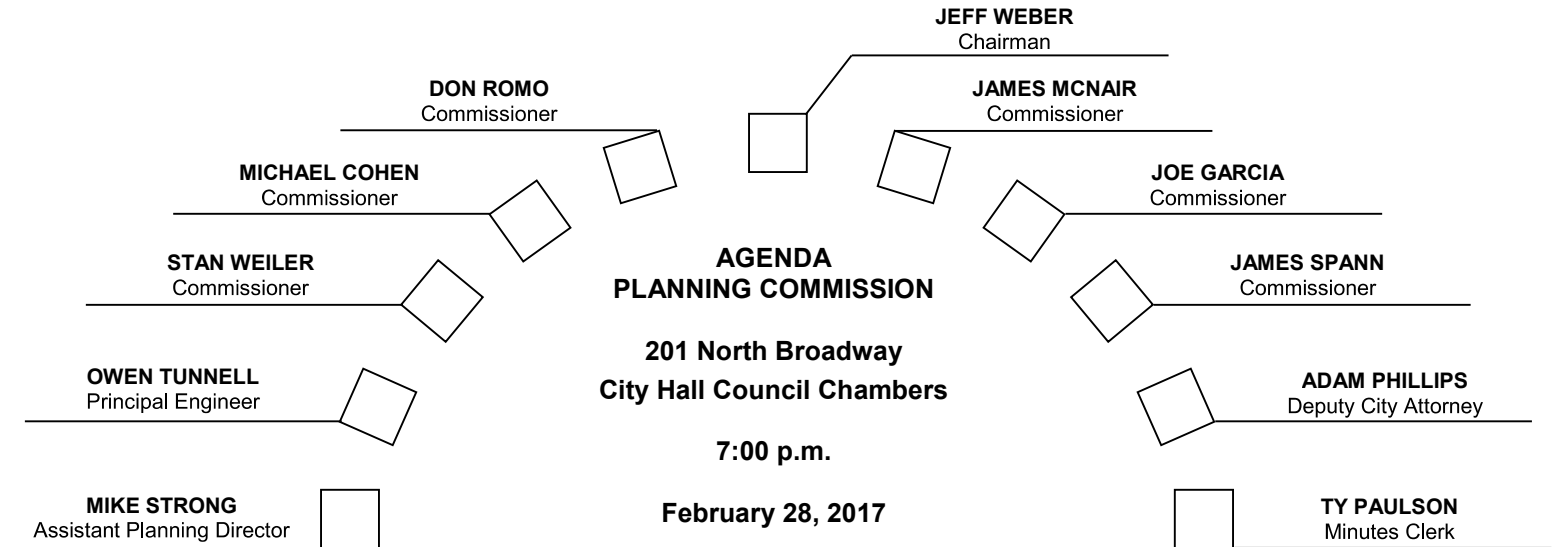


CITY OF ESCONDIDO

Planning Commission and Staff Seating



- A. CALL TO ORDER: 7:00 p.m.
- B. FLAG SALUTE
- C. ROLL CALL:
- D. MINUTES: 02/14/17
- E. SELECTION OF CHAIR AND VICE-CHAIR (Cont. from 2/14/17)

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.

F. 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

G. 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.

H. PUBLIC HEARINGS:

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

1. PRECISE DEVELOPMENT PLAN MODIFICATION – PHG 17-0003:

REQUEST: A modification to the Precise Development Plan for the Escondido Hills Plaza to revise the comprehensive sign program to allow for internally illuminated cabinet type signs with push through letters for all shop tenants. The existing internally illuminated monument sign also is proposed to be modified to provide new center identification and tenant panels, and a finished base. The overall height and size of the sign would remain the same. The proposal also includes adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: 555 West Country Club Lane

ENVIRONMENTAL STATUS: The proposal is Categorically Exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15301(a)(g), Class 1, "Existing Facilities," and Section 15311(a) "On Premise Signs."

APPLICANT: Escondido Hills Plaza

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

2. ZONING CODE AMENDMENT – AZ 16-0010:

REQUEST: An amendment of the Escondido Zoning Code (EZC) to streamline various review processes including the Conditional Use Permit (CUP) process by establishing a Minor CUP and clarifying requests that would be subject to a minor CUP; expanding the review authority of the Zoning Administrator to include minor CUPs, reasonable accommodation and environmental documents; identifying additional requests available under the existing administrative adjustment process; and clarifying the Plot Plan review process. Included are other minor amendments needed to support these code changes and update references. Changes are proposed to EZC Articles 1, 16, 26, 39, 55, 57 and 61. 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.

1. Precise Development Plan ([Case No. PHG 16-0024](#)) to remodel several suites within the Del Norte Plaza shopping center to accommodate a new 25,173 SF Ross Dress for Less store.

Location: 334 W. El Norte Pkwy

Applicant: Kimco (for Ross Dress for Less)

2. 2016 GENERAL PLAN ANNUAL PROGRESS REPORT ([Case No. MISC 17-0001](#))
Review the Annual Progress Report on the implementation of the General Plan, including the Housing Element Report.

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**

February 14, 2017

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

Commissioners present: Michael Cohen, Commissioner; Joe Garcia, Commissioner; James McNair, Commissioner; Don Romo, Commissioner; James Spann, Commissioner; and Stan Weiler, Commissioner.

Commissioners absent: Jeffery Weber, Chairman.

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

Selection of Interim Chair:

In the absence of a Chair and Vice-chair, the Commission was asked to select a provisional Acting Chair to preside over the February 14, 2017 meeting.

ACTION:

Moved by Commissioner Weiler, seconded by Commissioner Garcia, to nominate Commissioner Romo as interim Chair. Motion carried unanimously. (6-0)

SELECTION OF CHAIR AND VICE CHAIR

ACTION:

Moved by Interim Chair Romo, seconded by Commissioner Spann, to continue the Selection of the Chair and Vice-chair to the February 28, 2017 meeting. Motion carried unanimously. (6-0)

MINUTES:

Moved by Commissioner Spann, seconded by interim Chair Romo, to approve the minutes of the January 24, 2017, meeting. Motion carried. Ayes: Weiler, Cohen, Romo, Garcia, and Spann. Noes: None. Abstained: McNair. (5-0-1)

WRITTEN COMMUNICATIONS – Received.

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS: – None.

Taken out of Order.

CURRENT BUSINESS:

1. Determination of Substantial Conformance (PHG 16-0023; SUB 14-0018):

REQUEST: Determination of Substantial Conformance for revisions to a one-lot Tentative Subdivision Map and Modification to a previously approved Precise Development Plan to develop a 63-unit attached three-story condominium project within the Planned Development-Residential Zone.

Location: 2516 S. Escondido Blvd.

Jay Paul, Associate Planner, referenced the staff report and noted staff issues were the appropriateness of the project design elements and whether adequate setbacks, parking and open space have been provided for the proposed development, and whether the Tentative Subdivision Map is in substantial conformance with the approved Tentative Map. Staff recommended approval based on the following: 1) The overall mass, scale and design of the proposed residential buildings are approximately similar to the previously approved Planned Development that was approved by the City Council; and are comparable to the existing residential development on the north (Urbana). The project has been designed to function almost as a second phase to the adjacent condominium development on the north by incorporating a similar building style with the buildings located in a manner that allows view corridors to remain through the site. Staff believes the modified design is appropriate for the site because the development provides an increased amount of on-site parking to suit the needs of residents and guests. A variety of open space areas have been provided and distributed throughout the project site that would provide for increased active recreational and passive recreational opportunities. The proposed project design modifications and variety of features would continue to provide a quality environment for the

residents; and 2) The revised Tentative Subdivision Map would be considered in substantial conformance with the previously approved Tentative Subdivision Map because the number of lots and density of the project have not been increased; the project continues to proposed condominium/townhome type development; and the grading design and pad elevations, internal street layout, storm water design and frontage street improvements are similar in design.

Commissioner Weiler and staff discussed the proposed setbacks, guest parking, and potential on-street parking on Cranston.

Rick Puffer, Vice-President Lyon Homes, thanked staff for their presentation. He noted that his team was available for questions. He also stated that they had increased the parking for the project.

Commissioner Weiler asked if the units were intended to be for sale condos. Mr. Puffer replied in the affirmative. He also stated that the Contempo project worked well, feeling that the subject project would do even better with the new design.

Interim Chair Romo expressed his concern with parking and traffic-related issues along South Escondido Boulevard in the area of the subject project.

ACTION:

Moved by Commissioner Spann, seconded by Commissioner Weiler, to approve staff's recommendation. Motion carried unanimously. (6-0)

PUBLIC HEARINGS:

1. PRECISE PLAN MODIFICATION – PHG 16-0021:

REQUEST: A modification to a Precise Development Plan to amend the previously adopted Comprehensive Sign Program for the Promenade Commercial Center. The amendment would consolidate all previous amendments to the Sign Program into an updated document; clarify and update the requirements for wall, window, canopy and temporary signage; and allow for additional sign panels on various freestanding pylon signs. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: Escondido Promenade Shopping Center generally located on the northern side of Ninth Avenue, eastern side of Auto Park Way, west of Interstate 15, addressed as 1200 Auto Park Way.

Jay Paul, Associate Planner, referenced the staff report and noted whether the proposed changes to the Comprehensive Sign Program are appropriate for the shopping center. Staff recommended approval based on the following: 1) Staff believes the proposed modifications to the comprehensive sign program are appropriate because they would not be out of scale with the existing sign program and size of the center, or the overall design of the subject buildings. The modified provisions would allow for additional flexibility in the design and size of signs based on the allowable sign area and compatibility with the scale and proportions of the individual buildings. The proposed modifications also would provide additional flexibility in the design for individual tenants and suite sizes, while still providing for a well-designed and cohesive program for the center to ensure the continued quality of the signs.

Commissioner Weiler and staff discussed the allowable wall signage with respect to the Target signage, and modifications to the Carl's Jr. signage. Additional discussion ensued regarding clarifying Item b on Page 23 of the staff report.

Mr. Paul noted that Target did not require landlord approval for signage but did require City approval.

Commissioner Cohen and staff discussed the proposed modifications to the monument signage and temporary signage requirements.

Commissioner Romo expressed his concern with setting a precedent for allowing temporary signage on a yearly basis.

Commissioner Weiler and staff discussed what constituted a super graphic.

ACTION:

Moved by Commissioner McNair, seconded by Commissioner Spann, to approve staff's recommendation. Motion carried unanimously. (6-0)

2. ZONING CODE AMENDMENT – AZ 16-0010:

REQUEST: An amendment of Article 19 of the Escondido Zoning Code (Ezc) to simplify the Planned Development entitlement process by eliminating the preliminary plan component and clarifying the level of review for different types of modifications. The amendment would also re-organize the code sections, remove redundant text and update references. The proposal also includes the adoption of the environmental determination prepared for the project. No development project is proposed.

PROPERTY SIZE AND LOCATION: Citywide.

Rozanne Cherry, referenced the staff report and noted that staff recommended approval based on the following: 1) The proposed amendments to the Zoning Code implement another 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;” 2) The proposed amendment to the Zoning Code would increase efficiencies and streamline existing Planned Development review processes by eliminating the Preliminary Plan stage; 3) The elimination of the requirement for a Preliminary Plan would eliminate the required application fee and thereby reduce the total Planning application fees required to process a planned development project; and 4) Amending the review authorities for different levels of planned development modifications as proposed would increase efficiencies by providing more flexibility in scheduling meetings or hearings.

Commissioner Weiler and staff discussed the protocol for bringing items to the Planning Commission. Mr. Martin noted items could be elevated to the Planning Commission.

Interim Chair Romo and Mrs. Cherry discussed the protocol for minor changes in a development plan.

ACTION:

Moved by Interim Chair Romo, seconded by Commissioner Cohen, to approve staff’s recommendation. Motion carried unanimously. (6-0)

3. ZONING CODE AMENDMENT – AZ 16-0001:

REQUEST: Amendment to the Escondido Zoning Code (EZC), Article 67, to bring City regulations of density bonus applications into compliance with recent State law changes. California Government Code Section 65915, also known as Density Bonus Law, requires cities and counties in the State of California to allow specified density bonuses, incentives and concessions to projects that provide either housing for seniors and other targeted households, or for individuals of low-income, very low-income, or of moderate-income in common interest developments. Density Bonus Law requires cities and counties to specify how compliance with Government Code Section 65915 will be implemented. The proposed EZC amendment fulfills this state-mandated requirement. No development project is proposed.

PROPERTY SIZE AND LOCATION: Citywide.

Mike Strong, Assistant Planner Director, referenced the staff report and noted staff recommended approval based on the following: 1) The purpose of the proposed amendment is to specify how compliance with Government Code Section 65915 will be implemented by the City, as required by Government Code Section 65915(a); and 2) It is the intent of the City to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the Escondido Housing Element.

Discussion ensued regarding a clarification of the area median income (\$65,000+). Additional discussion ensued regarding a clarification of the density bonus law and the benefits of affordable housing being near transportation hub.

ACTION:

Moved by Commissioner Weiler, seconded by Commissioner Cohen, to approve staff's recommendation. Motion carried unanimously. (6-0)

4. ZONING CODE AMENDMENT – AZ 16-0007:

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

PROPERTY SIZE AND LOCATION: Citywide.

Mike Strong, Assistant Planner Director, referenced the staff report and noted staff recommended approval of the proposed Resolution, recommending that the City Council adopt, with any suggested edits, amendments to Articles 1, 7, 8, 10, 12, 13, 14, 39, 65, and 70 of the Zoning Code, for the following reasons: 1) The proposed amendments to Article 70 of the Zoning Code address recent changes in State law and provide use and development standards to implement relevant State law requirements. (Any local ordinance adopted prior to January 1, 2017 that is not in compliance with the changes to Accessory Dwelling Unit law are null and void.); 2) Proposed amendments to other code sections help maintain internal consistency between various code sections. They are ancillary to the focused amendments to Article 70 (i.e. they are minor and technical in nature); and 3) It is

the intent of State law that any Accessory Dwelling Unit Ordinance ordinances adopted by local agencies are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create Accessory Dwelling Units in zones in which they are authorized. The proposed amendments would help facilitate Accessory Dwelling Unit construction for homeowners to meet current and future housing needs.

Commissioner Weiler questioned whether the replacement parking had to be covered. Mr. Strong replied that replacement parking could be provided as covered or uncovered in accordance with recent state law changes. He also stated that requiring parking for a second dwelling unit could be waived if it was located within walking distance to transit, as well as other factors as described in state law.

Commissioner Weiler disagreed with the State's position but did agree with second dwelling units serving a beneficial purpose.

Commissioner Spann expressed his concern with the State's mandates and was opposed to garage conversions not requiring covered parking. He felt the City needed to review alternatives. He then questioned whether a property's tax base would be increased upon a garage conversion. Mr. Strong replied in the affirmative.

Interim Chair Romo felt that parking associated with second dwelling units needed to be carefully considered.

Commissioner Spann and staff discussed size requirements for second dwelling units.

Commissioner Weiler expressed his concern with the intrusion of vehicles on the street scene with second dwelling units.

Commissioner Spann expressed his concern with outdoor storage increasing with garage conversion and suggested implementing fines for excessive outdoor storage.

Commissioner Weiler suggested this item be continued in order for staff to come back with some follow-up discussion and action items.

Roy Garrett, Escondido, noted that he and his wife had rentals but had no garage conversions. He stated that the best rental scenario was when there were two units on one lot, noting this allowed for lower rents. He indicated that it was very difficult, if not impossible, to obtain a loan to construct a second dwelling unit. He elaborated that the square footage of a second dwelling unit in many instances was too small to qualify for decent affordable housing. Mr. Garret felt one of the biggest wastes was

back yards and especially those that backed up to alleys where second dwelling units could be provided. He also felt the ordinance needed more review with public input.

ACTION:

Moved by Interim Chair Romo, seconded by Commissioner Cohen, to continue Item H.4 to the March 14, 2017 Planning Commission meeting in order to continue the discussion of the draft ordinance and review additional policy related issues. Motion carried unanimously. (6-0)

ORAL COMMUNATIONS: None.

PLANNING COMMISSIONERS: No comments.

ADJOURNMENT:

Interim Chairman Romo adjourned the meeting at 9:07 p.m. The next meeting was scheduled for February 28, 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: February 28, 2017

CASE NUMBER: PHG 17-0003

APPLICANT: Escondido Hills Plaza

LOCATION: 555 Country Club Lane (APN 224-610-08)

TYPE OF PROJECT: Modification to a Precise Development Plan

PROJECT DESCRIPTION:

A modification to the Precise Development Plan for the Escondido Hills Plaza to amend the previously adopted Sign Program to consolidate all previous amendments into an updated document; clarify and update the requirements for wall and window signage; allow for internally illuminated signs; and redesign of the existing 15-foot-high freestanding sign.

STAFF RECOMMENDATION: 1. Approval of the Sign Program; 2. Provide recommendation on two design options for the new pylon sign design.

GENERAL PLAN DESIGNATION/TIER: Planned Commercial (PC)

ZONING: Planned Development Commercial (PD-C)

BACKGROUND/SUMMARY OF ISSUES:

As part of the original Master and Precise Plan approval for the neighborhood shopping center in 1977 (76-66-PD), signage was to be kept to a minimum, be constructed with carved wood or hand-crafted metal, and to be indirectly illuminated. While the Plaza is part of the Escondido Hills Master Development Plan and zoned PD-C (Planned Development Commercial) the center is designed in accordance with CN (Neighborhood Commercial) development requirements. The sign program has been amended over the years to allow for additional signage on the western elevation of the center (facing Centre City Parkway) along with an existing internally illuminated 15-foot-high, 120 SF freestanding sign.

Although the sign program has been amended previously to allow for more signs, there was no previous attempt to renovate their aesthetic quality and keep the design up to date with sign design technologies or other marketing innovations. Subject to the provisions of Article 19 of the Escondido Zoning Code (Planned Development Zone) a project proponent can request a modification to the planned development design, and all applicable standards provided therein, subject to Planning Commission approval. The shopping center owner is requesting to update the shopping center sign standards in order to provide a more uniform internally illuminated type of tenant identification signage in conformance with the CN sign standards; consolidate all of the previous amendment to the sign program into an updated program; and to upgrade the existing and dated internally illuminated pylon sign to include a coordinated color scheme with matching tenant panels and decorative posts.

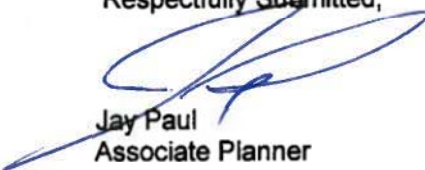
Staff feels the issues are as follows:

1. Whether the proposed changes to the sign program are appropriate for the shopping center.

REASONS FOR STAFF RECOMMENDATION:

1. Staff believes the proposed modifications to the sign program are appropriate because the new signs would not be out of scale with the existing size of the center and suite frontages. The modified provisions would allow for an upgraded, uniform and more visible type of sign for each tenant space that is compatible with the design of the building, while still providing for a well-designed and cohesive program for the center to ensure the continued quality of the signs and overall character of the center.

Respectfully Submitted,



Jay Paul
Associate Planner

ANALYSIS

B. ENVIRONMENTAL STATUS

The proposed project is categorically exempt from environmental review in conformance with CEQA Sections 15301(a)(g), "Existing Facilities;" and 15311(a) 'Accessory Structures" for on premise signs. CEQA provides an exemption for projects related to interior or exterior alterations; new copy on existing on- and off-premise signs; and for accessory structures such as on premise signs. In staff's opinion, the proposed project would not have a significant impact to the environment. All project related issues remain resolved through compliance with code requirements, project design, and the recommended conditions of approval.

C. CONFORMANCE WITH CITY POLICY

General Plan

The General Plan land-use designation for the Escondido Hills Plaza is Planned Commercial (PC). The Escondido Hills Plaza is a small neighborhood commercial center with architectural features consistently maintained to ensure a high quality cohesive design and to be compatible with the surrounding residential development. The proposed signage program relates well to the physical appearance of the commercial center and is uniform in scale and proportion to the exterior appearance of the buildings. The project as proposed would comply with all applicable General Plan policies.

D. PROJECT ANALYSIS

Wall Signage

Wall signage for the center is based on the CN zone sign regulations that allows one SF of signage for every 50 SF of floor area, with no one sign to exceed 100 SF and maximum aggregate sign area of 300 SF for any single tenant. The sign criteria in the originally adopted Precise Development Plan for the center in 1977 included a requirement for each tenant to have a carved wooden sign that could be indirectly lit. The original sign program did not provide for internally illuminated signs, but they have been incorporated into the center over the years. The center does not provide a traditional sign band along each suite frontage so the individual signs must hang below the roof eave line. There are some suites that do not have the covered walkway along their respective suite and can attach their signs to the exterior wall (i.e., portions of 7-11 and Round Table Pizza). The center's owner feels the existing wooden signs are dated; do not provide a consistent look throughout the center anymore with the mix of wooden signs; and do not provide enough visibility for the individual tenants during the nighttime hours. Therefore, the owner is requesting to modify the sign program to allow for a uniform type of internally illuminated can-style sign, but would include a more upgraded look utilizing push-through letters rather than the more traditional type smooth plex face with vinyl letters. The new signs would be oval in shape with either a brown or green background. Logos also could be incorporated into the sign area. Some of the signs might be replaced in the near future, with the remaining signs replaced when a suite is occupied by a new tenant, or at the existing tenant's discretion. The new signs also would be installed under the eave line for select suites, and on walls where available. Staff feels the new internally illuminated wall signs would not be out of character for the center and are kept to a minimum as limited by the Sign Program size and location requirements for each tenant, and also would be in conformance with the CN sign standards.

Existing Freestanding Pylon Sign

The shopping center includes a previously approved 120 SF, internally illuminated, 15-foot-high freestanding pylon sign at the corner of Country Club Lane and Village Road. The sign contains one large panel for the major tenant in Suite A (7-11), along with 10 smaller panels for the remaining tenants and center identification. The owner would like to update the entire face of the sign to provide a uniform design for the center identification, major tenant, and smaller tenant panels (green background with white letters). The major tenant would have a reverse color (white background with green letters) in order to stand out, but would utilize the same color scheme. The white background would need to be opaque with the light coming through the green "Major Tenant" letters along with any associated Logo (7-11). The applicant has prepared two design options for the pylon sign for Planning Commission consideration that would be the same size as the existing sign (15 feet in height and 120 SF sign area) and utilize the existing support poles clad in a new stone veneer. Option A would include a solid base and include the center's address, while Option B would not include the finished base.

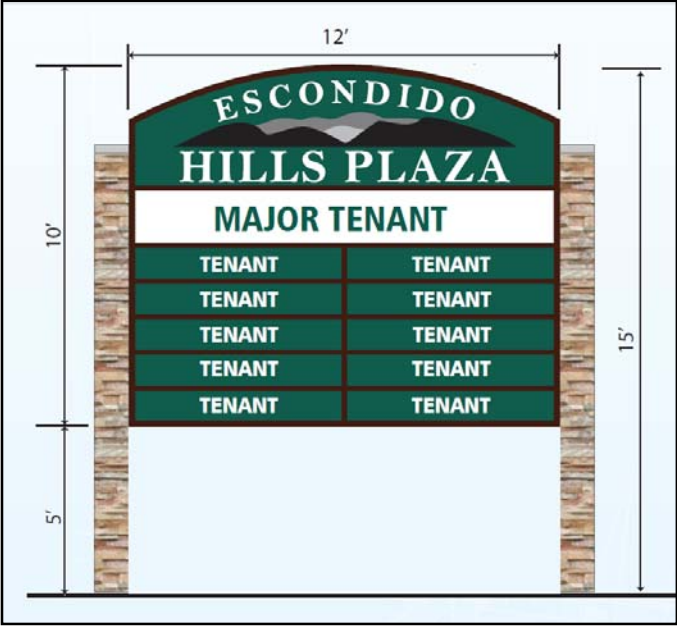
Freestanding Sign Option A

Solid base with center address
15 feet in height, 120 SF sign area
internally illuminated



Freestanding Sign Option B

Open based with stone veneer clad
poles 15 feet in height, 120 SF sign area
internally illuminated



The applicant prefers Option A with the finished base because it provides a more finished and upgraded look for the center. Staff believes that both signs would be appropriate for the site because the height and square footage would not increase and the new panels would provide for a cleaner and uniform look for the center. However, staff feels the open design would be more appropriate for the small neighborhood center, and reduces the overall visual mass of the sign structure.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The 1.69-acre neighborhood shopping center is developed with approximately 16,324 of building area located within two buildings under a single roof, along with two parking areas and landscaping. The shopping center is comprised of one major tenant (7-11) and ten other tenant suites. The center contains a variety of retail, service and restaurant type uses. The center is adjacent to Country Club Lane (Collector Road) on the north and Village Road (unclassified) on the east. The center is situated at a lower elevation than Country Club Lane. A private fire station is located on the south and open space on the west. Residential development is located to the north and east across from Country Club Lane and Village Road.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Center Size: 1.69 acres (one parcel)
2. Building Area: 16,324 SF (located within two buildings under a single roof)
3. Development Standards: The neighborhood shopping center is developed in conformance with the CN (Commercial Neighborhood) zoning standards.

GENERAL SIGN CRITERIA:

The original sign program is based on the CN Sign Standards (Article 66) 1 SF sign area per 50 SF tenant floor area max. Based on 16,324 SF floor total floor area a total of 326.48 SF total wall signage is allowed (includes all wall and window signage). Although the CN sign provision would allow for more signage based on the amount of tenant floor area, the proposed sign program would limit the amount of sign and available sign area for each tenant as indicated below and detailed in the sign program exhibits.

All new shop front signs facing the parking lot are proposed to be can type, internally illuminated, push-through letters as detailed in the Sign Program.

	<u>Proposed Signs</u>	<u>Existing Signs</u>
Internal Signage Facing Parking Lot:		
Tenant A: (4,000 SF floor area) 80 SF max allowed per sign code for comparison purpose only for each tenant	2, up to 12 SF for each new sign 8' x 1'-6" and retain 2 existing 18 SF wooden "7-11" signs (total 60 SF sign area)	18 SF wooden sign 4' x 4'-6" indirectly lit (7-11) total area 36 SF 7-11 also has wood sign on western elevation
Tenant B1: (934 SF floor area) 18.68 SF max allowed	1, up to 12 SF, 8' x 1'-6"	One wooden "Edward Jones" investments sign (green/white letters with white trim)
Tenant B2: (900 SF floor area) 18 SF max allowed	1, typ. 12 SF, 8' x 1'-6" (sign location must balance above windows)	One wooden "Barber" sign with logos (brown/red letters)
Tenant C: (1,100 SF floor area) 22 SF max allowed	1, up to 18 SF, 12' x 1'-6" sign to be split between Tenants C and D	One wooden "Postal Annex" sign (brown/red letters)
Tenant D (1,033 SF floor area) 20.66 SF max allowed	1, up to 18 SF, 12' x 1'-6" sign to be split between Tenants C and D	One wooden "The Edge" sign (maroon/white letters)

	<u>Proposed Signs</u>	<u>Existing Signs</u>
Tenant E: (1,746 SF floor area) 34.92 SF max allowed	1, up to 12 SF, 8' x 1'-6"	One wooden "Chicken Lisa" sign (brown/yellow letters with logo)
Tenant F: (862 SF floor area) 17.24 SF max allowed	1, up to 12 SF, 8' x 1'-6"	One wooden "Pet Wash" (brown/white letters red trim)
Tenant G: (1,400 SF floor area) 28 SF max allowed	1, up to 12 SF, 8' x 1'-6"	N/A
Tenant H: (1,600 SF floor area) 32 SF max allowed	1, up to 12 SF, 8' x 1'-6"	One wooden "Chiropractic" sign brown/white letters with logo and red trim)
Tenant I: (1,416 SF floor area) 28.32 SF max allowed	1, up to 12 SF, 8' x 1'-6"	One wooden "Dry Cleaning" sign (tan with green letter, lot and green trim)
Tenant J: (1,333 SF floor area) 26.66 SF max allowed	1, up to 21 SF, 14' x 1'-6"	24.5 SF internally illuminated can type sign 14' x 1'-9" (Round Table Pizza)

Western Elevation facing CCP

100 SF (currently covered) eventually to be removed existing 18 SF "7-11" sign to remain	100 SF max (west elevation) (5' x 20') existing, also previously allowed for a 2' x 50' center identification sign (indirectly lit)
No Change – sign to remain	18 SF (4.5' x 4') wooden "7-11" indirectly lit for Tenant A

Southern Elevation facing rear parking lot

None proposed except for allowable window signage for Tenants D and E. American Flag graphic to remain.	None existing except for one American flag type graphic on rear of Tenant E
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Temporary Wall Signs

Temporary outdoor signage (subject to the City's Sign Ordinance and Temporary Signage provisions).

Window Signs

The revised Sign Program includes criteria for limited signs affixed to storefront windows subject to CN Sign Standards of 20% of glazing area. Window signage is counted towards the maximum allowable wall signage per the CN standards. Indoor signage is not controlled by the City's Sign Ordinance unless physically attached to the storefront window.

Project History

1998	Sign Permit approved for one, 24.5 SF internally illuminated can type sign for Suite J (Round Table Pizza)
97-10-PD:	Modification to a Precise Development Plan to modify signage and parking lot lighting. Remove existing tower element and related signage; replace the existing 32 SF monument sign with a new, 15-foot-high, 120 SF internally illuminated freestanding sign; replace existing 25 SF wall sign and painted letters along the western elevation with a new, 25 SF, "7-11" logo sign and a 100 SF externally illuminated "Escondido Hills Plaza" wall sign; and replace the existing low pressure sodium parking lot lights with shielded, metal halide light fixtures.
87-26-PDR	1989: Modification to a Precise Development Plan to substitute a painted sign in lieu of a wood sign along the western elevation
87-26-PD	replace the existing externally illuminated 100 SF wooden sign on western wall with a painted sign
1981	Modification to the Precise Development Plan to allow three, 16 SF indirectly illuminated wood signs on 7-11, one attached to the western elevation facing Centre City Parkway.
76-66-PD	Master and Precise Development Plan for a 16,500 SF shopping center within the Escondido Hills Master Development Plan

EXHIBIT “A”
FINDINGS OF FACT
PHG 17-0003

Precise Development Plan Modification – Sign Program

1. The General Plan land-use designation for the site is Planned Commercial (PC). The Escondido Hills Plaza is a planned commercial development with architectural features that are consistently designed and maintained to ensure a high quality, single theme neighborhood commercial center. The proposed amendment to the sign program would:
 - ☐ Consolidate previous amendments and signage that have been approved in the past;
 - ☐ Allow for internally illuminated can type signs for each tenant consistent with the CN sign regulations;
 - ☐ Include specific requirements for window displays; and
 - ☐ Allow for an upgraded freestanding internally illuminated pylon sign for the center.

The proposed modification to the sign program for wall signs and the upgraded freestanding signs would not result in signage that was out of scale with the building exterior, nor be incompatible with other signage throughout the center.

2. The approval of the proposed modification to the Escondido Hills Plaza sign program would be based on sound principles of land use because the overall design and scale of the new signs would be compatible with the overall center's exterior design, suite sizes, and available sign area. The new internally illuminated tenant signs also would be in conformance with the City's Sign Ordinance (Article 66) for the CN (Commercial Neighborhood) zone.
3. The proposed modification to the Precise Development Plan would not cause deterioration of bordering land uses because the site is zoned for an approximately 1.69-acre planned commercial development and is developed with approximately 16,324 SF of commercial building space. The proposed modification to the sign program would be compatible with the general design theme of the complex and would not conflict surrounding residential development. The proposed development is well-integrated with the surrounding properties because the design of the signs would be consistent with existing on-site commercial structures. The overall design of the proposed project would provide sign elements that are sufficiently dimensioned and articulated to provide visual relief and interest to produce an attractive commercial facility.
4. The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) in conformance with Sections 15301(a)(g), "Existing Facilities;" and 15311(a) "Accessory Structures" for on premise signs. CEQA provides an exemption for project related to interior or exterior alterations; new copy on existing on- and off-premise signs; and for accessory structures such as on premise signs. A Notice of Exemption was prepared for the proposed project, and incorporated by this reference. The request does not have the potential for causing a significant effect on the environment.

EXHIBIT “ B ”
CONDITIONS OF APPROVAL
PHG 17-0003

General

1. All relevant conditions of the previous Master and Precise Development Plans approved and/or amended for the Promenade Shopping Center shall remain in effect, except as modified by this amendment and the conditions of approval.
2. As proposed, the proposed signage shall be in accordance with the, staff report, exhibits and the project's Details of Request, to the satisfaction of the Planning Division.
3. A separate sign permit will be required for project signage at the time of building permits for the installation of the signs. All signage must be approved by the center landlord in conformance with the Comprehensive Sign Program.
4. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
5. All exterior signage and associated lighting shall conform to the requirements of Outdoor Lighting Ordinance (Zoning Code Article 35).
6. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Article 66), unless otherwise allowed/modified per the adopted Escondido Hills Plaza Sign Program. As indicated in the sign program, no wall signage shall be placed on the southern elevations of the building (along southern driveway or facing the southern parking lot). Window signage for Tenants D and E are allowed subject to the CN sign standards. No wall signage shall be placed on the eastern building elevation (Tenant J). A modification to the Precise Development Plan is required for any proposed modifications to the center's Sign Program.
7. Minor modifications to the sign program may be approved by the Director of Community Development to address any conflicts with the interpretation of the program; define how the any potential discrepancies whether the Sign Program or the City's Sign Ordinance applies to a sign request; add exhibits; and to correct and technical or formatting errors.
8. Any sign panels that utilize a white background shall be opaque so the light shines through the letters, not the white panel.
9. In conformance with the previously approved Master and Precise Development Plan(s) for the center, signs shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m.
10. Minor modifications to the sign program may be approved by the Director of Community Development to address any conflicts with the interpretation of the program; define how the any potential discrepancies whether the Sign Program or the City's Sign Ordinance applies to a sign request; add exhibits; and to correct and technical or formatting errors.
11. A final amended Sign Program shall be submitted to the Planning Division for final review and approval to include any recommended final revisions.
12. The City of Escondido hereby notifies the applicant that the County Clerk's Office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). The applicant shall remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the hearing date of the Planning Commission or City Council, if applicable) a check payable to the "San Diego County Clerk" in the amount of \$50.00. In accordance with California Environmental Quality Act (CEQA) section 15062, the filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations will apply.



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

Notice of Exemption

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

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

Project Title/Case No.: Precise Development Plan (Case No. PHG 17-0003)

Project Location - Specific: Escondido Hills Plaza, 555 Country Club Lane (APN 224-610-08)

Project Location - City: Escondido

Project Location - County: San Diego

Description of Project: A modification to the Precise Development Plan for the Escondido Hills Plaza to amend the previously adopted Sign Program to consolidate all previous amendments into an updated document; clarify and update the requirements for wall and window signage; allow for internally illuminated signs; and redesign of the existing 15-foot-high freestanding sign.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Armenian Revocable Trust (Phil Kenney at Ford Signs)

Telephone: (760) 631-1936

Address: 1605 Ord Way, Oceanside, CA 92056 (Ford Signs)

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

Exempt Status: Categorical Exemption. Section 15301(a)(g), "Existing Facilities" and 15311(a) "Accessory Structures – On Premise Signs."

Reasons why project is exempt:

1. In staff's opinion, the request does not have the potential for causing a significant effect on the environment because the project only involves a modification to the Escondido Hills sign program and remodel of the existing pylon sign. The intensity of the use would not be any greater than the existing uses of the site/building. No issues remain unresolved through compliance with code requirements.
2. The site is in an area where all public services and facilities are available to allow for the proposed use. The project site is within a developed 1.69-acre neighborhood commercial center and surrounded by urban development. Access is provided by two Country Club Lane and Village Road.
4. The project would not create and significant light or glare because all signage must conform to the City's lighting Ordinance and Sign Ordinance. The project would not result in the destruction of desirable natural features, nor be visibly obtrusive or disharmonious with surrounding areas.

Lead Agency Contact Person: Jay Paul, Planning Division

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

Signature: _____
Jay Paul, Associate Planner

2017
Date

☒ Signed by Lead Agency

Date received for filing at OPR: N/A

ESCONDIDO HILLS PLAZA TENANT SIGN CRITERIA

555 West Country Club Lane
Escondido, CA 92026



1605 Ord Way • Oceanside, CA 92056
Ph. (760) 631-1936 Fax (760) 631-4987
www.ford-signs.com C-45 Lic. # 717137

TABLE OF CONTENTS

PAGE 1	Intents & Definitions, Approvals, Sign Acceptability, General Criteria, Prohibited Signs
PAGE 2	Center Signage, Wall Signs, Acceptable Fabrication Methods, Window Signs and Vinyl
PAGE 3	Sign Type Monument
PAGE 4 - 5	Site Map - Sign Band Locations

LANDLORD:

Land Trek Property Management
901 Hacienda Drive
Vista, California 92081
P: (760) 758-6000
F: (760) 758-7675

APPROVED SIGN VENDOR:

FORD SIGNS, INC.
1605 ORD WAY
OCEANSIDE, CA 92056

PHONE: 760-631-1963
FAX: 760-631-4987

C-45 # 717137

PROGRAM DESIGNED BY:
FORD SIGNS, INC.



1605 Ord Way • Oceanside, CA 92056

Ph. (760) 631-1936 Fax (760) 631-4987
www.ford-signs.com C-45 Lic. # 717137

INTENT & DEFINITIONS

The intent of this Sign Program is to establish standards for the design, fabrication, and location of all signage at Escondido Hills Plaza, located on the corner of West Country Club Lane and Village Road Hereafter referred to as the "Center".

All signs affixed to Tenant's building frontage are the sole responsibility of the Tenant, and are hereafter generally referred to as "Wall Signs". All other signs on the Center's property are the responsibility of the Landlord, and are hereafter referred to as "Center Signs". These include all freestanding monument signs.

APPROVALS

1. The Tenant must submit sign design drawings and receive the approval of the sign design by the property manager. This must be done prior to obtaining sign approval from the city of Escondido, and prior to fabrication and installation of said signage.
2. The sign design drawings submitted to the city shall be drawn to scale and indicate exact dimensions, copy, layout, colors, materials, sign location, and position of the sign on the building wall. A detailed section drawing though the sign is also required. This drawing will indicate the method of attachment to the wall, construction details and the dimensional projection of all sign elements.

SIGN ACCEPTABILITY

Only the sign types and sign locations specifically described herein are acceptable.

GENERAL

1. ALL signage requires approval by the City of Escondido before construction and installation.
2. Signage should demonstrate intent to identify the user, not advertise a product.
3. Wall signs shall appear visually balanced and in scale within the context of the sign space and the building as a whole.
4. All sign fabrication work will be of excellent quality.
5. Fabrication and installation will comply with all national and local building electrical codes.
6. All electrical signs will be fabricated by a U.L. approved sign company, according to U.L. specifications and bear the U.L. label.
7. Finished surfaces of metal will be free from canning or warping. All sign finishes will be free of dust, orange peel, drips, and runs and will have a uniform surface conforming to the highest standards of the industry.
8. Internal illumination to be White LED's.
9. Penetrations into walls shall be made waterproof.
10. Tenant shall maintain all signage in like-new condition.
11. Tenant will be responsible for all expenses related to their signage, including design fees, permit submittal and application fees, cost of sign fabrication and installation, and cost of bringing the electricity to the fascia.
12. All signage shall be in conformance with the CN sign.ord requirements unless specifically allowed/modified by this sign program and the Precise Development Plan (PHG 17-0003)

PROHIBITED SIGNS

The following sign types and treatments are PROHIBITED at the Center:

1. Roof Signs.
2. Flashing Signs.
3. Animated Signs (conveying the illusion of motion).
4. Rotating or revolving signs.
5. Vehicle Signs (when parked or stored on property to identify a business or advertise a product)
6. Portable Signs.
7. Off-Site signs.
8. Signs within public right-of-way. No sign shall be placed, erected, or constructed on a utility pole, traffic device, traffic sign, warning sign, or so as to impede access to any public improvement, or to obstruct the vision of any such signs except as may be permitted by the City of Escondido.
9. Signs blocking doors or fire-escapes.
10. Outside light bulb strings and exposed neon tubing outside of building.
11. Banners, pennants and balloons. (Exceptions) A single official flag of the United States of America and/or two (2) flags of either the State of California or other States of the United States, counties, municipalities or official flags of other nations, and flags of internationally recognized organizations. Flags shall be a maximum of five (5) feet by eight (8) feet unless otherwise specifically approved on a site plan.
12. Inflatable advertising devices of a temporary nature, including hot air balloons.
13. Advertising structures, including A-frame signs.
14. Statuary (statues or structures) advertising products or logos of the business that are located outside of the structure that houses the business.
15. The use of decals, stick on transfer letters, tape on the walls of parapets of buildings, fences, walls or other structures.
16. Readerboard / changeable copy signs, either electric or nonelectric located outside of the building.
17. Signs which purport to be or are an imitation or resemble official traffic warning devices or signs, that by color, location, or lighting may confuse or disorient vehicular or pedestrian traffic. This does not include traffic or directional signs installed on private property to control on site traffic.

CENTER SIGNAGE

1. Freestanding Monument Signs: The Landlord will provide and install one (1) illuminated Monument Sign with up to eleven (11) Tenant Panels. near street intersection of West Country Club Lane and Village Road.
(Design, location and fabrication to be shown on the attached drawings for this document)

WALL SIGN TYPE (CABINET) - SPECIFICATIONS

Wall signs shall be composed of a select variety of dimensional signage production methods and materials, to keep a clean and consistent visual appearance throughout. Combining colors, typefaces, graphics & dimensional elements within a sign is encouraged.

Signs shall be designed to accommodate a minimum of wall penetrations.

SQUARE FOOT MAX: See pages four (4) and five (5).

SIGN HEIGHT MAX: Signage shall not exceed 18" in height.

SIGN LOCATION: Signage shall be located in designated tenant sign-band area.

MATERIALS ALLOWED: Aluminum, acrylic, vinyl, paint.

MAX STAND OFF: Signage shall not extend more than 8" into common area.

MAX SPACED OFF: No spacing.

FINISHES: Automotive grade paint shall be used.

INTERNAL LIGHTING: LEDs 6200k White/Color lighting shall be used.

EXTERNAL LIGHTING: No external illumination lighting will be allowed.

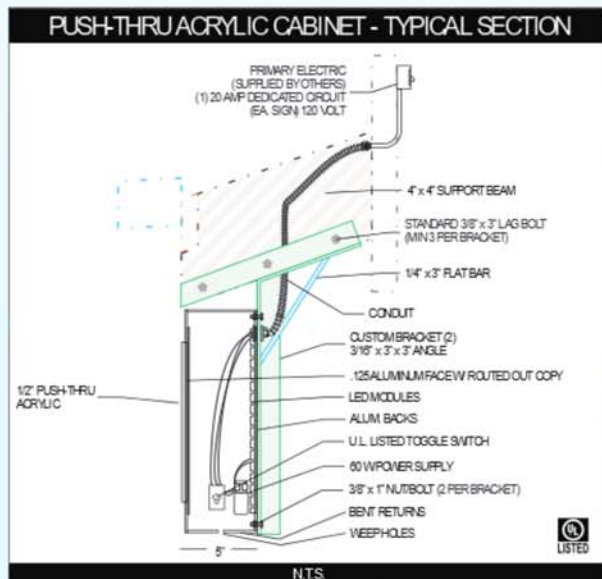
BORDER AND LETTER COLOR: Usable colors include white, yellow and red only.

FACE (BACKGROUND) COLORS: Usable colors include dark green and tan only.

CORPORATE LOGOS ARE OK

SIGN LENGTH: As detailed in sign band locations exhibit and max tenant sign area.

ACCEPTABLE FABRICATION METHOD - (CABINET) WALL SIGNS



EXAMPLES OF ACCEPTABLE SIGNAGE



ALL LETTERS SHALL BE 1/2" PUSH THRU ACRYLIC

BACKS: ALUMINUM
RETURNS: ALUMINUM
RETAINER: ALUMINUM
FACES: ALUMINUM WITH PUSH-THRU ACRYLIC
(CLEAR ACRYLIC WITH COLOR TRANSLUCENT VINYL OVERLAYS)
ILLUMINATION: LED'S (WHITE)

SIGN TYPE GLAZED AREA/WINDOW SIGNS - SPECIFICATIONS

Glazed area/Window signs are intended to identify a business by name and may include additional information, such as hours of operation or a proprietor's name. Temporary signs, and signs incorporated into window displays, are not considered permanent window signs. Window signs shall be composed of a select variety of signage production methods and materials, to keep a clean and consistent visual appearance throughout. Combining colors, shapes, typefaces, graphics & dimensional elements within a sign is encouraged.

SQUARE FOOT MIN/MAX: Signage shall not exceed 20% of window sign area.

MATERIALS ALLOWED: Permanent window signs should be limited to individual letters placed on the interior/exterior surface of the window and intended to be viewed from outside. White is the recommended color.

SIGN TYPE MONUMENT - SPECIFICATIONS

The Monument sign shall be composed of a select variety of dimensional signage production methods and materials, combining multiple colors, shapes, typefaces & graphic elements within the monument, to keep a clean and consistent visual appearance throughout.

PLACEMENT: Two (2) Tenant identification signs one (1) per side, tenant sign location on the monument is the sole discretion of property owner/manager.

COLORS: Colors used on monument are as shown in the exhibit, to keep a clean and consistent visual appearance throughout, Major tenant logo color may be used pending property owner/manager approval.

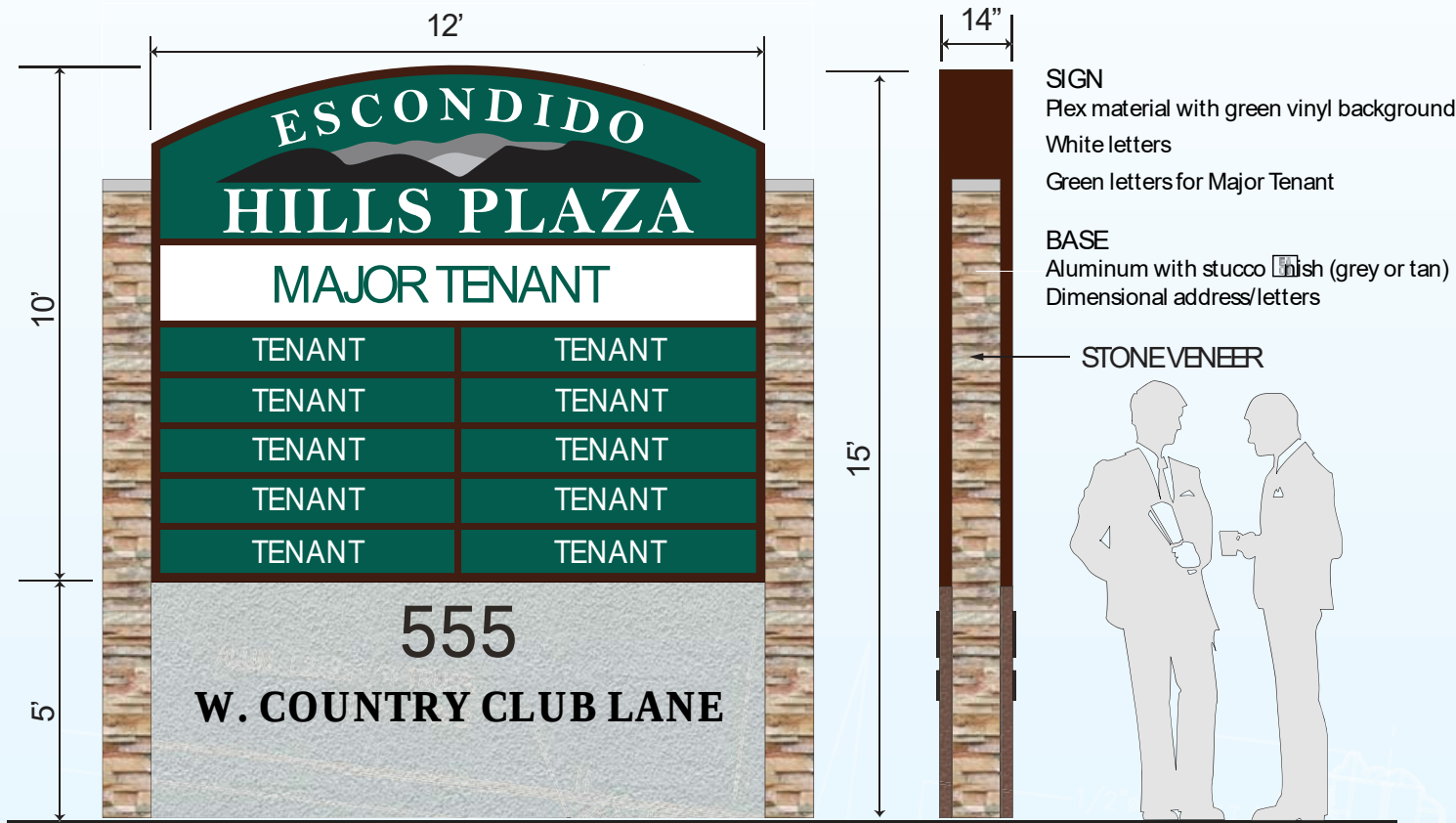
INTERNAL LIGHTING: LEDs 6200k internal lighting.

EXTERNAL LIGHTING: No external lighting shall be permitted.

SIGN HEIGHT: 15' max

SIGN AREA: 120 SF. max

OPTION - A



SIGN TYPE MONUMENT - SPECIFICATIONS

The Monument sign shall be composed of a select variety of dimensional signage production methods and materials, combining multiple colors, shapes, typefaces & graphic elements within the monument, to keep a clean and consistent visual appearance throughout.

PLACEMENT: Two (2) Tenant identification signs one (1) per side, tenant sign location on the monument is the sole discretion of property owner/manager.

COLORS: Colors used on monument are as shown in the exhibit, to keep a clean and consistent visual appearance throughout, Major tenant logo color may be used pending property owner/manager approval.

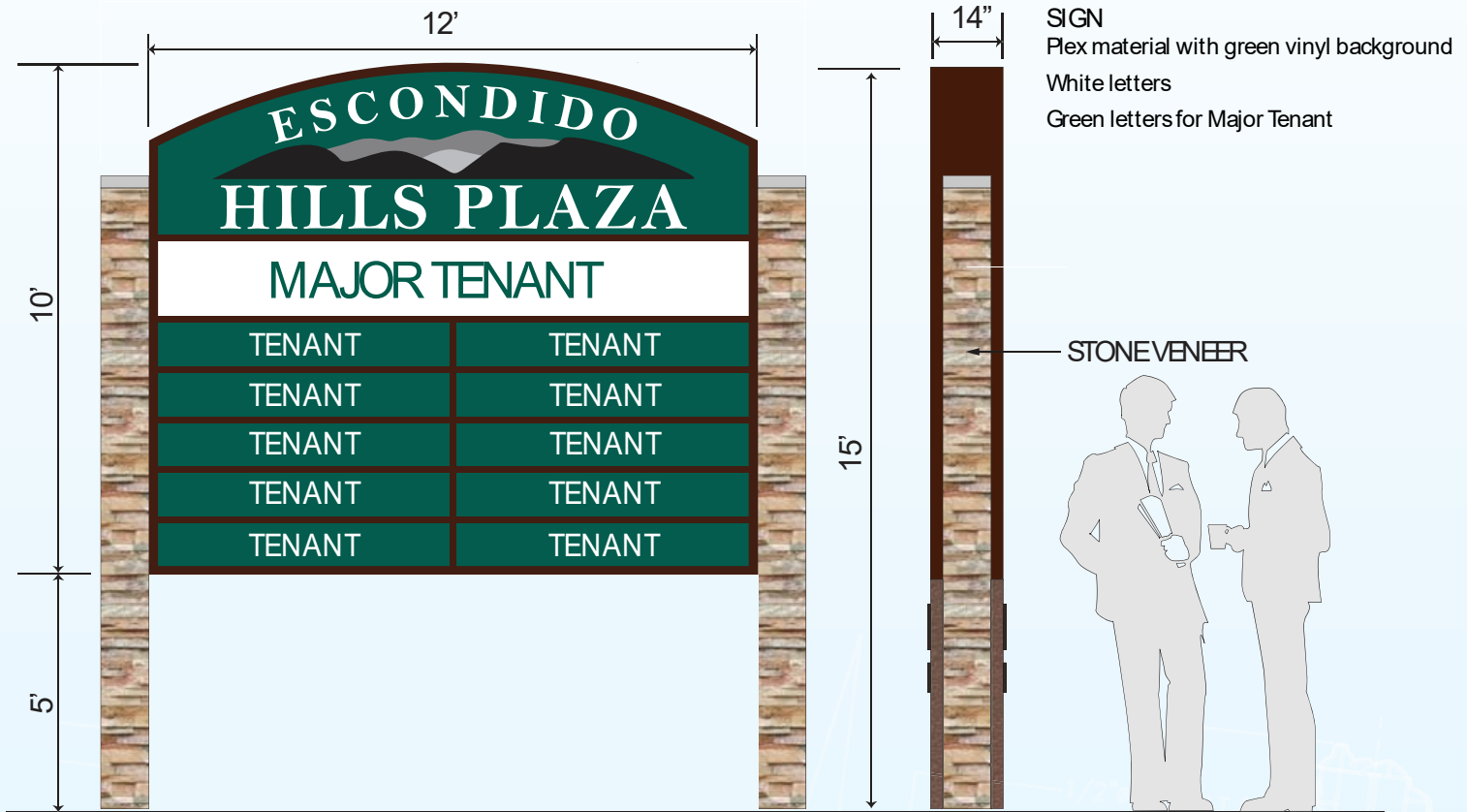
INTERNAL LIGHTING: LEDs 6200k internal lighting.

EXTERNAL LIGHTING: No external lighting shall be permitted.

SIGN HEIGHT: 15' max

SIGN AREA: 120 SF. max

OPTION - B



NIGHT VIEW



SITE MAP - SIGN-BAND LOCATIONS

555 West Country Club Lane, Escondido, CA 92026



Maximum allowable wall sign area per tenant

Tenant A: (Max 8' x 18")	Green	Tenant F: (Max 8' x 18")	Dark Blue
Tenant B1: (Max 8' x 18")	Orange	Tenant G: (Max 8' x 18")	Red
Tenant B2: (Max 8' x 18")	Purple	Tenant H: (Max 8' x 18")	Yellow
Tenant C: (Max 6' x 18")	Pink	Tenant I: (Max 8' x 18")	Blue
Tenant D: (Max 6' x 18")	Yellow	Tenant J: (Max 14' x 18")	Green
Tenant E: (Max 8' x 18")	Light Green		

SITE MAP - SIGN-BAND LOCATIONS cont.

Tenant A: Sign Area - 8'w x 18"h



Tenant A: Sign Area - 8'w x 18"h



Tenant B1: Sign Area - 8'w x 18"h



Tenant B2: Sign Area - 8'w x 18"h



Tenant C: Sign Area - 6'w x 18"h



Tenant D: Sign Area - 6'w x 18"h



Tenant E: Sign Area - 8'w x 18"h



Tenant F: Sign Area - 8'w x 18"h



Tenant G: Sign Area - 8'w x 18"h



Tenant H: Sign Area - 8'w x 18"h



Tenant I: Sign Area - 8'w x 18"h



Tenant J: Sign Area - 14'w x 18"h



STL



8'w x 18'h

STL PIPE SIZE TO BE DETERMINED BY ENGINEER

© (4) PL

(4) PIPE SPURCE SEE DET. B

PLANNING COMMISSION

Agenda Item No.: H.2

Date: February 28, 2017

CASE NUMBER: AZ 16-0010

APPLICANT: City of Escondido

LOCATION: Citywide

TYPE OF PROJECT: Zoning Code Amendment

PROJECT DESCRIPTION: Proposed amendments of the Escondido Zoning Code (EZC) to streamline reviews, establish a minor Conditional Use Permit category and process, expand the authority of the Zoning Administrator, consolidate requirements for the Plot Plan administrative review process into Article 61, and allow other types of requests for Administrative Adjustments. The proposal also includes various associated changes to definitions, conditionally permitted uses, off-street parking, grading exemptions and miscellaneous uses. Changes are proposed to EZC Articles 1, 16, 26, 39, 55, 57, and 61. The proposal includes the adoption of the environmental determination prepared for the amendment. No development project is proposed.

STAFF RECOMMENDATION: Approval

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. The goal of the program is to align policies and codes with City Council priorities, increase administrative discretion in approving projects, enhance internal and external communication, and eliminate steps in the approval process. 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.

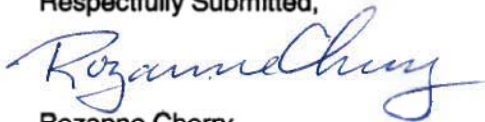
In September/October 2016, Phase 1 of a series of comprehensive code amendments was approved by the Planning Commission and City Council. This resulted in reclassifying the review authority for several discretionary requests from the Planning Commission to the Director of Community Development or staff (administrative review) to advance the goal of project streamlining. Generally, the items involved requests/applications for uses that already had established development standards.

On February 14, 2017, the Planning Commission reviewed and recommended for approval the first part of the Phase 2 amendments that focused on the Planned Development (PD) process (Article 19). This item is the second part of the Phase 2 amendments and focuses on EZC Article 61- Administration and Enforcement. The proposed amendments would establish and identify Minor Conditional Use Permits (CUPs), expand the role of the ZA to include reviews of certain administrative and discretionary items, such as, Minor CUPs, reasonable accommodation, various environmental documents, and adjustments to non-residential parking requirements; all identified in a new division of Article 61- Administration and Enforcement. The amendment would also consolidate the requirements for the Plot Plan review process into another new division. Other miscellaneous changes are proposed to various code sections in support of these amendments and to update references.

REASONS FOR STAFF RECOMMENDATION:

1. The proposed amendments to the Zoning Code implement another 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."
2. The proposed amendments to the Zoning Code would streamline existing development review processes by eliminating some public hearing requirements for certain applications where the value added by the process has not balanced with the simplicity of the request and the time delay imposed upon project applicants.
3. Generally, the public hearings for the affected applications are sparsely attended and typically generate minimal discussion by the hearing body. Lowering project review down to the Zoning Administrator or administrative level results in cost savings and reduced processing times for both the project applicant and staff.
4. The proposed amendments would provide greater flexibility in scheduling public hearings for minor CUPs and variances, since the Zoning Administrator would be able to schedule reviews on an as-needed basis.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Rozanne Cherry", is written over the typed name.

Rozanne Cherry
Principal 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. Therefore, the proposed code amendment is not subject to CEQA under the General Rule and no further environmental review is necessary.

B. ANALYSIS- See attached Exhibit "A" for the Factors to be Considered.

See attached Exhibit "B" for specific text changes for Article 61-Administration and Enforcement.
See attached Exhibit "C" for the changes proposed to other EZC articles in support of the main changes.

See attached Exhibit "D" for a clean version of the proposed Article 61.

The current Zoning Code is available online at:

<http://www.qcode.us/codes/escondido/view.php?topic=33>

This code amendment focuses primarily on EZC Article 61, which addresses the administration and enforcement of the Zoning Code. It is divided into seven articles covering procedures for CUPs, variances, nonconforming uses/structures, code amendments/zone changes, reasonable accommodations, hearings/notices/appeals, and enforcement/penalties. The entire article was reviewed, clarified and updated. Two new divisions were added to define the administrative plot plan review process and to expand the purview of the Zoning Administrator (ZA). The objective of the amendment is to identify minor discretionary applications that fall within defined parameters and transfer the review of these items to the ZA from the Planning Commission. Approval of the proposed changes would further the council's goal to streamline review processes.

Zoning Administrator- new Division 9, Article 61

The goal of the proposed amendments is to broaden the role of the Zoning Administrator (ZA) in the review of minor discretionary requests and administrative applications. To this end, the addition of a proposed Division 9 to Article 61 consolidates the existing scattered ZA items to a central location and expands the types of requests eligible for ZA review. The intent is to reduce timeframes for the review of these items and provide greater flexibility in holding public meetings and public hearings as needed. Public noticing would be provided as may be required and the ZA's action, with any required findings and/or conditions, would be documented and filed in the Planning Division. Any appeals would be to the Planning Commission and follow the appeal process pursuant to Division 6. The proposed review duties of the ZA, as listed in Division 9, include:

- Minor conditional use permits*;
- Minor conditional use permits for modified parking in non-residential zones;
- Variances*;
- Reasonable accommodations;
- Modification to an approved Precise Development Plan*; and
- Adoption of a negative declaration or mitigated negative declaration for administrative projects.

*Items currently reviewed by the Planning Commission

Conditional Use Permits- Division1, Article 61

This division would be amended to establish a Minor CUP process and identify the role of the ZA in the review. Criteria for determining a project's eligibility for the Minor CUP process is also proposed. The process would entail a noticed public hearing before the ZA. The ZA would have flexibility in scheduling the hearing at a date and time in conformance with noticing timeframes and convenient for the applicant and staff. Any request that is not eligible

for the Minor CUP process would be considered a Major CUP and would follow the current process of a public hearing before the Planning Commission. The proposed minor CUPs include but are not limited to:

- Land uses specified as Minor CUPs in the land use tables of the applicable zoning district, area plan, specific plan or planned development*;
- Requests where the use is a temporary use that operates periodically on a regular basis and exceeds the time and/or area restrictions for temporary outdoor sales set forth in section 33-1534;
- Applications for additional animals over those permitted*, sec. 33-1116;
- Businesses in the CN zone that are open for business before 7:00 a.m. and/or after 11:00 p.m.*, sec. 33-337(d);
- For uses in non-residential zones, requests for modified parking requirements, proposed sec. 33-764(b); and
- Other conditional use requests that meet one of the two criteria*.
 - Criterion 1- Requests where the conditional use to be permitted does not involve the construction of a new building or other substantial structural improvements, provided the use does not involve hazardous substances.
 - Criterion 2- Requests where the conditional use would make use of an existing building and does not involve substantial remodeling or the use of hazardous substances.

*Items currently reviewed by the Planning Commission

Associated changes to the tables of permitted and conditionally permitted uses in Article 16-Commercial Zones and Article 26-Industrial Zones are proposed to identify conditional uses that are minor in nature or have established development standards/criteria for approval. These Minor CUPs are identified in the tables by "C#" and Major CUPs are identified with a "C," as shown in Exhibit "C." These conditional uses are all currently reviewed by the Planning Commission. The uses proposed as Minor CUPs include:

Commercial zones

- Bed and Breakfasts;
- Concurrent sales of gasoline and alcohol with five or more pump stations;
- Child care centers in the CN and CP zones;
- Some church proposals in the CN and CP zones that meet the criteria noted above; and
- Ambulance facilities.

Industrial zones

- Health and fitness facilities in the IO and IP zones;
- Lumber yards in the M2 zone;
- Restaurants in the M1, M2 and IP zones.

Section 33-1208 was also revised to clarify that minor expansions or other minor adjustments, in substantial conformance to the original development plans of a CUP, would be reviewed administratively without a public hearing by the Director or ZA.

In addition, staff recommends that existing conditional use requirements for libraries in the CP zone and banks/automated teller machines in the M1, M2 and IP zones, be revised to permitted uses. Currently, all types of libraries are permitted in the CG and CN zones with an administrative plot plan review. The Commercial Professional zone would be no more sensitive to a library use than the Neighborhood Commercial zone and specialized libraries for professional organizations would be appropriate in the CP zone. ATMs and bank branches in the industrial zones would provide convenient locations in a large employment area. The potential issues of such facilities does not rise to the level of a conditional use and can be reviewed at the staff level.

Variances & Administrative Adjustments-Division 2, Article 61

EZC section 33-1222 currently authorizes the ZA to review variances, although past practice has been for variance requests to be forwarded to the Planning Commission. This amendment would clarify that the ZA is the primary reviewing authority and may forward any request to the Planning Commission, as appropriate. The ZA would hold a noticed public hearing on each request and any aggrieved party may appeal the ZA's decision to the Planning Commission.

The main change to this division is the addition of the Administrative Adjustment process. It is an existing process for minor variances reviewed by the Director of Community Development. The typical request is for a reduction of a setback standard. References to administrative adjustments are scattered throughout the zoning code. This amendment would consolidate the references in Division 2; add another eligible type of request; and clarify that both reductions and exceedances of certain standards prescribed in the zoning code are allowed. Currently, eligible requests include:

- Reduce required yards/setbacks up to 25% for structures, signs and parking areas;
- Reduce up to 25% the number of required parking spaces for uses in non-residential zones, sec. 33-764; and
- Increases above the limitations on the total cumulative costs for improvements to a nonconforming structure/site, sec.33-1243.

Proposed addition to eligible requests:

- Modification of the identified front, street side, side and rear lot lines of a lot subject to unusual circumstances.

Nonconforming Uses and Structures- Division 3, Article 61

No substantive changes are proposed for Division 3. References would be updated.

Amendments and Zone Changes- Division 4, Article 61

No substantive changes are proposed for Division 4. However, the existing text has been streamlined to remove information found elsewhere in the code or state law.

Reasonable Accommodation- Division 5, Article 61

No substantive changes are proposed for Division 5. References would be updated.

Public Hearings, Notices and Appeals-Division 6, Article 61

This division contains the requirements for notices, hearings, fees/refunds and appeals. The text regarding noticing, fees and appeals that is covered in this division is proposed to be deleted in other code sections to eliminate redundancy. The appeals section would be clarified to indicate that appeals of ZA actions is to the Planning Commission. Information about the "Notice of Intended Decision" has been added in order to keep all noticing standards in one place. This type of notice is used for administrative approvals, such as administrative adjustments and tentative parcel maps. Also, staff proposes to standardize the size of the notice to be posted on the project site to six (6) square feet for all sizes of project sites. This will simplify the requirements, enable staff to print the notices (currently the project information is filled in by hand by the project planner), make it easier for the applicant to post the notice on site, and it would be similar to the standards of other north county cities.

Enforcement and Penalties-Division 7, Article 61

No substantive changes to Division 7. All proposed revisions are cleanup items recommended by the City Attorney's Office.

Plot Plans- new Division 8, Article 61

This division has been added to more fully codify the plot plan application and review process. Currently, plot plan requirements are scattered throughout the Escondido Zoning Code. A plot plan is the administrative application required for new construction, additions or modification projects when the proposed use is permitted in the zone and the proposed development is consistent with all the development standards for the zone and the use. The Director of Community Development is the approval authority, and typically delegates that authority to staff planners.

Related Amendments

To support the proposed changes discussed above, code additions, deletions, and updates are included to make the code internally consistent. These amendments are listed in Exhibit "C", attached, and involve Article 1- General Provisions and Definitions, Article 16-Commercial Zones, Article 26- Industrial Zones, Article 39-Off-Street Parking, Article 55-Grading and Erosion Control, and Article 57-Miscellaneous Use Restrictions.

Staff Recommendation – Approval. By establishing Minor CUPs for simple new requests and broadening the authority of the Zoning Administrator to review them and minor modifications to existing CUPs, the time required for review, noticing and hearings would be reduced. Authorizing the ZA to review all variances would provide greater flexibility in scheduling hearings, generally moving the request swiftly through the process and saving time for both the applicant and staff. Approval of the proposed code amendment would further implement the City Council's goal of streamlining development review processes.

SUMMARY
Proposed Review Changes

Project Type	Current	Proposed
Conditional Use Permits (CUPs)	PC hrg	Major – no change Minor – ZA hrg
CUP modifications	PC hrg	No change
Minor CUP expansions of <1,000 SF or 10%	PPL-Director review	No change
Other minor adjustments of approved CUPs	PC hrg	ZA review
Variances	PC hrg	ZA hrg
Administrative Adjustments	Director review	No change

PC = Planning Commission
hr = hearing

ZA = Zoning Administrator
PPL = Plot Plan (administrative)

Director = Director of Community development

NOID = Notice of Intended Decision (public notice in paper, mailed to 500' radius & posted on site)



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

Notice of Exemption

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

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

Project Title/Case No.: Zoning Code Amendment / AZ 16-0010

Project Applicant: City of Escondido

Project Location - Specific: Citywide

Project Location - City: Escondido

Project Location - County: San Diego

Description of Nature, Purpose and Beneficiaries of Project:

Phase 2 of the "Get to Yes" code changes amending the Escondido Zoning Code to streamline various review processes including the Conditional Use Permit (CUP) process to separate it into Major and Minor CUP reviews and establishing criteria for determining eligibility for the minor CUP, and the Planned Development (PD) entitlement process by eliminating the Preliminary Development Plan component and clarifying the level of review for different types of PD modifications. Expanding the authority of the Zoning Administrator (ZA) to include review of grading exemptions, variances and minor CUPs is also proposed. The amendment would also clarify the administrative Plot Plan review process, identify other adjustments eligible for the Administrative Adjustment review process, re-organize the code sections, remove redundant text and update references. Changes are proposed to EZC Articles 1, 16, 19, 26, 39, 55, 57 and 61. No development project is proposed.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project: Rozanne Cherry, Principle Planner, City of Escondido
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: Exemption. CEQA Section 15061(b)(3) "General Rule".

Reasons why project is exempt:

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

Lead Agency Contact Person: Rozanne Cherry

Area Code/Telephone/Extension (760) 839-4536
Email: rcherry@escondido.org

Signature: Rozanne Cherry
Rozanne Cherry, Principal Planner

2/22/17
Date

☒ Signed by Lead Agency

Date received for filing at OPR:

☐ Signed by Applicant

EXHIBIT "A"
FACTORS TO BE CONSIDERED
AZ 16-0010

Zoning Code Amendment

1. The public health, safety and welfare would not be adversely affected by the proposed Zoning Code amendments. Pursuant to California Government Code Section 65100, the legislative body of a city shall assign the functions of a planning agency to a planning department, one or more planning commissions, administrative bodies or hearing officers, the legislative body itself, or any combination thereof, as it deems appropriate and necessary. The proposed amendments to the Zoning Code would only streamline the existing review processes by authorizing a different advisory commission, administrative body or hearing officer to approve, conditionally approve or deny the various project applications. No development project is proposed.
2. The proposed zoning code amendments would not conflict with any State law or be detrimental to surrounding properties because the amendments involve revising the review bodies to streamline the processing of various existing development application types and existing development standards. 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.
3. The proposed zoning code amendment to streamline project review processes by modifying the review authority would be consistent with the goals and policies of the General Plan because it would not diminish the Quality of Life Standards of the General Plan, nor adversely impact the community health or natural resources. 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."
4. The proposed zoning code amendment would clarify minor review processes and would not adversely affect any specific plans.

EXHIBIT "B"

Article 61 - Administration and Enforcement

Case No. AZ 16-0010

PROPOSED DELETIONS ARE IN ~~STRIKEOUT~~ FONT AND ADDITIONS ARE UNDERLINED.

ARTICLE 61 ADMINISTRATION AND ENFORCEMENT

DIVISION 1. CONDITIONAL USE PERMITS

Sec. 33-1200. Definition and purpose.

A conditional use permit is a permit allowing a use under specified conditions which assure that the use will not be detrimental to the public health, safety and welfare and will not impair the integrity and character of the surrounding areas. Conditional use permits are classified as 'minor,' or 'major,' as provided for in Sec. 33-1202. Conditional use permit shall mean a zoning instrument used primarily to review the location, site development or conduct of certain land uses. These are uses which generally have a distinct impact on the area in which they are located, or are capable of creating special problems for bordering properties unless given special attention. (Zoning Code, Ch. 109, § 1094.01)

Sec. 33-1201. Authorization.

(a) ~~Except as provided in section 33-1212~~Unless otherwise provided, the zoning administrator or planning commission shall have the authority to grant, conditionally grant or deny a conditional use permit application as provided for in Section 65900 et seq. of the California Government Code, based on sound principles of land use. Except as provided in section 33-1212Unless as otherwise provided, a conditional use permit is granted at the discretion of the zoning administrator or planning commission and is not the automatic right of any applicant.

(b) When a proposed use is not specifically listed as permitted or conditionally permitted in the subject zone, the director shall determine if the use shall be permitted, or conditionally permitted as a major or minor conditional use, after study and finding that the use is similar to uses listed and would be consistent with the purpose of the subject zone. The director may also determine that a conditionally permitted use qualifies for processing as a minor conditional use permit when the project substantially conforms to one of the situations listed in section 33-1202(c) based on the details of the request. (Zoning Code, Ch. 109, § 1094.03; Ord. No. 95-5, § 1, 5-24-95)

Sec. 33-1202. Application, fees and procedures.

(a) Application and fees. Application for a conditional use permit may be initiated by the property owner or agent of the property affected, the planning commission or the city council. Application shall be made on forms provided by the city and shall be accompanied by the appropriate fee.~~a fee in the amount established by resolution of the city council. The fee shall not~~

~~be refunded unless the application is withdrawn by the applicant in writing prior to the time that the publication of notice of the hearing is ordered. The fee for conditional use permits for residential care facilities for the handicapped shall be one hundred fifty dollars (\$150.00). The application shall further be accompanied by such materials as required by the city planner, director.~~

(b) Procedures. The zoning administrator or planning commission shall consider the application, all relevant codes and regulations, the project's environmental status, necessary findings, the circumstances of the particular case, as well as any other relevant evidence and shall hold a public hearing before approving, conditionally approving or denying the application. The zoning administrator may refer any minor conditional use permit application to the planning commission.

(c) Minor conditional use permit. The zoning administrator shall give notice pursuant to Division 6 of this article and hold a hearing on the application. Minor conditional use permits include but are not limited to:

(1) Land uses specified as minor conditional uses in the land use matrix of the applicable zoning district, area plan, specific plan or planned development.

(2) Requests where the conditional use to be permitted does not involve the construction of a new building or other substantial structural improvements on the property in question, provided the use does not involve the use of hazardous substances;

(3) Requests where the conditional use requiring the permit would make use of an existing building and does not involve substantial remodeling thereof or the use of hazardous substances;

(4) Requests where the use requiring the permit is a temporary use that operates periodically on a regular basis and exceeds the time and/or area restrictions set forth in sections 33-1534(c)(1) and (2) of Article 73;

(5) Applications for additional animals over those permitted by section 33-1116 of Article 57, pursuant to subsection 33-1116(g).

(6) For uses in non-residential zones requesting parking suitable for the proposed use or mix of uses, pursuant to section 33-764(b) of Article 39.

(7) Requests for businesses in the CN zone that are open for business before 7:00 a.m. and/or after 11:00 p.m., pursuant to section 33-337(d).

(d) Major conditional use permit. Any conditional use that is not eligible to be processed as a minor conditional use permit shall be processed as a major conditional use permit. Except as provided in section 33-1212 Unless otherwise provided, the planning commission shall

~~hold a duly noticed public hearing as required by Division 6 of this article. Such hearing may be continued from time to time as deemed necessary by the commission to consider any application for a major conditional use permit. (Zoning Code, Ch. 109, § 1094.05; Ord. No. 95-5, § 2, 5-24-95)~~

Sec. 33-1203. Findings of the commission.

~~The~~ All decisions of the planning commission granting or denying a permit shall be in writing and shall state the reasons therefore for the decision. In granting a conditional use permit, the following guidelines shall be observed:

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

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

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

Any conditional use permit granted shall be subject to such conditions necessary and desirable to preserve the public health, safety and general welfare. (Zoning Code, Ch. 109, § 1094.07)

Sec. 33-1204. Notification of commission's action.

~~Not later than five (5) working days following the commission's action, t~~ The decisions of the zoning administrator and the planning commission shall be filed with the city clerk in the Planning Division and a copy thereof mailed provided to the applicant at the address shown on the application. (Zoning Code, Ch. 109, § 1094.09)

Sec. 33-1205. Appeal and effective date.

The provisions of Division 6 of this article regarding appeal of the zoning administrator's or commission's actions and the effective date of approval shall apply. (Zoning Code, Ch. 109, § 1094.11)

Sec. 33-1206. Expiration.

Unless otherwise specified in the action granting a conditional use permit, ~~said any such permit shall become automatically null and void unless the uses authorized by the permit have been substantially which has not been utilized implemented within twelve (12) months from the grant of the permit.~~ effective date shall become null and void. Also, t The abandonment or non-use of a permit for a period of twelve (12) consecutive months shall also result in such permit becoming automatically null and void. ~~terminate said permit and any privileges granted thereunder shall become null and void. However, an extension of time may be granted by t~~ The director planning commission shall have authority to grant extensions to the deadlines in this section. Once any

portion of a conditional use permit is utilized, the other conditions thereof become immediately operative and must be strictly complied with. (Zoning Code, Ch. 109, § 1094.13)

Sec. 33-1207. Modification or revocation of conditional use permits.

The planning commission or the city council shall have the discretion to initiate proceedings to revoke or modify a conditional use permit.~~on its own motion may, or upon the direction of the city council shall, hold a hearing upon the question of the modification or revocation of a conditional use permit granted under or pursuant to the provisions of this section. If such proceedings are initiated, w~~Written notice of ~~such a~~ public hearing shall be served on the owner of the property for which such permit was granted at least ten (10) days before such public hearing. Such notice may be served either personally or by certified mail, postage prepaid, return receipt requested. A conditional use permit may be modified or revoked under any of the following circumstances:~~if the planning commission and city council find:~~

- (a) That the use is detrimental to the public health, safety or welfare or is a nuisance;
 - (b) That the conditional use permit was obtained by fraud;
 - (c) That the use for which the permit was granted is not being exercised;
 - (d) That the use for which the permit was granted has ceased or been suspended for ~~six (6)~~twelve (12) months or more;
 - (e) That the conditions of the improvements, if any, on a property for which a conditional use permit has been issued, are such that they can be used or altered as to be used in conformity with the uses permitted in the zone in which such property is located without impairing the constitutional rights of any person;
 - (f) That the conditions of the conditional use permit are not being complied with.
- (Zoning Code, Ch. 109, § 1094.15)

Sec. 33-1208. ~~General provision~~Minor expansion of existing conditional use permits.

Expansion of existing major and minor conditional uses of less than one thousand (1,000) square feet ~~of or~~ ten (10) percent of the facility, whichever is less, may be requested through the plot plan administrative review process pursuant to Division 8 of this article. ~~excepted by the director of planning and building from conditional use permit requirements. The director or zoning administrator of planning and building may administratively approve or conditionally approve, without a public hearing, other minor adjustments, in substantial conformance~~ to the original development plans of a major or minor conditional use, that do not involve an expansion or change to the conditionally permitted use, provided that such adjustments do not conflict with the concept or intent of the development plans originally approved ~~by the planning commission or city council.~~ (Zoning Code, Ch. 109, § 1094.16; Ord. No. 2001-08, § 8, 5-9-01)

Sec. 33-1209. Limitation on refiling of applications.

~~Final action as set forth in this division by the planning commission or city council in denying a~~Any final action which denies any application for a conditional use permit shall prohibit the refiling of a similar or substantially similar application for at least ~~petition the same as, or substantially the same as, the original petition upon property previously considered, until not less than one (1) year shall have elapsed from the date of denial of said petition.~~ (Zoning Code, Ch. 109, § 1094.17)

Sec. 33-1210. Violation—Penalty.

In addition to modification or revocation as provided in section 33-1207 of this division, the violation of any condition of a conditional use permit is unlawful and may be punished as provided in section 33-1313 of this article. A violation of any condition of a conditional use permit may also result in the imposition of civil penalties as provided in section 1-20 et seq. of Chapter 1 of the Escondido municipal code. (Zoning Code, Ch. 109, § 1094.18; Ord. No. 90-60, § 1, 11-7-90)

Sec. 33-1211. Reserved.

(Deleted by Ord. No. 92-47, § 2, 11-18-92)

Sec. 33-1212. Conditional use permits for residential care facilities for the handicapped.

(a) The decision whether or not to issue a conditional use permit for residential care facilities for the handicapped, when required by other provisions of this code, shall lie with the sound discretion of the ~~director of planning and building.~~ Whenever permissible under the California Environmental Quality Act or its guidelines for implementation, the ~~planning~~ director shall prepare a notice of exemption for the proposed residential care facility. If the facility is not eligible for an exemption, the director shall conduct only such environmental review as is necessary to comply with the minimum requirements of the California Environmental Quality Act. The construction of access ramps for persons with mobility impairments shall not be deemed to be a substantial modification of a structure or to have a significant effect on the environment.

(b) Upon determining whether or not to issue a conditional use permit for a residential care facility for the handicapped, the ~~planning~~ director shall provide notification of the intended decision to surrounding property owners as provided in section 33-1300. The notification shall advise all interested persons that unless appealed, the ~~planning~~ director's decision to issue a conditional use permit for a residential care facility for the handicapped shall become final within ten (10) days of the date of notification.

(c) Any interested person may appeal the decision of the ~~planning~~ director to grant or deny a conditional use permit for a residential care facility for the handicapped. Such appeal shall be made to the planning commission and the city council, and shall be made pursuant to the requirements set forth in section 33-1300 et seq. of this code.

(d) In determining whether or not to grant a conditional use permit for a residential care facility for the handicapped, the director ~~of planning and building~~ shall grant the application as long as the following requirements are met:

(1) The proposed use and structure comply with all existing and applicable Zoning Code provisions, Uniform Housing Code provisions, and Uniform Building Code requirements;

(2) The site and structure have, or will receive, all necessary licenses from the appropriate state or federal regulatory agencies;

(3) The design of the physical structure is not wholly inconsistent with the design and scale of the surrounding neighborhood; however, this factor shall not be considered with respect to an existing structure;

(4) The use and structure will not create measurable and identifiable traffic problems in the surrounding neighborhood. In making this determination, the director shall determine from information supplied by the applicant the number of automobile trips that the home may reasonably be expected to generate. Traffic may not be used as a reason to deny or condition the application unless this number is more than twice the number which the city assumes for planning purposes will be generated by a typical single-family residence, which is ten (10);

(5) The use and structure will not create measurable and identifiable parking problems in the surrounding neighborhood. In making this determination, the director shall determine from information supplied by the applicant the number of cars that may reasonably be expected to be present at the home at any one time, and may condition the permit on the applicant's providing the appropriate number of off-street parking spaces. In making this determination, the director shall not apply any formula, but shall assess the actual likelihood that the prospective residents will own and operate cars. (Ord. 95-5, § 3, 5-24-95)

Secs. 33-1213—33-1219. Reserved.

DIVISION 2. VARIANCES AND ADMINISTRATIVE ADJUSTMENTS

Sec. 33-1220. Variance defined.

Variance is a waiver or modification of some requirement contained in this chapter which may be granted in accordance with the requirements of this division. A variance may not be granted which authorizes a use or activity which is not otherwise expressly authorized by the zone regulations governing the parcel of property. (Zoning Code, Ch. 109, § 1093.01)

Sec. 33-1221. ~~Zoning administrator~~Administrative adjustment defined.

~~For the purpose of this division, there is hereby created the position of zoning administrator, which shall be the community development director or his designee, as provided for in Title 7, Chapter 4, Article III (Section 65901) of the Government Code. (Zoning Code, Ch. 09, § 1093.02)~~

Administrative adjustment is a reduction or exceedance of certain standards prescribed in the zoning code, which may be granted in accordance with the requirements of this division. An administrative adjustment may not be granted which authorizes a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property. Administrative adjustments may be requested for the following property development standards:

- (a) Up to a twenty-five (25) percent reduction of required yards/setbacks for structures, signs, and parking areas;
- (b) Reductions up to twenty-five (25) percent of the required number of parking spaces for uses in non-residential zones, pursuant to Section 33-764 of this chapter.
- (c) Increases above the fifty (50) percent limitation on the cumulative costs of improvements as a percentage of the replacement value of the nonconforming use for a nonconforming single-family residential structure in a single-family zone, pursuant to section 33-1243 of this Chapter.
- (d) Modifications of the identified front, street side, side and rear lot lines of a lot in order to facilitate orderly development on a parcel subject to unusual circumstances, including but not limited to, topography, grading, drainage and stormwater treatment, utility facilities, easements, access and other site constraints or development requirements.
- (e) Other adjustments as specified by this chapter.

Sec. 33-1222. Authorization.

(a) The zoning administrator, or the planning commission upon referral from the zoning administrator, shall have the authority to grant approve, conditionally grant approve or deny a variance application as provided for in Title 7, Chapter 4, Article III (Section 65900 et seq.) of the Government Code of the State of California, providing such grant approval or conditional grant approval is consistent with the intent and purpose of this chapter and this article. A variance is granted at the discretion of the zoning administrator (or the planning commission as the case may be) and is not the automatic right of any applicant. (Zoning Code, Ch. 109, § 1093.03)

(b) The director of community development (director), or designee, shall have the authority to approve, conditionally approve, or deny an application for an administrative adjustment providing such approval or conditional approval is consistent with the intent and purpose of this chapter and will not be detrimental to adjacent properties or improvements.

(c) The zoning administrator and the director may refer any variance or administrative adjustment application to the planning commission.

Sec. 33-1223. Application and procedure.

(a) Application. Application for a variance may be initiated by the property owner or agent of the property affected, ~~the planning commission or the city council.~~ Application for an administrative adjustment may be initiated by the property owner or owner's agent. An application shall be made on forms provided by the city and shall be accompanied by a fee in the amount established by resolution of the city council. ~~The fee shall not be refunded unless the application is withdrawn prior to the time that the publication of notice of hearing is ordered.~~ The application shall further be accompanied by such materials as may be required by the zoning administrator and director.

(b) Variance Procedure. The zoning administrator ~~(or the planning commission as the case may be)~~ shall hold a duly noticed public hearing as required by pursuant to Division 6 of this article. Such hearing may be continued from time to time as deemed necessary by the zoning administrator ~~or the commission.~~ (Zoning Code, Ch. 109, § 1093.05)

(c) Administrative adjustment procedure. The director shall review the requested adjustment, the applicant's justification, the compatibility with adjacent properties or improvements and any other pertinent factor(s).

Sec. 33-1224. Variance fFindings.

The decision of the zoning administrator ~~or the planning commission~~ shall be in writing and shall state the reasons therefore. In granting a variance, the following findings shall be made:

(a) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity;

(b) That the granting of such variance will not be materially detrimental to the public health, safety or welfare or injurious to the property or improvements in such zone or vicinity in which the property is located;

(c) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone or vicinity;

(d) That the granting of such variance will not adversely affect the comprehensive general plan.

Any variance granted shall be subject to ~~such conditions as will~~ necessary to assure that the ~~adjustment variance~~ thereby authorized shall not constitute a grant of special privileges

inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. (Zoning Code, Ch. 109, § 1093.07)

Sec. 33-1225. Notification of action.

(a) ~~Zoning administrator action. Not later than five working days following the zoning administrator's or the commission's action, the d~~Decisions of the zoning administrator or the commission shall be filed in the planning division with the city clerk and a copy thereof ~~mailed~~provided to the applicant at the address shown on the application.

(b) Director action. The director shall give notice of the intended decision as provided in Division 6 of this article. (Zoning Code, Ch. 109, § 1093.09)

Sec. 33-1226. Appeal and effective date.

~~A decision of the zoning administrator or director to either grant or deny a variance may be appealed to the planning commission, pursuant to division 6 of this article. A decision by the planning commission to either grant or deny a variance, whether upon direct referral from the zoning administrator or on appeal, may be appealed to the city council.~~ (Zoning Code, Ch. 109, § 1093.11)

Sec. 33-1227. Expiration.

~~Unless otherwise specified in the action granting a variance or administrative adjustment, said any such variance approval shall become automatically null and void unless the variance or administrative adjustment authorized by the approval has been substantially implemented which has not been utilized within twelve (12) months from the grant of approval. effective date shall become null and void. Also, t~~The abandonment or non-use of a variance or administrative adjustment for a period of twelve (12) consecutive months shall also result in such approval becoming automatically null and void. terminate said variance and any privileges granted thereunder shall become null and void. However, an extension of time may be granted by the zoning administrator The director shall have authority to grant extensions to the deadlines in this section for both variances and administrative adjustments. Once any portion of a variance or administrative adjustment is utilized, the other conditions thereof become immediately operative and must be strictly complied with. (Zoning Code, Ch. 109, § 1093.13)

Sec. 33-1228. Modification or revocation of variances.

The authority making the original grant of a variance or the city council shall have the discretion to initiate proceedings to revoke or modify a variance (being either the zoning administrator or the planning commission upon referral from the zoning administrator) on its own motion may, or upon the direction of the city council shall, hold a hearing upon the question of the modification or revocation of a variance granted under or pursuant to the provisions of this division. If such proceedings are initiated, Written notice of such a public hearing shall be served on the owner of the property for which such use permit or variance was granted at least ten (10) days before such public hearing. Such notice may be served either personally or by certified mail, postage prepaid, return receipt requested. A variance may be modified or revoked

~~under the following circumstances: if the zoning administrator (or the planning commission as the case may be) and the city council find:~~

- (a) That the grant is detrimental to the public health, safety or welfare or is a nuisance;
- (b) That the variance was obtained by fraud;
- (c) That the purpose for which the variance was granted is not being exercised;
- (d) That the use for which the variance was granted has ceased or been suspended for ~~six~~ twelve (12) months or more;
- (e) That the conditions of the variance are not being complied with. (Zoning Code, Ch. 109, § 1093.15)

Sec. 33-1229. Limitation of refiling of applications.

~~Any final action~~ Final action as set forth in this division by the zoning administrator/director, the planning commission or city council in denying which denies any application for a variance shall prohibit the refiling of a similar or substantially similar application ~~petition the same as, or substantially the same as, the original petition upon property previously considered until not less than~~ for at least one (1) year shall have elapsed from the date of denial of said petition. (Zoning Code, Ch. 109, § 1093.17)

Secs. 33-1230—33-1239. Reserved.

DIVISION 3. NONCONFORMING USES AND STRUCTURES

Sec. 33-1240. Definition and purpose.

Nonconforming use, as used in this division, is the use of any building, structure or land which is prohibited by any city law, but which use was lawful prior to the effective date of such law. The purpose of this division is to provide for the control, improvement and termination of uses, structures or parcels which do not conform to the current regulations for the land on which they are located. (Zoning Code, Ch. 108, § 1084.01; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1241. Continuing nonconforming use.

(a) A nonconforming use may be continued even though such use does not conform to the revised provisions of applicable regulatory ordinances, but only if such use constitutes a legal nonconforming use as determined by the provisions of this division.

(b) This division does not authorize or approve the continuance of the use of any land, building or structure which was in violation of law at the commencement of such use.

~~———— (c) ——— Nonconforming structures listed on the city's local register of historic places pursuant to the provisions of Article 40 of this chapter are exempt from the provisions of this division.~~

(~~c~~) Alterations or enlargements may be made to single-family residential structures in residential zones notwithstanding the fact that such structure or lots may not conform to the minimum setback, lot size or lot width requirements of the current applicable zoning regulations, if the residential structure was built in conformity with the development standards in force at the time of construction.

Alterations or enlargements made to such nonconforming structures shall observe current front and rear yard setbacks, but may observe prior established nonconforming side yard setbacks subject to current applicable building code requirements and subject to the limitations of section 33-1243.

(~~d~~) Notwithstanding the provisions of this chapter, the director of community development ("director") or designee, may determine that nonconforming status exists for residential, commercial or industrial zoned properties, even though permit documentation is not available, subject to the following findings:

- (1) The structure was constructed prior to 1976 and subsequently annexed to the city.
- (2) The structure or building does not create a public nuisance as a result of conditions that threaten the public health, safety and welfare.
- (3) Except as noted in this subsection, all other provisions of this article shall apply.

(~~e~~) Investigation. Any request brought pursuant to this subsection, shall be made in writing to the ~~director~~ planning division, and shall be accompanied by a filing fee, which shall be established by resolution of the city council. The director, or designee, shall review ~~initiate an investigation of the request~~, together with any other information deemed relevant or necessary ~~by the director~~. Any necessary information shall be the responsibility of the applicant to provide. Upon making the required findings of this subsection, the director, or designee, shall grant, deny, or conditionally grant the request subject to the provisions of this article. (Zoning Code, Ch. 108, § 1084.02; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 96-7, § 1, 2-28-96; Ord. No. 96-20, § 1, 7-24-96; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1242. Inapplicability of this division.

The following properties shall not be entitled to legal nonconforming use status under section 33-1241:

(a) Abandoned use of property. Any discontinuance of a nonconforming use for a continuous period of six (6) months shall be deemed to constitute abandonment of any preexisting nonconforming rights and such property shall not thereafter be returned to such nonconforming use;

(b) Altered property use. Nonconforming uses may not be repaired, altered, improved or reconstructed in such a way that the nonconforming use becomes more permanent or is expanded. Alterations, improvements and reconstruction are deemed to make the nonconforming use more permanent or expanded if cumulative expenditures on the nonconforming use exceed the percentages of replacement value set forth in section 33-1243. All percentages used in section 33-1243 shall be calculated on a cumulative basis commencing with the initial expenditure. Replacement values shall be calculated by the director, or designee, using the most recent table of valuation multipliers of the International Code Council;

(c) Changed use. A nonconforming building, structure or use shall not be changed to another nonconforming use;

(d) Extended nonconforming use. A nonconforming use shall not be physically extended or enlarged, except as permitted in section 33-1243. Minor expansions of nonconforming buildings are permitted provided the degree of nonconformity is not increased and all applicable development standards are met. The extension or enlargement of a lawful use to any portion of a nonconforming use, or the issuance of a home occupation permit pursuant to Article 44, shall not be deemed the extension of such nonconforming use. (Zoning Code, Ch. 108, § 1084.03; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 92-11, §§ 1 and 2, 3-4-92; Ord. No. 92-47, § 5, 11-18-92; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1243. Exceptions to nonconforming use provisions.

(a) Routine maintenance. Nothing in this division shall prevent a property owner from performing routine maintenance on a nonconforming use. For the purposes of this section, the term, "routine maintenance," is minor work on a nonconforming use which does not require a permit of any kind and is primarily related to the aesthetics of a use or to alleviate normal wear and tear. Common examples of routine maintenance include, but are not limited to, painting, scraping, cleaning, pruning and so forth;

(b) Voluntary work. Nothing in this division shall prohibit the repair, alteration, improvement or reconstruction of a nonconforming use provided that the total cumulative costs of such work do not exceed twenty-five (25) percent of the replacement value of the nonconforming use. The twenty-five (25) percent limitation shall include the replacement costs

of work conducted pursuant to subsection (c) of this section and shall not include work that brings the property more into conformance with the current code:

(1) Improvements, additions and/or alterations for a nonconforming single-family residential structure(s) in a residential zone, including restoration pursuant to government order, may exceed the twenty-five (25) percent limitation up to fifty (50) percent of the replacement value of the nonconforming structure,

(2) Improvements, additions and/or alterations above fifty (50) percent for a nonconforming single-family residential structure(s) in a single-family zone, including restoration pursuant to governmental order, may be approved or conditionally approved by the director, or designee, pursuant to an administrative adjustment, as provided for in Division 2 of this Article, upon demonstration that the proposed adjustment will be compatible with and will not be detrimental to adjacent property or improvements,

(3) The application for the administrative adjustment of the replacement valuation shall include a fee to the city in an amount to be established by resolution of the city council. The director may agendize the application for consideration by the planning commission. Replacement values shall be calculated by ~~the director~~ using the most recent table of valuation multipliers of the International Code Council,

(4) A nonconforming sign may be altered, improved or remodeled notwithstanding this section provided the cumulative costs of such improvements or remodeling of the sign does not exceed fifty (50) percent of the cost of reconstruction of the building, as determined by the director,

(5) City-wide zone change. Nothing in this division shall prohibit the repair, alteration, improvement or reconstruction of a residential use considered nonconforming due to the city-wide zone change program; provided, that the total cumulative costs of such work does not exceed fifty (50) percent of the replacement value of the nonconforming use, except as permitted within this subsection;

(6) Industrial zones. Repairs, alterations and expansions to nonconforming sites, structures and uses in industrial zones may exceed the twenty-five (25) percent limitation up to seventy-five (75) percent of the replacement costs of all existing improvements provided the expansion or alteration does not expand the degree of nonconformity, pursuant to section 33-574 of this chapter.

(c) Restoration pursuant to governmental order. Nothing in this division shall prevent the repair, alteration, improvement or reconstruction of any portion of a nonconforming use if such work is ordered by a governmental authority having jurisdiction or if such work is necessary to bring the nonconforming use into compliance with any applicable building, plumbing, electrical or similar codes, provided the total cost of such work includes only restoration pursuant to government order to ensure health, safety and welfare;

(d) Restoration following disaster. Nothing in this division shall prevent the repair, alteration, improvement or reconstruction of any nonconforming use damaged by fire, collapse, explosion or acts of God, provided the total cumulative costs of such work does not exceed fifty (50) percent of the replacement value. Nonconforming residential structures are exempt from the fifty (50) percent limitation set forth in this subsection and may be constructed, repaired and rebuilt to nonconforming densities and the use thereof may be continued following damage by fire, collapse, explosion or acts of God without limitation as to cost. The percent limitations set forth in this subsection do not include work pursuant to subsection (b) or (c) of this section;

(e) Low- and very low-income housing. Low- and very low-income housing units may be repaired, altered, improved or reconstructed to a condition complying with all applicable building, electrical, plumbing and similar codes without regard to the percent limitations set forth in subsection (c) or (d) of this section, if the following conditions are satisfied:

(1) The housing units at issue have been inhabited continuously by individuals with low- or very low-income for at least one (1) year prior to the date of the proposed alteration, improvement or reconstruction,

(2) The property owner restricts the property for occupation solely by individuals of families of low- and very low-income for a period of at least ten (10) years. Such restrictions shall be in a form satisfactory to the city attorney,

(3) The property owner does not charge rent for the property which is in excess of thirty (30) percent of the gross household income of the residents of the property;

(f) Income definition. For the purposes of subsection (e) of this section, the term "low- and very low-income" means eighty (80) percent and fifty (50) percent respectively of median income of the San Diego County metropolitan statistical area adjusted for household size or any more recent definition adopted by the Department of Housing and Urban Development;

(g) Any property owner electing to not be subject to restrictions imposed pursuant to subsection (e)(2) of this section shall immediately notify the city and shall terminate, demolish or bring the nonconforming use into compliance with all relevant zoning, building, plumbing, electrical and similar codes within thirty (30) days of terminating the low-income use;

(h) Miscellaneous exceptions. The following nonconforming situations are not subject to this division:

(1) Lots created in the Old Escondido Neighborhood Historic District pursuant to Article 65, section 33-1376,

(2) Single-family residential lots that were created legally but now do not meet minimum lot width, lot frontage or lot area.

(3) Nonconforming structures listed on the city's local register of historic places pursuant to the provisions of Article 40 of this chapter.

(Zoning Code, Ch. 108, § 1084.04; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2008-22, § 6, 9-10-08; Ord. No. 2011-19R, § 5, 1-11-12; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1244. Appeals.

Any owner of a nonconforming use or structure who is notified by the city of the nonconformance and/or ordered to remove or abate said structure or use may appeal such order to the director pursuant to the terms and procedures set forth in the following sections of this division. (Zoning Code, Ch. 108, § 1084.05; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1245. Time for appeal.

Any notice of nonconformance or order for removal or abatement shall become final upon the expiration of thirty (30) days from the date of posting and mailing of the notice and order, unless an appeal to the director is filed prior to the expiration of said period of time. In the event that an appeal is timely filed, all action to be commenced against a nonconforming structure or use shall be stayed until said appeal is finally decided, unless there is an immediate and imminent threat to the public health, safety or welfare, as determined by the director. (Zoning Code, Ch. 108, § 1084.06; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1246. Procedure for appeals.

(a) Form. Any appeal brought pursuant to section 33-1244 shall be submitted on an application form to be provided by the planning division and shall be filed with the planning division. An appellant shall provide the following information as to each nonconforming structure or use that is the subject of an appeal:

(1) A detailed description of the use or structure, including legal description, assessor's parcel number, the method of its construction and dimensions;

(2) The name and address of each owner, occupant or tenant of the property upon which the use or structure is located;

(3) The date and value of original construction of the nonconforming structure or the date of commencement of the nonconforming use and investment in such use;

(4) The date and cost of appellant's purchase of the use or structure;

(5) The date or dates, and all expenditures for repairs, alterations, improvements or reconstruction on the nonconforming use;

(6) The current value of the use or structure.

(b) Investigation. The director shall initiate an investigation of each of the above points, together with any other information deemed relevant or necessary by the director. (Zoning Code, Ch. 108, § 1084.07; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1247. Hearing on appeal.

Within thirty (30) days of the filing of the appeal, the director shall commence a hearing during which the appellant may present evidence and argument. The building advisory and appeals board may grant or deny the appeal upon determining that the application of this division to the appellant is neither arbitrary nor unreasonable. (Zoning Code, Ch. 108, § 1084.08; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1248. Findings.

The building advisory and appeals board shall not grant an appeal until the following findings are made:

(a) The use or structures to which the legal nonconforming use applies was lawfully in existence prior to the imposition of the law to which the current use or structures do not conform;

(b) The use of the property or building does not constitute a public nuisance as a result of conditions that threaten the public health, safety and welfare. (Zoning Code, Ch. 108, § 1084.09; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1249. Appeal to planning commission and city council.

The decision of the building advisory and appeals board may be appealed to the planning commission and subsequently to the city council pursuant to section 33-1303 of this chapter. (Zoning Code, Ch. 108, § 1084.10; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1250. Future entitlements.

A copy of all determinations on appeal shall be permanently maintained on file with the planning ~~department~~division. No building permit or land use entitlement shall be issued for any property which does not conform to current laws. (Zoning Code, Ch. 108, § 1084.11; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Secs. 33-1251—33-1259. Reserved.

DIVISION 4. AMENDMENTS AND ZONE CHANGES

Sec. 33-1260. Change of zone Procedure.

~~Procedure.~~ The city council may adopt an ordinance amending any prior zoning ordinance, the Escondido Zoning Code, or the Escondido Zone District map after a public hearing is held on the proposed amendment. To the extent required by state law, the planning commission shall hold a hearing and make recommendations on any such amendments prior to city council consideration, ~~by ordinance and after a public hearing is held and a recommendation by the planning commission made in the manner provided in this division, amend the zone district map (such amendment is hereinafter sometimes referred to as a zone change or change of zone). The planning commission shall make recommendations to the city council on a change of zone after a duly noticed public hearing, as required by section 33-1300 of this chapter, held pursuant to either its own motion, a directive by the City Council, or a proper application of the owner or owners, or agent of the owner or owners, of the property proposed to be rezoned, except that a recommendation that no zone change be enacted may be made by the planning commission without first holding a public hearing if, within twelve (12) months immediately prior to the date of an application for such zone change, a public hearing on substantially the same issue has been held by the planning commission. The concurring vote of not less than the majority of the full membership of the planning commission shall be necessary for a resolution recommending a change of zone.~~ (Zoning Code, Ch. 109, § 1092.01; Ord. No. 88-58, § 4, 10-19-88)

Sec. 33-1261. Application and fee.

An application for a zoning amendment may be initiated by the City or by the owner of property subject to the amendment. Applications shall be on City forms and accompanied by the applicable fee. ~~by a property owner for a change of zone shall be made on the form provided by the city and shall be accompanied by a fee in the amount established by resolution of the City Council. The fee shall not be refunded unless the application is withdrawn prior to the time that the publication of notice of the hearing before the planning commission is ordered.~~ (Zoning Code, Ch. 109, § 1092.05)

Sec. 33-1262. Accompanying maps and dataPlanning commission action .

The planning commission's recommendation to the city council shall be in writing and shall state the reasons for approval or denial based on factors pursuant to section 33-1263. A recommendation of denial shall terminate the process unless timely appealed by the applicant to the City Council. ~~An application for a change of zone shall be accompanied by a legal description and/or a map showing the subject property and any other data required by the planning director, to adequately present the application to the planning commission.~~ (Zoning Code, Ch. 109, § 1092.09)

Sec. 33-1263. Factors to be considered by the planning commission and city council.

The decisions of the planning commission and city council shall be in writing and shall state the reasons therefore after consideration of the following factors: ~~In granting a change of~~

~~zone, the following factors to be considered shall be made: The planning commission's recommendation to the city council shall be in writing, and shall state the reasons for the recommendation. In making its recommendation, the commission shall consider the following factors:~~

- (a) That the public health, safety and welfare will not be adversely affected by the proposed change;
- (b) That the property involved is suitable for the uses permitted by the proposed zone;
- (c) That the uses permitted by the proposed zone would not be detrimental to surrounding properties;
- (d) That the proposed change of zone is consistent with the adopted general plan;
- (e) That the proposed change of zone does not establish a residential density below seventy (70) percent of the maximum permitted density of any lot or parcel of land previously zoned R-3, or R-4, or R-5 unless the exceptions regarding dwelling unit density can be made pursuant to sections 33-246, 33-277 and 33-404 respectively the provisions set forth in Article 6;
- (f) That the relationship of the proposed change of zone is applicable to specific plans. (Zoning Code, Ch. 109, § 1092.10; Ord. No. 2007-19, § 4, 9-19-07)

Sec. 33-1264. Notification of planning commission's action recommendation.

~~Not later than five (5) working days following the commission's action on an application for a change of zone, t~~The recommendation of the commission shall be filed in the planning division with the city clerk and a copy thereof mailed provided to the applicant at the address shown on the application. (Zoning Code, Ch. 109, § 1092.12)

Sec. 33-1265. Appeal of planning commission City council action.

~~—— If the planning commission does not recommend in favor of a change of zone for the property, the applicant or any other interested party may, by filing a written request with the city clerk within ten (10) days after the date of filing by the planning commission of its recommendation, request that the city council enact the specific change of zone considered and not approved by the planning commission. Unless such request is filed within the time prescribed, no further action on the change of zone application shall be taken. In the event that such a request is properly filed, the city council may enact the specific change of zone considered and not approved by the planning commission without referring such change back to the commission for possible report of further recommendation. No fee shall be charged for such appeal.~~

The city council may approve, modify or deny the proposed amendment. Any modification of a proposed change of zone by the city council not previously considered by the planning commission during its hearing, shall first be referred to the planning commission for report and

recommendation. Such report and further recommendation may be made by the planning commission without holding a public hearing. (Zoning Code, Ch. 109, § 1092.16)

Sec. 33-1266. Zone change to conform with noticeReserved.

~~The planning commission shall not recommend a change of zone, nor shall the city council enact a change of zone, that is not within the scope of zone change proposed in the notice of public hearing. (Zoning Code, Ch. 109, § 1092.20)~~

Sec. 33-1267. Modification of change of zone by councilReserved.

~~Except in the case of an appeal from the decision of the planning commission as provided in section 33-1265, the city council shall enact no change of zone upon which a favorable recommendation of the planning commission has not been made unless such zone change shall have been first referred back to the planning commission for possible report and further recommendation. Such report and further recommendation may be made by the planning commission without holding a public hearing. (Zoning Code, Ch. 109, § 1092.24)~~

Sec. 33-1268. Authority to rescindReserved

~~The city may initiate a public hearing before the planning commission to rescind a change of zone enacted at the request of the property owner if the land is not put to a use permitted by the zone change within a period of twelve (12) months. Development of vacant land, where required, will be interpreted to mean the commencement of construction, which shall be deemed to be significant progress on installation of one or more on-site underground utility systems and/or commencement of framing of one or more permanent buildings. Grading and site preparation will not be deemed to be commencement of construction. Such zone change may be rescinded by the city council by ordinance, after notice and hearing as provided for a change of zone. Said action may establish the zoning classification existing on the property prior to the change requested by the property owner, or any other zone deemed more appropriate and not in conflict with the general plan. (Zoning Code, Ch. 109, § 1092.26)~~

Sec. 33-1269. Amendments to use and parcel requirements of zoning regulationsReserved.

~~Any amendment to the zoning regulations contained in this chapter which imposes any regulations not theretofore imposed or removed or modified any such regulation not theretofore imposed shall be adopted as prescribed by state law. (Zoning Code, Ch. 109, § 1092.28)~~

Sec. 33-1270. Zoning of vacated public rights-of-way.

Where a public street or alley or other public right-of-way is officially vacated or abandoned, the area comprising such vacated or abandoned right-of-way shall acquire the zoning classification of the property to which it reverts. (Zoning Code, Ch. 109, § 1092.30)

DIVISION 5. REASONABLE ACCOMMODATION

Sec. 33-1271. Purpose.

It is the policy of the City, pursuant to Title III of the Americans with Disabilities Act (42 U.S.C. §§ 12131, et. seq.) (the "ADA"), the federal Fair Housing Act (42 U.S.C. § 3604(f)(3)(B)) ("FHA"), and the California Fair Employment and Housing Act (Cal. Gov. Code §§ 12927(c)(1), 12955(τ)) ("FEHA") (collectively, the "Acts"), to provide persons with disabilities reasonable accommodation in the City's zoning laws and land use rules, policies and procedures. The purpose of this division is to provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the City, when such accommodations are necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. (Ord. No. 2001-29, § 4, 12-19-01)

Sec. 33-1272. Applicability.

This division shall apply to any person who is qualified as a "disabled person" under the ADA, or who is otherwise qualified to receive reasonable accommodation under any of the Acts. (Ord. No. 2001-29, § 4, 12-19-01)

Sec. 33-1273. ~~Zoning administrator~~Reserved.

~~For the purpose of this division, the position of zoning administrator shall be filled by the director of planning and building ("director") or his or her designee, as provided in Title 7, Chapter 4, Article III (Section 65901) of the Government Code. (Ord. No. 2001-29, § 4, 12-19-01)~~

Sec. 33-1274. Authorization.

The director, or designee, shall have the authority to grant, conditionally grant or deny a reasonable accommodation application consistent with the intent and purpose of this division, and shall provide the applicant with a written decision in a timely manner. The director shall give notice of ~~his~~the intended decision using the procedures outlined in Section 33-1300 of this Article ~~61~~ of this chapter. (Ord. No. 2001-29, § 4, 12-19-01)

Sec. 33-1275. Application and Fee.

In order to make available housing more ~~available~~obtainable to an individual with a disability, a disabled person may request reasonable accommodation for a specific residential living unit, relating to the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the City. A disabled person may file a request for reasonable accommodation on an application provided by the planning department. There shall be no fee imposed in connection with a request for reasonable accommodation under the provisions of this division. However, if the project for which the request is being made also requires some other planning permit or approval, ~~than~~the applicant shall file the requests together and submit the required fees associated with the related permits. (Ord. No. 2001-29, § 4, 12-19-01)

Sec. 33-1276. Factors to be considered.

In determining the reasonableness of a requested accommodation, the director shall consider the following factors:

- (a) Whether the housing which is the subject of the request for reasonable accommodation will be used by an individual protected under the Acts;
- (b) Whether fulfillment of the request is necessary to make specific housing available to an individual protected under the Acts;
- (c) Whether the accommodation will impose an unreasonable financial or administrative burden on the City;
- (d) Whether the accommodation will require a fundamental alteration of the zoning or building laws, policies and/or procedures of the City;
- (e) Whether the accommodation will have any potential impact on surrounding uses;
- (f) Physical attributes of the property and structures; and
- (g) Any other factor deemed relevant to the determination according to the Acts, as amended. (Ord. No. 2001-29, § 4, 12-19-01)

DIVISION 6. PUBLIC HEARINGS, NOTICES, FEES AND APPEALS

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

The following provisions shall govern all ~~Whenever this chapter or Chapter 32, Subdivisions, requires notices of public hearing or public notices,~~ Such the notices shall be given as follows, unless noted otherwise ~~within the chapters:~~

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

(b) ~~For all notices of intended decision and other public notices required by Chapter 32 and this chapter,~~ the matter shall be published at least ten (10) days before the action ~~or at~~

least once in a newspaper of general circulation ~~published and circulated~~ in the community. Such notice shall include a general explanation of the matter to be considered and other information required pursuant to ~~this division~~ subsection (a) of this section.

(c) In addition to notice by publication in subsections (a) and (b), the city shall give notice as follows:

(1) Mailing to each owner of property within the boundaries of the proposal as well as each property owner within a radius of five hundred (500) feet of the exterior boundaries of the project. ~~The names and addresses of such owners shall be furnished by the applicant from the latest equalized assessment rolls including any updates, and~~ The notice shall be deposited in the United States mail with postage prepaid not less than fifteen (15) days prior to the date of the public hearing or the decision becoming effective.

(A) When property is within a radius of five hundred (500) feet of the exterior boundaries of the subject property and consists of a mobilehome park or a condominium project, notice shall be provided to each resident within the mobilehome park or each owner of any interest in the condominium project.

(B) For ~~planned unit approvals~~ projects involving the conversion of apartment complexes to condominium units, notices shall be provided to each apartment unit within the complex.

(2) Physically posting a notice on the project site in a conspicuous location so that the notice is visible from all portions of the site which abut a private or public street. The applicant shall maintain the posted notice in good condition for the full ten (10) day public notice period. Such notice shall be clearly headed "NOTICE OF PERMIT APPLICATION PUBLIC HEARING," or "NOTICE OF INTENDED DECISION" and shall include:

- (A) A general explanation of the matter to be considered;
- (B) The city case reference number;
- (C) The applicant's name; and
- (D) The telephone number of the planning ~~department~~ division for further information.
- (E) The date of the hearing; or the closing date of the public review period.

The notice shall be constructed according to the following standards:

~~(E) Minimum size requirements of sixteen (16) square feet for undeveloped parcels one (1) acre or larger in size or developed parcels larger than ten (10) acres;~~

(F) Minimum size requirements of six (6) square feet for developed parcels less than ten (10) acres or undeveloped parcels less than one (1) acre.

(3) Requirements for this section are considered minimum notification requirements in addition to other minimum requirements set forth in the provisions of this chapter. (Zoning Code, Ch. 109, § 1091.11; Ord. No. 88-58, § 1, 10-19-88; Ord. No. 2000-23, § 5, 9-13-00)

Sec. 33-1301. Fees schedule.

All Fees for applications for zone changes, use permits, variances and for appeals to the city council from decisions of the planning commission required in connection with this Code shall be established by resolution of the city council, which may be amended from time to time. The fees shall be payable to the City of Escondido paid to the director of finance. Fees shall not be refunded unless a written request to withdraw the application and receive a refund of fees is submitted by the applicant prior to the time that the publication of notice of the hearing is ordered, or the notice of intended decision is issued, or administrative approval is issued. Any refund shall be based on the percentage of work performed on the application at the time the request is received. (Zoning Code, Ch. 109, § 1091.21; Ord. No. 88-58, § 2, 10-19-88)

Sec. 33-1302. Continuation of hearings.

Any hearing required by this Code may be continue from time to time. before the planning commission or city council may be continued from time to time. (Zoning Code, Ch. 109, § 1091.31)

Sec. 33-1303. Appeals.

(a) This section shall control all appeals from decisions of the planning commission to the city council, unless specified otherwise in this code. If the final date to appeal falls on a day when the city's business offices are closed, the time for appeal shall run through the end of the next city business day.

(b) Any interested party may appeal the decision of the director, zoning administrator or planning commission within ten (10) calendar days following the date of the decision. planning commission action. If the final date to appeal falls on a day when the city's business offices are closed, the time for appeal shall run through the end of the next city business day.

(c) All appeals shall be in writing, and shall be accompanied by the applicable fee. a filing fee, which shall be established by resolution of the city council. The appeal shall state the decision from which the appeal is taken, and shall contain a concise statement of the reasons for the appeal. An appeal not containing the basis for appeal may be rejected as incomplete.

(d) All Appeals shall be filed, along with the appropriate filing fee, with the city clerk. The filing of an appeal shall immediately stay the effective date of any decision which is subject to the appeal. the planning commission decision, until the city council has acted upon the appeal

(e) Within the time limits set forth in subsection (b) of this section, the city council, ~~or any individual member of the council,~~ may request planning commission review of any decision of the zoning administrator or director, or council review of any decision of the planning commission. Such review shall be requested in writing, and shall be filed with the city manager. There shall be no appeal fee payable upon a request for a review by the city council or a member of the city council.

~~(f) Wherever possible, the council shall set all appeals of decisions of the planning commission for hearing before the council within thirty (30) days of the date the appeal is filed. By majority vote, the council may approve, modify or disapprove the decision of the planning commission. (Zoning Code, Ch. 109, § 1091.41; Ord. No. 88-58, § 3, 10-19-88; Ord. No. 91-18, § 1, 5-15-91; Ord. No. 2000-34, § 4, 12-20-00)~~

Sec. 33-1304. Hearing on appeal.

~~Decisions which are appealed~~ Appealed decisions shall be set for public hearing at the earliest practicable date, given the schedules of parties involved, but subject to the discretion of the hearing body. Decisions of the director and zoning administrator may be appealed to the planning commission, and decisions of the planning commission may be appealed to the city council as soon as possible. The planning commission, by a majority vote, may approve, modify or disapprove the decision of the planning department. The city council by a majority vote may approve, modify or disapprove the decision of the planning commission. (Zoning Code, Ch. 109, § 1091.42; Ord. No. 88-58, § 3, 10-19-88)

Secs. 33-1305—33-1309. Reserved.

DIVISION 7. ENFORCEMENT AND PENALTIES

Sec. 33-1310. Enforcement.

~~All department officials and public employees of the City of Escondido vested with the duty or authority to issue, deny, or modify permits of any sort shall conform to the provisions of this Code chapter and shall issue no permit, certificate or license for uses, buildings or purposes in conflict with the provisions of this chapter, and a~~ Any such permit, certificate or license issued in conflict with the provisions of this chapter, intentionally or otherwise, shall be null and void. It shall be the duty of the building official of the City of Escondido, and the director, and the police department to enforce the provisions of this chapter pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure and the use of any land, building or premise. (Zoning Code, Ch. 109, § 1099.04)

Sec. 33-1311. Right of entry.

Whenever necessary to make an inspection of any premises, business records or other data to enforce any of the provisions of this chapter, or whenever any of the officials set forth in section 33-1310 of this article has reasonable cause to believe that there exists in any building or upon any premises any condition, or violation of this chapter, or use of property or premises that is unsafe, dangerous or hazardous, the official or their authorized representative may enter such building or premises at all reasonable times to inspect the building, premises, business records, or other data or to perform any duty imposed upon such official by this chapter. If the building or premises are occupied, the official shall first present proper credentials and request entry. If the building or premises are unoccupied, the official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the official or his authorized representative shall have recourse to every remedy provided by law to secure entry. (Zoning Code, Ch. 109, § 1099.05; Ord. No. 88-54, § 3, 10-12-88)

Sec. 33-1312. Abatement.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this ~~Codechapter~~, and any use of land, building or premise established, conducted, operated or maintained contrary to the provisions of this ~~Codechapter~~, shall be, and the same hereby is declared to be unlawful and a public nuisance, and ~~the City Attorney of the City of Escondido shall be authorized to immediately commence action or proceedings for the abatement and removal and enjoinder of such nuisance thereof in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using property contrary to the provisions of this Codechapter. This remedy~~ The remedies provided for herein shall be cumulative and not exclusive. (Zoning Code, Ch. 109, § 1099.08)

Sec. 33-1313. Penalty provisions.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any portion of this chapter, including the use of land or structures contrary to this chapter, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. Such person, firm or corporation is guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed or continued by such person, firm or corporation. (Zoning Code, Ch. 109, § 1091.12; Ord. No. 88-54, § 4, 10-12-88)

DIVISION 8. PLOT PLANS

Sec. 33-1314. Definition and purpose.

(a) Plot plans shall mean a zoning instrument used primarily to review the location and site development of certain permitted land uses. The plot plan review process is required when any of the following are proposed in a multi-family, commercial or industrial zone:

- (1) A new building, structure or addition.
- (2) A new permitted use of land or existing structure that may require additional off-street parking.
- (3) A modification of an existing development affecting the building area, parking, outdoor uses and/or on-site circulation.
- (4) As may otherwise be required by this chapter.

Plot plan review is not required for residential development created by a Planned Development or residential subdivision of single-family lots.

(b) Minor plot plan may include but not be limited to a change in use with no additional floor area, minor building additions, outdoor storage as an accessory use in the industrial zones, or other site plan changes affecting site circulation and parking, as determined by the director.

(c) Major plot plan may include but not be limited to new construction, reconstruction and additions of facilities permitted in the underlying zone, or other projects that exceed thresholds for a minor plot plan, as determined by the director.

Sec. 33-1315. Authorization, procedure and modifications.

(a) Authorization. The director, or designee, shall have the authority to grant, conditionally grant or deny a plot plan application, or refer it to the planning commission as provided for in Section 65900 et seq. of the California Government Code, based on sound principles of land use.

(b) Procedure. Application for a plot plan may be initiated by the property owner or agent of the property affected. Application shall be made on forms provided by the city and shall be accompanied by the appropriate fee. The application shall further be accompanied by such materials as required by the director. The project shall be reviewed for conformance to all applicable requirements of the General Plan, Zoning Code, Specific Plans, Area Plans, City design standards, building and safety requirements, and other applicable City standards, to the satisfaction of the director.

(c) Modifications. The director may approve or conditionally approve minor modifications to a project that are consistent with the intent of the plot plan approval and do not intensify the use(s) on the site.

Sec. 33-1316. Findings, notification of action and appeals.

(a) Findings. The decision of the director shall be in writing and shall state the reasons therefore. In granting a Plot Plan approval, the director shall issue a Conditional Letter of Approval and shall make the following findings:

(1) That the use is a permitted use in the zone in which it is located.

(2) That the plot plan is granted subject to such conditions as deemed necessary to meet the standards of the use and zone in which it is located and to comply with applicable design standards.

(3) That the plot plan is granted subject to such additional conditions as deemed necessary and desirable to preserve the public health, safety and general welfare.

(b) Notification of action. The director's written decision, the conditional letter of approval, shall be filed in the Planning Division and a copy provided to the applicant at the address shown on the application. The applicant must sign and return the conditional letter of approval, thereby agreeing to the conditions of approval, prior to submittal of applications for construction permits.

(c) Appeals. Appeals shall be governed by the provisions of Division 6 of this Article. Any final action which denies any application for a plot plan shall prohibit the refiling of a similar or substantially similar application for at least one (1) year from the date of denial.

Sec. 33-1317. Expiration and extension of time.

Unless otherwise specified in the action approving a Plot Plan, said approval shall become automatically null and void unless the project authorized by the Plot Plan approval has been substantially implemented within twelve (12) months from the approval date. The abandonment or non-use of a Plot Plan approval for a period of twelve (12) month shall also result in such approval becoming automatically null and void. The director shall have authority to grant extensions to the deadlines in this section. Once any portion of a plot plan is utilized, the other conditions thereof become immediately operative and must be strictly complied with.

DIVISION 9. ZONING ADMINISTRATOR

Sec. 33-1318. Office established – authority

For the purpose of this chapter, there is hereby created the position of zoning administrator, which shall be the director of community development (director) or his/her designee, as provided for in Title 7, Chapter 4, Article III (Section 65901) of the Government Code. (Zoning Code, Ch. 09, § 1093.02)

Sec. 33-1319. Powers and duties and procedure

(a) The zoning administrator is authorized to consider and approve, disapprove or modify applications and/or issue use permits, for requests that include but are not limited to:

- (1) Minor conditional use permits as defined in Division 1 of this Article;
- (2) Minor conditional use permits for non-residential parking pursuant to section 33-764 of Article 39;
- (3) Variances as defined in Division 2 of this Article;
- (4) Reasonable accommodation as provided in Division 5 of this Article;
- (5) Grading Exemptions not associated with a discretionary project pursuant to section 33-1066(d) of Article 55;
- (6) Proposed modifications to an approved Precise Development Plan pursuant to section 33-411 of Article 19.

(b) The zoning administrator is authorized to consider and adopt a negative declaration or mitigated negative declaration, prepared pursuant to CEQA and Article 47 of this chapter, upon completion of the CEQA public review period, for administrative projects that do not require a public hearing.

(c) The zoning administrator shall have the power to adopt all rules and procedures necessary for the conduct of the administrator's business.

- (1) The zoning administrator shall schedule public hearings as needed.
- (2) The zoning administrator shall hold a hearing, issue a notice of intended decision, or take an administrative action on an application as required pursuant to this chapter for the specific type of request.
- (3) The decisions of the zoning administrator shall be filed in the Planning Division and a copy provided to the applicant at the address shown on the application.
- (4) Actions of the zoning administrator may be appealed to the planning commission.

EXHIBIT "C"
Associated Amendments of
Articles 1, 16, 26, 39, 55, 57,
Case No. AZ 16-0010

REVISE ONLY THE SECTIONS AND SUBSECTIONS LISTED BELOW.

PROPOSED DELETIONS ARE IN ~~STRIKEOUT~~ FONT AND ADDITIONS ARE UNDERLINED.

ARTICLE 1 – General Provisions and Definitions

Add Zoning Administrator to definitions

Sec. 33-8. Definitions

Zoning administrator means the director of community development (director) or his/her designee.

ARTICLE 16 – Commercial Zones

Revise various sections as shown below

Sec. 33-332. Principal land uses.

The following Table 33-332 lists those uses in the commercial districts which are permitted (P) subject to administrative or plot plan review, or subject to a conditional use permit (C). Major conditional use permits (C) and minor conditional use permits (C#) shall be processed pursuant to Article 61, Division 1 of this chapter. In the planned development zones, permitted uses are identified in each planned development master plan approval. In addition to the uses listed below, the following uses shall be subject to conditional use permit requirements of section 33-1200 et seq., of this chapter.

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

(b) All uses permitted in the CN zone operating between the hours of 11:00 p.m. and 7:00 a.m. are subject to a minor conditional use permit.

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

Table 33-332

PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES

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

Use Title	CG	CN	CP
Residential and Lodging			
Bed and breakfast* (Article 32)	C#		
Hotels and motels* (Article 63)	C		
Mobilehome parks or travel trailer parks* (Articles 45 & 46)	C		
Manufacturing, Wholesale Trade, and Storage			
Mini-warehouse storage facilities* (section 33-339)	C		
Newspaper printing and publishing	P		
Retail Trade			
Automotive and marine craft			
Sales lots and parts and accessories sale and supply (including autos, motorcycles, trailers, campers, recreational vehicles and marine craft vehicles excluding farm and construction vehicles, three-axle trucks, and buses)	P		
<u>Gasoline sales or service stations with or without convenience stores and without concurrent sale of alcoholic beverages* (Article 57 and Council Resolution #5002)</u>	P		
Gasoline sales or service stations including concurrent sale of alcoholic beverages and motor vehicle fuel* (Articles 57 and Council Resolution #5002)	P		
With facilities to dispense gasoline to 4 or fewer vehicles at a time			
With facilities to dispense gasoline to 5 or more vehicles at a time	C#		
Food and liquor			

Use Title	CG	CN	CP
Food stores (grocery, produce, candy, baked goods, meat, delicatessen, etc.), <u>with or without</u> off-sale beer and wine, off-sale general license excluding concurrent sale	P	P	
With facilities to dispense gasoline to 4 or fewer vehicles at a time* (Article 57)	P		
With facilities to dispense gasoline to 5 or more vehicles at a time* (Article 57)	C#		
Liquor stores, packaged (off-sale)	P	P	
General retail			
Building materials and supplies including lumber, heating, plumbing, and electrical equipment, etc. (outdoor storage or sale subject to CUP)	P		
Drugstores	P	P	P
Pharmacies	P	P	P
Florists, gifts, cards, newspapers and magazines	P	P	P
Furniture, home and office furnishing and equipment, electrical appliances, and office machines and supplies	P		
General retail, NEC (as determined by the director of community development, based on conformance with the purpose of the specific zone, interaction with customers, the appearance of the building, the general operating characteristics, and the type of vehicles and equipment associated with the use, and including incidental assembling of customized items)	P	P	
Hospital/medical equipment sales	P		P
Nurseries and garden supply stores	P	P	
Outdoor retail, NEC (as a principal use)	C#		
Sporting goods (includes ammunition and firearms, fishing, hunting, golf, playground equipment, etc.)	P		
Temporary seasonal sales such as Christmas tree and wreath sales, pumpkin sales, etc., on vacant lots subject to <u>site plan approval</u> <u>a temporary use permit</u> * (Article 73)	P	P	P

Use Title	CG	CN	CP
Eating and Drinking Establishments			
Cabarets and nightclubs (with or without alcoholic beverages, including comedy clubs, magic clubs, etc.)	C		
Drinking places—alcoholic beverages (on-sale beer and wine and on-sale general licenses and public premises) includes bars and taverns, does not include restaurants serving alcoholic beverages	C		
Restaurants, cafés, delicatessens, sandwich shops, etc.			
Without alcoholic beverages	P	P	P
With on-sale beer and wine and on-sale general licenses	P	C	C
Auto oriented (drive-in,* drive-through*) (section 33-341)	P		
Specialized food sales from pushcart facilities* (section 33-342)	P	P	P
Services			
Animal care (excluding kennels)	P	P	
Automotive services (including motorcycles, marine craft and recreational vehicles)			
Car-wash, polishing, detailing	P		
Rental and leasing* (Article 57 and Council Resolution #73-264-R) with or without drivers, taxicab service	P		
Repair and related services, except tire retreading and auto body	P		
Auto body	C		
Miscellaneous auto service, except repair and wash (includes motor clinics, auto towing service only)	P		
Educational services			
Day nurseries, child care centers* (Article 57)	P	C#	C#
Schools, including kindergarten, elementary, junior, and senior high schools* (Article 57)	P		C
University, college, junior college, and professional schools	P		C
Vocational and trade schools	P		C

Use Title	CG	CN	CP
Other special training (including art, music, drama, dance, language, etc.)	P	P	
Special needs education	P	P	P
Government services			
Administrative centers and courts	P	C	P
Other government services NEC excluding correctional institutions	C		C
Police and fire stations	C	C	C
Financial services and institutions (including banks, securities brokers, credit offices, real estate services)	P	P	P
Insurance	P	P	P
Hospital and medical service organizations (including Blue Cross, Blue Shield, etc.)	P		P
Medical, dental and related health services			
Hospitals, excluding small medical clinics	C		C
Massage establishments* (Article 38)	P/C		
Medical, dental and optical laboratories	P		P
Medical clinics and blood banks	P		P
Medical, dental, optical, and other health care offices	P	P	P
Other medical and health services NEC	P		P
Sanitariums, convalescent and licensed residential care facilities Sanitariums, convalescent and residential care facilities approved prior to the effective date of Ordinance 2014-15 are exempt from voluntary work limitations identified in section 33-1243 (Exceptions to nonconforming use provisions). Expansions and/or intensification of said facilities shall require a conditional use permit subject to Article 61.	C		C
Offices and business services, except medical			

Use Title	CG	CN	CP
General business services (including advertising, credit reporting, building services, news syndicate, employment services, computer services, drafting, detective/protective services, etc.)	P	P	P
General office use (includes professional offices)	P	P	P
Mailing, accounting and office services	P	P	P
Travel agencies and services	P	P	P
Repair services, except automotive			
Apparel and shoe repair and alteration	P	P	
Bicycle repair	P	P	
Locksmiths and key shops	P	P	P
Miscellaneous repair services (excluding machine shops and welding services)	P		
Small appliance repair and services (including TV, radio, small electronics, computers, household appliances, etc.)	P	P	
Watch, clock, and jewelry repair	P	P	P
Social, professional, and religious organizations and services			
Churches, synagogues, temples, missions, religious reading rooms, and other religious activities* including columbariums and mausoleums* as an incidental use (Article 57). <u>Major or minor conditional use permit pursuant to Article 61, Division 1.</u> Religious establishments listed above and/or assembly uses on property designated Planned Office in the general plan: Existing churches may operate subject to their approved conditional use permits. Expansions may occur subject to Article 57 that do not increase the boundary of the conditional use permit, including parking areas within the Planned Office designation. No new religious establishments and/or assembly uses are permitted on land in the general plan designated Planned Office.	P	C/C#	C/C#
Social and professional organizations (political membership, veterans, civic, labor, charitable and similar organizations, etc.)	P	C	P
Youth organizations* (Article 57)	P	C	

Use Title	CG	CN	CP
Other services			
Assembly halls, fraternities, sororities, lodges, etc.	C		
Barber, beauty, nail, and tanning services	P	P	P
Equipment rental and leasing service* (Article 57 and Council Resolution #73-264-R) (includes airplanes, business equipment, furniture, construction equipment, sanitation units, sports equipment, etc.)	P		
Mortuary (excluding crematories and mausoleums)	P		
Hospital/medical equipment rental and leasing	P		P
Laundry and dry cleaning services			
Self-service, coin-operated	P	P	
Pick-up service only	P	P	P
Dry cleaning, laundering, pressing and dying for on-site retail customers only	P		
Personal services, NEC (including clothing and costume rental, tattooing, marriage bureaus, baby-sitting services, etc.)	P		
Photographic and duplicating services:			
Blueprinting	P		P
Photocopying	P	P	P
Studios, developing, printing, and similar services, except commercial photography	P	P	P
Commercial photography, including aerial photographs and mapping services	P		P
Picture framing, assembly only	P	P	
Recycling services* (Article 33):			
Reverse vending machines occupying a total of 50 square feet or less	P	P	P
Small collection facilities occupying a total of 500 square feet or less	P	P	P

Use Title	CG	CN	CP
Aluminum can and newspaper redemption center without can crushing facilities	C#		
Cultural Entertainment and Recreation			
Adult entertainment establishments* (Article 42)	P		
Cultural, including museums, art galleries, etc.	P		C#
Entertainment assembly, amphitheater, concert halls, exhibit halls	C		
Health and fitness facilities, including gymnasiums, athletic clubs, body building studios, dance studios, martial arts schools, etc.	P	P	CP
Swimming schools and pools	C#	C#	
Libraries	P	P	CP
Parks	P	P	P
Sports and recreation facilities, including bowling alleys, billiards, indoor and outdoor skating facilities, batting cages, riding schools and stables, etc.	C		
Theaters, indoor motion picture	P		
Transportation, Communications and Utilities			
Transportation			
Ambulance and paramedic	C#		C#
Bus and train depots	P		
Helipad (as an incidental use only)* (Article 57)	C		C
Park-and-ride facilities	P	P	P
Parking lots and parking structures (short-term)	P		P
Taxicab stand	P		P
Communications (telephone, telegraph, radio, TV, etc.)			
Broadcasting (radio and/or television), recording, and/or sound studios	P		P
Personal wireless service facilities* (subject to Article 34)			

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

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

P = Permitted use.

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

C# = Conditionally Permitted Use [subject to a Minor CUP] pursuant to section 33-1200 et seq.

NEC = Not Elsewhere Categorized.

Revise Sec. 33-334(a) - (Prohibited uses)

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

Revise note #7 listed at the end of Table 33-335 (Commercial Development Standards)

(7) Adjustments to the standards up to twenty-five (25) percent may be approved pursuant to section ~~33-343~~33-1220 et seq., of this chapter.

Revise the last sentence of Sec. 33-336(b) [Projections into yards (Maintain minimum yard)]

Adjustments to the standards up to twenty-five (25) percent may be approved pursuant to section ~~33-343~~33-1220 et seq., of this chapter.

Revise Sec. 33-337(d) (Performance standards)

(d) In the CN zone, business hours shall be limited to the hours between 7:00 a.m. and 11:00 p.m. except those uses which are granted a minor CUP under section 33-1200 et seq., of this chapter. Security lighting shall be permitted during closed hours. Those lighted signs which are directly used in conjunction with a twenty-four (24) hour use shall be reviewed with the CUP.

Revise Sec. 33-338

Sec. 33-338. Trash storage.

Containers for trash 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. Additionally, an area for the storage and pickup of recyclables must be included in this area.

Revise Sec. 33-340

Sec. 33-340. Plot Plan Approval Required.

A plot plan review shall be required pursuant to Article 61, Division 8 under the following circumstances.

(1) At the time a building permit is requested for expansion of any building or structure,~~or~~

(2) at a~~Any~~ time a new use of land or existing structure which may require additional off-street parking is proposed,~~or~~

(3) ~~a~~ new, substantially different, use is proposed for the site of an existing or vacant automobile dealership,

~~a plot plan application package shall be submitted to the planning division together with the application fee as established by resolution of the city council. City staff shall review the plans for planning, architecture, zoning compliance, landscaping, engineering, building requirements and safety. After such review, staff may approve, conditionally approve or deny the proposed plan, or refer it to the planning commission. Any aggrieved party may appeal a decision of the staff to the planning commission as outlined in section 33-1303 of Article 61 of this chapter.~~

Revise Sec. 33-341(b)(5) (Commercial drive-through facilities requirements)

(5) Drive-through aisles and associated structures should be oriented away from public streets unless significant screening is provided to the satisfaction of the director of community development.

Delete text and reserve Sec. 33-343

Sec. 33-343. ~~Administrative adjustments~~Reserved.

~~Certain standards identified in sections 33-335 and 33-336 are eligible for administrative adjustments. Adjustments of up to twenty five (25) percent may be approved or conditionally approved by the director of community development upon demonstration that the proposed adjustment will be compatible with, and will not prove detrimental to, adjacent property or improvements. The director shall give notice of his or her intended decision as outlined in Article 61 of this chapter. The applicant shall pay a fee to the city in an amount to be established by resolution of the city council.~~

ARTICLE 26 – Industrial Zones

Revise various sections as shown below

Revise Sec. 33-561(d) (Purpose of individual industrial zones)

(d) Industrial park (I-P) zone. The industrial park (I-P) zone encourages well designed industrial park developments concentrated in specific areas rather than scattered around the planning area. The general purpose of the industrial park (I-P) zone is to provide sites for manufacturing and research and development firms that are employee intensive and clean in nature. The zone is also intended to promote an attractive industrial park environment through:

(1) Construction—attractive, high quality and designed to promote orderly growth (see property development standards, section 33-569);

(2) Landscaping—comprehensively designed to integrate with adjacent developments by promoting common landscaping themes (see landscaping standards, ~~section 33-1320~~ Article 62 of this chapter);

(3) Signage—coordinated programs to provide adequate identification without cluttering the zone (see sign standards, ~~section 33-1390~~ Article 66 of this chapter);

(4) Planned developments—opportunity for large-scale industrial park planning with a comprehensive architectural, landscaping and sign program (see P-D standards, ~~section 33-400~~ Article 19 of this chapter). (Ord. 94-37 § 1, 11-9-94)

Revise Sec. 33-562

Sec. 33-562. Plot plan review required.

A plot plan review shall be required pursuant to Article 61, Division 8 ~~to be submitted to the planning division for approval under the following circumstances. The submittal shall include copies of a site plan, a basic floor plan, and exterior elevations in accordance with the filing instructions included with the plot plan application.~~

- (1) Request for a building permit for any new building, structure, or addition.
- (2) A new use of land or existing structure which may require additional parking.
- (3) To allow outdoor storage as a new use on a property.
- (4) To allow new permitted use to store materials above the approved height of the existing outdoor storage use consistent with the standards of section 33-571.

~~City staff shall review the plans for planning, architecture, zoning compliance, landscaping, engineering, building requirements, safety, and outdoor storage regulations. After such review, staff may approve, conditionally approve, or deny the proposed plan or refer it to the planning commission. Any aggrieved party may appeal a staff decision to the planning commission using the provisions in section 33-1300 of the Zoning Code. (Ord. 94-37 § 1, 11-9-94)~~

Revise Sec. 33-564(a) and Table 33-564 (Land uses)

(a) Principal uses and structures. The following list ~~Table 33-564 represents lists~~ those uses which are permitted (P) or subject to a conditional use permit (C) in industrial districts. Major conditional use permits (C) and minor conditional use permits (C#) shall be processed pursuant to Article 61, Division 1 of this chapter.

Table 33-564

PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES

Use Title	I-O	M-1	M-2	I-P
Administrative and business offices	P			P
Agriculture livestock (not including animal waste processing facilities)		C	P	
Ammunition manufacturing		C	C	
Animal boarding (indoor boarding only) and training, feeding, care, grooming and "daycare" ² . Does not include animal shelters****, sales or breeding.		P	P	
Animal hospital and care		P	P	
Assembly	P	P	P	P
Auction services	P	P	P	P
Auto, RV and boat sales**(subject to Article 57)	P	P	P	P
Automotive services (excluding gasoline service stations)		P	P	
Banks/automated teller machines		<u>CP</u>	<u>CP</u>	<u>CP</u>
Boat repair		P	P	
Building materials**	P	P	P	P
Bulk fertilizer (not including animal waste processing facilities)			C	
Cabinet manufacturer/wholesaler**	P	P	P	P
Canning/curing seafoods		C	C	
Carpeting manufacturer/wholesaler**	P	P	P	<u>P/C</u>
Communication facilities (subject to Article 34)	P	P	P	P
Construction services	P	P	P	P
Crematoriums	P	P	P	P
Daycare (subject to Article 57)				C
Electrical wholesale houses**	P	P	P	P

Use Title	I-O	M-1	M-2	I-P
Emergency shelters****		P		
Equipment sales and leasing (subject to Article 57)		P	P	
Experimental-type uses	C	C	C	C
Feed stores**	P	P	P	P
Fleet fueling		P	P	
Furniture manufacturer/wholesaler**	P	P	P	P
Government services	P			
Grain mills		C	P	
Green waste compost facility			C	
Health and fitness facilities	<u>C#</u>			<u>C#</u>
Heavy construction equipment** (e.g., tractors, earth moving equipment, etc.)	P	P	P	P
Helipads		C	C	C
Industrial hardware**	P	P	P	P
Landscape materials** (e.g., soil, compost, wood chips)	P	P	P	P
Lumber yards**	C	<u>C#</u>	P	C
Manufacturing	P	P	P	P
Masonry products**	P	P	P	P
Materials batch plants and concrete recycling			C	
Medical laboratories	P	P	P	P
Oil refinery and bulk stations (located outside of the HCO zone)			C	
Plumbing supply**	P	P	P	P
Postsecondary vocational training schools, limited to training for uses which are permitted or conditionally permitted in the zone.	C	C	C	C
Power plants			C	C
Primary metal manufacturing			C	

Use Title	I-O	M-1	M-2	I-P
<u>Recycling facility¹ facilities¹</u>				
<u>Reverse vending machine¹</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Small processing facility ¹		<u>P/C</u>	P	
Large processing facility ¹		C	C	
Repair services	P	P	P	P
Restaurants		C#	C#	C#
Slaughter houses/meat products		C	C	
Social and charitable services (including emergency shelters)***		C		
Solid waste transfer facility			C	
Storage yards		C	P	
Swap meet		C		
Trades	P	P	P	P
Transmission/communication facilities		C	C	
Transportation facilities	P	P	P	
Uses involving hazardous chemicals or waste*	C	C	C	C
Utilities	P	P	P	
Vehicle, shredding and dismantling		C	P	
Warehousing and distribution	P	P	P	P
Wholesale	P	P	P	P

* = As determined by the director of ~~planning and building~~ and the fire chief based on information provided by the business describing the quantity and nature of hazardous chemicals used.

** = Retail component greater than the maximum fifteen (15) percent floor area/sales allowed under "Incidental Use" regulations is allowed only in M-1 and M-2 zones, subject to conditions in section 33-566—Specialized retail uses.

*** = Only on sites immediately adjacent to the general commercial zone and within five hundred (500) feet of public transportation.

**** = Only on sites within the emergency shelter overlay, Figure 33-661, and subject to the requirements of Article 27.

***** = Dog shelters generally means an establishment, especially one supported by charitable contributions, that provides a temporary home for dogs, cats and other animals that are offered for adoption.

P = Permitted use.

C = Conditionally permitted use subject to issuance of a conditional use permit; either major (C) or minor (C#) by the planning commission (pursuant to section 33-1200 Article 61, Division 1 of this chapter).

¹ = Pursuant to Article 33 of the zoning code (recycling facilities).

² = Pursuant to section 33-576 of this Article (animal boarding and daycare)

Revise Sec. 33-566

Sec. 33-566. Specialized retail uses.

A limited list of industrial uses which contain a retail component greater than the maximum fifteen (15) percent floor area/sales allowed under the "incidental uses" section shall be permitted within the M-1 and M-2 industrial zones. These uses have been determined to be industrial in nature; however, given unique circumstances involving the need to manufacture, warehouse, wholesale, and/or store their products on-site, they would not be appropriately located in the commercial zones. Those industrial uses, specified in Table 33-564 (and other uses determined to be similar in nature as permitted by the director of planning and building), shall be permitted subject to the following conditions:

(1) Prior to issuance of a building or occupancy permit, the applicant shall submit a plot plan application pursuant to Article 61, Division 8 of this chapter. ~~to the planning division. The plans shall be sealed and include the following:~~

~~(A) Site plan (property lines, setbacks, parking, loading and docks, landscaping);~~

~~(B) Floor plans (floor area designated for manufacturing, warehousing, storage, and retail use areas);~~

~~(C) Sign plan.~~

(2) The applicant shall provide parking at a ratio of one space per two hundred fifty (250) square feet of floor area for that portion of the retail and display/showroom designated areas which exceed fifteen (15) percent of the gross floor area on the site (unless a lower parking ratio is deemed adequate by the director pursuant to Sec. 33-764 of planning and building). Parking shall be provided at the standard industrial use ratios for the balance of the floor area on the site, pursuant to section 33-760 et seq.

(3) The applicant will be allowed only the amount of signage permitted by the citywide sign ordinance for the underlying industrial zone, pursuant to section 33-1390. (Ord. 94-37 § 1, 11-9-94)

Revise Sec. 33-567

Sec. 33-567. Incidental uses.

Sales and service uses incidental to a principally permitted use may be permitted by the director of planning and building provided that the following standards are met:

- (1) The operations are contained within the main structure which houses the primary use.
- (2) The use occupies no more than fifteen (15) percent of the gross building square footage; and/or fifteen (15) percent of total gross sales.
- (3) No retail sales or display of merchandise occur(s) outside the structure(s), or outside designated outdoor storage area.
- (4) All products offered for sale on the site are manufactured, warehoused, or assembled on the premises. (Ord. 94-37 § 1, 11-9-94)

Revise Sec. 33-568

Sec. 33-568. Prohibited uses.

All uses and structures not listed as permitted, accessory or conditionally permitted uses and not meeting the requirements for incidental uses shall be prohibited. However, the director of planning and building may approve a use, after study and deliberation, which is found to be consistent with the purposes of this section, similar to the uses listed as permitted uses, and not more detrimental to the zone than those uses listed as permitted uses. (Ord. 94-37 § 1, 11-9-94)

Revise note #6 below Table 33-569 – Industrial development standards

(6) Exceptions to the provisions of Article 62 landscape standards section 33-1339 (b) and (d) may be granted by the director of planning and building pursuant to an administrative adjustment filed in conformance with Article 61, Division 2 of this chapter, for expansions to existing uses in the M-1 and M-2 zones, based on the finding that the modifications are consistent with the intent of the citywide landscape ordinance, and do not result in detrimental impacts due to either the nature of the site, the nature of surrounding properties, or conditions placed on the landscape plan. Additionally, affected adjacent property owner(s) must be notified of the request prior to final action by the director of planning and building. (Ord. 94-37 § 1, 11-9-94; Ord. No. 96-31, §§ 1, 2, 10-16-96)

Revise Sec. 33-571

Sec. 33-571. Accessory outdoor storage requirements.

The following are the proposed requirements for outdoor storage in the industrial zones. No conditional use permit would be required; however, upon receipt of an application for outdoor storage, the site will be posted to allow public comment, input, and review of submitted plans. A plot plan application pursuant to Article 61, Division 8 of this chapter, shall be required to determine conformance with the outdoor storage requirements pursuant to ~~of this~~ section 33-571. Except as otherwise exempted, outdoor storage is defined as the keeping in an unenclosed area of any components, products, debris, material, merchandise, equipment, vehicles, and trailers. Fleet/company vehicles, equipment attached to fleet/company vehicles, short-term customer and staff parking, and approved trash enclosures shall not be considered outdoor storage.

SUBSECTION 33-571(a) THROUGH SUBSECTION 33-571(B)(7) REMAIN UNCHANGED

Revise Subsections 33-571(b)(8) and (9) and subsections 33-571(c) and (d)

~~(8) A plot plan which shows the proposed location and landscaping of the outdoor storage area(s) shall be submitted to the planning division for review. The plan shall demonstrate compliance with all requirements pertaining to outdoor storage.~~

(98) No outdoor mechanical repair of equipment or vehicles shall be ~~permitted~~ allowed within the outdoor storage areas in the M-1 zone. Except for approved specialized retail sales pursuant to section 33-566 and loading and unloading activities associated with an otherwise permitted use, all activities including manufacturing, assembly, repair, and sales shall occur within fully enclosed buildings. Other outside activities may only be permitted pursuant to a conditional use permit.

(c) I-O and I-P zone. All permitted uses except parking, loading and fleet storage (I-P zone only) shall be conducted entirely within completely enclosed buildings. No outside storage will be allowed except for small vehicles used in conjunction with the business. All storage and equipment must be completely enclosed within the primary building or a structure that is consistent with the design, materials, color, etc., of the primary building(s).

(d) Special circumstances (M-2 and M-1 zones). Within the M-2 and M-1 zones, unusual topographic circumstances may warrant exceptions to the outdoor storage screening requirements. The following diagrams delineate the screening locations and wall heights in conjunction with slopes on a property. The director of ~~planning and building~~ may, on a case-by-case basis, modify or waive screening based upon the topography and visual impacts associated with the specific situation. In general, screening should be placed at a height and location where it will most effectively reduce the visual impacts of outdoor storage areas upon public streets and adjacent properties. (Ord. 94-37 § 1, 11-9-94)

Revise Sec. 33-572

Sec. 33-572. Trash storage.

Containers for trash storage shall be of a size, type, and quantity approved by the director of planning and building. They shall be placed so as to be concealed from the street and shall be maintained. Additionally, an area for the storage and pickup of recyclables must be included in this area. (Ord. 94-37 § 1, 11-9-94)

Revise Sec. 33-574

Sec. 33-574. Nonconforming, sites and structures and uses.

Notwithstanding the provisions of Article 61, Division 4-3 of this code, expansions and alterations to nonconforming sites, structures or uses and buildings in industrial areas may occur to the extent that the cumulative cost of voluntary improvements is within seventy-five (75) percent of the replacement costs of all existing improvements, and the expansion or alteration does not expand the degree of nonconformity. Government ordered improvements may also occur in addition to the voluntary limits to the extent that the cumulative total does not exceed one hundred (100) percent of the replacement value.

Full conformance with current zoning standards is not required where the cost of improvements is less than the maximum permitted replacement values. However, exterior alterations shall be subject to design review that reasonably addresses the alteration or modification in accordance with the city's design guidelines.

(a) Nonconforming sites or structures.

(1) A site or structure may be legally nonconforming if it was in conformance with the underlying zone requirements at the time it was developed, however, not in conformance with the currently adopted zone regulations. A site or structure may be nonconforming if it does not comply with the following regulations of the currently adopted zone: setbacks, landscaping, parking, building height, outside storage and screening.

(2) A legal nonconforming site/structure may be improved without bringing the entire site/structure into conformance under the following conditions:

(+A) Such improvements conform to currently adopted zoning requirements.

(2B) Such improvements do not expand the degree of nonconformity.

(3C) The cost of such work does not exceed a total of seventy-five (75) percent of the current replacement value, including government-ordered improvements of the nonconforming use at the time the first nonconforming improvements are made. (Ord. 94-37 § 1, 11-9-94)

(b) Nonconforming uses.

(1) A use may be legally nonconforming if it was established at a time when the underlying zone permitted the use at the time it was established, however, either the zone or the Zoning Code has subsequently been amended such that the use is no longer permitted on the site.

(2) The use may continue to operate without bringing the site into conformance with the regulations of the adopted Zoning Code under the following conditions:

(4A) For a new user which is exercising the same nonconforming use rights, tenant improvements may be allowed which are less than seventy-five (75) percent of the current replacement value, including government-ordered improvements of the nonconforming use at the time the first nonconforming improvements are made.

(2B) Changes of use on a site may occur; however, parking will be reviewed to determine the adequacy of the parking ratio for the new use.

(C) To the extent that an outside storage use (with or without a CUP) is in conflict with the zone code provisions, no improvement requirements shall be triggered for new permitted uses, or continuation of the existing use unless one or more of the following conditions exist:

(4i) A new permitted use is proposed in the M-1 zone where the height of the material would exceed the existing fence height. In such cases, either the height of the material shall be reduced to the height of the fence, or the fence height shall be increased.

(2ii) The limits of the existing storage are expanded. In such cases the degree of nonconformity cannot be expanded; therefore, the new storage area shall conform with fence height requirements of the underlying zone. (Ord. 94-37 § 1, 11-9-94)

Delete text and reserve Sec. 33-575

Sec. 33-575.-Reserved.Nonconforming uses.

~~Notwithstanding the provisions of Article 61, Division 4 of this code, expansions and alterations to nonconforming uses and buildings in industrial areas may occur to the extent that the cumulative cost of voluntary improvements is within seventy five (75) percent of the replacement costs of all existing improvements, and the expansion or alteration does not expand the degree of nonconformity. Government ordered improvements may also occur in addition to the voluntary limits to the extent that the cumulative total does not exceed one hundred (100) percent of the replacement value.~~

~~Full conformance with current zoning standards is not required where the cost of improvements is less than the maximum permitted replacement values. However, exterior alterations shall be subject to design review that reasonably addresses the alteration or modification in accordance with the city's design guidelines.~~

~~A use may be legally nonconforming if it was established at a time when the underlying zone permitted the use at the time it was established, however, either the zone or the Zoning Code has~~

subsequently been amended such that the use is no longer permitted on the site. The use may continue to operate without bringing the site into conformance with the regulations of the adopted Zoning Code under the following conditions:

~~———— (1) ——— For a new user which is exercising the same nonconforming use rights, tenant improvements may be allowed which are less than seventy five (75) percent of the current replacement value, including government ordered improvements of the nonconforming use at the time the first nonconforming improvements are made.~~

~~———— (2) ——— Changes of use on a site may occur; however, parking will be reviewed to determine the adequacy of the parking ratio for the new use.~~

~~———— To the extent that an outside storage use (with or without a CUP) is in conflict with the zone code provisions, no improvement requirements shall be triggered for new permitted uses, or continuation of the existing use unless one or more of the following conditions exist:~~

~~———— (1) ——— A new permitted use is proposed in the M-1 zone where the height of the material would exceed the existing fence height. In such cases, either the height of the material shall be reduced to the height of the fence, or the fence height shall be increased.~~

~~———— (2) ——— The limits of the existing storage are expanded. In such cases the degree of nonconformity cannot be expanded; therefore, the new storage area shall conform with fence height requirements of the underlying zone. (Ord. 94-37 § 1, 11-9-94)~~

ARTICLE 39 – OFF-STREET PARKING

Revise Sec. 33-764 -Adjustments to required parking

Sec. 33-764. Administrative adjustmentsAdjustments to non-residential parking.

(a) Administrative adjustment. For uses in nonresidential zones, adjustments up to twenty-five (25) percent of the number of parking spaces required by section 33-765 may be considered by the director of community development upon the submittal of an application for an administrative adjustment with the application fee adopted by city council. The director may approve or conditionally approve the request upon demonstration that the proposed adjustment will be compatible with adjacent properties or improvements. The director will consider the following: proximity to public transit; on-street and/or overflow parking; and the range of uses in the area. The director shall give notice of his or her intended decision as outlined in Article 61 of this chapter. Multiple requests for reductions of required parking spaces may be considered when the total of all requests for reductions related to the subject property does not exceed twenty-five (25) percent of the overall number of parking spaces required for the entire property. (Ord. No. 2012-17, § 5, 10-3-12)

(b) Minor conditional use permit. For uses in nonresidential zones, a request to provide fewer than seventy-five (75) percent of the parking spaces required by section 33-765

may be considered by the zoning administrator upon the submittal of an application for a minor conditional use permit pursuant to Article 61, Division I, with the application fee adopted by city council. The zoning administrator may approve or conditionally approve the request upon demonstration that the proposed reduction will be compatible with adjacent properties, uses and improvements; the development is in close proximity to public transit; and the number of parking spaces provided is suitable for the mix of uses proposed. The zoning administrator may require additional information with the application, including but not limited to, a market demand study or report that substantiates the appropriateness of the requested parking reduction.

ARTICLE 55 – GRADING AND EROSION CONTROL

Stand-alone grading exemptions.

Revise Section 33-1052 – Definitions.

Director shall refer to the director of ~~planning and building~~community development.

Revise Section 33-1055(h)(1) - Grading Permit Requirements

(h) Provisions for denial. A grading permit may be denied if the city engineer determines that:

(1) It is reasonably likely that the ultimate development of the land to be graded cannot occur without further grading requiring planning commission or director approval pursuant to the provisions of section 33-1066.C of the criteria for grading design; or

Revise Section 33-1060(c) – Setbacks.

(c) Design standards for setbacks. Setbacks between graded slopes (cut or fill) and structures in residential zones shall be provided in accordance with Figure 1-Grading Setbacks. ~~section 33-1076 of Article 56 of this chapter. (Ord. No. 2001-21, § 5, 8-22-01)~~

Revise Section 33-1067.F(a)(5) - Design Guidelines for HRO District

(5) Slopes steeper than two to one (2:1), appropriately designed by a geotechnical engineer, may be permitted subject to Planning Commission or director approval when such slopes preserve the significant environmental characteristics of the site or substantially reduce the need for extensive cut and fill slopes (see figure 8);

ARTICLE 57- MISCELLANEOUS USE RESTRICTIONS

Revise Sec. 33-1103

Sec. 33-1103 - Nursery, primary and secondary education

Conditional use permits for nursery, primary and secondary education (~~use number 6810~~, except small and family day care homes) may be granted by the zoning administrator or planning commission upon consideration of the following criteria:

(a) An off-street area for the loading and unloading of children from vehicles should be provided and should be designed so as to provide for the forward movement of vehicles both upon entering and leaving the site;

(b) The conditional use permit shall be conditioned upon there being ~~an off-street parking space for each person employed on the premises at any given time. In addition, a conditional use permit for a school shall be conditioned upon there being one (1) off-street parking space for every three (3) students~~ in conformance with Article 39 of this chapter. (Zoning Code, Ch. 108, § 1085.14)

Revise Sec. 33-1106

Sec. 33-1106 - Churches

(a) Conditional use permits for churches (~~use number 6910~~) may be granted by the zoning administrator or planning commission pursuant to Article 61, Division 1, upon consideration of the following criteria:

(a~~1~~) The site should be twenty thousand (20,000) square feet or more in area;

(b~~2~~) All buildings, structures and landscaping should be compatible with surrounding developments;

(c~~3~~) The buildings should be designed, situated or landscaped so that sounds from church activities will not carry into surrounding properties.

(b) A conditional use permit for a church shall be conditioned upon provision being made for landscaping, which will screen parking areas from view from surrounding properties. Day school activities shall not be permitted unless the conditional use permit so provides, in which case, the requirements of section 33-1103 of Article 57 of this chapter shall apply.

(c) The zoning administrator or planning commission may waive up to fifty percent (50%) of the off-street parking requirements for “urban churches” upon consideration of the following criteria:

(a1) The project site involves an existing church located within the ~~Central/Tier 1 General Plan Tier Designation zone~~ a multi-family residential zone with a density of twelve (12) du/acre or greater;

(b2) The parking incentive request is in conjunction with a conditional use permit ~~and reconstruction or major rehabilitation of the existing facility~~;

(c3) The parking on-site with the proposed project does not result in a higher ratio than currently exists;

(d4) Adequate pedestrian amenities (sidewalks, crosswalks, etc.) exist or will be provided in the surrounding area;

(e5) On-street parking is available along the project frontage; and

(f6) Sufficient documentation can be provided indicating that at least forty percent (40%) of the congregation lives within one mile radius of the church and that operational measures will be implemented to minimize vehicular traffic, including but not limited to limiting hours of operation, minimizing peak-traffic uses from occurring concurrently, and encouraging ridesharing and pedestrian traffic.

(d) For purposes of applying this section, an urban church is one which serves a congregation whose members are geographically close to each other, identifiable by a neighborhood rather than a region of a city. The congregation of which approximately fifty percent (50%) will rely on public transportation or will walk to church and other neighborhood services. (Zoning Code, Ch. 108, § 1085.15; Ord. No. 2003-32(R), § 4, 11-19-03)

Revise Sec. 33-1115(d) - Concurrent sale of motor vehicle fuel and alcoholic beverages

(d) Minor Conditional Use Permit Required. All establishments which sell motor vehicle fuel and alcoholic beverages on the same premises and have more than four (4) fuel pump stations shall be subject to a minor conditional use permit pursuant to the ~~notice, public hearing and findings provisions of Division 1 of Article 61 of this chapter.~~

Revise Sec. 33-1116 (f) and (g) - Household pets in the residential zones

(f) Other similar animals which in the opinion of the ~~planning commission~~zoning administrator are not more obnoxious, detrimental or dangerous to the public and neighboring properties than the animals enumerated in this section.

(g) A minor conditional use permit may be granted to allow additional animals over those permitted by this section; provided, however, that the total number of animals so authorized shall not exceed twice that enumerated herein, except household dogs and cats. The number of dogs and cats allowed with a minor conditional use permit shall be as specified in Section 33-1116(e).

EXHIBIT "D"

Article 61 - Administration and Enforcement

Case No. AZ 16-0010

THE ENTIRE ARTICLE IS PROPOSED TO READ AS FOLLOWS:

ARTICLE 61 ADMINISTRATION AND ENFORCEMENT

DIVISION 1. CONDITIONAL USE PERMITS

Sec. 33-1200. Definition and purpose.

A conditional use permit is a permit allowing a use under specified conditions which assure that the use will not be detrimental to the public health, safety and welfare and will not impair the integrity and character of the surrounding areas. Conditional use permits are classified as 'minor' or 'major,' as provided for in Sec. 33-1202. (Zoning Code, Ch. 109, § 1094.01)

Sec. 33-1201. Authorization.(a) Unless otherwise provided, the director, zoning administrator or planning commission shall have the authority to grant, conditionally grant or deny a conditional use permit application based on sound principles of land use. Unless as otherwise provided, a conditional use permit is granted at the discretion of the director, zoning administrator or planning commission and is not the automatic right of any applicant.

(b) When a proposed use is not specifically listed as permitted or conditionally permitted in the subject zone, the director shall determine if the use shall be permitted, or conditionally permitted as a major or minor conditional use, after study and finding that the use is similar to uses listed and would be consistent with the purpose of the subject zone. The director may also determine that a conditionally permitted use qualifies for processing as a minor conditional use permit when the project substantially conforms to one of the situations listed in section 33-1202(c) based on the details of the request. (Zoning Code, Ch. 109, § 1094.03; Ord. No. 95-5, § 1, 5-24-95)

Sec. 33-1202. Application, fees and procedures.

(a) Application and fees. Application for a conditional use permit may be initiated by the property owner or agent of the property affected, the planning commission or the city council. Application shall be made on forms provided by the city and shall be accompanied by the appropriate fee. The application shall further be accompanied by such materials as required by the director.

(b) Procedures. The zoning administrator or planning commission shall consider the application, all relevant codes and regulations, the project's environmental status, necessary findings, the circumstances of the particular case, as well as any other relevant evidence and shall hold a public hearing before approving, conditionally approving or denying the application. The zoning administrator may refer any minor conditional use permit application to the planning commission.

(c) Minor conditional use permit. The zoning administrator shall give notice pursuant to Division 6 of this article and hold a hearing on the application. Minor conditional use permits include but are not limited to:

(1) Land uses specified as minor conditional uses in the land use matrix of the applicable zoning district, area plan, specific plan or planned development.

(2) Requests where the conditional use to be permitted does not involve the construction of a new building or other substantial structural improvements on the property in question, provided the use does not involve the use of hazardous substances;

(3) Requests where the conditional use requiring the permit would make use of an existing building and does not involve substantial remodeling thereof or the use of hazardous substances;

(4) Requests where the use requiring the permit is a temporary use that operates periodically on a regular basis and exceeds the time and/or area restrictions set forth in sections 33-1534(c)(1) and (2) of Article 73;

(5) Applications for additional animals over those permitted by section 33-1116 of Article 57, pursuant to subsection 33-1116(g).

(6) For uses in non-residential zones requesting parking suitable for the proposed use or mix of uses, pursuant to section 33-764(b) of Article 39.

(7) Requests for businesses in the CN zone that are open for business before 7:00 a.m. and/or after 11:00 p.m., pursuant to section 33-337(d).

(d) Major conditional use permit. Any conditional use that is not eligible to be processed as a minor conditional use permit shall be processed as a major conditional use permit. Unless otherwise provided, the planning commission shall hold a public hearing to consider any application for a major conditional use permit. (Zoning Code, Ch. 109, § 1094.05; Ord. No. 95-5, § 2, 5-24-95)

Sec. 33-1203. Findings.

All decisions granting or denying a permit shall be in writing and shall state the reasons for the decision. In granting a conditional use permit, the following guidelines shall be observed:

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

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

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

Any conditional use permit granted shall be subject to such conditions necessary and desirable to preserve the public health, safety and general welfare. (Zoning Code, Ch. 109, § 1094.07)

Sec. 33-1204. Notification of action.

The decisions of the zoning administrator and the planning commission shall be filed in the Planning Division and a copy provided to the applicant at the address shown on the application. (Zoning Code, Ch. 109, § 1094.09)

Sec. 33-1205. Appeal and effective date.

The provisions of Division 6 of this article regarding appeal of the zoning administrator's or commission's actions and the effective date of approval shall apply. (Zoning Code, Ch. 109, § 1094.11)

Sec. 33-1206. Expiration.

Unless otherwise specified in the action granting a conditional use permit, any such permit shall become automatically null and void unless the uses authorized by the permit have been substantially implemented within twelve (12) months from the grant of the permit. The abandonment or non-use of a permit for a period of twelve (12) consecutive months shall also result in such permit becoming automatically null and void. The director shall have authority to grant extensions to the deadlines in this section. Once any portion of a conditional use permit is utilized, the other conditions thereof become immediately operative and must be strictly complied with. (Zoning Code, Ch. 109, § 1094.13)

Sec. 33-1207. Modification or revocation of conditional use permits.

The planning commission or the city council shall have the discretion to initiate proceedings to revoke or modify a conditional use permit. If such proceedings are initiated, written notice of a public hearing shall be served on the owner of the property for which such permit was granted at least ten (10) days before such public hearing. Such notice may be served either personally or by certified mail, postage prepaid, return receipt requested. A conditional use permit may be modified or revoked under any of the following circumstances:

- (a) That the use is detrimental to the public health, safety or welfare or is a nuisance;
- (b) That the conditional use permit was obtained by fraud;
- (c) That the use for which the permit was granted is not being exercised;
- (d) That the use for which the permit was granted has ceased or been suspended for twelve (12) months or more;

(e) That the conditions of the improvements, if any, on a property for which a conditional use permit has been issued, are such that they can be used or altered as to be used in conformity with the uses permitted in the zone in which such property is located without impairing the constitutional rights of any person;

(f) That the conditions of the conditional use permit are not being complied with. (Zoning Code, Ch. 109, § 1094.15)

Sec. 33-1208. Minor expansion of existing conditional use permits.

Expansion of existing major and minor conditional uses of less than one thousand (1,000) square feet or ten (10) percent of the facility, whichever is less, may be requested through the plot plan administrative review process pursuant to Division 8 of this article. The director or zoning administrator may administratively approve or conditionally approve, without a public hearing, other minor adjustments, in substantial conformance to the original development plans of a major or minor conditional use, that do not involve an expansion or change to the conditionally permitted use, provided that such adjustments do not conflict with the concept or intent of the development plans originally approved. (Zoning Code, Ch. 109, § 1094.16; Ord. No. 2001-08, § 8, 5-9-01)

Sec. 33-1209. Limitation on refiling of applications.

Any final action which denies any application for a conditional use permit shall prohibit the refiling of a similar or substantially similar application for at least one (1) year from the date of denial. (Zoning Code, Ch. 109, § 1094.17)

Sec. 33-1210. Violation—Penalty.

In addition to modification or revocation as provided in section 33-1207 of this division, the violation of any condition of a conditional use permit is unlawful and may be punished as provided in section 33-1313 of this article. A violation of any condition of a conditional use permit may also result in the imposition of civil penalties as provided in section 1-20 et seq. of Chapter 1 of the Escondido municipal code. (Zoning Code, Ch. 109, § 1094.18; Ord. No. 90-60, § 1, 11-7-90)

Sec. 33-1211. Reserved.

(Deleted by Ord. No. 92-47, § 2, 11-18-92)

Sec. 33-1212. Conditional use permits for residential care facilities for the handicapped.

(a) The decision whether or not to issue a conditional use permit for residential care facilities for the handicapped, when required by other provisions of this code, shall lie with the sound discretion of the director. Whenever permissible under the California Environmental Quality Act or its guidelines for implementation, the director shall prepare a notice of exemption for the proposed residential care facility. If the facility is not eligible for an exemption, the director shall conduct only such environmental review as is necessary to comply with the minimum requirements of the California Environmental Quality Act. The construction of access ramps for

persons with mobility impairments shall not be deemed to be a substantial modification of a structure or to have a significant effect on the environment.

(b) Upon determining whether or not to issue a conditional use permit for a residential care facility for the handicapped, the director shall provide notification of the intended decision to surrounding property owners as provided in section 33-1300. The notification shall advise all interested persons that unless appealed, the director's decision to issue a conditional use permit for a residential care facility for the handicapped shall become final within ten (10) days of the date of notification.

(c) Any interested person may appeal the decision of the director to grant or deny a conditional use permit for a residential care facility for the handicapped. Such appeal shall be made to the planning commission and the city council, and shall be made pursuant to the requirements set forth in section 33-1300 et seq. of this code.

(d) In determining whether or not to grant a conditional use permit for a residential care facility for the handicapped, the director shall grant the application as long as the following requirements are met:

(1) The proposed use and structure comply with all existing and applicable Zoning Code provisions, Uniform Housing Code provisions, and Uniform Building Code requirements;

(2) The site and structure have, or will receive, all necessary licenses from the appropriate state or federal regulatory agencies;

(3) The design of the physical structure is not wholly inconsistent with the design and scale of the surrounding neighborhood; however, this factor shall not be considered with respect to an existing structure;

(4) The use and structure will not create measurable and identifiable traffic problems in the surrounding neighborhood. In making this determination, the director shall determine from information supplied by the applicant the number of automobile trips that the home may reasonably be expected to generate. Traffic may not be used as a reason to deny or condition the application unless this number is more than twice the number which the city assumes for planning purposes will be generated by a typical single-family residence, which is ten (10);

(5) The use and structure will not create measurable and identifiable parking problems in the surrounding neighborhood. In making this determination, the director shall determine from information supplied by the applicant the number of cars that may reasonably be expected to be present at the home at any one time, and may condition the permit on the applicant's providing the appropriate number of off-street parking spaces. In making this determination, the director shall not apply any formula, but shall assess the actual likelihood that the prospective residents will own and operate cars. (Ord. 95-5, § 3, 5-24-95)

Secs. 33-1213—33-1219. Reserved.

DIVISION 2. VARIANCES AND ADMINISTRATIVE ADJUSTMENTS

Sec. 33-1220. Variance defined.

Variance is a waiver or modification of some requirement contained in this chapter which may be granted in accordance with the requirements of this division. A variance may not be granted which authorizes a use or activity which is not otherwise expressly authorized by the zone regulations governing the parcel of property. (Zoning Code, Ch. 109, § 1093.01)

Sec. 33-1221. Administrative adjustment defined.

Administrative adjustment is a reduction or exceedance of certain standards prescribed in the zoning code, which may be granted in accordance with the requirements of this division. An administrative adjustment may not be granted which authorizes a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property. Administrative adjustments may be requested for the following property development standards:

- (a) Up to a twenty-five (25) percent reduction of required yards/setbacks for structures, signs, and parking areas;
- (b) Reductions up to twenty-five (25) percent of the required number of parking spaces for uses in non-residential zones, pursuant to Section 33-764 of this chapter.
- (c) Increases above the fifty (50) percent limitation on the cumulative costs of improvements as a percentage of the replacement value of the nonconforming use for a nonconforming single-family residential structure in a single-family zone, pursuant to section 33-1243 of this Chapter.
- (d) Modifications of the identified front, street side, side and rear lot lines of a lot in order to facilitate orderly development on a parcel subject to unusual circumstances, including but not limited to, topography, grading, drainage and stormwater treatment, utility facilities, easements, access and other site constraints or development requirements.
- (e) Other adjustments as specified by this chapter.

Sec. 33-1222. Authorization.

(a) The zoning administrator, shall have the authority to approve, conditionally approve or deny a variance application as provided for in Title 7, Chapter 4, Article III (Section 65900 et seq.) of the Government Code of the State of California, providing such approval or conditional approval is consistent with the intent and purpose of this chapter and this article. A variance is granted at the discretion of the zoning administrator and is not the automatic right of any applicant. (Zoning Code, Ch. 109, § 1093.03)

(b) The director of community development (director), or designee, shall have the authority to approve, conditionally approve, or deny an application for an administrative

adjustment providing such approval or conditional approval is consistent with the intent and purpose of this chapter and will not be detrimental to adjacent properties or improvements.

(c) The zoning administrator and the director may refer any variance or administrative adjustment application to the planning commission.

Sec. 33-1223. Application and procedure.

(a) **Application.** Application for a variance may be initiated by the property owner or agent of the property affected, or the city council. Application for an administrative adjustment may be initiated by the property owner or owner's agent. An application shall be made on forms provided by the city and shall be accompanied by a fee in the amount established by resolution of the city council. The application shall further be accompanied by such materials as may be required by the zoning administrator and director.

(b) **Variance Procedure.** The zoning administrator shall hold a public hearing pursuant to Division 6 of this article. Such hearing may be continued from time to time as deemed necessary by the zoning administrator. (Zoning Code, Ch. 109, § 1093.05)

(c) **Administrative adjustment procedure.** The director shall review the requested adjustment, the applicant's justification, the compatibility with adjacent properties or improvements and any other pertinent factor(s).

Sec. 33-1224. Variance findings.

The decision of the zoning administrator shall be in writing and shall state the reasons therefore. In granting a variance, the following findings shall be made:

(a) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity;

(b) That the granting of such variance will not be materially detrimental to the public health, safety or welfare or injurious to the property or improvements in such zone or vicinity in which the property is located;

(c) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone or vicinity;

(d) That the granting of such variance will not adversely affect the comprehensive general plan.

Any variance granted shall be subject to conditions necessary to assure that the variance thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. (Zoning Code, Ch. 109, § 1093.07)

Sec. 33-1225. Notification of action.

(a) Zoning administrator action. Decisions of the zoning administrator shall be filed in the planning division and a copy provided to the applicant at the address shown on the application.

(b) Director action. The director shall give notice of the intended decision as provided in Division 6 of this article. (Zoning Code, Ch. 109, § 1093.09)

Sec. 33-1226. Appeal and effective date.

A decision of the zoning administrator or director may be appealed to the planning commission, pursuant to Division 6 of this article. (Zoning Code, Ch. 109, § 1093.11)

Sec. 33-1227. Expiration.

Unless otherwise specified in the action granting a variance or administrative adjustment, any such approval shall become automatically null and void unless the variance or administrative adjustment authorized by the approval has been substantially implemented within twelve (12) months from the grant of approval. The abandonment or non-use of a variance or administrative adjustment for a period of twelve (12) consecutive months shall also result in such approval becoming automatically null and void. The director shall have authority to grant extensions to the deadlines in this section for both variances and administrative adjustments. Once any portion of a variance or administrative adjustment is utilized, the other conditions thereof become immediately operative and must be strictly complied with. (Zoning Code, Ch. 109, § 1093.13)

Sec. 33-1228. Modification or revocation of variances.

The authority making the original grant of a variance or the city council shall have the discretion to initiate proceedings to revoke or modify a variance. If such proceedings are initiated, written notice of a public hearing shall be served on the owner of the property for which such variance was granted at least ten (10) days before such public hearing. Such notice may be served either personally or by certified mail, postage prepaid, return receipt requested. A variance may be modified or revoked under the following circumstances:

- (a) That the grant is detrimental to the public health, safety or welfare or is a nuisance;
- (b) That the variance was obtained by fraud;
- (c) That the purpose for which the variance was granted is not being exercised;
- (d) That the use for which the variance was granted has ceased or been suspended for twelve (12) months or more;
- (e) That the conditions of the variance are not being complied with. (Zoning Code, Ch. 109, § 1093.15)

Sec. 33-1229. Limitation of refiling of applications.

Any final action which denies any application for a variance shall prohibit the refiling of a similar or substantially similar application for at least one (1) year from the date of denial. (Zoning Code, Ch. 109, § 1093.17)

Secs. 33-1230—33-1239. Reserved.

DIVISION 3. NONCONFORMING USES AND STRUCTURES

Sec. 33-1240. Definition and purpose.

Nonconforming use, as used in this division, is the use of any building, structure or land which is prohibited by any city law, but which use was lawful prior to the effective date of such law. The purpose of this division is to provide for the control, improvement and termination of uses, structures or parcels which do not conform to the current regulations for the land on which they are located. (Zoning Code, Ch. 108, § 1084.01; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1241. Continuing nonconforming use.

(a) A nonconforming use may be continued even though such use does not conform to the revised provisions of applicable regulatory ordinances, but only if such use constitutes a legal nonconforming use as determined by the provisions of this division.

(b) This division does not authorize or approve the continuance of the use of any land, building or structure which was in violation of law at the commencement of such use.

(c) Alterations or enlargements may be made to single-family residential structures in residential zones notwithstanding the fact that such structure or lots may not conform to the minimum setback, lot size or lot width requirements of the current applicable zoning regulations, if the residential structure was built in conformity with the development standards in force at the time of construction.

Alterations or enlargements made to such nonconforming structures shall observe current front and rear yard setbacks, but may observe prior established nonconforming side yard setbacks subject to current applicable building code requirements and subject to the limitations of section 33-1243.

(d) Notwithstanding the provisions of this chapter, the director of community development ("director") or designee, may determine that nonconforming status exists for

residential, commercial or industrial zoned properties, even though permit documentation is not available, subject to the following findings:

- (1) The structure was constructed prior to 1976 and subsequently annexed to the city.
- (2) The structure or building does not create a public nuisance as a result of conditions that threaten the public health, safety and welfare.
- (3) Except as noted in this subsection, all other provisions of this article shall apply.

(e) Investigation. Any request brought pursuant to this subsection, shall be made in writing to the planning division, and shall be accompanied by a filing fee, which shall be established by resolution of the city council. The director, or designee, shall review the request, together with any other information deemed relevant or necessary. Any necessary information shall be the responsibility of the applicant to provide. Upon making the required findings of this subsection, the director, or designee, shall grant, deny, or conditionally grant the request subject to the provisions of this article. (Zoning Code, Ch. 108, § 1084.02; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 96-7, § 1, 2-28-96; Ord. No. 96-20, § 1, 7-24-96; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1242. Inapplicability of this division.

The following properties shall not be entitled to legal nonconforming use status under section 33-1241:

- (a) Abandoned use of property. Any discontinuance of a nonconforming use for a continuous period of six (6) months shall be deemed to constitute abandonment of any preexisting nonconforming rights and such property shall not thereafter be returned to such nonconforming use;
- (b) Altered property use. Nonconforming uses may not be repaired, altered, improved or reconstructed in such a way that the nonconforming use becomes more permanent or is expanded. Alterations, improvements and reconstruction are deemed to make the nonconforming use more permanent or expanded if cumulative expenditures on the nonconforming use exceed the percentages of replacement value set forth in section 33-1243. All percentages used in section 33-1243 shall be calculated on a cumulative basis commencing with the initial expenditure. Replacement values shall be calculated by the director, or designee, using the most recent table of valuation multipliers of the International Code Council;
- (c) Changed use. A nonconforming building, structure or use shall not be changed to another nonconforming use;
- (d) Extended nonconforming use. A nonconforming use shall not be physically extended or enlarged, except as permitted in section 33-1243. Minor expansions of nonconforming buildings are permitted provided the degree of nonconformity is not increased and all applicable development standards are met. The extension or enlargement of a lawful use

to any portion of a nonconforming use, or the issuance of a home occupation permit pursuant to Article 44, shall not be deemed the extension of such nonconforming use. (Zoning Code, Ch. 108, § 1084.03; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 92-11, §§ 1 and 2, 3-4-92; Ord. No. 92-47, § 5, 11-18-92; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1243. Exceptions to nonconforming use provisions.

(a) Routine maintenance. Nothing in this division shall prevent a property owner from performing routine maintenance on a nonconforming use. For the purposes of this section, the term, "routine maintenance," is minor work on a nonconforming use which does not require a permit of any kind and is primarily related to the aesthetics of a use or to alleviate normal wear and tear. Common examples of routine maintenance include, but are not limited to, painting, scraping, cleaning, pruning and so forth;

(b) Voluntary work. Nothing in this division shall prohibit the repair, alteration, improvement or reconstruction of a nonconforming use provided that the total cumulative costs of such work do not exceed twenty-five (25) percent of the replacement value of the nonconforming use. The twenty-five (25) percent limitation shall include the replacement costs of work conducted pursuant to subsection (c) of this section and shall not include work that brings the property more into conformance with the current code:

(1) Improvements, additions and/or alterations for a nonconforming single-family residential structure(s) in a residential zone, including restoration pursuant to government order, may exceed the twenty-five (25) percent limitation up to fifty (50) percent of the replacement value of the nonconforming structure,

(2) Improvements, additions and/or alterations above fifty (50) percent for a nonconforming single-family residential structure(s) in a single-family zone, including restoration pursuant to governmental order, may be approved or conditionally approved by the director, or designee, pursuant to an administrative adjustment, as provided for in Division 2 of this Article, upon demonstration that the proposed adjustment will be compatible with and will not be detrimental to adjacent property or improvements,

(3) The application for the administrative adjustment of the replacement valuation shall include a fee to the city in an amount to be established by resolution of the city council. The director may agendize the application for consideration by the planning commission. Replacement values shall be calculated by using the most recent table of valuation multipliers of the International Code Council,

(4) A nonconforming sign may be altered, improved or remodeled notwithstanding this section provided the cumulative costs of such improvements or remodeling of the sign does not exceed fifty (50) percent of the cost of reconstruction of the building, as determined by the director,

(5) City-wide zone change. Nothing in this division shall prohibit the repair, alteration, improvement or reconstruction of a residential use considered nonconforming due to

the city-wide zone change program; provided, that the total cumulative costs of such work does not exceed fifty (50) percent of the replacement value of the nonconforming use, except as permitted within this subsection

(6) Industrial zones. Repairs, alterations and expansions to nonconforming sites, structures and uses in industrial zones may exceed the twenty-five (25) percent limitation up to seventy-five (75) percent of the replacement costs of all existing improvements provided the expansion or alteration does not expand the degree of nonconformity, pursuant to section 33-574 of this chapter.

(c) Restoration pursuant to governmental order. Nothing in this division shall prevent the repair, alteration, improvement or reconstruction of any portion of a nonconforming use if such work is ordered by a governmental authority having jurisdiction or if such work is necessary to bring the nonconforming use into compliance with any applicable building, plumbing, electrical or similar codes, provided the total cost of such work includes only restoration pursuant to government order to ensure health, safety and welfare;

(d) Restoration following disaster. Nothing in this division shall prevent the repair, alteration, improvement or reconstruction of any nonconforming use damaged by fire, collapse, explosion or acts of God, provided the total cumulative costs of such work does not exceed fifty (50) percent of the replacement value. Nonconforming residential structures are exempt from the fifty (50) percent limitation set forth in this subsection and may be constructed, repaired and rebuilt to nonconforming densities and the use thereof may be continued following damage by fire, collapse, explosion or acts of God without limitation as to cost. The percent limitations set forth in this subsection do not include work pursuant to subsection (b) or (c) of this section;

(e) Low- and very low-income housing. Low- and very low-income housing units may be repaired, altered, improved or reconstructed to a condition complying with all applicable building, electrical, plumbing and similar codes without regard to the percent limitations set forth in subsection (c) or (d) of this section, if the following conditions are satisfied:

(1) The housing units at issue have been inhabited continuously by individuals with low- or very low-income for at least one (1) year prior to the date of the proposed alteration, improvement or reconstruction,

(2) The property owner restricts the property for occupation solely by individuals of families of low- and very low-income for a period of at least ten (10) years. Such restrictions shall be in a form satisfactory to the city attorney,

(3) The property owner does not charge rent for the property which is in excess of thirty (30) percent of the gross household income of the residents of the property;

(f) Income definition. For the purposes of subsection (e) of this section, the term "low- and very low-income" means eighty (80) percent and fifty (50) percent respectively of median income of the San Diego County metropolitan statistical area adjusted for household size or any more recent definition adopted by the Department of Housing and Urban Development;

(g) Any property owner electing to not be subject to restrictions imposed pursuant to subsection (e)(2) of this section shall immediately notify the city and shall terminate, demolish or bring the nonconforming use into compliance with all relevant zoning, building, plumbing, electrical and similar codes within thirty (30) days of terminating the low-income use;

(h) Miscellaneous exceptions. The following nonconforming situations are not subject to this division:

(1) Lots created in the Old Escondido Neighborhood Historic District pursuant to Article 65, section 33-1376,

(2) Single-family residential lots that were created legally but now do not meet minimum lot width, lot frontage or lot area.

(3) Nonconforming structures listed on the city's local register of historic places pursuant to the provisions of Article 40 of this chapter.

(Zoning Code, Ch. 108, § 1084.04; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2008-22, § 6, 9-10-08; Ord. No. 2011-19R, § 5, 1-11-12; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1244. Appeals.

Any owner of a nonconforming use or structure who is notified by the city of the nonconformance and/or ordered to remove or abate said structure or use may appeal such order to the director pursuant to the terms and procedures set forth in the following sections of this division. (Zoning Code, Ch. 108, § 1084.05; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1245. Time for appeal.

Any notice of nonconformance or order for removal or abatement shall become final upon the expiration of thirty (30) days from the date of posting and mailing of the notice and order, unless an appeal to the director is filed prior to the expiration of said period of time. In the event that an appeal is timely filed, all action to be commenced against a nonconforming structure or use shall be stayed until said appeal is finally decided, unless there is an immediate and imminent threat to the public health, safety or welfare, as determined by the director. (Zoning Code, Ch. 108, § 1084.06; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1246. Procedure for appeals.

(a) Form. Any appeal brought pursuant to section 33-1244 shall be submitted on an application form to be provided by the planning division and shall be filed with the planning division. An appellant shall provide the following information as to each nonconforming structure or use that is the subject of an appeal:

- (1) A detailed description of the use or structure, including legal description, assessor's parcel number, the method of its construction and dimensions;
 - (2) The name and address of each owner, occupant or tenant of the property upon which the use or structure is located;
 - (3) The date and value of original construction of the nonconforming structure or the date of commencement of the nonconforming use and investment in such use;
 - (4) The date and cost of appellant's purchase of the use or structure;
 - (5) The date or dates, and all expenditures for repairs, alterations, improvements or reconstruction on the nonconforming use;
 - (6) The current value of the use or structure.
- (b) Investigation. The director shall initiate an investigation of each of the above points, together with any other information deemed relevant or necessary by the director. (Zoning Code, Ch. 108, § 1084.07; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1247. Hearing on appeal.

Within thirty (30) days of the filing of the appeal, the director shall commence a hearing during which the appellant may present evidence and argument. The building advisory and appeals board may grant or deny the appeal upon determining that the application of this division to the appellant is neither arbitrary nor unreasonable. (Zoning Code, Ch. 108, § 1084.08; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1248. Findings.

The building advisory and appeals board shall not grant an appeal until the following findings are made:

- (a) The use or structures to which the legal nonconforming use applies was lawfully in existence prior to the imposition of the law to which the current use or structures do not conform;
- (b) The use of the property or building does not constitute a public nuisance as a result of conditions that threaten the public health, safety and welfare. (Zoning Code, Ch. 108, § 1084.09; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1249. Appeal to planning commission and city council.

The decision of the building advisory and appeals board may be appealed to the planning commission and subsequently to the city council pursuant to section 33-1303 of this chapter. (Zoning Code, Ch. 108, § 1084.10; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Sec. 33-1250. Future entitlements.

A copy of all determinations on appeal shall be permanently maintained on file with the planning division. No building permit or land use entitlement shall be issued for any property which does not conform to current laws. (Zoning Code, Ch. 108, § 1084.11; Ord. No. 89-36, § 1, 8-9-89; Ord. No. 93-16, § 1, 7-14-93; Ord. No. 2013-07RR, § 4, 12-4-13)

Secs. 33-1251—33-1259. Reserved.

DIVISION 4. AMENDMENTS AND ZONE CHANGES

Sec. 33-1260. Procedure.

The city council may adopt an ordinance amending any prior zoning ordinance, the Escondido Zoning Code, or the Escondido Zone District map after a public hearing is held on the proposed amendment. To the extent required by state law, the planning commission shall hold a hearing and make recommendations on any such amendments prior to city council consideration. (Zoning Code, Ch. 109, § 1092.01; Ord. No. 88-58, § 4, 10-19-88)

Sec. 33-1261. Application and fee.

An application for a zoning amendment may be initiated by the City or by the owner of property subject to the amendment. Applications shall be on City forms and accompanied by the applicable fee. (Zoning Code, Ch. 109, § 1092.05)

Sec. 33-1262. Planning commission action .

The planning commission's recommendation to the city council shall be in writing and shall state the reasons for approval or denial based on factors pursuant to section 33-1263. A recommendation of denial shall terminate the process unless timely appealed by the applicant to the City Council. (Zoning Code, Ch. 109, § 1092.09)

Sec. 33-1263. Factors to be considered.

The decisions of the planning commission and city council shall be in writing and shall state the reasons therefore after consideration of the following factors:

- (a) That the public health, safety and welfare will not be adversely affected by the proposed change;
- (b) That the property involved is suitable for the uses permitted by the proposed zone;
- (c) That the uses permitted by the proposed zone would not be detrimental to surrounding properties;
- (d) That the proposed change is consistent with the adopted general plan;
- (e) That the proposed change of zone does not establish a residential density below seventy (70) percent of the maximum permitted density of any lot or parcel of land previously zoned R-3, R-4, or R-5 unless the exceptions regarding dwelling unit density can be made pursuant to the provisions set forth in Article 6;
- (f) That the relationship of the proposed change is applicable to specific plans.
(Zoning Code, Ch. 109, § 1092.10; Ord. No. 2007-19, § 4, 9-19-07)

Sec. 33-1264. Notification of planning commission's recommendation.

The recommendation of the commission shall be filed in the planning division and a copy provided to the applicant at the address shown on the application. (Zoning Code, Ch. 109, § 1092.12)

Sec. 33-1265. City council action.

The city council may approve, modify or deny the proposed amendment. Any modification of a proposed change of zone by the city council not previously considered by the planning commission during its hearing, shall first be referred to the planning commission for report and recommendation. Such report and further recommendation may be made by the planning commission without holding a public hearing. (Zoning Code, Ch. 109, § 1092.16)

Sec. 33-1266. Reserved. (Zoning Code, Ch. 109, § 1092.20)

Sec. 33-1267. Reserved. (Zoning Code, Ch. 109, § 1092.24)

Sec. 33-1268. Reserved. (Zoning Code, Ch. 109, § 1092.26)

Sec. 33-1269. Reserved. (Zoning Code, Ch. 109, § 1092.28)

Sec. 33-1270. Zoning of vacated public rights-of-way.

Where a public street or alley or other public right-of-way is officially vacated or abandoned, the area comprising such vacated or abandoned right-of-way shall acquire the zoning classification of the property to which it reverts. (Zoning Code, Ch. 109, § 1092.30)

DIVISION 5. REASONABLE ACCOMMODATION

Sec. 33-1271. Purpose.

It is the policy of the City, pursuant to Title III of the Americans with Disabilities Act (42 U.S.C. §§ 12131, et. sea.) (the "ADA"), the federal Fair Housing Act (42 U.S.C. § 3604(f)(3)(B) ("FHA"), and the California Fair Employment and Housing Act (Cal. Gov. Code §§ 12927(c)(1), 12955(τ) ("FEHA")) (collectively, the "Acts"), to provide persons with disabilities reasonable accommodation in the City's zoning laws and land use rules, policies and procedures. The purpose of this division is to provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the City, when such accommodations are necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. (Ord. No. 2001-29, § 4, 12-19-01)

Sec. 33-1272. Applicability.

This division shall apply to any person who is qualified as a "disabled person" under the ADA, or who is otherwise qualified to receive reasonable accommodation under any of the Acts. (Ord. No. 2001-29, § 4, 12-19-01)

Sec. 33-1273. Reserved. (Ord. No. 2001-29, § 4, 12-19-01)

Sec. 33-1274. Authorization.

The director, or designee, shall have the authority to grant, conditionally grant or deny a reasonable accommodation application consistent with the intent and purpose of this division, and shall provide the applicant with a written decision in a timely manner. The director shall give notice of the intended decision using the procedures outlined in Section 33-1300 of this Article. (Ord. No. 2001-29, § 4, 12-19-01)

Sec. 33-1275. Application and Fee.

In order to make available housing more obtainable to an individual with a disability, a disabled person may request reasonable accommodation for a specific residential living unit, relating to the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the City. A disabled person may file a request for reasonable accommodation on an application provided by the planning department. There shall be no fee imposed in connection with a request for reasonable accommodation under the provisions of this division. However, if the project for which the request is being made also requires some other planning permit or approval, the applicant shall file the requests together and submit the required fees associated with the related permits. (Ord. No. 2001-29, § 4, 12-19-01)

Sec. 33-1276. Factors to be considered.

In determining the reasonableness of a requested accommodation, the director shall consider the following factors:

- (a) Whether the housing which is the subject of the request for reasonable accommodation will be used by an individual protected under the Acts;
- (b) Whether fulfillment of the request is necessary to make specific housing available to an individual protected under the Acts;
- (c) Whether the accommodation will impose an unreasonable financial or administrative burden on the City;
- (d) Whether the accommodation will require a fundamental alteration of the zoning or building laws, policies and/or procedures of the City;
- (e) Whether the accommodation will have any potential impact on surrounding uses;
- (f) Physical attributes of the property and structures; and
- (g) Any other factor deemed relevant to the determination according to the Acts, as amended. (Ord. No. 2001-29, § 4, 12-19-01)

DIVISION 6. PUBLIC HEARINGS, NOTICES, FEES AND APPEALS

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

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

- (a) For notices of public hearings, the notice shall be published at least ten (10) calendar days before the hearing at least once in a newspaper of general circulation in the community. Such notice shall include a general explanation of the matter to be considered, the time, date and place of the hearing, the hearing body or officer, and any subject property.
- (b) For notices of intended decision and other public notices, the matter shall be published at least ten (10) days before the action at least once in a newspaper of general circulation in the community. Such notice shall include a general explanation of the matter to be considered and other information required pursuant to subsection (a) of this section.
- (c) In addition to notice by publication in subsections (a) and (b), the city shall give notice as follows:

(1) Mailing to each owner of property within the boundaries of the proposal as well as each property owner within a radius of five hundred (500) feet of the exterior boundaries of the project. The notice shall be deposited in the United States mail with postage prepaid not less than fifteen (15) days prior to the date of the public hearing or the decision becoming effective.

(A) When property is within a radius of five hundred (500) feet of the exterior boundaries of the subject property and consists of a mobilehome park or a condominium project, notice shall be provided to each resident within the mobilehome park or each owner of any interest in the condominium project.

(B) For projects involving the conversion of apartment complexes to condominium units, notices shall be provided to each apartment unit within the complex.

(2) Physically posting a notice on the project site in a conspicuous location so that the notice is visible from all portions of the site which abut a private or public street. The applicant shall maintain the posted notice in good condition for the full ten (10) day public notice period. Such notice shall be clearly headed "NOTICE OF PUBLIC HEARING," or "NOTICE OF INTENDED DECISION" and shall include:

- (A) A general explanation of the matter to be considered;
- (B) The city case reference number;
- (C) The applicant's name; and
- (D) The telephone number of the planning division for further information.
- (E) The date of the hearing; or the closing date of the public review period.

The notice shall be constructed according to the following standards:

- (F) Minimum size requirements of six (6) square feet.

(3) Requirements for this section are considered minimum notification requirements in addition to other minimum requirements set forth in the provisions of this chapter. (Zoning Code, Ch. 109, § 1091.11; Ord. No. 88-58, § 1, 10-19-88; Ord. No. 2000-23, § 5, 9-13-00)

Sec. 33-1301. Fees.

All fees required in connection with this Code shall be established by resolution of the city council, which may be amended from time to time. Fees shall be payable to the City of Escondido. Fees shall not be refunded unless a written request to withdraw the application and receive a refund of fees is submitted by the applicant prior to the time that the publication of notice of the hearing is ordered, or the notice of intended decision is issued, or administrative approval is issued. Any refund shall be based on the percentage of work performed on the

application at the time the request is received. (Zoning Code, Ch. 109, § 1091.21; Ord. No. 88-58, § 2, 10-19-88)

Sec. 33-1302. Continuation of hearings.

Any hearing required by this Code may be continue from time to time. (Zoning Code, Ch. 109, § 1091.31)

Sec. 33-1303. Appeals.

(a) This section shall control all appeals unless specified otherwise in this code. If the final date to appeal falls on a day when the city's business offices are closed, the time for appeal shall run through the end of the next city business day.

(b) Any interested party may appeal the decision of the director, zoning administrator or planning commission within ten (10) calendar days following the date of the decision. (c)

All appeals shall be in writing, and shall be accompanied by the applicable fee. The appeal shall state the decision from which the appeal is taken, and shall contain a concise statement of the reasons for the appeal. An appeal not containing the basis for appeal may be rejected as incomplete.

(d) All appeals shall be filed, along with the appropriate filing fee, with the city clerk. The filing of an appeal shall immediately stay the effective date of any decision which is subject to the appeal.

(e) Within the time limits set forth in subsection (b) of this section, the city council may request planning commission review of any decision of the zoning administrator or director, or council review of any decision of the planning commission. Such review shall be requested in writing, and shall be filed with the city manager. There shall be no appeal fee payable upon a request for a review by the city council or a member of the city council. (Zoning Code, Ch. 109, § 1091.41; Ord. No. 88-58, § 3, 10-19-88; Ord. No. 91-18, § 1, 5-15-91; Ord. No. 2000-34, § 4, 12-20-00)

Sec. 33-1304. Hearing on appeal.

Decisions which are appealed shall be set for public hearing at the earliest practicable date, given the schedules of parties involved, but subject to the discretion of the hearing body. Decisions of the director and zoning administrator may be appealed to the planning commission, and decisions of the planning commission may be appealed to the city council. (Zoning Code, Ch. 109, § 1091.42; Ord. No. 88-58, § 3, 10-19-88)

Secs. 33-1305—33-1309. Reserved.

DIVISION 7. ENFORCEMENT AND PENALTIES

Sec. 33-1310. Enforcement.

All employees of the City of Escondido vested with the duty or authority to issue, deny, or modify permits of any sort shall conform to the provisions of this Code chapter and shall issue no permit, certificate or license for uses, buildings or purposes in conflict with the provisions of this chapter. Any such permit, certificate or license issued in conflict with the provisions of this chapter, intentionally or otherwise, shall be null and void. (Zoning Code, Ch. 109, § 1099.04)

Sec. 33-1311. Right of entry.

Whenever necessary to make an inspection of any premises, business records or other data to enforce any of the provisions of this chapter, or whenever any of the officials set forth in section 33-1310 of this article has reasonable cause to believe that there exists in any building or upon any premises any condition, or violation of this chapter, or use of property or premises that is unsafe, dangerous or hazardous, the official or their authorized representative may enter such building or premises at all reasonable times to inspect the building, premises, business records, or other data or to perform any duty imposed upon such official by this chapter. If the building or premises are occupied, the official shall first present proper credentials and request entry. If the building or premises are unoccupied, the official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the official or his authorized representative shall have recourse to every remedy provided by law to secure entry. (Zoning Code, Ch. 109, § 1099.05; Ord. No. 88-54, § 3, 10-12-88)

Sec. 33-1312. Abatement.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Code, and any use of land, building or premise established, conducted, operated or maintained contrary to the provisions of this Code is unlawful and a public nuisance. The City Attorney is authorized to immediately commence action or proceedings for the abatement and removal and enjoinder of such nuisance in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using property contrary to the provisions of this Code. This remedy shall be cumulative and not exclusive. (Zoning Code, Ch. 109, § 1099.08)

Sec. 33-1313. Penalty provisions.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any portion of this chapter, including the use of land or structures contrary to this chapter, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.

Such person, firm or corporation is guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed or continued by such person, firm or corporation. (Zoning Code, Ch. 109, § 1091.12; Ord. No. 88-54, § 4, 10-12-88)

DIVISION 8. PLOT PLANS

Sec. 33-1314. Definition and purpose.

(a) Plot plans shall mean a zoning instrument used primarily to review the location and site development of certain permitted land uses. The plot plan review process is required when any of the following are proposed in a multi-family, commercial or industrial zone:

- (1) A new building, structure or addition.
- (2) A new permitted use of land or existing structure that may require additional off-street parking.
- (3) A modification of an existing development affecting the building area, parking, outdoor uses and/or on-site circulation.
- (4) As may otherwise be required by this chapter.

Plot plan review is not required for residential development created by a Planned Development or residential subdivision of single-family lots.

(b) Minor plot plan may include but not be limited to a change in use with no additional floor area, minor building additions, outdoor storage as an accessory use in the industrial zones, or other site plan changes affecting site circulation and parking, as determined by the director.

(c) Major plot plan may include but not be limited to new construction, reconstruction and additions of facilities permitted in the underlying zone, or other projects that exceed thresholds for a minor plot plan, as determined by the director.

Sec. 33-1315. Authorization, procedure and modifications.

(a) Authorization. The director, or designee, shall have the authority to grant, conditionally grant or deny a plot plan application, or refer it to the planning commission as provided for in Section 65900 et seq. of the California Government Code, based on sound principles of land use.

(b) Procedure. Application for a plot plan may be initiated by the property owner or agent of the property affected. Application shall be made on forms provided by the city and shall be accompanied by the appropriate fee. The application shall further be accompanied by such materials as required by the director. The project shall be reviewed for conformance to all applicable requirements of the General Plan, Zoning Code, Specific Plans, Area Plans, City design standards, building and safety requirements, and other applicable City standards, to the satisfaction of the director.

(c) Modifications. The director may approve or conditionally approve minor modifications to a project that are consistent with the intent of the plot plan approval and do not intensify the use(s) on the site.

Sec. 33-1316. Findings, notification of action and appeals.

(a) Findings. The decision of the director shall be in writing and shall state the reasons therefore. In granting a Plot Plan approval, the director shall issue a Conditional Letter of Approval and shall make the following findings:

(1) That the use is a permitted use in the zone in which it is located.

(2) That the plot plan is granted subject to such conditions as deemed necessary to meet the standards of the use and zone in which it is located and to comply with applicable design standards.

(3) That the plot plan is granted subject to such additional conditions as deemed necessary and desirable to preserve the public health, safety and general welfare.

(b) Notification of action. The director's written decision, the conditional letter of approval, shall be filed in the Planning Division and a copy provided to the applicant at the address shown on the application. The applicant must sign and return the conditional letter of approval, thereby agreeing to the conditions of approval, prior to submittal of applications for construction permits.

(c) Appeals. Appeals shall be governed by the provisions of Division 6 of this Article. Any final action which denies any application for a plot plan shall prohibit the refiling of a similar or substantially similar application for at least one (1) year from the date of denial.

Sec. 33-1317. Expiration and extension of time.

Unless otherwise specified in the action approving a Plot Plan, said approval shall become automatically null and void unless the project authorized by the Plot Plan approval has been substantially implemented within twelve (12) months from the approval date. The abandonment or non-use of a Plot Plan approval for a period of twelve (12) month shall also result in such approval becoming automatically null and void. The director shall have authority to grant extensions to the deadlines in this section. Once any portion of a plot plan is utilized, the other conditions thereof become immediately operative and must be strictly complied with.

DIVISION 9. ZONING ADMINISTRATOR

Sec. 33-1318. Office established – authority

For the purpose of this chapter, there is hereby created the position of zoning administrator, which shall be the director of community development (director) or his/her designee, as provided for in Title 7, Chapter 4, Article III (Section 65901) of the Government Code. (Zoning Code, Ch. 09, § 1093.02)

Sec. 33-1319. Powers and duties and procedure

(a) The zoning administrator is authorized to consider and approve, disapprove or modify applications and/or issue use permits, for requests that include but are not limited to:

- (1) Minor conditional use permits as defined in Division 1 of this Article;
- (2) Minor conditional use permits for non-residential parking pursuant to section 33-764 of Article 39;
- (3) Variances as defined in Division 2 of this Article;
- (4) Reasonable accommodation as provided in Division 5 of this Article;
- (5) Grading Exemptions not associated with a discretionary project pursuant to section 33-1066(d) of Article 55;
- (6) Proposed modifications to an approved Precise Development Plan pursuant to section 33-411 of Article 19.

(b) The zoning administrator is authorized to consider and adopt a negative declaration or mitigated negative declaration, prepared pursuant to CEQA and Article 47 of this chapter, upon completion of the CEQA public review period, for administrative projects that do not require a public hearing.

(c) The zoning administrator shall have the power to adopt all rules and procedures necessary for the conduct of the administrator's business.

- (1) The zoning administrator shall schedule public hearings as needed.
- (2) The zoning administrator shall hold a hearing, issue a notice of intended decision, or take an administrative action on an application as required pursuant to this chapter for the specific type of request.
- (3) The decisions of the zoning administrator shall be filed in the Planning Division and a copy provided to the applicant at the address shown on the application.
- (4) Actions of the zoning administrator may be appealed to the planning commission.

PLANNING COMMISSION

Agenda Item No.: 1.1
Date: February 28, 2017

CASE NUMBER: PHG 16-0024

APPLICANT: Kimco (for Ross Dress for Less)

LOCATION: The project site is located within the Del Norte Plaza shopping center, on the eastern side of El Norte Parkway, west of Centre City Parkway, addressed as 334 West El Norte Parkway.

TYPE OF PROJECT: Precise Development Plan

PROJECT DESCRIPTION: A Precise Development Plan to remodel several suites within the Del Norte Plaza shopping center to accommodate a new 25,173 SF Ross Dress for Less tenant.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION: PC (Planned Commercial)

ZONING: PD-C (Planned Development- Commercial)

BACKGROUND/SUMMARY OF ISSUES:

The proposed project is located within the 24.5-acre Del Norte Plaza shopping center that was established in the mid-1980s subject to a Master and Precise Development Plan (84-21-PD). Over the years, additional Precise Development Plans were approved to establish various uses within the outpad buildings; modify the center's sign program; and to convert the movie theater located towards the northern end of the complex to an athletic club. The applicant is proposing to consolidate several suites within the main inline shop building to accommodate the new 25,173 SF retail store. As part of the proposed improvements, an 8,900 SF section of the existing building would be removed and replaced with 9,173 SF of new building area to be incorporated into 16,000 SF of existing tenant space. A new covered loading dock with a trash compactor also would be provided, along with a new landscape and biofiltration feature to conform to the City's storm water regulations. No signage is proposed with the remodel at this time and signage would be subject to the center's sign program.

Staff believes that the issues are as follow:

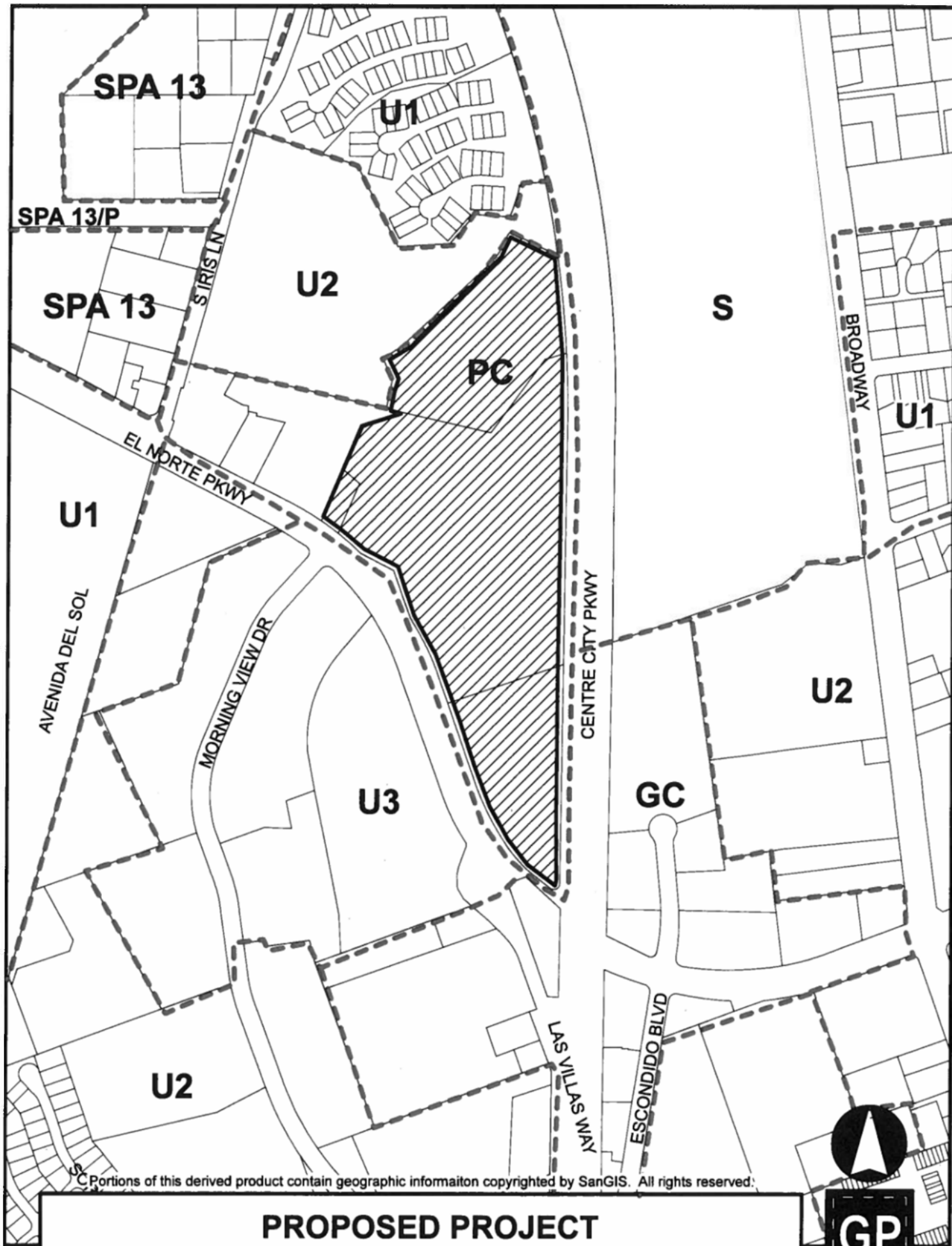
1. Compatibility of the proposed building design with the overall design of Del Norte Plaza shopping center.

REASONS FOR STAFF RECOMMENDATION:

1. The project would comply with all applicable development standards of the subject zone, including parking, lot coverage, and setbacks. The proposed project design and proposed retail use is compatible with the surrounding types of uses and structures within the shopping center. Although there are some material and minor contextual differences in the new building design from other existing in-line shops, the proposed colors, materials and architectural features are well-coordinated and complementary to the site and its surroundings, and would further enhance the appearance of the commercial center.

Respectfully Submitted,

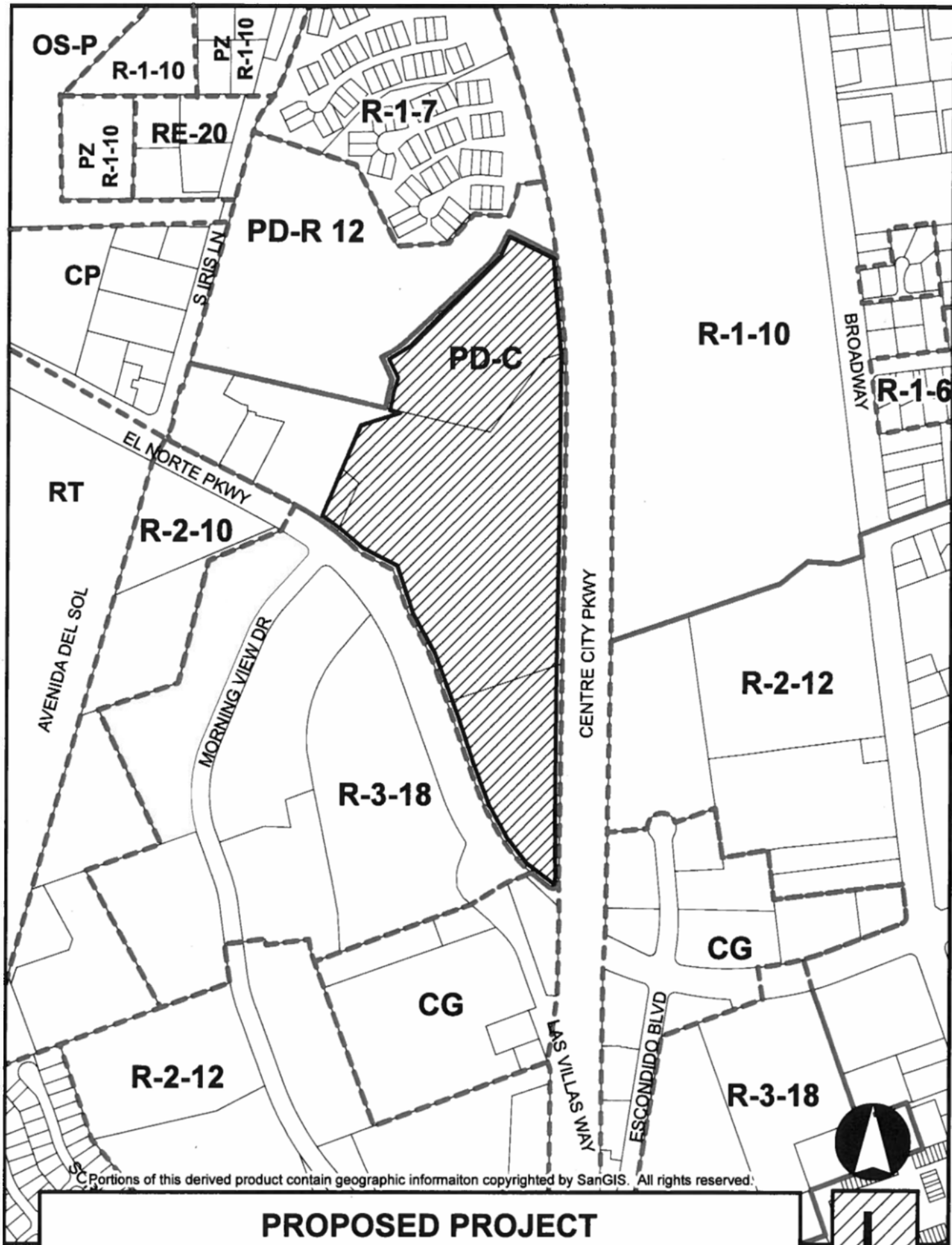

Jay Paul
Associate Planner



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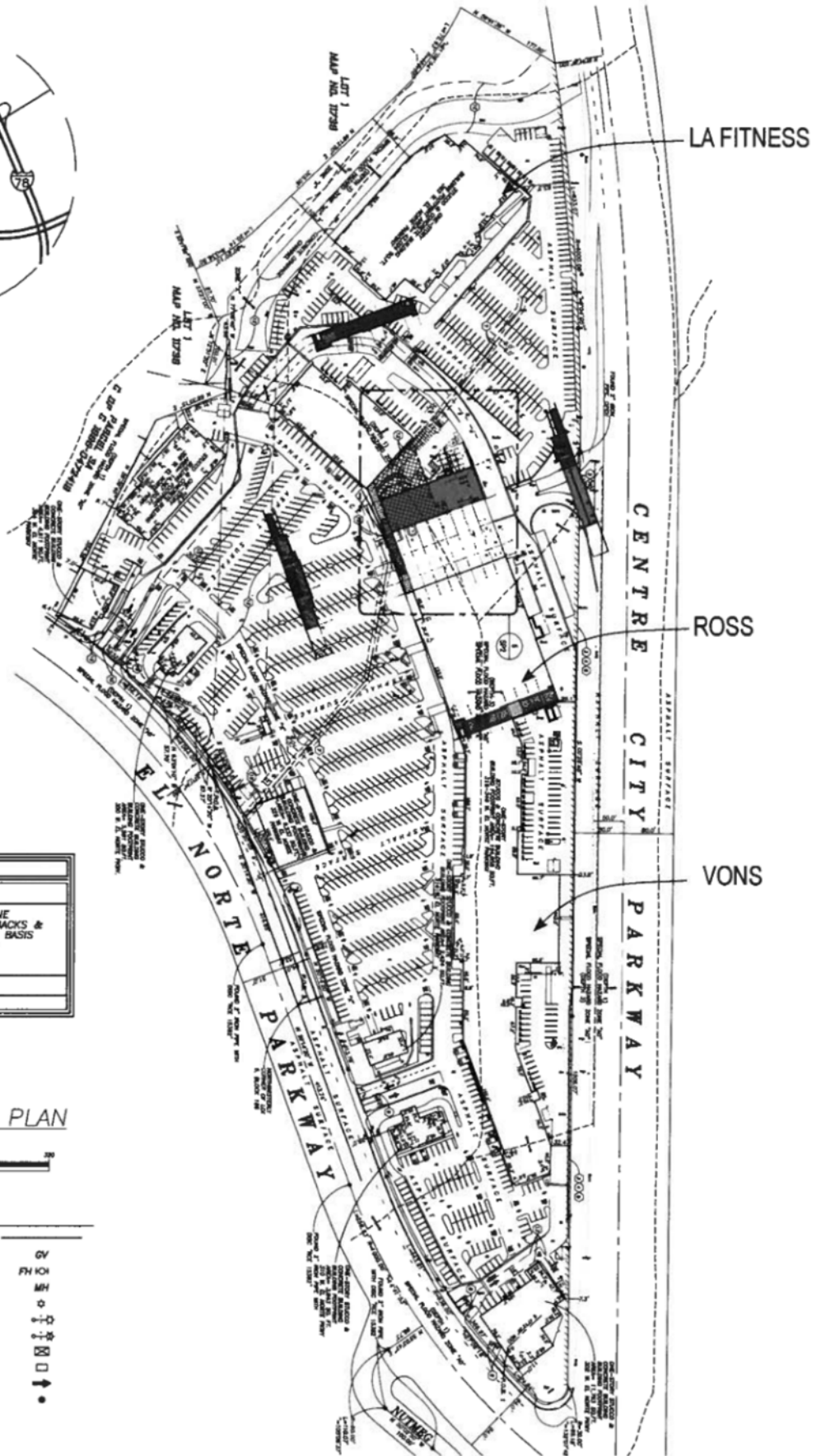
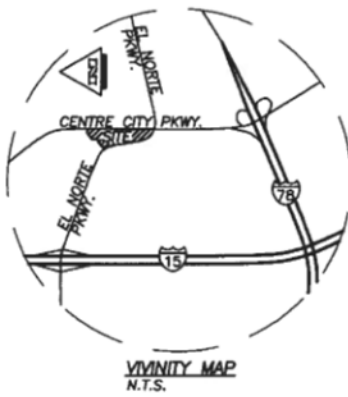
PROPOSED PROJECT PHG 16-0024





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PROPOSED PROJECT
PHG 16-0024



ZONING DATA
ZONE: PD-C
THE PLANNED DEVELOPMENT ZONE DETERMINES THE REQUIRED SETBACKS & SIDEYARDS ON A CASE BY CASE BASIS UPON REVIEWING THE PROPOSED DEVELOPMENT.



PROPOSED SITE PLAN



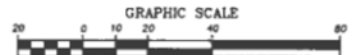
LEGEND:

PROPERTY LINE	GV
GATE VALVE	FH KH
FIRE HYDRANT	MH
MANHOLE	o
LUMINAIRE	o
STREET LIGHT	o
TRAFFIC SIGNAL	o
UTILITY VAULT	o
UTILITY RISER	o
INDICATES AREA OF INGRESS/EGRESS	o
FOUND MONUMENT AS NOTED	o

PROPOSED PROJECT
PHG 16-0024

SP

PARTIAL SITE PLAN



- NOTES:
1. FIRE DEPARTMENT CONNECTIONS SHALL BE LOCATED WITHIN 30 FEET OF A FIRE HYDRANT. REFER TO C1 FOR REMOTE FIREHYDRANT LOCATION.
 2. APPROVED ADDRESS NUMBERING SHALL BE PLACED ON ALL NEW AND EXISTING BUILDINGS FOR FINAL INSPECTION. REFER TO SHEET A4 FOR PROPOSED LOCATION.
 3. NO ADDITIONAL SPEED Humps OR SPEED CONTROL DEVICES WHICH MAY INTERFERE WITH EMERGENCY APPROVALS RESPONSES SHALL BE ALLOWED.
 4. FIRE LANE MARKINGS WILL BE REQUIRED. A SEPARATE FIRE ACCESS PLAN SHOWING ALL FIRE APPLIANCES WILL BE REQUIRED PRIOR TO FINAL APPROVAL.
 5. AN UPDATED RESPONSE MAP (IN PDF FORMAT) WILL BE REQUIRED PRIOR TO FINAL APPROVAL.

LEGEND:

- (A) EXISTING BUILDING #1 TO BE REMODELED - 18,000 S.F.
- (B) PROPOSED (NEW) ADDITION - 8,173 S.F. (SHOWN SHADDED)
- (C) NEW LANDSCAPE/BIORETENTION - 4,900 S.F.
- (D) EXISTING ADJACENT BUILDING TO BE REMOVED - 8,800 S.F. (SHOWN CROSS-HATCHED)
- (E) EXISTING CANOPY TO BE REMOVED - 2,140 S.F.
- (F) PROPOSED (NEW) ENTRY CANOPY - 1,156 S.F.
- (G) PROPOSED (NEW) LOADING DOCK CANOPY - 1,185 S.F.

DATA:

TOTAL EXISTING BUILDING AREA	24,800 S.F.
EXISTING BUILDING #1 TO REMAIN	18,000 S.F.
EXISTING BUILDING #2 TO BE DEMOLISHED	8,800 S.F.
TOTAL PROPOSED BUILDING AREA	25,173 S.F.
EXISTING BUILDING #1 TO REMAIN	18,000 S.F.
PROPOSED (NEW) ADDITION TO BUILDING #1	8,173 S.F.
NET BUILDING AREA INCREASE	273 S.F.
TOTAL EXISTING BUILDING CANOPY TO BE REMOVED	2,140 S.F.
TOTAL PROPOSED BUILDING CANOPIES	2,341 S.F.
PROPOSED (NEW) ENTRY CANOPY	1,156 S.F.
PROPOSED (NEW) LOADING DOCK CANOPY	1,185 S.F.
NET BUILDING CANOPY INCREASE	201 S.F.
EXISTING PARKING LOSS	15 SPACES
PROPOSED (NEW) PARKING GAIN	15 SPACES
NET PARKING GAIN	0 SPACES
AC PAVING TO BE REMOVED	5,200 S.F.
PROPOSED (NEW) AC PAVING	850 S.F.
PROPOSED NEW LANDSCAPE, BIORETENTION	4,180 S.F.

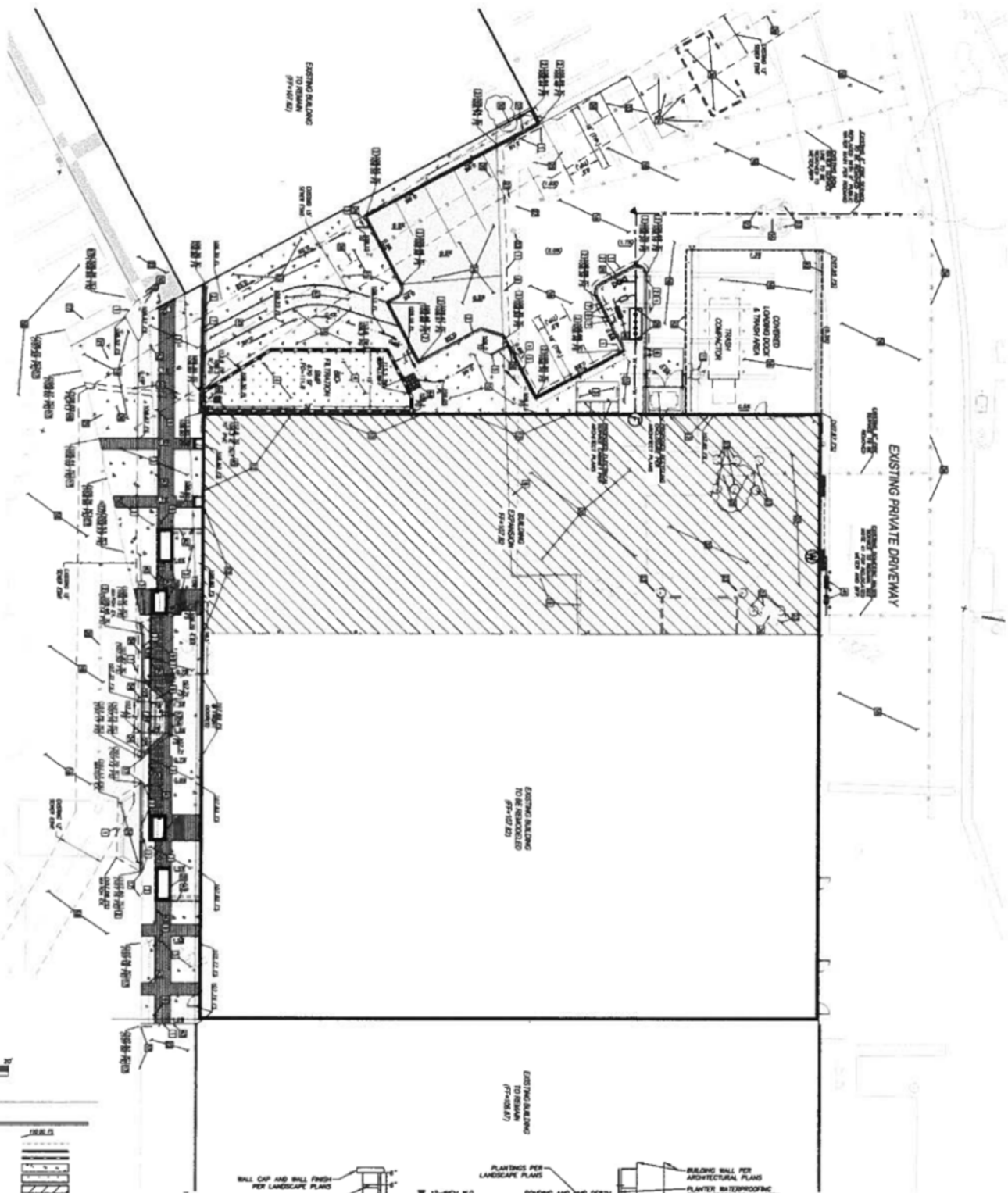
KEY NOTES:

1. EXISTING ADJACENT BUILDING TO REMAIN - NOT A PART
2. EXISTING ADJACENT BUILDING CANOPY TO REMAIN - NOT A PART
3. EXISTING CONCRETE CURB TO REMAIN - TYP
4. EXISTING HARDSCAPE/LANDSCAPE TO REMAIN - TYP
5. EXISTING PAVEMENT MARKINGS TO REMAIN - TYP
6. EXISTING PAVEMENT (PARKING) MARKING TO BE REMOVED
7. EXISTING ACCESSIBLE PARKING
8. EXISTING ACCESSIBLE ROUTE OF TRAVEL TO REMAIN UNCHANGED
9. EXISTING CMU ENCLOSURE TO REMAIN / BE MODIFIED TO ADD ROOF STRUCTURE TO COMPLY WITH City of Escalante STORM WATER REQUIREMENTS
10. EXISTING UTILITIES & BOLLARDS TO REMAIN
11. EXISTING WATER SERVICE TO BE RELOCATED
12. EXISTING GAS / ELECT SERVICES TO BE RELOCATED
13. EXISTING BOLLARD TO BE REMOVED - TYP
14. EXISTING LIGHT FIXTURE TO BE REMOVED
15. NEW CONCRETE CURB
16. NEW PAVEMENT (PARKING) MARKINGS
17. NEW D.S. PATH FROM WITHIN LANDSCAPE AREA REFER TO LANDSCAPE FOR ADDITIONAL INFORMATION
18. EXISTING FIRE HYDRANT TO REMAIN
19. DEMOLISHED FIRE HYDRANT
20. NEW FIRE HYDRANT - COORDINATE LOCATION WITH City of Escalante FIRE DEPT.
21. NEW CHAIN LINK FENCING WITH VERTICAL PLASTIC SLATS TO PROVIDE VISUAL SCREENING - SLAT COLOR TO MATCH BUILDING FINISH
22. PROPOSED FIREHYDRANT LOCATION REFER TO C1 FOR ADDITIONAL INFORMATION
23. 8-YARD REFUSE AND 8-YARD RECYCLE BINS WITHIN EXISTING CMU ENCLOSURE
24. EXTERIOR NEW CABINET FOR SOGALE EQUIPMENT

PROPOSED PROJECT
PHG 16-0024

SP

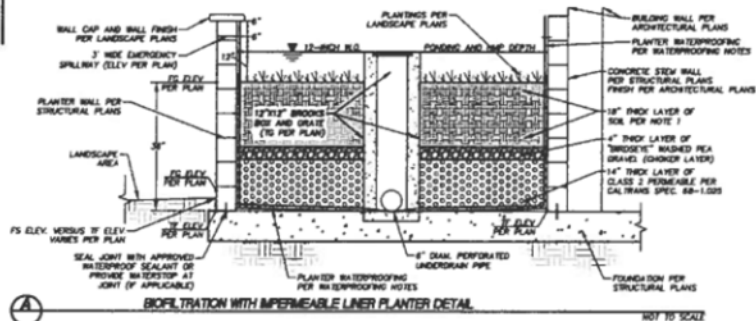
SITE PLAN - PARTIAL



LEGEND

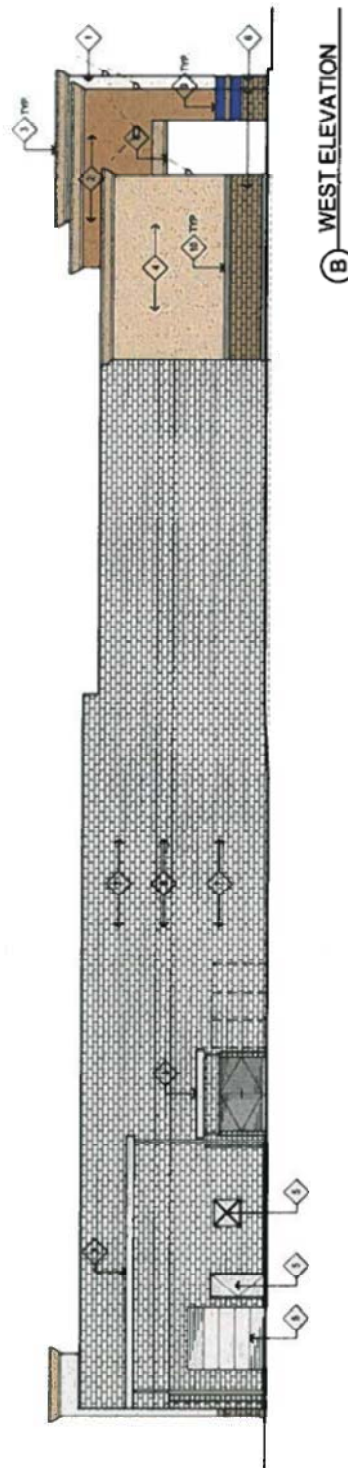
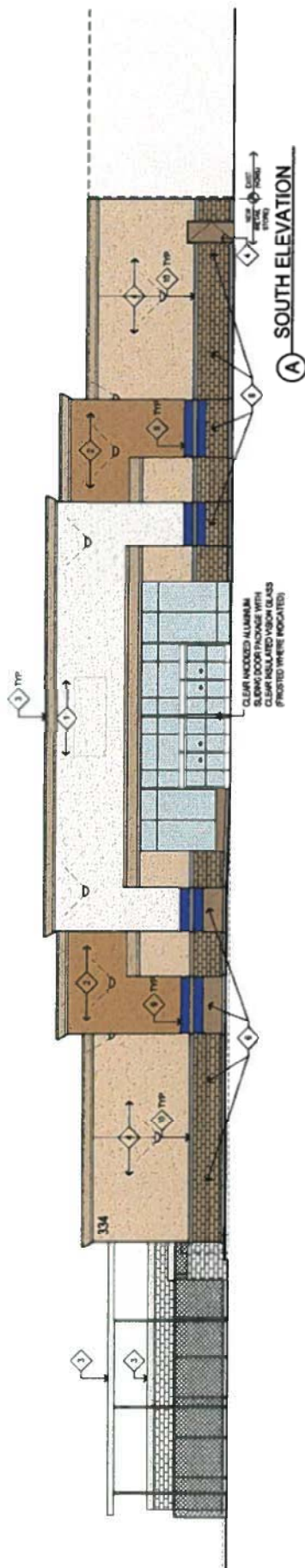
SPOT ELEVATION	100.00
SHEET LINE	
PROPOSED 4" LINE	
PROPOSED PLASTER RETAINING WALL	
POC EXISTING TOP SURFACE 0-07	
PLASTER AND	
PROPOSED RAILING EXISTING	
EXISTING GRADE CONTOUR	
ASPHALTIC CONCRETE SURFACE	
SP-100 CONCRETE	
DESIGNATED GRADES PAVING	
CURBED GRADE WALL	
PROPOSED CONCRETE WALL LINE/BLK/ST/SPRINK	
PROPOSED FIRE SERVICE LINE/BLK/ST/SPRINK	
PROPOSED RELOCATED FIRE ALARM	

**PRELIMINARY GRADING
AND UTILITY PLAN**



**PROPOSED PROJECT
PHG 16-0024**

G



COLORS AND MATERIALS

	1	STUCCO/EIFS SYSTEM COLOR: Sherwin Williams DOVER WHITE, SW 6385
	2	STUCCO/EIFS SYSTEM COLOR: Sherwin Williams TATAMI TAY, SW 6115
	3	STUCCO/EIFS SYSTEM COLOR: Sherwin Williams NOMADIC DESERT, SW 6107
	4	STUCCO/EIFS SYSTEM OR PAINTED METAL (DOORFRAMES) COLOR: Sherwin Williams INTERACTIVE CREAM, SW 6113
	5	PAINTED METAL (DOORFRAMES) COLOR: Sherwin Williams CRAFT PAPER, SW 6125
	6	SPLIT-FACED CONCRETE MODULAR UNIT Argos Black, COLOR: GRAY
	7	PRECISION CONCRETE MODULAR UNIT Argos Black, NATURAL GRAY PAINTED COLOR: Sherwin Williams ALABASTER, SW 7008 (TO MATCH EXISTING BUILDINGS)
	8	SPLIT-FACED CONCRETE MODULAR UNIT Argos Black, NATURAL GRAY PAINTED COLOR: Sherwin Williams ALABASTER, SW 7008 (TO MATCH EXISTING BUILDINGS)
	9	PAINTED BLUE IDENTITY BANDS TK PRODUCTS TK 3010-40, COLOR: PMS 300 (P23624)
	10	CAST STONE (CONCRETE) CAP NATURAL GRAY CONCRETE WITH SMOOTH PLASTER FINISH



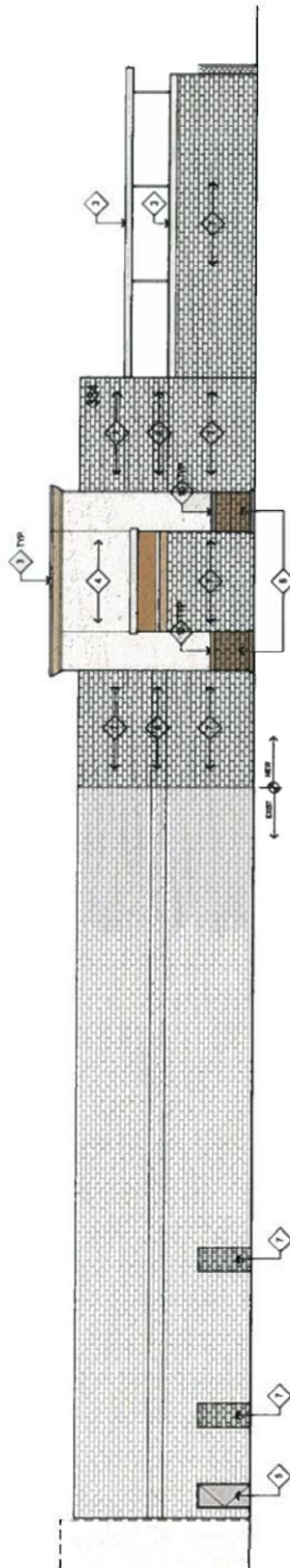
PROPOSED PROJECT
PHG 16-0024

E

ELEVATIONS - COLORES



C EAST ELEVATION



D NORTH ELEVATION

COLORS AND MATERIALS

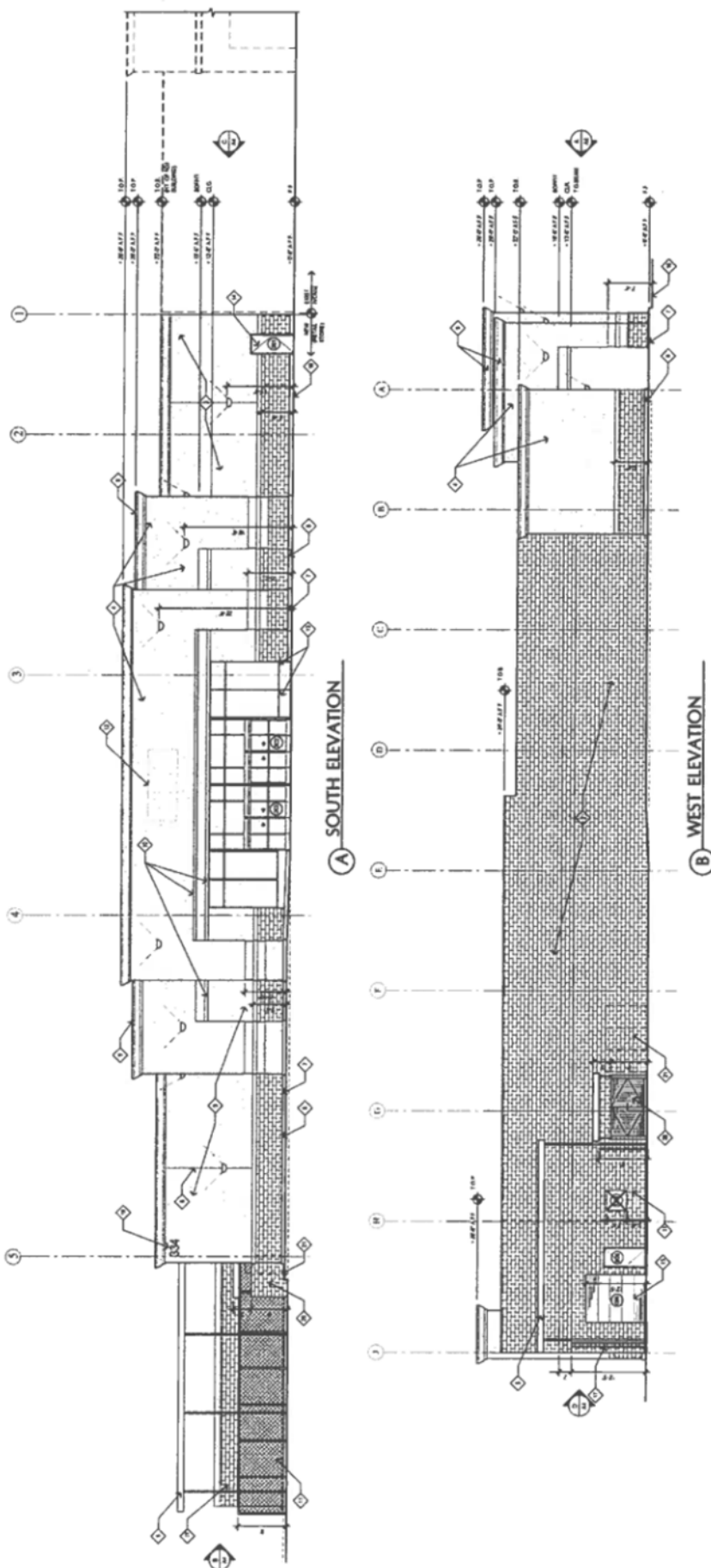
	1	STUCCO/EIFS SYSTEM COLOR: Sherwin Williams DOVER WHITE, SW 6385
	2	STUCCO/EIFS SYSTEM COLOR: Sherwin Williams TATAM TAY, SW 6116
	3	STUCCO/EIFS SYSTEM COLOR: Sherwin Williams NOMADIC DESERT, SW 6107
	4	STUCCO/EIFS SYSTEM OR PAINTED METAL (DOORFRAME) COLOR: Sherwin Williams INTERACTIVE CREAM, SW 6113
	5	PAINTED METAL (DOORFRAMES) COLOR: Sherwin Williams CRAFT PAPER, SW 6125
	6	SPLIT-FACED CONCRETE MODULAR UNIT Angies Block, COLOR: TAN
	7	PRECISION CONCRETE MODULAR UNIT Angies Block, NATURAL GRAY PAINTED COLOR: Sherwin Williams ALABASTER, SW 7008 (TO MATCH EXISTING BUILDINGS)
	8	SPLIT-FACED CONCRETE MODULAR UNIT Angies Block, NATURAL GRAY PAINTED COLOR: Sherwin Williams ALABASTER, SW 7008 (TO MATCH EXISTING BUILDINGS)
	9	PAINTED BLUE IDENTITY BANDS TK PRODUCTS TK 9010-42, COLOR: PMS 300 (423624)
	10	CAST STONE (CONCRETE) CAP NATURAL GRAY CONCRETE WITH SMOOTH PLASTER FINISH



**PROPOSED PROJECT
PHG 16-0024**

E

ELEVATIONS - COLORED



KEY NOTES

UNLESS OTHERWISE INDICATED, NOTES DESCRIBE NEW WORK.

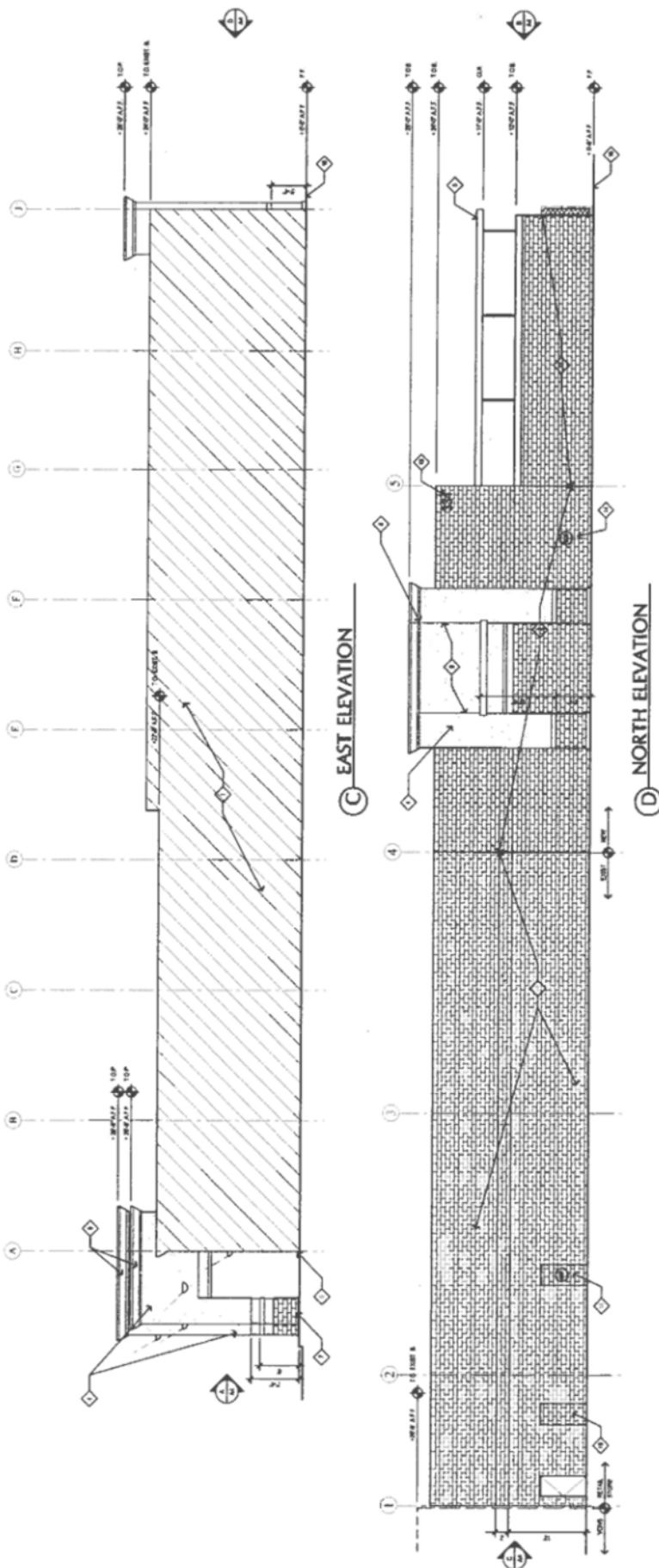
- 1 EXISTING C.M.U. WALL - PAINTED PER SCHEDULE
- 2 C.M.U. WALL PER STRUCT. - PAINTED PER SCHEDULE
- 3 C.M.U. WALL PER STRUCT. WITH 1/2" EXTERIOR CEMENT PLASTER FINISH - PAINT PER SCHEDULE
- 4 7/8" EXTERIOR CEMENT PLASTER OF WOVEN WIRE MESH OF 15 LBS. FELT OF PLYMD. SHITG & METAL STUD FRAMING PER STRUCTURAL DRAWINGS.
- 5 LOADING DOCK CANOPY
- 6 EXPOSED PRE-CAST CONCRETE CURB PER DETAIL INDICATED
- 7 EXPOSED CAST IN PLACE CONCRETE CURB PER DETAIL INDICATED
- 8 PLASTER REVEAL PER DETAIL INDICATED
- 9 FOAM PLANT-ON CORNICE PER DETAIL INDICATED
- 10 FOAM PLANT-ON HALF ROUND PER DETAIL INDICATED
- 11 CHAIN LINK FENCE SCREENING
- 12 FUTURE SIGN LOCATION - PROVIDE ELECTRICAL 1/2 BOX ON ROOF SIDE OF WALL.
- 13 ALUMINUM STOREFRONT SYSTEM PER PLAN AND SCHEDULE.
- 14 H.M. DOOR PER PLAN AND SCHEDULE - PAINT PER SCHEDULE
- 15 ROLL-UP DOOR PER FLOOR PLAN AND DOOR SCHEDULE - PAINT PER SCHEDULE
- 16 FINISH GRADE
- 17 C.M.U. SCREEN WALL PER STRUCTURAL - PAINT PER SCHEDULE
- 18 BUILDING ADDRESS - 12" HIGH CONTRASTING LETTERS PER EXCONDO FIRE DEPARTMENT STANDARDS
- 19 REMOVE EXISTING DOOR AND FRAME, INFILL OPENING WITH C.M.U. TO MATCH EXISTING
- 20 C.M.U. BLOCK REFUSE ENCLOSURE WITH CANOPY ROOF, CONCRETE SLAB & INTERIOR CURBS AND CORRUGATED PAINTED STEEL SWING GATES PER City of Excondado TRASH ENCLOSURE GUIDELINES.
- 21 EXTERIOR NEMA CABINET FOR SDG&E EQUIPMENT WITH 5' CLR. CONCRETE PAD



EXTERIOR ELEVATIONS

PROPOSED PROJECT
PHG 16-0024

E



KEY NOTES

UNLESS OTHERWISE INDICATED, NOTES DESCRIBE NEW WORK.

- 1 EXISTING C.M.U. WALL - PAINTED PER SCHEDULE
- 2 C.M.U. WALL PER STRUCT. - PAINTED PER SCHEDULE
- 3 C.M.U. WALL PER STRUCT. WITH 1/2" EXTERIOR CEMENT PLASTER FINISH - PAINT PER SCHEDULE
- 4 7/8" EXTERIOR CEMENT PLASTER or WOVEN WIRE MESH of 15 LBS. FELT or PLYWD. SHTG. & METAL STUD FRAMING PER STRUCTURAL DRAWINGS.
- 5 LOADING DOCK CANOPY
- 6 EXPOSED PRE-CAST CONCRETE CURBS PER DETAIL INDICATED
- 7 EXPOSED CAST IN PLACE CONCRETE CURBS PER DETAIL INDICATED
- 8 PLASTER REVEAL PER DETAIL INDICATED
- 9 FOAM PLANT-ON CORNICE PER DETAIL INDICATED
- 10 FOAM PLANT-ON HALF ROUND PER DETAIL INDICATED
- 11 CHAIN LINK FENCE SCREENING
- 12 FUTURE SIGN LOCATION - PROVIDE ELECTRICAL 2" BOX ON ROOF SIDE OF WALL.
- 13 ALUMINUM STOREFRONT SYSTEM PER PLAN AND SCHEDULE.
- 14 H.M. DOOR PER PLAN AND SCHEDULE - PAINT PER SCHEDULE
- 15 ROLL-UP DOOR PER FLOOR PLAN AND DOOR SCHEDULE - PAINT PER SCHEDULE
- 16 FINISH GRADE
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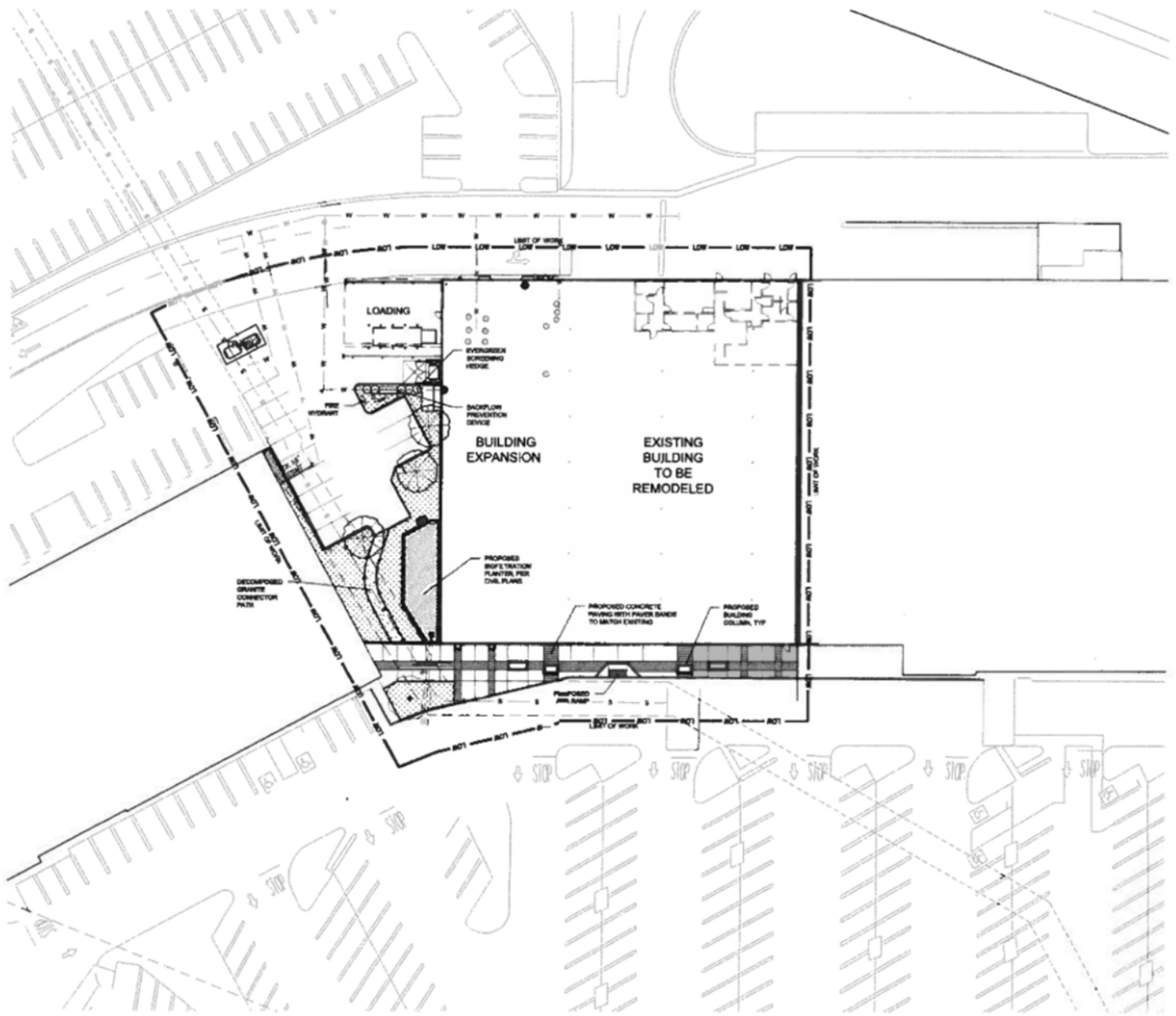


EXTERIOR ELEVATIONS

PROPOSED PROJECT
PHG 16-0024

E

ELEVATIONS - EXTERIOR



PROPOSED PLANT PALETTE

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WATER USE
TREES					
	LAGERSTROEMIA I. 'MUSKOGEE'	MUSKOGEE CRAPE MYRTLE	24" BOX	PER PLAN	MOD
FOREGROUND SHRUBS					
	LANTANA 'NEW GOLD'	NEW GOLD LANTANA	5 GAL.	36" O.C.	LOW
MIDGROUND SHRUBS					
	CALLISTEMON 'LITTLE JOHN'	DWARF BOTTLEBRUSH	5 GAL.	30" O.C.	LOW
	DIANELLA T. 'VARIEGATA'	VARIEGATED FLAX LILY	5 GAL.	36" O.C.	LOW
	MUHLENBERGIA C. 'REGAL MIST'	PINK MUHLY	5 GAL.	36" O.C.	LOW
	RIAPHOLEPS UMBELLATA	YEDDO HAWTHORN	5 GAL.	36" O.C.	MOD
BIORETENTION AREAS					
	JUNCUS PATENS	CALIFORNIA GRAY RUSH	1 GAL.	28" O.C.	LOW

BACKGROUND SHRUBS					
	LEUCOPHYLLUM FRUTESCENS	TEXAS RANGER	5 GAL.	36" O.C.	LOW
	MISCANTHUS 'MORNING LIGHT'	SILVER GRASS	5 GAL.	42" O.C.	LOW
	WESTRINGIA FRUTICOSA	COAST ROSEMARY	5 GAL.	42" O.C.	LOW

- NOTES**
1. ROOT BARRIERS SHALL BE INSTALLED AT ALL TREES WITHIN 5 FEET OF ANY HARDSCAPE PAVEMENT, CURB OR WALLS. ROOT BARRIERS ARE TO BE 18"x24" 2" DEEP ROOT CORROSION: (500) 458-1588, INSTALLED PER MANUFACTURER'S SPECIFICATIONS. NOTE: ROOT BARRIERS SHALL NOT BE WRAPPED AROUND THE ROOTBALL.
 2. MULCH - LANDSCAPE AREAS HAVING LESS THAN A 2:1 SLOPE WITH A 3" LAYER OF MULCH, PER SPECIFICATIONS AT THE CONCLUSION OF PLANTING OPERATIONS. PROVIDE 4/16 NETTING WITH 12" LONG SOIL STAPLES ON SLOPES 2:1 OR STEEPER.

EXISTING PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME
	CUPANIOPSIS ANACARDIODES	CARROTWOOD

LANDSCAPE TABULATIONS
 TOTAL - PARKING LOT TREES = 12
 TOTAL - PARKING SPACES = 3

PARKING LOT TREES REQUIRED (1 TREE / 4 STALLS) =	3
PARKING LOT TREES PROVIDED =	3

PROPOSED PROJECT
PHG 16-0024

ANALYSIS

A. ENVIRONMENTAL STATUS

The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) in conformance with Section 15301(a)(e), "Existing Facilities." CEQA provides an exemption for interior and exterior alterations to existing structures, and additions to existing structures provided the addition will not result in an increase of more than 10,000 SF if the project is within an area where all public services and facilities are available to allow for maximum development permissible in the General Plan; and if the project is in an area that is not environmentally sensitive. A Notice of Exemption will be filed upon project approval (a copy is attached to this report). In staff's opinion, no project issues remain unresolved through compliance with code requirements and the recommended conditions of approval. The project will have no impact on fish and wildlife resources as no sensitive or protected habitat occurs within the project development area or will be impacted by the proposed facility. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

B. CONFORMANCE WITH CITY POLICY

General Plan

The General Plan land-use designation for the site is Planned Commercial (PC), and the underlying zoning is Planned Development-Commercial (PD-C). The PC land-use designation is intended for a variety of activities, including offices, retail, and service businesses, within unified, planned commercial centers. The proposed tenant remodel would be consistent with the intent of the PC designation and PD-C zoning classification as well as the list of permitted uses established for Del Norte Plaza under 84-21-PD. The proposed project would be in conformance with General Plan Economic Policies (starting on page IX-9) which encourage economic activities, employment opportunities, and fiscal stability. The project would not diminish the Quality of Life Standards of the General Plan as it would not materially degrade the level of service on adjacent streets or create excessive noise. Adequate on-site parking, circulation, and public services are provided to the site.

C. PROJECT ANALYSIS

Architecture and Design

Completion of the project would result in a new 25,173 SF retail store, consisting of reconfigured building area (8,900 SF demo and 9,173 SF new building area), new major entry feature and tower elements for an overall net increase of 273 SF of building area. The building mass, height, and architectural style are designed to be compatible with the overall design of the various building throughout the shopping center. The new tower elements and parapet coping is design to be similar to the adjacent Vons building, while providing Ross with its own identity by incorporating the blue identity bands, earth tone color scheme, and split face lower wall bands. In order to provide the appropriate transition with the existing center colors, a similar off-white exterior stucco color would be incorporated into the central entry feature, along with some of the light/medium tans found on several of the other tenant spaces. With the removal of a portion of the existing inline shops (approx. 8,900 SF), a direct connection with a pedestrian walkway will be provided between the rear parking lot (facing Centre City Parkway) and the center's main parking lot. This area will be landscaped that will further enhance the commercial center and provide for appropriate storm water management and appropriate screening of the new loading area. Staff believes the proposed project design is compatible with the surrounding types of uses and structures. The proposed colors, materials and architectural features are well coordinated and complementary to the site and its surroundings while providing more visual interest and vitality for the overall center.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS:

The project site is part of the larger 24.5-acre Del Norte Plaza shopping center, which takes vehicular access from both El Norte Parkway and Centre City Parkway. The property currently is developed with a 215,687 SF commercial shopping center consisting of various in-line shops, outbuildings and a movie theatre.

B. SUPPLEMENTAL DETAILS OF REQUEST:

1. Center Size 24.5 acres (four parcels)
2. Building Size:
 - Existing to be removed: (8,900 SF)
 - Existing to be retained: 16,000 SF
 - Proposed new building area: 9,173 SF
 - Total Building Area: 25,173 SF
3. Building Height:
 - Existing: Varies from 22' to 28' for inline shops
 - New: Varies from 22' to 28'
4. Trash: New trash enclosure and trash compactor (compactor located in new screened loading area)
5. Building Materials/Colors:
 - Walls: Combination of stucco (off-white light and dark tans, with brown doors, and split-face block on lower columns and wall base; blue band on columns) Northern and eastern side of building painted off-white to match existing. New column feature incorporated into eastern elevation.
 - Window: Store front glass at project entrance with sliding doors
 - Light Fixtures: Up lit sconces along western store-front
 - Walkways: Proposed paver bands to match existing along building frontage
 - Loading Area: Masonry block screen wall along east and vinyl clad chain-link fence facing west with slats. Loading area covered. The area also includes landscape screening.
6. Signs: All signs to be in conformance with the Center's Sign Program and City's Sign Ordinance (Article 66)
7. Landscaping: New landscaping and storm water feature/biofiltration along the northern elevation with walkway to provide connection between parking areas. Existing landscape planter along western elevation to be retained

8. Parking:

Existing:	1,204
Proposed:	1202 (two removed as part of project)
Required:	1,079 based on 215,960 SF of existing building area
Required at buildout:	1,154 based on 230,920 SF of Master Plan buildout projections

Shopping center standard per Zoning Code is 1 space per 200 SF of floor area. Requirement for Del Norte Plaza based on ultimate Master Plan buildout of 230,920 SF is 1,154 spaces. Current parking is 1,204 spaces (per PHG 16-0017 for Starbucks Precise Development Plan). The center would have 215,960 SF of total area when this project is complete which would require a min. of 1,079 spaces.

EXHIBIT "A"
FINDINGS OF FACT/FACTORS TO BE CONSIDERED
PHG 16-0024

1. The proposed modification to the Precise Development Plan for the Del Norte Plaza commercial center is requested accommodate a new retail store. The project involves the removal of a portion of an existing commercial building and development of additional commercial space within the established shopping center. The General Plan land-use designation for the subject site is Planned Commercial (PC), which accommodates a variety of commercial activities within a self-contained, comprehensively-planned development. It would also conform to the General Plan Economic Goals and Policies that promote high-quality, diversified, employee-intensive, and service-oriented businesses that create and sustain a strong economic base and provide opportunities for the full employment of a diverse set of skills. The project would not diminish the General Plan's Quality of Life Standards, because it would not degrade the level of service on adjacent streets or public facilities, or create excessive noise. The project would provide adequate on-site parking, circulation, and public services.
2. The approval of the proposed Precise Development Plan would be based on sound principles of land use, because the project would not cause deterioration of bordering land uses, and would be well-integrated with surrounding properties. The Del Norte Plaza is zoned for commercial uses and has been developed as a large shopping center for over thirty years. The project involves the demolition of an approximately 8,900 SF portion of the existing in-line shop building; reconstruction of 9,173 SF of the commercial area; and remodel 16,000 SF of the existing building for a total commercial area of 25,173 SF. The proposed project would conform to the approved Master and Precise Plan because a retail business is consistent with the list of permitted uses established for the center. The proposed project will be compatible with, and will not adversely affect or be materially detrimental to adjacent uses, buildings, structures or natural resources. Adequate parking, circulation, utilities, and access would be provided for the new building. The project would not result in any adverse noise or visual impacts to surrounding uses.
3. The proposed building would incorporate an attractive design with high-quality building materials with an appropriate color scheme to complement the overall centers. The building mass, height, and architectural style are designed to be compatible with the overall design of the various building throughout the shopping center. With the removal of a portion of the existing inline shops (approx. 8,900 SF), a direct connection with a pedestrian walkway will be provided between the rear parking lot (facing Centre City Parkway) and the center's main parking lot. This area will be landscaped that will further enhance the commercial center and provide for appropriate storm water management and appropriate screening of the new loading area. The project was discussed at the Staff Design Review meeting on December 15, 2016 and all recommendations made at that meeting have been incorporated into the project design.
4. The project is categorically exempt from environmental review in conformance with CEQA Section 15301(a)(e), Class 1, "Existing Facilities." The proposal involves the demolition of a portion of the existing building, reconstruction of 9,173 SF and consolidation of 16,000 SF of existing tenant suites to accommodate a 25,173 SF retail store. The project site is not environmentally sensitive, and the Engineering Services Department determined that all public utilities and services are available to serve the project. No evidence has been submitted or discovered that would suggest that the proposed project would adversely affect the surrounding neighborhood and/or community. All project-related issues remain resolved through compliance with code requirements, project design, and the recommended conditions of approval. The project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

EXHIBIT "B"
CONDITIONS OF APPROVAL
PHG 16-0024

General

1. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Services Department, Building Division, and the Fire Department.
2. If blasting is required, verification of a San Diego County Explosives Permit and a copy of the blaster's public liability insurance policy shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
3. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
4. Prior to or concurrent with the issuance of building permits, the appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Community Development Director.
5. All requirements of the Public Arts Partnership Program, Ordinance No. 86-70, shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of building permit issuance for the purpose of participating in the City Public Art Program.
6. Colors, materials, and design of the project shall conform to the exhibits and references in the staff report to the satisfaction of the Planning Division.
7. Trash enclosures must be designed and built per City standards and in coordination with the Engineering Services Department's storm water control requirements, to include a solid roof structure and solid gates. The roof structure shall be consistent with the overall design of the shopping center.
8. Vinyl-clad chain-link fencing with slats shall be used along the western side of the new loading dock. The landscape plan shall incorporate medium/tall shrubs to further screen the loading area.
9. The new exposed corner of the building adjacent to the proposed project shall be finished to match the existing center.
10. The walls associated with the loading area screening, trash enclosure and storm water features to match the adjacent building materials and colors.
11. Signage will be subject to a separate permit and must comply with the Master Sign Program for Del Norte Plaza. Landlord approval of tenant signage is required prior to issuance of any sign permits. Where the sign program does not contain specific criteria for certain types of signs, the City's Sign Ordinance (Article 66 of the Zoning Code) shall apply.

12. All rooftop equipment must be fully screened from all public view, utilizing materials and colors which match the building.
13. All project-generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
14. All new utilities shall be underground.
15. All outdoor lighting is subject to Article 35 of the Escondido Zoning Code (the Outdoor Lighting Ordinance). The lighting shall be on a time control and shut off after business hours.
16. Del Norte Plaza shall maintain a minimum of 1,154 parking spaces as required under the original Master and Precise Development Plan (84-21-PD). Parking spaces shall be double-striped per City standards and shown on the site plan/building plans.
17. This Precise Development Plan shall become null and void unless utilized within twenty-four (24) months of the effective date of approval.

Landscaping

1. Five copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of grading or building permits, along with the applicable plan check fee, and shall be equivalent or superior to the concept plan attached as an exhibit to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in the 2015 Model Water Efficient Landscape Ordinance Update. The plans shall be prepared by, or under the supervision of a licensed landscape architect.
2. Some screening landscaping (shrubs or vines) shall be planted along the newly exposed wall of the building adjacent to the proposed.
3. The proposed pedestrian walkway within the new landscape area shall include a more permanent and solid type a paving rather than decomposed granite.
4. All landscaping shall be installed prior to occupancy. All vegetation shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
5. The installation of the landscaping and irrigation shall be inspected by the project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.

Fire Department

1. Show fire hydrant locations (note on plans)
2. Fire Department Connections shall be located within 50 feet of a fire hydrant. FDC/PIV shall be remote and located at the front of the building. Underground from DCDA to building shall comply with NFPA 24. Underground fire line plans shall be differed (grading plans will not be accepted as underground plans)

3. Approved address numbers shall be placed on all new and existing buildings for final inspection.
4. No additional speed humps or speed control dips which may interfere with emergency apparatus responses will not be allowed.
5. Fire lane markings will be required. (Provide separate fire access plan also showing all fire appliances)
6. Response map updates in a PDF format will be required prior to final approval.
7. Fire extinguishers shall be provided and maintained 3,000 square feet, and maximum 75 feet travel distance (minimum rating of 2:A 10:BC).
8. High piled combustible storage rack plan will be required.
9. 5 Year certification will be required for sprinkler system. (Depending on commodity classification, higher density sprinkler system may be required).
10. An alarm system will be required in a separate submittal to the fire department.

ENGINEERING CONDITIONS OF APPROVAL PHG16-0024 - Del Norte Plaza

GENERAL.

1. The applicant shall provide the City Engineer with a current Preliminary Title Report covering subject property with the submittal of the final engineering plans.
2. The location of all existing on-site utilities shall be determined by the Engineer. If a conflict occurs with proposed structures, these facilities shall be relocated subject to approval of the owner of the utility/facility or the Property Owners and/or Association if they are responsible for the maintenance thereof.
3. The developer shall post securities in accordance with the City prepared bond and fee letter based on a final estimate of grading, landscaping, and site drainage improvements cost prepared by the project engineer. The project owner is required to provide a Cash Clean Up Deposit for all grading, landscaping, and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. The Cash Clean-up Deposit amount shall be 10% the total cost of the project private improvements, drainage and landscaping. All improvements shall be completed prior to issuance of Occupancy Permit.
4. No construction permits will be issued until Final Plans and Storm Water Quality Management Plan (SWQMP) have been approved and appropriate securities are deposited and agreements executed to the requirements of the City Engineer and City Attorney.
5. If site conditions change adjacent to the proposed development prior to completion of the project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
6. All grading and site improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
7. The project owner shall submit to the Planning Division 3 copies of the approved Site Plan certified by the Planning Department and must be included in the first submittal for final plans plan check, together with a final Storm Water Quality Management Plan (SWQMP) to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer and the City Building Official.

GRADING

1. A site grading and erosion control plan shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report and on the grading plan, that he/she has reviewed the grading and retaining wall design and found it to be in conformance with his or her recommendations.
2. A site landscaping and irrigation plan shall be submitted with the 2nd submittal of the grading plan to the Engineering Dept.
3. All onsite parking and access drives shall be paved with a minimum of 3" AC over 6" of AB or 6" PCC over 6" AB, and shall be designed and constructed to the requirements of Fire Marshal, Planning Director and City Engineer. All proposed onsite project improvements shall be included on the Grading Plans subject to review and approval by the City Engineer, Fire Marshall and Planning Director.
4. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in the Geotechnical Report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings.
5. The project owner shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
6. Erosion control, including silt fences, straw wattles, interim sloping planting, gravel bags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the development of the project.
7. A General Construction Activity Permit may be required from the State Water Resources Board prior to issuance of Grading Permit.
8. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.

DRAINAGE

1. A Final Storm Water Quality Management Plan(SWQMP) in compliance with City's latest adopted Storm Water Standards (2015 BMP Manual) shall be prepared for all onsite and newly created impervious frontage and required offsite improvements and submitted for approval together with the final improvement and grading plans. The Storm Water Quality Management Plan shall include hydro-modification calculations, treatment calculations, post construction storm water treatment measures and maintenance requirements.

2. Site drainage associated with this project, with emphasis on the parking and drive way areas, shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention basins within or along the perimeter of the parking and driveway areas as the primary method of storm water treatment and hydro-modification compliance. The landscape plans will need to reflect these areas of storm water treatment.
3. The hydro-mod orifice controlled and treated flows from the proposed storm water bio-retention basin shall be conveyed by private drain pipe to the nearest private storm drain in the shopping center to maintain treated status as much as possible and to eliminate longer duration seepage across parking and pedestrian areas.
4. Trash enclosures associated with this project shall drain toward a landscaped area and include a roof over the enclosure in accordance with the City's Storm Water Management requirements and to the satisfaction of the City Engineer.
5. Onsite storm drains, storm water storage facilities and bio-retention basins constructed with this project shall be considered private. The responsibility for maintenance of these storm drains and all post construction storm water treatment facilities shall be that of the property owner or property owner's association.
6. The project owner will be required to submit a signed, notarized and recorded copy of Storm Water Control Facility Maintenance Agreement to the City Engineer. The maintenance agreement shall indicate property owner's responsibility for maintenance of all proposed frontage Green Street landscaping, onsite drainage system, storm water treatment and hydro-modification facilities and their drainage systems.

WATER SUPPLY

1. This project is located within the Rincon Del Diablo Municipal Water District. It will be the developer's responsibility to make all arrangements with the Rincon District as may be necessary to provide water service for domestic use and fire protection.
2. Onsite detector checks and fire hydrants associated and/or necessary for this project shall be designed and be located as determined by the Fire Marshal and approved by the Rincon Del Diablo Municipal Water District.

SEWER

1. The developer shall be required to construct sewer service to the project to the requirements of the Utilities Engineer and City Building Official.
2. Sewer laterals for this project will be considered a private sewer system. The property owner will be responsible for all maintenance of these laterals to the public sewer main.
3. The subject building associated with this project shall have a separate sewer lateral and shall be 6" PVC minimum with a standard clean-out at the edge of the public right of way or utility easement and at all angle points and shall be designed and constructed per current UPC.

4. No trees or deep rooted bushes shall be planted within 10' of any sewer lateral or within 15' of any public sewer main.

EASEMENTS AND DEDICATIONS

1. All easements, both private and public, affecting subject property shall be shown and delineated on the grading plans.
2. The project owner is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to issuance of building permits.

REPAYMENTS, FEES AND CASH SECURITIES

1. The project owner shall be required to pay all development fees, including any repayments in effect prior to approval of the Building Permit. All development impact fees are paid at the time of Building Permit issuance or as determined by the Building Official.
2. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the project owner until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security deposit for the project shall be at 10% of total estimate of site grading, landscaping, and improvements with a maximum cap of \$50,000.

UTILITY UNDERGROUNDING AND RELOCATION

1. All new dry utilities to serve the project shall be constructed underground.
2. The project owner shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding.



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

Notice of Exemption

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

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

Project Title/Case No.: Precise Development Plan (Case No. PHG 16-0024)

Project Location - Specific: Del Norte Plaza Commercial Center, 334 W. El Norte Parkway

Project Location - City: Escondido

Project Location - County: San Diego

Description of Project: A Precise Development Plan remodel several suites within the Del Norte Plaza shopping center to accommodate a new 25,173 SF Ross Dress for Less tenant. An 8,900 SF section of the building would be removed and replaced with 9,173 SF of new building area, along with a new landscape and biofiltration feature to conform to the City's storm water regulations. A new covered loading dock with a trash compactor also would be provided.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Andrew Gracey (Kimco Realty)

Telephone: (949) 252-3872

Address: 1621-B. S Melrose Drive, Vista CA 92081

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

Exempt Status: Categorical Exemption. Section 15301(a)(e), "Existing Facilities."

Reasons why project is exempt:

1. In staff's opinion, the request does not have the potential for causing a significant effect on the environment because the project only involves the interior and exterior remodel of an existing inline shop within the Del Norte Plaza shopping center. The intensity of the use would not be any greater than the existing uses of the site/building. No significant increase in the floor area of the building is proposed. No issues remain unresolved through compliance with code requirements.
2. The site is in an area where all public services and facilities are available to allow for the proposed use. The project site is within a developed 24.5-acre commercial center and surrounded by urban development on all sides. Access is provided by two Circulation Element Streets (El Norte Parkway and Centre City Parkway).
4. The project would not create any significant increase in vehicle trips, nor impact vehicular circulation on or around the site. Appropriate on-site parking is provided. The project would not generate any significant noise impacts to adjacent uses through the project design and compliance with the project Conditions of Approval. The project would not result in the destruction of desirable natural features, nor be visibly obtrusive or disharmonious with surrounding areas.

Lead Agency Contact Person: Jay Paul, Planning Division

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

Signature: _____
Jay Paul, Associate Planner

2017
Date

☒ Signed by Lead Agency

Date received for filing at OPR: N/A

PLANNING COMMISSION

Agenda Item No.: I.2
Date: February 28, 2017

CASE NUMBER: MISC 17-0001

APPLICANT: City of Escondido

LOCATION: Citywide

TYPE OF PROJECT: Miscellaneous Informational Report

PROJECT DESCRIPTION: Annual Progress Report on the implementation of the General Plan.

BACKGROUND/SUMMARY OF ISSUES:

Government Code Section 65400 mandates that cities and counties submit an annual report on the status of their General Plan and progress in its implementation. The annual report is required to be submitted to the Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD). The annual report is provided to OPR to help identify statewide trends in land use decision-making and how local planning and development activities relate to statewide planning goals. Providing a copy of the annual report to the State Department of Housing and Community Development (HCD) fulfills statutory requirements to report certain housing information. This includes information on the progress in meeting the jurisdiction's share of regional housing needs determined pursuant to Government Code Section 65584 and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to Government Code Section 65583(c)(3).

While there is a standard format for the housing element portion of the annual report, there is no standardized format for the preparation of the annual progress report for the rest of the general plan. The form and content of the report may vary based on the circumstances, resources, and constraints of each jurisdiction. Each jurisdiction should determine what locally relevant issues are important to include in the General Plan annual report. Notwithstanding, annual reports must explain how land use decisions of an agency relates to adopted goals, policies, and implementation measures of the General Plan.

The last annual report that the City of Escondido prepared was for the 2008 calendar year. After such time, the City was engaged in a multi-year effort to update the City's General Plan. This work program was completed in 2012. In the past, the Governor's Office of Planning and Research (OPR) did not require an annual report from cities or counties undertaking a comprehensive General Plan update. Instead, OPR accepted a brief letter describing the status of the update, description of the scope of work, and an anticipated completion date, in lieu of the annual report. Now that the City of Escondido has completed the General Plan update process, work must begin on its implementation. Therefore, it is appropriate to resume the annual reporting practice and provide this service on an annual basis moving forward.

The City of Escondido APR is provided as Attachment "1" and covers planning activities for the 2016 calendar year.

REASONS FOR STAFF RECOMMENDATION: Staff recommends for the Planning Commission to receive the report for the following reasons:

1. General law cities, applicable charter cities, and counties are required to file APRs on the implementation of their General Plan with their local legislative body, OPR and HCD. These reports are due April 1st of each year. The Planning Commission serves as an advisory role on planning-related and legislative-related activities pursuant to Chapter 20 of the Escondido Municipal Code.

2. Annual reports help inform the State of California of local planning activities.
3. A general plan can be measured by how well its objectives, policies, and programs are implemented. The APR provides information for decision makers to assess how the Escondido General Plan was implemented during the previous 12-month reporting period. The APR could help identify necessary "course adjustments" or modifications to the General Plan, and means to improve local implementation.

Respectfully Submitted,

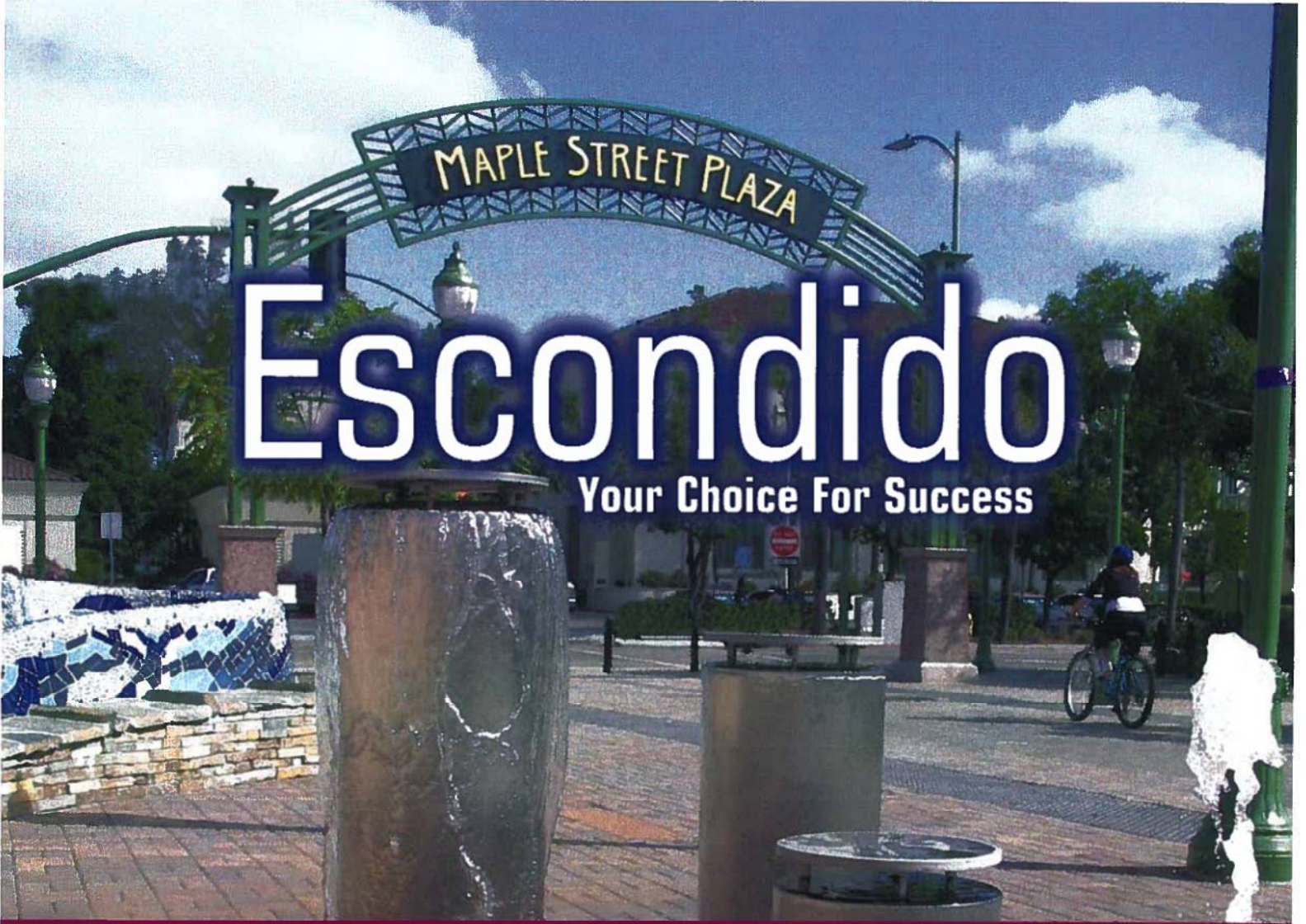
A handwritten signature in black ink, appearing to read "MDS", written in a cursive, stylized font.

Mike Strong
Assistant Planning Director

ANALYSIS

ENVIRONMENTAL STATUS:

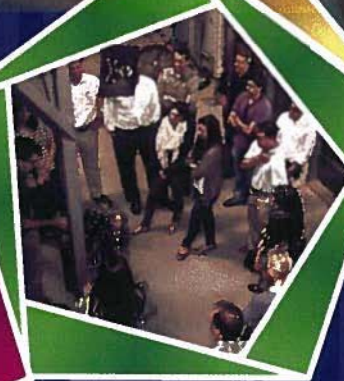
The General Plan Annual Progress Report is a reporting document, and does not create or alter policy. The content is provided for informational purposes only, and is exempt from the requirements of the California Environmental Quality Act (CEQA) per Guidelines Section 15378(b)(5), which exempts organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. This informational item provides a means to monitor the success of implementing the General Plan and review what was implemented during the 12-month reporting period.

A photograph of the Maple Street Plaza archway, a green metal structure with the words "MAPLE STREET PLAZA" in gold lettering. Below the arch, there is a large, dark, cylindrical stone pillar with a circular opening. To the left, there is a mosaic wall with blue and white tiles. In the background, there are trees, a street with a red stop sign, and a person riding a bicycle.

Escondido

Your Choice For Success

General Plan Annual Report 2016





City of Escondido

General Plan Annual Progress Report (2016)

I. Introduction

This report has been prepared pursuant to the requirements of Government Code Section 65400 (Appendix A). Guidance for preparation of the report is provided by the Governor's Office of Planning and Research (OPR). The report discusses what was implemented during the 12-month reporting period and provides a means to determine if changes are needed in the plan or its implementation programs. The document was provided to the Planning Commission on [DATE] and City Council on [DATE].

It was submitted to OPR and the Department of Housing and Community Development (HCD) on [DATE].

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II. Purpose of the General Plan

The General Plan is mandated by California Government Code Section 65300, which requires each city and county to adopt a comprehensive plan for the physical development of the jurisdiction. It addresses land use, transportation routes, population growth, open space, resource preservation and utilization, air and water quality, noise, safety issues and other related physical, social and economic development factors. Through the identification of goals, objectives, and policies, a General Plan creates a strategy framework for implementation. In addition to serving as a basis for local decision making, the General Plan establishes a clear set of development rules for citizens, developers, decision-makers, neighboring cities and counties, and provides the community with an opportunity to participate in the planning and decision-making process.

III. Status of the Adopted Elements

State law requires that general plans include seven (7) elements which must cover the following topics: Land Use, Circulation, Housing, Safety, Noise, Conservation, and Open Space. The elements may be combined or renamed, but basic requirements must be included. The City of Escondido General Plan has ten (10) chapters. The relationship between the seven elements and the chapters provided in the City of Escondido General Plan is described in more detail in Appendix B.

State law does not provide a mandatory minimum timeframe for revisions of elements, except for a Housing Element. State requirements for Housing Elements are more detailed and specific than for the other portions of a General Plan, and Housing Elements are updated every eight (8) years according to a schedule set by the State. Other elements may be updated less frequently and typically have a 15 to 20-year horizon. None of the General Plan elements were amended during the 2016 calendar year.

City Council Action Plan

The City Council puts together an Action Plan that helps advance the goals, policies, and/or implementation measures contained in the general plan. The Annual Plan represents the City Council's collective vision for Escondido's future and the key activities that will be used to achieve that vision. It is developed biannually following a workshop in which key policy interests are identified and discussed by the City Council, city staff, and the public. This keeps relevant General Plan policy-related issues, such as financial stability, economic development, image and appearance on the forefront and relevant for systematic implementation through Action Plan direction on Capital Improvement Plan, economic development planning, municipal administrative services, maintenance and operations, etc.

General Plan Update Work Program

Escondido's General Plan was comprehensively updated in 2012. General Plans that have not been revised within the past five (5) years are not necessarily legally inadequate. In fact, the adopted General Plan continues to serve as a relevant and useful document to guide the use of public and private lands within the community.

The CA Supreme Court has stated that local governments have an implied duty to keep their plans current (*DeVita v. County of Napa*, 9 cal. 4th 763 (1995)), so there is a need to systematically look ahead and plan on how the City will keep the General Plan document up to date. It will need to adequately address and respond to emerging land use activities, use of space, multi-modal trends, regulations, and other matters that affect the City's desirability to live, work, and play. As aforementioned, most of the elements typically have a 15 to 20-year horizon, excepting the Housing Element. The following schedule proposes when the next suggested update would occur, ensuring continuous improvement to the City's land use and regulatory framework.

General Plan Element	Last Update	Next Suggested Update
Mobility and Infrastructure	2012	2018-2020
Housing*	2012	2019-2021
Land Use and Community Form*	2012	2023-2025
Community Protection*	2012	2023-2025
Resource and Conservation*	2012	2023-2025
Economic Prosperity	2012	2026-2027
Growth Management	2012	2026-2027
Community Health and Services	2012	2029-2030
Vision and Purpose	2012	---as needed---
Implementation Program	2012	---as needed---

** State law requires certain information be included in General Plan elements at the time a jurisdiction next revises a Housing Element. This invariably involves land use-related policies. Furthermore, Government Code Section 65302 requires all cities and counties to amend the safety and conservation elements of their General Plan to include analysis and policies regarding hazard information upon the next revision of the Housing Element, which is scheduled to cover the 2021-2028 planning period. For this reason, these elements have been grouped together or sequenced in a logical manner to ensure that the City's policy framework is updated in a timely manner to continue to guide growth and development in a beneficial direction, while satisfying all state mandates.*

IV. Progress in the General Plan's Implementation

Generally, all of the existing parcels of land that have been developed have been purposed with land uses consistent with the General Plan. Residential land use currently accounts for 70.8 percent of all land area in the City, more than any other land use. Commercial, office, and industrial uses account for 2,890 acres or approximately 5.7 percent of total land area in the City. Public land and open space accounts for 15.1 percent of the total land area in the City (7,686 acres), which are generally dispersed throughout the City. Most of the streets and highways described in the General Plan are developed to their planned capacity, or have capacity to be fully implemented in time. Some of the roadways could be downgraded and repurposed to achieve other General Plan objectives. The entire infrastructure needed to serve the planned land uses is in place with sufficient capacity to accommodate the planned land uses and population, except for localized drainage and/or outfall-related issues.

There were no agency-initiated or applicant-driven General Plan amendments that were processed in the 2016 calendar year.

A. Land Use and Community Form

The Land Use Element is one of seven elements required by state law to be included in California General Plans. The Element guides the desired pattern of growth, development, and change in the community. The purpose is to ensure that a balance of residential, employment, commercial, recreational, civic/cultural and open space land uses are provided at appropriate intensities, locations and combinations to enhance community sustainability. Goals identified in the Land Use / Community Form Element foster Escondido's role as an urban center. The Plan emphasizes the revitalization of the downtown area and established neighborhoods, promotes economic development in the form of attractive, sustainable, economically viable industrial and commercial areas, and concentrates high intensity activities in the urban core. Topics or policy issue areas covered in the Land Use and Community Form Element include the following:

- Community Character
- Land Use Zoning
- Residential Development
- Residential Clustering
- Planned Development
- Mixed Use Overlay Zones
- Commercial Land Uses
- Office Land Use
- Industrial Land Use
- Specific Plan Area Land Use
- Open Space/Park Land Use
- Public Facility Overlay
- Tribal Area Land Use
- Development Agreements
- Annexation
- General Plan Review and Amendments
- Environmental Review

Indicators and General Plan Implementation (2016)

- 47,190 total housing units – 23,196 were detached single-family homes
 - 45,041 total housing units occupied
 - 2,149 vacant (or 4.6 percent prevailing vacancy rate)
- Major pipeline projects (initiated, in progress, or completed during the reporting period)

- 1,826 new single-family and multi-family units
- 147,500 square feet of new retail commercial space
- 86,000 square feet of new medical office space
- 189,000 square feet of new industrial space and an additional 10 new industrial lots
- 497 new hotel units (keys)
- *Major pipeline projects are listed in Appendix C*
- Approved and/or processed planning projects or administrative activities:
 - 2 Adjustment Plats
 - 4 Administrative Adjustments
 - 63 Certificates of Appropriateness
 - 3 Certificates of Compliance
 - 3 Comprehensive Sign Programs
 - 6 CUP – Minor
 - 1 CUP – Major
 - 10 Daley Ranch mitigation bank credit purchases
 - 37 Design Review
 - 7 Local Register listings
 - 8 Mills Act
 - 2 Minor Development Applications
 - 5 ND/MNDs
 - 0 EIRs
 - 3 Master/Precise Plans
 - 11 Plot Plan – Minor
 - 8 Plot Plan – Major
 - 1 Regional Market Sign
 - 1 Rezone
 - 7 Second Unit
 - 98 Sign permits
 - 116 Temporary Banners
 - 18 Temporary Use Permits
 - 1 Tentative Parcel Maps
 - 3 Tentative Subdivision Maps
 - 4 Zoning Code Amendments
 - 22 Zoning Consistency Letters
- 3 Annexations approved by LAFCO – allows for 126 new residential units
- 3,590 total building permits issued:
 - 3,624 permits were issued in 2015, a year-over decrease of 0.9 percent
 - 2,652 permits were issued in 2014, a two year-over increase of 35.4 percent
 - *Building permits issued:*
 - 81 new single-family homes
 - 88 new multi-family homes
 - 17 new commercial structures
 - 2 new industrial buildings
- 3,406 code enforcement cases received – 3,140 closed
 - 2,709 code enforcement cases received in 2015, a year-over increase of 25.7 percent
 - 47 average number of days that code enforcement cases were open
- 6,713 total code enforcement inspections performed

- 504 graffiti removal requests open and closed
- 122 code enforcement parking citations
- Adopted CEQA Thresholds
- *Working Together to Get to Yes*: Approved code amendments simplifying CUP reviews, eliminated outdated processes, and changed review authorities
- Preparation of the South Center City Area Plan underway
- Initiated work on the Draft EIR the Safari Highlands Ranch and Bear Valley Parkway
- Initiated an Omnibus Code clean-up to ensure the Zoning Code is internally consistent and serves as an effective regulatory tool for decision-making bodies, City staff, and the public. (The Omnibus Code clean-up process will be conducted annually.)
- Initiated Part of Phase 2 code amendments in the *Working Together to Get to Yes* program.

Anticipated Implementation Activities (0-3 Years):

1. Amend Article 47 to include appropriate features, thresholds, and objectives that reduce environmental impacts when considering pedestrian or transit-oriented development
2. Amend Zoning Ordinance to establish new zones for Urban V and Planned Office
3. Amend Zoning Ordinance to establish new Overlay designations for Public Facilities, Mixed Use, Tribal Lands
4. Amend Zoning Ordinance to include the implementation of smart growth principles
5. Prepare a mobilehome park study
6. Prepare a Building and Permit Processing Guide
7. Update the Sign Ordinance

B. Mobility and Infrastructure

The Circulation Element is one of seven mandated elements that each local government must maintain in its General Plan. The Circulation Element must include the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities. Circulation and utility improvements must also correlate with the land use-related policies. The purpose is to identify the types, locations and extent of existing and proposed transportation and utility facilities, and to establish goals and guiding policies for implementing improvements necessary to serve existing and future residents. The element introduces planning tools essential for achieving the community's transportation and utility goals and policies with the intent of providing a sustainable system to serve residents and businesses. Topics or policy issue areas covered in the Mobility and Infrastructure Element include the following:

- | | |
|------------------------------------|--------------------------------|
| • Regional Transportation Planning | • Traffic Calming |
| • Complete Streets | • Goods and Services Transport |
| • Pedestrian Network | • Aviation |

- Bicycle Network
- Transit System
- Transportation Demand Management
- Street Network
- Parking
- Water System
- Wastewater System
- Storm Drainage
- Solid Waste and Recycling
- Energy
- Telecommunications

Indicators and General Plan Implementation (2016)

- Commute Travel:
 - 78.9 percent of commuters drove alone
 - 12 percent of commuters carpooled
 - 2.6 percent of commuters walked or used a bicycle
 - 1.9 percent used public transportation
- Mean travel time to work – 26.1 minutes
- 39.2 percent of workers had three or more vehicles available
- 67 lane miles of streets with new overlays
- 46 new street trees planted, 34 dead removed
- Traffic model update underway to account for new regional forecasting
- County of San Diego, Department of Environmental Health awarded \$414,000 of Vector Remediation Program funds for the Southern Spruce Street Channel Improvements
- Water-related infrastructure:
 - Bear Valley Parkway Waterline. Replacement of approximately 5,000 feet of water lines ranging in size from 8 inch to 24 inch, between Boyle Avenue and San Pasqual Valley Road. The waterline replacement was done in conjunction with the Bear Valley Parkway road widening project. Construction completed in September 2016.
 - Cemetery Area Waterline Replacement of approximately 13,000 feet of deteriorated water lines ranging in size from 8 inch to 24 inch. Currently in construction.
 - Escondido-Vista Water Treatment Plant Disinfection & Electrical System Upgrades. Replace the existing disinfection system at the Water Treatment Plant with a new onsite sodium hypochlorite generation disinfection system, upgrade the chlorine dioxide system, and upgrade the 35-year old plant electrical systems. Currently in construction.
 - Vista Verde Reservoir – Phase 2. Construct two pre-stressed concrete reservoirs, valve structure, associated piping, site improvements, demolition of the existing Vista Verde Reservoir and salvage the temporary bolted steel tank. Currently in construction.
 - Initiated design of modifications to A-3 and A-11 Reservoirs
 - Emergency Treated Water Connection. Adding a treated water connection from the San Diego County Water Authority treated water pipeline for use in the event that there is an emergency that limits or eliminates the ability of the Water Treatment Plant to produce treated water. Currently in design.

- Lindley Reservoir Replacement. Replace the existing 2 MG steel reservoir constructed in 1950 with two 1.5 MG pre-stressed concrete reservoirs. Currently in design.
- Completed EIR for San Pasqual Undergrounding (Escondido Canal through the San Pasqual Reservation as per the Settlement Agreement with the Indian Bands).
- Draft EIR was released for the Wohford Dam Replacement Project.
- Wastewater-related infrastructure:
 - Hale Avenue Resource Recovery Facility (HARRF). Work included installation of recycled water bypass line and retaining wall along northern boundary of HARRF property; and modifying the primary sedimentation tanks, replacing the sludge and scum collection system, replacing the odor control facility, and replacing the grit storage facility. All projects are currently in construction.
 - Sewer line realignments and extensions. Construction of sewer mains and manholes from Sewer Lift Station 9 southeast to Felicita Road; from Sewer Lift Station 6 south along Felicita Road to Via Rancho Parkway; then continuing southeast to Sewer Lift Station 1. Currently in design on a brine pipeline from Broadway to HARRF.
 - Recycled water. Installed recycled water pipeline along the creek channel from Broadway to Citrus. Currently in design on pipeline from Citrus Avenue and Washington to the agricultural area of Cloverdale and Mountain View.
 - Membrane Filtration Reverse Osmosis Facility (MFRO). Design of a MFRO facility and pump station to improve recycled water quality for agricultural uses. Approved by the Planning Commission in 2016. The Commission's action was appealed to City Council. City Council considered the appeal request and re-affirmed the Commission's decision.

Anticipated Implementation Activities (0-3 Years):

1. Prepare a comprehensive Pedestrian Master Plan and Complete Streets Program
2. Develop and implement a Transportation Demand Management Program
3. Define Urban Code Area for establishing traffic Levels of Service areas
4. Develop standards for telecommunications in the public right-of-way
5. , as established by the City Council Work Plan from time to time.

C. Housing

The Housing Element assesses the housing needs of all economic segments of the City of Escondido. In addition, the Housing Element defines the goals and policies that will guide the City's approach to resolving those needs and recommends a set of programs that would implement policies over the next few years. Topics or issue areas covered in the Housing Element include the following:

- Plan for quality, managed, and sustainable growth
- Provide a range of housing opportunities

- Enhance the quality of housing and preserve character

Indicators and General Plan Implementation (2016)

- The primary existing housing type in the City was single-family homes detached homes (23,196 total housing units)
- Two-family and multi-family condominiums, townhomes, and apartments comprised 17,149 total housing units
- 3,305 total mobilehomes
- 5.2 median rooms per housing unit, citywide
- 49.3 percent of all housing is owner-occupied
- The average size of an owner-occupied unit – 3.12 persons per household
- The average size of a renter occupied unit – 3.40 persons
- 164 permits finalized in 2016 for new housing units, including 76 condominium units, 49 single-family units, two duplex units, one second dwelling units and 36 mobilehomes
- Two affordable residential developments in the pipeline:
 - A new 33-unit rental project, and
 - Acquisition/rehabilitation of 11 affordable units (in an existing 200-unit rental project)
- Four loans funded (and several others in the pipeline) in a new, owner-occupied rehabilitation program for low-income households, funded from a CalHOME grant
- 42 very-low income seniors and disabled households were assisted in mobilehomes and apartments with a monthly rental subsidy while waiting for HUD Section 8 eligibility
- During 2016, 1,284 Escondido residents received Housing Choice Vouchers (Section 8) from the Housing Authority of San Diego County.
 - There are 12,594 households on the wait list.
- The City conducted 14 mobilehome rent control hearings (13 short form and 1 long form)
- In 2016, 18 neighborhood groups were supported, including neighborhood clean-ups, neighborhood leadership forum meetings, and participation of multiple departments at neighborhood group meetings.
- In FY 2016-17 the City received \$1,515,995 in CDBG funds. \$261,300 supported public service and fair housing activities supporting the six local CDBG priorities: Youth, Economic Development, Seniors, Neighborhood Revitalization, Homelessness and ADA Improvements.
- Initiated a planning process to update the Zoning Code to address recent changes to State Density Bonus Law and Accessory Dwelling Unit Law

Anticipated Implementation Activities (0-3 Years):

1. Amend the code to address transitional/supportive housing
2. Amend the code to address senior housing

D. Community Health and Services

The Community Health and Services Element establishes policies that influence good land use planning in order to enhance community health and welfare. Policies supporting access to healthy foods, availability of parks, recreational opportunities, libraries and cultural services, as well as promoting educational advancement and civic engagement all aim to improve economic, physical, and social conditions. The Community Health and Services Element promotes a community-based and private sector approach for establishing a sustainable and healthy community. Topics or issue areas covered in the Community Health and Services Element include the following:

- Health and Wellness
- Parks and Recreation
- Library Services
- Cultural Enrichment
- Schools and Education
- Civic Engagement
- Childcare
- Older Adult, Disabled, and Disadvantaged

Indicators and General Plan Implementation (2016)

- Median age – 33.5 years
- About 56 percent of the population is 65 years and older
- The number of children aged 3 to 17 years in households – 31,354
- 179 school days in 2016 (Escondido Union School District)
- 6,556.3 acres of parkland
- The City's first four-year university, John Paul the Great Catholic University, completed its third full year of operation
- Public Art funds were utilized for repairs/maintenance of Vinehenge in Grape Day Park and a portion of Pillars of the Community on Escondido Boulevard; and funds were utilized for ongoing maintenance/refurbishment and repairs of Queen Califia, the sculpture garden in Kit Carson Park
- The State Department of Housing and Community Development Parks Program awarded \$161,600 in grant funds to the City to improve parks and community centers
- 9 new upgraded parks or facilities:
 - Hockey arena roof vents,
 - Hockey arena floors,
 - Washington Park pool re-plaster,
 - Oak Hill Activity Center upgrades,
 - Train Depot upgrades,
 - Park Avenue Community Center (PACC) upgrades,
 - East Valley Community Center (EVCC) monument sign replacement, and
 - Grape Day Park new play structure
- 844 recreational programs:

- 8,354 total students participating
- 6 youth soccer, pop warner, and baseball leagues with 3,866 participants.
- 223 adult softball teams with 2,676 participants
- 14 soccer and 7 softball tournaments with 25,000 participants
- No. of new miles of trails in 2016 – none
- New improvements to libraries in 2016 – none
- Library circulation:
 - 537,796 items circulated
 - 172,528 items
- Childcare programs:
 - Number of Day Camp programs conducted – 12
 - Pre-school programs – 107
 - After School programs (City) – 2
 - After School Education and Safety (ASES), EUSD programs – 10
- Elderly/disabled/disadvantaged programs:
 - 63 programs for seniors
 - 19,185 meals served to seniors
 - 11,246 rides provided to seniors from home to the Park Avenue Community Center (PACC) to eat and enjoy the programs

Anticipated Implementation Activities (0-3 Years):

1. Conduct a study to determine the feasibility of a park development fee structure
2. Update the master plan of trails to include Pedestrian Master Plan elements.
3. Various neighborhood improvement initiatives, as established by the City Council Work Plan from time to time.

E. Community Protection

Escondido's Community Protection Element addresses such issues as flood and fire hazards, geologic and seismic activity, and hazardous materials. Sections regarding Emergency Preparedness, Police and Fire service are also included. The Element also includes a section addressing Noise, which is a required component for General Plans. The purpose of the Community Protection Element is to identify and address the most relevant public safety issues affecting the community. In addition, the Element offers possible solutions and establishes standards and policies for proactively addressing threats to life and property. Topics or issue areas covered in the Community Protection Element include the following:

- Disaster Preparedness and Emergency Response
- Fire Protection
- Police Services
- Code Enforcement Policies
- Noise
- Flood Protection
- Solis and Seismicity

- Hazardous Materials

Indicators and General Plan Implementation (2016)

- No. of calls for service in 2016:
 - 53,115 police calls for service
 - 63,074 9-1-1 calls
 - 104,579 incidents reported
- No. of parking citations in 2016 - 6,356
- No. of reported accidents (by type):
 - 699 injury collisions
 - 9 fatal collisions
 - 281 non-injury collisions
- No. of noise complaints received/closed in 2016 - 1,565
- No. of arrests (felony, misdemeanor) in 2016:
 - 1,388 felony arrests
 - 3,718 misdemeanor arrests
 - 236 other detentions
- No. of police officers - 159
- In 2016, the Police Department upgraded its Dispatch Center to meet statewide interoperability requirements. The Police Department also used approximately \$1.7 million in grant funds to purchase equipment and increase community safety through proactive police operations.
- Major fire hazard events in 2016:
 - Talones Meat Packaging Plant – structure fire
 - Green Crest Mobilehome Park – double fatality fire
- No. of fire stations – 7
- No. of Fire Department personnel
 - 87 Firefighters
 - 18 Non-Safety Paramedics
 - 6 Chief Officers
 - 5 Prevention Officers
 - 1 Emergency Preparedness Manager
- No. of Firetrucks:
 - 7 Type 1 Frontline Fire Engines, 3 Type 1 Reserve Engines
 - 4 Type 3 Brush Engines
 - 1 Type 6 Brush Engine
 - 1 Frontline Truck
 - 1 Reserve Truck
 - 5 Frontline Ambulances
 - 4 Reserve Ambulances
- Average response time of Fire Department: 6 minutes and 29 seconds
 - Met Quality of Life Standard Goal 92 percent of the time

Anticipated Implementation Activities (0-3 Years):

1. Various public safety initiatives, as established by the City Council Work Plan from time to time.

F. Resource Conservation

Escondido's Resource Conservation Element satisfies state requirements for the Open Space and Conservation Elements as stated in the Government Code. Community Goals and Objectives call for creating an aesthetically pleasing environment, as well as conserving Escondido's natural and scenic resources. The Element's purpose is to identify areas for conserving open space as well as other important resources including air and water quality, cultural, agricultural, mineral and energy resources, as well as protecting hillside and ridgeline view corridors with particular emphasis on ridgelines, unique landforms and visual gateways. Topics or issue areas covered in the Resource Conservation Element include the following:

- Biological and Open Space
- Trails
- Visual Resources
- Agricultural Resources
- Historical Resources
- Water Resources and Quality
- Air Quality and Climate Protection

Indicators and General Plan Implementation (2016)

- 1,312 new solar PV units installed
- 3,370 MS4 catch basins and inlets were inspected
 - 428 catch basins/inlets were identified as needing cleaning
 - 311 were cleaned
 - 1,081 feet of MS4 pipe was cleaned
 - 262 tons of debris (sediment and trash) was removed from the MS4 storm drain system
- Worked with other cities, the County, and RWQCB to develop approved Water Quality Improvement Plans for the Carlsbad Watershed
- Completed CEQA analysis and resource agency permits for the restoration of a tributary to Escondido Creek (Spruce St Channel Improvement Project)
- Removed 5229 tons of debris (sediment/trash/green waste) from 6.65 miles of open channel under recently-approved environmental permits. Additionally, 8 tons of trash/debris removed from sea curtains and 162.5 tons of trash and vegetation was removed from channel bank areas
- City staff recorded visual observations at 106 major storm drain outfalls and analyzed water quality at 6 sites, twice in 2016
- Completed 4.4-acre wetland habitat mitigation project in Kit Carson Park, removing 67 exotic trees and invasive vegetation; and planting 742 native riparian container trees and applying 22 pounds of cottonwood-willow woodland seed mix

- Transitioned our industrial commercial inspection program into the City's asset management program, allowing real-time data entry of inspections.

Anticipated Implementation Activities (0-3 Years):

1. Prepare a Master Plan that identifies gateways and visual quality guidelines
2. Conduct a study to determine the feasibility of expanding the city's recycling program

G. Growth Management

The purpose of the Growth Management Element is to establish policies for balancing the timing of infrastructure improvements with current and anticipated demands for service through the adoption of specific implementation techniques. A goal of growth management is to phase capital facility improvements concurrent with population growth so that new development does not compound existing service shortfalls, or result in critical infrastructure deficiencies. Effective growth management also establishes parameters for periodically monitoring the impacts that growth has on the community and defines the methods by which impacts are addressed, allowing decision makers to efficiently prioritize capital improvements. Topics or issue areas covered in the Resource Conservation Element include the following:

- Quality of Life Thresholds
- Public Facility Master Plans
- Public Facility Financing
- Public Facility Phasing
- Public Facility Deficiencies
- Growth Management Monitoring

Indicators and General Plan Implementation (2016)

- Total population – 151,451
 - Population increase from 2015 – 0.7 percent
 - Population increase from 2010 – 5.2 percent
- Total fees collected through building permits
 - Parkland fees – \$247,740
 - Traffic fees – \$308,417
 - Sewer fees – \$503,166
 - Water fees – \$892,543
- Monitored and reported on the performance of development activity
- Working with LAFCO to complete a Sphere of Influence Update to confirm properties appropriate to re-zone
- City Council established a target Reserve balance of 25 percent
- Various fiscal impact initiatives, as established by the City Council Work Plan from time to time.

Anticipated Implementation Activities (0-3 Years):

1. Prepare an Annexation Procedures Manual
2. Monitor Growth Management Measure

H. Economic Prosperity

The purpose of the Economic Prosperity Element is to establish policies that promote the long-term vitality of Escondido's local economy by developing and guiding employment and business opportunities and encouraging appropriate economic and business development in the city. Policies in this element promote a sustainable local economy to benefit current and future generations without compromising resources, and are intended to favorably influence the balance between employment and housing. Topics or issue areas covered in the Resource Conservation Element include the following:

- Employment Acreage
- Wage and Job/Housing
- Small Business
- Twenty-First Century Industries
- Tourism and Recreation
- Existing Economic Districts
- Marketing and Image
- Long-Term Economic Wellbeing
- Minimizing Infrastructure Impediments
- Strengthening Workforce Qualifications
- City Leadership
- Economic Development Monitoring

Indicators and General Plan Implementation (2016)

- Civilian employed population – 66,225
 - Service occupations – 16,074 (24.3 percent)
 - Sales and office – 15,512 (23.4 percent)
 - Management/business sector – 7,246 (10.9 percent)
 - Education – 2,627 (3.9 percent)
 - Healthcare practitioner – 2,569 (3.9 percent)
- Major pipeline projects (initiated, in progress, or completed during the reporting period)
 - 147,500 square feet of new retail commercial space
 - 86,000 square feet of new medical office space
 - 189,000 square feet of new industrial space and an additional 10 new industrial lots
 - 497 new hotel units (keys)
- Grant total receipts for all business license accounts - \$1,772,260.51
- Evaluating an Enhanced Infrastructure Financing District as a tool to finance infrastructure projects
- Worked with property owners of vacant stores and the San Diego Children's Museum to install posters and other artwork in shop windows

- Distributed the mural policy to all downtown businesses as a way to encourage more business-related murals
- Working with Palomar Hospital and local stakeholders to promote the redevelopment of the site
- Continued implementing the *Working Together to Get to Yes* initiative
- Continued to coordinate the Innovate 78 cities and North San Diego Business Chamber regarding strategies to expedite permit processing and improve overall customer service

Anticipated Implementation Activities (0-3 Years):

1. Prepare an update to the City's comprehensive economic development strategy
2. Various economic development initiatives, as established by the City Council Work Plan from time to time.

V. Degree to which the General Plan complies with the Adopted Office of Planning and Research (OPR) Guidelines

The Governor's Office of Planning and Research (OPR) is responsible for updating the resources for drafting and amending a general plan. OPR also monitors general plan implementation with annual progress reports from cities and counties, and grants general plan extensions for qualified cities and counties. OPR adopted General Plan Guidelines (GPG) in 2003 for use by local jurisdictions in the preparation of their general plans. Also, a December 2010 GPG update to the guidelines provided guidance on how to address the Complete Streets Act and modify the Circulation Element to plan for a balanced, multimodal transportation network. It is important to note that the Guidelines are permissive, not mandatory.

Staff has prepared an analysis of the Escondido General Plan compared to the general criteria included in State law, along with an evaluation of the degree to which the Escondido General Plan complies with the OPR Guidelines.

The GPG contain ten chapters and three appendices of requirements and references, in the following basic areas:

1. General Plan Basics: The General Plan generally complies with the basic requirements in that it is comprehensive, internally consistent, and has a long-term perspective.
2. Sustainable Development and Environmental Justice: The General Plan complies with guidelines for sustainable development and environmental justice. General plan policies and programs generally discuss inclusive public participation, social and economic well-being, jobs/housing balance, managed and balanced growth, livable communities and quality of life, and responsible resource conservation.
3. Preparing and Amending the General Plan: The City complied with the Guidelines in the preparation and adoption of the General Plan (2012) and continues to comply with the

Guidelines, CEQA, and the Government Code in the processing of any General Plan amendments.

4. Required Elements: The General Plan contains all of the required elements (Appendix B).
5. Format and Element Integration: The format of the General Plan complies with the Guidelines in that all of the required elements are present and no one element takes precedence over any other (equal legal status). The document is posted on the City's website and available for public review at City Hall and the Library.
6. Optional Elements: The General Plan includes optional elements that are either individual sections or are consolidated with other elements.
7. CEQA and the General Plan: The General Plan preparation, adoption, and amendments comply with all requirements of the California Environmental Quality Act.
8. Public Participation: The preparation, adoption, and administration of the General Plan all include public participation, to the extent required by the General Plan Guidelines, CEQA, and the Government Code.
9. Implementing the General Plan: To date, the implementation of the General Plan has complied with all applicable Guideline requirements, including consistency with zoning, subdivisions, redevelopment, building code administration, financing mechanisms, and the preparation of this Annual Progress Report.
10. Special General Plan Considerations: The General Plan preparation and administration comply with the applicable Acts.

OPR has been engaged in a thorough update of the GPG. The new GPG will include resources, data, tools, and model policies to help cities and counties update their General Plans. A public draft of the update to the GPG for the State of California is available at the link below. Future amendment to elements of the General Plan will follow the framework of the GPG, as amended.

https://www.opr.ca.gov/s_generalPlanGuidelines.php

VI. Plans, Projects, and Accomplishments

The Planning and Building Divisions processed a variety of planning permits during 2016, including conditional use permits (CUP), subdivision map requests, and associated environmental reviews. The breakdown in applications received is as follows:

- 2 Adjustment Plats
- 4 Administrative Adjustments
- 63 Certificates of Appropriateness
- 3 Certificates of Compliance
- 3 Comprehensive Sign Programs
- 6 CUP – Minor
- 1 CUP – Major
- 10 Daley Ranch mitigation bank credit purchases
- 37 Design Review
- 7 Local Register listings
- 8 Mills Act
- 2 Minor Development Applications
- 5 ND/MNDs
- 0 EIRs
- 3 Master/Precise Plans
- 11 Plot Plan – Minor
- 8 Plot Plan – Major
- 1 Regional Market Sign
- 1 Rezone
- 7 Second Unit
- 98 Sign permits
- 116 Temporary Banners
- 18 Temporary Use Permits
- 1 Tentative Parcel Maps
- 3 Tentative Subdivision Maps
- 4 Zoning Code Amendments
- 22 Zoning Consistency Letters

Progress in meeting the City's Share of Regional Housing Needs Government Code Section 65400(a)(2)(B) provides: *"The Housing Element portion of the Annual Progress Report shall be prepared through the use of forms and definitions adopted by the Department of Housing and Community Development ..."* The tables provided in Appendix D demonstrates the progress made in meeting the City's share of regional housing needs. HCD requires a report format that consists of six Excel spreadsheets. Therefore, Appendix D also addresses the progress in meeting housing goals and objectives specified in the Housing Element, adopted in 2012.

VII. Conclusion

The General Plan is the City's guiding vision. Upkeep and maintenance of the General Plan is a continuous process. As noted in this Annual Progress Report, the City implements the General Plan's vision on a day-to-day basis, in its many planning projects, and strives to include the public in the decision-making process.

APPENDIX A
GOVERNMENT CODE SECTION 65400

Government Code Section 65400

a) After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:

1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open- space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:

A) The status of the plan and progress in its implementation.

B) The progress in meeting its share of regional housing needs determined pursuant to Section 65584 and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Section 65583. The housing element portion of the annual report, as required by this paragraph, shall be prepared through the use of forms and definitions adopted by the Department of Housing and Community Development pursuant to the rulemaking provisions of the Administrative Procedure Act (Chapter 3. 5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2). Prior to and after adoption of the forms, the housing element portion of the annual report shall include a section that describes the actions taken by the local government towards completion of the programs and status of the local government's compliance with the deadlines in its housing element. That report shall be considered at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments.

C) The degree to which its approved general plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the general plan.

b) If a court finds, upon a motion to that effect, that a city, county, or city and county failed to submit, within 60 days of the deadline established in this section, the housing element portion of the report required pursuant to subparagraph (B) of paragraph (2) of subdivision (a) that substantially complies with the requirements of this section, the court shall issue an order or judgment compelling compliance with this section within 60 days. If the city, county, or city and county fails to comply with the court's order within 60 days, the plaintiff or petitioner may move for sanctions, and the court may, upon that motion, grant appropriate sanctions. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment is not carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled. This subdivision applies to proceedings initiated on or after the first day of October following the adoption of forms and definitions by the Department of Housing and Community Development pursuant to paragraph (2) of subdivision (a), but no sooner than six months following that adoption.

APPENDIX B
GENERAL PLAN RELATIONSHIP TO STATE LAW REQUIREMENTS

State law requires that general plans include seven elements. The elements may be combined or renamed, but basic requirements must be included. Elements for other topics of local concern may also be included. The relationship between State mandated elements and the Escondido General Plan are illustrated below.

Mandatory Element	Escondido General Plan	Element Description
Land Use	Land Use and Community Form	Designates the proposed distribution and location of the uses of land for housing, business, industry, open space, and other categories of public and private land use activities.
Circulation	Mobility and Infrastructure	Specifies the general location of existing and proposed major thoroughfares, transportation routes, and other local public utilities and facilities.
Conservation	Resource and Conservation	Addresses the conservation, development, and utilization of natural resources including water and its hydraulic force, soils, rivers and other waters, wildlife, minerals, and other natural resources.
Open Space	Resource and Conservation	Addresses the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life.
Safety	Community Protection	Identifies variety of risks and hazards. This includes any unreasonable risks associated with the effects of seismically induced surface rupture and tsunami, slope instabilities, flooding, and fire hazards.
Noise	Community Protection	Identifies noise problems and analyzes current and projected noise levels for highways, roadways, transit systems, and ground stationary noise sources.
Housing	Housing	Develops a plan to meet current and future housing needs of all people within the

Optional Element

**Community Health and
Services**

community, regardless of socio-economic status. Develops a policy framework for recreational services, library services, schools and education, cultural enrichment, and public health and wellbeing.

Optional Element

Growth Management

Develops quality of life standards and establishing public facility planning strategies.

Optional Element

Economic Prosperity

Provides a policy framework to promote the City's long-term viability and to advance the City's position as a "economic hub" with employment and business opportunities.

APPENDIX C

PIPELINE PROJECTS

Pipeline Project Map:

<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/DevelopmentActivity/MajorActivity2017.jpg>

Pipeline Project List:

<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/DevelopmentActivity/DevelopmentProjectTracking2017.pdf>

APPENDIX D
2016 HOUSING ELEMENT REPORT

(CCR Title 25 §6202)

1/1/2016	-	12/31/2016
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Table A

(11) Total Extremely Low-Income Units*

* Note: These fields are voluntary

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of Escondido
 Reporting Period 1/1/2016 - 12/31/2016

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program it its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Income				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity				0	
(2) Preservation of Units At-Risk				0	
(3) Acquisition of Units				0	
(5) Total Units by Income	0	0	0	0	

* Note: This field is voluntary

Table A3
Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate	0	0	0	1	0	1	
No. of Units Permitted for Above Moderate	49	2	76	0	36	163	

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction City of Escondido
Reporting Period 1/1/2016 - 12/31/2016

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.		2013	2014	2015	2016	2017	2018	2019	2020	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level	RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8		
Very Low	Deed	7	0	0	0					7	1,035
	Restricted Non-deed restricted										
Low	Deed	26	0	11	0					39	751
	Restricted Non-deed restricted	1								1	
Moderate	Deed	0	0	0	0					0	732
	Restricted Non-deed restricted				1					1	
Above Moderate		108	56	7	163					334	1,275
Total RHNA by COG.											
Enter allocation number:		144	56	18	164					382	3,793
Total Units											
Remaining Need for RHNA Period											

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

Jurisdiction City of Escondido
Reporting Period 1/1/16-12/31/16

Table C
Program Implementation Status

Housing Programs Progress Report - Government Code Section 65583 Describe progress of all programs including progress in removing regulatory barriers.		Status of Program Implementation as of 12-31-16	
Program Description (By Housing Element Program Names)	Objective	Timeframe in H.E.	
Name of Program:			
1.1: Project Development Create increased supply of affordable housing units for lower income households, including those households with extremely low incomes. Every effort will be made to accomplish this through redevelopment and acquisition/rehabilitation.	Anticipated impact: Increased supply of rental units for extremely low-, very low- and low-income residents 300 units	Ongoing	The City recently contracted with both Community HousingWorks and Urban Housing Communities to develop affordable rental projects consisting of acquisition/rehabilitation of existing units. UHC completed rehabilitation of 44 affordable units in September 2015. The CHW units are expected to be completed within the next year (11 HOME affordable units out of 200 total in the project). Additionally, the City has been working with Solutions for Change on a new, affordable rental project consisting of 33 units, anticipated to be completed during 2017. No new affordable units were completed in 2016.
1.2: Lot Consolidation Encourage consolidation of small lots to utilize land more efficiently and facilitate the development of mixed use and affordable multi-family developments	Anticipated impact: Facilitate development as envisioned in the General Plan.	Ongoing	A ministerial process is utilized for basic lot consolidation. The City continues to encourage consolidation of lots to facilitate mixed-use and affordable developments.
1.3 Infill New Construction Support new construction of homeownership and rental units and redevelopment/revitalization on infill sites. The City also encourages recycling and revitalizing of sites for a variety of housing types and income levels.	Anticipated impact: New housing opportunities for homeownership and rental for low- and moderate-income households.	Ongoing	Solutions for Change is currently under construction on an affordable rental project of 33 units on an infill site on Escondido Boulevard, which is anticipated to be completed in 2017. No new affordable infill units were completed in 2016.

Name of Program:	Objective	Timeframe in H.E.	Status of Program Implementation as of 12-31-16
1.4 City-owned Sites Facilitate the redevelopment/development of affordable housing on City-owned sites	Anticipated Impact: Sites for affordable housing. Use City-ownership as a potential inducement for rehabilitation of more affordable housing	Ongoing	The Housing and Neighborhood Services Division, the Engineering Services Department and the City's Real Property Agent continue to review City-owned properties when they become available as potential sites for redevelopment.
1.5 Density Bonus Amend Density Bonus Ordinance to be consistent with State law	Anticipated Impact: Additional housing opportunities for low- and moderate-income households.	0-3 years from HE adoption	City Planning staff is working on an amendment to the Zoning Code to modify the Density Bonus provisions so they are in conformance with State law. It is anticipated that the City Council will review the changes within 2017. In the meantime, the City utilizes the State density bonus requirements when processing a request for a density bonus.
2.1 Housing Rehabilitation: Renter Occupied Continue to explore potential rental rehabilitation programs	Anticipated Impact: Increase rental rehabilitation for lower income households (25 units).	Ongoing	Staff will continue to explore funding opportunities for a new renter-occupied rehabilitation program. Funding from a CalHOME grant allowed the City to re-establish an owner-occupied rehabilitation program for low-income households in single-family residences and mobilehomes in 2015. 4 loans were funded in 2016. Several more in are various stages of the process and are expected to be completed within the next year.
2.2 Acquisition/Rehabilitation Continue to explore ways to encourage the recycling of deteriorated and older structures for affordable housing opportunities	Anticipated Impact: Additional affordable housing opportunities for lower income households. (200 Units)	Ongoing	Recycling of existing, dilapidated structures continues to be a priority. An RFP was sent out in August 2014 for affordable housing developers. Contracts were signed with both Community HousingWorks (11 units within a 200-unit development) and Urban Housing Communities (44 units) to develop affordable rental projects consisting of acquisition/rehabilitation of existing units. UHC's 44 units were completed in September 2015. Completion of CHW's units is expected during 2017.

Name of Program:	Objective	Timeframe in H.E.	Status of Program Implementation as of 12-31-16
2.3 Focus on Neighborhoods Collaborate with departments to channel resources and efforts into improvement of neighborhood quality of life, including code enforcement, housing rehabilitation and capital improvements.	Anticipated impact: The concentration of City resources to one neighborhood and the opportunity for significant community impact both in physical improvement and improvement in quality of life for neighborhood residents. (Low- and moderate-income categories). Continue collaborative efforts through funding resources, policies and community outreach.	Ongoing	Project NEAT was started in 2010 to assist residents in solving their own neighborhood problems at a neighborhood (rather than Code Enforcement) level, such as maintenance, graffiti, minor repairs and trash. This effort utilizes Community Development Block Grant (CDBG) funding. Currently there are 18 recognized neighborhood groups. The joint efforts to combine resources in targeted neighborhoods, including CDBG funding, grants, and outside financing, will continue, including coordination of public improvements with proposed affordable developments, and neighborhood oriented clean-up projects. Neighborhood collaboration also will be coordinated with the Police Department and other City Departments through the Neighborhood Transformation Project (NTP). In 2015 the City Council approved the 2015-2016 City Council Action Plan, which included a Neighborhood Improvement element. This element included strategies for improving aging neighborhoods, including increasing code enforcement activity, addressing issues related to homelessness, improving traffic flow, improving park, pool and Escondido library facilities, and developing more recreation opportunities for youth. The 17-18 City Council Action Plan will be drafted in Spring 2017, and is expected to again include a Neighborhood Improvement element.

Name of Program:	Objective	Timeframe in H.E.	Status of Program Implementation as of 12-31-16
2.4 Preservation of at-Risk Housing Continue to explore means to continue housing affordability for lower income households that would be impacted by the conversion of subsidized projects to market-rate housing	Anticipated impact: Continued affordability of subsidized housing developments. If owner wishes to sell, contact potential buyers who would want to extend affordability and, if unsuccessful, follow-up with Section 8 and relocation potential	Ongoing	The City will continue to monitor at-risk units, particularly those identified in the Housing Element. The City began work with the owners of Las Casitas I (6 affordable units) in 2016 to possibly extend the affordability period. This effort is ongoing. No at-risk units were lost or specifically preserved in 2016.
3.1: First-Time Homebuyer/Home Entry Loan Program (HELP) Provide low-interest loans to lower income households for closing costs and down payment, of lesser of 5% of purchase price or \$25,000, using federal HOME loans.	Anticipated impact: Increased homeownership opportunities for lower income households (150 households).	Ongoing	0 HELP loans funded during 2016 4 HELP loans funded during 2015 2 HELP loans funded during 2014 3 HELP loans funded during 2013 9 Total
3.2 First-Time Homebuyer/Mortgage Credit Certificates Provide mortgage credit certificates to first-time homebuyers to reduce federal income taxes and more easily qualify for a loan.	Anticipated impact: Additional homeownership opportunities for low- and moderate-income households (20 households).	Ongoing	Four MCCs were issued to lower income homebuyers during 2013-2014. Although MCCs will remain available to Escondido residents, the local MCC administrator retired and MCCs will not be reported locally.

Name of Program:	Objective	Timeframe in H.E.	Status of Program Implementation as of 12-31-16
3.3 Rental Subsidy Provide households with affordable rents through rent subsidy programs for households with incomes not exceeding 50% of the Area Median Income.	Collaborate with HUD (and the Housing Authority of San Diego County) toward the provision of Section 8 Rental Subsidy to households earning 50% or less of the median income Provide rental subsidy to low-income seniors and persons with disabilities in mobilehomes parks and apartments Anticipated impact: Rental Assistance for very low-income households, 1,200 households, with Housing Choice Vouchers. 110 very low income senior/disabled households for rent subsidies	Ongoing	Ongoing. During 2016, 1,284 Escondido households were assisted with a Section 8 Rental Subsidy (Housing Choice Voucher). An additional 12,594 are on the wait list in Escondido. During 2016, 28 senior households (or persons with a disability) in mobilehome parks, and another 14 in apartments, for a total of 42, were receiving a monthly rental subsidy while waiting for HUD Section 8 eligibility. Eligibility for the Rental Subsidy program was tightened in 2012 due to the loss of redevelopment funds. Continuation of the program in the future is uncertain.
3.4 Mobilehome Park Conversion Provide technical assistance to mobilehome resident groups in the conversion of existing parks to resident ownership	Anticipated impact: Continued mobilehome resident ownership opportunities for lower income residents. Continue to work with City policies and procedures to assist in conversion	Ongoing	The City continues to provide technical assistance to mobilehome parks considering conversions to resident ownership. No recent conversions have been requested. The City continues to manage the remaining city-owned spaces in Escondido Views (5 lots) and Mountain Shadows (24 lots).
3.5 Mobilehome Rent Review Rent review via the Rent Review Board of applications for increases in mobilehome parks	Anticipated impact: Stabilized rents for mobilehome residents, many of whom are lower income.	Ongoing	During 2016, 13 short-form rent review hearings and one long-form rent review hearing were held. Average monthly increases approved for short form applications ranged from \$6.58 to \$16.81. The monthly increase for the one long-form application was \$102.22 per space.

Name of Program:	Objective	Timeframe in H.E.	Status of Program Implementation as of 12-31-16
3.6: Fair Housing Actively engage in furthering fair housing for all residents through specific education outreach and monitoring activities	Anticipated impact: Continued enforcement of the Fair Housing Plan which will prevent discrimination in housing and disputes between landlords and tenants	Ongoing	In 2016 the City contracted with the Legal Aid Society of San Diego, Inc. to provide fair housing services to Escondido residents, including counseling, mediation in landlord/tenant disputes, and bilingual assistance. City staff continues to disperse information at public counters, review potential impediments to fair housing, and meet with other jurisdictions to discuss and address potential regional impediments. The City of Escondido has been working collaboratively with other jurisdictions in the San Diego County region to address the new requirements for Affirmatively Furthering Fair Housing.
4.1 Emergency Shelters Amend the Zoning Code to permit emergency shelters by right, consistent with State law.	Anticipated impact: Provision of shelter for families/individuals with special needs. Consistency with state law.	Within one year of Housing Element adoption	The City's Emergency Shelter Overlay, in compliance with State law, was approved by the City Council on October 23, 2013. Although staff was asked to re-evaluate the location and size of the Overlay in 2015, the City Council left the overlay unchanged and the City is in compliance. A year round shelter operated by Interfaith Community Services currently operates outside the Overlay area.
4.2: Transitional/Supportive Housing Amend the Zoning Code to differentiate transitional/supportive housing operated as group quarters versus a regular housing development. Uses will be permitted where housing is otherwise permitted.	Anticipated impact: Increased housing opportunities for special needs persons.	0-3 years from HE adoption	An amendment to the Zoning Code is currently underway to define transitional and supportive units as specified in State law, and to permit them where residential units are otherwise permitted. It is anticipated that the City Council will review the changes in 2017.
4.3: Senior Housing Ordinance Amend the Zoning Code to permit senior housing by right where housing is permitted.	Anticipated impact: Increased housing opportunities for seniors	0-3 years from HE adoption	An amendment to the Zoning Code is currently underway to permit senior housing by right where housing is permitted. It is anticipated that the City Council will review the changes in 2017.
4.4: Monitoring of Growth Management Measure Periodically monitor and evaluate Proposition S for its impacts on the cost, supply and timing of affordable housing. Analyze the ability to accommodate the city's regional housing need, constraints on supply and affordability of housing.	Anticipated impact: Increased public awareness of the City's housing needs and obligations under state law.	Ongoing	The Housing Element shows that the City's RHNA can be accommodated. In 2016 it does not appear that existence of Proposition "S" discouraged or prevented construction of market or affordable units. City will continue to monitor RHNA progress annually to determine whether growth management policies impact the city's ability to accommodate the affordable housing need.

Name of Program:	Objective	Timeframe in H.E.	Status of Program Implementation as of 12-31-16
5.1: Affordable Housing Financing Continue to pursue a variety of funding sources to support affordable housing in the community.	Anticipated Impact: Acquisition, rehabilitation, preservation or construction of affordable housing for lower and moderate income households.	Ongoing	Staff continues to pursue opportunities to utilize additional funding sources for potential projects and programs, including tax credits and grants.
5.2: Housing Information and Referral Update public information in many formats identifying the City's housing programs and provide opportunities to market those programs.	Anticipated impact: More effective and targeted housing programs (especially for lower income households).	Ongoing	Housing program and project information is updated as needed and is distributed via a variety of avenues, such as the City web-site, brochures, mailers, referral cards and at City Hall. The city website was updated in late 2010 and updates to the website are ongoing as needed. In 2016 the Housing and Neighborhood Services Divisions were merged into the Housing and Neighborhood Services Division under the Housing and Neighborhood Services Manager. This allows for streamlined assistance to the public. Staff continues to seek additional ways to distribute information to the public.

CONSTRAINTS

The 2013-2020 Housing Element listed the following governmental constraints. The specific issue, page number, action and status are listed below.

Issue	Page #	Action	Status
Land Use Controls Residential designations, specific plans, growth management controls, overlay zones/districts, and the density bonus ordinance	IV-67	Evaluate land use issues for direct impact on provision of housing for all economic sectors of the community.	The City's General Plan comprehensive update was completed in 2012, including increasing densities with a new Urban V designation and introducing minimum floor densities. The Downtown Specific Plan was updated in 2013, including increasing residential densities (up to 100 du/ac) in the downtown core, which should lead to an increase in production of multi-family units. The City is currently working with a consultant to update the South Escondido Boulevard Area Plan, which will incorporate smart growth principles, allowing additional opportunities for mixed-use and transit oriented development.
Residential Development Standards	IV-76	Evaluate residential development standards to ensure they are not unreasonably limiting the number of units that may be constructed.	Development standards and parcel requirements offer flexibility to encourage development. With the adoption of the revised density bonus and residential incentive ordinance in 2017 more flexibility will be available to affordable housing developers. Escondido has one of the lowest parking requirements in north county, and some additional flexibility is built into the Zoning Code. Development standards will continue to be reviewed.

Provision for a Variety of Housing Opportunities	IV-80	A jurisdiction must encourage the development of a variety of housing types for all economic segments of the population.	The General Plan calls for establishing a minimum density for each district, to promote efficient use of land. The Escondido Zoning Code has provisions for SDUs, mobilehomes, multi-family dwellings, and residential care facilities. Also, SROs and farmworker housing. In 2013, the City approved a zoning overlay where emergency shelters are permitted by right, in accordance with state law. Similar code amendments will be completed in 2017 for transitional/supportive housing, farmworker housing, and some clean-up language for senior housing. There are no other known policies or regulations that constrain development of housing for persons with disabilities.
Development Conditions and Fees Fees and exactions to process permits and provide services and facilities can be a constraint to the development of housing due to the additional cost borne by developers.	IV-90	The City periodically reviews fees to ensure they reflect current impacts and necessary impacts.	Escondido's residential development fees have been reviewed and have not been found to act as a constraint to the development of housing. They are lower than those of many other north county cities. The development fees will continue to be reviewed periodically and modified as needed.
On- and Off-Site Improvements Existing infrastructure, development standards for new infrastructure, requirements for on-and off-site improvements.	IV-92	Requirements for on- and off-site improvements vary depending on the presence of existing improvements, as well as the size and nature of the proposed development.	Requirements are reviewed as necessary.
Building Codes and Enforcement	IV-94	The 2016 California Building Codes and Green Building Standards Code have been adopted by the City.	The City has no local ability to waive provisions of State building codes. However, there is an appeal process to challenge interpretations of the building code requirements.
Permits and Processing Times Certainty and consistency in permit processing procedures and reasonable processing times to ensure that developers are not discouraged.	IV-95	The existing design review and conditional use permit processes have been streamlined, and do not serve to constrain housing development.	The City continues to explore ways to streamline processing of applications and reduce fees for affordable, fair market and mixed use housing. Recently, the Design Review Board was consolidated into the Planning Commission in an effort to streamline processing.