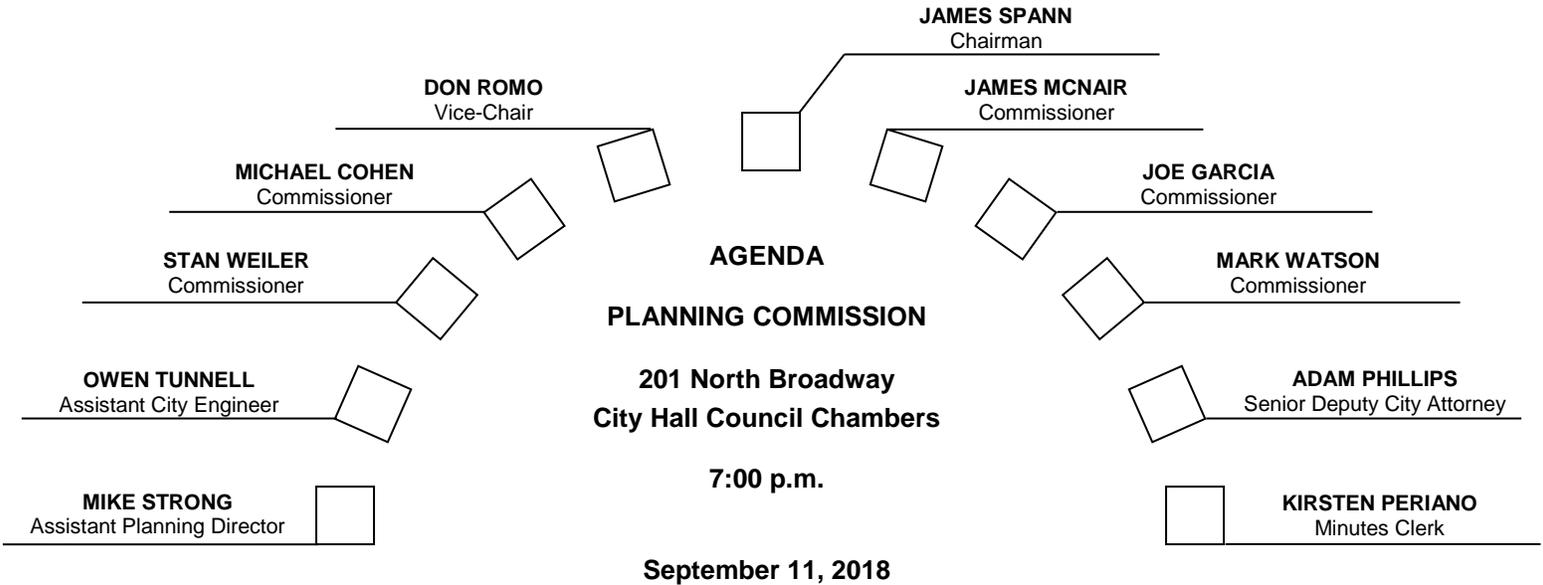


CITY OF ESCONDIDO

Planning Commission and Staff Seating



- A. **CALL TO ORDER:** 7:00 p.m.
- B. **FLAG SALUTE**
- C. **ROLL CALL:**
- D. **MINUTES:** [08/28/18](#)

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 18-0007:

REQUEST: A series of Escondido Zoning Code Amendments to address changes in state laws, correct errors, and improve existing regulations. The proposal involves minor amendments to Articles 1, 6, 16, 26, 30, 39, 40, 41, 45, 46, 56, 57, 65, and 73 of the Escondido Zoning Code. The proposal also includes the adoption of the environmental determination prepared for the project.

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.

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

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

August 28, 2018

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

Commissioners present: James Spann, Chairman; Don Romo, Vice-chairman; Michael Cohen, Commissioner; Joe Garcia, Commissioner; James McNair, Commissioner; Mark Watson, Commissioner; and Stan Weiler, Commissioner.

Commissioners absent: None.

Staff present: Mike Strong, Assistant Planning Director; Owen Tunnell, Principal Engineer; and Adam Phillips, Deputy City Attorney.

MINUTES:

Moved by Commissioner Weiler, seconded by Commissioner Cohen, to approve the Action Minutes of the July 10, 2018, meeting. Motion carried unanimously. (7-0-0)

WRITTEN COMMUNICATIONS – Received.

FUTURE NEIGHBORHOOD MEETINGS: Public Scoping meeting on September 6, 2018 for SUB18-0005, the Nutmeg Residences project.

ORAL COMMUNICATIONS: None.

PUBLIC HEARINGS: None.

CURRENT BUSINESS:

1. **CLIMATE ACTION PLAN (CAP) – STATUS UPDATE – PHG 18-0009:**

City staff facilitated an overview of greenhouse gas emissions inventories and forecasting as part of the study session program to support the overall climate action plan update. No action was required.

ORAL COMMUNICATIONS: None.

ADJOURNMENT:

Chair Spann adjourned the meeting at 8:07 p.m. The next meeting was scheduled for September 11, 2018, at 7:00 p.m. in the City Council Chambers, 201 North Broadway Escondido, California.

Mike Strong, Secretary to the Planning
Commission

Kirsten Peraino, Minutes Clerk

CASE NUMBER: AZ 18-0007

APPLICANT: City of Escondido

LOCATION: Citywide

TYPE OF PROJECT: Zoning Code Amendment

PROJECT DESCRIPTION: A series of proposed Zoning Code Amendments to address changes in state laws, correct errors, and improve existing regulations. The proposal involves minor amendments to Articles 1, 6, 16, 26, 30, 39, 40, 41, 45, 46, 56, 57, 65, and 73 of the Escondido Zoning Code. The proposal also includes the adoption of the environmental determination prepared for the project.

STAFF RECOMMENDATION: Recommend the City Council approve the proposed batch of Zoning Code Amendments.

BACKGROUND/SUMMARY OF ISSUES: It is important that municipalities periodically review and update their codes and regulations to ensure that they stay current and up-to-date. In 2017, the City initiated a new, recurring work program to annually review the Zoning Code to see if anything needs to be updated to reflect State mandated changes, correct errors or inconsistencies, and to address today's land use challenges. Now, as established, the Planning Division is able to maintain a regular process and consistent schedule for maintaining the City's codes and regulations. These amendments are combined into a single clean-up batch proposal, called Annual Omnibus Code Clean-Up, as a means of efficiently modifying the Zoning Code.

The City proposes to amend the Zoning Code to correct minor errors in the text, incorporate code interpretations, and improve existing regulations to eliminate uncertainty for staff, customers, and the public. The proposed amendments affect many articles of the Zoning Code.

REASONS FOR STAFF RECOMMENDATION: Staff recommends approval of the proposed Zoning Code Amendments for the following reasons:

- The batch of amendments relate to organizational effectiveness and efficiency and are considered a housekeeping measure.
- The proposed Zoning Code changes would make the code more internally consistent and easier to understand and apply. The amendments make corrections, clarifications, and updates to improve the application process or how the codes are administered.

Respectfully Submitted,



Mike Strong
Assistant Planning Director

EXHIBITS:

- A Factors to be Considered/Findings of Fact
- B Proposed Zoning Code Amendments

ENVIRONMENTAL ANALYSIS:

The City finds that the adoption of the Zoning Code Amendments would be exempt from Environmental Review pursuant to General Rule 15061(b)(3) since there would be no possibility of a significant effect on the environment because the amendments will not directly result in development. Any future project or development as defined by the California Environmental Quality Act (CEQA) that may occur as a result of the amended language would be subject to CEQA review and analysis. The scope of the changes being considered through this action includes corrective clerical errors or clarification of ambiguities.

ZONING CODE AMENDMENT ANALYSIS:

For the Annual Omnibus Code Cleanup, the suggested amendment list includes amendments to various articles of the Zoning Code. Many of the proposed changes are self-explanatory consisting of grammar and punctuation corrections or simple updates to position titles to reflect those currently used by the City. The proposed changes that require further explanation can be found below.

Article 1 (General Provisions), Section 33-8. This amendment adds a definition for “senior housing”. This amendment is necessary to establish parameters to understanding the code, as words that have common meanings in everyday usage may have different definitions in terms of zoning regulation. Although the proposed definition makes reference to Article 41 (Senior Housing Ordinance) and the essential nature of the term described therein, the proposed definition to Article 1 enables a common understanding of the term throughout the Zoning Code, in its entirety.

Article 6 (Residential Zones), Sections 33-94 and 95. This amendment adds permitted and conditional uses to the permitted use and accessory use tables. The addition of senior housing, and public recreation and private uses and structures does not alter the intent of the residential zoning classification.

Article 6 (Residential Zones), Section 33-100. This amendment makes the driveway, side-yard setback standards in residential zones consistent with how engineering standards have been applied during project-level review. Driveway widths in side yards must maintain a 14-foot unobstructed pathway for vehicular travel. Also, a driveway serving two homes has a minimum width of 20 feet.

Article 6 (Residential Zones), Section 33-113. This amendment introduces a user-friendly process for business and building owners to install well-screened mechanical equipment and other utility hardware. Most of these standards are proposed as new language in Article 56. The reference and incorporation of Article 56 language provides guidance for the design of landscaping and screening for new residential projects. Staff or the decision-making body will review new development projects for consistency with these design standards.

Amendment to Section 33-113 also provides standards for designing trash and recycling areas that will be used by building occupants in new developments or significant remodels. Conventional recycling and greenwaste recycling must be designed into the site along with the trash capacity. The standards

and guidelines will provide adequate space for containers needed by residents, be compliant with health and safety requirements, and reduce storm water runoff from containers.

Article 16 (Commercial Zones), Section 33-337. This amendment is similar to the amendments proposed in Article 6 (Residential Zones) by introducing requirements for well-screened mechanical equipment. The existing section is moved to a new location in Article 56 within the proposed text and adds new sections. The proposed amendment also includes similar provisions for waste management services needed by business to be compliant with health and safety requirements. State mandates Assembly Bill (AB) 341 mandatory commercial recycling and AB 1826 for mandatory commercial organic recycling require that businesses must divert more recycling and organics from the landfill.

Amendment to Section 33-337 also provides for shopping cart management in new site development proposals, which is a transference to the shopping cart regulations contained in Chapter 17 of the Municipal Code (Offenses – Miscellaneous Provisions). Abandoned shopping carts constitute a nuisance, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic within Escondido. Whereas, Chapter 17 of the Escondido Municipal Code would still be the relevant source of shopping cart regulation and require business establishment owners to retrieve shopping carts removed from the establishment’s premises consistent with California Business and Professions Code Section 22435.2, the proposed amendment to Section 33-337 simply facilitates early design considerations for shopping cart management.

Article 26 (Industrial Zones), Section 33-565. This amendment adds permitted and conditional uses to the permitted use and accessory use tables. The addition of contractor storage and temporary offices does not alter the intent of the industrial zoning classification. Its inclusions makes the industrial zone category consistent with other zoning designation use allowances.

Article 26 (Industrial Zones), Section 33-570. This amendment is similar to the amendments proposed in Article 6 (Residential Zones) and Article 16 (Industrial Zones) by introducing requirements for well-screened mechanical equipment and provisions for waste management services needed by business to be compliant with health and safety requirements. State mandates Assembly Bill (AB) 341 mandatory commercial recycling and AB 1826 for mandatory commercial organic recycling require that businesses must divert more recycling and organics from the landfill.

Article 39 (Off Street Parking), Section 33-765. In accordance with the Zoning Code, off-street parking is be designed, maintained and operated in a manner that will ensure their efficient use, promote public safety, and protect surrounding uses from undesirable impacts such as overflow parking. The proposed amendment helps the City right-size some of the on-site parking requirements and establishes updated parking standards for schools, large care facilities, and private/public parks projects. A “senior housing” land use typology is also proposed to help differentiate senior housing projects from other all-aged housing projects to better reflect the parking needs and preferences of senior-aged persons. The majority of proposed amendments incorporate changes to off-street minimum parking requirements, based on current industry standards, which focus on existing parking conditions and future parking demand and operations.

Article 40 (Historical Resources), Section 33-803. This amendment proposes to clarify the duration of advertising for a non-emergency demolition permit.

Article 41 (Senior Housing), Section 33-811. Senior housing is housing that is suitable for the needs of an aging population. This amendment proposes to broaden the definition of senior housing to make its application consistent with varying funding sources that may be used to facilitate senior housing construction.

Article 56 (Miscellaneous Uses), Section 33-1085. In order to minimize visibility from adjacent roads and adjacent properties, roof top, ground-level, and wall-mounted mechanical equipment must be screened from view. The new standards as proposed in this section will apply to all new developments and redevelopments that occur in residential, commercial, and industrial zones. These standards are designed to improve the streetscape and aesthetic impact of the development. The standards will be used as the basis for developments and may be modified for specific developments, but the architectural standards must remain as the baseline level.

EXHIBIT "A"

FACTORS TO BE CONSIDERED/FINDINGS OF FACT

AZ 18-0007

Zoning Code Amendments

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

The Planning Division maintains a regular process and schedule for maintaining the City's codes and regulations. Those issues that have been identified are being addressed as part of this clean-up effort, whereby all code amendments have been combined in a single batch, called an omnibus. Additional items to correct or improve the Zoning Code may be considered in the next annual omnibus code clean-up cycle.

2. The Planning Commission's recommendation is based on factors pursuant to Section 33-1263 of the Escondido Zoning Code.
3. The public health, safety, and welfare would not be adversely affected by the proposed batch of Zoning Code Amendments because they correct internal inconsistencies, improve readability, update references to other code sections or regulatory documents, codify prior interpretations, and make the code consistent with changing state or federal regulations.
4. The proposed batch of Zoning Code amendments would be consistent with the goals and policies of the General Plan because they address changes in state laws, correct errors, and improve existing regulations to eliminate uncertainty for staff, customers, and the public. This effort is not intended to be a comprehensive update to the local code or change land use densities or intensities.
5. The proposed Zoning Code amendments do not conflict with any specific plan.

EXHIBIT “B”

PROPOSED ZONING CODE AMENDMENT

AZ 18-0007

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

Article 1, General Provisions and Definitions, Section 33-8. Definitions. Add a new definition as set forth below.

Senior housing means housing that is suitable for and targeted to the needs of an aging population, as set forth by Article 41.

Article 1, General Provisions and Definitions, Section 33-8. Definitions. Amend as set forth below.

Building.

(1) *Building* means any structure for the shelter, housing or enclosure of any person, animal, article or chattel and when any portion thereof is completely separated from every other portion thereof by a division wall or fire wall, without openings, each such portion shall be a separate building.

(2) *Building height* means the vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to ~~a point midway between the highest and lowest point on the roof to the top of the roof~~; provided that chimneys, spires, towers, tanks and similar projections shall not be included in the height.

Article 6, Residential Zones, Section 33-94. Permitted and conditional uses and structures. Add a new residential and lodging category as set forth below.

	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
<u>Senior housing</u>	<u>P</u>							

Article 6, Residential Zones, Section 33-94. Permitted and conditional uses and structures. Add a new social, religious, educational, recreational, governmental category as set forth below.

	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
<u>Other public recreation uses and structures</u>	<u>C</u>							

Article 6, Residential Zones, Section 33-95. Permitted accessory uses and activities. Amend as set forth below.

	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
<u>Minor home occupations pursuant to Article 44</u>	P	P	P	P	P	P	P	P

Article 6, Residential Zones, Section 33-95. Permitted accessory uses and activities. Add a new accessory use activity as set forth below.

	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
<u>Private recreation uses and structures (no private membership or use-fee)</u>	<u>P</u>							
<u>Private or semi-public recreation uses and structures (with private membership or use-fee)</u>	<u>C</u>							

Article 6, Residential Zones, Section 33-100. Side setback. Amend as set forth below.

Table 33-100 lists side setback requirements in residential zones, excluding mobilehome parks approved pursuant to Article 45.

Table 33-100

Interior Side Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Interior side setback width (feet)	10 ¹	10 ¹	5 ^{1, 2}	5 ⁴	5 ^{3, 4}	5 ^{3, 4}	5 ^{3, 4}	5 ^{1, 5}

Notes:

1 When used for access to a required parking facility, the side setback shall be wide enough for a ~~ten~~ (10)-fourteen (14) foot-wide, unobstructed, paved driveway.

- 2 If the lot or parcel does not abut an alley, one (1) such side setback shall be at least ten (10) feet in width.
- 3 An additional five (5) foot setback shall be provided on each side of a lot or parcel of land for each story over two (2) of a principal building, with a maximum requirement for any such side setback of fifteen (15) feet.
- 4 A driveway that serves two (2) homes has a minimum width of twenty (20) feet. A driveway that provides a parking facility housing three (3) homes or nine (9) or more vehicles with access to a street or alley shall be at least twenty-four (24) feet wide, unless the parking facility is served by two (2) one-way drives, in which case each driveway shall be at least ~~twelve (12)~~ fourteen (14) feet wide. All driveways shall have a height clearance of at least thirteen (13) feet, and shall be paved with cement or asphaltic concrete.
- 5 Title 25 provisions shall apply where appropriate

Article 6, Residential Zones, Section 33-107. Building requirements, generally. Amend as set forth below.

Table 33-107 lists building requirements in residential zones (excluding mobilehome parks approved pursuant to Article 45).

Table 33-107

Building Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T*
Building height (feet), except as otherwise provided in this chapter	35	35	35	35 ¹	35 ¹	75	75	35
Maximum building stories				2 ¹	3 ¹	4 ¹	4 ¹	
Minimum distance Distance between residence and accessory buildings (feet)	10	10	10	10	10	10	10	10
Dwelling unit minimum floor area (square feet) ²	850	1,000	850	500	400	400	400	700
Maximum percent lot coverage by primary and accessory structures	20%	30%	40%	50%	none	none	none	60%
Maximum floor area ratio (FAR) ³	0.3	0.4 ⁴	0.5	0.6	0.7	0.8	0.9	none
Minimum square Square feet allowed for residential and parking regardless of the FAR	1,500	1,500	1,500	2,500	3,500	4,500	5,000	700

Article 6, Residential Zones, Section 33-113. Trash storage. Amend the section title and text as set forth below.

Section 33-113. ~~Trash storage~~Performance standards.

(a) Exterior mechanical equipment or devices shall be subject to siting and design standards pursuant to Section 33-1085.

(b) The following trash storage provisions shall apply in residential zones:

(1) The size and dimensions of the trash enclosures shall be based on the required number and size of containers for trash, recyclables, and organic waste/composting shall be approved by the Director of Community Development, pursuant to city standards.

~~(a) Containers required for trash and recyclables storage shall be of a size, type and quantity approved by the director of community development.~~

(2) Containers shall be placed so as to be concealed from the street and shall be maintained.

~~(b)(3) Required trash enclosure areas shall be constructed of decorative materials—and landscape screening may be required pursuant to Article 62. The trash enclosure shall have architecturally acceptable gates and roofing pursuant to city standards.~~

(A) Chain link fencing with or without wooden/plastic slats is prohibited.

(B) The roof shall be painted with rust inhibitive paint or offer methods of rust prevention.

(4) New trash enclosure areas shall contain a planting area around the perimeter of the enclosure wall except at access gates, to the extent practicable, in accordance with Section 33-1339. The landscaping in the planting area shall consist of vertical planting (vines, hedges) which serve to screen the enclosure. Ground cover or mulching shall be used on the ground surface to provide coverage.

Article 16, Commercial Zones, Section 33-337. Performance standards. Amend as set forth below.

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. Exterior mechanical equipment or devices shall be subject to siting and design standards pursuant to Section 33-1085.~~

(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 minor 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.

(e) The following trash storage provisions shall apply in commercial zones:

(1) The size and dimensions of the trash enclosures shall be based on the required number and size of containers for trash, recyclables, and organic waste/composting shall be approved by the Director of Community Development, pursuant to city standards.

(2) Containers shall be placed so as to be concealed from the street and shall be maintained.

(3) The design of the trash enclosure shall be architecturally compatible with the primary building(s) on site to provide a coordinated design. The exterior materials and colors of the enclosure walls shall match the building walls. The trash enclosure shall have architecturally acceptable gates and roofing pursuant to city standards.

(A) Chain link fencing with or without wooden/plastic slats is prohibited.

(B) The roof shall be painted with rust inhibitive paint or offer methods of rust prevention.

(4) New trash enclosure areas shall contain a planting area around the perimeter of the enclosure wall except at access gates, to the extent practicable, in accordance with Section 33-1339. The landscaping in the planting area shall consist of vertical planting (vines, hedges) which serve to screen the enclosure. Ground cover or mulching shall be used on the ground surface to provide coverage.

(f) Shopping cart management.

(1) Every business, property, or shopping cart owner who provides shopping carts for customer or public use shall contain and control all shopping carts within the boundaries of the premises. Containment of shopping carts shall be achieved through the design and implementation of a city-approved shopping cart containment plan or control method pursuant to Chapter 17 of the Municipal Code.

(2) Shopping cart storage shall not be located in required parking or truck loading spaces within the designated parking lot or other property provided by a business establishment for use by a customer for parking an automobile or other vehicle. The Director of Community Development may require modifications or alterations in the existing or proposed construction or the operational procedures of shopping cart storage areas to determine the adequacy of the shopping cart containment system and/or control method or ensure that compliance with the performance standards will be maintained.

Article 26, Industrial Zones, Section 33-565. Accessory uses and structures. Add a new accessory category as set forth below.

Use Title	I-O	M-1	M-2	I-P
<u>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 30 days thereafter</u>	P	P	P	P

Article 26, Industrial Zones, Section 33-570. Performance criteria. Amend the section title and text as set forth below.

Section 33-570. Performance ~~criteria~~standards.

(a) The following performance standards shall be maintained in M-1, M-2, I-O and I-P zones:

(1) Every use and operation shall be conducted so that no unreasonable odor, heat, vapor, glare, vibration, dust, smoke, water pollution, drainage pollution, radioactivity, or electrical or electronic interference which constitutes a public nuisance pursuant to Cal. Civil Code section 3480 is discernible at the property line of the parcel upon which the use or operation is located. Upon investigation by the city, certain emissions from a business may not constitute a violation based on the nature, intensity and duration of said emissions, if they are considered limited in nature and negligible in scope.

(2) No substance shall be discharged into the sewer system which may cause harm or prevent the use of reclaimed water.

(3) No substance other than clean water (as described by industry regulations) shall be permitted to enter the open storm drain system from the property.

(4) All metal structures or buildings shall have factory-applied color finished exterior surfaces.

(5) The noise level from any operation shall not exceed allowable limits set forth within the Escondido Municipal Code.

(6) For new construction, a complete system of underground electrical and telephone and related off-site distribution facilities shall be provided. Any relief from the requirements of the installation of underground utilities shall be conditioned on the requirement that a stub-out shall be provided for the future service of the premises by underground utilities.

(7) Exterior mechanical equipment or devices shall be subject to siting and design standards pursuant to Section 33-1085.

(8) All water runoff from outdoor storage areas must meet all mandated water quality regulations and shall be tested as required by applicable federal, state, county, and city regulations.

~~(8)~~(9) All permitted uses within the M-1, I-P, and I-O zones shall be conducted entirely within completely enclosed buildings, except for parking, loading, pushcarts for specialized food sales, and storage (as permitted by the M-1 and M-2 zones) as permitted by the zone and approval process.

(10) The following trash storage provisions shall apply in industrial zones:

(A) The size and dimensions of the trash enclosures shall be based on the required number and size of containers for trash, recyclables, and organic waste/composting shall be approved by the Director of Community Development, pursuant to city standards.

(B) Containers shall be placed so as to be concealed from the street and shall be maintained.

(C) The design of the trash enclosure shall be architecturally compatible with the primary building(s) on site to provide a coordinated design. The exterior materials and colors of the enclosure walls shall match the building walls. The trash enclosure shall have architecturally acceptable gates and roofing pursuant to city standards. The roof shall be painted with rust inhibitive paint or offer methods of rust prevention.

(D) Landscape screening may be required to the satisfaction of the Director of Community Development pursuant to Article 62. Planting areas around the perimeter of the enclosure wall except at access gates may be required, in accordance with Section 33-1339.

(b) All businesses defined as “environmentally sensitive businesses” in section 33-564, above, shall meet the following operational standards:

(1) The business must complete and maintain on file annually with the fire department an updated environmental compliance plan consistent with the department’s requirements;

(2) The administrative fines to be assessed for any violation of this code that is related to an environmentally sensitive business, as set forth in Escondido Municipal Code section 1A-11(a), shall be the maximum current penalties established and allowed under California state law; and

(3) Appeals hearings regarding fines assessed pursuant to Escondido Municipal Code section 1A-9(b) shall be heard by the building advisory and appeals board whenever feasible.

(c) Any violation of this section, or of the operating conditions set forth in the environmental compliance plan for any environmentally sensitive business, shall constitute a misdemeanor.

Article 30, Hazardous Chemical Overlay Zone, Section 33-663. Uses and structures. Amend as set forth below.

The following uses and structures are allowed in any M-1 and M-2 zone designated as an H-C-O, hazardous chemical overlay district:

Use No.	Use Title
2800	Chemical and allied products, except 2830, 2844, 2893 and except 2892—explosives and 2899—fireworks
5120	Drugs, chemicals and allied products
5192	Petroleum bulk stations and terminals

- (a) Chemicals and allied products, except the following:
 - (1) Perfumes, cosmetics, and other toilet preparations;
 - (2) Printing ink;
 - (3) Explosives, including dynamite, nitroglycerin, fuses, etc.;
 - (4) Battery acid;
 - (5) Non-agricultural pesticides; and
 - (6) Fireworks;
- (b) Drugs; and
- (c) Petroleum bulk stations and terminals.

Article 39, Off Street Parking, Section 33-765. Parking spaces required. Revise the multiple dwellings use category and standard as set forth below.

Use	Parking Spaces Required
<p>Sanatoriums, children’s homes, <u>supportive housing, congregate and care facilities, homes for the aged, asylums, nursing homes, etc.</u></p>	<p><u>A minimum of one (1) parking space for each three (3) beds is required. Additional parking requirements may be applied based on type and intensity of occupancy. The number of required parking spaces shall be determined by the Director of Community Development and shall be based on the operating characteristics of a specific proposal, including, but not limited to, number of: (1) on-site employees, (2) service deliveries, (3) on-site amenities, and (4) group-use programmed space. Adequate provisions for loading and unloading or pick-up and drop off zones shall be provided, subject to approval of a Plot Plan/CUP.</u></p>
<p><u>Senior housing</u></p>	<p><u>Two (2) parking spaces, plus three (3) parking spaces for every four (4) units that are studios/bachelor units or one (1) bedroom units. Units with two (2) or more bedrooms require one and one-half (1 ½) spaces per unit. Senior housing must also provide adequate provisions for loading and unloading or pick-up and drop-off zones.</u></p>

Article 39, Off Street Parking, Section 33-765. Parking spaces required: Add a new recreational category and standard as set forth below.

Use	Parking Spaces Required
<u>Other types of public or private recreation</u>	<u>The number of required parking spaces shall be determined by the Director of Community Development and shall be based on the operating characteristics of a specific proposal, including, but not limited to, number of: (1) on-site employees, (2) service deliveries, (3) on-site amenities, and (4) group-use programmed space.</u>

Article 39, Off Street Parking, Section 33-765. Parking spaces required. Revise the miscellaneous use category (schools, private and public) and standard as set forth below.

Use	Parking Spaces Required
Grade schools, elementary and junior high schools <u>(primary and lower secondary schools)</u>	One (1) parking space for each employee and faculty member, <u>with adequate provisions for loading and unloading or pick-up and drop-off zones pursuant to section 33-1103.</u>
<u>Preschool, day nurseries, and/or child care centers</u>	<u>One (1) parking space per staff person during the shift with the maximum number of employees plus one (1) space for each ten (10) children, with adequate provisions for loading and unloading or pick-up and drop-off zones pursuant to section 33-1103.</u>
Senior high school <u>(upper secondary school)</u>	One (1) parking space for each employee <u>staff person during the shift with the maximum number of employees</u> and one (1) for each three (3) students for which the facility is designed, <u>with adequate provisions for loading and unloading or pick-up and drop-off zones pursuant to section 33-1103.</u>

Article 40, Historical Resources, Section 33-803. Procedure and findings for obtaining a nonemergency demolition permit. Amend as set forth below.

(a) Submittal. When staff receives a request for non-emergency demolition of an historic resource, staff shall perform a preliminary assessment to determine if the resource is significant in concert with the city’s Environmental Quality Regulations. Staff may employ a registered historian to help make this determination. If the site is determined not to be significant, the demolition permit will be considered at staff level after appropriate environmental review has been publicly noticed and issued and photo documentation to the city’s satisfaction has been performed. If the historic resource is determined to be significant or if staff’s decision to approve the demolition permit is appealed, an

application for a nonemergency demolition permit shall be submitted in writing to the planning division using forms provided by the city.

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

(1) Advertisement of the resource's availability in at least one (1) local newspaper and the San Diego Daily Transcript, published for a minimum period of two (2) weeks prior to the HPC public hearing and/or City Council public hearing;

(2) Research into the feasibility of relocating a significant resource within the community including a licensed contractor's bid for the cost of moving the resource. For structures the research shall include cost of improving the structure to meet relevant building code standards;

(A) In the case of a demolition application involving an income-producing property, whether the owner can obtain a reasonable return from the property without the granting of a demolition permit.

Article 41, Senior Housing, Section 33-811. Definitions. Amend as set forth below.

(b) Senior or senior households means persons sixty-two (62) years of age or older or households of which one member is sixty-two (62) years of age or older, provided that these age limits shall be reduced to fifty-five (55) for senior housing projects. Senior housing may be provided under any state or federal program that the Secretary of Housing and Urban Development determines is specifically designated and operated to assist senior citizens (as defined in the state or federal program); or intended for, and solely occupied by persons 62 years of age or older; or a residential development developed, substantially rehabilitated, or substantially renovated, for persons 55 years of age or older, that has at least 35 dwelling units (rental or for-sale units) and at least 80 percent of the occupied dwelling units occupied by at least one person who is 55 years of age or older. Exceptions to this requirement shall be made for persons with disabilities. Additional exceptions to this requirement shall be permitted for managers at the following ratios:

(1) One (1) to sixteen (16) units: none;

(2) Seventeen (17) to eighty (80) units: one (1);

(3) Eighty-one (81) to one hundred ninety (190) units: two (2) (one (1) manager and one (1) assistant);

(4) Two hundred (200) or more units: three (3) (one (1) manager and two (2) assistants).

Article 45, Mobilehome Parks, Section 33-875. Trash storage. Amend as set forth below.

(a) Containers for trash storage shall be of a size, type and quantity approved by the director of community development, pursuant to city standards. ~~They~~Containers shall be placed so as to be concealed from the street and shall be maintained.

(b) Required trash enclosure areas shall be constructed of decorative materials. The trash enclosure shall have architecturally acceptable gates and roofing pursuant to city standards.

(1) Chain link fencing with or without wooden/plastic slats is prohibited.

(2) The roof shall be painted with rust inhibitive paint or offer methods of rust prevention.

(b) New trash~~Trash~~ enclosure areas shall contain a planting area around the perimeter of the enclosure wall except at access gates, to the extent practicable. The landscaping in the planting area shall consist of vertical planting (vines, hedges) which serve to screen the enclosure. Ground cover or mulching shall be used on the ground surface to provide coverage.

Article 46, Travel Trailer Parks, Section 33-907. Trash storage. Amend as set forth below.

(a) Containers for trash storage, garbage disposal of a type and quantity approved by the city shall be provided. ~~They~~Containers shall be placed so as to be concealed from the street and easily accessible to the travel trailer and campground sites.

(b) One (1) or more metal or plastic garbage cans with tight fitting covers, shall be provided for every three (3) travel trailer or campsites or fractional part thereof within the park.

(c) Trash receptacles shall be provided at all common recreational facilities.

(d) Trash receptacles shall at all times be maintained in a clean and sanitary condition

(e) The size and dimensions of trash enclosures shall be based on the required number and size of containers for trash, recyclables, and organic waste/composting pursuant to city standards. Containers shall be placed so as to be concealed from the street and shall be maintained.

(1) Required trash enclosure areas shall be constructed of decorative materials. The trash enclosure shall have architecturally acceptable gates and roofing pursuant to city standards.

(A) Chain link fencing with or without wooden/plastic slats is prohibited.

(B) The roof shall be painted with rust inhibitive paint or offer methods of rust prevention.

(2) New trash enclosure areas shall contain a planting area around the perimeter of the enclosure wall except at access gates, to the extent practicable. The landscaping in the planting area shall consist of vertical planting (vines, hedges) which serve to screen the enclosure. Ground cover or mulching shall be used on the ground surface to provide coverage.

Article 56, Miscellaneous Development Standards, Section 33-1085. Reserved. Establish a new section and add new text as set forth below.

Section 33-1085. ReservedMechanical equipment and devices.

(a) Screening of mechanical equipment. The screening of roof-mounted, ground-mounted, or wall-mounted mechanical equipment and devices is required in all zoning districts at the time of new installation or replacement.

(1) Roof-mounted mechanical equipment and devices.

(A) Mechanical equipment, including but not limited to air conditioning, heating, tanks, ducts, elevator enclosures, cooling towers, or other similar equipment shall be adequately screened from view from surrounding properties, adjacent public streets, and on-site parking areas. Screening shall be accomplished with mechanical roof wells recessed below the roof line, by solid and permanent roof-mounted screens, use of parapet walls, or building design integration and concealment by portions of the same building or other structure. Alternative methods for screening may include the consolidation and orientation of devices towards the center of the rooftop with enclosure and the use of neutral color surfaces or color paint matching. Chain link fencing with or without wooden/plastic slats is prohibited.

(B) Any under-roof or wall-mounted cables, raceway, conduit, or other device connection to support roof-mounted assemblies is subject to Section 33-1085(a)(3).

(C) All roof appurtenances and screening devices shall be architecturally integrated with construction and appearance similar to and compatible with the building on which the equipment is placed to the satisfaction of the Director of Community Development.

(2) Ground-mounted mechanical equipment and devices.

(A) All ground-mounted mechanical equipment, including heating and air conditioning units and swimming pool and spa pumps and filters, shall be completely screened from view from surrounding properties and adjacent public streets by a solid wall or fence or shall be enclosed within a building or electrical/service room. Depending on the location, height, and length of any wall or fence used for screening purposes, landscaping shall be used to the extent practicable to shield and obscure said wall or fence. Alternative methods for screening equipment from the public right-of-way and adjacent properties may include the placement of said equipment in locations where buildings serve the purpose of screening or other method approved by the Director. Chain link fencing with or without wooden/plastic slats is prohibited.

(B) In locations where ground-mounted mechanical equipment is completely screened from surrounding properties and adjacent public streets, but visible on-site, it shall be surrounded by sight-obscuring landscaping, equipment enclosure, and/or painted with neutral colors that are compatible with structures and landscaping on the property.

(C) Screening shall be maintained in good condition at all times. Landscaping used as screening shall provide a dense, year-round screen.

(D) Structural, design, and/or landscaping plans for any required screening under the provisions of this section shall be approved by the Director of Community Development and Building Official.

(3) Wall-mounted mechanical devices.

(A) Large wall-mounted mechanical and electrical equipment, which are larger than thirty-six (36) inches in height or width, shall be completely screened from the public right-of-way, adjacent properties, and on-site parking areas or shall be enclosed within a building or electrical/service room.

(B) Minor utility equipment, such as small generators, utility meters, or junction boxes, which are less than thirty-six (36) inches in height and width shall be screened to the maximum extent practicable through the use of building design integration and concealment, enclosure, or surface color

paint matching and be screened by walls or fences or sight-obscuring landscaping. Chain link fencing with or without wooden/plastic slats is prohibited.

(C) All exterior wall-mounted cables, raceway, conduit, or other device connection to support any roof-mounted, ground-mounted, or wall-mounted mechanical devices, shall be painted to match the color of the building wall or surface on which they are mounted and shall be sited to minimize the appearance or be in a location that is reasonably compatible and in harmony with the architectural styling and detailing of the building. Additional wall and/or landscaping screening may be required to the satisfaction of the Director of Community Development.

(D) Structural, design, and/or landscaping plans for any required screening under the provisions of this section shall be approved by the Director of Community Development and Building Official.

(4) Exceptions to screening requirements. Where it can be clearly demonstrated that the exterior mechanical equipment is not visible from any surrounding properties, adjacent public streets, and on-site parking areas, the Director of Community Development may waive the screening requirements of this section. Furthermore, the following mechanical equipment and devices will be exempt from the foregoing screening requirements of this section, but may be regulated separately by some other local, state, or federal law:

(A) Electric vehicle charging support systems.

(B) Electric generating facilities, including solar photovoltaic systems.

(C) Communication facilities, including satellite antennas.

Article 57, Miscellaneous Restrictions, Section 33-1101. Airports, heliports and landing strips. Amend as set forth below.

Conditional use permits for airports, heliports and landing strips ~~(use numbers 4311, 4391 and 4392)~~ may be granted by the planning commission upon consideration of the following criteria:

(a) The site should be of adequate size for the proposed use and the possible future expansion thereof;

(b) The site should be reasonably compatible with nearby land uses;

(c) The site should be such that the proposed use will not create a nuisance by causing excessive noise, dust or vibration;

(d) The proposed use should not have an adverse effect on the safety and welfare of the surrounding community.

All conditional use permits for airports, heliports and landing strips shall be made subject to the granting of a license or a permit from the cognizant state or federal aviation agency.

Article 57, Miscellaneous Restrictions, Section 33-1102. Cemeteries, crematories, mausoleums and columbariums. Amend as set forth below.

Conditional use permits for cemeteries may be granted by the planning commission upon consideration of the following criteria:

- (a) Access to the site should be sufficient and should not create traffic congestion;
- (b) The site should be obscured from view by natural or artificial screening.

The planning commission may require the applicant for a conditional use permit for a cemetery, crematory, mausoleum or columbarium (~~use numbers 6242, 6243 and 6244~~) to include with his or her application a site map, the names and addresses of all residents within a radius of two thousand (2,000) feet from the exterior boundaries of the proposed site, a proposal for the perpetual care of the facility, proof of financial ability to develop and maintain the facility and such other information as may be reasonably necessary to adequately process the application.

The commission shall set a reasonable filing fee to be charged the applicant in order to cover costs involved in processing the application.

Article 57, Miscellaneous Restrictions, Section 33-1105. Youth organizations. Amend as set forth below.

Facilities for youth organizations (~~use number 6944~~) may be approved as permitted uses in specified commercial zones and by conditional use permit granted by the planning commission in specified residential zones upon consideration of the following criteria:

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

(b) The provision of adequate and off-street parking in conformance with the standards of Article 39 including at least one (1) space for each employee and additional spaces dependent upon the nature of the activities at the facility which may require visitor parking;

(c) Outdoor recreational areas, including those required by applicable licensing agencies, should be located outside of required front yards and should be enclosed by a six (6) foot masonry or decorative solid wood fence to avoid potential conflicts with traffic areas;

(d) The facilities should incorporate architectural features, landscaping and utility building heights compatible with surrounding uses;

(e) Special attention should be given to lighting and noise generated by outdoor activities and measures to ensure compatibility with adjacent properties

Article 57, Miscellaneous Restrictions, Section 33-1113. Automobile service stations. Amend as set forth below.

The city council shall, after recommendation by the city planning commission, adopt a resolution setting forth standards and design criteria to be utilized in approving automobile service stations (~~use number 5530~~). The planning commission, or the city council on appeal, shall apply all of the standards and criteria in said resolution as conditions of every conditional use permit granted for a service station, unless specific findings are made and enumerated in the resolution of approval stating the unique circumstances and undue hardship that require a modification to the standards and criteria

Article 57, Miscellaneous Restrictions, Section 33-1116. Household pets in the residential zone. Amend as set forth below.

Animals and/or household pets may be maintained on the premises as pets for the personal use of the occupants of each dwelling unit in a residential zone in accordance with the following:

(i) ~~A second~~An accessory dwelling unit in conformance with Article 70 shall not be considered a separate dwelling unit for purposes of determining the number of permitted pets in accordance with this section. The total number of household pets permitted on a parcel which contains ~~a second~~an accessory dwelling unit shall be the total permitted for one (1) unit

Article 65, Old Escondido Neighborhood, Section 33-1376. Property development standards. Amend as set forth below.

(a) Properties shall be developed in accordance with the single-family residential (R-1) zone of Article 10(R-1 zone)-article 6 of this zoning code, except as specifically mentioned in this article.

Article 73, Outdoor Display, Section 33-1532. Permitted zones. Amend as set forth below.

The outdoor display of retail merchandise shall be permitted as an accessory use subject to the approval of an outdoor display permit as discussed in section 33-1535 in the CG, CBD, CP, CT, CN, and existing PD-C zones, and the ~~South Escondido Boulevard~~South Centre City Specific Plan and East Valley Parkway ~~area plans~~Area Plan. Temporary outdoor sales are permitted in the aforementioned zones and specific and area plans subject to the approval of a temporary use permit as discussed in section 33-1535.