

CITY OF ESCONDIDO

Planning Commission and Staff Seating



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

B. FLAG SALUTE

C. ROLL CALL:

D. MINUTES: 04/11/17

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. PROCLAMATIONS:

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

H. PUBLIC HEARINGS:

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

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.

ENVIRONMENTAL STATUS: CEQA Sections 15162 and 15168 - Use of Previous Program EIR.

In accordance with the California Environmental Quality Act (CEQA), the proposed project has been determined to be consistent with the previously approved Environmental Impact Report (EIR) (SCH No. 2010071064) prepared for the adoption of the Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan, which was prepared as a Program EIR consistent with Section 15168 of the CEQA Guidelines and was certified by the City Council in May 2012.

Pursuant to CEQA Guidelines Section 15168(e), the City finds that:

1. This activity is within the scope of the program approved in May 2012, and
2. The program EIR adequately describes the proposed activity for the purposes of CEQA.

APPLICANT: City of Escondido

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

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

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:

I. CURRENT BUSINESS:

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

J. ORAL COMMUNICATIONS:

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

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

K. PLANNING COMMISSIONERS

L. ADJOURNMENT

CITY OF ESCONDIDO

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

April 11, 2017

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

Commissioners present: Jeffery Weber, Chairman; Don Romo, Vice-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; Mike Strong, Assistant Planning Director; Homi Namdari, Assistant City Engineer; Adam Phillips, Deputy City Attorney; and Ty Paulson, Minutes Clerk.

MINUTES:

Moved by Commissioner Spann, seconded by Commissioner Weiler, to approve the minutes of the March 14, 2017, meeting. Motion carried unanimously. (7-0)

WRITTEN COMMUNICATIONS – None.

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS: – None.

PUBLIC HEARINGS:

1. ZONING CODE AMENDMENT – AZ 17-0001:

REQUEST: A proposed amendment to Article 66 (Sign Ordinance) of the Escondido Zoning Code to modify the sign standards for elementary schools and high schools in residential zones to allow private schools and charter schools sign identification opportunities similar to public schools. The proposed amendment would increase wall sign allowances for schools in residential zones from 20

square feet to 40 square feet, and increase the size of freestanding signs from a maximum of six (6) feet high and 24 square feet to a maximum of 15 feet high and 60 square feet.

PROPERTY SIZE AND LOCATION: Citywide

Mike Strong, Assistant Planning Director, referenced the staff report and noted that staff recommended approval of the proposed resolution, recommending that the City Council adopt, with any suggested edits, amendments to Article 66 of the Zoning Code, for the following reasons: 1) The proposed amendment would provide sign regulations that eliminate existing barriers that accredited private or charter schools currently face when seeking to install signage similar to signs now provided at local public schools; and 2) The Planning Division would ensure through its design review process that future signs were compatible with the structure and/or property where they were installed and would not adversely impact the visual character of the surrounding area.

Commissioner Weiler requested that the language be revised to reflect that the amendment pertains to all grades, K-12.

ACTION:

Moved by Commissioner Weiler, seconded by Commissioner Spann, to approve staff's recommendation. The motion included clarifying the language to reflect that the amendment pertained to all grades, K-12. Motion carried unanimously. (7-0)

2. ZONING CODE AMENDMENT – AZ 17-0002:

REQUEST: Amendment to the Escondido Zoning Code (EZC) to establish an expedited, cost-effective permitting process for Electric Vehicle Charging Stations to meet current State law requirements. No development project is proposed.

PROPERTY SIZE AND LOCATION: Citywide

Recommendation: Continue indefinitely.

ACTION:

Moved by Chairman Weber, seconded by Commissioner Cohen, to continue Item 2 indefinitely. Motion carried unanimously. (7-0)

CURRENT BUSINESS: None.

ORAL COMMUNATIONS: None.

PLANNING COMMISSIONERS:

Commissioner Spann thanked the City for new curbs in old Escondido.

ADJOURNMENT:

Chairman Weber adjourned the meeting at 7:09 p.m. The next meeting was scheduled for April 25, 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.: H.1

Date: April 25, 2017

CASE NUMBER: AZ 16-0005 / PHG 17-0007

APPLICANT: City of Escondido

LOCATION: Code Amendment – Citywide;
Rezone - The Urban V General Plan designated parcels between 6th and 15th Avenues and S. Escondido Blvd. and Centre City Parkway, in the S. Escondido Blvd./Centre City Pkwy. Target Area.

TYPE OF PROJECT: Zoning Code Amendment and Rezone

PROJECT DESCRIPTION: 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.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION: Urban V, High Density Multi-Family Residential (up to 30 du/ac) for the area to be rezoned.

ZONING: Existing: R-4-24 (High Multi-Family Residential, 24 du/ac max) in the Urban V area to be rezoned.
Proposed: R-5-30 (Very High Multi-Family Residential, 30 du/ac max) in the Urban V area to be rezoned.
All other residential zoning to remain unchanged. The parcels currently zoned PD-R/13.15 du/ac will remain unchanged.

BACKGROUND/SUMMARY OF ISSUES:

In 2014 the City launched the "Working Together to Get to YES!" program (YES Program) in an effort to streamline business and development approval processes. Two Zoning Code Amendments have been approved by the Planning Commission and the City Council (October 2016 & March 2017), which have aligned policies and codes with City Council priorities, increased administrative discretion in approving projects, and eliminated steps in several approval processes. The program was identified as a means to implement part of the City Council's 2015-2016 Action Plan for Economic Development, in which staff was directed to revamp and clean up policies, practices and standards associated with the development entitlement process to increase efficiencies by eliminating outdated and burdensome processes and reduce project timeframes and costs through the implementation of streamlined review processes.

This code amendment continues the streamlining of codes by consolidating eight Zoning Code articles that regulate residential zoning into one Article using tables to include the development standards for all residential zones, thus eliminating redundant text and updating definitions and references. Associated with this effort and the implementation of General Plan Land Use Policy 2.3 (Page II-96), is the establishment of a new residential zone of R-5-30, (Very High Multiple Residential, 30 du/ac max.) for the adopted Urban V (30 du/ac max. density) General Plan designation to bring the Zoning Code into consistency with the General Plan and encourage a variety of higher density multi-family units near the downtown core, transit and major thoroughfares in close proximity to shopping, employment, entertainment and

community facilities. The project also includes the rezoning of the parcels within the Urban V designation to the new R-5-30 zone from the current R-4-24 zone.

Staff feels that the issues are as follow:

1. Whether the proposed development standards for the new R-5-30 zone are appropriate for the General Plan Urban V designation.
2. Whether the proposed change of zoning for the parcels within the Urban V designation is appropriate.

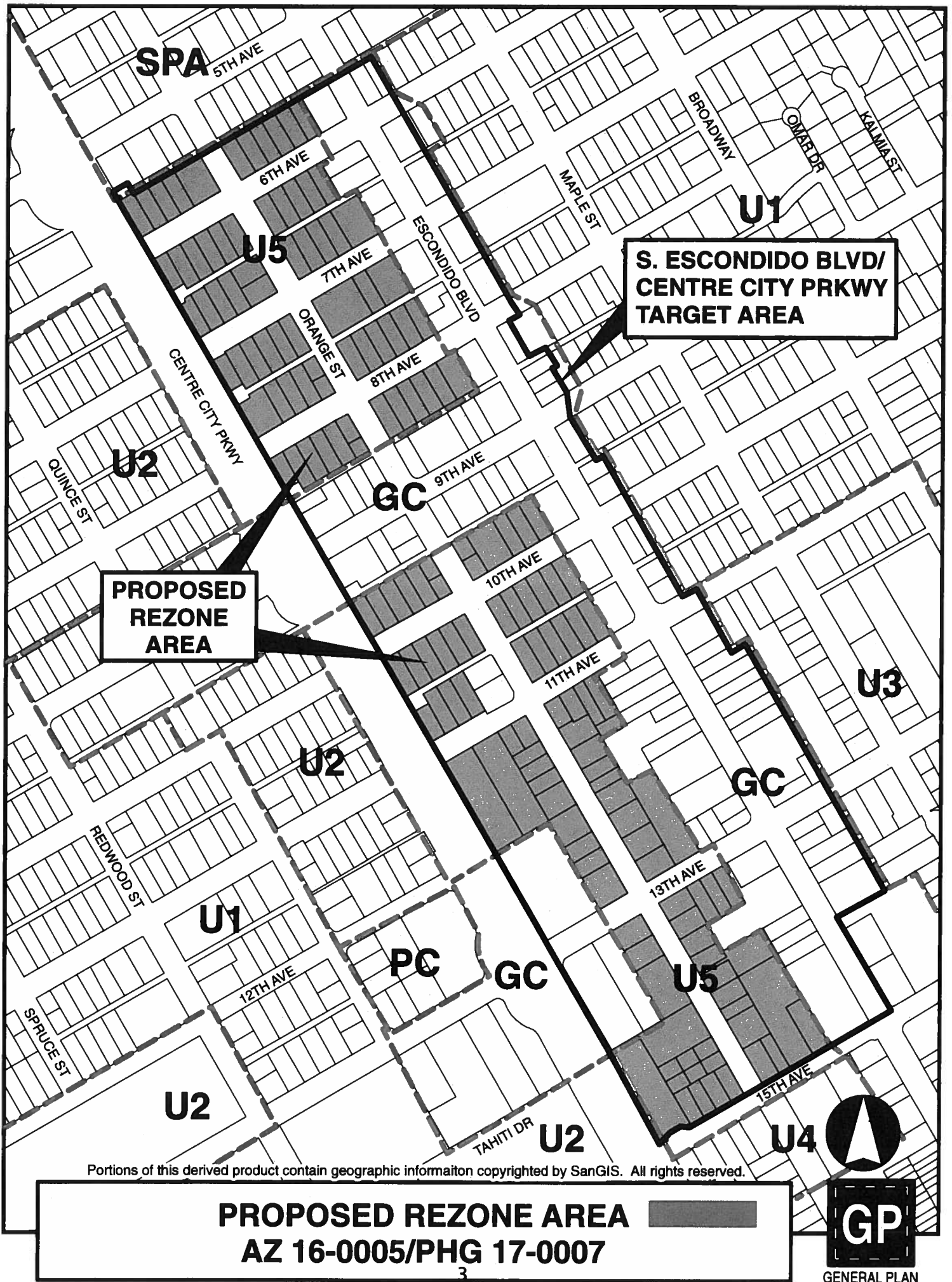
REASONS FOR STAFF RECOMMENDATION:

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 is 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.
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.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Rozanne Cherry". The signature is fluid and cursive, with the first name "Rozanne" and last name "Cherry" clearly distinguishable.

Rozanne Cherry, AICP
Principal Planner



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PROPOSED REZONE AREA
AZ 16-0005/PHG 17-0007



ANALYSIS

A. ENVIRONMENTAL STATUS AND ZONE CHANGE ANALYSIS

CEQA Sections 15162 and 15168 - Use of Previous Program EIR.

An Environmental Impact Report (EIR) (SCH No.2010071064) was prepared for the adoption of the Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan (collectively referred to as the update project). The EIR was prepared as a Program EIR consistent with Section 15168 of the CEQA Guidelines and was certified by the City Council in May 2012. The EIR: 1) Evaluated the potentially significant direct and indirect environmental effects of the update project and the potentially significant cumulative impacts that could occur from implementation of the proposed update project; 2) Identified potential feasible means of avoiding or substantially lessening significant adverse impacts; and 3) Evaluated a range of reasonable alternatives to the project, including the required No Project Alternative. The EIR included discussion of proposed land use changes in 15 study areas. Study Area #12 – S. Escondido Blvd./Centre City Parkway Target Area included 36 acres to retain the General Commercial designation, and 44 acres in the High Density Multi-Family Residential General Plan category with an Urban IV (24 du/ac) designation, that was proposed to be changed to an Urban V (30 du/ac) designation to accommodate anticipated population growth and focus smart growth development along transportation corridors.

The proposed project would establish an R-5-30 zone and associated development standards, update references and definitions, delete redundant text, and rezone the parcels currently zoned R-4-24 within the Urban V designation and the S. Escondido Blvd./Centre City Pkwy. Target Area to R-5-30. The proposed rezoning was anticipated and included in Land Use Zoning Policy 2.3 of the General Plan update analyzed in the EIR. The proposed project is consistent with the Urban V General Plan designation and the S. Escondido Blvd./Centre City Parkway Target Area objectives. The area of the rezoning is located in a developed urban area near the center of the city and located between designated Circulation Element streets. No development is proposed. Future development projects will be subject to CEQA review and all applicable mitigation measures identified in the EIR for the General Plan Update will continue to be enforced as part of future projects.

Consistent with State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations), staff finds that:

1. Substantial changes are not proposed in the project which would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects;
2. Substantial changes have not occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; and
3. New information of substantial importance has not come to light, which was not known and could not have been known with exercise of reasonable diligence at the time of the previous EIR was certified as complete and shows any of the following:
 - a. That the project will have one or more significant effects as discussed in the previous EIR;
 - b. That significant effects previously-examined will be substantially more severe than shown in the previous EIR;
 - c. That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. That mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative

In staff's opinion, the Program EIR adequately anticipated and addressed the impacts of the proposed high density zone and the rezoning of the Urban V parcels. No potential new impacts related to the properties or project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan EIR. No other

special circumstances exist that would create a reasonable possibility that the proposed Project will have a significant adverse effect on the environment. All project related issues were evaluated in the Program EIR. Pursuant to CEQA Sections 15162-15164, no additional environmental documentation need be prepared since there are no substantial changes to the project that would require important revisions to the previous EIR. Therefore, the proposed project qualifies for the exemption under CEQA guidelines Section 15162 and 15168.

Summary - The proposed very high density residential zoning would be adjacent to the commercial development along S. Escondido Blvd. and Centre City Pkwy., which are major transportation and commercial corridors. These roads would separate the proposed higher density area from the lower density R-2-12 development west of Center City Pkwy. and the R-1-6 development east of S. Escondido Blvd. As the development standards proposed for the R-5 zoning are essentially the same as the existing R-4 zoning, and are consistent with the character envisioned by the General Plan, the rezoning of the subject area is appropriate. All new development will require individual review and CEQA environmental analysis. Staff recommends approval of the rezone to R-5-30.

B. CODE AMENDMENT ANALYSIS – The proposed amendments are presented in a series of exhibits to this staff report. See attached: Exhibit “B” – Article 1, General Provisions and Definitions;
Exhibit “C” – Article 6, Residential Zones;
Exhibit “D” – Article 57, Miscellaneous Use Restrictions

The current text of the existing residential Articles 6, 7, 8, 10, 11, 12, 13 and 14 is available on the city’s website at:
<http://www.gcode.us/codes/escondido/view.php?topic=33>

Consolidation and updating - Currently, Article 6 provides general information applicable to all residential zones, and the seven residential zones are described in the individual Zoning Code Articles 7, 8, 10, 11, 12, 13 and 14. Each article includes a list of permitted, conditionally permitted and accessory uses, as well as, the development standards for that particular zone. The proposed amendment would expand Article 6 to consolidate the uses and standards for all the residential zones into tables and eliminate the redundancy of code sections applicable to several or all residential zones. The uses and standards for the proposed R-5-30 (Very High Multi-Family Residential – 30 du/ac) zone would be included in the revised article. The amendment also includes proposed revisions, as summarized below, that would streamline several conditionally permitted uses, clarify some uses consistent with state law, modify a few standards for internal consistency, eliminate some standards and uses that are inconsistent with the purpose of the particular zoning category, update Article 1 – General Provisions and Definitions, and associated revisions to Article 57 – Miscellaneous Use Restrictions regarding wineries and transitional housing consistent with the changes proposed in the residential zones.

Streamlined:

1. Deleted the R2 requirement for a CUP to allow a building in excess of one story adjacent to land zoned for single-family dwellings and changed the R2 building height limit from 25’ to 35’ (the same as the R1 zone).
2. Modified minimum lot size in R4 zone from 7,000 SF to 6,000 SF (same as R2 & R3).
3. Deleted elevator requirement for buildings with 3 or more stories & 6 or more dwelling units on or above the 3rd floor in R3 & R4.
4. Changed wineries without tasting rooms in RA & RE zones to a permitted use from a Major CUP.
5. Changed from a Major CUP to a Minor CUP in RA, RE & R1, requests for animals other than listed in the Use Tables and Chart of Permitted Animals.

Added:

1. Rooming house, boarding house, mini-dorms, etc. with central kitchen and interior access to sleeping rooms as Major CUP in R2 (same as in R3, R4 & proposed R5).
2. Requirement in multi-family zones for a minimum of 80 cubic feet of private storage area (the same as required for condominiums).
3. Restriction that an accessory structure to be located on an interior side property line shall be limited to those structures that would not require a building permit (generally structures $\leq$ 120 SF).
4. Residential care facilities and group quarters for 7+ in RA zone as a Major CUP (same as RE).

5. Youth organizations as Major CUP in RT zone (same as all other residential zones).
6. Small satellite dish antenna as permitted accessory use in RA, RE and R-1 (same as RT, R1, R2, R3, R4 & proposed R5).

Modified:

1. Street side yard setback in RA zone from 50' from centerline of street to 10' from property line (same as RE).
2. In R4 revised minimum lot area to 6,000 SF from 7,000 SF; and minimum lot frontage to 35 LF from 50 LF (same as existing R2, R3, & proposed R5).
3. Transitional housing and supportive housing constructed as residential dwellings consistent with the underlying zone in all zones to permitted uses (consistent with State law) and revised definitions.
4. Consistent with the Housing Element, removed specific reference to senior housing as a conditionally permitted use in R2, R3 & R4 zones.
5. Definitions and added new entries to update and remain consistent with current terms and usages.

Deleted:

1. Mobilehome Parks from RA, RE, R3 & R4.
2. Small lot developments in R4.
3. Minimum 20,000 SF lot size for truck crops, orchards and vineyards, and horticultural specialties (affects RA, RE & R1).
4. Minimum 10 ac. lot size for wineries (affects RA & RE).
5. Accessory use of renting rooms, with or without board, to a maximum of two permanent or transient guests on a fee basis, provided that the additional occupancy of the dwelling does not necessitate parking vehicles in the street (only listed in R2 & R3).
6. Sections in Article 1 – General Provisions and Definitions and other references to the outmoded (1968) Standard Land Use Codes, which are no longer used by any agency.

Proposed R-5-30 Zone – Escondido's General Plan was adopted in May 2012 and included many goals and policies that require code amendments, rezones or the adoption of various types of area plans. The implementation has been ongoing. This code amendment includes the adoption of a new residential zoning category planned for in the General Plan to implement the Urban V designation under the High Density Multi-Family Residential category. This category includes the Urban IV and Urban V designations, which are intended to "...accommodate higher densities for urban multi-family housing characterized by taller structures in more densely developed areas that provide convenient access to a wider range of facilities and services" (Escondido General Plan, page II-22). The Urban IV designation is implemented through the existing R-4-24 (High Multi-Family Residential, 24 du/ac) zone. The proposed R-5-30 (Very High Multi-Family Residential, 30 du/ac) zone would be very similar to the R-4-24 zone in development standards and character as identified in the General Plan; the main difference being the allowable densities. The table below shows the development standards proposed with this code amendment.

Standard	R-4 (current standard)	R-5
Minimum lot area	<u>6,000 sf</u> (7,000 sf)	same
Average lot width	50 ft.	same
Minimum lot frontage	<u>35 ft.</u> (50 ft.)	same
Maximum density	24 du/ac	30 du/ac
Front setback	15 ft.	same
Interior side setback	5 ft.	same
Street side setback	10 ft.	same
Rear setback	10	same

Standard	R-4 (current standard)	R-5
Building height	75 ft.	same
Number of stories	4	same
Dwelling unit minimum floor area	400 sf	same
Maximum lot coverage	None	same
Maximum floor area ratio (FAR)	0.8	0.9
Square feet allowed for residential and parking regardless of the FAR	4,500 sf	5,000 sf
Useable open space	200 sf/du + 200 sf per each bedroom over one	same
Private storage area	80 cf. (none)	same
Permitted, conditionally permitted and accessory uses	The same uses permitted in the R-4 zone are proposed for the R-5. See Exhibit "C"	

Summary – The proposed consolidation of the residential standards into one Zoning Code article will provide one reference and comparison of all types of residential development, and will streamline the text by the use of tables and the elimination of redundant code sections. The various proposed minor revisions to the existing standards will result in a more internally consistent and updated code. The proposed standards for the R-5 zone are appropriate for very high density residential development near the urban core and close to transportation corridors, and are in conformance with the General Plan Urban V designation. Staff recommends approval of the proposed code amendments.



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

Notice of Exemption

To: Assessor/Recorder/County Clerk
Attn: Fish and Wildlife Notices
1600 Pacific Hwy, Suite 260
San Diego, CA 92101
MS: A-33

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

Project Title/Case No.: Zoning Code Amendment and Rezone; Case No.: AZ 16-0005 / PHG 17-0007

Project Applicant: City of Escondido.

Project Location - Specific: Code Amendment: Citywide;
Rezone: The Urban V General Plan designated parcels between 6th and 15th
Avenues and S. Escondido Blvd. and Centre City Parkway, in the S. Escondido
Blvd./Centre City Pkwy. Target Area.

Project Location - City: Escondido

Project Location - County: San Diego

Description of Nature, Purpose and Beneficiaries of Project:

A Zoning Code Amendment to reorganize and consolidate the residential zones into one zoning code article, remove redundant text, update references and definitions, and 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. The project includes rezoning 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. No development is proposed. The code amendment involves changes to Escondido Zoning Code Articles 1, 6, 7, 8, 10, 11, 12, 13, 14 and 57.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project: City of Escondido, Rozanne Cherry, Principal Planner
Telephone: (760) 839-4536

Address: 201 N. Broadway, Escondido, CA 92025

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

Exempt Status:

CEQA Sections 15162 and 15168 - Use of Previous Program EIR.

Reasons why project is exempt:

An Environmental Impact Report (EIR) (SCH No.2010071064) was prepared for the adoption of the Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan (collectively referred to as the update project). The EIR was prepared as a Program EIR consistent with Section 15168 of the CEQA Guidelines and was certified by the City Council in May 2012. The EIR: 1) Evaluated the potentially significant direct and indirect environmental effects of the update project and the potentially significant cumulative impacts that could occur from implementation of the proposed update project; 2) Identified potential feasible means of avoiding or substantially lessening significant adverse impacts; and 3) Evaluated a range of reasonable alternatives to the project, including the required No Project Alternative. The EIR included discussion of proposed land use changes in 15 study areas. Study Area #12 – S. Escondido Blvd./Centre City Parkway Target Area included 36 acres to retain the General Commercial designation, and 44 acres in the High Density Multi-Family Residential general plan

category with an Urban IV (24 du/ac) designation, that was proposed to be changed to an Urban V (30 du/ac) designation to accommodate anticipated population growth and focus smart growth development along transportation corridors.

The proposed project would establish an R-5-30 zone and associated development standards, update references and definitions, delete redundant text, and rezone the parcels currently zoned R-4-24 within the Urban V designation and the S. Escondido Blvd./Centre City Pkwy. Target Area to R-5-30. The proposed rezoning was anticipated and included in Land Use Zoning Policy 2.3 of the General Plan update analyzed in the EIR. The proposed project is consistent with the Urban V General Plan designation and the South Escondido Blvd./Centre City Parkway Target Area objectives. The area of the rezoning is located in a developed urban area near the center of the city and located between designated Circulation Element streets. No development is proposed. Future development projects will be subject to CEQA review and all applicable mitigation measures identified in the EIR for the General Plan Update will continue to be enforced as part of future projects.

Consistent with State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations), staff finds that:

1. Substantial changes are not proposed in the project which would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects;
2. Substantial changes have not occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; and
3. New information of substantial importance has not come to light, which was not known and could not have been known with exercise of reasonable diligence at the time of the previous EIR was certified as complete and shows any of the following:
 - a. That the project will have one or more significant effects as discussed in the previous EIR;
 - b. That significant effects previously-examined will be substantially more severe than shown in the previous EIR;
 - c. That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. That mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative

In staff's opinion, the Program EIR adequately anticipated and addressed the impacts of the proposed high density zone and the rezoning of the Urban V parcels. No potential new impacts related to the properties or project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan EIR. No other special circumstances exist that would create a reasonable possibility that the proposed Project will have a significant adverse effect on the environment. All project related issues were evaluated in the Program EIR. Pursuant to CEQA Sections 15162-15164, no additional environmental documentation need be prepared since there are no substantial changes to the project that would require important revisions to the previous EIR. Therefore, the proposed project qualifies for the exemption under CEQA guidelines Section 15162 and 15168.

Lead Agency Contact Person: Rozanne Cherry

Area Code/Telephone/Extension (760) 839-4536

Signature: Rozanne Cherry
Rozanne Cherry, Principal Planner

4/19/17
Date

☒ Signed by Lead Agency

Date received for filing at OPR:

☐ Signed by Applicant

EXHIBIT "A"

FACTORS TO BE CONSIDERED

AZ 2016-0005/PHG 17-0007

Zoning Code Amendment and Rezone to R-5-30

1. The public health, safety and welfare would not be adversely affected by the proposed Zoning Code amendments as they only 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 and update references and outmoded text. The proposed new R-5 high density zone and the proposed rezone to R-5-30 (Very High Multi-Family Residential – 30 du/ac) from R-4-24 (High Multi-Family Residential, 24 du/ac) implements the adopted General Plan designation of Urban V in the High Density Multi-Family Residential category and would not adversely affect the public health, safety and welfare because the Urban V designation and the S. Escondido Blvd./Centre City Pkwy. Target Area allow for the higher residential density and encourage urban multi-family housing characterized by taller structures in more densely developed areas that provide convenient access to a wider range of facilities and services. No development project is proposed. The review of future development projects would include a CEQA environmental analysis specific to the project type and location.
2. The proposed Zoning Code amendments would not conflict with State law or be detrimental to surrounding properties because the amendments involve reorganizing existing Zoning Code sections, identifying minor conditional uses, updating definitions and adjusting some standards for internal consistency. 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 code amendment. The property proposed to be rezoned from R-4-24 to R-5-30 is suitable for the uses and higher density permitted by the proposed zone as the area is flat, the residential uses would remain the same, and the area has a General Plan designation of Urban V that allows the higher density and encourages redevelopment. In addition, the proposed rezone area would be compatible with the mix of surrounding commercial and multi-family development. Specific property involved in future development projects will be reviewed individually for suitability.
3. The uses permitted by the proposed rezone to R-5-30 would not be detrimental to surrounding properties as the uses would be the same as currently permitted under the R-4-24 zone, and would not adversely affect the adjacent commercial development nor the multi-family development adjacent to the south, and west across Centre City Pkwy.
4. The proposed 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, and the proposed rezone to R-5-30 (Very High Multi-Family Residential – 30 du/ac) from R-4-24 (High Multi-Family Residential, 24 du/ac) are consistent with the adopted General Plan since the actions implement the General Plan designation of Urban V in the High Density Multi-Family Residential category, which allows for the higher residential density and encourages urban multi-family housing characterized by taller structures in more densely developed areas that provide convenient access to a wider range of facilities and services. The actions are also in conformance with the S. Escondido Blvd./Centre City Pkwy. Target Area objectives and would not diminish the Quality of Life Standards of the General Plan. In addition, the amendment would implement a portion of 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."
5. The proposed rezone to R-5-30 from R-4-24 does not establish a residential density below seventy (70) percent of the maximum permitted density as the proposed density of 30 du/ac is the maximum density permitted by the General Plan Urban V designation. The proposed standards for the R-5 residential zone includes this restriction in the parcel requirements of Table 33-98b.
6. The proposed Zoning Code amendment and rezone would be compatible with and not adversely affect the Southern Gateway District of the Downtown Specific Plan, which is adjacent to the north of the subject area, since the district is planned for the development of offices and services, as well as, urban-style, higher density residential development (up to 100 du/ac) and taller buildings.

EXHIBIT "B"
Case No. AZ 16-0005 / PHG 17-0007

THE ENTIRE ARTICLE IS PROPOSED TO READ AS FOLLOWS:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

Sec. 33-1. Short Title.

This Chapter 33 shall be known as the "Escondido Zoning Code."

Sec. 33-2. Authority for the zoning chapter.

Chapter 33 is adopted and amended pursuant to Section 11 of Article XI of the Constitution of the State of California and in compliance with the requirements of the Planning and Zoning Law, Title 7 of the Government Code.

Sec. 33-3. Purpose.

The purpose of this chapter is to serve the public health, safety, comfort, convenience and general welfare by dividing the city into zones and:

- (a) Establishing land use districts for public and private use and general provisions and standards of development with the aim of preserving a wholesome, serviceable and attractive community;
- (b) Regulating the use of buildings, structures, and land uses as between agriculture, industry, business, residence, civic and other purposes;
- (c) Regulating the location, height, bulk, number of stories and size of buildings and structures; the size and use of lots, yards, courts and other open spaces; the percentage of a lot which may be occupied by a building or structure, and the intensity of land use;
- (d) Establishing and maintaining building setback requirements;
- (e) Establishing off-street parking and loading requirements;
- (f) Establishing signage, lighting, grading, and landscaping and irrigation requirements;
and
- (g) Establishing provisions for coordinating California Environmental Quality Act guidelines, quality of life standards, administration and enforcement, and growth management requirements.

Sec. 33-4. Replacement of other ordinances.

The provisions of this chapter shall not be deemed or construed to repeal, amend, modify, alter or change any other ordinance or any part thereof not specifically repealed, amended, modified, altered or changed herein, except in such particulars or matters as this chapter is more

restrictive than such other ordinance, or part thereof; and that in all particulars wherein this chapter is more restrictive, each such other ordinance shall remain in full force and effect.

Sec. 33-5. Reference to any portion of this chapter.

Whenever reference is made to any portion of this chapter, or of any other law or ordinance, the reference applies to all amendments and additions now or hereinafter made.

Sec. 33-6. Interpretation.

(a) In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public peace, health, safety, convenience, comfort, prosperity or general welfare. It is not intended by this chapter to abrogate, annul, impair or interfere with any existing or future provision of law or ordinance or with any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use or occupation of buildings or premises or upon the height or location of buildings or structures, or upon the lot area per family, size of yards and open spaces, number of garages or other requirements whatsoever, than is imposed or required by such existing laws, ordinances, easements, covenants or agreements, the provisions of this chapter shall govern.

(b) In any case where there is difficulty in interpreting and applying the provisions of this chapter to any specific case or situation, the planning commission shall upon request interpret the intent of this chapter by written policy and said interpretation shall be followed in applying said provisions.

Sec. 33-7. Building permits required.

Before commencing any work pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure within the City of Escondido, a permit for each separate building or structure shall be secured from the building official of said city by the owner or his agent for said work, and it shall be unlawful to commence said work until and unless said permit shall have been obtained.

Sec. 33-8. Definitions.

For the purpose of this chapter, the words and phrases set forth in this section shall have the meanings respectively ascribed to them. Words used in the present tense shall include the future; words in the singular number shall include the plural, and words used in the plural number shall include the singular; the word "shall" is mandatory, and the word "may" is permissive.

Accessory means a use and/or structure customarily incidental to a building, part of a building or structure, which is subordinate to and the use of which is incidental to and detached from the main building, structure or use on the same lot. If an accessory building is attached to the main building either by a common wall, or if the roof of the accessory building is a

continuation of the roof of the main building, such accessory building shall be considered a part of the main building. (see also Use – Accessory Use)

Alley means any public thoroughfare, having a width of not more than thirty (30) feet,.

Amusement arcade means any establishment, room or place where more than four (4) amusement machines are available for public use.

Amusement machine means any device, whether mechanical, electrical or electronic, or similar object, which by payment of a fee, or insertion of a coin or token, may be operated for the primary purpose of amusement. The term amusement machine does not include any device or object the primary purpose of which is to play music.

Apartment means a room or group of two (2) or more rooms which is constructed, designed, intended for or actually used by, a single family for living and sleeping purposes for periods of thirty (30) consecutive days or longer. *Area of lot* means the total horizontal area included within ownership lot lines.

Arts and crafts shall include physical objects which are made by or as if by hand, and which require manual dexterity and artistic skill. Items such as jewelry, paintings, needlepoint, knitting, crochet, dolls, furniture, woodworking (e.g., carvings, etchings), sculptures, ceramics, toys, clothing, photography, scale models and similar items as determined by the director shall be considered as “arts and crafts” objects.

Arts and crafts show shall mean the activity of offering for sale of “arts and crafts” by means of announcing or advertising an “arts,” “crafts,” or “hobbies,” show, bazaar or festival, all of which are synonymous, or by any other means intended to communicate that the sale is an occasional, casual event offering the sale of personally crafted property. “Arts and crafts show” shall only be conducted by a property owner possessing a valid business license and an arts and crafts permit issued by the City of Escondido.

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. An accessory dwelling unit constructed above an existing detached garage shall be considered an attached unit.

Basement means a story partly underground and having at least one-half (1/2) of its height above the average adjoining grade. A basement shall be termed a cellar when more than one-half (1/2) of its height is below the average adjoining grade. A basement or cellar shall be counted as a story if the vertical distance from the average adjoining grade to the ceiling is over five (5) feet.

Block means all property fronting upon one (1) side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, terminus of dead

end, or cul-de-sac street, city boundary, public parks or other natural boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

Boarding house – see Rooming house.

Building.

(1) *Building* means any structure for the shelter, housing or enclosure of any person, animal, article or chattel and when any portion thereof is completely separated from every other portion thereof by a division wall or fire wall, without openings, each such portion shall be a separate building.

(2) *Building height* means the vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to a point midway between the highest and lowest point on the roof; provided that chimneys, spires, towers, tanks and similar projections shall not be included in the height.

(3) *Building site* means the ground area of: (A) all or a portion of a lot or parcel of land; or (B) all or a portion of two (2) or more lots or parcels of land, when used in combination for a building or group of buildings, together with all yards and open spaces required by this chapter.

(4) *Main building* means one (1) or more buildings on a lot or building site designed or used to accommodate the primary use to which the premises are devoted.

Business or commerce means the purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity or service for profit or livelihood.

Carport means an accessory building or an accessory portion of the main building, with a solid roof and openings on one or more sides, designed and/or used only for the shelter of vehicles owned or operated by the occupants of the main building

Commercial dairy means any land whereupon is kept or maintained for any length of time, more than two (2) milk cows where milk or milk products are produced for, or intended for sale to the public.

Common area means the total area within a development that is not designed for the exclusive use of owners or tenants and which is available for common use by all owners, tenants or groups of tenants.

Court means an open unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two (2) or more sides by such building or buildings and a lot line, including the open space in a bungalow court or court apartment providing access to the units thereof.

Cul-de-Sac means a street or portion of a street that terminates without providing vehicular access to adjacent streets and includes pavement at its terminus to accommodate vehicles exiting in a forward manner by a single turning motion without reversing.

Detached dwelling means a dwelling that is structurally independent and separated from the existing primary dwelling by a minimum of ten (10) feet.

Director means the director of community development.

Driveway means a permanently surfaced area providing direct access for vehicles between a street and a permitted off-street parking or loading area and extending to a maximum width equal to the curb cut approved by the city engineer.

Dwelling.

(1) *Dwelling* means one (1) or more rooms in a building used for occupancy by one (1) family for living or sleeping purposes and having only one (1) kitchen.

(2) *Grouped dwelling* means a group of two (2) or more detached or semi-detached one-family, two-family, three-family or multiple dwellings occupying a parcel of land in one (1) ownership and having any yard or court in common, including bungalow courts and apartment courts, but not including recreational vehicle or campgrounds,.

(3) *Multiple dwelling* means a building or portion thereof used for occupancy by four (4) or more families living independently of each other, and containing four (4) or more dwellings.

(4) *One-family or single-family dwelling* means a detached or semi-detached building designed for or occupied exclusively by one (1) family.

(5) *Two-family dwelling and duplex* means a detached or semi-detached building designed for or occupied exclusively by two (2) families.

(6) *Three-family dwelling and triplex* means a detached or semi-detached building designed for or occupied by three (3) families.

(7) *Primary dwelling* means the principal single-family dwelling located on a lot where an accessory dwelling unit is existing or proposed.

(8) *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.

Family means one (1) or more persons related by blood, marriage, or adoption, or a group including unrelated individuals living together as a relatively permanent, bona fide, housekeeping unit.

Family day care means regularly provided care, protection and supervision of fourteen (14) or fewer children in the provider's home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and including the following:

(1) *Large family day care home* means a home which provides family day care, with no overnight stay, to nine (9) to fourteen (14) children, inclusive, including children who reside at the home;

(2) *Small family day care home* means a home which provides family day care, with no overnight stay, to eight (8) or fewer children, including children who reside at the home.

Floor area means the total horizontal area of all floors of a building including the surrounding walls, exclusive of basement and attic storage space and areas within a building used for the parking of vehicles.

Frontage means that property abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, or nearest intersecting and intercepting streets, and railroad right-of-way or unsubdivided acreage.

Garage.

(1) *Private garage* means an enclosed accessory building or an accessory portion of the main building, designed and/or used only for the shelter of vehicles owned or operated by the occupants of the main building.

(2) *Public garage* means any building except those described as a private garage, used for the storage or shelter of self-propelled vehicles.

Garage sale shall mean the activity of offering for sale any property, other than real property or personally crafted arts and crafts items, by means of announcing or advertising a "garage," "yard," "moving," "estate," "rummage" or "tag" sale, all of which are synonymous, or by any other means intended to communicate that the sale is an occasional, casual, or non-business-related event offering the sale of personal property. "Garage sale" or "yard sale" shall not include any event which constitutes an arts and crafts show or any other sales activity which would require the business or person to possess a valid business license issued by the City of Escondido.

Greenhouse (also lath house) means a building or structure constructed chiefly of glass, glass-like or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Gross leasable area or GLA means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any; expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

Guest house means any living quarters within a detached accessory building for the sole use of persons employed on the premises or for temporary use by guests of the occupants of the premises, which living quarters have no kitchen facilities and are not rented or otherwise used as a separate dwelling.

Home occupation means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof or does not adversely affect the uses permitted in the zone of which it is a part. A home occupation must satisfy the conditions set forth in Article 44 of this chapter.

Hotel (also motel) means a building in which there are five (5) or more guest rooms where transient lodging (for a period of thirty (30) consecutive calendar days or less) with or without meals is provided for compensation.

Industry means the storage, repair, manufacture, preparation or treatment of any article, substance or commodity whatsoever, and including the operation of stables.

Junk yard means the use of more than three hundred (300) square feet of the area of any lot or of any portion of the front half of any lot for the storage of junk, including scrap metals or other scrap material, or for the dismantling or wrecking of automobiles or other vehicles or machinery.

Landscaping means the planting and maintenance of some combination of trees, shrubs, vines, ground covers, or flowers. In addition, the combination or design may include natural features such as rock and stone; and structural features, including, but not limited to, water features, art works, screens, walls, fences and benches.

Lath house (see greenhouse)

Lot means:

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

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

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

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

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

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

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

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

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

(F) *Flag lot* means a lot in the approximate configuration of a flag pole or sign post, with the pole or post functioning primarily as an access way to the main body of the lot from the street of access.

(G) *Front lot line* means a line separating an interior lot from a street, or a line separating the narrower street frontage of a corner lot from the street. (H) *Interior lot* means a lot other than a corner lot or reversed corner lot.

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

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

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

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

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

Mini-dorms (see Rooming house)

Mobilehome (also Manufactured Home) means a dwelling that is subject to California Code of Regulations Title 25 provisions built in a factory or other off-site location on a non-removable steel chassis that is transported and placed on a permanent or non-permanent foundation.

Mobilehome park means a development specifically approved for grouping mobilehomes and/or manufactured homes within a unified setting that is subject to California Code of Regulations Title 25 provisions. The term mobilehome park shall include the grouping of mobilehomes under a single ownership, or separate ownership of mobilehomes and mobilehome sites, or the establishment of a mobilehome subdivision, condominium, stock cooperative, or any similar project where the member of the project owns a home ownership share, fee lot, or condominium unit.

Mobilehome site means any portion of a mobilehome park designed for the use or occupancy of one mobilehome or manufactured home.

Mobilehome park street means any roadway used or designed to be used for the general circulation of traffic within the mobilehome park

Modular home means a dwelling that conforms to all local building codes, built in sections at a factory or other off-site location, and transported to the building site where the dwelling is assembled on-site on a permanent foundation.

Motel (see Hotel)

Nonconforming use means a building or land occupied by a use that does not conform with the regulations of the use district in which it is situated.

Official zoning map means a map which graphically shows all zoning district boundaries and classifications within the City of Escondido, as contained within the Escondido zoning code, which is signed by the director and on file in the Escondido planning department.

Parcel of land means a contiguous quantity of land in the same possession of, or owned by, or recorded as the property of, the same person or persons.

Parking index means the number of car parking spaces made available per one thousand (1,000) square feet of GLA (gross leasable area).

Planning commission means the planning commission of the City of Escondido.

Recreational vehicle means a vehicle on wheels which offers living accommodations in a mobile setting for travel or recreational purposes in compliance with provisions established by the California Department of Motor Vehicles.

Rooming House means a building containing three (3) or more bedrooms or other rooms intended to be used, rented or leased, to be occupied by five (5) or more individuals under five

(5) or more separate oral or written leases, subleases or any other contractual agreement designed to effectuate the same result, with or without meals, for compensation, as permanent guests pursuant to definite periods, by the month or greater term. A "Rooming Housing" does not require a property owner, or a manager, to be in residence. A "Rooming House" shall have a central kitchen. A "Rooming House" may or may not provide free access to common living areas beyond the bedrooms or guest rooms. A "room" means any rented, leased, let or hired living space or other square footage within the building that is used or designed to provide sleeping accommodations for one (1) or more persons. A properly permitted accessory dwelling unit, shall not be considered a rooming house.

Sign means any mark or painted character on any card, cloth, paper, metal, wood, plastic, or any other material visible from outside a structure, mounted to the ground or any tree, wall, bush, rock, fence or structure, either privately or publicly owned. "Sign" shall also mean any graphic announcement, declaration, demonstration, display, illustration, statuary or insignia used to promote the interest of any person, product, activity or service when the same is placed outdoors in view of the general public.

Site area (see Building site and Lot area)

Staff development committee means and shall be made up of representatives from the planning, engineering, building, fire and other departments which are associated with a given project or problem. Its purpose is to provide coordinated technical information and advice to the planning commission or city council.

Story.

(1) *Story* means that portion of a building included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

(2) *Half story* means a story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Street means a public or private thoroughfare which affords principal means of access to abutting property.

Structural alterations means any change in the supporting members of a building such as bearing walls, columns, beams or girders, and floor joists or roof joists.

Structure means anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground.

Supportive housing means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his

or her ability to live and, when possible, work in the community. Supportive housing that is provided in single-, two-, or multi-family dwelling units, group residential, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two-, or multifamily dwelling units, group residential, residential care facilities, or boarding house uses under this code.

Target Population means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5, commencing with Section 4500, of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Title 25 means Title 25 of the California Code of Regulations.

Transitional housing means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two-, or multifamily dwelling units, group residential, residential care facilities, or boarding house uses under this code.

Travel trailer (see Recreational vehicle)

Use.

(1) *Use* means the purpose of which premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

(2) *Accessory use* means a use or activity incidental and accessory to the principal use of a lot or of a building located upon the same lot as the accessory use or activity.

Yard.

(1) *Yard* means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

(2) *Front yard* means a yard extending across the full width of the lot, having at no point a depth of less than the minimum required horizontal distance between the front lot line, or its tangent, and the closest permissible location of the main building. Said distance shall be measured by a line at right angles to the front lot line, or its tangent.

(3) *Rear yard* means a yard extending across the full width of the lot, having at no point a depth of less than the minimum required horizontal distance as measured from the part of the main building nearest the rear lot line towards the rear lot line, and such measurement shall be along a line representing the shortest distance between said part of the main building and the rear lot line. The required rear yard shall be that portion of the rear yard contiguous to the rear lot line having at no point a depth less than that required for the rear yard. The area to the rear of the rear lot line of an interior triangular or gore-shaped lot shall be considered a part of the required rear yard.

(4) *Side yard* means a yard between the main building and the side lot lines extending from the required front yard, or the front lot line where no front yard is required, to the rear yard, the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line towards the nearest part of a main building.

Zone means a portion of the territory of the city, exclusive of streets, alleys and other public ways, within which certain uses of land, premises and buildings are not permitted and within which certain yards and open spaces are required and certain height limits are established for buildings, all as set forth and specified in this chapter.

Zoning administrator means the director or designee.

Sec. 33-9. Reserved.

Sec. 33-10. Reserved.

Sec. 33-11. Reserved

Sec. 33-12. Reserved

Sec. 33-13. Determination of permitted uses.

The lists of uses included in various articles of this chapter are typical of permitted and conditionally permitted uses in their respective zones.

The director may determine that uses similar to the listed uses are permitted, or conditionally permitted, uses within the various zones. Such determinations will thereafter be uniformly applied and the director shall keep a record of all such determinations.

When the director cannot make a determination that a particular use is similar to the uses within any of the various zones, a request for an interpretation shall be forwarded to the planning commission for its determination pursuant to the rules of interpretation of section 33-6 of this article. After a planning commission interpretation specifying the appropriate zone, or zones, within which the particular use may fall, said use shall be permitted, or conditionally permitted, in the zones designated by the planning commission.

If the planning commission is unable to designate zones into which a particular use may fall, that use is prohibited in the city in the absence of an amendment to this chapter.

Sec. 33-14. Zoning districts.

In order to carry out orderly growth and development in the city, this chapter provides for various zoning classifications (e.g., R-1, R-2, R-3, etc.) in order to promote and protect the public health, safety, convenience and general welfare of the inhabitants, and through the orderly and planned use of land resources which are presently a part of said city, or which may become a part thereof in the future.

Sec. 33-15. Zoning district boundary uncertainty.

The boundaries of each zoning district shall be as shown on the "official zoning map," which is made a part of this chapter. In the event of any conflict between the official zoning map and any legal description or other designation of the boundary or boundaries of any zoning district, or where any uncertainty exists as to the boundary or boundaries of any zoning district shown on the official zoning map, the official zoning map shall prevail and the location of such boundary or boundaries shall be fixed as follows:

(a) Where such boundaries are indicated by scales as approximately following street, alley or lot lines in existence at the time the zoning district map(s) was adopted, such lines shall be construed to be such boundaries.

(b) Where any public street, alley or any private right-of-way or easement of any railroad, railway, canal, transportation or public utility company is vacated or abandoned, the existing zone which abuts said land shall apply to such vacated or abandoned property, then each such zone shall be considered to extend to the centerline of said vacated or abandoned property.

(c) In unsubdivided land or where a zoning district boundary divides a parcel, the location of such boundary, unless same is indicated by dimensions, shall be determined by use of the scale appearing on the map.

Secs. 33-16—33-29. Reserved.

THE ENTIRE ARTICLE IS PROPOSED TO READ AS FOLLOWS:

ARTICLE 6. RESIDENTIAL ZONES

Sec. 33-90. Purpose.

(a) Residential zones are established to provide for residential districts of various population densities so that the various types of residential developments may be segregated from each other as necessary to assure compatibility of uses within family living areas, including the necessary appurtenant and accessory facilities associated with such areas.

(b) The following classes of residential use zones are established:

(1) The agriculture residential (R-A) zone is established to provide an agricultural setting in which agricultural pursuits can be encouraged and supported within the city. The R-A zone is designed to include single-family detached dwellings and to protect agricultural uses from encroachment by urban uses until residential, commercial or industrial uses in such areas become necessary or desired.

(2) The estate residential (R-E) zone is established to provide a rural setting for family life in single-family detached dwellings. Provisions are made for the maintenance of limited agricultural pursuits as well as those uses necessary and incidental to single family living.

(3) The single-family residential (R-1) zone is established to provide a suburban setting suitable for family life in single-family, detached dwellings.

(4) The mobilehome residential (R-T) zone is established to provide a mobilehome park setting for family life in single-family detached mobilehomes. No land shall be classified into this zone where such classification would create an R-T zone area of less than four hundred thousand (400,000) square feet.

(5) The light multiple residential (R-2) zone is established to provide a multi-family setting for family life in low-height, low density dwelling units in close proximity to single-family residential neighborhoods.

(6) The medium multiple residential (R-3) zone, is established to provide a multi-family setting for family life in low-height, medium density dwelling units in close proximity to other multi-family neighborhoods.

(7) The high multiple residential (R-4) zone, is established to provide a multi-family setting for family life in mid-height, high density dwelling units in close proximity to other multi-family neighborhoods and near the city's center.

(8) The very high multiple residential (R-5) zone is established to provide a multi-family setting for family life in higher-height, very high density dwelling units in close proximity to other multi-family neighborhoods and near the city's center.

Sec. 33-91. Designation of single family residential sub-zones.

Several of the single family zones established by Sec. 33-90 are further classified into sub-zones based on the required minimum lot area and lot width. Sub-zones are designated by adding a suffix number to the symbol for the principal R-zone. The suffix number shall indicate the minimum lot area for the sub-zone stated in units of one thousand (1,000) square feet (except that the suffix for R-A sub-zones -5 and -10 shall be stated in units of 5AC and 10AC respectively).

Sec. 33-92. Designation of multiple family residential sub-zones.

The R-2, R-3, R-4 and R-5 zones established by Sec. 33-90 are further classified into sub-zones based on the maximum number of dwelling units allowed per net acre (density). Density sub-zones are designated by adding a suffix number to the symbol for the principal multiple residential zone. The suffix number shall indicate the maximum allowable units per net acre exclusive of the right-of-way of all public streets or alleys as classified in the circulation element of the Escondido general plan as amended, or as is indicated to be dedicated to the City of Escondido on the pertinent development proposal, whichever is more restrictive.

Sec. 33-93. General plan compatibility matrix

Table 33-93 lists the general plan designation corresponding to the residential zoning district designations. Densities for the Rural, Estate, and Suburban general plan designations are subject to topographic slope conditions.

Table 33-93

Zoning	Corresponding General Plan Designation
Residential agricultural (R-A)	Rural I, Rural II
Residential estate (R-E)	Estate I, Estate II
Single family residential (R-1)	Suburban, Urban I
Mobilehome residential (R-T)	Suburban, Urban I, Urban II
Light multi-family residential (R-2)	Urban II
Medium multi-family residential (R-3)	Urban III
High multi-family residential (R-4)	Urban IV
Very high multi-family residential (R-5)	Urban V

Sec. 33-94. Permitted and conditional uses and structures

Table 33-94 lists those uses in residential districts that are permitted (P) or subject to a major conditional use permit (C) or minor conditional use permit (C#).

Table 33-94

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Residential and Lodging								
Single-family dwellings detached	P	P	P		P	P ¹	P ¹	P ¹
Mobilehome on parcel alone, pursuant to Sec. 33-111	P	P	P	P				
Two-family and multiple-family dwellings					P	P ¹	P ¹	P ¹
Mobilehome parks pursuant to Article 45 and Title 25. A minimum 400,000 sq. ft. in land area required.			C	C	C			
Small lot developments pursuant to Sec. 33-114					P	P ¹		
Transitional Housing and Supportive Housing constructed as residential dwellings consistent with the underlying zone pursuant to Sec. 33-8 of Article 1	P	P	P	P	P	P	P	P
Rooming house, boarding house, mini-dorms etc. with central kitchen, interior access to sleeping rooms					C	C	C	C
Bed and breakfast facilities, pursuant to Article 32	C#	C#	C		C	C	C	C
Care in Residential Zones								
Licensed residential care facilities and group quarters for six (6) or fewer persons including but not limited to sanitariums, convalescent homes, rest home services, transitional and supporting housing	P	P	P	P	P	P	P	P
Licensed residential care facilities and group quarters for seven (7) or more persons, including but not limited to sanitariums, convalescent homes, rest home services, transitional and supportive housing.	C	C	C		C	C	C	C
Small and large family day care as defined in Sec. 33-8 pursuant to Sec. 33-1104 of Article 57	P	P	P		P	P	P	P
Day nurseries, child care centers (excluding small and large family care which are permitted uses)	C	C	C		C	C	C	C
Agriculture and Animals								
Animal specialties, poultry and egg production, rabbits, apiaries, aviaries, small animal farms	C							
Animals other than those listed in Table 33-95a, and provisions pursuant to Sec. 33-1116 of Article 57	C#	C#	C#					
Field and seed crops	P							

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Agriculture and Animals (continued)								
Livestock (on sites exceeding nine acres)	C							
Truck crops (includes vegetables, berries, melons) Orchards and vineyards (fruit and tree nuts) Horticultural specialties	P	P	P					
Wineries with a tasting room pursuant to Sec. 33-1107 of Article 57	C	C						
Wineries without a tasting room pursuant to Sec. 33-1107 of Article 57 (at least 50% of fruit used in winemaking must be grown on site)	P	P						
Social, Religious, Educational, Recreational, Governmental								
Golf courses, private and public	C	C	C	C	C	C		
Government services (except correctional institutions)	C	C	C	C	C	C	C	C
Nursery, primary and secondary (grades K-12), post-secondary and professional education	C	C	C		C	C	C	C
Religious activities, civic associations, social clubs and fraternal organizations and lodges	C	C	C	C	C	C	C	C
Resorts and group camps	C							
Tennis courts, private membership only	C	C	C	C	C	C		
Youth organizations pursuant to Sec. 33-1105 of Article 57	C	C	C	C	C	C	C	C
Utility and Communications Operations								
Communications (excluding offices and relay towers, microwave or others)	C	C	C	C	C	C	C	C
Utility facilities	C	C	C	C	C	C	C	C
Wireless service facilities on private property, including communication antennas, pursuant to Article 34	C	C	C	C	C	C	C	C
Miscellaneous								
Aluminum can and newspaper redemption centers without can crushing facilities (only as an accessory use to nursery, primary, secondary, post-secondary and professional education, and religious activities)	C	C			C	C	C	C
Arts and crafts shows as defined in Sec. 33-8, with permit pursuant to Sec. 33-1119 of Article 57	P	P	P	P	P	P	P	P
Cemeteries and / or Mausoleums	C	C	C		C			

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Miscellaneous (continued)								
Uses or structures permitted or conditionally permitted by this zone and involving hazardous materials (pursuant to Sec. 33-666 of Article 30)	C	C	C	C	C	C	C	C
Notes: 1 No vacant or underdeveloped lot or parcel of land in any R-3, R-4, and R-5 zone shall be improved or developed at a density below seventy (70) percent of the maximum permitted density. Exceptions to the minimum density requirement may be granted in writing as part of the plan approval required by Sec. 33-106 provided the development will not preclude the city from meeting its housing needs as described in the housing element of the Escondido general plan. Minimum density requirements shall not apply to property owners seeking to enhance or enlarge existing dwelling units or construct other accessory structures on a site.								

Sec. 33-95. Permitted accessory uses and structures

Accessory uses and structures are permitted in residential zones, provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to those listed in Table 33-95. Table 33-95a lists permitted animals as an accessory use.

Table 33-95

Permitted Accessory Uses and Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Accessory Structures								
Accessory buildings such as garages, carports, green houses, gazebos, gardening sheds, recreation and similar structures which are customarily used in conjunction with and incidental to a principal use or structure	P	P	P	P	P	P	P	P
Accessory buildings or structures required for the storage of any products, equipment or uses lawfully permitted or produced on the premises	P	P	P					
Accessory buildings and structures for mobilehomes including carports, porches, awnings, skirting, portable storage cabinets, and similar structures which are customarily used in conjunction with, and incidental to, the principal use or structure, provided they are located within six (6) feet of a mobilehome	P	P	P	P				
Accessory dwelling units pursuant to Article 70.	P	P	P		P	P	P	P

Permitted Accessory Uses and Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Accessory Structures (Continued)								
Agricultural related accessory buildings or structures including windmills, silos, tank houses, water wells, reservoirs, storage tanks, buildings or shelters for farm equipment and machinery, housing required for the nurture, confinement or storage of animals, crops, products or equipment lawfully permitted or produced on the premises	P	P						
Caretaker's residence or housing for persons deriving the major portion of their income from employment on the premises in conjunction with authorized agricultural use, provided that such buildings shall be occupied only by such persons and their families	P	P						
Bus stop shelters pursuant to Municipal Code Article 9 of Chapter 23 and Sec. 33-1118 of Article 57	P	P	P	P	P	P	P	P
Guest house as defined in Sec. 33-8. In the RE zone said facility shall be located to the rear of the main building, or screened from street view. In the R1 zone said facility shall be located on the rear one-half of the lot or parcel, and only on lots or parcels that are more than one-and-one-half (1½) times the sub-zone minimum lot area.	P	P	P					
Satellite dish antennas pursuant to Article 34	P	P	P	P	P	P	P	P
Stands for displaying and selling agricultural or farming products that are grown or produced on the premises. A maximum of one (1) stand per lot or parcel of land shall be permitted. The ground coverage of the stand shall not exceed three hundred (300) square feet, and it shall be set back from the street or highway right-of-way line a distance of at least twenty (20) feet.	P	P						
Swimming pools constructed in accordance with the provisions of this chapter	P	P	P	P	P	P	P	P
Accessory Uses and Activities								
Animal overlay (AO) zone pursuant to Article 9 subject to planning commission and city council approval	P	P						
Animals and household pets pursuant to Table 33-95a and Sec. 33-1116 of Article 57	P	P	P	P	P	P	P	P
Home occupations pursuant to Article 44	P	P	P	P	P	P	P	P

Permitted Accessory Uses and Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Accessory Uses and Activities (Continued)								
Parking for recreational vehicles pursuant to Article 25	P	P	P		P	P	P	P
Storage of materials used for the construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto, and provided further, that such use shall be permitted only during the construction period and the thirty (30) days thereafter	P	P	P	P	P	P	P	P
Subdivision sales and signs in accordance with the requirements of this chapter	P	P	P	P	P	P	P	P
Vegetable and flower gardens	P	P	P	P	P	P	P	P

Table 33-95a

Permitted Animals in Residential Zones	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Animals Permitted in the Quantities Stated								
Birds*: Small species as household pets including canaries, parrots, parakeets, love birds, etc.	12	12	6	3	3	3	3	3
Birds*: Racing or homing pigeons pursuant to Sec. 33-1116 of Article 57	100	100	100					
Birds: Domesticated fowl including chickens, ducks, turkeys, etc. raised for meat and / or egg production. Quantity indicates total of all species for each parcel. Roosters are not permitted in the R-1 zone.	25	25	6 chickens (hens only)					
Bovine: Domesticated cattle, sheep, goats, swine raised for meat and / or milk production. Quantity indicates the total number of bovine animals per acre.	1	1						
Cats* (adults over four months)	3	3	2	1	1	1	1	1
Dogs* (adults over four months)	3	3	2	1	1	1	1	1
Emus: Same requirements as standard horses	1	1						
Goats (pygmy): Subject to the same requirements as miniature horses	2	2	2					
Horses (miniature): In the R1 zone said animals are permitted only on properties zoned R-1-10 or larger	2	2	2					

Permitted Animals in Residential Zones	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Animals Permitted in the Quantities Stated (continued)								
Horses (standard): In the RA zone the quantity indicates the number of animals per person residing on the premises. In the RE zone the quantity indicates the number of animals for the first 40,000 SF of lot area; one additional horse is permitted for each additional 20,000 SF	1	1						
Potbelly pigs*, as household pet	1	1						
Rodents*: Chinchillas, chipmunks, guinea pigs, mice (white), hamsters, rabbits (adult), squirrels, etc. Quantity indicates total of all species for each parcel.	25	25	4	2	2	2	2	2
Tropical fish*: excluding turtles and carnivorous fresh water fish	No Limit							
Other animals in RA-AO and RE-AO animal overlay zones pursuant to Article 9 of this chapter	P	P						

*Household pets pursuant to Sec. 33-1116 of Article 57 of this chapter.

Sec. 33-96. Prohibited primary uses and structures.

All industrial, commercial and residential uses and structures not listed in this article are prohibited.

Sec. 33-97. Property development standards.

In addition to the property development standards set forth in this chapter, the following special development standards shall apply to land and structures in residential zones.

Sec. 33-98. Parcel requirements.

Tables 33-98a and 33-98b list parcel requirements for residential zones. Lots or parcels of land which were created prior to the application of the residential zone shall not be denied a building permit for reason of nonconformance with the parcel requirements of this section. For the purpose of establishing sub-zones, an acre contains 43,560 square feet.

Table 33-98a

Zoning Suffix	Minimum Lot Area (square feet)	Average Lot Width (feet)	Minimum Street Lot Frontage	Population Density
R-T ²	4,500*	55*	35 feet on a line parallel to the centerline of the street or on a cul-de-sac improved to city standards ¹ . Frontage on a street end that does not have a cul-de-sac improved to city standards shall not be counted in meeting this requirement except for panhandle lots. Panhandle lots pursuant to Article 56. *Mobilehome parks pursuant to Article 45 allow different lot requirements. Title 25 provisions apply where applicable.	Not more than one single-family dwelling may be placed on a lot or parcel of land in this zone.
R-1-6	6,000	60		
R-1-7	7,000	65		
R-1-8	8,000	70		
R-1-9	9,000	75		
R-1-10	10,000	80		
R-1-12	12,000	85		
R-1-15	15,000	90		
R-1-18	18,000	95		
R-1-20	20,000	100		
R-1-25	25,000	110		
R-E-20	20,000	100	20 feet or be connected to a public street by a permanent access easement ¹ . Panhandle lots pursuant to Article 56.	
R-E-25	25,000	110		
R-E-30	30,000	125		
R-E-40	40,000	150		
R-E-50	50,000			
R-E-60	60,000			
R-E-70	70,000			
R-E-80	80,000			
R-E-90	90,000			
R-E-100	100,000			
R-E-110	110,000			
R-E-130	130,000			
R-E-150	150,000			
R-E-170	170,000			
R-E-190	190,000			
R-E-210	210,000			
R-A-5	217,800	150	60 feet or be connected to a public street by a permanent access easement ¹ . Panhandle lots pursuant to Article 56.	
R-A-10	435,600			

Notes:

- ¹ Exception: Access to lots or parcels may be provided by private road easement conforming to the following standards:
 - (a) The minimum easement widths shall be twenty (20) to twenty-four (24) feet as determined by the city engineer and fire marshal; subject to the Escondido Design Standards and Standard Drawings;
 - (b) Pavement section widths, grades and design shall be approved by the city engineer;
 - (c) A cul-de-sac or turnaround shall be provided at the terminus to the satisfaction of the planning, engineering and fire departments.
- ² Except for land that was being used for mobile homes prior to the effective date of the ordinance codified in this article, no land shall be classified into this zone where such classification would create an R-T zone area of less than four hundred thousand (400,000) square feet.

Table 33-98b

Zoning Suffix	Minimum Lot Area (square feet)	Average Lot Width (feet)	Minimum Public Street Lot Frontage	Maximum Population Density
R-2	6,000	60	35 feet on a line parallel to the centerline of the street or on a cul-de-sac improved to city standards. Frontage on a street end which does not have a cul-de-sac improved to city standards shall not be counted in meeting this requirement.	12 du / acre
R-3	6,000	60		18 du / acre ¹
R-4	6,000	50		24 du / acre ¹
R-5	6,000	50		30 du / acre ¹

Notes:

- ¹ No vacant or underdeveloped lot or parcel of land in any R-3, R-4, and R-5 zone shall be improved or developed at a density below seventy (70) percent of the maximum permitted density. Exceptions to the minimum density requirement may be granted in writing as part of the plan approval required by Sec. 33-106 provided the development will not preclude the city from meeting its housing needs as described in the housing element of the Escondido general plan. Minimum density requirements shall not apply to property owners seeking to enhance or enlarge existing dwelling units or construct other accessory structures on a site.

Sec. 33-99. Front setback.

Table 33-99 lists front setback requirements in residential zones, excluding mobilehome parks approved pursuant to Article 45.

Table 33-99

Front Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Front setback depth (feet)	25 ¹	25 ¹	15 ^{1, 2}	15 ^{1, 2}	15 ^{1, 2}	15 ^{1, 2}	15 ^{1, 2}	15 ³
Notes: ¹ A required front setback shall not be used for vehicle parking except such portion as is devoted to driveway use or the parking of recreational vehicles in accordance with Article 25, parking of recreational vehicles in residential zones. ² A garage having an entrance fronting on the street shall be set back at least twenty (20) feet from the street property line. ³ The front setback shall not be used for vehicle parking, except for such portion devoted to driveway use. Title 25 shall apply where appropriate.								

Sec. 33-100. Side setback.

Table 33-100 lists side setback requirements in residential zones, excluding mobilehome parks approved pursuant to Article 45.

Table 33-100

Interior Side Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Interior side setback width (feet)	10 ¹	10 ¹	5 ^{1, 2}	5 ⁴	5 ^{3, 4}	5 ^{3, 4}	5 ^{3, 4}	5 ^{1, 5}
Notes: ¹ When used for access to a required parking facility, the side setback shall be wide enough for a ten (10)-foot-wide, unobstructed, paved driveway. ² If the lot or parcel does not abut an alley, one (1) such side setback shall be at least ten (10) feet in width. ³ An additional five (5) feet setback shall be provided on each side of a lot or parcel of land for each story over two of a principal building, with a maximum requirement for any such side setback of fifteen (15) feet. ⁴ A driveway that provides a parking facility housing nine (9) or more vehicles with access to a street or alley shall be at least twenty-four (24) feet wide, unless the parking facility is served by two (2) one-way drives, in which case each driveway shall be at least twelve (12) feet wide. All driveways shall have a height clearance of at least thirteen (13) feet, and shall be paved with cement or asphaltic concrete. ⁵ Title 25 provisions shall apply where appropriate.								

Street Side Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Corner (street) side setback width (feet)	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}	10 ^{2,3}
Notes: ¹ A garage having access that is perpendicular to the street shall be set back at least twenty (20) feet from the street property line. A required side setback shall not be used for vehicle parking except such portion as is devoted to driveway use. ² The required street side setback shall not be used for vehicle parking. ³ Title 25 provisions shall apply where appropriate.								

Sec. 33-101. Rear setback.

Table 33-101 lists rear setback requirements in residential zones, excluding mobilehome parks approved pursuant to Article 45.

Table 33-101

Rear Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Rear setback (feet)	20	20	20	15	10 ¹	10 ¹	10 ¹	5 ²
Notes: ¹ An additional five (5) feet rear setback shall be provided for each building story over two (2) in height. Where the rear setback abuts a public alley, the setback may be measured from the centerline of the alley; however, in no event shall there be less than a five (5) foot setback from the edge of the alley. ² Title 25 provisions shall apply where appropriate.								

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

(a) The interior side setback of any accessory building located less than seventy (70) feet from the front property line in single and multi-family zones, or fifty (50) feet from the front property line in the R-T zone (unless superseded by Title 25), shall be the same as that required for the main building, pursuant to Table 33-100.

(b) An accessory building may be located on a side property line which is not contiguous to a street if, and only if, all of the following conditions are met:

- (1) The building is located seventy (70) feet, or more, from the front property line [fifty (50) feet in the R-T zone, unless superseded by Title 25];
- (2) Has facilities for the discharge of all roof drainage onto the subject lot or parcel of land;
- (3) The building does not require a Building Permit.

(c) An accessory building shall have a minimum setback of ten (10) feet for a side property line which is contiguous to a street.

(d) An accessory building having direct vehicular access from an alley shall be located not less than twenty-five (25) feet from the edge of the alley farthest from the building.

(e) An accessory building that is seventy (70) feet or more from the front property line in single and multi-family zones, or fifty (50) feet in the R-T zone, but which does not meet the requirements of subsection (b) above, may not be located closer than five (5) feet from the interior side property line in single and multi-family zones, or three (3) feet in the R-T zone (unless superseded by Title 25).

(f) In the RA and RE zones, setbacks for accessory structures do not apply to animal enclosures.

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

(a) No accessory building shall be situated on the rear property line in the R-T zone unless superseded by Title 25.

(b) An accessory building may be located on the rear property line in all residential zones (except the R-T zone) if, and only if, all the following conditions are met:

(1) The building does not require a building permit; and

(2) Has facilities for the discharge of all roof drainage onto the subject lot or parcel of land.

(c) An accessory building having direct vehicular access from an alley shall be located not less than twenty-five (25) feet from the edge of the alley farthest from the building.

(d) On a reverse corner lot the rear property line of which is also the side property line of the contiguous property, an accessory building shall be located not less than five (5) feet from the rear property line.

(e) In the RA and RE zones, setbacks for accessory structures do not apply to animal enclosures.

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

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

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

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

- (3) Necessary appurtenances for utility services.

(b) In R-1 zones, a single story structure attached to an existing main building may be located within the rear setback to within ten (10) feet of the rear property line if the director of community development finds that the site for the proposed use is adequate in size and shape, and that the proposed use will not have an adverse effect upon adjacent or abutting properties. Such structures shall not be closer than five (5) feet from any retaining wall or toe of slope and the aggregate area of such structure shall not exceed forty (40) percent of the total area of the rear setback otherwise required by Sec. 33-101 of this article.

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

- (1) Cornices, eaves, belt courses, sills, buttresses or other similar architectural features;
- (2) Fireplace structures and bays, provided that they are not wider than eight (8) feet measured in the general direction of the wall of which it is a part;
- (3) Stairways, balconies, door stoops and fire escapes;
- (4) Awnings;
- (5) Planting boxes or masonry planters not exceeding forty-two (42) inches in height;
- (6) Porte-cochere over a driveway in a side setback area, provided such structure is not more than one (1) story in height and twenty-two (22) feet in length, and is entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features.

Sec. 33-105. Projections into setback (R-T zone).

The following structures may be erected or projected into any required setback in the R-T zone unless superseded by Title 25:

- (a) Fences and walls in accordance with city codes or ordinances, but not to exceed five (5) feet in height;
- (b) Landscape elements including trees, shrubs and other plants, except hedges, and provided that such landscape feature does not hinder the movement of the mobilehome in or out of its space;
- (c) Trailer hitches;
- (d) Necessary appurtenances for utility services;
- (e) Awnings not to exceed one (1) foot.

Sec. 33-106. Plan approval required.

(a) Building plan review and building permits are required for the construction or modification of single family detached dwellings, mobilehomes, and some accessory structures in residential and R-T zones. Application shall be made to the building division for plan review, which is subject to planning division confirmation of zoning compliance.

(b) An appropriate development application for the construction or modification of two-family dwellings, multiple family dwellings, some accessory structures, and non-residential development in all residential zones is required pursuant to Article 61 of this chapter.

Sec. 33-107. Building requirements, generally.

Table 33-107 lists building requirements in residential zones (excluding mobilehome parks approved pursuant to Article 45).

Table 33-107

Building Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T*
Building height (feet), except as otherwise provided in this chapter	35	35	35	35 ¹	35 ¹	75	75	35
Maximum Building stories				2 ¹	3 ¹	4 ¹	4 ¹	
Distance between residence and accessory buildings (feet)	10	10	10	10	10	10	10	10
Dwelling unit minimum floor area (square feet) ²	850	1,000	850	500	400	400	400	700
Maximum percent lot coverage by primary and accessory structures	20%	30%	40%	50%	none	none	none	60%
Maximum Floor Area Ratio (FAR) ³	0.3	0.4 ⁴	0.5	0.6	0.7	0.8	0.9	none
Square feet allowed for residential and parking regardless of the FAR	1,500	1,500	1,500	2,500	3,500	4,500	5,000	700

Notes:

- ¹ Buildings or structures in excess of one (1) story and located adjacent to single family zoned land, shall provide a setback equal to the abutting setback required by the single family zone standards, plus five (5) additional feet for each story over two (2) on the property line(s) abutting the single-family zone(s) as noted in Sec. 33-100 and 33-101. Additionally, building features such as windows, doors, balconies, etc., bulk and scale shall not adversely affect the adjacent single-family property.
- ² Area is exclusive of porches, garages, carports, entries, terraces, patios or basements.
- ³ FAR is the numerical value obtained by dividing the total gross floor area of all buildings on the site by the total area of the lot or premises.
- ⁴ Except that the maximum FAR for the RE-20 zone shall be 0.5; and for the RE-170 and RE-210 zones the maximum FAR shall be 0.3.
- * Requirements apply unless superseded by Title 25.

Sec. 33-108. Building requirements, multi-family zones.

(a) Dwelling groups. Each dwelling unit in a group or multiple dwelling developments shall front upon and have primary access to a street or a court which meets the following requirements:

(1) The court shall be unobstructed to the sky and shall extend to a street or to another court which has the same or greater width and extends to a street;

(2) The width of the court shall be twenty (20) feet if the court is bounded on both sides by buildings having access thereto, and ten (10) feet if bounded on one (1) side only, by such buildings;

(3) No portion of any required court shall be used for parking, turnaround, driveway or any other automotive purpose;

(4) Any such court shall be increased in width by five (5) feet for each story in excess of four (4) included in the combination of buildings on both sides of such a court.

(b) Usable open space. Each lot or parcel of land in the R-2 and R-3 zones shall provide on the same lot or parcel of land four hundred (400) square feet of usable open space, or two hundred (200) square feet in the R-4 and R-5 zones, as hereinafter defined, per dwelling unit, plus an additional two hundred (200) square feet of usable open space for each sleeping room (bedroom) over one (1) in said dwelling unit.

“Usable open space,” for the purpose of this section, means an open area or recreational facility which is designed and intended to be used for out-door living, landscaping and/or recreation. An area of usable open space shall not exceed a grade of ten (10) percent, shall have a minimum dimension of at least ten (10) feet (except balconies), and may include landscaping, walks, recreational facilities and decorative objects such as artwork and fountains. Up to one-half (1/2) of the requirement for each unit may be provided in a private patio or balcony having direct access from the unit. Balconies having a minimum dimension of not less than five (5) feet and a minimum area of not less than fifty (50) square feet shall be counted as open space. Usable open space shall not include any portion of off-street parking areas, driveways, rooftops or required front setbacks. Any accessory building or unit designed and intended to be used for recreational purposes shall be counted as usable open space.

(c) Private storage area. A minimum of eighty (80) cubic feet of private storage area shall be provided for each dwelling unit. The storage area shall have minimum dimensions of two (2) feet, and shall be in addition to normally expected cabinets and closets.

Sec. 33-109. Parking and loading requirements.

Parking and loading requirements shall be provided as per Article 39 of this chapter, unless superseded by Title 25 in the RT zone.

Sec. 33-110. Supplemental parking for detached single family homes.

Unless otherwise restricted in this code, property owners of detached, single-family homes may construct one supplemental uncovered parking space in residential front setback areas, subject to the following conditions:

(a) The supplemental parking space shall connect to the required driveway and be placed between the driveway and the closest, interior, side property line. For the purpose of the Escondido Zoning Code the supplemental parking space shall be considered part of the area devoted to driveway use;

(b) The supplemental parking space shall be permanently constructed using concrete, asphalt or paver blocks. The surface shall cover a minimum of eight (8) by twenty (20) feet and any pavers shall be either connected or no more than one (1) inch apart. Total curb cut shall not exceed forty percent (40%) of the street frontage;

(c) Vehicles parked on a supplemental parking space shall remain perpendicular to the residential street. Angled parking is prohibited;

(d) An area designed to facilitate turning around a vehicle to allow safe access to a collector street shall not be considered a supplemental parking space and shall not be used for parking;

(e) Residential properties with driveways accessing major roads, prime arterials, and collector streets, as depicted in the general plan circulation element may not have a supplemental parking space.

Sec. 33-111. Mobilehomes in single family zones (excluding mobilehome parks approved pursuant to Article 45 or superseded by Title 25).

Mobilehomes, in the R-A, R-E and R-1 zones shall comply with the following:

(a) Shall be manufactured within the last ten (10) years and shall be certified under the National Mobilehome Construction and Safety Standards Act of 1974;

(b) Shall be installed on foundation system in compliance with all applicable requirements of the California Residential Building Code to the satisfaction of the city;

(c) Shall be covered with an exterior material customarily used on conventional dwellings to the satisfaction of the planning division. The exterior covering material shall extend to the ground except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation;

(d) Shall have a roof constructed of shingles or other material customarily used for conventional dwellings to the satisfaction of the city.

Sec. 33-112. Landscaping.

Landscaping in residential zones shall conform to the requirements set forth in Article 62.

Sec. 33-113. Trash storage.

The following trash storage provisions shall apply in residential zones:

(a) Containers required for trash and recyclables storage shall be of a size, type and quantity approved by the director of community development. They shall be placed so as to be concealed from the street and shall be maintained.

(b) Required trash enclosure areas shall be constructed of decorative materials and landscape screening may be required pursuant to Article 62.

Sec. 33-114. Small lot development.

(a) Purpose. Development and recycling opportunity in certain multi-family zones.

(b) Development standards. Development under this provision shall comply with the following requirements:

(1) The minimum lot area shall not be less than three thousand five hundred (3,500) square feet and not more than one (1) dwelling unit per lot;

(2) Setbacks for main and accessory buildings may vary in order to allow flexibility; however, the minimum front yard setback shall be ten (10) feet;

(3) Parking shall be provided at a ratio of four (4) off-street spaces per unit. Two (2) of the four (4) spaces must be covered; the additional two (2) spaces may be tandem and may occupy front and side yard setbacks. A minimum back up area of twenty-four (24) feet shall be provided;

(4) Densities per acre shall not exceed that allowed by the zone classification and the general plan;

(5) In the R-3 zone, a minimum density of seventy (70) percent of the maximum permitted density of the zone classification shall be provided. Exceptions to the minimum density may be granted as part of the map approval provided the development would not preclude the city from meeting its housing needs as described in the housing element of the Escondido General Plan;

(6) Access to lots may be provided by a private road easement a minimum of twenty (20) feet wide for two (2) or fewer lots subject to approval by the fire marshal and city engineer; additional easement width may be required by the fire marshal and/or city engineer based on the number of lots served and the specific project design;

(7) The development shall be comprehensively designed to incorporate appropriate and attractive architectural elements and site features that create a quality residential environment;

(8) Process. All requests for a small lot development shall be included in the project description and plans of the associated tentative parcel map or subdivision map application.

THE FOLLOWING ARTICLES ARE PROPOSED TO BE REPEALED AND RESERVED:

Article 7 – Residential Agricultural (RA) Zone

Article 8 – Residential Estates (RE) Zone

Article 10 – Single-family Residential (R-1) Zone

Article 11 – Mobilehome Residential (R-T) Zone

Article 12 – Light Multiple Residential (R-2) Zone

Article 13 – Medium Multiple Residential (R-3) Zone

Article 14 – Heavy Multiple Residential (R-4) Zone

NOTE: ARTICLE 9 – ANIMAL OVERLAY (AO) ZONE WILL REMAIN UNCHANGED.

EXHIBIT "D"

Case No. AZ 16-0005 / PHG 17-0007

Article 57. Miscellaneous Use Restrictions

Revise the following sections as shown below.

Proposed deletions are in ~~strikeout~~ font and additions are underlined.

Sec. 33-1107. Wineries.

Wineries may be permitted or conditionally permitted pursuant to Sec. 33-94 of Article 6. ~~Conditional use permits for wineries (use number 2183) may be granted by the planning commission upon consideration of the following criteria:~~

- (a) Areas not devoted to agricultural production including the primary residence, the winery, ancillary structures, parking, landscaping, storage and loading areas, excluding driveways from the main road to the facility, shall not exceed three (3) acres;
- (b) Uses not directly related to wine production, including wine tasting, retail sales of wine oriented merchandise, meeting rooms for reception and food service shall generally occur indoors, be integrated with the winery facility and shall be ancillary to the primary activity;
- (c) All winemaking operations shall generally be conducted within enclosed buildings. Structures used for the winery operation and any outdoor operation shall generally be located in the central and interior portion of the site to provide maximum separation from surrounding properties;
- (d) Wine production may include grapes and/or fruit grown off-site and delivered to the facility; and
- (e) Wine tasting, if proposed, shall only involve product produced from the on-site winery. (Ord. No. 2004-06, § 7, 4-14-04)

Sec. 33-1121. ~~Transitional housing criteria~~Reserved.

~~The following criteria shall be applied to applicants wishing to establish and maintain a transitional housing facility:~~

- ~~(a) Establishment. A management plan form shall be obtained, completed in detail, and returned to the City of Escondido housing division for review and approval. The transitional housing program management plan is a detailed analysis of how an agency intends to operate and maintain a transitional housing facility in accordance with existing city ordinances and the criteria contained in this section.~~
- ~~(b) Qualifications. The applicant shall be a qualified agency with knowledge, understanding, and demonstrable experience in the operation and management of a transitional housing facility.~~
- ~~(c) Client screening. The agency should establish a screening process, similar to standard renting procedures, which includes letter(s) of reference, verification of employment, and determination of tenant ability to pay rent. The tenants should agree to participate in the daily maintenance of the transi-~~

transitional housing facility, and in an orientation/training process provided by the facility aimed at promoting their transition toward stability.

~~—— (d) ——— Maximum client stay. Clients should be limited to a maximum stay of six (6) months.~~

~~—— (e) ——— Rent structure. The facility shall provide transitional housing at below the median rent level within the City of Escondido.~~

~~—— (f) ——— Property maintenance. The agency shall ensure that the facility is clean and litter free at all times. The grounds shall be landscaped with materials which are compatible with the surrounding neighborhood and maintained in a trim and weed free state. The structure shall be painted and maintained such that it is compatible with structures existing in the surrounding neighborhood.~~

~~—— (g) ——— Parking. There should be no more than four (4) tenant owned vehicles that are allowed to be parked at one time at the transitional housing facility/site location within single family zones. If the facility contains a garage or carport, it shall be used for its intended parking purpose. Parking shall be permitted within a driveway, provided no vehicle extends over the sidewalk. There shall be no parking within the yard setback except upon the driveway.~~

~~—— (h) ——— Agency services. The agency shall identify in the management plan the services which are available to clients off site, and shall demonstrate client's ability to transport themselves to the site where services are provided.~~

~~—— (i) ——— Lighting. Lighting shall be regulated by the provisions of Article 35, Outdoor Lighting, sections 33-710 through section 33-716, contained within this zoning code.~~

~~—— (j) ——— Noise. Noise levels shall be regulated by provisions contained within the City of Escondido noise ordinance (Ordinance No. 90-8).~~

~~—— (k) ——— Space and occupancy. Space and occupancy shall be regulated by the provisions contained within the Uniform Housing Code Chapter 5 (Space and Occupancy Standards), sections 501 through 504. (Ord. No. 92-15, § 11, 3-25-92)~~

PLANNING COMMISSION

Agenda Item No.: H.2
Date: April 25, 2017

CASE NUMBER: AZ 16-0009
APPLICANT: City of Escondido
LOCATION: Citywide
TYPE OF PROJECT: Zoning Code Amendment

PROJECT DESCRIPTION: 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.

STAFF RECOMMENDATION: Approval

BACKGROUND/SUMMARY OF ISSUES: The growth in personal wireless services, advancements in technology and the need for additional capacity has created an ever increasing demand for new wireless communication facilities and broadband capacity. Experts predict that by 2020 anywhere from 21 billion to 50 billion devices will be connected, up from about 6 billion today. With this growth and as more industries and cities become always-connected, there will be an unprecedented growth in mobile broadband and data demands, which cannot be met with today's network capacity. As a result, cities and counties throughout California have experienced an increase in the number of applications to upgrade existing wireless communication facilities (WCFs) and to install new WCFs within the public right-of-way. Wireless providers are expected to install even more facilities to improve coverage and gain user capacity. Integration of small cells and distributed antenna systems ("DAS") into existing wireless networks is essential to meet the data demands. In order to provide the necessary coverage/capacity, small cells and DAS must be densely deployed on a wide-scale basis.

Currently, the Escondido Zoning Code contains provisions for permitting WCFs within the right-of-way subject to the appropriate administrative or discretionary land-use permit, along with obtaining an encroachment permit from the Public Works Department and execution of a license and encroachment agreement by the City. The City traditionally has reviewed previous requests for a single wireless telecommunication facility on a case-by-case basis by either City staff or the Planning Commission depending on the nature and location of the facility. The Communication Antennas Ordinance (Article 34) previously was amended in 2009 to include provisions to encourage the development of wireless facilities within the right-of-way, rather than on residential properties. The approved ordinance included processing requirements based on the underlying zoning designation. At that time, the City anticipated a limited number of small wireless facilities to be located within the public right-of-way. Most right-of way installations in the years that immediately followed typically included two to three full-size antennas flush mounted onto a larger diameter replacement pole designed to resemble a street light. Supporting electrical cabinets generally were required to be installed in underground vaults to address potential aesthetic or space issues. The implementation of small cell facilities was in its early development phase at that time.

The City's current regulations lack the needed criteria to efficiently evaluate and manage the current and anticipated demand for small cell wireless facility installations within the public right-of-way. The City and the wireless industry share the same common goal to provide seamless and ubiquitous wireless coverage and capacity for the community's constituents. However, while the community's WCF users continue to embrace wireless communications, it will be important to not do so at the cost of the community's appearance or to introduce adverse impacts to their property or neighborhoods.

Therefore, the proposed modifications to Article 34 of the Escondido Zoning Code are necessary to address the long-term impact of new WCFs within the public right-of-way, and on the City's visual landscape and to locate and design facilities so they are as unobtrusive as possible. The proposed zoning code amendment also establishes a more efficient processing framework with information that facilitates the deployment process in a consistent and predictable manner.

Staff feels the issues are as follows:

1. Appropriateness of the new proposed Wireless Facilities Permit, development requirements, location preferences and processing requirements.

REASONS FOR STAFF RECOMMENDATION:

1. Staff believes the existing 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. 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 established the development of 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.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "JP", is written over the printed name "Jay Paul".

Jay Paul
Associate Planner

ANALYSIS

A. ENVIRONMENTAL STATUS

The proposed code amendment is exempt from environmental review in conformance with CEQA Guideline Section 15061(b)(3). The activity is covered by the general rule that exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. Approval of the proposed amendment to the Escondido Zoning Code would not individually or cumulatively result in the possibility of creating significant effects on the environment because the proposed amendment to the Zoning Code (Article 34) only establishes criteria to assess and process applications for the development of wireless communication facilities within the public right-of-way. The proposed zoning code amendment is not a "physical condition" that will impact the environment for the purposes of CEQA. Therefore, the proposed code amendment is not subject to CEQA under the General Rule and no further environmental review is necessary.

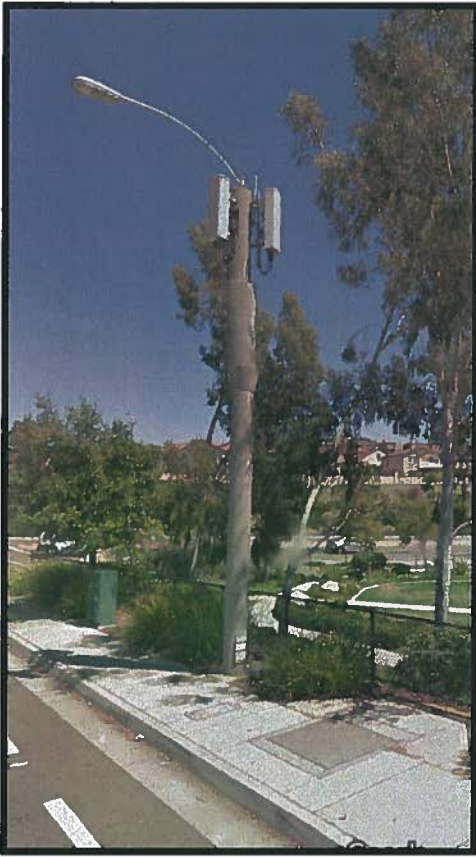
B. WIRELESS COMMUNICATION FACILITY

Wireless Communication Facilities that are installed in the public right-of-way, generally consist of the following elements:

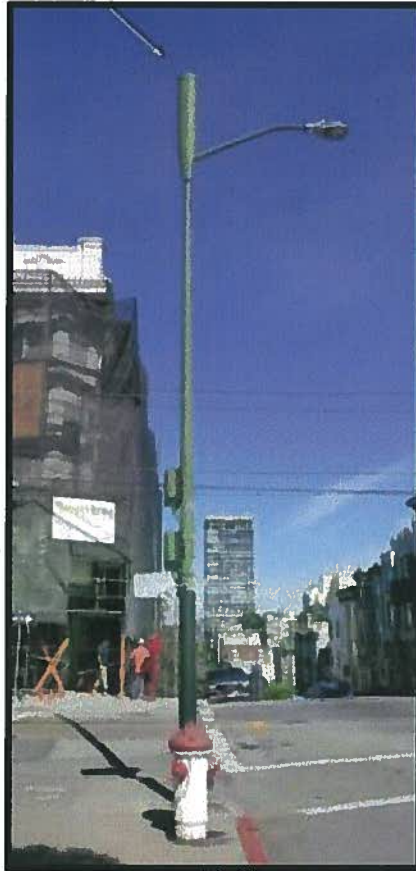
1. An antenna, which can be comprised of various types and configurations, and can be mounted on the entity's own pole, or on a pole that is owned by another entity, such as a street light owned by the City, or public utility pole.
2. A cabinet, which contains the telecommunication facility's "brain." The cabinet typically is attached to the pole where the antennas is located.
3. A ground-mounted cabinet, which provides primary or back-up power to the antenna and may be include an electric meter. In some instances, the electric meter may be attached to the pole. Existing street lights already have electric power and typically do not need a separate electric service meter as opposed to public utility poles that may not provide separate electric power or may require a separate meter.
4. Telecommunication cable. Antennas are connected by existing or planned underground fiber optic cables or overhead fiber optic cables in the case of overhead utility poles (such as SDG&E poles).

Traditional "Macro Cell" vs. "Small Cell" - The demand for wireless service does not just include traditional cell towers anymore. Traditional structures (known as "Macro Facilities") form the core of the wireless network, enabling wireless service providers to deliver voice, text and broadband communications covering larger geographic areas. Macro facilities typically are taller and generally are placed on structures over 30 feet in height and/or locations with higher ground elevation, utilizing a set of larger panel antennas and associated radio equipment mounted onto the tower. These facilities also require larger ground-mounted equipment generally housed within an equipment compound or building. Macro facilities also are typically capable of accommodating multiple wireless service providers (collocation).

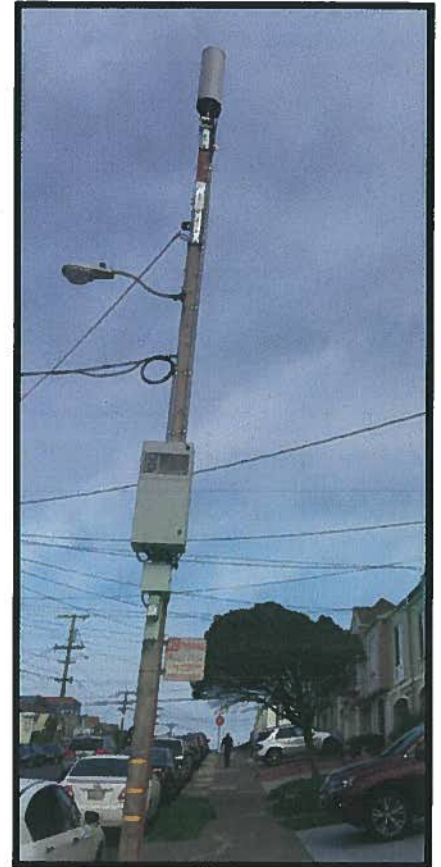
With the increase in demand, data that wireless providers would like to transmit far exceeds the capacity of their existing communications network. Installing wireless infrastructure at the precise location where it is needed improves the network and immediately benefits the community. The attachment of small wireless antennas and associated equipment on pole structures - which can include Distributed Antenna System (DAS) remote units, remote radio units and self-contained small cells - significantly improves the coverage and capacity of 3G, 4G and soon-to-be-deployed 5G wireless networks. Therefore, small cell facilities will be an important component in expanding the capacity of wireless networks to meet consumer demand as well as to fill holes in their coverage. The new small cell facility components generally are much smaller with low powered radio access nodes with a limited range designed to target a specific area. Because of their design, they would have to be deployed in more locations than the larger and taller traditional cell towers. Due to the targeted areas and small equipment needs for small cell applications, it appears the best and most efficient location for deployment will be the use of existing light poles, utility poles, traffic signals or other appropriate structures within the public right-of-way. Several non-host wireless companies (Crown Castle and Mobilitie) along with major wireless carriers (Verizon, T-Mobile, AT&T) have been working with the City regarding the implementation of their next-generation mobile networks (small cell) throughout the community.



Typical small macro facility
(Note: larger antennas and larger dia.
Pole with below ground equipment vault)



Small cell on street light
(Note: antennas mounted in radome
and radio equipment mounted lower
cabinet mounted onto pole)



Small cell on wooden utility pole
(Note: electric meter, disconnect
switch and equipment cabinet
mounted on the pole)

C. REGULATING WIRELESS COMMUNICATION FACILITIES UNDER FEDERAL LAW

Under the Federal Telecommunications Facilities Act (TCA) of 1996, a city may apply its general zoning and building requirements to the construction of new wireless telecommunication facilities. The TCA preserves the City's ability to exercise reasonable control regarding the placement, construction and design (time, place and manner) for the development of WCFs in the right-of-way. Despite federal limitations, cities historically have retained the ability to regulate aesthetic issues related to telecommunications facilities. However, federal and state law developments continue to erode that ability. The city also has certain proprietary rights over city-owned property and facilities. However, a city may not:

- Regulate based on the environmental effect of radio frequency emissions from facilities that comply with the Federal Communication Commission's (FCC) regulations and guidelines governing those emissions;
- Unreasonably discriminate between wireless service providers of functionally equivalent services;
- Prohibit wireless service; or
- Have the effect of prohibiting wireless services.

A city regulation has the effect of prohibiting wireless service when it prevents a wireless service provider from closing a significant gap in its service coverage using the least intrusive means, or imposes a regulation that effectively prohibits wireless facilities.

The latest Federal Law governing WCFs (Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012), known as the Spectrum Act, was intended to facilitate the telecommunication industry's rapid deployment of wireless infrastructure by requiring local government to approve any application that seeks to modify an existing wireless telecommunication facility that does not substantially alter the existing facility. State law also limits certain local regulation of wireless communication facilities both on private property and in the public right-of-way. State legislation (SB 1627) and FCC ruling also require a city to act on an application for a WCF within a "reasonable" amount of time and has established specific timeframe (shot clock) for processing applications. The City also cannot deny, and shall approve, any eligible facilities request for a modification of an existing wireless facility that does not substantially change the physical dimensions of such tower or base station. A decision to deny an application must be in writing and supported by substantial evidence.

Based on previous case law (Ninth Circuit in Sprint PCS Assets vs. City of Palos Verdes Estates) cities have the authority to regulate wireless facilities in the right-of-way based on aesthetics. The Ninth Circuit also determined that the California Constitution gives cities "the authority to regulate local aesthetics, and neither [California Public Utilities Code Section] 7901 nor [Section] 7901.1 divests it of that authority." The court recognized that the purpose-of public streets is not limited to travel. Streets also serve important social, expressive and aesthetic functions. Thus, time, place, and manner rules regulating access may include aesthetic considerations. Also, even though State law may permit such aesthetic regulation, the city's decision also must pass muster under federal law's significant gap analysis as discussed above.

D. HEALTH CONCERNS AND SAFEGUARDS

Potential health risks from exposure to the radio frequency (RF) electromagnetic fields generated by WCFs are a significant community concern. Accordingly, the FCC requires facilities to comply with RF exposure guidelines published in the Code of Federal Regulations (see 47 CFR §1.1307 and 47 CFR §1.1310). The limits of exposure established by the guidelines are designed to protect the public health with a very large margin of safety as they are many times below the levels that generally are accepted as having the potential to cause adverse health effects. Both the Environmental Protection Agency and Food and Drug Administration have endorsed the FCC's exposure limits, and courts have upheld the FCC rules requiring compliance with the limits.

Most WCFs create maximum exposures that are only a small fraction of the limits. Furthermore, because the antennas in a PCS, cellular, or other wireless network must be in a line-of-sight arrangement to effectively transmit, their power is focused on the horizon instead of toward the sky or ground. The FCC requires providers, upon license application, renewal, or modification, to demonstrate compliance with RF exposure guidelines. Where two or more wireless operators have located their antennas at a common location (called "collocation"), the total exposure from all antennas taken together must be within FCC guidelines. In some instances, facilities may be exempt from having to demonstrate compliance with FCC guidelines, due to their low power generation or height above ground level which is unlikely to cause exposures that exceed the guidelines.

E. GENERAL PLAN CONFORMANCE

Escondido's economy relies on innovation and providing job opportunities for the City's residents. Ubiquitous, high speed mobile broadband is proven to have a significant impact on a country's economic competitiveness and social prosperity. Existing General Plan Goals and Policies call for a "Diverse and Economically Prosperous Economy" that address the need to provide broad economic prosperity and support for businesses of all sizes, along with providing quality communication systems that enhance economic viability, governmental efficiency and equitable access for all (Mobility and Infrastructure Goals; Goal 7, page I-19 and Telecommunication Goal 7, page III-51). The proposal also is consistent with General Plan Economic Prosperity Goals (Goal 9, page I-21) to provide adequate infrastructure to support and maintain the economic vitality of Escondido businesses. Benefits of a sophisticated telecommunications system provide residents opportunities to utilize technology for establishing home offices. Telecommunication Policy 17.8 requires compatible colocation of telecommunication facilities that are designed in a manner to minimize visual impacts on surrounding uses, and Telecommunication Policy 17.9 encourages the City to work with utility companies to provide opportunities for siting telecommunication facilities on city-owned property and public right-of-ways.

F. ANALYSIS - See Attached Exhibit "B" for the proposed Ordinance modifications.

Article 34 (Communication Antennas) is available on the City's Web Site at: <http://www.gcode.us/codes/escondido/view.php?topic=33-34&frames=on>

Section 33-740(k) of Article 34 (Communication Antennas) of the Escondido Zoning Code) currently addresses the placement and design of wireless facilities within the public right-of-way. While the current provisions have worked well with the deployment of traditional wireless facilities, wireless providers desire to make the deployment of small cell facilities less burdensome and complicated as they roll out dense networks in a scalable and repeatable way. Therefore, they desire appropriate streamlining of the regulatory approval process and to allow the planning application process to support large numbers of cells by fast tracking certain approvals that conform to preset design guidelines and location preferences; batching the process for groups of wireless facilities; and decreasing the approval time and certainty for wireless facilities. However, wireless providers also play a key role in the process by proposing appropriately designed facilities from the outset, along with the submittal of complete applications with accurate project information and supporting plans and documents.

The pressures on regulatory and planning agencies continue to mount as large numbers of sites need to be identified and approved, planning permissions secured and other requirements, such as aesthetics and power limits, satisfied. Although the community continues to support wireless facilities, potential concerns may occur regarding the placement of wireless facilities close to sensitive users. Residents generally have a lower tolerance for new poles but a higher tolerance for new and smaller cabinets within the public right-of-way because many utility companies, as well as the City, install cabinets within the right-of-way. The most controversial aspects of a new facility usually are the antenna and the pole.

In order to balance the needs of the wireless providers and to avoid potential negative visual, neighborhood compatibility, and health and safety concerns; staff has proposed the following modifications:

Support Structures: The existing right-of-way provisions and proposed regulations continue to encourage new wireless facilities to be located on existing street lights, which reduces the potential visual impacts to the surrounding area because electrical service already is provided which eliminates the need to provide an additional electrical meter and disconnect on the pole. The telecommunication cables (fiber optic conduits and/or cables) have been installed underground in certain areas of the City to support the existing and proposed network or will need to be installed to support the new facilities. Installation on existing utility poles generally requires additional overhead wires to be added to support the network. Wireless facility providers also would be allowed to provide new replacement poles of substantially the same height and design as other poles throughout the neighborhood or new non-replacement poles to supplement existing street lights, but these are not preferred. Therefore, the applicant must demonstrate that the preferred poles are not available or feasible to support their facility in order to utilize a less preferred support structure. The siting of wireless facilities along the non-classified residential streets and along the front yard of residential properties is discouraged.

Design Criteria: The design criteria for small cell facilities have been modified to address siting, aesthetics, size, number of panels that can be mounted onto a structure, and height of the facility. The requirements also include additional separation requirements (300 ft. radius in residential areas) to avoid the visual clutter and proliferation of the facilities within residential neighborhoods. The regulations also require undergrounding of equipment where feasible to further reduce visual impacts and conflicts with existing facilities within the public right-of-way.

Wireless Facility Permits and Process: The proposed Ordinance establishes a new permit for the public right-of-way installation (Wireless Facility Permit). A new application form and supplemental submittal requirements will be developed by the Planning Division to be used for the submittal of new applications for wireless facilities within the public right-of-way. While all WCFs will require some sort of discretionary review/or approval, the proposed Ordinance provisions encourage location and design guideline compliance which call for well-designed and sited facilities that meet the goals of the Ordinance. Applicants can expect a tiered permit system where the level of staff and public review of the facility proposal will depend on how well a facility is sited and how unobtrusive it is in appearance to the viewing public. An administrative permit will be required for all proposed wireless facilities that conform with the requirements of Communication Antennas Ordinance and Wireless Guidelines. Administrative Permits are subject to review and approval by the Director of Community Development. However, the Director also has the discretion to elevate any request to a Conditional Use Permit to be considered by the Planning Commission at a public hearing. A Conditional Use Permit would be required for any

facility that is not subject to an Administrative Permit or for facilities in discouraged locations and those not in conformance with the Ordinance regulations. Additional findings also are required for the approval of a Conditional Use Permit for a wireless facility in the public right-of-way.

Staff currently is working on a separate document to supplement the City's right-of-way requirements for WCFs that will include more specific design guidelines for the siting and development of wireless facilities in the public right-of-way, along with permitting, application submittal requirements and standard conditions of approval. These guidelines will be considered at a public hearing at a later date.

EXHIBIT "A"

FACTORS TO BE CONSIDERED AZ 16-0009

Zoning Code Amendment

1. Approval of the amendment to Article 34 (Communication Antennas) will not be detrimental to the public health, safety, or welfare or injurious to the property or improvements in the zone or vicinity in which the property is located because Personal Wireless Communication Facilities currently are allowed within the public right-of-way along all zones throughout the City. The proposed amendment further clarifies standards for the development of wireless facilities within the right-of-way; modifies and streamlines the review process by creating a new Wireless Facility Permit; and established clear Design Guidelines for wireless communication facilities within the public right of way. All facilities would continue to be required to conform to FCC Guidelines for Evaluative the Environmental Effects of Radiofrequency Radiation. No development project is proposed.
2. The properties/zones involved are suitable for the uses permitted and would not be detrimental to surrounding properties because the proposed the public right-of-way can adequately accommodate wireless communication facilities and the amendment only includes appropriate processing development standards and processing requirements to evaluate the appropriateness of a proposed wireless facilities proposed within the public right-of-way.
3. Escondido's economy relies on innovation and providing job opportunities for the City's residents. Ubiquitous, high speed mobile broadband is proven to have a significant impact on a country's economic competitiveness and social prosperity. The proposed amendment would be consistent with General Plan Goals and Policies that call for a "Diverse and Economically Prosperous Economy" that address the need to provide broad economic prosperity and support for businesses of all sizes. General Plan Mobility and Infrastructure Goals (Goal 7, page I-19 and Telecommunication Goal 7, page III-51) call for providing quality communication systems that enhance economic viability, governmental efficiency and equitable access for all. The proposed amendment also is consistent with General Plan Economic Prosperity Goals (Goal 9, page I-21) to provide adequate infrastructure to support and maintain the economic vitality of Escondido businesses. Telecommunication Policy 17.8 requires compatible colocation of telecommunication facilities that are designed in a manner to minimize visual impacts on surrounding uses, and Telecommunication Policy 17.9 encourages the City to work with utility companies to provide opportunities for siting telecommunication facilities on city-owned property and public right-of-ways.
4. The proposed code amendment is exempt from environmental review in conformance with CEQA Guideline Section 15061(b)(3). The activity is covered by the general rule that exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. Approval of the proposed amendment to the Escondido Zoning Code would not individually or cumulatively result in the possibility of creating significant effects on the environment because the proposed amendment to the Zoning Code (Article 34) only establishes criteria to assess and process applications for the development of wireless communication facilities within the public right-of-way. The proposed zoning code amendment is not a "physical condition" that will impact the environment for the purposes of CEQA. Therefore, the proposed code amendment is not subject to CEQA under the General Rule and no further environmental review is necessary.
5. The proposed zoning code amendment would not affect any specific plans.

EXHIBIT "B"

Proposed Amendment to Section 33-704 (k) pertaining to Personal Wireless Service Facilities in the Right-of-Way.

- (k) Public Right-of-Way. All requirements of this Article shall apply to the placement, construction, modification, reconstruction, or repair of any personal wireless service facilities proposed within the public right-of-way, except to the extent precluded by state or federal law. The following general requirements also shall apply:
- (1) All personal wireless service facilities must comply with the City's requirements for an encroachment permit as set forth in Chapter 23 of this code and any guidelines adopted pursuant to this Article. All applicants shall enter into a license agreement as provided by the City to the extent the facility is proposed to be located on City facilities.
 - (2) Personal wireless service facilities in the right-of-way shall be installed on existing street light poles or substantially similar replacement poles in the same location. Where it has been demonstrated that it is not feasible to locate on an existing street light or similar replacement pole, a wireless facility may install a new streetlight to supplement existing lighting. New or replacement street light poles shall be designed to resemble the appearance and dimensions of a street light typical of the surrounding neighborhood, including size, height, color, materials and style, whenever feasible. Where it has been demonstrated that it is not feasible to locate on a new streetlight, a wireless facility may locate on an existing traffic signal, utility pole, or bus stop. The installation of a new structure, that is not a street light, may be permitted by conditional use permit. The installation of a new wooden pole is not permitted.
 - (3) All personal wireless service facilities in the right-of-way shall be sited in order to minimize potential visual and compatibility impacts with adjacent properties. In residential areas, placing wireless facilities along non-classified residential streets and along the front yard of residential properties should be avoided. Wireless facilities must be designed to be visually unobtrusive with design elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses. The equipment must be painted or textured to match the color or surface of the structure on which they are attached, or otherwise screened to reduce their visibility.
 - (4) No more than one panel antenna may be mounted on a single pole or structure. No antenna may exceed two feet in length. Panel antennas shall be vertically mounted to a pole or support structure in compliance with any applicable separation requirements. An antenna enclosure attached to the top of a utility pole or street light shall be cylindrical in shape, shall be not exceed four feet in height and shall not have a diameter greater than the diameter of the pole. New street lights or replacement poles must match the height and design of the existing street light in the same neighborhood. In no case shall a new wireless facility exceed 35 feet in height. The antennas and other related equipment shall be mounted as close to the pole as possible, with no more than a four-inch gap, to minimize impacts to the visual profile. Pole-mounted equipment, exclusive of antennas, shall not exceed six cubic feet in dimension. Pole-mounted equipment and antennas shall not extend eight inches from the pole in any direction. All conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the extent feasible.

- (5) The spacing between existing poles and new personal wireless service facilities must avoid visual clutter and maintain the existing character of the surrounding neighborhood. In residential areas, no wireless facility may be located within a 300-foot radius of any other wireless facility within the right-of-way, except in the case of a permitted collocation facility that does not result in a substantial increase in size.
- (6) No personal wireless service facility may be located within the right-of-way where there are no overhead utility facilities or streetlight poles unless permitted pursuant to a conditional use permit. No new overhead wires shall be allowed in areas where undergrounding of utilities has occurred or is anticipated.
- (7) All other non-antenna equipment associated with the personal wireless service facility shall be placed underground, except any required electric meter or disconnect switch associated with an installation on an existing utility pole. Equipment shelters shall not be allowed in the public right-of-way where their presence would interfere with existing uses or infrastructure, and shall be located as to minimize impacts to neighborhood aesthetics, pedestrian access, and vehicular site distance and safety.
- (8) **Wireless Facility Permits.** All new personal wireless service facilities proposed within the right-of-way, collocations or modifications to existing wireless facilities shall require the issuance of a wireless facility permit. The Director may establish the forms and submittal requirements to implement the requirements of this Article. The Director may refer any application for a wireless facility permit to the Planning Commission for consideration at a noticed public hearing.
 - (A) **Administrative Permit.** All proposed facilities which meet all the requirements in this Article and any adopted guidelines may be processed through an Administrative Wireless Facility Permit. The Director shall determine whether an application meets the requirements of this Article and any adopted guidelines. The application shall follow the procedures and fees for a Plot Plan and design review.
 - (B) **Conditional Use Permit.** All other proposed facilities that the Director determines do not meet the requirements of this Article or any adopted guidelines must be processed through a conditional use permit. The applicant must pay any necessary application fees in accordance with a conditional use permit application.
 - (C) **Planning Commission findings.** In addition to the findings in Section 33-1203, the Planning Commission must also make the following findings in approving a conditional use permit for a personal wireless service facility:
 - I. That the applicant has demonstrated that the site is necessary to close a significant gap in service;
 - II. That the location proposed conforms to the requirements of this Article and any adopted guidelines to the maximum extent possible;
 - III. That the design proposed conforms to the requirements of this Article and any adopted guidelines to the maximum extent possible;
 - IV. That the applicant has demonstrated a good-faith effort to identify and evaluate more preferred locations and that alternative locations are not feasible or potentially available; and

- V. That the applicant has provided a meaningful comparative analysis that demonstrates that no alternative technology or other alternatives are feasible to comply with the design or placement requirements of this Article, and any adopted guidelines.
- 9. The City Council may, by resolution, establish additional criteria and guidelines for the location, operation, design and review of personal wireless service facilities in the public right-of-way.

Wireless Ordinance Comparison San Diego Jurisdictions

Jurisdiction	Wireless Ordinance	Right-of-Way Standards	R-O-W Design Requirements
Carlsbad	No: Adopted detailed Council Policy No. 64 for Wireless Communication Facilities	Yes	Antenna assembly not to exceed height of pole Antennas shall be vertically mounted and shall not exceed 8 inches in distance from pole to front side of panel No more than 4 panel antennas and 2 omni-directional antennas mounted onto a pole
Chula Vista	No. Zoning Code references radio transmission towers with CUP or Minor CUP in certain zones	No	
Coronado	No. Referred to as antenna tower or antenna mast, subject to underlying zoning regulations and Design Review Commission approval	No.	
County	Yes	Yes	Antennas cannot project more than 2 feet above support structure (i.e., light pole) No more than 2 antennas allowed on a site Equipment cabinets no larger than 6 cubic feet
Del Mar	No. Allowed with CUP in limited zones	No	
El Cajon	Yes. CUP required for monopoles in all zones	No.	
Encinitas	Yes	No	
Escondido	Yes	Yes	
Imperial Beach	Yes	No	
La Mesa	No. Have separate Wireless Design Guidelines. City Council approval required for wireless facilities	No	

Lemon Grove	No. Referred to as communication in zoning code and allowed within certain zones subject to varying permits.	No		
National City	Yes. Allowed with CUP in limited zones	No		
Oceanside	Yes	No		
Poway	No. Poway has no wireless regulations in zoning code	No		
San Diego	Yes, including separate design guidelines	Provided in Wireless Communication Facility Guidelines		24 inch or smaller antenna and one equipment cabinet for small cells Equipment cabinet may not exceed 7 cubic feet Antennas to be mounted no more than 4 inches from pole for full size antennas (Macro Facilities) and no downtilt
San Marcos	Yes	Yes		Contains location and design preferences for antennas and equipment Antennas not to exceed 4' above street light or traffic standard Panel antennas mounted to pole not to extend more than 6" from the pole in any direction Wooden poles – horizontal antenna mount not to extend more than 5' from pole No more than 4 panel antennas or 2 omni-directional (whip antennas) on any pole
Santee	Yes	No		
Vista	No, Draft Ordinance being developed	Draft Ordinance contains R-O-W standards		No specific antenna design, size or height requirements



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

Notice of Exemption

To: San Diego County Clerk/Recorder's Office
Attn: Fish and Wildlife Notices
1600 Pacific Hwy. Suite 260
San Diego, CA 92101
MS: A-33

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

Project Title/Case No.: AZ16-0009 (Communication Antenna Ordinance)

Project Location - Specific: Citywide

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

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

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Jay Paul, Associate Planner (City of Escondido Planning Div.) Telephone: (760) 839-4537

Address: 201 N. Broadway, Escondido, CA 92025

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

Exempt Status: Categorical Exemption CEQA Section 15061(b)(3) "General Rule"

Reasons why project is exempt:

The proposed code amendment is exempt from environmental review in conformance with CEQA Guideline Section 15061(b)(3). The activity is covered by the general rule that exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. Approval of the proposed amendment to the Escondido Zoning Code would not individually or cumulatively result in the possibility of creating significant effects on the environment because the proposed amendment to the Zoning Code (Article 34) only establishes criteria to assess and process applications for the development of wireless communication facilities within the public right-of-way. The proposed zoning code amendment is not a "physical condition" that will impact the environment for the purposes of CEQA. Therefore, the proposed code amendment is not subject to CEQA under the General Rule and no further environmental review is necessary.

Area Code/Telephone/Extension (760) 839-4537

Signature: _____
Jay Paul, Associate Planner

Date

☒ Signed by Lead Agency

Date received for filing at OPR: N/A

☐ Signed by Applicant