

## **PLANNING COMMISSION**

**TO:** Planning Commission  
**FROM:** Planning Staff  
**SUBJECT:** AZ 11-0001 Zoning Code Amendment – Cargo Containers

**STAFF RECOMMENDATION:**

Approve the proposed Amendment to the Zoning Code establishing Cargo Container Restrictions.

**PROJECT DESCRIPTION:**

An amendment to the Escondido Zoning Code establishing restrictions, standards and permit requirements for the use of cargo containers in residential, commercial and industrial zones.

**LOCATION:**

Citywide

**ENVIRONMENTAL REVIEW:**

The proposal is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15061(b) "General Rule." The proposal does not have the possibility to have a significant effect on the environment. Therefore, the project is not subject to CEQA.

**BACKGROUND:**

A Cargo Container is an industrial, reusable metal vessel that originally was designed for or used in the packing, shipping, movement or transportation of goods by commercial trucks, trains and/or ships. These standardized metal containers come in a variety of sizes and also are used as storage containers within commercial, industrial and residential zones. The establishment of restrictions and standards for cargo containers stems from the City's desire to address the appearance, location and proper use of these containers, especially in residential areas.

Cargo containers typically have been allowed in commercial and industrial areas, where outdoor storage has been approved, or as accessory storage structures. Over the years, cargo containers also have been allowed in residential zones as accessory structures, when appropriate setbacks and lot coverage requirements have been met. Building permits typically have not been required since these heavy metal structures meet the general intent of the building code. Due to their large size, industrial nature and appearance, and general lack of proper maintenance, cargo containers currently are not allowed on residential lots. The Code Enforcement Division has responded to complaints about cargo containers on various occasions due to their unsightly appearance. The recently adopted Council Action Plan allows staff to initiate amendments to the zoning code to address specific issues. Since there is no defined standards for the placement of cargo containers throughout the City and these

containers are not usual and customary to certain residential areas, staff has developed limitations/restrictions on residential properties, and specific provisions for the placement of cargo containers on commercial and industrial properties. A permitting process also has been proposed in order to ensure the appropriate placement, use and screening of the containers is provided and maintained.

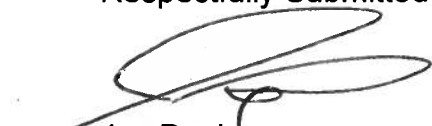
**DISCUSSION:**

The proposed ordinance has been drafted to address the appearance and use of storage containers on specific lots/zones throughout the City. The proposed ordinance would continue to allow cargo containers on industrial lots where outdoor storage is approved. Cargo containers on commercial lots would be limited to temporary storage purposes only to support seasonal events, provided they are located in a non-conspicuous area and do not adversely affect parking. The proposed ordinance would not allow cargo containers to be located within a single-family residential zone (R-1), multi-family zones (R-2, R-3, and R-4) or within mobilehome parks (RT) since the smaller residential lots typically do not have enough land area to properly screen them and provide a buffer area from adjacent residences.

Cargo containers would be allowed to be placed on the larger estate (RE) and agricultural lots (RE) only for storage purposes provided the lots are greater than one acre in size and proper screening is provided. The total amount of containers also is subject to the overall size of the property. In order to place a cargo container on a residential or agricultural lot, the container must be screened from view from the public way and must maintain the setbacks for the primary structure in order to provide appropriate landscape buffer areas from surrounding properties. Cargo containers also would not be allowed to be significantly modified (such as adding doors, windows, and utilities) to ensure they are used for storage purposes only. Cargo containers would be allowed to be located on residential properties developed with non-residential uses that contain sports fields (such as schools) in addition to parks, golf courses and government facilities.

The issuance of a Minor Development Permit would be required to place a cargo container on private property, and the owner would be required to submit the appropriate site plans, details regarding the container, and demonstrate the method of screening. Existing cargo containers that were lawfully permitted on private property, but not permitted by the provisions of this ordinance would be allowed to continue as a nonconforming use for two years. Then they would be required to be removed. Since cargo containers are portable and commonly sold on the open market, the two-year timeline would allow the property owner a reasonable opportunity to recoup the investment. Staff feels the proposed ordinance addresses the appropriate use of and locations for the placement of cargo containers in order to maintain the quality of life for Escondido residents, and meet the needs of commercial and industrial business owners.

Respectfully Submitted



Jay Paul  
Associate Planner

# **Exhibit “A”**

## **FACTORS TO BE CONSIDERED**

### **AZ 11-0001**

**(Cargo Containers)**

1. The public health, safety and welfare would not be adversely affected by the proposed amendment to the Zoning Code since the amendment would establish appropriate locations for the placement of cargo containers throughout the City, along with development standards a permitting process.
2. The proposed Amendment to establish cargo container restrictions would not be detrimental to surrounding properties, since the provisions establish appropriate locations/zones where cargo containers could be located, along with appropriate setbacks and screening requirements to avoid potential compatibility and adverse visual issues with surrounding properties.
3. Cargo containers, due to their size and industrial appearance, are not appropriate for use as permanent accessory buildings/structures or storage sheds in certain areas of the City. The use of cargo containers for accessory buildings, sheds, storage and other purposes has increased within the City causing in some instances blight. The General Plan contains policies to create an aesthetically pleasing community, and to preserve and enhance existing neighborhoods. The proposed amendment to establish cargo container restrictions and standards would be consistent with the General Plan and would implement these goals by providing specific standards for usage of cargo containers as storage facilities, along with the appropriate locations where they may be situated.

# **EXHIBIT "B"**

## **Draft Amendment Language**

### **Article 36. CARGO CONTAINER RESTRICTIONS**

#### **Sec. 33-720. Definition and Purpose.**

- (a) **Definition.** A Cargo Container is an industrial, standardized reusable metal vessel that was originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities by commercial trucks, trains and/or ships. A cargo container modified in a manner that would preclude future use by a commercial transportation entity shall be considered a cargo container for purpose of this article.
- (b) **Purpose.** This article establishes minimum development standards for the placement of metal shipping containers within the City, limits the use of cargo containers in residential zones and addresses requirements in other zones.

#### **Sec. 33-721. Permitted Locations and Prohibitions.**

- (a) It shall be unlawful to place, use, allow or maintain Cargo Containers on residential property zoned R-1, R-2, R-3, R-4, or RT; unless specifically exempted pursuant to this article.
- (b) It shall be unlawful to place, use, allow or maintain Cargo Containers on property zoned R-A or R-E; unless specifically authorized or exempted pursuant to this article.
- (c) It shall be unlawful to place, use, allow or maintain Cargo Containers in any commercial or industrial zone unless there is a legal primary use on the property where it is located, required parking is not impacted and access is maintained.
- (c) It shall be unlawful to place, use, allow or maintain Cargo Containers in any planned development or specific plan zone unless specifically authorized by the Director of the Community Development, and consistent with provisions of the specific plan or planned development.
- (d) Where permissible, the placement of cargo containers on private property shall be subject to the issuance of a Minor Development Permit by the Director of Community Development.

**Sec. 33-722. Authorized Residential Use.**

A cargo container may be allowed in the RA and RE zones only for storage uses if it meets all of the following requirements:

- (a) A parcel within the RE and RA zone must be a minimum of one acre in size. Only one cargo container is allowed for the first one acre and one additional cargo container per every additional five acres.
- (b) A legal primary use exists on the property.
- (c) The cargo container meets all applicable use, development standards and maintenance regulations in the Escondido Municipal and Zoning Codes.
- (d) The cargo container is appropriately screened from public view by fencing, landscaping, terrain, buildings or some combination of these methods.
- (e) Cargo containers must meet setback requirements for primary structures, but shall not be allowed closer than ten feet to any property boundary. A container also must maintain a separation of ten feet from the primary structure and other accessory structures, except for other authorized cargo containers.

**Sec. 33-723. Cargo Containers in Nonresidential Zones.**

- (a) Cargo containers used for the routine transportation of goods and temporarily stored in commercial and industrial zones are exempt from the provisions of this article, but subject to other use restrictions found in both the Escondido Municipal and Zoning Codes. Cargo containers may be used for long term storage on industrial zoned property in areas where open storage has been approved.
- (b) Cargo containers may be used on a temporary basis in commercial zones for additional storage to support seasonal events, but shall not be located on the site for more than 90 consecutive days. The containers shall be located to the rear or other non-conspicuous areas of the site. The containers shall not be located within the front areas of the site or highly visible areas from the public way.

**Sec. 33-724. Cargo Containers for Sports Fields.**

- (a) Cargo containers may be used for storage purposes in conjunction with schools that maintain sports fields, and also for parks, golf courses, governmental facilities, and other similar uses as determined by the Director of Community Development.
- (b) The container(s) shall be located in a non-conspicuous location on the site and conform to the setbacks of the underlying zone, but no closer than ten feet to any exterior property boundary. Appropriate screening may be required, as determined by the Director of Community Development.

**Sec. 33-725. Temporary Storage.**

- (a) Cargo containers are allowed on private property in all zones temporarily to store building materials and/or construction tools during construction pursuant to an active building permit on the same property. If the building permit is expired or finalized, the container shall be removed within ten calendar days of the permit expiration or building permit final. If construction ceases for a period of thirty days or is abandoned, the container shall be removed no later than ten calendar days after notice to remove is issued by the City. The temporary placement on lots smaller than one acre shall never exceed 180 days in any calendar year.

**Sec. 33-726. Permit Administration**

- (a) A Minor Development Permit shall be required prior to the placement of a cargo container on private property, unless expressly exempted by this article. An application for a Minor Development Permit shall be made to the Planning Division on forms prescribed by the Director of Community Development. The application shall be accompanied by the following:
  - (1) Three copies of a detailed site plan showing the location of the proposed container, including, but not limited to setbacks from property lines and other structures located on the site, drive aisles, parking spaces, etc.).
  - (2) Details regarding the container (including height, width, length, color, etc.).
  - (3) Method of screening.
  - (4) Such other information the Director of Community Development may require to adequately review an application
  - (5) Minor Development Permit fee, as adopted by City Council Resolution.

**Sec. 33-727. Standards.**

- (a) It shall be unlawful for any property owner, tenant or other responsible party to use, allow or maintain a cargo container in violation of any standard provided in this section.
- (b) Cargo containers shall not be stored in a manner that impedes access to public right-of-ways, public utility or drainage easements or adjacent structures and buildings. The cargo container(s) shall not block, obstruct, or reduce in any manner any required exits, windows, vent shafts, parking spaces, and/or access driveways.
- (c) Cargo containers may be used for storage only and shall not be used for human habitation or for commercial business purposes.
- (d) Cargo containers shall not be used to store hazardous materials in violation of any local, state or federal requirements.

- (e) Cargo containers may not occupy any required off-street parking spaces, loading/unloading areas, or fire lanes. Parking spaces may be used for temporary storage in commercial zones to support seasonal events provided the amount of spaces is not more than 20% of the required parking spaces for the sponsoring business or 5% of the overall spaces within a commercial center containing multiple tenants.
- (f) No signage shall be allowed on any permanent cargo container.
- (g) Cargo containers shall not be stacked on top of each other or on another structure.
- (h) Containers shall be prohibited from having windows, heating and cooling, plumbing, or multiple entrances. Cargo containers may include passive systems to provide appropriate ventilation. Utility services shall not be provided to the container.
- (i) All cargo containers shall be operated in a safe manner, and be structurally sound, stable and in good repair. The container shall not contain any holes, peeling paint, rust, damage or structural modifications.
- (j) Cargo Container(s) used for long-term storage shall not be visible from the portion of any public or private road that abuts the lot or property. Acceptable screening features for a cargo container include landscaping, fencing, terrain, existing structures, or a combination of these features.
- (k) Cargo container(s) used for temporary storage in commercial zones must be placed to the rear of the business and may not be placed within any designated landscape or storm water facility.
- (l) Cargo container(s) shall be painted a non-reflective neutral color that is compatible with the primary structure or to blend in with the surrounding environment.

Sec. 33-728. Nonconforming Use Expiration Date

- (a) A cargo container that was lawfully on private property before \_\_\_\_\_, 2012 may be allowed to continue as a nonconforming use for two years.



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: Vanessa Esquivel  
P.O. Box 121750  
San Diego, CA 92112-1750

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

**Project Title/Case No.:** AZ 11-0001

**Project Location - Specific:** Citywide

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

**Description of Project:** An amendment to the Escondido Zoning Code establishing restrictions, standards and permit requirements for the use of cargo containers in residential, commercial and industrial zones.

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

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

Name Jay Paul, Associate Planner, City of Escondido Telephone (760) 839-4537

Address 201 N. Broadway, Escondido, CA 92025

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

**Exempt Status:** Categorical Exemption. Section 15061(b)(3) "General Rule." 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. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**Reasons why project is exempt:**

The project only involves establishing standards and restrictions for the continued placement of specific small accessory storage structures "metal cargo containers" on residential, commercial and industrial properties. Cargo containers typically have been allowed in commercial and industrial areas, where outdoor storage has been approved, or as accessory storage structures. Over the years, cargo containers also have been allowed in residential zones as accessory structures, when appropriate setbacks and lot coverage requirements have been met. Small accessory structures used for storage currently are permitted in residential, commercial and industrial zones subject to the appropriate administrative permits and any necessary building permits. Since there is no defined standards for the placement of metal cargo containers throughout the City and these containers are not usual and customary to certain residential areas, staff has developed limitations/restrictions on residential properties, and specific provisions for the placement of cargo containers on commercial and industrial properties. A permitting process also has been proposed in order to ensure the appropriate placement, use and screening of the containers is provided and maintained. In staff's opinion, the establishment of standards to regulate the continue placement and use of storage containers throughout the City of Escondido does not have the potential for causing a significant effect on the environment.

**Lead Agency Contact Person:** Jay Paul/Planning Division Area Code/Telephone/Extension (760) 839-4537

Signature:  February 13, 2012  
Date

Signed by Lead Agency    Date received for filing at OPR: N/A