



# PLANNING COMMISSION

Agenda Item No.: H.2  
Date: July 22, 2014

**CASE NUMBER:** AZ 14-0001  
**APPLICANT:** City of Escondido  
**LOCATION:** Citywide  
**TYPE OF PROJECT:** Amendment to the Zoning Code

**PROJECT DESCRIPTION:** An amendment to Article 16, pertaining to commercial zones, involving adding Planned Development - Office (PD-O) and Planned Development – Mixed Use (PD-MU) as new commercial zones implementing the Planned Office designation and mixed-use overlay of the General Plan, eliminating the Hospital Professional (HP) zone and incorporating the uses and development standards into the Commercial Professional (CP) zone, and amending/updating the matrix list of permitted and conditionally permitted principal uses for commercial zones (Table 33-332). No property zone changes are proposed at this time; staff will conduct a comprehensive zone change involving all properties affected by the General Plan update at a later time. The proposal also includes the adoption of the environmental determination prepared for the project.

**STAFF RECOMMENDATION:** Approval

**BACKGROUND/SUMMARY OF ISSUES:**

The City of Escondido General Plan was adopted by the City Council on May 23, 2012. As part of the Land Use and Community Form Element, new commercial designations were added. The Planned Office designation is generally located on 87 acres surrounding the Interstate 15 and Felicita Road interchange. It is designed to integrate a “campus-style” employment center into a master planned development with coordinated architecture and site design. The proposed amendment to the Zoning Code to add the Planned Development-Office (PD-O) designation implements the General Plan by adding a Zoning designation that corresponds to, and is consistent with, the Planned Office General Plan land-use designation. No permitted uses or development standards are proposed for the PD-O zoning designation, because any individual projects would be reviewed for conformance with General Plan policies and the Planned Development section of the Zoning Code (Article 19).

Since the Planned Office General Plan designation is intended to encourage comprehensive site planning of “campus-style” employment centers, language is proposed to be added to the commercial zones permitted use matrix (Table 33-332), in the use “social, professional and religious organizations and services.” The language will specify that existing churches on property designated Planned Office will be allowed to operate subject to their approved Conditional Use Permit (CUP), and expansions may occur subject to Article 57 that do not increase the boundary of the CUP. No new churches will be permitted on land designated Planned Office.

The proposed amendment to the Zoning Code to add the Planned Development-Mixed Use (PD-MU) designation implements the General Plan by adding a Zoning designation that implements the mixed use overlay of the General Plan. It will be consistent with the existing General Plan designations that allow mixed-use developments: Planned Commercial (PC), Office (O) and General Commercial (GC). No permitted uses or development standards are proposed for the PD-MU zoning designation, because any individual projects would be reviewed for conformance with General Plan policies and the Planned Development section of the Zoning Code (Article 19).

Since the Palomar Medical Center (PMC) relocated to its new facility in western Escondido in 2012, there has been some confusion among the public and commercial real estate brokers about the existing zoning designation "Hospital Professional" (HP). While the zoning designation permits a variety of office uses, in addition to medical related uses, many people incorrectly presume that only hospital- or medical-related uses are permitted in the zone. The existing Professional Commercial (CP) zone is a more general category that allows professional offices, medical services, legal services and related uses, and is also located in close proximity to downtown. Incorporating the HP zone into the CP zone will not impact medical or related services and will not create any nonconforming uses or properties, but will streamline the commercial permitted use matrix and simplify the process of attracting new businesses. All properties currently zoned HP will be governed by the development standards and permitted uses of the CP zone until a comprehensive zone change is conducted at a later time.

The proposed Zoning Code amendment also includes some updates to the Commercial Zones permitted use matrix. The City of Escondido has been working diligently to attract new businesses to the City, through the 2013-2014 City Council Action Plan, General Plan policies, and other economic development efforts. One barrier to the goal of attracting education, bio-technology and other new commercial uses to the City is the use of valuable commercial space for non-commercial uses. Although some non-commercial uses are allowed in commercial zones only with a Conditional Use Permit (CUP), there are also some non-commercial uses permitted by right, including residential care facilities which are often located in large structures or on large properties. Allowing residential care facilities in the CG and CP zones (the two commercial zones that currently permit them by right) with a CUP will provide consistency to permitted uses in the commercial zones and still provide the City discretion to allow residential care facilities if proposed in an appropriate location.

The proposed amendment to the Zoning Code also eliminates "Lodging for organization members only," which is listed under the category of "Residential and Lodging" and is permitted by right in the CG zone. A similar use "assembly halls, fraternities, sororities, lodges, etc." is also listed in the matrix under the category "Other services" and is permitted with a conditional use permit in the CG zone. Other similar residential uses in commercial zones, such as hotels and motels, bed and breakfast facilities, and travel trailer parks require a conditional use permit, giving the City discretion over a specific use and location in commercial zones, especially in desirable gateway areas. The use "lodging for organization members only" will be eliminated in favor of the existing use "assembly halls, fraternities, sororities, lodges, etc." for consistency.

Staff feels that the issues are as follow:

1. Whether adding the PD-O and PD-MU zoning designations are appropriate.
2. Whether eliminating the HP designation from the Zoning Code and consolidating its uses and development standards into the CP zone is appropriate.
3. Whether the proposed changes/updates to the commercial zones permitted use matrix are appropriate.

**REASONS FOR STAFF RECOMMENDATION:**

1. The proposed new zoning designations of PD-O and PD-MU would implement the General Plan, providing zoning categories that are consistent with the existing Planned Office designation and the mixed-use overlay of the General Plan. No zone changes are proposed at this time.

2. Eliminating the Hospital Professional zone and incorporating the land uses and development standards into the Commercial Professional zone would streamline the commercial categories of the Zoning Code and assist in attracting businesses to the area, while not adversely impacting property or business owners
3. Requiring a conditional use permit for residential care facilities in the CG zones will help prevent valuable commercial property from being used by non-commercial uses, while still allowing residential care facilities through the CUP process for appropriate locations in commercial zones.
4. Allowing existing churches to remain and expand within their boundaries, but not allowing new churches within the area designated Planned Office in the General Plan would preserve those areas at city gateways for comprehensively planned employment centers, without negatively impacting existing churches.
5. The proposed amendment would update, modernize, and add flexibility for uses in the commercial permitted use matrix, including fixing an inconsistency among a type of residential use that is listed in the matrix twice.

Respectfully submitted,

*Kristina Owens*

Kristina Owens  
Associate Planner

## **A. ENVIRONMENTAL STATUS**

1. A Notice of Exemption was issued on July 14, 2014, in accordance with CEQA Section 15061(b)(3), "General Rule."
2. In staff's opinion, no significant issues remain unresolved through compliance with code requirements.
3. The project will have no impact on fish and wildlife resources since no sensitive or protected habitat would be impacted by the proposed Zoning Code Amendment.

## **B. CONFORMANCE WITH CITY POLICY/ANALYSIS**

### General Plan

The proposed Zoning Code Amendment would be consistent with the General Plan. The addition of Planned Development-Office and Planned Development-Mixed Use designations to the Zoning Code implements the General Plan by adding Zoning designations that are consistent with the existing General Plan. Combining the HP and CP zones into one zoning designation (CP) does not impact General Plan policies and existing Land-Use designations would remain the same.

The Housing Element of the General Plan includes a discussion of residential care facilities, including the requirement that the City allow State-licensed residential care facilities serving six or fewer persons to be treated as a regular residential use and be permitted by right in all residential zones allowing residential uses. The Housing Element also states that licensed residential care facilities are permitted by right in Commercial and Hospital Professional zones, although this is not a requirement of the Lanterman Developmental Disabilities Services Act of the California Welfare and Institutions Code or the State of California. The Lanterman Act addresses the requirement that residential care facilities with six or fewer residents be treated the same as residential uses in residential zones. The proposed amendment to require a Conditional Use Permit for large residential care facilities is not inconsistent with the Housing Element of the General Plan or State law.

### Adding Planned Development-Office and Planned Development-Mixed Use Designations

New land use designations were created when the General Plan was adopted in 2012, involving Planned Office and Mixed Use. The Planned Office designation was intended to include bio-technology, research and development, corporate office, and related support office uses in a campus like setting. The area designated Planned Office is approximately 87 acres at the Interstate 15 and Felicita Road interchange area and it is one of the General Plan's target employment areas. The proposed amendment to the Zoning Code implements the General Plan by establishing a commercial zoning category, Planned Development - Office (PD-O), that is consistent with the General Plan designation. No zoning changes on any properties are proposed at this time.

The mixed use designation in the General Plan is intended to add flexibility in certain urban areas to promote infill development with commercial uses. The areas designated for mixed use total approximately 500 acres and are located at Centre City Parkway/Brotherton Road, Escondido Boulevard/Felicita Avenue, and along a portion of East Valley Parkway. The PD-MU zoning designation would implement the mixed use overlay.

A specific list of permitted and conditionally permitted uses and development standards is not being proposed for the PD-O or PD-MU zones since individual projects in a Planned Development zone are reviewed under the existing Planned Development Section of the Zoning Code (Article 19) and existing General Plan policies. Development standards, permitted uses and project design are established for a project on a case by case basis through the Planned Development process. The General Plan guiding principles for these designations will be utilized when reviewing any proposal for development in these areas, including a focus on attracting high paying, high employee density businesses and unified design

elements with buffers between higher intensity development and existing lower density residential development.

#### Eliminating the Hospital Professional Zone and Combining the Permitted Uses and Development Standards with the Commercial Professional Zone

Upon relocation of the Palomar Medical Center to its new location in western Escondido, including its emergency and acute care departments, some confusion has existed among the public and potential businesses as to the types of businesses permitted in the area surrounding the hospital's Downtown Campus. The term "hospital" in the Hospital Professional (HP) zone has led many to believe that only medical uses are permitted. Eliminating the HP zone and combining the existing Professional Commercial (CP) and HP zones into the CP zone will add clarity and increase flexibility for attracting new businesses to the area. Much of the property zoned HP or CP is located in one of the General Plan's target employment areas and both designations are in close proximity to downtown. The descriptions of both designations are similar, with the CP zone being more broad and inclusive. In order to ensure conformity and consistency for existing uses, all previously permitted and conditionally permitted uses in the HP zone will be incorporated into the CP zone, where they are not already included. Additionally, development standards, including setbacks and building height, will be consistent. Existing buildings and properties will not be made nonconforming due to this Zone Code amendment and no zone changes are proposed.

#### The Proposed Amendment to the Permitted Use Matrix Related to Residential Care Facilities in Commercial Zones

A primary focus of the City Council's 2013-2014 Action Plan is Economic Development. Many of the economic development goals aim to make Escondido more attractive to new businesses. Residential care facilities are currently a permitted use in the Commercial (CG) and Hospital Professional (HP) zones. Often residential care facilities occupy large commercial buildings or large vacant, commercial parcels at key gateways to the City, reducing the potential for aggregated commercial developments. Additionally, many residential care facilities are operated and/or owned by non-profit organizations, many of which are exempt from paying property taxes and do not pay business license fees. There may be sites in the CG or HP (now CP) zones where a residential care facility would be appropriate, so the Conditional Use Permit process would be maintained to allow discretionary approval. By requiring a CUP for residential care facilities in the CG and CP zones the City will maintain the ability to market commercial properties in desirable gateway areas to businesses with high employee density opportunities, while maintain the discretion to allow a residential care facility on an appropriate site.

#### Removing the Use "Lodging for Organization Members Only" From the Permitted Use Matrix

The majority of non-commercial uses and commercial uses with a residential component currently require a CUP in commercial zones, including hotels, motels and bed and breakfasts. "Lodging for organization members only" is currently listed in the commercial permitted use matrix in the "Residential and Lodging" section and is a permitted use in the CG zone. "Assembly halls, fraternities, sororities, lodges, etc." is also listed in the commercial matrix, but requires a CUP in the CG zone. Both groups of uses are intended to include the same types of establishments. For consistency, the use "Lodging for organization members only" will be eliminated, leaving "assembly halls, fraternities, sororities, lodges, etc." as requiring a CUP in the CG zone, similar to other similar residential, non-commercial uses. This will provide for more consistency in applying permitted uses in the commercial zones.

#### Churches and Church Expansion in the Professional Office Area

Churches often occupy large buildings or properties at key gateways to the City, reducing the potential for commercial property to be utilized for commercial development. The General Plan Planned Office designation is intended to encourage comprehensive site planning of "campus-style" employment centers, including research and development, corporate office, and related support uses at city gateways.

No ordinance text is proposed for the commercial zones permitted use matrix (Table 33-332), in the use “social, professional and religious organizations and services,” related to churches. Existing churches on property designated in the General Plan as Planned Office will be allowed to operate subject to their approved Conditional Use Permit (CUP), and expansions to existing churches may occur subject to Article 57 as long as they do not increase the boundary of the CUP, including parking. No new churches will be permitted on land designated Planned Office. This amendment would have no negative impact on existing churches, but would facilitate new commercial uses.

**FACTORS TO BE CONSIDERED**  
**AZ 14-0001**  
**EXHIBIT "A"**

1. The public health, safety and welfare would not be adversely affected by the proposed Zoning Code Amendment, since the amendment involves General Plan implementation, clarification and streamlining of the commercial zone permitted use matrix, and implementing current City Council policy on attracting businesses. No development standards are being modified, no properties are being re-zoned and no new, permitted uses are being added to residential zones.
2. The proposed Zoning Code Amendment would not be detrimental to surrounding properties, since it would implement the General Plan and streamline the commercial permitted use matrix, while not changing the zoning designation on any parcels or allowing new non-residential uses to residential zones. Modifications to permitted uses in commercial zones are consistent with the General Plan.
3. The proposed amendment would be consistent with the General Plan, since no land uses or policies would be amended or impacted, and it would implement the General Plan by adding zoning designation consistent with the General Plan land-uses. The amendment also would strengthen the City Council objective to attract new businesses to the City.

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**EXHIBIT “B”  
AZ 14-0001**

**ARTICLE 16. COMMERCIAL ZONES**

**Note**

\* Prior history: Zoning Code, Ch. 104, §§ 1041.1, 1041.2, 1041.21, 1041.23, 1041.25, 1041.27, 1041.28, 1041.31, 1041.32.3—1041.32.7, 1041.33, 1041.33.3, 1041.33.4, 1041.33.7, 1041.34.1—1041.34.9, 1041.35.1—1041.35.3, 1041.35.5, 1041.35.6, 1041.39, 1041.39.3, 1041.39.5, 1041.39.7, 1041.39.9, 1041.40 as amended by Ord. Nos. 88-58, 90-2, 90-19, 91-5, 92-17, 92-43, 94-32, 96-2 and 96-11.

**Sec. 33-330. Purpose.**

(a) Purpose of this article. The commercial zones are intended to implement development and operation of commercial areas for retail and service establishments, neighborhood convenience, and office uses required by residents of Escondido in a manner consistent with the general plan.

(b) Purpose of individual commercial land use districts.

(1) General commercial (CG) zone. The general commercial (CG) zone is established to provide for the community’s general commercial needs. This zone is used in areas where a wide range of retail, office, service establishments, and other uses not suitable for residential zones but less intensive than industrial uses, are needed to accommodate the surrounding community.

(2) Neighborhood commercial (CN) zone. The neighborhood commercial (CN) zone is established to provide a shopping center for the sale of convenience goods and personal services for day-to-day living needs, and provide a neighborhood/community activity center. The uses and structures allowed and the standards of development are designed to protect the adjacent residential zones, promote orderly development and avoid traffic congestion within the neighborhood. No land area shall be classified into this zone where such classification would create a zoned CN area of less than one (1) acre or larger than five (5) acres and may be required to be located on an intersection of improved collectors and/or major roads and/or prime arterials as shown on the adopted circulation plan of Escondido. Neighborhood commercial zones shall be separated by at least one (1) mile from any other commercial center or zone.

(3) Professional commercial (CP) zone. The professional commercial (CP) zone is established to provide for the development of certain business and professional offices, medical services, medically related retail, legal services and related support-type uses in locations ~~within or in close proximity to the downtown business district~~ where such uses can conveniently serve the public.

~~\_\_\_\_\_ (4) Hospital professional (HP) zone. The hospital professional (HP) zone is established to provide areas in close proximity to hospitals for related medical, professional, and support type uses, including medically related retail. (Ord. 97-02, § 2 Exh. A, 1-22-97)~~

(4) Planned development (PD) zone. The planned development (PD) zone is established to encourage the comprehensive site planning and building design in a creative approach through variation in the siting of buildings and the appropriate mixing of land uses and activities. Planned development zoning is subject to Article 19 of the Escondido zoning code and applies to properties zoned Planned Development – Commercial (PD-C), Planned Development – Neighborhood Commercial (PD-CN), Planned Development – Office (PD-O) and Planned Development – Mixed Use (PD-MU).

(c) Interim development standards for properties located in the hospital professional (HP) zone.

(1) Properties located in the hospital professional (HP) zone identified on the city of Escondido adopted zoning map shall be governed by the standards of the professional commercial (CP) zone.

**Sec. 33-331. General plan compatibility matrix.**

Table 33-331 shows the general plan designation corresponding to the commercial zoning district designations.

**Table 33-331**

<b>Zoning</b>	<b>Corresponding General Plan Designations</b>
General Commercial (CG)	General Commercial (GC)
Neighborhood Commercial (CN)	General Commercial (GC), all residential designations (existing CN zoning only)
Professional Commercial (CP)	Offices (O), General Commercial (GC)
<del>Hospital Professional (HP)</del>	<del>Offices (O)</del>
Planned Development—Commercial (PD-C)	Planned Commercial (PC), Office (O), General Commercial (GC),
Planned Development—Neighborhood Commercial (PD-CN)	All designations
<u>Planned Development—Office (PD-O)</u>	<u>Planned Office (PO)</u>
<u>Planned Development—Mixed Use (PD-MU)</u>	<u>Planned Commercial (PC), Office (O), General Commercial (GC)</u>

(Ord. No. 97-02 § 2 Exh. A, 1-22-97)

**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). 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 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.

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

**Table 33-332**

**PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES**

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

Use Title	CG	CN	CP	HP
<b>Residential and Lodging</b>				
Bed and breakfast* (Article 32)	C			C
Hotels and motels* (Article 63)	C			
<del>Lodging for organization members only</del>	<del>P</del>	-	-	-
Mobilehome parks or travel trailer parks* (Articles 45 & 46)	C			
<b>Manufacturing, Wholesale Trade, and Storage</b>				
Mini-warehouse storage facilities* (section 33-339)	C			
Newspaper printing and publishing	P			
<b>Retail Trade</b>				
<b>Automotive and marine craft</b>				
Sales lots and parts and accessories sale and supply (including autos, motorcycles, trailers, campers, recreational vehicles and marine craft vehicles excluding farm and construction vehicles, three-axle trucks, and buses)	P			
Gasoline service stations including concurrent sale of alcoholic beverages and motor vehicle fuel* (Articles 57 and Council Resolution #5002) With facilities to dispense gasoline to four (4) or fewer vehicles at a time	P			
	C			
<b>Food and liquor</b>				
Food stores (grocery, produce, candy, baked goods, meat, delicatessen, etc.), off-sale beer and wine, off-sale general	P	P		

Use Title	CG	CN	CP	HP
license excluding concurrent sale				
With facilities to dispense gasoline to four (4) or fewer vehicles at a time* (Article 57)	P			
With facilities to dispense gasoline to five (5) or more vehicles at a time* (Article 57)	C			
Liquor stores, packaged (off-sale)	P	P		
<b>General retail</b>				
Building materials and supplies including lumber, heating, plumbing, and electrical equipment, etc. (outdoor storage or sale subject to CUP)	P			
Drugstores	P	P	P	
Pharmacies	P	P	P	P
Florists, gifts, cards, newspapers and magazines	P	P	P	P
Furniture, home and office furnishing and equipment, electrical appliances, and office machines and supplies	P			
General retail, NEC (as determined by the director of <del>planning and building</del> community development, based on conformance with the purpose of the specific zone, interaction with customers, the appearance of the building, the general operating characteristics, and the type of vehicles and equipment associated with the use, and including incidental assembling of customized items)	P	P		
Hospital/medical equipment sales	P		<u>P</u>	P
Nurseries and garden supply stores	P	P		
Outdoor retail, NEC (as a principal use)	C			
Sporting goods (includes ammunition and firearms, fishing, hunting, golf, playground equipment, etc.)	P			
Temporary seasonal sales such as Christmas tree and wreath sales, pumpkin sales, etc., on vacant lots subject to site plan approval	P	P	<u>P</u>	
<b>Eating and Drinking Establishments</b>				
<b>Cabarets and nightclubs</b> (with or without alcoholic beverages, including comedy clubs, magic clubs, etc.)	C			
<b>Drinking places-alcoholic beverages</b> (on-sale beer and wine and on-sale general licenses and public premises) includes bars and taverns, does not include restaurants serving alcoholic beverages.	C			
<b>Restaurants, cafés, delicatessens, sandwich shops, etc.</b>				
Without alcoholic beverages	P	P	P	P
With on-sale beer and wine and on-sale general licenses	P	C	<u>C</u>	
Auto oriented (drive-in,* drive-through*) (section 33-341)	P			
<b>Specialized food sales from pushcart facilities*</b> (section 33-342)	P	P	P	P
<b>Services</b>				
<b>Animal care</b> (excluding kennels)	P	P		

Use Title	CG	CN	CP	HP
<b>Automotive services</b> (including motorcycles, marine craft and recreational vehicles)				
Car-wash, polishing, detailing	P			
Rental and leasing* (Article 57 and Council Resolution #73-264-R) with or without drivers, taxicab service	P			
Repair and related services, except tire retreading and auto body	P			
Auto body	C			
Miscellaneous auto service, except repair and wash (includes motor clinics, auto towing service only)	P			
<b>Educational services</b>				
Day nurseries, child care centers* (Article 57)	P	C	C	€
Schools, including kindergarten, elementary, junior, and senior high schools* (Article 57)	P		C	€
University, college, junior college, and professional schools	P		P	€
Vocational and trade schools	P		P	
Other special training (including art, music, drama, dance, language, etc.)	P	P		
Special needs education	P	P	P	P
<b>Government services</b>				
Administrative centers and courts	P	C	P	€
<del>Operation centers</del> Other government services NEC excluding correctional institutions	C		C	€
Police and fire stations	C	C	C	€
<b>Financial services and institutions</b> (including banks, securities brokers, credit offices, real estate services)				
Insurance	P	P	P	P
Hospital and medical service organizations (including Blue Cross, Blue Shield, etc.)	P		P	P
<b>Medical, dental and related health services</b>				
Hospitals, excluding small medical clinics	C		C	€
Medical, dental and optical laboratories	P		P	P
Medical clinics and blood banks	P		P	P
Medical, dental, optical, and other health care offices	P	P	P	P
Other medical and health services NEC	P		P	P
Sanitariums, convalescent and licensed residential care facilities	PC		C	P
<b>Offices and business services, except medical</b>				
General business services (including advertising, credit reporting, building services, news syndicate, employment services, computer services, drafting, detective/protective services, etc.)	P	P	P	P
General office use (includes professional offices)	P	P	P	P
Mailing, stenographic, accounting and office services	P		P	P

Use Title	CG	CN	CP	HP
Messenger services	P	-	P	P
Travel agencies and services	P	P	P	
<b>Repair services, except automotive</b>				
Apparel and shoe repair and alteration	P	P		
Bicycle repair	P	P		
Locksmiths and key shops	P	P	P	
Miscellaneous repair services (excluding machine shops and welding services)	P			
Small appliance repair and services (including TV, radio, VCR, computers, household appliances, etc.)	P	P		
Watch, clock, and jewelry repair	P	P	P	
<b>Social, professional, and religious organizations and services</b>				
Churches, synagogues, temples, missions, religious reading rooms, and other religious activities* including columbariums and mausoleums* as an incidental use (Article 57). <u>Churches on property designated Planned Office in the general plan: Existing churches may operate subject to their approved conditional use permits. Expansions may occur subject to Article 57 that do not increase the boundary of the conditional use permit, including parking areas. No new churches are permitted on land in the general plan designated Planned Office.</u>	P	C	C	E
Social and professional organizations (political membership, veterans, civic, labor, charitable and similar organizations, etc.)	P	C	P	P
Youth organizations* (Article 57)	P	C		
<b>Other services</b>				
Assembly halls, fraternities, sororities, lodges, etc.	C			
Barber, beauty, nail, and tanning services	P	P	P	P
Equipment rental and leasing service* (Article 57 and Council Resolution #73-264-R) (includes airplanes, business equipment, <del>chairs</del> furniture, construction equipment, sanitation units, sports equipment, etc.)	P			
Mortuary (excluding crematories and mausoleums)	P			
Hospital/medical equipment rental and leasing	P		P	P
Laundry and dry cleaning services				
Self-service, coin-operated	P	P		
Pick-up service only	P	P	P	
Dry cleaning, laundering, pressing and dying for on-site retail customers only	P			
Personal services, NEC (including clothing and costume rental, tattooing, marriage bureaus, baby-sitting services, etc.)	P			

Use Title	CG	CN	CP	HP
<b>Photographic and duplicating services:</b>				
Blueprinting	P		P	
Photocopying	P	P	P	P
Studios, developing, printing, and similar services, except commercial photography	P	P	P	P
Commercial photography, including aerial photographs and mapping services	P		<u>P</u>	P
Picture framing, assembly only	P	P		
<b>Recycling Services* (Article 33):</b>				
Reverse vending machines occupying a total of fifty (50) square feet or less	P	P	P	P
Small collection facilities occupying a total of five hundred (500) square feet or less	P	P	P	P
Aluminum can and newspaper redemption center without can crushing facilities	C			
<b>Cultural Entertainment and Recreation</b>				
Adult entertainment establishments* (Article 42)	P			
Cultural, including museums, art galleries, etc.	P		P	
Entertainment assembly, amphitheater, concert halls, exhibit halls	C			
Health and fitness facilities, including gymnasiums, athletic clubs, body building studios, dance studios, martial arts schools, etc.	P	P	C	€
Swimming schools and pools	C	C		
Libraries	P	P	P	€
Parks	P	P	P	P
Sports and recreation facilities, including bowling alleys, billiards, indoor and outdoor skating facilities, batting cages, riding schools and stables, etc.	C			
Theaters, indoor motion picture and legitimate	P			
<b>Transportation, Communications and Utilities</b>				
<b>Transportation</b>				
Ambulance and paramedic	C		<u>C</u>	€
Bus and train depots	P			
Helipad (as an incidental use only)* (Article 57)	C		C	€
Park-and-ride facilities	P	P	P	P
Parking lots and parking structures (short term)	P		P	P
Taxicab stand	P		<u>P</u>	P
<b>Communications (telephone, telegraph, radio, TV, etc.)</b>				
Broadcasting (radio and/or television), recording, and/or sound studios	P		P	
<b>Personal wireless service facilities* (subject to Article 34)</b>				
Roof-mounted or building-mounted facilities incorporating stealthy designs and/or screened from	P	P	P	P

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

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

P = Permitted use;

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

NEC = Not Elsewhere Categorized.

(Ord. No. 97-02, § 2 Exh. A, 1-22-97; Ord. No. 97-11, § 2, 6-11-97; Ord. No. 99-15-R, § 4 Exh. A, 6-9-99; Ord. No. 2001-31R, § 14, 12-5-01; Ord. No. 2003-20(R), § 4 Exh. A, 10-15-03; Ord. No. 2004-21, § 10, 11-17-04; Ord. No. 2009-17, § 4, 7-15-09)

**Sec. 33-333. Permitted accessory uses and structures.**

Accessory uses and structures are permitted in commercial 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~~ community development. Such permitted accessory uses and structures include, but are not limited to, the following:

**Table 33-333**

**PERMITTED ACCESSORY USES AND STRUCTURES**

Use Title	CG	CN	CP	HP
Accessory buildings such as garages, carports and storage buildings clearly incidental to a permitted use	P	P	P	P
Bus stop shelters* (Article 57 & Article 9, Chapter 23 EMC)	P	P	P	P
Caretaker's or resident manager's quarters (for lodgings,	P			P



Use Title	CG	CN	CP	HP
motels, hotels, and funeral parlors)				
Cottage food operations and home occupations as provided for in Article 44	P	P	P	P
Employee recreational facilities	P		P	P
Live entertainment	P	P	P	P
Outdoor dining in conjunction with an approved eating place* (Article 57)	P	P	P	P
Outdoor display of merchandise* (Article 73)	P	P	P	P
Satellite dish antennas* (Article 34, CUP required for some sizes and heights)	P/C	P/C	P/C	P/C
Storage of materials used for the construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto and provided further, that such use shall be permitted only during the construction period and the thirty (30) days thereafter	P	P	P	P
Swimming pools* (Article 57) and tennis courts	P		P	P
Temporary outdoor sales* (Article 73) and special events subject to the issuance of a temporary use permit	P	P	P	P
Vending machines* (Article 33)	P	P	P	P

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

P = Permitted Accessory Use

(Ord. No. 97-02, § 2 Exh. A., 1-22-97; Ord. No. 2013-07RR, § 4, 12-4-13)

**Sec. 33-334. Prohibited uses.**

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

(b) Any existing residential structure shall not be used for both residential and commercial purposes at the same time, except as provided for in Article 44. (Ord. No. 97-02, § 2 Exh. A, 1-22-97; Ord. No. 2013-07RR, § 4, 12-4-13)

**Sec. 33-335. Development standards.**

(a) All zones. The standards contained in the following table shall apply to all commercial districts and shall be determined minimum unless stated otherwise.

(b) CN zone. No single use shall exceed a gross floor area of five thousand (5,000) square feet except that a grocery store may have a gross floor area of up to thirty thousand (30,000) square feet.

**Table 33-335**

**COMMERCIAL DEVELOPMENT STANDARDS**

	<b>CG</b>	<b>CN</b>	<b>CP</b>	<b>HP</b>
<b>Lot area (SF) min.</b> <sup>(1)(2)</sup>	None	7,000	7,000	7,000
<b>Average lot width min.</b> <sup>(1)</sup>	None	100'	50'	50'
<b>Lot frontage min.</b> <sup>(1)</sup>	All lots shall front on public street (does not include an alley)			50'
<b>Front setback min.</b> <sup>(4)(7)</sup>	None <sup>(5)(6)</sup>	10'	10'	10'
Corner and reverse corner lots	5' <sup>(6)</sup>	10'	10'	10'
Facing Centre City Parkway in Landscape Master Plan Overlay <sup>(3)</sup>	15'	15'	15'	15'
<b>Side setback min.</b> <sup>(4)(7)</sup>	None <sup>(5)(6)</sup>	None <sup>(5)</sup> except 10' adjacent to residential zones	None <sup>(5)</sup> <u>5' for first two stories plus 5' for each additional story up to 10' max. when adjacent to residential structures</u>	5' for first two stories plus 5' for each additional story up to 25' max. setback
Corner lots and reverse corner lots	5' <sup>(6)</sup>	10'	5'	10'
Facing Centre City Parkway in Landscape Master Plan Overlay <sup>(3)</sup>	15'	15'	15'	15'

	CG	CN	CP	HP
<b>Rear setback min.</b> <sup>(7)</sup>	None <sup>(5)(6)</sup>	20'	<u>5'</u> <u>10' for first two stories</u> <u>plus 5' for each additional story up to 15' max when adjacent to residential structures.</u>	10' for first two stories plus 5' for each additional story
Abutting an alley	None <sup>(5)</sup>	10'	5'	10' for first two stories plus 5' for each additional story measured from center line of the alley with a min. 5' setback from edge of the alley
Facing Centre City Parkway in Landscape Master Landscape Overlay <sup>(3)</sup>	15'	15'	15'	15'
<b>Building height maximum</b>	None (UBC)	1 story or 35' whichever is less	75'	75'
<b>Landcaping</b>	According to Article 62			
<b>Lot coverage maximum</b>	None	50%	None	None
<b>Parking</b>	According to Article 39			

	<b>CG</b>	<b>CN</b>	<b>CP</b>	<b>HP</b>
<b>Loading</b>	One off-street space/each building or separate occupancy thereof over 10,000 SF plus one space/each additional 20,000 SF of the gross floor area of the building	Loading to be performed on-site and be from the rear or side of the structure and concealed from street and adjoining residential zoned property by landscape or architecture features		None
Minimum space size	10' wide, 25' long, 14' high	None	None	
Trash storage	Required per section 33-338			
Walls and fences <sup>(7)</sup>	A solid masonry wall minimum 6' feet high on the sides of property adjoining a residential zone, school or park (an alley shall constitute a separation, subject to Article 56			

(1) Lots or parcels of land which were legally created prior to the application of this zone shall not be denied a building permit for reason of nonconformance with the parcel requirements of this section.

(2) Parcels of land containing two (2) or more lots developed as a single project shall be maintained as a unit. Where two (2) or more lots are developed as one (1) unit, a covenant may be required by the city in a form satisfactory to the city attorney to ensure that required off-street parking facilities shall be provided on said premises.

(3) A reduced setback may be approved by the director if found consistent with the Centre City Parkway landscape master plan.

(4) Required yard shall not be used for vehicle parking (including overhang), except such portion as is devoted to driveway use.

(5) A building located on a lot line shall have facilities for the discharge of all roof drainage onto the subject lot.

(6) When the yard of a property zoned CG is adjacent or abutting the yard of a residentially zoned property, the following landscaped setbacks shall apply for all buildings and structures:

(A) Front yard setback:

<b>Distance from structure to residential property</b>	<b>Front yard setback</b>
25' or less	Equal to residential zone
26'—50'	10'
Over 50'	5'

(B) Side yard setback shall be minimum five (5) feet.

(C) Side yard setback adjacent to street when the rear yard of the corner and reverse corner lots abuts residentially zoned property shall be minimum ten (10) feet.

(D) Rear yard setback shall be same as the rear yard setback required for adjacent residential zone.

(7) Adjustments to the standards up to twenty-five (25) percent may be approved pursuant to section 33-343.

(Ord. No. 97-02, § 2 Exh. A, 1-22-97; Ord. No. 2011-19R, § 5, 1-11-12)

**Sec. 33-336. Projections into yards.**

(a) Any yard. The following structures may be erected or projected into any required yard:

(1) Fences and walls in accordance with the city 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 permitted by city ordinances or codes for fences;

(3) Necessary appurtenances for utility services.

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

(1) Cornices, eaves, belt courses, sills, buttresses or other similar architectural features;

(2) Fireplace structures and bays, provided that they are not wider than eight (8) feet measured in the general direction of the wall of which it is a part;

(3) Stairways, balconies, door stoops and fire escapes;

(4) Awnings;

(5) Planting boxes or masonry planter not exceeding forty-two (42) inches in height;

(6) Port-cochere over a driveway in side yard, providing such structure is not more than one (1) story in height and twenty-two (22) feet in length, and is entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features;

(7) Permitted signs;

(8) ~~Refuse container~~ Trash storage enclosures (rear yard only).

Adjustments to the standards up to twenty-five (25) percent may be approved pursuant to section 33-343. (Ord. No. 97-02, § 2 Exh. A, 1-22-97)

**Sec. 33-337. Performance standards.**

The following performance standards shall apply to all land and structures in commercial zones.

(a) All permitted uses shall be conducted entirely within completely enclosed buildings in all commercial zones, except vending machines, parking, loading, pushcarts for specialized food sales, outdoor display, outdoor dining, retail sale of flowers and plants from a gazebo or kiosk, vehicle, boat, and aircraft sales and rental lots, farm and nursery/garden supplies, helipads, and athletic and recreational facilities in conformance with the standards of this chapter, or outdoor retail approved as part of a conditional use permit or other permit issued by the city.

(b) No mechanical equipment, tank, duct, elevator enclosure, cooling tower and/or mechanical ventilator shall be erected, constructed, maintained or altered on the roof of any building or elsewhere on the premises unless all such equipment and appurtenances mentioned above are adequately screened by portions of the same building or other structure with construction and appearance similar to the building on which the equipment and other appurtenances are supported;

(c) No material, equipment or goods of any kind shall be stored on the roof of any building in the commercial zones.

(d) In the CN zone, business hours shall be limited to the hours between 7:00 a.m. and 11:00 p.m. except those uses which are granted a CUP under section 33-1200 et seq., of this chapter. Security lighting shall be permitted during closed hours. Those lighted signs which are directly used in conjunction with a twenty-four (24) hour use shall be reviewed with the CUP. ~~No other signs shall be allowed.~~ (Ord. No. 97-02, § 2 Exh. A, 1-22-97)

**Sec. 33-338. Trash storage.**

Containers for trash storage shall be of a size, type and quantity approved by the director of planning and building community development. They shall be placed so as to be concealed from the street and shall be maintained. Additionally, an area for the storage and pickup of recyclables must be included in this area. (Ord. No. 97-02, § 2 Exh. A, 1-22-97)

**Sec. 33-339. Mini-warehouse storage facilities requirements.**

In addition to the requirements set forth in sections 33-335 through 33-337 of this article, no mini-warehouse storage facility projects shall be granted a CUP unless the following requirements are satisfied:

(a) Adequate security shall be provided by managers during hours of operation and/or full-time resident caretakers.

(b) All storage shall be within completely enclosed structures.

(c) Goods or products which are hazardous, toxic or obnoxious, shall be prohibited.

(d) The development shall provide adequate fire and vehicular access and parking to accommodate anticipated vehicle types and quantities including, but not limited to, moving vans, trucks, fire equipment and automobiles.

(e) The proposed development should be compatible with surrounding development (existing and/or anticipated) in terms of scale, mass and setbacks.

(f) Screening should be provided as necessary to visually buffer the proposed development from surrounding streets and properties, particularly residential and may consist of any combination of landscaping, fencing, or other suitable method. Setbacks greater than those required within the CG zone may also be required to reduce impacts to surrounding properties. (Ord. No. 97-02, § 2 Exh. A, 1-22-97)

**Sec. 33-340. Plot plan approval required.**

At the time a building permit is requested for expansion of any building or structure, or at any time a new use of land or existing structure which may require additional off-street parking is proposed, or a new, substantially different, use is proposed for the site of an existing or vacant automobile dealership, a plot plan application package shall be submitted to the planning division together with the application fee as established by resolution of the city council. City staff shall review the plans for planning, architecture, zoning compliance, landscaping, engineering, building requirements and safety. After such review, staff may approve, conditionally approve or deny the proposed plan, or refer it to the planning commission. Any aggrieved party may appeal a decision of the staff to the planning commission as outlined in section 33-1303 of Article 61 of this chapter. (Ord. No. 97-02, § 2 Exh. A, 1-22-97; Ord. No. 2009-17, § 4, 7-15-09)

**Sec. 33-341. Commercial drive-through facilities requirements.**

(a) Plot plan required. A plot plan application shall be required for all drive-through facilities not associated with a project requiring a discretionary application.

(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) Sufficient vehicle stacking room shall be provided on-site behind the speaker area where orders are taken to accommodate a minimum of six (6) cars/vehicles.



(4) Drive-through aisles shall be constructed with (PCC) concrete.

(5) Drive-through aisles and associated structures should be oriented away from public streets unless significant screening is provided to the satisfaction of the director of ~~planning and building~~community development. (Ord. No. 97-02, § 2 Exh. A, 1-22-97)

**Sec. 33-342. Specialized food sales from pushcarts.**

Specialized food sales from pushcarts are permitted on private property subject to the approved design guidelines for pushcarts and review by the planning division. Where a pushcart request will eliminate existing parking spaces, pedestrian circulation, or landscaping, a minor plot plan application shall be required. (Ord. No. 97-02, § 2 Exh. A, 1-22-97)

**Sec. 33-343. Administrative adjustments.**

Certain standards identified in sections 33-335 and 33-336 are eligible for administrative adjustments. Adjustments of up to twenty-five (25) percent may be approved or conditionally approved by the director of ~~planning and building~~community development upon demonstration that the proposed adjustment will be compatible with, and will not prove detrimental to, adjacent property or improvements. The director shall give notice of his or her intended decision as outlined in Article 61 of this chapter. The applicant shall pay a fee to the city in an amount to be established by resolution of the city council. (Ord. No. 97-02, § 2 Exh. A, 1-22-97)

**Sec. 33-344. Conversion of existing and vacant automobile dealerships.**

(a) Plot plan required. A plot plan application shall be required for all existing and vacant automobile dealerships converting to a new, substantially different, use (either in whole or in part). A comprehensive sign program shall be included in applications for the conversion to multiple tenant spaces.

(b) Development criteria. City staff shall review all existing and vacant automobile dealerships converting to a new, substantially different, use to determine that such developments conform to the following criteria and do not have negative impacts on the physical or visual character of the area in which they are located. The following development standards shall not be in excess of those standards required for all other properties in the commercial zone, as provided in the zoning code:

(1) Appropriate on-site landscaping shall soften large expanses of paved areas and buildings, and buffer undesirable views.

(2) Screening of parking lots, trash storage areas, and delivery/service areas shall be provided to the extent feasible.

(3) Adequate street trees shall be included in the site design in proportion to the project and the site to provide shade where feasible.

(4) Site lighting shall meet commercial lighting standards.

- (5) Appropriate stormwater management improvements shall be provided.
- (6) Exterior colors shall be compatible and harmonious throughout the site.
- (7) Entries for multiple tenant spaces shall be defined, be in harmony with the style and proportions of the existing buildings, and not conflict with existing design elements.
- (8) Signage shall be compatible throughout the site with logical and integrated sign locations.
- (9) Visible window areas shall remain uncluttered.
- (10) Fencing or other improvements in disrepair shall be removed or rehabilitated.  
(Ord. No. 2009-17, § 4, 7-15-09; Ord. No. 2011-19R, § 5, 1-11-12)

**Secs. 33-345—33-359. Reserved.**



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

**Notice of Exemption**

To: San Diego County Recorder's Office  
Attn: James Scott  
1600 Pacific Highway #260  
P.O. Box 121750  
San Diego, CA 92112-1750

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

**Project Title/Case No.:** AZ 14-0001

**Project Location - Specific:** Citywide.

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

**Description of Project:**

An amendment to Article 16, pertaining to commercial zones, involving adding Planned Development - Office (PD-O) as a new commercial zone implementing the Planned Office designation of the General Plan, eliminating the Hospital Professional (HP) zone and incorporating the uses and development standards into the Commercial Professional (CP) zone, and amending/updating the matrix list of permitted and conditionally permitted principal uses for commercial zones (Table 33-332).

**Name of Public Agency Approving Project:** City of Escondido

**Name of Person or Agency Carrying Out Project:**

Name: City of Escondido

Telephone: (760) 839-4671

Address: 201 North Broadway, Escondido, CA 92025

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

**Exempt Status:**

Categorical Exemption. Type and section number: 15061(b)(3), "General Rule."

**Reasons why project is exempt:**

1. The proposed Zoning Code Amendment does not involve any physical modifications or lead to any physical improvements beyond those typically exempt. The Amendment involves only modifications to the commercial zones section of the Zoning Code, including zoning designations and permitted uses. A separate environmental review would be required for any future projects, and they would be conditioned to comply with existing development standards.
2. There is no possibility that the proposed Zoning Code Amendment would have a significant effect on the environment, since it consists of changes to the commercial zones permitted use matrix, adding a new commercial zone designation and eliminating another commercial zone designation, consistent with the General Plan. No physical modifications are proposed and no development standards are being modified.
3. In staff's opinion the proposed amendment would have no impact on fish and wildlife resources, since no sensitive species or habitat would be impacted by the proposed provisions. The amendment involves language modifications to the commercial sections of the Zoning Code only.

**Lead Agency Contact Person:** Kristina Owens Area Code/Telephone/Extension (760) 839-4519

Signature: Kristina Owens

July 14, 2014

Associate Planner

Date

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant