

# CITY OF ESCONDIDO

## Planning Commission and Staff Seating



- A. **CALL TO ORDER:** 7:00 p.m.
- B. **FLAG SALUTE**
- C. **ROLL CALL:**
- D. **MINUTES:** [06/27/17](#)

The Brown Act provides an opportunity for members of the public to directly address the Planning Commission on any item of interest to the public before or during the Planning Commission's consideration of the item. If you wish to speak regarding an agenda item, please fill out a speaker's slip and give it to the minutes clerk who will forward it to the chairman.

**Electronic Media:** Electronic media which members of the public wish to be used during any public comment period should be submitted to the Planning Division at least 24 hours prior to the meeting at which it is to be shown.

The electronic media will be subject to a virus scan and must be compatible with the City's existing system. The media must be labeled with the name of the speaker, the comment period during which the media is to be played and contact information for the person presenting the media.

The time necessary to present any electronic media is considered part of the maximum time limit provided to speakers. City staff will queue the electronic information when the public member is called upon to speak. Materials shown to the Commission during the meeting are part of the public record and may be retained by the City.

The City of Escondido is not responsible for the content of any material presented, and the presentation and content of electronic media shall be subject to the same responsibilities regarding decorum and presentation as are applicable to live presentations.

If you wish to speak concerning an item not on the agenda, you may do so under "Oral Communications" which is listed at the beginning and end of the agenda. All persons addressing the Planning Commission are asked to state their names for the public record.

**Availability of supplemental materials after agenda posting:** any supplemental writings or documents provided to the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning Division located at 201 N. Broadway during normal business hours, or in the Council Chambers while the meeting is in session.

The City of Escondido recognizes its obligation to provide equal access to public services for individuals with disabilities. Please contact the A.D.A. Coordinator, (760) 839-4643 with any requests for reasonable accommodation at least 24 hours prior to the meeting.

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

**E. WRITTEN COMMUNICATIONS:**

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

**1. Future Neighborhood Meetings**

**F. ORAL COMMUNICATIONS:**

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

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

**G. PUBLIC HEARINGS:**

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

**1. ZONING CODE AMENDMENT – AZ 17-0002:**

REQUEST A proposal to modify Article 57 of the Escondido Zoning Code (Miscellaneous Use Restrictions) to add Sec. 33-1124, which would establish an expedited, cost-effective permitting process for Electric Vehicle Charging Stations to meet current State law requirements. No development project is proposed.

PROPERTY SIZE AND LOCATION: Citywide

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

APPLICANT: City of Escondido

STAFF RECOMMENDATION: Approval

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE:

**H. CURRENT BUSINESS:**

Note: Current Business items are those which under state law and local ordinances do not require either public notice or public hearings. Public comments will be limited to a maximum time of three minutes per person.

**1. [Overview of CEQA Requirements](#)**

The California Environmental Quality Act (CEQA) is one of the most important state laws affecting local planning decisions. City staff will provide an overview of CEQA's requirements and how they relate to the Planning Commission.

**I. ORAL COMMUNICATIONS:**

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

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

**J. PLANNING COMMISSIONERS**

**K. ADJOURNMENT**

**CITY OF ESCONDIDO**

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

**June 27, 2017**

The meeting of the Escondido Planning Commission Meeting was called to order at 7:01 p.m. by Chairman Weber, in the City Council Chambers, 201 North Broadway, Escondido, California.

**Commissioners present:** Jeffery Weber, Chairman; Don Romo, Vice-Chair; Michael Cohen, Commissioner; Joe Garcia, Commissioner; James McNair, Commissioner; James Spann, Commissioner; and Stan Weiler, Commissioner.

**Commissioners absent:** None.

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

**MINUTES:**

Moved by Commissioner Spann seconded by Commissioner McNair, to approve the minutes of the April 25, 2017, meeting. Motion carried unanimously. (7-0)

**WRITTEN COMMUNICATIONS** – Received.

**FUTURE NEIGHBORHOOD MEETINGS** – None.

**ORAL COMMUNICATIONS:** None.

**PUBLIC HEARINGS:**

**1. CONDITIONAL USE PERMIT – PHG 14-0021(R):**

REQUEST: A modification to a previously approved Conditional Use Permit and multi-phased master plan for Escondido United Reformed Church. Proposed modifications include the following:

- Increase the size of the proposed new two-story, approximately 46-foot-high Sanctuary Building from 12,243 SF to 14,770 SF. The request includes modifications to certain areas of the architecture and exterior materials. The capacity of the facility would remain the same with up to 950 seats.

- Increase the size of the proposed 30-foot-high, two-story multi-purpose/classroom building from 5,250 SF to 7,301 SF. The request includes modifications to certain areas of the architecture and exterior materials. The roof also has been redesigned and include an equipment well that projects approximately one to two feet above the roof. The project includes removal of the existing 4,900 SF single-story social hall/classroom building
- Elimination of the proposed enclosed 1,835 SF central Atrium/Narthex.
- Elimination of the new 5,000 SF, two-story freestanding Multi-Purpose Building that was to be constructed at a later phase.

The proposal also includes the adoption of the environmental determination prepared for the project.

**PROPERTY SIZE AND LOCATION:** The 4.36-acre property generally is located on the southeastern corner of North Broadway and Vista Avenue, addressed as 1864 N. Broadway (APN 227-010-61).

Jay Paul, Associate Planner, referenced the staff report and noted that staff issues were whether the proposed modifications to the project and components of the phased Master Development Plan are appropriate for the site, and whether the project would have any adverse visual, noise or compatibility impacts to surrounding residential uses. Staff recommended approval based on the following: 1) The 4.36-acre church property has sufficient area to accommodate all of the proposed phases, including on- and off-site parking, drop-off area, and setbacks from residential uses. The buildings have been designed and located to address any potential visual, noise or compatibility impacts to surrounding uses. The proposed increase in building area would not impact the levels of service on the adjacent street segments or intersections; 2) The joint use of parking between the Church, Calvin Elementary School and High School is appropriate and adequate for all of the uses proposed because the hours of operation for the school and church activities would not conflict. The number of spaces provided through the shared parking arrangement exceeds the zoning code requirement, and could accommodate the operation of several of the most intensive uses. The site has been configured to provide appropriate drop-off area(s) for the operation of the elementary school, and the majority of the parking is readily accessible to all of the buildings. Conditions of approval regulating concurrent activities would ensure that adequate onsite parking is available. Overflow parking is available to accommodate any large event and on-street parking also is available along the project frontage; 3) The project as proposed will comply with all applicable development standards. The proposed project's design is well coordinated with what has been previously approved, which was previously found to be compatible with the surrounding types of land uses and structures. Staff also recommended the removal of Condition No. 16 as outlined in the staff report.

Commissioner Romo and staff discussed the height of the parapets with the focus being on the potential visual impacts of the roof equipment.

Commissioner Weiler expressed his concern with the new design not including the front windows. He and Chairman Weber concurred with Commissioner Romo's concern regarding the parapet height being adequate to hide the roof equipment.

**ACTION:**

Moved by Chairman Weber, seconded by Commissioner Spann, to approve staff's recommendation. Motion carried unanimously. (7-0)

**2. CONDITIONAL USE PERMIT – PHG 15-0041:**

REQUEST: A Conditional Use Permit to modify the first floor of an existing gas station building, and to add a second floor to the building. The existing one-story building is 2,281-SF in size and is occupied by a mini-market and an auto service area. Three roll-up doors leading into the auto service portion of the building would be removed and replaced with storefront glass panels to match existing windows on the structure. An interior wall separating the existing market space from the auto service area would be removed to create a larger market display area with a new walk-in freezer and living units. A second story approximately 1,510-SF in size would be added to the building and would contain offices, a conference room, and an employee kitchen. Sufficient parking and landscaping would be provided on the site to accommodate the proposed use. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The 0.53-acre project site is located on the northeast corner of North Midway Drive and East Valley Parkway, and is addressed as 2004 East Valley Parkway (APN 231-021-44).

Ann Dolmage, Associate Planner, referenced the staff report and noted that staff issues were whether the proposed building expansion was appropriate for the site, and whether sufficient parking would be provided to accommodate the range of anticipated uses. Staff recommended approval based on the following: 1) The 0.53-acre project site is zoned General Commercial (CG) and is covered under the East Valley Parkway Area Plan. The site is part of a larger shopping center that includes Valley Max Supermarket, a 99 Cents Only store, the Assistance League thrift shop, and several smaller commercial businesses, all of which share the CG zoning designation. The site has been used as a gas station for several decades, and food sales have been associated with this use since the mid-80s, so the proposed expansion of the mini-market on the first floor will intensify a use that

already exists and is permitted by the underlying zoning designation. The new second floor will add office, conference, kitchen, and bathroom facilities to the site, but these facilities will support the existing gas station use, since they are intended to be used by station management and employees. Although the offices will be accessory to the primary use on-site, offices are also a permitted use on this property per the Zoning Code and East Valley Parkway Area Plan; and 2) The proposal calls for 2,281 square feet of retail space within the existing ground floor of the building, and 1,510 square feet of office, conference, and kitchen space within a new second floor. Based on overall square footage, the retail portion of the building would require nine parking spaces (at a ratio of one space per 250 square feet) while the office portion would require five spaces (at a ratio of one space per 300 square feet), for a total of 14 spaces (rounded down). Based on the utility and functionality of the space, the upstairs restrooms and stairway landing have been subtracted from the overall square footage, in order to reduce the parking requirement to 13 spaces, which can be accommodated on the site while conforming to standards for minimum dimensions, backup room, etc. In staff's judgment, the parking provisions provided on-site are adequate for the proposed project.

Commissioner Romo and staff discussed the height of the canopy.

Chairman Weber noted that he had discussed the removal of square footage from the building with staff. He then asked if the downstairs bathroom was ADA compliant. Ms. Dolmage stated that the applicant had a building permit in process and the Building Division would require ADA compliance.

Commissioner Romo asked if the facility sold alcohol. Ms. Dolmage replied in the negative.

Commissioner Weiler questioned whether the applicant would have to come back to the Commission if they wanted to sell alcohol in the future. Mr. Strong replied in the affirmative, noting this would require a modification to the CUP.

Commissioner Garcia expressed concern with the disabled parking space being used by individuals utilizing the air and water equipment due to being in close proximity to each other. He also questioned whether the parking space west of the disabled parking space would be removed. Ms. Dolmage noted that her understanding was that the disabled parking space would remain in the same location and the one to the west would be removed.

Commissioner Garcia felt the architecture of the first floor should be upgraded to match the architecture of the second floor. Ms. Dolmage noted that the Commission could condition the project as such.

**Charif Badrani, San Marcos, Owner of Valley Max**, stated that he was representing the shopping center. He noted that the shopping center had CC&Rs. He stated that the gas station was using the property and driveway from Rom Kim who owned the 99 Cents Only Store. He indicated that the shopping center and the gas station shared the driveways and common areas. He stated that he was opposed to the proposed second story, feeling this should be discussed between the various landlords of the shopping center. He also expressed concern with just receiving the public notice and requested the City to send an inspector to the site.

Commissioner Weiler asked if the CC&Rs had height restrictions or required approval of a majority of the property before modifications were made. Mr. Badrini replied in the affirmative but noted he would need look into this.

Chairman Weber asked if the CC&Rs included the subject property and the shopping center. Mr. Badrini replied in the affirmative. He also reiterated that the gas station was using Mr. Kim's driveway located on Valley Parkway and Midway.

**Ron Kim, Carlsbad**, stated that he had just received notice. He indicated that the gas station was licensed as a gas station but was mainly being used as a service station. He was opposed to allowing a second story. He felt the gas station resembled a temporary facility, feeling it was not aesthetically pleasing. He stated that everyone in the shopping center was opposed to the request, noting that the second story would detract from the skyline.

Commissioner Garcia asked Mr. Kim if the gas station was a temporary building. Mr. Kim felt the building looked like a temporary building.

**Osama Alkasabi, Escondido**, noted that he had visited Mr. Kim and Mr. Badrini twice. He clarified Mr. Kim's remarks to state that his testimony indicated that he had access to the plans on June 15<sup>th</sup>. He stated that the CC&Rs restricted certain properties, noting that the person reviewing the permit would have knowledge of this. He elaborated that his business was not competing with the shopping center's businesses. He stated that he had an alcohol license and gave it up for the safety of the customers. He felt it would be unfair to allow the shopping center to have a height of over 30 feet when he was only requesting 22 feet. Mr. Alkasabi noted that they would be relocating the air and water equipment and adjusting the parking according to staff's recommendations. He stated that he could use the argument that Mr. Kim's customers were actually using the gas station's driveway. He also elaborated that the project would not expand the footprint of the building.

Chairman Weber asked Mr. Alkasabi if there was a reciprocal access easement over the subject property and the shopping center's driveways. Mr. Alkasabi stated that he did not have this information. He also felt there were no rights to view, noting that the area was commercial.



Commissioner Weiler asked Mr. Alkasabi if he was willing to move the air and water equipment. Mr. Alkasabi replied in the affirmative.

Commissioner Spann did not feel the uses of the gas station would be in competition with the uses of the shopping center. He felt the gas station was an added benefit to the property. He also did not feel the height being requested was inappropriate.

Commissioner Weiler felt the project would be an improvement to the area and benefit to the other businesses in the area. Commissioner Cohen concurred.

Commissioner Garcia and Mr. Phillips discussed the role of the Commission with regard to enforcing private CC&Rs.

Chairman Weber expressed his concern with the compatibility and economics of the project. He was concerned with whether the bathroom on the bottom floor would be ADA compliant. He questioned the intended use of the project's conference room, as the proposed parking would be inadequate to handle any type of large meeting in this space.

Mr. Alkasabi objected from the audience with regard to not being able to address Chairman Weber's concerns.

**ACTION:**

Moved by Commissioner Weiler, seconded by Commissioner Cohen, to approve staff's recommendation. The motion included a condition to require the removal or relocation of the air pump and water equipment, and that the architecture of first floor be consistent with the architecture of the second floor. Motion carried. Ayes: Spann, Garcia, McNair, Romo, Cohen, and Weiler. Noes: Weber. (6-1)

**3. ZONING CODE AMENDMENT – AZ 16-0007:**

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

Accessory dwelling unit regulation has been previously reviewed and considered by the Planning Commission. The Planning Commission opened the Public Hearing on February, 14, 2017, which was continued to March 14, 2017 to allow for more discussion and to better understanding how jurisdictions could administer compliance with recent changes in State law. An ad-hoc Planning Commission Subcommittee was later formed by the City Council of Escondido to discuss policy options that can be used to strengthen and clarify local accessory dwelling unit regulations. This subcommittee has completed their study. The findings of the subcommittee will be transmitted to entire Planning Commission for their review and consideration at the June 27, 2017 Public Hearing. The Planning Commission will be asked to provide a recommendation to the City Council.

PROPERTY SIZE AND LOCATION: Citywide

Mike Strong, Assistant Planning Director, referenced the staff report and noted that staff recommended approval of the proposed Resolution, recommending that the City Council adopt, with any suggested edits, amendments to Articles 6, 39, 65, and 70 of the Zoning Code, and a technical change to Section 33-1474(d)(1) for the following reasons: 1) The proposed amendments to Article 70 of the Zoning Code address recent changes in State law and provide use and development standards to implement relevant State law requirements; 2) Proposed amendments to other code sections help maintain internal consistency between various code sections. They are ancillary to the focused amendments to Article 70 (i.e. they are minor and technical in nature); and 3) It is the intent of State law that any Accessory Dwelling Unit Ordinance ordinances adopted by local agencies are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create Accessory Dwelling Units in zones in which they are authorized. The proposed amendments would help facilitate Accessory Dwelling Unit construction for homeowners to meet current and future housing needs.

Chairman Weber referenced Page 10, Item (a)3, feeling there would be nothing that would prohibit someone from coming in later after the accessory structure was built and asking for second dwelling permit. Mr. Strong concurred and noted that currently the City would have to monitor the effectiveness of the current regulations and consider working on clean up items to fix any deficiencies.

**Gwen Field, San Marcos**, noted that she was pleased to see the response to the ADA laws. She and Mr. Strong then discussed the reason why the storage went from 80 cubic SF to 160 cubic SF. Ms. Field felt the second dwelling unit square footage was too small, feeling an additional line item should be added to allow more square footage for properties over three-quarters of an acre.

Commissioner Weiler thanked staff and the subcommittee for coming to a good compromise with regard to adhering to the State's laws and protecting the community. Commissioner Garcia and Chairman Weber concurred.

**ACTION:**

Moved by Commissioner Weiler, seconded by Commissioner McNair, to approve staff's recommendation. Motion carried unanimously.

Mr. Martin noted that City Council would be hearing this item on July 17.

**ORAL COMMUNATIONS:** None.

**PLANNING COMMISSIONERS:** No comments.

**ADJOURNMENT:**

Chairman Weber adjourned the meeting at 8:22 p.m. The next meeting was scheduled for July 11, 2017, at 7:00 p.m. in the City Council Chambers, 201 North Broadway, Escondido, California.

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Mike Strong, Secretary to the Escondido  
Planning Commission

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Ty Paulson, Minutes Clerk

## PLANNING COMMISSION

Agenda Item No.: G.1  
Date: April 11, 2017

**CASE NUMBER:** AZ 17-0002  
**APPLICANT:** City of Escondido  
**LOCATION:** Citywide  
**TYPE OF PROJECT:** Zoning Code Amendment

**PROJECT DESCRIPTION:** A proposal to modify Article 57 of the Escondido Zoning Code (Miscellaneous Use Restrictions) to add Sec. 33-1124, which would establish an expedited, cost-effective permitting process for Electric Vehicle Charging Stations to meet current State law requirements. No development project is proposed.

**BACKGROUND/SUMMARY OF ISSUES:** The State Legislature has made it a priority for California to encourage use of zero-emission vehicles (ZEVs) and to enhance necessary infrastructure to make ZEV use both possible and convenient. Included in the ZEV category are plug-in electric vehicles (PEVs), which consist of both pure battery-powered vehicles and hybrid electric vehicles. To facilitate expanded PEV use, State law (Government Code Section 65850.7) mandates that local agencies "encourage the installation of electric vehicle charging stations by removing obstacles to, and minimizing costs of...charging stations." The State has further instructed that cities with populations of 200,000 residents or less must adopt an ordinance on or before September 30, 2017 to bring their respective jurisdictions into compliance with Government Code Section 65850.7.

It is important to note that the amendment does not propose to alter existing developmental standards previously established, but to simply streamline the procedure for processing applications for electric vehicle charging stations. Therefore, for any charging station application to be approved it must be consistent with all health and safety standards established by the City's General Plan and Zoning Code. Staff has not identified any specific issues associated with the proposed amendment.

**REASONS FOR STAFF RECOMMENDATION:** Staff recommends approval of the proposed amendment to the Zoning Code, for the following reason:

1. The purpose of the amendment is to bring the Escondido Zoning Code into compliance with State law to promote the State's goal to achieve a more sustainable transportation network.

Respectfully Submitted,



Mike Strong  
Assistant Planning Director

## **ENVIRONMENTAL STATUS:**

The proposed zoning code amendment is exempt from CEQA, pursuant to Section 15061 (b)(3). The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed Zoning Code amendment would not, in and of itself, result in development or any other material change to the environment. Projects seeking to implement the amended provisions of Government Code Section 65850.7 would be subject to separate review under the California Environmental Quality Act (CEQA). Therefore, pursuant to CEQA Guidelines Section 15061(b)(3), the proposed Zoning Code amendment does not have the potential for causing a significant effect on the environment and is not subject to CEQA review.

## **ZONING CODE AMENDMENT ANALYSIS:**

The State Legislature has made it clear that it is their intent to increase the percentage of zero-emission vehicles (ZEVs) on the road in California. Plug-in electric vehicles (PEVs), a transportation subcategory of ZEVs, is a technology that offers a reasonable, zero-emission option to conventional vehicles. To expand PEV dependent infrastructure throughout the state, the State Legislature recently added Section 65850.7 to the Government Code, calling for streamlined application processes for electric vehicle charging stations.

Assembly Bill (AB) 1236 requires local jurisdictions of under 200,000 residents to adopt ordinances by September 30, 2017 to bring their respective zoning codes into compliance with the new mandate. AB 1236 requires jurisdictions to streamline the permitting process for electric vehicle charging stations by allowing applicants to submit permit applications and associated documentation electronically if they meet all specified requirements. In order to minimize cost, the application shall be processed as a nondiscretionary permit if all requirements have been met and no specific, adverse impacts to public health and safety have been determined. The proposed amendment would add Section 33-1124 to Article 57 of the Zoning Code to specify how compliance with Government Code Section 65850.7 will be implemented and to ensure that local laws are consistent with state laws. Major provisions of the proposed ordinance pertain to method of application, and permitting procedure, as follows:

- Method of Application: Upon meeting of all requirements specified in the Electric Vehicle Charging Station permitting checklist(s), an applicant shall be able to submit permit application and associated documentation electronically to the City. "Electronic submittal" may include, but is not limited to: Email, the Internet, Facsimile, or other plan review software operated by the City.

*An example of an Electric Vehicle Charging Station Checklist will be provided during staff's presentation to the Planning Commission. Please note that the actual checklist would be developed by the Building Official, subsequent to ordinance adoption by City Council.*

- Permitting Procedure: Upon receiving an electric vehicle charging station application, the Building Division shall administratively review and approve applicant's permit if all requirements in Electric Vehicle Charging Station permitting checklist(s) have been met. If the application is deemed incomplete, the Building Division shall inform applicant of any deficiencies and of any additional information required. If there is "substantial evidence" that the proposed electric vehicle charging station could pose a specific, adverse impact on public health and safety, the Building Division may require the applicant to apply for a Minor Use Permit. The Zoning Administrator may only deny a Minor Use Permit application for an electric vehicle charging station if he/she makes written findings on the specific, adverse impact such a station would impose on the public, and if he/she finds there is no feasible method available to mitigate the adverse impact. This decision may be appealed to the Planning Commission.

**EXHIBIT “A”  
FACTORS TO BE CONSIDERED  
AZ 17-0002**

**Zoning Code Amendment**

1. The public health, safety, and welfare would not be adversely affected by the proposed Zoning Code amendment. New permitting procedures for electrical vehicle charging stations only change the method of application. The proposed Zoning Code amendment would not be detrimental to surrounding properties because no physical improvements are proposed as part of this Zoning Code amendment. Future charging station construction must comply with any applicable laws and standards. This includes the Building Code, the Fire Code, and any property standards by-laws.
2. The proposed Zoning Code amendment would be consistent with the goals and policies of the General Plan because the electrical vehicle charging station ordinance would not, in and of itself, result in development or any other material change to the environment. The proposed amendment would implement new State law. The proposed Zoning Code amendments would not diminish the Quality of Life Standards of the General Plan, nor adversely impact the community health or natural resources.
3. The proposed Zoning Code amendment does not conflict with any specific plan.

**EXHIBIT “B”**  
**PROPOSED CHANGES TO THE ZONING CODE**  
**AZ 17-0002**

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

**ARTICLE 57. MISCELLANEOUS USE RESTRICTIONS**

Add Section 33-1124, Electric Vehicle Charging Stations, as set forth below.

**Sec. 33-1124. Electric Vehicle Charging Stations**

(a) Applicability. This section shall apply to the permitting of all electrical vehicle charging stations (EVCS) or any other electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

(1) An EVCS shall be allowed within any legal single-family residential garage or carport, and any multi-family parking space; subject to all applicable city, state, and federal code requirements, and the following:

(A) The EVCS shall be protected as necessary to prevent damage by automobiles, vandalism, and to be safe for use in inclement weather.

(B) The EVCS shall have complete instructions and appropriate warnings posted in an unobstructed location next to each EVCS. When needed, signage shall be installed designating spaces with charging stations for electric vehicles only.

(C) The EVCS is located to discourage unauthorized use, such as public access to the charging station.

(D) Charging stations and associated equipment or materials may not encroach on the minimum required clear areas from the public right-of-way, driveways, parking spaces, garages, or maneuvering areas.

(2) An EVCS for non-commercial (no service fee) or private use shall be permitted as an accessory use within any legal commercial, industrial, or other non-residential parking space in a parking lot or in a parking garage or carport; subject to all applicable city, state, and federal code requirements, and the following:

(A) The requirements listed in Section 33-1124(a)(1).

(B) Be located in desirable and convenient parking locations that will serve as an incentive for the use of electric vehicles.

(C) One standard non-illuminated sign, not to exceed 4 square feet in area and 10 feet in height, may be posted for the purpose of identifying the location of each cluster of EVCSs.

(D) The EVCS may be on a timer that limits the use of the station to the normal business hours of the use(s) that it serves to preclude unauthorized use after business hours.

(3) An EVCS for commercial (service fee) and/or public use shall be permitted as a primary or accessory use through the approval of a Minor Use Permit, subject to all applicable city, state, and federal code requirements; except that the Director of Community Development, or designee, is authorized to designate parking spaces or stalls in an off-street parking facility owned and operated by the City of Escondido for the exclusive purpose of charging and parking a vehicle that is connected for EVCS purposes.

(A) Only plug-in electric vehicles that are actively charging, as indicated by the electric vehicle charging station monitor display, may be parked at EVCS or in EVCS zones located on any parking facility owned, leased, or operated by the City of Escondido. No person shall park or cause to be parked or allow to remain standing any vehicle at an EVCS or EVCS zones located on any parking facility owned, leased, or operated by the City of Escondido, unless the vehicle is an electric vehicle, is actively charging, and has not exceeded any applicable parking time limit.

(b) Application. All applicants for an EVCS permit should ensure that the proposed charging station meets all requirements found in the EVCS Permitting Checklist, on file with the Building Division.

(1) For a project complying with the checklist for an EVCS the applicant may submit the permit application and associated documentation to the City's Building Division by personal, mailed, or electronic submittal. "Electronic submittal" means the utilization of email, the Internet, facsimile, or any other plan review software operated by the City. Electronic submittal of the required permit application and documents through City utilized computer based software shall be made available to all EVCS permit applicants.

(2) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

(c) Permit review requirements.

(1) Permit review requirements: The Building Official shall carry out an administrative review process to streamline approval of EVCS. If the application meets the requirements of the approved checklist and standards and there are no specific, adverse impacts upon public health or safety, the official shall complete the building permit approval process. Review of the application for EVCS shall be limited to the official's review of whether the application meets the requirements of this section, as well as any local, state, and federal health and safety requirements. Such approval shall not include any necessary approval or permission by a local utility provider to connect the EVCS to the provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

(2) If an application is deemed incomplete, the Building Division shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.



(3) The Building Division may require an applicant to apply for a Minor Use Permit if the official finds, based on substantial evidence, that the EVCS could have a specific, adverse impact upon the public health and safety. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost. Such decisions may be appealed to the Planning Commission.

(4) If a Minor Use Permit is required, the Zoning Administrator may only deny such application if he/she makes written findings based upon significant evidence in the record that the proposed EVCS would have a specific, adverse impact upon public health and/or safety and there is no feasible method to satisfactorily mitigate or avoid the adverse impact(s). Such findings shall include the justification for the rejection of the potential feasible alternative(s) for preventing the adverse impact. Such decisions may also be appealed to the Planning Commission.

(d) Fees. City Council may establish fees for permits issued under this Section.

## Electric Vehicle Charging Station permitting checklist (Residential)

Type of Charging Stations Proposed	Power Levels (proposed circuit rating)	Check One	
Level 1	110/120 volt alternating current (VAC) at 15 or 20 Amps	_____	
Level 2 – 3.3 kilowatt (kW) (low)	208/240 VAC at 20 or 30 Amps	_____	
Level 2 – 6.6 kW (medium)	208/240 VAC at 40 Amps	_____	
Level 2 – 9.6 kW (high)	208/240 VAC at 50 Amps	_____	
Level 2 – 19.2kW (highest)	208/240 VAC at 100 Amps	_____	
Other (provide detail)	Provide Rating	_____	
<b>Permit Application</b>			
	<b>Yes</b>	<b>No</b>	
A. Is the application complete with the following information: Project address, parcel #, builder/owner name, contractor name, valid contractor license #, phone numbers, etc.	_____	_____	
B. Does the application include EVCS manufacturer’s specs and installation guidelines	_____	_____	
<b>Electric Load Calculation Worksheet</b>			
	<b>Yes</b>	<b>No</b>	
A. Is an electrical load calculation worksheet included (CEC 220)	_____	_____	
B. Based on the load calculation worksheet, is a new electrical service panel upgrade required	_____	_____	
C. If yes to B, do plans include the electrical service panel upgrade	_____	_____	
D. If yes to B, is the SDG&E work order included with the permit application	_____	_____	
E. Is the charging circuit appropriately sized for a continuous load (125%)	_____	_____	
F. If charging equipment proposed is a Level 2 – 9.6kW station with a circuit rating of 50 amps or higher, is a completed circuit card with electrical calculations included with the single-line diagram	_____	_____	
<b>Site Plan &amp; Single Line Drawing</b>			
	<b>Yes</b>	<b>No</b>	
A. Is a site plan and electrical plan with a single-line diagram included with the permit application	_____	_____	

B. If mechanical ventilation requirements are triggered for indoor venting requirements (CEC 625.29 (D)), is a mechanical plan included with the permit application	_____	_____
C. Is the site plan fully dimensioned and drawn to scale	_____	_____
D. Does the site plan show location, size and use of all structures	_____	_____
E. Does the site plan show location of electrical panel to charging system	_____	_____
F. Does the site plan show type of charging system and mounting	_____	_____
G. Is the type of mounting for charging system included if the charging system is not wall mounted	_____	_____
<b>Compliance with 2013 California Electrical Code (Title 24, Part 3)</b>		
	<b>Yes</b>	<b>No</b>
A. Does the plan include EVCS manufacturer's specs and installation guidelines	_____	_____
B. Does the electrical plan identify the amperage and location of existing electrical service panel	_____	_____
C. If yes to B, does the existing panel schedule show room for additional breakers	_____	_____
D. Is the charging unit rated more than 60 amps or more than 150V to ground	_____	_____
E. If yes D, are disconnecting means provide in a readily accessible location in line of site within 50' of EVCS (CEC 625.23)	_____	_____
F. Does the charging equipment have a Nationally Recognized Testing Laboratory (NRTL) approved listing mark (UL 2202/UL 2200)	_____	_____
G. If trenching is required, is the trenching detail called out	_____	_____
H. Is the trenching in compliance with electrical feeder requirements from structure to structure (CEC 225)	_____	_____
I. Is the trenching in compliance of minimum cover requirements for wiring methods or circuits (18" for direct burial per CEC 300)	_____	_____
<b>Compliance with 2013 Mandatory CAL Green Code for New Construction</b>		
	<b>Yes</b>	<b>No</b>
A. Do CAL Green EV Readiness installation requirements apply to this project	_____	_____
B. These requirements should be identified during plan review (4.106.4.1& 4.106.4.1.1)	_____	_____

## Electric Vehicle Charging Station permitting checklist (Residential Multi-Unit Dwellings)

Type of Charging Stations Proposed	Power Levels (proposed circuit rating)	Check One	
Level 1	110/120 volt alternating current (VAC) at 15 or 20 Amps	_____	
Level 2 – 3.3 kilowatt (kW) (low)	208/240 VAC at 20 or 30 Amps	_____	
Level 2 – 6.6 kW (medium)	208/240 VAC at 40 Amps	_____	
Level 2 – 9.6 kW (high)	208/240 VAC at 50 Amps	_____	
Level 2 – 19.2kW (highest)	208/240 VAC at 100 Amps	_____	
DC Fast Charging	440 or 480 VAC	_____	
Other (provide detail)	Provide Rating	_____	
<b>Permit Application</b>			
A. Is the application complete with the following information: Project address, parcel #, builder/owner name, contractor name, valid contractor license #, phone numbers, etc.		_____	_____
B. Does the application include EVCS manufacturer's specs and installation guidelines		_____	_____
<b>Electric Load Calculation Worksheet</b>			
A. Is an electrical load calculation worksheet included (CEC 220)		_____	_____
B. Based on the load calculation worksheet, is a new electrical service panel upgrade required		_____	_____
C. If yes to B, do plans include the electrical service panel upgrade		_____	_____
D. If yes to B, is the SDG&E work order included with permit application		_____	_____
E. Is the charging circuit appropriately sized for a continuous load (125%)		_____	_____
<b>Site Plan &amp; Single Line Drawing</b>			
A. Is a site plan and electrical plan with a single-line diagram included with the permit application		_____	_____

B. If mechanical ventilation requirements are triggered for indoor venting requirements (CEC 625.29 (D)), is a mechanical plan included with the permit application	_____	_____
C. Is the site plan fully dimensioned and drawn to scale	_____	_____
D. Does the site plan show location, size and use of all structures	_____	_____
E. Does the site plan show location of electrical panel to charging system	_____	_____
F. Does the site plan show type of charging system and mounting	_____	_____
G. Is the type of mounting for charging system included if the charging system is not wall-mounted	_____	_____
<b>Compliance with 2013 California Electrical Code (Title 24, Part 3)</b>		
	<b>Yes</b>	<b>No</b>
A. Does the plan include EVCS manufacturer's specs and installation guidelines	_____	_____
B. Does the electrical plan identify the amperage and location of existing electrical service panel	_____	_____
C. If yes to B, does the existing panel schedule show room for additional breakers	_____	_____
D. Is the charging unit rated more than 60 amps or more than 150V to ground	_____	_____
E. If yes to D, are disconnecting means provide in a readily accessible location in line of site within 50' of EVCS (CEC 625.23)	_____	_____
F. Does the charging equipment have a Nationally Recognized Testing Laboratory (NRTL) approved listing mark (UL 2202/UL 2200)	_____	_____
G. If trenching is required, is the trenching detail called out	_____	_____
H. Is the trenching in compliance with electrical feeder requirements from structure to structure (CEC 225)	_____	_____
I. Is the trenching in compliance of minimum cover requirements for wiring methods or circuits (18" for direct burial per CEC 300)	_____	_____
<b>Compliance with 2013 Mandatory CAL Green Code for New Construction</b>		
	<b>Yes</b>	<b>No</b>
A. Do CAL Green EV Readiness installation requirements apply to this project	_____	_____
B. These requirements should be identified during plan review (4.106.4.2)	_____	_____
C. Do the plans demonstrate conformance with mandatory measures for 3% of total parking spaces in lots with 51+ must be EV capable	_____	_____

<p><b>* 2016 Cal Green proposed mandatory requirements</b> for new construction include measures for 5% of total parking spaces, but no less than one, for new multifamily dwellings with 17+ units that must be EV capable (effective January 1, 2017)</p>		
<p><b>Chapter 11B EVCS Requirements (go into effect January 1, 2017)</b></p> <p>A. Is there at least 1 EVCS parking stall out of 4 EVCS parking stalls that meet Chapter 11B accessibility dimension requirements for van accessible parking space (144 inches wide with an adjacent access aisle) *Access aisles shall comply with Section 11B-302</p> <p>B. For parking stalls with 5 to 25 EVCS, is there 1 EVCS parking stalls that meets Chapter 11B accessibility dimension requirements for a van accessible parking space and 1 EVCS parking stall that meets the standard accessible parking space (108 inches wide with an adjacent access aisle)</p> <p>C. Is the path of travel to the EVCS from the accessible parking stall demonstrated to be unobstructed</p> <p>D. Is the accessible path of travel from the EVCS parking stall demonstrated to be within 200 feet of a main building entrance</p>	<p><b>Yes</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p><b>No</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>

## Electric Vehicle Charging Station permitting checklist (Non-Residential)

Type of Charging Stations Proposed	Power Levels (proposed circuit rating)	Type	Check One
Level 1	110/120 volt alternating current (VAC) at 15 or 20 Amps	Commercial Office Building	_____
Level 2 – 3.3 kilowatt (kW) (low)	208/240 VAC at 20 or 30 Amps	Multi-unit Dwelling	_____
Level 2 – 6.6 kW (medium)	208/240 VAC at 40 Amps	Com. Office Building	_____
Level 2 – 9.6 kW (high)	208/240 VAC at 50 Amps	Public Access	_____
Level 2 – 19.2kW (highest)	208/240 VAC at 100 Amps		_____
DC Fast Charging	440 or 480 VAC	Public Access, Large Commercial Office Building or Parks, Hospitality & Recreation	_____
Other (provide detail)	Provide Rating		_____
<b>Permit Application</b>			
		<b>Yes</b>	<b>No</b>
A. Is the application complete with the following information: Project address, parcel #, builder/owner name, contractor name, valid contractor license #, phone numbers, etc.		_____	_____
B. Does the application include EVCS manufacturer's specs and installation guidelines		_____	_____
<b>Electric Load Calculation Worksheet</b>			
		<b>Yes</b>	<b>No</b>
A. Is an electrical load calculation worksheet included (CEC 220)		_____	_____
B. Based on the load calculation worksheet, is a new electrical service panel upgrade required		_____	_____
C. If yes to B, do plans include the electrical service panel upgrade		_____	_____
D. If yes to B, is the SDG&E work order included with permit application		_____	_____
E. Is the charging circuit appropriately sized for a continuous load (125%)		_____	_____
F. If charging equipment proposed is a Level 2 – 9.6kW station with a circuit rating of 50 amps or higher, is a completed circuit card with electrical calculations included with the single-line diagram		_____	_____

<b>Site Plan &amp; Single Line Drawing</b>	<b>Yes</b>	<b>No</b>
A. Is a site plan and electrical plan with a single-line diagram included with the permit application	_____	_____
B. If mechanical ventilation requirements are triggered for indoor venting requirements (CEC 625.29 (D)), is a mechanical plan included with the permit application	_____	_____
C. Is the site plan fully dimensioned and drawn to scale	_____	_____
D. Does the site plan show location, size and use of all structures	_____	_____
E. Does the site plan show location of electrical panel to charging system	_____	_____
F. Does the site plan show type of charging system and mounting	_____	_____
<b>Compliance with 2013 California Electrical Code (Title 24, Part 3)</b>	<b>Yes</b>	<b>No</b>
A. Does the plan include EVCS manufacturer's specs and installation guidelines	_____	_____
B. Does the electrical plan identify the amperage and location of existing electrical service panel	_____	_____
C. If yes to B, does the existing panel schedule show room for additional breakers	_____	_____
D. Is the charging unit rated more than 60 amps or more than 150V to ground	_____	_____
E. If yes to D, are disconnecting means provide in a readily accessible location in line of site within 50' of EVCS (CEC 625.23)	_____	_____
F. Does the charging equipment have a Nationally Recognized Testing Laboratory (NRTL) approved listing mark (UL 2202/UL 2200)	_____	_____
G. If trenching is required, is the trenching detail called out	_____	_____
H. Is the trenching in compliance with electrical feeder requirements from structure to structure (CEC 225)	_____	_____
I. Is the trenching in compliance of minimum cover requirements for wiring methods or circuits (18" for direct burial per CEC 300)	_____	_____
<b>Compliance with 2013 Mandatory CAL Green Code for New Construction</b>	<b>Yes</b>	<b>No</b>
A. Do CAL Green EV Readiness installation requirements apply to this project	_____	_____
B. These requirements should be identified during plan review (5.106.5.3)	_____	_____
C. Do the plans demonstrate conformance with mandatory measures for 3% of total parking spaces in lots with 51+ must be EV capable	_____	_____



<p>* <b>2016 Cal Green proposed mandatory requirements</b> for new construction include measures for 6% of total parking spaces in lots with 10+ spaces being EV capable (effective January 1, 2017)</p>		
<p><b>Chapter 11B EVCS Requirements (go into effect January 1, 2017)</b></p> <p>A. Is there at least 1 EVCS parking stall out of 4 EVCS parking stalls that meet Chapter 11B accessibility dimension requirements for van accessible parking space (144 inches wide with an adjacent access aisle)</p> <p style="padding-left: 20px;">a. *Access aisles shall comply with Section 11B-302</p> <p>B. For parking stalls with 5 to 25 EVCS, is there 1 EVCS parking stalls that meets Chapter 11B accessibility dimension requirements for a van accessible parking space and 1 EVCS parking stall that meets the standard accessible parking space (108 inches wide with an adjacent access aisle)</p> <p>C. Is the path of travel to the EVCS from the accessible parking stall demonstrated to be unobstructed</p> <p>D. Is the accessible path of travel from the EVCS parking stall demonstrated to be within 200 feet of a main building entrance</p>	<p style="text-align: center;"><b>Yes</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p style="text-align: center;"><b>No</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>



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

Notice of Exemption

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

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

Project Title/Case No.: Zoning Code Amendment / AZ 17-0002

Project Applicant: City of Escondido

Project Location - Specific: Citywide

Project Location - City: Escondido

Project Location - County: San Diego

Description of Nature, Purpose and Beneficiaries of Project:

Amendment to the Escondido Zoning Code (EZC) to establish an expedited, cost-effective permitting process for Electric Vehicle Charging Stations to meet current State law requirements. No development project is proposed.

Name of Public Agency Approving Project: City of Escondido

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

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

Exempt Status:

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

Reasons why project is exempt:

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

Lead Agency Contact Person: Mike Strong

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

Signature: Mike Strong, Assistant Planning Director

Date

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant

## PLANNING COMMISSION

Agenda Item No.: H.1  
Date: July 11, 2017

**CASE NUMBER:** MISC 17-0011

**APPLICANT:** City of Escondido

**LOCATION:** Citywide

**TYPE OF PROJECT:** Miscellaneous Informational Report

**PROJECT DESCRIPTION:** The California Environmental Quality Act (CEQA) is one of the most important state laws affecting local planning decisions. City staff will provide an overview of CEQA's requirements and how they relate to the Planning Commission.

**BACKGROUND/SUMMARY OF ISSUES:** As you might expect, cities and counties weigh a variety of factors when deciding whether to approve or deny a proposed land use or development project. One such factor is what kind of effect a project would have on the environment. The term "environment" includes natural and man-made elements of our surroundings. This includes land, air, water, minerals, plants, noise, and more.

The California Environmental Quality Act (CEQA) was adopted in 1970 and is a procedural statute designed to inform decision makers and public about potential environmental effects of proposed land use activities. CEQA is encoded in Sections 21000 et seq. of the Public Resources Code (PRC) with Guidelines for implementation codified in the California Code of Regulations (CCR), Title 14, Chapter 3, Sections 15000 et seq. Although one of the most important goals of CEQA is to provide decision makers with information about the environmental impacts of projects prior to granting approval, another equally important goal is to allow the public to comment on the impacts of projects in their community.

CEQA is one of the most important state laws affecting local planning decisions. Even for professionals, it can be difficult to keep up with all of the new CEQA regulations, as they are amended from time to time. The City of Escondido is currently processing several key projects that each require the preparation of an Environmental Impact Report (EIR), which is a major and complex CEQA document. City staff feels like this is a good opportunity to present some information about CEQA to the Commissioners. At the July 11, 2017 Planning Commission, City staff will facilitate an overview of CEQA and the EIR process. The Commission will be able to use this background information as guidance with respect to their future review and consideration of various land use development applications.

Respectfully Submitted,



Mike Strong  
Assistant Planning Director