

# CITY OF ESCONDIDO

## Planning Commission and Staff Seating



- A. **CALL TO ORDER:** 7 p.m.
- B. **FLAG SALUTE**
- C. **ROLL CALL:**
- D. **MINUTES:** [December 13, 2022](#)

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 that members of the public want to be used during any public comment period should be submitted to the Planning Division at least 24 hours prior to the meeting. 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 applicable agenda item and the name and contact information of the person presenting the media.

The time used to present any electronic media will be considered as part of the maximum time limit provided to speakers. City staff will queue the electronic information when the applicable speaker is called upon to speak. Materials shown to the Commission during the meeting are part of the public record and will 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 protocol 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 during the designated time for "Oral Communications." All persons addressing the Planning Commission are asked to state their names for the public record. If you wish to submit a written comment online please do so at <https://escondido-ca.municodemeetings.com/bc-citycouncil/webform/public-comment>

**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 remains committed to complying with the Americans with Disabilities Act (ADA). Qualified individuals with disabilities who wish to participate in City programs, services, or activities and who would need accommodations are invited to present their requests to the City by filling out a Request for Accommodations Form or an Inclusion Support Request Form for Minors, or by calling 760-839-4643, preferably at least 72 hours in advance of the event or activity. Forms can be found on the City's website at: <https://www.escondido.org/americans-with-disabilities-act>

**The Planning Division is the coordinating division for the Planning Commission.  
For information, call 760-839-4671.**

**E. WRITTEN COMMUNICATIONS:**

Under state law, all items under Written Communications can have no action, and will be referred to the staff for administrative action or scheduled on a subsequent agenda.

**F. ORAL COMMUNICATIONS:**

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

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

**G. PUBLIC HEARINGS:**

Please limit your testimony to three minutes.

1. [PL22-0645: Zoning Code Amendment](#)

**REQUEST:** A series of amendments to the Escondido Zoning Code to address changes in state laws, correct errors, and clarify or improve existing regulations. The proposal involves minor amendments to Articles 1 (General Provisions and Definitions), 6 (Residential Zones), 16 (Commercial Zones), 26 (Industrial Zones), 27 (Emergency Shelter Overlay), 39 (Off-Street Parking), 44 (Home Occupations), 47 (Environmental Quality), 49 (Air Space Condominium and Community Apartment Projects), 56 (Miscellaneous Development Standards), 57 (Miscellaneous Use Restrictions), 61 (Administration and Enforcement), 63 (Transient Lodging Facilities), 64 (Design Review), 66 (Sign Ordinance), 67 (Density Bonus and Residential Incentives), 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and 73 (Temporary Use, Outdoor Display and Sale of Retail Merchandise); and the rescission of Article 22 (Heliport Overlay Zone).

**PROPERTY SIZE AND LOCATION:** CityWide

**ENVIRONMENTAL STATUS:** The proposed code amendments are categorically or statutorily exempt from further environmental review pursuant to Public Resources Code section 21080.17 and CEQA Guidelines sections 15282(h), 15301, 15303, or do not qualify as a "project" under CEQA.

**APPLICANT:** Development Services Department

**STAFF RECOMMENDATION:** Approval

**COMMISSION ACTION:**

**PROJECTED COUNCIL HEARING DATE:** To be determined

**H. CURRENT BUSINESS:**

Note: Current Business items are those that 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. [PL23-0004: Development Process Overview](#)

REQUEST: Private development projects undergo a review process by multiple divisions and departments prior to approval and issuance of permits. Staff will provide the Planning Commission with a high-level overview of what the process entails, including what the Planning Commission's role is in that process.

PROPERTY SIZE AND LOCATION: N/A

ENVIRONMENTAL STATUS: This item is not a "project" as defined in CEQA Guidelines section 15378(b).

APPLICANT: Development Services Department

STAFF RECOMMENDATION: N/A

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE: N/A

**2. [PL22-0010: 2022 General Plan Amendment: Community Protection \(Safety Element\) Update and Creation of an Environmental Justice Element](#)**

REQUEST: The 2022 General Plan Amendment consists of an update to the Community Protection Chapter (Safety Element) and creation of an Environmental Justice Element. City staff will provide the Planning Commission with an update on the 2022 General Plan Amendment work effort's outreach and engagement process and preliminary public feedback.

PROPERTY SIZE AND LOCATION: CityWide

ENVIRONMENTAL STATUS: This item is not a "project" as defined in CEQA Guidelines section 15378(b).

APPLICANT: Development Services Department

STAFF RECOMMENDATION: N/A

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE: N/A

**I. FUTURE AGENDA ITEMS:**

**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. CITY PLANNER'S REPORT**

**M. ADJOURNMENT**

**CITY OF ESCONDIDO**

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

**December 13, 2022**

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

**Commissioners present:** Katharine Barba, Chair; Rick Paul, Vice-Chair; David Barber, Commissioner; Carrie Mecaro, Commissioner; and Barry Speer, Commissioner.

**Commissioners absent:** Dao Doan, Commissioner and Stan Weiler, Commissioner.

**Staff present:** Andrew Firestine, Director of Development Services; Adam Finestone, City Planner; Dare Delano, Senior Deputy City Attorney; Owen Tunnel, Assistant City Engineer; Veronica Morones, Principal Planner; Jay Paul, Senior Planner; Greg Mattson, Contract Planner; Jessica Engel, Minutes Clerk; and Annie Ward, Department Assistant.

**MINUTES:**

Moved by Vice-Chair Paul and seconded by Commissioner Barber, to approve the Action Minutes of the November 8, 2022, Planning Commission meeting. Motion carried (5-0).

Ayes: Barba, Barber, Mecaro, Paul, and Speer.

Absent: Doan and Weiler.

**WRITTEN COMMUNICATIONS:**

Memorandum from Planning staff to Commission, Density Bonus Calculation Table, and a letter from Rutan & Tucker, LLP were provided on the dais in

reference to agenda item G.1.

A letter of correspondence from the San Diego North Economic Development Council was provided on the dais in reference to agenda item G.2.

**ORAL COMMUNICATION:** None.

**PUBLIC HEARINGS:**

**1. PL21-0269, PL21-0277 and PL22-0584: Tentative Subdivision Map, Grading Exemption, and Annexation**

REQUEST: A Tentative Subdivision Map and Grading Exemption for a 56-unit residential project. The project includes 47 residential lots comprised of 46 single-family lots, two of which have existing homes, and one multi-family lot which would accommodate five duplexes. An Annexation is also proposed for a 2.01 acre portion of project site that is currently in the County of San Diego. The request includes a density bonus and would provide 10 affordable housing units. The proposal also includes adoption of a Mitigated Negative Declaration prepared for the Project.

PROPERTY SIZE AND LOCATION: The approximately 14.07-acres site is located along Conway Drive, both sides of Stanley Avenue and north of Lehner Avenue, addressed as 916, 942, and 943 Stanley Avenue, and odd-numbered addresses between 2005 – 2175 Conway Drive (Assessor Parcel Nos. 224-141-23-00, 224-141-24-00, 224-141-25-00, 224-142-30-00, 224-142-31-00, 224-142-32-00, and 224-142-33-00).

ENVIRONMENTAL STATUS: A Draft Initial Study and Mitigated Negative Declaration (IS/MND) was issued for a 20-day public review on October 28, 2022. Responses to comments received on the IS/MND have been incorporated into the Final IS/MND. Mitigation measures required under the California Environmental Quality Act (“CEQA”) have been developed to reduce potentially significant impacts related to air quality, biological resources, cultural and tribal cultural resources, geology/soils, hazards and hazardous materials, noise, and transportation/traffic. Pursuant to the provisions of the CEQA (Public Resources Code, Section 21000 et seq.), the City of Escondido has determined that the project will not have a significant effect on the environment with implementation of mitigation measures.

APPLICANT: Escondido North, LLC (Dylan Bird and John Kaye)

STAFF RECOMMENDATION: Approval

PROJECTED COUNCIL HEARING DATE: January 11, 2023

**COMMISSION DISCUSSION:**

Commissioners discussed the project including fire truck and emergency turn-around pathway, the environmental impact report, density bonus, mitigation measures, dust control, demolition, concessions, waivers, birds' nests, and landscaping requirements.

**PUBLIC COMMENTS:**

John Kaye provided additional project details on behalf of the applicant.

Barry Baker provided comments in favor of the project.

Tom Foerster provided neutral comments to the project.

Kwofi Reed provided comments in favor of the project.

Armando Romo provided comments in opposition of the project.

Tom Kennedy provided comments in opposition of the project.

Gregory Welsh provided comments in opposition of the project.

Greg Quist provided comments in opposition of the project.

Cindy Quist provided comments in opposition of the project.

Steven Berkowitz provided comments in opposition of the project.

Kelsey Quist, Rutan & Tucker, LLP provided comments in opposition of the project.

Patrick Klopchin provided comments in opposition of the project.

Andrew Brunn provided comments in opposition of the project.

John Baker provided comments in favor of the project.

**COMMISSION ACTION:**

Moved by Commissioner Barber and seconded by Chair Barba, to approve PL21-0269, PL21-0277, and PL22-0584 with a condition to provide a 15 foot setback with proper landscape to serve as a buffer adjacent to Lot 10. Motion carries (4-1).

Ayes: Barba, Barber, Mecaro, and Speer.

Noes: Paul.

Absent: Doan and Weiler.

**2. PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 and PL21-0128: Annexation, General Plan Amendment, Pre-zone, Tentative Subdivision Map, and a Master and Precise Development Plan**

REQUEST: A Tentative Subdivision Map, General Plan Amendment from Suburban (S) to Urban III (U3), Annexation of 7.7 acres, Pre-zone to Planned Development-Residential (PD-R 14.6), and Master and Precise Development Plan for the development of 102 air-space condominium units. The proposal also includes the certification of an Environmental Impact Report prepared for the project.

PROPERTY SIZE AND LOCATION: The 7.7-acre project site is generally located at the southwest corner of North Iris Lane and Robin Hill Lane. The site consists of five parcels addressed as 2039 N. Iris Lane through 2089 N. Iris Lane (Assessor's Parcel Numbers 224-310-05-00, 224-310-06-00, 224-310-07-00, 224-310-08-00, and 224-310-20-00).

ENVIRONMENTAL STATUS: A Draft Environmental Impact Report ("DEIR") was issued for 45-day public review on September 20, 2022. Responses to comments received on the DEIR have been incorporated into the Final EIR ("FEIR"). Mitigation measures required under the California Environmental Quality Act ("CEQA") were developed to reduce the potential project impacts related to biology, cultural resources, hazards and hazardous materials, noise and traffic.

APPLICANT: Hallmark Communities (Mariana McGrain).

STAFF RECOMMENDATION: Approval

PROJECTED COUNCIL HEARING DATE: January 11, 2023

**COMMISSION DISCUSSION:**

Commissioners discussed the project including sewer impact, traffic and parking requirements.

**PUBLIC COMMENTS:**

Mariana McGrain provided additional project details on behalf of the applicant.

Joann Breeze-Rios provided comments in opposition of the project.

Jack Wood provided comments in opposition of the project.

Audrey Brouwer provided comments in opposition of the project.

Jim Simmons provided comments in favor of the project.

Jason Greminger provided comments in favor of the project.

James Obergfell provided neutral comments about the project.

Gaby Chavez Obergfell provided neutral comments about the project.

Will Miller provided comments in opposition of the project.

Allen Schertzer provided comments in opposition of the project.

Mark Memmelaar provided comments in opposition of the project.

**COMMISSION ACTION:**

Moved by Commissioner Barber and seconded by Commissioner Mecaro, to approve PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127, and PL21-0128. Motion carries (5-0).

Ayes: Barba, Barber, Mecaro, Paul, and Speer.

Absent: Doan and Weiler.

**3. PL22-0645: Zoning Code Amendment**

REQUEST: A series of amendments to the Escondido Zoning Code to address changes in state laws, correct errors, and clarify or improve existing regulations. The proposal involves minor amendments to Articles 1 (General Provisions and Definitions), 6 (Residential Zones), 16 (Commercial Zones), 26 (Industrial Zones), 27 (Emergency Shelter Overlay), 39 (Off-Street Parking), 44 (Home Occupations), 47 (Environmental Quality), 49 (Air Space Condominium and Community Apartment Projects), 56 (Miscellaneous Development Standards), 57 (Miscellaneous Use Restrictions), 61 (Administration and Enforcement), 63 (Transient Lodging Facilities), 64 (Design Review), 66 (Sign Ordinance), 67 (Density Bonus and Residential Incentives), 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and 73 (Temporary Use, Outdoor Display and Sale of Retail Merchandise); and the rescission of Article 22 (Heliport Overlay Zone).

PROPERTY SIZE AND LOCATION: CityWide

ENVIRONMENTAL STATUS: The proposed code amendments are categorically or statutorily exempt from further environmental review pursuant to

Public Resources Code section 21080.17 and CEQA Guidelines sections 15282(h), 15301, 15303, or do not qualify as a “project” under CEQA.

APPLICANT: Development Services Department

STAFF RECOMMENDATION: Approval

COMMISSION ACTION: Tabled for the next Planning Commission meeting scheduled for January 10, 2023.

PROJECTED COUNCIL HEARING DATE: January 11, 2023

**CURRENT BUSINESS:**

Note: Current Business items are those that 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. PL22-0010: 2022 General Plan Amendment: Community Protection (Safety Element) Update and Creation of an Environmental Justice Element**

REQUEST: The 2022 General Plan Amendment consists of an update to the Community Protection Chapter (Safety Element) and creation of an Environmental Justice Element. City staff will provide the Planning Commission with an update on the 2022 General Plan Amendment work effort’s outreach and engagement process and preliminary public feedback.

PROPERTY SIZE AND LOCATION: CityWide

ENVIRONMENTAL STATUS: This item is not a “project” as defined in CEQA Guidelines section 15378(b).

APPLICANT: Development Services Department

STAFF RECOMMENDATION: N/A

COMMISSION ACTION: Tabled for the next Planning Commission meeting scheduled for January 10, 2023.

PROJECTED COUNCIL HEARING DATE: N/A

**FUTURE AGENDA ITEMS:** None

**ORAL COMMUNICATIONS:** None

**PLANNING COMMISSIONERS:** None

**CITY PLANNER'S REPORT:**

City Planner Finestone requested continuance of agenda item G.3 to the January 10, 2023, Planning Commission meeting.

City Planner Finestone also noted that a list of future agenda items which was provided with the December 13, 2022, Planning Commission agenda packet will be updated and provided to as part of Planning Commission packets on an ongoing basis.

City Planner Finestone announced that Minutes Clerk Jessica Engel will be leaving the City of Escondido and Annie Ward to serve as the future Minutes Clerk.

**ADJOURNMENT:**

Chair Barba adjourned the meeting at 10:36 p.m.

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Adam Finestone, Secretary to the  
Escondido Planning Commission

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Jessica Engel, Minutes Clerk

# PLANNING COMMISSION

**Agenda Item No.: G.1**  
**Date: January 10, 2023**

DATE: January 10, 2023

TO: Planning Commissioners

FROM: Veronica Morones, Principal Planner

SUBJECT: PL22-0645 / 2022 Omnibus Zoning Code Update

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City staff scheduled the 2022 Omnibus Zoning Code Update (2022 Omnibus) for the December 13, 2022, Planning Commission meeting. However, due to the duration of the public hearing items preceding the 2022 Omnibus, the Planning Commission continued the item to the next regularly scheduled Planning Commission meeting scheduled on January 10, 2023.

Planning staff updated the staff report, resolution, and accompanying attachments to reflect the change in dates only and do not include any substantive changes from the items posted under the December 13<sup>th</sup> agenda packet.

# PLANNING COMMISSION

Agenda Item No.: **G.1**  
Date: January 10, 2023

**PROJECT NUMBER / NAME:** PL22-0645 / 2022 Omnibus Zoning Code Update

**REQUEST:** A series of amendments to the Escondido Zoning Code to address changes in state laws, correct errors, and clarify or improve existing regulations. The proposal involves minor amendments to Article 1 (General Provisions and Definitions), 6 (Residential Zones), 16 (Commercial Zones), 22 (Heliport Overlay Zone), 26 (Industrial Zones), 27 (Emergency Shelter Overlay), 39 (Off-Street Parking), 44 (Home Occupations), 47 (Environmental Quality), 49 (Air Space Condominium and Community Apartment Projects), 56 (Miscellaneous Development Standards), 57 (Miscellaneous Use Restrictions), 61 (Administration and Enforcement), 63 (Transient Lodging Facilities), 64 (Design Review), 66 (Sign Ordinance), 67 (Density Bonus and Residential Incentives), 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and 73 (Temporary Use, Outdoor Display and Sale of Retail Merchandise).

**LOCATION:** Citywide

**APPLICANT:** City of Escondido

**APN / APNS:** N/A

**PRIMARY REPRESENTATIVE:**  
Development Services, Planning  
Division

**GENERAL PLAN / ZONING:** N/A

**DISCRETIONARY ACTIONS REQUESTED:** Zoning Code Text Amendments

**PREVIOUS ACTIONS:** N/A

**PROJECT PLANNER:** Veronica Morones, Principal Planner

**CEQA RECOMMENDATION:** Statutorily or categorically exempt pursuant to Public Resources Code section 21080.17 and CEQA Guidelines sections 15282(h), 15301, 15303, or does not qualify as a "project" under CEQA.

**STAFF RECOMMENDATION:** Recommend approval of the Project to City Council

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2023-01

**CITY COUNCIL HEARING REQUIRED:**  YES  NO

**REPORT APPROVALS:**

- Andrew Firestine, AICP, Development Services Director
- Adam Finestone, AICP, City Planner

**A. BACKGROUND:**

It is important that municipalities periodically review and update their codes and regulations to ensure they stay current and up-to-date. In 2017, the City initiated a new, reoccurring work program to annually review the Zoning Code to determine whether any updates are required such as state-mandated changes, error corrections, clarification of ambiguities or inconsistencies, conformance to the City’s Communications Plan (requiring use of AP Style), and address today’s land use challenges. Now, as established, the Planning Division is able to maintain a regular process and consistent schedule for maintaining the City’s codes and regulations. These amendments are combined into a single clean-up batch proposal as a means of efficiently modifying the Zoning Code titled the Omnibus Zoning Code Update.

The 2022 batch of amendments affects many articles of the Escondido Zoning Code, which is Chapter 33 – Zoning of the Escondido Municipal Code (EMC). As with past omnibus updates, a majority of the changes are minor and meant to directly provide guidance to the public regarding Zoning Code requirements in Escondido. This year’s omnibus also includes a full repeal of Article 22 – Heliport Overlay Zone, since the previous Palomar Hospital site is under redevelopment and reflecting the development of Palomar Hospital on the west side of the City.

Zoning Code text amendments are prepared as separate ordinances and require Planning Commission recommendation and City Council adoption.

**B. PROJECT ANALYSIS:**

For the 2022 Omnibus Zoning Code Update, the suggested amendment list includes modifications to various articles within the Zoning Code. The Articles and their corresponding proposed modification are detailed in Table 1 below. Further analysis is provided for Articles in denoted in **bold**.

**TABLE 1 - SUMMARY OF PROPOSED CHANGES**

Article	Proposed Change
Article 1 - General Provisions and Definitions	Creation of various new definitions and reference to an existing definition in another Chapter of the Escondido Municipal Code
Article 6 - Residential Zones	Clarification of development standards related to accessory structures
<b>Article 16 – Commercial Zones</b>	<b>Consistency alignment with Article 63, Sec. 33-1348 – Hotel Conversions;</b> reformatting
Article 22 – Heliport Overlay (H-O) Zone	Removal due to redevelopment of the prior Palomar Hospital site and relocation of the hospital use

Article 26 – Industrial Zones	Addition of broadcasting, recording, and sound studio use in industrial zones
Article 27 – Emergency Shelter Overlay	Reference clean up
<b>Article 39 – Off-Street Parking</b>	<b>Allows for parking adjustments subject to an Administrative Adjustment to be processed by CUP if required as a function of the use;</b> consistency cleanup of parking requirements for ADUs and Emergency Shelters
Article 44 – Home Occupations	Home Occupation Permit process streamlining
Article 47 – Environmental Quality	Consistency cleanups with the Climate Action Plan
Article 49 – Air Space Condominium and Community Apartment Projects	Consistency alignment with Chapter 32 – Subdivisions of the EMC
Article 56 – Miscellaneous Development Standards	Prohibiting use of barbed wire in residential zones
Article 57 – Miscellaneous Use Restrictions	Clarification of entitlement requirements for school uses
Article 61 – Administration and Enforcement	Clarification of general plan amendment initiation; extension of plot plan approval expiration
<b>Article 63 – Transient Lodging Facilities</b>	Clarification of requirements; <b>modification to residential density allowances for single-room occupancy projects</b>
Article 64 – Design Review	Consistency alignment with proposed changes to Article 49
Article 66 – Sign Ordinance	Reference clean up
Article 67 – Density Bonus and Residential Incentives	Correction of grammatical error; consistency with State law
<b>Article 70 – Accessory Dwelling Units and Junior Accessory Dwelling Units</b>	Clarification of requirements; <b>process streamlining</b>
Article 73 – Temporary Uses, Outdoor Display and Sale of Retail Merchandise	Clarification of requirements

A strikethrough and underlined version of all proposed Zoning Code changes is provided under Attachment 1. Exhibit B to Planning Commission Resolution No. 2023-01 (Attachment 2) provides a “clean” copy of the changes and reflects what they will look like if adopted by City Council.

### **Article 16 – Commercial Zones**

The proposed change would permit for SRO units as a use allowed only within the General Commercial zone subject to the requirements of Article 63, Section 33-1348 – Hotel Conversions. In July 2021, City Council adopted the hotel conversion ordinance which authorized the ability for existing hotels and motels in all zoning districts to be converted to a range of housing types, such as multi-family residential, and single-room occupancy (SRO) units through the hotel conversion permit process (plot plan process). The ordinance was adopted with the intention of streamlining conversions and with a substantial demonstration of need for transitional housing and a desire to create regulatory incentives to encourage the conversion of hotels and models to supportive housing, transitional housing, and affordable housing. However, the hotel conversion ordinance did not include any modifications to any use tables within the Zoning Code at the time of adoption. Therefore, outside of certain specific plan areas that already permitted hotel conversions (such as the South Centre City Specific Plan), hotel conversions are not identified as a permitted use in any nonresidential zones.

### **Article 39 – Off-Street Parking**

The proposed change would streamline the parking adjustment process for requests up to 25 percent. Article 39, Section 33-764 outlines the process for adjustments to nonresidential parking requirements. Under current regulations, up to 25 percent of the number of required parking spaces may be adjusted (i.e., waived) through the administrative adjustment permit process. Similarly, a minor conditional use permit (MCUP) may be processed to exceed the 25 percent threshold (i.e., waiving of required parking in excess of 25 percent). The proposed change would allow for project requests that include a regular CUP, coupled with a request for a reduction in parking up to 25 percent, to do so as a part of the parent CUP and not require an additional administrative adjustment permit. The proposed process parallels the existing process for parking adjustments in excess of 25 percent. In projects that require a CUP, coupled with a request for a parking reduction in excess of 25 percent (which would require a MCUP), the two requests are processed under the parent CUP. Without this change, a project proposing a conditional use with a parking reduction up to 25 percent would be required to obtain both a CUP for the use and an administrative adjustment permit for the parking reduction. Requests for parking adjustments up to 25 percent without a CUP would still be required to go through the administrative adjustment process.

### **Article 63 – Transient Lodging Facilities**

The proposed change would allow for hotel or motel conversion projects to request an increase in the number of units up to 15 percent the existing number of permitted rooms through the CUP process for 100 percent SRO conversions only. The adoption of the hotel conversion ordinance in July 2021 established a residential density development standard for hotel conversions. Specifically, this residential density standard limits the number of proposed residential units to the number of existing rooms in the hotel or motel use. The hotel conversion ordinance also includes a minimum and maximum unit size for single-room occupancy (SRO) units, which is one of the types of housing units a hotel or motel may be converted to under Article 63. No other minimum/maximum unit size is established under the hotel conversion ordinance for other housing types. In existing hotels and motels, larger suites and rooms, as well as conference, meeting, and office space, may yield additional square footage for units that cannot currently be

converted because it would result in additional units. While the intent of the residential density standard is to inhibit intensification beyond that of the existing hotel or motel uses, the proposed language modification would allow for flexibility in 100 percent SRO unit conversions subject to the CUP process. The need for flexibility arises from Article 63's restriction of SRO unit size, limiting SROs to a maximum floor area of 400 square feet, and that SROs typically experience smaller occupancy numbers than traditional multi-family housing, such as apartments. The CUP process would ensure that any proposed increase beyond the permitted unit count to the hotel or motel does not result in an adverse impact to the site and community by having to meet required CUP findings. Hotel or motel conversions proposing 100 percent SRO units with no increase beyond the existing permitted room count would not be required to obtain a CUP.

### **Article 70 – Accessory Dwelling Units and Junior Accessory Dwelling Units**

The proposed change would streamline the accessory and junior accessory dwelling unit (ADU/JADU) permit process for single-family zoned properties. The City currently requires an applicant to obtain a planning permit for an ADU and JADU prior to obtaining a building permit. In an effort to simplify and streamline the ADU building process, the proposed changes to Article 70 would eliminate the planning permit requirement for ADUs and JADUs proposed on single-family zoned properties. Under the proposed modifications, an applicant would be able to permit an ADU through the building permit process, which would still allow the planning division to review for required development standards. For ADUs and JADUs proposed on multi-family zoned properties, an ADU planning permit would still be required and no change to the existing multi-family process would occur.

### **General Plan Conformance**

The proposed zoning code amendments are consistent with the General Plan in that they will not adversely impact the public health, safety and welfare because those related to Article 1 (General Provisions and Definitions), Article 6 (Residential Zones), Article 16 (Commercial Zones), Article 22 (Heliport Overlay Zone), Article 26 (Industrial Zones), Article 27 (Emergency Shelter Overlay), Article 39 (Off-Street Parking), Article 44 (Home Occupations), Article 47 (Environmental Quality), 49 (Air Space Condominium and Community Apartment Projects), Article 56 (Miscellaneous Development Standards), 57 (Miscellaneous Use Restrictions), Article 61 (Administration and Enforcement), Article 63 (Transient Lodging Facilities), Article 64 (Design Review), Article 66 (Sign Ordinance), Article 67 (Density Bonus and Residential Incentives), Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and Article 73 (Temporary Use, Outdoor Display and Sale of Retail Merchandise) are nominal in nature and/or are a requirement of state law. Further, the proposed changes to those articles listed above as well as the more substantive modifications outlined in Article 16 (Commercial Zones) Article 39 (Off-Street Parking), Article 63 (Transient Lodging Facilities), and Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units) are consistent with the Land Use and Community Form Chapter, Goal 2 and subsequent policy 2.1 in that the proposed changes provide clarification and cleanup of regulations that clearly and effectively implement land use development goals and objectives. The basis of establishing and updating, as necessary, local standards and guidelines for land use activities ensures land use compatibility is achieved. The batch of amendments relate to organizational effectiveness and efficiency and are considered a housekeeping measure. The proposed Zoning Code changes would make the code more internally consistent, and easier to

understand and apply. The amendments make corrections, clarifications, and updates to improve the application process or how the codes are administered.

**FISCAL ANALYSIS:**

There will be no fiscal impact to the City of Escondido as a result of these amendments.

**C. ENVIRONMENTAL STATUS:**

There are a number of CEQA exemptions that are applicable to the 2022 Omnibus Zoning Code Update, all listed below. Some of the proposed amendments are not considered a Project under CEQA, as defined in section 15378(b)(5) of the State CEQA Guidelines. The following is a list of categorical or statutory exemptions under CEQA that apply to the various proposed changes, in addition to section 15378(b)(5):

- The amendments that relate to error correction, formatting changes, and general reference cleans up, specifically those in Article 1 (General Provisions and Definitions), Article 22 (Heliport Overlay Zone), Article 27 (Emergency Shelter Overlay), Article 39 (Off-Street Parking), Article 44 (Home Occupations), Article 47 (Environmental Quality), Article 49 (Air Space Condominium and Community Apartment Projects), Article 57 (Miscellaneous Use Restrictions), Article 61 (Administration and Enforcement), Article 64 (Design Review), Article 66 (Sign Ordinance), Article 67 (Density Bonus and Residential Incentives), and Article 73 (Temporary Use, Outdoor Display and Sale of Retail Merchandise) are not considered a Project under CEQA, as defined in section 15378(b)(5) of the State CEQA Guidelines. The scope of these proposed changes includes corrective clerical errors or clarification of ambiguities and relates to organizational and administrative actions of government that will not result in direct or indirect physical changes in the environment.
- The amendments that relate to accessory dwelling units (Article 70) are statutorily exempt from CEQA pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h). Under Public Resources Code section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code (Accessory Dwelling Unit law). CEQA Guidelines section 15282(h) statutorily exempts the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of sections 65852.1 and 65852.2 of the Government Code as set forth in section 21080.17 of the Public Resources Code.
- The amendment that relates to fences and walls (Article 56) is categorically exempt pursuant to CEQA Guidelines section 15303 (New Construction or Conversion of Small Structures).
- The amendments that relate to a zone's permitted use table (Article 16 and Article 26) are categorically exempt pursuant to CEQA Guidelines section 15301 (Existing Facilities) as such uses are either already permitted in less intensive zones (i.e., broadcasting is an existing permitted use within commercial zones and SRO units are permitted through the hotel conversion permit process within existing structures).

- The amendments that relate to clarification of development standards for accessory buildings (Article 6) are categorically exempt pursuant to CEQA Guidelines section 15303 (New Construction or Conversion of Small Structures) as such regulations set maximum limits for size and area of such improvements.
- The amendments that relate to the applicability of an administrative adjustment of required parking up to 50 percent being processed under a conditional use permit when applied for concurrent with a conditional use (Article 39) and an up to 15 percent increase in residential density for hotel conversions proposing 100 percent SRO units (Article 63) are categorically exempt pursuant to CEQA Guidelines section 15301 (Existing Facilities) as such regulatory changes would result in negligible or no expansion of the existing or former uses. The administrative adjustment modification would streamline the number of permits required only in instances where a conditional use is applicable. Potential increases in 100 percent SRO unit hotel conversions would still be subject to the development standards of section 33-1348, which include limits on the ability to expand the existing structure for the purposes of conversion.

#### **D. PUBLIC INPUT:**

The 2022 Omnibus Zoning Code Update was noticed in accordance with Article 61, Division 6 of the Escondido Zoning Code. A public notice was published in the Escondido Times Advocate at least ten calendar days prior to this public hearing. Due to the nature of an Omnibus Zoning Code Update, staff did not conduct specific project-related outreach. As of the time the staff report was prepared, no public correspondence was received.

#### **E. CONCLUSION AND RECOMMENDATION:**

The Planning Division maintains a regular process and consistent schedule for maintaining the City's codes and regulations. These amendments are combined into a single clean-up batch proposal, referred to as the annual omnibus code cleanup, as a means of efficiently modifying the Zoning Code. The City proposes to amend the Municipal Code and Zoning Code to correct minor errors in the text, incorporate code interpretations, and improve existing regulations to eliminate uncertainty for staff, customers, and the public. The batch of amendments relate to organizational effectiveness and efficiency and are considered a housekeeping measure. The Planning Commission has the authority under Section 33-1262 of Article 61 of the Escondido Zoning Code (Administration and Enforcement Ordinance) to review and consider amendments to the Zoning Code, which requires a Planning Commission recommendation to City Council. No other discretionary permits are requested or required.

#### **ATTACHMENTS:**

1. Strikethrough and underline of proposed changes
2. Draft Planning Commission Resolution No. 2023-01 including Exhibits A - Findings, and B – Clean copy of proposed changes

## ATTACHMENT 1

### **LEGEND:**

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**Bold Underline** – Proposed Language

# Omnibus 2022

## ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

### Definitions for Adjacent and Abutting, Restaurant, Off-Street Parking

#### Sec. 33-8. Definitions.

**Abutting- a structure, lot, or parcel of land having a common boundary with another structure, lot, or parcel of land including a structure, lot, or parcel of land which have no common boundary other than a common corner.**

**Adjacent- a structure, lot, or parcel of land that is close or contiguous to another structure, lot, or parcel of land.**

*Director* means the director of ~~community~~ development **services**.

**Restaurant- See Restaurant, Sec. 14-1.1 of Chapter 14**

**Off-Street Parking: A site, or portion of a site, devoted to the parking of motor vehicles outside of the public right-of-way, including parking spaces, aisles, and access drives.**

**LEGEND:**

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**ARTICLE 6. RESIDENTIAL ZONES**

**Size of Accessory Structures/Buildings to Primary**

**Sec. 33-103. Accessory buildings and building requirements.**

(a) Accessory buildings located within a required side or rear yard setback area for the primary structure shall be limited to one ~~(1)~~ story and ~~sixteen-(16)~~ feet in height.

(b) Accessory buildings are subject to the property development standards as set forth in section 33-107, building requirements, generally.

(1) In addition to the restrictions of section 33-107, a guest house or accessory dwelling unit shall not have a total floor area that exceeds ~~fifty (50%) percent~~ of the existing living area of the main building, unless otherwise permitted pursuant to Article 70.

(2) A guest house may be attached to an accessory dwelling unit provided that the overall combined floor area of the combined building or structure does not exceed ~~seventy-five (75%) percent~~ of the main unit.

**(3) In addition to the restrictions of sections 33-102 and 33-107, any attached or detached accessory structure/building shall not exceed 49% of the existing/proposed habitable space area of the main building, unless otherwise permitted pursuant to Article 70.**

(c) The minimum distance between the residence (or main building) and a detached accessory building shall be ~~ten-(10)~~ feet. If the residence (or main building) and detached accessory building are both one ~~(1)~~ story in height, then the minimum separation requirement may be reduced to five ~~(5)~~ feet. A minimum of five ~~(5)~~ feet is maintained for clear access between the detached accessory building and any other building or structure.

(d) Nothing in this section or in section 33-107 shall be construed to limit the development of an accessory dwelling unit in the location and manner as specified by Article 70.

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**ARTICLE 16. COMMERCIAL ZONES**

**Addition of SRO use in Commercial Zones**

**Sec. 33-332. Principal land uses.**

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

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

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

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

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

**Table 33-332**

**PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES**

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

*Note: The following use category to be added.*

Use Title	CG	CN	CP
Residential and Lodging			
<u>Single-Room Occupancy Units (Article 63)</u>	<u>P<sup>1</sup></u>		

**LEGEND:**

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**1 Single-Room Occupancy (SROs) Units shall only be permitted as a result of conversion from existing hotel/motel uses in the CG zone subject to Article 63, section 33-1348.**

P = Permitted use.

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**ARTICLE 22. HELIPORT OVERLAY (H-O) ZONE**

**Removal of the Heliport Overlay Zone as it is no longer applicable**

**Article 22. RESERVED**

**~~Sec. 33-490. Purpose.~~**

~~—The purpose of the heliport overlay H-O zone is to eliminate potential safety problems by ensuring that the heights of structures in the vicinity of the Palomar Hospital remain compatible with the approved height and location of the flight path of the hospital's emergency heliport facility. A secondary purpose is to provide a mechanism by which owners and or prospective owners are made aware of height restrictions encumbering their property. (Zoning Code, Ch. 104, § 1047.1)~~

**~~Sec. 33-491. Use in combination.~~**

~~—The H-O zone may be applied in conjunction with any residential or commercial zoning category impacted by the flight path of the approved Palomar Hospital emergency heliport facility. (Zoning Code, Ch. 104, § 1047.2)~~

**~~Sec. 33-492. Permitted and conditional uses.~~**

~~—All permitted and conditional uses permitted by the zone over which the H-O designation is applied shall remain as specified by the individual zone. (Zoning Code, Ch. 104, § 1047.3)~~

**~~Sec. 33-493. Permitted accessory uses and structures.~~**

~~—All accessory uses and structures set forth in the provisions of the zone over which the H-O zone is applied shall remain as specified by the individual zone. (Zoning Code, Ch. 104, § 1047.4)~~

**~~Sec. 33-494 Property development standards.~~**

~~—(a) Property development standards as specified in the provisions of the zone over which the H-O zoning is applied shall prevail, except that height restrictions as specified in section 33-495 of this article shall prevail in cases where the height restrictions of the underlying zone are less restrictive.~~

~~—(b) In addition to the development standards imposed by section subsection (a) of this section, the following standard shall also apply:~~

~~—As a condition of approval for any new use or expansion of any existing use requiring a building permit, a deed restriction or equivalent document establishing a maximum~~

**LEGEND:**

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~~height limit consistent with the requirements of section 33-495 shall be recorded. The language of the deed restriction or equivalent document shall be in a form satisfactory to the city attorney. This document shall have the dual purpose of both preventing potential safety problems resulting from structures encroaching into the required heliport flight path and alerting future owners as to the presence of the height restrictions. (Zoning Code, Ch. 104, § 1047.5)~~

~~Sec. 33-495. Height restrictions.~~

~~—Within the limits of the H-O zone as described in Figure 33-495, no structure may exceed the following maximum elevations:~~

<b>Area No.</b>	<b>Maximum Height</b>
<b>Area 1</b>	<b>780' MSL</b>
<b>Area 2</b>	<b>835' MSL</b>
<b>Area 3</b>	<b>900' MSL</b>
<b>Area 4</b>	<b>970' MSL</b>
<b>Area 5</b>	<b>780' MSL</b>
<b>Area 6</b>	<b>820' MSL</b>
<b>Area 7</b>	<b>860' MSL</b>
<b>Area 8</b>	<b>900' MSL</b>
<b>Area 9</b>	<b>920' MSL</b>
<b>Area 10</b>	<b>940' MSL</b>
<b>Area 11</b>	<b>980' MSL</b>

**Figure 33-495**

*Note: Figure to be removed*

~~(Zoning Code, Ch. 104, § 1047.6)~~

~~Secs. 33-496—33-497. Reserved.~~

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**ARTICLE 26. INDUSTRIAL ZONES**

**Addition of Broadcasting and Recording Studios in select Industrial Zones**

**Sec. 33-564. Land uses.**

*Note: The following use category to be added*

**Table 33-564**

**PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES**

Use Title	I-O	M-1	M-2	I-P
<b><u>Broadcasting (radio and/or television), recording, and/or sound studios<sup>3</sup></u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Notes:

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

\*\* = Retail or support service components greater than the maximum ~~fifteen (15%)~~ **percent** floor area/sales allowed by section 33-565 (Accessory uses and structures) is allowed only in M-1 and M-2 zones, subject to conditions in section 33-566— Specialized retail uses.

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

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

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

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

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

**3 = Includes instruction. Pursuant to Chapter 17, Article 12 (noise abatement and control)**

P = Permitted use.

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C = Conditionally permitted use subject to issuance of a conditional use permit; either major (C) or minor (C#) (pursuant to Article 61, Division 1 of this chapter).

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**ARTICLE 27. EMERGENCY SHELTER OVERLAY**

**Clarify Emergency Shelter Parking Requirements**

**Sec. 33-595. Development standards.**

(d) Off-street parking shall comply with Article ~~36~~ 39, Off-Street Parking. Non-operational and non-registered vehicles shall not be kept on the site.

**LEGEND:**

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**ARTICLE 39. OFF-STREET PARKING**

**Streamlining nonresidential parking adjustments**

**Sec. 33-764. Adjustments to nonresidential parking.**

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

1. When an adjustment to the number of parking spaces required for uses in a nonresidential zone is made in conjunction with a conditional use permit, the decision-making body for said conditional use permit shall be authorized to act on the parking adjustment as part of the action on the conditional use permit. No separate administrative adjustment shall be required.

**LEGEND:**

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**Removal of ADU parking requirement consistent with Article 70 and removal of redundancy emergency shelter use parking standard**

**Sec. 33-765. Parking spaces required.**

*Note: The following use category to be modified: Accessory dwelling units.  
The following use category to be removed: Emergency Shelters*

Use	Parking Spaces Required
<b>Residential</b>	
<b>Accessory dwelling units</b>	<del>One (1) parking space for the unit, in addition to those spaces required by this section for the primary residential use in accordance with section 33-1474 of Article 70. All spaces shall be located on-site. <u>None.</u></del>
<b><u>Hotel Conversions</u></b>	<u>Subject to Article 63, Sec. 33-1348(e)(11)</u>
<del><b>Emergency shelters</b></del>	<del>One (1) parking space for each employee, volunteer, service provider and non-client who will be on-site during peak periods, plus one (1) space per three (3) beds.</del>

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**ARTICLE 44. HOME OCCUPATIONS**

**Home Occupation Permit Requirement**

**Sec. 33-850. Permit License required.**

A legally established dwelling unit shall not be used for business purposes unless a ~~home occupation permit (major or minor) business license~~ has first been issued by the ~~planning business license~~ division ~~of the community development department~~. A cottage food operation, as defined in the California Homemade Food Act, shall obtain a ~~minor home occupation permit business license~~. A Microenterprise Home Kitchen Operation (MEHKO), as defined by the County of San Diego Department of Environmental Health and Quality, shall obtain a business license. A business license for a home occupation shall not relieve the permittee of any other requirements of this code or other applicable law pertaining to licenses and license taxes.

**Sec. 33-851. Procedure.**

The director ~~of community development~~ may, upon application, authorize the issuance of a home occupation permit business license for a home occupation. Said license which shall state the home occupation permitted, the conditions attached, and any time limitations thereon. The ~~permit license~~ shall not be issued unless the director is satisfied that the applicant will comply with all the conditions listed in sections 33-852 to 33-854 of this article ~~and the applicant has agreed in writing to comply with the conditions as applicable.~~

**Sec. 33-852. Minor Home Occupations Permits.**

A ~~minor home occupation permit~~business license is required for any business operated in a dwelling unit or accessory building which has little to no external indication of commercial activity and which is not a major home occupation, as authorized by section 33-853. Each and every one of the following conditions must be observed at all times by the holder of ~~a minor home occupation permit~~the business license.

(a) Employees. Employees or assistants who are not occupants of the dwelling shall not be employed on the premises, except where specifically permitted by law.

(b) The home occupation shall be conducted wholly within the structures on the premises and shall not exceed ~~twenty-five (25%) percent~~ of the total floor area of all legal structures on the premises.

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(c) Inventory and supplies for the home occupation shall not occupy more than **fifty** ~~(50%) percent~~ of the permitted home occupation area.

(d) No structural alterations to the interior of the dwelling are permitted for the occupation if they would make it difficult to return the dwelling to exclusive residential use. External changes, which make the dwelling appear less residential in nature or function are prohibited.

(e) No storage of equipment, appliances, materials, or supplies shall be permitted where visible from the exterior of the property other than that storage normally found on the premises of a residence.

(f) No customer services or sales of goods, wares or merchandise shall be made on the premises, except where specifically permitted by law.

(g) Signs.

(1) No sign or advertising shall be displayed on the premises except where specifically required by law. Any required signs shall be no larger than the minimum size required by law.

(2) Residential addresses shall not be used in any advertising (i.e., newspaper advertisements, bulletin boards, paid electronic advertisements, and the like) unless otherwise required by law. Business cards and letterhead are not included in this requirement and may be permitted provided that they do not draw attention or customers to the property.

(h) No display of any kind shall be visible from the exterior of the premises.

(i) Parking.

(1) Required residential parking shall be maintained and available for residential parking.

(2) All maintenance, service, or commercial vehicles, trailers or equipment shall be parked or stored entirely within a building or structure. Other vehicles that bear advertisements associated with the home occupation, which may be used for personal use, must be parked or stored entirely within a building or structure or parked in a screened area so that the vehicle is not visible from the public right-of-way.

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(3) No more than one ~~(1)~~ business vehicle and one ~~(1)~~ trailer **isare** allowed for each resident involved in the home occupation.

(j) No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with residential use or use customary to home crafts.

(k) On-site manufacturing is prohibited as a ~~minor~~ home occupation, with the exception of custom and visual art crafts (e.g., jewelry, art, ceramics, etc.), custom sewing and fabric crafts, and light wood working.

(l) Traffic.

(1) The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.

(2) Customers. On-site customers are prohibited **except as permitted for MEHKOs pursuant to California Health and Safety Code section 113825(a)(3).**

(3) Deliveries or pick-ups by normal delivery services shall occur between 8:~~00~~ a.m. and 5:~~00~~ p.m. No more than two ~~(2)~~ deliveries per day **except as permitted for MEHKOs pursuant to California Health and Safety Code section 113825(a)(9).**

(m) Cottage food operations. The following conditions shall apply to a minor home occupation for a cottage food operation **(CFO)**.

(1) No more than one ~~(1) home occupation permit for cottage food operations~~ **CFO** is permissible per legally established dwelling unit.

(2) No more than one ~~(1)~~ part-time non-resident ~~cottage food operation~~ **CFO** employee is allowed on the premises at a time.

(3) On-premises customers and non-resident employee(s) of a CFO are limited to ~~8:00~~ a.m. to ~~5:00~~ p.m., ~~forty (40)~~ hours per week maximum. The required residential parking for the dwelling unit shall not be used by the CFO customers and employee(s).

(4) A ~~cottage food operation~~ **CFO** shall comply with all other limitations of the California Homemade Food Act, which may be amended over time.

(n) Notwithstanding the above, all minor home occupations are also subject to the general conditions listed in section 33-854.

**LEGEND:**

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**(o) Microenterprise Home Kitchen Operations (MEHKO) shall be subject to Title 6, Division 1, Chapter 5 of the San Diego County Code of Regulatory Ordinances, which may be amended over time.**

**Sec. 33-853. Major home occupations Reserved.**

A ~~major home occupation permit~~**business license** is required for any business operated in a dwelling unit or accessory building which may have or has external indication of commercial activity, but remains a home occupation and not a primary ~~business use of the property~~. Each and every one of the following conditions must be observed at all times by the holder of a ~~major home occupation permit~~**the business license**.

(a) Employees. Only members of the family or household residing on the premises, and no more than two ~~(2)~~ non-residents who commute to the home to work, may be continuously employed at any one time on the site, except where specifically permitted by law. For the purposes of this article, a non-resident employee includes an employee, business partner, co-owner, or other person affiliated with the major home occupation who does not reside on the site, but who visits the site as part of the home occupation. This provision does not allow employee shifts, with each shift staffed by different non-resident employees even when only two ~~(2)~~ non-resident employees are at the site at any one time.

(b) The home occupation shall be conducted wholly within the structures on the premises and shall not exceed ~~thirty-three (33%) percent~~ of the total floor area of all legal structures on the premises.

(c) Inventory and supplies for the home occupation shall not occupy more than ~~fifty (50%) percent~~ of the permitted home occupation area.

(d) Although the dwelling and site must remain residential in appearance, internal or external changes may be necessary to support the home occupation, such as lighting and access control.

(e) No storage of equipment, appliances, materials, or supplies shall be permitted where visible from the exterior of the property other than that storage normally found on the premises of a residence, except for the outdoor storage of soft landscaping materials. The outdoor storage of said soft landscaping materials is permitted only if the material is not visible from the public right-of-way. The storage of said materials must also not create a nuisance to surrounding property owners.

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(f) Retail sales of goods must be entirely accessory to any services provided on the site (such as hair care products sold as an accessory to hair styling services), except for merchandise crafted on-site (e.g., crafts and artwork).

(g) Signs.

(1) No sign or advertising shall be displayed on the premises except where specifically required by law. Any required signs shall be no larger than the minimum size required by law.

(2) Residential addresses may be used in print or electronic advertising provided that it is made clear that any on all on-site services are provided and/or offered by appointment only. Business cards and letterhead are not included in this requirement and may be permitted provided that they do not draw attention or customers to the property as drop-in or unannounced visits.

(h) No display of any kind shall be visible from the exterior of the premises.

(i) Parking.

(1) Required residential parking shall be maintained and available for residential parking.

(2) Home occupations with customer access shall maintain a driveway with a minimum depth of ~~twenty~~ (20) feet from the back of sidewalk, or edge of public right-of-way if no sidewalk exists, and be made available to customers or non-resident employees during business hours.

(3) The site shall have adequate on-site parking to accommodate the anticipated additional traffic or parking demand resulting from the proposed home occupation use, which may limit the intensity of home occupation types.

(4) With the exception of approved driveways, and supplemental parking allowances per section 33-110, no parking shall be allowed in required front or side yard setbacks.

(5) All maintenance, service, or commercial vehicles, trailers or equipment shall be parked or stored entirely within a building or structure. Other vehicles that bear advertisements associated with the home occupation, which may be used for personal use, must be parked or stored entirely within a building or structure or parked in a screened area so that the vehicle is not visible from the public right-of-way.

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(j) No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with residential use or use customary to home crafts.

(k) Traffic.

(1) The home occupation shall not generate pedestrian or vehicular traffic that noticeably affects the residential character of the neighborhood.

(2) Customers. No more than eight ~~(8)~~ clients or customers shall be on the premises in any one ~~(4)~~ day.

(3) Traffic, which exceeds eight ~~(8)~~ clients, customers, normal deliveries, or combination thereof per day, shall be a prima facie evidence that the activity is a primary business and not a home occupation.

(4) Customer or client business-related visits and non-resident employee arrivals and departures shall occur between 8:~~00~~ a.m. and 8:~~00~~ p.m.

(5) Deliveries or pick-ups by normal delivery services shall occur between 8:~~00~~ a.m. and 5:~~00~~ p.m.

(l) If the major home occupation is to be conducted from rental property, the property owner's authorization for the proposed use shall be obtained prior to approval.

(m) Notwithstanding the above, all major home occupations are also subject to the general conditions listed in section 33-854.

**Sec. 33-854. General conditions.**

The following conditions are applicable to minor and major home occupations, in addition to the conditions provided for in section 33-852 for minor home occupations and section 33-853 for major home occupations.

(a) Any special condition established by the director and made of record in the home occupation ~~permit~~ **business license**, as ~~he or she~~ **they** may deem necessary to carry out the intent of this section, shall be met.

(b) Prohibited uses. The following uses are not incidental and secondary to the use of the dwelling as a residence nor are they compatible with surrounding residential uses and

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shall be prohibited as home occupations, notwithstanding the provisions of any other section of this article.

(1) Motor vehicle, trailer, boat, and heavy equipment repair or restoration (body or mechanical), upholstery, and painting;

(2) Vehicle services, including stereo and car alarm installation, and on-site vehicle detailing (washing, waxing, etc.);

(3) Vehicle on-site sales;

(4) Medical or professional clinics;

(5) Veterinary clinics;

(6) Commercial kennels and on-site pet day care facilities;

(7) Massage establishments;

(8) Tattoo and/or body art/piercing establishments;

(9) Ammunition, explosives, or fireworks sales, use, or manufacturing;

(10) Manufacture of any type of fuel(s) for use, storage, dispensing, or sales; and

(11) Other similar uses determined by the director not to be incidental or secondary to or compatible with residential activities.

(c) There shall be complete conformity with fire, building, plumbing, electrical and health codes and to all state and city laws and ordinances.

(d) The home occupation shall not create impacts on municipal or utility services or community facilities from hazardous materials and other materials introduced into the wastewater system in excess of levels usually and customarily related to residential uses.

(e) The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.

**LEGEND:**

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(f) The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not alter the residential character of the premises.

(g) The home occupation shall not unreasonably disturb the peace and quiet of the neighborhood as follows:

(1) No excessive mechanical equipment which produces vibration, smoke, dust, odors, heat, glare, or noxious fumes resulting from a home occupation or interferes with radio and television reception, shall exceed that which is normally produced in a single-family dwelling.

(2) Any noise generated by the home occupation shall be consistent with the requirements of Article 12 (Noise Abatement and Control) of Chapter 17 (Offenses) of the Escondido Municipal Code.

(3) No production, generation, or storage of any hazardous substances or materials beyond an amount that is commonly used for a single-family dwelling shall be permitted.

(h) All **business licenses for** home occupations ~~permits~~ are subject to immediate cancellation in the event that the zoning regulations applicable to the premises are amended to prohibit such use.

(i) A ~~home occupation permit~~ **business license for a home occupation** issued to one ~~(1)~~ person shall not be transferable to any other person, entity, or business, and is valid only for the property address set forth in the ~~permit~~ **license**.

**Sec. 33-855. Noncompliance.**

Any **business license for a** home occupation ~~permit~~ shall be revoked by the **business license division at the direction of the** director of ~~community development~~ upon violation of any requirements of this article, or upon failure to comply with any of the conditions or limitations of the ~~permit~~ **license**, unless such violation is corrected within three ~~(3)~~ days of the giving of written notice thereof. A ~~permit~~ **license** may be revoked for repeated violation of the requirements of this article, notwithstanding compliance with the notice.

**LEGEND:**

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**Sec. 33-856. Denial or revocation.**

In the event of denial of any **permitlicense**, or the revocation thereof, or of objection to the limitations placed thereon, appeal may be **had made to the planning commission, whose decision shall be final**pursuant to section 33-1303.

**Sec. 33-857. ~~Business license also required~~Reserved.**

**~~A home occupation permit is not a business license and the granting of a home occupation permit shall not relieve the permittee of any other requirements of this code pertaining to business licenses and license taxes.~~**

**LEGEND:**

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**ARTICLE 47. ENVIRONMENTAL QUALITY**

**Climate Action Plan consistency clean up**

**Sec. 33-924. Coordination of CEQA, quality of life standards, and growth management provisions.**

(a) Negative and mitigated negative declarations. In situations where the preparation of a negative declaration is otherwise appropriate, yet quality of life standard deficiencies are found to exist, a negative declaration may still be prepared under the following circumstances, as applicable:

(6) Greenhouse gas (GHG) emissions. In situations where a negative declaration is otherwise appropriate, the following incremental GHG emissions are generally not considered significant:

(A) Projects that do not generate more than ~~two thousand five hundred (2,500)~~ metric tons (MT) of carbon dioxide equivalent (CO<sub>2</sub>e) GHG emissions and that are consistent with the General Plan, or

(B) Projects generating more than ~~two thousand five hundred (2,500)~~ MT of CO<sub>2</sub>e that are consistent with the general plan, and that have demonstrated consistency with the Climate Action Plan (CAP) through completion of the CAP Consistency Checklist, adopted by separate resolution, or

(C) Projects generating more than ~~five hundred (500)~~ MT of CO<sub>2</sub>e that are consistent with the general plan, and that cannot demonstrate consistency with the CAP through completion of the CAP Consistency Checklist due to unique land uses or circumstances for which no measures in the checklist would apply, but that can demonstrate consistency with the CAP through comparison to a numerical GHG threshold of 2.0 MT CO<sub>2</sub>e per service population per year, or

(D) Projects that are not consistent with the general plan and will generate greater GHG emissions than the allowable uses under the existing general plan land use designation that demonstrate through a project-specific analysis quantifying GHG emissions that through mitigation and design features, the project reduces GHG emissions consistent with the CAP;

**LEGEND:**

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**ARTICLE 49. AIR SPACE CONDOMINIUM AND COMMUNITY APARTMENT PROJECTS**

**Align condominium or condominium conversions with the subdivision ordinance**

**Sec. 33-951. Condominium or condominium conversion application**

(a) Permit required for new condominium projects and conversions to condominium ownership. A condominium permit and design review shall be required for all condominiums to be constructed or for existing buildings to be converted to condominiums in the City of Escondido.

(1) Application for a condominium permit ~~in the Downtown Specific Plan, East Valley Specific Plan, and South Centre City Specific Plan~~ shall be made to the director of ~~community~~-development services, unless the action includes discretionary permits for which the planning commission or city council is the decision-making body.

~~—(2) Application for a condominium permit in any other area of the city not covered by subsection (a)(1) shall be made to the city council, through the planning division and in accordance with procedures set forth in this chapter.~~

**Sec. 33-952. Commission action.**

If required under pursuant to section 33-951 ~~(a)(2)~~, the planning commission shall review the application for a condominium permit and recommendation of the planning division. A public hearing on the application shall be held in accordance with Division 6 of Article 61 of this chapter, ~~and a~~ and a recommendation shall be forwarded to the city council if the action includes discretionary permits for which the city council is the decision-maker.

**Sec. 33-954. City council action.**

If required under pursuant to section 33-951 ~~(a)(2)~~, after the submission of a formal recommendation by the planning commission, the city council shall review the application and recommendation during a public hearing held in accordance with Division 6 of Article 61 of this chapter, and shall approve, modify or disapprove the ~~action of the planning commission~~ condominium permit.

**LEGEND:**

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**Sec. 33-964. Required notices to tenants.**

Condominium permits for the conversion of existing units are subject to all state-mandated notice requirements including:

(a) Current tenants of the apartments to be converted must be notified through mail, a minimum of ~~sixty (60)~~ days prior to the filing of the application;

(b) Written notice of the proposed conversion, has been, and will continue to be given to all subsequent tenants;

(c) Each tenant has received ~~ten (10)~~ days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate;

(d) Written notice of intent to convert has been, or will be provided to current residents for a minimum duration of ~~one hundred eighty (180)~~ days prior to terminating tenancy;

(e) Notice must be provided to each tenant a minimum of ~~ten (10)~~ days prior to any public hearing on the conversion;

(f) A copy of the staff report must be provided to each tenant a minimum of three ~~(3)~~ days prior to any scheduled public hearing involving the proposed conversion. The applicant shall pay all copying, mailing, and handling costs in an amount adopted by resolution of the city council;

(g) Notice of the ~~city council's~~ **ultimate authority's** decision must be provided to each tenant ~~ten (10)~~ days after the approval of a final map;

(h) A ~~ninety (90)~~ day notice of exclusive right to purchase from date of issuance of the subdivision public report per Section 11018.2 of the [Business and Professions Code](#).

In addition to the notice requirements listed in this section, tenants shall be given notice of preferential opportunities to purchase an alternate unit on a first-come, first-serve basis. Additionally, the notice of intent to convert may not be provided until after ~~city council~~ approval of the tentative subdivision map and condominium permit.

All notices must be personally delivered or sent via certified U.S. mail.

**LEGEND:**

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**ARTICLE 56. MISCELLANEOUS DEVELOPMENT STANDARDS**

**Modifications to barbed wire allowances**

**Sec. 33-1083. General fence and wall provisions**

(a) Materials. Fences or walls may be constructed of any suitable materials in a manner appropriate to its design.

**(1) Prohibited Materials:**

**(A) ~~Fences shall not contain electrification.~~ Electrified fencing**

**(B) In any residential zoning district, ~~B~~barbed wire, razor wire, or other similar fences with affixed sharp instruments;**

**(C) Subsection (B) above notwithstanding, ~~are specifically not permitted in any residential zoning district, except that~~ barbed wire is permitted in agricultural ~~and residential estate~~ zones on properties being used for agriculture or animal husbandry, subject to the following criteria:**

**(i) Properties must be a minimum of two acres;**

**(ii) Such fencing shall not be kept in a manner that is unsafe, abandoned or a materially dangerous condition;**

**(iii) Such fencing shall be set back from any public street or other public right-of-way a minimum of 20 feet unless it is not visible from such street or right-of-way; and**

**(iv) Such fencing shall not be placed on the rooftop of any building.**

**LEGEND:**

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**ARTICLE 57. MISCELLANEOUS USE RESTRICTIONS**

**Clarifying what Entitlement (if any) is required for Schools**

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

~~Conditional use permits~~ For nursery, primary and secondary education (except small and family day care homes), **permits as required by the underlying zoning designation**, may be granted by the **director**, zoning administrator or planning commission upon consideration of the following criteria:

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

(b) The ~~conditional~~ use ~~permit~~ shall be conditioned upon there being off-street parking in conformance with Article 39 of this chapter.

**LEGEND:**

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**ARTICLE 61. AMENDMENTS AND ZONE CHANGES**

**Incorporation of general plan amendment initiation**

**Sec. 33-1261. Application, initiation and fee.**

**(a)** An application for a zoning amendment may be initiated by the city or by the owner of property subject to the amendment. Applications shall be on city forms and accompanied by the applicable fee.

**(b)** **An application for a general plan amendment/specific plan amendment may be initiated by the city or by the owner of property subject to the amendment. Applications initiated by the owner of the property subject to the amendment require initiation authorization by the city council. Applications shall be on city forms and accompanied by the applicable fees.**

**Plot plan expiration**

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

Unless otherwise specified in the action approving a plot plan, said approval shall become automatically null and void unless the project authorized by the plot plan approval has been substantially implemented within ~~twelve (1224)~~ months from the approval date. The abandonment or non-use of a plot plan approval for a period of ~~twelve (1224)~~ months shall also result in such approval becoming automatically null and void. The director shall have authority to grant extensions to the deadlines in this section. Once any portion of a plot plan is utilized, the other conditions thereof become immediately operative and must be strictly complied with.

**LEGEND:**

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**ARTICLE 63. TRANSIENT LODGING FACILITIES**

**Hotel conversion update: permit type, unit count and parking.**

**Sec. 33-1348. Hotel conversions.**

(e) Development Standards and Land Use Regulations. Development regulations shall be those of the base district in any zoning district in which an existing hotel or motel is located to ensure that hotel conversions may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area. Exceptions to the development standards and land use regulations of any zoning district as enumerated in this subsection shall be provided to incentivize the reuse of hotel, motels, and other transient lodgings for group home or quarters, SRO units, multifamily housing, or combination thereof. When there are General Plan, Zoning Map, or specific plan amendments contemplated or under study as part of the hotel conversion request, the city may apply additional terms, limitations, or conditions to the application request so that the use more closely aligns with applicable, objective General Plan and zoning standards.

(1) Minimum Lot Size. There shall be no applicable minimum lot width, depth, or total lot size for hotel and motel conversions.

(2) Residential Density. The resulting number of residential units after the conversion shall be no greater than the number of guest rooms in the existing hotel or motel **unless otherwise described below.**

**(A) For 100% SRO conversions, a request to increase the number of residential units up to 15% of the number of permitted guest rooms in the existing hotel or motel may be considered by the planning commission upon submittal of a conditional use permit pursuant to Article 61, Division 1, with the application fee adopted by city council.**

(11) Parking. The number of off-street parking spaces required in connection with any particular land use shall be not less than the amount set forth ~~by Article 39 of the Zoning Code unless modified herein~~ **below.**

~~(A) The number of off-street parking spaces required in connection with any particular land use shall be not less than the amount set forth by Article 39 of the Zoning Code unless modified herein.~~

~~(i)(A)~~ **(A)** Market rate SRO/**Multi-family** units shall provide a minimum of one ~~(1)~~ parking space per unit.

**LEGEND:**

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~~(ii)~~**(B)** The parking required for restricted group homes or quarters, SRO units, or multifamily dwelling units to be sold or rented to lower income households or target populations shall not exceed 0.5 parking spaces per unit.

~~(iii)~~**(C)** If utilized for supportive housing development, consistent with Supportive Housing Law ([Government Code](#) sections 65650 – 65656), if the supportive housing is located within one-half (1/2) mile of a public transit stop, no minimum parking requirements shall be applied for the units occupied by supportive housing residents, pursuant to [Government Code](#) section 65654.

~~(B)~~**(D)** Guest Parking Requirements.

(i) Market rate SRO units shall provide one ~~(1)~~ guest parking space for every eight ~~(8)~~ SRO units (0.125 guest parking spaced per unit).

(ii) The requirement to provide guest parking is waived for restricted, lower-income affordable dwelling units. Restricted SRO units or multifamily units with more than **thirty** ~~(30)~~ converted guest rooms shall not be eligible for this waiver provision for the portion of units that exceeds ~~thirty (30)~~ units; and shall provide one ~~(1)~~ guest parking space for every eight ~~(8)~~ SRO units (0.125 guest parking spaces per SRO unit), with a minimum of one ~~(1)~~ guest parking space per project and a maximum of ~~fifteen (15)~~ stalls for guest parking.

(C) With the exception of projects that allow only senior residents, projects that have less than one ~~(1)~~ automobile parking space per unit shall provide one ~~(1)~~ easily accessible space for storing and locking a bicycle per unit. For projects that provide one ~~(1)~~ or more parking spaces per unit, at least one ~~(1)~~ bicycle storage space for every three ~~(3)~~ units shall be provided.

**LEGEND:**

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**ARTICLE 64. DESIGN REVIEW**

**Align condominium or condominium conversions with the subdivision ordinance**

**Sec. 33-1354. Jurisdiction.**

The following commercial, industrial, multifamily residential, and other projects shall be subject to design review by the planning commission, unless otherwise noted:

(a) Planned development projects, condominium permits **requiring a tentative subdivision map**, and all projects (besides single-family projects) requiring discretionary approval by the planning commission and involving new construction;

(b) Proposed development standards or design guidelines for specific plans and overlay districts;

(c) Proposed signs as specified pursuant to Article 66, Sign Ordinance;

(d) City-initiated projects that involve public facilities, including, but not limited to, libraries, major park structures, police stations, or fire stations, or major architectural or site modifications to existing public facilities.

**LEGEND:**

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**ARTICLE 66. SIGN ORDINANCE**

**Reference Correction**

**Sec. 33-1395. Sign standards—General.**

All permanent freestanding signs shall not obstruct the vehicle sight distance area at the intersections and driveways to the satisfaction of the engineering department. Freestanding signs shall not be placed within easements or over utility lines, except with the prior written approval of all easement holders. Any site plans submitted in conjunction with a sign permit application for a freestanding sign shall identify the location of easements or public or private utilities within ~~fifty (50)~~ feet of the proposed sign location. On sites where the existing street is not constructed to the full designated width, signs shall be located behind the ultimate property line unless otherwise approved by the planning division and the engineering department with an agreement for future removal or relocation. In addition, all permanent freestanding signs shall incorporate the numerical address, or range of addresses, of the parcel or commercial center at which the sign is located. The area of the address shall not be counted in the area of the signs. All illuminated signs shall be equipped with automatic timing devices so that the lighting is turned off between the hours of 11:~~00~~ p.m. and sunrise, unless exempt pursuant to Article ~~25~~ 35, Outdoor Lighting.

**LEGEND:**

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**ARTICLE 67. DENSITY BONUS AND RESIDENTIAL INCENTIVES**

**Consistency clean up items for state law compliance**

**Sec. 33-1413. Stand incentives for new residential construction**

Sec. 33-1413. Standard incentives for new residential construction.

(b) Density bonus. When a developer seeks and agrees to construct a housing development meeting the criteria specified in subsection (a) of this section, the decision-making body shall grant a density bonus subject to the following:

(1) The amount of density bonus to which a housing development is entitled shall vary. The density bonus may be increased according to the percentage of affordable housing units provided above the minimum percentages established in subsection (a) of this section, but shall not exceed ~~thirty-five (3550%) percent~~, except in accordance with subsection (~~dc~~) of this section or as otherwise authorized by State Density Bonus Law.

(c) Density bonus in excess of 3550%. In cases where a developer requests a density bonus in excess of that which is specified in this section, the city council may grant, at its discretion, the requested density bonus, subject to the following:

(1) The project meets the requirements of this article and State Density Bonus Law.

(2) The requested density increase, if granted, is an additional density bonus and shall be considered an incentive.

(3) The city council may require some portion of the additional density bonus units to be designated as target units, at its discretion.

(d) Granting a lower density bonus. A qualified developer for a density bonus and/or additional incentives and concessions pursuant to subsection (a) of this section may request and accept a lesser density bonus, including no increase in density, and shall still be entitled to those additional concessions or incentives as specified in 33-1415. No reduction will be allowed in the number of target units required.

**LEGEND:**

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**ARTICLE 70. ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

**Removal of accessory dwelling unit permit for single family residential only**

**Sec. 33-1471. Reserved**

Sec. 33-1471. ~~Reserved~~ Permitted zones.

Accessory dwelling units and junior accessory dwelling units shall be permitted in areas zoned to allow single-family or multifamily dwelling residential uses, subject to ~~the approval of an accessory dwelling unit permit~~ Sec. 33-1472 of this Article.

**Sec. 33-1472. ~~Permitted zones~~ Permit required.**

~~—Accessory dwelling units and junior accessory dwelling units shall be permitted in areas zoned to allow single-family or multifamily dwelling residential use, subject to the approval of an accessory dwelling unit permit.~~

(a) Accessory dwelling units on properties with legally established multifamily residential dwellings are subject to the approval of an accessory dwelling unit permit.

(b) Accessory dwelling units and junior accessory dwelling units on properties with legally-established single-family residential dwellings are subject to the approval of a building permit, unless additional requirements apply as described under Sec. 33-1475, Other Regulations.

**Modification to allowable conversion space of habitable structures**

**Sec. 33-1473. Occupancy limitations.**

(a) Allowed use.

(3) Number of accessory dwelling units on legal lots with existing multifamily dwelling units:

(A) Shall be permitted to construct at least one accessory dwelling unit within portions of existing multifamily dwelling structures that are existing non-habitable space, and shall allow up to ~~twenty-five (25%) percent~~ of the units in each existing multifamily dwelling structure, in accordance with [Government Code](#) section 65852.2(e).

**LEGEND:**

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**Existing detached accessory structures cannot be attached to a multi-family dwelling structure for the purposes of creating an accessory dwelling unit; ~~or and~~**

(B) Not more than two **(2)** accessory dwelling units are permitted that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling.

(C) For purposes of this article, “multifamily dwelling structure” or “multifamily dwelling” is defined as a structure with two **(2)** or more attached dwellings on a single lot.

**Sec. 33-1477. Application and procedure.**

The director shall approve or disapprove an application for an accessory dwelling unit ~~or junior accessory dwelling unit~~, ministerially, within ~~sixty (60)~~ days after receiving a complete application. ~~if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the director may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the director acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing.~~ If the applicant requests a delay, the ~~sixty (60)~~ day time period shall be tolled for the period of the delay. **Only accessory dwelling units associated with existing multi-family dwelling units shall be required to obtain an accessory dwelling unit permit.**

**LEGEND:**

**Bold Text** – Headers (no text change unless denoted as below)

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**ARTICLE 73. TEMPORARY USES, OUTDOOR DISPLAY AND SALE OF RETAIL MERCHANDISE**

**Application of Article 35 on Temporary Use Permit Events**

**Sec. 33-1534. Development standards.**

(9) All exterior lighting utilized in conjunction with outdoor displays, **or temporary events approved with a temporary use permit**, shall conform to the requirements of Article 35, Outdoor Lighting.

ATTACHMENT 2

Planning Commission  
Hearing Date: January 10, 2023

Effective Date: January 11, 2023

PLANNING COMMISSION RESOLUTION NO. 2023-01

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ESCONDIDO, CALIFORNIA,  
RECOMMENDING APPROVAL TO AMEND VARIOUS  
ARTICLES OF THE ESCONDIDO ZONING CODE

APPLICANT: City of Escondido

CASE NO: PL22-0645

WHEREAS, the City of Escondido Planning Division has conducted an annual review of the Escondido Zoning Code to determine if any revisions are necessary to reflect State mandated changes; to correct errors or inconsistencies; and to address land use considerations that may previously been overlooked; and

WHEREAS, Planning Division staff identified the need to amend Articles 1 (General Provisions and Definitions), 6 (Residential Zones), 16 (Commercial Zones), 22 (Heliport Overlay Zone), 26 (Industrial Zones), 27 (Emergency Shelter Overlay), 39 (Off-Street Parking), 44 (Home Occupations), 47 (Environmental Quality), 49 (Air Space Condominium and Community Apartment Projects), 56 (Miscellaneous Development Standards), 57 (Miscellaneous Use Restrictions ), 61 (Administration and Enforcement), 63 (Transient Lodging Facilities), 64 (Design Review), 66 (Sign Ordinance), 67 (Density Bonus and Residential Incentives), 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and 73 (Temporary Use, Outdoor Display and Sale of Retail Merchandise) of the Escondido Zoning Code; and

WHEREAS, pursuant to CEQA and the CEQA Guidelines (Title 14 of California Code of Regulations, Section 15000 et. seq.), the City is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

WHEREAS, City staff provided publishing of public notice of the application in accordance with City and State public noticing requirements; and

WHEREAS, on December 13, 2022, the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission continued the item to a date certain of January 10, 2023; and

WHEREAS, on January 10, 2023, the Planning Commission held a duly noticed public hearing as prescribed by law received and considered the recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony regarding the Project. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Oral testimony from City staff, interested parties, and the public;
- b. The staff report, dated January 10, 2023, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

WHEREAS, the public hearing before the Planning Commission was conducted in all respects as required by the Escondido Municipal Code and the rules of this Planning Commission.

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

1. The above recitations are true and correct.

2. The proposed Zoning Code Amendments are statutorily or categorically exempt from further review pursuant to various sections of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, as further described in the staff report. The proposed Zoning Code Amendments would not, in and of themselves, result in development or any other material change to the environment. Projects seeking to implement the amended provisions would be subject to separate review under the California Environmental Quality Act (CEQA).

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

4. The Planning Commission, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Diego in accordance with the CEQA Guidelines.

PASSED, ADOPTED, AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 10<sup>th</sup> day of January, 2023, by the following vote, to wit:

AYES:                    COMMISSIONERS:  
NOES:                    COMMISSIONERS:  
ABSTAINED:        COMMISSIONERS:  
ABSENT:                COMMISSIONERS:

\_\_\_\_\_  
KATHARINE BARBA, Chair  
Escondido Planning Commission

ATTEST:

\_\_\_\_\_  
ADAM FINESTONE, Secretary of the  
Escondido Planning Commission

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

\_\_\_\_\_  
Annie Ward, Minutes Clerk  
Escondido Planning Commission

## EXHIBIT "A"

### PLANNING CASE NO. PL22-0645

#### FACTORS TO BE CONSIDERED / FINDINGS OF FACT

##### Zoning Code Amendment Determinations:

1. That the public health, safety and welfare will not be adversely affected by the proposed change in that:
  - a. the proposed batch of Zoning Code amendments correct internal inconsistencies, improve readability, update references to other code sections or regulatory documents, codify prior interpretations, and make the Code consistent with changing state or federal regulations. The proposed batch of Zoning Code amendments are consistent with the objectives, policies, general land uses, and programs within the General Plan as they further Goal 2, Policy 2.1 of the Land Use and Community Form chapter because, among other things, they address changes in state laws; correct errors; improve existing regulations to eliminate uncertainty for staff, customers, and the public; and are not intended to be a comprehensive update to the local code or change land use densities or intensities, and;
  - b. over the years, staff and members of the public have found certain sections of the Escondido Zoning Code are sometimes vague, unclear, or conflicting, which results in confusion and potential disagreement in Code interpretation. It is important that the City of Escondido review policies and procedures on an on-going basis to ensure our resident-focused government through transparent services and positive organizational culture. These Zoning Code amendments are the result of such review.
2. That the property involved is suitable for the uses permitted by the proposed Zoning Code amendments in that:
  - a. there is not a project-specific site proposed for the Project. The proposed Zoning Code amendments would go into effect Citywide and would affect all properties subject to the Escondido Municipal Code and their respective land use designation and zoning district, as is appropriate for the Zoning Code amendments, and;
  - b. the proposed Zoning Code amendments would not be detrimental to surrounding properties in that the Zoning Code amendments which affect uses, such as those in Articles 16 (Commercial Zones), 26 (Industrial

Zones), and 63 (Transient Lodging Facilities) have been reviewed under prior ordinances adopted by the City of Escondido and reviewed for their consistency with existing uses (i.e., Articles 16 and 63) and/or are permitted within less intensive land use designations and found to have no adverse impacts within those land use categories; therefore, allowance of their use within a more intensive land use designation and zoning districts would have no adverse impacts (i.e., Article 26).

3. That the uses permitted by the proposed Zoning Code amendments would not be detrimental to surrounding properties in that the Zoning Code amendments which affect uses, such as those in Articles 16 (Commercial Zones), 26 (Industrial Zones), and 63 (Transient Lodging Facilities) have been reviewed under prior ordinances adopted by the City of Escondido and reviewed for their consistency with existing uses (i.e., Articles 16 and 63) and/or are permitted within less intensive land use designations and found to have no adverse impacts within those land use categories; therefore, allowance of their use within a more intensive land use designation and zoning districts would have no adverse impacts (i.e., Article 26);
4. That the proposed Zoning Code amendments are consistent with the adopted general plan in that:
  - a. the Land Use and Community Form chapter states “Escondido’s growth and development patterns are to be managed in a way that does not overwhelm or reduce the quality of community services, safety and protection provided by the city.” The proposed Zoning Code amendments are consistent with this statement and will not adversely impact the public health, safety and welfare because those related to Article 1 (General Provisions and Definitions), Article 6 (Residential Zones), Article 16 (Commercial Zones), Article 22 (Heliport Overlay Zone), Article 26 (Industrial Zones), Article 27 (Emergency Shelter Overlay), Article 39 (Off-Street Parking), Article 44 (Home Occupations), Article 47 (Environmental Quality), 49 (Air Space Condominium and Community Apartment Projects), Article 56 (Miscellaneous Development Standards), 57 (Miscellaneous Use Restrictions), Article 61 (Administration and Enforcement), Article 63 (Transient Lodging Facilities), Article 64 (Design Review), Article 66 (Sign Ordinance), Article 67 (Density Bonus and Residential Incentives), Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and Article 73 (Temporary Use, Outdoor Display and Sale of Retail Merchandise) are nominal in nature and/or are a requirement of state law, and;
  - b. the proposed Zoning Code amendments correct internal inconsistencies, improve readability, update references to other code sections or regulatory documents, codify prior interpretations, and make the Code consistent with changing state or federal regulations. The proposed Zoning Code

amendments are consistent with the objectives, policies, general land uses, and programs within the General Plan as they further Goal 2, Policy 2.1 of the Land Use and Community Form chapter because, among other things, they address changes in state laws; correct errors; improve existing regulations to eliminate uncertainty for staff, customers, and the public; and are not intended to be a comprehensive update to the local code or change land use densities or intensities.

5. That the relationship of the proposed Zoning Code amendments is applicable to specific plans in that the proposed Project would not conflict with any specific plan as the proposed Zoning Code amendments are consistent with the objectives, policies, general land uses, and programs within the General Plan as they further Goal 2, Policy 2.1 of the Land Use and Community Form chapter because, among other things, they address changes in state laws; correct errors; improve existing regulations to eliminate uncertainty for staff, customers, and the public; and are not intended to be a comprehensive update to the local code or change land use densities or intensities.

# Omnibus 2022

## **ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS**

### **Definitions for Adjacent and Abutting, Restaurant, Off-Street Parking**

#### **Sec. 33-8. Definitions.**

Abutting- a structure, lot, or parcel of land having a common boundary with another structure, lot, or parcel of land including a structure, lot, or parcel of land which have no common boundary other than a common corner.

Adjacent- a structure, lot, or parcel of land that is close or contiguous to another structure, lot, or parcel of land.

*Director* means the director of development services.

Restaurant- See *Restaurant*, Sec. 14-1.1 of Chapter 14

Off-Street Parking: A site, or portion of a site, devoted to the parking of motor vehicles outside of the public right-of-way, including parking spaces, aisles, and access drives.

## **ARTICLE 6. RESIDENTIAL ZONES**

### **Size of Accessory Structures/Buildings to Primary**

#### **Sec. 33-103. Accessory buildings and building requirements.**

(a) Accessory buildings located within a required side or rear yard setback area for the primary structure shall be limited to one story and 16 feet in height.

(b) Accessory buildings are subject to the property development standards as set forth in section 33-107, building requirements, generally.

(1) In addition to the restrictions of section 33-107, a guest house or accessory dwelling unit shall not have a total floor area that exceeds 50% of the existing living area of the main building, unless otherwise permitted pursuant to Article 70.

(2) A guest house may be attached to an accessory dwelling unit provided that the overall combined floor area of the combined building or structure does not exceed 75% of the main unit.

(3) In addition to the restrictions of sections 33-102 and 33-107, any attached or detached accessory structure/building shall not exceed 49% of the existing/proposed habitable space area of the main building, unless otherwise permitted pursuant to Article 70.

(c) The minimum distance between the residence (or main building) and a detached accessory building shall be 10 feet. If the residence (or main building) and detached accessory building are both one story in height, then the minimum separation requirement may be reduced to five feet. A minimum of five feet is maintained for clear access between the detached accessory building and any other building or structure.

(d) Nothing in this section or in section 33-107 shall be construed to limit the development of an accessory dwelling unit in the location and manner as specified by Article 70.

**ARTICLE 16. COMMERCIAL ZONES**

**Addition of SRO use in Commercial Zones**

**Sec. 33-332. Principal land uses.**

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

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

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

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

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

**Table 33-332**

**PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES**

*Note: The following use category to be added.*

Use Title	CG	CN	CP
<b>Residential and Lodging</b>			
Single-Room Occupancy Units (Article 63)	P <sup>1</sup>		

1 Single-Room Occupancy (SROs) Units shall only be permitted as a result of conversion from existing hotel/motel uses in the CG zone subject to Article 63, section 33-1348.

P = Permitted use.

**ARTICLE 22. HELIPORT OVERLAY (H-O) ZONE**

**Removal of the Heliport Overlay Zone as it is no longer applicable**

Article 22. RESERVED

**ARTICLE 26. INDUSTRIAL ZONES**

**Addition of Broadcasting and Recording Studios in select Industrial Zones**

**Sec. 33-564. Land uses.**

*Note: The following use category to be added*

**Table 33-564**

**PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES**

<b>Use Title</b>	<b>I-O</b>	<b>M-1</b>	<b>M-2</b>	<b>I-P</b>
Broadcasting (radio and/or television), recording, and/or sound studios <sup>3</sup>	P	P	P	P

Notes:

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

\*\* = Retail or support service components greater than the maximum 15% floor area/sales allowed by section 33-565 (Accessory uses and structures) is allowed only in M-1 and M-2 zones, subject to conditions in section 33-566—Specialized retail uses.

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

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

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

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

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

3 = Includes instruction. Pursuant to Chapter 17, Article 12 (noise abatement and control)

P = Permitted use.

C = Conditionally permitted use subject to issuance of a conditional use permit; either major (C) or minor (C#) (pursuant to Article 61, Division 1 of this chapter).

**ARTICLE 27. EMERGENCY SHELTER OVERLAY**  
**Clarify Emergency Shelter Parking Requirements**

**Sec. 33-595. Development standards.**

(d) Off-street parking shall comply with Article 39, Off-Street Parking. Non-operational and non-registered vehicles shall not be kept on the site.

## **ARTICLE 39. OFF-STREET PARKING**

### **Streamlining nonresidential parking adjustments**

#### **Sec. 33-764. Adjustments to nonresidential parking.**

- (a) Administrative Adjustment. For uses in nonresidential zones, adjustments up to 25% of the number of parking spaces required by section 33-765 may be considered by the director upon the submittal of an application for an administrative adjustment, with the application fee adopted by city council. The director may approve or conditionally approve the request upon demonstration that the proposed adjustment will be compatible with adjacent properties or improvements. The director will consider the following: proximity to public transit; on-street and/or overflow parking; and the range of uses in the area. The director shall give notice of his or her intended decision as outlined in Article 61 of this chapter. Multiple requests for reductions of required parking spaces may be considered when the total of all requests for reductions related to the subject property does not exceed 25% of the overall number of parking spaces required for the entire property.
1. When an adjustment to the number of parking spaces required for uses in a nonresidential zone is made in conjunction with a conditional use permit, the decision-making body for said conditional use permit shall be authorized to act on the parking adjustment as part of the action on the conditional use permit. No separate administrative adjustment shall be required.

**Removal of ADU parking requirement consistent with Article 70 and removal of redundancy emergency shelter use parking standard**

**Sec. 33-765. Parking spaces required.**

*Note: The following use category to be modified: Accessory dwelling units.  
The following use category to be removed: Emergency Shelters*

Use	Parking Spaces Required
<b>Residential</b>	
Accessory dwelling units	None.
Hotel Conversions	Subject to Article 63, Sec. 33-1348(e)(11)

## **ARTICLE 44. HOME OCCUPATIONS**

### **Home Occupation Permit Requirement**

#### **Sec. 33-850. License required.**

A legally established dwelling unit shall not be used for business purposes unless a business license has first been issued by the business license division. A cottage food operation, as defined in the California Homemade Food Act, shall obtain a business license. A Microenterprise Home Kitchen Operation (MEHKO), as defined by the County of San Diego Department of Environmental Health and Quality, shall obtain a business license. A business license for a home occupation shall not relieve the permittee of any other requirements of this code or other applicable law pertaining to licenses and license taxes.

#### **Sec. 33-851. Procedure.**

The director may, upon application, authorize the issuance of a business license for a home occupation. Said license shall state the home occupation permitted, the conditions attached, and any time limitations thereon. The license shall not be issued unless the director is satisfied that the applicant will comply with all the conditions listed in sections 33-852 to 33-854 of this article as applicable.

#### **Sec. 33-852. Minor Home Occupations.**

A business license is required for any business operated in a dwelling unit or accessory building which has little to no external indication of commercial activity and which is not a major home occupation, as authorized by section 33-853. Each and every one of the following conditions must be observed at all times by the holder of the business license.

(a) Employees. Employees or assistants who are not occupants of the dwelling shall not be employed on the premises, except where specifically permitted by law.

(b) The home occupation shall be conducted wholly within the structures on the premises and shall not exceed 25% of the total floor area of all legal structures on the premises.

(c) Inventory and supplies for the home occupation shall not occupy more than 50% of the permitted home occupation area.

(d) No structural alterations to the interior of the dwelling are permitted for the occupation if they would make it difficult to return the dwelling to exclusive residential use. External changes, which make the dwelling appear less residential in nature or function are prohibited.

(e) No storage of equipment, appliances, materials, or supplies shall be permitted where visible from the exterior of the property other than that storage normally found on the premises of a residence.

(f) No customer services or sales of goods, wares or merchandise shall be made on the premises, except where specifically permitted by law.

(g) Signs.

(1) No sign or advertising shall be displayed on the premises except where specifically required by law. Any required signs shall be no larger than the minimum size required by law.

(2) Residential addresses shall not be used in any advertising (i.e., newspaper advertisements, bulletin boards, paid electronic advertisements, and the like) unless otherwise required by law. Business cards and letterhead are not included in this requirement and may be permitted provided that they do not draw attention or customers to the property.

(h) No display of any kind shall be visible from the exterior of the premises.

(i) Parking.

(1) Required residential parking shall be maintained and available for residential parking.

(2) All maintenance, service, or commercial vehicles, trailers or equipment shall be parked or stored entirely within a building or structure. Other vehicles that bear advertisements associated with the home occupation, which may be used for personal use, must be parked or stored entirely within a building or structure or parked in a screened area so that the vehicle is not visible from the public right-of-way.

(3) No more than one business vehicle and one trailer are allowed for each resident involved in the home occupation.

(j) No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with residential use or use customary to home crafts.

(k) On-site manufacturing is prohibited as a home occupation, with the exception of custom and visual art crafts (e.g., jewelry, art, ceramics, etc.), custom sewing and fabric crafts, and light wood working.

(l) Traffic.

(1) The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.

(2) Customers. On-site customers are prohibited except as permitted for MEHKOs pursuant to California Health and Safety Code section 113825(a)(3).

(3) Deliveries or pick-ups by normal delivery services shall occur between 8 a.m. and 5 p.m. No more than two deliveries per day except as permitted for MEHKOs pursuant to California Health and Safety Code section 113825(a)(9).

(m) Cottage food operations. The following conditions shall apply to a minor home occupation for a cottage food operation (CFO).

(1) No more than one CFO is permissible per legally established dwelling unit.

(2) No more than one part-time non-resident CFO employee is allowed on the premises at a time.

(3) On-premises customers and non-resident employee(s) of a CFO are limited to 8 a.m. to 5 p.m., 40 hours per week maximum. The required residential parking for the dwelling unit shall not be used by the CFO customers and employee(s).

(4) A CFO shall comply with all other limitations of the California Homemade Food Act, which may be amended over time.

(n) Notwithstanding the above, all minor home occupations are also subject to the general conditions listed in section 33-854.

(o) Microenterprise Home Kitchen Operations (MEHKO) shall be subject to Chapter 5 of the San Diego County Code of Regulatory Ordinances, which may be amended over time.

#### Sec. 33-853. Major home occupations.

A business license is required for any business operated in a dwelling unit or accessory building which may have or has external indication of commercial activity, but remains a home occupation and not a primary use of the property. Each and every one of the following conditions must be observed at all times by the holder of the business license.

(a) Employees. Only members of the family or household residing on the premises, and no more than two non-residents who commute to the home to work, may be continuously employed at any one time on the site, except where specifically permitted by law. For the purposes of this article, a non-resident employee includes an employee,

business partner, co-owner, or other person affiliated with the major home occupation who does not reside on the site, but who visits the site as part of the home occupation. This provision does not allow employee shifts, with each shift staffed by different non-resident employees even when only two non-resident employees are at the site at any one time.

(b) The home occupation shall be conducted wholly within the structures on the premises and shall not exceed 33% of the total floor area of all legal structures on the premises.

(c) Inventory and supplies for the home occupation shall not occupy more than 50% of the permitted home occupation area.

(d) Although the dwelling and site must remain residential in appearance, internal or external changes may be necessary to support the home occupation, such as lighting and access control.

(e) No storage of equipment, appliances, materials, or supplies shall be permitted where visible from the exterior of the property other than that storage normally found on the premises of a residence, except for the outdoor storage of soft landscaping materials. The outdoor storage of said soft landscaping materials is permitted only if the material is not visible from the public right-of-way. The storage of said materials must also not create a nuisance to surrounding property owners.

(f) Retail sales of goods must be entirely accessory to any services provided on the site (such as hair care products sold as an accessory to hair styling services), except for merchandise crafted on-site (e.g., crafts and artwork).

(g) Signs.

(1) No sign or advertising shall be displayed on the premises except where specifically required by law. Any required signs shall be no larger than the minimum size required by law.

(2) Residential addresses may be used in print or electronic advertising provided that it is made clear that any on all on-site services are provided and/or offered by appointment only. Business cards and letterhead are not included in this requirement and may be permitted provided that they do not draw attention or customers to the property as drop-in or unannounced visits.

(h) No display of any kind shall be visible from the exterior of the premises.

(i) Parking.

(1) Required residential parking shall be maintained and available for residential parking.

(2) Home occupations with customer access shall maintain a driveway with a minimum depth of 20 feet from the back of sidewalk, or edge of public right-of-way if no sidewalk exists, and be made available to customers or non-resident employees during business hours.

(3) The site shall have adequate on-site parking to accommodate the anticipated additional traffic or parking demand resulting from the proposed home occupation use, which may limit the intensity of home occupation types.

(4) With the exception of approved driveways, and supplemental parking allowances per section 33-110, no parking shall be allowed in required front or side yard setbacks.

(5) All maintenance, service, or commercial vehicles, trailers or equipment shall be parked or stored entirely within a building or structure. Other vehicles that bear advertisements associated with the home occupation, which may be used for personal use, must be parked or stored entirely within a building or structure or parked in a screened area so that the vehicle is not visible from the public right-of-way.

(j) No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with residential use or use customary to home crafts.

(k) Traffic.

(1) The home occupation shall not generate pedestrian or vehicular traffic that noticeably affects the residential character of the neighborhood.

(2) Customers. No more than eight clients or customers shall be on the premises in any one day.

(3) Traffic, which exceeds eight clients, customers, normal deliveries, or combination thereof per day, shall be a prima facie evidence that the activity is a primary business and not a home occupation.

(4) Customer or client business-related visits and non-resident employee arrivals and departures shall occur between 8 a.m. and 8 p.m.

(5) Deliveries or pick-ups by normal delivery services shall occur between 8 a.m. and 5 p.m.

(l) If the major home occupation is to be conducted from rental property, the property owner's authorization for the proposed use shall be obtained prior to approval.

(m) Notwithstanding the above, all major home occupations are also subject to the general conditions listed in section 33-854.

**Sec. 33-854. General conditions.**

The following conditions are applicable to minor and major home occupations, in addition to the conditions provided for in section 33-852 for minor home occupations and section 33-853 for major home occupations.

(a) Any special condition established by the director and made of record in the home occupation business license, as they may deem necessary to carry out the intent of this section, shall be met.

(b) Prohibited uses. The following uses are not incidental and secondary to the use of the dwelling as a residence nor are they compatible with surrounding residential uses and shall be prohibited as home occupations, notwithstanding the provisions of any other section of this article.

(1) Motor vehicle, trailer, boat, and heavy equipment repair or restoration (body or mechanical), upholstery, and painting;

(2) Vehicle services, including stereo and car alarm installation, and on-site vehicle detailing (washing, waxing, etc.);

(3) Vehicle on-site sales;

(4) Medical or professional clinics;

(5) Veterinary clinics;

(6) Commercial kennels and on-site pet day care facilities;

(7) Massage establishments;

(8) Tattoo and/or body art/piercing establishments;

(9) Ammunition, explosives, or fireworks sales, use, or manufacturing;

(10) Manufacture of any type of fuel(s) for use, storage, dispensing, or sales; and

(11) Other similar uses determined by the director not to be incidental or secondary to or compatible with residential activities.

(c) There shall be complete conformity with fire, building, plumbing, electrical and health codes and to all state and city laws and ordinances.

(d) The home occupation shall not create impacts on municipal or utility services or community facilities from hazardous materials and other materials introduced into the wastewater system in excess of levels usually and customarily related to residential uses.

(e) The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.

(f) The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not alter the residential character of the premises.

(g) The home occupation shall not unreasonably disturb the peace and quiet of the neighborhood as follows:

(1) No excessive mechanical equipment which produces vibration, smoke, dust, odors, heat, glare, or noxious fumes resulting from a home occupation or interferes with radio and television reception, shall exceed that which is normally produced in a single-family dwelling.

(2) Any noise generated by the home occupation shall be consistent with the requirements of Article 12 (Noise Abatement and Control) of Chapter 17 (Offenses) of the Escondido Municipal Code.

(3) No production, generation, or storage of any hazardous substances or materials beyond an amount that is commonly used for a single-family dwelling shall be permitted.

(h) All business licenses for home occupations are subject to immediate cancellation in the event that the zoning regulations applicable to the premises are amended to prohibit such use.

(i) A business license for a home occupation issued to one person shall not be transferable to any other person, entity, or business, and is valid only for the property address set forth in the license.

**Sec. 33-855. Noncompliance.**

Any business license for a home occupation shall be revoked by the business license division at the direction of the director of upon violation of any requirements of this article, or upon failure to comply with any of the conditions or limitations of the license, unless such violation is corrected within three days of the giving of written notice thereof. A license may be revoked for repeated violation of the requirements of this article, notwithstanding compliance with the notice.

**Sec. 33-856. Denial or revocation.**

In the event of denial of any license, or the revocation thereof, or of objection to the limitations placed thereon, appeal may be made pursuant to section 33-1303.

**Sec. 33-857. Reserved.**

## **ARTICLE 47. ENVIRONMENTAL QUALITY**

### **Climate Action Plan consistency clean up**

#### **Sec. 33-924. Coordination of CEQA, quality of life standards, and growth management provisions.**

(a) Negative and mitigated negative declarations. In situations where the preparation of a negative declaration is otherwise appropriate, yet quality of life standard deficiencies are found to exist, a negative declaration may still be prepared under the following circumstances, as applicable:

(6) Greenhouse gas (GHG) emissions. In situations where a negative declaration is otherwise appropriate, the following incremental GHG emissions are generally not considered significant:

(A) Projects that do not generate more than 500 metric tons (MT) of carbon dioxide equivalent (CO<sub>2</sub>e) GHG emissions and that are consistent with the General Plan, or

(B) Projects generating more than 500 MT of CO<sub>2</sub>e that are consistent with the general plan, and that have demonstrated consistency with the Climate Action Plan (CAP) through completion of the CAP Consistency Checklist, adopted by separate resolution, or

(C) Projects generating more than 500 MT of CO<sub>2</sub>e that are consistent with the general plan, and that cannot demonstrate consistency with the CAP through completion of the CAP Consistency Checklist due to unique land uses or circumstances for which no measures in the checklist would apply, but that can demonstrate consistency with the CAP through comparison to a numerical GHG threshold of 2.0 MT CO<sub>2</sub>e per service population per year, or

(D) Projects that are not consistent with the general plan and will generate greater GHG emissions than the allowable uses under the existing general plan land use designation that demonstrate through a project-specific analysis quantifying GHG emissions that through mitigation and design features, the project reduces GHG emissions consistent with the CAP;

## **ARTICLE 49. AIR SPACE CONDOMINIUM AND COMMUNITY APARTMENT PROJECTS**

### **Align condominium or condominium conversions with the subdivision ordinance**

#### **Sec. 33-951. Condominium or condominium conversion application**

(a) Permit required for new condominium projects and conversions to condominium ownership. A condominium permit and design review shall be required for all condominiums to be constructed or for existing buildings to be converted to condominiums in the City of Escondido.

(1) Application for a condominium permit shall be made to the director of development services, unless the action includes discretionary permits for which the planning commission or city council is the decision-making body.

#### **Sec. 33-952. Commission action.**

If required pursuant to section 33-951, the planning commission shall review the application for a condominium permit and recommendation of the planning division. A public hearing on the application shall be held in accordance with Division 6 of Article 61 of this chapter. A recommendation shall be forwarded to the city council if the action includes discretionary permits for which the city council is the decision-maker.

#### **Sec. 33-954. City council action.**

If required pursuant to section 33-951, after the submission of a formal recommendation by the planning commission, the city council shall review the application and recommendation during a public hearing held in accordance with Division 6 of Article 61 of this chapter, and shall approve, modify or disapprove the condominium permit.

#### **Sec. 33-964. Required notices to tenants.**

Condominium permits for the conversion of existing units are subject to all state-mandated notice requirements including:

(a) Current tenants of the apartments to be converted must be notified through mail, a minimum of 60-days prior to the filing of the application;

(b) Written notice of the proposed conversion, has been, and will continue to be given to all subsequent tenants;

(c) Each tenant has received 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate;

(d) Written notice of intent to convert has been, or will be provided to current residents for a minimum duration of 180 days prior to terminating tenancy;

(e) Notice must be provided to each tenant a minimum of 10 days prior to any public hearing on the conversion;

(f) A copy of the staff report must be provided to each tenant a minimum of three days prior to any scheduled public hearing involving the proposed conversion. The applicant shall pay all copying, mailing, and handling costs in an amount adopted by resolution of the city council;

(g) Notice of the ultimate authority's decision must be provided to each tenant 10 days after the approval of a final map;

(h) A 90 day notice of exclusive right to purchase from date of issuance of the subdivision public report per Section 11018.2 of the [Business and Professions Code](#).

In addition to the notice requirements listed in this section, tenants shall be given notice of preferential opportunities to purchase an alternate unit on a first-come, first-serve basis. Additionally, the notice of intent to convert may not be provided until after approval of the tentative subdivision map and condominium permit.

All notices must be personally delivered or sent via certified U.S. mail.

## **ARTICLE 56. MISCELLANEOUS DEVELOPMENT STANDARDS**

### **Modifications to barbed wire allowances**

#### **Sec. 33-1083. General fence and wall provisions**

(a) Materials. Fences or walls may be constructed of any suitable materials in a manner appropriate to its design.

(1) Prohibited Materials:

(A) Electrified fencing

(B) In any residential zoning district, barbed wire, razor wire, or other similar fences with affixed sharp instruments;

(C) Subsection (B) above notwithstanding, barbed wire is permitted in agricultural zones on properties being used for agriculture or animal husbandry, subject to the following criteria:

(i) Properties must be a minimum of two acres;

(ii) Such fencing shall not be kept in a manner that is unsafe, abandoned or a materially dangerous condition;

(iii) Such fencing shall be set back from any public street or other public right-of-way a minimum of 20 feet unless it is not visible from such street or right-of-way; and

(iv) Such fencing shall not be placed on the rooftop of any building.

## **ARTICLE 57. MISCELLANEOUS USE RESTRICTIONS**

### **Clarifying what Entitlement (if any) is required for Schools**

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

For nursery, primary and secondary education (except small and family day care homes), permits as required by the underlying zoning designation, may be granted by the director, zoning administrator or planning commission upon consideration of the following criteria:

- (a) An off-street area for the loading and unloading of children from vehicles should be provided and should be designed so as to provide for the forward movement of vehicles both upon entering and leaving the site;
- (b) The use shall be conditioned upon there being off-street parking in conformance with Article 39 of this chapter.

## **ARTICLE 61. AMENDMENTS AND ZONE CHANGES**

### **Incorporation of general plan amendment initiation**

#### **Sec. 33-1261. Application, initiation and fee.**

(a) An application for a zoning amendment may be initiated by the city or by the owner of property subject to the amendment. Applications shall be on city forms and accompanied by the applicable fee.

(b) An application for a general plan amendment/specific plan amendment may be initiated by the city or by the owner of property subject to the amendment. Applications initiated by the owner of the property subject to the amendment require initiation authorization by the city council. Applications shall be on city forms and accompanied by the applicable fees.

### **Plot plan expiration**

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

Unless otherwise specified in the action approving a plot plan, said approval shall become automatically null and void unless the project authorized by the plot plan approval has been substantially implemented within 24 months from the approval date. The abandonment or non-use of a plot plan approval for a period of 24 months shall also result in such approval becoming automatically null and void. The director shall have authority to grant extensions to the deadlines in this section. Once any portion of a plot plan is utilized, the other conditions thereof become immediately operative and must be strictly complied with.

## **ARTICLE 63. TRANSIENT LODGING FACILITIES**

### **Hotel conversion update: permit type, unit count and parking.**

#### **Sec. 33-1348. Hotel conversions.**

(e) Development Standards and Land Use Regulations. Development regulations shall be those of the base district in any zoning district in which an existing hotel or motel is located to ensure that hotel conversions may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area. Exceptions to the development standards and land use regulations of any zoning district as enumerated in this subsection shall be provided to incentivize the reuse of hotel, motels, and other transient lodgings for group home or quarters, SRO units, multifamily housing, or combination thereof. When there are General Plan, Zoning Map, or specific plan amendments contemplated or under study as part of the hotel conversion request, the city may apply additional terms, limitations, or conditions to the application request so that the use more closely aligns with applicable, objective General Plan and zoning standards.

(1) Minimum Lot Size. There shall be no applicable minimum lot width, depth, or total lot size for hotel and motel conversions.

(2) Residential Density. The resulting number of residential units after the conversion shall be no greater than the number of guest rooms in the existing hotel or motel unless otherwise described below.

(A) For 100% SRO conversions, a request to increase the number of residential units up to 15% of the number of permitted guest rooms in the existing hotel or motel may be considered by the planning commission upon submittal of a conditional use permit pursuant to Article 61, Division 1, with the application fee adopted by city council.

(11) Parking. The number of off-street parking spaces required in connection with any particular land use shall be not less than the amount set forth below.

(A) Market rate SRO/Multi-family units shall provide a minimum of one parking space per unit.

(B) The parking required for restricted group homes or quarters, SRO units, or multifamily dwelling units to be sold or rented to lower income households or target populations shall not exceed 0.5 parking spaces per unit.

(C) If utilized for supportive housing development, consistent with Supportive Housing Law ([Government Code](#) sections 65650 – 65656), if the supportive housing is located within one-half (1/2) mile of a public transit stop, no minimum parking requirements shall be applied for the units occupied by supportive housing residents, pursuant to [Government Code](#) section 65654.

(D) Guest Parking Requirements.

(i) Market rate SRO units shall provide one guest parking space for every eight SRO units (0.125 guest parking spaces per unit).

(ii) The requirement to provide guest parking is waived for restricted, lower-income affordable dwelling units. Restricted SRO units or multifamily units with more than 30 converted guest rooms shall not be eligible for this waiver provision for the portion of units that exceeds 30 units; and shall provide one guest parking space for every eight SRO units (0.125 guest parking spaces per SRO unit), with a minimum of one guest parking space per project and a maximum of 15 stalls for guest parking.

(C) With the exception of projects that allow only senior residents, projects that have less than one automobile parking space per unit shall provide one easily accessible space for storing and locking a bicycle per unit. For projects that provide one or more parking spaces per unit, at least one bicycle storage space for every three units shall be provided.

## **ARTICLE 64. DESIGN REVIEW**

### **Align condominium or condominium conversions with the subdivision ordinance**

#### **Sec. 33-1354. Jurisdiction.**

The following commercial, industrial, multifamily residential, and other projects shall be subject to design review by the planning commission, unless otherwise noted:

(a) Planned development projects, condominium permits requiring a tentative subdivision map, and all projects (besides single-family projects) requiring discretionary approval by the planning commission and involving new construction;

(b) Proposed development standards or design guidelines for specific plans and overlay districts;

(c) Proposed signs as specified pursuant to Article 66, Sign Ordinance;

(d) City-initiated projects that involve public facilities, including, but not limited to, libraries, major park structures, police stations, or fire stations, or major architectural or site modifications to existing public facilities.

## **ARTICLE 66. SIGN ORDINANCE**

### **Reference Correction**

#### **Sec. 33-1395. Sign standards—General.**

All permanent freestanding signs shall not obstruct the vehicle sight distance area at the intersections and driveways to the satisfaction of the engineering department. Freestanding signs shall not be placed within easements or over utility lines, except with the prior written approval of all easement holders. Any site plans submitted in conjunction with a sign permit application for a freestanding sign shall identify the location of easements or public or private utilities within 50 feet of the proposed sign location. On sites where the existing street is not constructed to the full designated width, signs shall be located behind the ultimate property line unless otherwise approved by the planning division and the engineering department with an agreement for future removal or relocation. In addition, all permanent freestanding signs shall incorporate the numerical address, or range of addresses, of the parcel or commercial center at which the sign is located. The area of the address shall not be counted in the area of the signs. All illuminated signs shall be equipped with automatic timing devices so that the lighting is turned off between the hours of 11 p.m. and sunrise, unless exempt pursuant to Article 35, Outdoor Lighting.

## **ARTICLE 67. DENSITY BONUS AND RESIDENTIAL INCENTIVES**

### **Consistency clean up items for state law compliance**

#### **Sec. 33-1413. Stand incentives for new residential construction**

Sec. 33-1413. Standard incentives for new residential construction.

(b) Density bonus. When a developer seeks and agrees to construct a housing development meeting the criteria specified in subsection (a) of this section, the decision-making body shall grant a density bonus subject to the following:

(1) The amount of density bonus to which a housing development is entitled shall vary. The density bonus may be increased according to the percentage of affordable housing units provided above the minimum percentages established in subsection (a) of this section, but shall not exceed 50%, except in accordance with subsection (c) of this section or as otherwise authorized by State Density Bonus Law.

(c) Density bonus in excess of 50%. In cases where a developer requests a density bonus in excess of that which is specified in this section, the city council may grant, at its discretion, the requested density bonus, subject to the following:

(1) The project meets the requirements of this article and State Density Bonus Law.

(2) The requested density increase, if granted, is an additional density bonus and shall be considered an incentive.

(3) The city council may require some portion of the additional density bonus units to be designated as target units, at its discretion.

(d) Granting a lower density bonus. A qualified developer for a density bonus and/or additional incentives and concessions pursuant to subsection (a) of this section may request and accept a lesser density bonus, including no increase in density, and shall still be entitled to those additional concessions or incentives as specified in 33-1415. No reduction will be allowed in the number of target units required.

## **ARTICLE 70. ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

### **Removal of accessory dwelling unit permit for single family residential only**

#### **Sec. 33-1471. Reserved**

#### **Sec. 33-1471. Permitted zones.**

Accessory dwelling units and junior accessory dwelling units shall be permitted in areas zoned to allow single-family or multifamily dwelling residential uses, subject to Sec. 33-1472 of this Article.

#### **Sec. 33-1472. Permit required.**

(a) Accessory dwelling units on properties with legally established multifamily residential dwellings are subject to the approval of an accessory dwelling unit permit.

(b) Accessory dwelling units and junior accessory dwelling units on properties with legally-established single-family residential dwellings are subject to the approval of a building permit, unless additional requirements apply as described under Sec. 33-1475, Other Regulations.

### **Modification to allowable conversion space of habitable structures**

#### **Sec. 33-1473. Occupancy limitations.**

(a) Allowed use.

(3) Number of accessory dwelling units on legal lots with existing multifamily dwelling units:

(A) Shall be permitted to construct at least one accessory dwelling unit within portions of existing multifamily dwelling structures that are existing non-habitable space, and shall allow up to 25% of the units in each existing multifamily dwelling structure, in accordance with [Government Code](#) section 65852.2(e). Existing detached accessory structures cannot be attached to a multi-family dwelling structure for the purposes of creating an accessory dwelling unit; and

(B) Not more than two accessory dwelling units are permitted that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling.

(C) For purposes of this article, “multifamily dwelling structure” or “multifamily dwelling” is defined as a structure with two or more attached dwellings on a single lot.

**Sec. 33-1477. Application and procedure.**

The director shall approve or disapprove an application for an accessory dwelling unit, ministerially, within 60 days after receiving a complete application. If the applicant requests a delay, the 60 day time period shall be tolled for the period of the delay. Only accessory dwelling units associated with existing multi-family dwelling units shall be required to obtain an accessory dwelling unit permit.

**ARTICLE 73. TEMPORARY USES, OUTDOOR DISPLAY AND SALE OF RETAIL MERCHANDISE**

**Application of Article 35 on Temporary Use Permit Events**

**Sec. 33-1534. Development standards.**

(9) All exterior lighting utilized in conjunction with outdoor displays, or temporary events approved with a temporary use permit, shall conform to the requirements of Article 35, Outdoor Lighting.



# PLANNING COMMISSION

Agenda Item No.: H.1  
Date: January 10, 2023

DATE: January 10, 2023  
TO: Planning Commissioners  
FROM: Adam Finestone, City Planner  
SUBJECT: Development Process Overview

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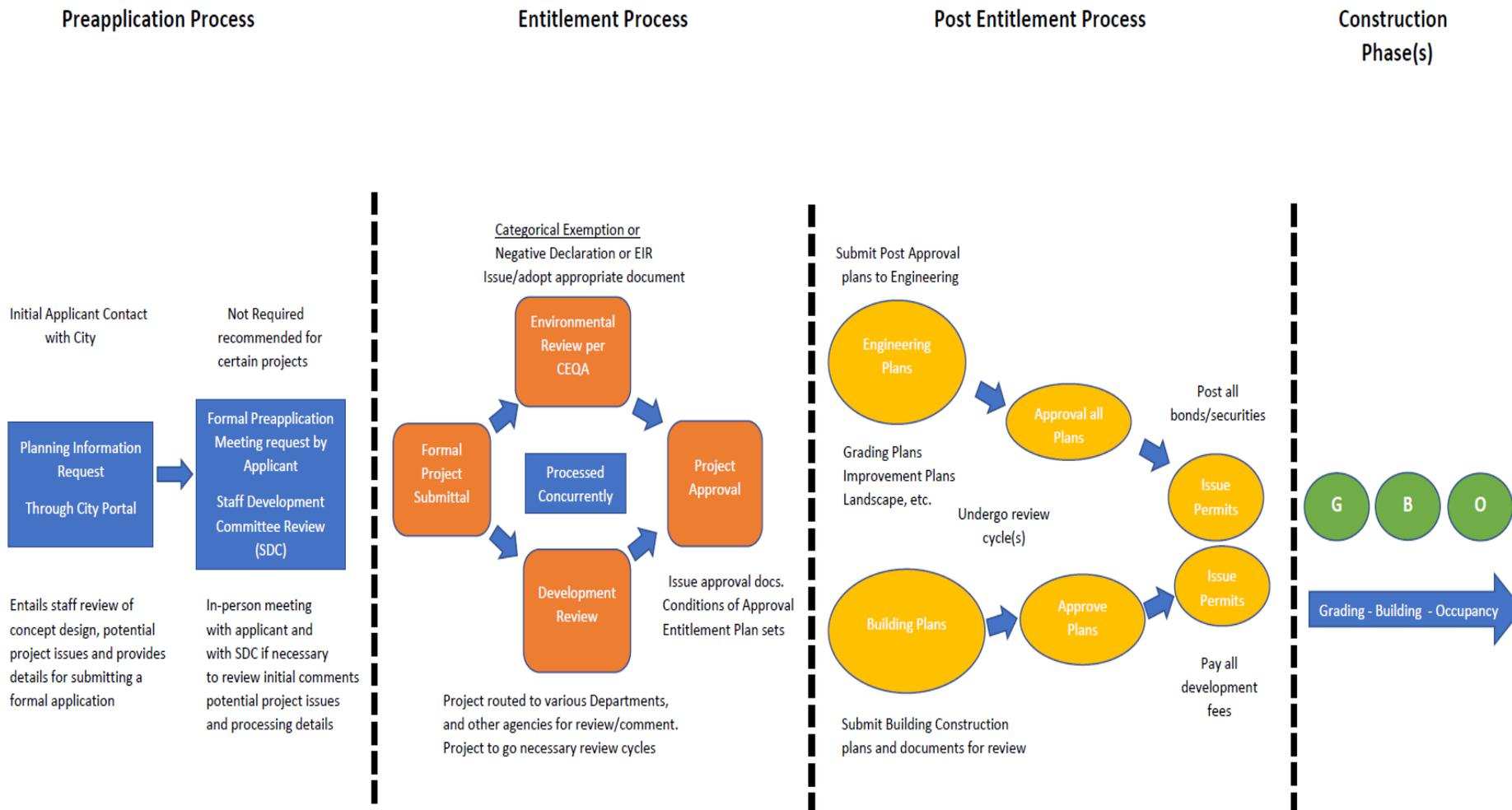
The development process is an opportunity for City staff to work with the private development community to achieve positive outcomes for our City in the form of high-quality development that provides housing, jobs, and recreational opportunities for our residents. The process varies significantly from one project to another, however there is a general path that applies to most projects. Attachment 1 to this memorandum provides a high-level overview of that process.

The purpose of this agenda item is to provide the Planning Commission with more detail on the development process, including what the Commission's role is in the process, and what happens both before and after the Commission is involved. Staff from the Planning, Building, and Engineering Services divisions will provide a presentation that goes over this process and will be available to answer questions that Commissioners may have.

# ATTACHMENT 1

## ADMINISTRATIVE REVIEW PROCESS

(Plot Plans, Tentative Parcel Maps, Industrial/Commercial Projects, Apartments, etc.)



## PLANNING COMMISSION

Agenda Item No.: H.2  
Date: January 10, 2023

DATE: January 10, 2023

TO: Planning Commissioners

FROM: Veronica Morones, Principal Planner

SUBJECT: 2022 General Plan Amendment Outreach and Engagement Reporting Update

The City of Escondido is updating the General Plan's Community Protection chapter and creating a new environmental justice chapter under the 2022 General Plan Amendment (2022 GPA) work effort, which kicked off at the end of 2021. The Escondido General Plan's Community Protection chapter serves as the Safety Element for purposes of meeting statutory requirements contained in Government Code section 65302. The City's new environmental justice chapter would overhaul the existing Community Health and Services chapter of the City's General Plan, which is an optional element (i.e., it is not a required element pursuant to Government Code section 65302). The chapter would be re-dedicated to environmental justice policies, goals, and objectives, while retaining existing applicable provisions. The creation of an environmental justice element is required pursuant to Government Code section 65302(h) and will include the identification of disadvantaged communities (Government Code § 65302(h)(1)) within the City of Escondido, as well as topics including reduction in pollution exposure, the promotion of public facilities, food access, safe and sanitary homes, physical activity, and civic engagement in the public decision-making process.

Community outreach and engagement is an integral part of the 2022 GPA work effort. Community outreach and engagement for the 2022 GPA is outlined, in both [English](#) and [Spanish](#), in the 2022 GPA outreach and engagement plan located on the 2022 GPA webpage: <https://www.escondido.org/2022-general-plan-amendment>.

In February 2022, planning staff presented the draft outreach and engagement plan to the Planning Commission and in July 2022, staff presented an outreach schedule. Over the course of the 2022 calendar year, planning staff conducted various outreach and engagement actions, such as conducting organized project meetings, speaking at various community meetings/venues, tabling at community events, and coordinating printed outreach information. A full calendar of outreach events to-date is provided under Attachment 1.

### Organized Project Meetings

Staff conducted a total of four organized community meetings for the 2022 General Plan Amendment in 2022. Two of these meetings involved organized stakeholders, such as non-profits, public agencies, community-based organizations, etc. These organized stakeholder roundtable meetings occurred in April. Translation services were offered for both organized stakeholder roundtable meetings; however, no attendees requested translation services. Two at-large community meetings occurred in August, and included various community members, such as interested residents, local business owners, and representatives from organized stakeholders.

City staff provided translation services at one at-large community meeting. A total of 42 individuals attended across all four meetings.

#### Community Meetings/Venues

Staff presented and met with several community groups and interested individuals and groups during 2022. Staff conducted a total of 19 meetings with various organizations, groups, and individuals throughout Escondido, including but not limited to the Fire Safe Council of Southwest Escondido, San Pasqual High School and Orange Glen High School students, community members at the Park Avenue Community Center, the Healthy Escondido Coalition, and the National Latino Research Center. Included in these 19 meetings are two tribal consultations with requesting tribal governments, and three planning commission meetings (including tonight's meeting). Community meetings involved a presentation from staff on the 2022 GPA work effort, questions and answers, and in some instances, discussion on potential policy, goals, and objectives for the environmental justice element. Translation services provided at community meetings only occurred if the group hosting the meeting provided such services.

#### Community Events

From June through December, City staff attended ten organized community events for the purposes of outreach. The goal of attending community events is to engage community members where they are in an effort to connect with a larger audience. Of the ten events attended, five included citywide crowds: Cruising Grand, National Night Out, the City's Fire and Water Expo, Escondido PRIDE, and World Marketplace. Staff attended five community level events which focused on crowds at a neighborhood or community level. These included two community food distributions and a community health fair in order to reach more vulnerable communities, as well as the Escondido Library's Succulent Swap, and a speaking opportunity at Trinity Episcopal Church. City staff provided translation services at some of the community events based on translation staff availability. In total across all ten events, 212 individuals interacted with the City's activity board and questions activity, while another 365 individuals received written and/or oral information on the 2022 GPA work effort.

#### Print Outreach

In addition to the in-person outreach and engagement, City staff provided printed information through both the Spring/Summer 2022 Recreation Guide, and an opinion column in the Times Advocate. The print outreach was published in May 2022 and August 2022, respectively. The recreation guide advertisement for the 2022 GPA was printed in English and Spanish and, the Times Advocate article was printed in English only. The City's Community Services Department distributes the recreation guide and noted the recreation guide has received 5,437 digital reads, and was mailed to 44,000 households within Escondido.

#### Next Steps

The draft Environmental Justice Communities are currently available on the project webpage for public review and comment. Additional analysis related to the environmental justice element is currently underway. The City is also working on draft policy language based on the feedback from the initial phase of community engagement. Once draft language is complete, staff will return to the community to request input on the drafted language. Initially, these community open houses were scheduled for October 2021; however, due to continued opportunities for community input on the general direction of draft policy, the meetings are now scheduled to occur in early 2023.

Attachments:

1. 2022 GPA Outreach and Engagement Calendar

Attachment 1: 2022 GPA Outreach and Engagement Calendar

No.	Date	Meeting	Location	Type of Outreach (refer to Planning Commission report)
1	12/14/2021	Planning Commission	City Hall	Community Meetings/Venues
2	1/7/2022	Community Member	Virtual	Community Meetings/Venues
3	2/15/2022	Healthy Escondido Coalition	Virtual	Community Meetings/Venues
4	2/22/2022	Escondido Community Housing Coalition	Virtual	Community Meetings/Venues
5	2/22/2022	Planning Commission	City Hall	Community Meetings/Venues
6	3/9/2022	Escondido Together Safe Leaders	Hidden Valley Zen Center	Community Meetings/Venues
7	3/24/2022	Escondido Young Democrats	Virtual	Community Meetings/Venues
8	4/13/2022	Community Member	Phone	Community Meetings/Venues
9	4/15/2022	Organized Stakeholder Roundtable Meeting	Virtual	Organized Project Meeting
10	4/20/2022	Organized Stakeholder Roundtable Meeting	Virtual	Organized Project Meeting
11	5/5/2022	Escondido Climate Advisory Group & Sierra Club North County Group	Virtual	Community Meetings/Venues
12	Spring	Recreation Guide	Print	Print Outreach
13	5/16/2022	San Pasqual High School (3 classes)	San Pasqual High School	Community Meetings/Venues
14	5/19/2022	Tribal Consultation with Requested Tribe	Phone	Community Meetings/Venues

2022 GPA Outreach and Engagement Reporting Update  
 January 10, 2023  
 Attachment 1

15	6/16/2022	National Latino Research Center	Virtual	Community Meetings/Venues
16	6/18/2022	Community Food Distribution	Neighborhood Health Care	Community Events
17	6/23/2022	Community Food Distribution	Farr Elementary	Community Events
18	7/15/2022	CAFÉ Meeting	Virtual	Community Meetings/Venues
19	7/16/2022	Neighborhood Health Care Health Fair	Neighborhood Health Care	Community Events
20	7/16/2022	Succulent Swap	Escondido Public Library	Community Events
21	7/26/2022	Planning Commission	City Hall	Community Meetings/Venues
22	7/31/2022	Escondido PRIDE	Kit Carson Park	Community Events
23	8/2/2022	National Night Out	East Valley Community Center	Community Events
24	8/4/2022	Times Advocate	Print	Print Outreach
25	8/7/2022	At-Large Community Meeting	East Valley Community Center	Organized Project Meeting
26	8/11/2022	At-Large Community Meeting	Escondido Public Library	Organized Project Meeting
27	8/12/2022	Cruising Grand (in conjunction with Escondido Together)	Cruising Grand	Community Events
28	8/26/2022	World Marketplace (in conjunction with Healthy Escondido Coalition)	Escondido World Marketplace	Community Events
29	9/22/2022	Vista Community Clinic Smoke Free Coalition	Virtual	Community Meetings/Venues

2022 GPA Outreach and Engagement Reporting Update  
 January 10, 2023  
 Attachment 1

30	9/24/2022	City of Escondido Fire and Water Expo	Kit Carson Park	Community Events
31	9/27/2022	Tuesday Talk	Park Avenue Community Center	Community Meetings/Venues
32	<b>11/8/2022</b>	Escondido Union High School District	City Hall	Community Meetings/Venues
33	<b>11/10/2022</b>	Fire Safe Council of Southwest Escondido	City Hall	Community Meetings/Venues
34	<b>11/22/2022</b>	Escondido Together – We Are One Gratitude Service	Trinity Episcopal Church	Community Events
35	<b>12/5/2022</b>	Orange Glen High School (all government classes)	Organ Glen High School	Community Meetings/Venues

# PLANNING COMMISSION

Agenda Item No.: L  
Date: January 10, 2023

DATE: January 10, 2023  
TO: Planning Commissioners  
FROM: Adam Finestone, City Planner  
SUBJECT: Tentative Future Agenda Items

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The items listed below are anticipated to be brought to the Planning Commission for consideration, discussion, and/or recommendation to the City Council over the next several months. Because there are factors out of City staff's control, this list is subject to change. The intent is to provide visibility regarding projects that the Commission should expect to see in the near future. (Items are listed in no particular order.)

Additionally, these items shall not be considered to be agenda items for this meeting so no discussion is permitted other than clarification of what the item is.

Private Development Projects:

- Bear Valley Parkway Wireless Facility
- Ash Street Subdivision (20-lot single-family subdivision)
- West Coast Arborist (office and storage facility)

Policy Work:

- Business Recovery Strategy Ordinance
- East Valley Specific Plan – Status Report
- Housing Element

Informational Presentations:

- Vehicle Miles Traveled and Traffic Impact Analysis
- General Plan Annual Progress Report
- Climate Action Plan Annual Progress Report