

CITY OF ESCONDIDO

Planning Commission and Staff Seating



- A. CALL TO ORDER: 7:00 p.m.
- B. FLAG SALUTE
- C. ROLL CALL:
- D. MINUTES: [01/24/17](#)
- E. SELECTION OF CHAIR AND VICE-CHAIR

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 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.

ENVIRONMENTAL STATUS: The proposed project is categorically exempt from environmental review in conformance with CEQA Sections 15305 "Minor Alteration in Land-Use Limitations; 15301(e)(g), "Existing Facilities;" and 15311(a) "Accessory Structures" for 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.

APPLICANT: FRIT Escondido Promenade, LLC (Federal Realty)

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

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

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

APPLICANT: City of Escondido

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

3. ZONING CODE AMENDMENT – AZ 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

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:

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

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

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**

January 24, 2017

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

Commissioners present: Jeffery Weber, Chairman; Michael Cohen, Commissioner; Joe Garcia, Commissioner; Don Romo, Commissioner; James Spann, Commissioner; and Stan Weiler, Commissioner. (One position vacant)

Commissioners absent: None.

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

MINUTES:

Moved by Commissioner Spann, seconded by Commissioner Weiler, to approve the minutes of the December 13, 2016 meeting. Motion carried unanimously. (6-0)

WRITTEN COMMUNICATIONS – None.

FUTURE NEIGHBORHOOD MEETINGS

Assistant Planning Director Strong indicated that the City was hosting a Public Scoping meeting for “The Villages” – Escondido Country Club Project proposal on February 13th from 4:30 p.m. to 7:00 p.m. The meeting will be held at the City of Escondido, Mitchell Room, 201 N. Broadway, Escondido, CA 92025.

ORAL COMMUNICATIONS: – None.

PUBLIC HEARINGS:

1. VARIANCE FOR REDUCTION OF WALL SETBACKS WITHIN LEXINGTON SUBDIVISION – PHG 16-0016:

REQUEST: A Variance to reduce the side yard setback for walls on certain corner lots within the previously-approved Lexington subdivision (SUB 14-0002). The Variance would allow placement of a 6'-tall block wall along the side property line adjacent to the street (i.e., a 0' setback) on Lots 13, 29, 31, 38, and 40. Development standards for corner lots in the R-1 zone typically require fences of this height to maintain a minimum 10' setback on the side adjacent to the street. Approval of the Variance would maximize yard size for these lots, and would give the developer more flexibility in siting homes. A 5'-wide, HOA-maintained landscaping strip would be planted on the outside of each affected wall (within the street right-of-way) for aesthetic purposes. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The 13.97-acre Lexington subdivision is shown on Final Map No. 16153, recorded at County of San Diego on December 7, 2016. The development is bordered by Vista Avenue to the south, North Ash Street to the east, and an unimproved, unnamed street to the west. Lehner Avenue bisects the development and a narrow remainder lot connects the development to Stanley Avenue to the north. The Variance specifically affects Lots 13, 29, 31, 38, and 40, as shown on the Final Map. These lots range in size from 10,100 SF to 10,188 SF. Lot 38 is located at the perimeter of the development (at the main Lehner Avenue entrance), while the other four lots are located within the interior.

Ann Dolmage, Associate Planner, referenced the staff report and noted that staff recommended approval of the variance for reduction of the wall setbacks within the Lexington subdivision.

Commissioner Weiler asked if the original approval included a perimeter fence or wall. Mr. Martin replied in the affirmative.

ACTION:

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

CURRENT BUSINESS: None.

ORAL COMMUNATIONS: None.

PLANNING COMMISSIONERS: No comments.

ADJOURNMENT:

Chairman Weber adjourned the meeting at 7:11 p.m. The next meeting was scheduled for February 14, 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 14, 2016

CASE NUMBER: PHG 16-0021

APPLICANT: Promenade Shopping Center (Federal Realty)

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

TYPE OF PROJECT: Modification to Precise Development Plan

PROJECT DESCRIPTION:

A modification to the Precise Development Plan for the Promenade Shopping Center to amend the previously adopted Comprehensive Sign Program to 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.

STAFF RECOMMENDATION: Approval

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 shopping center in the mid 1980s, a Comprehensive Sign Program was adopted that contains specific signage requirements for the major tenants, in-line shops and the outparcel buildings, as well as freeway oriented and project entry pylon signage. The sign program has been amended over the years to allow for additional signage for the major tenants and other facade modifications, along with modifications various freestanding signs throughout the approximately 33-acre shopping center. 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. In addition to Federal Realty's request to consolidate and update the center's sign standards, the purpose of the request also provides for additional signage on select pylon signs to accommodate a new tenant (Ulta Beauty); allow a logo to extend above the roofline for a major tenant (Target); reclassify the different range of suites sizes and allowable signage for each category; and include specific requirements for window displays and temporary signage.

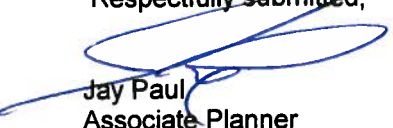
Staff feels the issues are as follows:

1. Whether the proposed changes to the Comprehensive Sign Program are appropriate for the shopping center.

REASONS FOR STAFF RECOMMENDATION:

1. Staff believes the proposed modifications to the comprehensive sign program because they would not be out of scale with 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.

Respectfully submitted,


Jay Paul
Associate Planner

ANALYSIS

B. ENVIRONMENTAL STATUS

The proposed project is categorically exempt from environmental review in conformance with CEQA Sections 15305 "Minor Alteration in Land-Use Limitations; 15301(e)(g), "Existing Facilities;" and 15311(a) 'Accessory Structures" for 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

General Plan land-use designation for the Escondido Promenade is Planned Commercial (PC). The Escondido Promenade is a comprehensively planned commercial development with architectural features consistently maintained to ensure a high quality cohesive design.

D. PROJECT ANALYSIS

Wall Signage -

The existing wall signage allowance for the inline shop buildings is 1 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. This standard is similar to the City's Sign Ordinance requirements, but the size of the letters is limited to 36 inches in height for all shop buildings. The outparcel buildings maintain a similar standard, but are allowed 1 SF of signage for every 25 SF of floor area. The existing sign program, as allowed through the previously approved Master and Precise Development Plans for the shopping center allows for an increased amount of signage area and letter height for the Major Tenants (located in buildings A, H and L) which includes Target, Toys R Us, Dick's and Ross. The proposed modification to the sign program would reclassify the range of suites and allowable signage to include in-line shop buildings (up to 9,800 SF); Icon Tenants (9,800+ SF to 30,000 SF) which is a new classification; and Anchor Tenants (30,000+ SF, formally Major Tenants). The maximum allowable signage for the inline shops has been reduce to 100 SF. However, this should not affect the total allowable signage for each building because the overall signage is limited by the individual suite sizes. The sign program also contains a provision to allow up to a 10% increase in the total amount of sign area for the Anchor Tenants only, subject to the approval of the Director of Community Development and staff design review to evaluate the appropriateness of the request.

The proposed new Icon Tenant classification is proposed to accommodate a new business (ULTA Beauty) that currently is consolidating several of the suites and modifying the facade of the building to become one consolidated storefront and tenant space. As part of the exterior facade modification, Ulta is requesting a modification to the allowable letter and overall sign height to accommodate letters up to four feet in height with a larger associated graphic, which would fit into their new larger facade. Staff supports the new tenant classification and larger sign allowance, but believes the identified sign area might not be appropriate elsewhere or for other Icon Tenant space due to the design of their respective frontages. Therefore, the criteria would require closer staff level design review to evaluate the appropriateness of each request to ensure compatibility with the building design. Staff believes the changes to the wall signage criteria would be appropriate and allows for more flexibility in the design of the signs based on the overall individual sign area and scale of the building, while still maintaining high quality and unified design throughout the center.

As part of Target's proposed facade remodel, all of the existing wall signage would be replaced with new channel letter signs and their signature Bullseye logos. The existing building contains two Bullseye logos of 12 feet and 6 feet in height. The modification to the sign program is requested to allow a new Bullseye logo of up to 16 feet in height, that also would project up to 2 feet above the roofline which is part of their new corporate architectural theme and branding. This has already been incorporated into other shopping centers with a Target store, or planned as part of the development of new Target stores. The City's Sign Ordinance does not allow for signage to project above the roofline, except in limited instances for super-graphic signs, as determined appropriate by the Director of Community Development. Staff believes the larger Bullseye logo and minor projection above the roofline would be appropriate because the size of the larger logo would be in scale with the larger and tall wall planes for the approximately 119,000 SF Target store. The minor projection above the

roofline also would not be visibly obtrusive or out of scale for this regional shopping center or with other architectural elements that project above the primary roofline throughout the center. This request for the single logo to project above the roofline would apply only for the Target store. There is one single tenant outparcel building (Chick-fil-A) that contains a boxed-logo element that projects above one of the lower roofline elements, but does not project above the primary roofline for the building.

Pylon Signs -

Six pylons signs were approved as part of the Master Development Plan for the shopping center, that included one 200 SF sign along Valley Parkway, and five pylon signs up to 18 feet in height and 200 SF of allowable sign area. Not all of the pylon signs are the same design or contain an equal number of panels. The number of panels allowed on each sign is based on the allowable square footage, and ultimate design each individual sign. Ulta Beauty is requesting to add another sign panel to the larger pylon sign at the Valley Parkway driveway entrance. The panel is proposed to be placed at the bottom of the existing five panels and would be within the allowable 200 SF signage provisions for this sign. The sign would be designed to be architecturally consistent with the existing panels and the overall design of the sign, especially finishing off the ends of the panels to match. Ulta also is requesting to add an additional panel on one of the other small pylon signs along the Auto Park Way frontage that currently contains two panels (TJ Maxx and World Market) that also would be considered Icon Tenants. This signs are limited to 100 SF total square footage and the request is to allow an increase of approximately 14 SF to accommodate the additional Ulta sign panel for a total of 114.8 SF. Staff believes the minor increase in the allowable area for this particular sign would be appropriate because the new sign panel would be in conformance with the other two sign panels; the height of the sign would not increase; and the overall increase in the scale of the sign would not be out of character with the shopping center and other pylon signs through the project.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The 33.41-acre shopping center is comprised of 24 parcels and developed with an approximately 413,310 SF, single-story commercial shopping center, parking lots and landscaping. The shopping center is comprised of four major tenant spaces located within the in-line shops, and various freestanding buildings consisting of a combination of various retail, service and restaurants. The center is bounded by West Valley Parkway on the north, Auto Park Way on the west, Ninth Avenue on the south and Interstate 15 on the east.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Center Size: 33.41 acres
 2. Building Area: 413,310 SF total area of all buildings
 3. Building Height: Buildings in the center range from approximately 17' to 37'
 4. Major Tenants: Over 30,000 SF (Target – 119,861 SF, Toys R Us – 45,556 SF; Dick's – 44,760 SF and Ross – 30,412 SF)
- Icon Tenants: Between 9,800 SF to 30,000 SF (TJ Maxx; Pier 1 Imports; Ulta; Tilly's; World Market, Party City, etc.)
- In-line Tenants: Up to 9,800 SF
- Outparcel Tenants: Includes multiple tenant buildings and single-tenant buildings (Carl's Jr., Appleby's and Chick-fil-A).

Proposed Signage Program Approved Sign Program

Freestanding Signs

All signs double faced and internally illuminated

Freeway Signage (3 existing signs)	No Change (existing 445 SF total signage)	Any combination of size providing no one sign exceeds 250 SF and 450 SF max. total signage
Sign 1	No Change	144 SF, 30' above freeway elevation (Target Bullseye Logo)
Sign 2	No Change	162 SF, 30' above freeway grade (includes shopping center name "Escondido Promenade" at 30 SF and 132 SF Toys R Us)
Sign 3	No Change	144 SF, 30' above freeway grade (combination Dick's/Ross)

Pylon Signs

Six (6) existing pylon signs located at project driveways. The modification specifies that only Anchor and Icon tenants allowed to locate on these signs. The previous approval allowed only tenants of 20,000 SF or greater on the panels. Staff Design Review would be required for any physical modifications to existing Pylon Signs to ensure architectural compatibility and quality of the sign with the center.

Sign 1	Allow one additional 30.33 SF panel (for ULTA) for a total of 199.93 SF	200 SF max. up 30' high and 5 panels on Valley Parkway (existing Dick's/Ross, Target, Toy R Us, TJ Max and World Market)
Sign 2 – 6	Add one additional 32.29 SF panel at bottom of Sign #3 (for ULTA) for a total of 114.8 SF (sign increase of 14.8 SF)	100 SF max. for each sign and up to 18' high (existing TJ Maxx and World Market)
Monument Sign (1)	Delete allowance for any additional individual monument signs for outparcel buildings	36 SF max. 8' above natural grade (existing Carl's Jr. has the only freestanding monument sign). The current sign program allows up to four monument signs for outparcel buildings

Wall Signs

The current Sign Program includes two classifications for the in-line shops based on suite sizes (major and in-shops) with separate requirements outparcel buildings. The proposed modification would include three classifications for the various tenant suite sizes (Anchor, Icon and In-line shops) and specific criteria for each of the classifications as well as for the outparcel buildings.

	<u>Proposed Signage Program</u>	<u>Approved Sign Program</u>
In-Line Shops:	Includes suites sizes up to 9,800 SF 1 SF signage per 50 SF floor area 100 SF max aggregate signage	All suites excluding the Major Tenants 1 SF signage per 50 SF floor area with no one sign shall exceed 100 SF and 300 SF max aggregate signage
Icon Tenant: (new designation)	9,800 SF to 30,000 SF suite 1 SF signage per 50 SF floor area 100 SF max any one sign and 300 SF max aggregate signage max letter height 4 feet and 5 feet max total sign height with flexibility to allow graphics to exceed height (Staff Design Review Required)	N/A
Anchor Tenant (formally Major)	30,000 SF+ suite size, 1 SF signage per 50 SF floor area, 100 SF max any one sign and 300 SF max aggregate signage, unless additional sign area and letter height approved as part of Master and Precise Plans as noted below:	Buildings A, H and L (generally 30,000+ SF suite sizes. 1 SF signage per 50 SF floor area, 100 SF max any one sign 300 SF max aggregate signage unless additional sign area and letter height approved as part of Master and Precise Plans noted below:
Building A (Target)	Existing: Up to 471 SF max wall sign area allowed with 24", 32", and 60" high letters, along with 12' and 6' high bullseye logos. Proposed: Up to 471 SF max wall sign, with 16' high bullseye logo that would extend no more than 2' above the roofline.	

Building H (Toys R Us)	Existing: Up to 300 SF max wall sign area with 4' high letters and 6' high logo (R with internal star). Proposed: No change	
Building L (Dick's and Ross)	Existing: Dick's up to 324 SF max wall sign area with 6' high letters Ross up to 300 SF max wall sign area with 4' high letters Proposed: No change	
Outparcels:	1 SF of signage per 25 SF floor area. 300 SF max and no sign shall exceed 100 SF. Max letter height 36"	1 SF of signage per 25 SF of building area. 300 SF max and no sign shall exceed 100 SF. Max letter height 36"

Temporary Wall Signs

The revised Sign Program includes provisions for temporary wall signage for short-term leases (less than one year) that would allow for professional constructed temporary signs on the building facades subject to the center's sign area size and location requirements, but would allow for different construction materials.

Window and Canopy Signage

The revised Sign Program includes criteria for limited signs affixed to storefront windows, along with canopies and awnings. Window and canopy signage is counted towards the allowable wall signage.

Promotional Signage

The revised Sign Program includes criteria for temporary outdoor signage (subject to the City's Sign Ordinance and Temporary Signage provisions) along with specific criteria for indoor signage. Indoor signage is not controlled by the City's Sign Ordinance unless physically attached to the storefront window.

Project History

PHG10-0022	A Modification to the Master and Precise Development Plan for the Promenade Shopping Center to amend the previously adopted Comprehensive Sign Program to allow individual letters on the proposed new wall signs up to 6' feet in height for the proposed Dick's Sporting Goods store (formerly Mervyn's), and to allow the individual building signage to exceed the current limitation of 540 SF.
ADM10-0007	Facade remodel for Target with approved sign permit for a total building signage of 453.74 SF with 12' high Bullseye Logo with 2'-8" Target Letter underneath and a 6' high Bullseye Logo with 5' high Target letters. Max up to 471 SF allowed per previous Master Plan modification.
99-46-PD	Modification to Master and Precise Plan for Target to increase the square footage of the building from 113,119 SF to 119,861 SF, reconfiguration of garden center and increase in signage to allow 34 SF Pharmacy and 77 SF Garden Center Signage (Total Signage allowed 471 SF).
86-135-PD	Precise Development Plan for a portion of the center to approved the exterior designs for Target, Mervyn's and the proposed in-line shops, along with additional architectural treatments and modifications to the center. The building square footage also was increased from 403,360 SF to 413,310 SF.
86-61-CZ/PD 86-62-SP	City Council approved a zone change from CG and CT to PD-C and the Preliminary and Master Plan, as well as a Specific Plan to realign and widen Auto Park Way. The project also includes specific conditions for signage at the Master Plan level.

EXHIBIT "A"
FINDINGS OF FACT
PHG 16-0021

Precise Development Plan Modification – Comprehensive Sign Program

1. The General Plan land-use designation for the site is Planned Commercial (PC). The Escondido Promenade is a comprehensively planned commercial development with architectural features that are consistently designed and maintained to ensure a high quality, single theme commercial area. The Master and Precise Plan also includes provisions to allow design flexibility to achieve a superior design. The proposed amendment to the comprehensive sign program would:
 - Consolidate previous amendments that have been approved in the past;
 - Modify or delete out of date or confusing standards to correspond to existing signage throughout the center;
 - Allow for additional signage on select pylon signs to accommodate a new tenant;
 - Reclassify the different range of suites sizes and allowable signage for each category;
 - Include specific requirements for window displays and temporary signage; and
 - Allow for a Bullseye Logo for Target to project above the roofline.

The proposed modification to the sign program for any increases in allowable signage for wall or freestanding signs would not result in signage that was out of scale with the building exterior, or be incompatible with other signage throughout the center.

2. The approval of the proposed modification to the Promenade Shopping Center Comprehensive Sign Program would be based on sound principles of land use because the overall design, and mass and scale of the proposed signs would be compatible with the overall center and exterior design of the related building sizes and various freestanding signs.
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 33-acre planned commercial development and is developed with an approximately 413,310 SF of commercial building space. The proposed modification to the sign program would be compatible with the general design theme of the complex and surrounding commercial development, and would not conflict adjacent commercial spaces and signage. The proposed development is well-integrated with the surrounding properties because the design would be consistent with existing on-site and surrounding commercial structures. The overall design of the proposed project would produce an attractive commercial facility due to the quality of the architectural features provided and retention of design elements used throughout the center.
4. The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) in conformance with Sections 15305 "Minor Alteration in Land-Use Limitations; 15301(e)(g), "Existing Facilities;" and 15311(a) 'Accessory Structures" for 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 16-0021

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 Comprehensive Sign Program.
7. Modifications to the pylon signs to include new panels shall provide similar architectural features to match the other panel designs, including finished ends, and must be scale with the existing signs, to the satisfaction of the Director of Community Development. Any modifications to the Pylon Signs shall require staff level design review.
8. A final amended Comprehensive Sign Program shall be submitted to the Planning Division for final review and approval to include any recommended final revisions.
9. Minor modifications to the Comprehensive 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.
10. 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.: PHG 16-0021

Project Location - Specific: Escondido Promenade Shopping Center generally located on the southern side of West Valley Parkway, east of Auto Park Way, west of Interstate 15, addresses as 1200 Auto Park Way

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

Description of Project: A modification to the Precise Development Plan for the Promenade Shopping Center to modify and update the Comprehensive Sign Program.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name Federal Realty (Amber DeMaglio, rep.)

Telephone (408) 551-4620

Address 356 Santana Row, Suite 1005 San Jose, CA 95128

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

Exempt Status: Categorical Exemption. CEQA Section 15305 "Minor Alteration in Land-Use Limitations; 15301(e)(g), "Existing Facilities;" and 15311(a) "Accessory Structures" for on premise signs.

Reasons why project is exempt:

1. The project is located within a developed approximately 33-acre planned commercial shopping center within an urban area of the City. The project only involves a modification to the existing comprehensive sign program for the existing shopping center. No physical expansion of the site or intensity of uses are proposed.
2. The subject shopping center is fully developed and not located within an area that is environmentally sensitive and would have no impacts to fish and wildlife, or sensitive habitat areas.
3. The site is in an area where all public services and facilities are available to allow for the proposed use.

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

☐ Signed by Applicant



SIGN CRITERIA (2017 *draft*)



FRIT Escondido Promenade, LLC.
Federal Realty Investment Trust
3055 Olin Avenue, Suite 2100
San Jose, CA. 95128

SIGN CRITERIA

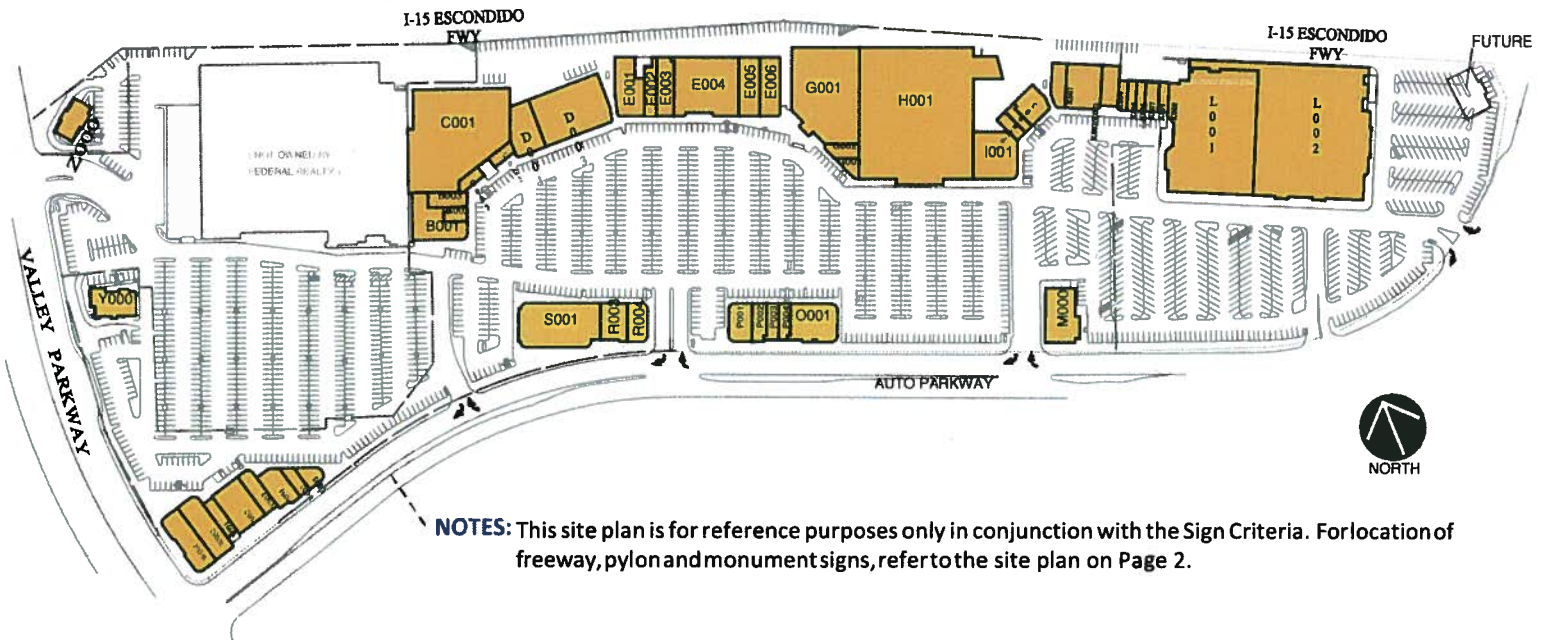
TABLE OF CONTENTS

Escondido Promenade Freestanding Sign Summary Table	1
Escondido Promenade Pylon Sign Key Plan	2
Introduction	3
General Information - Sign Criteria	
I. Approval & Procedures	4
II. Code Conformance	5
III. Administration	5
IV. Submittal Requirements	5
V. Fabrication & Installation Requirements	6
VI. Non-Conformance	7
VII. Prohibited Signage	7
VIII. Guarantee	8
IX. Insurance Requirements	8
X. Temporary Signage	9
XI. Promotional Signage	9
XII. Store Front Windows	10
XIII. Tenant Signage	11
XIV. Under Canopy Blade Sign	11
Store Front Signage	
I. In Line Shops	12
II. Icon Tenant Signage	13
III. Anchor Tenant Signage	14
IV. Outparcel Building Signage	15
V. Service Delivery Signage	16
Property Signage	
I. Parking Lot	16
II. Additional Freestanding Signage	16
III. Wayfinding Signage	16
Construction Store Front & Barricading Signage	
I. Construction Barricade Signage	17
II. Store Front Signage for Construction	17



Freestanding Signage Summary

ESCONDIDO PROMENADE BUILDING IDENTIFICATION AND FREESTANDING SIGNAGE SUMMARY



ESCONDIDO PROMENADE – FREEWAY, PYLON & MONUMENT SIGN SUMMARY				
SIGN	MAX SIGN AREA	MAXIMUM CONTENTS	# TENANT PANELS	MAX HEIGHT
FREEWAY SIGN				
Sign #1	144 SF	Target	1	30' above freeway at location of sign
Sign #2	162 SF	Shopping Center name and Anchor Tenant. Anchor Tenant shall not exceed 100 SF.	1	30' above freeway at location of sign
Sign #3	144 SF	Dick's Sporting Goods / Ross	1 (shared)	30' above freeway at location of sign
PYLON SIGN				
Sign #1	200 SF	Shopping Center name, Target, and additional Tenants as permitted by maximum sign area.	5 (one shared by DSG/Ross)	30'-0" above natural grade
(Total 2017 proposed SF for Sign #1 = 200 SF, Total number of proposed Tenant panels = 6)				
Sign #2	100 SF	Target Logo, as permitted by maximum sign area.	1 (Target Logo)	18'-0" above natural grade
Sign #3	100 SF	Shopping Center name and up to 3 Tenants, as permitted by maximum sign area.	2	18'-0" above natural grade
(Total 2017 proposed SF for Sign #3 = 114.8 SF, Total number of proposed Tenant panels = 3)				
Sign #4	100 SF	Toys 'R' Us, as permitted by maximum sign area.	1 (Toys 'R' Us)	18'-0" above natural grade
Sign #5	100 SF	As permitted by maximum sign area.	1 (shared by DSG/Ross)	18'-0" above natural grade
Sign #6	100 SF	Shopping Center name, Target, and Dick's Sporting Goods / Ross	2 (one shared by DSG/Ross)	18'-0" above natural grade
MONUMENT SIGN				
Sign #1	36 SF	Carl's Jr.	1 (Carl's Jr)	8'-0" above natural grade

Federal Realty
INVESTMENT TRUST

-
- The map illustrates a large-scale commercial development project. Key features include:
- Retail Stores:** Target (NOT OWNED BY FEDERAL REALTY), Frymax (CO#1 25,160), Party City (SI#01 10,000), Toys R Us (H#01 45,556), Ross (L#01 30,712), Dick's (L#02 44,750), Ulta Beauty (E#04 10,730), and Ulta Beauty (E#05 3,550).
 - Parking Lots:** Multiple parking areas are shown throughout the site, some labeled with numbers like #1, #2, #3, #4, #5, and #6.
 - Roads:** Valley Parkway runs along the top edge, while Auto Parkway runs vertically through the center-right portion of the map.
 - Landmarks:** The Future Outpace (4500 SF) is located near the bottom right corner. The I-15 Escondido Fwy interchange is visible on the right side.
 - Scale and Orientation:** A scale bar indicates distances from 0 to 240 feet. A north arrow points towards the top left of the map.

INTRODUCTION

This criteria has been developed to guide and assist Tenants to acceptable storefront branding signage solutions.

The guidelines established herein will ensure that Tenant Identification is of consistent quality and is compatible with the architectural character of the center as well as any master signage criteria requirements as approved through local jurisdictional entities.

Each proposed sign will be evaluated For design adherence, compatibility with neighboring signs, and the overall character of the center's signage/graphics.

Tenant's signage depends on location and architectural conditions at the storefronts within the Center.



GENERAL INFORMATION – SIGN CRITERIA

I. APPROVALS & PROCEDURES

The design and construction of Tenant's exterior sign must receive written approval by Landlord prior to fabrication and installation. Tenants shall not be allowed to open without a sign.

Landlord's approval shall be based on:

1. Conformity to the sign criteria established for the Shopping Center, including fabrication and method of installation.
2. Harmony of the proposed sign with the design standards of the Escondido Promenade.

Landlord has the specific right to refuse approval of any sign which does not conform to the specific criteria set forth herein.

In the event of conflict of interpretation (between Tenant and the Landlord) as to the application of these Criteria, the Landlord's decision shall be final and binding upon the Tenant.

To secure Landlord's approval, Tenant agrees to conform to the following procedure:

1. 1 (One) set of signage shop drawings in electronic PDF format submitted via email to the Landlord Tenant Coordinator.

Please allow 10 (ten) business days for review and approval.

All Drawings marked "Not Approved" or "Approved as Noted" must be resubmitted as set forth in the "Submittal Requirements" section with required corrections.

Tenant or its sign contractor will not be permitted to commence installation of the exterior sign, unless the following conditions have occurred:

1. A stamped set of the final sign drawings reflecting Landlord's approval are retained at Tenant's Premises at all times during the installation of the design and for a period of thirty (30) days thereafter.
2. The City will not issue permits for sign plans without Landlord's stamped approval.
3. No sign may be installed until Landlord has received a copy of City issued sign permit.
4. Tenant's contractor/sign installer shall submit a work permit (48) forty eight hours in advance prior to sign installation.
5. Tenant shall be responsible for the fulfillment of all requirements and specifications.

Note: No sign shall be constructed until approved sign and electrical permits have been issued by the City of Escondido Building Division located at 100 Valley Boulevard, Escondido, Ca 95222.

II. CODE CONFORMANCE

1. All signage shall be consistent with the City of Escondido's Sign Ordinance (Article 66) unless otherwise authorized by this sign criteria, as approved by the Master and Precise Development Plans.
2. All signage must be reviewed and approved by the Landlord and the City of Escondido for compliance with this Sign Criteria.
3. All signs shall meet or exceed all current applicable building codes (i.e. Electrical, Mechanical, and Structural).
4. Signage shall meet all requirements of the State of California and the City of Escondido.
5. A separate sign permit is required for all signage from the City of Escondido.
6. Any proposed modifications to Pylon Signs, any logos proposed to project above the building parapet, and any Icon Tenant Graphics proposed to exceed the maximum height requirement will require City of Escondido Staff Design Review along with the Sign Permit.
7. All illuminated signs shall be subject to the City of Escondido Outdoor Lighting Ordinance.

III. ADMINISTRATION

1. All signage, permanent or temporary, must comply with the City of Escondido Signage Ordinance as well as the requirements listed herein.
2. All signage, permanent or temporary, must be approved by Landlord and signage approval shall be at Landlord's sole discretion.
3. All signage shall have the required City of Escondido permits prior to fabrication and installation.
4. All sign shop drawing submittals must be prepared in scale and approved by the Landlord prior to submitting to the City of Escondido for planning approval and building permit.
5. All Signage must be of the types described in these regulations and guidelines and as graphically depicted in the Sign Program.
6. Tenant shall be fully responsible for the operation of their sign contractor, and shall indemnify, defend and hold the Landlord, Landlord's representative, and all parties harmless from damages or liabilities account thereof.
7. The amount of hours per day during which the signs will be illuminated shall be determined and controlled at the Landlord's sole discretion, and in conformance with the City of Escondido's Outdoor Lighting Ordinance & Sign Ordinance.
8. Tenant is responsible for restoring the fascia of the building back to its previous like new condition, i.e.: removal of any silicone residue, patching holes, stucco repair, re-painting etc. Final approval and acceptance of any such repairs shall be solely at the discretion of a representative of Landlord. Inspection of completed repair must be performed by Tenant and inspected and accepted by a representative of the Landlord. If not adequately satisfied within 10 days of lease termination, Landlord has the right to have this work done and back charged to the Tenant.
9. Sign contractors shall be advised (by Tenant) that no substitutes will be accepted whatsoever unless so indicated in specification and approved by Landlord, Tenant, and the City of Escondido. Any deviation from these specifications may result in the rejection of the sign by Tenant and/or Landlord.
10. In the event any conflict in the interpretation of these guidelines cannot be satisfactorily resolved, the Landlord's decision shall be final and binding upon the Tenant.

IV. SUBMITTAL REQUIREMENTS

1. The sign shop drawings are to be prepared by a reputable state licensed sign contractor.
2. Shop Drawings shall be drawn to scale and at minimum shall include: typestyles, colors, mounting details, letter sizes and cabinet/bracket details. A scaled storefront drawing also shall be required reflecting the proposed sign design and all dimensions as it relates to the storefront elevation of the Tenant's Premises.

3. The square footage of the area contained within a rectangular box drawn completely around the individual elements of the display surface is the displayed sign area. Indicate Sign Area and square footage of each sign.
4. A site plan indicating the location of Tenant sign.
5. Sizes of sign letters must be accurately dimensioned and spaced and drawn at a minimum of 1/2" = 1'-0" scale.
6. Section through sign and fascia to show construction methods.
7. All sign face/return colors, paint finishes and types and thickness of materials.
8. Signs shall be lit with LED lights, sign vendor shall ensure there are no hotspots and light is dispersed evenly.

V. FABRICATION AND INSTALLATION

The fabrication and installation of all signs shall be subject to the following restrictions:

1. Sign(s) shall be placed as outlined in specific sign criteria; locations vary from building to building and are dependent of type of signage.
2. It will be Sign Vendors responsibility to ensure signs are located as required per the criteria.
3. All channel letters are to be fabricated 22 Gauge sheet metal with welded seams filled and buffed prior to painting. Fabricated full welded aluminum letters with aluminum backs will be permitted. Channelume, Channel Classic and Channel LET-R-edge type letters will not be permitted due to rapid deterioration factor (no exceptions).
4. Letter faces shall be minimum 1/8" thick, flat surface colored Plexiglass as manufactured by Rohm & Haas or approved equal Painted plexiglass will not be permitted.
5. Retainer trim cap shall be 3/4" silver "Jewelite" brand trim cap edge. Retaining screws shall be #7 x 3/8" Philip-type sheet metal screws. All trim cap retaining screws must be painted to match trim cap color. 5" deep letter returns shall be painted minimum of two (2) coats of acrylic enamel powder blue R-M Formula No. 6887/C0003 as supplied by Johnson's Automotive Paints, Long Beach, Ca.
6. LED lighting shall be used, but light distribution must be evenly spread with no hot spots visible.
7. 60 MA. high power factor transformers shall be utilized.
8. PK Housings or Hage connectors shall be used for all neon tube systems.
9. All sign letters shall be secured by concealed fasteners, stainless steel or nickel or cadmium plated and pegged out from wall 1/4" to allow water runoff to avoid staining building fascia.
10. No exposed lamps will be permitted.
11. All penetrations of the building structure required for sign installation shall be sealed in a watertight condition with a Sonneborn caulk finished to match adjacent finishes.
12. No sign company labels will be permitted on the exposed surfaces of the signs.
13. All Channel Letters must have one drain hole at bottom of every letter.
14. All signs shall be fabricated and installed with U.L. approved in compliance with all applicable building and electrical codes. Sign manufacturer will supply a U.L. label, if required by local authorities, in an inconspicuous location at the top of channel letter.
15. All signs shall conceal all necessary wiring, transformers, ballasts, starters and other necessary equipment within their individual letters or behind storefront construction.
16. All disconnect switches must be mounted on raceway or transformer boxes concealed behind wall or parapet.
17. It is the responsibility of the Tenant's sign contractor to verify all conduit and transformer locations and service prior to fabrication.
18. No ladders, No installation equipment, and No installation crews are permitted to lean or walk on awning/canopy storefront due to easily being damaged by same. All installation equipment must be scaffolding type to avoid contact with awning/canopy.
19. Each Tenant, or its sign contractor, shall be responsible for the repair of any damage to the building caused by the installation of said Tenant's sign.
20. Installing Sign Company must provide one (1) color photograph of installed sign to be sent to Landlord for approval by City Inspector prior to payment of balance by Tenant.

VI. NON-CONFORMANCE

1. No field installation changes are permitted without first notifying Landlord in writing. If in the event any sign is changed as to placement, location and size which differs from plan, Sign Company will be responsible to repair change and/or relocate sign to proper placement at Sign Company's expense.
2. Any sign that is installed by Tenant which is not in conformance to the approved drawings shall be corrected by Tenant within fifteen (15) days after written notice by Landlord. In the event Tenant's sign is not brought into conformance within said fifteen (15) days period, then Landlord shall have the option to correct said sign at Tenant's expense.

VII. PROHIBITED SIGNAGE

1. No sign shall be installed, relocated or maintained so as to prevent entry of existing door. No sign shall create a safety hazard by obstructing a view of pedestrian and vehicular traffic.
2. No sign shall be located within a required easement or public right-of-way unless an encroachment permit has been authorized by the affected utilities.
3. No sign shall obstruct access to fire hydrants, fire department connections, or fire department access roads.
4. Signs, which imitate in size, color, and lettering or design any traffic sign or signal in such a manner as to interfere, mislead or confuse traffic, are prohibited.
5. Signs consisting of any moving, swinging, rotating, flashing, blinking, and fluctuation or otherwise animated are prohibited.
6. Signs on or affixed to trucks automobiles, trailer or other vehicles which advertise, identify, or provide direction to a use or activity not related to its lawful making of deliveries or sales of merchandise or rendering of services from such vehicles are prohibited when vehicles are located in Escondido Promenade.
7. Signs, which audibly advertise, identify or provide direction to a use or activity, are prohibited.
8. It is unlawful for a Tenant to exhibit, post or display or cause to be exhibited, posted or displayed upon any sign, anything of an obscene, indecent, or of immoral nature or unlawful activity.
9. Painted wall signs are prohibited.
10. No freestanding signs, window signs or "for sale/rent/lease" signs of any type which are designed, oriented or placed for freeway exposure and which are visible from the freeway or freeway on- or off- ramp.
11. No use of outdoor searchlights when used for advertising or "attention-getting" purposes.
12. No inflatable sign or tethered balloons.
13. No rooftop signs.

VIII. GUARANTEE

All signs shall have a minimum (1) year parts and labor warranty from primary sign vendor and manufacturer of sign for the materials and construction of sign. Primary Sign Company shall also be responsible to provide warranty of installation practices and fascia repairs as required by Landlord, including signs installed by others.

IX. CERTIFICATE OF INSURANCE

MINIMUM COVERAGE REQUIREMENTS

Worker's Compensation:

\$500,000 each accident

\$500,000 disease-policy limit & each employee limit

Auto Liability

Must include: Hired, Owned, Non-Owned Coverage

\$1,000,000 per occurrence

General Liability

\$1,000,000 per occurrence/\$2,000,000 aggregate

Professional Liability – Needed only if contract involves professional services

\$1,000,000

CERTIFICATE HOLDER

Federal Realty Investment Trust

1626 East Jefferson Street

Rockville, MD 20852-4041

ADDITIONAL INSURED

We should have an additional insured endorsement, which is a separate piece of paper. Make sure the policy number listed on the endorsement matches the policy number listed in the policy number box under liability/auto.

090-1190 Escondido Promenade

Federal Realty Investment Trust, a Maryland real estate investment trust

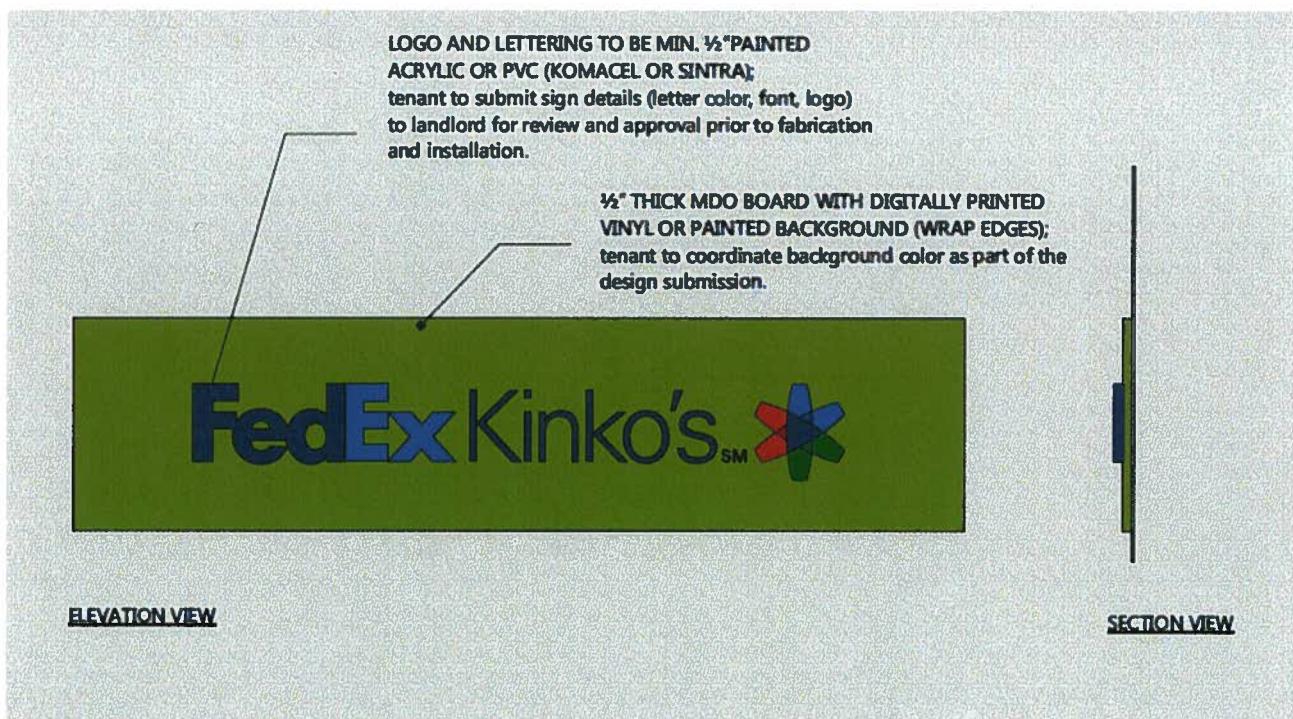
FRIT Escondido Promenade, LLC, a California limited liability company

X. TEMPORARY SIGNAGE

Temporary Signs (for Short Term Leases) shall only be permitted for Tenants signing leases of (1) one year or less. Tenants that renew after a period of (1) year shall no longer be deemed Temporary Tenant and shall be required to install permanent signage.

1. Temporary Tenant Signs shall be permitted subject to approval through sign permit review and approval by the Landlord and the City of Escondido.
2. Temporary Signs shall only be approved for a period of (1) one year or less.
3. Temporary signs shall adhere to same size requirements as permanent signage, and shall be installed in same location using same mounting hardware. The only difference shall be the allowable materials.
 - a. Temporary Signage allowable materials include an MDO board with a digitally printed or painted background with wrap edges. The lettering and logo shall be minimum ½" painted acrylic or PVC (Komacel or Sintra).

Temporary Signage Example:



XI. PROMOTIONAL SIGNAGE

Promotional Signage – Inside Building

1. Promotional Signs affixed in any manner to storefront windows or entry doors are strictly prohibited. Such signs intended to be visible through storefront windows may be incorporated into a window display or be temporarily suspended with monofilament (nylon fishing line) no closer than 12" from the inside of the window.
2. Promotional Type Signage must be professionally produced. No hand written signs shall ever be acceptable. Such signage requires Center Manager's review and approval prior to manufacturing and must be hung as per criteria and guidelines for Merchandise Zone.
3. Promotional Sign(s) shall be limited to the length of the promotion but shall not exceed 30 days.

4. Temporary promotional posters/signage may be allowed to cover a portion of store front window area (not attached to window) area but shall not exceed 30% of window areas.
5. Individual sign panels must be spaced a minimum of 6' (feet) from one another.
6. Fabric or lightweight posters must be weighted. Curled sign materials are not permitted.
7. All interior posters/banners shall be considered "Temporary Promotional Signage" and as such, be subject to all rules governing same. The area of interior banners may not exceed 1 square foot per lineal foot of storefront. In no case may an interior banner/poster, which is not part of a window display, be hung closer than 15' (feet) from the storefront.
8. Permanent lifestyle graphics used as part of window background display installed on wall systems located at rear of Merchandise Zone are limited to 1 square foot of per 1 lineal foot of store frontage and may not exceed 30% of store front area
9. **Any signage facing common area deemed to be inappropriate or in poor taste, will need to be removed immediately upon request by Property Manager.**

Promotional Signage – Outdoor

1. All temporary outdoor signs shall be subject to City approval and issuance of a Temporary Sign Permit in accordance with City's Sign Ordinance (Article 66).
2. Tenants wishing to utilize Temporary A-Frame or poster holder freestanding signs outside Lease Line for Special Events or Sales (subject to a City Special Event Permit) must submit signage for Landlord and City of Escondido approval. The Lease Line is defined as the boundary between storefront glazing and the entrance doors, and common area.
3. No flags, pennants, streamers or similar advertising devices shall be allowed on the building wall, suspended from building or flagpole or similar structure except as temporary business identification with the prior approval of the Landlord and City of Escondido, subject to the issuance and provisions of the City Temporary Sign Permit.
4. **NO BANNERS ALLOWED.**

XII. STOREFRONT WINDOW SIGNAGE (ATTACHED TO WINDOW)

1. For the purpose of additional store identification, unless otherwise specifically approved by the Landlord, the Tenant may also propose to the Landlord a design layout of store name and/or logo only, in white, black or specific logo color subject to Landlord's approval in Vinyl Die-Cut Graphics for placement on the inside of every other (alternating) display window and centered at 36" above finished floor. Letters shall not exceed 6" (inches) in height. Tag lines and URLs/ ".com" are not permitted. Window signage shall count towards total allowable wall signage.
2. Tenant names featuring multiple concepts/sizes also are permitted on alternating panels i.e. Gap Woman/ Gap Kids/ Gap Petite subject to the above criteria identified in item #1.
3. Tenant supplied "Help Wanted" signs are prohibited.
4. Standard information signs as deemed necessary by Landlord (store hours), may be provided by Tenant and shall be affixed to the inside left edge of the window immediately adjacent to the right of entry doors and no higher than 48" above grade.
5. Standard information signage icons such as no food, drink, smoking, credit cards, security system and employment opportunity signs, etc. shall be prohibited by Landlord.
6. Handicap access stickers are permitted and shall be placed according to ADA or local jurisdiction under the supervision and approval of the Landlord.
7. The Landlord reserves the right to require a Tenant, at its expense, to remove any storefront signage it considers to be non-complying or unprofessional.
8. All Tenant signage must be removed upon expiration or earlier termination of the Lease, and the storefront repaired, all at Tenant's expense.

XIII. TENANT SIGNAGE

1. Wall signage shall be illuminated pan channel letter signs.
2. Logo typefaces utilizing letter tails as on lower case letters (ascenders and descenders) shall be permitted to extend a maximum of 42" from top and to bottom of lower case letters.
3. Sign length for Anchor Tenants, Icon Tenants and Out-Parcel Tenants shall not exceed seventy percent (70%) of leasehold width or in the event of a sign band end wrap return which is less than lease line, shall be computed at not to exceed seventy percent (70%) of sign band width. Sign placement shall be centered on sign band vertically and horizontally within the extents of the leasehold width.
4. No signs shall be permitted to extend beyond the sign area into the color bands located above and below the sign band, where this condition exists. Signs should be centered in the identified signage area and be equal distant from the top and bottom of the sign band or color bands.
5. No more than two rows of copy are permitted.
6. The maximum sign area is to be computed by the minimum imaginary rectangle or square of vertical and horizontal lines which fully enclose all sign words, copy, or message, and shall not exceed maximum allowed by city codes.
7. The size of the Tenant's signs and letter height will be at the discretion of the Landlord and based on the elevation, sign portal, area, and overall building elevation as well as per the City of Escondido Sign Code.
8. The face colors and type styles of all signs shall be subject to Landlord's approval. In the event the Tenant does not have an established exterior sign identity, the Landlord recommends that the lettering style be designed by the sign contractor to reflect a visually exciting look. Established trade logos and signage shall be permitted providing they conform to the criteria described herein.
9. The Tenant shall pay for all signs, their installation (including final connection, transformers and all other labor and materials) and maintenance. Tenant sign contractor must file, pay for and obtain any licenses, permits and variances as required for sign installation.
10. Logo plaque cabinets used in conjunction with individual letters will be considered a part of the sign, subject to Landlord approval.
11. Pylon signs shall be limited to the Anchor and Icon Tenants.
12. Freeway signs shall be limited to Anchor Tenants.
13. All wall signage and freestanding signs along 9th Ave., West Valley Parkway, and Auto Parkway, except as specifically modified in these sign provisions for Buildings A & H, L, and outparcels shall conform to the General Commercial (CG) standards in terms of size, height, location, and numbers.

XIV. UNDER CANOPY BLADE SIGNS & BRACKETS

Currently Blade signs are not permitted in the center.

STOREFRONT SIGNAGE

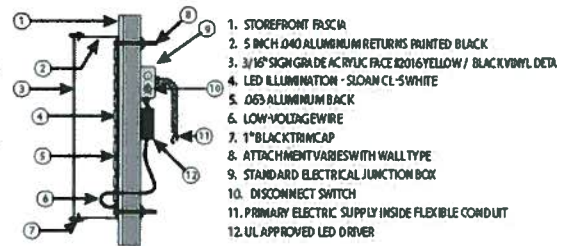
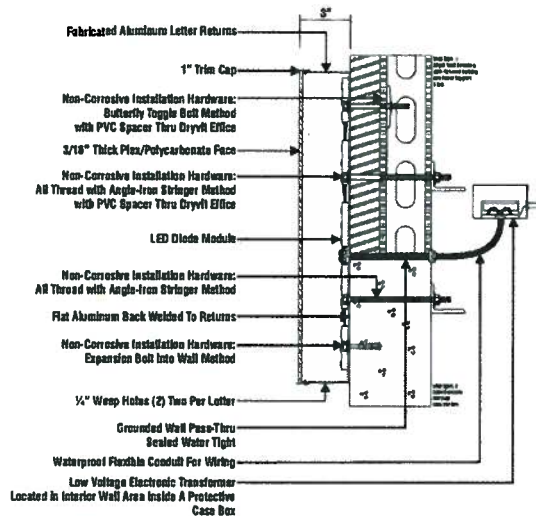
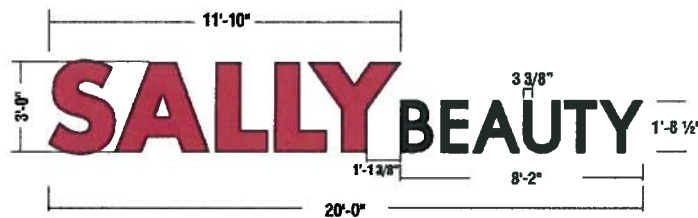
I. IN LINE SHOP TENANTS (up to 9,800 SF)

A. SIGN TYPE: Each shop tenant shall be permitted illuminated pan channel letter signs to be located only on the spaces and on the surfaces specially provided for same on the building elevations. No other illuminated signage is permitted on the exterior of the premises. Logos and graphics may be used in conjunction with individual letters subject to the sign area requirements below.

B. SIGN AREA/HEIGHT: Sign square footage for wall signs only (excluding freeway, major identification, and identification signs) shall be calculated at the rate of one (1) square foot of sign area for each fifty (50) square feet of building area, with a maximum size of one hundred (100) square feet. The maximum height for In Line Shop Tenants is 36". Any graphics associated with the text must fit within the 36" maximum height.

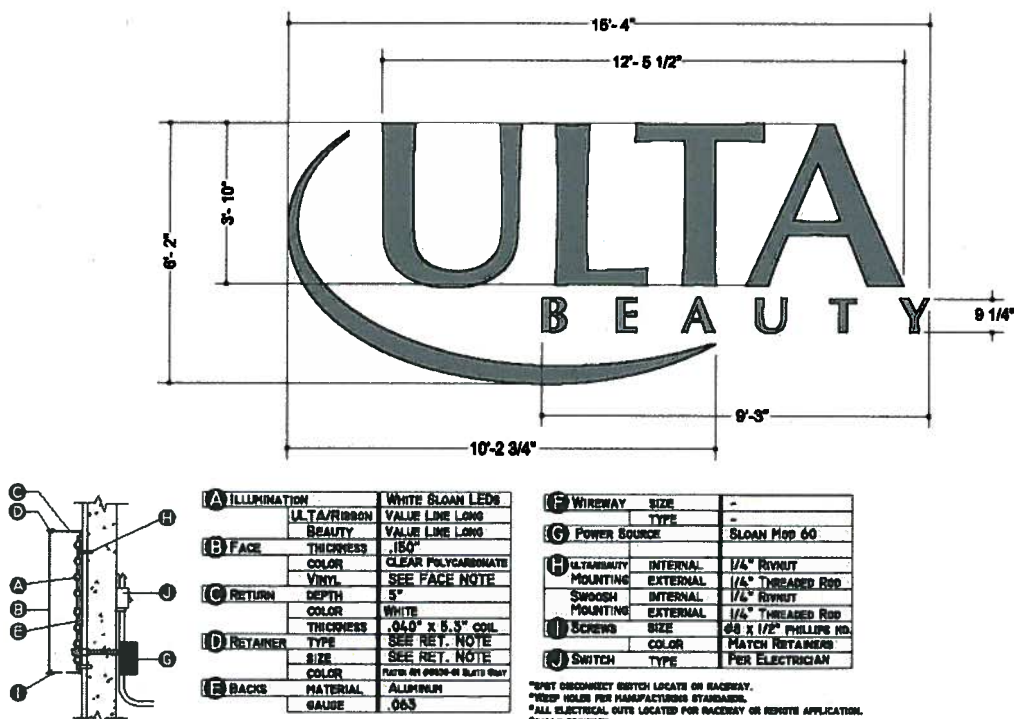
C. SIGN CONTENT: The advertising or information content on the signs shall be limited to letters designating the store name or established trade logo as set forth in signed lease documents between Tenant and Landlord. Tenant shall display their established trade names only, no tag lines are permitted.

D. CANOPY SIGNAGE: Signage may be permitted on fabric canopies or awnings, as determined by the Director of Community Development. Canopy signage shall count towards total allowable wall signage. Any signage must be appropriately scaled for the size of the canopy/awning and building facade. The install of any canopies/awnings and any proposed signage are subject to Landlord and City of Escondido approval.



II. ICON TENANT SIGNAGE (9,801 SF – 29,999 SF)
(excluding outparcel buildings)

- A. SIGN TYPE:** Each Icon Tenant shall be permitted illuminated Pan Channel Letter signs to be located only on the spaces and on the surfaces specially provided for same on the building elevations. No other illuminated signage is permitted on the exterior of the premises. Logos and graphics may be used in conjunction with individual letters subject to the sign area requirements below. Tenants in excess of 20,000 square feet shall be permitted standard logo type signs on all requested elevations subject to Landlord's approval. Maximum individual letter height shall not exceed 4'-0", and shall be located only in the sign areas specifically approved by Landlord.
- B. SIGN AREA/HEIGHT:** Sign square footage for wall signs only shall be calculated at the rate of one (1) square foot of sign area for each fifty (50) square feet of building area with a maximum size of one hundred (100) square feet for any one sign, the total allowable area per business establishment shall not exceed three hundred (300) square feet. The maximum individual letter height for Icon Tenant Signage shall not exceed 4'-0". For two rows of text, the maximum overall signage height shall not exceed 5'-0". Graphics associated with the text may be permitted to exceed the maximum height requirement, subject to Landlord's approval and City of Escondido Design Review. Icon Tenant Signage must be appropriately scaled for the size of the sign area and the building facade where the Tenant is located. Not all Icon Tenant locations and identified sign area may support signage of this size.
- C. SIGN CONTENT:** The advertising or information content on the signs shall be limited to letters designating the store name or established trade logo as set forth in signed lease documents between Tenant and Landlord. Tenant shall display their established trade names only, no tag lines are permitted.
- D. CANOPY SIGNAGE:** Signage may be permitted on fabric canopies or awnings, as determined by the Director of Community Development. Canopy signage shall count towards total allowable wall signage. Any signage must be appropriately scaled for the size of the canopy/awning and building facade. Canopies/awnings and any proposed signage are subject to Landlord and City of Escondido approval.



III. ANCHOR TENANT SIGNAGE (30,000 SF +)

Anchor Tenants of 30,000 + square feet within the Shopping Center shall be permitted additional exterior signage as approved by the Landlord and City of Escondido, and as permitted by the approved Master & Precise Development Plans (as specified in Section B).

- A. SIGN TYPE:** Anchor Tenants shall be permitted standard logo type signs on all requested elevations subject to Landlord's approval. Maximum letter height shall not exceed 4'-0", except as noted in Section 'B', and shall be located only in the sign areas specifically approved by Landlord. In no event shall any Tenant be permitted exterior building signage in excess of 300 square feet, and 100 square feet for any one sign, with the exception of Target and the Anchor Tenants located in Building L & H. Target and Anchor Tenants may be permitted logos in excess of the maximum allowable sign area as noted in Section 'B' and subject to Landlord and the City of Escondido approval. Total square footage of the allowable sign area for Anchor Tenants may be increased by up to 10% subject to Landlord approval and City of Escondido design review.

B. SIGN AREA/HEIGHT:

Prior Anchor Tenant Approvals:

- a.** Building A: Target – Allowed up to 471 SF of sign area. Current approved signage includes: a 12'-0" and 6'-0" high logo. 24", 32", and 5'-0" high letter sets for a total of 453.7 SF.
- b.** Building H: Toys R Us – Allowed up to 300 SF of sign area. Current approved Signage is 4'-0" high with a 6'-0" high logo ("R").
- c.** Building L: Dick's Sporting Goods – Allowed up to 324 SF of sign area with 6'-0" high letters.
- d.** Building L: Ross – Allowed up to 300 SF of sign area with maximum 4'-0" high letters.

2017 Proposed Changes to Prior Anchor Tenant Approvals:

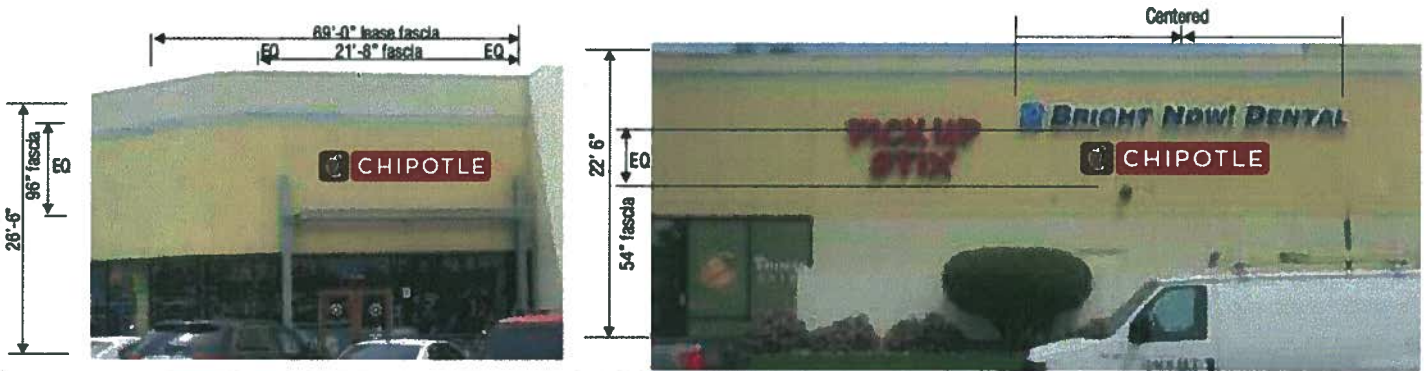
- a.** Target, located in Building A, may be permitted a bullseye logo that extends above the roof line, subject to City of Escondido Design Review and Landlord approval. Such logo shall be a maximum of 16'-0" high and extend no more than 2'-0" above the roof line.

- C. SIGN LENGTH:** Sign length for Anchor Tenants, Icon Tenants and Out-Parcel Tenants shall not exceed seventy percent (70%) of leasehold width or in the event of a sign band end wrap return which is less than lease line, shall be computed at not to exceed seventy percent (70%) of sign band width. Sign area shall be centered on fascia vertically and horizontally.
- D. SIGN CONTENT:** The advertising or information content on the signs shall be limited to letters designating the store name or established trade logo as set forth in signed lease documents between Tenant and Landlord. Tenant shall display their established trade names only, no tag lines are permitted.
- E. CANOPY SIGNAGE:** Signage may be permitted on fabric canopies or awnings, as determined by the Director of Community Development. Canopy signage shall count towards total allowable wall signage. Any signage must be appropriately scaled for the size of the canopy and building facade. Canopies/awnings and any proposed signage are subject to Landlord and City of Escondido approval.

IV. OUTPARCEL BUILDING SIGNAGE

Tenants that are located in an outparcel building located along Valley Parkway and Auto Parkway shall be permitted exterior signage as approved by the Landlord and the City of Escondido.

- A. SIGN TYPE:** Each Icon Tenant shall be permitted illuminated Pan Channel Letter signs to be located only on the spaces and on the surfaces specially provided for same on the building elevations. No other illuminated signage is permitted on the exterior of the Premises. Logos may be used in conjunction with individual letters subject to the sign area requirements below.
- B. SIGN AREA/HEIGHT:** Sign square footage for wall signs only (excluding freeway, major identification, and identification signs) shall be calculated at the rate of one (1) square foot of sign area for each twenty-five (25) square feet of building area with a maximum size for any one sign of one hundred (100) square feet. Maximum letter height shall not exceed 36". Tenants may be permitted secondary signage on either the rear or side of their Premises, with Landlord's approval. The total aggregate area of all wall signs shall not exceed three hundred (300) square feet. Graphics and logos associated with the text may be permitted to exceed the maximum letter height requirement, subject to Landlord's and City approval, and in accordance with the City's Sign Ordinance (Article 66).
- C. SIGN CONTENT:** The advertising or information content on the signs shall be limited to letters designating the store name or established trade logo as set forth in signed lease documents between Tenant and Landlord. Tenant shall display their established trade names only, no tag lines are permitted.
- D. CANOPY SIGNAGE:** Signage may be permitted on fabric canopies or awnings, as determined by the Director of Community Development. Canopy signage shall count towards total allowable wall signage. Any signage must be appropriately scaled for the size of the canopy and building facade. Canopies and any proposed signage are subject to Landlord approval. Canopies and any proposed signage are subject to Landlord and City of Escondido approval.



SERVICE DELIVERY & ADDRESS IDENTIFICATION SIGNAGE

ADDRESS NUMERALS

Individual shop address numerals will be installed by the Landlord and will be uniform in appearance.

PROPERTY SIGNAGE

I. Parking Lot

Parking lot directional signage, if any, shall be determined by Landlord, and subject to City of Escondido Sign Ordinance.

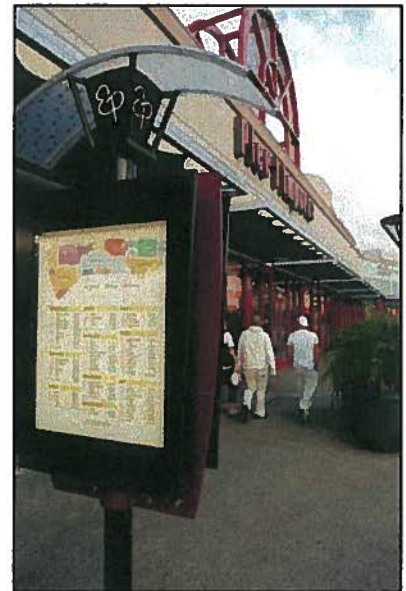
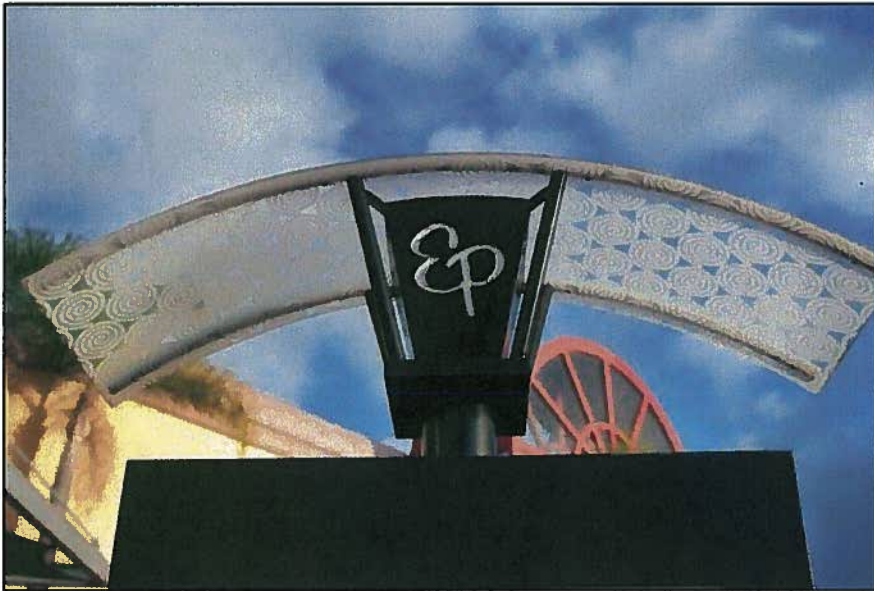
II. Additional Freestanding Signs

Menu board signs associated with drive-through businesses are subject to Landlord approval and the City of Escondido Sign Ordinance.

III. Additional Wayfinding/Directional Signs

Limited wayfinding and/or freestanding building location kiosks shall be allowed as indicated below, subject to approval by the landlord. They shall be unobtrusive in size (single or double sided, and generally no larger than 12 SF including the case). The signs shall be located interior to the project in close proximity to the shop buildings. The signs shall not obstruct the required ADA path of travel, loading area, building entries, handicap parking or fire hydrants or access to utilities.

See example below



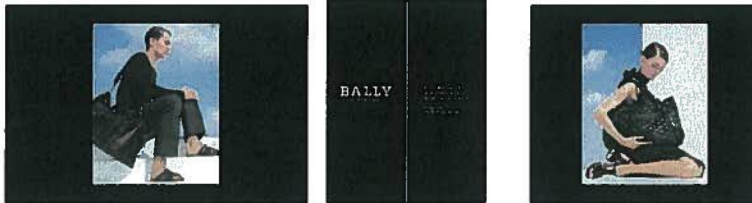
CONSTRUCTION STOREFRONT & BARRICADING SIGNAGE

I. Construction Barricade Signage

Barricades must be erected if there is any construction that goes beyond or on the front wall of Tenant space. These barricades must be wrapped with Tenants graphic prior to Tenant beginning construction. Tenant contractor must maintain a safe environment for customers and employees during construction period. All work areas must be inaccessible or blocked off from customer/employee flow. Placement and design must be approved in writing by Landlord **PRIOR** to installation of barricade.

Barricades consist of up to 10' high x 4' wide PVC (2mm thick) Number of panels allowed depends on length of barricade. Graphics shall wrap entire barricade panels with lettering which may include Tenant name, logo, opening soon and/or opening date and life style graphics. Landlord Barricade Company is required.

Tenants must submit their signage/graphic barricade designs to Tenant Manager for review/approval.



II. Store Front Signage for Construction Graphics

During construction, a tenant must take advantage of their glass storefront to announce their opening, present their brand image, and block all in-suite construction from shoppers.

No "glass masking" is permitted. The program must be approved by Landlord and applied to the inside of your storefront. All construction graphics must be removed upon business operation.

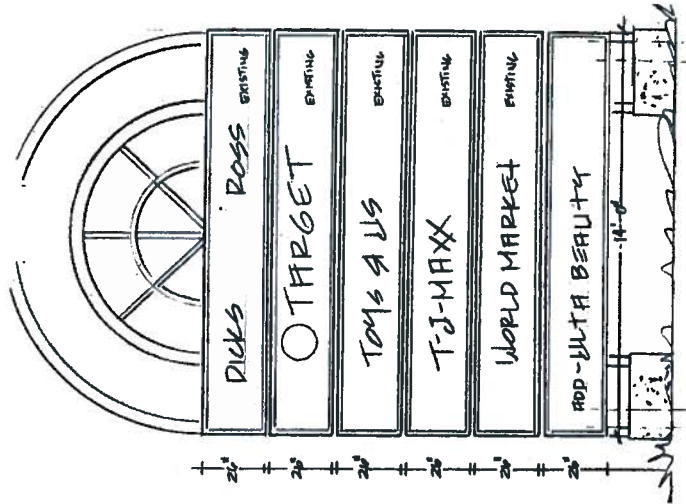
See examples below:





EXISTING PYLON #1

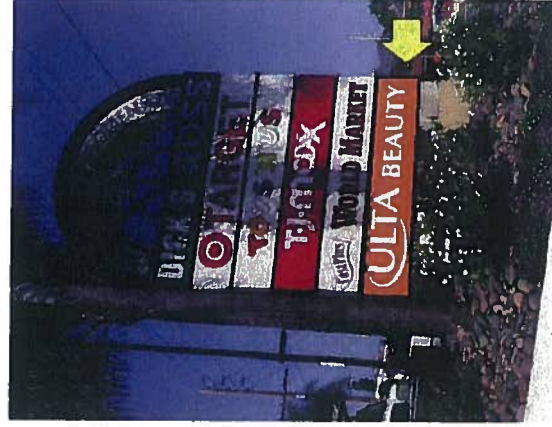
(5) 26" X 14'-0" PANELS = 151.6 SF
 ESCONDIDO PROMENADE SIGN APPROX. 18 SF
 TOTAL EXISTING SF = 169.6 SF



PROPOSED PYLON #1

(6) 26" X 14'-0" PANELS = 182 SF

ESCONDIDO PROMENADE SIGN APPROX. 18 SF
 TOTAL PROPOSED SIGNAGE = 200 SF



PROPOSED PYLON #1

(6) 26" X 14'-0" PANELS = 182 SF

ESCONDIDO PROMENADE SIGN APPROX. 18 SF
 TOTAL PROPOSED SIGNAGE = 200 SF

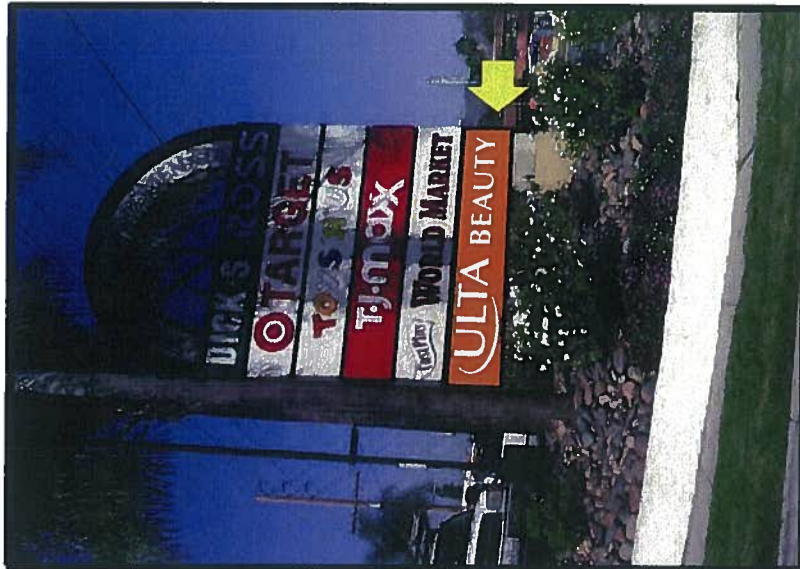
ESCONDIDO PROMENADE

PYLON #1
 MAXIMUM ALLOWABLE AREA = 200 SF



Site Identification

Open panel does not currently exist



D / F P Y L O N S I G N N O . 1



23013 KIEFER & CO., INC.
105 Broad Street, Westborough, MA 01581
PHONE: (847) 329-1253 FAX: (847) 329-1643
www.kieferandco.com

CUSTOMER: ULTA Sign No.
LOCATION: Foxborough, MA
SALES/STATE: LC
DESIGNER: MAK
DATE: 10/20/15

☒ Artwork
☒ Design
☒ Survey
All items checked in Color Order



COMPARISON FILES

PRODUCTION PROCESSING
Kiefer Item #
Job #
-001
-002
-003
-004

INITIALS: DATE: MAK 8/16/16
Revised face layout

General Specifications:

TENANT FACES:
Provide New Tenant faces w/ logo type graphics as shown - SEE COLOR SCHEDULE.
Survey required.

Color Schedule:

☒ 3M #V14-3630-3317 Orange Pop Background

☐ Translucent White Logo type

FACE LAYOUT

(2) Faces Required

N. T. S.

Landlord Signature: _____

Printed Name: _____

Company: _____

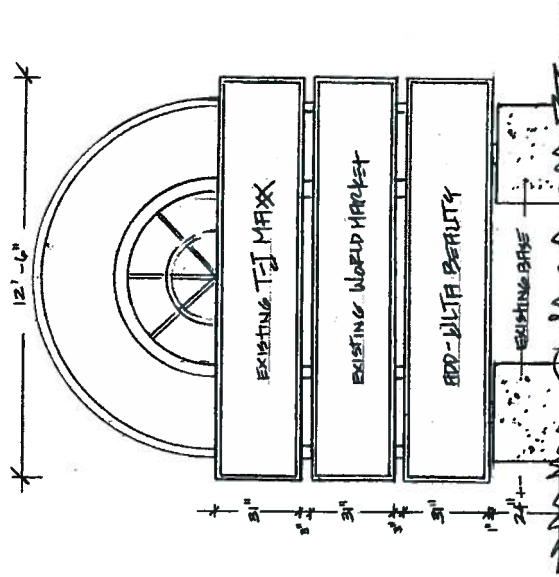
Date: _____

B69864B



EXISTING PYLON #3

(2) 31" X 12'-6" PANELS = 64.5 SF
 ESCONDIDO PROMENADE SIGN APPROX. 18 SF
 TOTAL EXISTING SF = 82.5 SF



PROPOSED PYLON #3

(3) 31" X 12'-6" PANELS = 96.8 SF
 ESCONDIDO PROMENADE SIGN APPROX. 18 SF
 TOTAL PROPOSED SIGNAGE = 114.8 SF
 IN EXCESS OF MAX. ALLOWABLE AREA BY 14.8 SF

ESCONDIDO PROMENADE



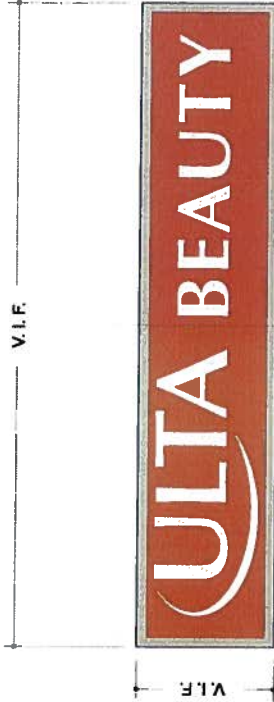
PYLON #3

MAXIMUM ALLOWABLE AREA = 100 SF

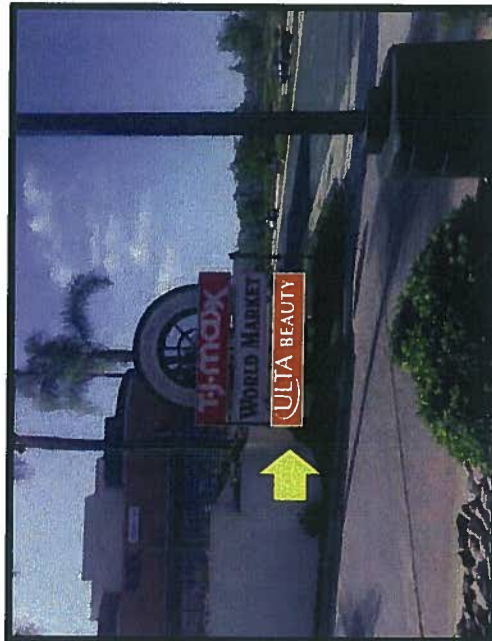
1266 Auto Parkway
 Escondido, CA 92029



Site Identification



Open panel does not currently exist.



D / F MONUMENT SIGN NO. 3

FACE LAYOUT

(2) Faces Required

N. T. S.

General Specifications:

TENANT FACES:
Provide New Tenant faces w/ logotype graphics as shown - SEE COLOR
SCHEDULE.
Survey required.

Color Schedule:

3M #V4-3630-3317 Orange Pop Background

Translucent White Logotype

Landlord Signature: _____

Printed Name: _____

Company: _____

Date: _____



2021 KIEFFER & CO., INC.
900 West Street - Birmingham, AL 35203
PHONE: (205) 925-1225 FAX: (205) 925-1940
www.kiefferusa.com

CUSTOMER: ULTA Start No.
LOCATION: FARMERS, CA
SALESMAN: JC
DESIGNER: MAK
DATE: 10/20/15

☒ Network
☒ Design
☒ Survey
All items checked in Color Order



COMPASSION FUEL

PRODUCTION PROCESSING

Exhibit Item #

Job #

-001

-002

-003

-004

INITIALS: DATE:

MAK 8/18/18

Revised face layout

REVISION:

A

B

C

D

E

F

G

H

I

J

K

L

M

N

O

P

Q

R

S

T

U

V

W

X

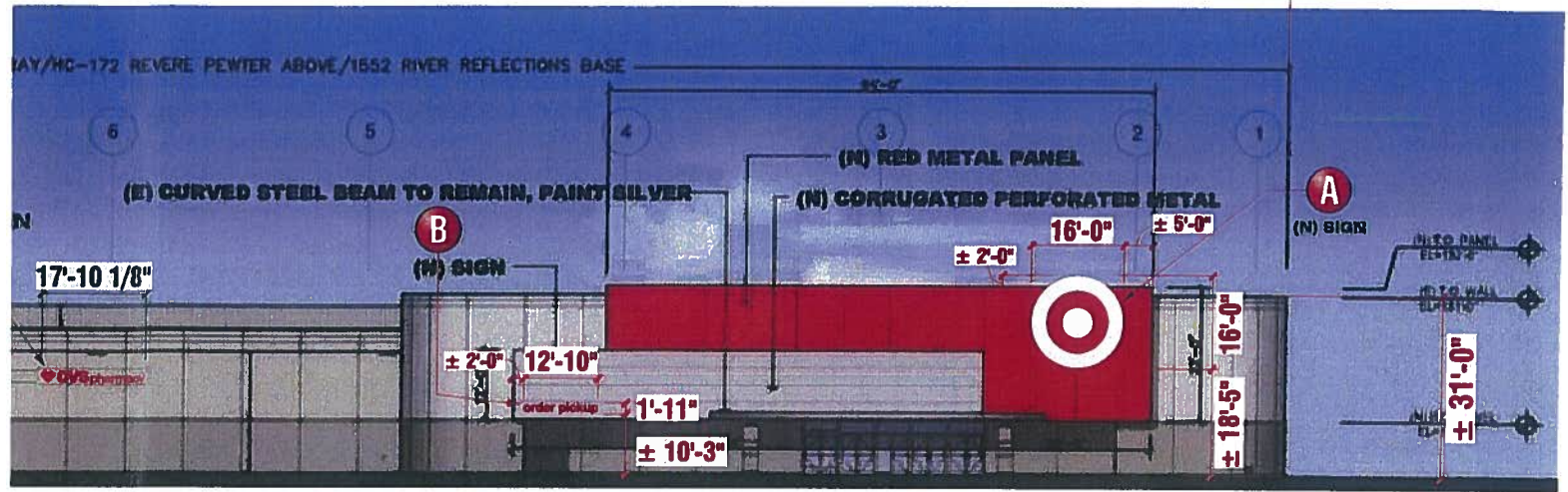
Y

Z

B69864A

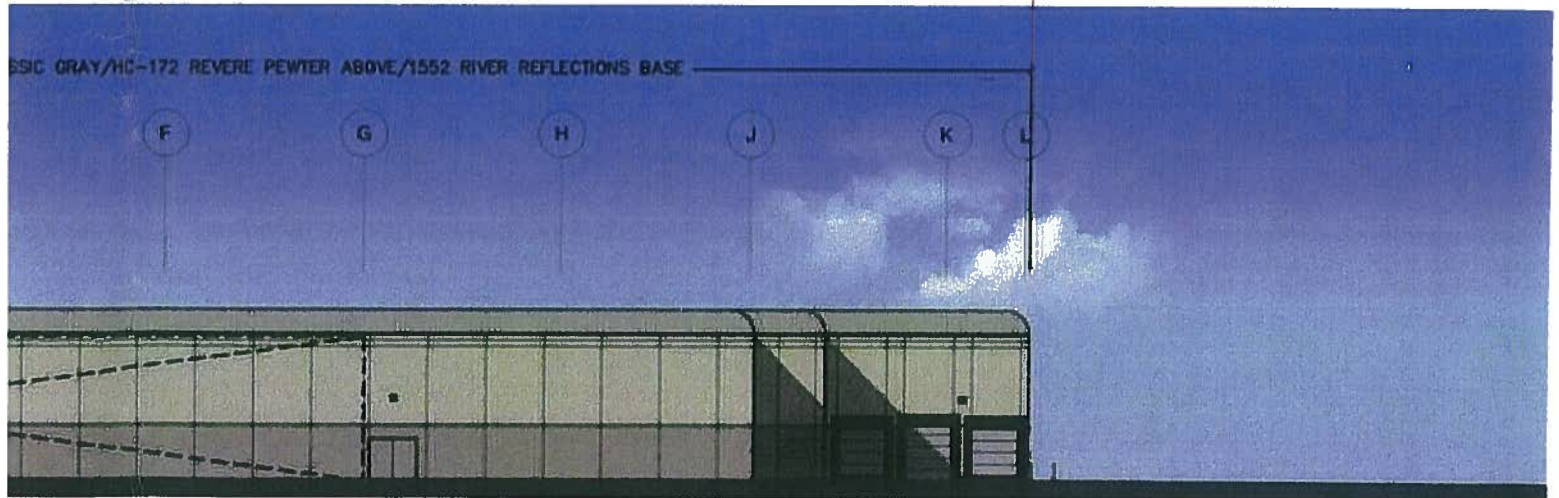
Concept Plan for facade remodel and Target Bullseye Logo (16')

± 422'-1"



Target Entry (West Elevation-Store Front)

± 313'-0"



in layout to pg 3 & deleted prev. pg 8.
note on pg 7, pg 10 now has E,F,G,H exst'g

pl.

Refer To Product Samples For Exact Color Match.

Account Rep: **BOYD HIPPENSTIEL**
Project Manager: **SANDRA RAMIREZ**
Drawn By: **ROBERTO MIJARES/JK**

UL Underwriters Laboratories Inc. **ETC** ELECTRICAL TO USE U.L. LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS
ALL ELECTRICAL SIGNS ARE TO COMPLY WITH U.L. 49 AND ARTICLE 600 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER GROUNDING AND BONDING OF ALL SIGNS.

Project / Location:



Store Number: T0274
1280 AUTO PARK WAY
ESCONDIDO, CA 92025

33

Job Number: **23-38760-10**
Date: **08-03-16**
Sheet Number: **4** Of **10**
Design Number: **23-38760-10 R1c**

This original is provided as planned and is not to be copied or reproduced without the permission of Federal Heat Company, LLC authorized agent.

PLANNING COMMISSION

Agenda Item No.: H.2
Date: February 14, 2017

CASE NUMBER: AZ 16-0010
APPLICANT: City of Escondido
LOCATION: Citywide
TYPE OF PROJECT: Zoning Code Amendment

PROJECT DESCRIPTION: An amendment to Article 19 of the Escondido Zoning Code (EZC) to streamline 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. The amendment would also re-organize the code sections, remove redundant text and update references. The proposal includes the adoption of the environmental determination prepared for the project. 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. Since its inception, the City has made progress in implementing key elements of the program. The YES Program demonstrates the City's intent to create a conducive and enticing environment for private sector investment in the community. Ultimately, the YES Program seeks 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 City Council's 2015-2016 Action Plan for Economic Development adopted a strategy to implement the Yes Program. 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. Some city standards, policies and practices have already been updated since the adoption of the Action Plan, including a revision to CEQA thresholds, outsourcing production of draft CEQA documents, adoption of Rural Road Standards and adding staff discretion to reduce commercial parking standards. In September/October 2016, Phase 1 code amendments were approved to update several planning processes and conditionally permitted land uses, primarily focusing on practices where the value added by the Planning Commission or City Council review process was negligible and resulted in unnecessary additional time and expense to project applicants. In most cases, review authority was lowered to the Community Development Director or staff level (administrative review) to advance the goal of project streamlining. Generally, the items involved requests/applications for uses that already had established development standards.

This proposed Phase 2 amendment focuses on the Planned Development (PD) process. The Planned Development process implements the PD zoning district and may be applied to commercial, industrial, residential or mixed-use projects. It is intended to provide a more flexible regulatory procedure by which the basic public purposes of the General Plan and Zoning Code may be accomplished by encouraging comprehensive site planning and building design through creative approaches to the use of land in the siting of buildings and the appropriate mixing of several land uses, activities and dwelling types. A planned development approach can also be utilized to enhance the appearance and livability of the community through creative approaches to the use of land and the design of facilities; to promote public and private open space as an integral part of land development design; to encourage private development of older areas of the city; and for the enhancement and preservation of property with unique features.

Proposed changes include a complete re-organization of Article 19 and elimination of the Preliminary Development Plan component of the PD process. Very few PD applications have started with the submittal of a Preliminary Plan, wherein the developer identified the proposed project site, general areas (bubble diagram) devoted to different uses, rudimentary circulation, proposed residential density and/or intensity of non-residential uses. Applicants prefer to combine a Preliminary Plan with the Master Development Plan submittal. Elimination of the Preliminary Plan streamlines the application process and results in a cost savings to the project applicant.

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 amendment to the Zoning Code would increase efficiencies and streamline existing Planned Development review processes by eliminating the Preliminary Plan stage where the value of the process has not been recognized by the development community and has rarely been requested as a stand-alone submittal by an applicant.
3. The elimination of the requirement for a Preliminary Plan would also eliminate the required application fee and thereby reduce the total Planning application fees required to process a planned development project.
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.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Rozanne Cherry". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

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 “B” for the proposed text of Article 19.

The current text of Article 19 follows the Analysis section.

Planned Development- – Article 19

Eliminating the Preliminary Development Plan Stage - Currently the entitlement process for a planned development project consists of three (3) stages; 1) Preliminary Development Plan; 2) Master Development Plan; and 3) Precise Development Plan. The three stages may be submitted separately at different times, or concurrently in one or two applications. The purpose of the Preliminary Development Plan is to submit a generalized plan to the Planning Commission for approval in principle, at a public hearing, of the proposed development concept and layout; to inform the commission of the general nature, dimensions and impact of the proposed development; to allow the commission to indicate such modifications as may be necessary for final approval and to so inform the applicant before he/she has made extensive expenditures on more detailed studies and plans. A Preliminary Development Plan may be processed concurrently with a Change of Zone which establishes the type and intensity/density of the proposed land use. There is some risk in changing the zoning at this stage prior to having a clear understanding of the design, proposed development standards and architectural concepts. In place of the preliminary plan process, developers have the opportunity to schedule a no-fee pre-application meeting with staff from various departments to review the development concept and receive instant feedback on the proposed design. The Planning Commission could become involved early in the process if staff determined that an unusual request should be elevated to the commission for comments before the applicant expended effort on the Master Development Plan.

There have only been a few instances where a separate Preliminary Plan was submitted early in the development of the developer's project concept. Typically, developers meet with city staff in a no-fee Pre-Application Meeting(s) prior to any submittal to discuss project concepts, including the information that would be required by a Preliminary Plan submittal. Generally, developers make adjustments to the project based on the discussion at the pre-application meeting and submit a combined application for Preliminary and Master Development Plans and a Change of Zone as the first stage. Application fees for each request are required (combined applications are eligible for reduced city fees). The Master Development Plan is a specific request for a proposed project with more fully developed plans for site layout, grading, circulation, the location and density/intensity of proposed land uses, and any proposed modified development standards such as setbacks, parking, signage, etc. With the discussion at a pre-application meeting and the level of detail provided in a Master Plan, the Preliminary Plan is obsolete and not needed. The Master Development Plan is typically processed concurrently with a Change of Zone, both of which require public hearings at Planning Commission and City Council.

The final stage of planned development approval is the Precise Development Plan. No changes to the Precise Development Plan review are proposed. One or several incremental Precise Development Plans may be submitted and each requires Planning Commission approval as a current business item. A Precise Plan can be a stand-alone application or reviewed concurrently with the Master Development Plan as part of a combined application.

Review Authorities for Modifications – The Modifications Section 33-411 would be clarified to indicate that the Planning Commission may approve modifications to an approved Master Development Plan at a public hearing when the changes are consistent with the purpose of the Master Plan and do not affect the boundaries of the subject zone, do not increase the established densities or land uses, or the location and amount of land devoted to specific land uses. Proposed Master Plan changes that exceed these limitations would require a hearing at both Planning Commission and City Council.

The modification section would also be expanded to identify the Zoning Administrator, currently designated as the Director of Community Development, as the authority to approve without a hearing, proposed changes to a Precise Development Plan that are consistent with the purpose, character and established development standards of the Master Plan. Currently, modifications of a Precise Plan are reviewed by the Planning Commission as a current business item. The proposed change would streamline the review of Precise Plan modifications since the Zoning Administrator would schedule meetings on an as-needed basis, saving time for the applicant.

Re-organizing Article 19 - This amendment proposes to re-organize the sections related to general standards and policies for site layout, land uses, density, open space, etc. and the required findings to locate them in the beginning of the article. The review processes, modifications, appeals and expiration information follows at the end of the article. Changes include combining several related sections into one section with multiple sub-sections, and deleting information that is covered under other sections of the zoning code or in the application packet. References will also be updated.

Staff Recommendation – Approval. By eliminating the Preliminary Development Plan requirement, the planned development review process would be streamlined and would reflect the process currently favored by the development community. In addition, the total Planning application fees would be reduced and, in some cases, a public hearing would be eliminated. Authorizing the Planning Commission to approve Master Plan modifications and the Zoning Administrator to approve Precise Plan modifications would simplify the process and provide flexibility in the review that would save time for both the applicant and staff. Reorganizing Article 19 as proposed would make it more “reader friendly” and eliminate extraneous information.

CURRENT TEXT- Quality Code Data 6-7-16

(See Exhibit "B" for Proposed Text)

ARTICLE 19. PLANNED DEVELOPMENT (P-D) ZONE

Sec. 33-400. Purpose.

The purposes of the planned development (P-D) zone include the following:

(a) To encourage the planned development of parcels sufficiently large as to permit comprehensive site planning and building design; to provide a more flexible regulatory procedure by which the basic public purposes of the Escondido general plan and the Escondido zoning code may be accomplished; to encourage creative approaches to the use of land through variation in siting of buildings and the appropriate mixing of several land uses, activities and dwelling types, including transitional housing facilities; to enhance the appearance and livability of the community through encouragement of creative approaches to the use of land and the design of facilities; to promote and create public and private open space as an integral part of land development design; to reduce, when appropriate, the amounts of public and private improvements available in the City of Escondido; to encourage private development of older areas of the city and for the enhancement and preservation of property with unique features, such as property having historical significance, unusual topography and/or landscape features.

(b) These purposes are to be ensured through the preparation and submission of comprehensive development plans showing proper site layout, design character and integration with the surroundings; and through the planning commission's careful review of said plans. (Zoning Code, Ch. 104, § 1044.1; Ord. No. 91-17, § 1, 4-17-91; Ord. No. 92-15, § 10, 3-25-92)

Sec. 33-401. General requirements for zoning to planned development zone.

For purposes of this article, a planned development (P-D) zone may be established by the city council either at its own initiative or upon application of the owner of the property which would be included in the zone. (Zoning Code, Ch. 104, § 1044.2)

Sec. 33-402. Provisions supplementary to subdivision ordinance.

All of the provisions of this zone are supplementary to the Escondido subdivision ordinance. Any subdivision maps contemplated for the same property or for portions thereof shall be processed concurrently with development plans as specified under this article. (Zoning Code, Ch. 104, § 1044.3)

Sec. 33-403. General provisions and standards for planned development.

The following provisions shall apply in a planned development zone together with all other applicable provisions of the Escondido zoning and subdivision codes. Where conflict in a regulation occurs, the regulations specified in this zone or in a development plan approved pursuant to the requirements of this article shall apply.

(a) Planned development zones may be established on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes of this article.

(b) The purposes of this zone may be accomplished only on satisfactory demonstration that the proposed development is in conformity with the Escondido general plan and any element thereof, and in accordance with specific plans or policies adopted or in the process of being prepared and adopted by the city council. Correspondingly, the planning commission and city council, shall find that the proposed planned development conforms to such plans and policies. Policies relative to compliance with the general location, amounts and densities of such uses as set forth in the Escondido general plan; or in specific plans adopted by the City of Escondido.

Planned developments may, under these circumstances, combine a variety of land uses. Mixed uses may include any skillful combination of the range of residential, commercial, industrial and agricultural uses, and may occur among or within buildings as long as the uses are compatible with each other and with existing and potential uses surrounding the zone.

(c) Except in the case of a planned development zone initiated by the city, before detailed studies of any development plan shall be undertaken by the planning commission, there shall be on file with the city, the written consent of all property owners in the proposed district that such detailed studies be made.

(d) Except in the case of a planned development zone initiated by the city, no ordinance establishing a planned development zone shall be enacted unless and until there is on file with the city written consent of every property owner within such zone at the time of adoption of the ordinance agreeing that said owners shall be bound by the conditions and regulations proposed and which will be effective within the zone.

(e) Standards for area, coverage, light and air orientation, building height, sign placement and design, site planning, street furniture placement and design, yard requirements, open spaces, off-street parking and screening for planned development uses, shall be governed by standards which the planning commission shall adopt by resolution from time to time. The planning commission shall, upon adopting such standards in the first instance, be guided by those standards and requirements of the residential, commercial, industrial or other zoning district(s) most similar in nature and function to the proposed planned development use(s), and shall also be guided by the standards of development under this chapter and the general provisions of this chapter.

(f) Since the provisions of public and private open space as an integral part of land development planning and design is a required requisite of planned development zoning, the planning commission shall recommend to the city council and the city council shall adopt principles and standards for the provision, improvement and maintenance of required open space; and may require higher standards of open space for residential portions of a planned development than are required elsewhere in this division for residential uses.

(g) All electrical land telephone facilities, fire alarm conduits, street light wiring and other wiring, conduits or facilities shall be placed underground by the developer. Electric and telephone facilities shall be installed in accordance with standard specifications of the serving utilities.

(h) Standards for public improvements shall be governed by applicable ordinances and laws of the city.

(i) Subject to review and approval by the director, super-graphic wall signs for purposes of displaying large graphic images may be permitted pursuant to section 33-1395.11.

Exceptions to standards of this article or to standards adopted by the planning commission or city council shall be granted by the planning commission and city council only in cases where these bodies find that such exceptions encourage a more desirable environment, are warranted in order to foster the establishment of a comprehensively planned and designed development or unit thereof, and are consistent with the purposes of section 33-400 of this article. (Zoning Code, Ch. 104, § 1044.4; Ord. No. 98-25, § 2, 12-9-98; Ord. No. 2011-19R, § 5, 1-11-12)

Sec. 33-404. Residential density policy.

Prior to or during the process of reviewing and acting upon the preliminary development plan, the planning commission shall determine the allowable residential density for the proposed development and shall be guided by the following:

(a) All planned developments in which residential uses are proposed shall be governed by the residential density set forth in the Escondido general plan, or in any adopted specific plans, or in official city plans and policies in process of preparation and adoption;

(b) Dwelling unit density. For planned developments in which residential uses are proposed on lots or parcels of land in the R-3 and R-4 zones, area plans, and in specific plan areas with a maximum specified multifamily residential density, no planned development shall be improved or developed at a density below seventy (70) percent of the maximum

permitted density of the underlying multifamily zone, area plan or specific plan multifamily designation; exceptions to the minimum density requirement may be granted in writing as part of the preliminary development plan required by section 33-406 provided the development will not preclude the city from meeting its housing needs as described in the Housing Element of the Escondido General Plan. Minimum density requirements shall not apply to property owners seeking to enhance or enlarge existing dwelling units or construct other accessory structures on a site.

(c) Residential planned developments may, and are encouraged to, depart from standard subdivision and housing design by providing a variety of lot sizes and housing types, provided that the overall residential density yield conforms with the city policy as determined in subsection (a) of this section, and provided residential amenities are provided in amounts and locations conducive to the establishment of a quality residential environment and/or residential environments of special social importance to the city. (Zoning Code, Ch. 104, § 1044.5; Ord. No. 2007-19, § 4, 9-19-07)

Sec. 33-405. Application procedure.

(a) Application for planned development zoning may be made on a form provided by, and shall be submitted in two (2) copies to, the Escondido planning commission. Submission of plans shall be accomplished in two (2) stages: the first stage shall be the submission of a preliminary development plan and the second shall be the submission of a master development plan.

(b) The purpose of the preliminary development plan is to submit a generalized plan to the planning commission for an approval, in principle of the proposed development concept and layout; to inform the commission of the general nature, dimensions and impact of the proposed development; to allow the commission to indicate such modifications as may be necessary for final approval and to so inform the applicant before he or she shall have made any extensive expenditures on more detailed studies and plans. (Zoning Code, Ch. 104, § 1044.6)

Sec. 33-406. Preliminary development plan approval.

Approval, in principle, of the preliminary development plan shall be limited to the general concept, and to the general acceptability and intensity of land uses proposed and their interrelationship, and shall not be construed to endorse precise location of uses, configuration of parcels or engineering feasibility. Ten (10) copies of a preliminary development plan and typewritten report shall be submitted to the planning department and shall include the following information presented in a general schematic fashion:

(a) A preliminary development plan of the entire proposed development showing: Land uses, densities, traffic circulation, streets, private roadways, pedestrian circulation; estimated population, reservations and dedications for public uses, including schools, parks, playgrounds and open spaces; major landscaping features. All elements listed in this subsection shall be characterized as existing or proposed, including topography, and shall be shown only in such detail as is necessary to indicate clearly the intent and impact of the development.

(b) A tabulation of the land area to be devoted to various uses, including open spaces, and a calculation of the overall density and the average densities per net residential acre of the various residential areas proposed.

(c) A stage development schedule showing the various units of development through completion and indicating that the developer intends to commence construction on the first development unit within one (1) year from the date of granting of the planned development zoning.

(d) A statement describing the existing topography, soil conditions and drainage within the proposed development.

(e) A statement proposing the method of maintaining and perpetuating common open areas and facilities.

(f) A description of the proposed grading program.

(g) Identification of proposed future ownership and maintenance of streets, driveways, sidewalks, pedestrian ways and open space areas.

(h) If required by the planning commission, a market analysis for commercial uses demonstrating the need for such commercial uses within the zone in the types, amounts and locations proposed. (Zoning Code, Ch. 104, § 1044.7)

Sec. 33-407. Preliminary planning commission action.

Upon application for approval of a preliminary development plan and within sixty (60) days after filing of the application, the commission shall review the application and the accompanying preliminary development plan. If the commission finds that the proposal does not meet all applicable criteria and standards, it shall deny the application, giving its reasons therefor. The commission may at its discretion refer said plan to the city council for its review and comments, and the city council may so instruct the commission to do so if it wishes to make its views known during the preliminary planning process. Approval or denial shall become effective ten (10) days after a decision is rendered unless an appeal is taken to the city council by the applicant or any other interested party, in accordance with Division 6 of Article LXI of this chapter. (Zoning Code, Ch. 104, § 1044.8)

Sec. 33-408. Submission of final master development plan.

After the approval of the preliminary development plan by the Escondido planning commission, the applicant shall submit ten (10) copies of the master development plan, including maps and a written report, conforming in all major respects with the approved preliminary development plan. The final map shall include all elements included in the preliminary development plan, plus the following:

- (a) Survey of the property showing existing features including trees, structures, streets, easements, utility lines, land uses, existing zoning and existing ownerships. Said information also to be provided for the surrounding area within three hundred (300) feet of the proposed development at the discretion of the planning commission;
- (b) Master plans for street improvements, water, sewerage, flood control, drainage facilities and public utilities;
- (c) Topo map showing areas of major grading;
- (d) Tabulation of land uses;
- (e) Tabulation of number of dwelling units by type for each increment of the total master development plan and the estimated population per increment;
- (f) Proposed standards for height, open space, building intensity and public improvements;
- (g) Engineering and economic feasibility studies as necessary;
- (h) Copies of legal documents required by the planning commission for dedication or reservation for groups or private open space, or for the creation of nonprofit homes associations, or assessment districts for open space maintenance. (Zoning Code, Ch. 104, § 1044.9)

Sec. 33-409. Staff development committee report.

Upon receipt of the master development plan by the planning commission, the commission shall forward such development plan to the city engineer and other affected city departments and public agencies for review and approval of public improvements including streets, sewers and drainage, fire protection and public utilities. A meeting of the staff development committee shall be called within fifteen (15) days of receipt of the master development plan to review the proposals contained therein. The planning commission shall not act finally on an application until it has first received a report from the staff development committee which shall be returned to the planning commission within ten (10) days. (Zoning Code, Ch. 104, § 1044.10)

Sec. 33-410. Final planning commission action.

Upon receipt of the master development plan, the commission shall, after notice, hold a public hearing in the manner provided in this chapter. After such hearing, and after examining the plan for conformity to the preliminary development plan and all applicable criteria and standards, the commission may recommend to the city council approval or denial or may recommend approval subject to specified modifications and conditions. The planning commission may act upon a

precise development plan for the first increment concurrently with action on the master development plan, subject to the provisions of this article for approval of a precise development plan. (Zoning Code, Ch. 104, § 1044.11)

Sec. 33-411. Approval criteria.

Before recommending approval, the planning commission shall find that the proposed development conforms to the following criteria and to such other criteria and specific plan requirements as may be applicable within the area in which the proposed development is located:

(a) The location and design of the proposed development shall be consistent with the goals and policies of the Escondido general plan and with any other applicable official plan or policies adopted by the Escondido city council, or in the process of being prepared and adopted;

(b) The proposed location shall allow the development to be well integrated with its surroundings;

(c) All vehicular traffic generated by the development is to be accommodated safely and without causing undue congestion upon adjoining streets;

(d) The proposed location and design shall allow residents and business establishments to be adequately serviced by existing or proposed public facilities and services. In appropriate circumstances, and as provided elsewhere by city code, the planning commission may require that suitable areas for schools, parks and playgrounds, pedestrian-ways or public open spaces shall be dedicated for public use, or reserved by deed covenant for the common use of all residents, establishments or operation in the development;

(e) The overall design of the proposed planned development shall produce an attractive, beautiful, efficient and stable environment for living, shopping or working;

(f) The development shall be well integrated with its settings, shall not require excessive earthmoving or grading, or destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas and facilities, and shall not substantially harm major views from adjacent properties;

(g) The uses proposed shall have a beneficial effect not obtainable under existing zoning regulations. Any departure from existing ordinance requirements shall be warranted by the design and the amenities incorporated in the master development plan in accord with adopted policy of the planning commission and city council;

(h) Demonstration shall be made that each individual unit of development, and the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability. (Zoning Code, Ch. 104, § 1044.12)

Sec. 33-412. City council action.

The city council may, after giving of public notice and the holding of a hearing as provided in this division, approve or deny the master development plan, provided that, in overruling a planning commission recommendation for denial, the city council shall make the findings listed in section 33-411 of this article. Approval of the master development plan and establishment of a planned development zone, shall be by ordinance. Approved zoning to P-D shall include but not be limited to the following stipulations:

(a) The development, maintenance and use of the property included in the master development plan shall be carried on in conformance with the approved plan drawings and documents; the developer shall substantially adhere to the stage development schedule submitted as part of a master development plan.

(b) Approval of the master plan shall not be interpreted as waiving compliance with other provisions of the Escondido city code.

(c) The approved master development plan drawings and documents shall be filed in the office of the city clerk and in the city planning department.

(d) No land shall be used or developed and no buildings shall be constructed, maintained or used other than for the purpose specified on the approved master development plan drawings and documents, as filed, nor prior to the approval of a precise development plan as required hereinafter. (Zoning Code, Ch. 104, § 1044.13)

Sec. 33-413. Modifications.

(a) Minor changes to an approved master development plan may be approved by the planning commission, or its authorized representatives, provided changes are consistent with the purpose and character of the master development plan.

(b) Such changes shall not change the densities heretofore established, nor the boundaries of the subject property, nor any use as shown on the approved master development plan, nor the location or amounts of land devoted to specific land uses. All modifications or amendments to an approved plan other than said minor changes shall be processed as an original application and shall be subject to all applicable substantive and procedural requirements of the planned development procedure, provided that the filing fee therefore shall be one-half (1/2) the fee charged for filing an original application. (Zoning Code, Ch. 104, § 1044.14)

Sec. 33-414. Mapping.

Whenever a planned development zone has been established, its boundary shall be indicated on the official zoning maps of the City of Escondido. (Zoning Code, Ch. 104, § 1044.16)

Sec. 33-415. Precise plan approval.

After approval of the final master development plan, or concurrently with submission of the master development plan, the applicant may submit to the planning commission an application for approval of a precise development plan for the first increment of development. Precise plan approval, valid for one year, shall be secured for each unit or increment of a planned development district as delineated on the master development plan. No development, improvement or building construction within any unit of the planned development area covered by a master development plan approved by the city council shall be commenced until the planning commission shall have approved the precise development plan for that unit. Precise plans shall set forth detailed specific features of each increment of development. They shall conform to the master development plan and consist of:

(a) A topographic map of sufficient detail to show all cut and fills, precise drainage and flood control proposals, and boundary data;

(b) Detailed site plan, showing buildings, area utilization and traffic and pedestrian circulation, location, widths, grades and types of improvements proposed for all streets, parking areas and driveways, walkways, trails, utilities and other public improvements, building height and dimensions of space between buildings and distances from property lines and rights-of-way;

(c) Building plans and elevations (typical);

(d) A precise landscaping, planting and irrigation plan;

(e) A tentative subdivision map showing precise divisions of the land for the sale or lease of individual property, if any, as provided in the State Map Act and Escondido subdivision code;

(f) Location and dimensions of public or semi-public areas, including but not limited to schools, parks, playgrounds and parking area;

(g) A statement setting forth a program for installation and continued maintenance of packing areas, lighting, courts, public and private grounds, landscaping, streets, utilities, parks, playgrounds or public or semi-public community buildings and facilities;

(h) Information necessary for evaluation and assignment of fire zone designation, including type of construction, where found necessary by the planning commission.

Within forty-five (45) days following receipt of the application for precise development plan approval, the planning commission shall approve, conditionally approve or disapprove the proposed precise development plan and shall notify the applicant of its action. Appeal may be made to the city council by the applicant in accordance with the appeal procedure of this division. (Zoning Code, Ch. 104, § 1044.17)

Sec. 33-416. Dedication, maintenance and open space.

(a) The planning commission may as a condition of approval require that suitable areas for schools, parks and playgrounds be set aside, improved and dedicated for public use, or be reserved for the owners, residents and establishment in the development by deed restrictions. Whenever group or common open space is provided, whether required or not, the planning commission shall, as a condition of approval, require that some provision be made for perpetual maintenance of said open space. The form of any instrument used to assure open space maintenance shall, be approved by the city attorney as to form and content. Agreements and covenants running with the land shall include provisions for charges to be levied for carrying out the specified functions and administrative expenses of said perpetual maintenance. The city shall be a party in interest in any such development and may by mandatory injunction enforce the provisions of this article.

(b) To assure that open space shall be available for the entire developed planned development district, public sites and development rights to require open spaces shall be dedicated in advance of development whenever such dedication is required. In any event, whether a subdivision map is required or not, any required dedication of public sites and development rights to required open spaces for the entire district shall be made before the first building permit is issued.

(c) Other dedications for street, utility, flood control, rights-of-way and for easements and other public purposes may also be required before the issuance of the first building permit. (Zoning Code, Ch. 104, § 1044.18)

Sec. 33-417. Performance of condition precedent to approval of precise development plan.

The city council shall require the applicant to furnish a completion bond, or the cash equivalent, in an amount deemed sufficient by the city engineer to cover the cost of public improvements and incidental expenses, and to cover replacement and repair of existing streets and other improvements damaged in the development for the unit. All public improvements shall be constructed in accordance with standard specifications of the City of Escondido. (Zoning Code, Ch. 104, § 1044.19)

Sec. 33-418. Final subdivision map.

(a) A final subdivision map or parcel map submitted in combination with or after approval of the master development plan shall not be approved for recordation by the city council until after the planned development district zoning has become effective.

(b) No building permit shall be issued until a final subdivision map, or parcel map, if required, has been recorded in compliance with the Subdivision Map Act and the Escondido subdivision ordinance. (Zoning Code, Ch. 104, § 1044.20)

Sec. 33-419. Expiration of planned unit development permit.

All planned development permit approvals shall expire concurrently with the expiration of any companion tentative subdivision map(s) or tentative parcel map(s). Where there is no tentative subdivision map or parcel map, all planned development permit approvals shall expire according to the same schedule and procedure as a tentative subdivision map. Where a planned development permit has expired the city may set a hearing to rezone all or part of the property back to the zoning status existing immediately prior to establishment of the planned development zone, or, after notice and hearing provided in this division, to any other appropriate zone. (Zoning Code, Ch. 104, § 1044.21)

Sec. 33-420. Appeal to council.

(a) Within ten (10) days following the date of a decision by the planning commission upon an application for approval of a precise development plan, or for approval of any modification or amendment of any authorized plan, or any condition imposed therein, an appeal may be taken to the city council by the applicant or the owner.

(b) An appeal shall be made in accordance with the provisions of section 33-1303 of Article 61 of this chapter. (Zoning Code, Ch. 104, § 1044.22)

Sec. 33-421. Fees.

(a) Upon the filing of a preliminary development plan, a fee in an amount to be established by resolution of the city council shall be paid by the applicant to the city.

(b) Upon the filing of a master development plan, a fee in an amount to be established by resolution of the city council shall be paid by the applicant to the city.

(c) Upon the filing of each precise development plan, a fee in an amount to be established by resolution of the city council shall be paid by the applicant to the city. (Zoning Code, Ch. 104, § 1044.23)

Sec. 33-422. Reserved.

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

Sec. 33-423 Conversion of a mobilehome park to planned development.

(a) The procedures set forth in this article may be used in circumstances where a mobilehome park is converted to resident ownership of individual mobilehome lots.

(b) In the event this planned development process is used for a mobilehome conversion as specified in subsection (a) of this section, any findings which are required by sections 33-411 and 33-415 of this article shall not be required. Before recommending approval, the planning commission shall find that:

(1) The location and design of the mobilehome park is consistent with the goals and policies of the Escondido general plan and with any other applicable official plan or policies adopted by the Escondido city council, or in the process of being prepared and adopted;

(2) The existing public facilities, common areas, street system, lot configuration and other physical features shall be suitable for the conversion of the mobilehome park to resident ownership.

(c) The following sections of this article shall be inapplicable in the event of a mobilehome conversion pursuant to subsection (a) of this section:

(1) The residential density policy of section 33-404;

(2) The dedication and maintenance of open space requirements of section 33-416.

(d) In the event the City of Escondido is the proponent of the mobilehome park conversion pursuant to subsection (a) of this section, the fees required by section 33-421 may be waived by the city council. (Zoning Code, Ch. 104, § 1044.24; Ord. No. 91-17, § 2, 4-17-91)

Secs. 33-424—33-429. Reserved.

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 amendments to Article 19 – Planned Development (PD) Zone, of the Escondido Zoning Code as they would only streamline the existing review process by eliminating an obsolete preliminary review stage, reorganize the sections to consolidate information and make it easier to understand, and to clarify the review authorities for Planned Development modifications. No development project is proposed.
2. The proposed zoning code amendment would not conflict with any State law or be detrimental to surrounding properties because the amendment involves 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 the Planned Development review process and reorganize the zoning code article 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 not affect any specific plans.

EXHIBIT "B"

Planned Development, Article 19

Case No. AZ 16-0010

THE ENTIRE ARTICLE IS PROPOSED TO READ AS FOLLOWS:

ARTICLE 19. PLANNED DEVELOPMENT (P-D) ZONE

Sec. 33-400. Purpose.

The planned development (P-D) zone designation has the following purposes:

- (a) Encouraging the development of parcels with comprehensive site planning and building design;
- (b) Providing a more flexible regulatory procedure by which the basic public purposes of the Escondido general plan and development policies may be accomplished for specific parcels;
- (c) Encouraging creative approaches to the use of land through variation in siting of buildings and the appropriate mixing of several land uses and the design of facilities;
- (d) Promoting and creating public and private open space as an integral part of land development design;
- (e) Encouraging private development of older areas of the city or areas which are not conducive to development under traditional zoning designations;
- (f) Enhancing and preserving property with unique features, such as historical significance, sensitive biological resources, or unusual topography and landscape features.

Sec. 33-401. General provisions and standards for planned development.

- (a) In the event of conflict between any other provision of the Escondido Zoning Code and a requirement of a Planned Development Zone, the requirement of the Planned Development Zone shall prevail.
- (b) Planned Development Zones shall only be established on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes of this article.
- (c) Planned Development Zones shall be in conformity with the Escondido General Plan and any applicable Specific Plans. A Planned Development Zone shall not be adopted without findings that the proposed planned development conforms to such plans and policies relative to compliance with the general location, amounts and densities of such uses as set forth in the Escondido General Plan; or in any applicable Specific Plans.

(d) Planned Development Zones may combine a variety of land uses. Mixed uses may include any skillful combination of residential, commercial, industrial and agricultural uses, and may occur among or within buildings as long as the uses are compatible with each other and with existing and potential uses surrounding the zone.

(e) The zoning standards in effect immediately prior to the planned development zoning, if consistent with the underlying General Plan designation, shall apply regarding specified properties within a planned development zone that are not associated with a Master Development Plan. Otherwise, those properties not associated with a Master Development Plan shall be subject to the nonconforming use provisions of Article 61.

(f) Development standards including but not limited to area, coverage, light and air orientation, building height, sign placement and design, site planning, street furniture placement and design, yard requirements, open spaces, off-street parking and screening for planned developments, shall be governed by site-specific standards which shall be adopted as part of the zone. Such standards shall result in a superior development that presents enhanced design in all facets of the project (site, architecture, materials, amenities, landscaping, etc.) for an overall high quality planned development.

(g) The provision of public and private open space as an integral part of land development planning and design is required of planned developments. The planning commission shall recommend to the city council and the city council shall adopt principles and standards for the provision, improvement and maintenance of required open space, and may require higher standards of open space for residential portions of a planned development than are required elsewhere for residential uses.

(h) Standards for public improvements shall be governed by applicable ordinances and laws of the city.

(i) Exceptions to standards of the zoning code or to standards adopted by the planning commission or city council shall be granted by the planning commission and city council only in cases where these bodies find that such exceptions encourage a more desirable environment, are warranted in order to foster the establishment of a comprehensively planned and designed development or unit thereof, and are consistent with the purposes of section 33-400 of this article. (Zoning Code, Ch. 104, § 1044.4; Ord. No. 98-25, § 2, 12-9-98; Ord. No. 2011-19R, § 5, 1-11-12)

Sec. 33-402. Residential density policy.

Planned development residential densities shall be guided by the following:

(a) Residential planned developments may, and are encouraged to, depart from standard subdivision and housing design by providing a variety of lot sizes and housing types, provided that the overall residential density yield conforms with the city policy as determined in subsection (b) of this section, and provided residential amenities are incorporated in amounts and locations conducive to the establishment of a quality residential environment and/or residential environments of special social importance to the city

(b) All planned developments in which residential uses are proposed shall be governed by the residential density set forth in the Escondido General Plan, or in any applicable Specific Plan, or any applicable area plan, or in official city plans and policies in process of preparation and adoption;

(c) For planned developments in which residential uses are proposed on lots or parcels of land in the R-3, R-4 and R-5 zones, area plans and specific plan areas with a maximum specified multifamily residential density, no planned development shall be improved or developed at a density below seventy (70) percent of the maximum permitted density of the underlying multifamily zone, area plan or specific plan multifamily designation. Exceptions to the minimum density requirement may be granted in writing as part of the planned development approved pursuant to section 33-408 provided the development will not preclude the city from meeting its housing needs as described in the Housing Element of the Escondido General Plan. Minimum density requirements shall not apply to property owners seeking to enhance or enlarge existing dwelling units or construct other accessory structures on a site. (Zoning Code, Ch. 104, § 1044.5; Ord. No. 2007-19, § 4, 9-19-07)

Sec. 33-403. Findings of the planning commission and city council.

A Planned Development Zone shall not be adopted unless the following Findings are made:

(a) The location, design, and residential density of the proposed planned development is consistent with the goals and policies of the Escondido General Plan and any applicable Specific Plan or with any policies adopted by, or being considered by the Escondido city council, or in the process of being prepared and adopted;

(b) The proposed location allows the planned development to be well integrated with its surroundings;

(c) All vehicular traffic generated by the planned development will be accommodated safely and without causing undue congestion upon adjoining streets;

(d) The proposed location and design allows residents and business establishments proposed within the zone to be adequately serviced by existing or proposed public facilities and services and does not provide an undue or negative impact on existing public facilities and services. In appropriate circumstances, and as provided elsewhere by city code, the city may require that suitable areas for schools, parks and playgrounds, pedestrian-ways or public open spaces be dedicated for public use, or reserved by deed covenant for the common use of all residents, establishments or operations in the development;

(e) The overall design of the proposed planned development produces an attractive, efficient and stable environment.

(f) The planned development is well integrated with its settings, does not require excessive earthmoving or grading, or destruction of desirable natural features, nor is visually obstructive or disharmonious with surrounding areas and facilities, and does not substantially harm major views from adjacent properties;

(g) The uses proposed have a beneficial effect not obtainable under existing zoning regulations. Any departure from existing ordinance requirements shall be warranted by the design and the amenities incorporated in the planned development in accord with adopted city policy.

Sec. 33-404 Dedication, maintenance and open space.

(a) As a condition of approval, the City may require that suitable areas for schools, parks and playgrounds be set aside, improved and dedicated for public use, or be reserved for the owners, residents and establishments in the development by deed restrictions. Whenever group or common open space is provided, whether required or not, the planning commission shall, as a condition of approval, require that some provision be made for perpetual maintenance of said open space. The form of any instrument used to assure open space maintenance shall, be approved by the city attorney as to form and content. Agreements and covenants running with the land shall include provisions for charges to be levied for carrying out the specified functions and administrative expenses of said perpetual maintenance. The city shall be a party in interest in any such development and may by mandatory injunction enforce the provisions of this article.

(b) To assure that open space shall be available for the entire developed planned development district, public sites and development rights to required open spaces shall be dedicated in advance of development whenever such dedication is required. In any event, whether a subdivision map is required or not, any required dedication of public sites and development rights to required open spaces for the entire district shall be made before the first building permit is issued.

(c) Other dedications for street, utility, flood control, rights-of-way and for easements and other public purposes may also be required before the issuance of the first building permit. (Zoning Code, Ch. 104, § 1044.18)

Sec. 33-405 Findings for conversion of a mobilehome park to planned development.

(a) The procedures set forth in this article may be used in circumstances where a mobilehome park is converted to resident ownership of individual mobilehome lots.

(b) In the event this planned development process is used for a mobilehome park conversion as specified in subsection (a) of this section, any findings which are required by sections 33-403 and 33-410 of this article shall not be required. Before recommending approval, the planning commission shall find that:

(1) The location and design of the mobilehome park is consistent with the goals and policies of the Escondido general plan and with any other applicable official plan or policies adopted by the Escondido city council, or in the process of being prepared and adopted;

(2) The existing public facilities, common areas, street system, lot configuration and other physical features shall be suitable for the conversion of the mobilehome park to resident ownership.

(c) The following sections of this article shall be inapplicable in the event of a mobilehome conversion pursuant to subsection (a) of this section:

(1) The residential density policy of section 33-402; and

(2) The dedication and maintenance of open space requirements of section 33-404.

(d) In the event the City of Escondido is the proponent of the mobilehome park conversion pursuant to subsection (a) of this section, the fees required by section 33-407 may be waived by the city council. (Zoning Code, Ch. 104, § 1044.24; Ord. No. 91-17, § 2, 4-17-91)

Sec. 33-406. Initiation of a planned development zone.

(a) A planned development (P-D) zone may be established upon application directed by the City Council or upon application of the owner(s) of property which would be included in the zone.

(b) A Planned Development Zone initiated by property owner application shall include the written consent of every property owner within such zone at the time of adoption of the ordinance agreeing to the conditions and regulations proposed and which will be effective within the zone.

(c) Whenever a planned development zone has been established, its boundary shall be indicated on the official zoning maps of the City of Escondido. (Zoning Code, Ch. 104, § 1044.16)

Sec. 33-407. Application procedure.

(a) A Planned Development Zone shall be created by adoption of a Master Development Plan and a subsequent Precise Development Plan. A Master Development Plan and a Precise Development Plan may be processed and approved concurrently.

(b) Fees for the filing of Master and Precise Development Plans shall be established by resolution of the City Council from time to time and shall be payable upon submission of an application.

Sec. 33-408. Master development plan.

(a) The master development plan shall provide detailed plans of the proposed overall development layout; multi-modal circulation; the intensity, density and types of land uses proposed and their interrelationship; common areas/facilities and open space; proposed development standards; existing topography, proposed grading and stormwater management; architectural design, materials and colors; comprehensive sign program; proposed development phasing; and any other information required by the director to inform the city of the extent, dimensions and impact, including potential environmental impacts, of the proposed development. Approval of the master development plan shall include precise location of uses, configuration of parcels, engineering feasibility, and any required environmental analysis.

(b) The planning commission shall conduct a public hearing pursuant to Article 61, Division 6 to review and recommend the application and the accompanying master development plan. The planning commission's recommendation to the city council shall be in writing and shall state the reasons for approval or denial based on findings pursuant to section 33-403.

Sec. 33-409. City council action.

The city council may, after giving public notice and holding a hearing as provided in Article 61, Division 6, approve, conditionally approve or deny the master development plan, provided that, in overruling a planning commission recommendation for denial, the city council shall make the findings listed in section 33-403 of this article. Approval of the master development plan and establishment of a planned development zone shall be by ordinance. Approved zoning to P-D shall include but not be limited to the following stipulations:

(a) The development, maintenance and use of the property included in the master development plan shall be carried on in conformance with the approved plan drawings and documents; the developer shall substantially adhere to the phased development schedule submitted as part of a master development plan.

(b) Approval of the master plan shall not be interpreted as waiving compliance with other provisions of the Escondido municipal code.

(c) The approved master development plan drawings and documents shall be filed in the office of the city clerk and in the city planning division.

(d) No land shall be used or developed and no buildings shall be constructed, maintained or used other than for the purpose specified on the approved master development plan drawings and documents, as filed, nor prior to the approval of a precise development plan as required hereinafter. (Zoning Code, Ch. 104, § 1044.13)

Sec. 33-410. Precise development plan.

One or more Precise Development Plans shall provide finely detailed plans consistent with the approved Master Development Plan. The planning commission shall approve, conditionally approve, or deny the proposed Precise Development Plan by resolution, after a determination of consistency with the Master Development Plan, and shall notify the applicant. Approval of the Precise Development Plan shall include but not be limited to site layout, building elevations, colors, materials, signage, parking, circulation, grading, drainage, landscaping, fencing, etc.

(a) If a precise development plan is submitted concurrently with the master development plan, review and consideration shall be pursuant to Sec. 33-408 and 33-410.

(b) The reasons for approval or denial of the precise development plan shall be in writing based on findings pursuant to section 33-403.

(Zoning Code, Ch. 104, § 1044.17)

Sec. 33-411. Modifications.

(a) The planning commission shall have the authority to approve changes to a Master Development Plan at a public hearing when the changes are consistent with the purpose of the Master Development Plan and do not affect the boundaries of the subject zone, provided that such changes shall not increase the established densities, change uses of land, or the location or amounts of land devoted to specific land uses. Proposed modifications that exceed these limitations shall be considered pursuant to Section 33-408.

(b) The zoning administrator shall have the authority to approve changes to a Precise Development Plan upon review and determination that the proposed changes are consistent with the purpose, character and established development standards of the Master Development Plan.

Sec. 33-412. Subdivision maps.

(a) A final subdivision map or parcel map submitted in combination with or after approval of the master development plan shall not be approved for recordation by the city council until after the planned development zoning has become effective.

(b) The provisions of the Planned Development zone are in addition to all requirements of the Escondido subdivision ordinance. (EMC Chapter 32). Subdivision maps for all or portions of the proposed zone shall be processed concurrently with the Planned Development zone application.

(c) No building permit shall be issued until a final subdivision map, or parcel map, if required, has been recorded in compliance with the Subdivision Map Act and the Escondido subdivision ordinance. (Zoning Code, Ch. 104, § 1044.20)

Sec. 33-413. Appeals.

Appeals of a decision by the zoning administrator or the planning commission shall be made in accordance with the provisions of sections 33-1303 and 33-1304 of Article 61 of this chapter within ten (10) days following the date of the decision. (Zoning Code, Ch. 104, § 1044.22)

Sec. 33-414. Expiration of planned development permit.

All planned development permit approvals shall expire concurrently with the expiration of any companion tentative subdivision map(s) or tentative parcel map(s). Where there is no tentative subdivision map or parcel map, all planned development permit approvals shall expire according to the same schedule and procedure as a tentative subdivision map including local or state time extensions granted to subdivisions. Where a planned development permit has expired the city may set a hearing to rezone all or part of the property back to the zoning status existing immediately prior to establishment of the planned development zone, or, after notice and hearing provided in this division, to any other appropriate zone. (Zoning Code, Ch. 104, § 1044.21)

Secs. 33-415—33-429. Reserved.



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

Notice of Exemption

To: San Diego County Recorder's Office
Attn: 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 Article 19 of the Escondido Zoning Code (EzC) to streamline 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. The amendment would also re-organize the code sections, remove redundant text and update references. 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

1-31-17

Date

☒ Signed by Lead Agency

Date received for filing at OPR:

☐ Signed by Applicant

PLANNING COMMISSION

Agenda Item No.: H.3
Date: February 14, 2017

CASE NUMBER: AZ 16-0001

APPLICANT: City of Escondido

LOCATION: Citywide

TYPE OF PROJECT: Zoning Code Amendment

PROJECT DESCRIPTION: Consideration of amendments to Article 67 of the Escondido Zoning Code to change the City's density bonus regulations to meet current State law requirements. No development project is proposed.

BACKGROUND/SUMMARY OF ISSUES: Density bonus is a State law (Government Code Section 65915 et seq.) that allows a property owner to increase density and the number of new, market-rate homes on their property above the maximum allowable limit under local zoning law. In exchange for these additional units, a certain number of new homes must be reserved for very low, low, or moderate-income households. The State Legislature recognizes that more affordable housing is badly needed in California, and local agencies should not impose roadblocks to stop such development and/or otherwise prohibit what the Legislature intended to authorize by statute.

The City of Escondido already has a density bonus ordinance in place (i.e. Article 67). The City of Escondido proposes to amend these regulations to respond to and fulfill new State-mandated requirements. The proposed amendments would therefore be applicable citywide. Factors to be considered as part of the amendment request are included as Exhibit "A" to this Staff Report. Exhibit "B" displays those portions of the Escondido zoning regulations that are proposed to be changed. The changes are listed in order by section number, with strikeout typeface illustrating deletions, and underlined typeface illustrating new text.

It is important to note that the City is not proposing to alter the existing development standards established as part of underlying zoning designations. Therefore, in order for any density bonus to be approved by the City for development, consistency with all applicable zoning requirements must be achieved, unless the applicant or project proponent pursues any incentive and/or waiver requests expressly authorized by State law. As such, while the density of a development project could be increased beyond the numbers established as part of the underlying land use designations, any development that invokes State Density Bonus Law would be generally consistent with the overall intent of the City's General Plan and Zoning Code requirements.

REASONS FOR STAFF RECOMMENDATION: Staff recommends approval of the proposed Resolution, recommending that the City Council adopt, with any suggested edits, amendments to Article 67 of the Zoning Code, for the following reasons:

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).
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. State Density Bonus Law provides incentives for the production of lower income housing in accordance with Government Code Section 65915 et. seq.

Respectfully Submitted,



Mike Strong
Assistant Planning Director

ENVIRONMENTAL STATUS:

The proposed zoning code amendments are exempt from CEQA, pursuant to Section 15061 (b)(3). The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

ZONING CODE AMENDMENT ANALYSIS:

The California State Legislature and courts have repeatedly indicated in statute and case law that housing is an issue of statewide concern. Density Bonus Law (Government Code Sections 65915-65918) was first enacted in 1979 to address the State's shortfall of affordable housing. It achieved affordable housing production by offering incentives to developers to include low-income housing in new construction projects. A density bonus can include increased density, zoning accommodations that increase density, or various other incentives and concessions. Under Density Bonus Law, a property owner can increase the allowable density on their property (i.e. the number of new, market-rate residential units) above the maximum allowable limit under local zoning law. In exchange for these additional units, a certain percentage of the proposed development must be reserved for very low-, low-, or moderate-income households. Property owners may also receive certain modifications of development standards that dictate a development's footprint and bulk/massing (e.g. building height, floor area ratio, buffer and setback distances, use restrictions on steep slopes, etc.). The result is development that provides public benefits without direct public funding. Density Bonus Law recognizes the differences in profit margins between market-rate and below market-rate units. The added density compensates the developer with additional revenue from additional market rate units, which helps subsidize affordable housing construction.

Over time in implementing the provisions of State Density Bonus Law, cities, counties, housing advocates, and developers have discovered several places where the law needed clarification or revision. Therefore, the law changed numerous times since it was created, including several changes in the 2015-2016 legislative session. Assembly Bill (AB) 1934, AB 2442, AB 2501, and AB 2556 were adopted to facilitate clear permitting processes for Density bonus applications and/or otherwise amend California's mandatory density bonus program to increase affordable housing production. The changes to the Density Bonus Law in each of the four bills are summarized below. A reference link to the full text of the four bills has been provided.

Bill Number and Author	Bill Summary
<u>AB 1934 (Santiago)</u>	Requires agencies to grant a density bonus to a commercial development where the developer has entered into a contract with a housing developer. This is a pilot program, with the provision expiring in 2022, unless extended by the Legislature. Full text: http://www.leginfo.ca.gov/pub/15-16/bill/asm/ab_1901-1950/ab_1934_bill_20160928_chaptered.pdf
<u>AB 2442 (Holden)</u>	Provides a density bonus for projects where 10 percent of the total units are reserved for very low-income transitional foster youth, disabled veterans, and homeless persons. Full text: http://www.leginfo.ca.gov/pub/15-16/bill/asm/ab_2401-2450/ab_2442_bill_20160928_chaptered.pdf

<u>AB 2501 (Bloom)</u>	• Clarifies that all density calculations “round up,” including base density, the number of bonus units, and the number of affordable units. In the San Diego region, a few agencies “rounded down” base density. • Requires all agencies to adopt procedures and timelines for processing density bonus applications. • Revises the incentives and concessions section to require that they result in “identifiable and actual cost reductions to provide for affordable housing costs.” Similarly, this changes the standards for denial, where such findings to support an incentive or concession to modifications must actually reduce costs. • Clarifies that a bonus is available for housing in mixed use developments. Full text: http://www.leginfo.ca.gov/pub/15-16/bill/asm/ab_2401-2450/ab_2442_bill_20160928_chaptered.pdf
<u>AB 2556 (Nazarian)</u>	• Clarifies and follows AB2222 (2014) that requires “replacement” housing occupied by very low- and/or low-income households. This bill specifies procedures for what to do where incomes or unknown (i.e. the percentage of affordability is determined by the percentage of very low- and low-income renters shown in the HUD database. • Provides for replacement of equivalent size or type, so that a one two-bedroom unit can be replaced with two one-bedroom units. However, since an equal number of units must be built as those that are lost, the developer could not replace a two one-bedroom unit with a one two-bedroom unit. Full text: http://www.leginfo.ca.gov/pub/15-16/bill/asm/ab_2551-2600/ab_2556_bill_20160928_chaptered.pdf

Although the application of these statutes can be complicated, the goals are relatively simple. Density bonus programs shall encourage the construction of affordable housing in areas where there is a shortage of housing available to very low-, low-, and moderate-income households; where growth pressures are strong or land availability limited; and/or when incentives for attaining the goals outweigh alternative development options. Under State law, a development of more than five units is eligible to receive density bonuses if it meets at least one of the following:

- Very Low Income Units: Five percent of the total units of the housing development as target units are affordable to very low-income households; or
- Low Income Units: Ten percent of the total units of the housing development as target units are affordable to low-income households; or
- Moderate Income Units: Ten percent of the total units in newly constructed condominiums or planned developments as target units are affordable to moderate-income households, provided all the units are offered for purchase; or

- **Senior Units:** A senior citizen housing development of 35 units or more.

The existing Escondido density bonus provisions are not consistent with the State Density Bonus Law. The purpose of the proposed amendment is to specify how compliance with Government Code Section 65915 ("Density Bonus Law") will be implemented and to ensure that local laws are consistent with state laws. In the early 1990s, the City adopted a local density bonus ordinance, also known as Article 67, which largely followed the requirements and standards specified under the state law in existence at the time. The current Ordinance (Article 67) allows a minimum density bonus of 25 percent and deviations from the Zoning Code for affordable or senior housing. The City's Density Bonus and Residential Incentive Ordinance was useful to increase the number of bedrooms in the acquisition and rehabilitation of the 15th Avenue Cooperative and Sonoma Court, affordable housing projects.

The proposed update to the City's Zoning Code makes the City's regulation of density bonuses consistent with current State Density Bonus Law. Major provisions of the proposed ordinance pertain to density bonus application requirements, base density calculation and density bonus rounding, long-term affordability requirements, and design and quality standards, as follows:

- **Application Requirements:** As part of the application, applicants will be required to prepare and submit a "Density Bonus Report" for any density bonus, concession or incentive, or waiver being proposed as part of the project. The report will document with information the request and demonstrate why any special request is necessary and complies with state law.
- **Base Density Calculation:** Base density will be calculated based on the City's applicable zoning and general plan provisions. In determining the number of density bonus units to be granted, any fractions of dwelling units obtained by multiplying the maximum allowable residential density by the allowable percentage density increase shall be rounded up to the next whole number.
- **Number of Units:** State Density Bonus Law requires jurisdictions to provide density bonuses and development incentives to all developers who propose to construct affordable housing on a sliding scale, up to 35 percent maximum density bonus, where the amount of density bonus and number of incentives vary according to the amount of affordable housing units provided. Specifically, State law requires the provision of certain incentives for residential development projects that set aside a certain portion of total units to be affordable to very low-, low-, or moderate-income households.
- **Long-Term Affordability:** The proposed ordinance requires that any affordable rental unit remain restricted as affordable for 55 years. If a density bonus is granted for market-rate senior housing, a covenant will be recorded requiring that the project will be operated as senior housing consistent with federal and state fair housing laws.
- **Findings:** The City staff report must explain in detail how the project complies with the requirements of State Density Bonus Law. Written findings are required to deny a density bonus project.

EXHIBIT "A"
FACTORS TO BE CONSIDERED
AZ16-0001

Zoning Code Amendment

1. The public health, safety, and welfare would not be adversely affected by the proposed Zoning Code amendment. A city's police power is an exercise of the sovereign right of the government to protect the lives, health, morals, comforts, and general welfare of the people – and this constitutional provision is as broad as that of the State legislature. To help address California's affordable housing shortage, the State Legislature enacted Density Bonus Law to encourage the development of more affordable housing units. Safe, secure, affordable housing is a basic human need.
2. The proposed zoning code amendment would not conflict with any State law. Pursuant to Article XI, Section 7 of the California Constitution, a city or county must not adopt laws that conflict with general laws, which include state statutes, such as the Density Bonus Law. The State Legislature has made recent changes in State law to clarify the intent of Density Bonus Law and/or expand the ways in which developers may create affordable dwelling units through Density Bonus applications. The proposed zoning code amendment would ensure that the City's Zoning Code is consistent with state code requirements for Density Bonus project applications.
3. The proposed zoning code amendment would not be detrimental to surrounding properties because the amendment enforces an important, existing State policy to promote the construction of lower income housing and to remove impediments to the same. It does so through a mechanism of awarding certain affordable housing projects with one or more itemized concessions and a density bonus, which allows the developer to increase the density of the development by a certain percentage above the maximum allowable limit under local zoning law. Density Bonus Law encourages the development of more affordable housing units. Affordable housing supports economic vitality and social cohesion. Providing affordable housing in the community often allows residents to stay near family and close to work. Furthermore, no physical improvements are proposed as part of this zoning code amendment. Future construction of Density Bonus projects must comply with any applicable laws and standards. This includes the Building Code, the Fire Code, and any property standards by-laws.
4. The proposed zoning code amendments would be consistent with the goals and policies of the General Plan because it encourages compact urban form, which makes more efficient use of existing infrastructure. Density bonus project applications help harness strong housing markets to construct affordable housing and other necessary public benefits. The proposed zoning code amendments would not diminish the Quality of Life Standards of the General Plan, nor adversely impact the community health or natural resources.
5. The proposed zoning code amendments do not conflict with any specific plan. However, whenever a conflict exists between Article 67 and other sections of the Municipal Code, or any Specific Plan, the intent, provisions, and requirements of these proposed amendments control.

EXHIBIT "B"
PROPOSED CHANGES TO THE ZONING CODE
AZ16-0001

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

ARTICLE 67. DENSITY BONUS AND RESIDENTIAL INCENTIVES

Revise Section 33-1410, Purpose, as set forth below.

The purpose of the ordinance codified in this article is to adopt an implementing mechanism that provides housing opportunities for lower-, ~~very low-~~ income households, and/or housing for seniors, transitional foster youth, disabled veterans, and/or homeless personer senior households (hereinafter collectively referred to as target households) throughout the city consistent with the State Density Bonus Law set forth in Government Code Section 65915 et. seq. ~~The article is mandated in part specifies how compliance with by State Density Bonus Law will be implemented as required by Government Code Section 65915(a), and provides incentives for the development of units for target households and procedures for reviewing development applications. This article also provides incentives for the development of nondensity bonus units for lower- and very low-income households (target households), designated to meet the city's housing needs.~~

Revise Section 33-1411, Definitions, as set forth below.

The definitions found in State Density Bonus Law shall apply to the terms contained in this subsection and as ~~As~~ used in this chapter, unless the context otherwise requires:

Affordable housing costs are defined in ~~section~~Section 65915(c) of the Government Code.

Child care facility means a facility installed, operated, and maintained under this section for the non-residential care of children as defined under applicable state licensing requirements for the facility. "Child care facility," as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

Concession(s) or incentive(s) is at least one additional incentive, identified in section 33-1415 of this article, ~~in addition to the minimum twenty-five (25) percent density bonus as described in 65915(k)~~

Density bonus is defined by the State of California Government Code ~~section~~Section 65915(f) and/or 65915.5.

Developer means the owner or other person, including a lessee, having the right under the applicable zoning ordinance of a city council, including a charter city council, city and county

board of supervisors, or county board of supervisors to make an application for development approvals.

Development standard includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

Equivalent financial value refers to the cost to the developer based on the land cost per dwelling unit. This is determined by the difference in the value of the land with and without the density bonus.

Feasibility or feasible refers to whether a proposed project can provide affordable housing costs without concession(s) or incentive(s).

Household includes all persons permanently living in the home, including those temporarily absent. Examples of temporary absence include absent members away at school, or on a visit, vacation, trip in connection with work, active duty in the armed service, or absence of a similar nature.

Housing costs for renters includes rent and utilities except cable and telephone, and for owners includes mortgage (principal and interest), taxes, insurance, homeowners association fees and utilities except cable and telephone.

~~*Housing developments or housing development project are one (1) or more groups of residential projects developed simultaneously, consisting of at least the minimum number of dwelling units prescribed within this article that qualify for a density bonus and additional incentive(s), or incentives of equivalent financial value, or residential incentives as used in this section, means*~~
a development project for five or more residential units, including mixed-use developments. For the purposes of this section, "housing development" also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in Government Code Section 65863.4(d), where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels.

~~*Lower-Low-*~~ and very low-income households are households which fall within the income limits published by the ~~department of housing and community development~~ Department of Housing and Community Development (HCD) pursuant to Health and Safety Code ~~sections~~ Sections 50079.5 and 50105, respectively, as they may be amended from time to time. Very low-income and Lower-low-income households (hereinafter collectively referred to as lower income households) are currently defined as earning at or below eighty (80) percent of the area median income adjusted for household size. Very low-income households are currently defined as those earning at or below fifty (50) percent of the area median income adjusted for household size.

Maximum permitted density or allowable residential density is the maximum allowable residential density under the applicable zoning ordinance and General Plan Land-Use Element, applicable to the project, as of the date of the developer's application. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the General Plan Land Use Element, the General Plan density shall prevail. ~~This~~ The maximum permitted density is the base density from which the density bonus is calculated.

Monthly gross income means moneys derived from all sources except gifts to any household member, and income of minors.

Senior citizen housing development means a housing development consistent with the California Fair Employment and Housing Act (Government Code section 12900 et seq., including 12955.9 in particular), California Civil Code ~~sections 51.2, 51.3 and 51.4~~ 51.12; which has been designed to meet the physical and social needs of senior households and which otherwise qualifies as housing for older persons as that phrase is used in the Federal Fair Housing Amendments Act of 1988 (P.L. 100-430; 42 USC section 3607) and implementing regulations, and as that phrase is used in California Civil Code section 51.2. Senior citizen housing development also means a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

~~Senior households are households with at least one (1) person sixty-two (62) years of age or fifty-five (55) years of age. Housing developments consisting of at least one hundred fifty (150) units (including the density bonus units) may involve senior households with at least one (1) person fifty-five (55) years of age. Housing developments consisting of less than one hundred fifty (150) units (including density bonus units) must limit target units to senior households with at least one (1) person sixty-two (62) years of age. Projects incorporating senior households must also comply with the Federal Fair Housing Amendments Act of 1988 Public Law section 100-430, 42 USC section 3601 and Consent Decree of Department of Justice.~~

Specific, adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete.

Target households for density bonus projects ~~are either~~ benefit very low-income, lower-income, moderate-income, or senior households. ~~Nondensity bonus target households are either very low income or lower income households, as well as transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).~~

Target units are the restricted dwelling units established through the application of this article which are occupied by target households ~~senior households, or occupied by and affordable to lower and/or very low income households for the prescribed duration.~~

Revise Section 33-1412, Implementation, as set forth below.

- (a) Any developer requesting a density bonus and any incentive(s), waiver(s), or parking reductions provided by State Density Bonus Law shall submit a density bonus report as described below. The requests contained in the density bonus report shall be processed concurrently with the planning application for the first discretionary permit required for the housing development and shall include the following information.

(1) A summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.

(2) A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units. If any dwelling units on the site were rented in the five-year period, but are not currently rented, the income and household size of residents occupying dwelling units when the site contained the maximum number of dwelling units, if known.

(3) A description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very low- or low- income households in the five-year period preceding the date of submittal of the application.

(4) If a density bonus is requested for a land donation, the density bonus report shall include: the location of the land to be dedicated; proof of site control; and information that each of the requirements included in Government Code Section 65915(g) can be met.

(5) If a density bonus is requested under a joint commercial and housing partnership as described by State Density Bonus Law, the density bonus report shall include: the agreement between the commercial developer and the housing developer for a partnered, affordable housing project in compliance with Government Code Section 65915.7; and information that shows that all of the requirements included in Government Code Section 65915.7 can be met.

(6) If a density bonus is requested and a developer proposes concessions or incentives pursuant to State Density Bonus Law, the density bonus report shall include: a summary table showing the usual development standard(s) and the requested development standard(s) or regulatory incentive(s); information to show that the request results in identifiable and actual costs reductions to provide affordable housing costs to target households; and information that shows that all of the requirements included in Government Code Section 65915(k) can be met.

(7) If approval of a mixed use zoning is proposed, provide information that non-residential land uses will reduce the cost of the housing development, that the non-residential land uses are compatible with the housing development, and that mixed use zoning will provide for affordable rents or affordable sales prices.

(8) If a density bonus application proposes waivers of development standards pursuant to State Density Bonus Law, the density bonus report shall include: a summary table showing the usual development standard(s) and the requested development standard(s); information that the development standards for which a waiver is requested will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by Government Code Section 65915; and information that shows all of the requirements included in Government Code Section 65915(e) can be met.

(9) If a density bonus application proposes a parking reduction pursuant to State Density Bonus Law, a table showing parking required by the zoning regulations and parking proposed under Government Code Section 65915(p).

(10) If a density bonus or incentive is requested for a child care facility pursuant to State Density Bonus Law, information that shows that all of the requirements included in Government Code Section 65915(h) can be met.

(11) If a density bonus or incentive is requested for a condominium conversion, information that shows that all of the requirements included in Government Code Section 65915.5 can be met.

(b) For projects proposing a density bonus:

(1) The city council/City shall grant, according to Government Code section 65915, a density bonus and/or at least one additional concession(s) or incentive(s), waivers(s) or reductions of development standards and parking ratios, or financially equivalent incentive(s) as required by State Density Bonus Law. Each housing development is entitled to only one density bonus. If a housing development qualifies for more than one density bonus based on the number of target units provided, or as otherwise granted under State Density Bonus Law, the developer shall select the category under which the density bonus is granted and may not combine bonus density calculations. The increase in density must be at least twenty-five (25) percent over the maximum permitted density authorized by the applicable zoning ordinance and city's General Plan.

Density bonus projects shall be subject to the following maximum Floor Area Ratio (F.A.R.) requirements: 0.6 in R-2, 0.7 in R-3 and 0.8 in R-4 zones.

(2) In order to qualify for this bonus, a housing development must consist of five (5) or more dwelling units, including mixed use developments, except those housing developments located within the Centre City Residential Area Plan, as defined in the city's/City's General Plan, may consist of three (3) dwelling units to qualify for this bonus. All housing developments proposing a density bonus must meet one (1) or more of the following minimum criteria: In determining the total number of units to be granted, a

developer for a housing development must seek and agree to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this article, that will contain at least any one of the following target households:

- (A) At least ~~twenty (20)~~ten (10) percent of the total units allowed by the maximum permitted density at affordable housing costs for and occupied by lower-income households for the prescribed duration; and/or
- (B) At least ~~ten (10)~~five (5) percent of the total units allowed by the maximum permitted density at affordable housing costs for and occupied by very low-income households for the prescribed duration; or
- (C) At least ~~fifty (50) percent of the total units allowed by the maximum permitted density are designated for and occupied by senior households.~~At least ten (10) percent of the total dwelling units in a common interest development, as defined in Section 4100 of the Civil Code, for persons and families of moderate-income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase; or
- (D) At least ten (10) percent of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).
- (E) The project proposes to convert apartments to a condominium project agrees to provide at least 15 percent of the total units of the proposed condominium project to very low-income households, or at least 33 percent of the total units of the proposed condominium project to low-income households, at least 33 percent of the total units for moderate-income as defined in Section 50093 of the Health and Safety Code.
- (F) The project is a senior citizen housing development; or
- (G) The project donates at least one acre of land to the City in compliance with Government Code Section 65915(g) and the land has the appropriate general plan designation, zoning, permits and approvals, and access to public facilities needed for such housing; or
- (H) The project is the result of a bona fide joint commercial and housing partnership, where the housing developer provides at least 15 percent of the total units for very low-income households or at least 30 percent of the total units for low-income households.

(3) To be eligible for a density bonus or residential incentives, the developer must sign a binding agreement with the ~~city~~City, which sets forth the conditions and guidelines to be met in the implementation of ~~the density bonus law~~State Density Bonus Law requirements and/or any other applicable requirements. The agreement will also establish specific compliance standards and remedies available to the ~~city~~City upon failure by the developer to restrict units to target households for the prescribed time period.

(A) All such agreement(s) shall be binding on the developers, their heirs, transferees, assigns, successors, administrators, executors and other representatives and recorded on the deed for the requisite time period.

(B) The developer agrees not to sell, transfer or otherwise dispose of the project, or any portion thereof, without obtaining the prior written consent of the ~~planning and building director~~ Director of Community Development. Such consent shall be given upon receipt by the developer of reasonable evidence satisfactory to the ~~planning and building director~~ Director of Community Development that the purchaser, or other transferee, has assumed, in writing and in full, the city's requirements and obligations in the agreement. The consent of the ~~planning and building director~~ Director of Community Development shall not be unreasonably withheld or delayed.

(4) The amount of the density bonus is set on a sliding scale, based upon the percentage of affordable units at each income level, in the threshold amounts shown in State Density Bonus Law.

(5) All density calculations must be "rounded up," including the base density, the number of bonus units, and the number of affordable units required to be eligible for a density bonus.

(G) Figure 33.1412.1. Density bonus calculation.

Project Example

The density bonus units are not included when determining the number of required target units relative to the total project units. When calculating the total number of units to be granted and required target units, each component of any density calculation, including base density and bonus density, fractions are always rounded up to the next whole unit number.

Maximum permitted density	18 du/ac
Property Size	4 acres
Number of units at maximum permitted density	72 units
Units affordable to target households (20% for lower-income HHs) [72 x .20 = 14.4]; rounded up	15 units
Density bonus units (@ 25 35%)	18 25.2 units; rounded up to 26 units
Total project units with 25 35% density bonus:	72 base units
	+ 18 26 density bonus units
	<u>90</u> 98 total units
	(75 83 units @ market rate, 15 units with restricted rents)

(c) For projects not proposing a density bonus:

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

(2) In order to qualify for the listed concessions or incentives, a housing development must consist of five (5) or more dwelling units, except those housing developments located within the Centre City Residential Area Plan may consist of three (3) dwelling units to qualify for the concessions or incentives. All housing developers requesting incentives must meet ~~one (1) or more of the following:~~the criteria listed in 33-1412(b).

~~_____ (A) At least twenty (20) percent of the total units at affordable housing costs for and occupied by lower income households for at least thirty (30) years; and/or~~

~~_____ (B) At least ten (10) percent of the total units at affordable housing costs for and occupied by very low income households for at least thirty (30) years.~~

- (d) The City shall grant a development bonus to a commercial development where the developer has entered into a contract with a housing developer to construct a housing project of any size where either 30 percent of the units are designated for low-income households or 15 percent of the units are designated for very low-income households. The housing must either be part of the commercial development or within one-half mile of a major transit stop. The affordable housing developer may also request a density bonus and all other incentives available under the Density Bonus Statute for the housing development. Under this provision, the City must approve the contract between the commercial developer and the housing developer, and the development bonus must be mutually agreed upon by the City and the commercial developer.

Revise Section 33-1413, Preliminary Application Review Procedure, as set forth below.

- (a) In order to apply for a density bonus or residential incentives, the developer shall first submit to the ~~city planning division~~Planning Division a written proposal for a project.
- (b) The written proposal shall consist of density bonus report as described under 33-1412(a) and adequate information to reliably estimate the project cost per unit of the proposed development. This shall include, but not be limited to, the project location; total number of units by bedroom size; standards for maximum qualifying household incomes; proposed market and restricted housing costs; party/process responsibility for certifying target household income; how vacancies for restricted units will be marketed and filled; number of units by bedroom size for each target household category; density increase requested and concessions, ~~/incentives,~~ waivers, or financially equivalent incentives sought; and such other information as is required by the ~~city~~City.
- (c) ~~The planning division~~Planning Division shall, within ninety (90) 30 days of receipt of a written proposal, notify the developer in writing of the manner in which the City will comply with State Density Bonus Law and all other applicable local, state, and federal laws; and whether the preliminary application consists of all requisite submittal requirements and/or satisfies the intent of State Density Bonus law.~~it shall recommend to the planning commission to:~~

~~_____ (1) Grant a density bonus or residential incentives; and~~

~~(2) Grant one (1) or more additional concessions or incentives; or~~

~~(3) Provide other incentives of equal financial value.~~

~~Nothing in this section shall be construed to require the city to approve a proposal to convert apartments into condominiums.~~

Revise Section 33-1414, Project application procedure, as set forth below.

- (a) Density bonus projects. After notification to the applicant regarding the ~~city's~~City's determination on the preliminary application review and/or granting additional concessions or incentives, or waiver of development standard(s), the applicant may submit the development application, which shall be subject to a separate discretionary permit. The proposal shall be submitted in conjunction with a subdivision map, conditional use permit application or planned development application. All appropriate requirements shall be delivered to the ~~Escondido city planning department~~Planning Division in order for the application to be deemed complete. Not later than 30 calendar days after the City has received the planning application, the Planning Division shall notify the developer in writing whether the application is complete as required by Government Code Section 65943.
 - (b) Non-density bonus residential incentive projects. After notification to the applicant regarding the ~~city's~~City's determination on the preliminary application review and/or granting additional concessions or incentives, or waiver of development standard(s), the applicant may submit the development application which shall be subject to a separate administrative permit including all necessary information and fees to notice all properties within a five hundred (500) foot radius of the project boundaries, as well as appropriate fees should the project be appealed. All appropriate submittal requirements shall be delivered to the ~~Escondido city planning department~~Planning Division in order for the application to be deemed complete. Not later than 30 calendar days after the City has received the planning application, the Planning Division shall notify the developer in writing whether the application is complete.
- At time of application, a notice shall be posted on the project site detailing a general description of the proposal in conformance with section 33-1300 of this chapter.
- (c) In conjunction with the project application, the developer shall agree to execute a density bonus or residential incentive agreement, in such form as shall be established by the ~~director of planning and building~~Community Development Director.
 - (d) The planning application shall be processed, reviewed, and considered in accordance with the Government Code Section 65940 et seq. All requests for density bonus, concessions or incentives, parking reductions, and/or waivers shall be considered and acted upon by the approval body with authority to approve the housing development, with right to appeal as described in Division 6 of Article 61.

(1) The staff report presented to the decision-making body shall state whether the planning application conforms to the requirements of State Density Bonus Law.

(2) The decision-making body shall grant the concession or incentive requested by the applicant unless it makes a written finding, based on substantial evidence, of any of the following:

(A) The concession or incentive is not required to provide for affordable housing costs;

(B) The concession or incentive would have a specific, adverse impact on the public health, safety or physical environment and that there is no feasible mitigation;

(C) The concession or incentive would violate state or federal law; and/or

(D) The concession or incentive would have an adverse impact on any real property listed in a local, state, or federal Register of Historic Resources.

(3) The decision-making body shall grant the waiver of development standard(s) requested by the applicant unless it makes a written finding, based on substantial evidence, of any of the following:

(A) The waiver is not required to provide for affordable housing costs;

(B) The waiver would have a specific, adverse impact on the public health, safety or physical environment and that there is no feasible mitigation;

(C) The waiver would violate state or federal law; and/or

(D) The waiver would have an adverse impact on any real property listed in a local, state, or federal Register of Historic Resources.

(e) Nothing in this section shall be construed to require the city to approve a proposal to convert apartments into condominiums.

Revise Section 33-1415, Concession, incentives, equivalent financial incentives, as set forth below.

~~_____ (a) The city shall grant the following number of concessions or incentives:~~

~~_____ (1) For projects targeting senior households, a choice of one (1) incentive and/or concession shall be permitted;~~

~~_____ (2) For projects targeting lower income households, a choice of two (2) incentives and/or concessions shall be permitted; and~~

~~_____ (3) For projects targeting very low income households, a choice of three (3) incentives and/or concessions shall be permitted.~~

~~_____ (b) Developers shall select incentives from the following list. Each provision counts as an individual incentive.~~

~~_____ (1) Open space.~~

~~_____ (A) If development occurs in the R-2 or R-3 zones, the open space provisions of the R-4 zone may be applied. For development occurring in the R-4 zone, the provisions for open space may be reduced up to twenty-five (25) percent; or~~

~~_____ (B) Roof-top areas for covered parking may receive credit as open space if appropriately integrated into the design of the project and usable by the tenants; or~~

~~_____ (C) In multifamily zones (R-2 through R-4), projects may reduce common open space provisions by up to fifty (50) percent, if the project is located within one thousand (1,000) feet of a public park.~~

~~_____ (2) Unit size. If development occurs in the R-2 and R-3 zones, the dwelling unit size provisions of the R-4 zone may be applied. For development occurring in the R-4 zone, the provisions for dwelling unit size may be reduced up to twenty five (25) percent.~~

~~_____ (3) Parking. A parking management plan must be incorporated into each project which details assigned spaces, overflow, on-site vehicle maintenance, guest parking and on-street parking.~~

~~_____ (A) The covered parking requirements for all units may be eliminated.~~

~~_____ (B) Parking requirements for target units may be reduced according to the following schedule:~~

~~_____ (i) One (1) bedroom, one and one half (1.5) parking spaces per unit are reduced to one (1);~~

~~_____ (ii) Two (2) bedroom, one and three quarters (1.75) parking spaces per unit are reduced to one and one quarter (1.25);~~

~~_____ (iii) Three (3) or more, two (2) parking spaces per unit are reduced to one and one half (1.5).~~

~~_____ (C) On-street resident parking for target units, physically contiguous to the project frontage, may be substituted for the required off-street parking requirements at a ratio of one to one (1:1) on non-circulation element streets, subject to all ordinances and codes pertaining to on-street parking.~~

~~_____ (4) Off-site improvements. City participation of certain off-site improvements required by the development of the project may be proposed pursuant to negotiations and agreement with the city.~~

~~_____ (5) Timing of development fees. The developer of a project may propose a fee schedule which defers payment of any or all city related development fees until the project is released for occupancy.~~

~~_____ (6) The required setbacks for parking and landscaping within a parking area may be reduced up to an average of fifty (50) percent provided that the improvements are not significantly out of character with the surrounding area, do not create a safety hazard and a suitable alternative design is incorporated. Bumper overhang shall not extend into the reduced setback area. (Ord. No. 92-19, § 1, 4-22-92; Ord. No. 94-38, § 1, 12-7-94; Ord. No. 2011-19R § 5, 1-11-12)~~

(a) In addition to the density bonus, the City shall also provide one or more "incentives" or "concessions" to each housing development project, which qualifies for a density bonus.

(1) A concession or incentive is defined as a reduction in site development standards or a modification of zoning code or architectural design requirements, such as a reduction in setback or minimum square footage requirements; or approval of mixed use zoning; or other regulatory incentives or concessions which actually result in identifiable and financially sufficient cost reductions.

(2) The number of required incentives or concessions is based on the percentage of affordable units in the housing development project:

(A) One incentive or concession for projects that include at least 5 percent of the total units for very low-income households, or at least 10 percent for low-income households, or at least 10 percent for moderate-income households in a common interest development.

(B) Two incentives or concessions for projects that include at least 10 percent of the total units for very low-income households, at least 20 percent for low-income households, or at least 20 percent for moderate-income households in a common interest development.

(C) Three incentives or concessions for projects that include at least 15 percent of the total units for very low-income households, at least 30 percent for lower income households, or at least 30 percent for moderate-income in a common interest development.

(D) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(b) The City shall grant the concession or incentive proposed by the developer unless it finds that the proposed concession or incentive is not required in order to achieve the required affordable housing costs or rents, or would cause a public health or safety problem, cause an environmental problem, harm historical property, or would be contrary to law.

(c) A developer shall be ineligible for concessions or incentives when the housing development provides any of the following:

(1) Market-rate senior citizen housing development (with no affordable units); or

(2) Land donated/transferred to the City as specified elsewhere in this article; or

(3) A density bonus project that is proposed on any property that includes rental dwelling units that are, if the units have been vacated or demolished in the five-year period preceding the application, subject to a recorded covenant, ordinance, or law that restricts rents to affordable levels or subject to any other form of rent or price control; or occupied by very low- or low-income households, unless the proposed housing development replaces those units and meets the requirements of Government Code Section 65915(c)(3).

(d) A development qualifying for a density bonus also receives two additional forms of assistance, which the State Legislature has determined to have important benefits for a housing development project. The following additional forms of assistance do not count as an incentive or concession as described herein this section.

(1) Waiver or reduction of development standard(s). If any other development standard would physically prevent the project from being built by the developer at the permitted density and with the granted concessions or incentives permitted by State Density Bonus Law, the developer may propose to have those standards waived or reduced. The City is not required to waive or reduce development standards that that would cause a public health or safety problem, cause an environmental problem, harm a historical building, or would be contrary to law.

(2) Parking requirements. Upon the developer's request, the city or county may not require more than one onsite parking space for studio and one-bedroom units, two onsite parking spaces for two- and three-bedroom units, two and one-half onsite parking spaces

for units with four or more bedrooms, and other onsite parking requirement reductions identified by Government Code Section 65915(k). Onsite spaces may be provided through tandem or uncovered parking, but not on-street parking.

Revise Section 33-1416, Requirements for participation, as set forth below.

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

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

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

~~(2)~~(B) The target units must be compatible in floor plan, furnishings and exterior design to non-target units. The exterior appearance, interior finishes, and resident amenities shall be comparable to the market-rate units in the same housing development. Further, the target units must be reasonably dispersed throughout the development.

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

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

~~(b)~~For non-senior projects involving ten (10) or more units (exclusive of the target units), and which receive incentives in addition to the minimum required by State Density Bonus Law, at least thirty-three (33) percent of the target units shall be three (3) bedrooms or larger, or a ratio deemed acceptable by the ~~city~~City upon

administrative approval by the ~~director of planning and building~~Director of Community Development.

- ~~(1) Time period of availability to intended population:~~
- ~~(A) With at least one (1) additional incentive, at least thirty (30) years; or~~
- ~~(B) For density bonus units without an additional incentive, ten (10) years.~~

~~(2)(E)~~ Rental rates. For ~~lower- and very low-income or low-income~~ target units, the affordable housing cost to comply with the law is determined by a formula based on the household income levels and number of members in the household established by applicable state law. ~~Renter-occupied housing costs for lower-income target units shall be no more than thirty (30) percent of sixty (60) percent of the applicable area median income adjusted for household size; renter-occupied housing costs for very low-income target units shall be no more than thirty (30) percent of fifty (50) percent of area median income adjusted for household size.~~

~~(3)(F)~~ Sales price. Target units for sale must be affordable to ~~lower- or very low-, low-, or moderate-~~income households, as defined by income limits established by the ~~state department of housing and community development~~State Department of Housing and Community Development (HCD), pursuant to Health and Safety Code ~~sections~~Sections 50079.5 and 50105, respectively, as they may be amended from time to time.

~~(4)(G)~~ Prequalification. All target households must be prequalified by the developer or its designee prior to moving into a target unit by process mandated by ~~city~~City. The prequalification process for ~~lower- and very low-income~~ target households shall certify the income level of the prospective tenant household, and advise household of affordable housing costs, if applicable. These standards will be made available to the applicant by the ~~city~~City. The property owner shall not charge the applicant for the initial prequalification review. If, after performing the necessary verification, the tenant qualifies as ~~lower- or very low-, low-, or moderate-~~income, the ~~city~~City shall issue a certificate to the applicant and the property owner verifying the income level and eligibility to rent or own the unit.

~~(5)(H)~~ Reporting. Each May the developer or designee must provide the ~~department of planning, housing division~~Housing Division, an accounting of the previous calendar year, including:

- ~~(A)~~(1) Total units occupied for any part of the previous year by bedroom size;
- ~~(B)~~(2) Total units vacant for any part of the previous year by bedroom size;
- ~~(C)~~(3) Total units occupied by ~~lower-, very low-income and senior~~target households by bedroom size; and
- ~~(D)~~(4) For each ~~lower- and very low-, low-, and moderate-~~income target unit, the total monthly housing costs (advertised or paid); or

~~(E)~~(5) Any other pertinent information deemed appropriate by the ~~city~~City upon approval of the project.

~~(6)~~(I) Increases in tenant income. Rental housing qualifies as affordable housing despite a temporary noncompliance with subsection ~~(b)(2)~~(E) this section, if the noncompliance is caused by increases in the incomes of existing tenants and if actions satisfactory to the city are being taken to ensure that all vacancies are filled in accordance with this section until the noncompliance is corrected.

~~(7)~~(J) Default. Default by the property owner is unlawful and is a misdemeanor. Each unit shall be considered a separate violation. Such violation shall be punishable by a fine, not exceeding one thousand dollars (\$1,000.00), or by imprisonment in the county jail for a period not exceeding six (6) months, or both. In addition, the city shall have the right to prohibit the property owner from leasing any non-target unit which becomes vacant until the owner remedies the default. Until the default is remedied, no such unit shall thereafter be rented until the property owner presents evidence to the ~~department of planning, housing division,~~Housing Division that the prospective tenant qualifies as ~~very low-income or lower-income~~a target household, as required. Additionally, the average monthly default units shown on the audit report for the previous year shall be added to the units to be set aside during the next succeeding reporting period, if applicable.

- (2) For planning applications using a density bonus to "replace" rental units that currently exists or existed in the past five years, or have been vacated or demolished within the five-year period preceding the application, the City shall review the planning application in accordance with "replacement" requirements listed in Government Code Section 65915(c).
- (b) Where there is a direct financial contribution to a housing development pursuant to Government Code Section 65915 through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, the City shall assure continued availability for very low-, low-, or moderate-income units for 30 years. When appropriate, the agreement provided for in Government Code Section 65915 shall specify the mechanisms and procedures necessary to carry out this section.
- (c) When a developer submits a planning application for approval of a commercial development and has entered into an agreement for partnered housing described in Government Code Section 65915.7 to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, City shall review the planning application in accordance with requirements listed in Government Code Section 65915.7 to determine the requirements for participation.
- (d) When a developer submits a planning application that provides child care are eligible for a separate density bonus equal to the size of the child care facility, the child care facility must remain in operation for at least the length of the affordability covenants. A

percentage of the child care spaces must also be made available to low- and moderate-income families. The City shall review the planning application in accordance with requirements listed in Government Code Section 65917.5 to determine the requirements for participation.



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 16-0001

Project Applicant: City of Escondido

Project Location - Specific: Citywide

Project Location - City: Escondido

Project Location - County: San Diego

Description of Nature, Purpose and Beneficiaries of Project:

Amendment to the Escondido Zoning Code, Article 67, to bring City regulations of density bonus applications into compliance with recent State law changes.

Name of Public Agency Approving Project: City of Escondido

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

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

Exempt Status:

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

Reasons why project is exempt:

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

Lead Agency Contact Person: Mike Strong

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

Signature: 
Mike Strong, Assistant Planning Director

Date

☒ Signed by Lead Agency

Date received for filing at OPR:

☐ Signed by Applicant

ARTICLE 67. DENSITY BONUS AND RESIDENTIAL INCENTIVES

Sec. 33-1410. Purpose.

The purpose of the ordinance codified in this article is to adopt an implementing mechanism that provides housing opportunities for lower-, very low-income or senior households (target households) throughout the city. The article is mandated in part by State Density Bonus Law and provides incentives for the development of units for target households and procedures for reviewing development applications. This article also provides incentives for the development of nondensity bonus units for lower- and very low-income households (target households), designated to meet the city's housing needs. (Ord. No. 92-19, § 1, 4-22-92; Ord. No. 94-38, § 1, 12-7-94)

Sec. 33-1411. Definitions.

As used in this chapter, unless the context otherwise requires:

Affordable housing costs are defined in section 65915(c) of the Government Code.

Concession(s) or incentive(s) is at least one additional incentive, identified in section 33-1415 of this article, in addition to the minimum twenty-five (25) percent density bonus.

Density bonus is defined by the State of California Government Code section 65915(f).

Equivalent financial value refers to the cost to the developer based on the land cost per dwelling unit. This is determined by the difference in the value of the land with and without the density bonus.

Feasibility or feasible refers to whether a proposed project can provide affordable housing costs without concession(s) or incentive(s).

Household includes all persons permanently living in the home, including those temporarily absent. Examples of temporary absence include absent members away at school, or on a visit, vacation, trip in connection with work, active duty in the armed service, or absence of a similar nature.

Housing costs for renters includes rent and utilities except cable and telephone, and for owners

includes mortgage (principal and interest), taxes, insurance, homeowners association fees and utilities except cable and telephone.

Housing developments are one (1) or more groups of residential projects developed simultaneously, consisting of at least the minimum number of dwelling units prescribed within this article that qualify for a density bonus and additional incentive(s), or incentives of equivalent financial value, or residential incentives.

Lower- and very low-income households are households which fall within the income limits published by the department of housing and community development pursuant to Health and Safety Code sections 50079.5 and 50105, respectively, as they may be amended from time to time. Lower-income households are currently defined as earning at or below eighty (80) percent of the area median income adjusted for household size. Very low-income households are currently defined as those earning at or below fifty (50) percent of the area median income adjusted for household size.

Maximum permitted density is the maximum allowable residential density under the applicable zoning ordinance and General Plan Land-Use Element as of the date of the developer's application. This is the base density from which the density bonus is calculated.

Monthly gross income means moneys derived from all sources except gifts to any household member, and income of minors.

Senior citizen housing development means a housing development consistent with the California Fair Employment and Housing Act (Government Code section 12900 et seq., including 12955.9 in particular), California Civil Code sections 51.2, 51.3 and 51.4; which has been designed to meet the physical and social needs of senior households and which otherwise qualifies as housing for older persons as that phrase is used in the federal Fair Housing Amendments Act of 1988 (P.L. 100-430; 42 USC section 3607) and implementing regulations, and as that phrase is used in California Civil Code section 51.2.

Senior households are households with at least one (1) person sixty-two (62) years of age or fifty-five (55) years of age. Housing developments consisting of at least one hundred fifty (150) units (including the density bonus units) may involve senior households with at least one (1) person fifty-five (55) years of age. Housing developments consisting of less than one hundred fifty (150) units (including density bonus units) must limit target units to senior households with at least one (1) person sixty-two (62) years of age. Projects incorporating senior households must also comply with the Federal Fair Housing Amendments Act of 1988 Public Law section 100-430, 42 USC section 3601 and Consent Decree of Department of Justice.

Target households for density bonus projects are either very low-income, lower-income, or senior households. Nondensity bonus target households are either very low-income or lower-income households.

Target units are the restricted dwelling units established through the application of this article which are occupied by senior households, or occupied by and affordable to lower- and/or very low-income households for the prescribed duration. (Ord. No. 92-19, § 1, 4-22-92; Ord. No. 94-38, § 1, 12-7-94)

Sec. 33-1412. Implementation.

(a) For projects proposing a density bonus:

(1) The city council shall grant, according to Government Code section 65915, a density bonus and at least one additional concession or incentive, or financially equivalent incentive(s). The increase in density must be at least twenty-five (25) percent over the maximum permitted density authorized by the applicable zoning ordinance and city's General Plan.

Density bonus projects shall be subject to the following maximum Floor Area Ratio (F.A.R.) requirements: 0.6 in R-2, 0.7 in R-3 and 0.8 in R-4 zones.

(2) In order to qualify for this bonus, a housing development must consist of five (5) or more dwelling units, except those housing developments located within the Centre City Residential Area Plan, as

defined in the city's General Plan, may consist of three (3) dwelling units to qualify for this bonus. All housing developments proposing a density bonus must meet one (1) or more of the following minimum criteria:

(A) At least twenty (20) percent of the total units allowed by the maximum permitted density at affordable housing costs for and occupied by lower-income households for the prescribed duration; and/or

(B) At least ten (10) percent of the total units allowed by the maximum permitted density at affordable housing costs for and occupied by very low-income households for the prescribed duration; or

(C) At least fifty (50) percent of the total units allowed by the maximum permitted density are designated for and occupied by senior households.

(3) To be eligible for a density bonus or residential incentives, the developer must sign a binding agreement with the city which sets forth the conditions and guidelines to be met in the implementation of the density bonus law requirements and/or any other applicable requirements. The agreement will also establish specific compliance standards and remedies available to the city upon failure by the developer to restrict units to target households for the prescribed time period.

(A) All such agreement(s) shall be binding on the developers, their heirs, transferees, assigns, successors, administrators, executors and other representatives and recorded on the deed for the requisite time period.

(B) The developer agrees not to sell, transfer or otherwise dispose of the project, or any portion thereof, without obtaining the prior written consent of the planning and building director. Such consent shall be given upon receipt by the developer of reasonable evidence satisfactory to the planning and building director that the purchaser, or other transferee, has assumed, in writing and in full, the city's requirements and obligations in the agreement. The consent of the planning and building director shall not be unreasonably withheld or delayed.

(C) Figure 33.1412.1. Density bonus calculation.

Project Example

The density bonus units are not included when determining the number of required target units relative to the total project units. When calculating required target units, fractions are always round up to the next whole unit.

Maximum permitted density	18 du/ac
Property Size	4 acres
Number of units at maximum permitted density	72 units
Units affordable to target households (20% for lower-income HH's) [72 x .20 = 14.4]; round up	15 units
Density bonus units (@25%)	18 units
Total project units with 25% density bonus:	72 base units
	+ 18 density bonus units
	90 total units
	(75 units @ market rate, 15 units with restricted rents)

(B) For projects not proposing a density bonus:

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

(2) In order to qualify for the listed concessions or incentives, a housing development must consist of five (5) or more dwelling units, except those housing developments located within the Centre City Residential Area Plan may consist of three (3) dwelling units to qualify for the concessions or incentives. All housing developers requesting incentives must meet one (1) or more of the following:

(A) At least twenty (20) percent of the total units at affordable housing costs for and occupied by lower-income households for at least thirty (30) years; and/or

(B) At least ten (10) percent of the total units at affordable housing costs for and occupied by very low-income households for at least thirty (30) years. (Ord. No. 92-19, § 1, 4-22-92; Ord. No. 94-38, § 1, 12-7-94)

Sec. 33-1413. Preliminary application review procedure.

(a) In order to apply for a density bonus or residential incentives, the developer shall first submit to the city planning division a written proposal for a project.

(b) The written proposal shall consist of adequate information to reliably estimate the project cost per unit of the proposed development. This shall include, but not be limited to, the project location; total number of units by bedroom size; standards for maximum qualifying household incomes; proposed market and restricted housing costs; party/process responsibility for certifying target household income; how vacancies for restricted units will be marketed and filled; number of units by bedroom size for each target household category; density increase requested and concessions, incentives or financially equivalent incentives sought; and such other information as is required by the city.

(c) The planning division shall, within ninety (90) days of receipt of a written proposal, notify the developer in writing whether it shall recommend to the planning commission to:

(1) Grant a density bonus or residential incentives; and

(2) Grant one (1) or more additional concessions or incentives; or

(3) Provide other incentives of equal financial value.

Nothing in this section shall be construed to require the city to approve a proposal to convert apartments into condominiums. (Ord. No. 92-19, § 1, 4-22-92; Ord. No. 94-38, § 1, 12-7-94)

Sec. 33-1414. Project application procedure.

(a) Density bonus projects. After notification to the applicant regarding the city's determination on granting additional incentives, the applicant may submit the development application which shall be subject to a separate discretionary permit. The proposal shall be submitted in conjunction with a subdivision map, conditional use permit application or planned development application. All appropriate requirements shall be delivered to the Escondido city planning department in order for the application to be deemed complete.

(b) Nondensity bonus residential incentive projects. After notification to the applicant regarding the city's determination on granting additional incentives, the applicant may submit the development application which shall be subject to a separate administrative permit including all necessary information and fees to notice all properties within a five hundred (500) foot radius of the project boundaries, as well as appropriate fees should the project be appealed. All appropriate submittal requirements shall be delivered to the Escondido city planning department in order for the application to be deemed complete.

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

(c) In conjunction with the project application, the developer shall agree to execute a density bonus or residential incentive agreement, in such form as shall be established by the director of planning and building. (Ord. No. 92-19, § 1, 4-22-92; Ord. No. 94-38, § 1, 12-7-94)

Sec. 33-1415. Concessions, incentives, equivalent financial incentives.

(a) The city shall grant the following number of concessions or incentives:

(1) For projects targeting senior households, a choice of one (1) incentive and/or concession shall be permitted;

(2) For projects targeting lower-income households, a choice of two (2) incentives and/or concessions shall be permitted; and

(3) For projects targeting very low-income households, a choice of three (3) incentives and/or concessions shall be permitted.

(b) Developers shall select incentives from the following list. Each provision counts as an individual incentive.

(1) Open space.

(A) If development occurs in the R-2 or R-3 zones, the open space provisions of the R-4 zone may be applied. For development occurring in the R-4 zone, the provisions for open space may be reduced up to twenty-five (25) percent; or

(B) Roof-top areas for covered parking may receive credit as open space if appropriately integrated into the design of the project and usable by the tenants; or

(C) In multifamily zones (R-2 through R-4), projects may reduce common open space provisions by up to fifty (50) percent, if the project is located within one thousand (1,000) feet of a public park.

(2) Unit size. If development occurs in the R-2 and R-3 zones, the dwelling-unit size provisions of the R-4 zone may be applied. For development occurring in the R-4 zone, the provisions for dwelling-unit size may be reduced up to twenty-five (25) percent.

(3) Parking. A parking management plan must be incorporated into each project which details assigned spaces, overflow, on-site vehicle maintenance, guest parking and on-street parking.

(A) The covered-parking requirements for all units may be eliminated.

(B) Parking requirements for target units may be reduced according to the following schedule:

(i) One (1) bedroom, one and one-half (1.5) parking spaces per unit are reduced to one (1);

(ii) Two (2) bedroom, one and three-quarters (1.75) parking spaces per unit are reduced to one and one-quarter (1.25);

(iii) Three (3) or more, two (2) parking spaces per unit are reduced to one and one-half (1.5).

(C) On-street resident parking for target units, physically contiguous to the project frontage, may be substituted for the required off-street parking requirements at a ratio of one to one (1:1) on non-circulation element streets, subject to all ordinances and codes pertaining to on-street parking.

(4) Off-site improvements. City participation of certain off-site improvements required by the development of the project may be proposed pursuant to negotiations and agreement with the city.

(5) Timing of development fees. The developer of a project may propose a fee schedule which defers payment of any or all city-related development fees until the project is released for occupancy.

(6) The required setbacks for parking and landscaping within a parking area may be reduced up to an average of fifty (50) percent provided that the improvements are not significantly out of character with the surrounding area, do not create a safety hazard and a suitable alternative design is incorporated. Bumper overhang shall not extend into the reduced setback area. (Ord. No. 92-19, § 1, 4-22-92; Ord. No. 94-38, § 1, 12-7-94; Ord. No. 2011-19R § 5, 1-11-12)

Sec. 33-1416. Requirements for participation.

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

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

(2) The target units must be compatible in floor plan, furnishings and exterior design to non-

target units. Further, the target units must be reasonably dispersed throughout the development. If the development proposes a phased building plan, a proportionate share of target units shall be constructed in each phase.

(3) For nonsenior projects involving five (5) to nine (9) units, or three (3) to nine (9) units in the Centre City residential area, exclusive of the target units, and which receive incentives in addition to the minimum required by State Density Bonus Law, all target units shall be two (2) bedrooms or larger in size.

(b) For nonsenior projects involving ten (10) or more units (exclusive of the target units), and which receive incentives in addition to the minimum required by State Density Bonus Law, at least thirty-three (33) percent of the target units shall be three (3) bedrooms or larger, or a ratio deemed acceptable by the city upon administrative approval by the director of planning and building.

(1) Time period of availability to intended population:

(A) With at least one (1) additional incentive, at least thirty (30) years; or

(B) For density bonus units without an additional incentive, ten (10) years.

(2) Rental rates. For lower- and very low-income target units, the affordable housing cost to comply with the law is determined by a formula based on the household income levels and number of members in the household established by applicable state law. Renter-occupied housing costs for lower-income target units shall be no more than thirty (30) percent of sixty (60) percent of the area median income adjusted for household size; renter occupied housing costs for very low-income target units shall be no more than thirty (30) percent of fifty (50) percent of area median income adjusted for household size.

(3) Sales price. Target units for sale must be affordable to lower- or very low-income households, as defined by income limits established by the state department of housing and community development, pursuant to Health and Safety Code

sections 50079.5 and 50105, as they may be amended from time to time.

(4) Prequalification. All target households must be prequalified by the developer or its designee prior to moving into a target unit by process mandated by city. The prequalification process for lower- and very low-income target households shall certify the income level of the prospective tenant household, and advise household of affordable housing costs. These standards will be made available to the applicant by the city. The property owner shall not charge the applicant for the initial prequalification review. If, after performing the necessary verification, the tenant qualifies as lower- or very low-income, the city shall issue a certificate to the applicant and the property owner verifying the income level and eligibility to rent or own the unit.

(5) Reporting. Each May the developer or designee must provide the department of planning, housing division, an accounting of the previous calendar year, including:

(A) Total units occupied for any part of the previous year by bedroom size;

(B) Total units vacant for any part of the previous year by bedroom size;

(C) Total units occupied by lower-, very low-income and senior households by bedroom size; and

(D) For each lower- and very low-income target unit, the total monthly housing costs (advertised or paid); or

(E) Any other pertinent information deemed appropriate by the city upon approval of the project.

(6) Increases in tenant income. Rental housing qualifies as affordable housing despite a temporary noncompliance with subsection (b)(2) this section, if the noncompliance is caused by increases in the incomes of existing tenants and if actions satisfactory to the city are being taken to ensure that all vacancies are filled in accordance with this section until the noncompliance is corrected.

(7) Default. Default by the property owner is unlawful and is a misdemeanor. Each unit shall be

considered a separate violation. Such violation shall be punishable by a fine, not exceeding one thousand dollars (\$1,000.00), or by imprisonment in the county jail for a period not exceeding six (6) months, or both. In addition, the city shall have the right to prohibit the property owner from leasing any nontarget unit which becomes vacant until the owner remedies the default. Until the default is remedied, no such unit shall thereafter be rented until the property owner presents evidence to the department of planning, housing division, that the prospective tenant qualifies as very low-income or lower-income household, as required. Additionally, the average monthly default units shown on the audit report for the previous year shall be added to the units to be set aside during the next succeeding reporting period. (Ord. No. 92-19, § 1, 4-22-92; Ord. No. 94-38, § 1, 12-7-94)

Secs. 33.1417—33.1429. Reserved.

PLANNING COMMISSION

Agenda Item No.: H.4
Date: January 24, 2017

CASE NUMBER: AZ 16-0007

APPLICANT: City of Escondido

LOCATION: Citywide

TYPE OF PROJECT: Zoning Code Amendment

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

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

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

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

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

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

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

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

Respectfully Submitted,

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

Mike Strong
Assistant Planning Director

ANALYSIS

ENVIRONMENTAL STATUS:

The proposed zoning code amendments are exempt from CEQA, pursuant to Section 15061 (b)(3). The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

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

ZONING CODE AMENDMENT ANALYSIS:

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

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

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

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

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

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

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

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

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

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

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

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

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

HOUSING ELEMENT LAW AND RHNA ANALYSIS:

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

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

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

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

EXHIBIT "A"
FACTORS TO BE CONSIDERED
AZ16-0007

Zoning Code Amendment

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

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

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

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

Revise the existing definitions as set forth below.

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

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

ARTICLE 7: RESIDENTIAL AGRICULTURE ZONE

Revise Section 33-102 as set forth below.

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 8: RESIDENTIAL ESTATES ZONE

Revise Section 33-122 as set forth below.

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 10: SINGLE FAMILY RESIDENTIAL ZONE

Revise Section 33-162 as set forth below.

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 12: LIGHT MULTIPLE RESIDENTIAL ZONE

Revise Section 33-212 as set forth below.

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 13: MEDIUM MULTIPLE RESIDENTIAL ZONE

Revise Section 33-242 as set forth below.

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 14: HEAVY MULTIPLE RESIDENTIAL ZONE

Revise Section 33-272 as set forth below.

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 39: OFF-STREET PARKING

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

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

ARTICLE 65: OLD ESCONDIDO NEIGHBORHOOD

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

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

ARTICLE 70: SECOND DWELLING UNIT

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

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

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

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

Section 33-1471, Definition.

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

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

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

~~Second~~Accessory dwelling units shall not be permitted on property developed in a planned development zone or as a part of a planned unit approval, unless approved as a part of the original PD or PUA and the subject lot is not less than six thousand (6,000) square feet in size.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

Notice of Exemption

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

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

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

Project Applicant: City of Escondido

Project Location - Specific: Citywide

Project Location - City: Escondido

Project Location - County: San Diego

Description of Nature, Purpose and Beneficiaries of Project:

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

Name of Public Agency Approving Project: City of Escondido

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

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

Exempt Status:

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

Reasons why project is exempt:

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

Lead Agency Contact Person: Mike Strong

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

Signature: 
Mike Strong, Assistant Planning Director

Date

☒ Signed by Lead Agency

Date received for filing at OPR:

☐ Signed by Applicant

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

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

Sec. 33-1471. Definition.

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

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

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

Sec. 33-1472. Permitted zones.

Second dwelling units shall be permitted in the RA, RE, R1, R2, R3 and R4 zones on properties with only one (1) single-family residence on the lot, subject to the approval of a second dwelling unit permit. Second dwelling units within the Old Escondido Neighborhood shall observe the same standards and review procedures required of similar building expansions and new structures in that neighborhood. Second dwelling units shall not be permitted on property developed in a planned development zone or as a part of a planned unit approval, unless approved as a part of the original PD or PUA and the subject lot is not less than six thousand (6,000) square feet in size. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03; Ord. No. 2016-15, § 4, 10-26-16)

Sec. 33-1473. Occupancy limitations.

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

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

Sec. 33-1474. Development standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 33-1475. Other regulations.

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

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

Sec. 33-1476. Existing nonpermitted second units.

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

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

Sec. 33-1477. Application and procedure.

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

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

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

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

Sec. 33-1479. Appeal.

(a) Upon denial of an application, the applicant may appeal the decision to the planning commission.

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

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

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

Sec. 33-1480. Fees.

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

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

Secs. 33-1481—33-1489. Reserved.



Courtesy of Karen Chapple, UC Berkeley

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

Accessory Dwelling Unit Memorandum

December 2016



Table of Contents

Understanding ADUs and Their Importance	1
Summary of Recent Changes to Accessory Dwelling Unit Laws	3
Frequently Asked Questions: Accessory Dwelling Units	7
Should an Ordinance Encourage the Development of ADUs?	7
Are Existing Ordinances Null and Void?	7
Are Local Governments Required to Adopt an Ordinance?	8
Can a Local Government Preclude ADUs?	8
Can a Local Government Apply Development Standards and Designate Areas?	8
Can a Local Government Adopt Less Restrictive Requirements?	9
Can Local Governments Establish Minimum and Maximum Unit Sizes?	9
Can ADUs Exceed General Plan and Zoning Densities?	9
How Are Fees Charged to ADUs?	11
What Utility Fee Requirements Apply to ADUs?	11
What Utility Fee Requirements Apply to Non-City and County Service Districts?	11
Do Utility Fee Requirements Apply to ADUs within Existing Space?	11
Does “Public Transit” Include within One-half Mile of a Bus Stop and Train Station?	11
Can Parking Be Required Where a Car Share is Available?	12
Is Off Street Parking Permitted in Setback Areas or through Tandem Parking?	12
Is Covered Parking Required?	12
Is Replacement Parking Required When the Parking Area for the Primary Structure is Used for an ADU?	12
Are Setbacks Required When an Existing Garage is Converted to an ADU?	12
Are ADUs Permitted in Existing Residence and Accessory Space?	13
Are Owner Occupants Required?	13
Are Fire Sprinklers Required for ADUs?	13
Is Manufactured Housing Permitted as an ADU?	14
Can an Efficiency Unit Be Smaller than 220 Square Feet?	14
Does ADU Law Apply to Charter Cities and Counties?	14
Do ADUs Count toward the Regional Housing Need Allocation?	14
Must Ordinances Be Submitted to the Department of Housing and Community Development?	15

Frequently Asked Questions: Junior Accessory Dwelling Units	16
Is There a Difference between ADU and JADU?	16
Why Adopt a JADU Ordinance.....	17
Can JADUs Count towards The RHNA?	17
Can the JADU Be Sold Independent of the Primary Dwelling?	17
Are JADUs Subject to Connection and Capacity Fees?	17
Are There Requirements for Fire Separation and Fire Sprinklers?	18
Resources	19
Attachment 1: Statutory Changes (Strikeout/Underline)	19
Attachment 2: Sample ADU Ordinance	26
Attachment 3: Sample JADU Ordinance	29
Attachment 4: State Standards Checklist	32
Attachment 5: Bibliography	33

Understanding Accessory Dwelling Units and Their Importance



Courtesy of Karen Chapple, UC Berkeley

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

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

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

What is an ADU

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

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

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

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

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

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

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

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

Summary of Recent Changes to ADU Laws



Courtesy of Karen Chapple, UC Berkeley

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

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

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

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

SB 1069 (Wieckowski)

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

Parking

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

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

Fees

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

Fire Requirements

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

ADUs within Existing Space

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

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

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

No Total Prohibition

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

AB 2299 (Bloom)

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

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

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

Impact on Existing Accessory Dwelling Unit Ordinances

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

AB 2406 (Thurmond)

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

Required Components

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

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

Prohibited Components

This bill prohibits a local JADU ordinance from requiring:

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

Fire Safety Requirements

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

JADUs and the RHNA

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

Frequently Asked Questions: Accessory Dwelling Units

Should an Ordinance Encourage the Development of ADUs?

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

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

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

Are Existing Ordinances Null and Void?



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

Are Local Governments Required to Adopt an Ordinance?

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

Can a Local Government Preclude ADUs?

No local government cannot preclude ADUs.

Can a Local Government Apply Development Standards and Designate Areas?

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

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

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

Can a Local Government Adopt Less Restrictive Requirements?

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

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

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

Can Local Governments Establish Minimum and Maximum Unit Sizes?

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

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

Can ADUs Exceed General Plan and Zoning Densities?

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

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

How Are Fees Charged to ADUs?

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

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

What Utility Fee Requirements Apply to ADUs?

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

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

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

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

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

Do Utility Fee Requirements Apply to ADUs within Existing Space?

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

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

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

Can Parking Be Required Where a Car Share Is Available?

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

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

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

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

Is Covered Parking Required?

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

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

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

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

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

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

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

Are ADUs Permitted in Existing Residence or Accessory Space?

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

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

Are Owner Occupants Required?

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

Are Fire Sprinklers Required for ADUs?

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

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

Is Manufactured Housing Permitted as an ADU?

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

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

Can an Efficiency Unit Be Smaller than 220 Square Feet?

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

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

Does ADU Law Apply to Charter Cities and Counties?

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

Do ADUs Count toward the Regional Housing Need Allocation?

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

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

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

Frequently Asked Questions: Junior Accessory Dwelling Units

Is There a Difference between ADU and JADU?



Courtesy of Lilypad Homes and Photo Credit to Jocelyn Knight

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

ADUs and JADUs

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

Why Adopt a JADU Ordinance?

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

Can JADUs Count towards the RHNA?

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

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

Can the JADU Be Sold Independent of the Primary Dwelling?

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

Are JADUs Subject to Connection and Capacity Fees?

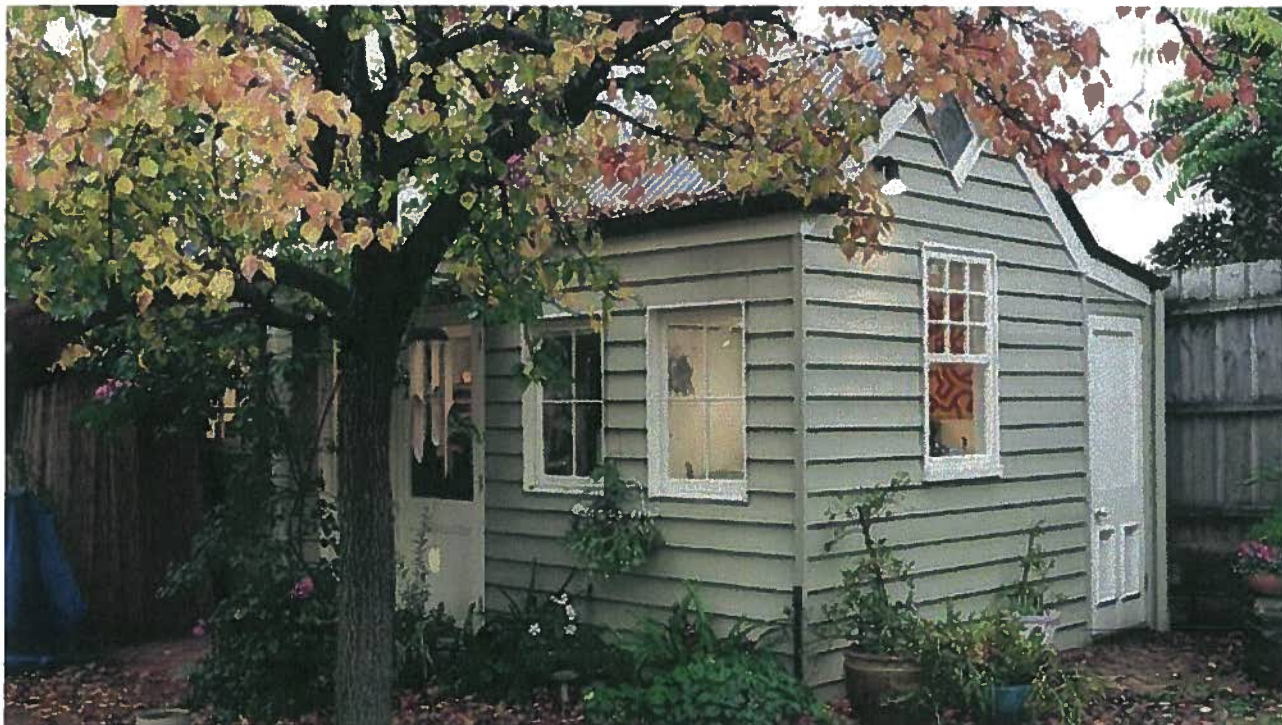
No, JADUs shall not be considered a separate or new dwelling unit for the purposes of fees and as a result should not be charged a fee for providing water, sewer or power, including a connection fee. These requirements apply to all providers of water, sewer and power, including non-municipal providers.

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

Are There Requirements for Fire Separation and Fire Sprinklers?

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

Resources



Courtesy of Karen Chapple, UC Berkeley

Attachment 1: Statutory Changes (Strikeout/Underline)

Government Code Section 65852.2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Government Code Section 65852.22.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment 2: Sample ADU Ordinance

Section XXX1XXX: Purpose

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

Section XXX2XXX: Applicability

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

Section XXX3XXX: Development Standards

Accessory Structures within Existing Space

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

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

Accessory Structures (Attached and Detached)

General:

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

Parking:

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

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

Section XXX4XXX: Permit Requirements

ADUs shall be permitted ministerially, in compliance with this Chapter within 120 days of application. The Community Development Director shall issue a building permit or zoning certificate to establish an accessory dwelling unit in compliance with this Chapter if all applicable requirements are met in Section XXX3XXXX, as appropriate. The Community Development Director may approve an accessory dwelling unit that is not in compliance with Section XXX3XXXX as set forth in Section XXX5XXXX. The XXXX Health Officer shall approve an application in conformance with XXXXXX where a private sewage disposal system is being used.

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

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

Section XXX6XXX: Findings

A. In order to deny an administrative use permit under Section XXX5XXX, the Community Development Director shall find that the Accessory Dwelling Unit would be detrimental to the public health and safety or would introduce unreasonable privacy impacts to the immediate neighbors.

B. In order to approve an administrative use permit under Section XXX5XXX to waive required accessory dwelling unit parking, the Community Development Director shall find that additional or new on-site parking would be detrimental, and that granting the waiver will meet the purposes of this Chapter.

Section XXX7XXX: Definitions

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

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

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

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

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

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

Attachment 3: Sample JADU Ordinance

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

Draft Junior Accessory Dwelling Units (JADU) – Flexible Housing

Findings:

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

Therefore the following ordinance is hereby enacted:

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

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

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

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

Development Standards for Junior Accessory Dwelling Units

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

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

may be assessed.

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

Definitions of Specialized Terms and Phrases.

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

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

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

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

Attachment 4: State Standards Checklist (As of January 1, 2017)

YES/NO	STATE STANDARD*	GOVERNMENT CODE SECTION
	Unit is not intended for sale separate from the primary residence and may be rented.	65852.2(a)(1)(D)(i)
	Lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.	65852.2(a)(1)(D)(ii)
	Accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.	65852.2(a)(1)(D)(iii)
	Increased floor area of an attached accessory dwelling unit does not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.	65852.2(a)(1)(D)(iv)
	Total area of floor space for a detached accessory dwelling unit does not exceed 1,200 square feet.	65852.2(a)(1)(D)(v)
	Passageways are not required in conjunction with the construction of an accessory dwelling unit.	65852.2(a)(1)(D)(vi)
	Setbacks are not required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines are not required for an accessory dwelling unit that is constructed above a garage.	65852.2(a)(1)(D)(vii)
	(Local building code requirements that apply to detached dwellings are met, as appropriate.	65852.2(a)(1)(D)(viii)
	Local health officer approval where a private sewage disposal system is being used, if required.	65852.2(a)(1)(D)(ix)
	Parking requirements do not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.	65852.2(a)(1)(D)(x)

* Other requirements may apply. See Government Code Section 65852.2

Attachment 5: Bibliography

Reports

ACCESSORY DWELLING UNITS: CASE STUDY (26 pp.)

By United States Department of Housing and Urban Development, Office of Policy Development and Research. (2008)

Introduction: Accessory dwelling units (ADUs) — also referred to as accessory apartments, ADUs, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities, and can be either attached or detached from the main residence. This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs. Section titles include: History of ADUs; Types of Accessory Dwelling Units; Benefits of Accessory Dwelling Units; and Examples of ADU Ordinances and Programs.

THE MACRO VIEW ON MICRO UNITS (46 pp.)

By Bill Whitlow, et al. — Urban Land Institute (2014)
Library Call #: H43 4.21 M33 2014

The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013 to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.

RESPONDING TO CHANGING HOUSEHOLDS: Regulatory Challenges for Micro-units and Accessory Dwelling Units (76 pp.)

By Vicki Been, Benjamin Gross, and John Infranca (2014)
New York University: Furman Center for Real Estate & Urban Policy
Library Call # D55 3 I47 2014

This White Paper fills two gaps in the discussion regarding compact units. First, we provide a detailed analysis of the regulatory and other challenges to developing both ADUs and micro-units, focusing on five cities: New York; Washington, DC; Austin; Denver; and Seattle. That analysis will be helpful not only to the specific jurisdictions we study, but also can serve as a model for those who want to catalogue regulations that might get in the way of the development of compact units in their own jurisdictions. Second, as more local governments permit or encourage compact units, researchers will need to evaluate how well the units built serve the goals proponents claim they will.

SCALING UP SECONDARY UNIT PRODUCTION IN THE EAST BAY: Impacts and Policy Implications (25 pp.)

By Jake Webmann, Alison Nemirow, and Karen Chapple (2012)
UC Berkeley: Institute of Urban and Regional Development (IURD)
Library Call # H44 1.1 S33 2012

This paper begins by analyzing how many secondary units of one particular type, detached backyard cottages, might be built in the East Bay, focusing on the Flatlands portions of Berkeley, El Cerrito, and Oakland. We then investigate the potential impacts of scaling up the strategy with regard to housing affordability, smart growth, alternative transportation, the economy, and city budgets. A final section details policy recommendations, focusing on regulatory reforms and other actions cities can take to encourage secondary unit construction, such as promoting carsharing programs, educating residents, and providing access to finance.

SECONDARY UNITS AND URBAN INFILL: A literature Review (12 pp.)

By Jake Wegmann and Alison Nemirow (2011)
UC Berkeley: IURD
Library Call # D44 4.21 S43 2011

This literature review examines the research on both infill development in general, and secondary units in particular, with an eye towards understanding the similarities and differences between infill as it is more traditionally understood – i.e., the development or redevelopment of entire parcels of land in an already urbanized area – and the incremental type of infill that secondary unit development constitutes.

YES, BUT WILL THEY LET US BUILD? The Feasibility of Secondary Units in the East Bay (17 pp.)

By Alison Nemirow and Karen Chapple (2012)
UC Berkeley: IURD
Library Call # H44.5 1.1 Y47 2012

This paper begins with a discussion of how to determine the development potential for secondary units, and then provides an overview of how many secondary units can be built in the East Bay of San Francisco Bay Area under current regulations. The next two sections examine key regulatory barriers in detail for the five cities in the study (Albany, Berkeley, El Cerrito, Oakland, and Richmond), looking at lot size, setbacks, parking requirements, and procedural barriers. A sensitivity analysis then determines how many units could be built were the regulations to be relaxed.

YES IN MY BACKYARD: Mobilizing the Market for Secondary Units (20 pp.)

By Karen Chapple, J. Weigmann, A. Nemirow, and C. Dentel-Post (2011)
UC Berkeley: Center for Community Innovation.
Library Call # B92 1.1 Y47 2011

This study examines two puzzles that must be solved in order to scale up a secondary unit strategy: first, how can city regulations best enable their construction? And second, what is the market for secondary units? Because parking is such an important issue, we also examine the potential for secondary unit residents to rely on alternative transportation modes, particular car share programs. The study looks at five adjacent cities in the East Bay of the San Francisco Bay Area (Figure 1) – Oakland, Berkeley, Albany, El Cerrito, and Richmond – focusing on the areas within ½ mile of five Bay Area Rapid Transit (BART) stations.

Journal Articles and Working Papers:

BACKYARD HOMES LA (17 pp.)

By Dana Cuff, Tim Higgins, and Per-Johan Dahl, Eds. (2010)
Regents of the University of California, Los Angeles.
City Lab Project Book.

DEVELOPING PRIVATE ACCESSORY DWELLINGS (6 pp.)

By William P. Macht. Urbanland online. (June 26, 2015)
Library Location: Urbanland 74 (3/4) March/April 2015, pp. 154-161.

GRANNY FLATS GAINING GROUND (2 pp.)

By Brian Barth. Planning Magazine: pp. 16-17. (April 2016)

Library Location: Serials

"HIDDEN" DENSITY: THE POTENTIAL OF SMALL-SCALE INFILL DEVELOPMENT (2 pp.)

By Karen Chapple (2011)

UC Berkeley: IURD Policy Brief.

Library Call # D44 1.2 H53 2011

California's implementation of SB 375, the Sustainable Communities and Climate Protection Act of 2008, is putting new pressure on communities to support infill development. As metropolitan planning organizations struggle to communicate the need for density, they should take note of strategies that make increasing density an attractive choice for neighborhoods and regions.

HIDDEN DENSITY IN SINGLE-FAMILY NEIGHBORHOODS: Backyard cottages as an equitable smart growth strategy (22 pp.)

By Jake Wegmann and Karen Chapple. Journal of Urbanism 7(3): pp. 307-329. (2014)

Abstract (not available in full text): Secondary units, or separate small dwellings embedded within single-family residential properties, constitute a frequently overlooked strategy for urban infill in high-cost metropolitan areas in the United States. This study, which is situated within California's San Francisco Bay Area, draws upon data collected from a homeowners' survey and a Rental Market Analysis to provide evidence that a scaled-up strategy emphasizing one type of secondary unit – the backyard cottage – could yield substantial infill growth with minimal public subsidy. In addition, it is found that this strategy compares favorably in terms of affordability with infill of the sort traditionally favored in the 'smart growth' literature, i.e. the construction of dense multifamily housing developments.

RETHINKING PRIVATE ACCESSORY DWELLINGS (5 pp.)

By William P. Macht. Urbanland online. (March 6, 2015)

Library Location: Urbanland 74 (1/2) January/February 2015, pp. 87-91.

ADUS AND LOS ANGELES' BROKEN PLANNING SYSTEM (4 pp.)

By CARLYLE W. Hall. The Planning Report. (April 26, 2016).

Land-use attorney Carlyle W. Hall comments on building permits for accessory dwelling units.

News:

HOW ONE COLORADO CITY INSTANTLY CREATED AFFORDABLE HOUSING

By Anthony Flint. The Atlantic-CityLab. (May 17, 2016).

In Durango, Colorado, zoning rules were changed to allow, for instance, non-family members as residents in already-existing accessory dwelling units.

NEW HAMPSHIRE WINS PROTECTIONS FOR ACCESSORY DWELLING UNITS (1 p.)

NLIHC (March 28, 2016)

Affordable housing advocates in New Hampshire celebrated a significant victory this month when Governor Maggie Hassan (D) signed Senate Bill 146, legislation that allows single-family homeowners to add an accessory

dwelling unit as a matter of right through a conditional use permit or by special exception as determined by their municipalities. The bill removes a significant regulatory barrier to increasing rental homes at no cost to taxpayers.

[NEW IN-LAW SUITE RULES BOOST AFFORDABLE HOUSING IN SAN FRANCISCO](#). (3 pp.)

By Rob Poole. Shareable. (June 10, 2014).

The San Francisco Board of Supervisors recently approved two significant pieces of legislation that support accessory dwelling units (ADUs), also known as “in-law” or secondary units, in the city...

[USING ACCESSORY DWELLING UNITS TO BOLSTER AFFORDABLE HOUSING](#) (3 pp.)

By Michael Ryan. Smart Growth America. (December 12, 2014).

PLANNING COMMISSION

Agenda Item No.: I.1
Date: February 14, 2017

CASE NUMBERS: SUB 14-0018, PHG16-0023

APPLICANT: William Lyon Homes

LOCATION: The approximately 2.29-acre project site is located within the South Escondido Boulevard Neighborhood Plan on the eastern side of South Escondido Boulevard and the western side of Cranston Drive, south of Citracado Parkway, addressed as 2516 S. Escondido Boulevard

TYPE OF PROJECT: Precise Development Plan modification and determination of substantial conformance for a Tentative Subdivision Map.

PROJECT DESCRIPTION: A request for a modification to a previously approved Precise Development Plan (SUB14-0018, known as Stella Park Condominiums) to develop a 63 unit, attached three-story condominium project within the Planned Development-Residential Zone (PD-R 28.4). The residential units would be grouped in 10 residential buildings with five to seven units within each building. Four different unit types are proposed ranging in size from 1,132 SF to 1,557 SF and would include a two-car garage and two to three bedrooms. Several recreational open space areas for residents are proposed throughout the site that provide active and passive recreational opportunities.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION: General Commercial (Centre City Parkway/Brotherton Road Target Area)

ZONING: Existing: PD-R 28.4 (Planned Development – Residential, 28.4 dwelling units per acre)

BACKGROUND/SUMMARY OF ISSUES: The previously approved project consisted of 65 condominium units and a one-lot Tentative Subdivision Map along with a Zone Change from General Commercial to Planned Development Residential (PD-R 28-4) and an Amendment to the South Escondido Boulevard Area Plan to allow for an exclusively residential development on the subject site. The project was not recommended for approval by the Planning Commission at their hearing on March 22, 2016 (vote 4-2, Commissioners Weber, McQuead, Johns and Spann opposing the project). The majority of the Planning Commission expressed concerns regarding the project with discussion primarily focusing on density, traffic, parking and setbacks. The project was unanimously approved by the City Council on April 27, 2016. The project as approved can be built as reflected on the approved exhibits. 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. Lyon Homes is now pursuing development of the project that includes a reduction in the number of units from 65 to 63, and also is requesting a modification the site plan layout and building to accommodate a mix of two- and three-bedroom units. The staff report includes all previously adopted conditions of approval and mitigation measures for reference purposes, along with any recommended modifications to specific conditions to correspond to the revised project design.

Staff feels that the issues are as follow:

1. Appropriateness of the project design elements and whether adequate setbacks, parking and open space have been provided for the proposed development.
2. Whether the Tentative Subdivision Map is in substantial conformance with the approved Tentative Map.

REASONS FOR STAFF RECOMMENDATION:

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

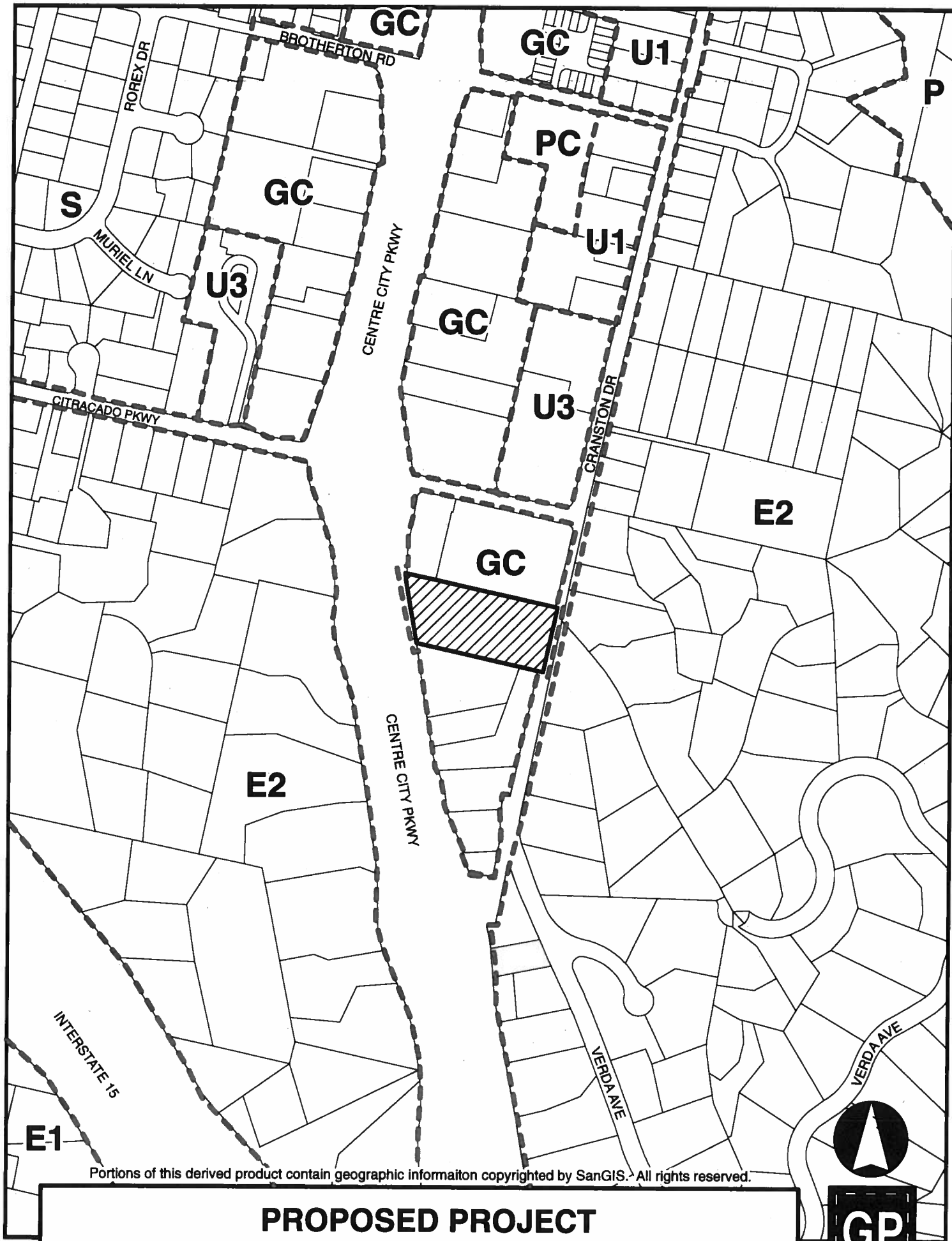
development on the north (Urbana). The project has been designed to function almost as a second phase to the adjacent condominium development on the north by incorporating a similar building style with the buildings located in a manner that allows view corridors to remain through the site. Staff believes 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 recreational active and passive recreational opportunities. The proposed project design modifications and variety of features would continue to provide a quality environment for the residents.

2. The revised Tentative Subdivision Map would be in considered 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.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Jay Paul", is written over the text "Respectfully Submitted,".

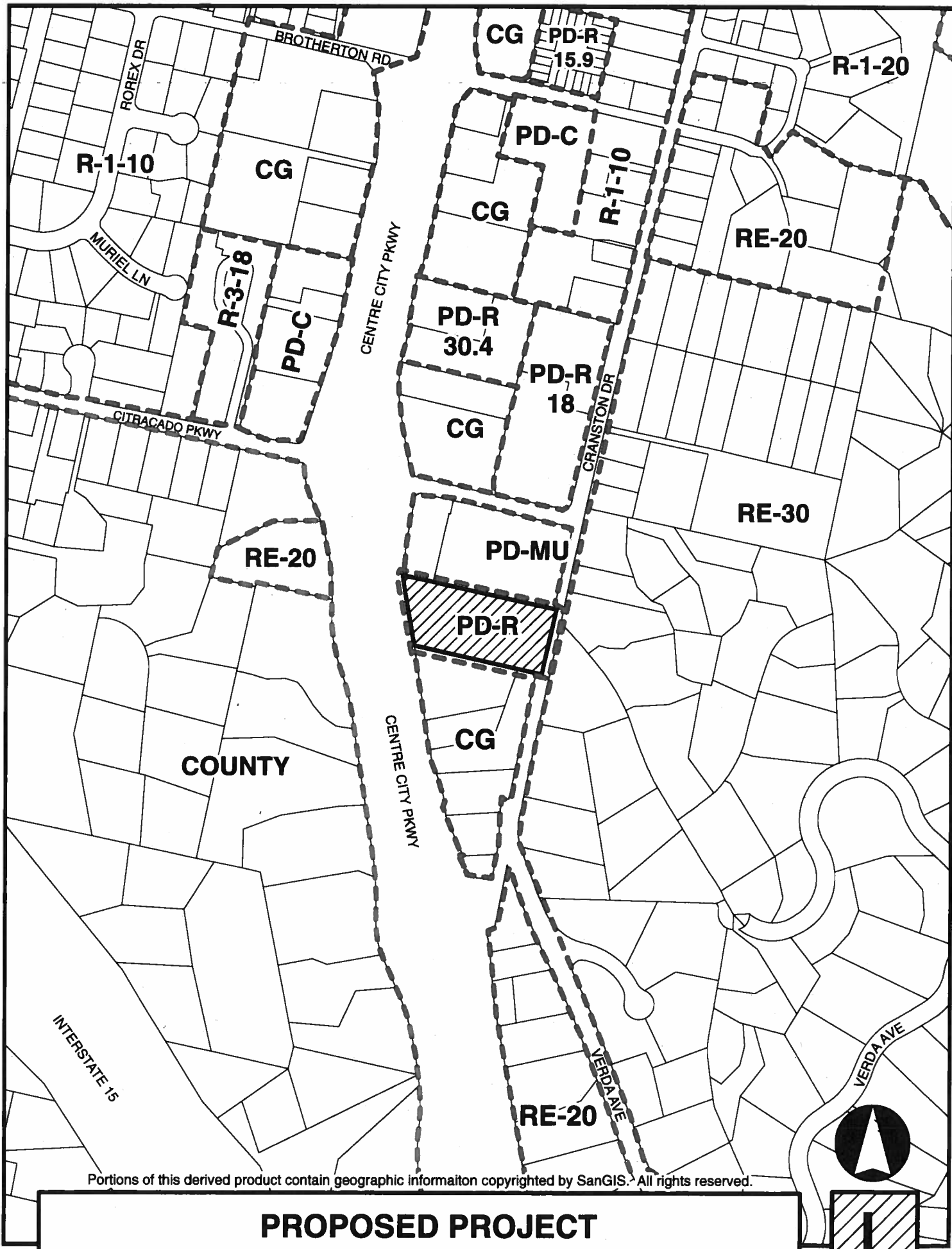
Jay Paul
Associate Planner



Portions of this derived product contain geographic information copyrighted by SanGIS. All rights reserved.

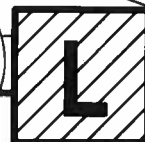
PROPOSED PROJECT PHG 15-0023



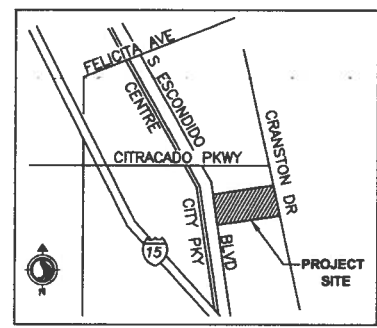
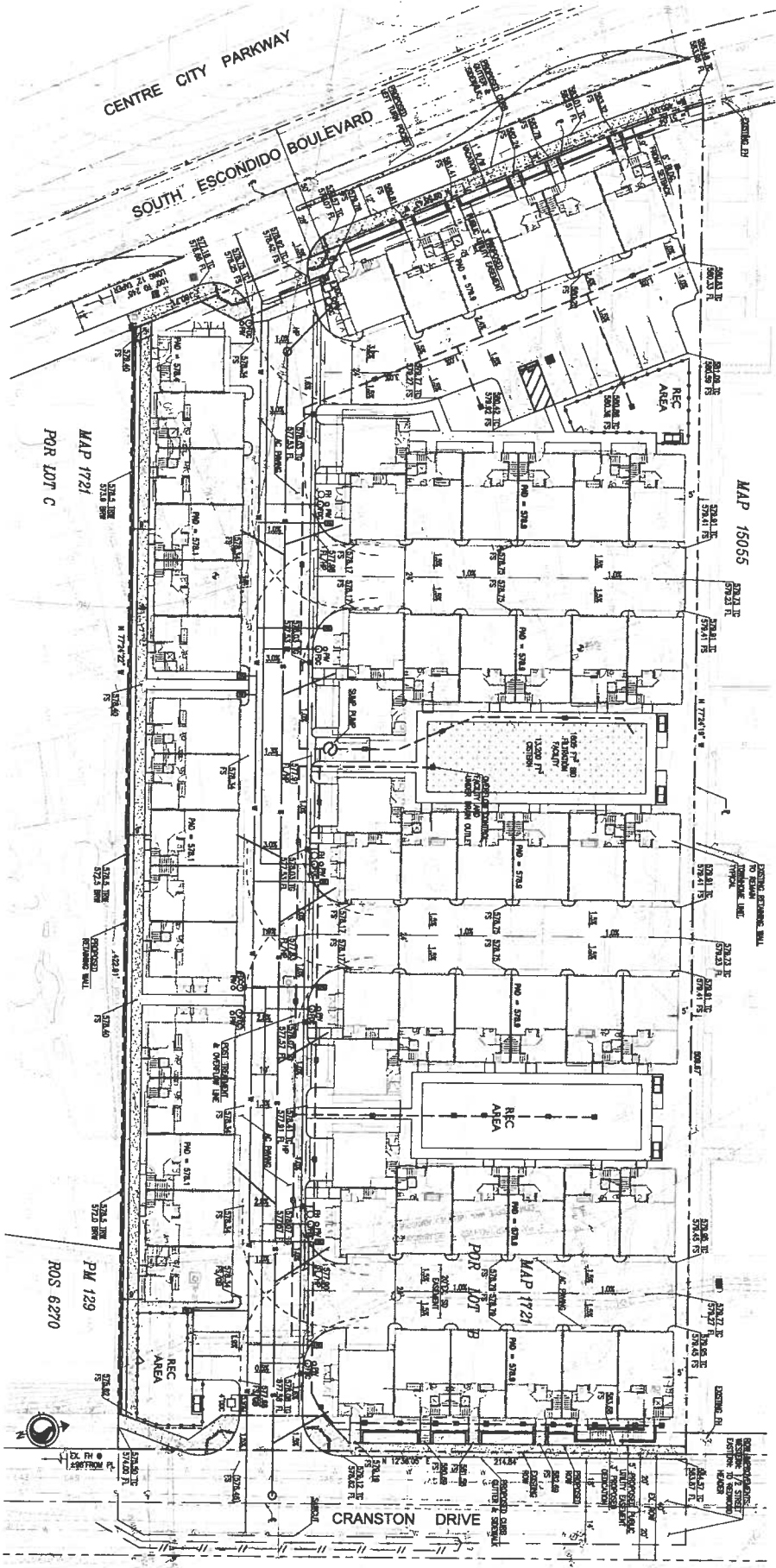


Portions of this derived product contain geographic information copyrighted by SanGIS. All rights reserved.

PROPOSED PROJECT PHG 15-0023



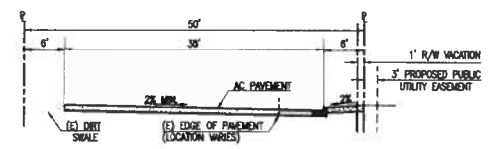
LOCATION/ZONING 4



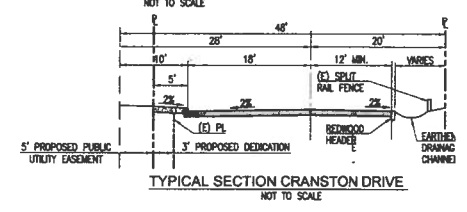
VICINITY MAP
 THOMAS BROTHERS MAP 1130, A7
 NOT TO SCALE

LEGEND

DESCRIPTION	SYMBOL
PROPERTY LINE	N45°45'45"W
CENTERLINE	—●—
PROPERTY LINE - OFFSITE	---
(P) SPOT ELEVATION	100.2
EDGE OF PAVING	—
P.C.C. CURB	FACE OF CURB
RETAINING WALL	HIGHER SIDE
EXISTING RETAINING WALL	SPR
EXISTING CONTOUR	---
EXISTING FENCE	---
EXISTING BRUSHLINE/TREE CANOPY	---
EXISTING POWER POLE	—●—
EXISTING WATER VALVE	—●—
EXISTING STREET SIGN	—●—
EXISTING OVERHEAD UTILITIES	—●—
EXISTING STREET LIGHT	—●—
EXISTING WATER MAIN	W
EXISTING SEWER-MAIN	S
EXISTING STORM DRAIN	SD
EXISTING WATER METER	WM
EXISTING TREE; PALM	—●—
(P) WATER MAIN	W
(P) SEWER MAIN	S
(P) STORM DRAIN	SD
(P) DIRECTION OF FLOW	→
(P) SURFACE CATCH BASIN	—●—
(P) FIRE HYDRANT	FH
(P) FIRE DEPT. CONNECTION	FDC
(P) POST INDICATOR VALVE	PV
(P) WATER SERVICE WITH BACKFLOW PREVENTER	—●—
(P) FIRE TRUCK TURNING RADIUS	—●—



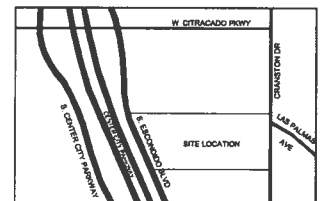
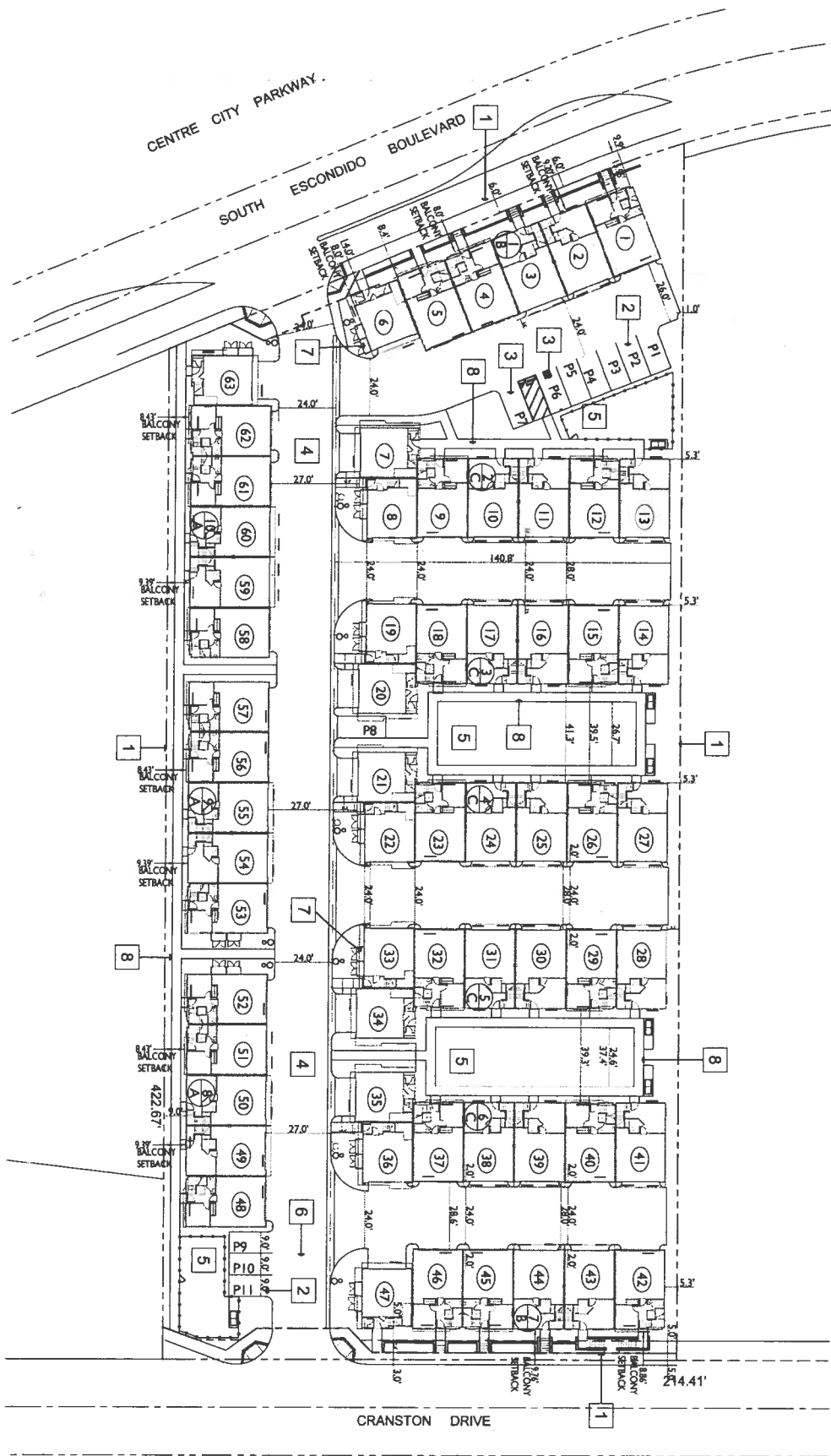
TYPICAL SECTION SOUTH ESCONIDO BLVD.
 NOT TO SCALE



TYPICAL SECTION CRANSTON DRIVE
 NOT TO SCALE

PROPOSED PROJECT
PHG 16-0023



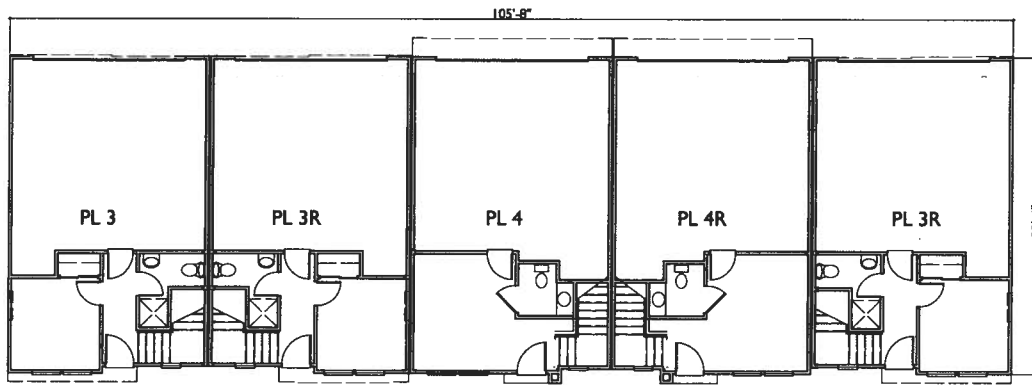


STELLA PARK TOWNHOMES SITE PLAN

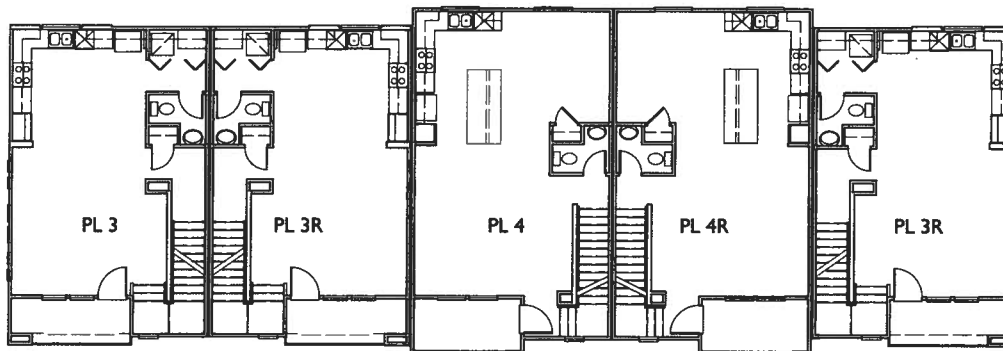
**PROPOSED PROJECT
PHG 16-0023**

S

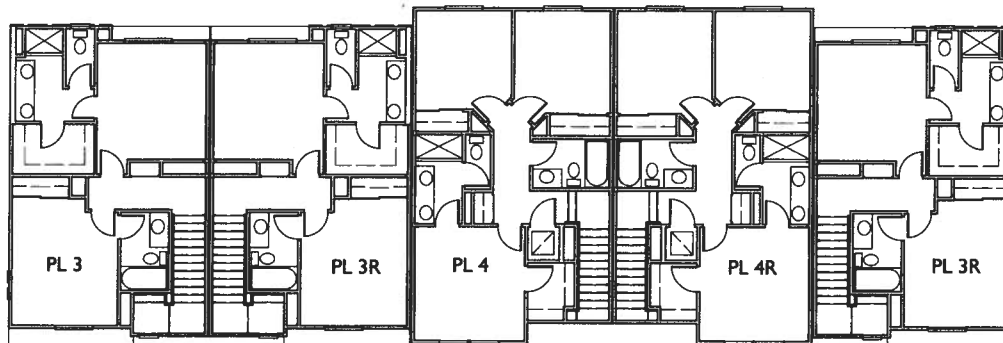
SITE PLAN



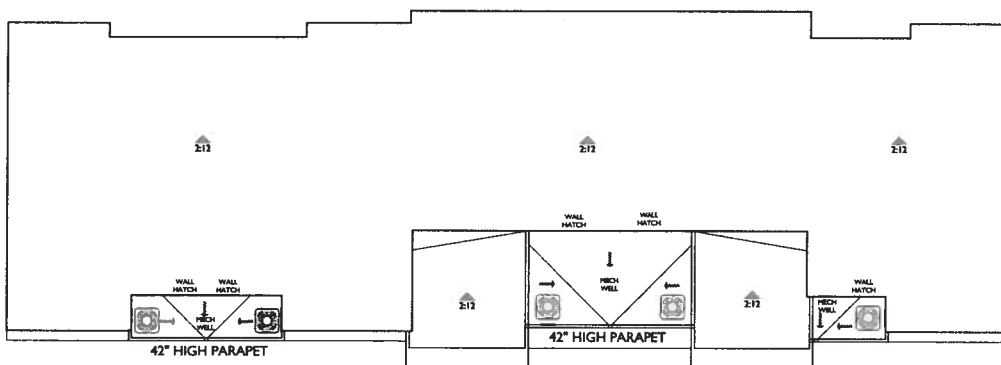
FIRST FLOOR PLAN



SECOND FLOOR PLAN



THIRD FLOOR PLAN



ROOF PLAN

0 8 16 32

BUILDING A

STELLA PARK TOWNHOMES

PROPOSED PROJECT
PHG 16-0023

F



BUILDING A PERSPECTIVES

STELLA PARK TOWNHOMES

**PROPOSED PROJECT
PHG 16-0023**

3D



LEFT ELEVATION



RIGHT ELEVATION



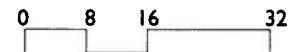
REAR ELEVATION



FRONT ELEVATION

MATERIAL SCHEDULE

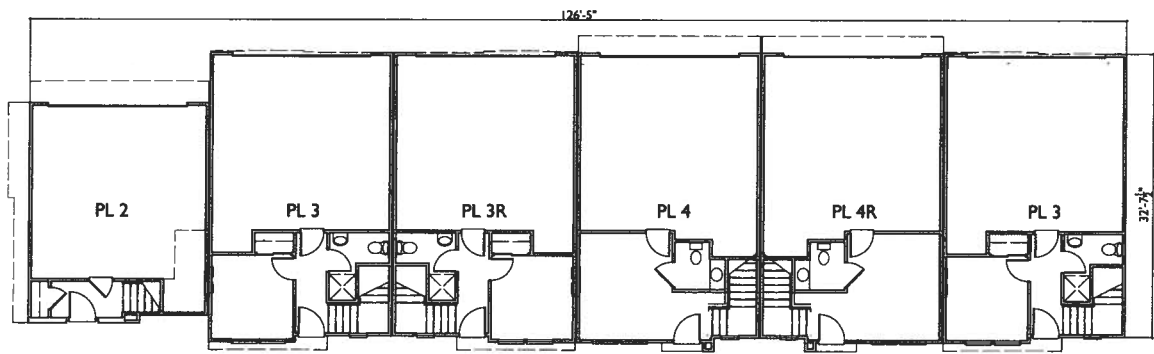
1. ROOF - COMPOSITE ASPHALT SHINGLES
2. FASCIA - 2x RESAWN WOOD
3. WALL - 3 COAT EXTERIOR PLASTER
4. WALL - HORIZONTAL LAP SIDING
5. VINYL WINDOW WITH TRIM
6. DECORATIVE STUCCO AWNING
7. DECORATIVE WOOD AWNING W/ ENAMEL PAINT
8. DECORATIVE METAL RAILING
9. DECORATIVE RESAWN WOOD CORBEL
10. DECORATIVE EXTERIOR LIGHT FIXTURE
11. SECTIONAL GARAGE DOOR
12. MECHANICAL EQUIPMENT W/ PARAPET SCREEN



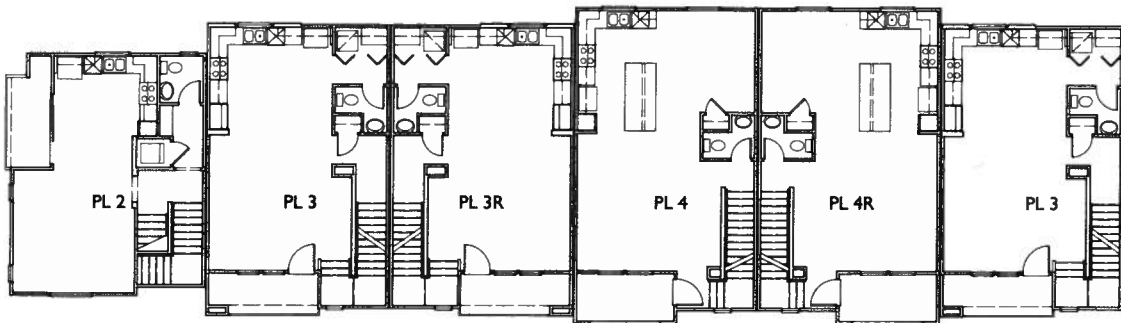
**BUILDING A
ELEVATIONS**

**PROPOSED PROJECT
PHG 16-0023**

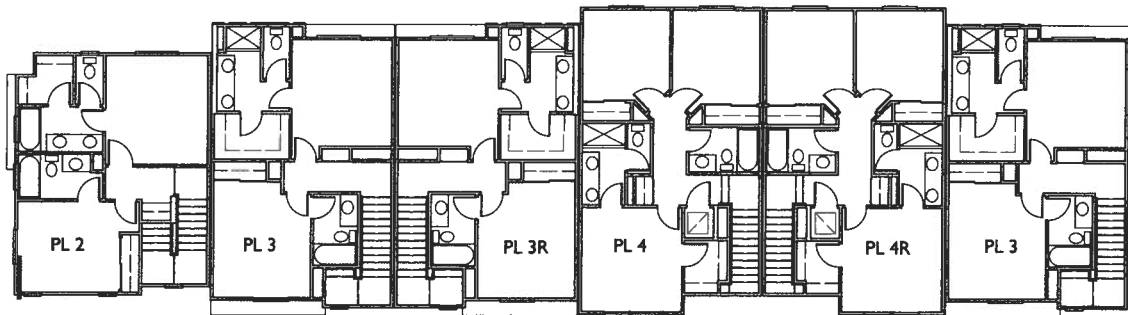
E



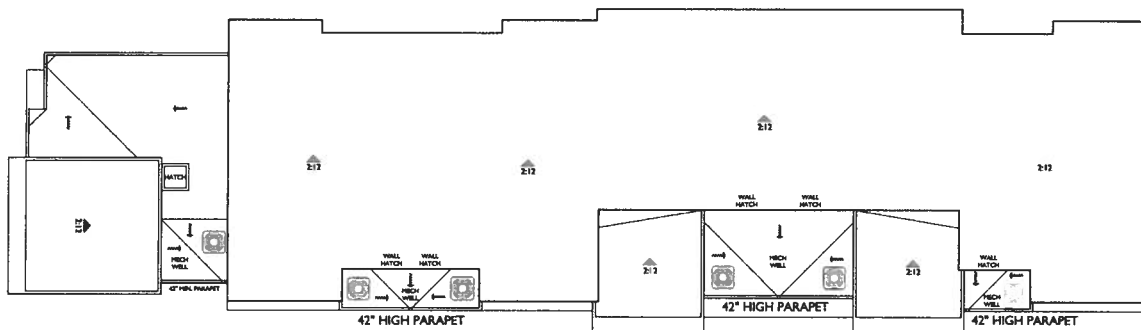
FIRST FLOOR PLAN



SECOND FLOOR PLAN



THIRD FLOOR PLAN



ROOF PLAN



BUILDING B

STELLA PARK TOWNHOMES

PROPOSED PROJECT
PHG 16-0023

F



**BUILDING B
PERSPECTIVES**

STELLA PARK TOWNHOMES

**PROPOSED PROJECT
PHG 16-0023**

3D

3D PERSPECTIVES ¹¹



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION



FRONT ELEVATION

MATERIAL SCHEDULE

1. ROOF - COMPOSITE ASPHALT SHINGLES
2. FASCIA - 2x RESAWN WOOD
3. WALL - 3 COAT EXTERIOR PLASTER
4. WALL - HORIZONTAL LAP SIDING
5. VINYL WINDOW WITH TRIM
6. DECORATIVE STUCCO AWNING
7. DECORATIVE WOOD AWNING W/ ENAMEL PAINT
8. DECORATIVE METAL RAILING
9. DECORATIVE RESAWN WOOD CORBEL
10. DECORATIVE EXTERIOR LIGHT FIXTURE
11. SECTIONAL GARAGE DOOR
12. MECHANICAL EQUIPMENT W/ PARAPET SCREEN

0 8 16 32

BUILDING B

STELLA PARK TOWNHOMES

**PROPOSED PROJECT
PHG 16-0023**

E



**BUILDING C
PERSPECTIVES**

STELLA PARK TOWNHOMES

**PROPOSED PROJECT
PHG 16-0023**

3D

3D PERSPECTIVES 13



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION



FRONT ELEVATION

1. ROOF - COMPOSITE ASPHALT SHINGLES
2. FASCIA - 2x RESAWN WOOD
3. WALL - 3 COAT EXTERIOR PLASTER
4. WALL - HORIZONTAL LAP SIDING
5. VINYL WINDOW WITH TRIM
6. DECORATIVE STUCCO AWNING
7. DECORATIVE WOOD AWNING W/ ENAMEL PAINT
8. DECORATIVE METAL RAILING
9. DECORATIVE RESAWN WOOD CORBEL
10. DECORATIVE EXTERIOR LIGHT FIXTURE
11. SECTIONAL GARAGE DOOR
12. MECHANICAL EQUIPMENT W/ PARAPET SCREEN

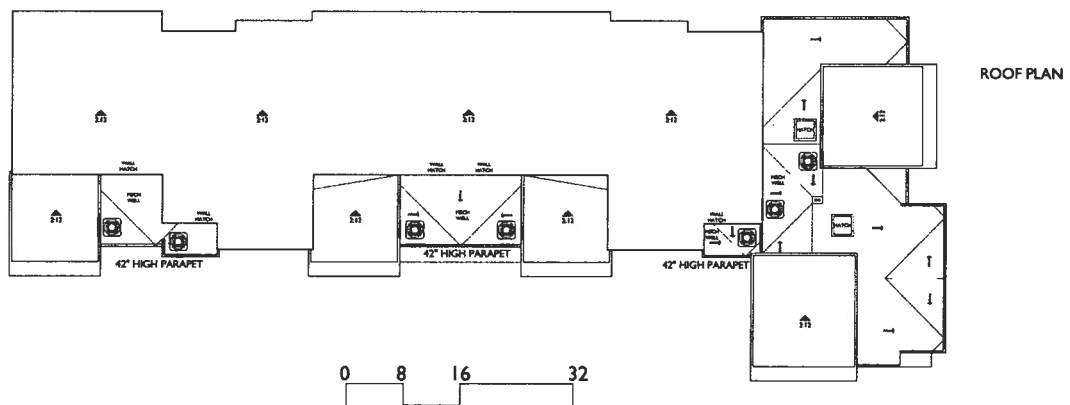
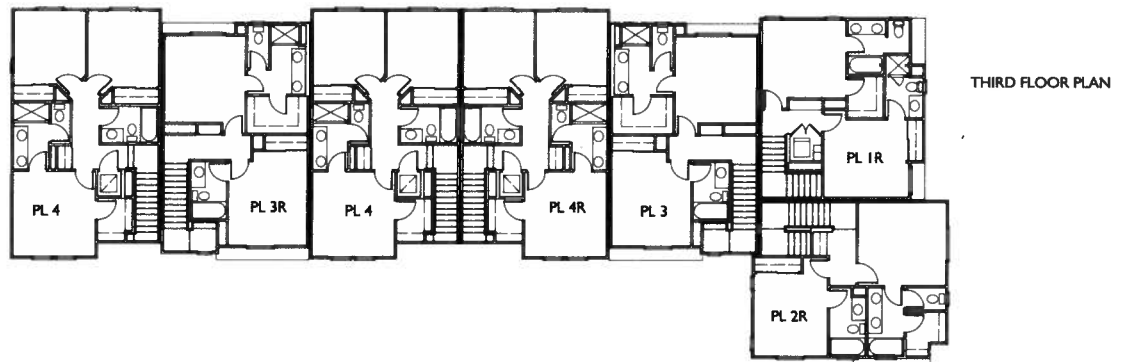
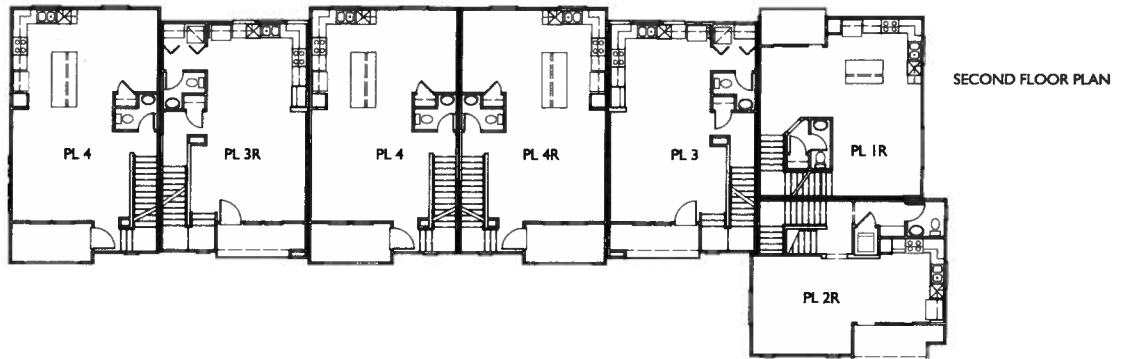
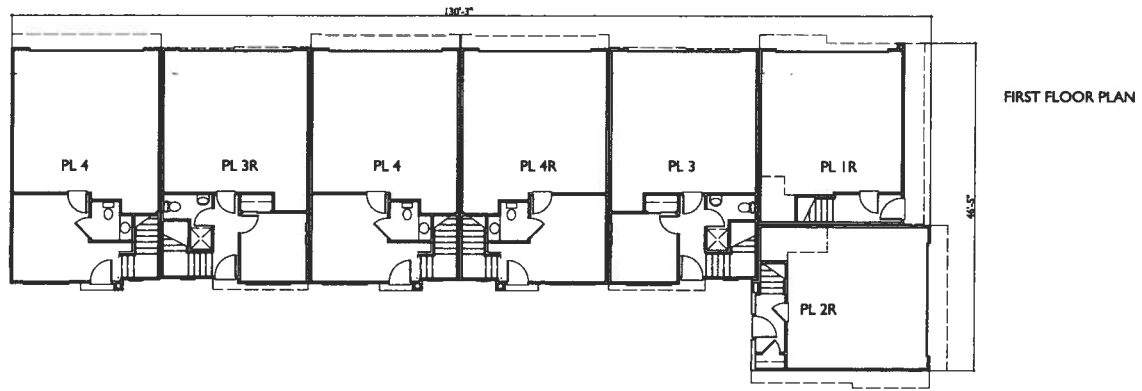
BUILDING C

STELLA PARK TOWNHOMES

PROPOSED PROJECT
PHG 16-0023

E

ELEVATIONS



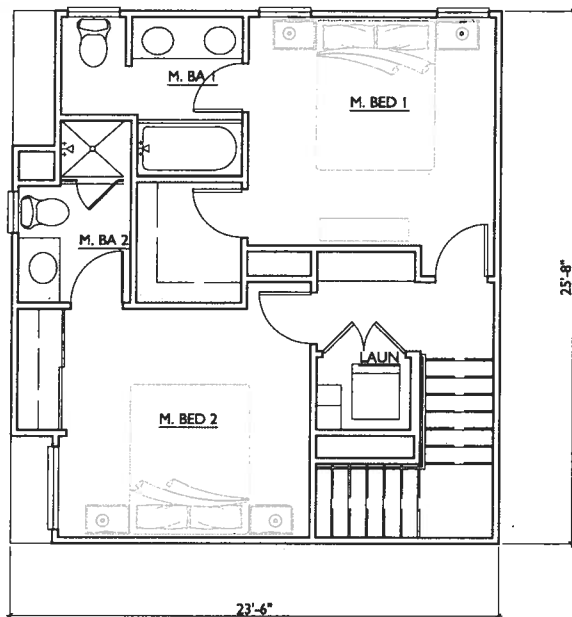
0 8 16 32

BUILDING C

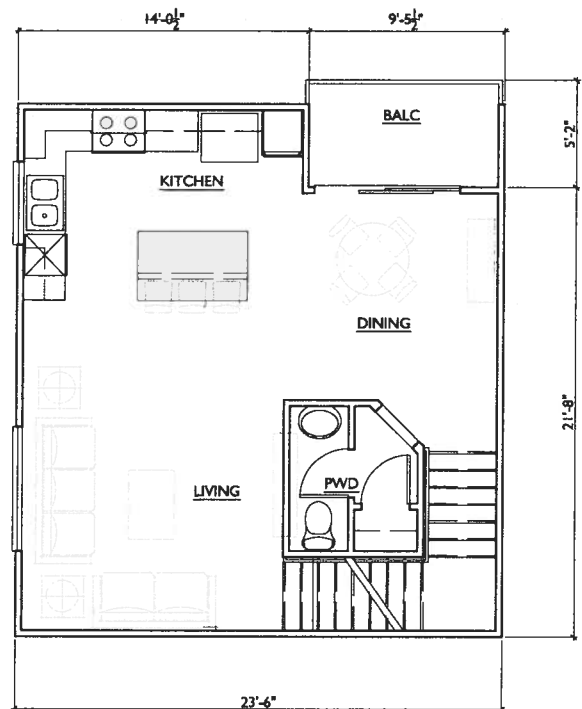
STELLA PARK TOWNHOMES

PROPOSED PROJECT
PHG 16-0023

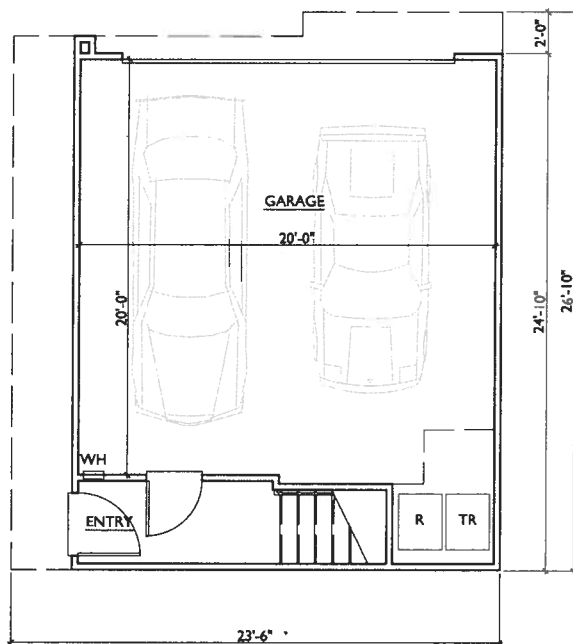
F



THIRD FLOOR PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN

PLAN I: 2BD/2.5BA
 1ST FLR - 56 S.F.
 2ND FLR- 537 S.F.
 3RD FLR- 539 S.F.
 TOTAL 1132 S.F. NET
 (1,200 S.F. GROSS)

BALCONY- 46 S.F.
 GARAGE- 432 S.F.

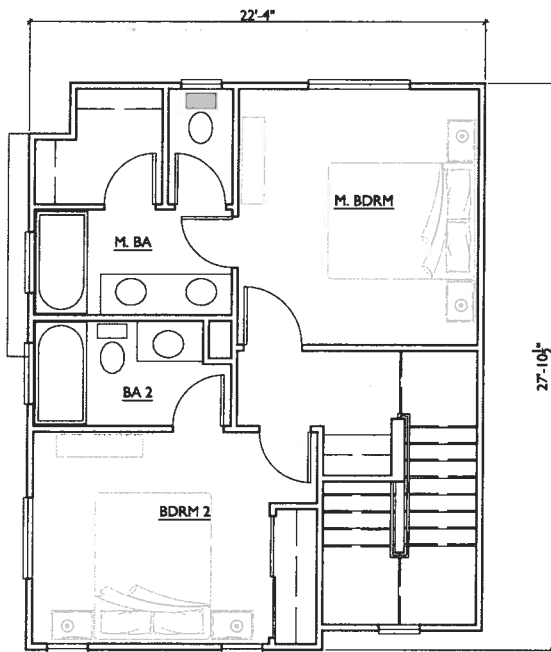


A-I
 CONCEPTUAL FLOOR PLANS I

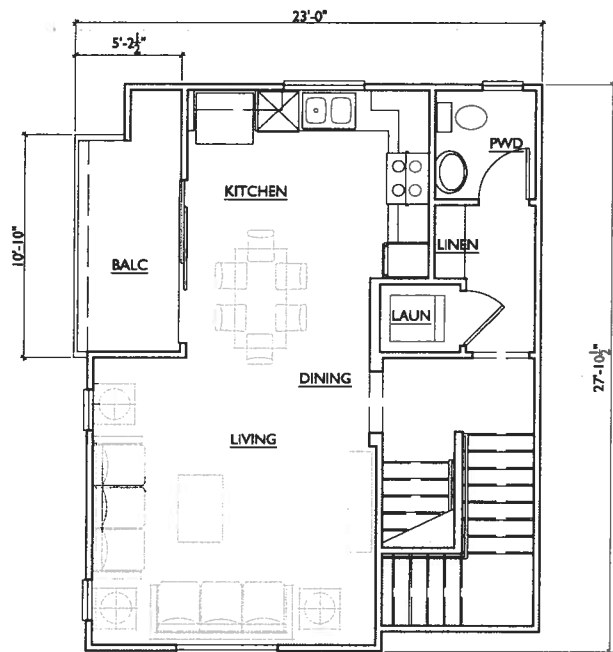
STELLA PARK TOWNHOMES

PROPOSED PROJECT
 PHG 16-0023

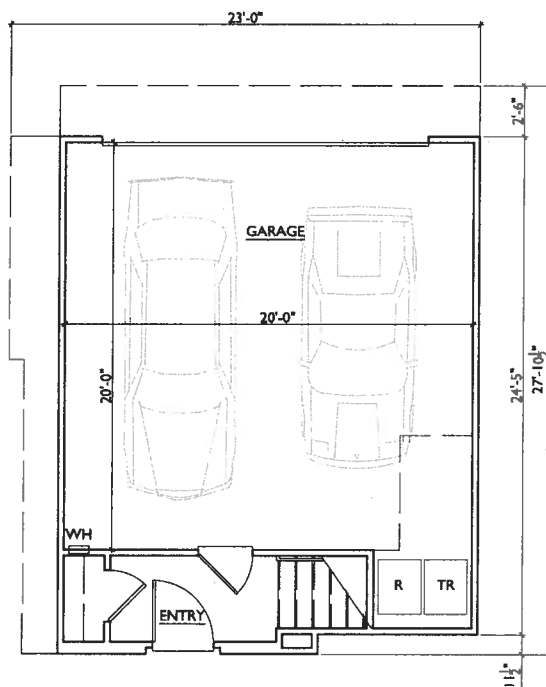
F



THIRD FLOOR PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN

PLAN 2: 2BD/2.5BA
 1ST FLR - 64 S.F.
 2ND FLR- 527 S.F.
 3RD FLR- 553 S.F.
 TOTAL 1144 S.F. NET
 (1,219 S.F. GROSS)

BALCONY- 56 S.F.
 GARAGE- 413 S.F.

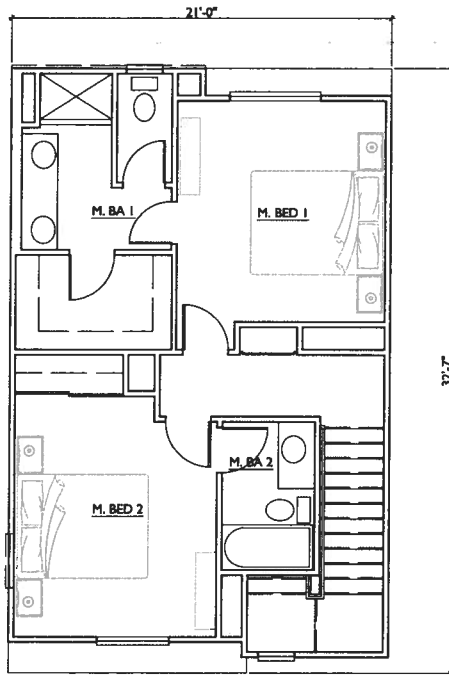


A-1
 CONCEPTUAL FLOOR PLANS 2

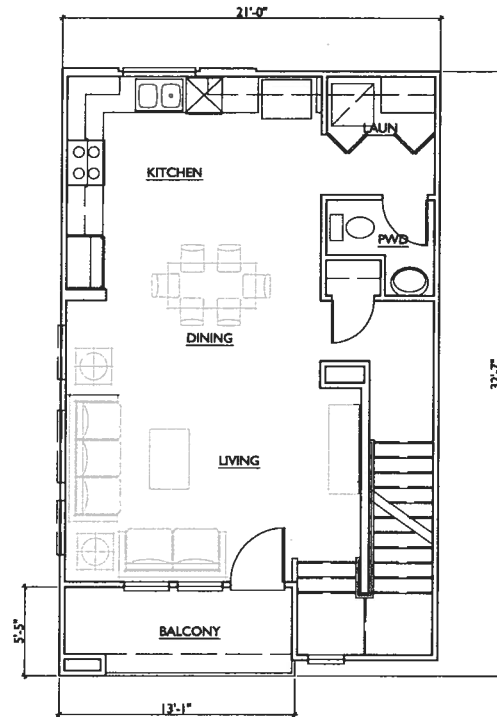
STELLA PARK TOWNHOMES

PROPOSED PROJECT
 PHG 16-0023

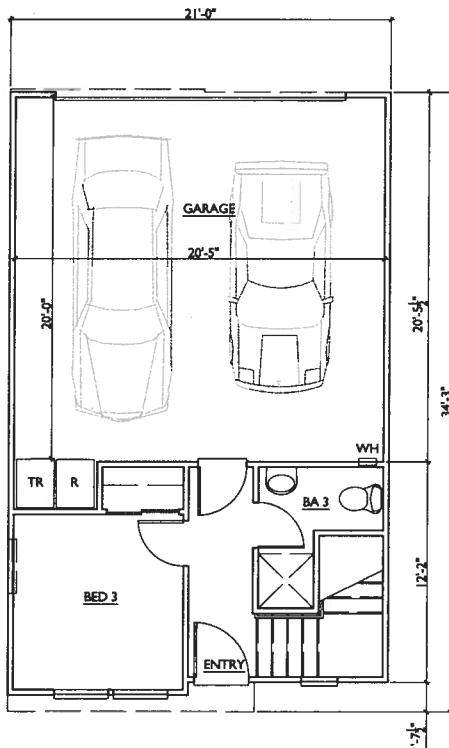
F



THIRD FLOOR PLAN



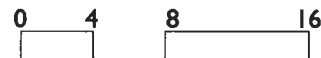
SECOND FLOOR PLAN



FIRST FLOOR PLAN

PLAN 3: 3BD/3.5BA
 1ST FLR - 233 S.F.
 2ND FLR- 602 S.F.
 3RD FLR- 584 S.F.
 TOTAL 1419 S.F. NET
 (1,497 S.F. GROSS)

BALCONY- 60 S.F.
 GARAGE- 422 S.F.

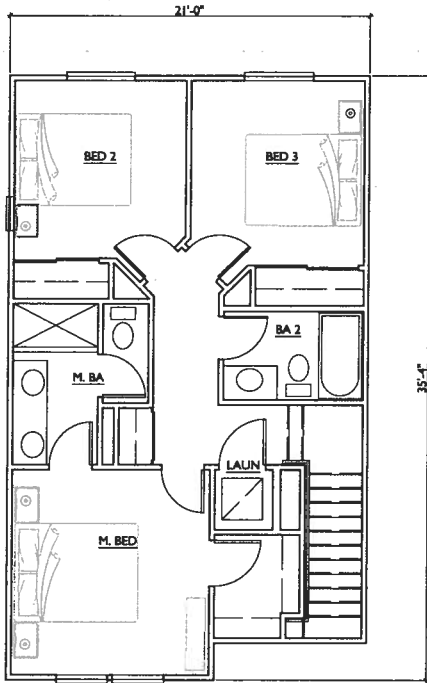


A-2
 CONCEPTUAL FLOOR PLANS 3

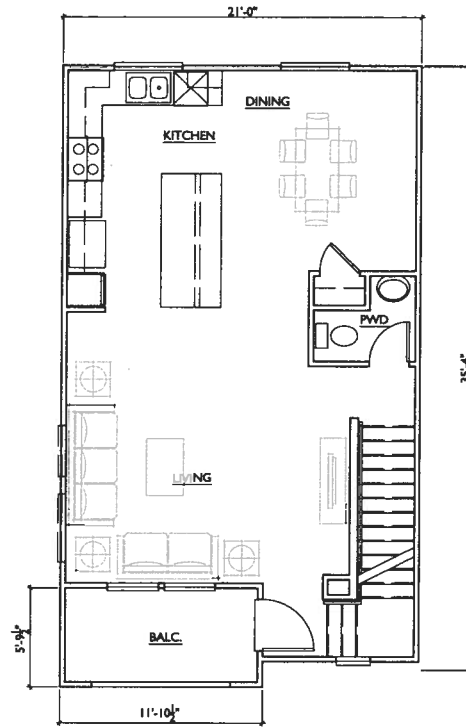
STELLA PARK TOWNHOMES

PROPOSED PROJECT
 PHG 16-0023

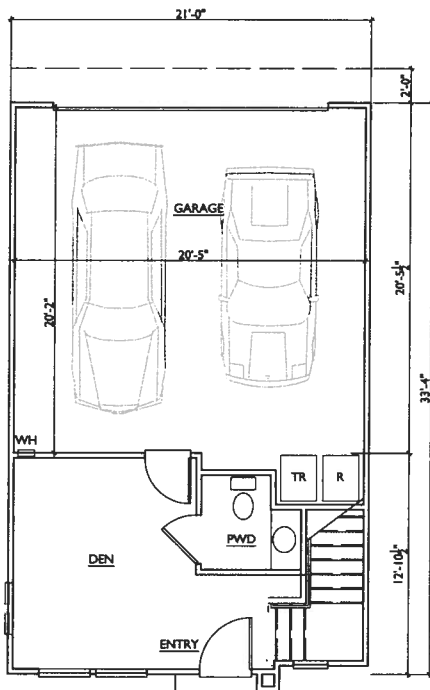
F



THIRD FLOOR PLAN



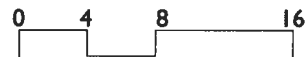
SECOND FLOOR PLAN



FIRST FLOOR PLAN

PLAN 4: 3BD/2.5BA
 1ST FLR - 238 S.F.
 2ND FLR- 654 S.F.
 3RD FLR- 665 S.F.
 TOTAL 1557 S.F. NET
 (1,638 S.F. GROSS)

BALCONY- 62 S.F.
 GARAGE- 423 S.F.



A-2
 CONCEPTUAL FLOOR PLANS 4

STELLA PARK TOWNHOMES

PROPOSED PROJECT
 PHG 16-0023

F

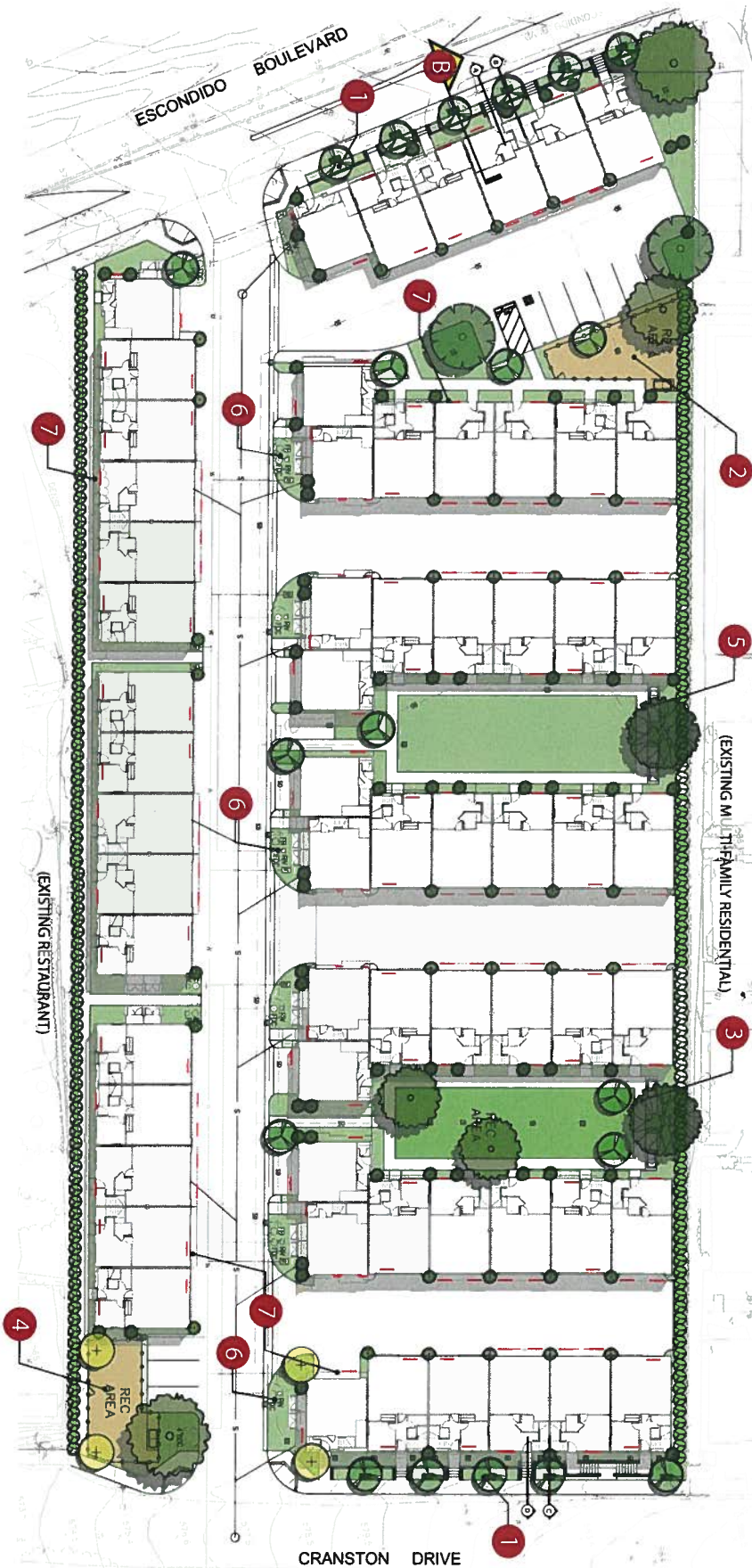
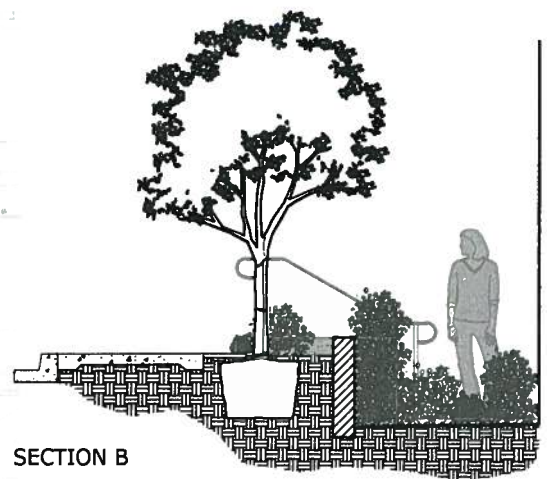
Conceptual Landscape Exhibit



Legend

- 1 Street tree opportunity
- 2 Open Space I
 - Bench Seating
 - Shade Trees
 - Play Structure
 - Protective Fencing
- 3 Open Space II
 - Bench Seating
 - Shade Trees
 - Turf Lawn
- 4 Open Space III
 - Bench Seating
 - Shade Trees
 - Play Structure
 - Protective Fencing
- 5 Loop Walkway
 - Bench Seating
 - Specimen Tree
- 6 Fire Apparatus with 3' radius
- 7 Rescue window locations indicated by a bold red line throughout.

-  Shrubs & Groundcovers
-  Turf
-  Play Surface



PROPOSED PROJECT
PHG 16-0023

L

Planting Legend

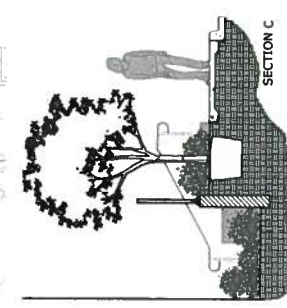
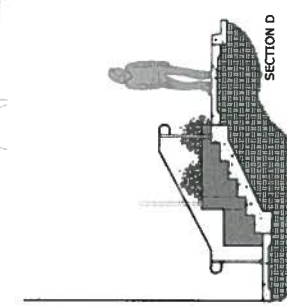
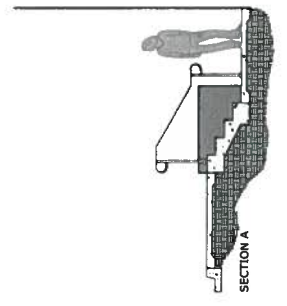
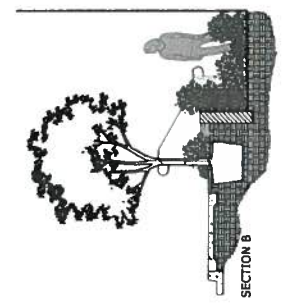
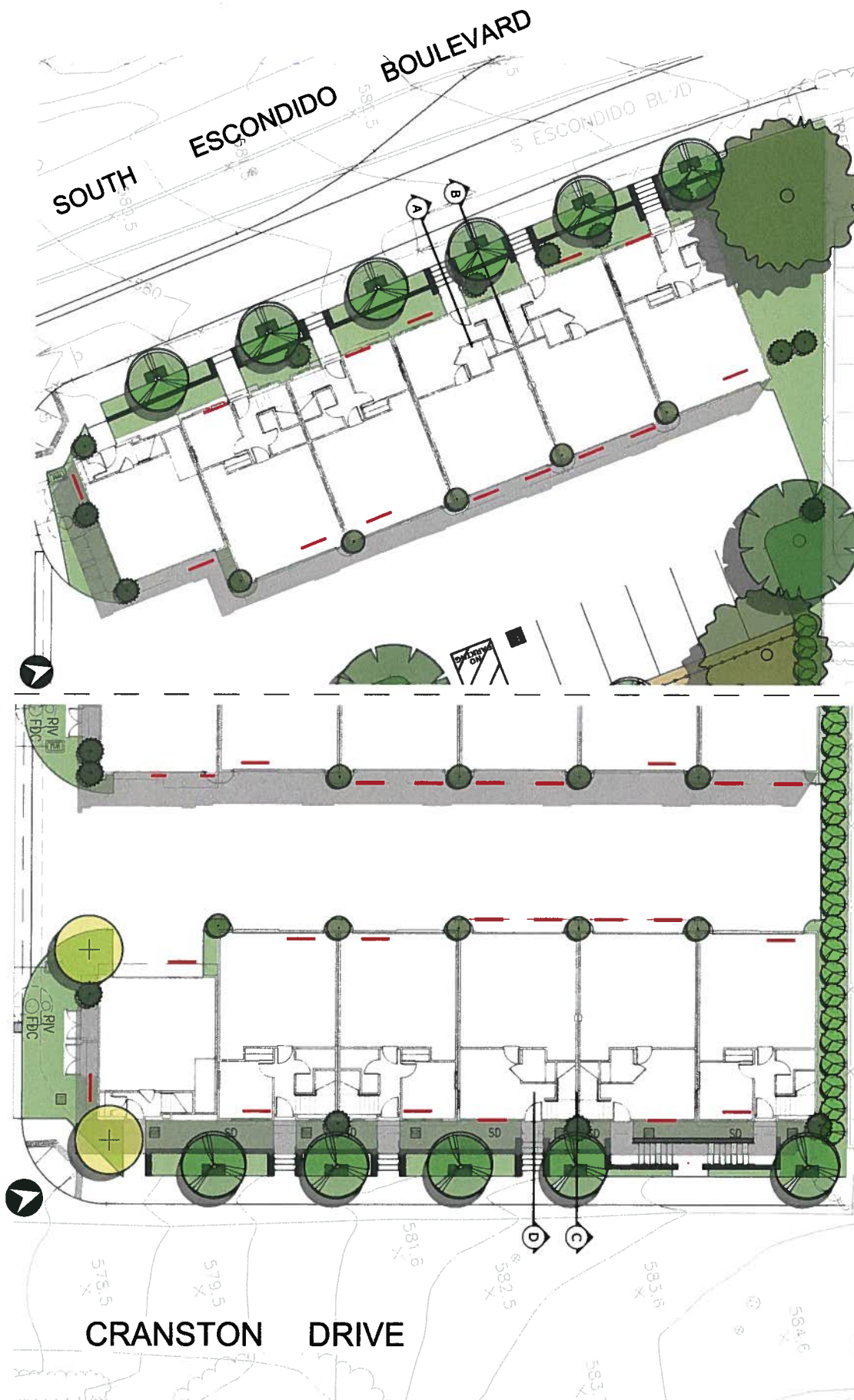
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS
	Broad Headed Accent Tree			
	- Rhus lancea Multi.	African Sumac	36" Box	Low
	- Laurus nobilis Std.	Bay Laurel	36" Box	Low
	Specimen Tree			
	- Feijoa sellowiana	Pineapple Guava	48" Box	Moderate
	- Arbutus 'Marina' Multi.	Strawberry Tree	48" Box	Moderate
	Specimen Tree			
	- Tabebuia impetiginosa	Pink Trumpet Tree	36" Box	Moderate
	- Eriobotrya 'Coppertone'	Loquat	36" Box	Moderate
	Medium Sized Canopy Tree			
	- Magnolia 'Little Gem'	Southern Magnolia	36" Box	Moderate
	- Arbutus 'Marina' Std.	Strawberry Tree	36" Box	Moderate
	Medium Sized Canopy Tree			
	- Lagerstroemia 'Natchez'	Crape Myrtle	36" Box	Moderate
	- Rhaph. 'Majestic Beauty'	Indian Hawthorn	36" Box	Moderate
	Palm Tree			
	- Archontophoenix cunninghamiana	King Palm	12' BTH	Moderate
	- Washingtonia robusta	Mexican Fan Palm	12' BTH	Low
	Vertical Accent Tree			
	- Prunus 'Bright N' Tight'	Carolina Laurel	24" Box	Moderate
	- Dodonaea 'Purpurea'	Purple-leaf Hopseed Bush	24" Box	Moderate
	Vertical Mass Accent			
	- Bambusa spp.	Bamboo	24" Box	Moderate
	- Leptospermum 'Dark Shdaows'	Tea Tree	24" Box	Low
	Vertical Accent Tree			
	- Elaeocarpus decipiens	Japanese Blueberry	24" Box	Moderate
	- Podocarpus henkelii	Long Leafed Yellow Wood	24" Box	Moderate

NOTES:

THIS PLAN WILL COMPLY WITH THE REQUIREMENTS OF THE CITY OF ESCONDIDO MUNICIPAL CODE AND STATE WATER CONSERVATION ORDINANCES.

PROPOSED PROJECT
PHG 16-0023

PL



NOTES:
THIS PLAN WILL COMPLY WITH THE REQUIREMENTS OF THE CITY OF ESCONDIDO
MUNICIPAL CODE AND STATE WATER CONSERVATION ORDINANCES.

Conceptual
Landscape Exhibit

**PROPOSED PROJECT
PHG 16-0023**



ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH - PD/MU (Planned Development/Mixed-Use) zoning: The Urbana/Citracado Village mixed-use 3-story townhome condominium development (developed by the original project applicant) is located on top of a retaining wall that extends the entire length of the northern property line. Townhomes within the Urbana project are located approximately eight feet from the property line. The proposed townhome units would extend perpendicularly from the retaining wall and would be located five feet from the property line.

SOUTH - CG (General Commercial) zoning: The project would construct a retaining wall ranging from approximately five to seven feet in height along the entire southern property line adjacent to the Hacienda de Vega restaurant and the Escondido Lodge motel. A concrete walkway at the top of the retaining wall would provide front door access to 16 proposed townhome units located approximately nine feet from the property line.

EAST - RE-30 (Residential Estates – 30,000 SF min. lot size) zoning: Low-density single-family residential development on lots approximately one acre in size are located across Cranston Drive from the project site. Cranston drive would be improved across the project frontage to include curb, gutter and sidewalk, and would allow for on-street parking.

WEST - RE-20 (Residential Estates – 20,000 SF min. lot size) and County zoning: Three roadways are located immediately west of the site. A low-density single-family residential neighborhood with some grove agriculture is located across South Escondido Boulevard, the divided Centre City Parkway, and the frontage road of South Centre Parkway.

B. AVAILABILITY OF PUBLIC SERVICES

1. Effect on Police Service – The Police Department expressed no concern regarding their ability to provide service to the site.
2. Effect on Fire Service – The site is served by Fire Station No. 5 (2319 Felicita Road), which is within the seven and one-half minute response time specified for urbanized areas in the General Plan. Development of the site would contribute incremental increases in demand for fire services. Comments received from the Escondido Fire Department indicate that fire sprinklers will be required for all buildings; and Post Indicator Valves will need to be provided adjacent to all Fire Detector Checks to isolate the buildings. The Fire Department has indicated that adequate services can be provided to the site and the proposed project would not impact levels of service.
3. Traffic – The project takes access from South Escondido Boulevard and Cranston Drive. South Escondido Boulevard is designated as a Local Collector in the Circulation Element of the Escondido General Plan and nearby intersections operate at a Level of Service “B” or better under existing improvement conditions. Cranston Drive is an unclassified residential street. Based on SANDAG’s traffic generation rates for the San Diego region, the project would generate approximately 8 trips per condominium unit, or up to approximately 520 ADT, which is well within the capacity of the surrounding streets. A Traffic Impact Analysis prepared by Kunzman Associates, Inc., in October of 2015 indicated all intersections in the study area would continue to operate at an acceptable level of service with the addition of the project and no mitigation is necessary. According to the Engineering Division, the project does not materially degrade the levels of service on the adjacent streets. Peak-hour traffic flow and ramp metering at the entrance to Interstate 15 to the south results in congestion at nearby intersections (primarily CCP and Citracado Parkway). However, the ramp metering is controlled by Caltrans and is beyond the scope of this or other projects to address or modify the existing condition.
4. Utilities – City sewer and water mains with sufficient capacity to serve the project are available within the adjoining street or easement. The project will be conditioned to relocate an existing sewer lateral in the southeastern corner of the site that serves an off-site commercial property. The project does not materially degrade the levels of service of the public sewer and water system.

5. **Drainage** – The project site is not located within a 100-year Flood Zone as indicated on current FEMA maps. There are no significant drainage courses within or adjoining the property. The project is conditioned to provide a drainage study, which will determine the extent of drainage facilities necessary to control runoff. A preliminary Water Quality Technical Report was prepared for the project and runoff from the site will be directed to a 13,200 cubic foot underground storage facility near the center of the site and then pump to an 1,805 SF biofiltration basin for treatment. The treated water than would be directed to the storm drain system allowing it to exit the site towards the southeast. The project does not materially degrade the levels of service of the existing drainage facilities.

C. ENVIRONMENTAL STATUS

1. A Mitigated Negative Declaration was adopted for the project by the Escondido City Council on April 27, 2016 (Resolution No. 2016-50 and Ordinance No. 2016-04). A Notice of Determination was filed in the Office of the County Clerk on May 5, 2016. Mitigation measures and a Mitigation Monitoring and Reporting Program were adopted to reduce potential impacts to biological resources, cultural resources, noise and paleontological resources to a less than significant level.

The Mitigated Negative Declaration may be viewed at the following link:

<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/stellapark/dmnd.pdf>

2. In staff's opinion, no significant issues remain unresolved through compliance with code requirements and the recommended conditions of approval. The proposed project modifications do not involve any substantial changes that will require major revisions of the adopted Mitigated Negative Declaration due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Therefore, the scope of the proposed modifications to the Planned Development do not require a subsequent Negative Declaration or Addendum to the adopted Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

D. CONFORMANCE WITH CITY POLICY/ANALYSIS

General Plan

The General Plan land use designation on the site is General Commercial with a Mixed-Use Overlay. The General Commercial designation accommodates a wide variety of retail and service activities intended to serve a broad customer base. The Mixed-Use Overlay allows a combination of commercial or office activities that include a residential component within a self-contained comprehensively planned development in specified locations. The site is also located within the Centre City Parkway/Brotherton Road Target Area. Guiding principles for the target area include updating the existing South Escondido Boulevard Neighborhood Plan to include the formulation of new criteria for considering exclusively residential development along Escondido Boulevard. That process is now underway as part of the South Centre City Area Plan work program that eventually would supersede the Neighborhood Plan. The proposed project also would be in conformance with General Plan Housing Goals and Policies to expand the stock of all housing; increase homeownership; plan for quality managed and sustainable growth; and encourage a compact efficient urban form. Revitalization and redevelopment are overall objectives for the City of Escondido within the South Escondido Boulevard area.

Appropriateness of the Proposed Modification to the Project Site and Unit Design and Whether Adequate Parking and Open Space has been provided for the Proposed Development

The proposed development includes three building configurations for the ten residential buildings. The original design included eleven buildings with four building configurations. All buildings have been designed in a contemporary manner similar to the approved project to be three-stories with assorted parapet and sloping shed roof elements with stucco and horizontal wooden siding exteriors. The new site configuration includes greater separation between the internal central buildings with access to these units provided by enhanced front entries and recessed second-story balconies facing landscaped courtyards between the buildings with driveway alley access for garages. The front entries for the buildings facing South Escondido Boulevard and Cranston Drive would continue to be oriented towards these streets and would incorporate steps, low retaining walls and raised planters leading down to the units with landscaped and hardscape entry courtyards. The overall mass, scale and design of the proposed residential buildings are comparable to the residential development existing on the property to the north.

Setbacks -

Planned developments may set their own development standards to encourage creative approaches to the use of land through variation in the siting of buildings and design that enhances the appearance and livability of the community. The proposed development proposes a variety of setbacks on all four sides of the property. The property is essentially double-fronted on the eastern and western sides with the northern and southern sides being specified as side yards for setback purposes. The previously approved project included front setbacks along South Escondido Boulevard varying from five feet to 45 feet based on building placement and the wall plane variations in the front elevations of buildings. The revised design proposes to orient the building more parallel to the Escondido frontage with a minimum setback of eight feet. This building setback also would be consistent with the draft development standards for South Centre City Area Plan (Southern Entry District) that call for a minimum five-foot setback. The building along the Cranston Drive frontage would maintain the same minimum setback of five feet from the back of the public utility easement and ten feet from the back of sidewalk as the approved project. The revised design includes a combination of steps leading down to the unit front doors along with combination low retaining walls, landscaped and hardscape entry courtyards and raised landscape planters.

Six of the 10 proposed buildings on the site have been designed to be perpendicular to northern property line. The revised project proposes a uniform building setback of five feet for these buildings along the northern property line. The previously approved project setbacks ranged from 0 feet to ten feet. An existing seven to eight-foot high retaining wall is located along the entire length of the northern property line. The wall was constructed as part of the mixed-use development to the north and three-story townhomes on that site are located approximately eight to ten feet from the top of the wall. The proposed buildings would be located approximately seven to eight feet lower than the adjacent residential development and only side elevations would adjoin the property line. This would allow view corridors from the adjacent development to remain between the rows of proposed buildings.

The project would construct an approximately five to seven-foot high retaining wall along the entire southern property line adjacent to the Hacienda de Vega restaurant and the Escondido Lodge motel. A four-foot wide concrete walkway at the top of the retaining wall would provide front door access to 16 proposed townhome units located approximately nine feet from the property line. The previously approved design includes setbacks ranging from 7.5 feet to 10 feet from the property line. Hacienda de Vega has both parking lot and outdoor bar area seating adjacent to this property line while the Escondido Lodge has parking in this area. Some overlooking from the proposed units into the restaurant seating area is likely to occur but will be minimized by existing landscaping on the restaurant property and a proposed condition requiring the applicant to install vertical plantings in this area of the project site. A six-foot-high fence is proposed to be placed on top of the retaining wall, that will further provide the appropriate separation and screening between the units and adjacent restaurant.

Parking -

Each proposed townhome unit would have an attached two-car garage with access from the garage into the residence. The Escondido Zoning Code requires 1.75 parking spaces for two-bedroom units and two parking spaces for a three-bedroom unit. The proposed garages would meet the city standard for resident parking, including the minimum requirement of one covered space per unit. The garages offer additional potential storage area as required by the Condominium Ordinance. Additional space also has been provided in the garages to accommodate trash containers as individual trash pickup is proposed for each unit rather than several traditional trash enclosures located throughout the facility as previously proposed.

The code requires additional parking for guests at a ratio of one guest parking space per four units. For the proposed 63-unit project a minimum of 15 guest parking spaces would be required. Section 33-765 of the Zoning Code allows guest parking to be provided on non-Circulation Element streets which limits the opportunity for guest parking to Cranston Drive and not Escondido Boulevard. The applicant is proposing to provide eleven guest parking spaces on the project site and utilize the project's street frontage on Cranston Drive for an additional six parallel parking spaces. Therefore, the applicant's proposal would provide a total of 17 guest parking spaces rather than the 15 guest spaces required. Multiple on-street parking spaces along Cranston Drive also are available just south of the project site along the adjacent Escondido Lodge street frontage. The lodge has about 250 feet of frontage on Cranston Drive adjacent to their parking lot which appears to leave much of that street parking available for use. Staff believes that adequate guest parking will be available for the proposed development.

The previously approved 65-unit project provided for nine on-site guest spaces and six on-street spaces. The scope of the proposed Planned Development modification increases the on-site guest parking by two spaces while available on-street space remains the same.

Open Space -

Four separate open space and recreation areas have been provided where adult residents can gather and children can play. Three of the open space area would allow for more active recreation that include two smaller fenced recreation areas located towards the western and eastern areas of the site that could accommodate a variety of play equipment. A larger 3,600 SF open recreation area is proposed near the center of the site that could accommodate benches, shade structures and barbeques. Another open space area is proposed near the center of the site, but would be used to support the project's biofiltration and underground storm water storage area. This area generally would be limited to more passive type opportunities and landscape options. Because part of the open space area would be limited in its use due to the storm water design, the project has been conditioned to upgrade the design of the landscaping to be significant visual amenity for the project to include enhanced landscape design elements.

As with other development standards, the planned development process allows flexibility regarding the amount of open space that must be provided for residents. Open space includes all the recreation areas as well as walkways, landscaped areas and private balconies. The previous commercial zoning designation on the site has no requirement for any open space because open space generally is associated with residential use. In situations like this where no underlying standard exists, Planning staff generally compares the proposed development to the most comparable residential zone, which in this case would be the R-4 zone (Multi-family, up to 24 units per acre). The R-4 zone open space standard is based on the number of bedrooms per unit and would require 400 SF per unit for a two-bedroom unit and 600 SF per unit for a three-bedroom unit. This would equate to a total of 35,200 SF of open space for the 63 proposed units. The development provides 29,517 SF of open space which is less than the R-4 standard. However, the project is not subject to the R-4 standard and it is only used in this case for comparison purposes.

The previously approved 65-unit project provided 27,716 SF of open space. The scope of the proposed Planned Development modification increases open space areas by approximately 1,801 SF.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The site currently is a vacant lot that was formerly developed with a small mobile home park containing 19 spaces and an 11-unit motel that were demolished approximately 10 years ago. Some foundational concrete pads remain on the site. The site has been completely disturbed by the previous uses and there are no areas of native vegetation remaining on the property. Vegetation within the project site includes various invasive grasses and ornamental trees. The site is relatively flat and would require minimal grading including a retaining wall ranging in height from approximately five feet to seven feet along the entire southern property line. There is an existing seven to eight-foot high retaining wall constructed along the northern property boundary of the site that would remain and is included in the project site plans.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size:	2.29 acres	
2. Number of Lots:	One (air-space units)	
	<u>Proposed PD Modification</u>	<u>Previously Approved Project</u>
3. Number of Residential Units:	63	65
4. Proposed Residential Density:	27.5 dwelling units per acre	28.4 dwelling units per acre
5. Lot Coverage:		
Building:	42.8% (42,705 SF)	43.8% (43,398 SF)
Streets/Parking:	30.5% (30,387 SF)	28.3% (28,027 SF)
Open Space:	<u>29.6 %</u> (29,517 SF)	<u>27.9%</u> (27,716 SF)
6. Residential Buildings:	10 (five to seven unit each bldg.)	11 (five to seven units each bldg.)
<i>Note: All buildings are attached three-story townhomes with a 2-car garage on the ground floor of each unit.</i>		
7. Unit Type/Size:		
Plan 1:	5 units (2BD) 1,132 SF (46 SF balc.)	65; 3 bedroom units (1,600 SF)
Plan 2:	8 units (2BD) 1,144 SF (56 SF balc.)	
Plan 3:	25 units (3BD) 1,419 SF (60 SF balc.)	
Plan 4:	<u>25 units (3BD) 1,557 SF (62 SF balc.)</u>	
	63 Total Units	

Note: Condo Ordinance requires minimum 1,000 SF units

8. Building Colors/Materials:	Stucco exterior walls with horizontal lap siding. Earth tone exterior colors (light and dark tan, off-white, brown, and olive/gray). Parapets and angled built-up composite shingle roofs with exposed rafter tails. Recessed balconies and metal railings. Entry doors include project vertical/ Horizontal accents and/or wooden awnings above select doors and windows.	Stucco exterior walls (off-white) with sand finish. Fiber cement lap siding with cedar mill finish provided in light gray and dark blue colors where noted. Parapets and angled built-up roofs provided. Built up roof fascia, entry doors and projecting horizontal shade/accent features painted in taupe color.
-------------------------------	--	--

9. Landscaping: New ornamental, low-water landscaping to be provided in common areas, along building frontages and perimeter of the project. All proposed trees provided at min. 24"-box size with palms at minimum 12' brown trunk height. Extensive shrub palette provided in one and five gallon sizes. Tall-fast growing shrubs and bamboo or similar to provide visual and privacy screening along the southern boundary of the project.

C. CODE COMPLIANCE ANALYSIS

Note: Planned Development zoning establishes its own zoning standards including setbacks, building height, parking and open space.

	<u>Proposed PD Modification</u>	<u>Previously Approved Project</u>
1. Setbacks:		
Front (West/ S. Esc. Blvd.):	8 feet to bldg. (min.) 0	5 feet to bldg. (min.) 2 feet to parking (min.)
Front (East/ Cranston):	5 feet to bldg. (min.) measured from back of PUE 13 feet to parking (min.)	5 feet to building (min.) measured from P/L 11 feet to parking (min.)
Side (North):	5 feet to bldg. (min.)	0 feet to building (min.)
Side (South):	9 feet to building (min.)	7.5 feet to bldg. (min.)
2. Parking:		
	138 required per parking ord. (for comparison purposes)	147 required per parking ord. (for comparison purposes)
Garage: (min. req. 1 covered per unit)	126 (63 two-car garages)	130 (65 two-car garages)
Guest: (req. 1 per every 4 units)	11 on-site <u>7 on-street</u> 144 Total	9 on-site <u>7 on-street</u> 146 Total
	2.29 spaces/unit	2.25 spaces/unit
3. Building Height:		
	3-story: approx. 38'-6" Varied roofline	3-story; approx. 39'-2" Varied roofline
4. Open Space:		
Common:	468 SF per unit 25,789 SF	436 SF per unit 25,961 SF
Private (patios/balconies):	<u>3,728 SF</u>	<u>1,755 SF</u>
TOTAL	29,517 SF	27,716 SF
R-4 Code comparison based on 400 SF per 2-bed and 600 per 3-bed unit	35,200 SF	39,000 SF
5. Signage:	No signage proposed. All signs shall be consistent With Sign Ord. Sec.33-1395.9	EZC Section 33-1395.9 (Sign Standards-Residential Uses)

EXHIBIT "A"

FINDINGS OF FACT/FACTORS TO BE CONSIDERED SUB 14-0018, PHG16-0023

Tentative Subdivision Map

1. The General Plan land-use designation for subject site is General Commercial (GC), which allows for a variety of commercial, retail and service uses along the South Escondido Boulevard Corridor. The site also is located within the South Escondido Boulevard Neighborhood Plan which is an overlay zone established for the South Escondido Corridor, and the proposed development is subject to the provisions of the overlay zone. The South Escondido Boulevard Neighborhood Plan allows for residential development in conjunction with a commercial component (mixed-use) subject to the approval of a Planned Development with a maximum density of 24 dwelling units per acre. The City updated its General Plan in 2012 to allow for both mixed-use and residential development within a target area of the South Escondido Boulevard Neighborhood Plan known as the "Centre City Parkway/Brotherton Road Target Area" (page II-70). Mixed-Use development within the Target Area is required to provide a minimum density of 30 dwelling units per acre. While a density standard has not been adopted in the General Plan for exclusively residential development, it is expected the forthcoming update to the South Escondido Boulevard Neighborhood Plan now underway will establish a lower density for exclusively residential development. The proposed development would be consistent with the Escondido General Plan density provisions for the Target Area because the overall density of the project would be approximately 27.4 du/ac (63 residential units/2.29 net acres). The proposed project would not diminish the Quality-of-Life Standards of the General Plan as the project would not materially degrade the level of service on adjacent streets or public facilities, create excessive noise, and adequate on-site parking, circulation, and public services could be provided to the site.
2. The design and improvement of the proposed subdivision is consistent with the General Plan and the South Escondido Boulevard Neighborhood Plan because the proposed residential land use is permitted in Centre City Parkway/Brotherton Road Target Area and the development is consistent with the development standards established for the South Escondido Boulevard Neighborhood Plan, except where noted and analyzed in this staff report.
3. The site is suitable for this residential type of development because the project site already is zoned for a multi-story high density residential development. The project would be compatible with the surrounding uses because the subject site is adjacent to a variety of commercial and residential developments of similar densities. The proposed grading design would not result in any significant visual or compatibility impacts with adjacent lots, nor block any significant views, as discussed in the land-use compatibility and analysis sections of the staff report and environmental analysis. Adequate access and public utilities can be provided to the site. All vehicular traffic generated by the project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections.
4. The site is physically suitable for the proposed development because the site is relatively flat and extensive grading is not proposed. The design of the project would be compatible with the variety of residential and commercial zoning and development surrounding the site. The proposed project also would not result in a significant impact to biological resources and all vehicular traffic generated by the project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections.
5. The design of the map and type of improvements are not likely to cause substantial environmental problems or substantially and avoidably injure fish or wildlife or their habitat since no stream courses or endangered wildlife occurs on the property as determined during Environmental Review, City Log No. SUB 14-0018.
6. The design of the map and the type of improvements are not likely to cause serious public health problems since the project will not degrade the levels of service on the adjoining streets or drainage system and city sewer and water is available or can be provided with minor extension of nearby facilities.
7. The design of the map and type of improvements will not conflict with easements of record, or easements established through court judgment, or acquired by the population at large, for access through, or use of property within the proposed

map based on a review of all available maps and a preliminary title report submitted by the applicant. Neither the City of Escondido, nor its employees assume any responsibility for the completeness or accuracy of these documents.

8. The design of the map has provided, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. The subdivision configuration provides opportunities for passive/solar heating and landscaping will provide opportunities for the shading of each unit.

Master and Precise Development Plan

1. The location and design of the proposed planned development is consistent with the goals and policies of the Escondido General Plan because high-density residential development is permitted and encouraged in the General Commercial designation when located within a Mixed-Use Overlay. The site is also located within the Centre City Parkway/Brotherton Road Target Area. Guiding principles for the target area include updating the existing Neighborhood Plan to include the formulation of new criteria for considering exclusively residential development along Escondido Boulevard. That process is now underway as part of the South Centre City Area Plan work program that eventually would supersede the South Escondido Boulevard Neighborhood Plan. The proposed infill residential project would be in conformance with General Plan Housing Goals and Policies to expand the stock of all housing; increase homeownership; plan for quality managed and sustainable growth; and encourage a compact and efficient urban. The modified Planned Development request proposes increased variety of unit sizes to accommodate mixed-income opportunities.
2. The proposed location of the development allows the development to be well integrated with its surroundings near residentially and commercially developed properties because adequate parking, circulation, utilities and access would be provided for the development of the residential project (as detailed in the staff report). The residential project also would not be out of character for the area which contains other multi-story residential developments.
3. All vehicular traffic generated by the proposed development would be accommodated safely and without causing undue congestion upon adjoining streets, as determined by the Engineering Division and detailed in the adopted Mitigated Negative Declaration (City File No. SUB 14-0018) and the Traffic Impact Analysis prepared by Kunzman Associates, Inc., (dated October of 2015), both of which are incorporated herein by this reference.
4. The overall design of the proposed planned development would produce a quality and attractive residential development with ownership opportunities in the South Escondido Boulevard area. The project would be consistent with the Vision and Goals of the Neighborhood Plan and Target Area by creating new a compact urban project that is safe, healthy, attractive, and sustainable that is located in close proximity to other amenities such as public transit and shopping.
5. The proposed development would be well integrated into its surroundings, because the new structures would incorporate compatible and integrated architecture, materials and colors, the project would not be visually obstructive or disharmonious with surrounding areas, or harm major views from adjacent properties, and the development would provide convenient access for residents to nearby commercial services. The residential project also would not be out of character for the area which contains other multi-story residential developments. Extensive grading is not required to support the project, and the project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is not located on a skyline or intermediate ridge, and the site does not contain any significant topographical features.
6. The uses proposed have a beneficial effect not obtainable under existing zoning regulations because an exclusively residential development within the South Escondido Boulevard Neighborhood Plan must be processed through the Planned Development process in accordance with the South Escondido Boulevard Neighborhood Plan (Ord. 92-01). The project would provide residential ownership opportunities integrated into a comprehensive and self-contained development, which creates an environment of sustained desirability and stability through the controls offered and regulated through the Planned Development process.

CEQA Environmental Determination

1. All of the requirements of the California Environmental Quality Act (CEQA) have been met and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program was prepared and adopted for the project (City Council Resolution No 2016-50 and Ordinance 2016-04). The findings of the environmental analysis (as demonstrated in Final Mitigated Negative Declaration) are that the Initial Study identified impacts to biological resources, cultural resources, noise, and paleontological resources that may be potentially significant. However, mitigation measures would provide mitigation to a point where potential impacts are reduced to less than a significant level. All other project impacts studied were found to be less than significant. A Notice of Determination was filed in the Office of the County Clerk on May 5, 2016. No significant issues remain unresolved through compliance with code requirements and the recommended conditions of approval.
2. The scope of the proposed project modifications to the Planned Development do not involve any substantial changes that will require major revisions of the adopted Mitigated Negative Declaration due to the involvement of any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Therefore, a subsequent Negative Declaration or Addendum to the adopted Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program is not required.

EXHIBIT "B"

CONDITIONS OF APPROVAL SUB 14-0018

Modified and/or New Project Conditions

Note: Modifications are noted in bold/underlined text.

1. As proposed, **126** garage spaces and **eleven** striped guest parking spaces shall be provided on-site in conjunction with this development. Frontage improvements on Cranston Drive shall accommodate another six parallel guest parking spaces north of the project driveway. On-site outdoor parking spaces shall be double-striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to double-stripe per City standards
2. All rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building. The final building plans shall clearly indicate that any proposed rooftop equipment is properly screened. A cross section and roof plan shall be included (which details the location and height of all rooftop equipment) to demonstrate that the height of the parapet is sufficient to screen the mechanical equipment. **Any proposed ground-mounted equipment also shall incorporate appropriate solid screening from the public views along South Escondido Boulevard and Cranston Drive.**
3. This Tentative Subdivision Map shall expire three years after the date of final approval **(original approval date of the Tentative Map by the City Council)** if a final map has not been approved or an extension of time has not been granted. All other entitlements granted in conjunction with the Tentative Map shall have expiration dates consistent with that of the Tentative Map.
4. Landscaping along the southern property line shall incorporate vertical planting materials capable of quick growth (such as bamboo) to assist in providing screening of overlooking from the second and third floor of the units in Buildings **8-10** into the outdoor seating and events area of the adjacent restaurant to the south.
5. **The storm water basin/biofiltration facility shall be designed to be a significant visual amenity for the project and include enhanced landscape design elements.**

Previously Adopted Project Mitigation Measures

1. **BIO-1** - To avoid disturbance of nesting and special-status birds, including raptorial species protected by the MBTA and CFGC, activities related to the project, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird breeding season (February 1 through August 30). If construction must begin within the breeding season, then a pre-construction nesting bird survey shall be conducted no more than 3 days prior to initiation of ground disturbance and vegetation removal activities. The nesting bird pre-construction survey shall be conducted within the Project Boundary, including a 300-foot buffer (500-foot for raptors), on foot, and within inaccessible areas (i.e., private lands) afar using binoculars to the extent practical. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California coastal communities. If nests are found, an avoidance buffer (which is dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the avian biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

2. **CR-1** - The City of Escondido Planning Division ("City") recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.
3. **CR-2** - Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.
4. **CR-3** - The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.
5. **CR-4** - During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.
6. **CR-5** - In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor, shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.
7. **CR-6** - If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.
8. **CR-7** - The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.
9. **CR-8** - As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie

adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

10. **CR-9** - If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.
11. **CR-10** - Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.
12. **N-1** - Noise and groundborne vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses to the north. In addition, the use of vibratory rollers and packers should be avoided, as feasible, near sensitive areas.
13. **N-2** - The operation of construction equipment that generates high levels of vibration, such as large bulldozers and loaded trucks, shall be prohibited within 45 feet of existing nearby residential structures to the north during construction of the proposed project. Instead, small bulldozers not exceeding 310 horsepower shall be used within this area during grading and excavation operations.
14. **N-3** - The project Applicant and/or contractor shall ensure that all construction equipment has properly operating mufflers.
15. **N-4** - Construction activities associated with the proposed project shall, to the extent feasible, be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels. When the use of impact tools are necessary, they shall be hydraulically or electrically powered when feasible to minimize noise associated with compressed air exhaust from pneumatically powered tools.
16. **N-5** - The Applicant shall locate stationary construction noise sources away from adjacent receptors to the extent feasible, and ensure that they are muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.
17. **N-6** - The Applicant shall designate a construction relations officer to serve as a liaison with surrounding residents and property owners who is responsible for responding to any concerns regarding construction noise and vibration. The liaison's telephone number(s) shall be prominently displayed at the project site. Signs shall be posted at the project site that include permitted construction days and hours.
18. **N-7** - Construction activities shall be limited to between the hours of 7:00 AM and 6:00 PM from Monday through Friday, and between the hours of 9:00 AM and 5:00 PM on Saturdays. Further, no construction activity shall be undertaken on Sundays and recognized City holidays (Section 17-234 of the City's Municipal Code).

19. **N-8** - Prior to the issuance of a certificate of occupancy, the Applicant shall ensure that all exterior windows associated with the proposed residential uses at the project site shall be constructed to provide a sufficient amount of sound insulation to ensure that interior noise levels would be below an Ldn or CNEL of 45 dB in any room.
20. **PR-1** - If paleontological resources are encountered during construction or land modification, the construction manager shall ensure that all ground disturbance activities are stopped, and shall notify the Community Development Department immediately and arrange for a qualified paleontologist to assess the nature, extent, and potential significance of any fossils. If such fossils are determined to be significant, appropriate actions to mitigate impacts to the fossils shall be identified in consultation with a qualified paleontologist. Depending upon the nature of the find, actions could involve avoidance, documentation, or other appropriate actions, to be determined by the qualified paleontologist.

Previously Adopted Planning Division Conditions

1. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued, including any applicable City-Wide Facilities fees.
2. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
3. 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.
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 requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
6. All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code. All outdoor lighting shall be provided with appropriate shields to prevent light from adversely affecting adjacent properties.
7. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Section 1129B (Accessible Parking Required) of the California Building Code, including signage. All parking stalls shall be provided with six-inch curbing or concrete wheel stops in areas where a vehicle could reduce minimum required planter, driveway or sidewalk widths.
8. As proposed, the buildings, architecture, colors and materials, and the conceptual landscaping of the proposed development shall be in accordance with the Master and Precise Development Plan for SUB 14-0018 and PHG16-0023, staff report, exhibits and the project's Details of Request, to the satisfaction of the Planning Division. Any major modifications to the exterior architectural building elements or lessening of the quality of the exterior design shall require approval by the Director of Community Development, and or the Planning Commission as may be recommended by the Director.
9. No signage is approved as part of this permit. A separate sign permit shall be required prior to the installation of any signs. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Article 66, Escondido Zoning Code), and more specifically Section 33-1395.9 (Sign Standards-Residential Uses).
10. All new utilities shall be underground.
11. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the

"effective date" being the end of the appeal period, if applicable), a certified check payable to "County Clerk", in the amount of \$2,266.25 for a project with a Mitigated Negative Declaration. These fees include an authorized County administrative handling fee of \$50.00. Failure to remit the required fees in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. Commencing January 1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Game filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Game documenting the Department's determination that the project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).

12. A Final Map shall be recorded prior to the issuance of building permits for the site.
13. All project generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
14. Three copies of a revised Tentative Map, reflecting all modifications and any required changes shall be submitted to the Planning Division for certification prior to submittal of grading and landscape plans and the final map.
15. The project has not been designed to allow for the installation of vehicular access gates for residential use. Any future proposal to install vehicular access gates will require sufficient site modifications to provide on-site stacking and turnaround capabilities to the satisfaction of the Planning and Engineering Divisions and the Fire Department.
16. No street names are part of this approval. A separate request shall be submitted prior to final map if new street names are proposed.
17. No exemptions from the Grading Ordinance are approved as part of this project. All proposed grading shall conform with the conceptual grading as shown on the Tentative Map.
18. Copies of the CC&Rs shall be submitted to the Engineering Division for review and approval prior to Final Map. The CC&Rs shall detail the responsibility for the maintenance of any parkway landscaping, landscape easements, bio-retention basins, exterior walls/fencing, slopes/landscaping, utility easements, driveways, roads, parking areas, structures, and any common drainage facilities. Any storage shall not restrict the parking of vehicles within the garage. A homeowners' association shall be established in accordance with Department of Real Estate requirements.
19. Permitted animals/pets shall be allowed in conformance with the R-4 standards, unless CC&Rs are more restrictive.
20. Balconies and patios shall be kept in a neat and orderly manner. Items stored on balconies should be kept out of view or properly screened. Items shall not be hung over, across or on balconies or patios (such as towels, clothing, etc.). This condition shall be included in the CC&Rs.
21. The proposed garages for each unit shall provide clear interior dimensions of at least 19.5-feet wide by 20-feet deep. Storage shall not impede the ability to park two vehicles within each garage and the CC&Rs shall contain a provision indicating the garages shall be maintained to accommodate two vehicles.
22. A minimum of 80 cubic feet of private storage shall be provided in each residential unit or garage. Said storage shall be in addition to typical cabinets and closets and shall be clearly depicted on the building plans.

Landscaping Conditions

1. Prior to occupancy, all perimeter, common area and parking lot landscaping shall be installed. 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.

2. Seven copies of a detailed landscape and irrigation plan(s) shall be submitted to the Engineering Department prior to issuance of grading or building permits, and shall be equivalent or superior to the concept plan attached as an exhibit to the satisfaction of the Planning Division. A plan check fee based on the current fee schedule will be collected at the time of the submittal. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, and also consistent with the State Model Landscape Ordinance. The plans shall be prepared by, or under the supervision of a licensed landscape architect.
3. 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.
4. Street trees shall be provided along each of the site's street frontages, in conformance with the Landscape Ordinance and the City of Escondido Street Tree List. Trees within five feet of the pavement shall be provided with root barriers.
5. Details of project fencing and walls, including materials and colors, shall be provided on the landscape plans.

Previous and Modified Fire Department Conditions

Note: Modifications are noted in bold/underlined text

The following conditions shall be completed to the satisfaction of the Fire Department.

1. Identify all fencing and gates on the landscape plans.
2. Firefighter/emergency egress shall be provided from the end of each alley driveway as shown on the Master Plan.
3. Show all rescue windows on the landscape plans. Rescue windows shall not be obstructed by landscaping.
4. Identify walkways on the landscape plans.
5. Landscaping **and balconies** shall not obstruct fire access roadway clearances to include 24ft horizontal clearance and 13'6" vertical clearance.
6. Landscaping shall not obstruct fire protection equipment at maturity. Provide clearance to the roadway and a three-foot circumference around all fire protection equipment. Show this on the landscape plan.
7. Impervious pavers and fire access roadway shall be rated to 75,000lbs. Provide a note on the grading plans.
8. Provide Post Indicator Valves adjacent to all FDC to isolate the buildings.
9. Provide sprinkler systems for all buildings in accordance with NFPA13 or 13R.
10. All fencing within five feet of buildings shall be constructed of non-flammable materials.
11. Several FDC's shown on the plans need to be relocated to meet operation requirements of the Fire Department. A redline plan for FDC and PIV placement has been provided to the applicant.
12. **Appropriate turning radius for all driveways shall be provided to the condos and garages, as determined by the Fire Marshall, and shall be shown on the plans.**
13. **Trash cans shall not impede Fire Department Access**

ENGINEERING CONDITIONS OF APPROVAL
SUB 14-0018

GENERAL

1. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements and a Grading/Private Improvement plan prepared by Civil Engineer is required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a landscape Architect. The developer shall post securities in accordance with the City prepared bond and fee letter based on a final estimate of grading and improvements cost prepared by the project engineer. The project owner is required to provide performance, labor and material and guarantee and warrantee bonds for all public improvements and a Grading bond for all grading, landscaping and private improvements (Not including the buildings) prior to approval of the Grading/Private Improvement plan, Final Map, and Improvement Plans. All improvements shall be completed prior to issuance of Occupancy Permit.
2. As surety for the construction of required off-site and on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of Grading Permit and/or Final Subdivision Map.
3. No construction permits will be issued prior to recordation of Final Map, unless Final Map review has been completed, 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.
4. 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.
5. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
6. The project owner shall submit to the Planning Department 3 copies of the Tentative Map as presented to the Planning Commission and the City Council. The Tentative Map will be certified by the Planning Department verifying that it is an accurate reproduction of the approved Tentative Map and must be included in the first submittal for plan check, together with a final Storm Water Quality Management Plan (SWQMP) to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. Public streets improvements shall be designed in compliance with City of Escondido Design Standards and requirements of the City Engineer. Private Street improvements shall be designed in accordance with the requirements of the City Engineer, Fire Marshal and Planning Director and shall be shown on the Grading/Private Improvement Plans.
2. The project owner shall construct public and private street improvements for the following streets:

STREET

Escondido Boulevard
Cranston Drive

CLASSIFICATION

Local Collector
Residential

3. The project owner shall be responsible for construction of frontage improvements along Escondido Blvd to provide for frontage improvements to Local Collector Street standards with minimum 38 feet of paved roadway (Half width plus accommodate for one lane of traffic in each direction and a left-turn pocket for the project entrance). A curb shall be installed along the westerly edge of the roadway. Pavement and striping transition along centerline and east side of

the roadway shall be designed to City standards. The project owner is required to stabilize all disturbed areas along westerly side of Escondido Boulevard to the requirements of City Engineer.

4. The project owner shall be responsible to construct frontage improvements along Cranston Drive to provide for frontage improvements to Residential Street Standards with 30 feet of roadway (Half width plus 12'). A.C. berm or redwood header shall be installed along the easterly edge of pavement. The required improvements along the east side of Cranston is planned to be constructed within the existing right-of-way, with potential impact to existing front yard landscaping of APN 236-160-20. The project owner is required to coordinate improvements with the easterly property owner and replace landscaping to Planning requirements and stabilize all disturbed areas to the requirements of City Engineer.
5. City standard Street Lights shall be installed at project entrances on Escondido Boulevard and Cranston Drive.
6. The project owner's engineer shall prepare and submit for approval by the City Engineer a complete final Signing and Striping plan for Escondido Boulevard. The developer will be responsible for removal of all existing signing and striping and construction of all new signing and striping to the satisfaction of the City Engineer.
7. All onsite streets are private and shall be designed and constructed to the requirements of Fire Marshal, Planning Director and City Engineer. Home owners association will be responsible for the maintenance of all onsite streets.
8. The project owner shall be required to design an onsite signing and striping plan that includes signage and striping at the project accesses on Escondido Boulevard and Cranston Drive.
9. The project owner will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.

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. 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.
3. Cut slope setbacks must be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.
4. 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.
5. A General Construction Activity Permit is required from the State Water Resources Board for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of one (1) or more acres.
6. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.

7. Prior to approval of final plans, the project owner will be required to obtain permission from adjoining property owners for any off-site improvements, grading and slopes necessary to construct the project and/or the required improvements.

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 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. All onsite cistern or other hydro-modification facilities for treatment facilities shall be located outside public easements.
2. All proposed onsite drainage system, storm water treatment and hydro-modification facilities and their drains shall be maintained by homeowners' association. Provisions stating this shall be included in the CC&Rs.
3. All frontages landscaping along Escondido Boulevard and Cranston shall be maintained by homeowners' association. Provisions stating this shall be included in the CC&Rs.
4. The developer will be required to submit a signed, notarized and recorded copy of Storm Water Control Facility Maintenance Agreement to the City Engineer. This Agreement shall be referenced and included in the CC&Rs.

WATER SUPPLY

1. The project owner is required to design and construct an eight (8) inch public water main within project's main access drive between Escondido Boulevard and Cranston Drive. The proposed 8 inch water line shall be connected to the existing main water lines with a tees, gate valves, blow off valves and air release valves to the requirements of Utilities Engineer. The final location of onsite proposed water main location will be determined by the Utilities Engineer based on the maintaining adequate separation between water main and buildings foundations.
2. All onsite public and private water facilities such as valves, meters, detector checks and fire hydrants shall be designed to be located as determined by the Fire Marshal and Utilities Engineer.

SEWER

1. The project owner is required to design and construct an onsite public sewer system in accordance with the City of Escondido Design Standards and to the requirements of Utilities Engineer. An onsite sewer shall be designed with sewer manholes at Cranston Drive and at the end of the onsite sewer main.
2. The project owner shall be required to protect in place and secure access to existing active public sewer line along southerly property line that currently serves a property to the south. Prior to approval of the final plans or final map, the developer shall obtain Utilities Engineer's approval for relocation of the sewer line with new easement or protection in place by granting adequate easement width. All surface improvements over the sewer line and future easement shall accommodate for future access for maintenance to the requirements of Utilities Engineer.
3. All sewer laterals within the project are private and shall be maintained by the home owners association.

CC&Rs

1. Copies of the CC&Rs shall be submitted to the Engineering Department and Planning Department for approval prior to approval of the Final Map.
2. The project owner shall make provisions in the CC&Rs for maintenance by the home owners' association of all, lightings, signing and striping, parkway landscaping and irrigation, storm water treatment basins and facilities, sewer laterals, common open spaces, public utilities easement area and emergency access road and internal streets. These provisions must be approved by the Engineering Department prior to approval of the Final Map.

3. CC&Rs shall make provisions for maintenance of frontage landscaping, irrigation, fencing, retaining walls along project frontages on Escondido Boulevard and Cranston Drive by the home owners' association.
4. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan for the project.
5. The CC&Rs must state that the home owners' association assumes liability for damage and repair to City utilities in the event that damage is caused by the Home Owners' Association when repair or replacement of private utilities is done.
6. The CC&Rs must state that (if stamped concrete or pavers are used in the private street) the home owners' association is responsible for replacing the pavers and/or stamped concrete in kind if the City has to trench the street or within public utilities easements for repair or replacement of an existing utilities.

FINAL MAP - EASEMENTS AND DEDICATIONS

1. The project owner shall make all necessary dedications for public rights-of-way for public streets or public utilities and emergency access easements for the private streets according to the following street classifications.

<u>STREET</u>	<u>CLASSIFICATION</u>
Escondido Boulevard	Local Collector
Cranston Drive	Residential

All necessary right-of-ways, public utilities and emergency access easements shall be granted on the Final Map.

2. The project owner is required to dedicate 6 feet of combination of right-of-way or public utilities easement along Escondido Boulevard and dedicate 8 feet of right-of-way or combination of right-of-way and public utilities easement along Cranston Drive. Additional right-of-way shall be provided at the project entrance to include the curb ramps along Escondido Boulevard and Cranston Drive.
3. Necessary public utilities easements (for sewer, water and storm drain) shall be granted to the City. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
4. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map. Necessary right-of-ways, public utilities and emergency access easements shall be granted on the Final Map.
5. The project owner is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to approval of the final map. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Final Map.
6. The project owner shall provide the City Engineer with a Subdivision Guarantee and Title Report covering subject property.

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 Final Subdivision Map. All development impact fees are paid at the time of Building Permit.
2. The Developer shall pay the existing South Escondido Sewer Repayment per Resolution 85-28 (File no. 113) in the amount of \$3,302.93 prior to Final Map recordation.
3. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the

grading permit will be revoked by written notice to the developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be \$50,000.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the subdivision boundary or along frontage of the fronting streets shall be relocated underground as required by the Subdivision Ordinance. The project owner will be required to pay In Lieu fee if chooses not to underground the overhead utilities along Cranston Drive. The developer shall underground the existing overhead lines within the project site and along frontage on Escondido Boulevard.
2. All new dry utilities to serve the project shall be constructed underground.
3. 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. All new utilities shall be constructed underground.

CITY COUNCIL

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: _____

Date: April 27, 2016

TO: Honorable Mayor and Members of the City Council

FROM: Bill Martin, Interim Director of Community Development

SUBJECT: Tentative Subdivision Map, Master and Precise Development Plan, Zone Change and Amendment to the South Escondido Boulevard Neighborhood Plan for a 65-Unit Condominium Development (SUB 14-0018, AZ 14-0006)

STAFF RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 2016-50 and introduce Ordinance No. 2016-04 approving a proposed residential planned development for 65 condominium units on 2.29 acres in conjunction with a zone change and an amendment to the South Escondido Boulevard Area Plan.

PLANNING COMMISSION RECOMMENDATION:

On March 22, 2016, the Planning Commission voted 2-4 (Commissioners Weber, McQuead, Johns and Spann opposed) on a motion to approve the Tentative Subdivision Map, Master and Precise Development Plan, Zone Change and Amendment to the South Escondido Boulevard Neighborhood Plan. The failure of the motion to approve the project effectively resulted in a Planning Commission recommendation for denial of the proposed development.

PROJECT DESCRIPTION:

A request for a Zone Change from CG (General Commercial) to PD-R 28.4 (Planned Development – Residential, 28.4 dwelling units per acre), in conjunction with a Master and Precise Development Plan and a one-lot Tentative Subdivision Map to construct 65 attached, three-story condominium units. The residential units would be grouped in 11 residential buildings with five to seven units each. Each approximately 1,600 SF townhome unit would include a two-car garage and up to three bedrooms. Three recreational open space areas for residents are proposed on the site. An amendment to the South Escondido Boulevard Neighborhood Plan also is proposed to allow residential development without a mixed-use commercial component within the South Escondido Boulevard commercial corridor.

LOCATION:

The approximately 2.29-acre project site is located within the South Escondido Boulevard Neighborhood Plan on the eastern side of South Escondido Boulevard and the western side of Cranston Drive, south of Citracado Parkway, addressed as 2516 S. Escondido Boulevard.

FISCAL ANALYSIS:

None

GENERAL PLAN ANALYSIS:

The General Plan land use designation on the site is General Commercial with a Mixed-Use Overlay. The General Commercial designation accommodates a wide variety of retail and service activities intended to serve a broad customer base. The Mixed-Use Overlay allows a combination of commercial or office activities that include a residential component within a self-contained comprehensively planned development in specified locations. The site is also located within the Centre City Parkway/Brotherton Road Target Area. Guiding principles for the target area include updating the existing Neighborhood Plan to include the formulation of new criteria for considering exclusively residential development along Escondido Boulevard. That process is now underway as part of the on-going update to the South Escondido Boulevard Neighborhood Plan. The proposed amendment contemplated as part of this project would allow an exclusively residential project as proposed advance prior to completion of the new neighborhood plan (to be renamed the South Centre City Area Plan).

ENVIRONMENTAL REVIEW:

A Mitigated Negative Declaration (SUB 14-0018) was issued on February 16, 2016 and the public review period closed on March 8, 2016. Mitigation measures were developed to reduce potential impacts to biological resources, cultural resources, noise and paleontological resources to a less than significant level. One letter from the San Luis Rey Band of Luiseno Indians was received during public review indicating satisfaction with the proposed mitigation measures for cultural resources. In staff's opinion, no significant issues remain unresolved through compliance with code requirements, proposed mitigation measures and the recommended conditions of approval.

The Mitigated Negative Declaration may be viewed at the following link:

<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/stellapark/fmnd.pdf>

BACKGROUND:

The applicant acquired the property in May of 2004 when it was developed with the Hidden Vale Motel and trailer park containing 11 motel units in four buildings and a 19-space trailer park that had been constructed in the 1940's and 1950's. Both uses were closed in early 2005 and demolition of the motel and trailer park was completed by mid-2006. The property has remained vacant since.

A previous attempt to develop a mixed-use, condominium townhome project on the site was turned down by the Planning Commission in late-2005 and then withdrawn by the applicant in 2006 prior to consideration by the City Council. The property owner/applicant has put together a new development team and has been diligently pursuing the current proposal for residential condominium townhomes on the site. The mixed-use commercial component in the previous project has been eliminated with staff's consent given the site location and the difficulty the applicant had leasing the adjacent commercial space developed within his Urbana/Citracado Village project to the north.

The General Plan now allows both mixed-use and exclusively residential projects within the Centre City Parkway/Brotherton Road Target Area. Mixed-use projects require a minimum density of 30 dwelling units per acre as opposed to the previous requirement that only allowed a maximum density of 24 dwelling units per acre. Density standards for exclusively residential projects will be specified when the South Escondido Boulevard Neighborhood Plan is updated to correspond with the new General Plan vision for the corridor. That update is currently underway, but in the interim, the residential nature of the proposed development will require approval of an amendment to the South Escondido Boulevard Neighborhood Plan to allow residential development on the site without a commercial component.

PLANNING COMMISSION RECOMMENDATION AND SUMMARY:

On March 22, 2016, the Planning Commission voted 2-4 (Commissioners Weber, McQuead, Johns and Spann opposed) on a motion to approve the Tentative Subdivision Map, Master and Precise Development Plan, Zone Change and Amendment to the South Escondido Boulevard Neighborhood Plan. The failure of the motion to approve the project effectively resulted in a Planning Commission recommendation for denial of the proposed development.

During the course of the Planning Commission hearing, various commissioners expressed concerns with the project as proposed with much of the discussion focusing on traffic, parking and setbacks. Several commissioners noted they were familiar with traffic congestion in the area particularly at the Citracado intersections with South Escondido Boulevard and Cranston Drive, as well as the CalTrans metered on-ramp to southbound I-15. Existing levels of street parking around the adjacent Urbana project were also noted as a concern particularly because the proposed project also relies on the availability of street parking on Cranston Drive. Commissioners Weber, McQuead and Spann felt the project was too dense and were concerned with the proposed setbacks next to adjacent development. Commissioner Hale sympathized with the developer working with staff to present a project that staff could support based upon the best use for the subject property and what the city's regulations permitted. The majority of the commission voted against the project with Commissioners Hale and Romo voting to support the project as proposed.

PUBLIC INPUT:

Staff did not receive any letters or written comments from the public prior to the Planning Commission hearing on this item and there has been no correspondence received since that hearing. One neighbor spoke during the Planning Commission hearing. The neighbor indicated that he lived in the adjacent Urbana/Citracado Village project to the north and that the proposed project would block his view. He expressed his concern with the intersection of Cranston Drive and Escondido Boulevard already being

heavily congested and mentioned that there was no parking on Escondido Boulevard or Cranston Drive in the subject area.

ANALYSIS:

Traffic –

Although much of the Planning Commission discussion focused on peak hour congestion observed by some of the commissioners, A Traffic Impact Analysis prepared by Kunzman Associates, Inc., in October of 2015 indicated all intersections in the study area would continue to operate at an acceptable level of service with the addition of the project and no mitigation is necessary. According to the Engineering Division, the project does not materially degrade the levels of service on the adjacent streets. It is understood that there is some AM peak hour congestion in the area caused by CalTrans metering access to southbound I-15, but a solution to this regional issue is beyond the scope of the proposed development.

Setbacks –

The site currently is zoned General Commercial which has no minimum setback requirements for new construction. The proposed zone change would change the zoning to Planned Development-Residential which similarly has no minimum standard for setbacks. Planned developments may set their own development standards to encourage creative approaches to the use of land through variation in the siting of buildings and design that enhances the appearance and livability of the community.

Eight of the 11 proposed buildings on the site have been designed to be perpendicular to northern property line. Proposed setbacks from the northern property line range from 0 feet to 10 feet. An existing seven to eight-foot high retaining wall is located along the entire length of the northern property line. The wall was constructed as part of the mixed-use development to the north and three-story townhomes on that site are located approximately eight to 10 feet from the top of the wall. Only four of the eight proposed buildings in this area would have a 0-foot setback placing those buildings adjacent to the retaining wall. However, the proposed buildings would be located seven to eight feet lower than the adjacent residential development and only side elevations would adjoin the property line. This would allow view corridors from the adjacent development to remain between the rows of proposed buildings.

The project would construct a five to seven-foot high retaining wall along the entire southern property line adjacent to the Hacienda de Vega restaurant and the Escondido Lodge motel. A four-foot wide concrete walkway at the top of the retaining wall would provide front door access to 16 proposed townhome units located approximately 7.5 feet to 10 feet from the property line. Hacienda de Vega has both parking lot and outdoor bar area seating adjacent to this property line while the Escondido Lodge has parking in this area. Some overlooking from the proposed units into the restaurant seating area is likely to occur but will be minimized by existing landscaping on the restaurant property and a proposed condition requiring the applicant to install vertical plantings in this area of the project site.

Parking –

Each proposed townhome unit would have an attached two-car garage on the ground floor with direct access from the garage into the residence. The Escondido Zoning Code requires two parking spaces for a three-bedroom unit so the proposed garages would meet the city standard for resident parking. The code requires additional parking for guests at a ratio of one guest parking space per four units. That standard would require 16 guest parking spaces for the proposed 65-unit project.

The applicant is proposing to provide nine guest parking spaces on the project site and utilize the project's street frontage on Cranston Drive for an additional six parallel parking spaces. Section 33-765 of the Zoning Code allows guest parking to be provided on non-Circulation Element streets which limits the opportunity for guest parking to Cranston Drive and not Escondido Boulevard. The applicant's proposal would provide a total of 15 guest parking spaces where 16 guest spaces are typically required. Although the project would technically be one parking space short, the proposed planned development allows flexibility for all development standards including parking. In this case, multiple street parking spaces on Cranston Drive are located just south of the project site along the adjacent Escondido Lodge street frontage. The lodge has about 250 feet of frontage on Cranston Drive adjacent to their parking lot which appears to leave much of that street parking available for use. Staff has determined that adequate guest parking will be available for the proposed development.

Amendment to the South Escondido Boulevard Neighborhood Plan –

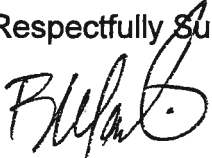
The City Council approved an update to the General Plan in 2012 to allow for both mixed-use and exclusively residential development within a target area of the South Escondido Boulevard Neighborhood Plan known as the "Centre City Parkway/Brotherton Road Target Area" (page II-70). Because the South Escondido Boulevard Neighborhood Plan has not yet been updated to correspond to the new General Plan language for the corridor, the project includes a proposed amendment to the South Escondido Boulevard Neighborhood Plan to allow for an exclusively residential project on the subject site in conformance with the 2012 General Plan. This type of amendment has been approved twice before as noted in Paragraph 6(c and d) (page 6) of the South Escondido Boulevard Neighborhood Plan, that allowed for exclusively residential developments in the commercial zone. The proposed project includes the following amendment to the neighborhood plan to include paragraph 6(e) for the project site as follows:

Section 6. Uses and Structures. (e)

Residential development without a commercial component may be permitted on the 2.29-acre property located on the eastern side South Escondido Boulevard and the western side of Cranston Drive between Citracado Parkway and Verda Avenue (APN 238-152-20), and shall be processed in accordance with the planned development process specified in Article 19 of the Escondido Zoning Code. The density of any project on APN 238-152-20 shall be a minimum of 28 dwelling units per acre and the maximum height shall be three stories.

The proposed project would be in conformance with General Plan Housing Goals and Policies to expand the stock of all housing; increase homeownership; plan for quality managed and sustainable growth; and encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities. Revitalization and redevelopment are overall objectives for the City of Escondido within the South Escondido Boulevard area.

Respectfully Submitted,

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

Bill Martin
Interim Director of Community Development

CITY OF ESCONDIDO

MINUTES OF THE REGULAR MEETING OF THE ESCONDIDO PLANNING COMMISSION

March 22, 2016

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

Commissioners present: Jeffery Weber, Chairman; Bob McQuead, Vice-chairman; Ed Hale, Commissioner; James Spann, Commissioner; Don Romo, Commissioner; and Gregory Johns, Commissioner. (One position vacant).

Commissioners absent: None.

Staff present: Jay Petrek, Director of Community Development; Adam Phillips, Deputy City Attorney; Owen Tunnell, Principal Engineer; and Ty Paulson, Minutes Clerk.

MINUTES:

Moved by Commissioner Hale, seconded by Commissioner Romo, to approve the minutes of the February 9, 2016 meeting. Motion carried unanimously. (6-0)

WRITTEN COMMUNICATIONS – None.

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS – None.

PUBLIC HEARINGS:

1. **TENTATIVE MAP, MASTER AND PRECISE DEVELOPMENT PLAN, ZONE CHANGE, AND AMENDMENT TO THE SOUTH ESCONDIDO BOULEVARD AREA PLAN – SUB 14-0018; AZ 14-0006:**

REQUEST: A request for a Zone Change from CG (General Commercial) to PD-R 28.4 (Planned Development – Residential, 28.4 dwelling units per acre), in conjunction with a Master and Precise Development Plan and a one-lot Tentative Subdivision Map to construct 65 attached, three-story condominium units. The residential units would be grouped in 11 residential buildings with five to seven

units each. Each approximately 1,600 SF townhome unit would include a two-car garage and up to three bedrooms. Three recreational open space areas for residents are proposed on the site. An amendment to the South Escondido Boulevard Area Plan also is proposed to allow residential development without a mixed-use commercial component within the South Escondido Boulevard commercial corridor. The proposal also includes the adoption of the environmental determination prepared for the project.

LOCATION: The approximately 2.29-acre project site is located within the South Escondido Boulevard Area Plan on the eastern side of South Escondido Boulevard and the western side of Cranston Drive, south of Citracado Parkway, addressed as 2516 S. Escondido Boulevard.

Jay Petrek, Director of Community Development, referenced the staff report and noted staff issues were the appropriateness of the project design elements and whether adequate setbacks, parking and open space had been provided for the proposed development; 2) the appropriateness of the proposed amendment to the South Escondido Boulevard Neighborhood Plan to eliminate the commercial requirement on the site; and whether a residential use without a commercial component would be appropriate for the project site. Staff recommended approval based on the following: 1) The overall mass, scale and design of the proposed residential buildings were comparable to the residential development existing on the adjacent property to the north. The project had been designed to function almost as a second phase to that adjacent residential project by incorporating a similar building style with the buildings located in a manner that allows view corridors to remain through the site. Staff believed the development provided an appropriate amount of parking to suit the needs of residents and guests, and that a quality living environment will be ensured by the level of amenities provided in the recreation areas and the even distribution of outdoor recreation areas throughout the development; and 2) Staff felt the proposed amendment to the South Escondido Boulevard Neighborhood Plan to allow an exclusively residential project at this 'mid-block' location would be appropriate because this type of development would serve as an appropriate transition between the mix of commercial uses to the north and south, and residential uses to the north and east. The General Plan vision for the Centre City Parkway/Brotherton Road Target Area called for locating non-residential uses at major intersections and specific nodes that were more conducive to commercial development. Staff felt that an exclusively residential development on this site could provide the catalyst for future residential development in the corridor and strengthen the customer base for mixed-use development at key intersections and node areas.

Discussion ensued regarding a clarification of the proposed street improvements on Escondido Boulevard, a clarification of the location for the power poles on

Cranston Drive and Escondido Boulevard in relation to the project, and a clarification of waste collection operations for the subject project.

Vice-chairman McQuead referenced the setbacks for the project's northern units and questioned whether adequate space would be provided for vehicles to back out of the parking spaces. Mr. Petrek replied in the affirmative.

Vice-chairman McQuead referenced the projected trip generations, feeling that the peak hour morning traffic would be more than projected. Mr. Tunnell noted that the preliminary traffic projections were calculated using SANDAG guidelines, which showed no significant impacts as well as the subject intersections operating at a Level B.

Commissioner Romo asked if the traffic study took into consideration the adjacent apartment complex. Mr. Petrek replied in the affirmative.

Commissioner Johns asked if the project warranted a full traffic study. Mr. Petrek replied in the negative. Commissioner Johns noted that the intersection of Citracado and Escondido Boulevard was heavily congested in the mornings, questioning whether the subject project would add to this issue. Mr. Petrek replied that the congestion was a regional issue and that the project would incrementally add to the existing traffic in the area.

Commissioner Spann and staff discussed the proposed location for the project's vertical landscaping. Commissioner Spann noted he had issues with the project's floor plans.

Commissioner Romo did not feel the project's vehicle trips would create significant impacts.

Commissioner Hale and staff discussed the project's traffic impact fees.

Vice-chairman McQuead asked what the plan was if the units could not be sold.

Edward Kaen, ETP, LLC, noted that they planned on selling the units as townhomes. He also indicated that the City was recommending four- and five-story units with higher density.

Vice-chairman McQuead asked what would happen if the units did not sell and whether there was a prohibition against renting. Mr. Kaen noted that the CC&Rs had not been developed yet.

Vice-chairman McQuead asked Mr. Kaen if they had communications with EDI for the trash collection. Mr. Kaen replied in the affirmative. Vice-chairman McQuead did not feel the proposed trash collection was the best method for collecting trash. Mr. Kaen noted the adjacent property was using the same trash collection system.

Commissioner Spann asked Mr. Kaen if the project could be constructed reducing it by 8 units on the north side in order to accommodate more parking and reducing the density of the project. Mr. Kaen noted that they had already reduced the project from 68 units to 65 units.

Ron Verrier, Escondido, noted that he lived in Urbana, noting that the project would block his view. He expressed his concern with the intersection of Cranston and Escondido Boulevard already being heavily congested and the subject project adding to the congestion. He stated that there was no parking on Escondido Boulevard or Cranston in the subject area. He also elaborated that he had witnessed many accidents in the subject area due to the traffic congestion.

Vice-chairman McQuead asked Mr. Verrier if he felt his complex needed additional guest parking. Mr. Verrier replied in the affirmative.

Vice-chairman McQuead asked Mr. Verrier if he had any issues with the current trash collection, which was similar to what was being proposed for the subject project. Mr. Verrier replied in the negative.

Vice-chairman McQuead felt the project would create traffic issues as well as being too dense.

Commissioner Johns expressed his concern with the project creating issues with traffic, not having adequate parking, and the potential for the project becoming a rental project.

Commissioner Spann felt the project would add traffic to an area that was already congested during peak hours. He felt the project needed additional parking and was too dense. He was also concerned with the setbacks and floor plan.

Commissioner Hale expressed his concern with the project becoming a rental project. He was concerned with the City wanting the project to be more dense, noting he was opposed to urbanization. He did not feel the project would create traffic issues or trash collection issues. He felt there was a conflict with what was the best use for the subject property and what the applicant was told, noting the applicant followed what the City approved.

Chairman Weber expressed his concern with the subject area being a gateway to the City, feeling a moratorium should be established for this type of project. He felt the project would not be compatible with the Spanish architecture existing in the area. He felt the project was too dense, would not provide adequate parking as well as there being no off-street parking in the area.

Commissioner Hale felt the Commission should base its decision on the Findings of Fact in the staff report before taking action.

Commissioner Romo and Mr. Oliver discussed the ratio of units that would be allowed for a mixed-use project.

Commissioner Hale and staff discussed the project's parking plan. Commissioner Hale noted that according to staff the project did not meet the needed parking.

MOTION:

Moved by Commissioner Hale, seconded by Chairman Weber, to continue Item 1 and encourage the applicant to review the Findings of Fact, specifically Page 30, Item 3.

Commissioner Spann noted that there was no guarantee that the project would pencil out even though it met the land use criteria.

Commissioner Hale sympathized with the developer working with the City to present a project that staff could support.

Commissioner Romo suggested the applicant figure out the parking and come back to the Commission versus moving forward with a mixed-use project.

Mr. Kaen noted that the project provided the needed parking. Mr. Petrek re-examined the site plan and the staff report and noted that staff report was incorrect and the project provided adequate parking.

Commissioner Hale withdrew his motion, noting that the applicant had met the letter of the law. Chairman Weber withdrew his motion.

ACTION:

Moved by Commissioner Hale, seconded by Commissioner Johns, to approve staff's recommendation. Motion did not carry. Ayes: Hale and Romo. Noes: Spann, Johns, McQuead, and Weber. (2-4)

PLANNING COMMISSION

Agenda Item No.: G.1
Date: March 22, 2016

CASE NUMBERS: SUB 14-0018, AZ 14-0006

APPLICANT: Edward Kaen for ETP, LLC

LOCATION: The approximately 2.29-acre project site is located within the South Escondido Boulevard Neighborhood Plan on the eastern side of South Escondido Boulevard and the western side of Cranston Drive, south of Citracado Parkway, addressed as 2516 S. Escondido Boulevard

TYPE OF PROJECT: Tentative Subdivision Map, Master and Precise Development Plan, Zone Change and Amendment to the South Escondido Boulevard Neighborhood Plan

PROJECT DESCRIPTION: A request for a Zone Change from CG (General Commercial) to PD-R 28.4 (Planned Development – Residential, 28.4 dwelling units per acre), in conjunction with a Master and Precise Development Plan and a one-lot Tentative Subdivision Map to construct 65 attached, three-story condominium units. The residential units would be grouped in 11 residential buildings with five to seven units each. Each approximately 1,600 SF townhome unit would include a two-car garage and up to three bedrooms. Three recreational open space areas for residents are proposed on the site. An amendment to the South Escondido Boulevard Neighborhood Plan also is proposed to allow residential development without a mixed-use commercial component within the South Escondido Boulevard commercial corridor.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION: General Commercial (Centre City Parkway/Brotherton Road Target Area)

ZONING: Existing: CG (General Commercial)
Proposed: PD-R 28.4 (Planned Development – Residential, 28.4 dwelling units per acre)

BACKGROUND/SUMMARY OF ISSUES: The applicant acquired the property in May of 2004 when it was developed with the Hidden Vale Motel and trailer park containing 11 motel units in four buildings and a 19-space trailer park that had been constructed in the 1940's and 1950's. Both uses were closed in early 2005 and demolition of the motel and trailer park was completed by mid-2006. The property has remained vacant since.

In March of 2005, Centex Homes filed a zone change and mixed-use planned development application (Tract 918) to construct 53 three-story, attached condominium townhomes and an 8,900 SF two-story commercial building on the site. Centex had previously partnered with the project applicant to construct the residential portion of the Urbana mixed-use project on the adjacent property to the north. The proposal included a request to reduce the commercial parking by 25% coupled with a request to provide 21 street parking spaces for the commercial building. On November 8, 2005, the Planning Commission voted unanimously to recommend denial of the proposed development. The City Council was scheduled to conduct a hearing on the proposal on November 16, 2005. Prior to the City Council hearing, the item was pulled from the agenda and continued indefinitely at the request of Centex Homes. On May 8, 2006, Centex Homes notified the Planning Division they were no longer pursuing the application. The property owner (Mr. Kaen) notified Planning staff that he would be revising the plans and continuing with the application. A revised application was later submitted, but remained incomplete and later became inactive as economic conditions deteriorated. The project files for Tract 918 were closed in April of 2009.

The property owner/applicant has put together a new development team and has been diligently pursuing the current proposal for residential condominium townhomes on the site. The mixed-use commercial component in the previous project has been eliminated with staff's consent given the site location and the difficulty the applicant had leasing the adjacent commercial space to the north. The General Plan now allows both mixed-use and exclusively residential projects within the Centre City Parkway/Brotherton Road Target Area. Mixed-use projects require a minimum density of 30 dwelling units per

PLANNING COMMISSION

Agenda Item No.: G.1
Date: March 22, 2016

CASE NUMBERS: SUB 14-0018, AZ 14-0006

APPLICANT: Edward Kaen for ETP, LLC

LOCATION: The approximately 2.29-acre project site is located within the South Escondido Boulevard Neighborhood Plan on the eastern side of South Escondido Boulevard and the western side of Cranston Drive, south of Citracado Parkway, addressed as 2516 S. Escondido Boulevard

TYPE OF PROJECT: Tentative Subdivision Map, Master and Precise Development Plan, Zone Change and Amendment to the South Escondido Boulevard Neighborhood Plan

PROJECT DESCRIPTION: A request for a Zone Change from CG (General Commercial) to PD-R 28.4 (Planned Development – Residential, 28.4 dwelling units per acre), in conjunction with a Master and Precise Development Plan and a one-lot Tentative Subdivision Map to construct 65 attached, three-story condominium units. The residential units would be grouped in 11 residential buildings with five to seven units each. Each approximately 1,600 SF townhome unit would include a two-car garage and up to three bedrooms. Three recreational open space areas for residents are proposed on the site. An amendment to the South Escondido Boulevard Neighborhood Plan also is proposed to allow residential development without a mixed-use commercial component within the South Escondido Boulevard commercial corridor.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION: General Commercial (Centre City Parkway/Brotherton Road Target Area)

ZONING: Existing: CG (General Commercial)
Proposed: PD-R 28.4 (Planned Development – Residential, 28.4 dwelling units per acre)

BACKGROUND/SUMMARY OF ISSUES: The applicant acquired the property in May of 2004 when it was developed with the Hidden Vale Motel and trailer park containing 11 motel units in four buildings and a 19-space trailer park that had been constructed in the 1940's and 1950's. Both uses were closed in early 2005 and demolition of the motel and trailer park was completed by mid-2006. The property has remained vacant since.

In March of 2005, Centex Homes filed a zone change and mixed-use planned development application (Tract 918) to construct 53 three-story, attached condominium townhomes and an 8,900 SF two-story commercial building on the site. Centex had previously partnered with the project applicant to construct the residential portion of the Urbana mixed-use project on the adjacent property to the north. The proposal included a request to reduce the commercial parking by 25% coupled with a request to provide 21 street parking spaces for the commercial building. On November 8, 2005, the Planning Commission voted unanimously to recommend denial of the proposed development. The City Council was scheduled to conduct a hearing on the proposal on November 16, 2005. Prior to the City Council hearing, the item was pulled from the agenda and continued indefinitely at the request of Centex Homes. On May 8, 2006, Centex Homes notified the Planning Division they were no longer pursuing the application. The property owner (Mr. Kaen) notified Planning staff that he would be revising the plans and continuing with the application. A revised application was later submitted, but remained incomplete and later became inactive as economic conditions deteriorated. The project files for Tract 918 were closed in April of 2009.

The property owner/applicant has put together a new development team and has been diligently pursuing the current proposal for residential condominium townhomes on the site. The mixed-use commercial component in the previous project has been eliminated with staff's consent given the site location and the difficulty the applicant had leasing the adjacent commercial space to the north. The General Plan now allows both mixed-use and exclusively residential projects within the Centre City Parkway/Brotherton Road Target Area. Mixed-use projects require a minimum density of 30 dwelling units per

acre as opposed to the previous requirement that only allowed a maximum density of 24 dwelling units per acre. Density standards for exclusively residential projects will be specified when the South Escondido Boulevard Neighborhood Plan is updated to correspond with the new General Plan vision for the corridor. That update is currently underway, but in the interim, the residential nature of the proposed development will require approval of an amendment to the South Escondido Boulevard Neighborhood Plan to allow residential development on the site without a commercial component.

Staff feels that the issues are as follow:

1. Appropriateness of the project design elements and whether adequate setbacks, parking and open space have been provided for the proposed development.
2. Appropriateness of the proposed amendment to the South Escondido Boulevard Neighborhood Plan to eliminate the commercial requirement on the site.
3. Whether a residential use without a commercial component is appropriate for the project site.

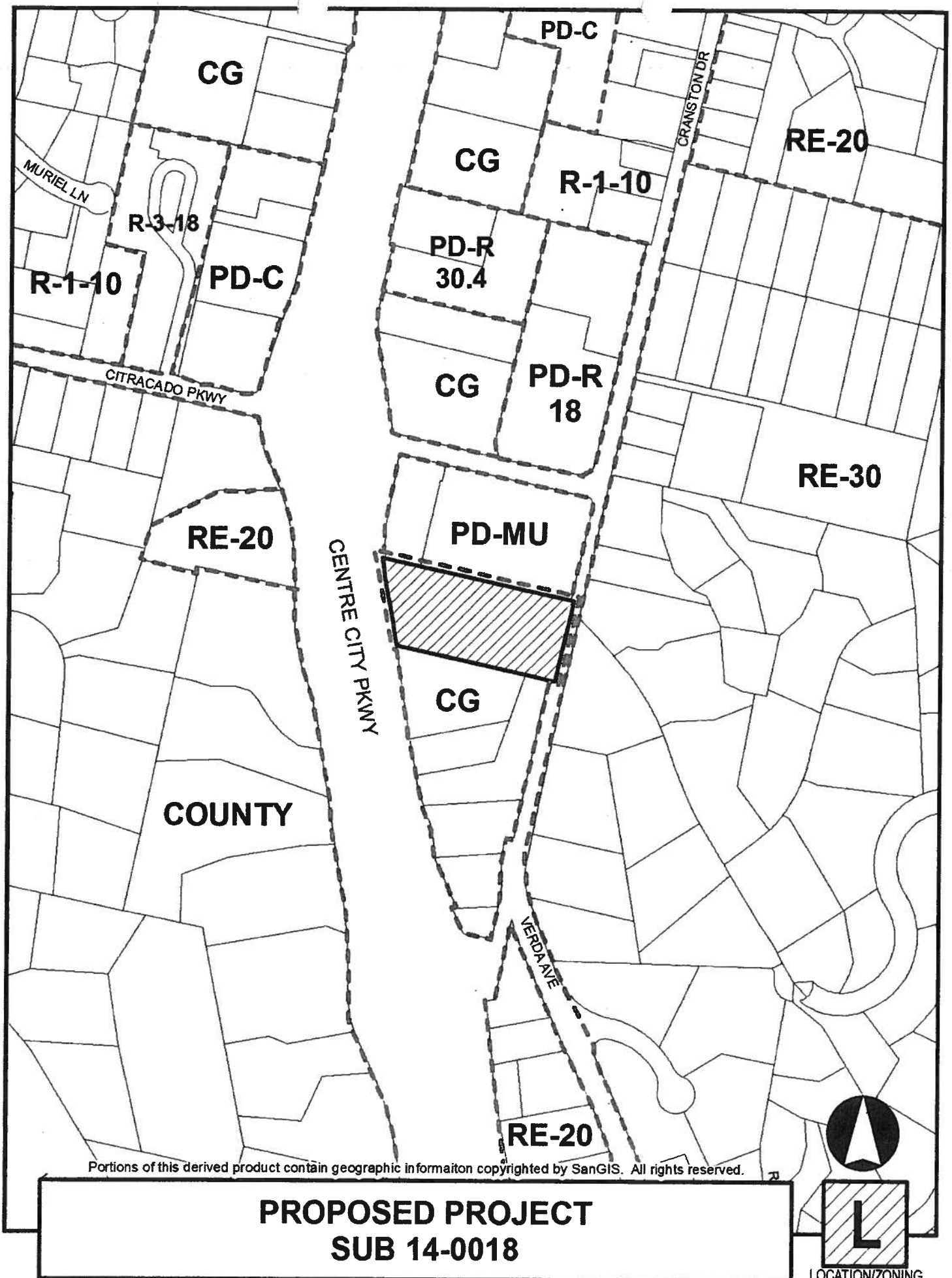
REASONS FOR STAFF RECOMMENDATION:

1. The overall mass, scale and design of the proposed residential buildings are comparable to the residential development existing on the adjacent property to the north. The project has been designed to function almost as a second phase to that adjacent residential project 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 development provides an appropriate amount of parking to suit the needs of residents and guests, and that a quality living environment will be ensured by the level of amenities provided in the recreation areas and the even distribution of outdoor recreation areas throughout the development.
2. Staff feels the proposed amendment to the South Escondido Boulevard Neighborhood Plan to allow an exclusively residential project at this 'mid-block' location would be appropriate because this type of development would serve as an appropriate transition between the mix of commercial uses to the north and south, and residential uses to the north and east. The General Plan vision for the Centre City Parkway/Brotherton Road Target Area calls for locating non-residential uses at major intersections and specific nodes that are more conducive to commercial development. Staff feels that an exclusively residential development on this site could provide the catalyst for future residential development in the corridor and strengthen the customer base for mixed-use development at key intersections and node areas.

Respectfully Submitted,



Bill Martin
Assistant Planning Director

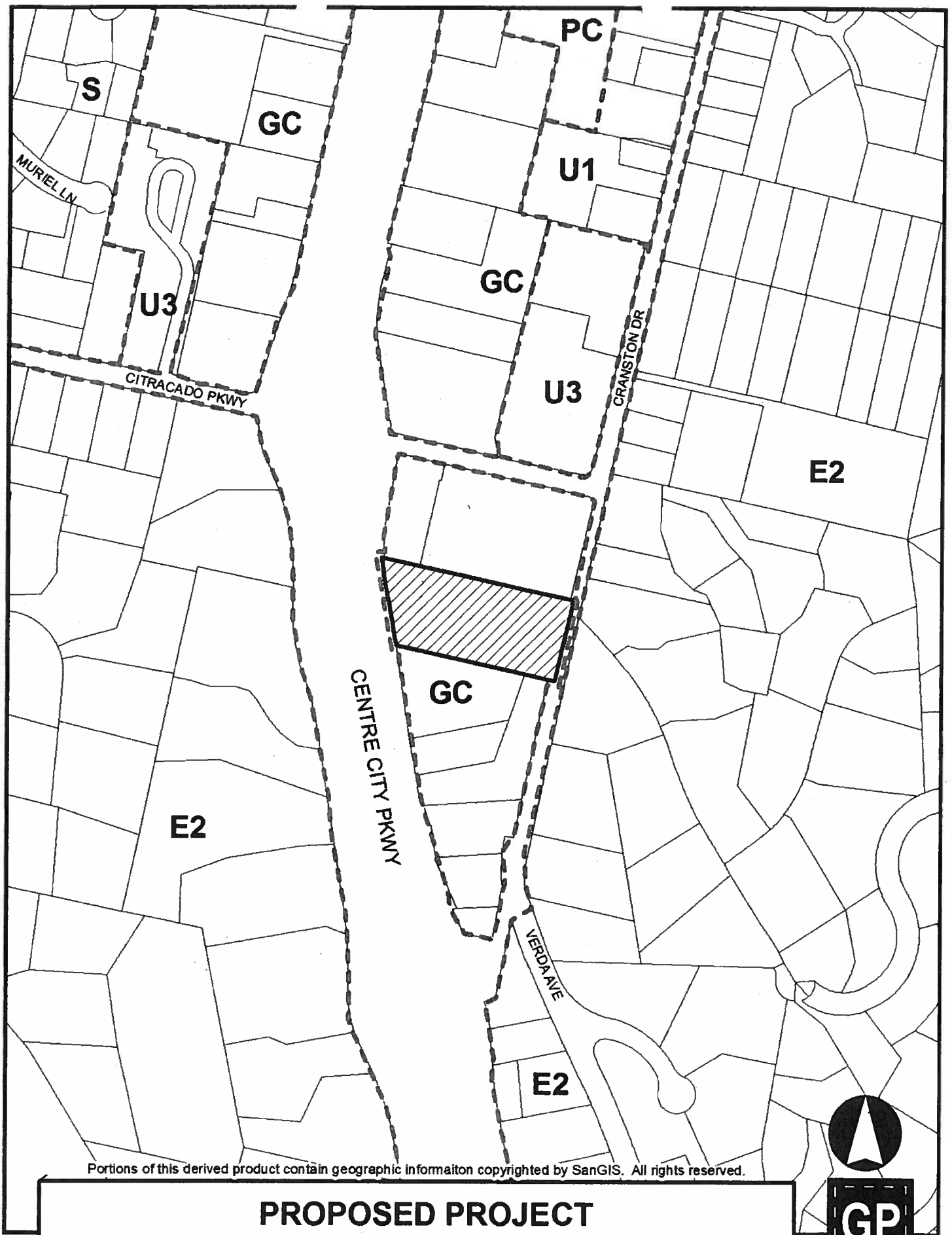


Portions of this derived product contain geographic information copyrighted by SanGIS. All rights reserved.

**PROPOSED PROJECT
SUB 14-0018**



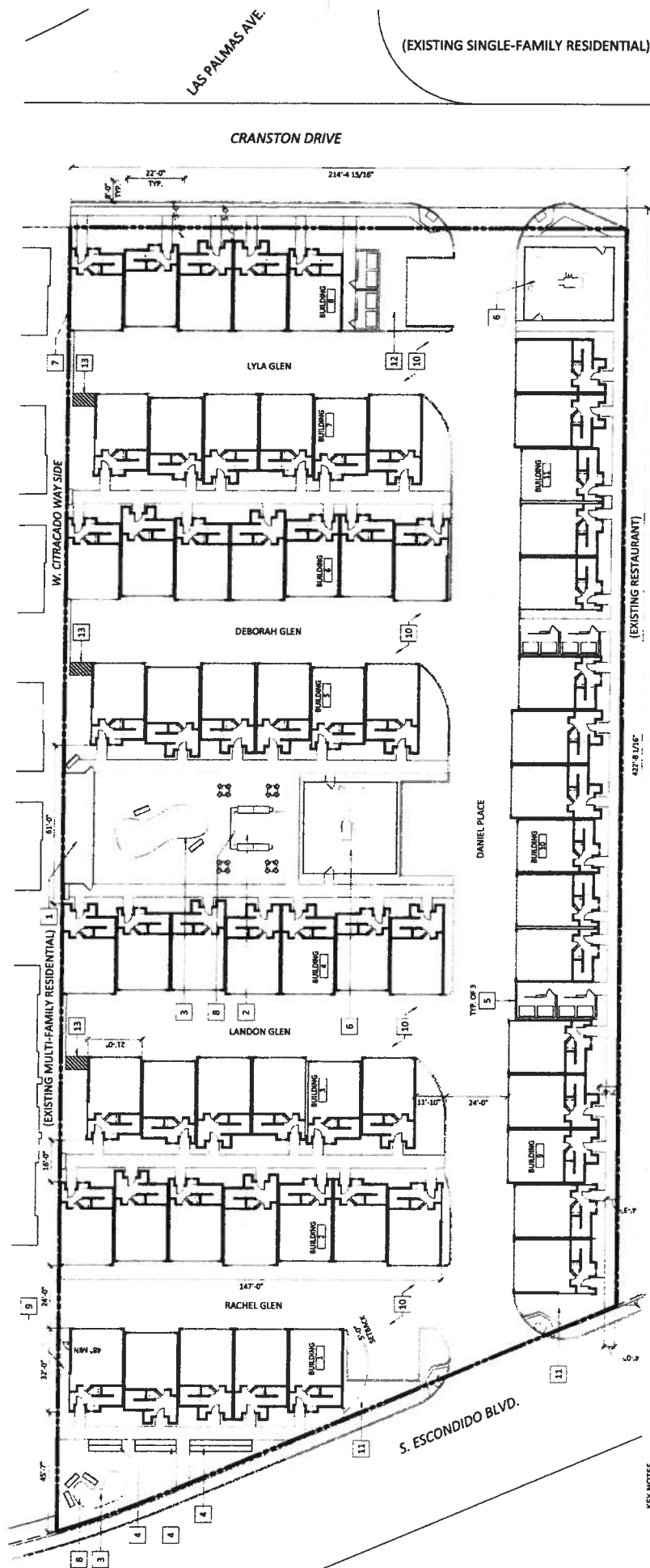
LOCATION/ZONING



Portions of this derived product contain geographic information copyrighted by SanGIS. All rights reserved.

PROPOSED PROJECT SUB 14-0018





KEY NOTES

- 1 PRIVATE DOG RUN WITH 4' HIGH METAL FENCING
- 2 PRIVATE BBQ & DINING AREA
- 3 TURF LANDSCAPING W/BENCHES AROUND RESERVEABLE BY TENANTS
- 4 PRIVATE ABOVE-GROUND GARDEN BEDS; RESERVEABLE BY TENANTS
- 5 TRASH & RECYCLING ENCLOSURE
- 6 PRIVATE TOT LOT PLAYGROUND
- 7 ZERO SETBACK AT NORTH PROPERTY LINE

- 8 FIRE PIT
- 9 48" EGRESS WALKWAY
- 10 IMPERVIOUS PAVERS
- 11 COMMUNITY GARDEN
- 12 PET LAWN
- 13 STRIPED BACKUP DRIVEWAY

SITE SUMMARY

SITE AREA: 2.39 ACRES
 1 LOT
 TOTAL DWELLING UNITS: 65 UNITS
 DENSITY: 28 D.U./ACRE

BUILDING SUMMARY

CARRIAGE UNITS (2 STORIES LIVING ABOVE GARAGE): 65 UNITS
 3 BEDROOMS, 3 BATH
 - SEE FLOOR PLANS FOR UNIT LAYOUTS

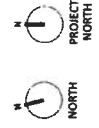
PARKING SUMMARY

PARKING PROVIDED: 65 (2 CARS/UNIT)
 PRIVATE GARAGES: 9 SPACES
 OFF-STREET OPEN: 7 SPACES
 ON STREET:

OPEN SPACE SUMMARY

DESCRIPTION	SF	PERCENTAGE
COMMON OPEN SPACE	25,961	26.2%
PRIVATE OPEN SPACE (BALCONIES)	1,755	1.7%
BUILDING COVERAGE	43,398	43.8%
DRIVE/PARKING COVERAGE	28,027	28.3%
TOTAL	99,141	100 %

PRELIMINARY SITE PLAN



PROPOSED PROJECT SUB 14-0018

SP SITE PLAN

CITY OF ESCONDIDO TENTATIVE MAP NO.

THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1500 OF THE STATE OF CALIFORNIA CIVIL CODES. THE MAXIMUM NUMBER OF DRILLING UNITS IS 63.

MAP 15055

VICINITY MAP

NO SCALE

OWNER:

ESCONDIDO BLVD

300 S. J. ANNE, #310

SAN DIEGO, CA 92108

PHONE: 619-444-3710

PROJECT DATA:

ESCONDIDO BLVD

230-152-3000

CONSTRUCTION DATE

CALIFORNIA/LAMBERT COORDINATES

342 1788

1987-433

SITE DATA:

ESCONDIDO BLVD

230-152-3000

CONSTRUCTION DATE

CALIFORNIA/LAMBERT COORDINATES

342 1788

1987-433

DEVELOPMENT DATA:

ESCONDIDO BLVD

230-152-3000

CONSTRUCTION DATE

CALIFORNIA/LAMBERT COORDINATES

342 1788

1987-433

LEGAL DESCRIPTION:

ESCONDIDO BLVD

230-152-3000

CONSTRUCTION DATE

CALIFORNIA/LAMBERT COORDINATES

342 1788

1987-433

CONDOMINIUM STATEMENT:

ESCONDIDO BLVD

230-152-3000

CONSTRUCTION DATE

CALIFORNIA/LAMBERT COORDINATES

342 1788

1987-433

CONDOMINIUM STATEMENT:

ESCONDIDO BLVD

230-152-3000

CONSTRUCTION DATE

CALIFORNIA/LAMBERT COORDINATES

342 1788

1987-433

CONDOMINIUM STATEMENT:

ESCONDIDO BLVD

230-152-3000

CONSTRUCTION DATE

CALIFORNIA/LAMBERT COORDINATES

342 1788

1987-433

CONDOMINIUM STATEMENT:

ESCONDIDO BLVD

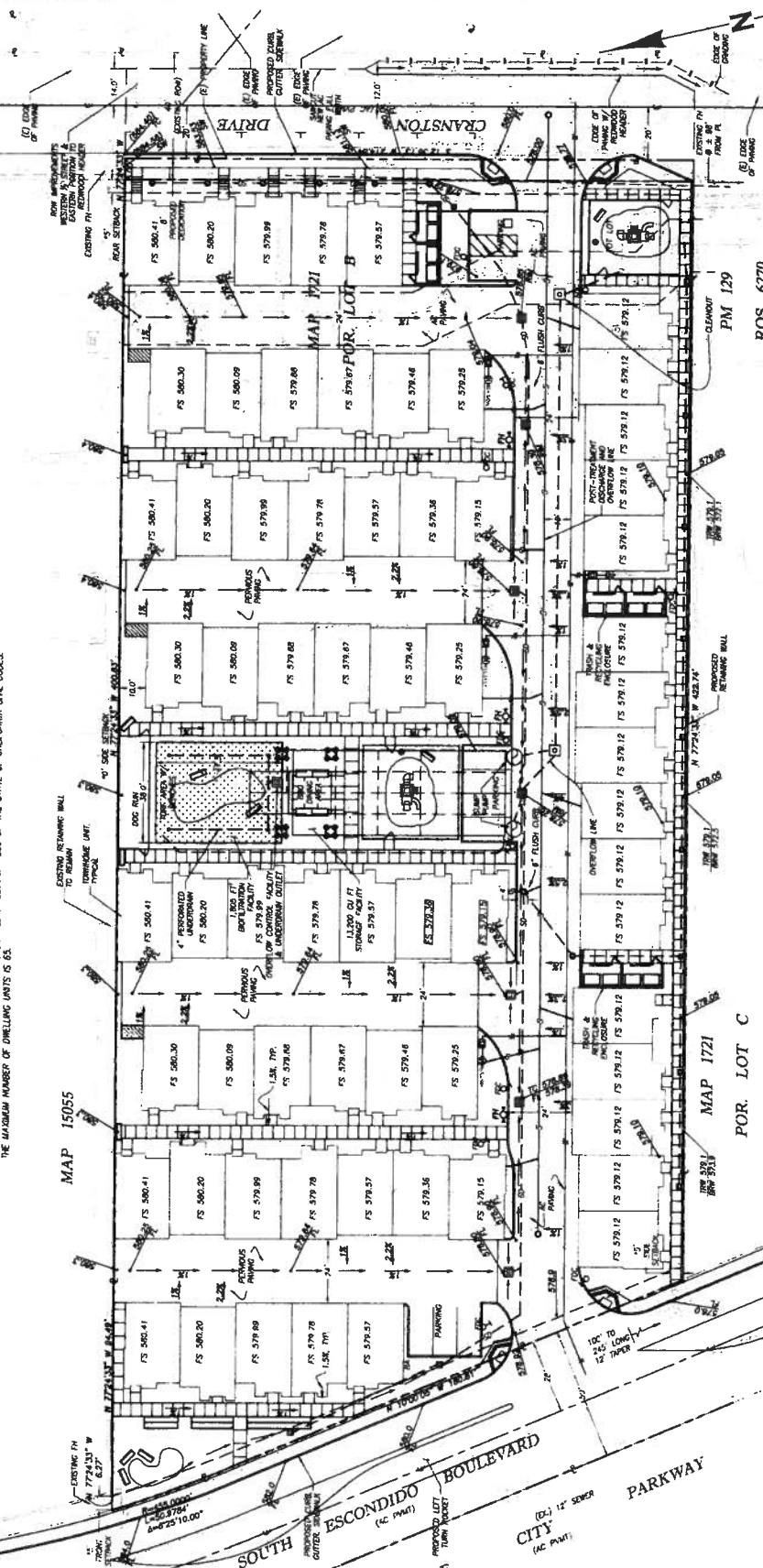
230-152-3000

CONSTRUCTION DATE

CALIFORNIA/LAMBERT COORDINATES

342 1788

1987-433



SEWER NOTE:

ALL LOTS ARE ON A SANITARY SEWER SYSTEM.

SEWER NOTE:

ALL LOTS ARE ON A SANITARY SEWER SYSTEM.

SEWER NOTE:

ALL LOTS ARE ON A SANITARY SEWER SYSTEM.

SEWER NOTE:

ALL LOTS ARE ON A SANITARY SEWER SYSTEM.

SEWER NOTE:

ALL LOTS ARE ON A SANITARY SEWER SYSTEM.

SEWER NOTE:

ALL LOTS ARE ON A SANITARY SEWER SYSTEM.

SEWER NOTE:

ALL LOTS ARE ON A SANITARY SEWER SYSTEM.

SEWER NOTE:

ALL LOTS ARE ON A SANITARY SEWER SYSTEM.

SEWER NOTE:

ALL LOTS ARE ON A SANITARY SEWER SYSTEM.

SEWER NOTE:

ALL LOTS ARE ON A SANITARY SEWER SYSTEM.

SEWER NOTE:

ALL LOTS ARE ON A SANITARY SEWER SYSTEM.

SEWER NOTE:

ALL LOTS ARE ON A SANITARY SEWER SYSTEM.

SEWER NOTE:

ALL LOTS ARE ON A SANITARY SEWER SYSTEM.

SEWER NOTE:

ALL LOTS ARE ON A SANITARY SEWER SYSTEM.

SETBACK NOTE:

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

FRONT/REAR (EAST AND WEST) 5' MINIMUM

LEGEND

DESCRIPTION

PROPERTY LINE

STREET CENTERLINE

PROPERTY LINE - OFFSITE

(P) SPOT ELEVATION

EDGE OF PAVEMENT

P.C. CURB

EXISTING RETAINING WALL

EXISTING FENCE

EXISTING BROWSLINE / TREE CANOPY

EXISTING POWER POLE

EXISTING UNDER WALK

EXISTING STREET SHOW

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

LEGEND

DESCRIPTION

PROPERTY LINE

STREET CENTERLINE

PROPERTY LINE - OFFSITE

(P) SPOT ELEVATION

EDGE OF PAVEMENT

P.C. CURB

EXISTING RETAINING WALL

EXISTING FENCE

EXISTING BROWSLINE / TREE CANOPY

EXISTING POWER POLE

EXISTING UNDER WALK

EXISTING STREET SHOW

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

LEGEND

DESCRIPTION

PROPERTY LINE

STREET CENTERLINE

PROPERTY LINE - OFFSITE

(P) SPOT ELEVATION

EDGE OF PAVEMENT

P.C. CURB

EXISTING RETAINING WALL

EXISTING FENCE

EXISTING BROWSLINE / TREE CANOPY

EXISTING POWER POLE

EXISTING UNDER WALK

EXISTING STREET SHOW

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

LEGEND

DESCRIPTION

PROPERTY LINE

STREET CENTERLINE

PROPERTY LINE - OFFSITE

(P) SPOT ELEVATION

EDGE OF PAVEMENT

P.C. CURB

EXISTING RETAINING WALL

EXISTING FENCE

EXISTING BROWSLINE / TREE CANOPY

EXISTING POWER POLE

EXISTING UNDER WALK

EXISTING STREET SHOW

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

LEGEND

DESCRIPTION

PROPERTY LINE

STREET CENTERLINE

PROPERTY LINE - OFFSITE

(P) SPOT ELEVATION

EDGE OF PAVEMENT

P.C. CURB

EXISTING RETAINING WALL

EXISTING FENCE

EXISTING BROWSLINE / TREE CANOPY

EXISTING POWER POLE

EXISTING UNDER WALK

EXISTING STREET SHOW

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT

LEGEND

DESCRIPTION

PROPERTY LINE

STREET CENTERLINE

PROPERTY LINE - OFFSITE

(P) SPOT ELEVATION

EDGE OF PAVEMENT

P.C. CURB

EXISTING RETAINING WALL

EXISTING FENCE

EXISTING BROWSLINE / TREE CANOPY

EXISTING POWER POLE

EXISTING UNDER WALK

EXISTING STREET SHOW

EXISTING STREET LIGHT

EXISTING STREET LIGHT

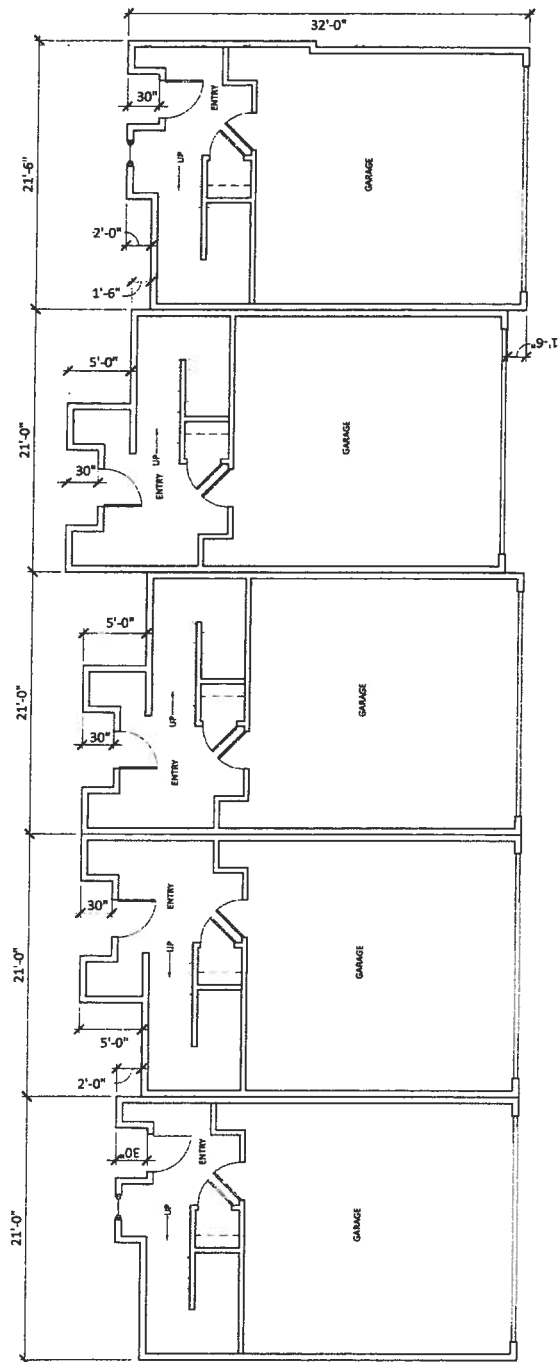
EXISTING STREET LIGHT

EXISTING STREET LIGHT

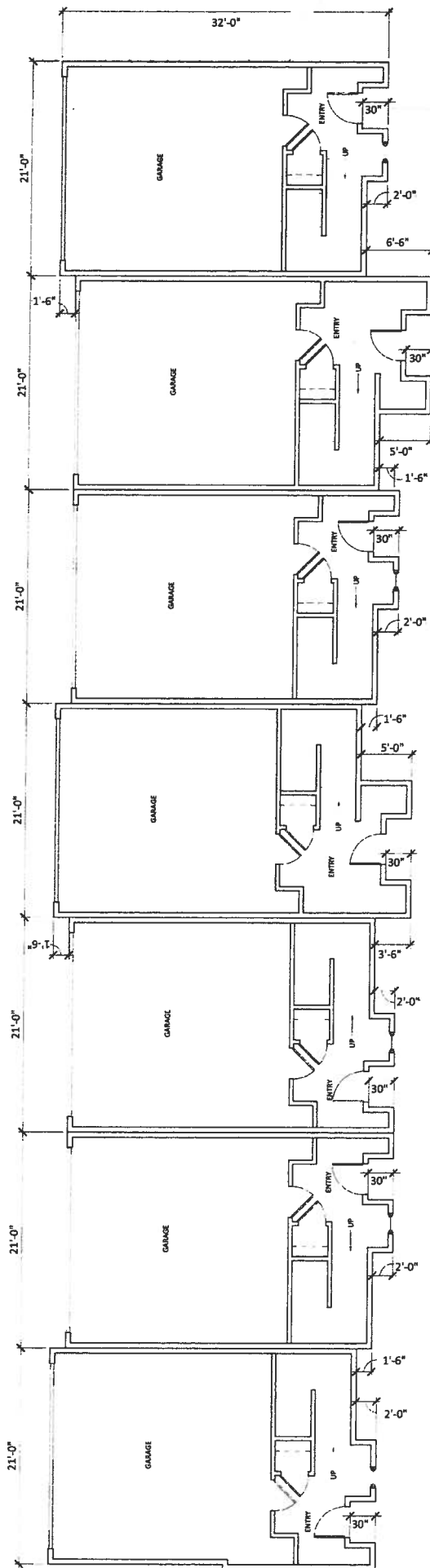
EXISTING STREET LIGHT

EXISTING STREET LIGHT

EXISTING STREET LIGHT



BUILDING 1 - FIRST FLOOR



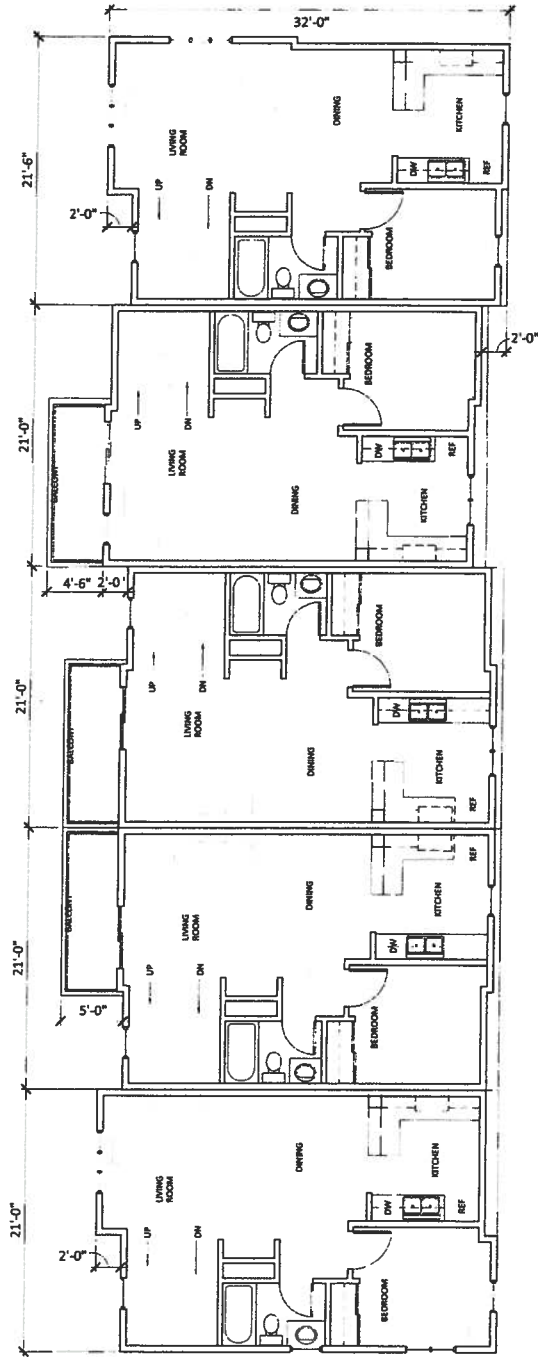
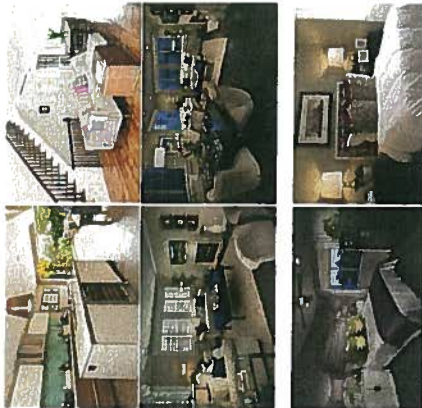
BUILDING 2 - FIRST FLOOR



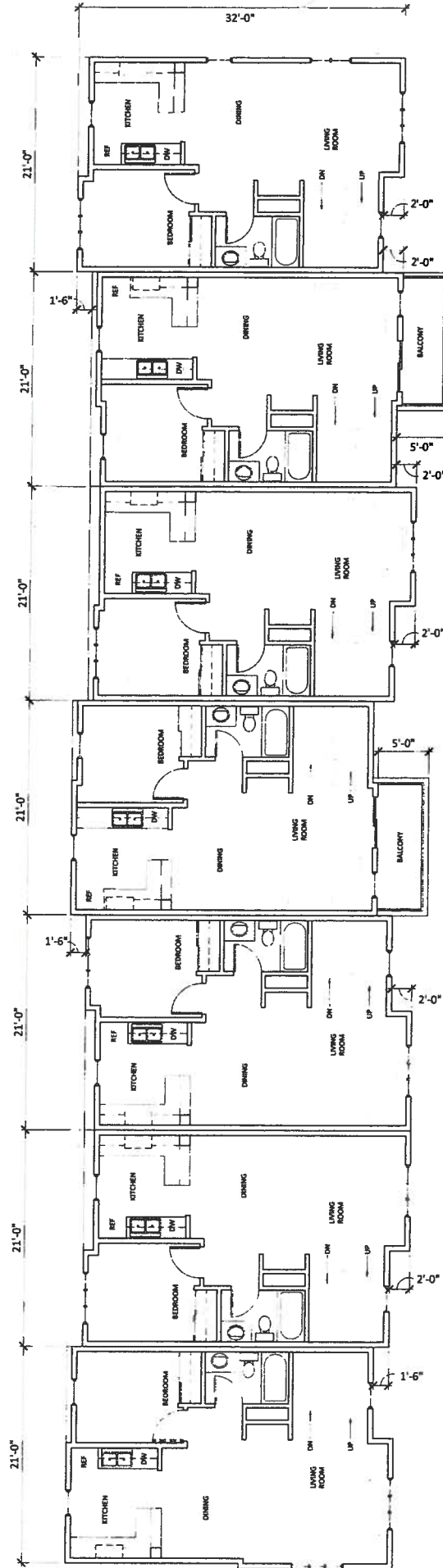
PROPOSED PROJECT
SUB 14-0018

F

FLOOR PLAN



BUILDING 1 - SECOND FLOOR

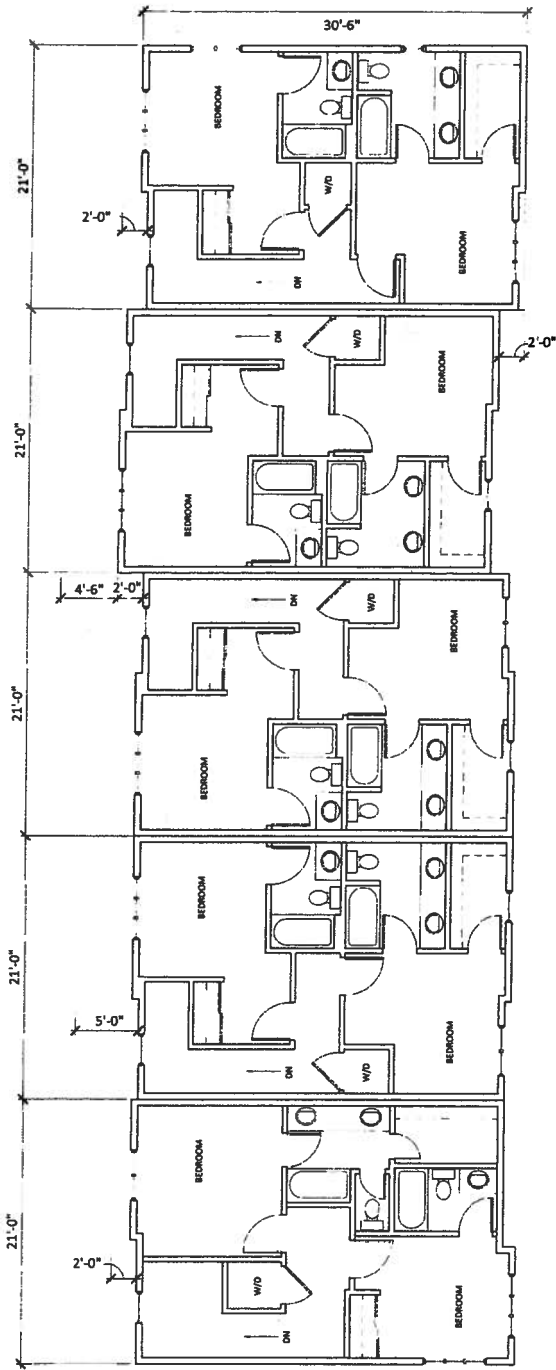


BUILDING 2 - SECOND FLOOR

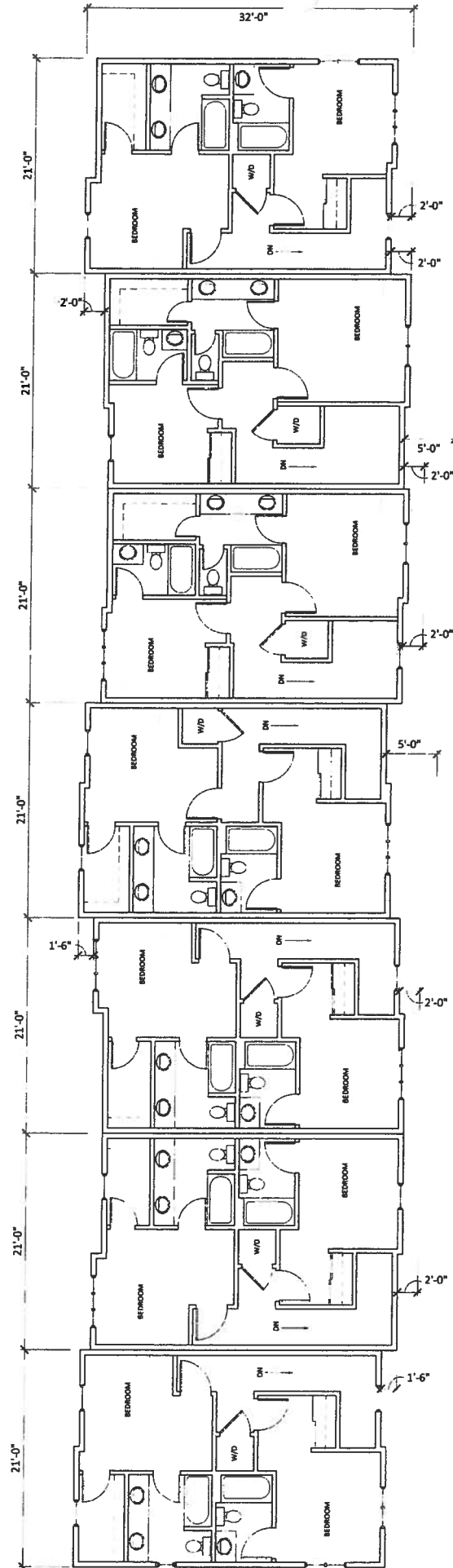
**PROPOSED PROJECT
SUB 14-0018**

F

FLOOR PLAN



BUILDING 1 - THIRD FLOOR



BUILDING 2 - THIRD FLOOR

**PROPOSED PROJECT
SUB 14-0018**

F

FLOOR PLAN



FRONT ELEVATION



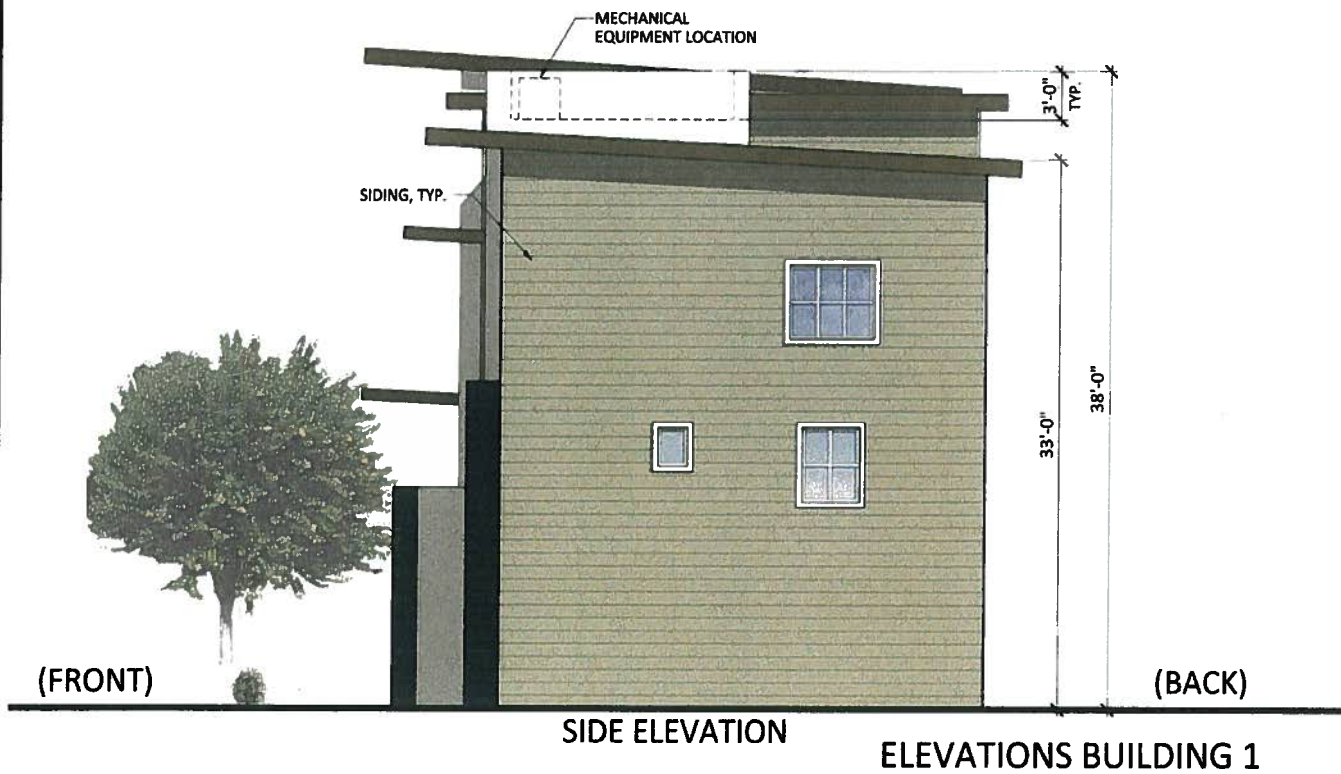
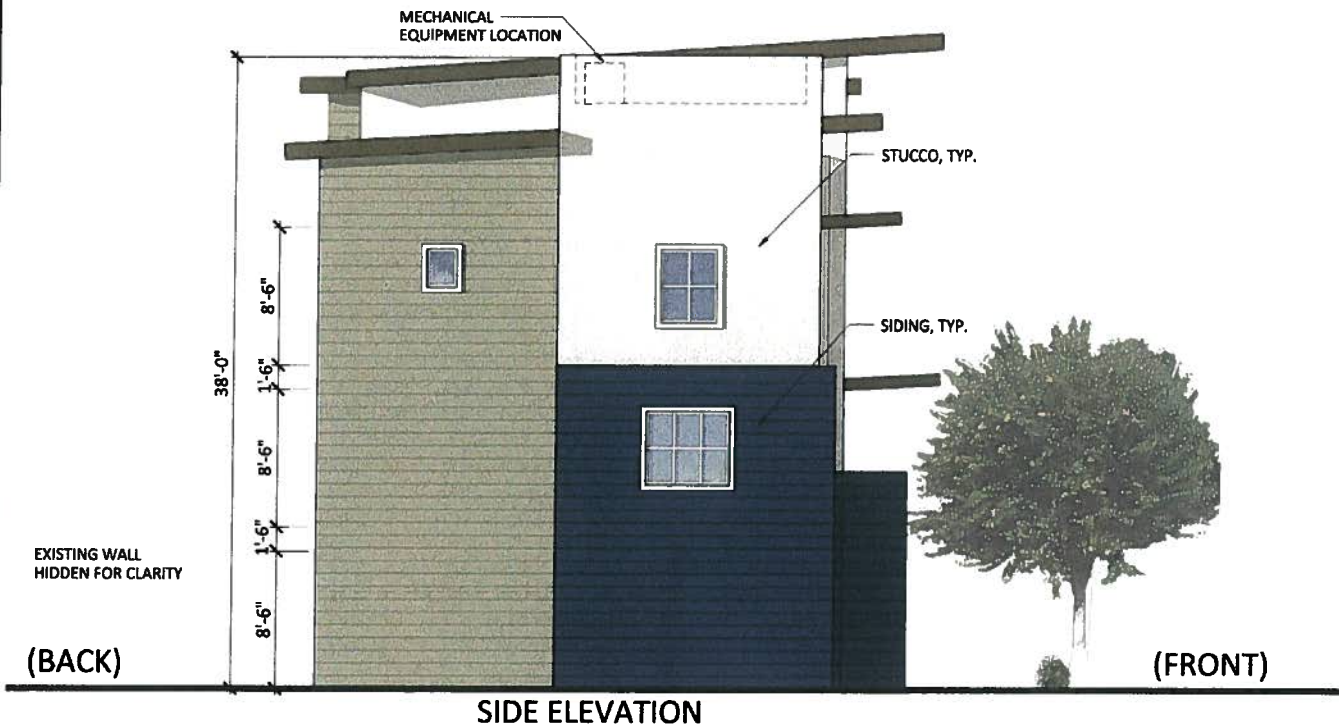
BACK ELEVATION

PRELIMINARY ELEVATIONS BUILDING 1

PROPOSED PROJECT
SUB 14-0018

E

ELEVATIONS



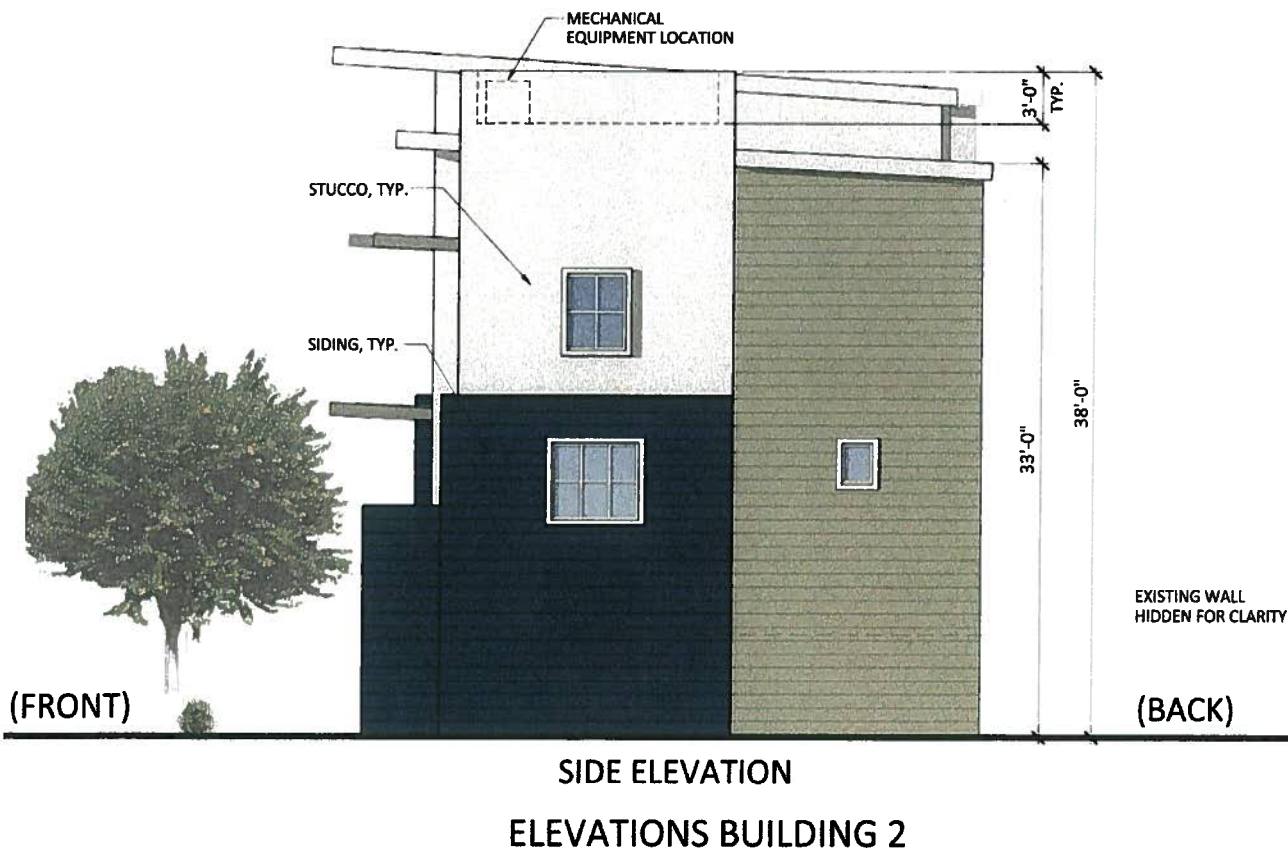
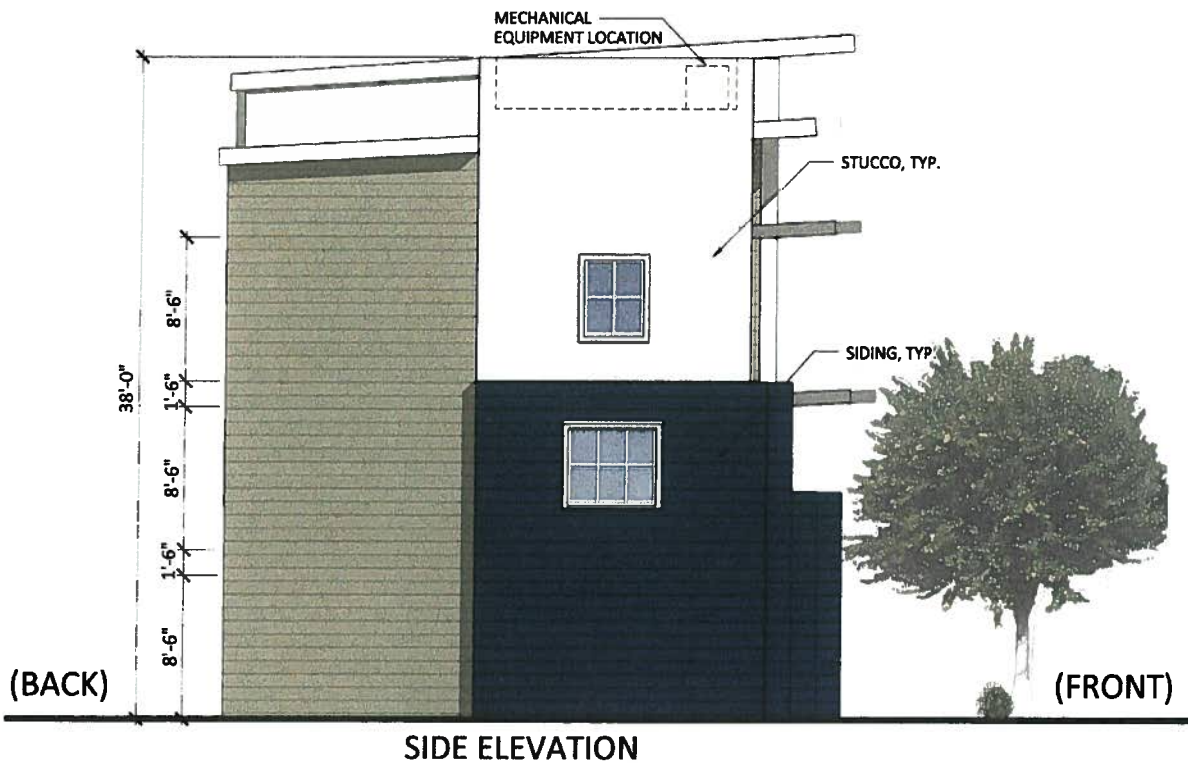


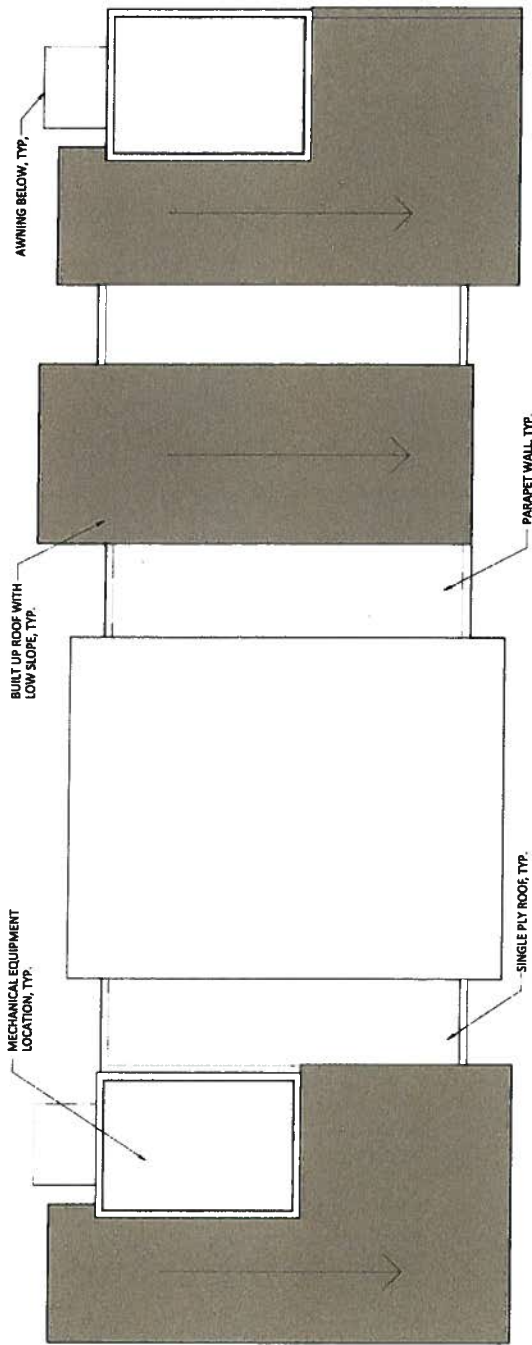
ELEVATIONS BUILDING 2

PROPOSED PROJECT
SUB 14-0018

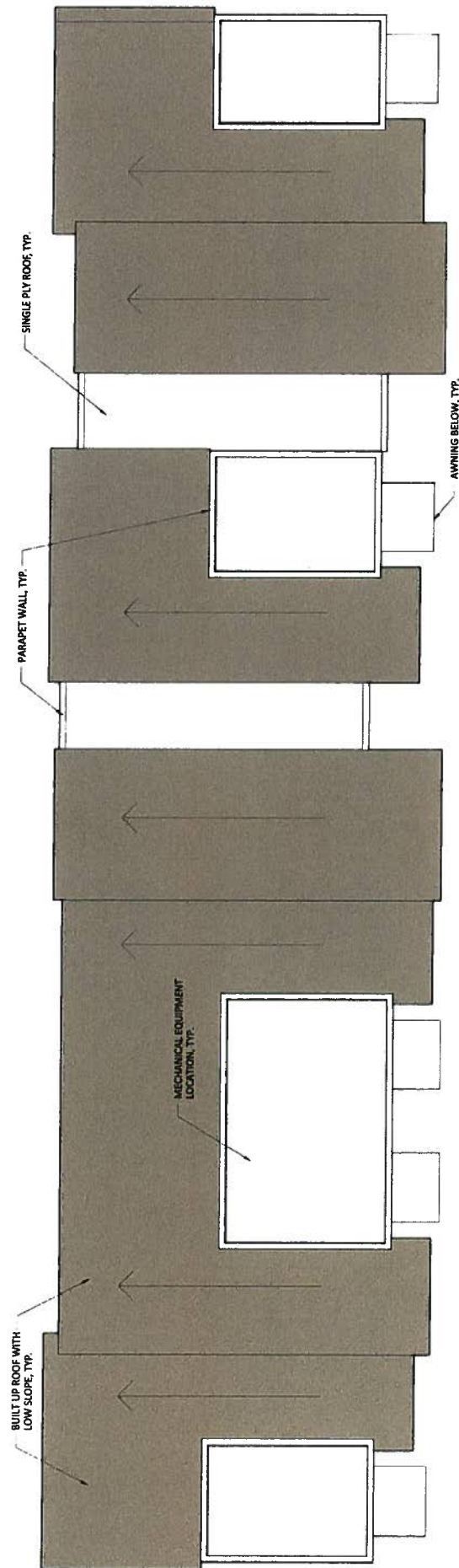
E

ELEVATIONS





BUILDING 1 - ROOF PLAN



BUILDING 2 - ROOF PLAN



**PROPOSED PROJECT
SUB 14-0018**

RP

ROOF PLAN



PLANT MATERIAL LEGEND - FULL & PART SHADE TOLERANT PLANTS

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WULCO VALUE
	MEDIUM SIZED CANOPY TREES:			
	ABUTILUS UNDO	STRAWBERRY TREE	24" BOX	LOW
	PITTOSPORIUM UNULATUM	SOUTHERN MAGNOLIA	24" BOX	MEDIUM
	FORMAL SHEERED HEDGES:			
	BERBERIS GOLDEN ABUNDANCE	GOLDEN ABUNDANCE OREGON GRAPE	5 GAL	MED
	ILEX CRENATA 'HELLER'	DWARF JAPANESE HOLLY	5 GAL	MEDIUM
	TALL & MEDIUM HIGH SHRUB			
	AGAVE ATTENUATA 'BOUTIN BLUE'	RED Aeonium	5 GAL	LOW
	ALOE ARBORESCENS	BLUE FOX TAIL AGAVE	5 GAL	LOW
	LOW STRAP LEAF ACCENT SHRUB			
	AGAPANTHUS AFRICANUS	GIANT RED Aeonium	1 GAL	LOW
	ASPARAGUS METERII	FLORIDA FLAVIDA	1 GAL	LOW
	GROUND COVER:			
	ECHIVERIA AGAVOIDES 'PROLIFERA'	CARPET ECHIVERIA SUCCULENT	4" POT @ 12"	LOW
	GERANIUM INCANUM	PROSTRATE WOOLLY GERANILLA	1 GAL @ 3"	LOW

CONCEPTUAL LANDSCAPE PLAN

PLANT MATERIAL LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WULCO VALUE
	BROAD HEADED ACCENT TREES:			
	ABUTILUS UNDO	STRAWBERRY TREE	24" BOX	MEDIUM
	PITTOSPORIUM UNULATUM	SOUTHERN MAGNOLIA	24" BOX	LOW
	MEDIUM SIZED CANOPY TREES:			
	ABUTILUS UNDO	STRAWBERRY TREE	24" BOX	LOW
	PITTOSPORIUM UNULATUM	SOUTHERN MAGNOLIA	24" BOX	MEDIUM
	FORMAL SHEERED HEDGES:			
	BERBERIS GOLDEN ABUNDANCE	GOLDEN ABUNDANCE OREGON GRAPE	5 GAL	MED
	ILEX CRENATA 'HELLER'	DWARF JAPANESE HOLLY	5 GAL	MEDIUM
	TALL & MEDIUM HIGH SHRUB			
	AGAVE ATTENUATA 'BOUTIN BLUE'	RED Aeonium	5 GAL	LOW
	ALOE ARBORESCENS	BLUE FOX TAIL AGAVE	5 GAL	LOW
	LOW STRAP LEAF ACCENT SHRUB			
	AGAPANTHUS AFRICANUS	GIANT RED Aeonium	1 GAL	LOW
	ASPARAGUS METERII	FLORIDA FLAVIDA	1 GAL	LOW
	GROUND COVER:			
	ECHIVERIA AGAVOIDES 'PROLIFERA'	CARPET ECHIVERIA SUCCULENT	4" POT @ 12"	LOW
	GERANIUM INCANUM	PROSTRATE WOOLLY GERANILLA	1 GAL @ 3"	LOW

PROPOSED PROJECT SUB 14-0018

SITE ITEM CALL OUTS:

- ITEM NUMBERS:
- DOS RUN WITH FENCING AND SHADE FROM TREES & SHELTER (#475 S.F.)
 - PAVED B.B.Q. RECREATION AREA (312 S.F.)
 - D.G. PATHWAYS
 - BERMUDA TURF & OVER-SEEDING. THERE ARE ONLY (2) PROPOSED TURF AREAS ON THE SITE (603 S.F.)
 - RAISED GARDEN BEDS
 - 13 FT MINIMUM SIGHT DISTANCE FROM DRIVE TO TREE TRUNK OFF STREET.
 - TRASH ENCLOSURES (TYPICAL) TO BE SCREENED WITH SHRUB AND VINE PLANTING.
 - SHADE TREE AND TREE WELL WITH "PLAY SAFT" POROUS GRATE OR D.G. IN PLAY GROUND
 - PLAYGROUND TO BE FENCED AND INCLUDE PLAY STRUCTURE(S). BENCHES ON SAFE PLAY SURFACING.
 - EXISTING RETAINING WALL & FENCING AT PROPERTY LINE
 - BENCHES & / or BENCHES W/ TABLES
 - NEW FENCING AT PROPERTY LINE

GENERAL NOTES

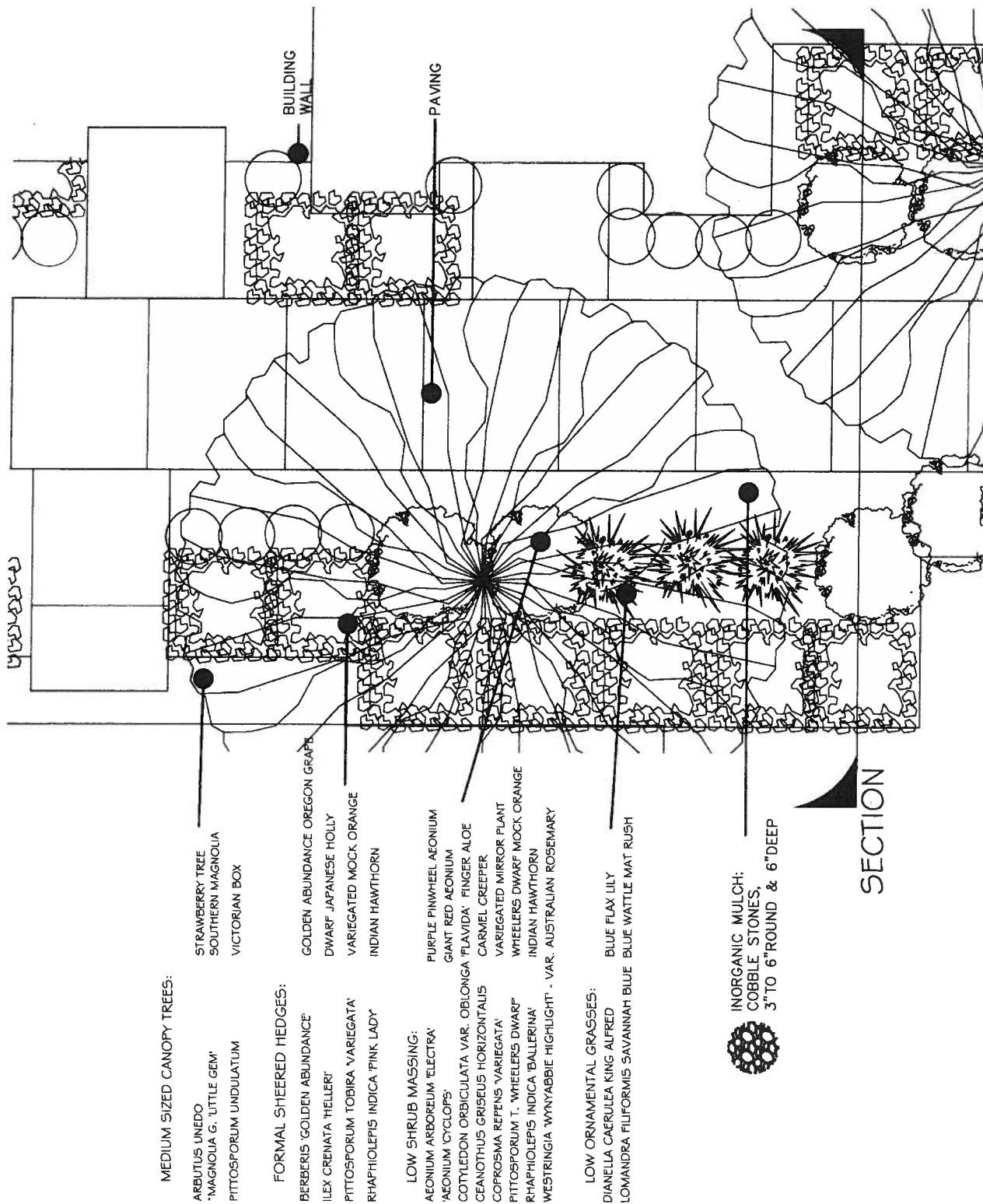
- THE SELECTION OF PLANTS ARE ALL MODERATE OR LOW WATER USE. THE WULCO PLANT FACTOR VALUES. THE EXCEPTION IS THE 420 S.F. C. AT THE MODEST SIZED PUTTING GREEN. THE PLANTS ARE ARRANGED IN APPROPRIATE HYDROZONES. THE IRRIGATION SYSTEM WILL BE HIGH EFF. UTILIZE BUBBLERS, ROTARIS (HIGH EFFICIENT ROTOR HEADS) AND LOW HEADS. THE PLANTING AND IRRIGATION PLANS WILL MEET THE CITY OF I MUNICIPAL CODE REQUIREMENTS, CHAPTER 33 (ZONING) & THE "ESCONCODO A TREE LIST (TREE DENOTED BY "1"). THEY EXCEED THE SPACING OF 30 FEET GROUPED. THEY EXCEED THE REQUIRED (1) TREE PER 30 LINEAR FEET (C)
- ALL TREES WITHIN 5 FT FROM PAVING OR STRUCTURES (EXCEPT PAL "DEEP ROOT CONTROL" ROOT BARRIERS 2X THE DIAMETER OF THE ROOT "DEEP"
- ALL EFFECTED SHRUB AND TREE PLANTED AREAS TO RECEIVE DA DEEP. THERE ARE NO EXISTING PLANTS OF NOTE TO BE REMOVED.
- ALL OF THE SITE THAT IS NOT PAVED OR BUILT UPON SHALL BE PLANT WITH INORGANIC MULCHES FOR THE ENTIRE LANDSCAPED AREAS.

INORGANIC MULCH:

- ARIZONA OR MIXED BEACH COBBLE STONES. 3" TO 6" ROUND & 6 FLUSH HEIGHT TO ADJACENT PAVING
- ARIZONA DECOMPOSED GRANITE 4" DEEP WITH ALUMINUM EDGIN



LANDSCAPE LEGEND



TYPICAL COURTYARD ENLARGEMENT

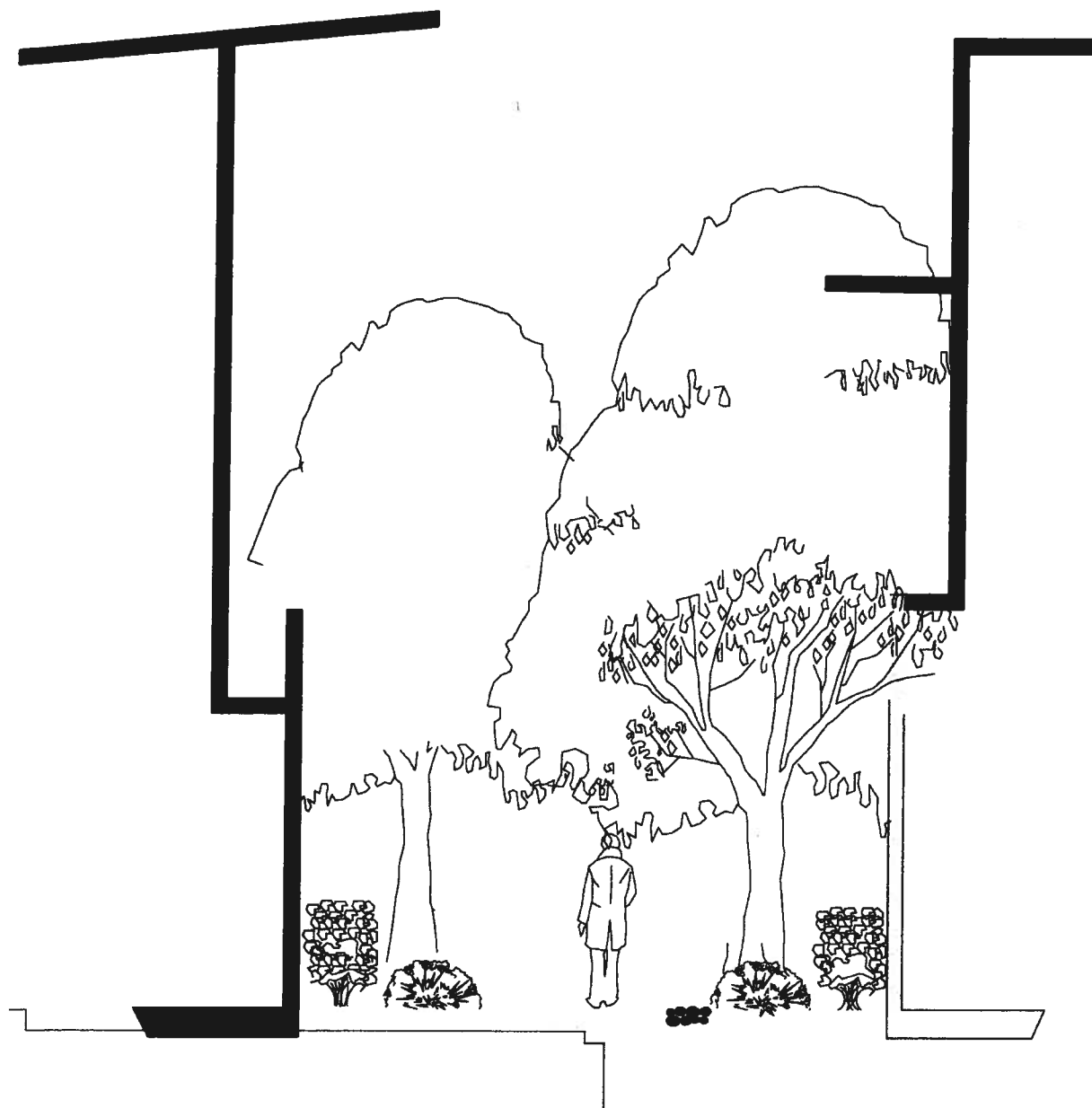
PROPOSED PROJECT
SUB 14-0018

L

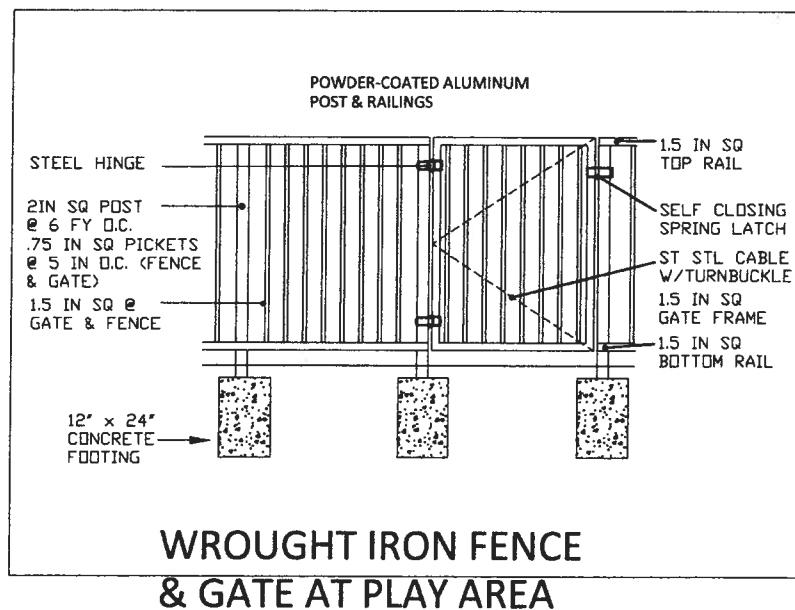
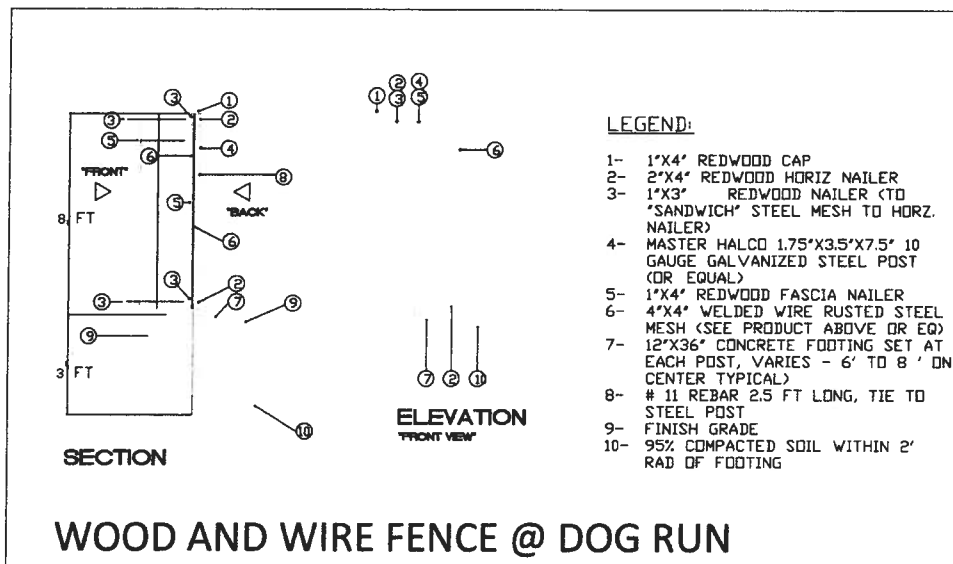
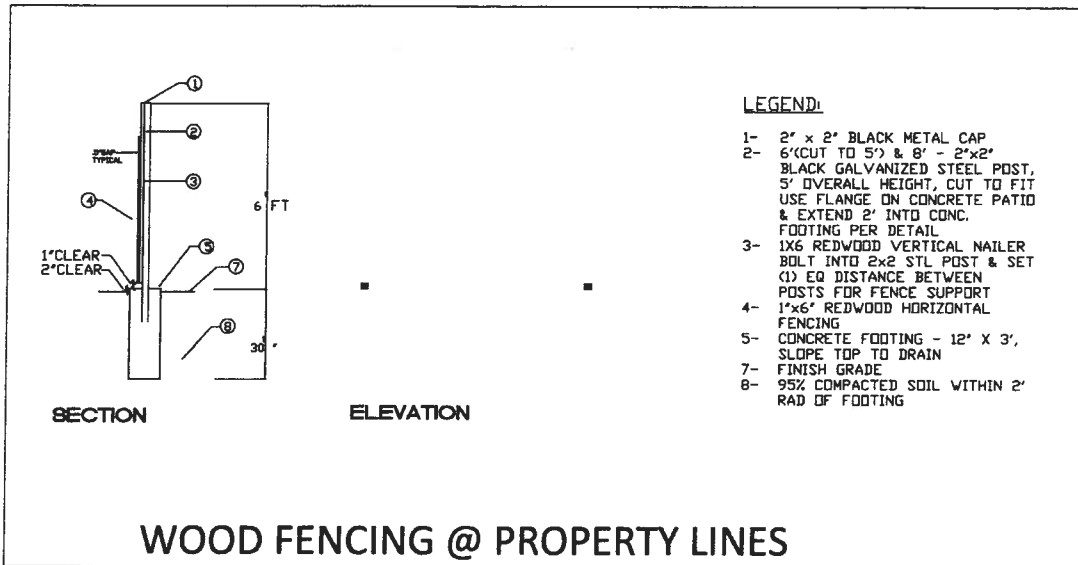
LANDSCAPE DETAIL

L

PROPOSED PROJECT
SUB 14-0018



TYPICAL COURTYARD ENLARGEMENT SECTION

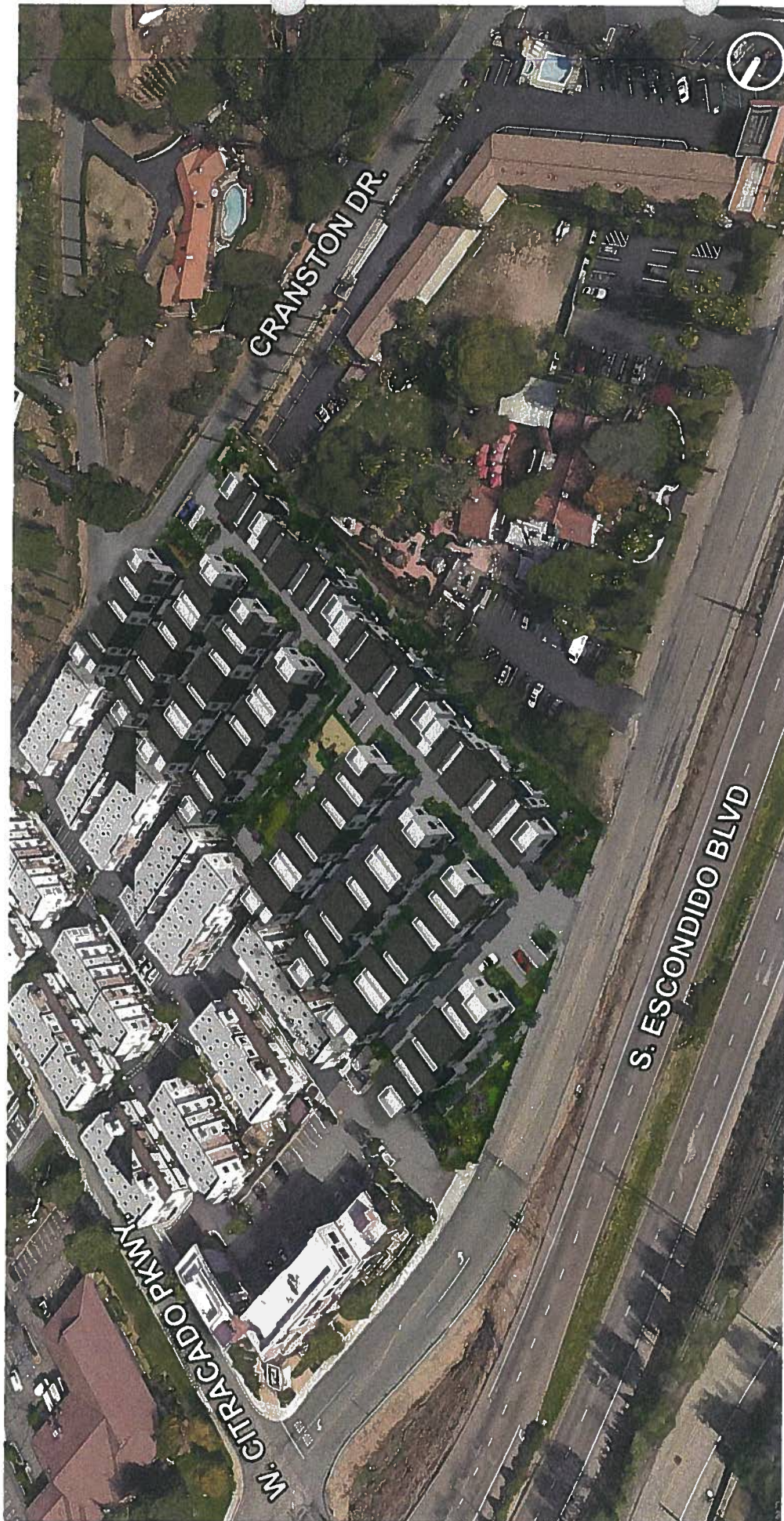


D

DETAIL - FENCE

PROPOSED PROJECT

SUB 14-0018



PROPOSED - AERIAL VIEW

PROPOSED PROJECT
SUB 14-0018

AP

AERIAL (PROPOSED)



S. ESCONDIDO BLVD - SOUTH CORNER



S. ESCONDIDO BLVD - FRONT

**PROPOSED PROJECT
SUB 14-0018**

R

RENDERINGS



CRANSTON DR - PLAYGROUND

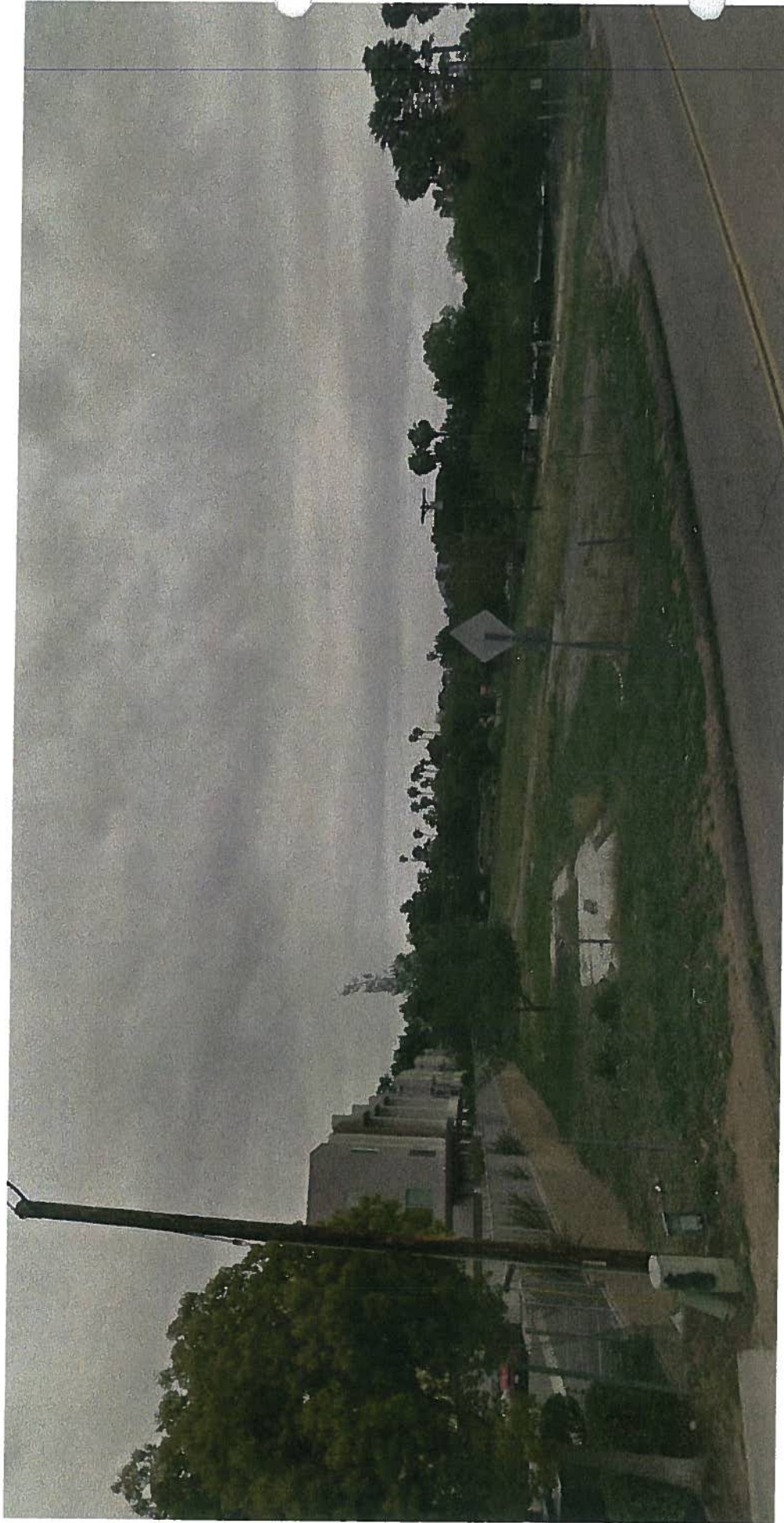


CRANSTON DR - NORTH CORNER

**PROPOSED PROJECT
SUB 14-0018**

R

RENDERINGS



EXISTING CONDITIONS

PROPOSED PROJECT
SUB 14-0018

EC

EXISTING CONDITIONS

ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH - PD/MU (Planned Development/Mixed-Use) zoning/ The Urbana/Citracado Village mixed-use 3-story townhome condominium development (developed by the project applicant) is located on top of a retaining wall that extends the entire length of the northern property line. Townhomes within the Urbana project are located approximately eight feet from the property line. The proposed townhome units would extend perpendicularly from the retaining wall and would be located 0 feet to 10 feet from the property line.

SOUTH - CG (General Commercial) zoning/ The project would construct a five to seven-foot high retaining wall along the entire southern property line adjacent to the Hacienda de Vega restaurant and the Escondido Lodge motel. A concrete walkway at the top of the retaining wall would provide front door access to 16 proposed townhome units located 7.5 feet or more from the property line.

EAST - RE-30 (Residential Estates – 30,000 SF min. lot size) zoning/ Low-density single-family residential development on lots approximately one acre in size are located across Cranston Drive from the project site.

WEST - RE-20 (Residential Estates – 20,000 SF min. lot size) and County zoning/ Three roadways are located west of the site. A low-density single-family residential neighborhood with some grove agriculture is located across South Escondido Boulevard, the divided Centre City Parkway, and the frontage road of South Centre Parkway.

B. AVAILABILITY OF PUBLIC SERVICES

1. **Effect on Police Service** – The Police Department has expressed no concern regarding their ability to provide service to the site.
2. **Effect on Fire Service** – The site is served by Fire Station No. 5 (2319 Felicita Road), which is within the seven and one-half minute response time specified for urbanized areas in the General Plan. Development of the site would contribute incremental increases in demand for fire services. Comments received from the Escondido Fire Department indicate that fire sprinklers will be required for all buildings; and Post Indicator Valves will need to be provided adjacent to all Fire Detector Checks to isolate the buildings. The Fire Department has indicated that adequate services can be provided to the site and the proposed project would not impact levels of service.
3. **Traffic** – The project takes access from South Escondido Boulevard and Cranston Drive. South Escondido Boulevard is designated as a Local Collector in the Circulation Element of the Escondido General Plan and nearby intersections operate at a Level of Service “B” or better under existing improvement conditions. Cranston Drive is an unclassified residential street. Based on SANDAG’s traffic generation rates for the San Diego region, the project would generate approximately 8 trips per condominium unit, or approximately 520 ADT, which is well within the capacity of the surrounding streets. A Traffic Impact Analysis prepared by Kunzman Associates, Inc., in October of 2015 indicated all intersections in the study area would continue to operate at an acceptable level of service with the addition of the project and no mitigation is necessary. According to the Engineering Division, the project does not materially degrade the levels of service on the adjacent streets.
4. **Utilities** – City sewer and water mains with sufficient capacity to serve the project are available within the adjoining street or easement. The project will be conditioned to relocate an existing sewer lateral in the southeastern corner of the site that serves an off-site commercial property. The project does not materially degrade the levels of service of the public sewer and water system.
5. **Drainage** – The project site is not located within a 100-year Flood Zone as indicated on current FEMA maps. There are no significant drainage courses within or adjoining the property. The project is conditioned to provide a drainage study, which will determine the extent of drainage facilities necessary to control runoff. According to the Water Quality Technical Report prepared for the project, runoff from the site will be collected in an underground storage facility and then pumped

to a 1,800 SF bio-filtration area near the center of the site. Underdrains in this area will help transport treated drainage water to the storm drain system allowing it to exit the site. The project does not materially degrade the levels of service of the existing drainage facilities.

C. ENVIRONMENTAL STATUS

1. A Mitigated Negative Declaration was issued on February 16, 2016 and the public review period closed on March 8, 2016. Mitigation measures were developed to reduce potential impacts to biological resources, cultural resources, noise and paleontological resources to a less than significant level. One letter from the San Luis Rey Band of Luiseno Indians was received during public review indicating satisfaction with the proposed mitigation measures for cultural resources.

The Mitigated Negative Declaration may be viewed at the following link:

<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/stellapark/dmnd.pdf>

2. In staff's opinion, no significant issues remain unresolved through compliance with code requirements and the recommended conditions of approval.
3. The project will have no impact on fish and wildlife resources as no sensitive or protected habitat occurs on-site or will be impacted by the proposed development.

D. CONFORMANCE WITH CITY POLICY/ANALYSIS

General Plan

The General Plan land use designation on the site is General Commercial with a Mixed-Use Overlay. The General Commercial designation accommodates a wide variety of retail and service activities intended to serve a broad customer base. The Mixed-Use Overlay allows a combination of commercial or office activities that include a residential component within a self-contained comprehensively planned development in specified locations. The site is also located within the Centre City Parkway/Brotherton Road Target Area. Guiding principles for the target area include updating the existing Neighborhood Plan to include the formulation of new criteria for considering exclusively residential development along Escondido Boulevard. That process is now underway as part of the on-going update to the South Escondido Boulevard Neighborhood Plan. The proposed amendment contemplated as part of this project would allow an exclusively residential project as proposed advance prior to completion of the new neighborhood plan (to be renamed the South Centre City Area Plan).

Appropriateness of the Project Design Elements and Whether Adequate Parking and Open Space has been provided for the Proposed Development

The proposed development includes three building types for the 11 residential buildings. All buildings have been designed in a contemporary manner to be three-stories with assorted parapet and shed roof elements. Access to the units is provided by recessed doorways in landscaped courtyards between the buildings with driveway alley access for garages. The overall mass, scale and design of the proposed residential buildings are comparable to the residential development existing on the property to the north. The building design utilizes a variety of building materials and exterior colors; varied wall planes and roof lines with some units having second story balconies that extend into the courtyard areas to enhance the living environment and visual appearance.

Setbacks -

The site currently is zoned General Commercial which has no minimum setback requirements for new construction. The proposed zone change would change the zoning to Planned Development-Residential which similarly has no minimum standard for setbacks. Planned developments may set their own development standards to encourage creative approaches to the use of land through variation in the siting of buildings and design that enhances the appearance and livability of the community.

The proposed development proposes a variety of setbacks on all four sides of the property. The property is essentially double-fronted on the eastern and western sides with the northern and southern sides being specified as side yards for setback purposes. Proposed front setbacks on Escondido Boulevard vary from five feet to 45 feet based on building placement and the wall plane variations in the front elevations of buildings. Front setbacks on Cranston Drive vary from five feet to ten feet with a minimum landscape width of 9.5 feet to the public sidewalk when landscaped right-of-way is included. Both fronts allow for a suitable amount of landscaping between the buildings and the back of the public sidewalk.

Eight of the 11 proposed buildings on the site have been designed to be perpendicular to northern property line. Proposed setbacks from the northern property line range from 0 feet to 10 feet. An existing seven to eight-foot high retaining wall is located along the entire length of the northern property line. The wall was constructed as part of the mixed-use development to the north and three-story townhomes on that site are located approximately eight to 10 feet from the top of the wall. Only four of the eight proposed buildings in this area would have a 0-foot setback placing those buildings adjacent to the retaining wall. However, the proposed buildings would be located seven-eight feet lower than the adjacent residential development and only side elevations would adjoin the property line. This would allow view corridors from the adjacent development to remain between the rows of proposed buildings.

The project would construct a five to seven-foot high retaining wall along the entire southern property line adjacent to the Hacienda de Vega restaurant and the Escondido Lodge motel. A four-foot wide concrete walkway at the top of the retaining wall would provide front door access to 16 proposed townhome units located approximately 7.5 feet to 10 feet from the property line. Hacienda de Vega has both parking lot and outdoor bar area seating adjacent to this property line while the Escondido Lodge has parking in this area. Some overlooking from the proposed units into the restaurant seating area is likely to occur but will be minimized by existing landscaping on the restaurant property and a proposed condition requiring the applicant to install vertical plantings in this area of the project site.

Parking -

Each proposed townhome unit would have an attached two-car garage on the ground floor with direct access from the garage into the residence. The Escondido Zoning Code requires two parking spaces for a three-bedroom unit so the proposed garages would meet the city standard for resident parking. The code requires additional parking for guests at a ratio of one guest parking space per four units. That standard would require 16 guest parking spaces for the proposed 65-unit project.

The applicant is proposing to provide nine guest parking spaces on the project site and utilize the project's street frontage on Cranston Drive for an additional six parallel parking spaces. Section 33-765 of the Zoning Code allows guest parking to be provided on non-Circulation Element streets which limits the opportunity for guest parking to Cranston Drive and not Escondido Boulevard. The applicant's proposal would provide a total of 15 guest parking spaces where 16 guest spaces are typically required. Although the project would technically be one parking space short, the proposed planned development allows flexibility for all development standards including parking. In this case, multiple street parking spaces on Cranston Drive are located just south of the project site along the adjacent Escondido Lodge street frontage. The lodge has about 250 feet of frontage on Cranston Drive adjacent to their parking lot which appears to leave much of that street parking available for use. Staff has determined that adequate guest parking will be available for the proposed development.

Open Space -

Three separate open space and recreation areas have been provided where adult residents can gather and children can play. The largest recreation area is approximately 8,000 SF and located in the center of the development where a fenced dog run, paved barbecue area with benches and tables adjoin a children's playground area. Two other smaller recreation areas are proposed adjacent to South Escondido Boulevard and Cranston Drive, which allows recreational areas to be evenly spaced throughout the community. The western recreation area along Escondido Boulevard is approximately 2,600 SF and intended for passive use where residents can converse on benches in a landscaped setting. Several raised garden beds are provided for residents in this area as well. The eastern recreation area is a fenced, approximately 1,000 SF active playground/tot lot for children.

As with other development standards, the planned development process allows flexibility regarding the amount of open space that must be provided for residents. Open space includes all the recreation areas as well as walkways, landscaped areas and private balconies. The existing commercial zoning on the site has no requirement for any open space because open space is generally associated with residential use. In situations like this where no underlying standard exists, Planning staff generally compares the proposed development to the most comparable residential zone, which in this case would be the R-4 zone (Multi-family, up to 24 units per acre). The R-4 zone open space standard is based on the number of bedrooms per unit and would require 600 SF per unit for three bedroom units. This would equate to a total of 39,000 SF of open space for the 65 proposed units. The proposed development provides 27,716 SF of open space which is less than the R-4 standard. However, the project is not subject to the R-4 standard and it is only used in this case for comparison purposes. The R-4 standard also does not have a requirement for any amenities or distribution of open space throughout a development. Staff believes the level of amenities provided in the recreation areas and the even distribution of outdoor recreation areas throughout the development compensate for the lesser total area of open space when comparing the project to another non-binding residential standard.

Appropriateness of the Proposed Amendment to the South Escondido Boulevard Neighborhood Plan to Eliminate the Commercial Requirement on the Site

The City Council approved an update to the General Plan in 2012 to allow for both mixed-use and exclusively residential development within a target area of the South Escondido Boulevard Neighborhood Plan known as the "Centre City Parkway/Brotherton Road Target Area" (page II-70). Because the South Escondido Boulevard Neighborhood Plan has not yet been updated to correspond to the new General Plan language for the corridor, the project includes a proposed amendment to the South Escondido Boulevard Neighborhood Plan to allow for an exclusively residential project on the subject site in conformance with the 2012 General Plan. This type of amendment has been approved twice before as noted in Paragraph 6(c and d) (page 6) of the South Escondido Boulevard Neighborhood Plan, that allowed for exclusively residential developments in the commercial zone. The proposed project includes the following amendment to the neighborhood plan to include paragraph 6(e) for the project site as follows:

Section 6. Uses and Structures. (e)

Residential development without a commercial component may be permitted on the 2.29-acre property located on the eastern side South Escondido Boulevard and the western side of Cranston Drive between Citracado Parkway and Verda Avenue (APN 238-152-20), and shall be processed in accordance with the planned development process specified in Article 19 of the Escondido Zoning Code. The density of any project on APN 238-152-20 shall be a minimum of 28 dwelling units per acre and the maximum height shall be three stories.

The proposed project would be in conformance with General Plan Housing Goals and Policies to expand the stock of all housing; increase homeownership; plan for quality managed and sustainable growth; and encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities. Revitalization and redevelopment are overall objectives for the City of Escondido within the South Escondido Boulevard area.

Whether an Exclusively Residential Project is Appropriate for the Project Site

Staff feels the proposal to develop an exclusively residential project at this 'mid-block' location is appropriate because the General Plan vision for the Centre City Parkway/Brotherton Road Target Area calls for locating non-residential uses at major intersections and specific nodes that are more conducive to commercial development. It should be noted that at least two exclusively residential projects have been previously approved and within this Target Area, including 22 affordable units at the former Penny Lodge site and the 76-unit, three-story condo project Lyon is currently constructing next to the Elk's Lodge. Those projects were approved through the Planned Development process that also included an amendment to the South Escondido Boulevard Neighborhood Plan. Based on previous challenges encountered by mixed-use projects along the Corridor in attracting and/or retaining commercial-service-office type uses, staff feels that an exclusively residential

SUB 14-0018
March 22, 2016

development on this site would provide a helpful catalyst for future residential development in the corridor and strengthen the customer base for mixed-use development at key intersections and node areas.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The site is currently a vacant lot that was formerly developed with a small mobile home park containing 19 spaces and an 11-unit motel that were demolished approximately 10 years ago. Some foundational concrete pads remain on the site. The site has been completely disturbed by the previous uses and there are no areas of native vegetation remaining on the property. Vegetation within the project site includes various invasive grasses and ornamental trees such as the Washington palm, tree of heaven, Peruvian pepper, jacaranda, and oleander. These are present along the southern fence line and scattered throughout the site. The site is relatively flat and would require minimal grading. A retaining wall ranging in height from approximately five feet to seven feet would be constructed along the entire southern property line. In addition, there is an existing seven to eight foot high retaining wall constructed along the northern property boundary of the site that would remain and is included in the project site plans.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 2.29 acres
2. Number of Lots: One
3. Number of Residential Units: 65
4. Proposed Residential Density: 28.4 dwelling units per acre
5. Lot Coverage:

Building:	43.8%	(43,398 SF)
Streets/Parking:	28.3%	(28,027 SF)
Open Space:	<u>27.9%</u>	(27,716 SF)
	100%	
6. Number of Residential Buildings: 11 residential buildings with five to seven units each. All buildings are designed as attached three-story townhomes with a 2-car garage on the ground floor of each unit.
7. Unit Type/Size:

<u>Plan</u>	<u># Units</u>	<u>Total SF</u>	<u>Condo Ord. Req.</u>
3 bedroom	65 (100%)	Approx. 1,600 SF	1,000 SF min.
8. Building Colors/Materials: Stucco exterior walls (off-white) with sand finish. Fiber cement lap siding with cedar mill finish provided in light gray and dark blue colors where noted. Parapets and angled built-up roofs provided. Built up roof fascia, entry doors and projecting horizontal shade/accent features painted in taupe color.
9. Landscaping: New ornamental, low-water landscaping to be provided in common areas, along building frontages and the northern side of the main driveway. All proposed trees provided at 24"-box size with palms at minimum 8' brown trunk height. Extensive shrub palette provided in one and five gallon sizes. Turf area limited to two small sitting areas and less than 500 SF throughout the project.

C. CODE COMPLIANCE ANALYSIS

Note: Planned Development zoning establishes its own zoning standards including setbacks, building height, parking and open space.

1. Setbacks:	<u>Proposed</u>	<u>Current CG Zone</u>
Front (West/ S. Esc. Blvd.):	5 feet to building (min.) 2 feet to parking (min.)	0 feet
Front (East/ Cranston):	5 feet to building (min.) 11 feet to parking (min.)	0 feet
Side (North):	0 feet	0 feet
Side (South):	7.5 feet	0 feet
2. Parking:		<u>(Zoning Code Standard)</u>
65 3-bedroom units @ 2 spaces/unit	130 spaces	130 spaces
Guest Spaces @0.25/unit	<u>15 spaces</u> (on-site and street)	<u>16 spaces</u> (on-site or street)
TOTAL PARKING:	145 provided	146 required
Covered Parking:	130 garage spaces (2 per unit)	65 covered spaces (one per unit)
3. Building Height:		<u>(SEB Standard)</u>
	3-story; 39'-2" max.	3-story
4. Open Space:		<u>(Comparable R-4 Standard)</u>
Common:	25,961 SF	600 SF per unit for 65 units
Private (patios/balconies):	<u>1,755 SF</u>	
TOTAL	27,716 SF provided 426 SF per unit provided 11,284 SF deficit (28%)	39,000 SF
5. Signage:	No signage proposed. All signs shall be consistent With Sign Ord. Sec.33-1395.9	EZC Section 33-1395.9 (Sign Standards-Residential Uses)

**FINDINGS OF FACT/FACTORS TO BE CONSIDERED
SUB 14-0018, AZ 14-0006
EXHIBIT "A"**

Tentative Subdivision Map

1. The General Plan land-use designation for subject site is General Commercial (GC), which allows for a variety of commercial, retail and service uses along the South Escondido Boulevard Corridor. The site also is located within the South Escondido Boulevard Neighborhood Plan which is an overlay zone established for the South Escondido Corridor, and the proposed development is subject to the provisions of the overlay zone. The South Escondido Boulevard Neighborhood Plan allows for residential development in conjunction with a commercial component (mixed-use) subject to the approval of a Planned Development with a maximum density of 24 dwelling units per acre. The City updated its General Plan in 2012 to allow for both mixed-use and residential development within a target area of the South Escondido Boulevard Neighborhood Plan known as the "Centre City Parkway/Brotherton Road Target Area" (page II-70). Mixed-Use development within the Target Area is required to provide a minimum density of 30 dwelling units per acre. While a density standard has not been adopted in the General Plan for exclusively residential development, it is expected the forthcoming update to the South Escondido Boulevard Neighborhood Plan now underway will establish a lower density for exclusively residential development. The proposed development would be consistent with the Escondido General Plan density provisions for the Target Area because the overall density of the project would be approximately 28.4 du/ac (65 residential units/2.29 net acres). The proposed project would not diminish the Quality-of-Life Standards of the General Plan as the project would not materially degrade the level of service on adjacent streets or public facilities, create excessive noise, and adequate on-site parking, circulation and public services could be provided to the site.
2. The design and improvement of the proposed subdivision is consistent with the General Plan and the South Escondido Boulevard Neighborhood Plan since the proposed residential land use is permitted in Centre City Parkway/Brotherton Road Target Area and the development is consistent with the development standards established for the South Escondido Boulevard Neighborhood Plan, except where noted and analyzed in this staff report.
3. The site is suitable for this residential type of development because the project site already is zoned for a multi-story high density residential development. The project would be compatible with the surrounding uses because the subject site is adjacent to a variety of commercial and residential developments of similar densities. The proposed grading design would not result in any significant visual or compatibility impacts with adjacent lots, nor block any significant views, as discussed in the land-use compatibility and analysis sections of the staff report and environmental analysis. Adequate access and public utilities can be provided to the site. All vehicular traffic generated by the project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections.
4. The site is physically suitable for the proposed development because the site is relatively flat and extensive grading is not proposed. The design of the project would be compatible with the variety of residential and commercial zoning and development surrounding the site. The proposed project also would not result in a significant impact to biological resources and all vehicular traffic generated by the project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections.
5. The design of the map and type of improvements are not likely to cause substantial environmental problems or substantially and avoidably injure fish or wildlife or their habitat since no stream courses or endangered wildlife occurs on the property as determined during Environmental Review, City Log No. SUB 14-0018.
6. The design of the map and the type of improvements are not likely to cause serious public health problems since the project will not degrade the levels of service on the adjoining streets or drainage system and city sewer and water is available or can be provided with minor extension of nearby facilities.
7. The design of the map and type of improvements will not conflict with easements of record, or easements established through court judgment, or acquired by the population at large, for access through, or use of property within the proposed

map based on a review of all available maps and a preliminary title report submitted by the applicant. Neither the City of Escondido, nor its employees assume any responsibility for the completeness or accuracy of these documents.

8. All of the requirements of the California Environmental Quality Act have been met since it was found that the project will not have a significant effect on the environment as demonstrated in the Mitigated Negative Declaration issued on February 16, 2016, for the proposed Tentative Subdivision Map, Master and Precise Development Plan, Zone Change and Amendment to the South Escondido Boulevard Neighborhood Plan. Mitigation measures were developed to reduce potential impacts related to biological resources, cultural resources, noise and paleontological resources to a less than significant level.
9. The design of the map has provided, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. The subdivision configuration provides opportunities for passive/solar heating and landscaping will provide opportunities for the shading of each unit.

Master and Precise Development Plan

1. The location and design of the proposed planned development is consistent with the goals and policies of the Escondido General Plan since high-density residential development is permitted and encouraged in the General Commercial designation when located within a Mixed-Use Overlay. The site is also located within the Centre City Parkway/Brotherton Road Target Area. Guiding principles for the target area include updating the existing Neighborhood Plan to include the formulation of new criteria for considering exclusively residential development along Escondido Boulevard. That process is now underway as part of the on-going update to the South Escondido Boulevard Neighborhood Plan. The proposed infill residential project would be in conformance with General Plan Housing Goals and Policies to expand the stock of all housing; increase homeownership; plan for quality managed and sustainable growth; and encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities.
2. The proposed location of the development allows the development to be well integrated with its surroundings near residentially and commercially developed properties because adequate parking, circulation, utilities and access would be provided for the development of the residential project (as detailed in the staff report). The residential project also would not be out of character for the area which contains other multi-story residential developments. The overall mass and scale of the buildings has been mitigated through the quality of the design, use of a variety of building materials and exterior colors; varied wall planes, roof lines; as well as perimeter landscaping.
3. All vehicular traffic generated by the proposed development would be accommodated safely and without causing undue congestion upon adjoining streets, according to the Mitigated Negative Declaration, issued February 16, 2016 (City File No. SUB 14-0018), the Traffic Impact Analysis prepared by Kunzman Associates, Inc., in October of 2015, and the Engineering Division.
4. The overall design of the proposed planned development would produce a quality and attractive residential development with ownership opportunities in the South Escondido Boulevard area. The project would be consistent with the Vision and Goals of the Neighborhood Plan and Target Area by creating new a compact urban project that is safe, healthy, attractive and sustainable that is located in close proximity to other amenities such as public transit and shopping.
5. The proposed development would be well integrated into its surroundings, since the new structures would incorporate compatible and integrated architecture, materials and colors, the project would not be visually obstructive or disharmonious with surrounding areas, or harm major views from adjacent properties, and the development would provide convenient access for residents to nearby commercial services. The residential project also would not be out of character for the area which contains other multi-story residential developments. Extensive grading is not required to support the project, and the project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is not located on a skyline or intermediate ridge, and the site does not contain any significant topographical features.

6. The uses proposed have a beneficial effect not obtainable under existing zoning regulations since an exclusively residential development within the South Escondido Boulevard Neighborhood Plan must be processed through the Planned Development process in accordance with the South Escondido Boulevard Neighborhood Plan (Ord. 92-01). The project would provide residential ownership opportunities integrated into a comprehensive and self-contained development, which creates an environment of sustained desirability and stability through the controls offered and regulated through the Planned Development process.

Amendment to South Escondido Boulevard Neighborhood Plan and Zone Change

1. The public health, safety and welfare will not be adversely affected by the proposed Zone Change from CG (General Commercial) to PD-R (Planned Development-Residential) because the General Plan allows for mixed-use and exclusively residential development within a target area of the South Escondido Boulevard Neighborhood Plan known as the "Centre City Parkway/Brotherton Road Target Area" (page II-70). While mixed-Use residential development within the Target Area is required to provide a minimum density of 30 dwelling units per acre, the project provides a density of 28.4 dwelling units per acre and there is no minimum density requirement for exclusively residential development. The proposed project would provide an appropriate transition to similar residential development to the north and low intensity commercial development to the south. Adequate public services and access can be provided to the site. The project would not result in any significant impacts to the environment, as demonstrated in adopted Final Mitigated Negative Declaration (MND).
2. The property involved is suitable for the uses permitted by the proposed PD-R zone because the site currently is zoned for mixed-use/residential development and multi-story residential development already is permitted on the subject site. The General Plan allows for exclusively residential development within the South Escondido Boulevard corridor subject to the Planned Development Zone. The project has been designed to be compatible with the mix of surrounding commercial and residential development through the use of appropriate building design and orientation, fencing and perimeter landscaping.
3. The uses permitted by the proposed PD-R zone would not be detrimental to surrounding properties since a mix of commercial and residential uses surround the project site and the proposed the PD-R zone and amendment to the South Escondido Boulevard Neighborhood Plan to allow for an exclusively residential project would be in conformance with the Escondido General Plan. Commercial development is located to the north and south, and single- and multi-family type residential development is located to the north, east and west. The scale of the project would be in substantial conformance with the general pattern of commercial and residential development within the area. The proposed change of zone would not result in a significant impact to the environment, nor impact existing services or degrade levels of-service to adjacent streets.
4. The proposed zone change would not conflict with any specific plans for the area since the project would be in conformance with and Escondido General Plan which allows for exclusively residential development. The proposed amendment to the South Escondido Boulevard Neighborhood Plan is necessary to implement to provisions of the Escondido General Plan, as indicated in the staff report and above. The Planned Residential Development zoning designation is necessary to implement the project in conformance with the General Plan and South Escondido Boulevard requirements. The proposed Amendment to the South Escondido Boulevard Neighborhood Plan to allow an exclusively residential project at this 'mid-block' location would be appropriate because this type of development would serve as an appropriate transition between the mix of commercial and residential uses. The General Plan vision for the Centre City Parkway/Brotherton Road Target Area calls for locating non-residential uses at major intersections and specific nodes that are more conducive to commercial development. An exclusively residential development on this site would provide the catalyst for future residential development in the corridor and strengthen the customer base for mixed-use development at key intersections and node areas.

**CONDITIONS OF APPROVAL
SUB 14-0018
EXHIBIT "B"**

Project Mitigation Measures

1. **BIO-1** - To avoid disturbance of nesting and special-status birds, including raptorial species protected by the MBTA and CFGC, activities related to the project, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird breeding season (February 1 through August 30). If construction must begin within the breeding season, then a pre-construction nesting bird survey shall be conducted no more than 3 days prior to initiation of ground disturbance and vegetation removal activities. The nesting bird pre-construction survey shall be conducted within the Project Boundary, including a 300-foot buffer (500-foot for raptors), on foot, and within inaccessible areas (i.e., private lands) afar using binoculars to the extent practical. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California coastal communities. If nests are found, an avoidance buffer (which is dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the avian biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.
2. **CR-1** - The City of Escondido Planning Division ("City") recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.
3. **CR-2** - Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.
4. **CR-3** - The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.
5. **CR-4** - During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.
6. **CR-5** - In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor, shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and

clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

7. **CR- 6** - If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.
8. **CR-7** - The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.
9. **CR-8** - As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.
10. **CR-9** - If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.
11. **CR-10** - Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.
12. **N-1** - Noise and groundborne vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as

possible from the nearest noise- and vibration-sensitive land uses to the north. In addition, the use of vibratory rollers and packers should be avoided, as feasible, near sensitive areas.

13. **N-2** - The operation of construction equipment that generates high levels of vibration, such as large bulldozers and loaded trucks, shall be prohibited within 45 feet of existing nearby residential structures to the north during construction of the proposed project. Instead, small bulldozers not exceeding 310 horsepower shall be used within this area during grading and excavation operations.
14. **N-3** - The project Applicant and/or contractor shall ensure that all construction equipment has properly operating mufflers.
15. **N-4** - Construction activities associated with the proposed project shall, to the extent feasible, be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels. When the use of impact tools are necessary, they shall be hydraulically or electrically powered when feasible to minimize noise associated with compressed air exhaust from pneumatically powered tools.
16. **N-5** - The Applicant shall locate stationary construction noise sources away from adjacent receptors to the extent feasible, and ensure that they are muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.
17. **N-6** - The Applicant shall designate a construction relations officer to serve as a liaison with surrounding residents and property owners who is responsible for responding to any concerns regarding construction noise and vibration. The liaison's telephone number(s) shall be prominently displayed at the project site. Signs shall be posted at the project site that include permitted construction days and hours.
18. **N-7** - Construction activities shall be limited to between the hours of 7:00 AM and 6:00 PM from Monday through Friday, and between the hours of 9:00 AM and 5:00 PM on Saturdays. Further, no construction activity shall be undertaken on Sundays and recognized City holidays (Section 17-234 of the City's Municipal Code).
19. **N-8** - Prior to the issuance of a certificate of occupancy, the Applicant shall ensure that all exterior windows associated with the proposed residential uses at the project site shall be constructed to provide a sufficient amount of sound insulation to ensure that interior noise levels would be below an Ldn or CNEL of 45 dB in any room.
20. **PR-1** - If paleontological resources are encountered during construction or land modification, the construction manager shall ensure that all ground disturbance activities are stopped, and shall notify the Community Development Department immediately and arrange for a qualified paleontologist to assess the nature, extent, and potential significance of any fossils. If such fossils are determined to be significant, appropriate actions to mitigate impacts to the fossils shall be identified in consultation with a qualified paleontologist. Depending upon the nature of the find, actions could involve avoidance, documentation, or other appropriate actions, to be determined by the qualified paleontologist.

Planning Division Conditions

1. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued, including any applicable City-Wide Facilities fees.
2. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
3. 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.
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 requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
6. All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code. All outdoor lighting shall be provided with appropriate shields to prevent light from adversely affecting adjacent properties.
7. As proposed, 130 garage spaces and nine striped guest parking spaces shall be provided on-site in conjunction with this development. Frontage improvements on Cranston Drive shall accommodate another six parallel guest parking spaces north of the project driveway. On-site outdoor parking spaces shall be double-striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to double-stripe per City standards
8. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Section 1129B (Accessible Parking Required) of the California Building Code, including signage. All parking stalls shall be provided with six-inch curbing or concrete wheel stops in areas where a vehicle could reduce minimum required planter, driveway or sidewalk widths.
9. An inspection by the Planning Division will be required prior to operation of the project. Items subject to inspection include, but are not limited to parking layout and striping (double-stripe), identification of handicap parking stalls and required tow-away signs, lighting, landscaping, as well as any outstanding condition(s) of approval. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4671 to arrange a final inspection.
10. Trash enclosures must be designed and built per City standards, and permanently maintained. All trash enclosures shall meet current engineering requirements for storm water quality, which includes the installation of a decorative roof structure. Solid metal doors shall be incorporated into the trash enclosure. A decorative exterior finish shall be used. All trash enclosures shall be of sufficient size to allow for the appropriate number of trash and recyclable receptacles as determined by the Planning Division and Escondido Disposal, Inc.
11. As proposed, the buildings, architecture, colors and materials, and the conceptual landscaping of the proposed development shall be in accordance with the Master and Precise Development Plan for SUB 14-0018, staff report, exhibits and the project's Details of Request, to the satisfaction of the Planning Division. Any major modifications to the exterior architectural building elements or lessening of the quality of the exterior design shall require approval by the Director of Community Development, and or the Planning Commission as may be recommended by the Director.
12. No signage is approved as part of this permit. A separate sign permit shall be required prior to the installation of any signs. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Article 66, Escondido Zoning Code), and more specifically Section 33-1395.9 (Sign Standards-Residential Uses).
13. All new utilities shall be underground.
14. All rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building. The final building plans shall clearly indicate that any proposed rooftop equipment is properly screened. A cross section and roof plan shall be included (which details the location and height of all rooftop equipment) to demonstrate that the height of the parapet is sufficient to screen the mechanical equipment.
15. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a certified check payable to "County Clerk", in the

amount of \$2,260.25 for a project with a Mitigated Negative Declaration. These fees include an authorized County administrative handling fee of \$50.00. Failure to remit the required fees in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. Commencing January 1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Game filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Game documenting the Department's determination that the project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).

16. A Final Map shall be recorded prior to the issuance of building permits for the site.
17. All project generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
18. Three copies of a revised Tentative Map, reflecting all modifications and any required changes shall be submitted to the Planning Division for certification prior to submittal of grading and landscape plans and the final map.
19. The project has not been designed to allow for the installation of vehicular access gates for residential use. Any future proposal to install vehicular access gates will require sufficient site modifications to provide on-site stacking and turnaround capabilities to the satisfaction of the Planning and Engineering Divisions and the Fire Department.
20. No street names are part of this approval. A separate request shall be submitted prior to final map if new street names are proposed.
21. No exemptions from the Grading Ordinance are approved as part of this project. All proposed grading shall conform with the conceptual grading as shown on the Tentative Map.
22. Prior to recordation of the final map, two copies of the CC&Rs shall be submitted to the Planning Division for review and approval. The CC&Rs shall contain provisions for the maintenance of any common landscaping, open space, recreation areas, walls, common drainage facilities, etc. to the satisfaction of the Planning and Engineering Divisions. A review fee established in the current fee schedule shall be collected at the time of submittal.
23. Copies of the CC&Rs shall be submitted to the Planning Division for review and approval prior to Final Map. The CC&Rs shall detail the responsibility for the maintenance of any parkway landscaping, landscape easements, bio-retention basins, exterior walls/fencing, slopes/landscaping, utility easements, driveways, roads, parking areas, structures, and any common drainage facilities. Any storage shall not restrict the parking of vehicles within the garage. A homeowners' association shall be established in accordance with Department of Real Estate requirements.
24. Permitted animals/pets shall be allowed in conformance with the R-4 standards, unless CC&Rs are more restrictive.
25. Balconies and patios shall be kept in a neat and orderly manner. Items stored on balconies should be kept out of view or properly screened. Items shall not be hung over, across or on balconies or patios (such a towels, clothing, etc.). This condition shall be included in the CC&Rs.
26. The proposed garages for each unit shall provide clear interior dimensions of at least 19.5-feet wide by 20-feet deep. Storage shall not impede the ability to park two vehicles within each garage and the CC&Rs shall contain a provision indicating the garages shall be maintained to accommodate two vehicles.
27. A minimum of 80 cubic feet of private storage shall be provided in each residential unit or garage. Said storage shall be in addition to typical cabinets and closets and shall be clearly depicted on the building plans.

28. This Tentative Subdivision Map shall expire three years after the date of final approval if a final map has not been approved or an extension of time has not been granted. All other entitlements granted in conjunction with the Tentative Map shall have expiration dates consistent with that of the Tentative Map.

Landscaping Conditions

1. Prior to occupancy, all perimeter, common area and parking lot landscaping shall be installed. 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.
2. Seven copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of grading or building permits, and shall be equivalent or superior to the concept plan attached as an exhibit to the satisfaction of the Planning Division. A plan check fee based on the current fee schedule will be collected at the time of the submittal. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code. The plans shall be prepared by, or under the supervision of a licensed landscape architect.
3. 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.
4. Street trees shall be provided along each of the site's street frontages, in conformance with the Landscape Ordinance and the City of Escondido Street Tree List. Trees within five feet of the pavement shall be provided with root barriers.
5. Details of project fencing and walls, including materials and colors, shall be provided on the landscape plans.
6. Landscaping along the southern property line shall incorporate vertical planting materials capable of quick growth (such as bamboo) to assist in providing screening of overlooking from the second and third floor of the units in Buildings 9-11 into the outdoor seating and events area of the adjacent restaurant to the south.

Fire Department Conditions

The following conditions shall be completed to the satisfaction of the Fire Department.

1. Identify all fencing and gates on the landscape plans.
2. Firefighter/emergency egress shall be provided from the end of each alley driveway as shown on the Master Plan.
3. Show all rescue windows on the landscape plans. Rescue windows shall not be obstructed by landscaping.
4. Identify walkways on the landscape plans.
5. Landscaping shall not obstruct fire access roadway clearances to include 24ft horizontal clearance and 13'6" vertical clearance.
6. Landscaping shall not obstruct fire protection equipment at maturity. Provide clearance to the roadway and a three-foot circumference around all fire protection equipment. Show this on the landscape plan.
7. Impervious pavers and fire access roadway shall be rated to 75,000lbs. Provide a note on the grading plans.
8. Provide Post Indicator Valves adjacent to all FDC to isolate the buildings.
9. Provide sprinkler systems for all buildings in accordance with NFPA13 or 13R.

10. All fencing within five feet of buildings shall be constructed of non-flammable materials.
11. Several FDC's shown on the plans need to be relocated to meet operation requirements of the Fire Department. A redline plan for FDC and PIV placement has been provided to the applicant.

**ENGINEERING CONDITIONS OF APPROVAL
SUB 14-0018**

GENERAL

1. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements and a Grading/Private Improvement plan prepared by Civil Engineer is required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a landscape Architect. The developer shall post securities in accordance with the City prepared bond and fee letter based on a final estimate of grading and improvements cost prepared by the project engineer. The project owner is required to provide performance, labor and material and guarantee and warrantee bonds for all public improvements and a Grading bond for all grading, landscaping and private improvements (Not including the buildings) prior to approval of the Grading/Private Improvement plan, Final Map, and Improvement Plans. All improvements shall be completed prior to issuance of Occupancy Permit.
2. As surety for the construction of required off-site and on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of Grading Permit and/or Final Subdivision Map.
3. No construction permits will be issued prior to recordation of Final Map, unless Final Map review has been completed, 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.
4. 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.
5. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
6. The project owner shall submit to the Planning Department 3 copies of the Tentative Map as presented to the Planning Commission and the City Council. The Tentative Map will be certified by the Planning Department verifying that it is an accurate reproduction of the approved Tentative Map and must be included in the first submittal for plan check, together with a final Storm Water Quality Management Plan (SWQMP) to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. Public streets improvements shall be designed in compliance with City of Escondido Design Standards and requirements of the City Engineer. Private Street improvements shall be designed in accordance with the requirements of the City Engineer, Fire Marshal and Planning Director and shall be shown on the Grading/Private Improvement Plans.
2. The project owner shall construct public and private street improvements for the following streets:

STREET

CLASSIFICATION

Escondido Boulevard
Cranston Drive

Local Collector
Residential

3. The project owner shall be responsible for construction of frontage improvements along Escondido Blvd to provide for frontage improvements to Local Collector Street standards with minimum 38 feet of paved roadway (Half width plus accommodate for one lane of traffic in each direction and a left-turn pocket for the project entrance). A curb shall be installed along the westerly edge of the roadway. Pavement and striping transition along centerline and east side of the roadway shall be designed to City standards. The project owner is required to stabilize all disturbed areas along westerly side of Escondido Boulevard to the requirements of City Engineer.
4. The project owner shall be responsible to construct frontage improvements along Cranston Drive to provide for frontage improvements to Residential Street Standards with 30 feet of roadway (Half width plus 12'). A.C. berm or redwood header shall be installed along the easterly edge of pavement. The required improvements along the east side of Cranston is planned to be constructed within the existing right-of-way, with potential impact to existing front yard landscaping of APN 236-160-20. The project owner is required to coordinate improvements with the easterly property owner and replace landscaping to Planning requirements and stabilize all disturbed areas to the requirements of City Engineer.
5. City standard Street Lights shall be installed at project entrances on Escondido Boulevard and Cranston Drive.
6. The project owner's engineer shall prepare and submit for approval by the City Engineer a complete final Signing and Striping plan for Escondido Boulevard. The developer will be responsible for removal of all existing signing and striping and construction of all new signing and striping to the satisfaction of the City Engineer.
7. All onsite streets are private and shall be designed and constructed to the requirements of Fire Marshal, Planning Director and City Engineer. Home owners association will be responsible for the maintenance of all onsite streets.
8. The project owner shall be required to design an onsite signing and striping plan that includes signage and striping at the project accesses on Escondido Boulevard and Cranston Drive.
9. The project owner will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.

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. 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.
3. Cut slope setbacks must be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.

4. 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.
5. A General Construction Activity Permit is required from the State Water Resources Board for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of one (1) or more acres.
6. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
7. Prior to approval of final plans, the project owner will be required to obtain permission from adjoining property owners for any off-site improvements, grading and slopes necessary to construct the project and/or the required improvements.

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 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. All onsite cistern or other hydro-modification facilities for treatment facilities shall be located outside public easements.
2. All proposed onsite drainage system, storm water treatment and hydro-modification facilities and their drains shall be maintained by home owners' association. Provisions stating this shall be included in the CC&Rs.
3. All frontages landscaping along Escondido Boulevard and Cranston shall be maintained by home owners association. Provisions stating this shall be included in the CC&Rs.
4. The developer will be required to submit a signed, notarized and recorded copy of Storm Water Control Facility Maintenance Agreement to the City Engineer. This Agreement shall be referenced and included in the CC&Rs.

WATER SUPPLY

1. The project owner is required to design and construct an eight (8) inch public water main within project's main access drive between Escondido Boulevard and Cranston Drive. The proposed 8 inch water line shall be connected to the existing main water lines with a tees, gate valves, blow off valves and air release valves to the requirements of Utilities Engineer. The final location of onsite proposed water main location will be determined by the Utilities Engineer based on the maintaining adequate separation between water main and buildings foundations.
2. All onsite public and private water facilities such as valves, meters, detector checks and fire hydrants shall be designed to be located as determined by the Fire Marshal and Utilities Engineer.

SEWER

1. The project owner is required to design and construct an onsite public sewer system in accordance with the City of Escondido Design Standards and to the requirements of Utilities Engineer. An onsite sewer shall be designed with sewer manholes at Cranston Drive and at the end of the onsite sewer main.
2. The project owner shall be required to protect in place and secure access to existing active public sewer line along southerly property line that currently serves a property to the south. Prior to approval of the final plans or final map, the developer shall obtain Utilities Engineer's approval for relocation of the sewer line with new easement or protection in

place by granting adequate easement width. All surface improvements over the sewer line and future easement shall accommodate for future access for maintenance to the requirements of Utilities Engineer.

3. All sewer laterals within the project are private and shall be maintained by the home owners association.

CC&R's

1. Copies of the CC&R's shall be submitted to the Engineering Department and Planning Department for approval prior to approval of the Final Map.
2. The project owner shall make provisions in the CC&R's for maintenance by the home owners' association of all, lightings, signing and striping, parkway landscaping and irrigation, storm water treatment basins and facilities, sewer laterals, common open spaces, public utilities easement area and emergency access road and internal streets. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
3. CC&R shall make provisions for maintenance of frontage landscaping, irrigation, fencing, retaining walls along project frontages on Escondido Boulevard and Cranston Drive by the home owners' association.
4. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan for the project.
5. The CC&R's must state that the home owners association assumes liability for damage and repair to City utilities in the event that damage is caused by the Home Owners' Association when repair or replacement of private utilities is done.
6. The CC&R's must state that (if stamped concrete or pavers are used in the private street) the home owners' association is responsible for replacing the pavers and/or stamped concrete in kind if the City has to trench the street or within public utilities easements for repair or replacement of an existing utilities.

FINAL MAP - EASEMENTS AND DEDICATIONS

1. The project owner shall make all necessary dedications for public rights-of-way for public streets or public utilities and emergency access easements for the private streets according to the following street classifications.

STREET

CLASSIFICATION

Escondido Boulevard

Local Collector

Cranston Drive

Residential

All necessary right-of-ways, public utilities and emergency access easements shall be granted on the Final Map.

2. The project owner is required to dedicate 6 feet of combination of right-of-way or public utilities easement along Escondido Boulevard and dedicate 8 feet of right-of-way or combination of right-of-way and public utilities easement along Cranston Drive. Additional right-of-way shall be provided at the project entrance to include the curb ramps along Escondido Boulevard and Cranston Drive.
3. Necessary public utilities easements (for sewer, water and storm drain) shall be granted to the City. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
4. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map. Necessary right-of-ways, public utilities and emergency access easements shall be granted on the Final Map.

5. The project owner is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to approval of the final map. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Final Map.
6. The project owner shall provide the City Engineer with a Subdivision Guarantee and Title Report covering subject property.

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 Final Subdivision Map. All development impact fees are paid at the time of Building Permit.
2. The Developer shall pay the existing South Escondido Sewer Repayment per Resolution 85-28 (File no. 113) in the amount of \$3,302.93 prior to Final Map recordation.
3. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be \$50,000.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the subdivision boundary or along frontage of the fronting streets shall be relocated underground as required by the Subdivision Ordinance. The project owner will be required to pay In Lieu fee if chooses not to underground the overhead utilities along Cranston Drive. The developer shall underground the existing overhead lines within the project site and along frontage on Escondido Boulevard.
2. All new dry utilities to serve the project shall be constructed underground.
3. 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. All new utilities shall be constructed underground.