The subcommittee's approach and suggested edits have been separated by topic and include staff's comments, which are outlined below. The subcommittee's final work, in consideration of all public comments received, is reflected in the Exhibit "B."

ADU ELIGIBILITY

- Only permitted on single-family residential lots 8,000 SF or larger (EXCEPTING Old Escondido Neighborhood properties that have public street and alley access).

Staff comments: The subcommittee developed this to help protect the stability and character of the higher density and smaller-lot, single-family neighborhoods.

GARAGE CONVERSIONS

- Mitigate the loss of storage with 80 cubic feet of accessible storage space for the primary unit and 80 cubic feet for the accessory dwelling unit (i.e. 160 cubic feet total).

Staff comments: New multi-family residential projects require 80 cubic square feet per unit. Currently, there is no requirement that single-family homes need to provide storage. This is because new single-family homes provide covered parking in accordance with local code requirements – and in most cases, a two-car garage can accommodate both parking and storage of personal items. Therefore, the loss of a private garage space also results in a loss of private storage space. Because many garage conversions offer a low-cost alternative to accessory dwelling unit production, this approach increases the cost and, therefore, would likely discourage some conversions.

PARKING LOCATION ON LOT

- Make reference to driveway and surface improvement standards in the zoning code, which regulated yard parking supplemental parking spaces in some areas.
 - No person shall stop, stand, park a vehicle on a residential front yard or corner lot side yard abutting a street.
 - Supplemental parking spaces shall connect to the required driveway and be placed between the driveway and the closest interior side property line.
 - Total curb cut shall not exceed 40 percent of the street frontage

Staff comments: The typical requirement is for one additional on-site parking space for the accessory dwelling unit. Under recent State law changes, off street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. The purpose of this change is to identify where parking may be provided on-site.

ATTACHED VS. DETACHED

- Attached required for less than 10,000 SF lot (may be detached on properties with public street and alley access).
- Detached must have 10,000 SF lot or larger.

Staff comments: This is to demonstrate that the accessory dwelling unit will not significantly affect the appearance or stability of the single-family dwelling neighborhood.

ACCESSORY DWELLING UNIT SIZE

- Less than 10,000 SF lot = 500 SF max.
 - 10,001 – 15,000 SF lot = 640 SF max.
 - 15,001 – 20,000 SF lot = 800 SF max.
 - 20,001 SF or greater = 1,000 SF max.
- (Floor area of ADU also cannot exceed more than 50 percent of existing living area of primary residence on-site)

Staff comments: There are several areas within this ordinance that can be tailored to ensure that the appearance of neighborhoods are not substantially affected, including limitations on floor area, number of bedrooms, setbacks, ingress/egress location, and ensuring that accessory dwelling units are installed only in owner-occupied houses. The purpose of stating a maximum floor area is to ensure that the unit remains subordinate to the single-family dwelling.

NUMBER OF BEDROOMS

- Less than 800 SF unit = one max.
- More than 800 SF unit = two max.

Staff comments: This provision is to ensure that accessory dwelling units remain ancillary to the principal single-family dwelling. This indirectly limits the number of persons per household that would be expected to reside in an accessory dwelling unit, which will also potentially help reduce the number of additional vehicles associated with a property.

OWNER OCCUPIED

- Continue with deed restriction requirement as proposed.

Staff comments: Accessory dwelling units are a relatively rare circumstance in most communities, but can be very important to the homeowner that needs this option. This provision is to ensure that accessory dwelling units remain ancillary to the principal single-family dwelling. Other jurisdictions in North County San Diego have a similar occupancy requirement.

SEPARATE UTILITY CONNECTION

- May be required for detached ADU's only.

Staff comments: The intent of this provision is to limit impacts on sewer and water supply systems, to the extent allowed by State law.

EXHIBIT "A"
FACTORS TO BE CONSIDERED
AZ16-0007

Zoning Code Amendment

1. The public health, safety, and welfare would not be adversely affected by the proposed Zoning Code amendments.
2. The proposed zoning code amendments would not conflict with any State law. Pursuant to Article XI, Section 7 of the California Constitution, a city may make and enforce within its limits, all police, sanitary, and other ordinances that are not in conflict with general laws. The State Legislature has made recent changes in State law to encourage the creation of Accessory Dwelling Units by easing provisions relating to unit location, parking, fees and other requirements. Pursuant to Section 65852.150 of the Government Code, Accessory Units are a valuable form of housing in California and that those units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, within existing neighborhoods. The proposed zoning code amendments will ensure that the City's Zoning Code is consistent with California Government Code requirements for Accessory Units.
3. The proposed zoning code amendments would not be detrimental to surrounding properties because the amendments involve existing development application types. The amendment would not expand or reduce the type of land uses that may be established in the City and no physical improvements are proposed as part of this zoning code amendment. Future construction of Accessory Dwelling Units must comply with any applicable laws and standards. This includes the Building Code, the Fire Code, and any property standards by-laws.
4. The proposed zoning code amendments would be consistent with the goals and policies of the General Plan because it encourages compact, efficient urban form, which makes more efficient use of existing infrastructure. It also supports increasing the stock of rental accommodation in an area by providing more housing options for extended families or for a live-in caregiver. The proposed zoning code amendments would not diminish the Quality of Life Standards of the General Plan, nor adversely impact the community health or natural resources.
5. The proposed zoning code amendments do not conflict with any specific plan. However, whenever a conflict exists between Article 70 and other sections of the Municipal Code, or any Specific Plan, the intent, provisions, and requirements of these proposed amendments control.

EXHIBIT "B"
PROPOSED CHANGES TO THE ZONING CODE
AZ 16-0007

Amend the various zoning code sections to read as specified below.

ARTICLE 6: RESIDENTIAL ZONES

Revise Section 33-102 as set forth below.

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

Revise Section 33-103 as set forth below.

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

ARTICLE 39: OFF-STREET PARKING

Revise the *Second dwelling unit* use category in Section 33-765 to *Accessory dwelling unit* [emphasis added to former and latter categories], and revise note as set forth below.

One (1) parking space for the unit, in addition to those spaces required by this section for the primary residential use in accordance with section 33-1474 of Article 70. All spaces shall be located on-site.

ARTICLE 65: OLD ESCONDIDO NEIGHBORHOOD

Revise Section 33-1373 (b) as set forth below.

~~Second~~Accessory dwelling units as defined in section 33-8, are permitted subject to a ~~second~~an accessory dwelling unit permit in conformance with Article 70 of this chapter.

ARTICLE 70: SECOND DWELLING UNIT

Replace Article title from *Second Dwelling Units* to *Accessory Dwelling Units* [emphasis added to former and latter titles]. A similar change shall be made, without limitation, to any and all Municipal Code and/or Zoning Code table of contents or charts that reference this article title.

Revise Section 33-1470, Purpose and Intent.

The purpose of this article is to provide regulations for the establishment of ~~second~~accessory dwelling units in residential zones. The intent of the article is to provide affordable housing in areas where adequate public facilities and services are available, and where impacts upon the residential neighborhoods directly affected would be minimized. Notwithstanding the intent of California Government Code Section 65852.2, should any provision of this article be found not to be in compliance with State law, that provision should be severed and stricken from Article 70 as if it had never been adopted. ~~Second dwelling units shall be designed to minimize the effect of the new second dwelling unit on adjacent properties, any potential impacts shall be oriented to the primary residence.~~

Section 33-1471, Definition.

Delete section title and content. Reserve section number for future use.

Revise Section 33-1472, Permitted zones, as set forth below.

~~Second~~Accessory dwelling units shall be permitted in the RA, RE, R1, R2, R3 and R4 zones on properties with only one (1) single-family residence on the lot, subject to the approval of an ~~second~~accessory dwelling unit permit. ~~Second~~Accessory dwelling units within the Old Escondido Neighborhood shall observe the same standards and review procedures required of similar building expansions in that neighborhood. ~~Second~~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.

Revise Section 33-1473, Occupancy limitations, as set forth below.

(a) Owner-occupied. The owner of the property shall reside on the parcel on which the ~~second~~accessory dwelling unit is located. The ~~second~~accessory dwelling unit is not intended for sale, except in conjunction with the sale of the primary residence and property.

(b) Deed restriction. Building permits will not be issued for the establishment of an ~~second~~accessory dwelling unit or its occupancy prior to the applicant's submittal of evidence that a deed restriction, which sets forth the occupancy limitations prescribed by the ordinance, has been filed with the county recorder. This deed restriction shall run with the land; inure to the benefit of the city as well as to the benefit of the other residential property owners within the subdivision; and, be coterminous in tenure with the life of the ~~second~~accessory dwelling unit.

Revise Section 33-1474, Development standards, as set forth below.

~~Second~~Accessory dwelling units shall be subject to all development standards of the zone in which the property is located, except as modified below:

- (a) Lot area. Construction of one accessory dwelling unit shall be permitted, subject to the following minimum parcel standards.
 - (1) The minimum lot size for the development of an accessory dwelling unit is 8,000 square feet if the permit application involves the construction of a new structure or an exterior addition to an existing structure.
 - (2) There is no minimum lot size requirement for the development of an accessory dwelling unit within the Old Escondido Neighborhood on properties that have public street and alley access.
 - (3) Notwithstanding subdivisions (1) and (2), ~~Second~~accessory dwelling units may be constructed on any legal lot in a residential zone provided all requirements of this article and the zoning and building codes are met and the unit is located entirely within the building envelop of a single-family dwelling or detached accessory structure and involves no expansion of the existing structure.
- (b) Number of bedrooms. For units 800 square feet or less, aA maximum of one (1) bedroom shall be permitted. Two bedrooms may be permitted if the living area of the accessory dwelling unit exceeds 800 square feet. No more than two bedrooms shall be permitted.
- (c) Location on lot. ~~Secondaccessory dwelling units must be physically attached to the primary structure by a substantial contiguous wall and shall also have access from the primary structure except second dwelling units proposed in the Old Escondido Neighborhood historic district where second units may be detached when the unit is accessed from an alley or located over a detached garage. An~~accessory dwelling unit may be established within the existing interior of a single-family residence, or attached as an addition to a single-family residence, or established as a new detached structure. With the exception of properties located within the Old Escondido Neighborhood historic district, the minimum lot area for the construction of a detached accessory dwelling unit is 10,000 square feet. Attached accessory dwelling units shall have an independent, exterior access.
- (d) Setbacks. Accessory dwelling units shall conform to the setback requirements of the underlying residential zone for the primary structure.

(1) An accessory dwelling unit proposed to be constructed above an existing detached accessory structure shall have a minimum five-foot setback to side and rear property lines.

- (e) Maximum unit size. For lots less than ten thousand (10,000) square feet, attached second dwelling units shall not exceed five hundred (500) square feet. For lots over (10,000) square feet, second dwelling units shall not exceed six hundred forty (640) square feet. The maximum accessory dwelling unit size is determined by the size of the lot as provided in Table 33-1474. The living area of the accessory dwelling unit shall not exceed more than fifty percent of the existing living area of the primary residence.

Table 33-1474

<u>Lot size</u>	<u>Maximum Permitted Accessory Dwelling Unit Size</u>
<u>Less than 10,000 square feet</u>	<u>500 square feet</u>
<u>10,001 to 15,000 square feet</u>	<u>640 square feet</u>
<u>15,001 to 20,000 square feet</u>	<u>800 square feet</u>
<u>> 20,000 square feet</u>	<u>1,000 square feet</u>

- (f) Minimum unit size. The minimum permitted size of a ~~Second~~ accessory dwelling unit shall be the size of an efficiency unit as defined by the Uniform Building Code and Uniform Housing Code California Health and Safety Code. The minimum unit size of the residential zone shall not apply to the ~~second~~ accessory dwelling unit that is built on the same legal lot as the primary residence in compliance with all local development standards.
- (g) Height. ~~Second~~ Accessory dwelling units shall conform to the height limits of the zone and shall be limited to one (1) story.
- (h) Lot coverage. The ~~entire~~ combined area of all structures on a lot shall conform to the lot coverage limitation of the zone in which the property is located.
- (i) Parking requirements. Off-street parking for the primary dwelling shall conform to the current parking standards, as required in Article 39 of the Escondido Zoning Code and:
- (1) One (4) additional off street parking space, covered or uncovered, shall be provided for a ~~second~~ accessory dwelling unit, and shall not be tandem. Parking provisions may be provided as tandem parking on an existing driveway or permitted within a setback area in accordance with Sections 28-300 and 33-110 of the Escondido Zoning Code, in locations determined to be satisfactory by the Director of Community Development, unless the Director determines that

parking in setback areas or tandem parking is not feasible based on specific site or regional topographical or fire and life safety conditions, or not permitted anywhere else in the jurisdiction.

(2) Required parking for the ~~second~~accessory dwelling unit shall be permitted in a side yard or rear yard only when said yard is abutting an alley and a minimum backup of twenty-four (24) feet is provided.

(3) Parking for the ~~second~~accessory dwelling unit shall be ~~accessible, not conflict with access and required parking for the primary structure and be located~~ to minimize impacts on adjacent properties through landscaping, a wall/fence, or other screening treatment.

(4) Notwithstanding any other law, the City will not impose parking standards for an accessory dwelling unit when the unit is located within one-half mile of public transit, located within the Old Escondido Neighborhood or when there is a car share vehicle located within one block of the unit. The City will also waive parking requirements for new accessory dwelling units when the accessory dwelling unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety.

(5) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, replacement parking may be located in any configuration on the same lot as the accessory dwelling unit.

(i) Garage conversions and personal storage. If an existing garage is converted to an accessory dwelling unit and no replacement garage space is provided, a minimum of 160 additional cubic feet of lockable, enclosable storage must be provided on the same lot to mitigate the loss of personal storage space.

(i)(k) Design of the unit. Accessory dwelling units shall be designed to minimize the effect of the new accessory dwelling unit on adjacent properties.

(1) Any potential impacts shall be oriented to the primary residence. The ~~second dwelling unit shall not create a second front entrance visible from adjacent streets.~~ Access doors and entry for the ~~second~~accessory dwelling unit shall not be oriented to the nearest adjacent property line or create a second "front door" that is comparable to the main entrance. The design, construction, and presence of the accessory dwelling unit shall conform with the single family character of the neighborhood.

(2) Proposed accessory dwelling units shall respect the residential scale and design character of existing homes. The accessory dwelling unit's color and materials must match those of the primary residence, maintaining compatibility with the neighborhood. The ~~planning staff~~ Director shall review ~~second~~ accessory dwelling unit applications to ensure the addition is integrated with the primary structure with respect to roof design, height, compatible materials, color, texture, and design details. If the accessory dwelling unit is an addition to a site with known historic resources or has been determined have historic value by the Director, all improvements shall retain the historical and/or architectural value and significance of the landmark, historical building, or historical district. The improvements shall be compatible with and retain the texture and material of the primary building(s) and/or structure(s) or its appurtenant fixtures, including signs, fences, parking, site plan, landscaping and the relationship of such features to similar features of other buildings within an historical district.

- (j)(l) Addresses. The addresses of both units shall be displayed in such a manner that they are clearly seen from the street.
- (m) Fire Sprinklers. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

Revise Section 33-1475, Other regulations, as set forth below.

- (a) Garage conversions. ~~Garage conversions to second accessory dwelling units are prohibited unless replacement covered off street parking is provided which conforms to Article 39 of this chapter.~~ Converted garages must meet all building code requirements for a dwelling unit and provisions of the ordinance. No setback shall be required for an existing garage that is converted to an accessory dwelling unit.
- (b) Guest house. An attached guest house may be converted to a ~~second~~ accessory dwelling unit provided all provisions of this article and the building code and zoning code are met. A guest house and a ~~second~~ accessory dwelling unit may occur on the same lot provided the lot is over twenty thousand (20,000) square feet in area and provided the guest house does not contain kitchen facilities and is not rented. No more than one (1) ~~second~~ accessory dwelling unit or no more than one (1) guest house are permitted on a lot.
- (c) The City may require a new or separate utility connection for any attached or detached accessory dwelling units that are not contained within the existing space of a single family residence or accessory structure.

Replace Section 33-1476 title from *Existing nonpermitted second units* to *Existing nonpermitted accessory units* [emphasis added to former and latter titles].

Revise Section 33-1476, Existing nonpermitted accessory units, as set forth below.

This article shall apply to all ~~second~~accessory dwelling units which exist on the date of passage of the ordinance. All units which do not have a permit, or cannot receive a permit, upon passage of the ordinance codified herein shall be considered in violation and shall be subject to code enforcement action.

Revise Section 33-1477, Application and procedure, as set forth below.

The ~~director~~Director of Community Development shall approve a ~~second dwelling unit~~ permit for an accessory dwelling unit within 120 days of submission of a complete application, unless he or she determines it is determined that such the permit does not meet the requirements of this article. The ~~director~~Director may refer any unit to the planning commission or Historic Preservation Commission prior to the ~~director's~~Director's decision for conformance with the specific criteria outlined in section 33-1474(i).

Revise Section 33-1478, Findings for approval and denial, as set forth below.

The decision to deny an application shall be in writing and shall state the reasons therefor. A permit for an accessory dwelling unit shall be issued upon a finding that all of the following have been established: ~~In granting a second dwelling unit permit, the following findings shall be established as complete without further written action:~~

- (a) Adequate public facilities and services are available;
- (b) All requirements of this article and the zoning code are met;
- (c) The project will not create a second front entrance;
- (d) The unit is integrated with the primary structure with respect to roof design, height, compatible materials, color, texture, and design details; and
- (e) The accessory dwelling unit does not create any adverse impact on any real property that is listed in the local, state, or federal Register of Historic Places.

Revise Section 33-1480, Fees, as set forth below.

- (a) Upon the filing of an permit for an accessory dwelling unit, a fee in an amount to be established by resolution of the city council shall be paid by the applicant to the city.

~~(b)~~ Any party who appeals ~~the director's~~ a determination made by the Director of the Community Development shall submit an appeal processing fee as determined by the city council.

~~(b)~~ ~~For purposes of determining building permit fees, a second dwelling unit shall be considered a room addition and shall not be subject to subarea facilities plan fees.~~

~~(c)~~ The City may require a new or separate utility connection directly between the accessory dwelling unit and the utility. The connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system.



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

NOTICE OF SUBCOMMITTEE MEETING

In 2016, the State of California adopted three laws pertaining to the development of second dwelling units in conjunction with single-family dwellings. Existing state regulations were modified, including referring to such units as "accessory dwelling units," which are independent, complete living facilities located on the same parcel as a primary, single-family dwelling. Local jurisdictions may allow development of accessory dwelling units under the state regulations without adopting a local ordinance, or may adopt a local ordinance in compliance with the state regulations.

The City of Escondido is currently evaluating the Escondido Zoning Code (EZC) and other potential local regulations to determine how best to comply with recent State law changes. An ad-hoc Planning Commission Subcommittee was formed by the City Council of Escondido to discuss policy options that can be used to strengthen and clarify local accessory dwelling unit regulations. The subcommittee has met twice recently to review state law changes, current code requirements, and develop a policy approach. This is notice that the public is invited to attend and participate in the third and final ad-hoc Planning Commission Subcommittee meeting in the Mitchell Room Escondido City Hall, 201 N. Broadway, Escondido, California at 6:30 p.m., Thursday evening, June 15, 2017.

Meeting Type:	Ad-Hoc Planning Commission Subcommittee Meeting
Purpose:	To discuss accessory dwelling unit regulation
Date:	June 15, 2017
Time:	6:30 to 8:00 PM
Location:	Mitchell Room, 201 North Broadway, Escondido, CA 92024

To view documents related to this meeting, please visit the Planning Division Counter at the address listed above; or call Mike Strong, Assistant Planning Director, at 760-839-4556.

Please note, the findings of the ad hoc subcommittee effort will be transmitted to whole Planning Commission for their review and consideration at a Public Hearing. The Subcommittee finds it important to receive public feedback prior to finalizing their recommendations. The Planning Commission will be asked to provide a recommendation to the City Council.

The City of Escondido recognizes its obligation to provide equal access to public services for individuals with disabilities. Please contact the American Disabilities Act (A.D.A.) coordinator (760) 839-4643 with any requests for reasonable accommodations at least 24 hours prior to the meeting. The City of Escondido does not discriminate against any person with a handicapped status. All interested persons are invited to attend.

ACCESSORY DWELLING UNIT PC SUBCOMMITTEE SIGN IN SHEET

Please sign in to be notified of upcoming Planning Commission meeting(s) or City Council meetings on Accessory Dwelling Unit Regulations. Your name and email will not be used for any other purpose in accordance with the CAN-SPAM Act.

NAME

EMAIL ADDRESS

1. STANLEY WELER STANLEYWELER@NEWPLANWALK.COM
2. Kelly Crews Kelly@kellycrews.com
3. Mike Cohen Mcohen@allstarsignsinc.com
4. Michael Collopy Michael@CollopyConstruction.com
5. Beth Lauder bethlauder@gmail.com
6. Gwen Field gwen.field@stewart.com
7. ROY GARRETT royandmary46@yahoo.com
8. Donna Davis donna.davis92025@gmail.com
9. Brian Carlson BrianD@CARLSON@gmail.com
10. ED SHOCKLEY edshockleyconstruction@gmail.com

June 15, 2017

Accessory Dwelling Unit Subcommittee

Public Comments

Donna Davis. Ms. Davis stated that she appreciated the overall effort. She suggested increasing the overall size allowance to 1,200 square feet. She inquired about the ability to attach other structures to accessory dwelling units.

Gwen Field. Ms. Field asked about the cost of utility fees and how they would be applied. Ms. Field also expressed interest in 1,200 square foot units.

Brian Carlson. Brian indicated he was at the meeting to listen and learn. He asked about manufactured housing prototypes.

Beth Lauder. Ms. Lauder had questions about the utility fees and asked whether or not new accessory dwelling units would need separate addresses. Ms. Lauder also questioned parking requirements for garage conversions and expressed interest in doing one on her property.

Roy Garrett. Mr. Garrett believes that the owner-occupant requirement is onerous. He asked if the requirement would apply to existing spaces that are converted. The owner-occupancy requirement is a difficult provision for resale and loan financing.

Kelly Crews. Ms. Crews also asked for clarification and the merit of owner-occupancy requirements.

Mike Strong

From: Bill Martin
Sent: Monday, May 01, 2017 3:16 PM
To: Mike Strong
Subject: FW: accessory dwelling units

From: John Masson
Sent: Monday, May 01, 2017 3:08 PM
To: Christian Maehler <cmaehler@gmail.com>
Cc: Jeffrey Epp <Jepp@escondido.org>; Bill Martin <bmartin@escondido.org>; Jay Petrek <jpetrek@escondido.org>
Subject: Re: accessory dwelling units

Hi Christian,

Thanks for writing to express your concerns. I feel as you do and I believe our staff does too. We have developed a working group from the Planning Commission to study the State law further and to see what we can do to control this State mandate.

The working group along with our staff will come up with recommendations for Council.

Thank you for the positive feedback on the report it app!

John Masson
Deputy Mayor
District 2

Sent from my iPhone. Please excuse typos and brevity.

On May 1, 2017, at 11:53 AM, Christian Maehler <cmaehler@gmail.com> wrote:

Hi Deputy Mayor Masson,

I was just reading about the state law about accessory dwelling units and I wanted to see how that would impact Escondido? I am a bit concerned about the impact of multiple Granny Flats springing up and Parking issues that will result from it.

I am completely in favor of Granny flats and higher density in general, but the reality is that Escondido already has an issue with multiple families living in houses and apartments that are zoned for less people.

While I understand that we must follow state law, but do we have to allow street parking in these areas? I think the best way to tackle the negative impact of additional granny flats spring up and multiple families living in single family housing and apartments is by restricting street parking.

I know Escondido already restricts overnight parking in some select areas, but perhaps we should expand it to prevent issues before they become a nuisance.

On a side note, after the rains we had a number of potholes appear and I used the new Report It app to get them fixed; it worked fantastic and the holes were filled and fixed with-in a day or two.

Great job on whom ever created it and great job on the response time.

--

Christian Maehler

*Roy Garrett
Attorney at Law
225 E. Third Ave.
Escondido, CA 92025
Ph. 760.807.2251 Fx. 760.747.3816*



May 4, 2017

Honorable Sam Abed, Mayor
Councilpersons Masson, Morasco, Gallo, Diaz,
City Manager Jeff Epp, Community Services Director Bill Martin
City of Escondido

Re: The auxiliary dwelling ordinance (ADU) and Owner/Occ requirements

Dear Mayor Abed, Council Persons, Jeff and Mr. Martin

As I think I have stated publicly on a couple of occasions, I am in favor of allowing small units behind single family homes, particularly where there is access with alley or street and I believe that the State of California has legislated rules that require significant liberality in that regard.

There are policy, size and location questions upon which I do not opine, not because I do not have an opinion, but because I think your opinion is going to be far more informed than mine. However, there is one provision in the proposal that the planning commission reviewed and that the planning department is bringing to you that is critical and will simply negate the possibility of ADUs being built to any significant extent.

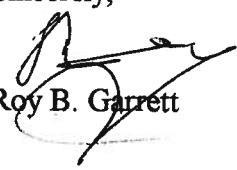
Like you, I am in favor of the concept of the owner occupant in one of the houses and I think I have said so. On further reflection, however, and having made some efforts at obtaining loans for non-owner occupied properties, I can tell you that I do not think loans upon such ADU properties will qualify in the secondary market because of the recorded deed restriction requiring an owner to live in one or the other unit in order to get a permit. The parade of horrors is fairly easy to imagine, but the gist of it is that the underwriters (not the loan officers or brokers who are anxious to make loans), will not approve any loan that cannot be sold on the secondary market or packaged in these enormous packages that fly around the world. If a lender must foreclose in order to protect and perfect its security interest, it must then sell only to an owner occupant of one structure or the other because of the deed restriction. This significantly limits the liquidity of the property, thus the liquidity of the loan, and it is therefore a non-conforming loan in the secondary market.

I suggest that you request staff to inquire of several underwriters (not just one) whether such loans will be saleable in the secondary market and whether banks will make such loans with the indefinite duration owner occupant requirement as a deed restriction.

The owner occupant requirement, although it only shows up in one paragraph of the proposal, essentially decimates the auxiliary dwelling ordinance and I do not think you will see many additional dwellings built with that deed restriction requirement. If you retain the owner/occ requirement, you will avoid the construction of ADUs city-wide, a net loss to the city of desperately needed housing.

Thank you very much for your consideration of this matter.

Sincerely,



Roy B. Garrett

Mike Strong

From: Michael Collom <Michael@collomconstruction.com>
Sent: Monday, June 19, 2017 6:23 PM
To: Mike Strong
Subject: ADU proposed Ordinance - Input on behalf of my clients

Mike,

Please include this for the subcommittee review and in the upcoming June 27, 2017 Full PC meeting:

I have had contact with a number of homeowners that are planning on aging in place with family members and/or caregivers living onsite, and needing their own space. They have expressed the financial and mental hardships of having to make other arrangements if they are not able to age in their long-term homes. All but one of the requests has been to add second story one bedroom over the existing single family residences, not detached units. I have gone back and reviewed their lot sizes and with the June 15, 2017 Preliminary Subcommittee Approach (DRAFT) of minimum lot size of 8,000 sq. ft., all of them will be excluded and will need to find an alternative plan.

We would like to see a provision for second story ADU over existing footprint by using the existing lot coverage ratio for lots between 6,500 to 8,000 sq. ft. instead of the proposed minimum 8,000 sq. ft. lot size... However, we do recognize and agree with limiting the impact on detached units to the 8,000 sq. ft. minimum lot size. This would help our aging citizens a more common form of multigenerational living.

Thank you for your consideration for our aging community.

Sincerely,

Michael Collom, CEO, RMO
COLLOM CONSTRUCTION, INC.
Michael@CollomConstruction.com
(619) 660-8282 office / (619) 660-8444 fax
State License 641493
EPA Lead-Safe NAT-29884-2
State of Ca. SB Certification #: 1158042



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Mike Strong

From: Anne Carroll <arcarroll@sbcglobal.net>
Sent: Monday, June 19, 2017 12:00 PM
To: Mike Strong; info@collomconstruction.com
Subject: ADU new codes

The increase from lot size of 6950 to 8000 sq ft Will keep me and a lot of other low and middle wage people from qualifying. Most new and up to 27 year old homes are built on smaller lots and getting smaller every year and the ones needing the ADU space are to be dropped out with your new requirements. Is that fair? I find myself with a lot size of 7241 sq ft when your prior size fit my situation and because the code did not recognize the garage ceiling as being attached as only a wall can be used I was not able to proceed.

My plan was for a 415 sq ft 1 bed apartment over the garage to have for a caregiver when the time comes but to rent until that time. When a caregiver is needed I can move to the apartment by installing a motorized seat on the stairs and give my 1152 sq ft house as partial payment if needed the bigger size and have less money payment for services or if she/he only needs the small apartment then we have the ability to do that.

I am working now and it is getting harder as I'm 84 years old and it is getting harder all the time and income would not allow me stay in my home and have help.

The whole idea of changing the codes are to ease things for housing and making the lot size larger even though the add on is only a garage second story and not changing the lot or being a partial 2 story where there are no others. I am now surrounded by 2 story homes. I'm a block from transportation, 2 from fire house and 2 to highway 15. I have a tankless hot water system, led lights, solar lap pool covered with acrylic folding cover for heat and water retention. Thereby low usage of all utilities. This addition will be a very light step on all resources and surrounding areas and will be my ability to die in place instead of welfare to a nursing home.

Please leave the lot size as it is now at 6950 sq ft or if you must go higher use your 8000 for units using up lots with added buildings.

Thank you for your consideration, Anne Carroll
760-839-0800

PLANNING COMMISSION

Agenda Item No.: G.1
Date: March 14, 2017

CASE NUMBER: AZ 16-0007
APPLICANT: City of Escondido
LOCATION: Citywide
TYPE OF PROJECT: Zoning Code Amendment

PROJECT DESCRIPTION: Consideration of amendments to the Escondido Zoning Code to bring City regulations of second dwelling units into compliance with relevant State requirements. No development project is proposed.

BACKGROUND/SUMMARY OF ISSUES: Article 70 of the Escondido Zoning Code is being updated to address new accessory unit regulations as required by State law. To maintain internal consistency between various code sections of the Zoning Code, the request also includes amendments to Article 1, 7, 8, 10, 12, 13, 14, 39, and 65. The Planning Commission opened the Public Hearing on February 14, 2017, reviewed and considered the request, and continued the Public Hearing to March 14, 2017 to continue discussion of the draft ordinance.

During the commission's deliberations, the Commission identified areas of concern, where additional discussion was needed. Attachment "PC-2" has been provided to follow-up on that request to facilitate the commission's review of the amendment request and to encourage additional oral and written input from the public on how best to amend the code in light of the new State laws. This attachment can be used to help organize the Planning Commission's review of "standing" policy-related issues. The February 14th staff report and draft ordinance is included as Attachment "PC-1."

As set forth, the Commission will be asked to open the continued public hearing, receive testimony, discuss any policy-related issues, review and consider the draft ordinance, and forward a recommendation to the City Council.

ATTACHMENTS:

PC-1 Planning Commission staff report and draft ordinance, dated February 14, 2017
PC-2 Areas of additional study/discussion

Respectfully submitted,



Mike Strong
Assistant Planning Director

ATTACHMENT PC-1

**Planning Commission staff report and draft ordinance, dated
February 14, 2017**

PLANNING COMMISSION

Agenda Item No.: H.4
Date: February 14, 2017

CASE NUMBER: AZ 16-0007
APPLICANT: City of Escondido
LOCATION: Citywide
TYPE OF PROJECT: Zoning Code Amendment

PROJECT DESCRIPTION: Consideration of amendments to the Escondido Zoning Code to bring City regulations of second dwelling units into compliance with relevant State requirements. No development project is proposed.

BACKGROUND/SUMMARY OF ISSUES: Government Code Section 65852.2 (Second Dwelling Unit law) was enacted in 1982 to encourage the creation of second dwelling units throughout the State of California. Second dwelling units, accessory apartments, accessory dwelling units, or granny flats (hereinafter collectively referred to as Accessory Dwelling Units) provide an important source of rental housing within existing neighborhoods and can provide more housing options for the elderly, in-home health care providers, family members, students, and others. Despite State efforts to facilitate Second Dwelling Units, many local governments have passed ordinances that constrain their construction. Because the State Legislature wants to ease Second Dwelling Unit restrictions, several State laws were passed over the years to make it easier for homeowners to build or legalize Second Dwelling Units. These State laws were approved and enacted in 1986, 1990, 1994, 2002, and most recently in 2016.

The City of Escondido already has an Accessory Dwelling Unit ordinance in place. Article 70 of the Zoning Code includes specified provisions regarding areas where Accessory Dwelling Units may be located and their associated standards for new construction or conversion into a legalized unit. However, Article 70 is not internally consistent with recent changes in State law or new standards set by the State.

- Assembly Bill (AB) 2299 and Senate Bill (SB) 1069 (Statutes of 2016) mandates easier regulatory processing of Accessory Dwelling Units by eliminating parking requirements under specified circumstances and prohibits a city or county from requiring a new or separate utility connection between the unit and the utility (or imposing a related connection fee or capacity charge). These bills also replace the term "Second Unit" or "Second Dwelling Unit" with "Accessory Dwelling Unit."

Under basic Planning and Zoning laws, the implementation of city and county ordinances must be carried out consistent with relevant State or Federal laws. In response to these recent State law changes, cities and counties across California will be revising their regulations, consistent with the new requirements and/or the new limitations of the Government Code.

The City of Escondido proposes to amend Articles 70 of the City's Zone Code to respond to and fulfill the new State-mandated requirements. Other factors to be considered as part of the amendment request are included as Exhibit "A" to this Staff Report. Exhibit "B" displays those portions of the Escondido zoning regulations that are proposed to be changed. The changes are listed in order by section number, with strikeout typeface illustrating deletions, and underlined typeface illustrating new text.

REASONS FOR STAFF RECOMMENDATION: Staff recommends approval of the proposed Resolution, recommending that the City Council adopt, with any suggested edits, amendments to Articles 1, 7, 8, 10, 12, 13, 14, 39, 65, and 70 of the Zoning Code, for the following reasons:

1. The proposed amendments to Article 70 of the Zoning Code address recent changes in State law and provide use and development standards to implement relevant State law requirements. (Any local ordinance adopted prior to January 1, 2017 that is not in compliance with the changes to Accessory Dwelling Unit law are null and void.)
2. Proposed amendments to other code sections help maintain internal consistency between various code sections. They are ancillary to the focused amendments to Article 70 (i.e. they are minor and technical in nature).
3. It is the intent of State law that any Accessory Dwelling Unit Ordinance ordinances adopted by local agencies are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create Accessory Dwelling Units in zones in which they are authorized. The proposed amendments would help facilitate Accessory Dwelling Unit construction for homeowners to meet current and future housing needs.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'MDS', is positioned above the printed name and title.

Mike Strong
Assistant Planning Director

ANALYSIS

ENVIRONMENTAL STATUS:

The proposed zoning code amendments are 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. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Accessory Dwelling Units approved are themselves statutorily exempt from CEQA pursuant to Section 15268 (Ministerial Projects) of the CEQA Guidelines and Section 21080(b)(1) of the Public Resources Code. In addition, Accessory Dwelling Units can be found categorically exempt from CEQA pursuant to Sections 15301 and 15303 of the CEQA Guidelines, authority cited under Public Resources Code Section 21083 and 21087.

ZONING CODE AMENDMENT ANALYSIS:

In 2016 the legislature passed Assembly Bill (AB) 2299 and Senate Bill (SB) 1069, requiring more simple and inexpensive permitting processes for Accessory Dwelling Units (also known as ADUs, accessory apartments, second dwelling units, or granny flats). Accessory Dwelling Units include a new dwelling unit built on the same property as an existing home. It could also consist of the conversion of part of an existing dwelling or accessory structure, like a garage.

For simplicity, the following table highlights some of the recent changes to State law and provides a reference link to the full text of the three bills.

Bill Number and Author	Bill Summary
<u>AB 2299 (Bloom)</u>	• Replaces the term “second unit” with “accessory dwelling unit” throughout the law. • Changes setback rules for units constructed above a garage. • Changes the rules for garage conversions. Replacement parking may be located in any configuration on the same lot, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. Full text:

	http://www.leginfo.ca.gov/pub/15-16/bill/asm/ab_2251-2300/ab_2299_bill_20160927_chaptered.pdf
<u>SB 1069 (Wieckowski)</u>	• Provides that Accessory Dwelling Units shall not be considered new residential uses for the purposes of calculating private or public utility connection fees, including water and sewer service. • Imposes timelines for issuing permits. Requires consideration (approval or denial) within 120 days after receiving an application, unless for projects involving actions at a higher level, then the permit will also be decided upon at that higher level. • Directs agencies to impose standards, including but not limited to, parking, height, setback, lot coverage, architectural review, maximum size of the unit, and standards that prevent adverse impacts to historic property. • Accessory Dwelling Units shall not be required to provide fire sprinklers if they are not required for the primary residence. • Prohibits the imposition of parking standards under specific circumstances. Full text: http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_1051-1100/sb_1069_bill_20160927_chaptered.pdf

As a result of these recent State law changes and based on previous amendments to the law, City staff has determined the extent to which the Escondido Zoning Code diverges from State law and identified all revisions necessary to bring the City into compliance with relevant State requirements. Various planning documents were reviewed to ensure continued consistency and/or to support the implementation of relevant State law changes. Based on this document review, City staff recommends the following sections of the Zoning Code be updated to better align local regulations with recent changes in State law or new standards set by the State.

- Article 70 provides regulations for the establishment of Accessory Dwelling Units in residential zones. The City will continue to apply Zoning Code regulations that allow Accessory Dwelling Units by-right in the RA, RE, R1, R2, R3, and R4 residential zones, in accordance with State law. The draft changes to Article 70 represents the City's effort in responding to State law changes and fulfilling the requirements under revised State law.

Some of the more significant changes proposed to our Zoning Code are related to city permitting requirements, direct access requirements, and imposing more flexible parking standards, as summarized below.

Permitting Procedures: State law requires development applications for Accessory Dwelling Units to be considered ministerially within 120 days of application (i.e. without discretionary review or a hearing). The permit process must apply predictable, fixed, and clear standards. These standards must be administratively applied to the application and may not subject to discretionary decision-making. Currently, the City of Escondido requires special review by a “second dwelling unit permit.” However, there should be no local legislative, quasi-legislative or discretionary consideration of the application, except provisions for authorizing an administrative appeal of a decision.

Access: The proposed zoning code amendments allow Accessory Dwelling Units to be more “independent” from the primary, single-family residence. Currently, the zoning code requires Accessory Dwelling Units to have direct access from the living area of the primary structure. The proposed zoning code amendment would remove this requirement and instead require independent exterior access. However, the code would continue to require Accessory Dwelling Units to be attached to the primary residence - except in the Old Escondido Neighborhood historic district, where Accessory Dwelling Units may be detached when the unit is accessed from an alley or located over a detached garage.

Parking: The proposed zoning amendment reduces parking requirements for Accessory Dwelling Units. Off street parking is permitted through tandem parking on an existing driveway. Setbacks are not be required when a garage is converted or when existing space (e.g., game room or office) above a garage is converted. Rear and side yard setbacks of no more than five feet are required when new space is added above a garage for an Accessory Dwelling Unit, which conflicts with existing rules in some residential zones. In this case, the setbacks only apply to the added space above the garage, not the existing garage and the Accessory Dwelling Unit can be constructed wholly or partly above the garage, including extending beyond the garage walls. Also, when a garage, carport or covered parking structure is demolished, the replacement parking must be allowed in any “configuration” on the lot, including covered spaces, uncovered spaces, or tandem spaces.

- Minor technical changes to other sections of the Zoning Code are necessary to make sure our local code is internally consistent through references and meanings in its entirety.
 - Article 1 includes a list of Zoning Code-related meanings and definitions. AB 2299 replaces the term “second unit” with “accessory dwelling unit” throughout the law, requiring cities and counties to do the same. Similarly,

Article 1 is proposed to be amended to replace the term “second unit” with accessory dwelling unit.”

- Articles 7, 8, 10, 12, 13, and 14 address permitted uses and development regulations in residential zones ranging from Residential Agriculture (RA) to Heavy Multiple Residential Zone (R4). Because the term “second unit” would be replaced by “accessory dwelling unit” elsewhere in the Zoning Code, Articles 7, 8, 10, 12, 13, and 14 would all have to be amended.
- Article 39 addresses off-street parking requirements for different use categories. Article 39 is proposed to be amended to replace the term “second unit” with “accessory dwelling unit.”
- Article 65 addresses permitted uses and development regulations in the Old Escondido Neighborhood District. Article 65 is proposed to be amended to replace the term “second unit” with “accessory dwelling unit.”

HOUSING ELEMENT LAW AND RHNA ANALYSIS:

There is a statutory recognition that the availability of housing is a matter of statewide importance and that cooperation between government and the private sector is critical to attainment of the State's housing goals. All California localities are required by Article 10.6 of the Government Code (Section 65580-65590) to adopt housing elements as part of their general plans, and submit draft and adopted elements to the Department of Housing and Community Development (HCD) for review of compliance with State law. Cities and counties can employ a variety of development strategies and/or commit specific program actions to address the adequate sites requirements and fulfill their Regional Housing Needs Assessment (RHNA) housing number obligations as part of the Housing Element update process.

For the 2013-2021 Housing Element cycle, the City of Escondido successfully approved a local Housing Element that was found to be in substantial conformance with State law, without the need to monitor Accessory Dwelling Unit construction and its ability to accommodate future housing in the City. Notwithstanding the status of our current Housing Element, it will be necessary to track and monitor Accessory Dwelling Unit activity moving forward.

Subsequent to the approval of this zoning code amendment, City staff will begin tracking Accessory Dwelling Unit construction to monitor the effectiveness of Escondido's efforts to promote Accessory Dwelling Units. By analyzing the housing need by income group that could be accommodated through "independent" Accessory Dwelling Unit development, cities and counties can rely on Accessory Dwelling Units as part of an overall adequate sites strategy to accommodate (a portion) of the regional housing need, which will be helpful for the City of Escondido when seeking compliance with State law (in preparation of the 2021-2028 Housing Element planning cycle). This will reduce the future need for further rezonings in the City to accommodate additional housing. Consistently maintained records between now and the start of the next planning cycle will reveal trends in Accessory Dwelling Unit construction or may support our efforts to count realistic capacity for Accessory Dwelling Unit based on an estimate of affordability at the time of occupancy.

It is important to note that discussions about Housing Element programs and other housing opportunities, such as Junior Dwelling Units, need to be addressed in the future, separately from this action. The Planning Commission need only focus on the regulatory matters before it directly related to updating Article 70 and other relevant sections of the Zoning Code, to ensure basic State law compliance.

EXHIBIT "A"
FACTORS TO BE CONSIDERED
AZ16-0007

Zoning Code Amendment

1. The public health, safety, and welfare would not be adversely affected by the proposed Zoning Code amendments.
2. The proposed zoning code amendments would not conflict with any State law. Pursuant to Article XI, Section 7 of the California Constitution, a city may make and enforce within its limits, all police, sanitary, and other ordinances that are not in conflict with general laws. The State Legislature has made recent changes in State law to encourage the creation of Accessory Dwelling Units by easing provisions relating to unit location, parking, fees and other requirements. Pursuant to Section 65852.150 of the Government Code, Accessory Units are a valuable form of housing in California and that those units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, within existing neighborhoods. The proposed zoning code amendments will ensure that the City's Zoning Code is consistent with California Government Code requirements for Accessory Units.
3. The proposed zoning code amendments would not be detrimental to surrounding properties because the amendments involve existing development application types. The amendment would not expand or reduce the type of land uses that may be established in the City and no physical improvements are proposed as part of this zoning code amendment. Future construction of Accessory Dwelling Units must comply with any applicable laws and standards. This includes the Building Code, the Fire Code, and any property standards by-laws.
4. The proposed zoning code amendments would be consistent with the goals and policies of the General Plan because it encourages compact, efficient urban form, which makes more efficient use of existing infrastructure. It also supports increasing the stock of rental accommodation in an area by providing more housing options for extended families or for a live-in caregiver. The proposed zoning code amendments would not diminish the Quality of Life Standards of the General Plan, nor adversely impact the community health or natural resources.
5. The proposed zoning code amendments do not conflict with any specific plan.

EXHIBIT "B"
PROPOSED CHANGES TO THE ZONING CODE
AZ16-0007

Amend the various zoning code sections to read as specified below.

ARTICLE 1: GENERAL PROVISIONS AND DEFINITIONS, SECTION 33-8

Revise the existing definitions as set forth below.

Attached unit means a unit completely within an existing principal building or added to an existing principal building; provided, that both dwelling units shall be attached by a common wall, floor or ceiling, and not simply by an attached breezeway or porch; and shall be contained within one (1) building. ~~A second~~An accessory dwelling unit constructed above an existing detached garage shall be considered an attached unit.

(8) ~~Second~~Accessory dwelling means a secondary, but independent living facility, which is located or established on the same lot as the primary residence. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation. ~~A second~~An accessory dwelling unit ~~is~~could be located within the living area of the existing dwelling; attached, and a part of the main building on the premises; or located above an existing detached garage.

ARTICLE 7: RESIDENTIAL AGRICULTURE ZONE

Revise Section 33-102 as set forth below.

(r) ~~Second~~Accessory dwelling units ~~as defined in section 33-8~~ (with permit as required by section 33-1477 of Article 70);

Revise Section 33-109 (d) as set forth below.

(6) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-109 (e) as set forth below.

Required parking for ~~second~~accessory dwelling units may be provided within the side yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-110 (b) as set forth below.

(5) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-110 (c) as set forth below.

Required parking for ~~a second~~ an accessory dwelling unit may be provided within the rear yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-112 (c)(2) as set forth below.

~~A second~~ An accessory dwelling unit shall not be subject to the minimum unit size, as described in section 33-112(c)(1), but shall meet the minimum unit size requirements of the ~~Uniform Building Code and Uniform Housing~~ California Building Standards Code.

ARTICLE 8: RESIDENTIAL ESTATES ZONE

Revise Section 33-122 as set forth below.

(s) ~~Second~~ Accessory dwelling units ~~as defined in section 33-8~~ (with permit as required by section 33-1477 of Article 70.

Revise Section 33-129 (d) as set forth below.

(6) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-129 (e) as set forth below.

Required parking for ~~a second~~ an accessory dwelling unit may be provided within the side yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-130 (b) as set forth below.

(5) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-130 (c) as set forth below.

Required parking for ~~a second~~ an accessory dwelling unit may be provided within the rear yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-132 (c)(2) as set forth below.

~~A second~~ An accessory dwelling unit shall not be subject to the minimum unit size, as described in section 33-132(c)(1), but shall meet the minimum unit size requirements of the ~~Uniform Building Code and Uniform Housing~~ California Building Standards Code.

ARTICLE 10: SINGLE FAMILY RESIDENTIAL ZONE

Revise Section 33-162 as set forth below.

(l) ~~Second~~ Accessory dwelling units ~~as defined in section 33-8~~ (with permit as required by section 33-1477 of Article 70.

Revise Section 33-169 (d) as set forth below.

(5) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-169 (e) as set forth below.

Required parking for ~~second~~ accessory dwelling units may be provided within the side yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-170 (b) as set forth below.

(4) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-170 (c) as set forth below.

Required parking for ~~second~~ accessory dwelling units may be provided within the rear yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-173 (c)(2) as set forth below.

~~A second~~ An accessory dwelling unit shall not be subject to the minimum unit size, as described in section 33-173(c)(1), but shall meet the minimum unit size requirements of the ~~Uniform Building Code and Uniform Housing~~ California Building Standards Code.

ARTICLE 12: LIGHT MULTIPLE RESIDENTIAL ZONE

Revise Section 33-212 as set forth below.

(k) ~~Second~~Accessory dwelling units as defined in section 33-8 (with permit as required by section 33-1477 of Article 70.

Revise Section 33-219 (d) as set forth below.

(5) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-219 (e) as set forth below.

Required parking for a ~~second~~an accessory dwelling unit may be provided within the side yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-220 (b) as set forth below.

(4) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-220 (c) as set forth below.

Required parking for a ~~second~~an accessory dwelling unit may be provided within the rear yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-222 (d)(2) as set forth below.

~~A second~~An accessory dwelling unit shall not be subject to the minimum unit size, as described in section 33-222(e)(1)(d)(1), but shall meet the minimum unit size requirements of the Uniform Building Code and Uniform Housing California Building Standards Code.

ARTICLE 13: MEDIUM MULTIPLE RESIDENTIAL ZONE

Revise Section 33-242 as set forth below.

(k) ~~Second~~Accessory dwelling units as defined in section 33-8 (with permit as required by section 33-1477 of Article 70.

Revise Section 33-249 (d) as set forth below.

(5) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-249 (e) as set forth below.

Required parking for a ~~second~~ an accessory dwelling unit may be provided within the side yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-250 (b) as set forth below.

(4) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-250 (c) as set forth below.

Required parking for a ~~second~~ an accessory dwelling unit may be provided within the rear yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-252 (d)(2) as set forth below.

~~A second~~ An accessory dwelling unit shall not be subject to the minimum unit size, as described in section 33-252(e)(4)(d)(1), but shall meet the minimum unit size requirements of the ~~Uniform Building Code and Uniform Housing~~ California Building Standards Code.

ARTICLE 14: HEAVY MULTIPLE RESIDENTIAL ZONE

Revise Section 33-272 as set forth below.

(i) ~~Second~~ Accessory dwelling units ~~as defined in section 33-8~~ (with permit as required by section 33-1477 of Article 70.

Revise Section 33-280 (d) as set forth below.

(5) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-280 (e) as set forth below.

Required parking for a ~~second~~ an accessory dwelling unit may be provided within the side yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-281 (b) as set forth below.

(4) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-281 (c) as set forth below.

Required parking for ~~a second~~ an accessory dwelling unit may be provided within the rear yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-283 (e)(2) as set forth below.

~~A second~~ An accessory dwelling unit shall not be subject to the minimum unit size, as described in section 33-283(e)(1), but shall meet the minimum unit size requirements of the ~~Uniform Building Code and Uniform Housing~~ California Building Standards Code.

ARTICLE 39: OFF-STREET PARKING

Revise the *Second dwelling unit* use category in Section 33-765 to *Accessory dwelling unit* [emphasis added to former and latter categories], and revise note as set forth below.

One (1) parking space for the unit, in addition to those spaces required by this section for the primary residential use as provided by section 33-1474 of Article 70. All spaces shall be located on-site.

ARTICLE 65: OLD ESCONDIDO NEIGHBORHOOD

Revise Section 33-1373 (b) as set forth below.

~~Second~~ Accessory dwelling units as defined in section 33-8, are permitted subject to a ~~second~~ an accessory dwelling unit permit in conformance with Article 70 of this chapter.

ARTICLE 70: SECOND DWELLING UNIT

Replace Article title from *Second Dwelling Units* to *Accessory Dwelling Units* [emphasis added to former and latter titles]. A similar change shall be made, without limitation, to any and all Municipal Code and/or Zoning Code table of contents or charts that reference this article title.

Revise Section 33-1470, Purpose, as set forth below.

The purpose of this article is to provide regulations for the establishment of ~~second~~ accessory dwelling units in residential zones. The intent of the article is to provide affordable housing in areas where adequate public facilities and services are available, and where impacts upon the residential neighborhoods directly affected would be

minimized. This article shall not be considered in the application of any local ordinance, policy, or program to limit residential growth. ~~Second dwelling units shall be designed to minimize the effect of the new second dwelling unit on adjacent properties, any potential impacts shall be oriented to the primary residence.~~

Section 33-1471, Definition.

Delete section title and content. Reserve section number for future use.

Revise Section 33-1472, Permitted zones, as set forth below.

~~Second~~Accessory dwelling units shall be permitted in the RA, RE, R1, R2, R3 and R4 zones on properties with only one (1) single-family residence on the lot, subject to the approval of an ~~second~~accessory dwelling unit permit. ~~Second~~Accessory dwelling units within the Old Escondido Neighborhood shall observe the same standards and review procedures required of similar building expansions in that neighborhood.

~~Second~~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.

Revise Section 33-1473, Occupancy limitations, as set forth below.

(a) Owner-occupied. The owner of the property shall reside on the parcel on which the ~~second~~accessory dwelling unit is located. The ~~second~~accessory dwelling unit is not intended for sale, except in conjunction with the sale of the primary residence and property.

(b) Deed restriction. Building permits will not be issued for the establishment of an ~~second~~accessory dwelling unit or its occupancy prior to the applicant's submittal of evidence that a deed restriction, which sets forth the occupancy limitations prescribed by the ordinance, has been filed with the county recorder. This deed restriction shall run with the land; inure to the benefit of the city as well as to the benefit of the other residential property owners within the subdivision; and, be coterminous in tenure with the life of the ~~second~~accessory dwelling unit.

Revise Section 33-1474, Development standards, as set forth below.

~~Second~~Accessory dwelling units shall be subject to all development standards of the zone in which the property is located, except as modified below:

(a) Lot area. ~~Second~~Accessory dwelling units may be constructed on any legal lot in a residential zone provided all requirements of this article and the zoning and building codes are met.

- (b) Number of bedrooms. A maximum of one (1) bedroom shall be permitted.
- (c) Location on lot. ~~Second~~Accessory units must be physically attached to the primary structure by a substantial contiguous shared wall ~~and shall also have access from the primary structure~~ or be located within the living area of the existing dwelling; except for ~~second~~accessory dwelling units proposed in the Old Escondido Neighborhood historic district where ~~second~~accessory units may be detached when the unit is accessed from an alley or located over a detached garage.
- (1) Accessory dwelling units shall have independent exterior access.
- (2) An accessory dwelling unit that is constructed above a garage must have a setback of five feet from the side and rear lot lines.
- (d) Maximum unit size. For lots less than ten thousand (10,000) square feet, attached ~~second~~accessory dwelling units shall not exceed five hundred (500) square feet. For lots over ten thousand (10,000) square feet, ~~second~~accessory dwelling units shall not exceed six hundred forty (640) square feet. The floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area of the primary residence up to a maximum of 500 square feet or 640 square feet based on lot size.
- (e) Minimum unit size. The minimum permitted size of a ~~Second~~an accessory dwelling unit shall be defined by the ~~Uniform Building Code and Uniform Housing Code~~ California Building Standards Code. The minimum unit size of the residential zone shall not apply to the ~~second~~accessory dwelling unit that is built on the same legal lot as the primary residence in compliance with all local development standards.
- (f) Height. ~~Second~~Accessory dwelling units shall conform to the height limits of the zone ~~and shall be limited to one (1) story.~~
- (g) Lot coverage. The entire lot shall conform to the lot coverage limitation of the zone in which the property is located.
- (h) Parking requirements. Off-street parking for the primary dwelling shall conform to the current parking standards, as required in Article 39 of the Escondido Zoning Code and:
- (1) One (1) additional off street parking space, covered or uncovered, shall be provided for a ~~second~~an accessory dwelling unit, ~~and shall not be tandem.~~ Parking provisions may be provided as tandem parking on an existing driveway

or permitted within a setback area, in locations determined to be satisfactory by the Director of Community Development, unless the Director determines that parking in setback areas or tandem parking is not feasible based on specific site or regional topographical or fire and life safety conditions, or not permitted anywhere else in the jurisdiction.

(2) Required parking for the ~~second~~accessory dwelling unit shall be permitted in a side yard or rear yard only when said yard is abutting an alley and a minimum backup of twenty-four (24) feet is provided.

(3) Parking for the ~~second~~accessory dwelling unit shall be accessible, ~~not conflict with access and required parking for the primary structure~~ and be located to minimize impacts on adjacent properties.

(4) Notwithstanding any other law, the City will not impose parking standards for an accessory dwelling unit when the unit is located within one-half mile of public transit, located within the Old Escondido Neighborhood or when there is a car share vehicle located within one block of the unit. The City will also waive parking requirements for new accessory dwelling units when the accessory dwelling unit is contained within the existing living area of the primary residence.

When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, replacement parking may be located in any configuration on the same lot as the accessory unit.

(i) Design of the unit. Accessory dwelling units shall be designed to minimize the effect of the new accessory dwelling unit on adjacent properties.

(1) Any potential impacts shall be oriented to the primary residence. The ~~second dwelling unit shall not create a second front entrance visible from adjacent streets.~~ Access doors and entry for the ~~second~~accessory dwelling unit shall not be oriented to the nearest adjacent property line or create a second "front door" entrance. For the purposes of this article, a second front door entrance is a secondary entry way that is comparable to the main entrance. The design, construction, and presence of the accessory dwelling unit shall conform with the single family character of the neighborhood. There may only be one obvious entrance visible to the street.

(2) Proposed accessory dwelling units shall respect the residential scale and design character of existing homes. The accessory dwelling unit's color and materials must match those of the primary residence, maintaining compatibility with the neighborhood. The ~~planning staff~~Director shall review ~~second~~accessory dwelling unit applications to ensure the addition is integrated with the primary

structure with respect to roof design, height, compatible materials, color, texture, and design details. If the accessory dwelling unit is an addition to a site with known historic resources or has been determined have historic value by the Director, all improvements shall retain the historical and/or architectural value and significance of the landmark, historical building, or historical district. The improvements shall be compatible with and retain the texture and material of the primary building(s) and/or structure(s) or its appurtenant fixtures, including signs, fences, parking, site plan, landscaping and the relationship of such features to similar features of other buildings within an historical district.

- (j) Addresses. The addresses of both units shall be displayed in such a manner that they are clearly seen from the street.
- (k) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

Revise Section 33-1475, Other regulations, as set forth below.

- (a) Garage conversions. ~~Garage conversions to second accessory dwelling units are prohibited unless replacement covered off street parking is provided which conforms to Article 39 of this chapter.~~ Converted garages must meet all building code requirements for a dwelling unit and provisions of the ordinance. No setback shall be required for an existing garage that is converted to an accessory dwelling unit.
- (b) Guest house. An attached guest house may be converted to a ~~second~~ an accessory dwelling unit provided all provisions of this article and the building code and zoning code are met. A guest house and a ~~second~~ an accessory dwelling unit may occur on the same lot provided the lot is over twenty thousand (20,000) square feet in area and provided the guest house does not contain kitchen facilities and is not rented. No more than one (1) ~~second~~ an accessory dwelling unit or no more than one (1) guest house are permitted on a lot.
- (c) The City may require a new or separate utility connection for any attached or detached accessory dwelling units that are not contained within the existing space of a single family residence or accessory structure.

Replace Section 33-1476 title from *Existing nonpermitted second units* to *Existing nonpermitted accessory units* [emphasis added to former and latter titles].

Revise Section 33-1476, Existing nonpermitted accessory units, as set forth below.

This article shall apply to all ~~second~~ an accessory dwelling units which exist on the date of passage of the ordinance. All units which do not have a permit, or cannot receive a

permit, upon passage of the ordinance codified herein shall be considered in violation and shall be subject to code enforcement action.

Revise Section 33-1477, Application and procedure, as set forth below.

The ~~director~~Director of Community Development shall approve a ~~second dwelling unit permit for an accessory dwelling unit within 120 days of submission of a complete application, unless he or she determines it is determined that such~~the permit does not meet the requirements of this article. The ~~director~~Director may refer any unit to the planning commission ~~or Historic Preservation Commission~~ prior to the ~~director's~~Director's decision for conformance with the specific criteria outlined in section 33-1474(i).

Revise Section 33-1478, Findings for approval and denial, as set forth below.

The decision to deny an application shall be in writing and shall state the reasons therefor. A permit for an accessory dwelling unit shall be issued upon a finding that all of the following have been established: ~~In granting a second dwelling unit permit, the following findings shall be established as complete without further written action:~~

- (a) Adequate public facilities and services are available;
- (b) All requirements of this article and the zoning code are met;
- (c) The project will not create a second front entrance;
- (d) The unit is integrated with the primary structure with respect to roof design, height, compatible materials, color, texture, and design details; and
- (e) The accessory dwelling unit does not create any adverse impact on any real property that is listed in the local, state, or federal Register of Historic Places.

Revise Section 33-1480, Fees, as set forth below.

- (a) Upon the filing of an permit for an accessory dwelling unit, a fee in an amount to be established by resolution of the city council shall be paid by the applicant to the city.
- (b) Any party who appeals the director's a determination made by the Director of the Community Development shall submit an appeal processing fee as determined by the city council.
- (b) ~~For purposes of determining building permit fees, a second dwelling unit shall be considered a room addition and shall not be subject to subarea facilities plan fees.~~



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

Notice of Exemption

To: San Diego County Recorder's Office
Attn: Chief Deputy Recorder Clerk
1600 Pacific Hwy, Room 260
San Diego, CA 92101

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

Project Title/Case No.: Zoning Code Amendment / AZ 16-0007

Project Applicant: City of Escondido

Project Location - Specific: Citywide

Project Location - City: Escondido

Project Location - County: San Diego

Description of Nature, Purpose and Beneficiaries of Project:

Amendment to the Escondido Zoning Code, Article 70, to bring City regulations of second dwelling units (now called accessory dwelling units) into compliance with recent State law changes.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project: Mike Strong, Assistant Planning Director, City of Escondido
Telephone: (760) 839-4556 Address: 201 N. Broadway, Escondido, CA 92025

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

Exempt Status:

Exemption. CEQA Section 15061(b)(3) "General Rule".

Reasons why project is exempt:

1. The proposed zoning code amendment consists of text changes and does not involve any physical modifications or lead to any physical improvements beyond those typically exempt. The amendment involves only changes to several review processes for existing types of applications and would not have the potential for causing a significant effect on the environment.
2. Future development applications will include environmental review and the preparation of appropriate individual CEQA documents.
3. In staff's opinion, the proposed code amendments would have no impact on fish and wildlife resources, sensitive species or habitat, or affect any cultural or historic resources, since there is no physical development project associated with the code changes.

Lead Agency Contact Person: Mike Strong

Area Code/Telephone/Extension (760) 839-4556
Email: mstrong@escondido.org

Signature: _____

Mike Strong, Assistant Planning Director

_____ Date

☒ Signed by Lead Agency

Date received for filing at OPR:

☐ Signed by Applicant

ARTICLE 70. SECOND DWELLING UNITS**Sec. 33-1470. Purpose.**

The purpose of this article is to provide regulations for the establishment of second dwelling units in residential zones. The intent of the article is to provide affordable housing in areas where adequate public facilities and services are available, and where impacts upon the residential neighborhoods directly affected would be minimized. Second dwelling units shall be designed to minimize the effect of the new second dwelling unit on adjacent properties, any potential impacts shall be oriented to the primary residence. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03)

Sec. 33-1471. Definition.

Second dwelling unit means a secondary, but independent living facility which is located or established on the same lot as an existing single-family residence (for purposes of this article this existing residence shall be termed "the primary residence"). It includes permanent provisions for living, sleeping, eating, cooking and sanitation. A second dwelling must be attached to the primary residence; except in the Old Escondido Neighborhood historic district where second dwelling units may be detached when the unit is accessed from an alley or located over a detached garage.

Outside the Old Escondido Neighborhood historic district, a second dwelling unit shall be attached to the existing dwelling unit by a contiguous, shared wall and shall also have access from the living area of the primary structure.

For purposes of this article, living area means the interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03; Ord. No. 2016-15, § 4, 10-26-16)

Sec. 33-1472. Permitted zones.

Second dwelling units shall be permitted in the RA, RE, R1, R2, R3 and R4 zones on properties with only one (1) single-family residence on the lot, subject to the approval of a second dwelling unit permit. Second dwelling units within the Old Escondido Neighborhood shall observe the same standards and review procedures required of similar building expansions and new structures in that neighborhood. Second 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. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03; Ord. No. 2016-15, § 4, 10-26-16)

Sec. 33-1473. Occupancy limitations.

(a) Owner-occupied. The owner of the property shall reside on the parcel on which the second dwelling unit is located. The second dwelling unit is not intended for sale, except in conjunction with the sale of the primary residence and property.

(b) Deed restriction. Building permits will not be issued for the establishment of a second dwelling unit or its occupancy prior to the applicant's submittal of evidence that a deed restriction, which sets forth the occupancy limitations prescribed by the ordinance, has been filed with the county recorder. This deed restriction shall run with the land; inure to the benefit of the city as well as to the benefit of the other residential property owners within the subdivision; and, be coterminous in tenure with the life of the second dwelling unit. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03)

Sec. 33-1474. Development standards.

Second dwelling units shall be subject to all development standards of the zone in which the property is located, except as modified below:

(a) Lot area. Second dwelling units may be constructed on any legal lot in a residential zone

provided all requirements of this article and the zoning and building codes are met.

(b) Number of bedrooms. A maximum of one (1) bedroom shall be permitted.

(c) Location on lot. Second dwelling units must be physically attached to the primary structure by a substantial contiguous wall and shall also have access from the primary structure; except for second dwelling units proposed in the Old Escondido Neighborhood historic district where second dwelling units may be detached when the unit is accessed from an alley or located over a detached garage.

(d) Maximum unit size. For lots less than ten thousand (10,000) square feet, attached second dwelling units shall not exceed five hundred (500) square feet. For lots over (10,000) square feet, second dwelling units shall not exceed six hundred forty (640) square feet.

(e) Minimum unit size. The minimum permitted size of a second dwelling unit shall be defined by the Uniform Building Code and Uniform Housing Code. The minimum unit size of the residential zone shall not apply to the second dwelling unit.

(f) Height. Second dwelling units shall conform to the height limits of the zone and shall be limited to one (1) story.

(g) Lot coverage. The entire lot shall conform to the lot coverage limitation of the zone in which the property is located.

(h) Parking requirements. Off-street parking for the primary dwelling shall conform to the current parking standards, as required in Article 39 of the Escondido Zoning Code and:

(1) One (1) additional off street parking space, covered or uncovered, shall be provided for a second dwelling unit, and shall not be tandem.

(2) Required parking for the second dwelling unit shall be permitted in a side yard or rear yard only when said yard is abutting an alley and a minimum backup of twenty-four (24) feet is provided.

(3) Parking for the second dwelling unit shall be accessible, not conflict with access and required

parking for the primary structure and be located to minimize impacts on adjacent properties.

(i) Design of the unit. The second dwelling unit shall not create a second front entrance visible from adjacent streets. Access doors and entry for the second dwelling unit shall not be oriented to the nearest adjacent property line. The planning staff shall review second dwelling unit applications to ensure the addition is integrated with the primary structure with respect to roof design, height, compatible materials, color, texture, and design details.

(j) Addresses. The addresses of both units shall be displayed in such a manner that they are clearly seen from the street. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03; Ord. No. 2008-22, § 8, 9-10-08; Ord. No. 2016-15, § 4, 10-26-16)

Sec. 33-1475. Other regulations.

(a) Garage conversions. Garage conversions to second dwelling units are prohibited unless replacement covered off-street parking is provided which conforms to Article 39 of this chapter. Converted garages must meet all building code requirements for a dwelling unit and provisions of the ordinance.

(b) Guest house. An attached guest house may be converted to a second dwelling unit provided all provisions of this article and the building code and zoning code are met. A guest house and a second dwelling unit may occur on the same lot provided the lot is over twenty thousand (20,000) square feet in area and provided the guest house does not contain kitchen facilities and is not rented. No more than one (1) second dwelling unit or no more than one (1) guest house are permitted on a lot. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03)

Sec. 33-1476. Existing nonpermitted second units.

This article shall apply to all second dwelling units which exist on the date of passage of the ordinance. All units which do not have a permit, or cannot receive a permit, upon passage of the ordi-

nance codified herein shall be considered in violation and shall be subject to code enforcement action. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03)

Sec. 33-1477. Application and procedure.

The director shall approve a second dwelling unit permit unless he or she determines that such permit does not meet the requirements of this article. The director may refer any unit to the planning commission prior to the director's decision for conformance with the specific criteria outlined in section 33-1474(i). (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03; Ord. No. 2008-22, § 8, 9-10-08; Ord. No. 2011-19R, § 5, 1-11-12)

Sec. 33-1478. Findings for approval and denial.

The decision to deny an application shall be in writing and shall state the reasons therefor. In granting a second dwelling unit permit, the following findings shall be established as complete without further written action:

- (a) Adequate public facilities and services are available;
- (b) All requirements of this article and the zoning code are met;
- (c) The project will not create a second front entrance;
- (d) The unit is integrated with the primary structure with respect to roof design, height, compatible materials, color, texture, and design details. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03)

Sec. 33-1479. Appeal.

- (a) Upon denial of an application, the applicant may appeal the decision to the planning commission.
- (b) Upon receipt of a written request for a hearing anytime prior to the effective date of a decision on the permit, the director shall notice a public hearing before the planning commission in ac-

cordance with the provisions of section 33-1300 of this chapter.

- (c) The appeal hearing shall be conducted in accordance with the provisions of sections 33-1303 and 33-1304 of the Escondido Zoning Code, and shall be acted upon in accordance with the determination and findings specified in section 33-1478 of this article. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03)

Sec. 33-1480. Fees.

- (a) Any party who appeals the director's shall submit an appeal processing fee as determined by the city council.

- (b) For purposes of determining building permit fees, a second dwelling unit shall be considered a room addition and shall not be subject to subarea facilities plan fees. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03)

Secs. 33-1481—33-1489. Reserved.



Courtesy of Karen Chapple, UC Berkeley

California Department of Housing and
Community Development *Where Foundations Begin*

Accessory Dwelling Unit Memorandum

December 2016



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Understanding Accessory Dwelling Units and Their Importance



Courtesy of Karen Chapple, UC Berkeley

California's housing production is not keeping pace with demand. In the last decade less than half of the needed housing was built. This lack of housing is impacting affordability with average housing costs in California exceeding the rest of the nation. As affordability becomes more problematic, people drive longer distances between a home that is affordable and where they work, or double up to share space, both of which reduces quality of life and produces negative environmental impacts.

Beyond traditional market-rate construction and government subsidized production and preservation there are alternative housing models and emerging trends that can contribute to addressing home supply and affordability in California.

One such example gaining popularity are Accessory Dwelling Units (ADUs) (also referred to as second units, in-law units, or granny flats).

What is an ADU

An ADU is a secondary dwelling unit with complete independent living facilities for one or more persons and generally takes three forms:

- **Detached:** The unit is separated from the primary structure
- **Attached:** The unit is attached to the primary structure
- **Repurposed Existing Space:** Space (e.g., master bedroom) within the primary residence is converted into an independent living unit
- **Junior Accessory Dwelling Units:** Similar to repurposed space with various streamlining measures

ADUs offer benefits that address common development barriers such as affordability and environmental quality. ADUs are an affordable type of home to construct in California because they do not require paying for land, major new infrastructure, structured parking, or elevators. ADUs are built with cost-effective one- or two-story wood frame construction, which is significantly less costly than homes in new multifamily infill buildings. ADUs can provide as much living space as the new apartments and condominiums being built in new infill buildings and serve very well for couples, small families, friends, young people, and seniors.

ADUs are a different form of housing that can help California meet its diverse housing needs. Young professionals and students desire to live in areas close to jobs, amenities, and schools. The problem with high-opportunity areas is that space is limited. There is a shortage of affordable units and the units that are available can be out of reach for many people. To address the needs of individuals or small families seeking living quarters in high opportunity areas, homeowners can construct an ADU on their lot or convert an underutilized part of their home like a garage

into a junior ADU. This flexibility benefits not just people renting the space, but the homeowner as well, who can receive an extra monthly rent income.

ADUs give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place as they require more care and helping extended families to be near one another while maintaining privacy.

Relaxed regulations and the cost to build an ADU make it a very feasible affordable housing option. A UC Berkeley study noted that one unit of affordable housing in the Bay Area costs about \$500,000 to develop whereas an ADU can range anywhere up to \$200,000 on the expensive end in high housing cost areas.

ADUs are a critical form of infill-development that can be affordable and offer important housing choices within existing neighborhoods. ADUs are a powerful type of housing unit because they allow for different uses, and serve different populations ranging from students and young professionals to young families, people with disabilities and senior citizens. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education and services for many Californians.

Summary of Recent Changes to ADU Laws



Courtesy of Karen Chapple, UC Berkeley

The California legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in single family and multifamily zones provides additional rental housing and are an essential component in addressing housing needs in California. Over the years, ADU law has been revised to improve its effectiveness such as recent changes in 2003 to require ministerial approval. In 2017, changes to ADU laws will further reduce barriers, better streamline approval and expand capacity to accommodate the development of ADUs.

ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, friends, students, the elderly, in-home health care providers, the disabled,

and others. Further, ADUs offer an opportunity to maximize and integrate housing choices within existing neighborhoods.

Within this context, the Department has prepared this guidance to assist local governments in encouraging the development of ADUs. Please see Attachment 1 for the complete statutory changes. The following is a brief summary of the changes for each bill.

SB 1069 (Wieckowski)

S.B. 1069 (Chapter 720, Statutes of 2016) made several changes to address barriers to the development of ADUs and expanded capacity for their development. The following is a brief summary of provisions that go into effect January 1, 2017.

Parking

SB 1069 reduces parking requirements to one space per bedroom or unit. The legislation authorizes off street parking to be tandem or in setback areas unless specific findings such as fire and life safety conditions are made. SB 1069 also prohibits parking requirements if the ADU meets any of the following:

- Is within a half mile from public transit.
- Is within an architecturally and historically significant historic district.
- Is part of an existing primary residence or an existing accessory structure.
- Is in an area where on-street parking permits are required, but not offered to the occupant of the ADU.
- Is located within one block of a car share area.

Fees

SB 1069 provides that ADUs shall not be considered new residential uses for the purpose of calculating utility connection fees or capacity charges, including water and sewer service. The bill prohibits a local agency from requiring an ADU applicant to install a new or separate utility connection or impose a related connection fee or capacity charge for ADUs that are contained within an existing residence or accessory structure. For attached and detached ADUs, this fee or charge must be proportionate to the burden of the unit on the water or sewer system and may not exceed the reasonable cost of providing the service.

Fire Requirements

SB 1069 provides that fire sprinklers shall not be required in an accessory unit if they are not required in the primary residence.

ADUs within Existing Space

Local governments must ministerially approve an application to create within a single family residential zone one ADU per single family lot if the unit is:

- contained within an existing residence or accessory structure.
- has independent exterior access from the existing residence.
- has side and rear setbacks that are sufficient for fire safety.

These provisions apply within all single family residential zones and ADUs within existing space must be allowed in all of these zones. No additional parking or other development standards can be applied except for building code requirements.

No Total Prohibition

SB 1069 prohibits a local government from adopting an ordinance that precludes ADUs.

AB 2299 (Bloom)

Generally, AB 2299 (Chapter 735, Statutes of 2016) requires a local government (beginning January 1, 2017) to ministerially approve ADUs if the unit complies with certain parking requirements, the maximum allowable size of an attached ADU, and setback requirements, as follows:

- The unit is not intended for sale separate from the primary residence and may be rented.
- The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.
- The unit is either attached to an existing dwelling or located within the living area of the existing dwelling or detached and on the same lot.
- The increased floor area of the unit does not exceed 50% of the existing living area, with a maximum increase in floor area of 1,200 square feet.
- The total area of floorspace for a detached accessory dwelling unit does not exceed 1,200 square feet.
- No passageway can be required.
- No setback can be required from an existing garage that is converted to an ADU.

- Compliance with local building code requirements.
- Approval by the local health officer where private sewage disposal system is being used.

Impact on Existing Accessory Dwelling Unit Ordinances

AB 2299 provides that any existing ADU ordinance that does not meet the bill's requirements is null and void upon the date the bill becomes effective. In such cases, a jurisdiction must approve accessory dwelling unit based on Government Code Section 65852.2 until the jurisdiction adopts a compliant ordinance.

AB 2406 (Thurmond)

AB 2406 (Chapter 755, Statutes of 2016) creates more flexibility for housing options by authorizing local governments to permit junior accessory dwelling units (JADU) through an ordinance. The bill defines JADUs to be a unit that cannot exceed 500 square feet and must be completely contained within the space of an existing residential structure. In addition, the bill requires specified components for a local JADU ordinance. Adoption of a JADU ordinance is optional.

Required Components

The ordinance authorized by AB 2406 must include the following requirements:

- Limit to one JADU per residential lot zoned for single-family residences with a single-family residence already built on the lot.
- The single-family residence in which the JADU is created or JADU must be occupied by the owner of the residence.
- The owner must record a deed restriction stating that the JADU cannot be sold separately from the single-family residence and restricting the JADU to the size limitations and other requirements of the JADU ordinance.
- The JADU must be located entirely within the existing structure of the single-family residence and JADU have its own separate entrance.
- The JADU must include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards. No gas or 220V circuits are allowed.
- The JADU may share a bath with the primary residence or have its own bath.

Prohibited Components

This bill prohibits a local JADU ordinance from requiring:

- Additional parking as a condition to grant a permit.
- Applying additional water, sewer and power connection fees. No connections are needed as these utilities have already been accounted for in the original permit for the home.

Fire Safety Requirements

AB 2406 clarifies that a JADU is to be considered part of the single-family residence for the purposes of fire and life protections ordinances and regulations, such as sprinklers and smoke detectors. The bill also requires life and protection ordinances that affect single-family residences to be applied uniformly to all single-family residences, regardless of the presence of a JADU.

JADUs and the RHNA

As part of the housing element portion of their general plan, local governments are required to identify sites with appropriate zoning that will accommodate projected housing needs in their regional housing need allocation (RHNA) and report on their progress pursuant to Government Code Section 65400. To credit a JADU toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit which is fairly flexible. Local government count units as part of reporting to DOF. JADUs meet these definitions and this bill would allow cities and counties to earn credit toward meeting their RHNA allocations by permitting residents to create less costly accessory units. See additional discussion under JADU frequently asked questions.

Frequently Asked Questions: Accessory Dwelling Units

Should an Ordinance Encourage the Development of ADUs?

Yes, ADU law and recent changes intend to address barriers, streamline approval and expand potential capacity for ADUs recognizing their unique importance in addressing California's housing needs. The preparation, adoption, amendment and implementation of local ADU ordinances must be carried out consistent with Government Code Section 65852.150:

(a) The Legislature finds and declares all of the following:

- (1) Accessory dwelling units are a valuable form of housing in California.*
 - (2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.*
 - (3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.*
 - (4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.*
 - (5) California faces a severe housing crisis.*
 - (6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.*
 - (7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.*
 - (8) Accessory dwelling units are, therefore, an essential component of California's housing supply.*
- (b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.*

Are Existing Ordinances Null and Void?



Yes, any local ordinance adopted prior to January 1, 2017 that is not in compliance with the changes to ADU law will be null and void. Until an ordinance is adopted, local governments must apply “state standards” (See Attachment 5 for State Standards checklist). In the absence of a local ordinance complying with ADU law, local review must be limited to “state standards” and cannot include additional requirements such as those in an existing ordinance. .

Are Local Governments Required to Adopt an Ordinance?

No, a local government **is not required** to adopt an ordinance. ADUs built within a jurisdiction that lacks a local ordinance must comply with state standards (See Attachment 5). Adopting an ordinance can occur through different forms such as a new ordinance, amendment to an existing ordinance, separate section or special regulations within the zoning code or integrated into the zoning code by district. However, the ordinance should be established legislatively through a public process and meeting and not through internal administrative actions such as memos or zoning interpretations.

Can a Local Government Preclude ADUs?

No local government cannot preclude ADUs.

Can a Local Government Apply Development Standards and Designate Areas?

Yes, local governments may apply development standards and may designate where ADUs are permitted (GC Sections 65852.2(a)(1)(A) and (B)). However, ADUs within existing structures must be allowed in all single family residential zones.

For ADUs that require an addition or a new accessory structure, development standards such as parking, height, lot coverage, lot size and maximum unit size can be established with certain limitations. ADUs can be avoided or allowed through an ancillary and separate discretionary process in areas with health and safety risks such as high fire hazard areas. However, standards and allowable areas must not be designed or applied in a manner that burdens the development of ADUs and should maximize the potential for ADU development. Designating areas where ADUs are allowed should be approached primarily on health and safety issues including water, sewer, traffic flow and public safety. Utilizing approaches such as restrictive overlays, limiting ADUs to larger lot sizes, burdensome lot coverage and setbacks and particularly concentration or distance requirements (e.g., no less than 500 feet between ADUs) may unreasonably restrict the ability of the homeowners to create ADUs, contrary to the intent of the Legislature.

Requiring large minimum lot sizes and not allowing smaller lot sizes for ADUs can severely restrict their potential development. For example, large minimum lot sizes for ADUs may constrict capacity throughout most of the community. Minimum lot sizes cannot be applied to ADUs within existing structures and could be considered relative to health and safety concerns such as areas on septic systems. While larger lot sizes might be targeted for various reasons such as ease of compatibility, many tools are available (e.g., maximum unit size, maximum lot coverage, minimum setbacks, architectural and landscape requirements) that allows ADUs to fit well within the built environment.

Can a Local Government Adopt Less Restrictive Requirements?

Yes, ADU law is a minimum requirement and its purpose is to encourage the development of ADUs. Local governments can take a variety of actions beyond the statute that promote ADUs such as reductions in fees, less restrictive parking or unit sizes or amending general plan policies.

Santa Cruz has confronted a shortage of housing for many years, considering its growth in population from incoming students at UC Santa Cruz and its proximity to Silicon Valley. The city promoted the development of ADUs as critical infill-housing opportunity through various strategies such as creating a manual to promote ADUs. The manual showcases prototypes of ADUs and outlines city zoning laws and requirements to make it more convenient for homeowners to get information. The City found that homeowners will take time to develop an ADU only if information is easy to find, the process is simple, and there is sufficient guidance on what options they have in regards to design and planning.

The city set the minimum lot size requirement at 4,500 sq. ft. to develop an ADU in order to encourage more homes to build an ADU. This allowed for a majority of single-family homes in Santa Cruz to develop an ADU. For more information, see <http://www.cityofsantacruz.com/departments/planning-and-community-development/programs/accessory-dwelling-unit-development-program>.

Can Local Governments Establish Minimum and Maximum Unit Sizes?

Yes, a local government may establish minimum and maximum unit sizes (GC Section 65852.2(c)). However, like all development standards (e.g., height, lot coverage, lot size), unit sizes should not burden the development of ADUs. For example, setting a minimum unit size that substantially increases costs or a maximum unit size that unreasonably restricts opportunities would be inconsistent with the intent of the statute. Typical maximum unit sizes range from 800 square feet to 1,200 square feet. Minimum unit size must at least allow for an efficiency unit as defined in Health and Safety Code Section 17958.1.

ADU law requires local government approval if meeting various requirements (GC Section 65852.2(a)(1)(D)), including unit size requirements. Specifically, attached ADUs shall not exceed 50 percent of the existing living area or 1,200 square feet and detached ADUs shall not exceed 1,200 square feet. A local government may choose a maximum unit size less than 1,200 square feet as long as the requirement is not burdensome on the creation of ADUs.

Can ADUs Exceed General Plan and Zoning Densities?

An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Minimum lot sizes must not be doubled (e.g., 15,000 square feet) to account for an ADU. Further, local governments could elect to allow more than one ADU on a lot.

New developments can increase the total number of affordable units in their project plans by integrating ADUs. Aside from increasing the total number of affordable units, integrating ADUs also promotes housing choices within a development. One such example is the Cannery project in Davis, CA. The Cannery project includes 547 residential units with up to 60 integrated ADUs. ADUs within the Cannery blend in with surrounding architecture, maintaining compatibility with neighborhoods and enhancing community character. ADUs are constructed at the same time as the primary single-family unit to ensure the affordable rental unit is available in the housing supply concurrent with the availability of market rate housing.

How Are Fees Charged to ADUs?

All impact fees, including water, sewer, park and traffic fees must be charged in accordance with the Fee Mitigation Act, which requires fees to be proportional to the actual impact (e.g., significantly less than a single family home).

Fees on ADUs, must proportionately account for impact on services based on the size of the ADU or number of plumbing fixtures. For example, a 700 square foot new ADU with one bathroom that results in less landscaping should be charged much less than a 2,000 square foot home with three bathrooms and an entirely new landscaped parcel which must be irrigated. Fees for ADUs should be significantly less and should account for a lesser impact such as lower sewer or traffic impacts.

What Utility Fee Requirements Apply to ADUs?

Cities and counties cannot consider ADUs as new residential uses when calculating connection fees and capacity charges.

Where ADUs are being created within an existing structure (primary or accessory), the city or county cannot require a new or separate utility connections for the ADU and cannot charge any connection fee or capacity charge.

For other ADUs, a local agency may require separate utility connections between the primary dwelling and the ADU, but any connection fee or capacity charge must be proportionate to the impact of the ADU based on either its size or the number of plumbing fixtures.

What Utility Fee Requirements Apply to Non-City and County Service Districts?

All local agencies must charge impact fees in accordance with the Mitigation Fee Act (commencing with Government Code Section 66000), including in particular Section 66013, which requires the connection fees and capacity charges to be proportionate to the burden posed by the ADU. Special districts and non-city and county service districts must account for the lesser impact related to an ADU and should base fees on unit size or number of plumbing fixtures. Providers should consider a proportionate or sliding scale fee structures that address the smaller size and lesser impact of ADUs (e.g., fees per square foot or fees per fixture). Fee waivers or deferrals could be considered to better promote the development of ADUs.

Do Utility Fee Requirements Apply to ADUs within Existing Space?

No, where ADUs are being created within an existing structure (primary or accessory), new or separate utility connections and fees (connection and capacity) must not be required.

Does “Public Transit” Include within One-half Mile of a Bus Stop and Train Station?

Yes, “public transit” may include a bus stop, train station and paratransit if appropriate for the applicant. “Public transit” includes areas where transit is available and can be considered regardless of tighter headways (e.g., 15 minute intervals). Local governments could consider a broader definition of “public transit” such as distance to a bus route.

Can Parking Be Required Where a Car Share Is Available?

No, ADU law does not allow parking to be required when there is a car share located within a block of the ADU. A car share location includes a designated pick up and drop off location. Local governments can measure a block from a pick up and drop off location and can decide to adopt broader distance requirements such as two to three blocks.

Is Off Street Parking Permitted in Setback Areas or through Tandem Parking?

Yes, ADU law deliberately reduces parking requirements. Local governments may make specific findings that tandem parking and parking in setbacks are infeasible based on specific site, regional topographical or fire and life safety conditions or that tandem parking or parking in setbacks is not permitted anywhere else in the jurisdiction. However, these determinations should be applied in a manner that does not unnecessarily restrict the creation of ADUs.

Local governments must provide reasonable accommodation to persons with disabilities to promote equal access housing and comply with fair housing laws and housing element law. The reasonable accommodation procedure must provide exception to zoning and land use regulations which includes an ADU ordinance. Potential exceptions are not limited and may include development standards such as setbacks and parking requirements and permitted uses that further the housing opportunities of individuals with disabilities.

Is Covered Parking Required?

No, off street parking must be permitted through tandem parking on an existing driveway, unless specific findings are made.

Is Replacement Parking Required When the Parking Area for the Primary Structure Is Used for an ADU?

Yes, but only if the local government requires off-street parking to be replaced in which case flexible arrangements such as tandem, including existing driveways and uncovered parking are allowed. Local governments have an opportunity to be flexible and promote ADUs that are being created on existing parking space and can consider not requiring replacement parking.

Are Setbacks Required When an Existing Garage Is Converted to an ADU?

No, setbacks must not be required when a garage is converted or when existing space (e.g., game room or office) above a garage is converted. Rear and side yard setbacks of no more than five feet are required when new space is added above a garage for an ADU. In this case, the setbacks only apply to the added space above the garage, not the existing garage and the ADU can be constructed wholly or partly above the garage, including extending beyond the garage walls.

Also, when a garage, carport or covered parking structure is demolished or where the parking area ceases to exist so an ADU can be created, the replacement parking must be allowed in any "configuration" on the lot, "...including,

but not limited to, covered spaces, uncovered spaces, or tandem spaces, or....” Configuration can be applied in a flexible manner to not burden the creation of ADUs. For example, spatial configurations like tandem on existing driveways in setback areas or not requiring excessive distances from the street would be appropriate.

Are ADUs Permitted in Existing Residence or Accessory Space?

Yes, ADUs located in single family residential zones and existing space of a single family residence or accessory structure must be approved regardless of zoning standards (Section 65852.2(a)(1)(B)) for ADUs, including locational requirements (Section 65852.2(a)(1)(A)), subject to usual non-appealable ministerial building permit requirements. For example, ADUs in existing space does not necessitate a zoning clearance and must not be limited to certain zones or areas or subject to height, lot size, lot coverage, unit size, architectural review, landscape or parking requirements. Simply, where a single family residence or accessory structure exists in any single family residential zone, so can an ADU. The purpose is to streamline and expand potential for ADUs where impact is minimal and the existing footprint is not being increased.

Zoning requirements are not a basis for denying a ministerial building permit for an ADU, including non-conforming lots or structures. The phrase, “..within the existing space” includes areas within a primary home or within an attached or detached accessory structure such as a garage, a carriage house, a pool house, a rear yard studio and similar enclosed structures.

Are Owner Occupants Required?

No, however, a local government can require an applicant to be an owner occupant. The owner may reside in the primary or accessory structure. Local governments can also require the ADU to not be used for short term rentals (terms lesser than 30 days). Both owner occupant use and prohibition on short term rentals can be required on the same property. Local agencies which impose this requirement should require recordation of a deed restriction regarding owner occupancy to comply with GC Section 27281.5

Are Fire Sprinklers Required for ADUs?

Depends, ADUs shall not be required to provide fire sprinklers if they are not or were not required of the primary residence. However, sprinklers can be required for an ADU if required in the primary structure. For example, if the primary residence has sprinklers as a result of an existing ordinance, then sprinklers could be required in the ADU. Alternative methods for fire protection could be provided.

If the ADU is detached from the main structure or new space above a detached garage, applicants can be encouraged to contact the local fire jurisdiction for information regarding fire sprinklers. Since ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, students, the elderly, in-home health care providers, the disabled, and others, the fire departments want to ensure the safety of these populations as well as the safety of those living in the primary structure. Fire Departments can help educate property owners on the benefits of sprinklers, potential resources and how they can be installed cost effectively. For example, insurance rates are typically 5 to 10 percent lower where the unit is sprinklered. Finally, other methods exist to provide additional fire protection. Some options may include additional exits, emergency escape and rescue openings, 1 hour or greater fire-rated assemblies, roofing materials and setbacks from property lines or other structures.

Is Manufactured Housing Permitted as an ADU?

Yes, an ADU is any residential dwelling unit with independent facilities and permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU includes an efficiency unit (Health and Safety Code Section 17958.1) and a manufactured home (Health and Safety Code Section 18007).

Health and Safety Code Section 18007(a) “**Manufactured home**,” for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

Can an Efficiency Unit Be Smaller than 220 Square Feet?

Yes, an efficiency unit for occupancy by no more than two persons, by statute (Health and Safety Code Section 17958.1), can have a minimum floor area of 150 square feet and can also have partial kitchen or bathroom facilities, as specified by ordinance or can have the same meaning specified in the Uniform Building Code, referenced in the Title 24 of the California Code of Regulations.

The 2015 International Residential Code adopted by reference into the 2016 California Residential Code (CRC) allows residential dwelling units to be built considerably smaller than an Efficiency Dwelling Unit (EDU). Prior to this code change an EDU was required to have a minimum floor area not less than 220 sq. ft unless modified by local ordinance in accordance with the California Health and Safety Code which could allow an EDU to be built no less than 150 sq. ft. For more information, see HCD’s Information Bulletin at <http://www.hcd.ca.gov/codes/manufactured-housing/docs/ib2016-06.pdf>.

Does ADU Law Apply to Charter Cities and Counties?

Yes. ADU law explicitly applies to “local agencies” which are defined as a city, county, or city and county whether general law or chartered (Section 65852.2(i)(2)).



Do ADUs Count toward the Regional Housing Need Allocation?

Yes, local governments may report ADUs as progress toward Regional Housing Need Allocation pursuant to Government Code Section 65400 based on the actual or anticipated affordability. See below frequently asked questions for JADUs for additional discussion.

Must ADU Ordinances Be Submitted to the Department of Housing and Community Development?

Yes, ADU ordinances must be submitted to the State Department of Housing and Community Development within 60 days after adoption, including amendments to existing ordinances. However, upon submittal, the ordinance is not subject to a Department review and findings process similar to housing element law (GC Section 65585)

Frequently Asked Questions: Junior Accessory Dwelling Units

Is There a Difference between ADU and JADU?



Courtesy of Lillypad Homes and Photo Credit to Jocelyn Knight

Yes, AB 2406 added Government Code Section 65852.22, providing a unique option for Junior ADUs. The bill allows local governments to adopt ordinances for JADUs, which are no more than 500 square feet and are typically bedrooms in a single-family home that have an entrance into the unit from the main home and an entrance to the outside from the JADU. The JADU must have cooking facilities, including a sink, but is not required to have a private bathroom. Current law does not prohibit local governments from adopting an ordinance for a JADU, and this bill explicitly allows, not requires, a local agency to do so. If the ordinance requires a permit, the local agency shall not require additional parking or charge a fee for a water or sewer connection as a condition of granting a permit for a JADU. For more information, see below.

ADUs and JADUs

REQUIREMENTS	ADU	JADU
Maximum Unit Size	Yes, generally up to 1,200 Square Feet or 50% of living area	Yes, 500 Square Foot Maximum
Kitchen	Yes	Yes
Bathroom	Yes	No, Common Sanitation is Allowed
Separate Entrance	Depends	Yes
Parking	Depends, Parking May Be Eliminated and Cannot Be Required Under Specified Conditions	No, Parking Cannot Be Required
Owner Occupancy	Depends, Owner Occupancy May Be Required	Yes, Owner Occupancy Is Required
Ministerial Approval Process	Yes	Yes
Prohibition on Sale of ADU	Yes	Yes

Why Adopt a JADU Ordinance?

JADUs offer the simplest and most affordable housing option. They bridge the gap between a roommate and a tenant by offering an interior connection between the unit and main living area. The doors between the two spaces can be secured from both sides, allowing them to be easily privatized or incorporated back into the main living area. These units share central systems, require no fire separation, and have a basic kitchen, utilizing small plug in appliances, reducing development costs. This provides flexibility and an insurance policy in homes in case additional income or housing is needed. They present no additional stress on utility services or infrastructure because they simply repurpose spare bedrooms that do not expand the homes planned occupancy. No additional address is required on the property because an interior connection remains. By adopting a JADU ordinance, local governments can offer homeowners additional options to take advantage of underutilized space and better address its housing needs.

Can JADUs Count towards the RHNA?

Yes, as part of the housing element portion of their general plan, local governments are required to identify sites with appropriate zoning that will accommodate projected housing needs in their regional housing need allocation (RHNA) and report on their progress pursuant to Government Code Section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally, a JADU, including with shared sanitation facilities, that meets the census definition and is reported to the Department of Finance as part of the DOF annual City and County Housing Unit Change Survey can be credited toward the RHNA based on the appropriate income level. Local governments can track actual or anticipated affordability to assure the JADU is counted to the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit application.

A housing unit is a house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied, or, if vacant, is intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.

Can the JADU Be Sold Independent of the Primary Dwelling?

No, the JADU cannot be sold separate from the primary dwelling.

Are JADUs Subject to Connection and Capacity Fees?

No, JADUs shall not be considered a separate or new dwelling unit for the purposes of fees and as a result should not be charged a fee for providing water, sewer or power, including a connection fee. These requirements apply to all providers of water, sewer and power, including non-municipal providers.

Local governments may adopt requirements for fees related to parking, other service or connection for water, sewer or power, however, these requirements must be uniform for all single family residences and JADUs are not considered a new or separate unit.

Are There Requirements for Fire Separation and Fire Sprinklers?

Yes, a local government may adopt requirements related to fire and life protection requirements. However, a JADU shall not be considered a new or separate unit. In other words, if the primary unit is not subject to fire or life protection requirements, then the JADU must be treated the same.

Resources



Courtesy of Karen Chapple, UC Berkeley

Attachment 1: Statutory Changes (Strikeout/Underline)

Government Code Section 65852.2

(a) (1) ~~Any~~ A local agency may, by ordinance, provide for the creation of ~~second~~-accessory dwelling units in single-family and multifamily residential zones. The ordinance ~~may~~ shall do ~~any~~ all of the following:

(A) Designate areas within the jurisdiction of the local agency where ~~second~~-accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of ~~second~~-accessory dwelling units on traffic ~~flow~~- flow and public safety.

(B) (i) Impose standards on ~~second~~-accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that ~~second~~-accessory dwelling units do not exceed the allowable density for the lot upon which the ~~second~~-accessory dwelling unit is located, and that ~~second~~-accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. ~~Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of ADUs.~~ permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of ADUs. an accessory dwelling unit.

(b) (4) (1) An When existing ordinance governing the creation of an accessory dwelling unit by a local agency which has not adopted an ordinance governing ADUs in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a ADU if the ADU complies with all of the following: that complies with this section.

(A) The unit is not intended for sale and may be rented.

(B) The lot is zoned for single-family or multifamily use.

(C) The lot contains an existing single-family dwelling.

(D) The ADU is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(E) The increased floor area of an attached ADU shall not exceed 30 percent of the existing living area.

(F) The total area of floorspace for a detached ADU shall not exceed 1,200 square feet.

(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.

(H) Local building code requirements which apply to detached dwellings, as appropriate.

(I) Approval by the local health officer where a private sewage disposal system is being used, if required.

~~(2)~~ (5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

~~(3)~~ (6) This subdivision establishes the maximum standards that local agencies shall use to evaluate ~~proposed ADUs on lots~~ a proposed accessory dwelling unit on a lot zoned for residential use which contain ~~that contains~~ an existing single-family dwelling. No additional standards, other than those provided in this subdivision or subdivision ~~(a), subdivision~~, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an ~~owner-occupant~~ owner-occupant or that the property be used for rentals of terms longer than 30 days.

(4) (7) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ADUs an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

~~(5)~~ (8) A ADU which conforms to the requirements of An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use ~~which that is~~ consistent with the existing general plan and zoning designations for the lot. The ADUs accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(c) (b) No When a local agency shall adopt an ordinance which totally precludes ADUs within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing ADUs within single-family and multifamily zoned areas justify adopting the ordinance. that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

~~(d)~~ (c) A local agency may establish minimum and maximum unit size requirements for both attached and detached ~~second-accessory dwelling~~ units. No minimum or maximum size for a ~~second~~ an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings which ~~that~~ does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Parking requirements for ADUs shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the

use of the ADU and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of ~~second~~ accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000). 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs. an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ~~ordinances~~ ordinance adopted pursuant to subdivision (a) ~~or (e)~~ to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living area," area means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) ~~Second~~ "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. ~~A second~~ An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for ~~second~~ accessory dwelling units.

Government Code Section 65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence already built on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the existing walls of the structure, and require the inclusion of an existing bedroom.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A sink with a maximum waste line diameter of 1.5 inches.

(B) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.

(C) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine whether the junior accessory dwelling unit is in compliance with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. A permit shall be issued within 120 days of submission of an application for a

permit pursuant to this section. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

Attachment 2: Sample ADU Ordinance

Section XXX1XXX: Purpose

This Chapter provides for accessory dwelling units on lots developed or proposed to be developed with single-family dwellings. Such accessory dwellings contribute needed housing to the community's housing stock. Thus, accessory dwelling units are a residential use which is consistent with the General Plan objectives and zoning regulations and which enhances housing opportunities, including near transit on single family lots.

Section XXX2XXX: Applicability

The provisions of this Chapter apply to all lots that are occupied with a single family dwelling unit and zoned residential. Accessory dwelling units do exceed the allowable density for the lot upon which the accessory dwelling unit is located, and are a residential use that is consistent with the existing general plan and zoning designation for the lot.

Section XXX3XXX: Development Standards

Accessory Structures within Existing Space

An accessory dwelling unit within an existing space including the primary structure, attached or detached garage or other accessory structure shall be permitted ministerially with a building permit regardless of all other standards within the Chapter if complying with:

1. Building and safety codes
2. Independent exterior access from the existing residence
3. Sufficient side and rear setbacks for fire safety.

Accessory Structures (Attached and Detached)

General:

1. The unit is not intended for sale separate from the primary residence and may be rented.
2. The lot is zoned for residential and contains an existing, single-family dwelling.
3. The accessory dwelling unit is either attached to the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.
4. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.
5. The total area of floor space for a detached accessory dwelling unit shall not exceed 1,200 square feet.
6. Local building code requirements that apply to detached dwellings, as appropriate.
7. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
8. No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
9. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.

Parking:

1. Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback.
2. Parking is not required in the following instances:
 - The accessory dwelling unit is located within one-half mile of public transit, including transit stations and bus stations.

- The accessory dwelling unit is located in the WWW Downtown, XXX Area, YYY Corridor and ZZZ Opportunity Area.
 - The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - When there is a car share vehicle located within one block of the accessory dwelling unit.
3. Replacement Parking: When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement parking shall not be required and may be located in any configuration on the same lot as the accessory dwelling unit.

Section XXX4XXX: Permit Requirements

ADUs shall be permitted ministerially, in compliance with this Chapter within 120 days of application. The Community Development Director shall issue a building permit or zoning certificate to establish an accessory dwelling unit in compliance with this Chapter if all applicable requirements are met in Section XXX3XXXXX, as appropriate. The Community Development Director may approve an accessory dwelling unit that is not in compliance with Section XXX3XXXXX as set forth in Section XXX5XXXXX. The XXXX Health Officer shall approve an application in conformance with XXXXXXX where a private sewage disposal system is being used.

Section XXX5XXX: Review Process for Accessory Structure Not Complying with Development Standards

An accessory dwelling unit that does not comply with standards in Section XXX3XX may be permitted with a zoning certificate or an administrative use permit at the discretion of the Community Development Director subject to findings in Section XXX6XX

Section XXX6XXX: Findings

- A. In order to deny an administrative use permit under Section XXX5XXX, the Community Development Director shall find that the Accessory Dwelling Unit would be detrimental to the public health and safety or would introduce unreasonable privacy impacts to the immediate neighbors.
- B. In order to approve an administrative use permit under Section XXX5XXX to waive required accessory dwelling unit parking, the Community Development Director shall find that additional or new on-site parking would be detrimental, and that granting the waiver will meet the purposes of this Chapter.

Section XXX7XXX: Definitions

- (1) "Living area means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
- (2) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:
- (A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
- (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (3) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(4) (1) "Existing Structure" for the purposes of defining an allowable space that can be converted to an ADU means within the four walls and roofline of any structure existing on or after January 1, 2017 that can be made safely habitable under local building codes at the determination of the building official regardless of any non-compliance with zoning standards.

Attachment 3: Sample JADU Ordinance

(Lilypad Homes at <http://lilypadhomes.org/>)

Draft Junior Accessory Dwelling Units (JADU) – Flexible Housing

Findings:

1. **Causation:** Critical need for housing for lower income families and individuals given the high cost of living and low supply of affordable homes for rent or purchase, and the difficulty, given the current social and economic environment, in building more affordable housing
2. **Mitigation:** Create a simple and inexpensive permitting track for the development of junior accessory dwelling units that allows spare bedrooms in homes to serve as a flexible form of infill housing
3. **Endangerment:** Provisions currently required under agency ordinances are so arbitrary, excessive, or burdensome as to restrict the ability of homeowners to legally develop these units therefore encouraging homeowners to bypass safety standards and procedures that make the creation of these units a benefit to the whole of the community
4. **Co-Benefits:** Homeowners (particularly retired seniors and young families, groups that tend to have the lowest incomes) – generating extra revenue, allowing people facing unexpected financial obstacles to remain in their homes, housing parents, children or caregivers; Homebuyers - providing rental income which aids in mortgage qualification under new government guidelines; Renters – creating more low-cost housing options in the community where they work, go to school or have family, also reducing commute time and expenses; Municipalities – helping to meet RHNA goals, increasing property and sales tax revenue, insuring safety standard code compliance, providing an abundant source of affordable housing with no additional infrastructure needed; Community - housing vital workers, decreasing traffic, creating economic growth both in the remodeling sector and new customers for local businesses; Planet - reducing carbon emissions, using resources more efficiently;
5. **Benefits of Junior ADUs:** offer a more affordable housing option to both homeowners and renters, creating economically healthy, diverse, multi-generational communities;

Therefore the following ordinance is hereby enacted:

This Section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit, permitted as set forth under State Law AB 1866 (Chapter 1062, Statutes of 2002) Sections 65852.150 and 65852.2 and subject to different provisions under fire safety codes based on the fact that junior accessory dwelling units do not qualify as “complete independent living facilities” given that the interior connection from the junior accessory dwelling unit to the main living area remains, therefore not redefining the single-family home status of the dwelling unit.

A) **Development Standards.** Junior accessory dwelling units shall comply with the following standards, including the standards in Table below:

- 1) **Number of Units Allowed.** Only one accessory dwelling unit or, junior accessory dwelling unit, may be located on any residentially zoned lot that permits a single-family dwelling except as otherwise regulated or restricted by an adopted Master Plan or Precise Development Plan. A junior accessory dwelling unit may only be located on a lot which already contains one legal single-family dwelling.
- 2) **Owner Occupancy:** The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a principal residence either the primary dwelling or the accessory dwelling, except when the home is held by an agency such as a land trust or housing organization in an effort to create affordable housing.
- 3) **Sale Prohibited:** A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.

- 4) **Deed Restriction:** A deed restriction shall be completed and recorded, in compliance with Section B below.
- 5) **Location of Junior Accessory Dwelling Unit:** A junior accessory dwelling unit must be created within the existing walls of an existing primary dwelling, and must include conversion of an existing bedroom.
- 6) **Separate Entry Required:** A separate exterior entry shall be provided to serve a junior accessory dwelling unit.
- 7) **Interior Entry Remains:** The interior connection to the main living area must be maintained, but a second door may be added for sound attenuation.
- 8) **Kitchen Requirements:** The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:
 - a) A sink with a maximum waste line diameter of one-and-a-half (1.5) inches,
 - b) A cooking facility with appliance which do not require electrical service greater than one-hundred-and-twenty (120) volts or natural or propane gas, and
 - c) A food preparation counter and storage cabinets that are reasonable to size of the unit.
- 9) **Parking:** No additional parking is required beyond that required when the existing primary dwelling was constructed.

Development Standards for Junior Accessory Dwelling Units

SITE OR DESIGN FEATURE	SITE AND DESIGN STANDARDS
Maximum unit size	500 square feet
Setbacks	As required for the primary dwelling unit
Parking	No additional parking required

- B) **Deed Restriction:** Prior to obtaining a building permit for a junior accessory dwelling unit, a deed restriction, approved by the City Attorney, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this Section. Said deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded deed restriction shall be filed with the Department stating that:
- 1) The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit;
 - 2) The junior accessory dwelling unit is restricted to the maximum size allowed per the development standards;
 - 3) The junior accessory dwelling unit shall be considered legal only so long as either the primary residence, or the accessory dwelling unit, is occupied by the owner of record of the property, except when the home is owned by an agency such as a land trust or housing organization in an effort to create affordable housing;
 - 4) The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.
- C) **No Water Connection Fees:** No agency should require a water connection fee for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard may be assessed.
- D) **No Sewer Connection Fees:** No agency should require a sewer connection fee for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard

may be assessed.

- E) ***No Fire Sprinklers and Fire Attenuation:*** No agency should require fire sprinkler or fire attenuation specifications for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard may be assessed.

Definitions of Specialized Terms and Phrases.

"Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(1) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(2) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

"Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

Attachment 4: State Standards Checklist (As of January 1, 2017)

YES/NO	STATE STANDARD*	GOVERNMENT CODE SECTION
	Unit is not intended for sale separate from the primary residence and may be rented.	65852.2(a)(1)(D)(i)
	Lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.	65852.2(a)(1)(D)(ii)
	Accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.	65852.2(a)(1)(D)(iii)
	Increased floor area of an attached accessory dwelling unit does not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.	65852.2(a)(1)(D)(iv)
	Total area of floor space for a detached accessory dwelling unit does not exceed 1,200 square feet.	65852.2(a)(1)(D)(v)
	Passageways are not required in conjunction with the construction of an accessory dwelling unit.	65852.2(a)(1)(D)(vi)
	Setbacks are not required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines are not required for an accessory dwelling unit that is constructed above a garage.	65852.2(a)(1)(D)(vii)
	(Local building code requirements that apply to detached dwellings are met, as appropriate.	65852.2(a)(1)(D)(viii)
	Local health officer approval where a private sewage disposal system is being used, if required.	65852.2(a)(1)(D)(ix)
	Parking requirements do not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.	65852.2(a)(1)(D)(x)

* Other requirements may apply. See Government Code Section 65852.2

Attachment 5: Bibliography

Reports

ACCESSORY DWELLING UNITS: CASE STUDY (26 pp.)

By United States Department of Housing and Urban Development, Office of Policy Development and Research. (2008)

Introduction: Accessory dwelling units (ADUs) — also referred to as accessory apartments, ADUs, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities, and can be either attached or detached from the main residence. This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs. Section titles include: History of ADUs; Types of Accessory Dwelling Units; Benefits of Accessory Dwelling Units; and Examples of ADU Ordinances and Programs.

THE MACRO VIEW ON MICRO UNITS (46 pp.)

By Bill Whitlow, et al. — Urban Land Institute (2014)
Library Call #: H43 4.21 M33 2014

The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013 to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.

RESPONDING TO CHANGING HOUSEHOLDS: Regulatory Challenges for Micro-units and Accessory Dwelling Units (76 pp.)

By Vicki Been, Benjamin Gross, and John Infranca (2014)
New York University: Furman Center for Real Estate & Urban Policy
Library Call # D55 3 I47 2014

This White Paper fills two gaps in the discussion regarding compact units. First, we provide a detailed analysis of the regulatory and other challenges to developing both ADUs and micro-units, focusing on five cities: New York; Washington, DC; Austin; Denver; and Seattle. That analysis will be helpful not only to the specific jurisdictions we study, but also can serve as a model for those who want to catalogue regulations that might get in the way of the development of compact units in their own jurisdictions. Second, as more local governments permit or encourage compact units, researchers will need to evaluate how well the units built serve the goals proponents claim they will.

SCALING UP SECONDARY UNIT PRODUCTION IN THE EAST BAY: Impacts and Policy Implications (25 pp.)

By Jake Webmann, Alison Nemirow, and Karen Chapple (2012)
UC Berkeley: Institute of Urban and Regional Development (IURD)
Library Call # H44 1.1 S33 2012

This paper begins by analyzing how many secondary units of one particular type, detached backyard cottages, might be built in the East Bay, focusing on the Flatlands portions of Berkeley, El Cerrito, and Oakland. We then investigate the potential impacts of scaling up the strategy with regard to housing affordability, smart growth, alternative transportation, the economy, and city budgets. A final section details policy recommendations, focusing on regulatory reforms and other actions cities can take to encourage secondary unit construction, such as promoting carsharing programs, educating residents, and providing access to finance.

SECONDARY UNITS AND URBAN INFILL: A literature Review (12 pp.)

By Jake Wegmann and Alison Nemirow (2011)
UC Berkeley: IURD
Library Call # D44 4.21 S43 2011

This literature review examines the research on both infill development in general, and secondary units in particular, with an eye towards understanding the similarities and differences between infill as it is more traditionally understood – i.e., the development or redevelopment of entire parcels of land in an already urbanized area – and the incremental type of infill that secondary unit development constitutes.

YES, BUT WILL THEY LET US BUILD? The Feasibility of Secondary Units in the East Bay (17 pp.)

By Alison Nemirow and Karen Chapple (2012)
UC Berkeley: IURD
Library Call # H44.5 1.1 Y47 2012

This paper begins with a discussion of how to determine the development potential for secondary units, and then provides an overview of how many secondary units can be built in the East Bay of San Francisco Bay Area under current regulations. The next two sections examine key regulatory barriers in detail for the five cities in the study (Albany, Berkeley, El Cerrito, Oakland, and Richmond), looking at lot size, setbacks, parking requirements, and procedural barriers. A sensitivity analysis then determines how many units could be built were the regulations to be relaxed.

YES IN MY BACKYARD: Mobilizing the Market for Secondary Units (20 pp.)

By Karen Chapple, J. Weigmann, A. Nemirow, and C. Dentel-Post (2011)
UC Berkeley: Center for Community Innovation.
Library Call # B92 1.1 Y47 2011

This study examines two puzzles that must be solved in order to scale up a secondary unit strategy: first, how can city regulations best enable their construction? And second, what is the market for secondary units? Because parking is such an important issue, we also examine the potential for secondary unit residents to rely on alternative transportation modes, particular car share programs. The study looks at five adjacent cities in the East Bay of the San Francisco Bay Area (Figure 1) – Oakland, Berkeley, Albany, El Cerrito, and Richmond – focusing on the areas within ½ mile of five Bay Area Rapid Transit (BART) stations.

Journal Articles and Working Papers:

BACKYARD HOMES LA (17 pp.)

By Dana Cuff, Tim Higgins, and Per-Johan Dahl, Eds. (2010)
Regents of the University of California, Los Angeles.
City Lab Project Book.

DEVELOPING PRIVATE ACCESSORY DWELLINGS (6 pp.)

By William P. Macht. Urbanland online. (June 26, 2015)
Library Location: Urbanland 74 (3/4) March/April 2015, pp. 154-161.

GRANNY FLATS GAINING GROUND (2 pp.)

By Brian Barth. Planning Magazine: pp. 16-17. (April 2016)

Library Location: Serials

"HIDDEN" DENSITY: THE POTENTIAL OF SMALL-SCALE INFILL DEVELOPMENT (2 pp.)

By Karen Chapple (2011)

UC Berkeley: IURD Policy Brief.

Library Call # D44 1.2 H53 2011

California's implementation of SB 375, the Sustainable Communities and Climate Protection Act of 2008, is putting new pressure on communities to support infill development. As metropolitan planning organizations struggle to communicate the need for density, they should take note of strategies that make increasing density an attractive choice for neighborhoods and regions.

HIDDEN DENSITY IN SINGLE-FAMILY NEIGHBORHOODS: Backyard cottages as an equitable smart growth strategy (22 pp.)

By Jake Wegmann and Karen Chapple. Journal of Urbanism 7(3): pp. 307-329. (2014)

Abstract (not available in full text): Secondary units, or separate small dwellings embedded within single-family residential properties, constitute a frequently overlooked strategy for urban infill in high-cost metropolitan areas in the United States. This study, which is situated within California's San Francisco Bay Area, draws upon data collected from a homeowners' survey and a Rental Market Analysis to provide evidence that a scaled-up strategy emphasizing one type of secondary unit – the backyard cottage – could yield substantial infill growth with minimal public subsidy. In addition, it is found that this strategy compares favorably in terms of affordability with infill of the sort traditionally favored in the 'smart growth' literature, i.e. the construction of dense multifamily housing developments.

RETHINKING PRIVATE ACCESSORY DWELLINGS (5 pp.)

By William P. Macht. Urbanland online. (March 6, 2015)

Library Location: Urbanland 74 (1/2) January/February 2015, pp. 87-91.

ADUS AND LOS ANGELES' BROKEN PLANNING SYSTEM (4 pp.)

By CARLYLE W. Hall. The Planning Report. (April 26, 2016).

Land-use attorney Carlyle W. Hall comments on building permits for accessory dwelling units.

News:

HOW ONE COLORADO CITY INSTANTLY CREATED AFFORDABLE HOUSING

By Anthony Flint. The Atlantic-CityLab. (May 17, 2016).

In Durango, Colorado, zoning rules were changed to allow, for instance, non-family members as residents in already-existing accessory dwelling units.

NEW HAMPSHIRE WINS PROTECTIONS FOR ACCESSORY DWELLING UNITS (1 p.)

NLIHC (March 28, 2016)

Affordable housing advocates in New Hampshire celebrated a significant victory this month when Governor Maggie Hassan (D) signed Senate Bill 146, legislation that allows single-family homeowners to add an accessory

dwelling unit as a matter of right through a conditional use permit or by special exception as determined by their municipalities. The bill removes a significant regulatory barrier to increasing rental homes at no cost to taxpayers.

[NEW IN-LAW SUITE RULES BOOST AFFORDABLE HOUSING IN SAN FRANCISCO](#). (3 pp.)

By Rob Poole. Shareable. (June 10, 2014).

The San Francisco Board of Supervisors recently approved two significant pieces of legislation that support accessory dwelling units (ADUs), also known as “in-law” or secondary units, in the city...

[USING ACCESSORY DWELLING UNITS TO BOLSTER AFFORDABLE HOUSING](#) (3 pp.)

By Michael Ryan. Smart Growth America. (December 12, 2014).

ATTACHMENT PC-2

Areas of additional study/discussion

This attachment is intended to highlight the policy-related issues that were identified during the February 14, 2017 Planning Commission meeting and put "on hold" for further discussion. The information helps wrap-up the Commission's review of the proposed draft ordinance, prior to forwarding a recommendation to City Council.

The following information is not intended to limit commissioner deliberations. After receiving written and oral input from the public, the Commission may still discuss other policy-related issues at the March 14, 2017 Public Hearing (and at any additional hearings continued to a date specific the Commission determines necessary).

Uncovered and Tandem Parking:

The details of parking regulations can actually have wide-ranging impacts on a community. For this reason, some members of the Planning Commission expressed concern over new State regulations that reduce the parking requirements for new Accessory Dwelling Units and replacement parking. The requirements, as specified by State law, are provided for reference:

65852.2(d)(x)(I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those off street parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

Although recent State law changes have been made in an attempt to respond to a matter of statewide importance, the Legislature also expressed its intent, to some degree, to recognize local regulations. A city may concurrently regulate areas affected by this new State legislation as long as they are compatible. Some policy approaches for discussion include:

1. To minimize any physical impacts of uncovered parking in the front yard, exclude non-driveway areas of the front yard setback area. (Only one driveway can serve the property.)
2. To reduce any visual impacts of uncovered parking in the front yard, require new fencing or a landscaping buffer area around new uncovered parking that is provided in the non-driveway area. (Fencing or walls of a certain height must be located outside of a front yard setback area.)
3. To reduce the amount of vehicle storage or stacking, only allow one set of tandem parking. If both units on the lot use the same driveway for access purposes, then the driveway must be paved to a width of 16 feet.
4. To reduce excessive hardscaping in areas visible to the street, only allow soft surface and permeable parking areas in non-driveway areas.

Garage Conversions:

A residential garage is intended to store one or more personal vehicles. Some garages have enough space, even with cars inside, for the storage of items such as bicycles or a lawnmower; in some cases, there may even be enough space for a workshop. At the February 14, 2017 Public Hearing, some members of the Planning Commission expressed concern over garage conversions.

Some policy approaches for discussion include:

1. Mitigate the loss of household storage space somewhere else on the property.
2. Because a local agency may establish minimum and maximum unit size requirements:
 - Establish that only an efficiency unit can be constructed through a garage conversion. An efficiency unit is 150 square feet, which would leave the remaining garage space area for vehicle and household item storage
 - Require garage conversions to be a minimum of 450 square feet. (Most two-car garages measure 400 square feet.)

All of the options noted above have been provided to help facilitate commissioner discussion and are not intended to represent staff direction. Staff is soliciting commissioner ideas and input on these issues and any others that may be of concern as we move forward to implement State law.