

ORDINANCE NO. 2018-07R

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING CHAPTER 32 OF THE ESCONDIDO MUNICIPAL CODE; AND AMENDING ARTICLES 1, 3, 6, 16, 25, 26, 34, 39, 40, 43, 45, 46, 47, 48, 56, 57, 58, 61, 65, 68, 69, 70, 73, AND 75 OF THE ESCONDIDO ZONING CODE TO ADDRESS CHANGES IN STATE LAWS, CORRECT ERRORS, AND IMPROVE EXISTING REGULATIONS.

APPLICANT: City of Escondido
PLANNING CASE NO.: AZ 16-0008

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That proper notices of a public hearing have been given and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 2. The Planning Commission conducted a public hearing on February 13, 2018, to discuss and consider proposed amendments to the Zoning Code, considered public testimony, and made a recommendation to the City Council.

SECTION 3. The City Council has duly reviewed and considered all evidence submitted at said hearings, including, without limitation:

- a. Written information;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated April 4, 2018, which along with its attachments is incorporated herein by this reference as though fully set forth herein; and
- d. Additional information submitted during the Public Hearing.

SECTION 4. The City Council finds that the City's Municipal Code, Zoning Code, and Specific Plans need to be reviewed and amended periodically to address changes in

State law, correct errors, and improve regulations. At this time, the City Council of the City Escondido desires to amend the Escondido Municipal Code and Escondido 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.

SECTION 5. This action is exempt from environmental review pursuant to California Environmental Quality Act Guidelines (“CEQA” and “CEQA Guidelines”) Section 15061(b)(3) since there would be no possibility of a significant effect on the environment because the amendments will not directly result in development. Any future project or development as defined by the CEQA that may occur as a result of the amended language would be subject to CEQA review and analysis.

SECTION 6. That upon consideration of the staff report, Planning Commission recommendation, Planning Commission staff report, all public testimony presented at the hearing held on this project, and the “Findings of Fact,” attached as Exhibit “A” to this Ordinance and incorporated herein by this reference as though fully set forth herein, this City Council finds the Municipal Code and Zoning Code Amendments are consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 7. That the specified sections of the Escondido Municipal Code and Escondido Zoning Code are amended as set forth in Exhibit “B” to this Ordinance and incorporated herein by this reference as though fully set forth herein

SECTION 8. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 9. That as of the effective date of this Ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. That the City Clerk is hereby directed to certify to the passage of this Ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 18th day of April, 2018 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MASSON, ABED
NOES : Councilmembers: MORASCO
ABSENT : Councilmembers: NONE

APPROVED:



SAM ABED, Mayor of the
City of Escondido, California

ATTEST:



EVA HETER, Assistant City Clerk of the
City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, EVA HETER, Assistant City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2018-07R passed at a regular meeting of the City Council of the City of Escondido held on the 18th day of April, 2018, after having been read at the regular meeting of said City Council held on the 4th day of April, 2018.



EVA HETER, Assistant City Clerk of the
City of Escondido, California

ORDINANCE NO. 2018-07R

EXHIBIT "A"

FACTORS TO BE CONSIDERED / FINDINGS OF FACT

Municipal Code and Zoning Code Amendment(s) Determinations:

1. Over the years, staff and customers have found certain sections of the Municipal Code and Zoning Code are vague, unclear, or conflicting, which results in confusion and disagreement in code interpretation. It is important that the City of Escondido review policies and procedures on an on-going basis to ensure a customer-focused government through transparent services and positive organizational culture.

The Planning Division maintains a regular process and schedule for maintaining the City's codes and regulations. Those issues that have been identified are being addressed as part of this clean-up effort, whereby all code amendments have been combined in a single batch, called an annual omnibus.

Additional items to correct or improve the Municipal Code or Zoning Code may be considered in the next annual omnibus code clean-up cycle.

2. The public health, safety, and welfare would not be adversely affected by the proposed batch of Municipal Code or Zoning Code Amendments because they 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.
3. The proposed batch of Municipal Code or Zoning Code Amendments would be consistent with the goals and policies of the General Plan because they address changes in state laws, correct errors, and improve existing regulations to eliminate uncertainty for staff, customers, and the public. This effort is not intended to be a comprehensive update to the local code or change land use densities or intensities.
4. The proposed Zoning Code amendment does not conflict with any specific plan.

EXHIBIT "B"

PROPOSED MUNICIPAL CODE AND ZONING CODE AMENDMENTS

AZ 16-0008

SECTION 1.

Amend the Chapter 32 of the Escondido Municipal Code to read as specified below. The changes are listed in order by section number, with ~~strikeout~~ typeface illustrating deletions and underline typeface illustrating new text.

32.210.02. Extension of Time.

- A. Extensions of time will be considered upon submittal of a written request, justification statement, and all required fees, to the Planning Division prior to and within four (4) months of the expiration date of the tentative map. Extensions of time may be granted or denied by the ~~original approval body~~ Zoning Administrator. A public hearing and/or public notice may be required if the ~~Director of Planning and Building~~ Director of Community Development determines that it is warranted.
- B. If an extension of time is approved, an applicant must comply with the provisions of Chapter 3, Article 2 of the Map Act and all provisions and findings of this ordinance applicable to the initial filing of tentative maps pursuant to Article 2 of this chapter. In order to assure this compliance, the conditions of initial approval of the tentative map may be modified or deleted and new conditions may be added when the extension of time is approved.
- C. Multiple extensions of time may be granted, provided that the total of incremental extensions of time does not exceed five (5) years from the original expiration date.

SECTION 2.

Amend the various Zoning Code sections to read as specified below. The changes are listed in order by section number, with ~~strikeout~~ typeface illustrating deletions and underline typeface illustrating new text.

Article 1, Section 33-8. Definitions:

Carport means a permanently covered motor vehicle shelter, consisting of a roof and supporting members such as columns or beams, which are affixed to a permanent foundation per applicable building codes. A carport must be open on two (2) or more sides except for structural supports. Carports as used in this chapter do not include temporary shelters or canopies. Any structure

designed or used for the storage of motor vehicles which does not meet this definition must comply with all regulations relating to a garage.

Multi-family housing development means a building designed for multiple dwelling unit occupancy in a multiple-residential zoning district (R-2, R-3, R-4, and R-5) or mixed-use zoning district. Units in multi-family housing developments are not classified as single-unit attached structures.

Article 1, Section 33-13. Determination of permitted uses:

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

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

Article 3, Section 33-42. Permitted accessory uses and structures:

Accessory uses and structures are permitted in open space zones, provided they are incidental to, and do not substantially alter the operating character of the permitted principal use or structure as determined by the ~~director of planning and building~~Director of Community Development.

Article 3, Section 33-44. Plan approval required:

Park plans and park master plans may be referred to the planning commission upon the determination of the ~~director of planning and building~~Director of Community Development.

Article 6, Section 33-102. Accessory buildings side setback and building requirements:

(e) An accessory building that is seventy (70) feet or more from the front property line in single- and multi-family zones, or fifty (50) feet in the R-T zone, but which does not meet the requirements of subsection (b) above, may not be located closer than five (5) feet from the interior side property line in single- and multi-family zones, or three (3) feet in the R-T zone (unless superseded by Title 25). Awnings, cornices, eaves, belt courses, sills, buttresses or other similar architectural features may project into an accessory building setback area by no more than two (2) feet.

(f) In the R-A and R-E zones, setbacks for accessory structures do not apply to animal enclosures.

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

(h) A minimum of five (5) feet is maintained for clear access between the detached accessory building and any other building or structure.

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

Article 6, Section 33-103. Accessory buildings rear setback and building requirements:

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

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

(c) For accessory buildings that do not meet the conditions listed in section 33-103(b), accessory building(s) may be located within a required rear yard setback area in all residential zones, but only in the following circumstances:

(1) In the R-A and R-E zone districts, detached accessory building(s) may be located within a required rear yard setback area provided that such building(s) are located no closer than ten (10) feet to a rear lot line, and shall not cover more than 50 percent of the width of the rear setback area.

(2) In all other single-family and multi-family zones (except the R-T zone), detached accessory building(s) may be located within the rear yard setback provided that a minimum of five (5) feet is maintained, and shall not cover more than 50 percent of the width of the rear setback area. Additional usable open space requirements may apply on the premises, depending on the requirements of the underlying zoning district.

(3) Awnings, cornices, eaves, belt courses, sills, buttresses or other similar architectural features may project into an accessory building setback area by no more than two (2) feet.

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

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

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

~~(e)~~(f) In the R-A and R-E zones, setbacks for accessory structures do not apply to animal enclosures.

~~(f)~~(g) Accessory dwelling units, shall conform to the aforementioned rear yard setback requirements of the underlying residential zone for the primary structureaccessory building, unless otherwise permitted by Article 70.

Article 6, Section 33-104. Projections into setbacks (single- and multi-family zones, excluding R-T zone):

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

- (1) Fences and walls in accordance with codes or ordinances;
- (2) Landscape elements, including trees, shrubs and other plants, except that no hedge shall be grown or maintained at a height or location other than that permitted by city codes or ordinances;
- (3) Necessary appurtenances for utility services;
- (4) Ground-mounted mechanical equipment, including heating and air conditioning units, provided the auxiliary structure is at least three (3) feet to interior side and rear lot lines.
- (5) Pools and pool equipment, subject to Article 57.

Article 16, Section 33-341. Commercial drive-through facilities requirements:

(b) Development Standards. The following development standards shall apply to all drive-through commercial facilities to ensure that such developments do not have negative impacts on traffic, safety, air quality and visual character of the area in which they are located:

- (1) Pedestrian walkways that intersect the drive-through drive aisles, shall have clear visibility, and be emphasized by enriched paving or striping.
- (2) Drive-through aisles shall have a minimum twelve (12) foot width on curves and a minimum eleven (11) foot width on straight sections.
- (3) The drive-through stacking lane shall be situated so that any overflow from the stacking lane shall not spill out onto public streets or major aisles of any parking lot. Sufficient vehicle stacking room shall be provided on-site behind the speaker area where orders are taken to accommodate a minimum of six (6) vehicles or greater if determined necessary by the Director of Community Development. The drive-through stacking lane shall be separated physically from the user's parking lot and shall have a capacity of twenty (20) linear feet per vehicle.
- (4) Drive-through aisles shall be constructed with (PCC) concrete.
- (5) Drive-through aisles and associated structures should be oriented away from public streets and surrounding land uses unless significant screening is provided to the satisfaction of the ~~director~~Director of Community Development by means of heavy landscaping, decorative walls, and sound attenuating devices.
- (6) No ingress and egress points shall conflict with turning movements at nearby street intersections.
- (7) Buildings with drive-through facilities shall be located with a minimum separation of 200 feet from any other structure containing a drive-through facility. Certain types of drive-through services may require less separation if substantiated by acceptable data.

Article 25, Section 33-554. Development standards:

(a) Rear Yards. A recreational vehicle may be parked in the rear yard, subject to all of the following:

- (1) A minimum separation of three (3) feet shall be provided between the recreational vehicle and any wall along habitable portions of the existing structure on the same property containing windows and doors, as determined by the ~~director of planning and building~~Director of Community Development;

Article 25, Section 33-554. Development standards:

(c) Front Yards. A recreational vehicle may be parked in the front yard only on properties where access to feasible parking in the side or rear yard is unavailable, in accordance with all of the following:

(2) Parking Not in Driveway. RV parking in the front yard other than the driveway may be permitted only if conforming driveway parking is not available. In addition to standards required in subdivision (1) of this subsection, all of the following standards shall be required:

(E): On properties where the recreational vehicle cannot be parked in the driveway or in a perpendicular manner in accordance with the development standards, the recreational vehicle may be parked parallel to the street which provides driveway access in the R-1-6, R-1-7 and R-1-8 zones only, subject to approval of an administrative permit approved by the ~~director of planning and building~~ Director of Community Development. The administrative permit shall include conditions requiring a three-foot-high wall or fence and/or vision-obscuring landscaping provided along the street side parallel to and along the entire length of the recreational vehicle; additionally, the sight visibility setback may be reduced by up to twenty (20) percent upon approval by the city engineer.

Article 26, Section 33-569. Development standards:

Off-street loading; Number of docks	Building over 10,000 SF shall provide minimum of one (1) loading space for each additional 10,000 SF of gross floor area or fraction thereof, unless fewer loading docks are determined to be required for the use of the Director of Planning and Building <u>Community Development</u>	Building over 10,000 SF shall provide minimum of one (1) loading space for each additional 10,000 SF of gross floor area or fraction thereof, unless fewer loading docks are determined to be required for the use of the Director of Planning and Building <u>Community Development</u>	Building under 30,000 SF - one (1) loading dock. Building over 30,000 SF - two (2) loading dock/first 30,000 SF, plus one (1) loading dock for each additional 20,000 SF (or fraction thereof) located to the rear of the buildings so that the door	A maximum of one (1) off-street or alley loading space
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			does not face toward a public street or adjoining residential property	
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Article 34, Section 33-702. Definitions:

Camouflaged or Stealthy means a personal wireless service facility that is disguised, hidden, integrated into the architecture of an existing or proposed structure or placed within an existing or proposed structure, and designed to be compatible with the existing scale and pattern of development and/or characteristics of the site, as determined by the ~~director of planning and building~~ Director of Community Development.

Article 34, Section 33-704. Personal wireless service facilities—Development and operating standards:

(b): Screening. All personal wireless utility equipment (i.e., antennas, support structures, mounts, equipment, etc.) shall be screened from view of adjacent properties or public rights-of-way to the maximum extent possible. Screening may include integrating architectural elements, color and texture of the antenna structure, fencing, landscaping, or other method appropriate to the specific situation. Screening may be waived by the ~~director of planning and building~~ Director of Community Development if the available methods of screening create a greater visual impact, or call greater attention to the facility than if otherwise left unscreened.

(f): Noise. Noise levels generated by wireless equipment shall not exceed the noise level limits of the underlying zone and receiving land use, whichever is less. Appropriate siting and building measures shall be incorporated into the facility to comply with the city’s noise requirements. An acoustical study may be required, as determined by the ~~director of planning and building~~ Director of Community Development.

(k) Public Right-of-Way. All requirements of this article shall apply to the placement, construction, modification or reconstruction of any personal wireless service facilities proposed within the public right-of-way, except to the extent precluded by state or federal law. The following general requirements also shall apply:

(3) All personal wireless service facilities in the right-of-way shall be sited in order to minimize potential visual and compatibility impacts with adjacent properties. ~~In residential areas, placing~~ Placing wireless facilities along non-classified residential streets and/or along the front yard of single-family residential properties should be avoided. Wireless facilities must be designed to be visually unobtrusive with design elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses. The equipment must be painted or textured to match the color or surface of the structure on which they are attached, or otherwise screened to reduce their visibility.

Article 34, Section 33-705. Personal wireless service facilities—Application requirements:

(a) The following shall be included with an application for all personal wireless service facilities

(3) Existing before photographs and after visual simulations. A sight line representation drawn to scale) may also be required (as determined by the ~~director of planning and building~~ Director of Community Development) which shall be drawn from adjacent public roads and the adjacent properties (viewpoint) to the highest point (visible point) of the personal wireless service facility. Each sight line shall be depicted in profile and show all intervening trees and buildings, and be accompanied by photographs of what currently can be seen from the specific site and a visual simulation of the proposed facility. An on-site mock-up or balloon simulation also might be required for highly visible or sensitive sites to adequately assess the potential visual impact of the proposed facility.

Article 39, Section 33-765. Parking spaces required:

Pushcart food sales	No parking shall be required for pushcart food sales facilities except as required on a case-by-case basis as determined by the director of planning and building <u>Director of Community Development</u> as part of plot plan review procedure.
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Article 39, Section 33-774. Common facilities:

Common parking facilities may be provided in lieu of the individual requirements contained herein provided an agreement establishing the permanent preservation of said facilities be submitted and approved by the ~~community development director~~ Director of Community Development, and that the total of such off-street parking spaces, when used together, shall not be less than the sum of the various uses computed separately, unless otherwise specified in this article

Article 40, Section 33-790. Purpose and definitions:

(b) Definitions. Whenever the following terms are used in this article, they shall have the meaning established by this section.

(5) *Certificate of appropriateness* means a certificate issued by the ~~director of planning and building~~ Director of Community Development approving alteration, restoration, construction, removal, relocation in whole or in part, of or to a property on the local register or to an improvement within an historical district.

Article 40, Section 33-802. Procedure for obtaining an emergency demolition permit.

(b) Review. On a case-by-case evaluation and upon consultation with a minimum of two (2) historic preservation commissioners and an architect or engineer, the ~~director of planning and building~~ Director of Community Development may, without a public hearing, issue a permit for a complete or partial demolition of an historical resource if it is determined that the catastrophic event has rendered said resource immediately hazardous and dangerous and/or detrimental to the public health and/or safety as defined in the latest adopted California Building Code or California Housing Law.

(c) Considerations for demolition. In determining the appropriateness of demolishing a resource under this emergency provision, the ~~director of planning and building~~ Director of Community Development shall give consideration to demolishing only those portions of a resource that are immediately hazardous, thereby allowing for the preservation/reconstruction of non-hazardous portions. The ~~director~~ Director shall also consider whether the damage to the resource is so substantial that it alters the historic character of the resource.

Article 40. Section 33-803. Procedure and findings for obtaining a nonemergency demolition permit:

(b) Review. The HPC and city council shall each hold a duly noticed public hearing prior to the demolition of a significant historic resource. The applicant shall provide, at a minimum, the following items to the satisfaction of the ~~community development director~~ Director of Community Development or his or her designee.

Article 40. Section 33-805. Historic street markings:

(a) In order to preserve the integrity of historic street markings throughout the City of Escondido, the following procedures shall be followed:

(3) Efforts shall be made to preserve a marking in its original location. However, if the ~~director of planning and building~~ Director of Community Development concurs that no other alternative exists but to relocate the marking, the applicant shall:

Article 43. Section 33-832. Abatement of nuisance—Initiation, service and posting:

Upon discovery of conditions indicating that a service station may have been abandoned, the ~~community development director~~ Director of Community Development shall cause a notice to be served personally or by mail on the owner of the real property on which the service station is located at his address as disclosed on the last equalized assessment roll on file in the assessor's office of San Diego County or as known to the ~~community development director~~ Director of Community Development, and on the person, if any, occupying or otherwise in real or apparent charge and control of the service station. The ~~community development director~~ Director of Community Development also shall cause the notice to be posted on the service station.

Article 43. Section 33-833. Abatement of nuisance—Additional service:

The ~~community development director~~Director of Community Development also shall cause the notice to be served on each of the following persons: The holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or interest of record in or to the service station or the real property on which such service station is located. The failure of the ~~community development director~~Director of Community Development to make or attempt service to any person who is required to be served pursuant to the provisions of this subsection shall not invalidate any proceedings hereunder as to any other person duly served.

Article 43. Section 33-834. Time of service and posting:

The ~~community development director~~Director of Community Development shall cause the notice to be served and posted pursuant to the provisions of this section at least fifteen (15) days before the date of any hearing as set in such notice.

Article 43. Section 33-836. Contents of notice:

The notice shall contain the following:

(b) A statement that the ~~community development director~~Director of Community Development has discovered conditions, and a description of such conditions, indicating that the service station may have been abandoned.

Article 43. Section 33-840. Enforcement of order:

(a) If the public nuisance is not abated pursuant to the planning commission's decision and order, in addition to any other lawful procedure authorized by this code, the ~~community development director~~Director of Community Development shall enforce such decision and order in the following manner.

(b) The ~~community development director~~Director of Community Development shall issue an order to the ~~public works director~~Director of Public Works to accomplish the following work: removal of all buildings or structures, safeguarding or removing of any flammable or combustible liquid storage tanks, and cleaning of the site, all pursuant to applicable provisions of this code.

(e) The ~~public works director~~Director of Public Works shall keep an itemized account of the net expense incurred by the city in the work to abate the nuisance of an abandoned service station. Upon completion of such work, the ~~public works director~~Director of Public Works shall prepare and file with the city clerk a report specifying the work done, the itemized net cost of the work, a description of the real property upon which the service station is or was located, the names and addresses of the persons entitled to notice pursuant to section 33-831 of this article and the amount of the assessment against each lot or parcel of land proposed to be levied to pay the cost

of the work. Any such report may include or on any number of buildings or structures on any number of parcels of property, whether or not contiguous to each other.

(f) Upon receipt of the report of the ~~public works director~~Director of Public Works, the clerk shall fix time and place, when and where the council will hear and pass upon the report. The clerk shall cause notice of the proposed assessment, as shown in the report, to be given in the manner and to the persons specified in section 33-832 of this article. Such notice shall contain a description of the property sufficient to enable the persons served to identify it, and shall specify the day, hour, and place when the council will hear and pass upon the report, together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such work, and any other interested persons. Such notice of the hearing shall be so given not less than fifteen (15) days prior to the time fixed by the clerk for the hearing, and shall also be published one (1) time, at least fifteen (15) days prior to the date of hearing, in a daily newspaper published and circulated in the city.

(g) Any interested person may file a written protest with the city clerk at any time prior to the time set for the hearing on the report of the ~~public works director~~Director of Public Works. Each such protest shall contain a description of the property in which the person signing the protest is interested and the grounds of such protest. The city clerk shall endorse on every such protest the date and time of filing and shall present such protest to the council at the time set for the hearing.

(h) Upon the day and hour fixed for the hearing the council shall consider the report of the ~~public works director~~Director of Public Works, together with any protests which have been filed with the city clerk as hereinabove provided. The council may make such revision, correction or modification in the report as it may deem just, and when the council is satisfied with the correctness of the assessment, the report and proposed assessment, as submitted or as revised, corrected or modified, shall be confirmed. The decision of the council on the report and the assessment and on all protests shall be final and conclusive. The council may adjourn the hearing from time to time.

(j) Immediately upon the confirmation of the assessment by the council, ~~community development director~~Director of Community Development shall file in the office of the county recorder of San Diego County a certificate in substantially the following form:

NOTICE OF LIEN

Pursuant to the authority vested in the ~~community development director~~Director of Community Development by the provisions of ~~Article XLIII~~ of the Escondido Zoning Code, the ~~community development director~~Director of Community Development did on or about the day of _____, 2019, cause on the property hereinafter described the removal of all buildings or structures, the safeguarding or removal of any flammable or combustible liquid storage tanks, and the cleaning up of the site, in order to abate a nuisance on such real property; and the Council of the City of Escondido did on the day of _____, 2019, assess the cost of such upon the real property hereinafter described, and the same has not been paid nor any part thereof, and the said City of Escondido does hereby claim a lien on said real property for the net expense of the doing of such work in the amount of such assessment, to wit: the sum of \$ _____, and the same shall be a lien upon said real property until the sum has been paid in full and discharged of record.

The real property hereinabove mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Escondido, California, County of San Diego, State of California, and particularly described as follows:

(Description)

DATED: This _____ day of _____, 2019 ____.

~~COMMUNITY DEVELOPMENT~~

~~DIRECTOR~~DIRECTOR OF COMMUNITY DEVELOPMENT

Article 45, Section 33-865. Yard requirements:

(a) Adjustments to the following requirements of up to twenty-five (25) percent may be approved or conditionally approved by the ~~community development director~~Director of Community Development upon demonstration that the proposed adjustment will be compatible with and will not prove detrimental to adjacent property or improvements. The applicant for an adjustment shall pay a fee to the city in an amount to be established by resolution of the city council.

(b) The ~~community development director~~Director of Community Development shall give notice of his intended decision using the procedures outlined in section 33-1300 of Article ~~LXI~~61 of this chapter.

Article 45, Section 33-872. Other requirements:

(a) Adjustments to the following requirements of up to twenty-five (25) percent may be approved or conditionally approved by the ~~community development director~~Director of Community Development upon demonstration that the proposed adjustment will be compatible with and will not prove detrimental to adjacent property or improvements. The applicant for an adjustment shall pay a fee to the city in an amount to be established by resolution of the city council.

(b) The ~~community development director~~Director of Community Development shall give notice of his intended decision using the procedures outlined in section 33-1300 of ~~Art.~~Article 61.

Article 45, Section 33-874. Landscaping:

The following landscaping provisions shall apply to all mobilehome parks:

(b) For all new development, the ~~director of planning and building~~Director of Community Development shall require a minimum of one (1) street tree for every thirty (30) linear feet of street frontage within or adjacent to the development.

Article 45, Section 33-875. Trash storage:

(a) Containers for trash storage shall be of a size, type and quantity approved by the ~~director of planning and building~~ Director of Community Development. They shall be placed so as to be concealed from the street and shall be maintained.

Article 45, Section 33-883. Enforcement:

Should the ~~building official or the planning director~~ Director of Community Development determine that there has been a violation of the provisions of this article or of any conditional use permit issued pursuant thereto, he shall notify, in writing, the owner or manager of the mobilehome park, specifying the particular violation or violations and shall make demand that such violations be corrected within sixty (60) days after receipt of said notice.

Article 46, Section 33-897. Yard requirements:

(b) Adjustments to the following requirements of up to twenty-five (25) percent may be approved or conditionally approved by the ~~community development director~~ Director of Community Development upon demonstration that the proposed adjustment will be compatible with and will not prove detrimental to adjacent property or improvements. The applicant for an adjustment shall pay a fee to the city in an amount to be established by resolution of the city council.

(c) The ~~community development director~~ Director of Community Development shall give notice of his intended decision using the procedures outlined in section 33-1300 of Article 61 of this chapter.

Article 46, Section 33-913. Enforcement:

Should the ~~building official or the planning director~~ Director of Community Development determine that there has been a violation of the provisions of this article or of any conditional use permit issued pursuant thereto, he shall notify, in writing, the owner or manager of the travel trailer park, specifying the particular violation or violations and shall make demand that such violations be corrected within sixty (60) days after receipt of said notice.

Article 47, Section 33-925. City responsibility for environmental documentations and determinations:

(b) The city, at its sole discretion, may decide to utilize the services of a private consulting firm to prepare or review all studies, reports and other documents required or permitted by the guidelines, including those submitted by the proponent or any other party. In all cases, the consultant shall enter into a contract with and shall be responsible directly to the city. All services shall be performed to the satisfaction of the ~~director of planning and building~~ Director of Community Development, or designee.

Article 48, Section 33-931. Approval:

No person shall place, move on, or affix to the land in any manner any building which was formerly located in another site, unless written approval of the ~~community development director~~Director of Community Development has first been obtained. The term "building" as used herein, means any structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property, and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. An accessory structure having a floor area of less than one hundred (100) square feet, and being less than eight (8) feet high shall not fall within this definition. The provisions herein shall not prohibit the installation of new prefabricated houses in accordance with applicable regulations.

Article 48, Section 33-932. Application:

A person seeking approval hereunder shall file an application for such approval with the ~~community development director~~Director of Community Development.

(a) Form. The application shall be made in writing upon forms provided by the ~~community development director~~Director of Community Development, and shall be filed in the office of the ~~community development director~~Director of Community Development.

(b) Contents. The application shall set forth and contain:

(5) Photographs of the building or such elevations as the ~~community development director~~Director of Community Development may direct.

(6) Any additional information which the ~~community development director~~Director of Community Development may find necessary to a fair determination of whether the application should be approved.

Article 48, Section 33-934. Standards and criteria for relocated buildings:

Before approving an application hereunder, the ~~community development director~~Director of Community Development shall determine that all the following conditions are satisfied:

Article 48, Section 33-935. Conditional approval:

The ~~community development director~~Director of Community Development may approve a proposed relocation subject to such conditions as the ~~director~~Director may deem warranted by the circumstances. Said conditions may include specified landscaping and exterior finishing, dedication and improvement of streets and alleys adjoining the property, and time for completion of the work and improvements required. Such conditional approval shall not become effective, nor shall any action be taken thereon, unless and until security is furnished as required by section 33-937 of this article.

Article 48, Section 33-936. Expiration:

Unless otherwise specified in the action approving the building relocation, if a building which has been approved for relocation is not relocated with twelve (12) months of the date of the approval, such approval shall become null and void. However, an extension of time, not to exceed an additional twelve (12) months, may be granted by the ~~community development director~~Director of Community Development.

Article 48, Section 33-937. Security:

If approval is granted subject to performance of conditions by the applicant, a cash deposit, a cashier's check or a certified check payable to the City of Escondido shall be furnished by the applicant. Such cash deposit or check shall be in the amount of the cost of performance of the conditions as estimated by the ~~community development director~~Director of Community Development or and shall be conditional upon and shall guarantee the performance of the conditions enumerated by the ~~community development director~~Director of Community Development and any work ordered done by the ~~community development director~~Director of Community Development pursuant to section 33-938 of this article.

Article 48, Section 33-938. Inspection of work:

The cash deposit or check shall not be released or the bond shall not be exonerated as the case may be, nor shall the removed building be occupied until the ~~community development director~~Director of Community Development certifies that all work and improvements specified by the ~~community development director~~Director of Community Development have been satisfactorily completed. The ~~community development director~~Director of Community Development shall cause an inspection of the building at its new location to be made upon request therefor by the owner or applicant, or at the expiration of the time designated by the ~~community development director~~Director of Community Development for completion of the work. The ~~community development director~~Director of Community Development may require any minor items of work to be done, such as an exterior trim, painting where needed or clean-up which in his judgment is required to meet the purpose and intent of this article.

Article 48, Section 33-939. Appeal:

The applicant shall have the right to appeal any decision of the ~~community development director~~Director of Community Development to the planning commission. Any decision of the planning commission may be appealed to the city council, whose determination thereon shall be final.

Sec. 33-940. Moving permit also required:

Approval or conditional approval of the ~~community development director~~Director of Community Development or city council hereunder is not a building moving permit, and such approval shall not relieve the applicant from compliance with the provisions of the building code or from any other requirement of law.

Article 48, Section 33-941. Violations:

Any person, firm or corporation violating any of the provisions of this article, or disregarding any condition or term imposed by the ~~community development director~~Director of Community Development or city council hereunder, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00) or imprisonment in the County Jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

Article 55, Section 33-1052. Definitions:

Director shall refer to the ~~director of community development~~Director of Community Development.
Professional shall refer to a qualified botanist, certified arborist, or other qualified professional acceptable to the ~~director of planning and building~~Director of Community Development.

Article 56, Section 33-1075. Permitted structures in excess of height limit:

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, church steeples, flagpoles, chimneys, smokestacks, silos, water tanks, windmills, windbreaks, wireless masts or other similar structures (subject to the provisions of Article 34 (Communication Antennas)) may be erected above the height limits established for the various zones provided that no portion of the structure in excess of the allowable building height shall be used for sleeping or eating quarters, nor shall such portion of the structures in excess of the allowable building height be used for the purpose of providing additional habitable floor space or be deemed as an excessive or unreasonable use of space that creates an unnecessary aesthetic impact on surrounding properties (as determined by the ~~director of planning and building~~Director of Community Development).

Article 56, Section 33-1080. Fences, walls and hedges:

- (a) Single-family residential zones:
 - (1) Front and street side setbacks: Fences, walls or hedges not exceeding three (3) feet in height may be located anywhere on the lot or parcel.

Fences, walls or hedges not exceeding six (6) feet in height may be located anywhere on a lot or parcel of ten (10) acres or greater where horticulture specialties, orchards or vineyards

occur pursuant to section 33-161 and subject to the design criteria under section 33-1081(b) through (e) and subject to approval by the ~~director of planning and building~~Director of Community Development.

Fences, walls or hedges not exceeding three and one-half (3 1/2) feet in height, if constructed of materials which are fifty percent (50%) open, may be located anywhere on the lot or parcel.

Fences, walls or hedges not exceeding six (6) feet in height may be constructed at the setback lines for principal structures.

(2) Interior side and rear setbacks: Fences, walls or hedges not exceeding six (6) feet in height may be located anywhere within the interior side and rear yard setbacks.

Fences, walls or hedges not exceeding eight (8) feet in height may be located anywhere within the rear and the interior side setbacks when abutting a public facility, and/or multi-family, commercial and industrial zones pursuant to the design criteria under section 33-1081(a) and (b) subject to approval by the ~~director of planning and building~~Director of Community Development. (See Figure 33-1081.2)

(3) Play fields: Fences up to fifteen (15) feet in height in conjunction with play fields associated with schools and youth organizations may be approved as conditional uses in specified residential zones subject to planning commission approval upon consideration of the design criteria under section 33-1081(f) and (g).

(b) Multi-family residential zones:

(1) Front and street side setbacks: Same as in section 33-1080(a)(1), except that fences, walls or hedges not exceeding six (6) feet in height may be located anywhere within the street side and front yard setbacks pursuant to the design criteria under section 33-1081(a) through (e) subject to approval by the ~~director of planning and building~~Director of Community Development. (See Figure 33-1081.1)

(2) Interior side and rear setbacks: Same as in section 33-1080(a)(2), except that fences, walls or hedges not exceeding eight (8) feet in height may be located anywhere within the rear and the interior side setbacks (except when adjacent to single-family zones) pursuant to the design criteria under section 33-1081(a) through (e) subject to approval by the director of planning and building. (See Figure 33-1081.2)

(3) Play fields: Fences up to fifteen (15) feet in height in conjunction with play fields associated with schools and youth organizations may be approved as conditional uses in specified residential zones subject to planning commission approval upon consideration of the design criteria under section 33-1081(f) and (g).

(c) Commercial/industrial zones:

(1) Front and street side setbacks: Same as in section 33-1080(a)(1), except that fences or walls not exceeding eight (8) feet in height may be constructed in any location allowed for principal structures.

Adequate sight distance pursuant to section 33-1081(b) shall be provided for all fences.

(2) Interior side and rear setbacks: Fences or walls not exceeding eight (8) feet in height may be constructed in any location allowed for principal structures.

(3) Play fields: Fences up to fifteen (15) feet in height in conjunction with play fields associated with schools and youth organizations may be approved as conditional uses in

specified residential zones subject to planning commission approval upon consideration of the design criteria under section 33-1081(f-g).

Article 57, Section 33-1109. Swimming pools:

(b) Front, Side and Rear Yards.

(1) All swimming pools constructed after the effective date of the ordinance codified in this article shall be subject to the front yard and side yard setback requirements as set forth in the applicable zoning regulation, but in no case shall a swimming pool be located closer than five (5) feet from any property line;

(2) Tanks, heating, filtering and pumping equipment shall be subject to the front yard and side yard setback requirements of the applicable zone, except that such accessories may be located within such required yards if installed entirely below the finished grade of the site and covered with a permanent protective cover. In the rear yard, tanks, filtering and pumping equipment must provide at least a five (5) foot separation to the rear lot lines.

(d) Variances and Exemptions.

(1) The building inspector may waive the fencing requirements of this section upon an adequate showing that an alternative safeguard against unauthorized entry to the swimming pool exists or will be provided, and that the physical conditions of the site make the erection of a fence or wall impractical;

~~(2) The provisions of this section shall not apply to swimming pools used or maintained by a hotel, motel or trailer park consisting of ten (10) or more units where someone is on duty twenty-four (24) hours a day;~~

~~(3) All swimming pools which are in the R-A or R-E-40 zones shall be exempt from the provisions of the swimming pool fence requirements.~~

Article 57, Section 33-1110. Subdivision sales office:

A subdivision sales office may be established within the boundaries of a new subdivision, in residential zones in which subdivision sales activities are a permitted use, subject to the following conditions:

(b) That such subdivision sales office shall not be operated or maintained for a period exceeding eighteen (18) months, or until all the lots in the subdivision have been sold, whichever occurs first. The ~~planning director~~ Director of Community Development may, for good cause, grant an extension of said period up to one (1) additional year.

Article 57, Section 33-1114. Motor vehicle, aircraft, marine craft, trailer and camper, motorcycle, equipment rental and leasing dealerships:

The city council shall, after recommendation by the city planning commission, adopt a resolution setting forth site development standards for motor vehicle, aircraft, marine craft, trailer and camper, motorcycle, equipment rental and leasing dealerships (~~SLUC use numbers 5501, 5590 and 6394 respectively~~) in the industrial zones.

The standards and criteria established by said resolution shall be applied as conditions for approval of all plot plans falling within the above categories of uses unless specific findings are made and enumerated by the ~~community development director~~Director of Community Development stating unique circumstances and undue hardship which would require a modification of the standards and criteria.

Article 57, Section 33-1119. Arts and crafts shows.

Arts and crafts shows (as defined in section 33-8 of Article 1 of this chapter) shall conform to all standards for the zone in which they are held, and may be held only upon issuance of an administrative permit issued by the ~~director of planning and building~~Director of Community Development pursuant to the criteria described in this section. No person shall advertise, announce, conduct, operate or sponsor an arts and crafts show within a residentially zoned neighborhood in conflict with the requirements of this section. Proposals which, in the opinion of the ~~director of planning and building~~Director of Community Development, do not readily conform to the criteria for administratively approving an arts and crafts show, will be required to obtain approval of a minor conditional use permit issued by the planning commission at a noticed public hearing.

(a) Application Procedures. An administrative permit for an arts and crafts show may be issued in accordance with the following procedure:

(2) Notice of Intended Decision. Not less than fifteen (15) days prior to the date on which the decision will be made on the application, the ~~director of planning and building~~Director of Community Development shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a five hundred (500) foot radius of the exterior boundaries of the residence which is the proposed location for the arts and crafts show. In addition, if the proposed show is within a cul-de-sac street, the residents of the entire cul-de-sac shall receive notice.

(3) Appeal. The applicant or other affected person may appeal the administrative decision of the ~~director of planning and building~~Director of Community Development to the planning commission which will review the case at a noticed public hearing in accordance with the provision of section 33-1303 of Article 61 of this chapter. The cost of the appeal, if any, shall be borne by the appellant.

(4) Approval of Show and Subsequent Events. Once final approval of the arts and crafts show has been given, the city will send the applicant a letter of approval. The applicant will be required to post the letter of approval in a visible location for display to any city official which may inspect the property during the event.

Prior to conducting subsequent shows the applicant will be required to notify the planning division in writing sixty (60) days prior to advertising of the event. No new application form or fee will be required. If the ~~director of planning and building~~Director of Community Development determines that significant modifications are proposed, a new application, fee, and approval process will be required. Problems associated with an operation (i.e., parking, nuisance, violation of conditions of approval) will be considered in the approval of future events.

(b) Approval Criteria/Findings. The ~~director of planning and building~~Director of Community Development shall approve an arts and crafts permit based upon the following findings:

(3) Parking and Access.

(A) At least a twenty (20) foot clear access for emergency vehicles and surrounding residents must be maintained at all times to the satisfaction of the city engineer, the fire department and the ~~director of planning and building~~Director of Community Development. Factors which will be examined will include, but are not limited to, street width, street configuration, condition of the street and parking availability in the surrounding area.

(B) Adequate on-street parking, within reasonable proximity to the proposed site/residence, must be available in the surrounding area to accommodate the arts and crafts show. The amount of on-street parking available must be commensurate with the size of the property and scale of the proposed show, such that the anticipated parking demand will not result in an adverse parking impact to the surrounding neighborhood. Applicants may choose to identify an off-site parking area from which patrons may walk (without impeding vehicular traffic), and/or be shuttled to the subject residence. The ~~director of planning and building~~Director of Community Development may approve alternative parking plans which include, but are not limited to: (i) off-site parking and shuttle service, and (ii) parking agreements to utilize nearby parking lots.

(7) Inspection of Site and Property. During all reasonable hours and in any reasonable manner, the ~~director of planning and building~~Director of Community Development (or designee), business license officer, code enforcement officer, or any law enforcement officer, may inspect the site at which an arts and crafts show is being advertised, or the personal property which may be displayed or offered for sale, for the purpose of assuring compliance with the provisions of this chapter.

(8) Findings. In order for the ~~director of planning and building~~Director of Community Development or the planning commission to grant approval of an arts and crafts permit, the following findings must be made:

Article 57, Section 33-1122. Electric generating facilities:

(b) Permit Requirements. Except where the city's land-use-permit authority is preempted by state law, the land use permit required is determined by the type of facility, as follows:

(1) A conditional use permit is required for commercial electric generating facilities proposed for the primary purpose of providing electricity to the power grid. Solar-energy systems are exempt from this requirement and design review unless the building official determines the solar-energy system would have a specific, adverse impact upon the public health and safety and there is no feasible method to avoid the specific adverse impact. Decisions of the building official

may be appealed to the planning commission by filing a written request with any required fee, with the department of community development not more than ten (10) days following the final decision of the building official. The appeal shall state the reasons why the determination is contested and which findings, the appellant believes, were made in error. Decisions of the planning commission may be appealed to the city council pursuant to Article 61, Division 6 of the Zoning Code. Facilities shall conform to the following criteria:

(H) Facilities shall meet the provisions for reducing NOx in section 33-1122(d)(7);

(h) Photovoltaic Generating Facilities for Residential and Commercial Sites.

(D) Tower access. Towers shall be constructed to provide one of the following means of access control, or other appropriate method approved by the ~~planning director~~Director of Community Development:

(H) Distance from structures. Horizontal axis wind turbines shall be placed at a distance of at least two (2) times the total tower height from any occupied structure. Vertical axis wind turbines shall be placed at a distance of at least ten (10) blade diameters from any structure or tree. A modification may be granted by the ~~director of planning and building~~Director of Community Development for good cause shown, however, in no case shall the turbine be located closer than three (3) blade diameters to any occupied structure.

Article 58, Section 33-1131. Forms and information:

(a) Except as otherwise provided in this chapter, the ~~community development director~~Director of Community Development shall prescribe the form for each application, notice and document provided for or required under this article for the preparation and implementation of development agreements.

(b) The ~~community development director~~Director of Community Development may require an applicant to submit such information and supporting data as the city development director considers necessary to process the application.

Article 58, Section 33-1132. Fees:

(a) A fee or fee deposit established by city council resolution shall be paid by the applicant at the time of filing the application.

(b) Nothing in this chapter shall relieve the applicant from the obligation to pay any other fee for a city approval, permit or entitlement required by this chapter.

Article 58, Section 33-1133. Qualification as an applicant:

Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the development agreement. The term "applicant" includes authorized agent. The ~~city development director~~Community Development Director shall require an applicant to submit proof

of his interest in the real property and of the authority of the agent to act for the applicant. Before processing the application, the ~~community development director~~Director of Community Development shall obtain the opinion of the city attorney as to the sufficiency of the applicant's interest in the real property to enter into the agreement.

Article 58, Section 33-1135. Review of application:

(a) The ~~community development director~~Director of Community Development shall review the application and may reject it if it is incomplete or inaccurate for processing. If he or she finds that the application is complete, he or she shall accept it for filing.

(b) The ~~community development director~~Director of Community Development shall review the application and proposed agreement and shall prepare a report and recommendation to the planning commission on the agreement.

(c) The ~~community development director~~Director of Community Development shall forward a copy of the application and agreement to the city attorney for review. The city attorney shall prepare a report and recommendation to the planning commission on the agreement.

Article 58, Section 33-1136. Transmittal to planning commission:

The ~~community development director~~Director of Community Development shall transmit the application to the planning commission for a public hearing when all the necessary reports and recommendations are completed. Notice of the public hearing shall be given as provided in this chapter. The application for a development agreement may be considered concurrently with other discretionary permits for the project.

Article 58, Section 33-1137. Planning commission report:

After a public hearing, the planning commission shall consider the application and prepare a report and recommendation for the city council. The report and recommendation shall include findings on the matters ~~stated in Section 21.70.050(b)~~ substantially set to the same form as set forth in Section 33-1138(b) of this article. This report and recommendation shall be forwarded to the city clerk who shall set the matter for public hearing before the city council.

Article 58, Section 33-1138. Decision by city council:

(b) The city council shall not approve the development agreement unless it finds that the agreement:

(2) Is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located and all other provisions of ~~Title 21 of this Code~~ Chapter 33 of this Code;

Article 58, Section 33-1140. Required notice:

(a) Notice of public hearing required by this chapter shall be given as provided in section 33-1300 of ~~Article LXI of this chapter~~ Article 61.

Article 58, Section 33-1144. Periodic review:

(a) The city council shall review the development agreement every twelve (12) months from the date the agreement is entered into.

(b) The time for review may be shortened either by agreement between the parties or by initiation in one or more of the following ways:

(1) Recommendation of the ~~city development director~~ Director of Community Development;

(2) Resolution of intention by the planning commission;

(3) Resolution of intention of the city council.

(c) The ~~community development director~~ Director of Community Development shall begin the review proceeding by giving written notice that the city council intends to undertake a periodic review of the development agreement to the property owner. He or she shall give the notice at least ten (10) days in advance of the time at which the matter will be considered by the council.

Article 58, Section 33-1145. Procedure for periodic review:

(a) The city council or the planning commission, if the matter has been referred pursuant to subsection (d) of section ~~33-1114~~ 33-1144 of this article, shall conduct a public review hearing at which the property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the property owner.

Article 61, Section 33-1319. Powers and duties and procedure.

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

(1) Minor conditional use permits as defined in Division 1 of this article;

(2) Minor conditional use permits for non-residential parking pursuant to section 33-764 of Article 39;

(3) Variances as defined in Division 2 of this article;

(4) Reasonable accommodation as provided in Division 5 of this article;

(5) Grading exemptions not associated with a discretionary project pursuant to section 33-1066(d) of Article 55;

(6) Proposed modifications to an approved precise development plan pursuant to section 33-411 of Article 19.

(7) Time extensions for maps and permits upon submittal of a written request for an extension request, justification statement, and payment of all required application fees.

Article 64, Section 33-1358. Design review process:

The design review process shall be as follows:

(d) For administrative projects that require planning division review, the planning division staff shall submit recommendations to the ~~director~~Director of Community Development,

Article 65, Section 33-1376. Property development standards:

(c) Lot dimensions for newly created parcels may vary from the underlying zone standard in order to facilitate the relocation of a historic single-family residence, provided the lot maintains the minimum square footage established for the zone and the relocated residence meets all other criteria established by the city to the satisfaction of the ~~community development director~~Director of Community Development.

Article 68, Section 33-1435. Implementation of facilities and improvements requirements.

The ~~director of building and planning~~Director of Community Development shall monitor the citywide development activity. An annual report should be prepared which includes a development activity analysis, a facilities and improvements adequacy analysis, a facility revenue/expenditure analysis, and any necessary amendments to the citywide facilities plan, if necessary.

Article 69, Section 33.1455. Processing of development applications:

(b) An application shall be submitted in accordance with the requirements of the planning and building divisions. An application determined to be complete and in compliance with the requirements of the California Environmental Quality Act by the ~~director of planning~~Director of Community Development shall be submitted to the council economic development subcommittee in the case of projects for which no public hearing is required, or the city council in the case of projects for which a public hearing is required.

Article 69, Section 33-1457. Administrative adjustments:

Those standards set forth in sections 33-335 and 33-336 of Article 16, section 33-569 of Article 26, section 33-765 of Article 39, sections 33-1326, 33-1327, 33-1328, and 33-1333 of Article 62, in Chapter 5 of the South Centre City Specific Plan, and Figure 11-2 of the ~~downtown specific plan~~Downtown Specific Plan shall be eligible for administrative adjustments. Adjustments of up to twenty-five (25) percent may be approved or conditionally approved by the ~~director of planning~~Director of Community Development upon demonstration that the proposed adjustment will be compatible with and will not prove detrimental to, adjacent property or improvements. The ~~community development director~~Director of Community Development shall give prior notice of an intended decision to provide an administrative adjustment pursuant to Article 61 of this chapter. Any applicant for an administrative adjustment shall pay a fee for such adjustment in an amount to be established by resolution of the city council.

Article 70, Section 33-1474. Development standards:

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

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

(1) One additional off street parking space, covered or uncovered, shall be provided for an accessory dwelling unit. Parking provisions may be provided as tandem parking on an existing driveway or permitted within a setback area in accordance with Sections 28-300 and 33-110 of the Escondido Zoning Code, in locations determined to be satisfactory by the ~~director of community development~~Director of Community Development, unless the ~~director~~Director determines that parking in setback areas or tandem parking is not feasible based on specific site or regional topographical or fire and life safety conditions, or not permitted anywhere else in the jurisdiction.

Article 70, Section 33-1477. Application and procedure:

The ~~director of community development~~Director of Community Development shall approve a permit for an accessory dwelling unit within one hundred twenty (120) days of submission of a complete application, unless it is determined that the permit does not meet the requirements of this article or disapprove an application for an accessory dwelling unit, ministerially, within 120 days after receiving the application. The ~~director~~Director may refer any ~~unit~~application to the planning commission or historic preservation commission prior to the ~~director's~~Director's decision for conformance with the specific criteria outlined in section 33-1474.

Article 73, Section 33-1533. Permitted uses.

(a) Outdoor display.

(2) The ~~director of the planning and building department~~Director of Community Development is authorized to permit additional retail items to be displayed outdoors if it can be determined that the use is consistent with the purpose of this article.

Article 75, Sec. 33-1575. Review:

(1) All requests for building permits, plot plans, business licenses and discretionary permits must be reviewed by the ~~director of planning and building~~Director of Community Development to determine if the use is permitted by the underlying zone and the development is appropriate with the purpose and intent of the overlay zone.