



JULY 19, 2017
CITY COUNCIL CHAMBERS
3:30 P.M. Closed Session; 4:30 P.M. Regular Session
201 N. Broadway, Escondido, CA 92025

MAYOR	Sam Abed
DEPUTY MAYOR	John Masson
COUNCIL MEMBERS	Olga Diaz Ed Gallo Michael Morasco
CITY MANAGER	Jeffrey Epp
CITY CLERK	Diane Halverson
CITY ATTORNEY	Michael McGuinness
DIRECTOR OF COMMUNITY DEVELOPMENT	Bill Martin
DIRECTOR OF ENGINEERING SERVICES	Julie Procopio

ELECTRONIC MEDIA:

Electronic media which members of the public wish to be used during any public comment period should be submitted to the City Clerk's Office at least 24 hours prior to the Council 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 Council during the meeting are part of the public record and may be retained by the Clerk.

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.



Council Meeting Agenda

**July 19, 2017
3:30 P.M. Meeting**

Escondido City Council

CALL TO ORDER

ROLL CALL: Diaz, Gallo, Masson, Morasco, Abed

ORAL COMMUNICATIONS

In addition to speaking during particular agenda items, the public may address the Council on any item which is not on the agenda provided the item is within the subject matter jurisdiction of the City Council. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. (Please refer to the back page of the agenda for instructions.) Speakers are limited to only one opportunity to address the Council under Oral Communications.

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

- I. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)**
- a. **Property:** 901 West Washington Avenue, APNs 232-090-72, -54, and -57 (Public Works Yard)
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: Prospective Purchasers
Under Negotiation: Price and Terms of Agreement

 - b. **Property:** 455 North Quince Street, APN 232-091-27 (Wickline Bedding)
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: Prospective Purchasers
Under Negotiation: Price and Terms of Agreement

ADJOURNMENT



Council Meeting Agenda

**July 19, 2017
4:30 P.M. Meeting**

Escondido City Council

CALL TO ORDER

MOMENT OF REFLECTION:

City Council agendas allow an opportunity for a moment of silence and reflection at the beginning of the evening meeting. The City does not participate in the selection of speakers for this portion of the agenda, and does not endorse or sanction any remarks made by individuals during this time. If you wish to be recognized during this portion of the agenda, please notify the City Clerk in advance.

FLAG SALUTE

ROLL CALL: Diaz, Gallo, Masson, Morasco, Abed

ORAL COMMUNICATIONS

The public may address the Council on any item that is not on the agenda and that is within the subject matter jurisdiction of the legislative body. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. (Please refer to the back page of the agenda for instructions.) NOTE: Depending on the number of requests, comments may be reduced to less than 3 minutes per speaker and limited to a total of 15 minutes. Any remaining speakers will be heard during Oral Communications at the end of the meeting.

CONSENT CALENDAR

Items on the Consent Calendar are not discussed individually and are approved in a single motion. However, Council members always have the option to have an item considered separately, either on their own request or at the request of staff or a member of the public.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**
3. **[APPROVAL OF MINUTES: Regular Meeting of June 28, 2017](#)**

4. **[EXTENSION OF TIME FOR TENTATIVE SUBDIVISION MAP 931 \(SUB 17-0022\) -](#)**

Request the City Council approve a three-year extension of time for a five-lot single-family residential Tentative Subdivision Map addressed as 1055 Hamilton Lane (APN 238-360-6800).

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

RESOLUTION NO. 2017-97

5. **[LEASE AGREEMENT WITH DAVE MCMAHON CONSTRUCTION, INC. AT 525 NORTH QUINCE STREET -](#)**

Request the City Council approve authorizing the Real Property Manager and the City Clerk to execute a Lease Agreement with Dave McMahon Construction, Inc. at 525 North Quince Street.

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2017-108

6. **[UNCLASSIFIED SERVICE SCHEDULE AND SALARY PLANS -](#)**

Request the City Council approve amending the Unclassified Clerical/Technical Salary Plans, the Unclassified Management Salary Bands, and the Unclassified Service Schedule List.

Staff Recommendation: **Approval (Human Resources Department: Sheryl Bennett)**

A) RESOLUTION NO. 2017-109 B) RESOLUTION NO. 2017-110

C) RESOLUTION NO. 2017-111

7. **[MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ESCONDIDO AND THE ESCONDIDO CITY EMPLOYEES' ASSOCIATION - ADMINISTRATIVE, CLERICAL, AND ENGINEERING BARGAINING UNIT -](#)**

Request the City Council approve the execution of a Memorandum of Understanding between the City of Escondido and the Escondido City Employees' Association Administrative, Clerical, and Engineering Bargaining Unit for a three-year term commencing July 1, 2017 through June 20, 2020.

Staff Recommendation: **Approval (Human Resources Department: Sheryl Bennett)**

RESOLUTION NO. 2017-112

8. **[MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ESCONDIDO AND THE ESCONDIDO CITY EMPLOYEES' ASSOCIATION - SUPERVISORY BARGAINING UNIT -](#)**

Request the City Council approve the execution of a Memorandum of Understanding between the City of Escondido and the Escondido City Employees' Association Supervisory Bargaining Unit for a three-year term commencing July 1, 2017 through June 30, 2020.

Staff Recommendation: **Approval (Human Resources Department: Sheryl Bennett)**

RESOLUTION NO. 2017-113

CONSENT – RESOLUTIONS AND ORDINANCES (COUNCIL/SUCCESSOR AGENCY/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/Successor Agency/RRB at a previous City Council/Successor Agency/Mobilehome Rent Review meeting. (The title of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

PUBLIC HEARINGS

9. **AMENDMENT TO ARTICLE 70 (SECOND DWELLING UNITS) OF THE ESCONDIDO ZONING CODE (AZ 16-0007) -**

Request the City Council approve amending Article 70 (Second Dwelling Units) of the Escondido Zoning Code to bring City regulations for second dwelling units into compliance with relevant State requirements.

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

ORDINANCE NO. 2017-06 (Introduction and First Reading)

CURRENT BUSINESS

10. **JESMOND DENE AND MOUNTAIN VIEW PARKS' MASTER PLAN AMENDMENTS -**

Request the City Council approve authorizing staff and resources to amend the previously approved Master Plans for Jesmond Dene and Mountain View Parks.

Staff Recommendation: **Approval (City Manager's Office: Jay Petrek)**

FUTURE AGENDA

11. **FUTURE AGENDA -**

The purpose of this item is to identify issues presently known to staff or which members of the City Council wish to place on an upcoming City Council agenda. Council comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed.

Staff Recommendation: **None (City Clerk's Office: Diane Halverson)**

COUNCIL MEMBERS' SUBCOMMITTEE REPORTS

CITY MANAGER'S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development.

- [WEEKLY ACTIVITY REPORT -](#)

ORAL COMMUNICATIONS

The public may address the Council on any item that is not on the agenda and that is within the subject matter jurisdiction of the legislative body. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. Speakers are limited to only one opportunity to address the Council under Oral Communications.

ADJOURNMENT

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
July 26	-	-	No Meeting	-
August 2	-	-	No Meeting	-
August 9	-	-	No Meeting	-
August 16	Wednesday	3:30 & 4:30 PM	Regular Meeting	Council Chambers

TO ADDRESS THE COUNCIL

The public may address the City Council on any agenda item. Please complete a Speaker's form and give it to the City Clerk. Submission of Speaker forms prior to the discussion of an item is highly encouraged. Comments are generally limited to 3 minutes.

If you wish to speak concerning an item not on the agenda, you may do so under "Oral Communications." Please complete a Speaker's form as noted above.

Nomination forms for Community Awards are available at the Escondido City Clerk's Office or at <http://www.escondido.org/city-clerks-office.aspx>

Handouts for the City Council should be given to the City Clerk. To address the Council, use the podium in the center of the Chambers, STATE YOUR NAME FOR THE RECORD and speak directly into the microphone.

AGENDA, STAFF REPORTS AND BACK-UP MATERIALS ARE AVAILABLE:

- Online at <http://www.escondido.org/meeting-agendas.aspx>
- In the City Clerk's Office at City Hall
- In the Library (239 S. Kalmia) during regular business hours and
- Placed in the Council Chambers (See: City Clerk/Minutes Clerk) immediately before and during the Council meeting.

AVAILABILITY OF SUPPLEMENTAL MATERIALS AFTER AGENDA POSTING: Any supplemental writings or documents provided to the City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's Office located at 201 N. Broadway during normal business hours, or in the Council Chambers while the meeting is in session.

LIVE BROADCAST

Council meetings are broadcast live on Cox Cable Channel 19 and U-verse Channel 99 – Escondido Gov TV. They can also be viewed the following Sunday and Monday evenings at 6:00 p.m. on those same channels. The Council meetings are also available live via the Internet by accessing the City's website at www.escondido.org, and clicking the "Live Streaming –City Council Meeting now in progress" button on the home page.

Please turn off all cellular phones and pagers while the meeting is in session.

**The City Council is scheduled to meet the first four Wednesdays
of the month at 3:30 in Closed Session and 4:30 in Open Session.
(Verify schedule with City Clerk's Office)**

**Members of the Council also sit as the Successor Agency to the CDC, Escondido Joint Powers
Financing Authority and the Mobilehome Rent Review Board.**

**CITY HALL HOURS OF OPERATION
Monday-Friday 8:00 a.m. to 5:00 p.m.**



If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 839-4643. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

Listening devices are available for the hearing impaired – please see the City Clerk.

CITY OF ESCONDIDO
June 28, 2017
3:30 P.M. Meeting Minutes
Escondido City Council

CALL TO ORDER

ROLL CALL: Diaz, Gallo, Masson, Morasco, Abed

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Morasco to recess to Closed Session. Motion carried unanimously.

I. CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)

- a. **Agency Negotiator:** Sheryl Bennett and Jeffrey Epp
Employee Organization: Non-Sworn Police Bargaining Unit
- b. **Agency Negotiator:** Sheryl Bennett and Jeffrey Epp
Employee Organization: Escondido City Employee Association:
Administrative/Clerical/Engineering Bargaining Unit
- c. **Agency Negotiator:** Sheryl Bennett and Jeffrey Epp
Employee Organization: Escondido City Employee Association: Supervisory
Bargaining Unit

II. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)

- a. **Property:** 901 West Washington Avenue, APNs 232-090-72, -54, and -
57 (Public Works Yard)
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: Prospective Purchasers
Under Negotiation: Price and Terms of Agreement
- b. **Property:** APNs 238-073-06, -17, -038, -49, -50, -51, -52, -57 (Chatham
Site)
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: Terry Jackson
Under Negotiation: Price and Terms of Agreement
- c. **Property:** 455 North Quince Street, APN 232-091-27 (Wickline Bedding)
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: Prospective Purchasers
Under Negotiation: Price and Terms of Agreement

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:15 p.m.

MAYOR

CITY CLERK

DEPUTY CITY CLERK

CITY OF ESCONDIDO
June 28, 2017
4:30 P.M. Meeting Minutes
Escondido City Council
Mobilehome Rent Review Board

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 4:30 p.m. on Wednesday, June 28, 2017 in the City Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION:

Nate Turner led the Moment of Reflection.

FLAG SALUTE

Mayor Abed led the Flag Salute.

ATTENDANCE:

The following members were present: Councilmember Olga Diaz, Councilmember Ed Gallo, Deputy Mayor John Masson, Councilmember Michael Morasco, and Mayor Sam Abed. Quorum present.

Also present were: Jeffrey Epp, City Manager; Michael McGuinness, City Attorney; Bill Martin, Director of Community Development; Julie Procopio, Director of Engineering Services; Diane Halverson, City Clerk; and Jennifer Ekblad, Deputy City Clerk.

PRESENTATIONS

San Diego County Treasurer-Tax Collector: Dan McAllister

ORAL COMMUNICATIONS

Bruce Sims, Escondido, requested changes to the municipal code regarding water and wastewater rates for mobilehome parks.

CONSENT CALENDAR

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to approve the Consent Calendar with the exception of items 4, 6, 7. Motion carried unanimously.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**
3. **APPROVAL OF MINUTES: Regular Meeting of June 14, 2017**

4. **AMENDMENT TO SECTIONS 12.H AND 13 OF THE MOBILEHOME RENT REVIEW BOARD GUIDELINES -**

Request the City Council/Mobilehome Rent Review Board approve amending Section 12.H and Section 13 of the Mobilehome Rent Review Board Guidelines to allow senior or disabled residents to object to a short-form rent increase application by submitting a signed affidavit in lieu of personally appearing at the hearing and update the Board's procedural rules to correspond with the City Council's procedural rules. (File No. 0697-20)

Staff Recommendation: **Approval (Community Development Department: Bill Martin and City Attorney's Office: Mike McGuinness)**

RESOLUTION NO. RRB 2017-02R

Karen Youel, Housing and Neighborhood Services Manager, was available to answer any questions.

Julie Paule, representative for Western Manufactured Housing Association, spoke in opposition to the changes to the Mobilehome Rent Review Board Guidelines.

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Morasco to approve amending Section 13 of the Mobilehome Rent Review Board Guidelines with no changes to Section 12.H and adopt Resolution No. RRB 2017-02R. Ayes: Abed, Gallo, Masson, Morasco. Noes: Diaz. Motion carried.

5. **FISCAL YEAR 2016 OPERATION STONEGARDEN GRANT AND BUDGET ADJUSTMENT -**

Request the City Council approve accepting the Fiscal Year 2016 Operation Stonegarden Grant funds in the amount of \$25,000 from the California Office of Emergency Services through the County of San Diego; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds. (File No. 0480-70)

Staff Recommendation: **Approval (Police Department: Craig Carter)**

6. **FISCAL YEAR 2017-18 POLICE TOW SERVICE AGREEMENTS -**

Request the City Council approve authorizing the Chief of Police to execute Police tow service agreements with AI's Towing, Inc.; A-Z Enterprises, Inc.; Allied Gardens Towing, Inc.; and Johnathan's Towing Inc. to provide police tow, impound, and referral services. (File No. 0600-10 [A-3221, A-3224, A-3225, A3226])

Staff Recommendation: **Approval (Police Department: Craig Carter)**

RESOLUTION NO. 2017-78

Craig Carter, Chief of Police, provided information regarding the tow service request for proposals process.

John Estafanos, representative for Roadway Towing, requested that Roadway Towing be reconsidered for the FY 2017-18 Police Tow Service Agreement and deny the recommendation by staff.

Sapphire Blackwood, San Diego, requested that Roadway Towing be reconsidered for the FY 2017-18 Police Tow Service Agreement and spoke in opposition to staff recommendation.

Josh Park, representative for AI's Towing, commented regarding tow services and their impact on the reputation of the Police Department and City of Escondido.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to approve authorizing the Chief of Police to execute Police tow service agreements with AI's Towing, Inc.; A-Z Enterprises, Inc.; Allied Gardens Towing, Inc.; and Johnathan's Towing Inc. to provide police tow, impound, and referral services and adopt Resolution No. 2017-78. Motion carried unanimously.

7. AWARD OF BIDS FOR THE PURCHASE OF CHEMICALS FOR THE WATER AND WASTEWATER TREATMENT PLANTS -

Request the City Council approve accepting the lowest responsive, responsible bids for the purchase of twelve chemicals by unit price; authorize the Director of Administrative Services to execute contracts with the lowest responsive and responsible bidders for each of the chemicals, effective July 1, 2017 through June 30, 2018, with the option to renew the contracts for four additional one-year periods conditioned upon budget appropriations; and authorize the rejection of all bids received for the Dewatering Polymer and authorize staff to solicit new formal bids for this chemical. (File No. 0470-35)

Staff Recommendation: **Approval (Finance Department: Sheryl Bennett)**

RESOLUTION NO. 2017-88R

Edid Molina, Finance Manager, and Lori Rountree, Deputy Director of Utilities, Water, and Wastewater, informed Council of revisions to Resolution No. 2017-88R, Exhibit A.

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Gallo to approve accepting the lowest responsive, responsible bids for the purchase of twelve chemicals by unit price; authorize the Director of Administrative Services to execute contracts with the lowest responsive and responsible bidders for each of the chemicals, effective July 1, 2017 through June 30, 2018, with the option to renew the contracts for four additional one-year periods conditioned upon budget appropriations; and authorize the rejection of all bids received for the Dewatering Polymer and authorize staff to solicit new formal bids for this chemical and adopt Resolution No. 2017-88R. Motion carried unanimously.

8. AWARD REQUEST FOR PROPOSALS NO. 18-02 RIGHT OF WAY LANDSCAPE MAINTENANCE SERVICES -

Request the City Council approve authorizing the Mayor and the City Clerk to execute a Public Services Agreement with Steven Smith Landscape Inc. of Escondido, California, for Right of Way Landscape Maintenance Services in the amount of \$275,338.80. (File No. 0600-10 [A-3222])

Staff Recommendation: **Approval (Public Works Department: Ed Domingue)**

RESOLUTION NO. 2017-89

9. FISCAL YEAR 2017-18 DEPARTMENT OF ALCOHOLIC BEVERAGES CONTROL LOCAL LAW ENFORCEMENT GRANT AND BUDGET ADJUSTMENT -

Request the City Council approve authorizing the Chief of Police to receive a \$59,192 grant award from the California Department of Alcoholic Beverage Control (ABC); authorize the Chief of Police and Police Department staff to execute contract documents on behalf of the City; and approve budget adjustments needed to spend grant funds. (File No. 0480-70)

Staff Recommendation: **Approval (Police Department: Craig Carter)**

RESOLUTION NO. 2017-93

10. A GROUND LEASE AGREEMENT WITH A STEP BEYOND FOR USE OF PROPERTY LOCATED ADJACENT TO THE ART STUDIOS AT THE CALIFORNIA CENTER FOR THE ARTS, ESCONDIDO (CCAЕ), ADDRESSED AS 340 N. ESCONDIDO BOULEVARD -

Request the City Council approve authorizing the Real Property Manager and the City Clerk to execute a thirty-year ground lease agreement for property within an enclosed area located north of CCAE Studios #1 - #4, south of the Escondido Creek, along the fence line, east of the CCAE HVAC system, and west of the wall that extends north from Studio #1; and authorize the CCAE Board of Directors to establish a long-term lease of studio and ancillary space that accommodates A Step Beyond for operating its program. (File No. 0600-10 [A-3223])

Staff Recommendation: **Approval (City Manager's Office: Jay Petrek)**

RESOLUTION NO. 2017-94

11. AWARD PURCHASE OF FUELS FOR FISCAL YEAR 2018 -

Request the City Council approve the purchase of unleaded gasoline and diesel fuel from The SoCo Group, Inc., in the amount of \$1,100,000 utilizing a cooperative purchase agreement with the City of San Diego, RFP No. 10015195-12-Z, Purchasing Contract No. 46000000984, pursuant to Escondido Municipal Code Chapter 10, Article 5, Section 10-90. (File No. 0470-35)

Staff Recommendation: **Approval (Public Works Department: Ed Domingue)**

RESOLUTION NO. 2017-95

12. SECOND AMENDMENT TO CONSULTING AGREEMENT FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE ESCONDIDO-VISTA WATER TREATMENT PLANT DISINFECTION AND ELECTRICAL SYSTEM UPGRADES PROJECT -

Request the City Council approve authorizing a Second Amendment to the Consulting Agreement with Michael Baker International, in an amount not to exceed \$69,318.40, resulting in a new contract amount of \$1,016,410.40. (File No. 0600-10 [A-3118])

Staff Recommendation: **Approval (Utilities Department: Christopher W. McKinney)**

RESOLUTION NO. 2017-96

CONSENT – RESOLUTIONS AND ORDINANCES (COUNCIL/SUCCESSOR AGENCY/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/Successor Agency/RRB at a previous City Council/Successor Agency/Mobilehome Rent Review meeting. (The title of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

PUBLIC HEARINGS

13. CONDUCT A PUBLIC HEARING TO CONSIDER A RESOLUTION OF NECESSITY FOR 700 W. GRAND AVENUE (APN 232-100-16) -

Request the City Council approve a Resolution of Necessity, authorizing acquisition of property by eminent domain proceeding for 700 W. Grand Avenue. (File No. 0690-50)

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2017-99

Mayor Abed abstained and left the dais.

Vince McCaw, Real Property Manager, presented the staff report utilizing a PowerPoint presentation.

Deputy Mayor Masson opened the public hearing and asked if anyone wanted to speak on this issue in anyway. No one asked to be heard, therefore he closed the public hearing.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to approve a Resolution of Necessity, authorizing acquisition of property by eminent domain proceeding for 700 W. Grand Avenue and adopt Resolution No. 2017-99. Ayes: Diaz, Gallo, Masson, Morasco. Noes: None. Abstained: Mayor Abed. Motion carried.

CURRENT BUSINESS

14. 2017-2018 CITY COUNCIL ACTION PLAN UPDATE -

Request the City Council approve the adoption of the 2017-2018 City Council Action Plan. (File No. 0610-95)

Staff Recommendation: **Approval (City Manager's Office: Jay Petrek)**

Jay Petrek, Assistant City Manager, presented the staff report utilizing a PowerPoint presentation.

Mayor Abed requested the wording "Community Improvement" be changed to "Neighborhood Improvement".

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Morasco to approve the adoption of the 2017-2018 City Council Action Plan. Motion carried unanimously.

FUTURE AGENDA

15. FUTURE AGENDA -

The purpose of this item is to identify issues presently known to staff or which members of the City Council wish to place on an upcoming City Council agenda. Council comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed.

Staff Recommendation: **None (City Clerk's Office: Diane Halverson)**

COUNCIL MEMBERS' SUBCOMMITTEE REPORTS

Councilmember Gallo reported that the North County Transit District had three accidents this week; SANDAG Borders Committee toured the San Ysidro Border Crossing and shared upcoming improvements; San Diego County Water Authority will hold a Citizens' Water Academy in October and currently has a public opinion poll on their website.

Mayor Abed reported SANDAG's San Diego Forward Regional Plan/Draft Public Involvement Plan is being reviewed by communities and shared information regarding Local Agency Street and Road Balances.

CITY MANAGER'S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development.

- **WEEKLY ACTIVITY REPORT -**

ORAL COMMUNICATIONS

ADJOURNMENT

Mayor Abed adjourned the meeting at 6:00 p.m.

MAYOR

CITY CLERK

DEPUTY CITY CLERK

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 4

Date: July 19, 2017

TO: Honorable Mayor and Members of the City Council

FROM: Bill Martin, Director of Community Development

SUBJECT: Extension of Time for Tentative Subdivision Map 931 (SUB 17-0022)

STAFF RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2017-97, approving a three-year extension of time for a five-lot single-family residential Tentative Subdivision Map.

PLANNING COMMISSION RECOMMENDATION:

The requested extension of time does not require consideration by the Planning Commission because Section 32.210.02.A of the Escondido Subdivision Ordinance states that time extensions shall be granted or denied by the original approval body. Because the original request involved a Pre-Zone and Annexation in addition to the Tentative Subdivision Map, the City Council was the original approval body.

PROJECT DESCRIPTION:

A request for a three-year Extension of Time for a previously approved five-lot Tentative Subdivision Map (TR 931) on approximately 6.03 acres of land within the RE-40 zone (Single-Family Residential Estate, 40,000 SF min. lot size). The proposed lots range in size from approximately 40,674 SF to 54,422 SF. The project also includes grading to create required street improvements, a proposed private street, residential building pads, and approved drainage structures at various locations around the project.

LOCATION:

On the southeastern corner of Hamilton Lane and Bernardo Avenue, addressed as 1055 Hamilton Lane (APN 238-360-6800).

FISCAL ANALYSIS:

The project will pay all applicable development fees and install improvements in conformance with City standards. Due to the increase in property value, additional property taxes will also be collected.

GENERAL PLAN ANALYSIS:

The General Plan land use designation on the property involved with this project is Estate I, which allows one dwelling unit per acre. The project density for the five-lot subdivision is 0.83 du/acre which conforms with the Estate I designation.

ENVIRONMENTAL REVIEW:

In conformance with the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (City Log No. ER 2005-33) was adopted on June 6, 2007. In accordance with CEQA Section 15162, it has been determined that no new substantial changes to the project or new significant environmental effects or new information of substantial importance has come to light requiring the preparation of a subsequent Mitigated Negative Declaration or addendum for the project.

BACKGROUND:

On May 8, 2007, the Planning Commission voted 7-0 to recommend approval of the proposed Annexation, Prezone and Tentative Subdivision Map.

On June 6, 2007, the City Council approved the Annexation, Prezone, and Tentative Subdivision Map. The San Diego Local Area Formation Commission (LAFCO) considered the Annexation on March 5, 2008, and asked that the City's Resolution for the project be amended to include updated language in the State's Reorganization law. On June 4, 2008, the City Council reviewed and approved the change and their previous annexation approval (case 2005-06-AN) was allowed to record. Though originally set to expire on June 2, 2010, multiple State map extensions pushed off the expiration date until June 6, 2017. A complete application to extend this map was successfully received by the Planning Division prior to expiration.

ANALYSIS:

The five-lot subdivision would be in conformance with the allowable yield and density within the Estate I land-use designation. The subdivision would be compatible with the surrounding County development pattern with regard to lot size, access, and orientation. Adequate access and public utilities/services can be provided to the site. The size and configuration of the lots can support a reasonable sized single-family residential home, garage, and usable open space areas.

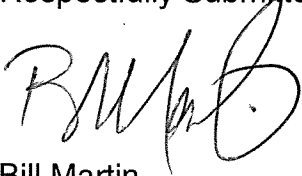
The plans submitted with this request were reviewed by various departments and conform to all requirements of the Zoning and Subdivision codes.

SUMMARY:

The proposed Extension of Time conforms to the General Plan, Zoning Code requirements and CEQA provisions, and is in substantial conformance with the originally approved Tentative Subdivision Map. The applicant has agreed to abide by the original map's Conditions of Approval. The applicant also has agreed to abide by any new storm water design requirements that would apply to the project. Prior to acceptance of the Final Map, all offsite easements shall

be secured and maintenance agreements for the storm water system, storm water treatment and hydro modification facilities would need to be executed by the developer. Therefore, staff recommends the requested three-year extension of time be approved, as reflected in City Council Resolution No. 2017-97.

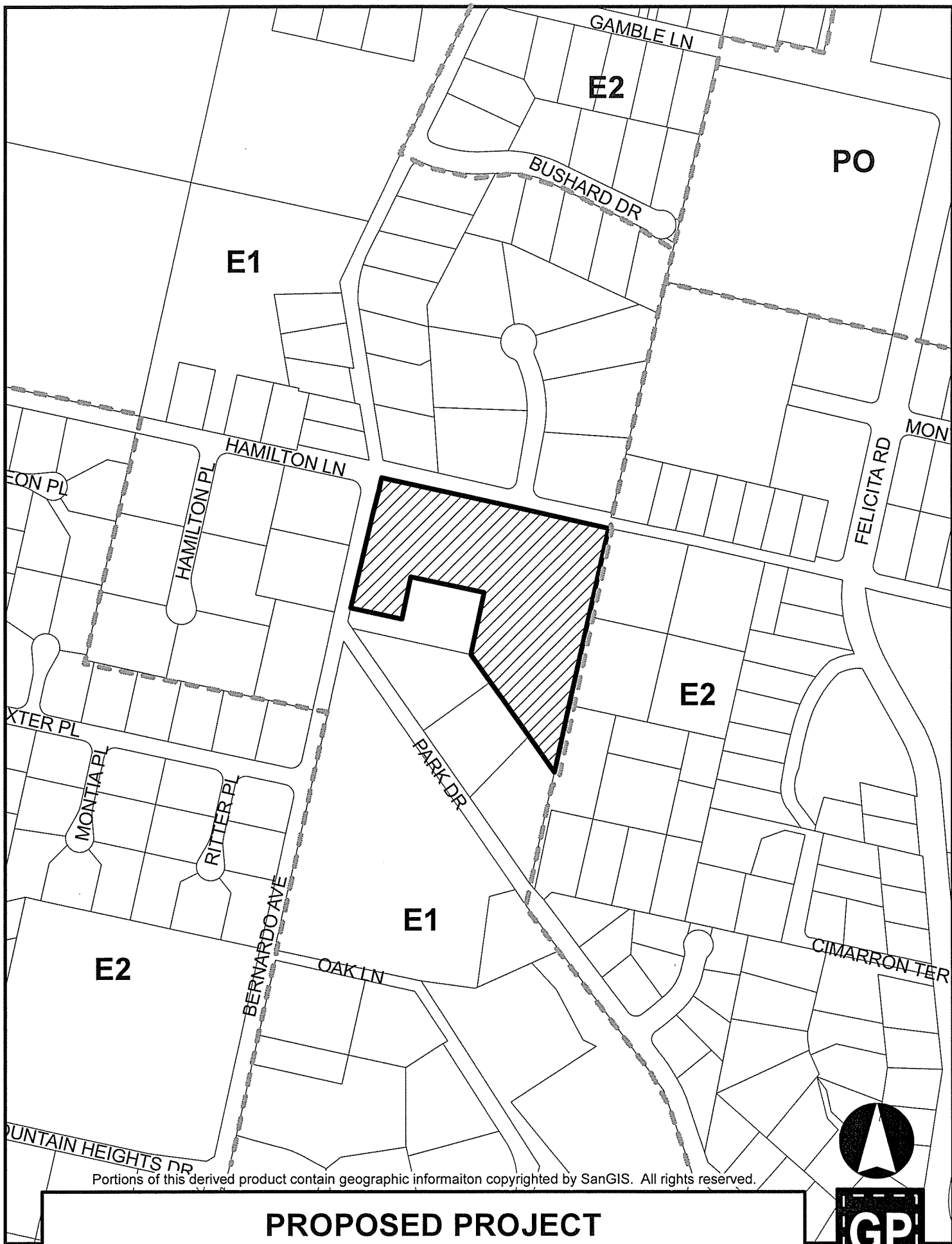
Respectfully Submitted,



Bill Martin
Director of Community Development



Paul K. Bingham
Assistant Planner II

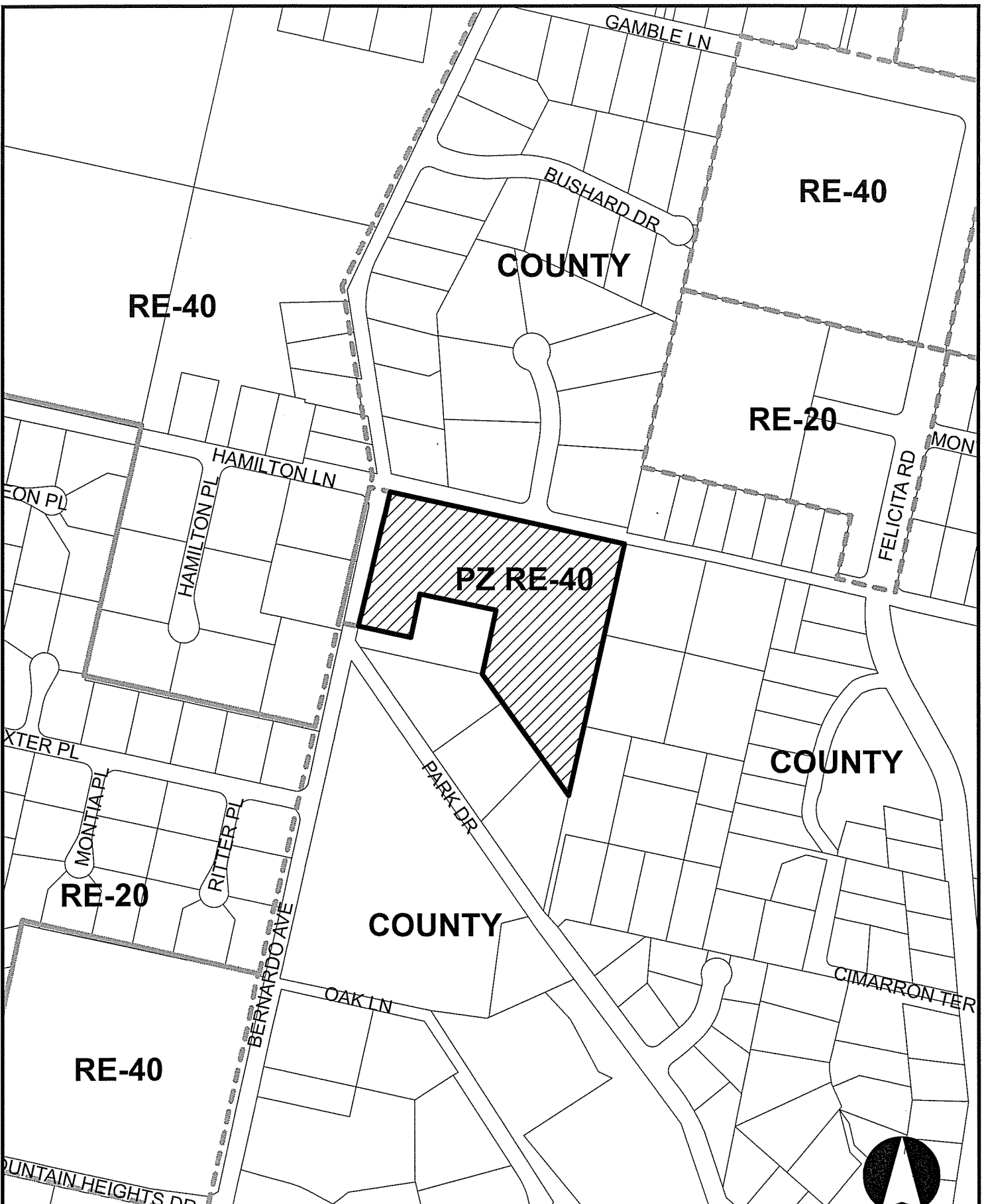


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**PROPOSED PROJECT
SUB 17-0022 (TR 931)**

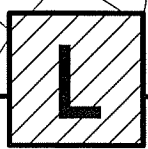


GENERAL PLAN



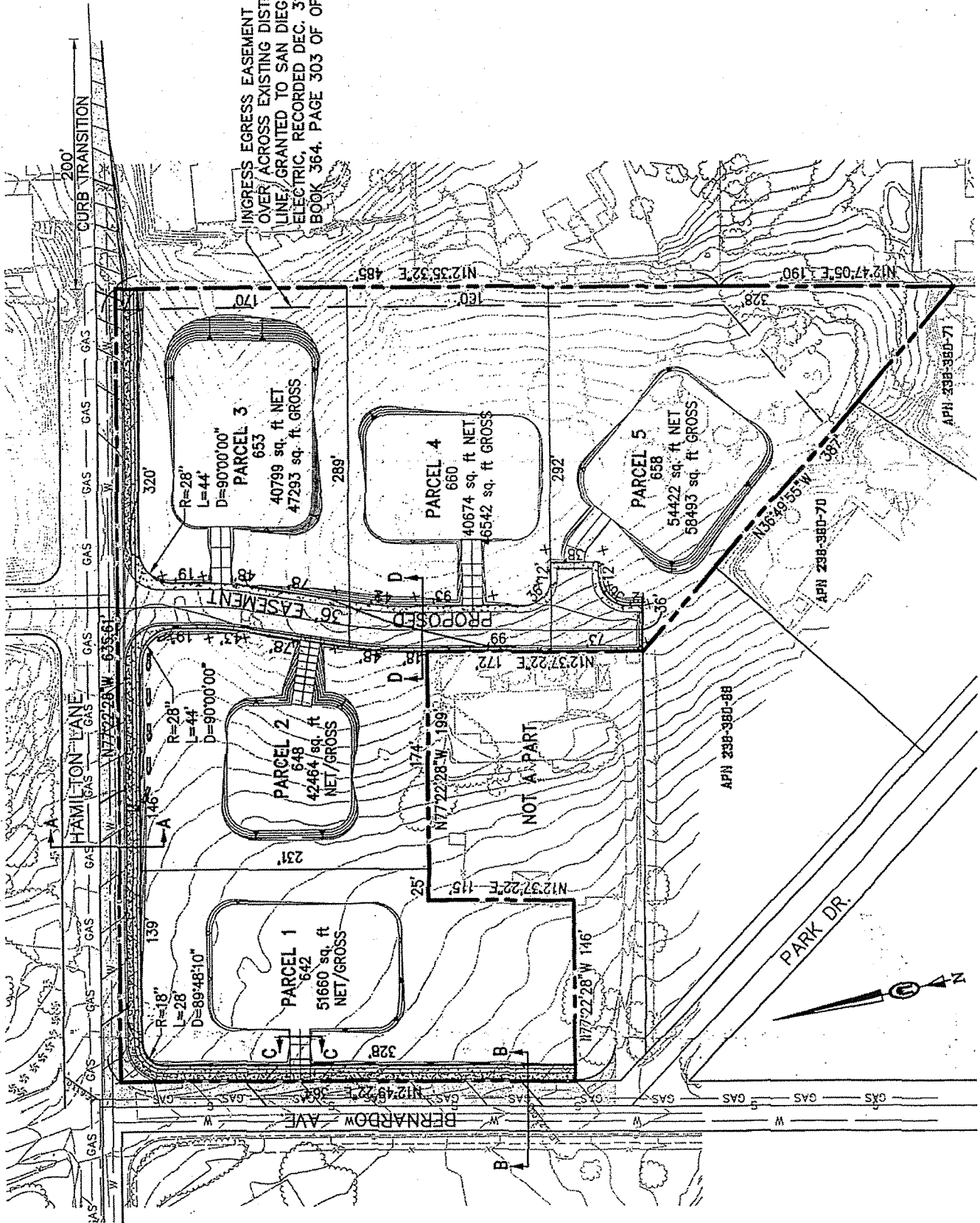
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**PROPOSED PROJECT
SUB 17-0022 (TR 931)**



LOCATION/ZONING

INGRESS EGRESS EASEMENT ALONG
 OVER/ACROSS EXISTING DISTRIBUTION
 LINE, GRANTED TO SAN DIEGO GAS &
 ELECTRIC, RECORDED DEC. 31, 1934
 BOOK 364, PAGE 303 OF OFFICIAL RECORDS



**PROPOSED PROJECT
 SUB 17-0022 (TR 931)**

TM

TENTATIVE MAP



200 E. Washington Ave., Suite 200
Escondido, CA 92025

P. 760.741.3570
F. 760.741.1786

www.masson-assoc.com

PLANNING • ENGINEERING • SURVEYING

March 29, 2017

Mr. Paul Bingham
Associate Planner
City of Escondido
201 North Broadway
Escondido, CA 92025

RE: TENTATIVE MAP (TR 931)

Dear Paul:

On behalf of Jennings Development LLC and the Jennings Family Limited Partnership, we are writing this letter in requesting a 36 month extension of time for Tentative Map TR 931, set to expire in June 2017. We are requesting this extension in order to be given additional time to process our final engineering documents for this site. One of the primary items to be addressed is conformance with the new state storm water permit regulations. It is our opinion that the site has adequate available room and can be graded in manner that will allow for the design and installation of a storm water quality BMP that meets the current regulations.

We appreciate the City's willingness to work with us and look forward to working with City staff on moving forward to a successful completion of this project. If you have any questions please feel free to contact myself or Scott Eisenhart in our office.

Sincerely,

MASSON & ASSOCIATES, INC.

Bruce Tait, P.E.
Director of Engineering

CC: Brian Gonzales, J & W Lumber

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: _____

Date: June 6, 2007

TO: Honorable Mayor and Members of the City Council
FROM: Jonathan H. Brindle, Director of Community Development
SUBJECT: Annexation, Prezone, Tentative Subdivision Map, and Mitigated Negative Declaration on Hamilton Lane (2005-06-AN, 2005-46-PZ, Tract 931, ER 2005-33)

PLANNING COMMISSION RECOMMENDATION:

On May 8, 2007, the Planning Commission voted 7-0 to recommend approval.

STAFF RECOMMENDATION:

It is requested that Council adopt ORD 2007-11 and RESO 2007-58 approving the proposed Annexation, Prezone, Tentative Subdivision Map, and Mitigated Negative Declaration.

PROJECT DESCRIPTION:

The proposed Annexation of a vacant 6.03-acre parcel, detachment from County Service Area (CSA) No. 135 (San Diego Regional Communications System), detachment from Rincon Del Diablo Fire Protection District (RDDFPD), detachment from the Rincon Del Diablo Municipal Water Improvement District "I," rezoning to RE-40 (Residential Estates, 40,000 SF minimum lot size), and approval of a Subdivision Map for 5 single-family residential lots (each a minimum of 40,000 square feet in size), associated street improvements along project frontages, utility lines, and undergrounding of overhead utilities. The project would include grading to create a proposed private road and home building sites. No grading exemptions are required. The site is comprised of one Assessor Parcel Number (238-360-6800) connecting to and fronting on both Bernardo Avenue and Hamilton Lane.

LOCATION:

The proposed project is located on the southeastern corner of Bernardo Avenue and Hamilton Lane addressed as 1055 Hamilton Lane (APN 238-360-6800). This is in an area composed of a mix of established residential development, newer housing tracts and some remaining vacant parcels.

ENVIRONMENTAL STATUS:

A Mitigated Negative Declaration was issued for this project on March 23, 2007, City Log No. ER 2005-33, which included mitigation measures for the removal of .02 acre of Coastal Sage Scrub, 3.06 acres of non-native grassland, and the relocation of four existing oaks. Additional mitigation measures addressed concerns regarding air quality during construction and the disposition of a remaining monitoring well on the site. In staff's opinion, no significant environmental issues remain unresolved through compliance with project design, code requirements, mitigation measures, and the recommended conditions of approval.

FISCAL ANALYSIS:

The project will pay all applicable development fees and install improvements in conformance with City standards.

June 6, 2007

Page 2

GENERAL PLAN ANALYSIS:

The 6.03 acres (gross acreage) proposed for Prezone and Annexation have a General Plan land-use designation of Estate I, which would allow up to 1 du/ac. The proposed density of 0.83 du/ac (5 du/6.03 net acres) would be in conformance with the Estate I land-use designation.

BACKGROUND:

Annexation Policy D6.1 (page VII-14) states that the City will not actively seek to annex unincorporated lands, except those owned by the City, and will rely on applications from property owners for proposed Annexation to the City. In order to develop single family residences on the site, the applicant's vacant property requires a sewer connection, which is only available from the City and exists currently along Bernardo Avenue fronting the site.

PLANNING COMMISSION RECOMMENDATION AND SUMMARY:

In their May 8, 2007 public hearing the Planning Commission reviewed the request and voted 7-0 to recommend approval of the proposed Annexation, Prezone to RE-40, 5-lot Tentative Subdivision Map, and Mitigated Negative Declaration for one 6.03 acre unincorporated property.

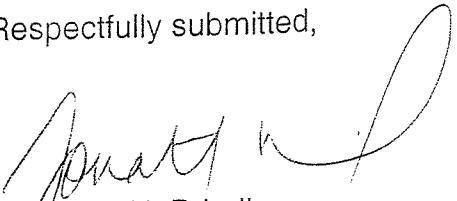
PUBLIC COMMENT:

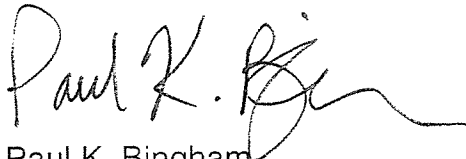
No residents spoke at the hearing.

ANALYSIS:

The rezoning designation of RE-40 and proposed development of the site is consistent with the area's General Plan designation of Estate I. The proposed project would not alter the planned land use in the area. Surrounding properties within the County also are designated Estate I in the City's General Plan. Any future annexation of adjacent properties would result in consistent zoning and land use designation. This proposed annexation will include the entire segment of Bernardo Avenue to the west of the subject property and the responsibility for full road improvements there. Also included are required improvements to the intersection of Bernardo Avenue and Hamilton Lane with additional transition widening within the existing right-of-ways. While the adjoining segment of Hamilton Lane, subject to additional LAFCO discussion, is not being considered for annexation at this time, the segment will be required to receive improvements to Local Collector Standards (half width +10 feet of roadway structural section) and a 4 foot wide D.G. shoulder along the project's frontage. The subject property has been involved in previous Prezone and Annexation requests that were unsuccessful due to neighborhood opposition. While one adjacent owner has expressed interest in annexing, an intervening property owner has informed Staff he is not interested in annexing at this time. Without the three properties annexing together, LAFCO has stated they will disallow the request due to creation of an island of County jurisdiction. Various City and County departments have also reviewed the proposed Prezone and Annexation and concur that the subject property is within the Escondido Sphere of Influence and can be adequately supplied services by the City, therefore, staff feels the proposed boundary for the Prezone and Annexation is appropriate.

Respectfully submitted,


Jonathan H. Brindle
Director of Community Development


Paul K. Bingham
Assistant Planner II

PLANNING COMMISSION

Agenda Item No.: G.1
Date: May 8, 2007

CASE NUMBERS: TR 931, 2005-06-AN, 2005-46-PZ, ER 2005-33

APPLICANT: Masson & Associates for Jennings Development, LLC and Badelt Enterprises, LLC

LOCATION: The proposed project is located on the southeastern corner of Bernardo Avenue and Hamilton Lane addressed as 1055 Hamilton Lane (APN 238-360-6800).

TYPE OF PROJECT: Annexation, Prezone, Tentative Subdivision Map and Mitigated Negative Declaration

PROJECT DESCRIPTION: The proposed annexation of a vacant 6.03-acre parcel and detachment from County Service Area (CSA) No. 135 (San Diego Regional Communications System), detachment from Rincon Del Diablo Fire Protection District (RDDFPD), detachment from the Rincon Del Diablo Municipal Water Improvement District "I," rezoning to RE-40, and approval of a Subdivision Map for 5 single-family residential lots (each a minimum of 40,000 square feet in size), associated street improvements along project frontages, utility lines, and undergrounding of overhead utilities. The project would include grading to create a proposed private road and home building sites. No grading exemptions are required. The site is comprised of one Assessor Parcel Number (238-360-6800) connecting to and fronting on both Bernardo Avenue and Hamilton Lane. The proposed project is located in an area composed of a mix of established residential development, newer housing tracts and some remaining vacant parcels.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION/TIER: Estate I (up to 1 du/ac) Felicita, Tier 2A

ZONING: *Currently County Zoning:* RR-1 (Single-family residential, 1 acre min. lot size).
Proposed Prezone: RE-40 (Single-family residential, 40,000 SF min. lot size).

BACKGROUND/SUMMARY OF ISSUES: Proposed lot sizes range from approximately 40,674 SF to 54,422 SF with an overall density of 0.83 du/ac. Access to four of the lots would be provided from a new private road intersecting Hamilton Lane on the north. The fifth lot would gain access via a new driveway off of Bernardo Avenue to the west. The project would include grading to create the required street improvements, proposed private street, and residential building pads. While some areas of existing vegetation will remain, the current proposal would necessitate the removal of 3.06 acres of non-native grassland, .02 acres of coastal sage scrub, and the moving of four oaks. The applicant will be required to follow the mitigation measures prescribed in the Mitigated Negative Declaration.

Staff believes the issues are as follows:

1. Whether the proposed annexation is appropriate.
2. Whether the proposed RE-40 zoning is appropriate and adequately reflects the development character of the property and those adjacent to it.
3. Whether the proposed rezoning should extend to other surrounding properties.
4. Whether the proposed subdivision design is appropriate.

REASONS FOR STAFF RECOMMENDATION:

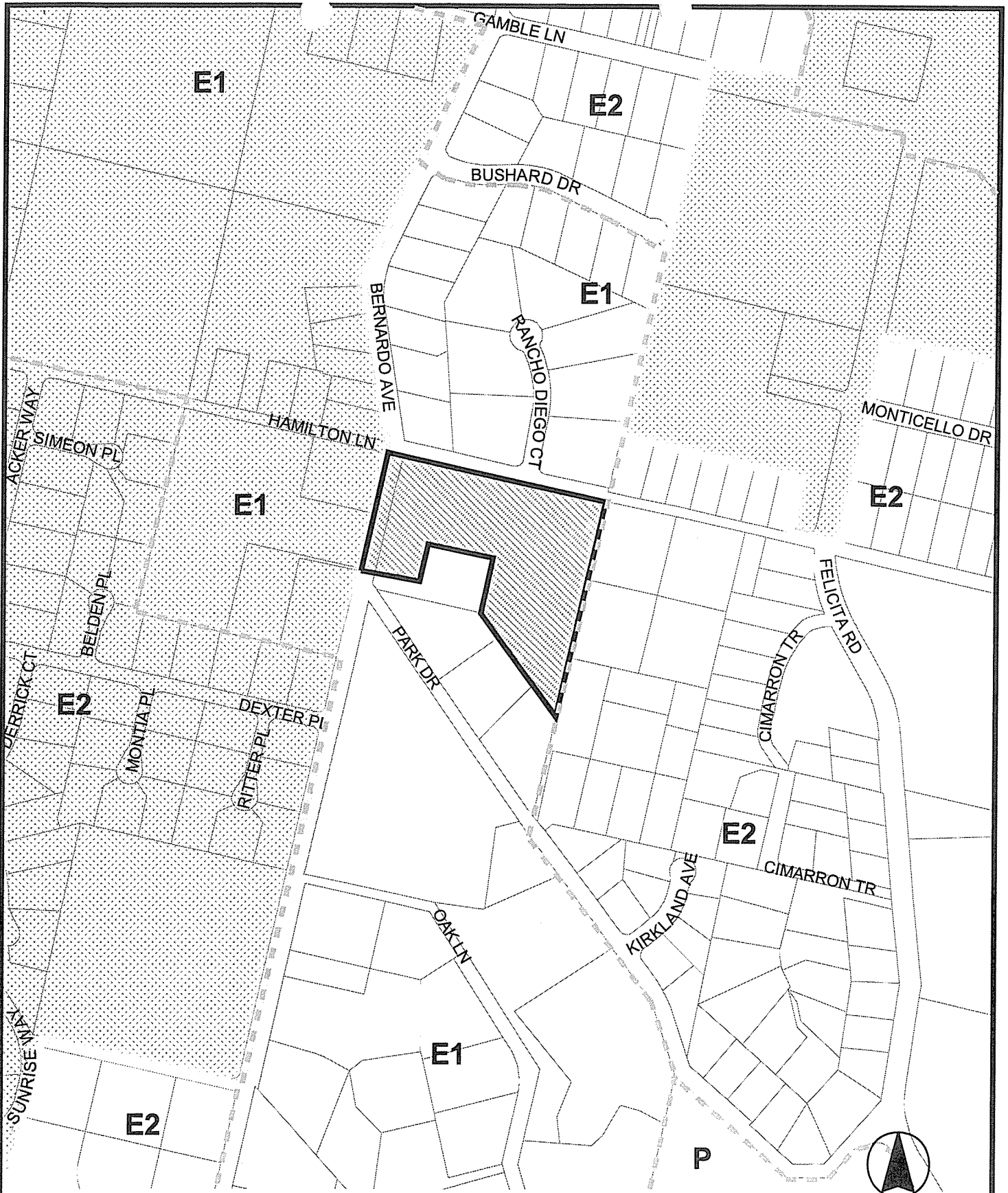
1. Approval of the request to annex is necessary for the proposed subdivision to connect to the existing City of Escondido sewer line in Bernardo Avenue.

2. The proposed five-lot subdivision would be in conformance with the allowable yield and density within the Estate I land-use designation, which allows up to 1 du/ac and a maximum yield of up to 6 lots. It currently borders other properties which are developed with one- and two-story single-family residences on lots that were previously assigned RE-40 zoning.
3. Additional properties are not proposed for inclusion in the annexation since an appropriate boundary that avoids creating unincorporated County islands cannot be established.
4. The proposed subdivision is consistent with adjacent County zoning for 1 acre lot single-family residential development. No grading exemptions are required. Adequate access and public utilities/services could be provided to the site. Under the existing General Plan density and City's proposed RE-40 zoning, all of the lots within the new subdivision would meet or exceed the minimum lot size requirement development standards of the RE-40 zone. While no unit designs are being proposed at this time, the size and configuration of each of the lots are ample to support a reasonable sized single-family residential home, garage, and usable open space areas.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul K. Bingham", with a long, sweeping horizontal line extending to the right.

Paul K. Bingham
Assistant Planner II

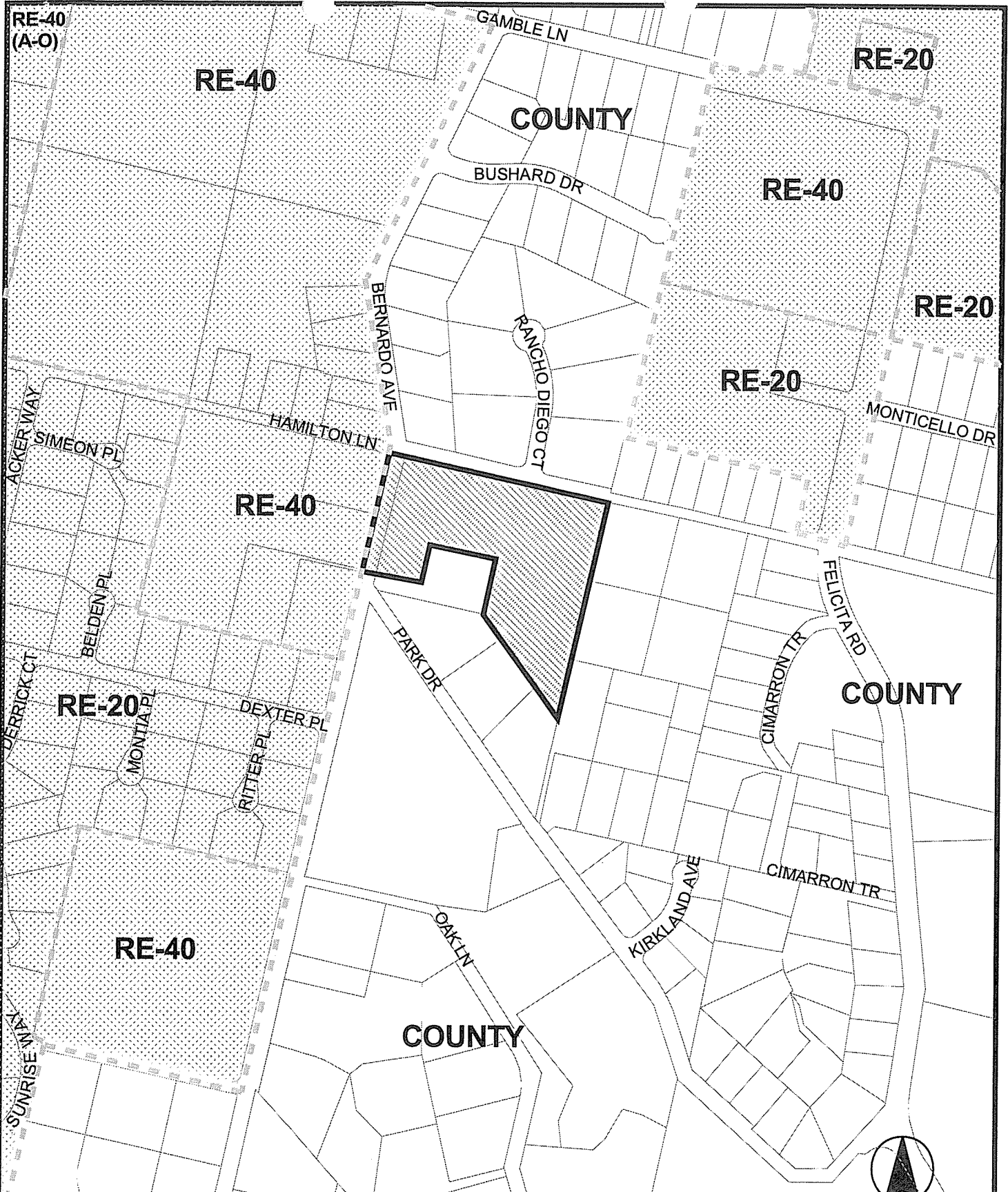


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**PROPOSED SUBDIVISION, PREZONE,
ANNEXATION, & NEGATIVE DECLARATION
TR 931, 2005-46-PZ, 2005-06-AN & ER 2005-33**



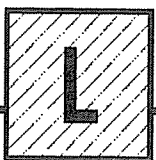
GENERAL PLAN



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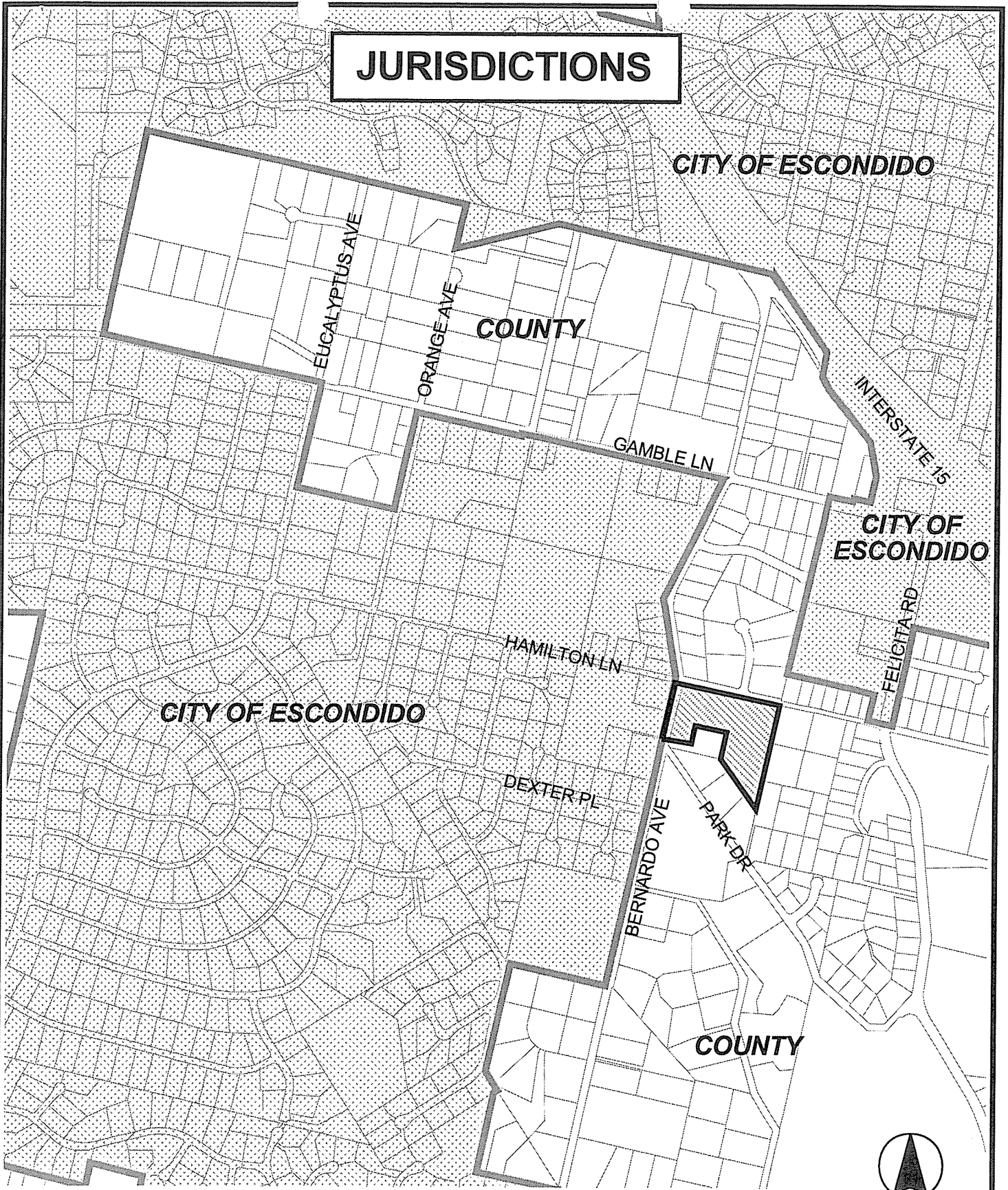


**PROPOSED SUBDIVISION, PREZONE,
ANNEXATION, & NEGATIVE DECLARATION
TR 931, 2005-46-PZ, 2005-06-AN & ER 2005-33**

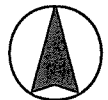


LOCATION/ZONING

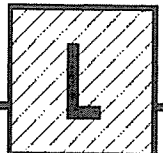
JURISDICTIONS



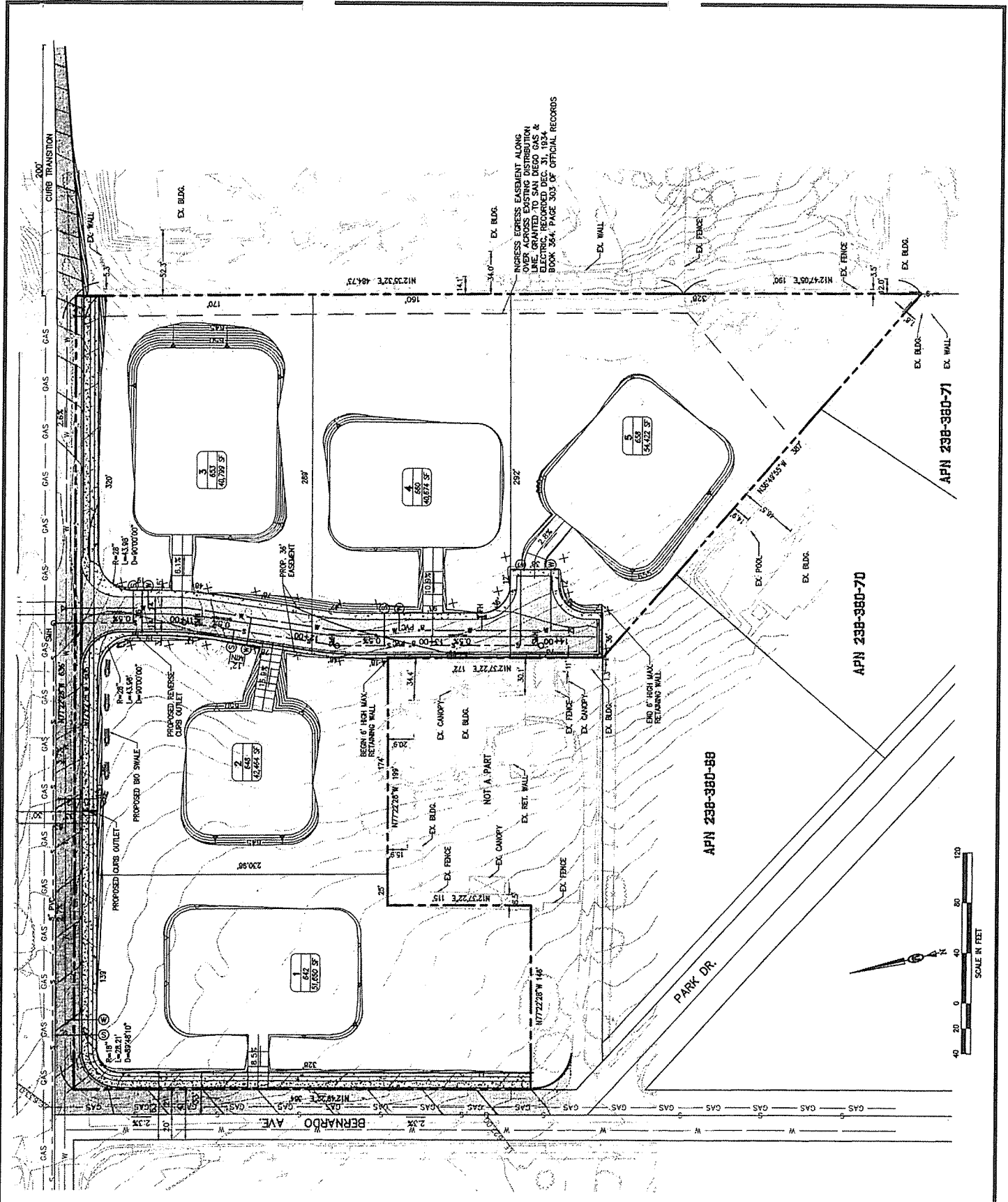
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**PROPOSED SUBDIVISION, PREZONE,
ANNEXATION, & NEGATIVE DECLARATION
TR 931, 2005-46-PZ, 2005-06-AN & ER 2005-33**



LOCATION/ZONING

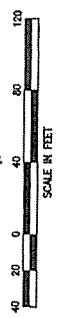


INGRESS EASEMENT ALONG
 OVER ACROSS EXISTING DISTRIBUTION
 SYSTEMS FOR WATER, GAS, ELECTRIC,
 & TELEPHONE, RECORDED REC. 30, 1054
 BOOK 364, PAGE 303 OF OFFICIAL RECORDS

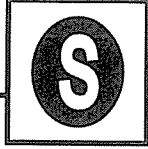
APN 238-380-71

APN 238-380-70

APN 238-380-88



**PROPOSED SUBDIVISION, PREZONE,
 ANNEXATION, & NEGATIVE DECLARATION
 TR 931, 2005-46-PZ, 2005-06-AN & ER 2005-33**



SITE PLAN

ANALYSIS

A. LAND-USE COMPATIBILITY/SURROUNDING ZONING

- NORTH: Residentially developed land (with single-family dwellings) in the County, zoned RR-1 and with Estate I land use designations.
- SOUTH: Some vacant and some residentially developed land (with single-family dwellings) in the County, zoned RR-1 and with Estate I land use designations.
- WEST: Some vacant and some residentially developed land (with single-family dwellings) within the City of Escondido, zoned RE-40 and with Estate I land use designations.
- EAST: Residentially developed land (with single-family dwellings) in the County, zoned RR-1 and with Estate II land use designations.

B. AVAILABILITY OF PUBLIC SERVICES

1. Effect on Police Service – Police service currently is provided by the City of Escondido to the residences along the west side of Bernardo Avenue. The Police Department did not express concern regarding their ability to serve the site.
2. Effect on Fire Service – Through a contract with Rincon Del Diablo Fire Protection District (RDDFPD), fire protection is currently provided to the site by the City of Escondido Fire Department Station #5 which is located 0.3 miles away. The City would continue to provide service upon annexation and rezoning. The Escondido Fire Department expressed no concern regarding their ability to continue serving the property.
3. Traffic – The proposed subdivision site that is part of this annexation request gains access onto Hamilton Lane by a proposed private road (four lots) and to Bernardo Avenue via a new driveway (one lot). Both Bernardo and Hamilton are classified as Local Collectors (66' R-O-W) currently with Level of Service (LOS) "C" or better. The subdivision project would be required to improve the roadways along the east side of Bernardo and the south side of Hamilton adjacent to the subdivision with curbs, gutters and sidewalks as well as the road itself being improved to centerline plus ten feet. Based on San Diego Association of Governments' (SANDAG) traffic generation rates for the San Diego region, the proposed subdivision would generate approximately 12 trips per dwelling unit, or up to 60 new ADTs. The Engineering Department indicated that an increase of 60 trips would not significantly impact the existing LOS on the adjacent streets or intersections since a stable flow of traffic is maintained along both segments, and ability to maneuver within the vicinity of the project and along the street segments is not significantly restricted. The Engineering Department indicated the proposed project is not anticipated to have any significant individual or cumulative impacts to the circulation system or degrade the service levels on any of the adjacent roadways or intersections.
4. Utilities – Water service provided by the City of Escondido is currently available in both Bernardo Avenue and Hamilton Lane. Sewer service provided by the City of Escondido is currently available in Bernardo Avenue. The Engineering Department indicated that adequate services can be provided to the proposed subdivision site through the extension of nearby facilities.
5. Drainage – The project site is not located within a 100-year flood zone as designated on current flood insurance rate maps. The Engineering Department indicated the proposed project is not anticipated to materially degrade the existing drainage system with the installation of the necessary improvements. The project is conditioned to provide a drainage study that is used to determine the final on- and off-site storm drain improvements. Drainage would be directed to landscaped desiltation/detention basins and other approved drainage structures to be at various locations around the project.

C. ENVIRONMENTAL STATUS

1. A Mitigated Negative Declaration was issued for this project on March 23, 2007, City Log No. ER 2005-33, which included mitigation measures for the removal of .02 acre of Coastal Sage Scrub, 3.06 acres of non-native grassland, and the relocation of four existing oaks. Concerns regarding air quality during construction and the disposition of a remaining monitoring well on the site were also addressed.
2. In staff's opinion, no significant environmental issues remain unresolved through compliance with project design, code requirements, mitigation measures, and the recommended conditions of approval.
3. The project will have a de minimis impact on fish as no stream courses or riparian habitat will be adversely impacted by the proposed project. Impacts to other habitat or resources on the project site will be reduced to less than significant levels with the mitigation measures required in the Mitigated Negative Declaration issued for the project.

D. CONFORMANCE WITH CITY POLICY

General Plan – The 6.03-acre (gross acreage) subdivision project site has a General Plan land-use designation of Estate I, which would allow up to 1 du/ac. The proposed density of 0.83 du/ac (5 du/6.03 net acres) would be in conformance with the Estate I land-use designation.

The subject property has been involved in previous prezone and annexation cases. In the most recent (2001), it was considered along with properties to the south and west. At that time the City Council voted to annex the western properties and denied annexation of the subject property because of neighborhood opposition. The request now does not include any adjacent properties. While one adjacent owner has expressed interest in annexing, an intervening property owner has informed Staff he is not interested in annexing at this time. Without the three properties annexing together, LAFCO has stated they will disallow the request due to creation of an island of County jurisdiction.

Project Design and Number of Lots – The proposed subdivision development consists of five single-family residential lots with a density of 0.83 du/ac, which would be in conformance with the Estate I land-use designation and allowable yield for the site. The project also meets RE-40 standards for lot width, net lot area, access and street frontage. The proposed grading for the project would be in conformance with the Grading Ordinance design guidelines for height of manufactured slopes and no grading exemptions are requested.

The designs of future homes are typically not submitted as part of the Tentative Subdivision Map, however, one- and two-story homes would be anticipated for the project. The design and placement of the homes are required to be reviewed and approved by the Design Review Board (DRB). The DRB typically considers how the orientation, height and mass of the new structures affect the surrounding properties and whether they are compatible with the built environment. The DRB also reviews and makes recommendations regarding the landscape design.

Demolition of Existing Structures – The subdivision site is vacant and contains no existing structures.

Annexation – The San Diego Local Agency Formation Commission reviewed the applicant's annexation request and provided comments on August 5, 2005 and further clarification on September 18, 2006. LAFCO concurs that the proposed subdivision property (APN 238-360-6800) is within the Escondido Sphere of Influence and can be adequately supplied services by the City. They stated that the subject property does not require any additional surrounding properties to be successful in detachment from the county and annexation into the City of Escondido.

Detachments – The proposed annexation would result in the detachment from County Service Area (CSA) No. 135 (San Diego Regional Communications System), detachment from Rincon Del Diablo Fire Protection District (RDDFPD), and detachment from the Rincon Del Diablo Munciple Water Improvement District "E."

Appropriateness of Mitigation – The Mitigated Negative Declaration issued for this project on March 23, 2007 addressed the planned removal of .02 acre of Coastal Sage Scrub, removal of 3.06 acres of non-native grassland, relocation of four existing oaks, concerns regarding air quality during construction, and the disposition of a remaining monitoring well on the site. If followed, the proposed mitigation measures in that document would reduce these potential impacts to a less than significant levels.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The 6.03 acres involved in the annexation request constitute one vacant parcel proposing to subdivide into five lots 40,000 SF or larger in size. The parcel is undeveloped and has flat topography on the western side, rising to a hilltop in the eastern portion. The parcel is covered by various types of vegetation. Elevations on the site range from approximately 635 feet above mean sea level on the west to 662 feet on the east. Topographic features including gentle to moderate slopes and some rock outcrops mostly confined to the hilltop. While for the most part the site is previously tilled agricultural land allowed to go fallow, three sensitive vegetation communities/types have been observed on the site.

B. SUPPLEMENTAL DETAILS OF REQUEST

	<u>Proposed</u>	<u>RE-40 Requirements</u>
1. Project Size:	6.03 acres gross (5.28 acres net)	40,000 SF min.
2. Number of Lots:	5 single-family residential (proposed in subdivision)	Up to 6 based on yield analysis of gross area (6.03 ac x 1 du/ac)
3. Subdivision Density:	0.83 du/ac (5 lots/6.03 gross acres)	Up to 1 du/ac allowed with site's existing slopes
4. Lot Sizes:	Min. = 46,542 SF gross (40,674 net) Max. = 58,493 SF gross (54,422 net)	Min. = 40,000 SF
5. Subdivision Lot Width:	150' narrowest, 166'+ average	Min. 150' average
6. Subdivision Setbacks		
Front:	30' to main structure	25' min. to main structure
Side:	10' minimum	10' minimum
Rear:	28'	20' minimum

Note: The proposed lots included in the annexation request meet or exceed all of the minimum RE-40 setbacks and are consistent with previously annexed lots and parcels on the west side of Bernardo Avenue.

7. Landscaping: All landscaping to comply with Landscape Ord. requirements including street trees, slope landscaping and erosion control. Existing mature trees in the path of development are conditioned to be relocated and additionally an equal number of new 24" box sized trees will be installed. The areas along the street frontages, subdivision entry drive, and detention/desiltation basins are to be included in a Landscape Maintenance District.

C. CODE COMPLIANCE ANALYSIS

1. General Plan:

a. Land Use Element Designation: The project density of 0.83 du/ac would be consistent with the allowable density within the Estate I land-use designation. The proposed five lots of the subdivision would be in conformance with the allowable yield provisions of the Estate I land-use designation.

b. Circulation Element: The existing parcel fronts and/or gains access to Bernardo Avenue and Hamilton Lane, both of which are classified as Local Collectors (66' R-O-W). Access to four of the proposed subdivision lots would be provided from a new private road intersecting Hamilton Lane at an existing three-way intersection on the north known as Rancho Diego Court. The fifth lot would have a driveway off Bernardo Avenue to the

west. The proposal would not significantly impact Levels of Service (LOS) to the adjacent streets or intersections.

c. Noise Element:

The proposed development is not located within the most recent projected noise contour.

d. Trails:

The City's Master Plan for Parks, Trails and Open Space does not identify any proposed trails that would affect the project site.

e. Hillside/Ridgeline:

The proposed subdivision site does not contain any skyline or intermediate ridges.

EXHIBIT "A"

FINDINGS OF FACT/ FACTORS TO BE CONSIDERED TR 931, 2005-46-PZ

Tentative Subdivision Map TR 931

1. The 6.03-acre project site (gross acreage) has a General Plan designation of Estate I, which allows a density of up to 1 du/ac and minimum lot size of 40,000 SF. The proposed project density of 0.83 du/ac is consistent with the underlying Estate I land-use designation. The project site can support up to 5 lots based on the subdivision's net acreage (5.28 acres) and Estate I land-use designation. The proposed 5 lots would be in conformance with the yield calculated for the project. Lot sizes for the project range from approximately 40,674 SF to 54,422 SF, which conform with the current Estate I land-use designation and proposed RE-40 zoning requirements for lot size, area, lot width and street frontage.
2. The design and improvement of the proposed subdivision is consistent with the General Plan since the proposed density of 0.83 du/ac is in conformance with the maximum density of 1 du/ac for the Estate I land-use designation. Minimum lot sizes and widths are consistent with RE-40 development standards. Land Use Policy B1.9(b) (page II-15 of the General Plan) indicates the Estate I classification is characterized by detached single-family homes and the minimum lot size shall be 40,000 SF. The proposed lot sizes (which range from approximately 40,674 SF to 54,422 SF) would be compatible with the single-family residential development adjacent to and throughout the area. The proposed subdivision is not located within a significant viewshed area and does not impact hillsides and ridgelines as delineated on the City's Hillside Ridgeline Map. There are no specific development or unit designs being proposed at this time.
3. The project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas since the site is not located on a skyline or intermediate ridge, and the site does not contain any significant topographical features or biological habitat. The proposed grading design would not result in any manufactured slopes or building pads that would create any significant adverse visual or compatibility impacts with adjacent lots, nor block any significant views, as discussed in the land-use compatibility and analysis sections of the staff report. Landscaping would be installed on any manufactured slopes, and if there were ultimately losses of mature oak trees on the site, these would be required to be replaced in conformance with the project's applicable mitigation measures and the City's Landscape Ordinance.
4. The site is suitable for this residential type of development proposed since the project site is currently county zoned for single-family development and the site is adjacent to similar single-family residential development. Adequate access and public utilities can be provided to the site. All vehicular traffic generated by the project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections.
5. The site is physically suitable for the proposed density of the underlying General Plan Estate I land-use designation as described in the sections above. Adequate access and public utilities can be provided to the site. The design of the lots would be in conformance with the RE-40 design standards and would be compatible with the general pattern of residential development throughout the area. The proposed project also would not result in any significant impacts to historical resources.
6. The design of the residential map and the type of improvements are not likely to cause serious public health problems since the project would not degrade the levels of service on the adjoining streets or drainage systems. Adequate water and sewer could be provided to the site. The project will have a de minimis impact on fish as no stream courses or riparian habitat will be adversely impacted by the proposed project. Impacts to the habitat or other resources on the project site will be reduced to less than significant levels with the mitigation measures required in the Mitigated Negative Declaration issued for the project. The project would not create any significant noise impacts to adjacent properties due to the existing ambient noise levels, residential nature of the project, and limited traffic increase created by the project. Appropriate outdoor areas could be provided that would be in conformance with the General Plan exterior noise level guidelines. Appropriate interior noise levels would be provided in conformance with the Escondido General Plan and City's Noise Ordinance requirements.
7. The design of the map and the type of improvements will not conflict with easements of record, or easements established through court judgments, or acquired by the population at large, for access through, or use of property

within the proposed map since any existing easements will either be accommodated within the project design; be quitclaimed prior to recordation of the map; or alternate provisions provided.

8. All of the requirements of the California Environmental Quality Act (CEQA) have been met and a Mitigated Negative Declaration ER 2005-53 was issued for the proposed project on March 22, 2007. Only one written public comment was received which has been attached to this report.
9. The design of the map has provided, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. Lot sizes and subdivision configuration provides opportunities for passive/solar heating.
10. All permits and approvals applicable to the proposed map pursuant to the Escondido Zoning Code will have been obtained prior to the recordation of the map.
11. The proposed map will not conflict with regional or local housing needs since all 5 lots maintain all of the development standards of the applicable zone and observe the density of the General Plan. The proposed subdivision would be developed with single-family residential homes in conformance with the Estate I land-use designation.

Prezone

1. The public health, safety and welfare will not be adversely affected by the proposed change since the zoning will be consistent with the existing Estate I General Plan designation on the site and the primary use of the property will remain residential.
2. The property involved is suitable for the uses permitted by the proposed zone since the permitted use will be the same single-family residential use permitted by the previous County zoning. In addition, the proposed density is consistent with surrounding residential development.
3. The uses permitted by the proposed zone will not be detrimental to surrounding properties since the future residential use on the site is similar to the existing residential uses on adjacent properties.
4. The proposed zone change to RE-40 is consistent with the Estate I designations of the General Plan since the 0.83 du/acre density for the proposed zone is within the maximum permissible density of 1 du/acre for the Estate I designation and the proposed residential development meets the provisions of the General Plan.
5. The proposed zone change will not conflict with any specific plans since there are no specific plans affecting this property.

EXHIBIT "B"

CONDITIONS OF APPROVAL

TR 931

General

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Director of Building, and the Fire Chief.
2. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees, commissioners, or board members assume responsibility for the accuracy of said legal description.
3. Fire hydrant spacing and location must be approved by the Fire Department. The number, timing and minimum GPM fire flow shall be coordinated with the Fire Chief.
4. Any blasting within the City of Escondido is subject to the provisions of Ordinance No. 95-6 and a Blasting Permit must be obtained from the Escondido Fire Department. If blasting occurs, verification of a San Diego County Explosive Permit and a policy or certificate of public liability insurance shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido. If blasting occurs, verification of a San Diego County Explosive Permit and a policy or certificate of public liability insurance shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
5. Access for use of heavy fire fighting equipment, as required by the Fire Chief, shall be provided to the job site at the start of any construction and maintained until all construction is complete. Also, there shall be no stockpiling of combustible materials, and there shall be no foundation inspections given until on-site fire hydrants with adequate fire flow are in service to the satisfaction of the Fire Marshall.
6. All future habitable buildings within the proposed subdivision shall be noise-insulated to maintain interior noise levels not to exceed 45 dBA or less. A final interior noise assessment shall be submitted with the building plans demonstrating compliance with the interior noise requirements. Recommendation of the study shall be included in the building plans.
7. The location of proposed fences and walls shall be indicated on the grading, building and landscape plans, and design, color and material of the walls indicated on the building and landscape plans.
8. All requirements of the Public Partnership Program, Ordinance No. 86-70 shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program
9. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75).
10. Prior to or concurrent with the issuance of building permits, the appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Planning and Building.
11. Prior to obtaining building permits, the applicant shall demonstrate compliance with the requirements of the Citywide Facilities Plan, to the satisfaction of the Planning Division.
12. All subdivision project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08), to the satisfaction of the Planning Division.
13. Prior to Final Map approval, a note shall be included on the Final Map, or other documents provided, stating that grading shall be in conformance to the submitted conceptual design.
14. Three (3) copies of a revised tentative map, reflecting all modification and any required changes shall be submitted the Planning Division for certification prior to submittal of grading and landscape plans and the Final Map.

15. Any parcels not associated with this Tentative Map shall be labeled "Not a Part."
16. No street names are part of this approval. A separate request shall be submitted prior to Final Map.
17. Copies of the CC&Rs shall be submitted to the Planning Division for review and approval prior to Final Map and grading plan. The CC&Rs shall detail the responsibility for the maintenance of any parkway landscaping, easements, and any common drainage facilities. A plan check fee will be collected at the time of submittal. The CC&Rs shall be recorded in conjunction with or prior to the recordation of the Final Map, and a copy of the recorded CC&Rs must be submitted to the Planning Division prior to the issuance of building permits.
18. All lots shall meet the average lot width and lot area requirements of the underlying zoning category. Conformance with these requirements shall be demonstrated on the grading and Final Map. Non-compliance with these minimum standards will result in revisions to the map.
19. Prior to construction and issuance of grading and building permits, a site-specific analysis and report shall be prepared by a qualified professional to the satisfaction of the Director of Public Works and Building Official to determine equipment and methods necessary to protect adjacent properties from adverse air quality impacts which may result from construction (Mitigation Measure).
20. Monitoring well MW57 is to remain on-site and be accessible to the Chatham Brothers RP Group for monitoring purposes until officially released. Upon release, it is to be removed per Regional Board and City of Escondido standards. Alternately, if a new replacement well is installed nearby and approved by the Regional Board and Department of Toxic Substances Control (DTSC), existing well MW57 can also then be released and removed per Regional Board and City of Escondido standards (Mitigation Measure).
21. No wells for drinking water or irrigation are to be drilled on site and no excavations shall be allowed on the site without proper permits (Mitigation Measure).
22. The City of Escondido hereby notifies the applicant that State Law (AB 3158) Effective January 1, 1991, requires certain projects to pay user fees for the purposes of funding the California Department of Fish and Game. These fees were reinstated January 31, 1996 by the State Superior Court in Sacramento. In order to comply with the state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a certified check payable to "County Clerk", in the amount of \$1,850 for a project with a Negative Declaration. These fees may be waived for projects which are found by the California Department of Fish and Game to have no effect on fish and wildlife resources. Commencing January 1, 2007, the State Clearinghouse and/or county clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Game filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Game documenting the Department's determination that the project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid. (Section 711.4(c)(3) of the Fish and game Code).

Landscaping

1. Five copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of Grading or Building permits. A plan check fee will be collected at the time of submittal. The required landscape and irrigation plan(s) shall comply with the provisions, requirements and standards in Ordinance 93-12. The plans shall be prepared by, or under the supervision of a licensed landscape architect.
2. Prior to the issuance of a grading permit, the grading plans and landscaping plans shall include the location and type of any mature trees located on the site. Each tree shall be labeled on the plan as to whether it will remain or be relocated and staked in the field, as necessary.
3. Prior to Final Map recordation, a completed Vegetation Removal Permit (VRP) must be applied for, successfully initiated by vote of the City Council, and concurrence obtained from the Wildlife Agencies (Mitigation Measure).
4. Prior to Final Map recordation, habitat credits must be purchased from an approved mitigation bank in quantities correlating to the amount and type of habitat to be removed per the Biological Reports dated 6/19/06, 11/20/06 and 2/14/07 and as required by the Vegetation Removal Permit (VRP) per 3. above (Mitigation Measure).

5. Prior to building permit issuance, any and all sage scrub loss must be reported to the subregional accounting entity and counted toward the subarea/subregional 5% loss allocation (CDFG 1995) (Mitigation Measure).
6. A qualified biologist must inspect trees for nests prior to any brushing, grading, tree relocation or construction within close proximity to, or within the existing Oaks discussed in the Biological Report's addendum of 2/14/07. If any active nests of sensitive species are found, no impacts will be allowed until all young have fledged (Mitigation Measure).
7. Prior to grading permit issuance, the Coastal Live Oaks being impacted must be moved and transplanted to safe on-site locations per the Final Map and Reconnaissance Survey Report dated 2/14/07 and to the satisfaction of the Community Development Director. In addition, four additional Coastal Live Oaks must be planted on the site prior to Final Occupancy (Mitigation Measure).
8. The applicant shall provide funding to the satisfaction of the City for the 5-year monitoring of the oak trees with sufficient reserve for the replacement of any dead/dying stock (Mitigation Measure).
9. Additionally, existing mature oaks in the path of development are conditioned to be relocated on site and new 24" box sized oak trees for each will be installed on site at a 1:1 ratio to the satisfaction of the Planning Division. (Mitigation Measure)
10. All manufactured slopes, or slopes cleared of vegetation shall be landscaped within thirty (30) days of completion of rough grading. If, for whatever reason, it is not practical to install the permanent landscaping, then an interim landscaping solution may be acceptable. The type of plant material, irrigation and the method of application shall be to the satisfaction of the Planning Department and City Engineer.
11. Prior to occupancy of future units, all required landscape improvements shall be installed and all vegetation growing in an established, flourishing manner. All irrigation shall be maintained in fully operational condition. The required landscaped areas shall be free of all foreign matter, weeds and any unapproved plant material.
12. All slopes shall be landscaped with suitable material to control erosion. All manufactured slopes over three feet in height shall be landscaped with a combination of trees, shrubs and groundcover. Fill slopes shall have a minimum of six (6) trees, fifteen (15) gallon in size and ten (10) shrubs, five (5) gallon size per 1,000 square feet of slope area plus ground cover. Groundcover shall provide one hundred percent coverage within one year of installation. Cut slopes shall have a minimum of six (6) trees, five (5) gallon in size and ten (10) shrubs, one (1) gallon size per 1,000 square feet of slope area plus ground cover. Groundcover shall provide one hundred percent coverage within one year of installation. The type of plant material shall be low maintenance, drought resistant, and fast growing, to the satisfaction of the Planning Department. In particular, the ground cover shall be a fast-growing species which establishes quickly and is capable of choking out weeds. All slopes over three vertical feet shall be irrigated with an individual lot irrigation system approved by the Planning and Building Departments.
13. One 15-gallon street tree per 30 feet of linear frontage shall be provided along every frontage in, or adjacent to this subdivision in conformance with the Escondido Landscape Ordinance and Street Tree List. Specimen size trees (min. 24" box per nursery standards) along with shrubs and groundcover, shall be incorporated into the landscape design along the proposed private road, Bernardo Avenue, and Hamilton Lane. The type and location of trees shall be identified on the landscape plans.
14. Any proposed walls and retaining walls shall be constructed out of decorative material to the satisfaction of the Planning Division. The materials and location of the wall(s) shall be identified on the final landscape plans.
15. The installation of the landscaping and irrigation shall be inspected by the project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
16. Any common open space area shall be maintained through a landscape maintenance district, Home Owner's Association or other means to the satisfaction of the City.
17. Any fencing proposed on individual lots shall be generally located at the top of slopes to the satisfaction of the Planning Division.

**ENGINEERING CONDITIONS OF APPROVAL
ESCONDIDO TRACT NUMBER 931**

GENERAL

1. The applicant shall provide the City Engineer with a Subdivision Guarantee and Title Report covering subject property.
2. The location of all on-site utilities shall be determined by the Engineer. If a conflict occurs with proposed lots, these utilities shall be relocated.
3. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
4. The engineer shall submit to the Planning Department a copy of the Tentative Map as presented to the Planning Commission and the City Council. The Tentative Map will be signed by the Planning Department verifying that it is an accurate reproduction of the approved Tentative Map and must be included in the first submittal for plan check to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. Public street improvements shall be constructed to City Standards as required by the Subdivision Ordinance in effect at the time of the Tentative Map approval and to the satisfaction of the City Engineer. Specific details, including final street improvement widths, right-of-way widths, concrete curb and gutters, drainage, lighting, etc. shall be resolved to the satisfaction of the City Engineer.
2. The developer shall construct street improvements, including but not limited to, concrete curb, gutter, sidewalk, street lights, street trees, paving and base on the following streets within and adjoining the project boundary:

<u>STREET</u>	<u>CLASSIFICATION</u>
Bernardo Avenue	Local Collector
Hamilton Lane	Local Collector

See appropriate typical sections in the current Escondido Design Standards for additional details.

3. The developer shall improve Bernardo Avenue to Local Collector Standards (half-width +10 ') along project frontage, to the satisfaction of the City Engineer.
4. The developer shall improve Hamilton Lane to Local Collector Standards (half width +10 feet of roadway structural section and a 4 foot wide D.G. shoulder on the north side (subject to no impact to the existing improvements as determined by the City Engineer) along project frontage, to the satisfaction of the City Engineer.
5. On-site access road shall be improved with minimum 28 feet of roadway (3" AC. over 8 inch A.B.) with bio swales on both sides and a hammer head turn around at the end to the satisfaction of the City Engineer and Fire Marshal.
6. The developer shall improve the intersection of Bernardo Avenue and Hamilton Lane with additional transition widening within the existing right-of-ways as required by the striping plan prepared for the intersection to the satisfaction of the City Engineer.
7. Access to this project shall be improved with alley-type driveways in accordance with Escondido Standard Drawing No. G-3-E with a minimum throat width of 28 feet.
8. The address of each lot/dwelling unit shall either be painted on the curb or, where curbs are not available, posted in such a manner that the address is visible from the street. In both cases, the address shall be placed in a manner and location approved by the City Engineer.

9. On-site access road shall be improved with minimum 28 feet of roadway (3" AC. over 8 inch A.B.) with bio swales on both sides and a hammer head turn around at the end to the satisfaction of the City Engineer and Fire Marshal. Onsite access road shall be maintained by the future home owners. A road maintenance agreement shall be recorded for the future maintenance of the access road and bio swales along the access road.
10. A hammerhead turnaround conforming to current Escondido Standards shall be constructed at the terminus of all streets intended for future extension.
11. Plans for construction within any right-of-way under a jurisdiction other than the City of Escondido will be subject to the review by both the City of Escondido and the other jurisdiction. The developer shall be responsible for securing all necessary permits from the appropriate agencies.
12. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.
13. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. All removal of existing striping and new striping shall be done by the developer.
14. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer.
15. The developer shall be required to construct street lights along project frontage on Hamilton Lane and Bernardo Avenue as required by the City Engineer.

GRADING

1. A site grading and erosion control plan shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
3. A General Construction Activity Permit is required from the State Water Resources Board for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of one or more acres.
4. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
5. Unless specifically permitted to remain by the County Health Department, all existing wells within the project or affected by the off-site improvements shall be abandoned and capped, and all existing septic tanks within the project or affected by the off-site improvements shall be pumped and backfilled per County Health Department requirements.
6. The developer shall obtain approval of the County Health Department for relocation of the existing monitoring wells on the project site and complete work as required by the County prior to issuance of Grading Permit.
7. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.

DRAINAGE

1. Final drainage improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the engineer of work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. A Water Quality Technical Report shall be prepared for the project in accordance with the City's Storm Water Management Requirements. Water Quality Technical Report shall include post construction storm water treatment measures and maintenance requirements.

WATER SUPPLY

1. All water system improvements to provide for the development's domestic and fire protection needs shall be designed and constructed to the satisfaction of the Utilities Manager.
2. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.

SEWER

1. All sewer main locations and sizing of mains shall be to the satisfaction of the City Engineer.

FINAL MAP - EASEMENTS AND DEDICATIONS

1. The developer shall make all necessary dedications (or, if appropriate, offer of dedications) for public rights-of-way on the following streets contiguous to the project to bring the roadways to the indicated classification.

<u>STREET</u>	<u>CLASSIFICATION</u>
Bernardo Avenue	Local Collector
Hamilton Lane	Local Collector

2. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
3. The developer shall record a declaration of restriction for the storm water treatment facilities required for the project and indicate on the Final map, prior to approval.
4. Necessary public utility easements for sewer, water, storm drain, etc. shall be granted to the City on the Final Map. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.

REPAYMENTS AND FEES

1. A sewer repayment of \$ 3,823.58 is due to the City of Escondido for existing sewer improvements (Reso. # 96-16).
2. A storm drain repayment of \$ 21,455.80 is due to the City of Escondido for the Hamilton Basin/ Ninth Avenue Basin. The repayment amount is subject to 8% annual increase per Reso. No. 92-57 and Reso. No. 91-26.
3. A cash security or other security satisfactory to the City Engineer shall be posted to pay any costs incurred by the City for cleanup or damage caused by erosion of any type, related to project grading. Any moneys used by the City for cleanup or damage will be drawn from this security. The remaining portion of this cleanup security shall be released upon final acceptance of the grading for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading work up to a maximum of \$30,000, unless a higher amount is deemed necessary by the City Engineer. The balance of the grading work shall be secured by performance bonds, an instrument of credit, a letter of credit or such other security as may be approved by the City Engineer and City Attorney.

4. This subdivision is contiguous to the facilities of another public agency. This agency may be required to review and/or sign the improvement plans. It will be the responsibility of the developer to establish an account with this jurisdiction to pay for all fees for plan checking and permit approval.
5. The developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

CC&R's

1. Copies of the CC&R's shall be submitted to the Engineering Department and Planning Department for approval prior to approval of the Final Map.
2. The developer shall make provisions in the CC&R's for maintenance by the homeowners of private roadways, driveways, parking areas, private utilities (including sewer and water), drainage swales, storm drains and any common open spaces. These provisions must be approved by the Engineering Department prior to approval of the Final Map.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground as required by the Subdivision Ordinance.
2. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.



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

FILED
Gregory J. Smith, Recorder/County Clerk

NOTICE OF DETERMINATION

JUN 26 2007

DATE: June 7, 2007

BY A. Consul
DEPUTY

TO: San Diego County Recorder's Office
Attn: Anthony Consul
P. O. Box 121750
San Diego, CA 92112-1750

FROM: City of Escondido
201 N. Broadway
Escondido, CA 92025

SUBJECT: Filing of Notice of Determination in compliance with Section 21108, or 21152 of the Public Resources Code.

Project Title: Bernardo-Hamilton Tentative Subdivision Map and Annexation

Case No.: Tract 931, 2005-06-AN, 2005-46-PZ, ER 2005-33

City Contact Person: Paul Bingham, Assitant Planner II Telephone: (760) 839-4306

Applicants: Clyde Jennings & Jeffrey Badelt

Address: 1179 W. Washington, Escondido, CA 92025 Telephone: (760) 741-5881

Project Location:

The property proposed for subdivision and annexation is 6.03 acres located on the southeastern corner of Bernardo Avenue and Hamilton Lane addressed as 1055 Hamilton Lane (APN 238-360-6800).

FILED IN THE OFFICE OF THE COUNTY CLERK
San Diego County on JUN 26 2007
Posted JUN 26 2007
Returned to agency on
Deputy A. Consul

Project Description:

1) Actions associated with the development involve:

- a) Approval of a Tentative Subdivision Map of 6.03 acres to create five residential lots (each 40,000 SF or larger in size), associated grading, street improvements along project frontages, utility lines, and undergrounding of overhead utilities. Four of the lots in the proposed development would be accessed by a new street off Hamilton Lane and the fifth lot with a driveway off Bernardo Avenue (Tract 931).
b) Annexation of the 6.03 acres, detachment from County Service Area (CSA) No. 135 (San Diego Regional Communications System), detachment from Rincon Del Diablo Fire Protection District (RDDFPD), detachment from the Rincon Del Diablo Municipal Water Improvement District "I."

c) Rezoning to RE-40 (Residential Estates, 40,000 SF minimum lot size).

d) Certification of a Mitigated Negative Declaration (ER 2005-33).

This is to advise that on June 6, 2007, the City of Escondido City Council approved the above-described project and has made the following determinations regarding the above-described project:

1. The project will not have a significant effect on the environment upon implementation of adopted mitigation measures.
2. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA. An Environmental Impact Report was not prepared for this project.
3. Mitigation measures were adopted for this project.
4. A mitigation reporting or monitoring plan was adopted for this project.
5. A Statement of Overriding Considerations was not adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

A copy of the Mitigated Negative Declaration and record of project approval is available for review by the general public at the City of Escondido Planning Division, 201 N. Broadway, Escondido, California 92025; telephone number (760) 839-4671.

Name of County Official Filing Notice _____

Date Received for Filing _____

Signature: Paul K. Poirer

Date: June 7, 2007

Filing Fee Transmitted to County Clerk \$1,850.00

RESOLUTION NO. 2017-97

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A THREE-YEAR EXTENSION OF
TIME FOR A FIVE-LOT SINGLE-FAMILY
RESIDENTIAL TENTATIVE SUBDIVISION MAP
ON 6.03 ACRES LOCATED AT 1055
HAMILTON LANE

Case No. SUB 17-0022 (TR 931)

WHEREAS, pursuant to Chapter 32 of the Escondido Zoning Code, the City Council did on June 6, 2007, consider and approve a request for a five-lot single-family residential Tentative Subdivision Map (TR 931) on approximately 6.03 acres of land, along with an annexation including approximately 0.33 acres of roadway on Bernardo Avenue to the City of Escondido and assignment of a pre-zoning designation of PZ-RE-40 (Pre-zone Residential Estates, 40,000 SF minimum lot size) for a total of approximately 6.36 acres of unincorporated land; and

WHEREAS, the above referenced annexation was completed on June 4, 2008, and the land is now within the City of Escondido's jurisdiction; and

WHEREAS, the Tentative Subdivision Map proposed lots that would range from 40,674 SF to 54,422 SF, grading, public street improvements, a proposed private street, residential building pads, and approved drainage structures at various locations around the project. The subdivision property is addressed as 1055 Hamilton Lane, more particularly described in the attached Exhibit "C," and incorporated by this reference; and

WHEREAS, the Tentative Map originally was approved for three years and subsequent automatic map extensions granted by the State Legislature (SB1185, AB333, AB208, and AB116) extended the tentative map until June 6, 2017; and

WHEREAS, the applicant filed a request for an Extension of Time on April 6, 2017; and

WHEREAS, the original application was assessed in conformance with the California Environmental Quality Act and a Mitigated Negative Declaration was adopted by the City Council issued on June 6, 2007, (City Log No. ER 2005-33); and

WHEREAS, in accordance to CEQA Section 15162, it has been determined that no new substantial changes or new significant environmental effects or new information of substantial importance regarding the project has come to light requiring the preparation of a subsequent Mitigated Negative Declaration or addendum; and

WHEREAS, the applicant requests that the City Council approve an extension of time for three years as permitted by the Subdivision Map Act and Chapter 32, Article 2 of the City of Escondido Zoning Code; and

WHEREAS, this City Council has considered the extension request, the staff report, and incorporates by reference the findings made therein; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve said extension of time.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the Findings of Fact, attached as Exhibit "A" and incorporated by this reference, were made by said City Council.
3. That upon consideration of the Findings, and all material in the staff report (a copy of which is on file in the Planning Division), this City Council extends the Tentative Subdivision Map (TR 931) for three years, as reflected on plans and

documents on file in the offices of the City Clerk and the Planning Division, and subject to the Conditions of Approval as set forth in Exhibit "B," attached to this Resolution and incorporated by this reference.

4. That this Tentative Subdivision Map shall be null and void unless a Final Map, conforming to the Tentative Subdivision Map and all required conditions, is filed on or before June 6, 2020, or an Extension of Time is granted pursuant to Section 66452.6 of the California Government Code and Chapters 32 and 33 of the Escondido Municipal Code.

EXHIBIT "A"**FINDINGS OF FACT
SUB17-0022 (TR 931)**

1. The 6.03-acre project site (gross acreage) has a General Plan designation of Estate I, which allows a density of up to 1 du/ac and minimum lot size of 40,000 SF. The proposed project density of 0.83 du/ac is consistent with the underlying Estate I land-use designation. The project site can support up to 5 lots based on the subdivision's net acreage (5.28 acres) and Estate I land-use designation. The proposed 5 lots would be in conformance with the yield calculated for the project. Lot sizes for the project range from approximately 40,674 SF to 54,422 SF, which conform with the current Estate I land-use designation and proposed RE-40 zoning requirements for lot size, area, lot width and street frontage.
2. The design and improvement of the proposed subdivision is consistent with the General Plan since the proposed density of 0.83 du/ac is in conformance with the maximum density of 1 du/ac for the Estate I land-use designation. Minimum lot sizes and widths are consistent with RE-40 development standards. Land Use Policy B1.9(b) (page II-15 of the General Plan) indicates the Estate I classification is characterized by detached single-family homes and the minimum lot size shall be 40,000 SF. The proposed lot sizes (which range from approximately 40,674 SF to 54,422 SF) would be compatible with the single-family residential development adjacent to and throughout the area. The proposed subdivision is not located within a significant viewshed area and does not impact hillsides and ridgelines as delineated on the City's Hillside Ridgeline Map. There are no specific development or unit designs being proposed at this time.
3. The project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas since the site is not located on a skyline or intermediate ridge, and the site does not contain any significant topographical features or biological habitat. The proposed grading design would not result in any manufactured slopes or building pads that would create any significant adverse visual or compatibility impacts with adjacent lots, nor block any significant views, as discussed in the land-use compatibility and analysis sections of the staff report. Landscaping would be installed on any manufactured slopes, and if there were ultimately losses of mature oak trees on the site, these would be required to be replaced in conformance with the project's applicable mitigation measures and the City's Landscape Ordinance.
4. The site is suitable for this residential type of development proposed since the project site is currently county zoned for single-family development and the site is adjacent to similar single-family residential development. Adequate access and public utilities can be provided to the site. All vehicular traffic generated by the project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections.
5. The site is physically suitable for the proposed density of the underlying General Plan Estate I land-use designation as described in the sections above. Adequate access and public utilities can be provided to the site. The design of the lots would be in conformance with the RE-40 design standards and would be compatible with the general pattern of residential development throughout the area. The proposed project also would not result in any significant impacts to historical resources.
6. The design of the residential map and the type of improvements are not likely to cause serious public health problems since the project would not degrade the levels of service on the adjoining streets or drainage systems. Adequate water and sewer could be provided to the site. The project will have a de minimis impact on fish as no stream courses or riparian habitat will be adversely impacted by the proposed project. Impacts to the habitat or other resources on the project site will be reduced to less than significant levels with the mitigation measures required in the Mitigated Negative Declaration issued for the project. The project would not create any significant noise impacts to adjacent properties due to the existing ambient noise levels, residential nature of the project, and limited traffic increase

created by the project. Appropriate outdoor areas could be provided that would in conformance with the General Plan exterior noise level guidelines. Appropriate interior noise levels would be provided in conformance with the Escondido General Plan and City's Noise Ordinance requirements.

7. The design of the map and the type of improvements will not conflict with easements of record, or easements established through court judgments, or acquired by the population at large, for access through, or use of property within the proposed map since any existing easements will either be accommodated within the project design; be quitclaimed prior to recordation of the map; or alternate provisions provided.
8. All of the requirements of the California Environmental Quality Act (CEQA) have been met and a Mitigated Negative Declaration ER 2005-53 was issued for the proposed project on March 22, 2007. Only one written public comment was received which has been attached to this report.
9. The design of the map has provided, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. Lot sizes and subdivision configuration provides opportunities for passive/solar heating.
10. All permits and approvals applicable to the proposed map pursuant to the Escondido Zoning Code will have been obtained prior to the recordation of the map.
11. The proposed map will not conflict with regional or local housing needs since all 5 lots maintain all of the development standards of the applicable zone and observe the density of the General Plan. The proposed subdivision would be developed with single-family residential homes in conformance with the Estate I land-use designation.

EXHIBIT "B"

CONDITIONS OF APPROVAL SUB17-0022 (TR 931)

General

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Director of Building, and the Fire Chief.
2. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees, commissioners, or board members assume responsibility for the accuracy of said legal description.
3. Fire hydrant spacing and location must be approved by the Fire Department. The number, timing and minimum GPM fire flow shall be coordinated with the Fire Chief.
4. Any blasting within the City of Escondido is subject to the provisions of Ordinance No. 95-6 and a Blasting Permit must be obtained from the Escondido Fire Department. If blasting occurs, verification of a San Diego County Explosive Permit and a policy or certificate of public liability insurance shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido. If blasting occurs, verification of a San Diego County Explosive Permit and a policy or certificate of public liability insurance shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
5. Access for use of heavy fire fighting equipment, as required by the Fire Chief, shall be provided to the job site at the start of any construction and maintained until all construction is complete. Also, there shall be no stockpiling of combustible materials, and there shall be no foundation inspections given until on-site fire hydrants with adequate fire flow are in service to the satisfaction of the Fire Marshall.
6. All future habitable buildings within the proposed subdivision shall be noise-insulated to maintain interior noise levels not to exceed 45 dBA or less. A final interior noise assessment shall be submitted with the building plans demonstrating compliance with the interior noise requirements. Recommendation of the study shall be included in the building plans.
7. The location of proposed fences and walls shall be indicated on the grading, building and landscape plans, and design, color and material of the walls indicated on the building and landscape plans.
8. All requirements of the Public Partnership Program, Ordinance No. 86-70 shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program
9. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75).
10. Prior to or concurrent with the issuance of building permits, the appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Planning and Building.
11. Prior to obtaining building permits, the applicant shall demonstrate compliance with the requirements of the Citywide Facilities Plan, to the satisfaction of the Planning Division.
12. All subdivision project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08), to the satisfaction of the Planning Division.
13. Prior to Final Map approval, a note shall be included on the Final Map, or other documents provided, stating that grading shall be in conformance to the submitted conceptual design.
14. Three (3) copies of a revised tentative map, reflecting all modification and any required changes shall be submitted the Planning Division for certification prior to submittal of grading and landscape plans and the Final Map.

15. Any parcels not associated with this Tentative Map shall be labeled "Not a Part."
16. No street names are part of this approval. A separate request shall be submitted prior to Final Map.
17. Copies of the CC&Rs shall be submitted to the Planning Division for review and approval prior to Final Map and grading plan. The CC&Rs shall detail the responsibility for the maintenance of any parkway landscaping, easements, and any common drainage facilities. A plan check fee will be collected at the time of submittal. The CC&Rs shall be recorded in conjunction with or prior to the recordation of the Final Map, and a copy of the recorded CC&Rs must be submitted to the Planning Division prior to the issuance of building permits.
18. All lots shall meet the average lot width and lot area requirements of the underlying zoning category. Conformance with these requirements shall be demonstrated on the grading and Final Map. Non-compliance with these minimum standards will result in revisions to the map.
19. Prior to construction and issuance of grading and building permits, a site-specific analysis and report shall be prepared by a qualified professional to the satisfaction of the Director of Public Works and Building Official to determine equipment and methods necessary to protect adjacent properties from adverse air quality impacts which may result from construction (Mitigation Measure).
20. Monitoring well MW57 is to remain on-site and be accessible to the Chatham Brothers RP Group for monitoring purposes until officially released. Upon release, it is to be removed per Regional Board and City of Escondido standards. Alternately, if a new replacement well is installed nearby and approved by the Regional Board and Department of Toxic Substances Control (DTSC), existing well MW57 can also then be released and removed per Regional Board and City of Escondido standards (Mitigation Measure).
21. No wells for drinking water or irrigation are to be drilled on site and no excavations shall be allowed on the site without proper permits (Mitigation Measure).
22. The City of Escondido hereby notifies the applicant that State Law (AB 3158) Effective January 1, 1991, requires certain projects to pay user fees for the purposes of funding the California Department of Fish and Game. These fees were reinstated January 31, 1996 by the State Superior Court in Sacramento. In order to comply with the state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a certified check payable to "County Clerk", in the amount of \$1,850 for a project with a Negative Declaration. These fees may be waived for projects which are found by the California Department of Fish and Game to have no effect on fish and wildlife resources. Commencing January 1, 2007, the State Clearinghouse and/or county clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Game filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Game documenting the Department's determination that the project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid. (Section 711.4(c)(3) of the Fish and game Code).

Landscaping

1. Five copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of Grading or Building permits. A plan check fee will be collected at the time of submittal. The required landscape and irrigation plan(s) shall comply with the provisions, requirements and standards in Ordinance 93-12. The plans shall be prepared by, or under the supervision of a licensed landscape architect.
2. Prior to the issuance of a grading permit, the grading plans and landscaping plans shall include the location and type of any mature trees located on the site. Each tree shall be labeled on the plan as to whether it will remain or be relocated and staked in the field, as necessary.
3. Prior to Final Map recordation, a completed Vegetation Removal Permit (VRP) must be applied for, successfully initiated by vote of the City Council, and concurrence obtained from the Wildlife Agencies (Mitigation Measure).
4. Prior to Final Map recordation, habitat credits must be purchased from an approved mitigation bank in quantities correlating to the amount and type of habitat to be removed per the Biological Reports dated 6/19/06, 11/20/06 and 2/14/07 and as required by the Vegetation Removal Permit (VRP) per 3. above (Mitigation Measure).

5. Prior to building permit issuance, any and all sage scrub loss must be reported to the subregional accounting entity and counted toward the subarea/subregional 5% loss allocation (CDFG 1995) (Mitigation Measure).
6. A qualified biologist must inspect trees for nests prior to any brushing, grading, tree relocation or construction within close proximity to, or within the existing Oaks discussed in the Biological Report's addendum of 2/14/07. If any active nests of sensitive species are found, no impacts will be allowed until all young have fledged (Mitigation Measure).
7. Prior to grading permit issuance, the Coastal Live Oaks being impacted must be moved and transplanted to safe on-site locations per the Final Map and Reconnaissance Survey Report dated 2/14/07 and to the satisfaction of the Community Development Director. In addition, four additional Coastal Live Oaks must be planted on the site prior to Final Occupancy (Mitigation Measure).
8. The applicant shall provide funding to the satisfaction of the City for the 5-year monitoring of the oak trees with sufficient reserve for the replacement of any dead/dying stock (Mitigation Measure).
9. Additionally, existing mature oaks in the path of development are conditioned to be relocated on site and new 24" box sized oak trees for each will be installed on site at a 1:1 ratio to the satisfaction of the Planning Division. (Mitigation Measure)
10. All manufactured slopes, or slopes cleared of vegetation shall be landscaped within thirty (30) days of completion of rough grading. If, for whatever reason, it is not practical to install the permanent landscaping, then an interim landscaping solution may be acceptable. The type of plant material, irrigation and the method of application shall be to the satisfaction of the Planning Department and City Engineer.
11. Prior to occupancy of future units, all required landscape improvements shall be installed and all vegetation growing in an established, flourishing manner. All irrigation shall be maintained in fully operational condition. The required landscaped areas shall be free of all foreign matter, weeds and any unapproved plant material.
12. All slopes shall be landscaped with suitable material to control erosion. All manufactured slopes over three feet in height shall be landscaped with a combination of trees, shrubs and groundcover. Fill slopes shall have a minimum of six (6) trees, fifteen (15) gallon in size and ten (10) shrubs, five (5) gallon size per 1,000 square feet of slope area plus ground cover. Groundcover shall provide one hundred percent coverage within one year of installation. Cut slopes shall have a minimum of six (6) trees, five (5) gallon in size and ten (10) shrubs, one (1) gallon size per 1,000 square feet of slope area plus ground cover. Groundcover shall provide one hundred percent coverage within one year of installation. The type of plant material shall be low maintenance, drought resistant, and fast growing, to the satisfaction of the Planning Department. In particular, the ground cover shall be a fast-growing species which establishes quickly and is capable of choking out weeds. All slopes over three vertical feet shall be irrigated with an individual lot irrigation system approved by the Planning and Building Departments.
13. One 15-gallon street tree per 30 feet of linear frontage shall be provided along every frontage in, or adjacent to this subdivision in conformance with the Escondido Landscape Ordinance and Street Tree List. Specimen size trees (min. 24" box per nursery standards) along with shrubs and groundcover, shall be incorporated into the landscape design along the proposed private road, Bernardo Avenue, and Hamilton Lane. The type and location of trees shall be identified on the landscape plans.
14. Any proposed walls and retaining walls shall be constructed out of decorative material to the satisfaction of the Planning Division. The materials and location of the wall(s) shall be identified on the final landscape plans.
15. The installation of the landscaping and irrigation shall be inspected by the project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
16. Any common open space area shall be maintained through a landscape maintenance district, Home Owner's Association or other means to the satisfaction of the City.
17. Any fencing proposed on individual lots shall be generally located at the top of slopes to the satisfaction of the Planning Division.

**ENGINEERING CONDITIONS OF APPROVAL
SUB17-0022 (ESCONDIDO TRACT NUMBER 931)**

GENERAL

1. The applicant shall provide the City Engineer with a Subdivision Guarantee and Title Report covering subject property.
2. The location of all on-site utilities shall be determined by the Engineer. If a conflict occurs with proposed lots, these utilities shall be relocated.
3. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
4. The engineer shall submit to the Planning Department a copy of the Tentative Map as presented to the Planning Commission and the City Council. The Tentative Map will be signed by the Planning Department verifying that it is an accurate reproduction of the approved Tentative Map and must be included in the first submittal for plan check to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. Public street improvements shall be constructed to City Standards as required by the Subdivision Ordinance in effect at the time of the Tentative Map approval and to the satisfaction of the City Engineer. Specific details, including final street improvement widths, right-of-way widths, concrete curb and gutters, drainage, lighting, etc. shall be resolved to the satisfaction of the City Engineer.
2. The developer shall construct street improvements, including but not limited to, concrete curb, gutter, sidewalk, street lights, street trees, paving and base on the following streets within and adjoining the project boundary:

STREET

CLASSIFICATION

Bernardo Avenue

Local Collector

Hamilton Lane

Local Collector

See appropriate typical sections in the current Escondido Design Standards for additional details.

3. The developer shall improve Bernardo Avenue to Local Collector Standards (half-width +10 ') along project frontage, to the satisfaction of the City Engineer.
4. The developer shall improve Hamilton Lane to Local Collector Standards (half width +10 feet of roadway structural section and a 4 foot wide D.G. shoulder on the north side (subject to no impact to the existing improvements as determined by the City Engineer) along project frontage, to the satisfaction of the City Engineer unless it is determined by LAFCO that the entire segment of Hamilton Lane is to be included in the annexation; at which time full road improvements to Hamilton to the satisfaction of the City Engineer would be required.
5. On-site access road shall be improved with minimum 28 feet of roadway (3" AC. over 8 inch A.B.) with bio swales on both sides and a hammer head turn around at the end to the satisfaction of the City Engineer and Fire Marshal.
6. The developer shall improve the intersection of Bernardo Avenue and Hamilton Lane with additional transition widening within the existing right-of-ways as required by the striping plan prepared for the intersection to the satisfaction of the City Engineer.
7. Access to this project shall be improved with alley-type driveways in accordance with Escondido Standard Drawing No. G-3-E with a minimum throat width of 28 feet.
8. The address of each lot/dwelling unit shall either be painted on the curb or, where curbs are not available, posted in such a manner that the address is visible from the street. In both cases, the address shall be placed in a manner and location approved by the City Engineer.

9. On-site access road shall be improved with minimum 28 feet of roadway (3" AC. over 8 inch A.B.) with bio swales on both sides and a hammer head turn around at the end to the satisfaction of the City Engineer and Fire Marshal. Onsite access road shall be maintained by the future home owners. A road maintenance agreement shall be recorded for the future maintenance of the access road and bio swales along the access road.
10. A hammerhead turnaround conforming to current Escondido Standards shall be constructed at the terminus of all streets intended for future extension.
11. Plans for construction within any right-of-way under a jurisdiction other than the City of Escondido will be subject to the review by both the City of Escondido and the other jurisdiction. The developer shall be responsible for securing all necessary permits from the appropriate agencies.
12. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.
13. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. All removal of existing striping and new striping shall be done by the developer.
14. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer.
15. The developer shall be required to construct street lights along project frontage on Hamilton Lane and Bernardo Avenue as required by the City Engineer.

GRADING

1. A site grading and erosion control plan shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
3. A General Construction Activity Permit is required from the State Water Resources Board for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of one or more acres.
4. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
5. Unless specifically permitted to remain by the County Health Department, all existing wells within the project or affected by the off-site improvements shall be abandoned and capped, and all existing septic tanks within the project or affected by the off-site improvements shall be pumped and backfilled per County Health Department requirements.
6. The developer shall obtain approval of the County Health Department for relocation of the existing monitoring wells on the project site and complete work as required by the County prior to issuance of Grading Permit.
7. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.

DRAINAGE

1. Final drainage improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the engineer of work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. A Water Quality Technical Report shall be prepared for the project in accordance with the City's Storm Water Management Requirements. Water Quality Technical Report shall include post construction storm water treatment measures and maintenance requirements.

WATER SUPPLY

1. All water system improvements to provide for the development's domestic and fire protection needs shall be designed and constructed to the satisfaction of the Utilities Manager.
2. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.

SEWER

1. All sewer main locations and sizing of mains shall be to the satisfaction of the City Engineer.

FINAL MAP - EASEMENTS AND DEDICATIONS

1. The developer shall make all necessary dedications (or, if appropriate, offer of dedications) for public rights-of-way on the following streets contiguous to the project to bring the roadways to the indicated classification.

<u>STREET</u>	<u>CLASSIFICATION</u>
Bernardo Avenue	Local Collector
Hamilton Lane	Local Collector

2. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
3. The developer shall record a declaration of restriction for the storm water treatment facilities required for the project and indicate on the Final map, prior to approval.
4. Necessary public utility easements for sewer, water, storm drain, etc. shall be granted to the City on the Final Map. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.

REPAYMENTS AND FEES

1. A sewer repayment of \$ 3,823.58 is due to the City of Escondido for existing sewer improvements (Reso. # 96-16).
2. A storm drain repayment of \$ 21,455.80 is due to the City of Escondido for the Hamilton Basin/ Ninth Avenue Basin. The repayment amount is subject to 8% annual increase per Reso. No. 92-57 and Reso. No. 91-26.
3. A cash security or other security satisfactory to the City Engineer shall be posted to pay any costs incurred by the City for cleanup or damage caused by erosion of any type, related to project grading. Any moneys used by the City for cleanup or damage will be drawn from this security. The remaining portion of this cleanup security shall be released upon final acceptance of the grading for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading work up to a maximum of \$30,000, unless a higher amount is deemed necessary by the City Engineer. The balance of the grading work shall be secured by performance bonds, an instrument of credit, a letter of credit or such other security as may be approved by the City Engineer and City Attorney.

4. This subdivision is contiguous to the facilities of another public agency. This agency may be required to review and/or sign the improvement plans. It will be the responsibility of the developer to establish an account with this jurisdiction to pay for all fees for plan checking and permit approval.
5. The developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

CC&R's

1. Copies of the CC&R's shall be submitted to the Engineering Department and Planning Department for approval prior to approval of the Final Map.
2. The developer shall make provisions in the CC&R's for maintenance by the homeowners of private roadways, driveways, parking areas, private utilities (including sewer and water), drainage swales, storm drains and any common open spaces. These provisions must be approved by the Engineering Department prior to approval of the Final Map.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground as required by the Subdivision Ordinance.
2. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

Exhibit "C"**Legal Description**

ALL THAT REAL PROPERTY SITUATED IN A PORTION OF RANCHO SAN BERNARDO IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF HAMILTON LANE (15.00 FOOT HALF-WIDTH) AND THE WESTERLY RIGHT-OF-WAY LINE OF BERNARDO AVENUE (40.00 FEET WIDE), ALSO BEING THE EXISTING CITY OF ESCONDIDO BOUNDARY;

THENCE (1) NORTH 12°12'50" EAST 45.00 FEET;

THENCE (2) SOUTH 77°59'00" EAST 675.73 FEET, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF HAMILTON LANE;

THENCE (3) SOUTH 11°59'00" WEST 529.73 FEET;

THENCE (4) SOUTH 12°10'33" WEST 190.47 FEET;

THENCE (5) NORTH 36°49'55" WEST 386.94 FEET;

THENCE (6) NORTH 12°01'00" EAST 171.59 FEET;

THENCE (7) NORTH 77°59'00" WEST 198.80 FEET;

THENCE (8) SOUTH 12°01'00" WEST 115.10 FEET;

THENCE (9) NORTH 77°59'00" WEST 186.46 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE OF BERNARDO AVENUE;

THENCE (10) NORTH 12°12'50" EAST 364.09 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

CONTAINING 6.36 ACRES MORE OR LESS

Disclaimer:

"For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for and offer of sale of the land described."

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.

Douglas W. Masson 3-13-08
DOUGLAS W. MASSON DATE
R.C.E. 17706
EXPIRES: 06-30-2009





CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 5

Date: July 19, 2017

TO: Honorable Mayor and Members of the City Council

FROM: Julie Procopio, Director of Engineering Services/City Engineer
Vince McCaw, Real Property Manager

SUBJECT: Lease Agreement with Dave McMahon Construction, Inc. at 525 North Quince Street

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2017-108, authorizing the Real Property Manager and the City Clerk to execute a Lease Agreement with Dave McMahon Construction, Inc. at 525 North Quince Street.

FISCAL ANALYSIS:

Rent revenue of \$31,827 per year will be deposited into the City's General Fund, which will increase by three percent each year.

PREVIOUS ACTION:

The City Council approved the original lease agreement with Dave McMahon Construction, Inc. via Resolution No. 2013-133 on November 20, 2013, and a First Amendment to Lease Agreement was approved on August 17, 2016.

BACKGROUND:

The former structure on this site was razed in 2013 in an effort to eliminate blight and enhance efforts to discourage trespassing and other illegal activities, as well as to make room for future Business Park Redevelopment. The City has leased the site to Dave McMahon Construction, Inc. in the interim for storage of construction equipment and materials. The City Council approved a Lease Agreement on November 20, 2013 ("Original Lease"), and a First Amendment to Lease Agreement on August 17, 2016, which extended the lease until August 11, 2017. The lease is subject to early termination by either party with a 60-day written notice.

Respectfully submitted,

Julie Procopio, P.E.
Director of Engineering Services/City Engineer

Vince McCaw
Real Property Manager

RESOLUTION NO. 2017-108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE REAL PROPERTY MANAGER AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY, A LEASE AGREEMENT WITH DAVE MCMAHON CONSTRUCTION, INC.

WHEREAS, the City of Escondido and Dave McMahon Construction, Inc. (“Lessee”) entered into a lease agreement dated November 20, 2013, for interim use of 525 North Quince Street as construction materials and equipment storage (“Original Lease”); and

WHEREAS, the First Amendment to Lease Agreement was approved on August 17, 2016, which extended the lease until August 11, 2017; and

WHEREAS, the City Council desires at this time and deems it to be in the best public interest to approve a new Lease Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. The Real Property Manager and the City Clerk are authorized to execute, on behalf of the City, a Lease Agreement with Dave McMahon Construction, Inc., which is attached hereto as Exhibit “A” and incorporated by this reference.



525 N. Quince Street

Lessee: Dave McMahon Construction, Inc.

Term: 1 Year

Address: 525 N. Quince, Escondido, CA 92025

Date: _____, 2017



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CITY OF ESCONDIDO LEASE AGREEMENT

This Lease is made as of _____, 2017 between the **City** and Dave McMahon Construction, Inc.

Section 1 Definition of Terms

The following words in this Lease shall have the significance attached to them in this Section unless otherwise apparent from their context.

- 1.1 **City.** The City means the City of Escondido, a California general law City.
- 1.2 **Lease.** Lease means this lease agreement.
- 1.3 **Lease Administrator.** The Lease Administrator means the City of Escondido Real Property Agent or, upon written notice to Lessee, such other person as shall be designated from time to time by City.
- 1.4 **Lessee.** Lessee means Dave McMahon Construction, Inc., and does not include its heirs, assigns, or successors-in-interest.
- 1.5 **Party.** Lessee or City may be referred to individually as Party or collectively as Parties.
- 1.6 **Premises.** Premises means the real property commonly known and located at 525 N Quince Street, Escondido, CA 92025, as depicted on **EXHIBIT A.**

Section 2 Administration

This Lease will be administered on behalf of City by the Lease Administrator, whose address is:

City of Escondido
Attn: Real Property Manager
201 North Broadway
Escondido, CA 92025

And on behalf of Lessee by Dave McMahon, whose address is:

Dave McMahon Construction Inc.
540 N. Spruce St.
Escondido, CA 92025
619-491-9355
Attn: Jeff Pease

Section 3 Term

- 3.1 The term of this Lease shall be one year, commencing on August 12, 2017.
- 3.2 Hold Over. The occupancy of the Premises by Lessee, after the expiration of the Term shall be construed as a month to month tenancy, and all other terms and conditions of this Lease shall continue in full force and effect, on a month to month basis. The City shall have the right to terminate the month to month tenancy without cause and for any reason by giving 30 days prior notice to Lessee.

Section 4 Termination of Lease

- 4.1 City may terminate this Lease at any time, at its sole discretion, by providing the other Party with 60 days' written notice.
- 4.2 Default. If the City discovers at any time that the Lessee has violated any provision of this Lease, City may notify Lessee of the violation and immediately terminate the Lease upon written notice.

Section 5 Options to Renew

- 5.1 At the end of the Term, this Lease may be renewed for two additional annual periods, upon mutual written agreement by the City and Lessee.

Section 6 Vacation of Premises

- 6.1 Upon termination of this Lease for any reason, Lessee shall peaceably vacate and deliver the Premises to City in the same condition as Lessee found them upon its acceptance of the Premises hereunder, excepting ordinary wear and tear and conditions caused by acts of God.
- 6.2 Upon such termination, Lessee shall immediately:
- A. Provide a written statement to the Lease Administrator of Lessee's new address for purpose of refunding monies, if any, due Lessee under this Lease; and
 - B. Deliver any keys for the Premises to the Administrator or send said keys by certified mail to the City.

Section 7 Rent

- 7.1 Rental Rate. In consideration of the possession and use of the Premises, Lessee shall deliver and pay rent to City **\$2,652.25** per month on or prior to the first day of each month. Rent payments will commence on August 12, 2017.
- 7.2 Hold Over Rental Rate. The rent payments for any hold over will be equal to the previous year's Rental Rate plus ten percent (10%).

Section 8 Security Deposit

CITY is in possession of a \$2,575.00 security deposit, which was received by CITY in November 2013. No additional security deposit shall be required under this Agreement

Section 9 Late Payment

Rent payments received after the fifth day of any month will be charged an additional 20% late payment fee.

Section 10 Utilities Payments

Lessee agrees to provide and pay for all utilities and services necessary for the occupancy and use of the Premises, including, but not limited to: gas, water, electricity, sewage charges or septic service, trash and any telecommunications services.

Section 11 Taxes, Assessments and Fees

- 11.1 The terms of this Lease may result in the creation of a possessory interest. If such a possessory interest is vested in Lessee, Lessee may be subjected to the payment of personal property taxes levied on such interest. Lessee shall be responsible for the payment of, and shall pay before delinquent, all taxes, assessments, and fees assessed or levied upon Lessee, on said Premises or any interest therein, on any buildings, structures, machines, appliances, or other improvements of any nature whatsoever, or on any interest therein.
- 11.2 Lessee further agrees not to allow such taxes, assessments, or fees to become a lien against said premises or any improvement thereon. Nothing herein contained shall be deemed to prevent or prohibit Lessee from contesting the validity of amount of any such tax, assessment, or fee in any manner authorized by law.

Section 12 Acceptance and Maintenance

- 12.1 Lessee hereby acknowledges that Lessee has inspected the Premises and Lessee accepts said Premises "as is" and "where is." Lessee acknowledges that the City makes no representations as to the condition or suitability of the Premises or any improvements on the Premises. Pursuant to the noticing requirements of California Civil Code Section 1938, Lessee acknowledges that the Premises being leased has not undergone inspection by a Certified Access Specialist.
- 12.2 Lessee agrees to maintain the Premises in good condition and in compliance with all applicable property maintenance and related laws. Lessee releases the City from the obligation to maintain any portion of the Premises. Said release is part of the consideration for the rental of the Premises, and Lessee therefore waives all rights it may otherwise have under Sections 1941 and 1942 of the Civil Code.
- 12.3 In the event Lessee fails to properly maintain the premises as required by City, City may notify Lessee in writing of said failure. In the event Lessee fails to perform said maintenance within 30 days after such notice by City, City may perform such maintenance, and any costs including, but not limited to, the cost of labor, material, and equipment, shall be paid by Lessee to City within 10 days from receipt by Lessee of an invoice from City.

Section 13 Alterations

Lessee shall not paint, alter, cut, add to, or otherwise change the appearance, structure, or condition of the Premises without the prior written consent of the Lease Administrator and only after obtaining applicable permits. Any tenant improvements and additional improvements made with the consent of the Lease Administrator shall become a fixture to the realty and shall remain on and be surrendered with the Premises upon termination of this Lease.

Section 14 Use

Lessee agrees to use the Premises for storage of construction equipment and materials. Additionally, Lessee agrees to use the Premises in accordance with the provisions and requirements contained in any permits required by the City of Escondido. Lessee shall not use, nor permit the use of, the Premises other than as described. In any case where Lessee is, or should reasonably be, in doubt as to the propriety of any particular use, Lessee may request, and will not be in breach or default if Lessee abides by, the written determination of the Lease Administrator that such use is or is not permitted.

Section 15 Occupancy, Assignment and Subletting

The Premises shall only be occupied by Lessee except with prior written consent of the Lease Administrator. Lessee may not assign or sublease any interest in this Lease to any other Party, at any time, including a transferee of a controlling interest in Lessee without written consent from the Lease Administrator.

Section 16 Conduct

Lessee shall not violate, or permit the violation of, any City or County ordinance, or state or federal law, in or about the Premises.

Section 17 Pets

No pets or livestock of any kind may be kept on the Premises without the prior written consent of the Lease Administrator.

Section 18 Notices

Any notice required or permitted to be given by this Lease must either be personally served on the other Party or served by certified mail, return receipt requested, to the addressee. Notices served by mail shall be sent to the address listed above. A change of either Party's address must also be immediately served in the manner described above.

Section 19 Right of Inspection

City reserves the right for its agents or employees to enter upon and inspect the Premises at any reasonable time to ascertain if Lessee is complying with the provisions of this Lease.

Section 20 Insurance

- 20.1 Lessee must have insurance in the following amounts at all times during this Lease:
- A. General liability insurance with at least \$2 Million combined single-limit coverage per occurrence for bodily injury and property damage.
 - B. Automobile liability insurance of \$1 Million combined single-limit per accident for bodily injury and property damage for any and all vehicles that are owned by the Lessee (if applicable).
 - C. Workers' compensation and employer's liability insurance as required by the California Labor Code, as amended, or certificate of sole proprietorship.

- D. Commercial property insurance in an amount commensurate with the value of the improvements on the Premises.
- 20.2 Each insurance policy required above must be acceptable to the City Attorney:
- A. Each policy must name the City specifically as an additional insured under the policy on a separate endorsement page, with the exception of the workers' compensation policy.
 - B. Each policy must provide for written notice within no more than thirty (30) days if cancellation or termination of the policy occurs. Insurance coverage must be provided by an A.M. Best's A-rated, class V carrier or better, admitted in California, or if non-admitted, a company that is not on the Department of Insurance list of unacceptable carriers.
 - C. All non-admitted carriers will be required to provide a service of suit endorsement in addition to the additional insured endorsement.
- 20.3 Lessee agrees to deposit with City, on or before the effective date of this Lease, one certificate of insurance for each of the policy or policies necessary to satisfy the insurance provisions of this Lease and to keep such insurance in effect during the entire term of this Lease. This certificate must be reviewed by, and acceptable to, the City Attorney, prior to commencement of the Lease Term. Lessee will also deposit with the City within 60 days of the Effective Date of this Lease, an additional insured endorsement naming City specifically and separately as an "additional insured", with the exception of the worker's compensation policy. The appropriate endorsements described above shall follow within 60 days.
- 20.4 City shall retain the right at any time to review the coverage, form and amount of the insurance required hereby. If, in the opinion of the Lease Administrator, the insurance provisions in this Lease do not provide adequate protection for City and for members of the public using the Premises, City may require Lessee to obtain insurance sufficient in coverage, form and amount to provide adequate protection from and against the kind and extent of risks which exist or are foreseeable at the time a change in insurance is required. City's requirements shall be reasonable, but shall be designed to assure adequate protection of the City's interests. The Lease Administrator shall notify Lessee in writing of changes in the insurance requirements and, if Lessee does not deposit with City within 60 days of receipt of such notice a new Certificate of Insurance

for each policy or policies of insurance incorporating such changes, this Lease shall be deemed in default without further notice to Lessee and may be forthwith terminated by the Lease Administrator.

- 20.5 The procuring of such required policy or policies of insurance shall not be construed to limit Lessee's liability hereunder nor to fulfill the indemnification provisions and requirements of this Lease. Notwithstanding said policy or policies of insurance, Lessee shall be obligated for the full and total amount of any damage, injury or loss attributable to any act or omission of it or its agents, customers or guests in connection with this Lease or with use or occupancy of the Premises.

Section 21 Indemnification

Lessee shall defend, indemnify, and hold harmless City, its officers, agents, and employees from and against any and all claims, demands, and liabilities for loss of any kind or nature which City, its officers, agents, or employees may sustain or incur or which may be imposed upon them or any of them for injury to or death of persons or damage to property as a result of, arising out of, or in any manner connected with this Lease or with the occupancy and use of the Premises by Lessee, its invitees, visitors, or any other persons whatsoever. Lessee further agrees to pay any and all costs and expenses, including, but not limited to, court costs and reasonable attorney's fees incurred by City on account of any such claims, demands, or liabilities. However, the provisions of this Lease shall not be construed to indemnify City for claims or acts arising from City's sole negligence.

Section 22 Attorney's Fees, Costs and Expenses

In the event legal action is brought to enforce the terms of or to declare a termination of this Lease for reason of breach thereof, the unsuccessful Party shall pay all of the successful Party's costs of such action, together with reasonable attorney's fees, in an amount to be fixed by the court.

Section 23 Non-Discrimination

Lessee covenants that this Lease is made and accepted upon and subject to the condition that there shall be no discrimination against or segregation of any person or group of persons on account of physical or mental disabilities, race, color, creed, religion, sex, marital status, national origin or ancestry in the use, occupancy, tenure or enjoyment of the leased premises. Lessee shall not establish or permit any such practice of discrimination or segregation with reference to the selection, location, number, or use of occupancy by customers, tenants or vendees in the leased premises.

Section 24 Supersedure

This Lease, upon becoming effective, shall supersede any leases or rental agreements heretofore made or issued for the Premises between the City and Lessee.

Section 25 Hazardous and/or Contaminated Soil and Material

Lessee will not place or permit to be placed materials and/or contaminated soils on the premises which under federal, state, or local law, statute, ordinance, or regulations require special handling in collection, storage, treatment, and/or disposal. Lessee also hereby covenants and agrees that, if at any time it is determined there are materials and/or contaminated soils located on the premises which under any environmental requirement require special handling in collection, storage, treatment, or disposal, Lessee shall notify City. Within thirty (30) days after written notice to City or from City, Lessee shall commence to take and thereafter diligently complete, at Lessee's sole expense, such actions as may be necessary to comply with environmental requirements.

Section 26 Law to Govern; Venue

This Lease is governed by the laws of the State of California. Venue for all actions arising from this Lease must be exclusively in the North County Division of the San Diego County Superior Court or federal courts located in San Diego County, California.

Section 27 Special Provisions

Lessee hereby acknowledges that Lessee waives all rights to any form of relocation assistance provided for by local, state, or federal law to which Lessee may be entitled by reason of this Lease.

Section 28 Compliance with Federal, State, and Local Laws

It is the duty of the Lessee while operating under this Lease to comply with all local, state, and federal laws, and to indemnify City from any violation of any such law. Failure to comply with a provision of local, state, or federal law is grounds for the Lease Administrator's immediate termination of this Lease.

Section 29 Amendment

This Lease may not be amended, modified, or supplemented except by a writing executed both Parties.

Section 30 Waiver

No waiver by a Party of any provision of this Lease shall be considered a waiver of any other provision or any subsequent breach of the same or any other provision. The exercise by a Party of any right or remedy provided in this Lease or provided by law shall



not prevent the exercise by that Party of any other remedy provided in this Lease or under the law.

IN WITNESS WHEREOF, the Parties below are authorized to act on behalf of their organizations, and have executed this Lease as of the date set forth below.

ENTITY

Date: _____

Signature

Name, Title

CITY OF ESCONDIDO

Date: _____

Vince McCaw, Real Property Manager

Date: _____

Diane Halverson, City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
MICHAEL R. MCGUINNESS, City Attorney

By: _____

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 6
Date: July 19, 2017

TO: Honorable Mayor and Members of the City Council
FROM: Sheryl Bennett, Director of Administrative Services
SUBJECT: Unclassified Service Schedule and Salary Plans

RECOMMENDATION:

It is requested that the City Council adopt three Resolutions pertaining to Unclassified Employees:

1. Resolution No. 2017-109: Amending the Unclassified Clerical/Technical Salary Plans;
2. Resolution No. 2017-110: Amending the Unclassified Management Salary Bands;
3. Resolution No. 2017-111: Amending the Unclassified Service Schedule List;

FISCAL ANALYSIS:

None

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

None

PREVIOUS ACTION:

In January 2017 the City Council approved and adopted three Resolutions: Nos. 2017-02, 2017-03, and 2017-04, which amended and re-established the Management Salary Bands, the Unclassified Clerical/Technical Salary Plans, and the Unclassified Service Schedule List.

BACKGROUND:


The City is required to maintain a list of all unclassified position titles. Periodically, the Unclassified Service Schedule List must be updated by adopting a City Council Resolution. Resolutions Nos. 2017-109 and 2017-110 have the Unclassified Clerical/Technical and Management classifications bolded that have changed salary grades, are newly budgeted positions or positions with title changes, which have been added or changed in the classification plan since January 2017. Resolution No. 2017-111 amends the list of all unclassified classifications.

Unclassified Service Schedule and Salary Plans
July 19, 2017
Page 2

A red-lined version showing the recommended changes including any salary amendments is attached as Attachments "1," "2," and "3" for your review.

Respectfully submitted,


for: Sheryl Bennett
Director of Administrative Services


Jessica Perpetua
Human Resources Manager

RESOLUTION NO. 2017-109

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING AND RE-ESTABLISHING THE
UNCLASSIFIED SALARY PLANS FOR
CERTAIN POSITIONS IN THE CLERICAL/
TECHNICAL GROUP

WHEREAS, the compensation for the unclassified group of City employees is established by the City Council from time to time; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to amend and readopt the salary plans established by Resolution No. 2017-03.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the salary plans are re-established for the positions listed in Exhibit "A" and corresponding monthly rates set forth in Exhibit "B," which are both attached and incorporated by this reference.
3. That this Resolution supersedes Resolution No. 2017-03.

UNCLASSIFIED CLERICAL/TECHNICAL SALARY PLANS

Band H: \$4,468 - \$7,248

Assistant Canal Superintendent

UCT A54: \$7,135 - \$8,673

Control Systems Analyst

UCT A50: \$6,464 - \$7,857

Systems Analyst II

UCT A46: \$5,856 - \$7,118

Systems Analyst I

UCT A44: \$5,574 - \$6,775

Senior Environmental Programs Specialist

UCT A43: \$5,438 - \$6,610

Senior Legal Assistant

UCT A42: \$5,305 - \$6,449

GIS Analyst

Network Systems Engineer

Public Safety Systems Analyst

Senior Safety Analyst

UCT A41: \$5,176 - \$6,292

Latent Print & Evidence Specialist

UCT A40: \$5,050 - \$6,138

Environmental Programs Specialist

Network Administrator

UCT A38: \$4,806 - \$5,842

Executive Assistant – Chief of Police

Executive Assistant – City Attorney

Executive Assistant – City Manager

UCT A37: \$4,689 - \$5,700

Legal Assistant

Programmer Analyst II

UCT A36: \$4,575 - \$5,561

Deputy City Clerk
Latent Print Specialist

UCT A35: \$4,463 - \$5,425

Human Resources Coordinator

UCT A34: \$4,354 - \$5,293

Asset Program Coordinator
Emergency Medical Services Program Coordinator
Utilities Construction Coordinator

UCT A33: \$4,248 - \$5,164

Payroll Analyst
Programmer Analyst I
Risk & Safety Coordinator

UCT A32: \$4,145 - \$5,038

Network Systems Technician III

UCT A31: \$4,044 - \$4,915

Facilities Associate
Police Projects Specialist

UCT A30: \$3,945 - \$4,795

Administrative Coordinator
GIS Technician II

UCT A29: \$3,849 - \$4,678

Assistant Environmental Programs Specialist
Human Resources Technician II
Legal Secretary
Telecommunications Specialist

UCT A28: \$3,755 - \$4,564

Network Systems Technician II
Payroll Technician II
Web Design Technician II

UCT A27: \$3,663 - \$4,453

Collections Officer
Maintenance & Operations Coordinator

UCT A26: \$3,574 - \$4,344

Executive Office Coordinator
GIS Technician I

UCT A25: \$3,487 - \$4,238

Human Resources Technician I

UCT A24: \$3,402 - \$4,135

Network Systems Technician I

Payroll Technician I

Web Design Technician I

UCT A23: \$3,319 - \$4,034

Canal Assistant II

Division Coordinator

Publications Coordinator II

Sr. Accounting Assistant

UCT A19: \$3,007 - \$3,655

Canal Assistant I

Executive Office Specialist

Publications Coordinator I

UCT A17: \$2,862 - \$3,478

Accounting Assistant II

Department Assistant

UCT A13: \$2,593 - \$3,151

Accounting Assistant I

UCT A11: \$2,468 - \$2,999

Department Aide

UNCLASSIFIED MONTHLY PAY SCHEDULE
July 19, 2017

GRADE	Step 1	Step 2	Step 3	Step 4	Step 5
UCT A11	\$2,468.000	\$2,591.000	\$2,721.000	\$2,857.000	\$2,999.000
UCT A13	\$2,593.000	\$2,722.000	\$2,858.000	\$3,001.000	\$3,151.000
UCT A17	\$2,862.000	\$3,005.000	\$3,155.000	\$3,313.000	\$3,478.000
UCT A19	\$3,007.000	\$3,157.000	\$3,315.000	\$3,480.000	\$3,655.000
UCT A21	\$3,159.000	\$3,317.000	\$3,483.000	\$3,657.000	\$3,840.000
UCT A23	\$3,319.000	\$3,485.000	\$3,659.000	\$3,842.000	\$4,034.000
UCT A24	\$3,402.000	\$3,572.000	\$3,750.000	\$3,938.000	\$4,135.000
UCT A25	\$3,487.000	\$3,661.000	\$3,844.000	\$4,036.000	\$4,238.000
UCT A26	\$3,574.000	\$3,753.000	\$3,940.000	\$4,137.000	\$4,344.000
UCT A27	\$3,663.000	\$3,846.000	\$4,039.000	\$4,241.000	\$4,453.000
UCT A28	\$3,755.000	\$3,943.000	\$4,140.000	\$4,347.000	\$4,564.000
UCT A29	\$3,849.000	\$4,041.000	\$4,243.000	\$4,455.000	\$4,678.000
UCT A30	\$3,945.000	\$4,142.000	\$4,349.000	\$4,567.000	\$4,795.000
UCT A31	\$4,044.000	\$4,246.000	\$4,458.000	\$4,681.000	\$4,915.000

GRADE	Step 1	Step 2	Step 3	Step 4	Step 5
UCT A33	\$4,248.000	\$4,461.000	\$4,684.000	\$4,918.000	\$5,164.000
UCT A34	\$4,354.000	\$4,572.000	\$4,801.000	\$5,041.000	\$5,293.000
UCT A35	\$4,463.000	\$4,686.000	\$4,921.000	\$5,167.000	\$5,425.000
UCT A36	\$4,575.000	\$4,804.000	\$5,044.000	\$5,296.000	\$5,561.000
UCT A37	\$4,689.000	\$4,924.000	\$5,170.000	\$5,428.000	\$5,700.000
UCT A38	\$4,806.000	\$5,047.000	\$5,299.000	\$5,564.000	\$5,842.000
UCT A40	\$5,050.000	\$5,302.000	\$5,567.000	\$5,846.000	\$6,138.000
UCT A42	\$5,305.000	\$5,571.000	\$5,849.000	\$6,142.000	\$6,449.000
UCT A43	\$5,438.000	\$5,710.000	\$5,995.000	\$6,295.000	\$6,610.000
UCT A44	\$5,574.000	\$5,853.000	\$6,145.000	\$6,453.000	\$6,775.000
UCT A46	\$5,856.000	\$6,149.000	\$6,456.000	\$6,779.000	\$7,118.000
UCT A50	\$6,464.000	\$6,787.000	\$7,127.000	\$7,483.000	\$7,857.000
UCT A54	\$7,135.000	\$7,492.000	\$7,867.000	\$8,260.000	\$8,673.000

RESOLUTION NO. 2017-110

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING AND RE-ESTABLISHING THE
UNCLASSIFIED SALARY BANDS FOR CERTAIN
POSITIONS IN THE MANAGEMENT GROUP

WHEREAS, the compensation for the unclassified group of City employees is established by the City Council from time to time; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to amend and readopt the salary bands established by Resolution No. 2017-02.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the salary bands set forth in Exhibit "A," attached and incorporated by this reference, for the positions listed are established.
3. That this Resolution supersedes Resolution No. 2017-02.

MANAGEMENT UNCLASSIFIED SALARY BANDS

Band 32 \$13,699 - \$18,494

Assistant City Manager

Band 31 \$13,047 - \$17,613

Assistant City Attorney

Band 30 \$12,426 - \$16,775

Chief of Police

Fire Chief

Band 29 \$11,833 - \$15,975

Band 28 \$11,271 - \$15,215

Band 27 \$10,733 - \$14,490

Director of Administrative Services

Director of Utilities

Band 26 \$10,222 - \$13,800

Director of Community Development

Director of Engineering Services/City Engineer

Director of Information Systems

Director of Public Works

Fire Division Chief

Police Captain

Band 25 \$9,736 - \$13,144

Band 24 \$9,272 - \$12,518

Director of Library & Community Services

Police Lieutenant

Band 23 \$8,831 - \$11,921

Assistant Director of Finance

Assistant Director of Planning

City Clerk

Deputy Director of Utilities/Construction & Engineering

Deputy Director of Utilities/Wastewater

Deputy Director of Utilities/Water

Fire Battalion Chief

Band 22 \$8,410 - \$11,354

Fire Marshal

Senior Deputy City Attorney

Band 21 \$8,010 - \$10,813

Assistant City Engineer

Building Official

Utilities Maintenance Superintendent

Wastewater Treatment Plant Superintendent

Water Treatment Plant Superintendent

Band 20 \$7,629 - \$10,298

Assistant Director of Community Services

Deputy Director of Planning

Deputy Director of Public Works/Maintenance

Band 19 \$7,265 - \$9,808

Human Resources Manager

Laboratory Superintendent

Network Manager

Principal Engineer

Principal Planner

Real Property Manager

Risk & Safety Manager

Band 18 \$6,919 - \$9,341

Applications Development Manager

Budget Manager

Code Enforcement Manager

Economic Development Manager

Finance Manager

Housing & Neighborhood Services Manager

Revenue Manager

Senior Engineer

Treasury Manager

Water Distribution Superintendent

Band 17 \$6,589 - \$8,896

Deputy City Attorney II

Environmental Programs Manager

Public Safety Communications Manager

Band 16 \$6,276 - \$8,473

Deputy Building Official

Design & Construction Project Manager

Environmental Programs Manager/Utilities

Investment Officer II

Utilities Construction Project Manager

Band 15 \$5,977 - \$8,069

Building Maintenance Superintendent

Deputy City Attorney I

Deputy City Librarian

Fleet Maintenance Superintendent

Public Safety Systems Manager

Public Works Superintendent

Senior Network Systems Engineer

Band 14 \$5,692 - \$7,685

Assistant City Clerk
Communications Officer
Emergency/Disaster Preparedness Manager
Fire Administrative Services Manager
Geographic Information Systems Manager
Investment Officer I
Lakes & Open Space Superintendent
Police Business Manager
Senior Human Resources Analyst
Senior Planner

Band 13 \$5,422 - \$7,319

Neighborhood Services Manager
Police Services Analyst
Principal Librarian
Senior Management Analyst

Band 12 \$5,163 - \$6,970

Accountant II
Canal Superintendent
Community Services Manager
Management Analyst II

Band 11 \$4,916 - \$6,638

Human Resources Analyst II
Utilities Analyst

Band 10 \$4,683 - \$6,323

Police Records Manager
Senior Crime Analyst

Band 9 \$4,459 - \$6,021

Human Resources Analyst I
Management Analyst I
Program Administrator
Tourism & Marketing Administrator

Band 8 \$4,248 - \$5,735

Accountant I
Crime Analyst

Band 6 \$3,853 - \$5,201

Band 5 \$3,561 - \$4,808

Flat Rate Salaries

City Manager
City Attorney

Elected — Flat Rate Salaries

City Treasurer

7-19-17 reso.management.salary.bands.

RESOLUTION NO. 2017-111

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING AND REESTABLISHING THE
UNCLASSIFIED SERVICE SCHEDULE OF
THE CITY

WHEREAS, Section 19-9 of the Escondido Municipal Code provides that positions in the unclassified service shall be established by resolution of the City Council; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to amend said Unclassified Service Schedule.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the Unclassified Service Schedule on file in the Office of the City Clerk is hereby amended and re-established as set forth on Exhibit "A," which is attached and incorporated by this reference.
3. That this Resolution supercedes Resolution No. 2017-04.

UNCLASSIFIED POSITIONS – JULY 2017

1. Accountant I/II
2. Accounting Assistant I/II
3. Administrative Coordinator
4. Applications Development Manager
5. Asset Program Coordinator
6. Assistant Canal Superintendent
7. Assistant City Attorney
8. Assistant City Clerk
9. Assistant City Engineer
10. Assistant City Manager
11. Assistant Director of Community Services
12. Assistant Director of Finance
13. Assistant Director of Planning
14. Assistant Environmental Programs Specialist
15. Building Maintenance Superintendent
16. Building Official
17. Budget Manager
18. Canal Assistant I/II
19. Canal Superintendent
20. Chief of Police
21. City Clerk
22. Code Enforcement Manager
23. Collections Officer

24. Communications Officer
25. Community Services Manager
26. Control Systems Analyst
27. Crime Analyst
28. Department Aide
29. Department Assistant
30. Deputy Building Official
31. **Deputy City Attorney I/II**
32. Deputy City Clerk
33. Deputy City Librarian
34. Deputy Director of Planning
35. Deputy Director of Public Works/Maintenance
36. Deputy Director of Utilities/Construction & Engineering
37. Deputy Director of Utilities/Wastewater
38. Deputy Director of Utilities/Water
39. Design & Construction Project Manager
40. Director of Administrative Services
41. Director of Community Development
42. Director of Engineering Services/City Engineer
43. Director of Information Systems
44. Director of Library & Community Services
45. Director of Public Works
46. Director of Utilities
47. Division Coordinator

48. Economic Development Manager
49. Emergency/Disaster Preparedness Manager
50. Emergency Medical Services Program Coordinator
51. Environmental Programs Manager
52. Environmental Programs Manager/Utilities
53. Environmental Programs Specialist
54. Executive Assistant to the Chief of Police
55. Executive Assistant to the City Attorney
56. Executive Assistant to the City Manager
57. Executive Office Coordinator
58. Executive Office Specialist
59. Facilities Associate
60. Finance Manager
61. Fire Administrative Services Manager
62. Fire Battalion Chief
63. Fire Chief
64. Fire Division Chief
65. Fire Marshal
66. Fleet Maintenance Superintendent
67. Geographic Information Systems Analyst
68. Geographic Information Systems Manager
69. **Geographic Information Systems Technician I/II**
70. Housing & Neighborhood Services Manager
71. Human Resources Analyst I/II

72. Human Resources Coordinator
73. **Human Resources Manager**
74. Human Resources Technician I/II
75. Investment Officer I/II
76. Laboratory Superintendent
77. Lakes & Open Space Superintendent
78. **Latent Print & Evidence Specialist**
79. **Latent Print Specialist**
80. Legal Assistant
81. Legal Secretary
82. Maintenance & Operations Coordinator
83. Management Analyst I/II
84. Neighborhood Services Manager
85. Network Administrator
86. Network Manager
87. Network Systems Engineer
88. Network Systems Technician I/II/III
89. Payroll Analyst
90. Payroll Technician I/II
91. Police Business Manager
92. Police Captain
93. Police Lieutenant
94. Police Projects Specialist
95. Police Records Manager

96. Police Services Analyst
97. Principal Engineer
98. Principal Librarian
99. Principal Planner
100. Program Administrator
101. Programmer Analyst I/II
102. Public Safety Communications Manager
103. Public Safety Systems Analyst
104. Public Safety Systems Manager
105. Public Works Superintendent
106. Publications Coordinator I/II
107. Real Property Manager
108. Revenue Manager
109. Risk & Safety Coordinator
110. Risk & Safety Manager
111. Senior Accounting Assistant
112. Senior Crime Analyst
113. Senior Deputy City Attorney
114. Senior Engineer
115. Senior Environmental Programs Specialist
116. Senior Human Resources Analyst
117. Senior Legal Assistant
118. Senior Management Analyst
119. Senior Network Systems Engineer

- 120. Senior Planner
- 121. Senior Safety Analyst
- 122. Systems Analyst I/II
- 123. Telecommunications Specialist
- 124. Tourism & Marketing Administrator
- 125. Treasury Manager
- 126. Utilities Analyst
- 127. **Utilities Construction Coordinator**
- 128. Utilities Construction Project Manager
- 129. Utilities Maintenance Superintendent
- 130. Wastewater Treatment Plant Superintendent
- 131. Water Distribution Superintendent
- 132. Water Treatment Plant Superintendent
- 133. Web Design Technician I/II

7-19-2017

CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ file No. _____

Ord No. _____

Agenda Item No.: 7

Date: July 19, 2017

TO: Honorable Mayor and Members of the City Council
FROM: Sheryl Bennett, Director of Administrative Services
SUBJECT: Memorandum of Understanding between the City of Escondido and the Escondido City Employees' Association – Administrative, Clerical, and Engineering Bargaining Unit

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2017-112, approving the execution of a Memorandum of Understanding between the City of Escondido and the Escondido City Employees' Association Administrative, Clerical, and Engineering (ACE) Bargaining Unit for a three-year term commencing July 1, 2017 through June 30, 2020.

It is also requested that City Council approve a budget adjustment appropriating \$122,315 to cover increased contract costs. Of this estimated increase, \$93,595 is General Fund monies. The Fiscal Year 2017-18 General Fund Operating Budget did not allocate funds for contract increases, but it is anticipated that budgetary savings at year end will cover these increased costs.

FISCAL ANALYSIS:

Cost to the General Fund for Fiscal Year 2017-18 is \$93,595.

PREVIOUS ACTION:

On September 28, 2016, the City Council voted to adopt the Memorandum of Understanding between the Escondido City Employees' Association ACE Bargaining Unit and the City of Escondido, for a one-year term that expired on June 30, 2017.

BACKGROUND:

City staff has met with the Escondido City Employees' Association ACE Bargaining Unit, regarding terms and conditions of Employment that expired on June 30, 2017. The attached resolution outlines changes to working conditions and compensation that the Escondido City Employees' Association ACE Bargaining Unit has agreed to during this negotiation process. Members of the ACE Bargaining Unit voted in support of the agreement.

Respectfully submitted,


Sheryl Bennett
Director of Administrative Services



CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST

Date of Request: 7/11/2017
Department: Finance
Division:
Project/Budget Manager: Joan Ryan
Name Extension
Council Date (if applicable): 7/19/2017
(attach copy of staff report)

For Finance Use Only
Log #
Fiscal Year
Budget Balances
General Fund Accts
Revenue
Interfund Transfers
Fund Balance

Table with 4 columns: Project/Account Description, Account Number, Amount of Increase, Amount of Decrease. Row 1 contains 'See Attached'.

Explanation of Request:

FY 2017-18 increased contract costs due to approval by the City Council of the Memorandum of Understanding between the City and the ACE Bargaining Unit on July 19, 2017.

APPROVALS

Handwritten signatures and dates for Department Head and Finance. Dates: 7-12-17, 7/12/17.

City Manager and City Clerk signature lines with Date labels.

Distribution (after approval): Original: Finance

City of Escondido
 Budget Adjustment Request
 Increased Contract Costs due to Council approval of ACE MOU on July 19, 2017

Account Description	Account	Fund	Dept	Amount of Increase	Amount of Decrease
Regular Full-Time	5001	001	022	15,000	
Regular Full-Time	5001	001	035	1,000	
Regular Full-Time	5001	001	102	6,000	
Regular Full-Time	5001	001	104	17,000	
Regular Full-Time	5001	001	105	1,000	
Regular Full-Time	5001	001	107	1,000	
Regular Full-Time	5001	001	200	6,000	
Regular Full-Time	5001	001	250	7,000	
Regular Full-Time	5001	001	300	4,000	
Regular Full-Time	5001	001	402	12,000	
Regular Full-Time	5001	001	407	2,000	
Regular Full-Time	5001	001	500	11,000	
Regular Full-Time	5001	001	600	5,000	
Regular Full-Time	5001	112	111	1,000	
Regular Full-Time	5001	281	081	2,000	
Regular Full-Time	5001	555	410	3,000	
Regular Full-Time	5001	555	414	2,000	
Regular Full-Time	5001	558	420	12,000	
Regular Full-Time	5001	558	440	4,000	
Regular Full-Time	5001	650	450	1,000	
Regular Full-Time	5001	652	710	1,000	
Regular Full-Time	5001	653	715	1,000	
Workers Comp	5028	001	022	720	
Workers Comp	5028	001	035	50	
Workers Comp	5028	001	102	285	
Workers Comp	5028	001	104	815	
Workers Comp	5028	001	105	50	
Workers Comp	5028	001	107	50	
Workers Comp	5028	001	200	285	
Workers Comp	5028	001	250	335	
Workers Comp	5028	001	300	190	
Workers Comp	5028	001	402	575	
Workers Comp	5028	001	407	95	
Workers Comp	5028	001	500	525	
Workers Comp	5028	001	600	240	
Workers Comp	5028	112	111	50	
Workers Comp	5028	281	081	95	
Workers Comp	5028	555	410	145	
Workers Comp	5028	555	414	95	
Workers Comp	5028	558	420	575	

City of Escondido
 Budget Adjustment Request
 Increased Contract Costs due to Council approval of ACE MOU on July 19, 2017

Account Description	Account	Fund	Dept	Amount of Increase	Amount of Decrease
Workers Comp	5028	558	440	190	
Workers Comp	5028	650	450	50	
Workers Comp	5028	652	710	50	
Workers Comp	5028	653	715	50	
Other Employee Overhead	5025	001	022	235	
Other Employee Overhead	5025	001	035	15	
Other Employee Overhead	5025	001	102	95	
Other Employee Overhead	5025	001	104	265	
Other Employee Overhead	5025	001	105	15	
Other Employee Overhead	5025	001	107	15	
Other Employee Overhead	5025	001	200	95	
Other Employee Overhead	5025	001	250	110	
Other Employee Overhead	5025	001	300	65	
Other Employee Overhead	5025	001	402	185	
Other Employee Overhead	5025	001	407	30	
Other Employee Overhead	5025	001	500	175	
Other Employee Overhead	5025	001	600	80	
Other Employee Overhead	5025	112	111	15	
Other Employee Overhead	5025	281	081	30	
Other Employee Overhead	5025	555	410	45	
Other Employee Overhead	5025	555	414	30	
Other Employee Overhead	5025	558	420	190	
Other Employee Overhead	5025	558	440	65	
Other Employee Overhead	5025	650	450	15	
Other Employee Overhead	5025	652	710	15	
Other Employee Overhead	5025	653	715	15	
Fund Balance	3050	001	000		93,595
Fund Balance	3050	112	000		1,065
Fund Balance	3050	281	000		2,125
Fund Balance	3050	555	000		5,315
Fund Balance	3050	558	000		17,020
Fund Balance	3050	650	000		1,065
Fund Balance	3050	652	000		1,065
Fund Balance	3050	653	000		1,065

RESOLUTION NO. 2017-112

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE EXECUTION OF A
SUCCESSOR MEMORANDUM OF
UNDERSTANDING WITH THE ESCONDIDO
CITY EMPLOYEES' ASSOCIATION,
ADMINISTRATIVE, CLERICAL AND
ENGINEERING BARGAINING UNIT

JULY 1, 2017 – JUNE 30, 2020

WHEREAS, negotiating teams from the City of Escondido and the Escondido City Employees' Association, Administrative, Clerical and Engineering Bargaining Unit have been duly appointed and have been conducting meet-and-confer sessions with respect to matters affecting both parties; and

WHEREAS, a successor Memorandum of Understanding ("MOU") by the City of Escondido ("City") and the Escondido City Employees' Association, Administrative, Clerical and Engineering Bargaining Unit ("Association") is necessary as a result of meeting and conferring in good faith concerning wages, hours, and other terms and conditions of employment; and

WHEREAS, it is the intent of the successor MOU to provide for continuation of the harmonious relationship between the City and the Association; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve a successor MOU and certain other modifications.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.

2. The City's negotiating team is authorized to execute, on behalf of the City, a successor MOU extending the term of the MOU through June 30, 2020, and also including terms as set forth in Exhibit "A" attached to this Resolution and incorporated by this reference.

**City of Escondido
Escondido City Employees' Association
Administrative, Clerical and Engineering Bargaining Unit
Successor Memorandum of Understanding
July 1, 2017 – June 30, 2020**

1. Term: July 1, 2017 – June 30, 2020.

2. Compensation:

- a. \$1,000 stipend the first full pay period in July 2017; non PERSable
- b. \$1,000 stipend the first full pay period in July 2018; non PERSable
- c. 2.0% across-the-board increase for all employees in the bargaining unit the first full pay period in July 2019.

3. Flexible Holiday Hours

The establishment of a flexible holiday bank. The flexible holiday hours must be used within the fiscal year they are deposited. The flexible holiday hours cannot be turned in for cash value at any time, including if an employee terminates employment with the City. Flexible holiday hours cannot be rolled over from year to year. Employees must be in an active and paid status in order to receive the annual credit. Employees who are hired after the annual credit distribution will only be eligible the following fiscal year to receive this benefit.

- a. 18 hours of flexible holiday hours credited to each employee's leave banks the first pay period in July 2017.
- b. 18 hours of flexible holiday hours credited to each employee's leave banks the first pay period in July 2018.

4. Agency Shop – Maintenance of Benefits

Modification of Article XXXIX of the current MOU as described in the attachment.

5. Certification Requirements

Updated Fire Prevention Certification Language as described in the attachment. This change in criteria only applies to employees or new hires who have not been previously certified.

6. Effective Date

None of the terms are retroactive. All changes take effect upon the agreed upon effective date after the City Council adoption of the MOU.

ARTICLE XXXIX AGENCY SHOP – MAINTENANCE OF MEMBERSHIP

Employees from the Administrative, Clerical and Engineering (ACE) Unit shall participate in an Agency Shop arrangement.

- A. Employees shall have the right to voluntarily join or refrain from joining the ECEA/ACE Unit. Employees who are covered by the terms of this agreement and who choose not to join the association are required, as a condition of their employment, to pay a monthly service fee (“Agency Fee”) to the ECEA for the purpose of aiding the association in defraying costs in connection with its legal obligations and responsibilities as the Exclusive Bargaining Agent for the ECEA/ACE Unit.
- B. The Agency Fee shall be payable through payroll deduction two pay dates per month. The sum of the Agency Fee shall not exceed the membership dues paid by those employees who voluntarily choose to join the ECEA/ACE Unit. Other than payment of this Agency Fee, those employees who do not choose to join the association shall be under no further obligation or requirements of any kind from the ECEA/ACE Unit.
- C. Furthermore, as a condition of employment, all employees covered by this agreement shall ~~on the 30th day following the beginning of such employment or the effective date of this amendment to the MOU, whichever is later,~~ pay the established Agency Fee.
- D. The City and the ECEA/ACE Unit agree that the charities from which religious-objector employees paying the Agency Fee may choose for the Agency Fee proceeds to be paid, are:

~~Boys and Girls Club United~~ San Diego Humane Society
~~Community Housing of North County~~ Interfaith Community
Services
- E. The City of Escondido agrees to collect the Association dues and the Agency Fee via payroll deduction and remit to the ECEA/ACE Unit following each of the first two payroll dates of each month.
- F. The ECEA/ACE Unit agrees to remit to the charities selected by the religious-objector Agency Fee-paying employees by the 30th day of the month following the month in which the fees are received by the ECEA.

G. Considering that employees, as a condition of their employment with the City of Escondido, are required to pay the Agency Fee, and that the City of Escondido is prepared to deduct the Agency Fee from employee pay, the Escondido City Employees Association Administrative, Clerical and Engineering Unit agrees to hold the City of Escondido harmless against any liability arising from any claims, demands or other action relating to the City's compliance with the Agency Fee obligation, consistent with Government Code Section 3502.5(b)(2).

H. Maintenance of Membership: Current employees in the ACE representation unit who are now ECEA members shall remain ECEA members for the period of this Agreement; provided that an employee may withdraw from ECEA by sending a signed letter to ECEA within thirty (30) calendar days after the expiration of this Agreement. This withdrawal period is also available thirty (30) days after the ratification of an Agreement that succeeds and/or extends an existing agreement between ECEA and the City. Employees who withdraw from membership will be required to pay an Agency Fee to ECEA, as set forth above, that is not greater than ECEA dues, unless the employee is no longer eligible to be a member of ECEA/ACE. Employees who are hired after this Agreement is approved by the City Council, and who are in a job classification within a representation unit of ECEA covered by this Agreement, shall within the first pay period from the date of commencement of duties as an employee, become a member of ECEA or pay to ECEA a fee in an amount not greater than ECEA's biweekly dues; provided however, that the unit member may authorize payroll deduction for such fee.

FIRE PREVENTION SPECIALIST I/II

The Office of the State Fire Marshal is retiring the current curriculum of Prevention Certification: CSFM Prevention 3A, CSFM Prevention 3B.

It will be replaced with the following Certification Requirements:

- Plan Examiner 1A: Building Plan Review
- Plan Examiner 1B: Fire Protection and Life Safety Systems Plan Review
- Plan Examiner 1C: Hazards and Special Operations Plan Review
- Statutes and Regulations

All members who are currently not receiving certification pay for the before mentioned classes will have to complete the 4 new replacement classes to qualify and obtain certification pay.

MOU LANGUAGE

ARTICLE X CERTIFICATION AND EDUCATION INCENTIVE PAY

Maximum certification pay is limited to five percent (5.0%) regardless of certifications held by employees as stated in A through F.

- F. Fire Prevention Specialist Employees: The City will pay Fire Prevention Specialist employees incentive compensation for education and certification achievements that indicate professional competence above the level required for current classification.

Certification Requirements:

Prevention Certification:

~~CSFM Prevention 3A~~

~~CSFM Prevention 3B~~

Plan Examiner 1A: Building Plan Review

Plan Examiner 1B: Fire Protection and Life Safety Systems Plan Review

Plan Examiner 1C: Hazards and Special Operations Plan Review

Statutes and Regulations Certification

Prevention Certification Pay: \$75.00 per month

FIRE PREVENTION SPECIALIST I/II

CLASSIFICATION SPECIFICATION LANGUAGE

Education and Experience Guidelines - Any combination of education and experience that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Fire Prevention Specialist I/II

Education:

Graduation from high school or equivalent, supplemented by college level courses in fire science. An Associate Degree in Fire Science is desirable.

Fire Prevention Specialist I

Experience:

One year (full-time equivalent) of experience in fire service, building trades, code enforcement, or related field. Previous experience with plan checking is desirable.

License, Certifications and Other Requirements:

Possession of the following upon hire:

A valid Class C California Driver's License.

Fire Prevention 1A, 1B, and 1C, or Fire Inspector 1A, 1B, 1C, and 1D.

PC 832 certificate within 12 months of employment.

Fire Prevention 2A, 2B and 2C, or Fire Inspector 2A, 2B, 2C, and 2D is desirable.

Fire Investigation 1A and 1B is desirable.

Fire Prevention Specialist II

Experience:

Two years (full-time equivalent) of experience comparable to a Fire Prevention Specialist I with the City of Escondido.

License, Certifications and Other Requirements:

Possession of the following upon hire/promotion:

A valid Class C California Driver's License.

Fire Prevention 1A, 1B, and 1C, or Fire Inspector 1A, 1B, 1C, and 1D.

PC 832 certificate.

Fire Prevention 2A, 2B and 2C, or Fire Inspector 2A, 2B, 2C, and 2D

Fire Investigation 1A and 1B.

~~Fire Prevention 3A and 3B or Fire Inspector 3A and 3B is desirable.~~

Plan Examiner 1A: Building Plan Review

Plan Examiner 1B: Fire Protection and Life Safety Systems Plan Review

Plan Examiner 1C: Hazards and Special Operations Plan Review

Statutes and Regulations Certification

Fire Investigation 2A and 2B is desirable

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ file No. _____

Ord No. _____

Agenda Item No.: 8

Date: July 19, 2017

TO: Honorable Mayor and Members of the City Council
FROM: Sheryl Bennett, Director of Administrative Services
SUBJECT: Memorandum of Understanding between the City of Escondido and the Escondido City Employees' Association – Supervisory Bargaining Unit

RECOMMENDATION:

The City Council adopt Resolution No. 2017-113, approving the execution of a Memorandum of Understanding between the City of Escondido and the Escondido City Employees' Association SUP Bargaining Unit for a three-year term commencing July 1, 2017 through June 30, 2020.

It is also requested that City Council approve a budget adjustment appropriating \$52,065 to cover increased contract costs. Of this estimated increase, \$27,695 is General Fund monies. The Fiscal Year 2017-18 General Fund Operating Budget did not allocate funds for contract increases, but it is anticipated that budgetary savings at year end will cover these increased costs.

FISCAL ANALYSIS:

Cost to the General Fund for Fiscal Year 2017-18 is \$27,695.

PREVIOUS ACTION:

On September 28, 2016, the City Council voted to adopt the Memorandum of Understanding between the Escondido City Employees' Association SUP Bargaining Unit and the City of Escondido, for a one-year term that expired on June 30, 2017.

BACKGROUND:

City staff has met with the Escondido City Employees' Association SUP Bargaining Unit, regarding terms and conditions of Employment that expired on June 30, 2017. The attached resolution outlines changes to working conditions and compensation that the Escondido City Employees' Association SUP Bargaining Unit has agreed to during this negotiation process. Members of the SUP Bargaining Unit voted in support of the agreement.

Respectfully submitted,


Sheryl Bennett
Director of Administrative Services



CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST

Date of Request: 7/11/2017
Department: Finance
Division:
Project/Budget Manager: Joan Ryan
Name Extension
Council Date (if applicable): 7/19/2017
(attach copy of staff report)

For Finance Use Only
Log #
Fiscal Year
Budget Balances
General Fund Accts
Revenue
Interfund Transfers
Fund Balance

Table with 4 columns: Project/Account Description, Account Number, Amount of Increase, Amount of Decrease. Row 1: See Attached

Explanation of Request:

FY 2017-18 increased contract costs due to approval by the City Council of the Memorandum of Understanding between the City and the SUP Bargaining Unit on July 19, 2017.

APPROVALS

Department Head: [Signature] Date: 7-12-17
Finance: [Signature] Date: 7/12/17
City Manager: _____ Date: _____
City Clerk: _____ Date: _____

Distribution (after approval): Original: Finance

City of Escondido
 Budget Adjustment Request
 Increased Contract Costs due to Council approval of SUP MOU on July 19, 2017

Account Description	Account	Fund	Dept	Amount of Increase	Amount of Decrease
Regular Full-Time	5001	001	022	1,000	
Regular Full-Time	5001	001	103	2,000	
Regular Full-Time	5001	001	102	2,000	
Regular Full-Time	5001	001	104	4,000	
Regular Full-Time	5001	001	105	1,000	
Regular Full-Time	5001	001	200	2,000	
Regular Full-Time	5001	001	250	3,000	
Regular Full-Time	5001	001	300	2,000	
Regular Full-Time	5001	001	402	4,000	
Regular Full-Time	5001	001	403	2,000	
Regular Full-Time	5001	001	500	2,000	
Regular Full-Time	5001	112	111	2,000	
Regular Full-Time	5001	281	081	1,000	
Regular Full-Time	5001	555	410	4,000	
Regular Full-Time	5001	555	414	2,000	
Regular Full-Time	5001	558	420	9,000	
Regular Full-Time	5001	558	440	1,000	
Regular Full-Time	5001	650	450	2,000	
Regular Full-Time	5001	652	710	1,000	
Workers Comp	5028	001	022	90	
Workers Comp	5028	001	103	185	
Workers Comp	5028	001	102	185	
Workers Comp	5028	001	104	370	
Workers Comp	5028	001	105	90	
Workers Comp	5028	001	200	185	
Workers Comp	5028	001	250	275	
Workers Comp	5028	001	300	185	
Workers Comp	5028	001	402	370	
Workers Comp	5028	001	403	185	
Workers Comp	5028	001	500	185	
Workers Comp	5028	112	111	185	
Workers Comp	5028	281	081	90	
Workers Comp	5028	555	410	370	
Workers Comp	5028	555	414	185	
Workers Comp	5028	558	420	830	
Workers Comp	5028	558	440	90	
Workers Comp	5028	650	450	185	
Workers Comp	5028	652	710	90	
Other Employee Overhead	5025	001	022	15	
Other Employee Overhead	5025	001	103	30	

City of Escondido

Budget Adjustment Request

Increased Contract Costs due to Council approval of SUP MOU on July 19, 2017

Account Description	Account	Fund	Dept	Amount of Increase	Amount of Decrease
Other Employee Overhead	5025	001	102	30	
Other Employee Overhead	5025	001	104	65	
Other Employee Overhead	5025	001	105	15	
Other Employee Overhead	5025	001	200	30	
Other Employee Overhead	5025	001	250	50	
Other Employee Overhead	5025	001	300	30	
Other Employee Overhead	5025	001	402	65	
Other Employee Overhead	5025	001	403	30	
Other Employee Overhead	5025	001	500	30	
Other Employee Overhead	5025	112	111	30	
Other Employee Overhead	5025	281	081	15	
Other Employee Overhead	5025	555	410	65	
Other Employee Overhead	5025	555	414	30	
Other Employee Overhead	5025	558	420	140	
Other Employee Overhead	5025	558	440	15	
Other Employee Overhead	5025	650	450	35	
Other Employee Overhead	5025	652	710	15	
Fund Balance	3050	001	000		27,695
Fund Balance	3050	112	000		2,215
Fund Balance	3050	281	000		1,105
Fund Balance	3050	555	000		6,650
Fund Balance	3050	558	000		11,075
Fund Balance	3050	650	000		2,220
Fund Balance	3050	652	000		1,105

RESOLUTION NO. 2017-113

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE EXECUTION OF A
SUCCESSOR MEMORANDUM OF
UNDERSTANDING WITH THE ESCONDIDO
CITY EMPLOYEES' ASSOCIATION,
SUPERVISORY BARGAINING UNIT

JULY 1, 2017 – JUNE 30, 2020

WHEREAS, negotiating teams from the City of Escondido and the Escondido City Employees' Association, Supervisory Bargaining Unit have been duly appointed and have been conducting meet-and-confer sessions with respect to matters affecting both parties; and

WHEREAS, a successor Memorandum of Understanding ("MOU") by the City of Escondido ("City") and the Escondido City Employees' Association, Supervisory Bargaining Unit ("Association") is necessary as a result of meeting and conferring in good faith concerning wages, hours, and other terms and conditions of employment; and

WHEREAS, it is the intent of the successor MOU to provide for continuation of the harmonious relationship between the City and the Association; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve a successor MOU and certain other modifications.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. The City's negotiating team is authorized to execute, on behalf of the City, a successor MOU extending the term of the MOU through June 30, 2020, and also including terms set forth in Exhibit "A" attached to this resolution and incorporated by this reference.

**City of Escondido
Escondido City Employees' Association
Supervisory Bargaining Unit
Successor Memorandum of Understanding
July 1, 2017 – June 30, 2020**

1. Term: July 1, 2017 – June 30, 2020.

2. Compensation:

- a. \$1,000 stipend the first full pay period in July 2017; non PERSable
- b. \$1,000 stipend the first full pay period in July 2018; non PERSable
- c. 2.0% across-the-board increase for all employees in the bargaining unit the first full pay period in July 2019.

3. Flexible Holiday Hours

The establishment of a flexible holiday bank. The flexible holiday hours must be used within the fiscal year they are deposited. The flexible holiday hours cannot be turned in for cash value at any time, including if an employee terminates employment with the City. Flexible holiday hours cannot be rolled over from year to year. Employees must be in an active and paid status in order to receive the annual credit. Employees who are hired after the annual credit distribution will only be eligible the following fiscal year to receive this benefit.

- a. 18 hours of flexible holiday hours credited to each employee's leave banks the first pay period in July 2017.
- b. 18 hours of flexible holiday hours credited to each employee's leave banks the first pay period in July 2018.

4. Effective Date

None of the terms are retroactive. All changes take effect upon the agreed upon effective date after the City Council adoption of the MOU.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 9
Date: July 19, 2017

TO: Honorable Mayor and Members of the City Council

FROM: Bill Martin, Director of Community Development

SUBJECT: Amendment to Article 70 (Second Dwelling Units) of the Escondido Zoning Code (AZ 16-0007)

STAFF RECOMMENDATION:

It is requested that Council introduce Ordinance No. 2017-06, which amends Article 70 (Second Dwelling Units) of the Escondido Zoning Code to bring City regulations for second dwelling units into compliance with relevant State requirements.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission voted 7-0 on June 27, 2017 to recommend approval of the proposed Zoning Code amendment.

PROJECT DESCRIPTION:

Second dwelling units, accessory apartments, accessory dwelling units, or granny flats (hereinafter collectively referred to as accessory dwelling units) provide an important source of rental housing within existing neighborhoods. An amendment to Article 70 of the Escondido Zoning Code is proposed to address new accessory dwelling unit regulations as required by State law. The Zoning Code amendment request also includes a framework to increase property owner flexibility, while balancing neighborhood compatibility. To maintain internal consistency between various sections of the Zoning Code, the request also includes minor technical amendments to Articles 6, 39, and 65.

FISCAL ANALYSIS:

None.

GENERAL PLAN ANALYSIS:

The purpose of the proposed amendment is to achieve compliance with the new State laws. Updating the ordinance will nevertheless assist in the implementation and administration of the City's Housing Element by promoting the development of accessory dwelling units. More detailed information related to specific goals and policies can be found in the attached Planning Commission Staff Report.

BACKGROUND:

The State Legislature has made recent changes in State law to expand the ways in which property owners can create accessory dwelling units. Accessory dwelling units help meet the City's affordable housing needs by providing a housing resource for seniors, families, and low- and moderate-income households. The City of Escondido already has an accessory dwelling unit ordinance in place (i.e. Article 70). A Zoning Code amendment is necessary to make sure that the City's Zoning Code is consistent with California Government Code requirements.

The first draft of the ordinance was presented to the Planning Commission on February 14, 2017. At the conclusion of that meeting, the Commission expressed numerous concerns and directed staff to return with additional information, continuing the item. City staff returned to the Planning Commission on March 14, 2017 to review separate study topics of the ordinance. The majority of the Commission expressed that the process for undertaking additional review, topic-by-topic, seemed like a good idea, but it would be best to complete the review and quickly forward a recommendation to Council. On March 14, 2017, the Planning Commission voted 6-1 (Romo opposed) to recommend approval of the first draft ordinance. Through the motion, the Commission asked the City Council to consider forming a Planning Commission subcommittee to continue the study and review of accessory dwelling unit policy-related issues. As a whole, the Commission saw value in setting up opportunities to receive additional public input and having a more informed decision-making process.

On April 26, 2017, staff presented the City Council with an outline for a draft ordinance update that would ensure that our local regulations are consistent with State law requirements. At the end of their meeting, the City Council took no action. Instead, the City Council provided direction to the Planning Commission to form a subcommittee to continue working on the ordinance.

An ad-hoc Planning Commission subcommittee was established, consisting of Commission members Cohen, Romo, and Weiler. As part of their effort, the subcommittee conducted three (3) meetings, which were held on May 9, May 22, and June 15, 2017. The third and final meeting on June 15, 2017 was open to the public. To advertise that the public was invited to attend and participate, meeting notice was: 1) placed in the local newspaper; and 2) sent to all known interested parties by email or regular mail. As a result of the notice, eight (8) community members attended. City staff facilitated the meeting, with subcommittee members in attendance to receive and consider additional public input. At the end of the meeting, it was noted that the findings of the subcommittee effort would be transmitted to the whole Planning Commission for review and consideration on June 27, 2017. Public input received at the June 15, 2017 subcommittee meeting was captured by staff and is provided as an attachment to the June 27, 2017 Planning Commission staff report.

With the conclusion of the subcommittee work, the Planning Commission was asked to take formal action on the proposed Zoning Code amendment on June 27, 2017. At the conclusion of their meeting, the Planning Commission unanimously voted in support of the proposed changes (7-0). As set forth in the proposed Ordinance 2017-06, the Zoning Code amendment proposes to modify some restrictive regulations to respond to public comment and concerns, without jeopardizing overall neighborhood compatibility.

ENVIRONMENTAL REVIEW

The proposed Zoning Code amendments are 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. 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.

PUBLIC COMMENTS:

Substantive comments regarding the subcommittee's study and/or approach have been received over the course of developing the revised ordinance.

- Oral comments were provided at the June 15, 2017 subcommittee meeting and are included in the attachment. Six speakers provided comment. Two speakers asked for a greater maximum square foot allowance for unit size, increasing the maximum size permitted from 1,000 square feet to 1,200 square feet. Two other speakers asked for clarification and the merit of owner-occupancy requirements. Other speakers asked for clarification about manufactured housing prototypes or the cost of any City-imposed utility fees.
- Oral testimony was also provided to the Planning Commission at their June 27, 2017 meeting, and are provided in the attachments. One speaker, Gwen Field, noted that she was pleased to see the responsive changes. She asked for clarification on the personal storage requirements and also wanted to express interest in allowing up to 1,200 square feet for a maximum unit size. June 27, 2017 Planning Commission meeting minutes are attached. The speaker provided a similar oral comment to the subcommittee at the June 15, 2017 meeting.
- Written communications were provided during the course of the subcommittee's study. Letters/emails were received by Christian Maehler on May 1, 2017; Roy Garrett on May 8, 2017; and Michael Collom on June 19, 2017. The concerns expressed in these written communications focus on street parking impacts, owner occupancy requirements, and minimum lot size requirements. As of this writing, no new correspondences have been received from the public.

ANALYSIS:

Accessory dwelling units have become an important component of the housing stock in many communities, both large and small. By providing housing on existing lots in developed neighborhoods, accessory dwelling units are a form of land use that makes good use of land and public infrastructure investment. As stated within the proposed text amendment, accessory dwelling units shall be subject to compliance with the underlying zoning ordinance, which includes any applicable overlay zoning districts; and any other local ordinance or specific plan, unless superseded by State law. For more information about requirements of State law and how it measures against our existing and proposed local zoning code standards, please refer to the April 26, 2017 Agenda Report, which can be accessed online through the link below.

<https://www.escondido.org/Data/Sites/1/media/agendas/Council/2017/4-26-17CCAgendaPacket.pdf>

In response to public comments received throughout the course of this Zoning Code amendment process and with the approval of the full Planning Commission, draft Ordinance 2017-06 is proposed to change where accessory dwelling units may be permitted and impose less stringent standards on accessory dwelling units proposed on larger lots. The overall purpose of these changes is to increase property owner flexibility, while maintaining neighborhood compatibility. The subcommittee's approach and suggested edits are provided below.

ADU ELIGIBILITY

- Only permitted on single-family residential lots 8,000 SF or larger (EXCEPTING Old Escondido Neighborhood properties that have public street and alley access).

Staff comments: The subcommittee developed this to help protect the stability and character of the higher density and smaller-lot, single-family neighborhoods.

GARAGE CONVERSIONS

- Mitigate the loss of storage with 80 cubic feet of accessible storage space for the primary unit and 80 cubic feet for the accessory dwelling unit (i.e. 160 cubic feet total).

Staff comments: New multi-family residential projects require 80 cubic square feet per unit. Currently, there is no requirement that single-family homes need to provide storage. This is because new single-family homes provide covered parking in accordance with local code requirements – and in most cases, a two-car garage can accommodate both parking and storage of personal items. Therefore, the loss of a private garage space also results in a loss of private storage space. Because many garage conversions offer a low-cost alternative to accessory dwelling unit production, this approach increases the cost and, therefore, could discourage some conversions.

PARKING LOCATION ON LOT

- Make reference to driveway and surface improvement standards in the zoning code, which regulated yard parking supplemental parking spaces in some areas.
 - No person shall stop, stand, park a vehicle on a residential front yard or corner lot side yard abutting a street.
 - Supplemental parking spaces shall connect to the required driveway and be placed between the driveway and the closest interior side property line.
 - Total curb cut shall not exceed 40 percent of the street frontage

Staff comments: The typical requirement is for one additional on-site parking space for the accessory dwelling unit. Under recent State law changes, off street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking

in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. The purpose of this change is to identify where parking may be provided on-site.

ATTACHED VS. DETACHED

- Attached required for less than 10,000 SF lot (may be detached on properties with public street and alley access).
- Detached must have 10,000 SF lot or larger.

Staff comments: This is to demonstrate that the accessory dwelling unit will not significantly affect the appearance or stability of the single-family dwelling neighborhood.

ACCESSORY DWELLING UNIT SIZE

- Less than 10,000 SF lot = 500 SF max.
 - 10,001 – 15,000 SF lot = 640 SF max.
 - 15,001 – 20,000 SF lot = 800 SF max.
 - 20,001 SF or greater = 1,000 SF max.
- (Floor area of ADU also cannot exceed more than 50 percent of existing living area of primary residence on-site)

Staff comments: There are several areas within this ordinance that can be tailored to ensure that the appearance of neighborhoods are not substantially affected, including limitations on floor area, number of bedrooms, setbacks, ingress/egress location, and ensuring that accessory dwelling units are installed only in owner-occupied houses. The purpose of stating a maximum floor area is to ensure that the unit remains subordinate to the single-family dwelling.

NUMBER OF BEDROOMS

- Less than 800 SF unit = one max.
- More than 800 SF unit = two max.

Staff comments: This provision is to ensure that accessory dwelling units remain ancillary to the principal single-family dwelling. This indirectly limits the number of persons per household that would be expected to reside in an accessory dwelling unit, which will also potentially help reduce the number of additional vehicles associated with a property.

OWNER OCCUPIED

- Continue with deed restriction requirement as proposed.

Staff comments: Accessory dwelling units are a relatively rare circumstance in most communities, but can be very important to the homeowner that needs this option. This provision is to ensure that accessory dwelling units remain ancillary to the principal single-family dwelling and to discourage speculators from converting single-family neighborhoods to duplex rental neighborhoods. Other jurisdictions in North County San Diego have a similar occupancy requirement.

SEPARATE UTILITY CONNECTION

- May be required for detached ADU's only.

Staff comments: The intent of this provision is to limit impacts on sewer and water supply systems, to the extent allowed by State law.

The latest draft ordinance reflects the consideration of all public comments received to date and is based on a full appraisal of all viewpoints expressed throughout the study of the subcommittee and independent review by the full Planning Commission. The latest draft ordinance makes a significant step towards the goal of increasing accessory dwelling unit opportunity, while balancing the expectations of community interests.

Respectfully Submitted,



Bill Martin, AICP
Director of Community Development



Mike Strong
Assistant Planning Director

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.



Mike Strong, Secretary to the Escondido
Planning Commission



Ty Paulson, Minutes Clerk

PLANNING COMMISSION

Agenda Item No.: G.3
Date: June 27, 2017

CASE NUMBER: AZ 16-0007

APPLICANT: City of Escondido

LOCATION: Citywide

TYPE OF PROJECT: Zoning Code Amendment

PROJECT DESCRIPTION: Consideration of amendments to the Escondido Zoning Code to bring City regulations of second dwelling units into compliance with relevant State requirements. No development project is proposed.

BACKGROUND/SUMMARY OF ISSUES: The City of Escondido already has an Accessory Dwelling Unit ordinance in place. Article 70 of the Zoning Code includes specified provisions regarding areas where Accessory Dwelling Units may be located and their associated standards for new construction or conversion into a legalized unit. However, Article 70 is not internally consistent with recent changes in State law or new standards set by the State. Recent changes in State law seek to reduce regulations or eliminate barriers that unreasonably restrict the ability of homeowners to create Accessory Dwelling Units in zones in which they are authorized

The first draft of the ordinance was presented to the Planning Commission on February 14, 2017. At the conclusion of that meeting, the Commission expressed numerous concerns and directed staff to return with additional information, continuing the item. City staff returned to the Planning Commission on March 14, 2017 to review separate study topics of the ordinance. (Some of the key areas of concern included garage conversions and reduced replacement parking requirements.) During the deliberation, individual commission members felt that there was still more to study and that the Commission should not complete their review and discussion of accessory dwelling unit regulations. The majority of the Commission expressed that the process for undertaking additional review, topic-by-topic, seemed like a good idea, but it would be best to complete the review and quickly forward a recommendation to Council, clearly identifying remaining concerns. At the conclusion of the Public Hearing, the Planning Commission voted 6-1 (Romo opposed) to recommend approval of the proposed Zoning Code amendment. Through the motion, the Commission asked the City Council to consider forming a Planning Commission subcommittee to continue the study and review of accessory dwelling unit policy-related issues. As a whole, the Commission saw value in setting up opportunities to receive additional public input relating to the provision of accessory dwelling units. On April 26, 2017, the City Council reviewed and considered the zone code amendment request and took no action. The City Council provided direction to the Planning Commission to form the subcommittee to continue working on the Accessory Dwelling Unit Ordinance.

The City of Escondido proposes to amend Articles 70 of the City's Zone Code to respond to and fulfill the new State-mandated requirements. In addition to meeting basic State law requirements, an ad-hoc Planning Commission subcommittee was established to help develop the ordinance to address the growing demand for accessory dwelling unit production, while balancing the expectations of community compatibility. Commissioner Weiler, Commissioner Romo, and Commissioner Cohen served on the subcommittee. As part of their effort, the subcommittee conducted three (3) meetings to develop the framework and approach to the revised ordinance. The subcommittee completed their study at their third and final meeting on June 15, 2017. The purpose of this meeting is to present a draft ordinance that reflects the subcommittee's direction. The subcommittee's suggested edits are provided in Exhibit

“B,” which also displays those portions of the Escondido zoning regulations that still need to be changed to be consistent with State law.

REASONS FOR STAFF RECOMMENDATION: Staff recommends 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, 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).
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.

Respectfully Submitted,



Mike Strong
Assistant Planning Director

ANALYSIS

ENVIRONMENTAL STATUS:

The proposed zoning code amendments are 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. 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.

Accessory Dwelling Units approved are themselves statutorily exempt from CEQA pursuant to Section 15268 (Ministerial Projects) of the CEQA Guidelines and Section 21080(b)(1) of the Public Resources Code. In addition, Accessory Dwelling Units can be found categorically exempt from CEQA pursuant to Sections 15301 and 15303 of the CEQA Guidelines, authority cited under Public Resources Code Section 21083 and 21087.

ZONING CODE AMENDMENT ANALYSIS:

At their February 14, 2017 and March 14, 2017 meetings, the Planning Commission reviewed and discussed the extent to which our local accessory dwelling unit regulations diverge from State law and identified all revisions necessary to bring the City into compliance with relevant State requirements. For more background information and analysis about the City's effort in responding to and fulfilling the requirements under revised State law, please refer to the February 14, 2017 and March 14, 2017 agenda reports.

The following analysis presents the subcommittee's methodology and approach to developing recommendations on how to revise the ordinance to address the growing demand for accessory dwelling unit production, while balancing the expectations of community compatibility.

Subcommittee Meetings

Based on the concerns expressed by the Planning Commission at their March 14, 2017 meeting, and the City Council on April 26, 2017, an ad-hoc Planning Commission subcommittee was established to develop a revised ordinance. The City Council advised staff to report back within two (2) months. As part of their effort, the subcommittee conducted three (3) meetings.

- May 9, 2017. At the first subcommittee meeting, subcommittee members reviewed existing local and State regulations and identified preliminary areas where the subcommittee would focus their study. The subcommittee also developed a critical path calendar to get through the process quickly, with opportunities for community input.
- May 22, 2017. At the second meeting, the subcommittee reviewed different policy and regulatory options and confirmed focused areas of change. The subcommittee generally identified areas of change that reflected previous public comments.

- June 15, 2017. A preliminary approach was developed for additional review and consideration. For the third and final meeting, notice was made that the public was invited to attend and participate. Eight (8) community members attended. City staff facilitated the meeting, with subcommittee members in attendance to receive and consider public input. During the meeting it was acknowledged that subcommittee members may potentially make further modifications based on public input. It was also noted that the findings of the subcommittee effort will be transmitted to the whole Planning Commission for their review and consideration. Public input was captured by staff and is provided as an attachment.

Subcommittee Approach

The analysis that follows presents the subcommittee's ultimate direction. The subcommittee's approach and suggested edits have been separated by topic and include staff's comments, which are outlined below. The subcommittee's final work, in consideration of all public comments received, is reflected in the Exhibit "B."

ADU ELIGIBILITY

- Only permitted on single-family residential lots 8,000 SF or larger (EXCEPTING Old Escondido Neighborhood properties that have public street and alley access).

Staff comments: The subcommittee developed this to help protect the stability and character of the higher density and smaller-lot, single-family neighborhoods.

GARAGE CONVERSIONS

- Mitigate the loss of storage with 80 cubic feet of accessible storage space for the primary unit and 80 cubic feet for the accessory dwelling unit (i.e. 160 cubic feet total).

Staff comments: New multi-family residential projects require 80 cubic square feet per unit. Currently, there is no requirement that single-family homes need to provide storage. This is because new single-family homes provide covered parking in accordance with local code requirements – and in most cases, a two-car garage can accommodate both parking and storage of personal items. Therefore, the loss of a private garage space also results in a loss of private storage space. Because many garage conversions offer a low-cost alternative to accessory dwelling unit production, this approach increases the cost and, therefore, would likely discourage some conversions.

PARKING LOCATION ON LOT

- Make reference to driveway and surface improvement standards in the zoning code, which regulated yard parking supplemental parking spaces in some areas.
 - No person shall stop, stand, park a vehicle on a residential front yard or corner lot side yard abutting a street.
 - Supplemental parking spaces shall connect to the required driveway and be placed between the driveway and the closest interior side property line.
 - Total curb cut shall not exceed 40 percent of the street frontage

Staff comments: The typical requirement is for one additional on-site parking space for the accessory dwelling unit. Under recent State law changes, off street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. The purpose of this change is to identify where parking may be provided on-site.

ATTACHED VS. DETACHED

- Attached required for less than 10,000 SF lot (may be detached on properties with public street and alley access).
- Detached must have 10,000 SF lot or larger.

Staff comments: This is to demonstrate that the accessory dwelling unit will not significantly affect the appearance or stability of the single-family dwelling neighborhood.

ACCESSORY DWELLING UNIT SIZE

- Less than 10,000 SF lot = 500 SF max.
- 10,001 – 15,000 SF lot = 640 SF max.
- 15,001 – 20,000 SF lot = 800 SF max.
- 20,001 SF or greater = 1,000 SF max.
(Floor area of ADU also cannot exceed more than 50 percent of existing living area of primary residence on-site)

Staff comments: There are several areas within this ordinance that can be tailored to ensure that the appearance of neighborhoods are not substantially affected, including limitations on floor area, number of bedrooms, setbacks, ingress/egress location, and ensuring that accessory dwelling units are installed only in owner-occupied houses. The purpose of stating a maximum floor area is to ensure that the unit remains subordinate to the single-family dwelling.

NUMBER OF BEDROOMS

- Less than 800 SF unit = one max.
- More than 800 SF unit = two max.

Staff comments: This provision is to ensure that accessory dwelling units remain ancillary to the principal single-family dwelling. This indirectly limits the number of persons per household that would be expected to reside in an accessory dwelling unit, which will also potentially help reduce the number of additional vehicles associated with a property.

OWNER OCCUPIED

- Continue with deed restriction requirement as proposed.

Staff comments: Accessory dwelling units are a relatively rare circumstance in most communities, but can be very important to the homeowner that needs this option. This provision is to ensure that accessory dwelling units remain ancillary to the principal single-family dwelling. Other jurisdictions in North County San Diego have a similar occupancy requirement.

SEPARATE UTILITY CONNECTION

- May be required for detached ADU's only.

Staff comments: The intent of this provision is to limit impacts on sewer and water supply systems, to the extent allowed by State law.

EXHIBIT "A"
FACTORS TO BE CONSIDERED
AZ16-0007

Zoning Code Amendment

1. The public health, safety, and welfare would not be adversely affected by the proposed Zoning Code amendments.
2. The proposed zoning code amendments would not conflict with any State law. Pursuant to Article XI, Section 7 of the California Constitution, a city may make and enforce within its limits, all police, sanitary, and other ordinances that are not in conflict with general laws. The State Legislature has made recent changes in State law to encourage the creation of Accessory Dwelling Units by easing provisions relating to unit location, parking, fees and other requirements. Pursuant to Section 65852.150 of the Government Code, Accessory Units are a valuable form of housing in California and that those units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, within existing neighborhoods. The proposed zoning code amendments will ensure that the City's Zoning Code is consistent with California Government Code requirements for Accessory Units.
3. The proposed zoning code amendments would not be detrimental to surrounding properties because the amendments involve existing development application types. The amendment would not expand or reduce the type of land uses that may be established in the City and no physical improvements are proposed as part of this zoning code amendment. Future construction of Accessory Dwelling Units must comply with any applicable laws and standards. This includes the Building Code, the Fire Code, and any property standards by-laws.
4. The proposed zoning code amendments would be consistent with the goals and policies of the General Plan because it encourages compact, efficient urban form, which makes more efficient use of existing infrastructure. It also supports increasing the stock of rental accommodation in an area by providing more housing options for extended families or for a live-in caregiver. 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.
5. The proposed zoning code amendments do not conflict with any specific plan. However, whenever a conflict exists between Article 70 and other sections of the Municipal Code, or any Specific Plan, the intent, provisions, and requirements of these proposed amendments control.

EXHIBIT "B"
PROPOSED CHANGES TO THE ZONING CODE
AZ 16-0007

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

ARTICLE 6: RESIDENTIAL ZONES

Revise Section 33-102 as set forth below.

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

Revise Section 33-103 as set forth below.

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

ARTICLE 39: OFF-STREET PARKING

Revise the *Second dwelling unit* use category in Section 33-765 to *Accessory dwelling unit* [emphasis added to former and latter categories], and revise note as set forth below.

One (1) parking space for the unit, in addition to those spaces required by this section for the primary residential use in accordance with section 33-1474 of Article 70. All spaces shall be located on-site.

ARTICLE 65: OLD ESCONDIDO NEIGHBORHOOD

Revise Section 33-1373 (b) as set forth below.

~~Second~~Accessory dwelling units as defined in section 33-8, are permitted subject to a ~~second~~an accessory dwelling unit permit in conformance with Article 70 of this chapter.

ARTICLE 70: SECOND DWELLING UNIT

Replace Article title from *Second Dwelling Units* to *Accessory Dwelling Units* [emphasis added to former and latter titles]. A similar change shall be made, without limitation, to any and all Municipal Code and/or Zoning Code table of contents or charts that reference this article title.

Revise Section 33-1470, Purpose and Intent.

The purpose of this article is to provide regulations for the establishment of ~~second~~accessory dwelling units in residential zones. The intent of the article is to provide affordable housing in areas where adequate public facilities and services are available, and where impacts upon the residential neighborhoods directly affected would be minimized. Notwithstanding the intent of California Government Code Section 65852.2, should any provision of this article be found not to be in compliance with State law, that provision should be severed and stricken from Article 70 as if it had never been adopted. ~~Second dwelling units shall be designed to minimize the effect of the new second dwelling unit on adjacent properties, any potential impacts shall be oriented to the primary residence.~~

Section 33-1471, Definition.

Delete section title and content. Reserve section number for future use.

Revise Section 33-1472, Permitted zones, as set forth below.

~~Second~~Accessory dwelling units shall be permitted in the RA, RE, R1, R2, R3 and R4 zones on properties with only one (1) single-family residence on the lot, subject to the approval of an ~~second~~accessory dwelling unit permit. ~~Second~~Accessory dwelling units within the Old Escondido Neighborhood shall observe the same standards and review procedures required of similar building expansions in that neighborhood. ~~Second~~Accessory dwelling units shall not be permitted on property developed in a planned development zone or as a part of a planned unit approval, unless approved as a part of the original PD or PUA and the subject lot is not less than six thousand (6,000) square feet in size.

Revise Section 33-1473, Occupancy limitations, as set forth below.

- (a) Owner-occupied. The owner of the property shall reside on the parcel on which the ~~second~~accessory dwelling unit is located. The ~~second~~accessory dwelling unit is not intended for sale, except in conjunction with the sale of the primary residence and property.
- (b) Deed restriction. Building permits will not be issued for the establishment of an ~~second~~accessory dwelling unit or its occupancy prior to the applicant's submittal of evidence that a deed restriction, which sets forth the occupancy limitations prescribed by the ordinance, has been filed with the county recorder. This deed restriction shall run with the land; inure to the benefit of the city as well as to the benefit of the other residential property owners within the subdivision; and, be coterminous in tenure with the life of the ~~second~~accessory dwelling unit.

Revise Section 33-1474, Development standards, as set forth below.

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

- (a) Lot area. Construction of one accessory dwelling unit shall be permitted, subject to the following minimum parcel standards.
 - (1) The minimum lot size for the development of an accessory dwelling unit is 8,000 square feet if the permit application involves the construction of a new structure or an exterior addition to an existing structure.
 - (2) There is no minimum lot size requirement for the development of an accessory dwelling unit within the Old Escondido Neighborhood on properties that have public street and alley access.
 - (3) Notwithstanding subdivisions (1) and (2), ~~Second~~accessory dwelling units may be constructed on any legal lot in a residential zone provided all requirements of this article and the zoning and building codes are met and the unit is located entirely within the building envelop of a single-family dwelling or detached accessory structure and involves no expansion of the existing structure.
- (b) Number of bedrooms. For units 800 square feet or less, aA maximum of one (1) bedroom shall be permitted. Two bedrooms may be permitted if the living area of the accessory dwelling unit exceeds 800 square feet. No more than two bedrooms shall be permitted.
- (c) Location on lot. ~~Second~~accessory dwelling units must be physically attached to the primary structure by a substantial contiguous wall and shall also have access from the primary structure except ~~second~~ dwelling units proposed in the Old Escondido Neighborhood historic district where ~~second~~ units may be detached when the unit is accessed from an alley or located over a detached garage. An accessory dwelling unit may be established within the existing interior of a single-family residence, or attached as an addition to a single-family residence, or established as a new detached structure. With the exception of properties located within the Old Escondido Neighborhood historic district, the minimum lot area for the construction of a detached accessory dwelling unit is 10,000 square feet. Attached accessory dwelling units shall have an independent, exterior access.
- (d) Setbacks. Accessory dwelling units shall conform to the setback requirements of the underlying residential zone for the primary structure.

(1) An accessory dwelling unit proposed to be constructed above an existing detached accessory structure shall have a minimum five-foot setback to side and rear property lines.

- (e) Maximum unit size. For lots less than ten thousand (10,000) square feet, attached second dwelling units shall not exceed five hundred (500) square feet. For lots over (10,000) square feet, second dwelling units shall not exceed six hundred forty (640) square feet. The maximum accessory dwelling unit size is determined by the size of the lot as provided in Table 33-1474. The living area of the accessory dwelling unit shall not exceed more than fifty percent of the existing living area of the primary residence.

Table 33-1474

<u>Lot size</u>	<u>Maximum Permitted Accessory Dwelling Unit Size</u>
<u>Less than 10,000 square feet</u>	<u>500 square feet</u>
<u>10,001 to 15,000 square feet</u>	<u>640 square feet</u>
<u>15,001 to 20,000 square feet</u>	<u>800 square feet</u>
<u>> 20,000 square feet</u>	<u>1,000 square feet</u>

- (f) Minimum unit size. The minimum permitted size of a second accessory dwelling unit shall be the size of an efficiency unit as defined by the Uniform Building Code and Uniform Housing Code California Health and Safety Code. The minimum unit size of the residential zone shall not apply to the second accessory dwelling unit that is built on the same legal lot as the primary residence in compliance with all local development standards.
- (g) Height. Second Accessory dwelling units shall conform to the height limits of the zone and shall be limited to one (1) story.
- (h) Lot coverage. The entire combined area of all structures on a lot shall conform to the lot coverage limitation of the zone in which the property is located.
- (i) Parking requirements. Off-street parking for the primary dwelling shall conform to the current parking standards, as required in Article 39 of the Escondido Zoning Code and:
 - (1) One (1) additional off street parking space, covered or uncovered, shall be provided for a second accessory dwelling unit, and shall not be tandem. Parking provisions may be provided as tandem parking on an existing driveway or permitted within a setback area in accordance with Sections 28-300 and 33-110 of the Escondido Zoning Code, in locations determined to be satisfactory by the Director of Community Development, unless the Director determines that

parking in setback areas or tandem parking is not feasible based on specific site or regional topographical or fire and life safety conditions, or not permitted anywhere else in the jurisdiction.

(2) Required parking for the ~~second~~accessory dwelling unit shall be permitted in a side yard or rear yard only when said yard is abutting an alley and a minimum backup of twenty-four (24) feet is provided.

(3) Parking for the ~~second~~accessory dwelling unit shall be ~~accessible, not conflict with access and required parking for the primary structure and be located~~ to minimize impacts on adjacent properties through landscaping, a wall/fence, or other screening treatment.

(4) Notwithstanding any other law, the City will not impose parking standards for an accessory dwelling unit when the unit is located within one-half mile of public transit, located within the Old Escondido Neighborhood or when there is a car share vehicle located within one block of the unit. The City will also waive parking requirements for new accessory dwelling units when the accessory dwelling unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety.

(5) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, replacement parking may be located in any configuration on the same lot as the accessory dwelling unit.

(i) Garage conversions and personal storage. If an existing garage is converted to an accessory dwelling unit and no replacement garage space is provided, a minimum of 160 additional cubic feet of lockable, enclosable storage must be provided on the same lot to mitigate the loss of personal storage space.

(j)(k) Design of the unit. Accessory dwelling units shall be designed to minimize the effect of the new accessory dwelling unit on adjacent properties.

(1) Any potential impacts shall be oriented to the primary residence. The second dwelling unit shall not create a second front entrance visible from adjacent streets. Access doors and entry for the ~~second~~accessory dwelling unit shall not be oriented to the nearest adjacent property line or create a second "front door" that is comparable to the main entrance. The design, construction, and presence of the accessory dwelling unit shall conform with the single family character of the neighborhood.

(2) Proposed accessory dwelling units shall respect the residential scale and design character of existing homes. The accessory dwelling unit's color and materials must match those of the primary residence, maintaining compatibility with the neighborhood. The ~~planning staff~~Director shall review ~~second~~accessory dwelling unit applications to ensure the addition is integrated with the primary structure with respect to roof design, height, compatible materials, color, texture, and design details. If the accessory dwelling unit is an addition to a site with known historic resources or has been determined have historic value by the Director, all improvements shall retain the historical and/or architectural value and significance of the landmark, historical building, or historical district. The improvements shall be compatible with and retain the texture and material of the primary building(s) and/or structure(s) or its appurtenant fixtures, including signs, fences, parking, site plan, landscaping and the relationship of such features to similar features of other buildings within an historical district.

(j)(l) Addresses. The addresses of both units shall be displayed in such a manner that they are clearly seen from the street.

(m) Fire Sprinklers. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

Revise Section 33-1475, Other regulations, as set forth below.

- (a) Garage conversions. ~~Garage conversions to second~~accessory dwelling units are prohibited unless replacement covered off-street parking is provided which conforms to Article 39 of this chapter. ~~Converted garages must meet all building code requirements for a dwelling unit and provisions of the ordinance. No setback shall be required for an existing garage that is converted to an accessory dwelling unit.~~
- (b) Guest house. An attached guest house may be converted to a ~~second~~an accessory dwelling unit provided all provisions of this article and the building code and zoning code are met. A guest house and a ~~second~~an accessory dwelling unit may occur on the same lot provided the lot is over twenty thousand (20,000) square feet in area and provided the guest house does not contain kitchen facilities and is not rented. No more than one (1) ~~second~~accessory dwelling unit or no more than one (1) guest house are permitted on a lot.
- (c) The City may require a new or separate utility connection for any attached or detached accessory dwelling units that are not contained within the existing space of a single family residence or accessory structure.

Replace Section 33-1476 title from *Existing nonpermitted second units* to *Existing nonpermitted accessory units* [emphasis added to former and latter titles].

Revise Section 33-1476, Existing nonpermitted accessory units, as set forth below.

This article shall apply to all ~~second~~accessory dwelling units which exist on the date of passage of the ordinance. All units which do not have a permit, or cannot receive a permit, upon passage of the ordinance codified herein shall be considered in violation and shall be subject to code enforcement action.

Revise Section 33-1477, Application and procedure, as set forth below.

The ~~director~~Director of Community Development shall approve a ~~second dwelling unit permit for an accessory dwelling unit within 120 days of submission of a complete application,~~ unless he or she determines it is determined that such the permit does not meet the requirements of this article. The ~~director~~Director may refer any unit to the planning commission or Historic Preservation Commission prior to the ~~director's~~Director's decision for conformance with the specific criteria outlined in section 33-1474(i).

Revise Section 33-1478, Findings for approval and denial, as set forth below.

The decision to deny an application shall be in writing and shall state the reasons therefor. A permit for an accessory dwelling unit shall be issued upon a finding that all of the following have been established: ~~In granting a second dwelling unit permit, the following findings shall be established as complete without further written action:~~

- (a) Adequate public facilities and services are available;
- (b) All requirements of this article and the zoning code are met;
- (c) The project will not create a second front entrance;
- (d) The unit is integrated with the primary structure with respect to roof design, height, compatible materials, color, texture, and design details; and
- (e) The accessory dwelling unit does not create any adverse impact on any real property that is listed in the local, state, or federal Register of Historic Places.

Revise Section 33-1480, Fees, as set forth below.

- (a) Upon the filing of an permit for an accessory dwelling unit, a fee in an amount to be established by resolution of the city council shall be paid by the applicant to the city.

~~(b) Any party who appeals the director's~~ Any party who appeals the determination made by the Director of the Community Development shall submit an appeal processing fee as determined by the city council.

~~(b) For purposes of determining building permit fees, a second dwelling unit shall be considered a room addition and shall not be subject to subarea facilities plan fees.~~

(c) The City may require a new or separate utility connection directly between the accessory dwelling unit and the utility. The connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system.



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

NOTICE OF SUBCOMMITTEE MEETING

In 2016, the State of California adopted three laws pertaining to the development of second dwelling units in conjunction with single-family dwellings. Existing state regulations were modified, including referring to such units as “accessory dwelling units,” which are independent, complete living facilities located on the same parcel as a primary, single-family dwelling. Local jurisdictions may allow development of accessory dwelling units under the state regulations without adopting a local ordinance, or may adopt a local ordinance in compliance with the state regulations.

The City of Escondido is currently evaluating the Escondido Zoning Code (EZC) and other potential local regulations to determine how best to comply with recent State law changes. An ad-hoc Planning Commission Subcommittee was formed by the City Council of Escondido to discuss policy options that can be used to strengthen and clarify local accessory dwelling unit regulations. The subcommittee has met twice recently to review state law changes, current code requirements, and develop a policy approach. This is notice that the public is invited to attend and participate in the third and final ad-hoc Planning Commission Subcommittee meeting in the Mitchell Room Escondido City Hall, 201 N. Broadway, Escondido, California at 6:30 p.m., Thursday evening, June 15, 2017.

Meeting Type:	Ad-Hoc Planning Commission Subcommittee Meeting
Purpose:	To discuss accessory dwelling unit regulation
Date:	June 15, 2017
Time:	6:30 to 8:00 PM
Location:	Mitchell Room, 201 North Broadway, Escondido, CA 92024

To view documents related to this meeting, please visit the Planning Division Counter at the address listed above; or call Mike Strong, Assistant Planning Director, at 760-839-4556.

Please note, the findings of the ad hoc subcommittee effort will be transmitted to whole Planning Commission for their review and consideration at a Public Hearing. The Subcommittee finds it important to receive public feedback prior to finalizing their recommendations. The Planning Commission will be asked to provide a recommendation to the City Council.

The City of Escondido recognizes its obligation to provide equal access to public services for individuals with disabilities. Please contact the American Disabilities Act (A.D.A.) coordinator (760) 839-4643 with any requests for reasonable accommodations at least 24 hours prior to the meeting. The City of Escondido does not discriminate against any person with a handicapped status. All interested persons are invited to attend.

ACCESSORY DWELLING UNIT PC SUBCOMMITTEE SIGN IN SHEET

Please sign in to be notified of upcoming Planning Commission meeting(s) or City Council meetings on Accessory Dwelling Unit Regulations. Your name and email will not be used for any other purpose in accordance with the CAN-SPAM Act.

NAME	EMAIL ADDRESS
1. <u>STAN WEILER</u>	<u>STANWEILER@NWPLANNING.COM</u>
2. <u>Kelly Crews</u>	<u>Kelly@kellycrews.com</u>
3. <u>Mike Cohen</u>	<u>Mcohen@allstarsis-sinc.com</u>
4. <u>Michael Collom</u>	<u>Michael@CollomConstruction.com</u>
5. <u>Beth Lauder</u>	<u>bethlauder@gmail.com</u>
6. <u>Gwen Field</u>	<u>gwen.field@stewart.com</u>
7. <u>ROY GARRETT</u>	<u>royandmary46@yahoo.com</u>
8. <u>DONNA DAVIS</u>	<u>donnadavis92025@gmail.com</u>
9. <u>BRIAN CARLSON</u>	<u>BRIANDEANCARLSON@gmail.com</u>
10. <u>ED SHOCKLEY</u>	<u>edShockleyConstruction@gmail.com</u>

June 15, 2017

Accessory Dwelling Unit Subcommittee

Public Comments

Donna Davis. Ms. Davis stated that she appreciated the overall effort. She suggested increasing the overall size allowance to 1,200 square feet. She inquired about the ability to attach other structures to accessory dwelling units.

Gwen Field. Ms. Field asked about the cost of utility fees and how they would be applied. Ms. Field also expressed interest in 1,200 square foot units.

Brian Carlson. Brian indicated he was at the meeting to listen and learn. He asked about manufactured housing prototypes.

Beth Lauder. Ms. Lauder had questions about the utility fees and asked whether or not new accessory dwelling units would need separate addresses. Ms. Lauder also questioned parking requirements for garage conversions and expressed interest in doing one on her property.

Roy Garrett. Mr. Garrett believes that the owner-occupant requirement is onerous. He asked if the requirement would apply to existing spaces that are converted. The owner-occupancy requirement is a difficult provision for resale and loan financing.

Kelly Crews. Ms. Crews also asked for clarification and the merit of owner-occupancy requirements.

Mike Strong

From: Bill Martin
Sent: Monday, May 01, 2017 3:16 PM
To: Mike Strong
Subject: FW: accessory dwelling units

From: John Masson
Sent: Monday, May 01, 2017 3:08 PM
To: Christian Maehler <cmaehler@gmail.com>
Cc: Jeffrey Epp <Jepp@escondido.org>; Bill Martin <bmartin@escondido.org>; Jay Petrek <jpetrek@escondido.org>
Subject: Re: accessory dwelling units

Hi Christian,

Thanks for writing to express your concerns. I feel as you do and I believe our staff does too. We have developed a working group from the Planning Commission to study the State law further and to see what we can do to control this State mandate.

The working group along with our staff will come up with recommendations for Council.

Thank you for the positive feedback on the report it app!

John Masson
Deputy Mayor
District 2

Sent from my iPhone. Please excuse typos and brevity.

On May 1, 2017, at 11:53 AM, Christian Maehler <cmaehler@gmail.com> wrote:

Hi Deputy Mayor Masson,

I was just reading about the state law about accessory dwelling units and I wanted to see how that would impact Escondido? I am a bit concerned about the impact of multiple Granny Flats springing up and Parking issues that will result from it.

I am completely in favor of Granny flats and higher density in general, but the reality is that Escondido already has an issue with multiple families living in houses and apartments that are zoned for less people.

While I understand that we must follow state law, but do we have to allow street parking in these areas? I think the best way to tackle the negative impact of additional granny flats spring up and multiple families living in single family housing and apartments is by restricting street parking.

I know Escondido already restricts overnight parking in some select areas, but perhaps we should expand it to prevent issues before they become a nuisance.

On a side note, after the rains we had a number of potholes appear and I used the new Report It app to get them fixed; it worked fantastic and the holes were filled and fixed with-in a day or two.

Great job on whom ever created it and great job on the response time.

--

Christian Maehler

*Roy Garrett
Attorney at Law
225 E. Third Ave.
Escondido, CA 92025
Ph. 760.807.2251 Fx. 760.747.3816*

MAY 08 2017

May 4, 2017

Honorable Sam Abed, Mayor
Councilpersons Masson, Morasco, Gallo, Diaz,
City Manager Jeff Epp, Community Services Director Bill Martin
City of Escondido

Re: The auxiliary dwelling ordinance (ADU) and Owner/Occ requirements

Dear Mayor Abed, Council Persons, Jeff and Mr. Martin

As I think I have stated publicly on a couple of occasions, I am in favor of allowing small units behind single family homes, particularly where there is access with alley or street and I believe that the State of California has legislated rules that require significant liberality in that regard.

There are policy, size and location questions upon which I do not opine, not because I do not have an opinion, but because I think your opinion is going to be far more informed than mine. However, there is one provision in the proposal that the planning commission reviewed and that the planning department is bringing to you that is critical and will simply negate the possibility of ADUs being built to any significant extent.

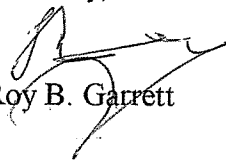
Like you, I am in favor of the concept of the owner occupant in one of the houses and I think I have said so. On further reflection, however, and having made some efforts at obtaining loans for non-owner occupied properties, I can tell you that I do not think loans upon such ADU properties will qualify in the secondary market because of the recorded deed restriction requiring an owner to live in one or the other unit in order to get a permit. The parade of horrors is fairly easy to imagine, but the gist of it is that the underwriters (not the loan officers or brokers who are anxious to make loans), will not approve any loan that cannot be sold on the secondary market or packaged in these enormous packages that fly around the world. If a lender must foreclose in order to protect and perfect its security interest, it must then sell only to an owner occupant of one structure or the other because of the deed restriction. This significantly limits the liquidity of the property, thus the liquidity of the loan, and it is therefore a non-conforming loan in the secondary market.

I suggest that you request staff to inquire of several underwriters (not just one) whether such loans will be saleable in the secondary market and whether banks will make such loans with the indefinite duration owner occupant requirement as a deed restriction.

The owner occupant requirement, although it only shows up in one paragraph of the proposal, essentially decimates the auxiliary dwelling ordinance and I do not think you will see many additional dwellings built with that deed restriction requirement. If you retain the owner/occ requirement, you will avoid the construction of ADUs city-wide, a net loss to the city of desperately needed housing.

Thank you very much for your consideration of this matter.

Sincerely,



Roy B. Garrett

Mike Strong

From: Michael Collom <Michael@collomconstruction.com>
Sent: Monday, June 19, 2017 6:23 PM
To: Mike Strong
Subject: ADU proposed Ordinance - Input on behalf of my clients

Mike,

Please include this for the subcommittee review and in the upcoming June 27, 2017 Full PC meeting:

I have had contact with a number of homeowners that are planning on aging in place with family members and/or caregivers living onsite, and needing their own space. They have expressed the financial and mental hardships of having to make other arrangements if they are not able to age in their long-term homes. All but one of the requests has been to add second story one bedroom over the existing single family residences, not detached units. I have gone back and reviewed their lot sizes and with the June 15, 2017 Preliminary Subcommittee Approach (DRAFT) of minimum lot size of 8,000 sq. ft., all of them will be excluded and will need to find an alternative plan.

We would like to see a provision for second story ADU over existing footprint by using the existing lot coverage ratio for lots between 6,500 to 8,000 sq. ft. instead of the proposed minimum 8,000 sq. ft. lot size... However, we do recognize and agree with limiting the impact on detached units to the 8,000 sq. ft. minimum lot size. This would help our aging citizens a more common form of mutigenerational living.

Thank you for your consideration for our aging community.

Sincerely,

Michael Collom, CEO, RMO
COLLOM CONSTRUCTION, INC.
Michael@CollomConstruction.com
(619) 660-8282 office / (619) 660-8444 fax
State License 641493
EPA Lead-Safe NAT-29884-2
State of Ca. SB Certification #: 1158042



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Mike Strong

From: Anne Carroll <arcarroll@sbcglobal.net>
Sent: Monday, June 19, 2017 12:00 PM
To: Mike Strong; info@collomconstruction.com
Subject: ADU new codes

The increase from lot size of 6950 to 8000 sq ft Will keep me and a lot of other low and middle wage people from qualifying. Most new and up to 27 year old homes are built on smaller lots and getting smaller every year and the ones needing the ADU space are to be dropped out with your new requirements. Is that fair? I find myself with a lot size of 7241 sq ft when your prior size fit my situation and because the code did not recognize the garage ceiling as being attached as only a wall can be used I was not able to proceed.

My plan was for a 415 sq ft 1 bed apartment over the garage to have for a caregiver when the time comes but to rent until that time. When a caregiver is needed I can move to the apartment by installing a motorized seat on the stairs and give my 1152 sq ft house as partial payment if needed the bigger size and have less money payment for services or if she/he only needs the small apartment then we have the ability to do that.

I am working now and it is getting harder as I'm 84 years old and it is getting harder all the time and income would not allow me stay in my home and have help.

The whole idea of changing the codes are to ease things for housing and making the lot size larger even though the add on is only a garage second story and not changing the lot or being a partial 2 story where there are no others. I am now surrounded by 2 story homes. I'm a block from transportation, 2 from fire house and 2 to highway 15. I have a tankless hot water system, led lights, solar lap pool covered with acrylic folding cover for heat and water retention. Thereby low usage of all utilities. This addition will be a very light step on all resources and surrounding areas and will be my ability to die in place instead of welfare to a nursing home.

Please leave the lot size as it is now at 6950 sq ft or if you must go higher use your 8000 for units using up lots with added buildings.

Thank you for your consideration, Anne Carroll
760-839-0800

PLANNING COMMISSION

Agenda Item No.: G.1
Date: March 14, 2017

CASE NUMBER: AZ 16-0007
APPLICANT: City of Escondido
LOCATION: Citywide
TYPE OF PROJECT: Zoning Code Amendment

PROJECT DESCRIPTION: Consideration of amendments to the Escondido Zoning Code to bring City regulations of second dwelling units into compliance with relevant State requirements. No development project is proposed.

BACKGROUND/SUMMARY OF ISSUES: Article 70 of the Escondido Zoning Code is being updated to address new accessory unit regulations as required by State law. To maintain internal consistency between various code sections of the Zoning Code, the request also includes amendments to Article 1, 7, 8, 10, 12, 13, 14, 39, and 65. The Planning Commission opened the Public Hearing on February 14, 2017, reviewed and considered the request, and continued the Public Hearing to March 14, 2017 to continue discussion of the draft ordinance.

During the commission's deliberations, the Commission identified areas of concern, where additional discussion was needed. Attachment "PC-2" has been provided to follow-up on that request to facilitate the commission's review of the amendment request and to encourage additional oral and written input from the public on how best to amend the code in light of the new State laws. This attachment can be used to help organize the Planning Commission's review of "standing" policy-related issues. The February 14th staff report and draft ordinance is included as Attachment "PC-1."

As set forth, the Commission will be asked to open the continued public hearing, receive testimony, discuss any policy-related issues, review and consider the draft ordinance, and forward a recommendation to the City Council.

ATTACHMENTS:

PC-1 Planning Commission staff report and draft ordinance, dated February 14, 2017
PC-2 Areas of additional study/discussion

Respectfully submitted,



Mike Strong
Assistant Planning Director

ATTACHMENT PC-1

**Planning Commission staff report and draft ordinance, dated
February 14, 2017**

PLANNING COMMISSION

Agenda Item No.: H.4
Date: February 14, 2017

CASE NUMBER: AZ 16-0007
APPLICANT: City of Escondido
LOCATION: Citywide
TYPE OF PROJECT: Zoning Code Amendment

PROJECT DESCRIPTION: Consideration of amendments to the Escondido Zoning Code to bring City regulations of second dwelling units into compliance with relevant State requirements. No development project is proposed.

BACKGROUND/SUMMARY OF ISSUES: Government Code Section 65852.2 (Second Dwelling Unit law) was enacted in 1982 to encourage the creation of second dwelling units throughout the State of California. Second dwelling units, accessory apartments, accessory dwelling units, or granny flats (hereinafter collectively referred to as Accessory Dwelling Units) provide an important source of rental housing within existing neighborhoods and can provide more housing options for the elderly, in-home health care providers, family members, students, and others. Despite State efforts to facilitate Second Dwelling Units, many local governments have passed ordinances that constrain their construction. Because the State Legislature wants to ease Second Dwelling Unit restrictions, several State laws were passed over the years to make it easier for homeowners to build or legalize Second Dwelling Units. These State laws were approved and enacted in 1986, 1990, 1994, 2002, and most recently in 2016.

The City of Escondido already has an Accessory Dwelling Unit ordinance in place. Article 70 of the Zoning Code includes specified provisions regarding areas where Accessory Dwelling Units may be located and their associated standards for new construction or conversion into a legalized unit. However, Article 70 is not internally consistent with recent changes in State law or new standards set by the State.

- Assembly Bill (AB) 2299 and Senate Bill (SB) 1069 (Statutes of 2016) mandates easier regulatory processing of Accessory Dwelling Units by eliminating parking requirements under specified circumstances and prohibits a city or county from requiring a new or separate utility connection between the unit and the utility (or imposing a related connection fee or capacity charge). These bills also replace the term "Second Unit" or "Second Dwelling Unit" with "Accessory Dwelling Unit."

Under basic Planning and Zoning laws, the implementation of city and county ordinances must be carried out consistent with relevant State or Federal laws. In response to these recent State law changes, cities and counties across California will be revising their regulations, consistent with the new requirements and/or the new limitations of the Government Code.

The City of Escondido proposes to amend Articles 70 of the City's Zone Code to respond to and fulfill the new State-mandated requirements. Other factors to be considered as part of the amendment request are included as Exhibit "A" to this Staff Report. Exhibit "B" displays those portions of the Escondido zoning regulations that are proposed to be changed. The changes are listed in order by section number, with ~~strikeout~~ typeface illustrating deletions, and underlined typeface illustrating new text.

REASONS FOR STAFF RECOMMENDATION: Staff recommends approval of the proposed Resolution, recommending that the City Council adopt, with any suggested edits, amendments to Articles 1, 7, 8, 10, 12, 13, 14, 39, 65, and 70 of the Zoning Code, 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. (Any local ordinance adopted prior to January 1, 2017 that is not in compliance with the changes to Accessory Dwelling Unit law are null and void.)
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).
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.

Respectfully Submitted,



Mike Strong
Assistant Planning Director

ANALYSIS

ENVIRONMENTAL STATUS:

The proposed zoning code amendments are 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. 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.

Accessory Dwelling Units approved are themselves statutorily exempt from CEQA pursuant to Section 15268 (Ministerial Projects) of the CEQA Guidelines and Section 21080(b)(1) of the Public Resources Code. In addition, Accessory Dwelling Units can be found categorically exempt from CEQA pursuant to Sections 15301 and 15303 of the CEQA Guidelines, authority cited under Public Resources Code Section 21083 and 21087.

ZONING CODE AMENDMENT ANALYSIS:

In 2016 the legislature passed Assembly Bill (AB) 2299 and Senate Bill (SB) 1069, requiring more simple and inexpensive permitting processes for Accessory Dwelling Units (also known as ADUs, accessory apartments, second dwelling units, or granny flats). Accessory Dwelling Units include a new dwelling unit built on the same property as an existing home. It could also consist of the conversion of part of an existing dwelling or accessory structure, like a garage.

For simplicity, the following table highlights some of the recent changes to State law and provides a reference link to the full text of the three bills.

Bill Number and Author	Bill Summary
<u>AB 2299 (Bloom)</u>	<ul style="list-style-type: none">• Replaces the term “second unit” with “accessory dwelling unit” throughout the law.• Changes setback rules for units constructed above a garage.• Changes the rules for garage conversions. Replacement parking may be located in any configuration on the same lot, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. <p>Full text:</p>

	http://www.leginfo.ca.gov/pub/15-16/bill/asm/ab_2251-2300/ab_2299_bill_20160927_chaptered.pdf
<u>SB 1069 (Wieckowski)</u>	<ul style="list-style-type: none"> • Provides that Accessory Dwelling Units shall not be considered new residential uses for the purposes of calculating private or public utility connection fees, including water and sewer service. • Imposes timelines for issuing permits. Requires consideration (approval or denial) within 120 days after receiving an application, unless for projects involving actions at a higher level, then the permit will also be decided upon at that higher level. • Directs agencies to impose standards, including but not limited to, parking, height, setback, lot coverage, architectural review, maximum size of the unit, and standards that prevent adverse impacts to historic property. • Accessory Dwelling Units shall not be required to provide fire sprinklers if they are not required for the primary residence. • Prohibits the imposition of parking standards under specific circumstances. <p>Full text: http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_1051-1100/sb_1069_bill_20160927_chaptered.pdf</p>

As a result of these recent State law changes and based on previous amendments to the law, City staff has determined the extent to which the Escondido Zoning Code diverges from State law and identified all revisions necessary to bring the City into compliance with relevant State requirements. Various planning documents were reviewed to ensure continued consistency and/or to support the implementation of relevant State law changes. Based on this document review, City staff recommends the following sections of the Zoning Code be updated to better align local regulations with recent changes in State law or new standards set by the State.

- Article 70 provides regulations for the establishment of Accessory Dwelling Units in residential zones. The City will continue to apply Zoning Code regulations that allow Accessory Dwelling Units by-right in the RA, RE, R1, R2, R3, and R4 residential zones, in accordance with State law. The draft changes to Article 70 represents the City's effort in responding to State law changes and fulfilling the requirements under revised State law.

Some of the more significant changes proposed to our Zoning Code are related to city permitting requirements, direct access requirements, and imposing more flexible parking standards, as summarized below.

Permitting Procedures: State law requires development applications for Accessory Dwelling Units to be considered ministerially within 120 days of application (i.e. without discretionary review or a hearing). The permit process must apply predictable, fixed, and clear standards. These standards must be administratively applied to the application and may not subject to discretionary decision-making. Currently, the City of Escondido requires special review by a “second dwelling unit permit.” However, there should be no local legislative, quasi-legislative or discretionary consideration of the application, except provisions for authorizing an administrative appeal of a decision.

Access: The proposed zoning code amendments allow Accessory Dwelling Units to be more “independent” from the primary, single-family residence. Currently, the zoning code requires Accessory Dwelling Units to have direct access from the living area of the primary structure. The proposed zoning code amendment would remove this requirement and instead require independent exterior access. However, the code would continue to require Accessory Dwelling Units to be attached to the primary residence - except in the Old Escondido Neighborhood historic district, where Accessory Dwelling Units may be detached when the unit is accessed from an alley or located over a detached garage.

Parking: The proposed zoning amendment reduces parking requirements for Accessory Dwelling Units. Off street parking is permitted through tandem parking on an existing driveway. Setbacks are not be required when a garage is converted or when existing space (e.g., game room or office) above a garage is converted. Rear and side yard setbacks of no more than five feet are required when new space is added above a garage for an Accessory Dwelling Unit, which conflicts with existing rules in some residential zones. In this case, the setbacks only apply to the added space above the garage, not the existing garage and the Accessory Dwelling Unit can be constructed wholly or partly above the garage, including extending beyond the garage walls. Also, when a garage, carport or covered parking structure is demolished, the replacement parking must be allowed in any “configuration” on the lot, including covered spaces, uncovered spaces, or tandem spaces.

- Minor technical changes to other sections of the Zoning Code are necessary to make sure our local code is internally consistent through references and meanings in its entirety.
 - Article 1 includes a list of Zoning Code-related meanings and definitions. AB 2299 replaces the term “second unit” with “accessory dwelling unit” throughout the law, requiring cities and counties to do the same. Similarly,

Article 1 is proposed to be amended to replace the term “second unit” with accessory dwelling unit.”

- Articles 7, 8, 10, 12, 13, and 14 address permitted uses and development regulations in residential zones ranging from Residential Agriculture (RA) to Heavy Multiple Residential Zone (R4). Because the term “second unit” would be replaced by “accessory dwelling unit” elsewhere in the Zoning Code, Articles 7, 8, 10, 12, 13, and 14 would all have to be amended.
- Article 39 addresses off-street parking requirements for different use categories. Article 39 is proposed to be amended to replace the term “second unit” with “accessory dwelling unit.”
- Article 65 addresses permitted uses and development regulations in the Old Escondido Neighborhood District. Article 65 is proposed to be amended to replace the term “second unit” with “accessory dwelling unit.”

HOUSING ELEMENT LAW AND RHNA ANALYSIS:

There is a statutory recognition that the availability of housing is a matter of statewide importance and that cooperation between government and the private sector is critical to attainment of the State's housing goals. All California localities are required by Article 10.6 of the Government Code (Section 65580-65590) to adopt housing elements as part of their general plans, and submit draft and adopted elements to the Department of Housing and Community Development (HCD) for review of compliance with State law. Cities and counties can employ a variety of development strategies and/or commit specific program actions to address the adequate sites requirements and fulfill their Regional Housing Needs Assessment (RHNA) housing number obligations as part of the Housing Element update process.

For the 2013-2021 Housing Element cycle, the City of Escondido successfully approved a local Housing Element that was found to be in substantial conformance with State law, without the need to monitor Accessory Dwelling Unit construction and its ability to accommodate future housing in the City. Notwithstanding the status of our current Housing Element, it will be necessary to track and monitor Accessory Dwelling Unit activity moving forward.

Subsequent to the approval of this zoning code amendment, City staff will begin tracking Accessory Dwelling Unit construction to monitor the effectiveness of Escondido's efforts to promote Accessory Dwelling Units. By analyzing the housing need by income group that could be accommodated through "independent" Accessory Dwelling Unit development, cities and counties can rely on Accessory Dwelling Units as part of an overall adequate sites strategy to accommodate (a portion) of the regional housing need, which will be helpful for the City of Escondido when seeking compliance with State law (in preparation of the 2021-2028 Housing Element planning cycle). This will reduce the future need for further rezonings in the City to accommodate additional housing. Consistently maintained records between now and the start of the next planning cycle will reveal trends in Accessory Dwelling Unit construction or may support our efforts to count realistic capacity for Accessory Dwelling Unit based on an estimate of affordability at the time of occupancy.

It is important to note that discussions about Housing Element programs and other housing opportunities, such as Junior Dwelling Units, need to be addressed in the future, separately from this action. The Planning Commission need only focus on the regulatory matters before it directly related to updating Article 70 and other relevant sections of the Zoning Code, to ensure basic State law compliance.

EXHIBIT "A"
FACTORS TO BE CONSIDERED
AZ16-0007

Zoning Code Amendment

1. The public health, safety, and welfare would not be adversely affected by the proposed Zoning Code amendments.
2. The proposed zoning code amendments would not conflict with any State law. Pursuant to Article XI, Section 7 of the California Constitution, a city may make and enforce within its limits, all police, sanitary, and other ordinances that are not in conflict with general laws. The State Legislature has made recent changes in State law to encourage the creation of Accessory Dwelling Units by easing provisions relating to unit location, parking, fees and other requirements. Pursuant to Section 65852.150 of the Government Code, Accessory Units are a valuable form of housing in California and that those units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, within existing neighborhoods. The proposed zoning code amendments will ensure that the City's Zoning Code is consistent with California Government Code requirements for Accessory Units.
3. The proposed zoning code amendments would not be detrimental to surrounding properties because the amendments involve existing development application types. The amendment would not expand or reduce the type of land uses that may be established in the City and no physical improvements are proposed as part of this zoning code amendment. Future construction of Accessory Dwelling Units must comply with any applicable laws and standards. This includes the Building Code, the Fire Code, and any property standards by-laws.
4. The proposed zoning code amendments would be consistent with the goals and policies of the General Plan because it encourages compact, efficient urban form, which makes more efficient use of existing infrastructure. It also supports increasing the stock of rental accommodation in an area by providing more housing options for extended families or for a live-in caregiver. 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.
5. The proposed zoning code amendments do not conflict with any specific plan.

EXHIBIT "B"
PROPOSED CHANGES TO THE ZONING CODE
AZ16-0007

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

ARTICLE 1: GENERAL PROVISIONS AND DEFINITIONS, SECTION 33-8

Revise the existing definitions as set forth below.

Attached unit means a unit completely within an existing principal building or added to an existing principal building; provided, that both dwelling units shall be attached by a common wall, floor or ceiling, and not simply by an attached breezeway or porch; and shall be contained within one (1) building. ~~A second~~An accessory dwelling unit constructed above an existing detached garage shall be considered an attached unit.

(8) ~~Second~~Accessory dwelling means a secondary, but independent living facility, which is located or established on the same lot as the primary residence. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation. ~~A second~~An accessory dwelling unit is-could be located within the living area of the existing dwelling; attached, and a part of the main building on the premises; or located above an existing detached garage.

ARTICLE 7: RESIDENTIAL AGRICULTURE ZONE

Revise Section 33-102 as set forth below.

(r) ~~Second~~Accessory dwelling units ~~as defined in section 33-8~~ (with permit as required by section 33-1477 of Article 70);

Revise Section 33-109 (d) as set forth below.

(6) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-109 (e) as set forth below.

Required parking for ~~second~~accessory dwelling units may be provided within the side yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-110 (b) as set forth below.

(5) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-110 (c) as set forth below.

Required parking for a ~~second~~ an accessory dwelling unit may be provided within the rear yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-112 (c)(2) as set forth below.

~~A second~~ An accessory dwelling unit shall not be subject to the minimum unit size, as described in section 33-112(c)(1), but shall meet the minimum unit size requirements of the ~~Uniform Building Code and Uniform Housing~~ California Building Standards Code.

ARTICLE 8: RESIDENTIAL ESTATES ZONE

Revise Section 33-122 as set forth below.

(s) ~~Second~~ Accessory dwelling units as ~~defined in section 33-8~~ (with permit as required by section 33-1477 of Article 70.

Revise Section 33-129 (d) as set forth below.

(6) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-129 (e) as set forth below.

Required parking for a ~~second~~ an accessory dwelling unit may be provided within the side yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-130 (b) as set forth below.

(5) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-130 (c) as set forth below.

Required parking for a ~~second~~ an accessory dwelling unit may be provided within the rear yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-132 (c)(2) as set forth below.

~~A second~~An accessory dwelling unit shall not be subject to the minimum unit size, as described in section 33-132(c)(1), but shall meet the minimum unit size requirements of the ~~Uniform Building Code and Uniform Housing~~California Building Standards Code.

ARTICLE 10: SINGLE FAMILY RESIDENTIAL ZONE

Revise Section 33-162 as set forth below.

(l) ~~Second~~Accessory dwelling units as defined in section 33-8 (with permit as required by section 33-1477 of Article 70.

Revise Section 33-169 (d) as set forth below.

(5) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-169 (e) as set forth below.

Required parking for ~~second~~accessory dwelling units may be provided within the side yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-170 (b) as set forth below.

(4) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-170 (c) as set forth below.

Required parking for ~~second~~accessory dwelling units may be provided within the rear yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-173 (c)(2) as set forth below.

~~A second~~An accessory dwelling unit shall not be subject to the minimum unit size, as described in section 33-173(c)(1), but shall meet the minimum unit size requirements of the ~~Uniform Building Code and Uniform Housing~~California Building Standards Code.

ARTICLE 12: LIGHT MULTIPLE RESIDENTIAL ZONE

Revise Section 33-212 as set forth below.

(k) ~~Second~~Accessory dwelling units as defined in section 33-8 (with permit as required by section 33-1477 of Article 70.

Revise Section 33-219 (d) as set forth below.

(5) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-219 (e) as set forth below.

Required parking for a ~~second~~an accessory dwelling unit may be provided within the side yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-220 (b) as set forth below.

(4) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-220 (c) as set forth below.

Required parking for a ~~second~~an accessory dwelling unit may be provided within the rear yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-222 (d)(2) as set forth below.

~~A second~~An accessory dwelling unit shall not be subject to the minimum unit size, as described in section 33-222~~(e)(1)(d)(1)~~, but shall meet the minimum unit size requirements of the Uniform Building Code and Uniform HousingCalifornia Building Standards Code.

ARTICLE 13: MEDIUM MULTIPLE RESIDENTIAL ZONE

Revise Section 33-242 as set forth below.

(k) ~~Second~~Accessory dwelling units as defined in section 33-8 (with permit as required by section 33-1477 of Article 70.

Revise Section 33-249 (d) as set forth below.

(5) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-249 (e) as set forth below.

Required parking for a ~~second~~ accessory dwelling unit may be provided within the side yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-250 (b) as set forth below.

(4) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-250 (c) as set forth below.

Required parking for a ~~second~~ accessory dwelling unit may be provided within the rear yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-252 (d)(2) as set forth below.

~~A second~~ An accessory dwelling unit shall not be subject to the minimum unit size, as described in section 33-252~~(e)(1)(d)(1)~~, but shall meet the minimum unit size requirements of the ~~Uniform Building Code and Uniform Housing~~ California Building Standards Code.

ARTICLE 14: HEAVY MULTIPLE RESIDENTIAL ZONE

Revise Section 33-272 as set forth below.

(i) ~~Second~~ Accessory dwelling units as defined in ~~section 33-8~~ (with permit as required by section 33-1477 of Article 70.

Revise Section 33-280 (d) as set forth below.

(5) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-280 (e) as set forth below.

Required parking for a ~~second~~ accessory dwelling unit may be provided within the side yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-281 (b) as set forth below.

(4) Accessory dwelling units shall conform to the setback requirements of the underlying residential zone unless as otherwise permitted by Article 70.

Revise Section 33-281 (c) as set forth below.

Required parking for a ~~second~~ accessory dwelling unit may be provided within the rear yard setback only if said yard is adjacent to an alley and a minimum twenty-four (24)-foot back-up is maintained.

Revise Section 33-283 (e)(2) as set forth below.

~~A second~~ An accessory dwelling unit shall not be subject to the minimum unit size, as described in section 33-283(e)(1), but shall meet the minimum unit size requirements of the ~~Uniform Building Code and Uniform Housing~~ California Building Standards Code.

ARTICLE 39: OFF-STREET PARKING

Revise the *Second dwelling unit* use category in Section 33-765 to *Accessory dwelling unit* [emphasis added to former and latter categories], and revise note as set forth below.

One (1) parking space for the unit, in addition to those spaces required by this section for the primary residential use as provided by section 33-1474 of Article 70. All spaces shall be located on-site.

ARTICLE 65: OLD ESCONDIDO NEIGHBORHOOD

Revise Section 33-1373 (b) as set forth below.

~~Second~~ Accessory dwelling units as defined in section 33-8, are permitted subject to a ~~second~~ accessory dwelling unit permit in conformance with Article 70 of this chapter.

ARTICLE 70: SECOND DWELLING UNIT

Replace Article title from *Second Dwelling Units* to *Accessory Dwelling Units* [emphasis added to former and latter titles]. A similar change shall be made, without limitation, to any and all Municipal Code and/or Zoning Code table of contents or charts that reference this article title.

Revise Section 33-1470, Purpose, as set forth below.

The purpose of this article is to provide regulations for the establishment of ~~second~~ accessory dwelling units in residential zones. The intent of the article is to provide affordable housing in areas where adequate public facilities and services are available, and where impacts upon the residential neighborhoods directly affected would be

~~minimized. This article shall not be considered in the application of any local ordinance, policy, or program to limit residential growth. Second dwelling units shall be designed to minimize the effect of the new second dwelling unit on adjacent properties, any potential impacts shall be oriented to the primary residence.~~

Section 33-1471, Definition.

Delete section title and content. Reserve section number for future use.

Revise Section 33-1472, Permitted zones, as set forth below.

~~Second~~Accessory dwelling units shall be permitted in the RA, RE, R1, R2, R3 and R4 zones on properties with only one (1) single-family residence on the lot, subject to the approval of an ~~an second~~accessory dwelling unit permit. ~~Second~~Accessory dwelling units within the Old Escondido Neighborhood shall observe the same standards and review procedures required of similar building expansions in that neighborhood.

~~Second~~Accessory dwelling units shall not be permitted on property developed in a planned development zone or as a part of a planned unit approval, unless approved as a part of the original PD or PUA and the subject lot is not less than six thousand (6,000) square feet in size.

Revise Section 33-1473, Occupancy limitations, as set forth below.

(a) Owner-occupied. The owner of the property shall reside on the parcel on which the ~~second~~accessory dwelling unit is located. The ~~second~~accessory dwelling unit is not intended for sale, except in conjunction with the sale of the primary residence and property.

(b) Deed restriction. Building permits will not be issued for the establishment of an ~~second~~accessory dwelling unit or its occupancy prior to the applicant's submittal of evidence that a deed restriction, which sets forth the occupancy limitations prescribed by the ordinance, has been filed with the county recorder. This deed restriction shall run with the land; inure to the benefit of the city as well as to the benefit of the other residential property owners within the subdivision; and, be coterminous in tenure with the life of the ~~second~~accessory dwelling unit.

Revise Section 33-1474, Development standards, as set forth below.

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

(a) Lot area. ~~Second~~Accessory dwelling units may be constructed on any legal lot in a residential zone provided all requirements of this article and the zoning and building codes are met.

- (b) Number of bedrooms. A maximum of one (1) bedroom shall be permitted.
- (c) Location on lot. ~~Second~~Accessory units must be physically attached to the primary structure by a substantial contiguous shared wall ~~and shall also have access from the primary structure~~ or be located within the living area of the existing dwelling; except for ~~second~~accessory dwelling units proposed in the Old Escondido Neighborhood historic district where ~~second~~accessory units may be detached when the unit is accessed from an alley or located over a detached garage.

(1) Accessory dwelling units shall have independent exterior access.

(2) An accessory dwelling unit that is constructed above a garage must have a setback of five feet from the side and rear lot lines.

- (d) Maximum unit size. For lots less than ten thousand (10,000) square feet, attached ~~second~~accessory dwelling units shall not exceed five hundred (500) square feet. For lots over ten thousand (10,000) square feet, ~~second~~accessory dwelling units shall not exceed six hundred forty (640) square feet. The floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area of the primary residence up to a maximum of 500 square feet or 640 square feet based on lot size.

- (e) Minimum unit size. The minimum permitted size of a ~~Second~~an accessory dwelling unit shall be defined by the ~~Uniform Building Code and Uniform Housing Code~~ California Building Standards Code. The minimum unit size of the residential zone shall not apply to the ~~second~~accessory dwelling unit that is built on the same legal lot as the primary residence in compliance with all local development standards.

- (f) Height. ~~Second~~Accessory dwelling units shall conform to the height limits of the zone ~~and shall be limited to one (1) story.~~

- (g) Lot coverage. The entire lot shall conform to the lot coverage limitation of the zone in which the property is located.

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

(1) One (1) additional off street parking space, covered or uncovered, shall be provided for a ~~second~~an accessory dwelling unit, and shall not be tandem. Parking provisions may be provided as tandem parking on an existing driveway

or permitted within a setback area, in locations determined to be satisfactory by the Director of Community Development, unless the Director determines that parking in setback areas or tandem parking is not feasible based on specific site or regional topographical or fire and life safety conditions, or not permitted anywhere else in the jurisdiction.

(2) Required parking for the ~~second~~accessory dwelling unit shall be permitted in a side yard or rear yard only when said yard is abutting an alley and a minimum backup of twenty-four (24) feet is provided.

(3) Parking for the ~~second~~accessory dwelling unit shall be accessible,~~not conflict with access and required parking for the primary structure~~ and be located to minimize impacts on adjacent properties.

(4) Notwithstanding any other law, the City will not impose parking standards for an accessory dwelling unit when the unit is located within one-half mile of public transit, located within the Old Escondido Neighborhood or when there is a car share vehicle located within one block of the unit. The City will also waive parking requirements for new accessory dwelling units when the accessory dwelling unit is contained within the existing living area of the primary residence.

When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, replacement parking may be located in any configuration on the same lot as the accessory unit.

(i) Design of the unit. Accessory dwelling units shall be designed to minimize the effect of the new accessory dwelling unit on adjacent properties.

(1) Any potential impacts shall be oriented to the primary residence. The second dwelling unit shall not create a second front entrance visible from adjacent streets. Access doors and entry for the second~~accessory~~ dwelling unit shall not be oriented to the nearest adjacent property line or create a second "front door" entrance. For the purposes of this article, a second front door entrance is a secondary entry way that is comparable to the main entrance. The design, construction, and presence of the accessory dwelling unit shall conform with the single family character of the neighborhood. There may only be one obvious entrance visible to the street.

(2) Proposed accessory dwelling units shall respect the residential scale and design character of existing homes. The accessory dwelling unit's color and materials must match those of the primary residence, maintaining compatibility with the neighborhood. The ~~planning staff~~Director shall review ~~second~~accessory dwelling unit applications to ensure the addition is integrated with the primary

structure with respect to roof design, height, compatible materials, color, texture, and design details. If the accessory dwelling unit is an addition to a site with known historic resources or has been determined have historic value by the Director, all improvements shall retain the historical and/or architectural value and significance of the landmark, historical building, or historical district. The improvements shall be compatible with and retain the texture and material of the primary building(s) and/or structure(s) or its appurtenant fixtures, including signs, fences, parking, site plan, landscaping and the relationship of such features to similar features of other buildings within an historical district.

- (j) Addresses. The addresses of both units shall be displayed in such a manner that they are clearly seen from the street.
- (k) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

Revise Section 33-1475, Other regulations, as set forth below.

- (a) Garage conversions. ~~Garage conversions to second accessory dwelling units are prohibited unless replacement covered off-street parking is provided which conforms to Article 39 of this chapter.~~ Converted garages must meet all building code requirements for a dwelling unit and provisions of the ordinance. No setback shall be required for an existing garage that is converted to an accessory dwelling unit.
- (b) Guest house. An attached guest house may be converted to a ~~second~~ an accessory dwelling unit provided all provisions of this article and the building code and zoning code are met. A guest house and a ~~second~~ an accessory dwelling unit may occur on the same lot provided the lot is over twenty thousand (20,000) square feet in area and provided the guest house does not contain kitchen facilities and is not rented. No more than one (1) ~~second~~ an accessory dwelling unit or no more than one (1) guest house are permitted on a lot.
- (c) The City may require a new or separate utility connection for any attached or detached accessory dwelling units that are not contained within the existing space of a single family residence or accessory structure.

Replace Section 33-1476 title from *Existing nonpermitted second units* to *Existing nonpermitted accessory units* [emphasis added to former and latter titles].

Revise Section 33-1476, Existing nonpermitted accessory units, as set forth below.

This article shall apply to all ~~second~~ an accessory dwelling units which exist on the date of passage of the ordinance. All units which do not have a permit, or cannot receive a

permit, upon passage of the ordinance codified herein shall be considered in violation and shall be subject to code enforcement action.

Revise Section 33-1477, Application and procedure, as set forth below.

The ~~director~~Director of Community Development shall approve a ~~second dwelling unit permit for an accessory dwelling unit within 120 days of submission of a complete application, unless he or she determines it is determined that such~~the permit does not meet the requirements of this article. The ~~director~~Director may refer any unit to the planning commission or Historic Preservation Commission prior to the ~~director's~~Director's decision for conformance with the specific criteria outlined in section 33-1474(i).

Revise Section 33-1478, Findings for approval and denial, as set forth below.

The decision to deny an application shall be in writing and shall state the reasons therefor. A permit for an accessory dwelling unit shall be issued upon a finding that all of the following have been established: In granting a second dwelling unit permit, the following findings shall be established as complete without further written action:

- (a) Adequate public facilities and services are available;
- (b) All requirements of this article and the zoning code are met;
- (c) The project will not create a second front entrance;
- (d) The unit is integrated with the primary structure with respect to roof design, height, compatible materials, color, texture, and design details; and
- (e) The accessory dwelling unit does not create any adverse impact on any real property that is listed in the local, state, or federal Register of Historic Places.

Revise Section 33-1480, Fees, as set forth below.

- (a) Upon the filing of an permit for an accessory dwelling unit, a fee in an amount to be established by resolution of the city council shall be paid by the applicant to the city.
- (b) Any party who appeals the ~~director's~~a determination made by the Director of the Community Development shall submit an appeal processing fee as determined by the city council.
- ~~(b) For purposes of determining building permit fees, a second dwelling unit shall be considered a room addition and shall not be subject to subarea facilities plan fees.~~



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 16-0007

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, Article 70, to bring City regulations of second dwelling units (now called accessory dwelling units) into compliance with recent State law changes.

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. The amendment involves only changes to several review processes for existing types of applications and would not have the potential for causing a significant effect on the environment.
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

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Signature: 
Mike Strong, Assistant Planning Director

Date

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR:

ARTICLE 70. SECOND DWELLING UNITS

Sec. 33-1470. Purpose.

The purpose of this article is to provide regulations for the establishment of second dwelling units in residential zones. The intent of the article is to provide affordable housing in areas where adequate public facilities and services are available, and where impacts upon the residential neighborhoods directly affected would be minimized. Second dwelling units shall be designed to minimize the effect of the new second dwelling unit on adjacent properties, any potential impacts shall be oriented to the primary residence. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03)

Sec. 33-1471. Definition.

Second dwelling unit means a secondary, but independent living facility which is located or established on the same lot as an existing single-family residence (for purposes of this article this existing residence shall be termed "the primary residence"). It includes permanent provisions for living, sleeping, eating, cooking and sanitation. A second dwelling must be attached to the primary residence; except in the Old Escondido Neighborhood historic district where second dwelling units may be detached when the unit is accessed from an alley or located over a detached garage.

Outside the Old Escondido Neighborhood historic district, a second dwelling unit shall be attached to the existing dwelling unit by a contiguous, shared wall and shall also have access from the living area of the primary structure.

For purposes of this article, living area means the interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03; Ord. No. 2016-15, § 4, 10-26-16)

Sec. 33-1472. Permitted zones.

Second dwelling units shall be permitted in the RA, RE, R1, R2, R3 and R4 zones on properties with only one (1) single-family residence on the lot, subject to the approval of a second dwelling unit permit. Second dwelling units within the Old Escondido Neighborhood shall observe the same standards and review procedures required of similar building expansions and new structures in that neighborhood. Second dwelling units shall not be permitted on property developed in a planned development zone or as a part of a planned unit approval, unless approved as a part of the original PD or PUA and the subject lot is not less than six thousand (6,000) square feet in size. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03; Ord. No. 2016-15, § 4, 10-26-16)

Sec. 33-1473. Occupancy limitations.

(a) Owner-occupied. The owner of the property shall reside on the parcel on which the second dwelling unit is located. The second dwelling unit is not intended for sale, except in conjunction with the sale of the primary residence and property.

(b) Deed restriction. Building permits will not be issued for the establishment of a second dwelling unit or its occupancy prior to the applicant's submittal of evidence that a deed restriction, which sets forth the occupancy limitations prescribed by the ordinance, has been filed with the county recorder. This deed restriction shall run with the land; inure to the benefit of the city as well as to the benefit of the other residential property owners within the subdivision; and, be coterminous in tenure with the life of the second dwelling unit. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03)

Sec. 33-1474. Development standards.

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

(a) Lot area. Second dwelling units may be constructed on any legal lot in a residential zone

provided all requirements of this article and the zoning and building codes are met.

(b) Number of bedrooms. A maximum of one (1) bedroom shall be permitted.

(c) Location on lot. Second dwelling units must be physically attached to the primary structure by a substantial contiguous wall and shall also have access from the primary structure; except for second dwelling units proposed in the Old Escondido Neighborhood historic district where second dwelling units may be detached when the unit is accessed from an alley or located over a detached garage.

(d) Maximum unit size. For lots less than ten thousand (10,000) square feet, attached second dwelling units shall not exceed five hundred (500) square feet. For lots over (10,000) square feet, second dwelling units shall not exceed six hundred forty (640) square feet.

(e) Minimum unit size. The minimum permitted size of a second dwelling unit shall be defined by the Uniform Building Code and Uniform Housing Code. The minimum unit size of the residential zone shall not apply to the second dwelling unit.

(f) Height. Second dwelling units shall conform to the height limits of the zone and shall be limited to one (1) story.

(g) Lot coverage. The entire lot shall conform to the lot coverage limitation of the zone in which the property is located.

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

(1) One (1) additional off street parking space, covered or uncovered, shall be provided for a second dwelling unit, and shall not be tandem.

(2) Required parking for the second dwelling unit shall be permitted in a side yard or rear yard only when said yard is abutting an alley and a minimum backup of twenty-four (24) feet is provided.

(3) Parking for the second dwelling unit shall be accessible, not conflict with access and required

parking for the primary structure and be located to minimize impacts on adjacent properties.

(i) Design of the unit. The second dwelling unit shall not create a second front entrance visible from adjacent streets. Access doors and entry for the second dwelling unit shall not be oriented to the nearest adjacent property line. The planning staff shall review second dwelling unit applications to ensure the addition is integrated with the primary structure with respect to roof design, height, compatible materials, color, texture, and design details.

(j) Addresses. The addresses of both units shall be displayed in such a manner that they are clearly seen from the street. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03; Ord. No. 2008-22, § 8, 9-10-08; Ord. No. 2016-15, § 4, 10-26-16)

Sec. 33-1475. Other regulations.

(a) Garage conversions. Garage conversions to second dwelling units are prohibited unless replacement covered off-street parking is provided which conforms to Article 39 of this chapter. Converted garages must meet all building code requirements for a dwelling unit and provisions of the ordinance.

(b) Guest house. An attached guest house may be converted to a second dwelling unit provided all provisions of this article and the building code and zoning code are met. A guest house and a second dwelling unit may occur on the same lot provided the lot is over twenty thousand (20,000) square feet in area and provided the guest house does not contain kitchen facilities and is not rented. No more than one (1) second dwelling unit or no more than one (1) guest house are permitted on a lot. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03)

Sec. 33-1476. Existing nonpermitted second units.

This article shall apply to all second dwelling units which exist on the date of passage of the ordinance. All units which do not have a permit, or cannot receive a permit, upon passage of the ordi-

nance codified herein shall be considered in violation and shall be subject to code enforcement action. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03)

Sec. 33-1477. Application and procedure.

The director shall approve a second dwelling unit permit unless he or she determines that such permit does not meet the requirements of this article. The director may refer any unit to the planning commission prior to the director's decision for conformance with the specific criteria outlined in section 33-1474(i). (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03; Ord. No. 2008-22, § 8, 9-10-08; Ord. No. 2011-19R, § 5, 1-11-12)

Sec. 33-1478. Findings for approval and denial.

The decision to deny an application shall be in writing and shall state the reasons therefor. In granting a second dwelling unit permit, the following findings shall be established as complete without further written action:

- (a) Adequate public facilities and services are available;
- (b) All requirements of this article and the zoning code are met;
- (c) The project will not create a second front entrance;
- (d) The unit is integrated with the primary structure with respect to roof design, height, compatible materials, color, texture, and design details. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03)

Sec. 33-1479. Appeal.

(a) Upon denial of an application, the applicant may appeal the decision to the planning commission.

(b) Upon receipt of a written request for a hearing anytime prior to the effective date of a decision on the permit, the director shall notice a public hearing before the planning commission in ac-

cordance with the provisions of section 33-1300 of this chapter.

(c) The appeal hearing shall be conducted in accordance with the provisions of sections 33-1303 and 33-1304 of the Escondido Zoning Code, and shall be acted upon in accordance with the determination and findings specified in section 33-1478 of this article. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03)

Sec. 33-1480. Fees.

(a) Any party who appeals the director's shall submit an appeal processing fee as determined by the city council.

(b) For purposes of determining building permit fees, a second dwelling unit shall be considered a room addition and shall not be subject to subarea facilities plan fees. (Ord. No. 92-42, § 1, 11-4-92; Ord. No. 2002-15R, § 5, 5-1-02; Ord. No. 2003-15, § 4, 6-4-03)

Secs. 33-1481—33-1489. Reserved.



Courtesy of Karen Chapple, UC Berkeley

California Department of Housing and
Community Development *Where Foundations Begin*

Accessory Dwelling Unit Memorandum

December 2016



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Understanding Accessory Dwelling Units and Their Importance



Courtesy of Karen Chapple, UC Berkeley

California's housing production is not keeping pace with demand. In the last decade less than half of the needed housing was built. This lack of housing is impacting affordability with average housing costs in California exceeding the rest of the nation. As affordability becomes more problematic, people drive longer distances between a home that is affordable and where they work, or double up to share space, both of which reduces quality of life and produces negative environmental impacts.

Beyond traditional market-rate construction and government subsidized production and preservation there are alternative housing models and emerging trends that can contribute to addressing home supply and affordability in California.

One such example gaining popularity are Accessory Dwelling Units (ADUs) (also referred to as second units, in-law units, or granny flats).

What is an ADU

An ADU is a secondary dwelling unit with complete independent living facilities for one or more persons and generally takes three forms:

- *Detached*: The unit is separated from the primary structure
- *Attached*: The unit is attached to the primary structure
- *Repurposed Existing Space*: Space (e.g., master bedroom) within the primary residence is converted into an independent living unit
- *Junior Accessory Dwelling Units*: Similar to repurposed space with various streamlining measures

ADUs offer benefits that address common development barriers such as affordability and environmental quality. ADUs are an affordable type of home to construct in California because they do not require paying for land, major new infrastructure, structured parking, or elevators. ADUs are built with cost-effective one- or two-story wood frame construction, which is significantly less costly than homes in new multifamily infill buildings. ADUs can provide as much living space as the new apartments and condominiums being built in new infill buildings and serve very well for couples, small families, friends, young people, and seniors.

ADUs are a different form of housing that can help California meet its diverse housing needs. Young professionals and students desire to live in areas close to jobs, amenities, and schools. The problem with high-opportunity areas is that space is limited. There is a shortage of affordable units and the units that are available can be out of reach for many people. To address the needs of individuals or small families seeking living quarters in high opportunity areas, homeowners can construct an ADU on their lot or convert an underutilized part of their home like a garage

into a junior ADU. This flexibility benefits not just people renting the space, but the homeowner as well, who can receive an extra monthly rent income.

ADUs give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place as they require more care and helping extended families to be near one another while maintaining privacy.

Relaxed regulations and the cost to build an ADU make it a very feasible affordable housing option. A UC Berkeley study noted that one unit of affordable housing in the Bay Area costs about \$500,000 to develop whereas an ADU can range anywhere up to \$200,000 on the expensive end in high housing cost areas.

ADUs are a critical form of infill-development that can be affordable and offer important housing choices within existing neighborhoods. ADUs are a powerful type of housing unit because they allow for different uses, and serve different populations ranging from students and young professionals to young families, people with disabilities and senior citizens. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education and services for many Californians.

Summary of Recent Changes to ADU Laws



Courtesy of Karen Chapple, UC Berkeley

The California legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in single family and multifamily zones provides additional rental housing and are an essential component in addressing housing needs in California. Over the years, ADU law has been revised to improve its effectiveness such as recent changes in 2003 to require ministerial approval. In 2017, changes to ADU laws will further reduce barriers, better streamline approval and expand capacity to accommodate the development of ADUs.

ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, friends, students, the elderly, in-home health care providers, the disabled, and others. Further, ADUs offer an opportunity to maximize and integrate housing choices within existing neighborhoods.

Within this context, the Department has prepared this guidance to assist local governments in encouraging the development of ADUs. Please see Attachment 1 for the complete statutory changes. The following is a brief summary of the changes for each bill.

SB 1069 (Wieckowski)

S.B. 1069 (Chapter 720, Statutes of 2016) made several changes to address barriers to the development of ADUs and expanded capacity for their development. The following is a brief summary of provisions that go into effect January 1, 2017.

Parking

SB 1069 reduces parking requirements to one space per bedroom or unit. The legislation authorizes off street parking to be tandem or in setback areas unless specific findings such as fire and life safety conditions are made. SB 1069 also prohibits parking requirements if the ADU meets any of the following:

- Is within a half mile from public transit.
- Is within an architecturally and historically significant historic district.
- Is part of an existing primary residence or an existing accessory structure.
- Is in an area where on-street parking permits are required, but not offered to the occupant of the ADU.
- Is located within one block of a car share area.

Fees

SB 1069 provides that ADUs shall not be considered new residential uses for the purpose of calculating utility connection fees or capacity charges, including water and sewer service. The bill prohibits a local agency from requiring an ADU applicant to install a new or separate utility connection or impose a related connection fee or capacity charge for ADUs that are contained within an existing residence or accessory structure. For attached and detached ADUs, this fee or charge must be proportionate to the burden of the unit on the water or sewer system and may not exceed the reasonable cost of providing the service.

Fire Requirements

SB 1069 provides that fire sprinklers shall not be required in an accessory unit if they are not required in the primary residence.

ADUs within Existing Space

Local governments must ministerially approve an application to create within a single family residential zone one ADU per single family lot if the unit is:

- contained within an existing residence or accessory structure.
- has independent exterior access from the existing residence.
- has side and rear setbacks that are sufficient for fire safety.

These provisions apply within all single family residential zones and ADUs within existing space must be allowed in all of these zones. No additional parking or other development standards can be applied except for building code requirements.

No Total Prohibition

SB 1069 prohibits a local government from adopting an ordinance that precludes ADUs.

AB 2299 (Bloom)

Generally, AB 2299 (Chapter 735, Statutes of 2016) requires a local government (beginning January 1, 2017) to ministerially approve ADUs if the unit complies with certain parking requirements, the maximum allowable size of an attached ADU, and setback requirements, as follows:

- The unit is not intended for sale separate from the primary residence and may be rented.
- The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.
- The unit is either attached to an existing dwelling or located within the living area of the existing dwelling or detached and on the same lot.
- The increased floor area of the unit does not exceed 50% of the existing living area, with a maximum increase in floor area of 1,200 square feet.
- The total area of floorspace for a detached accessory dwelling unit does not exceed 1,200 square feet.
- No passageway can be required.
- No setback can be required from an existing garage that is converted to an ADU.

- Compliance with local building code requirements.
- Approval by the local health officer where private sewage disposal system is being used.

Impact on Existing Accessory Dwelling Unit Ordinances

AB 2299 provides that any existing ADU ordinance that does not meet the bill's requirements is null and void upon the date the bill becomes effective. In such cases, a jurisdiction must approve accessory dwelling unit based on Government Code Section 65852.2 until the jurisdiction adopts a compliant ordinance.

AB 2406 (Thurmond)

AB 2406 (Chapter 755, Statutes of 2016) creates more flexibility for housing options by authorizing local governments to permit junior accessory dwelling units (JADU) through an ordinance. The bill defines JADUs to be a unit that cannot exceed 500 square feet and must be completely contained within the space of an existing residential structure. In addition, the bill requires specified components for a local JADU ordinance. Adoption of a JADU ordinance is optional.

Required Components

The ordinance authorized by AB 2406 must include the following requirements:

- Limit to one JADU per residential lot zoned for single-family residences with a single-family residence already built on the lot.
- The single-family residence in which the JADU is created or JADU must be occupied by the owner of the residence.
- The owner must record a deed restriction stating that the JADU cannot be sold separately from the single-family residence and restricting the JADU to the size limitations and other requirements of the JADU ordinance.
- The JADU must be located entirely within the existing structure of the single-family residence and JADU have its own separate entrance.
- The JADU must include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards. No gas or 220V circuits are allowed.
- The JADU may share a bath with the primary residence or have its own bath.

Prohibited Components

This bill prohibits a local JADU ordinance from requiring:

- Additional parking as a condition to grant a permit.
- Applying additional water, sewer and power connection fees. No connections are needed as these utilities have already been accounted for in the original permit for the home.

Fire Safety Requirements

AB 2406 clarifies that a JADU is to be considered part of the single-family residence for the purposes of fire and life protections ordinances and regulations, such as sprinklers and smoke detectors. The bill also requires life and protection ordinances that affect single-family residences to be applied uniformly to all single-family residences, regardless of the presence of a JADU.

JADUs and the RHNA

As part of the housing element portion of their general plan, local governments are required to identify sites with appropriate zoning that will accommodate projected housing needs in their regional housing need allocation (RHNA) and report on their progress pursuant to Government Code Section 65400. To credit a JADU toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit which is fairly flexible. Local government count units as part of reporting to DOF. JADUs meet these definitions and this bill would allow cities and counties to earn credit toward meeting their RHNA allocations by permitting residents to create less costly accessory units. See additional discussion under JADU frequently asked questions.

Frequently Asked Questions: Accessory Dwelling Units

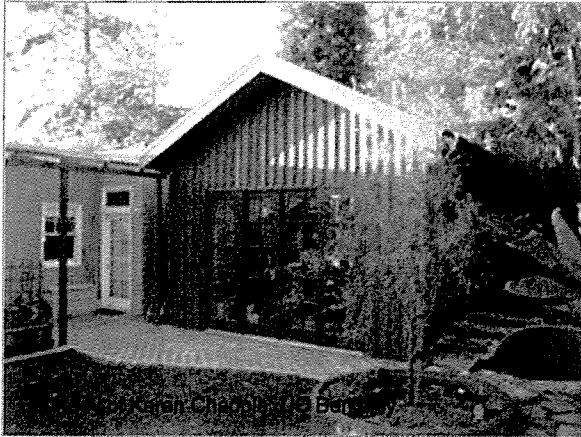
Should an Ordinance Encourage the Development of ADUs?

Yes, ADU law and recent changes intend to address barriers, streamline approval and expand potential capacity for ADUs recognizing their unique importance in addressing California's housing needs. The preparation, adoption, amendment and implementation of local ADU ordinances must be carried out consistent with Government Code Section 65852.150:

(a) The Legislature finds and declares all of the following:

- (1) Accessory dwelling units are a valuable form of housing in California.*
 - (2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.*
 - (3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.*
 - (4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.*
 - (5) California faces a severe housing crisis.*
 - (6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.*
 - (7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.*
 - (8) Accessory dwelling units are, therefore, an essential component of California's housing supply.*
- (b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, 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 by local ordinance.*

Are Existing Ordinances Null and Void?



Yes, any local ordinance adopted prior to January 1, 2017 that is not in compliance with the changes to ADU law will be null and void. Until an ordinance is adopted, local governments must apply “state standards” (See Attachment 5 for State Standards checklist). In the absence of a local ordinance complying with ADU law, local review must be limited to “state standards” and cannot include additional requirements such as those in an existing ordinance. .

Are Local Governments Required to Adopt an Ordinance?

No, a local government **is not required** to adopt an ordinance. ADUs built within a jurisdiction that lacks a local ordinance must comply with state standards (See Attachment 5). Adopting an ordinance can occur through different forms such as a new ordinance, amendment to an existing ordinance, separate section or special regulations within the zoning code or integrated into the zoning code by district. However, the ordinance should be established legislatively through a public process and meeting and not through internal administrative actions such as memos or zoning interpretations.

Can a Local Government Preclude ADUs?

No local government cannot preclude ADUs.

Can a Local Government Apply Development Standards and Designate Areas?

Yes, local governments may apply development standards and may designate where ADUs are permitted (GC Sections 65852.2(a)(1)(A) and (B)). However, ADUs within existing structures must be allowed in all single family residential zones.

For ADUs that require an addition or a new accessory structure, development standards such as parking, height, lot coverage, lot size and maximum unit size can be established with certain limitations. ADUs can be avoided or allowed through an ancillary and separate discretionary process in areas with health and safety risks such as high fire hazard areas. However, standards and allowable areas must not be designed or applied in a manner that burdens the development of ADUs and should maximize the potential for ADU development. Designating areas where ADUs are allowed should be approached primarily on health and safety issues including water, sewer, traffic flow and public safety. Utilizing approaches such as restrictive overlays, limiting ADUs to larger lot sizes, burdensome lot coverage and setbacks and particularly concentration or distance requirements (e.g., no less than 500 feet between ADUs) may unreasonably restrict the ability of the homeowners to create ADUs, contrary to the intent of the Legislature.

Requiring large minimum lot sizes and not allowing smaller lot sizes for ADUs can severely restrict their potential development. For example, large minimum lot sizes for ADUs may constrict capacity throughout most of the community. Minimum lot sizes cannot be applied to ADUs within existing structures and could be considered relative to health and safety concerns such as areas on septic systems. While larger lot sizes might be targeted for various reasons such as ease of compatibility, many tools are available (e.g., maximum unit size, maximum lot coverage, minimum setbacks, architectural and landscape requirements) that allows ADUs to fit well within the built environment.

Can a Local Government Adopt Less Restrictive Requirements?

Yes, ADU law is a minimum requirement and its purpose is to encourage the development of ADUs. Local governments can take a variety of actions beyond the statute that promote ADUs such as reductions in fees, less restrictive parking or unit sizes or amending general plan policies.

Santa Cruz has confronted a shortage of housing for many years, considering its growth in population from incoming students at UC Santa Cruz and its proximity to Silicon Valley. The city promoted the development of ADUs as critical infill-housing opportunity through various strategies such as creating a manual to promote ADUs. The manual showcases prototypes of ADUs and outlines city zoning laws and requirements to make it more convenient for homeowners to get information. The City found that homeowners will take time to develop an ADU only if information is easy to find, the process is simple, and there is sufficient guidance on what options they have in regards to design and planning.

The city set the minimum lot size requirement at 4,500 sq. ft. to develop an ADU in order to encourage more homes to build an ADU. This allowed for a majority of single-family homes in Santa Cruz to develop an ADU. For more information, see <http://www.cityofsantacruz.com/departments/planning-and-community-development/programs/accessory-dwelling-unit-development-program>.

Can Local Governments Establish Minimum and Maximum Unit Sizes?

Yes, a local government may establish minimum and maximum unit sizes (GC Section 65852.2(c)). However, like all development standards (e.g., height, lot coverage, lot size), unit sizes should not burden the development of ADUs. For example, setting a minimum unit size that substantially increases costs or a maximum unit size that unreasonably restricts opportunities would be inconsistent with the intent of the statute. Typical maximum unit sizes range from 800 square feet to 1,200 square feet. Minimum unit size must at least allow for an efficiency unit as defined in Health and Safety Code Section 17958.1.

ADU law requires local government approval if meeting various requirements (GC Section 65852.2(a)(1)(D)), including unit size requirements. Specifically, attached ADUs shall not exceed 50 percent of the existing living area or 1,200 square feet and detached ADUs shall not exceed 1,200 square feet. A local government may choose a maximum unit size less than 1,200 square feet as long as the requirement is not burdensome on the creation of ADUs.

Can ADUs Exceed General Plan and Zoning Densities?

An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Minimum lot sizes must not be doubled (e.g., 15,000 square feet) to account for an ADU. Further, local governments could elect to allow more than one ADU on a lot.

New developments can increase the total number of affordable units in their project plans by integrating ADUs. Aside from increasing the total number of affordable units, integrating ADUs also promotes housing choices within a development. One such example is the Cannery project in Davis, CA. The Cannery project includes 547 residential units with up to 60 integrated ADUs. ADUs within the Cannery blend in with surrounding architecture, maintaining compatibility with neighborhoods and enhancing community character. ADUs are constructed at the same time as the primary single-family unit to ensure the affordable rental unit is available in the housing supply concurrent with the availability of market rate housing.

How Are Fees Charged to ADUs?

All impact fees, including water, sewer, park and traffic fees must be charged in accordance with the Fee Mitigation Act, which requires fees to be proportional to the actual impact (e.g., significantly less than a single family home).

Fees on ADUs, must proportionately account for impact on services based on the size of the ADU or number of plumbing fixtures. For example, a 700 square foot new ADU with one bathroom that results in less landscaping should be charged much less than a 2,000 square foot home with three bathrooms and an entirely new landscaped parcel which must be irrigated. Fees for ADUs should be significantly less and should account for a lesser impact such as lower sewer or traffic impacts.

What Utility Fee Requirements Apply to ADUs?

Cities and counties cannot consider ADUs as new residential uses when calculating connection fees and capacity charges.

Where ADUs are being created within an existing structure (primary or accessory), the city or county cannot require a new or separate utility connections for the ADU and cannot charge any connection fee or capacity charge.

For other ADUs, a local agency may require separate utility connections between the primary dwelling and the ADU, but any connection fee or capacity charge must be proportionate to the impact of the ADU based on either its size or the number of plumbing fixtures.

What Utility Fee Requirements Apply to Non-City and County Service Districts?

All local agencies must charge impact fees in accordance with the Mitigation Fee Act (commencing with Government Code Section 66000), including in particular Section 66013, which requires the connection fees and capacity charges to be proportionate to the burden posed by the ADU. Special districts and non-city and county service districts must account for the lesser impact related to an ADU and should base fees on unit size or number of plumbing fixtures. Providers should consider a proportionate or sliding scale fee structures that address the smaller size and lesser impact of ADUs (e.g., fees per square foot or fees per fixture). Fee waivers or deferrals could be considered to better promote the development of ADUs.

Do Utility Fee Requirements Apply to ADUs within Existing Space?

No, where ADUs are being created within an existing structure (primary or accessory), new or separate utility connections and fees (connection and capacity) must not be required.

Does "Public Transit" Include within One-half Mile of a Bus Stop and Train Station?

Yes, "public transit" may include a bus stop, train station and paratransit if appropriate for the applicant. "Public transit" includes areas where transit is available and can be considered regardless of tighter headways (e.g., 15 minute intervals). Local governments could consider a broader definition of "public transit" such as distance to a bus route.

Can Parking Be Required Where a Car Share Is Available?

No, ADU law does not allow parking to be required when there is a car share located within a block of the ADU. A car share location includes a designated pick up and drop off location. Local governments can measure a block from a pick up and drop off location and can decide to adopt broader distance requirements such as two to three blocks.

Is Off Street Parking Permitted in Setback Areas or through Tandem Parking?

Yes, ADU law deliberately reduces parking requirements. Local governments may make specific findings that tandem parking and parking in setbacks are infeasible based on specific site, regional topographical or fire and life safety conditions or that tandem parking or parking in setbacks is not permitted anywhere else in the jurisdiction. However, these determinations should be applied in a manner that does not unnecessarily restrict the creation of ADUs.

Local governments must provide reasonable accommodation to persons with disabilities to promote equal access housing and comply with fair housing laws and housing element law. The reasonable accommodation procedure must provide exception to zoning and land use regulations which includes an ADU ordinance. Potential exceptions are not limited and may include development standards such as setbacks and parking requirements and permitted uses that further the housing opportunities of individuals with disabilities.

Is Covered Parking Required?

No, off street parking must be permitted through tandem parking on an existing driveway, unless specific findings are made.

Is Replacement Parking Required When the Parking Area for the Primary Structure Is Used for an ADU?

Yes, but only if the local government requires off-street parking to be replaced in which case flexible arrangements such as tandem, including existing driveways and uncovered parking are allowed. Local governments have an opportunity to be flexible and promote ADUs that are being created on existing parking space and can consider not requiring replacement parking.

Are Setbacks Required When an Existing Garage Is Converted to an ADU?

No, setbacks must not be required when a garage is converted or when existing space (e.g., game room or office) above a garage is converted. Rear and side yard setbacks of no more than five feet are required when new space is added above a garage for an ADU. In this case, the setbacks only apply to the added space above the garage, not the existing garage and the ADU can be constructed wholly or partly above the garage, including extending beyond the garage walls.

Also, when a garage, carport or covered parking structure is demolished or where the parking area ceases to exist so an ADU can be created, the replacement parking must be allowed in any "configuration" on the lot, "...including,

but not limited to, covered spaces, uncovered spaces, or tandem spaces, or....” Configuration can be applied in a flexible manner to not burden the creation of ADUs. For example, spatial configurations like tandem on existing driveways in setback areas or not requiring excessive distances from the street would be appropriate.

Are ADUs Permitted in Existing Residence or Accessory Space?

Yes, ADUs located in single family residential zones and existing space of a single family residence or accessory structure must be approved regardless of zoning standards (Section 65852.2(a)(1)(B)) for ADUs, including locational requirements (Section 65852.2(a)(1)(A)), subject to usual non-appealable ministerial building permit requirements. For example, ADUs in existing space does not necessitate a zoning clearance and must not be limited to certain zones or areas or subject to height, lot size, lot coverage, unit size, architectural review, landscape or parking requirements. Simply, where a single family residence or accessory structure exists in any single family residential zone, so can an ADU. The purpose is to streamline and expand potential for ADUs where impact is minimal and the existing footprint is not being increased.

Zoning requirements are not a basis for denying a ministerial building permit for an ADU, including non-conforming lots or structures. The phrase, “..within the existing space” includes areas within a primary home or within an attached or detached accessory structure such as a garage, a carriage house, a pool house, a rear yard studio and similar enclosed structures.

Are Owner Occupants Required?

No, however, a local government can require an applicant to be an owner occupant. The owner may reside in the primary or accessory structure. Local governments can also require the ADU to not be used for short term rentals (terms lesser than 30 days). Both owner occupant use and prohibition on short term rentals can be required on the same property. Local agencies which impose this requirement should require recordation of a deed restriction regarding owner occupancy to comply with GC Section 27281.5

Are Fire Sprinklers Required for ADUs?

Depends, ADUs shall not be required to provide fire sprinklers if they are not or were not required of the primary residence. However, sprinklers can be required for an ADU if required in the primary structure. For example, if the primary residence has sprinklers as a result of an existing ordinance, then sprinklers could be required in the ADU. Alternative methods for fire protection could be provided.

If the ADU is detached from the main structure or new space above a detached garage, applicants can be encouraged to contact the local fire jurisdiction for information regarding fire sprinklers. Since ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing options for family members, students, the elderly, in-home health care providers, the disabled, and others, the fire departments want to ensure the safety of these populations as well as the safety of those living in the primary structure. Fire Departments can help educate property owners on the benefits of sprinklers, potential resources and how they can be installed cost effectively. For example, insurance rates are typically 5 to 10 percent lower where the unit is sprinklered. Finally, other methods exist to provide additional fire protection. Some options may include additional exits, emergency escape and rescue openings, 1 hour or greater fire-rated assemblies, roofing materials and setbacks from property lines or other structures.

Is Manufactured Housing Permitted as an ADU?

Yes, an ADU is any residential dwelling unit with independent facilities and permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU includes an efficiency unit (Health and Safety Code Section 17958.1) and a manufactured home (Health and Safety Code Section 18007).

Health and Safety Code Section 18007(a) “**Manufactured home,**” for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

Can an Efficiency Unit Be Smaller than 220 Square Feet?

Yes, an efficiency unit for occupancy by no more than two persons, by statute (Health and Safety Code Section 17958.1), can have a minimum floor area of 150 square feet and can also have partial kitchen or bathroom facilities, as specified by ordinance or can have the same meaning specified in the Uniform Building Code, referenced in the Title 24 of the California Code of Regulations.

The 2015 International Residential Code adopted by reference into the 2016 California Residential Code (CRC) allows residential dwelling units to be built considerably smaller than an Efficiency Dwelling Unit (EDU). Prior to this code change an EDU was required to have a minimum floor area not less than 220 sq. ft unless modified by local ordinance in accordance with the California Health and Safety Code which could allow an EDU to be built no less than 150 sq. ft. For more information, see HCD’s Information Bulletin at <http://www.hcd.ca.gov/codes/manufactured-housing/docs/ib2016-06.pdf>.

Does ADU Law Apply to Charter Cities and Counties?

Yes. ADU law explicitly applies to “local agencies” which are defined as a city, county, or city and county whether general law or chartered (Section 65852.2(i)(2)).

Do ADUs Count toward the Regional Housing Need Allocation?

Yes, local governments may report ADUs as progress toward Regional Housing Need Allocation pursuant to Government Code Section 65400 based on the actual or anticipated affordability. See below frequently asked questions for JADUs for additional discussion.

Must ADU Ordinances Be Submitted to the Department of Housing and Community Development?

Yes, ADU ordinances must be submitted to the State Department of Housing and Community Development within 60 days after adoption, including amendments to existing ordinances. However, upon submittal, the ordinance is not subject to a Department review and findings process similar to housing element law (GC Section 65585)

Frequently Asked Questions: Junior Accessory Dwelling Units

Is There a Difference between ADU and JADU?



Courtesy of Liliypad Homes and Photo Credit to Jocelyn Knight

Yes, AB 2406 added Government Code Section 65852.22, providing a unique option for Junior ADUs. The bill allows local governments to adopt ordinances for JADUs, which are no more than 500 square feet and are typically bedrooms in a single-family home that have an entrance into the unit from the main home and an entrance to the outside from the JADU. The JADU must have cooking facilities, including a sink, but is not required to have a private bathroom. Current law does not prohibit local governments from adopting an ordinance for a JADU, and this bill explicitly allows, not requires, a local agency to do so. If the ordinance requires a permit, the local agency shall not require additional parking or charge a fee for a water or sewer connection as a condition of granting a permit for a JADU. For more information, see below.

ADUs and JADUs

REQUIREMENTS	ADU	JADU
Maximum Unit Size	Yes, generally up to 1,200 Square Feet or 50% of living area	Yes, 500 Square Foot Maximum
Kitchen	Yes	Yes
Bathroom	Yes	No, Common Sanitation is Allowed
Separate Entrance	Depends	Yes
Parking	Depends, Parking May Be Eliminated and Cannot Be Required Under Specified Conditions	No, Parking Cannot Be Required
Owner Occupancy	Depends, Owner Occupancy <i>May</i> Be Required	Yes, Owner Occupancy Is Required
Ministerial Approval Process	Yes	Yes
Prohibition on Sale of ADU	Yes	Yes

Why Adopt a JADU Ordinance?

JADUs offer the simplest and most affordable housing option. They bridge the gap between a roommate and a tenant by offering an interior connection between the unit and main living area. The doors between the two spaces can be secured from both sides, allowing them to be easily privatized or incorporated back into the main living area. These units share central systems, require no fire separation, and have a basic kitchen, utilizing small plug in appliances, reducing development costs. This provides flexibility and an insurance policy in homes in case additional income or housing is needed. They present no additional stress on utility services or infrastructure because they simply repurpose spare bedrooms that do not expand the homes planned occupancy. No additional address is required on the property because an interior connection remains. By adopting a JADU ordinance, local governments can offer homeowners additional options to take advantage of underutilized space and better address its housing needs.

Can JADUs Count towards the RHNA?

Yes, as part of the housing element portion of their general plan, local governments are required to identify sites with appropriate zoning that will accommodate projected housing needs in their regional housing need allocation (RHNA) and report on their progress pursuant to Government Code Section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally, a JADU, including with shared sanitation facilities, that meets the census definition and is reported to the Department of Finance as part of the DOF annual City and County Housing Unit Change Survey can be credited toward the RHNA based on the appropriate income level. Local governments can track actual or anticipated affordability to assure the JADU is counted to the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit application.

A housing unit is a house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied, or, if vacant, is intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.

Can the JADU Be Sold Independent of the Primary Dwelling?

No, the JADU cannot be sold separate from the primary dwelling.

Are JADUs Subject to Connection and Capacity Fees?

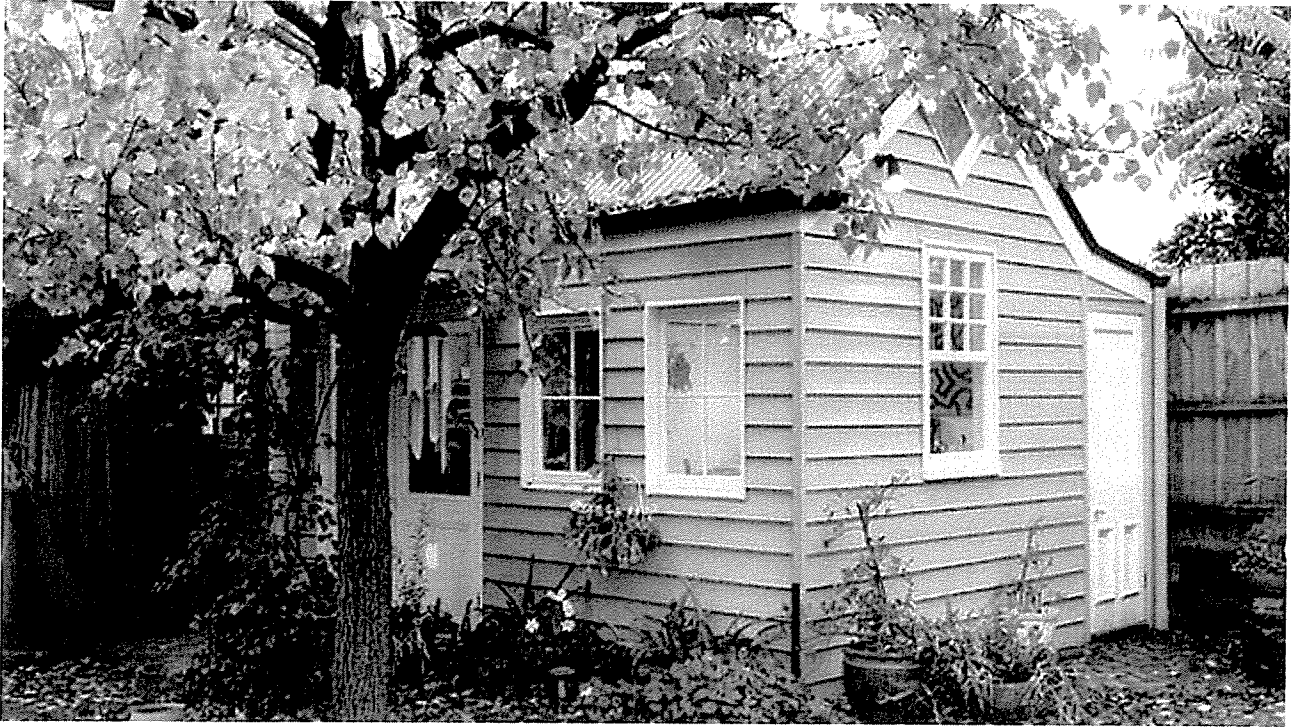
No, JADUs shall not be considered a separate or new dwelling unit for the purposes of fees and as a result should not be charged a fee for providing water, sewer or power, including a connection fee. These requirements apply to all providers of water, sewer and power, including non-municipal providers.

Local governments may adopt requirements for fees related to parking, other service or connection for water, sewer or power, however, these requirements must be uniform for all single family residences and JADUs are not considered a new or separate unit.

Are There Requirements for Fire Separation and Fire Sprinklers?

Yes, a local government may adopt requirements related to fire and life protection requirements. However, a JADU shall not be considered a new or separate unit. In other words, if the primary unit is not subject to fire or life protection requirements, then the JADU must be treated the same.

Resources



Courtesy of Karen Chapple, UC Berkeley

Attachment 1: Statutory Changes (Strikeout/Underline)

Government Code Section 65852.2

(a) (1) ~~Any~~ A local agency may, by ordinance, provide for the creation of ~~second-~~accessory dwelling units in single-family and multifamily residential zones. The ordinance ~~may~~ shall do ~~any~~ all of the following:

(A) Designate areas within the jurisdiction of the local agency where ~~second-~~accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of ~~second-~~accessory dwelling units on traffic ~~flow-~~ flow and public safety.

(B) (i) Impose standards on ~~second-~~accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that ~~second-~~accessory dwelling units do not exceed the allowable density for the lot upon which the ~~second-~~accessory dwelling unit is located, and that ~~second-~~accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. ~~Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of ADUs.~~ permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of ADUs. an accessory dwelling unit.

(b) (4) (1) An When existing ordinance governing the creation of an accessory dwelling unit by a local agency which has not adopted an ordinance governing ADUs in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a ADU if the ADU complies with all of the following: that complies with this section.

(A) The unit is not intended for sale and may be rented.

(B) The lot is zoned for single-family or multifamily use.

(C) The lot contains an existing single-family dwelling.

(D) The ADU is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(E) The increased floor area of an attached ADU shall not exceed 30 percent of the existing living area.

(F) The total area of floorspace for a detached ADU shall not exceed 1,200 square feet.

(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.

(H) Local building code requirements which apply to detached dwellings, as appropriate.

(I) Approval by the local health officer where a private sewage disposal system is being used, if required.

(2) (5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(3) (6) This subdivision establishes the maximum standards that local agencies shall use to evaluate ~~proposed ADUs on lots~~ a proposed accessory dwelling unit on a lot zoned for residential use ~~which contain~~ that contains an existing single-family dwelling. No additional standards, other than those provided in this ~~subdivision or subdivision~~ subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an ~~owner-occupant~~ owner-occupant or that the property be used for rentals of terms longer than 30 days.

(4) (7) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ADUs an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(5) (8) ~~A ADU which conforms to the requirements of~~ An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use ~~which that is~~ consistent with the existing general plan and zoning designations for the lot. The ~~ADUs~~ accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(c) (b) No When a local agency shall adopt an ordinance which totally precludes ADUs within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing ADUs within single-family and multifamily zoned areas justify adopting the ordinance. that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(d) (c) A local agency may establish minimum and maximum unit size requirements for both attached and detached ~~second~~ accessory dwelling units. No minimum or maximum size for a ~~second~~ an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings ~~which that~~ does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Parking requirements for ADUs shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the

use of the ADU and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) ~~(1)~~ Fees charged for the construction of ~~second-accessory dwelling~~ units shall be determined in accordance with Chapter 5 (commencing with Section ~~66000~~: ~~66000~~) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs: an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinances ordinance adopted pursuant to subdivision (a) ~~or (c)~~ to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living area," area means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) ~~Second-~~ Accessory dwelling unit means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. ~~A second-~~ An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for second accessory dwelling units.

Government Code Section 65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence already built on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the existing walls of the structure, and require the inclusion of an existing bedroom.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A sink with a maximum waste line diameter of 1.5 inches.

(B) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.

(C) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine whether the junior accessory dwelling unit is in compliance with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. A permit shall be issued within 120 days of submission of an application for a

permit pursuant to this section. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

Attachment 2: Sample ADU Ordinance

Section XXX1XXX: Purpose

This Chapter provides for accessory dwelling units on lots developed or proposed to be developed with single-family dwellings. Such accessory dwellings contribute needed housing to the community's housing stock. Thus, accessory dwelling units are a residential use which is consistent with the General Plan objectives and zoning regulations and which enhances housing opportunities, including near transit on single family lots.

Section XXX2XXX: Applicability

The provisions of this Chapter apply to all lots that are occupied with a single family dwelling unit and zoned residential. Accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and are a residential use that is consistent with the existing general plan and zoning designation for the lot.

Section XXX3XXX: Development Standards

Accessory Structures within Existing Space

An accessory dwelling unit within an existing space including the primary structure, attached or detached garage or other accessory structure shall be permitted ministerially with a building permit regardless of all other standards within the Chapter if complying with:

1. Building and safety codes
2. Independent exterior access from the existing residence
3. Sufficient side and rear setbacks for fire safety.

Accessory Structures (Attached and Detached)

General:

1. The unit is not intended for sale separate from the primary residence and may be rented.
2. The lot is zoned for residential and contains an existing, single-family dwelling.
3. The accessory dwelling unit is either attached to the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.
4. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.
5. The total area of floor space for a detached accessory dwelling unit shall not exceed 1,200 square feet.
6. Local building code requirements that apply to detached dwellings, as appropriate.
7. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
8. No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
9. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.

Parking:

1. Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback.
2. Parking is not required in the following instances:
 - The accessory dwelling unit is located within one-half mile of public transit, including transit stations and bus stations.

- The accessory dwelling unit is located in the WWWW Downtown, XXX Area, YYY Corridor and ZZZ Opportunity Area.
 - The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - When there is a car share vehicle located within one block of the accessory dwelling unit.
3. Replacement Parking: When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement parking shall not be required and may be located in any configuration on the same lot as the accessory dwelling unit.

Section XXX4XXX: Permit Requirements

ADUs shall be permitted ministerially, in compliance with this Chapter within 120 days of application. The Community Development Director shall issue a building permit or zoning certificate to establish an accessory dwelling unit in compliance with this Chapter if all applicable requirements are met in Section XXX3XXXX, as appropriate. The Community Development Director may approve an accessory dwelling unit that is not in compliance with Section XXX3XXXX as set forth in Section XXX5XXXX. The XXXX Health Officer shall approve an application in conformance with XXXXXX where a private sewage disposal system is being used.

Section XXX5XXX: Review Process for Accessory Structure Not Complying with Development Standards

An accessory dwelling unit that does not comply with standards in Section XXX3XX may be permitted with a zoning certificate or an administrative use permit at the discretion of the Community Development Director subject to findings in Section XXX6XX

Section XXX6XXX: Findings

- A. In order to deny an administrative use permit under Section XXX5XXX, the Community Development Director shall find that the Accessory Dwelling Unit would be detrimental to the public health and safety or would introduce unreasonable privacy impacts to the immediate neighbors.
- B. In order to approve an administrative use permit under Section XXX5XXX to waive required accessory dwelling unit parking, the Community Development Director shall find that additional or new on-site parking would be detrimental, and that granting the waiver will meet the purposes of this Chapter.

Section XXX7XXX: Definitions

- (1) "Living area means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
- (2) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:
- (A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
- (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (3) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(4) (1) "Existing Structure" for the purposes of defining an allowable space that can be converted to an ADU means within the four walls and roofline of any structure existing on or after January 1, 2017 that can be made safely habitable under local building codes at the determination of the building official regardless of any non-compliance with zoning standards.

Attachment 3: Sample JADU Ordinance

(Lilypad Homes at <http://lilypadhomes.org/>)

Draft Junior Accessory Dwelling Units (JADU) – Flexible Housing

Findings:

1. **Causation:** Critical need for housing for lower income families and individuals given the high cost of living and low supply of affordable homes for rent or purchase, and the difficulty, given the current social and economic environment, in building more affordable housing
2. **Mitigation:** Create a simple and inexpensive permitting track for the development of junior accessory dwelling units that allows spare bedrooms in homes to serve as a flexible form of infill housing
3. **Endangerment:** Provisions currently required under agency ordinances are so arbitrary, excessive, or burdensome as to restrict the ability of homeowners to legally develop these units therefore encouraging homeowners to bypass safety standards and procedures that make the creation of these units a benefit to the whole of the community
4. **Co-Benefits:** Homeowners (particularly retired seniors and young families, groups that tend to have the lowest incomes) – generating extra revenue, allowing people facing unexpected financial obstacles to remain in their homes, housing parents, children or caregivers; Homebuyers - providing rental income which aids in mortgage qualification under new government guidelines; Renters – creating more low-cost housing options in the community where they work, go to school or have family, also reducing commute time and expenses; Municipalities – helping to meet RHNA goals, increasing property and sales tax revenue, insuring safety standard code compliance, providing an abundant source of affordable housing with no additional infrastructure needed; Community - housing vital workers, decreasing traffic, creating economic growth both in the remodeling sector and new customers for local businesses; Planet - reducing carbon emissions, using resources more efficiently;
5. **Benefits of Junior ADUs:** offer a more affordable housing option to both homeowners and renters, creating economically healthy, diverse, multi-generational communities;

Therefore the following ordinance is hereby enacted:

This Section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit, permitted as set forth under State Law AB 1866 (Chapter 1062, Statutes of 2002) Sections 65852.150 and 65852.2 and subject to different provisions under fire safety codes based on the fact that junior accessory dwelling units do not qualify as “complete independent living facilities” given that the interior connection from the junior accessory dwelling unit to the main living area remains, therefore not redefining the single-family home status of the dwelling unit.

A) **Development Standards.** Junior accessory dwelling units shall comply with the following standards, including the standards in Table below:

- 1) **Number of Units Allowed.** Only one accessory dwelling unit or, junior accessory dwelling unit, may be located on any residentially zoned lot that permits a single-family dwelling except as otherwise regulated or restricted by an adopted Master Plan or Precise Development Plan. A junior accessory dwelling unit may only be located on a lot which already contains one legal single-family dwelling.
- 2) **Owner Occupancy:** The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a principal residence either the primary dwelling or the accessory dwelling, except when the home is held by an agency such as a land trust or housing organization in an effort to create affordable housing.
- 3) **Sale Prohibited:** A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.

- 4) *Deed Restriction:* A deed restriction shall be completed and recorded, in compliance with Section B below.
- 5) *Location of Junior Accessory Dwelling Unit:* A junior accessory dwelling unit must be created within the existing walls of an existing primary dwelling, and must include conversion of an existing bedroom.
- 6) *Separate Entry Required:* A separate exterior entry shall be provided to serve a junior accessory dwelling unit.
- 7) *Interior Entry Remains:* The interior connection to the main living area must be maintained, but a second door may be added for sound attenuation.
- 8) *Kitchen Requirements:* The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:
 - a) A sink with a maximum waste line diameter of one-and-a-half (1.5) inches,
 - b) A cooking facility with appliance which do not require electrical service greater than one-hundred-and-twenty (120) volts or natural or propane gas, and
 - c) A food preparation counter and storage cabinets that are reasonable to size of the unit.
- 9) *Parking:* No additional parking is required beyond that required when the existing primary dwelling was constructed.

Development Standards for Junior Accessory Dwelling Units

SITE OR DESIGN FEATURE	SITE AND DESIGN STANDARDS
Maximum unit size	500 square feet
Setbacks	As required for the primary dwelling unit
Parking	No additional parking required

- B) *Deed Restriction:* Prior to obtaining a building permit for a junior accessory dwelling unit, a deed restriction, approved by the City Attorney, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this Section. Said deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded deed restriction shall be filed with the Department stating that:
 - 1) The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit;
 - 2) The junior accessory dwelling unit is restricted to the maximum size allowed per the development standards;
 - 3) The junior accessory dwelling unit shall be considered legal only so long as either the primary residence, or the accessory dwelling unit, is occupied by the owner of record of the property, except when the home is owned by an agency such as a land trust or housing organization in an effort to create affordable housing;
 - 4) The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.
- C) *No Water Connection Fees:* No agency should require a water connection fee for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard may be assessed.
- D) *No Sewer Connection Fees:* No agency should require a sewer connection fee for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard

may be assessed.

- E) *No Fire Sprinklers and Fire Attenuation*: No agency should require fire sprinkler or fire attenuation specifications for the development of a junior accessory dwelling unit. An inspection fee to confirm that the dwelling unit complies with development standard may be assessed.

Definitions of Specialized Terms and Phrases.

"Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

- (1) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
- (2) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

"Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

Attachment 4: State Standards Checklist (As of January 1, 2017)

YES/NO	STATE STANDARD*	GOVERNMENT CODE SECTION
	Unit is not intended for sale separate from the primary residence and may be rented.	65852.2(a)(1)(D)(i)
	Lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.	65852.2(a)(1)(D)(ii)
	Accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.	65852.2(a)(1)(D)(iii)
	Increased floor area of an attached accessory dwelling unit does not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.	65852.2(a)(1)(D)(iv)
	Total area of floor space for a detached accessory dwelling unit does not exceed 1,200 square feet.	65852.2(a)(1)(D)(v)
	Passageways are not required in conjunction with the construction of an accessory dwelling unit.	65852.2(a)(1)(D)(vi)
	Setbacks are not required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines are not required for an accessory dwelling unit that is constructed above a garage.	65852.2(a)(1)(D)(vii)
	(Local building code requirements that apply to detached dwellings are met, as appropriate.	65852.2(a)(1)(D)(viii)
	Local health officer approval where a private sewage disposal system is being used, if required.	65852.2(a)(1)(D)(ix)
	Parking requirements do not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.	65852.2(a)(1)(D)(x)

* Other requirements may apply. See Government Code Section 65852.2

Attachment 5: Bibliography

Reports

ACCESSORY DWELLING UNITS: CASE STUDY (26 pp.)

By United States Department of Housing and Urban Development, Office of Policy Development and Research. (2008)

Introduction: Accessory dwelling units (ADUs) — also referred to as accessory apartments, ADUs, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities, and can be either attached or detached from the main residence. This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs. Section titles include: History of ADUs; Types of Accessory Dwelling Units; Benefits of Accessory Dwelling Units; and Examples of ADU Ordinances and Programs.

THE MACRO VIEW ON MICRO UNITS (46 pp.)

By Bill Whitlow, et al. – Urban Land Institute (2014)
Library Call #: H43 4.21 M33 2014

The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013 to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.

RESPONDING TO CHANGING HOUSEHOLDS: Regulatory Challenges for Micro-units and Accessory Dwelling Units (76 pp.)

By Vicki Been, Benjamin Gross, and John Infranca (2014)
New York University: Furman Center for Real Estate & Urban Policy
Library Call # D55 3 I47 2014

This White Paper fills two gaps in the discussion regarding compact units. First, we provide a detailed analysis of the regulatory and other challenges to developing both ADUs and micro-units, focusing on five cities: New York; Washington, DC; Austin; Denver; and Seattle. That analysis will be helpful not only to the specific jurisdictions we study, but also can serve as a model for those who want to catalogue regulations that might get in the way of the development of compact units in their own jurisdictions. Second, as more local governments permit or encourage compact units, researchers will need to evaluate how well the units built serve the goals proponents claim they will.

SCALING UP SECONDARY UNIT PRODUCTION IN THE EAST BAY: Impacts and Policy Implications (25 pp.)

By Jake Webmann, Alison Nemirow, and Karen Chapple (2012)
UC Berkeley: Institute of Urban and Regional Development (IURD)
Library Call # H44 1.1 S33 2012

This paper begins by analyzing how many secondary units of one particular type, detached backyard cottages, might be built in the East Bay, focusing on the Flatlands portions of Berkeley, El Cerrito, and Oakland. We then investigate the potential impacts of scaling up the strategy with regard to housing affordability, smart growth, alternative transportation, the economy, and city budgets. A final section details policy recommendations, focusing on regulatory reforms and other actions cities can take to encourage secondary unit construction, such as promoting carsharing programs, educating residents, and providing access to finance.

SECONDARY UNITS AND URBAN INFILL: A literature Review (12 pp.)

By Jake Wegmann and Alison Nemirow (2011)
UC Berkeley: IURD
Library Call # D44 4.21 S43 2011

This literature review examines the research on both infill development in general, and secondary units in particular, with an eye towards understanding the similarities and differences between infill as it is more traditionally understood – i.e., the development or redevelopment of entire parcels of land in an already urbanized area – and the incremental type of infill that secondary unit development constitutes.

YES, BUT WILL THEY LET US BUILD? The Feasibility of Secondary Units in the East Bay (17 pp.)

By Alison Nemirow and Karen Chapple (2012)
UC Berkeley: IURD
Library Call # H44.5 1.1 Y47 2012

This paper begins with a discussion of how to determine the development potential for secondary units, and then provides an overview of how many secondary units can be built in the East Bay of San Francisco Bay Area under current regulations. The next two sections examine key regulatory barriers in detail for the five cities in the study (Albany, Berkeley, El Cerrito, Oakland, and Richmond), looking at lot size, setbacks, parking requirements, and procedural barriers. A sensitivity analysis then determines how many units could be built were the regulations to be relaxed.

YES IN MY BACKYARD: Mobilizing the Market for Secondary Units (20 pp.)

By Karen Chapple, J. Weigmann, A. Nemirow, and C. Dentel-Post (2011)
UC Berkeley: Center for Community Innovation.
Library Call # B92 1.1 Y47 2011

This study examines two puzzles that must be solved in order to scale up a secondary unit strategy: first, how can city regulations best enable their construction? And second, what is the market for secondary units? Because parking is such an important issue, we also examine the potential for secondary unit residents to rely on alternative transportation modes, particular car share programs. The study looks at five adjacent cities in the East Bay of the San Francisco Bay Area (Figure 1) -- Oakland, Berkeley, Albany, El Cerrito, and Richmond -- focusing on the areas within ½ mile of five Bay Area Rapid Transit (BART) stations.

Journal Articles and Working Papers:

BACKYARD HOMES LA (17 pp.)

By Dana Cuff, Tim Higgins, and Per-Johan Dahl, Eds. (2010)
Regents of the University of California, Los Angeles.
City Lab Project Book.

DEVELOPING PRIVATE ACCESSORY DWELLINGS (6 pp.)

By William P. Macht. Urbanland online. (June 26, 2015)
Library Location: Urbanland 74 (3/4) March/April 2015, pp. 154-161.

GRANNY FLATS GAINING GROUND (2 pp.)

By Brian Barth. Planning Magazine: pp. 16-17. (April 2016)
Library Location: Serials

"HIDDEN" DENSITY: THE POTENTIAL OF SMALL-SCALE INFILL DEVELOPMENT (2 pp.)

By Karen Chapple (2011)
UC Berkeley: IURD Policy Brief.
Library Call # D44 1.2 H53 2011

California's implementation of SB 375, the Sustainable Communities and Climate Protection Act of 2008, is putting new pressure on communities to support infill development. As metropolitan planning organizations struggle to communicate the need for density, they should take note of strategies that make increasing density an attractive choice for neighborhoods and regions.

HIDDEN DENSITY IN SINGLE-FAMILY NEIGHBORHOODS: Backyard cottages as an equitable smart growth strategy (22 pp.)

By Jake Wegmann and Karen Chapple. Journal of Urbanism 7(3): pp. 307-329. (2014)

Abstract (not available in full text): Secondary units, or separate small dwellings embedded within single-family residential properties, constitute a frequently overlooked strategy for urban infill in high-cost metropolitan areas in the United States. This study, which is situated within California's San Francisco Bay Area, draws upon data collected from a homeowners' survey and a Rental Market Analysis to provide evidence that a scaled-up strategy emphasizing one type of secondary unit – the backyard cottage – could yield substantial infill growth with minimal public subsidy. In addition, it is found that this strategy compares favorably in terms of affordability with infill of the sort traditionally favored in the 'smart growth' literature, i.e. the construction of dense multifamily housing developments.

RETHINKING PRIVATE ACCESSORY DWELLINGS (5 pp.)

By William P. Macht. Urbanland online. (March 6, 2015)
Library Location: Urbanland 74 (1/2) January/February 2015, pp. 87-91.

ADUS AND LOS ANGELES' BROKEN PLANNING SYSTEM (4 pp.)

By CARLYLE W. Hall. The Planning Report. (April 26, 2016).
Land-use attorney Carlyle W. Hall comments on building permits for accessory dwelling units.

News:

HOW ONE COLORADO CITY INSTANTLY CREATED AFFORDABLE HOUSING

By Anthony Flint. The Atlantic-CityLab. (May 17, 2016).

In Durango, Colorado, zoning rules were changed to allow, for instance, non-family members as residents in already-existing accessory dwelling units.

NEW HAMPSHIRE WINS PROTECTIONS FOR ACCESSORY DWELLING UNITS (1 p.)

NLIHC (March 28, 2016)

Affordable housing advocates in New Hampshire celebrated a significant victory this month when Governor Maggie Hassan (D) signed Senate Bill 146, legislation that allows single-family homeowners to add an accessory

dwelling unit as a matter of right through a conditional use permit or by special exception as determined by their municipalities. The bill removes a significant regulatory barrier to increasing rental homes at no cost to taxpayers.

NEW IN-LAW SUITE RULES BOOST AFFORDABLE HOUSING IN SAN FRANCISCO. (3 pp.)

By Rob Poole. Shareable. (June 10, 2014).

The San Francisco Board of Supervisors recently approved two significant pieces of legislation that support accessory dwelling units (ADUs), also known as “in-law” or secondary units, in the city...

USING ACCESSORY DWELLING UNITS TO BOLSTER AFFORDABLE HOUSING (3 pp.)

By Michael Ryan. Smart Growth America. (December 12, 2014).

ATTACHMENT PC-2

Areas of additional study/discussion

This attachment is intended to highlight the policy-related issues that were identified during the February 14, 2017 Planning Commission meeting and put "on hold" for further discussion. The information helps wrap-up the Commission's review of the proposed draft ordinance, prior to forwarding a recommendation to City Council.

The following information is not intended to limit commissioner deliberations. After receiving written and oral input from the public, the Commission may still discuss other policy-related issues at the March 14, 2017 Public Hearing (and at any additional hearings continued to a date specific the Commission determines necessary).

Uncovered and Tandem Parking:

The details of parking regulations can actually have wide-ranging impacts on a community. For this reason, some members of the Planning Commission expressed concern over new State regulations that reduce the parking requirements for new Accessory Dwelling Units and replacement parking. The requirements, as specified by State law, are provided for reference:

65852.2(d)(x)(I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those off street parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

Although recent State law changes have been made in an attempt to respond to a matter of statewide importance, the Legislature also expressed its intent, to some degree, to recognize local regulations. A city may concurrently regulate areas affected by this new State legislation as long as they are compatible. Some policy approaches for discussion include:

1. To minimize any physical impacts of uncovered parking in the front yard, exclude non-driveway areas of the front yard setback area. (Only one driveway can serve the property.)
2. To reduce any visual impacts of uncovered parking in the front yard, require new fencing or a landscaping buffer area around new uncovered parking that is provided in the non-driveway area. (Fencing or walls of a certain height must be located outside of a front yard setback area.)
3. To reduce the amount of vehicle storage or stacking, only allow one set of tandem parking. If both units on the lot use the same driveway for access purposes, then the driveway must be paved to a width of 16 feet.
4. To reduce excessive hardscaping in areas visible to the street, only allow soft surface and permeable parking areas in non-driveway areas.

Garage Conversions:

A residential garage is intended to store one or more personal vehicles. Some garages have enough space, even with cars inside, for the storage of items such as bicycles or a lawnmower; in some cases, there may even be enough space for a workshop. At the February 14, 2017 Public Hearing, some members of the Planning Commission expressed concern over garage conversions.

Some policy approaches for discussion include:

1. Mitigate the loss of household storage space somewhere else on the property.
2. Because a local agency may establish minimum and maximum unit size requirements:
 - Establish that only an efficiency unit can be constructed through a garage conversion. An efficiency unit is 150 square feet, which would leave the remaining garage space area for vehicle and household item storage
 - Require garage conversions to be a minimum of 450 square feet. (Most two-car garages measure 400 square feet.)

All of the options noted above have been provided to help facilitate commissioner discussion and are not intended to represent staff direction. Staff is soliciting commissioner ideas and input on these issues and any others that may be of concern as we move forward to implement State law.

ORDINANCE NO. 2017-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING ARTICLES 6, 39, 65, AND 70 OF THE ESCONDIDO ZONING CODE TO UPDATE THE CITY'S REGULATIONS OF SECOND UNITS (ALSO CALLED ACCESSORY DWELLING UNITS)

APPLICANT: City of Escondido
PLANNING CASE NO.: AZ 16-0007

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

SECTION 1. There is a statutory recognition that the availability of housing is a matter of statewide importance and that the cooperation between government and the private sector is critical to attainment of the State's housing goals.

SECTION 2. Second dwelling units, accessory apartments, or granny flats (hereinafter collectively referred to as accessory dwelling units) provide an important source of rental housing within existing neighborhoods and can provide more housing options for the elderly, in-home health care providers, family members, students, and others.

SECTION 3. California Government Code Section 65852.2 requires that all cities and counties apply specific standards and requirements for the approval of accessory dwelling units in single-family and/or multi-family zones, except as otherwise provided. A city may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of State law.

SECTION 4. That proper notices of a public hearing have been given and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 5. The City Council has duly reviewed and considered all evidence submitted at said hearings, including, without limitation:

- a. Written information;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated July 19, 2017, which along with its attachments is incorporated herein by this reference as though fully set forth herein; and
- d. Additional information submitted during the Public Hearing.

SECTION 6. That the City Council has reviewed and considered the Notice of Exemption prepared for this project, in conformance with the California Environmental Quality Act ("CEQA") Section 15061(b)(3) "General Rule", and has determined that all environmental issues have been addressed and finds that no significant environmental impact will result from approving these code amendments.

SECTION 7. That upon consideration of the staff report, Planning Commission recommendation, Planning Commission staff report, all public testimony presented at the hearing held on this project, and the "Factors to be Considered" attached as Exhibit "A" to this Ordinance and incorporated herein by this reference as though fully set forth

herein, this City Council finds the Zoning Code Amendments are consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 8. That the specified sections of the Escondido Zoning Code Article 70 are amended as set forth in Exhibit "B" to this Ordinance and incorporated herein by this reference as though fully set forth herein.

SECTION 9. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 10. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 11. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

EXHIBIT "A"
FACTORS TO BE CONSIDERED
AZ 16-0007

Zoning Code Amendment

1. The public health, safety, and welfare would not be adversely affected by the proposed Zoning Code amendments.
2. The proposed Zoning Code amendments would not conflict with any State law. Pursuant to Article XI, Section 7 of the California Constitution, a city may make and enforce within its limits, all police, sanitary, and other ordinances that are not in conflict with general laws. The State Legislature has made recent changes in State law to encourage the creation of Accessory Dwelling Units by easing provisions relating to unit location, parking, fees and other requirements. Pursuant to Section 65852.150 of the Government Code, Accessory Units are a valuable form of housing in California and that those units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, within existing neighborhoods. The proposed Zoning Code amendments will ensure that the City's Zoning Code is consistent with California Government Code requirements for Accessory Units.
3. The proposed Zoning Code amendments would not be detrimental to surrounding properties because the amendments involve existing development application types. The amendment would not expand or reduce the type of land uses that may be established in the City and no physical improvements are proposed as part of this Zoning Code amendment. Future construction of Accessory Dwelling Units must comply with any applicable laws and standards. This includes the Building Code, the Fire Code, and any property standards by-laws.
4. The proposed Zoning Code amendments would be consistent with the goals and policies of the General Plan because it encourages compact, efficient urban form, which makes more efficient use of existing infrastructure. It also supports increasing the stock of rental accommodation in an area by providing more housing options for extended families or for a live-in caregiver. 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.
5. The proposed Zoning Code amendments do not conflict with any specific plan.

EXHIBIT "B"
PROPOSED CHANGES TO THE ZONING CODE
AZ 16-0007

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

ARTICLE 6: RESIDENTIAL ZONES

Revise Section 33-102 as set forth below.

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

Revise Section 33-103 as set forth below.

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

ARTICLE 39: OFF-STREET PARKING

Revise the *Second dwelling unit* use category in Section 33-765 to *Accessory dwelling unit* [emphasis added to former and latter categories], and revise note as set forth below.

One (1) parking space for the unit, in addition to those spaces required by this section for the primary residential use in accordance with section 33-1474 of Article 70. All spaces shall be located on-site.

ARTICLE 65: OLD ESCONDIDO NEIGHBORHOOD

Revise Section 33-1373 (b) as set forth below.

~~Second~~Accessory dwelling units as defined in section 33-8, are permitted subject to a ~~second~~an accessory dwelling unit permit in conformance with Article 70 of this chapter.

ARTICLE 70: SECOND DWELLING UNIT

Replace Article title from *Second Dwelling Units* to *Accessory Dwelling Units* [emphasis added to former and latter titles]. A similar change shall be made, without limitation, to any and all Municipal Code and/or Zoning Code table of contents or charts that reference this article title.

Revise Section 33-1470, Purpose and Intent.

The purpose of this article is to provide regulations for the establishment of ~~second~~accessory dwelling units in residential zones. The intent of the article is to provide affordable housing in areas where adequate public facilities and services are available, and where impacts upon the residential neighborhoods directly affected would be minimized. Notwithstanding the intent of California Government Code Section 65852.2, should any provision of this article be found not to be in compliance with State law, that provision should be severed and stricken from Article 70 as if it had never been adopted. ~~Second dwelling units shall be designed to minimize the effect of the new second dwelling unit on adjacent properties, any potential impacts shall be oriented to the primary residence.~~

Section 33-1471, Definition.

Delete section title and content. Reserve section number for future use.

Revise Section 33-1472, Permitted zones, as set forth below.

~~Second~~Accessory dwelling units shall be permitted in the RA, RE, R1, R2, R3 and R4 zones on properties with only one (1) single-family residence on the lot, subject to the approval of an an ~~second~~accessory dwelling unit permit. ~~Second~~Accessory dwelling units within the Old Escondido Neighborhood shall observe the same standards and review procedures required of similar building expansions in that neighborhood. ~~Second~~Accessory dwelling units shall not be permitted on property developed in a planned development zone or as a part of a planned unit approval, unless approved as a part of the original PD or PUA and the subject lot is not less than six thousand (6,000) square feet in size.

Revise Section 33-1473, Occupancy limitations, as set forth below.

- (a) Owner-occupied. The owner of the property shall reside on the parcel on which the ~~second~~accessory dwelling unit is located. The ~~second~~accessory dwelling unit is not intended for sale, except in conjunction with the sale of the primary residence and property.
- (b) Deed restriction. Building permits will not be issued for the establishment of an an ~~second~~accessory dwelling unit or its occupancy prior to the applicant's submittal of evidence that a deed restriction, which sets forth the occupancy limitations prescribed by the ordinance, has been filed with the county recorder. This deed restriction shall run with the land; inure to the benefit of the city as well as to the benefit of the other residential property owners within the subdivision; and, be coterminous in tenure with the life of the ~~second~~accessory dwelling unit.

Revise Section 33-1474, Development standards, as set forth below.

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

- (a) Lot area. Construction of one accessory dwelling unit shall be permitted, subject to the following minimum parcel standards.
- (1) The minimum lot size for the development of an accessory dwelling unit is 8,000 square feet if the permit application involves the construction of a new structure or an exterior addition to an existing structure.
- (2) There is no minimum lot size requirement for the development of an accessory dwelling unit within the Old Escondido Neighborhood on properties that have public street and alley access.
- (3) Notwithstanding subdivisions (1) and (2), ~~Second~~accessory dwelling units may be constructed on any legal lot in a residential zone provided all requirements of this article and the zoning and building codes are met and the unit is located entirely within the building envelop of a single-family dwelling or detached accessory structure and involves no expansion of the existing structure.
- (b) Number of bedrooms. For units 800 square feet or less, aA maximum of one (1) bedroom shall be permitted. Two bedrooms may be permitted if the living area of the accessory dwelling unit exceeds 800 square feet. No more than two bedrooms shall be permitted.
- (c) Location on lot. ~~Second~~accessory dwelling units must be physically attached to the primary structure by a substantial contiguous wall and shall also have access from the primary structure except second dwelling units proposed in the Old Escondido Neighborhood historic district where second units may be detached when the unit is accessed from an alley or located over a detached garage. An accessory dwelling unit may be established within the existing interior of a single-family residence, or attached as an addition to a single-family residence, or established as a new detached structure. With the exception of properties located within the Old Escondido Neighborhood historic district, the minimum lot area for the construction of a detached accessory dwelling unit is 10,000 square feet. Attached accessory dwelling units shall have an independent, exterior access.
- (d) Setbacks. Accessory dwelling units shall conform to the setback requirements of the underlying residential zone for the primary structure.

(1) An accessory dwelling unit proposed to be constructed above an existing detached garage shall have a minimum five-foot setback to side and rear property lines.

- (e) ~~Maximum unit size. For lots less than ten thousand (10,000) square feet, attached second dwelling units shall not exceed five hundred (500) square feet. For lots over (10,000) square feet, second dwelling units shall not exceed six hundred forty (640) square feet. The maximum accessory dwelling unit size is determined by the size of the lot as provided in Table 33-1474. The living area of the accessory dwelling unit shall not exceed more than fifty percent of the existing living area of the primary residence.~~

Table 33-1474

<u>Lot size</u>	<u>Maximum Permitted Accessory Dwelling Unit Size</u>
<u>Less than 10,000 square feet</u>	<u>500 square feet</u>
<u>10,001 to 15,000 square feet</u>	<u>640 square feet</u>
<u>15,001 to 20,000 square feet</u>	<u>800 square feet</u>
<u>> 20,000 square feet</u>	<u>1,000 square feet</u>

- (f) ~~Minimum unit size. The minimum permitted size of a Second accessory dwelling unit shall be the size of an efficiency unit as defined by the Uniform Building Code and Uniform Housing Code-California Health and Safety Code. The minimum unit size of the residential zone shall not apply to the second accessory dwelling unit that is built on the same legal lot as the primary residence in compliance with all local development standards.~~
- (g) ~~Height. Second Accessory dwelling units shall conform to the height limits of the zone and shall be limited to one (1) story.~~
- (h) ~~Lot coverage. The entire combined area of all structures on a lot shall conform to the lot coverage limitation of the zone in which the property is located.~~
- (i) ~~Parking requirements. Off-street parking for the primary dwelling shall conform to the current parking standards, as required in Article 39 of the Escondido Zoning Code and:~~
 - (1) ~~One (1) additional off street parking space, covered or uncovered, shall be provided for a second accessory dwelling unit, and shall not be tandem. Parking provisions may be provided as tandem parking on an existing driveway or permitted within a setback area in accordance with Sections 28-300 and 33-110 of the Escondido Zoning Code, in locations determined to be satisfactory by the Director of Community Development, unless the Director determines that~~

parking in setback areas or tandem parking is not feasible based on specific site or regional topographical or fire and life safety conditions, or not permitted anywhere else in the jurisdiction.

(2) Required parking for the ~~second~~accessory dwelling unit shall be permitted in a side yard or rear yard only when said yard is abutting an alley and a minimum backup of twenty-four (24) feet is provided.

(3) Parking for the ~~second~~accessory dwelling unit shall be ~~accessible, not conflict with access and required parking for the primary structure and be located to minimize impacts on adjacent properties~~ through landscaping, a wall/fence, or other screening treatment.

(4) Notwithstanding any other law, the City will not impose parking standards for an accessory dwelling unit when the unit is located within one-half mile of public transit, located within the Old Escondido Neighborhood or when there is a car share vehicle located within one block of the unit. The City will also waive parking requirements for new accessory dwelling units when the accessory dwelling unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety.

(5) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, replacement parking may be located in any configuration on the same lot as the accessory dwelling unit.

(i) Garage conversions and personal storage. If an existing garage is converted to an accessory dwelling unit and no replacement garage space is provided, a minimum of 160 additional cubic feet of lockable, enclosable storage must be provided on the same lot to mitigate the loss of personal storage space.

(+)(k) Design of the unit. Accessory dwelling units shall be designed to minimize the effect of the new accessory dwelling unit on adjacent properties.

(1) Any potential impacts shall be oriented to the primary residence. The ~~second dwelling unit shall not create a second front entrance visible from adjacent streets. Access doors and entry for the second~~accessory dwelling unit shall not be oriented to the nearest adjacent property line or create a second "front door" that is comparable to the main entrance. The design, construction, and presence of the accessory dwelling unit shall conform with the single family character of the neighborhood.

(2) Proposed accessory dwelling units shall respect the residential scale and design character of existing homes. The accessory dwelling unit's color and materials must match those of the primary residence, maintaining compatibility with the neighborhood. The ~~planning staff~~ Director shall review ~~second~~ accessory dwelling unit applications to ensure the addition is integrated with the primary structure with respect to roof design, height, compatible materials, color, texture, and design details. If the accessory dwelling unit is an addition to a site with known historic resources or has been determined have historic value by the Director, all improvements shall retain the historical and/or architectural value and significance of the landmark, historical building, or historical district. The improvements shall be compatible with and retain the texture and material of the primary building(s) and/or structure(s) or its appurtenant fixtures, including signs, fences, parking, site plan, landscaping and the relationship of such features to similar features of other buildings within an historical district.

- ~~(j)~~(l) Addresses. The addresses of both units shall be displayed in such a manner that they are clearly seen from the street.
- (m) Fire Sprinklers. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

Revise Section 33-1475, Other regulations, as set forth below.

- (a) Garage conversions. ~~Garage conversions to second accessory dwelling units are prohibited unless replacement covered off-street parking is provided which conforms to Article 39 of this chapter. Converted garages must meet all building code requirements for a dwelling unit and provisions of the ordinance. No setback shall be required for an existing garage that is converted to an accessory dwelling unit.~~
- (b) Guest house. An attached guest house may be converted to a second accessory dwelling unit provided all provisions of this article and the building code and zoning code are met. A guest house and ~~a second~~ accessory dwelling unit may occur on the same lot provided the lot is over twenty thousand (20,000) square feet in area and provided the guest house does not contain kitchen facilities and is not rented. No more than one (1) ~~second~~ accessory dwelling unit or no more than one (1) guest house are permitted on a lot.
- (c) The City may require a new or separate utility connection for any attached or detached accessory dwelling units that are not contained within the existing space of a single family residence or accessory structure.

Replace Section 33-1476 title from *Existing nonpermitted second units* to *Existing nonpermitted accessory units* [emphasis added to former and latter titles].

Revise Section 33-1476, Existing nonpermitted accessory units, as set forth below.

This article shall apply to all ~~second~~accessory dwelling units which exist on the date of passage of the ordinance. All units which do not have a permit, or cannot receive a permit, upon passage of the ordinance codified herein shall be considered in violation and shall be subject to code enforcement action.

Revise Section 33-1477, Application and procedure, as set forth below.

The ~~director~~Director of Community Development shall approve a ~~second dwelling unit permit for an accessory dwelling unit within 120 days of submission of a complete application, unless he or she determines it is determined that such~~the permit does not meet the requirements of this article. The ~~director~~Director may refer any unit to the planning commission or Historic Preservation Commission prior to the ~~director's~~Director's decision for conformance with the specific criteria outlined in section 33-1474(i).

Revise Section 33-1478, Findings for approval and denial, as set forth below.

The decision to deny an application shall be in writing and shall state the reasons therefor. A permit for an accessory dwelling unit shall be issued upon a finding that all of the following have been established: ~~In granting a second dwelling unit permit, the following findings shall be established as complete without further written action:~~

- (a) Adequate public facilities and services are available;
- (b) All requirements of this article and the zoning code are met;
- (c) The project will not create a second front entrance;
- (d) The unit is integrated with the primary structure with respect to roof design, height, compatible materials, color, texture, and design details; and
- (e) The accessory dwelling unit does not create any adverse impact on any real property that is listed in the local, state, or federal Register of Historic Places.

Revise Section 33-1480, Fees, as set forth below.

- (a) Upon the filing of an permit for an accessory dwelling unit, a fee in an amount to be established by resolution of the city council shall be paid by the applicant to the city.

(b) Any party who appeals the director's determination made by the Director of the Community Development shall submit an appeal processing fee as determined by the city council.

~~(b) For purposes of determining building permit fees, a second dwelling unit shall be considered a room addition and shall not be subject to subarea facilities plan fees.~~

(c) The City may require a new or separate utility connection directly between the accessory dwelling unit and the utility. The connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 10

Date: July 19, 2017

TO: Honorable Mayor and Members of the City Council

FROM: Jay Petrek, Assistant City Manager

SUBJECT: Jesmond Dene and Mountain View Parks' Master Plan Amendments

RECOMMENDATION:

It is requested that the City Council authorize staff and resources to amend the previously approved Master Plans for Jesmond Dene and Mountain View Parks.

PREVIOUS ACTION:

None

BACKGROUND:

Separate Master Plans for Jesmond Dene and Mountain View Parks were approved by the City Council in 1980 and 1988 respectively. The Master Plans each entail a text and site plan identifying specific features and facilities associated with constructing each park. Over the years, improvements within each park have largely followed their adopted Master Plans; consequently, updates or modifications to the Master Plans have not been required.

Jesmond Dene Park, located at the southwestern corner of Broadway and Jesmond Dene Road, totals 41 acres and includes 10 developed acres, including 2 lit Little League fields, 1 unlit baseball field, a concession building, picnic areas, a tot lot, a playground and restrooms. There are three separate parking areas with a total of 194 parking spaces (Attachment A).

Mountain View Park, located at the southeastern corner of Citrus Avenue and Glen Ridge Road, totals 23 acres and includes 11 developed acres, 2 lit Little League fields, a concession building and restrooms, a soccer field, 3 Tennis courts, picnic areas, a tot lot, a playground, and open turf area. The park has 3 parking areas with a total of 186 parking spaces (Attachment B).

DISCUSSION:

New recreational facilities for Jesmond Dene and Mountain View Parks have been recently proposed that are not identified in their adopted Master Plans. These proposed facilities require Community Services and Planning Commission consideration/recommendation, as well as City Council approval, prior to incorporating in their associated Master Plans and constructing the improvements:

Jesmond Dene Park:

Interest has been expressed for developing a Bicycle Motocross (BMX) facility and Pump Track. This sport originated in southern California in the early 1970s, and has grown in worldwide popularity to become an Olympic competition that was first introduced at the 2008 Summer Games in Beijing, China. Currently there are over 370 BMX parks throughout the United States, of which nearly 10% are in California. Locally, the nearest BMX parks to Escondido are Kearny Moto Park (26 miles), Cactus Park BMX in Lakeside (27 miles), the BMX Development Track at the Chula Vista Olympic Training Center (48 miles), and Lake Perris BMX in Riverside County (59 miles).

Mountain View Park:

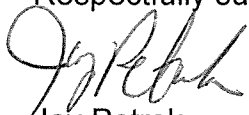
Representatives from the Escondido National Little League Board of Directors have approached the City with a proposal to design, construct, and maintain a third lit baseball field in Mountain View Park through volunteer efforts. The League has been serving the community since 1954 and has recently played in the Little League World Series. Participation in the League has grown over the years necessitating a third lit baseball field. The League moved to Mountain View Park in the 1990s and has invested approximately \$175,000 in a new scoreboard, shade covers, fencing, batting cages, and concession building improvements that have largely been funded by private donations. The League also provides maintenance to their facilities in the park and makes them available to the public when not in use.

NEXT STEPS AND RECOMMENDATION:

Staff is nearing completion of a Request for Qualifications to solicit interest from BMX operators who would lease area within Jesmond Dene Park to finance, design, construct, operate, and maintain a public BMX facility at no cost to the City. Designs and technical studies of the proposed lit baseball field for Mountain View Park are being prepared by Escondido National Little League representatives for staff review and processing.

Subject to the City Council direction, staff will commence the process for amending the Master Plans, which would include review and recommendation from the Community Services and Planning Commissions at noticed public hearings. Both proposals will undergo necessary environmental review prior to adoption. Costs associated with updating the Master Plans involve preparing or contracting technical studies, CEQA documentation, and staff report preparation. These costs are anticipated to be modest because most of the effort will be conducted by staff and would be funded by Park Development Impact Fees as part of a separate budget adjustment at a later date.

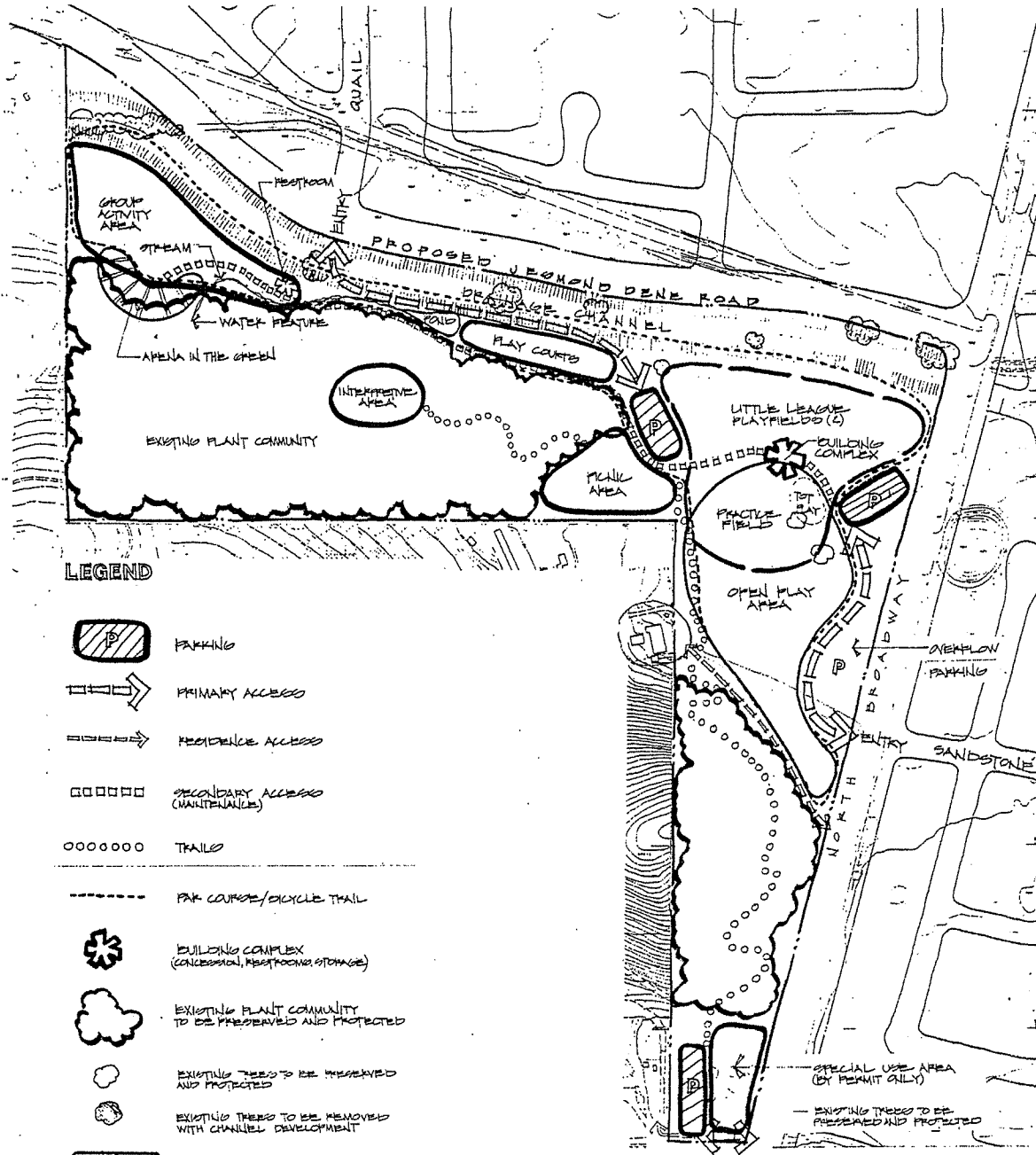
Respectfully submitted,














Jay Petrek
Assistant City Manager

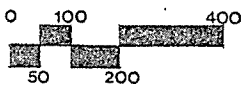
ATTACHMENT A

Jesmond Dene Park Site Plan



LEGEND

-  PARKING
-  PRIMARY ACCESS
-  RESERVENCE ACCESS
-  SECONDARY ACCESS (MAINTENANCE)
-  TRAILS
-  PARK COURSE/BICYCLE TRAIL
-  BUILDING COMPLEX (CONCESSION, RESTROOMS, STORAGE)
-  EXISTING PLANT COMMUNITY TO BE PRESERVED AND PROTECTED
-  EXISTING TREES TO BE PRESERVED AND PROTECTED
-  EXISTING TREES TO BE REMOVED WITH CHANNELLED DEVELOPMENT
- 



AREA RELATIONSHIP STUDY

ATTACHMENT B
 Mountain View Park Site Plan

Mountain View Park Site

Historical Building - This home will be restored for use as an interpretive center and may be used for classes or social events. A "period garden" behind the structure, and surrounding it, will reflect the era of the building's origin. Some citrus trees will be preserved for their historical value.

Stage - The space can be used for outdoor performances and other formal or informal presentations and provides for a physical and visual link to the historical site.

Main Entry Drive - Lined with specimen trees, the main entry drive provides a straight view to the recreation building - the "heart" of the project.

Screening - Berms, grade changes, and heavy planting will screen sun of the cars along Citrus Avenue.

Security Lighting - Security lighting will be provided at the parking lots, picnic structure, and all buildings.

Slope Planting - Shrubs and ground covers will stabilize steep slopes, on the site.

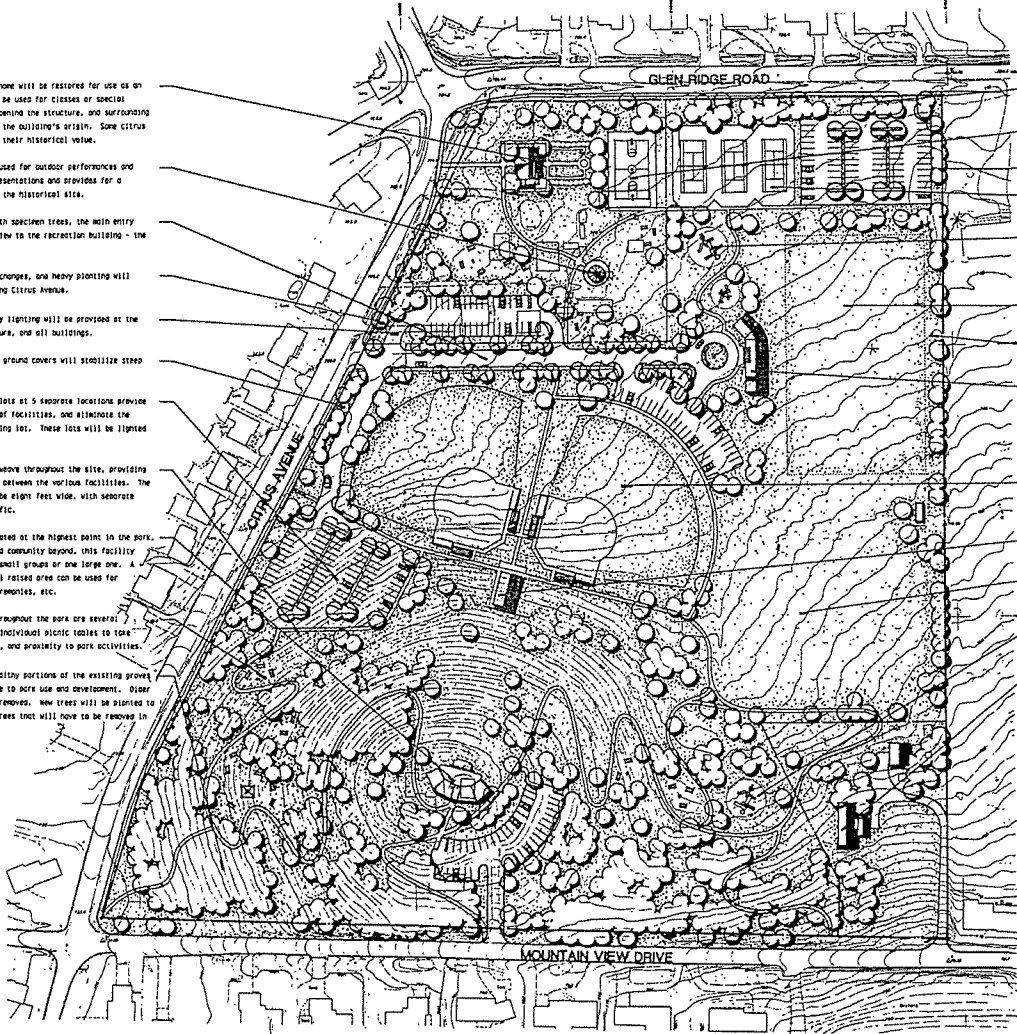
Parking - Asphalt parking lots at 5 separate locations provide parking close to a variety of facilities, and minimize the impact of an expansive parking lot. These lots will be lighted with low pressure sodium.

Sidewalks - Sidewalks will weave throughout the site, providing pleasant circulation routes between the various facilities. The majority of the walks will be eight feet wide, with separate pedestrian and bicycle traffic.

Open Plaza Facility - Located at the highest point in the park, and overlooking the park and community beyond, this facility provides space for several small groups or one large one. A large paved area and a small raised area can be used for presentations, weddings, ceremonies, etc.

Plastic Areas - Scattered throughout the park are several clustered picnic areas and individual picnic tables to take advantage of views, privacy, and proximity to park activities.

Wooded & Citrus Grove - Healthy portions of the existing grove may be retained if compatible to park use and development. Older and diseased trees will be removed. New trees will be planted to grow up and replace older trees that will have to be removed in future years.



Buffer - Heavy planting and berms will screen sports activities and activities in the parking lot from adjacent residences.

Recreation Courts - One unlighted full size court is to be installed.

Chain Link Fencing - Provided an east side for security purposes.

Tennis Courts - Three fenced, unlighted tennis courts are to be installed.

Play Area - Separate play areas and tot lots for elementary age children and toddlers will provide recreational play, centrally located near the recreation building and various sports facilities.

Multi-purpose Field - An unlighted turfgrass field of sufficient size for either soccer or football will be provided.

Buffer - heavy plantings and a fence will screen adjacent residences and stop errant balls.

Recreation Building - Situated centrally to the various sports facilities, the recreation building is the "heart" of the park, providing facilities for recreation programs, community classes and other gatherings. The building, approximately 2500 S.F. in size, will include meeting rooms, a kitchen, restrooms, and storage space.

Little League Field - The only lighted sport facility in the park, these two fields will include backstop one fencing, dugouts, and bleachers.

Concession Stand - This building will include a facility for a concessionaire, restrooms, and storage.

Open Play Area - One unimproved flat turf area will provide space for informal sports or practice sessions.

Children's Play Area - Play structures will provide recreational play for children near picnic areas.

Existing Buildings - The existing house and barn may be converted to park office space, and maintenance equipment storage.

master plan

Prepared For:
 COMMUNITY SERVICES DEPARTMENT
 City Of Escondido, California
 September 15, 1988



HALSEY DESIGN GROUP
 1000 E. Highway 101, Suite 100, Escondido, CA 92026
 Planning - Urban Design
 Landscape Architecture
 Civil/Structural Engineering
 A California Corporation



FUTURE CITY COUNCIL AGENDA ITEMS
Updated July 13, 2017

*AGENDA ITEMS AND CITY COUNCIL MEETING DATES ARE SUBJECT TO CHANGE.
CHECK WITH THE CITY CLERK'S OFFICE AT 839-4617*

July 26, 2017
NO MEETING (Summer Break)

August 2, 2017
NO MEETING (Summer Break)

Weekly Activity Report



July 13, 2017

FEATURED THIS WEEK

- Escondido has been awarded a **\$1,207,000** grant from the Housing-Related Parks Program through the California Department of Housing and Community Development. The Housing-Related Parks Program is an innovative State program designed to reward local governments that approve housing for lower-income households and are in compliance with State housing element law with grant funds to create or rehabilitate parks and/or recreational facilities.
- Escondido Brush Unit #1363 was deployed on July 8, 2017 to assist with the Alamo Fire in San Luis Obispo. The 28,687-acre is 65% contained according to the California Department of Forestry and Fire Protection.



ECONOMIC DEVELOPMENT

- This weekend, July 14 -16, 2016, the Escondido Soccer Club will be hosting their annual Dave Shelton youth soccer tournament at Ryan Park, using all eight fields. There will be 149 teams competing with teams traveling in from all over San Diego County, Orange County, and Riverside County. This is the City's largest annual youth soccer tournament hosted at Ryan Park. We expect over 2300 families visiting, shopping, dining, and lodging in Escondido

COMMUNITY DEVELOPMENT

Major Projects Update

The following major projects are currently being reviewed and coordinated with Planning, Engineering, Fire, Building and Utilities staff. A complete description of each project can be viewed [here](#). Updates provided below cover project milestones that occurred last week.

Commercial / Office:

1. Escondido Research and Technology Center – East (ERTC) (Developer: James McCann) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week.* A grading plan for a temporary parking lot to serve the hospital was approved June 13, 2016, and the parking lot is now under construction.
2. Escondido Research and Technology Center – West (ERTC) (Developer: James McCann) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week.* Construction is underway on the approximately 76,000 square foot medical office building with a linear accelerator. Palomar Health also will be constructing their new outpatient center adjacent to the site at 2185 Citracado Parkway.
3. Centerpointe 78 Commercial (Developer: Lars Andersen, Pacific Development) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week.* The grading plan was approved on May 10, 2017. Planning has approved a modified front elevation that would eliminate the second set of entry/exit doors. A building permit for the supermarket shell building was issued last week. Building plans for the tenant improvement of the market were submitted into plan check on May 9, 2017. The architectural details for the stand-alone pad building on the east side of the property (i.e. Starbucks) filed for design review on June 6, 2017 and is currently being reviewed by staff.
4. Westfield Theater (Developer: Kim Brewer, Westfield) – *This project has been placed on hold by Westfield while they finalize lease negotiations so there is no change from the following update reported last week:* No grading, building or improvement plans have been submitted by the developer at this time.
5. Felicita Development, LLC (Developer: Katherine Park, Creative Design Associates) – *This project is on hold pending further direction and submittal of information from the applicant.* Follow-up meetings conducted by the applicant with staff and the wildlife agencies lead staff to believe a revised project is forthcoming.
6. Springhill Suites (Developer: Raj Patel, San Bernardino Hospitality LLC) – Final interior design changes to meet Marriott's current generation prototype were approved by Esgil and Planning on July 11, 2017. Construction is expected to commence within the next two weeks.
7. Centre City Commercial Center (Developer: Todd Dwyer) – The Zoning Administrator adopted the environmental document on June 28, 2017 leading to approval of the plot plan application that same day. A demolition plan for the existing motel and restaurant buildings on the site was submitted the third week of May and demolition is expected to start soon now that asbestos abatement has been completed. The applicant has notified staff that he intends to submit construction plans on July 18 to start the expedited plan check program.

Industrial

1. StorQuest 222 W. Mission Ave. (Developer: The William Warren Group, Inc.) – The grading plan has been approved by Planning and Fire. The third grading plan check was received by Engineering and Utilities on June 20, 2017 and is currently being reviewed. Building plans

have now been approved by Esgil, Planning and Fire. Landscape plans were submitted on June 7, 2017 and Planning reviews have been returned to the applicant.

2. Victory Industrial Development (Developer: Scott Merry, Badiee Development) – The applicant has secured his permits from the Army Corps, Regional Board, and CA Fish and Wildlife. The grading plan has been approved, BMP's are installed and the permit has been issued. Signal plans and street improvement plans have been approved. A pre-construction conference was held at the site and construction has commenced. The applicant has invited the Mayor and City Council to attend a groundbreaking event on July 13, 2017.
3. Escondido Self-Storage Facility (Developer: Brandywine Homes, Inc.) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week:* Building plans grading plans, landscape plans and the final map have been submitted and comments have been provided by staff and Esgil. Engineering sent comments on the third check of the grading plan in mid-June. Staff is awaiting revised plans from the applicant.
4. Innovative Industrial Development (Developer: Scott Merry, Badiee Development) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week:* Comments on the building permit application have been returned. Landscaping drawings were submitted on May 9, 2017. The second check of the grading plan is nearing approval.
5. North American Self-Storage (Developer: Russ Colvin) – This project is participating in the expedited plan check program. The demo permit has been issued. The applicant submitted a 2nd plan check for the grading plan on April 13, 2017, and comments from all departments were provided back within 13 days. A boundary adjustment to combine the two lots on the site has recorded. The applicant is coordinating construction timing for an off-site water line with multiple departments. The applicant submitted for a 3rd plan check on June 2, 2017, and a request for final, minor corrections was sent back on June 15, 2017. Building plans were approved by Esgil and Fire the last week of June.

City Projects

1. Micro-Filtration Reverse Osmosis (Developer: City of Escondido Utilities Department) – *No further updates to this item will be provided while litigation is in progress:* The Planning Commission approved the proposed CUP on December 13, 2016. An appeal of that decision was filed and the City Council denied the appeal on January 11, 2017 and affirmed the Planning Commission's decision to approve the project.
2. Wastewater Collections Yard Expansion (Developer: City of Escondido Utilities Department) – *Project review is on-going but there are no new milestones to report this week:* Grading, building and landscape plans are now being reviewed by staff. Utilities staff is assessing value engineering options in an effort to reduce the cost of the facility. The most likely option will be to build the project in phases starting with two of the three approved buildings.
3. HARRF Biogas to Energy Project (Developer: City of Escondido Utilities Department) – *Communications with the applicant are on-going but no construction plans have been*

submitted since the project was approved and there are no new milestones to report this week: A Conditional Use Permit for the project was approved by the Planning Commission December 13, 2016.

4. Lake Wohlford Replacement Dam (Developer: City of Escondido Utilities Department) – A Draft EIR was prepared and issued for a 45-day public review period that began on October 4, 2016 and closed on November 17, 2016. Staff and AECOM are now in the process of coordinating responses to the comments that were received during the public review period. A field visit with staff from the state and federal wildlife agencies took place on May 11, 2017, to review biological mitigation requirements. Staff sent a follow-up letter to the wildlife agencies on June 29, 2017, seeking clarification on the proposed biological mitigation requirements.

Institutional

1. Escondido United Reformed Church (Developer: Brent Cooper) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week:* The applicant submitted a CUP modification application on May 25, 2017, to increase the size of the sanctuary and classroom buildings and delete Phase 4. That modification was approved by the Planning Commission on June 27, 2017. Plan check has been underway during the CUP modification process with the building plans already in third plan check and the grading plan in second plan check.
2. Self-Realization Fellowship Center (Developer: John Pyjar, Domusstudio Architecture) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week:* The CUP application was submitted on November 14, 2016. Staff reviewed the initial submittal and sent a letter to the applicant on December 14, 2016, indicating that the application was incomplete and specifying the additional information that was necessary to complete the application. The applicant resubmitted revised plans and technical studies on May 19, 2017, and staff comments were issued last week.

Residential

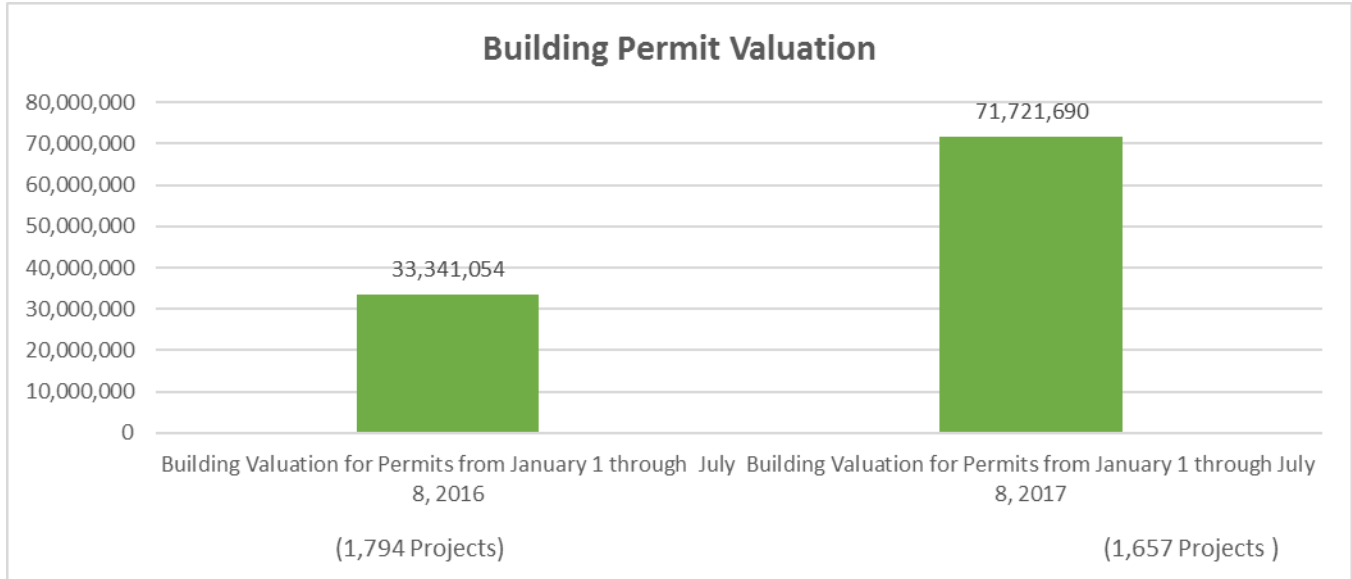
1. Oak Creek (Developer: Jason Han, New Urban West) – *This project has been placed on hold by the developer while the City completes construction of the Southwest Sewer Project so there is no change from the following update reported last week:* No grading or improvement plans have been submitted by the developer at this time.
2. Amanda Estates (Developer: Jason Han, New Urban West) – *This project has been placed on hold by the developer while the City completes construction of the Southwest Sewer Project so there is no change from the following update reported last week:* No grading or improvement plans have been submitted by the developer at this time.
3. Lexington (Developer: Eric Johnston, KB Homes) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week:* The applicant received building permits for 10 new homes on April 18, 2017. Building permits for 15 additional homes were issued on May 4, 2017, and eight more homes were issued on May 9. The County Water Authority has now approved a necessary utility crossing through a short

section of their easement. The new traffic signal at the corner of Ash and Vista should be operational before school starts back up.

4. Stella Park Condominiums (Developer: Edward Kaen, ETP, LLC) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week:* Lyon Homes submitted a precise grading plan on March 28, 2017. A final map, street improvement plans and landscape plans were also submitted on April 17, 2017. Building plans were submitted into plan check on April 6 and landscape plans on May 1. Comments were returned in the beginning of June. The rough grading permit was issued on May 22, 2017 allowing construction to start on the project. Engineering comments on the precise grading plan were sent out on June 16, 2017.
5. Wohlford (Developer: Jack Henthorne) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week:* The Draft EIR has been posted on the city website and released for a 45-day public review period that ended on May 12, 2017. The EIR consultant has forwarded draft responses to comments to staff for review. Potential Development Agreement terms are now being considered.
6. Latitude II (Developer: Peter Zak, Lyon/NCA) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week:* A grading permit has been issued and grading is underway. The final map was approved by City Council on June 7, 2017. Utilities approved the off-site water line plans two weeks ago. Building permits for all six residential buildings (112 units) were issued on June 22, 2017.
7. Canyon Grove Estates Tract 932 (Developer: John Vance, Shea Homes) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week:* The model homes have been completed and are now open. Construction of the phases is underway with three more phases receiving building permits in early June. The precise grading plan for the remainder of the development has been approved.
8. Safari Highlands Ranch (SHR) (Developer: Jeb Hall, Concordia Homes) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week:* A second revised tentative map depicting various minor changes and clarifications to roads, easements and drainage facilities was submitted on April 25, 2017. Revised technical engineering reports as well as responses to staff comments also have been submitted for review. The revised studies have been loaded on the City's website at the following link: [Safari Highlands Ranch Specific Plan - City of Escondido](#). Staff anticipates that the Draft EIR will be out for public review in June or July of 2017.
9. High Pointe Tract 693-J (Developer: Russell Schaeffer, True Life Communities) – *The applicant continues to actively market the property and there is no change from the following update reported last week:* Staff has prepared a bond and fee letter based on the proposed grading and landscape plans, and has sent it to the applicant.
10. Del Prado (Developer: Kerry Garza, Touchstone Communities) – *Communications with the applicant are on-going but there are no new milestones to report this week:* No grading or improvement plans have been submitted by the developer at this time.

11. 701 San Pasqual Valley Rd (Developer: Bob Stewart) – Staff has met several times with the applicant to help work through project design and storm water issues. A Draft Mitigated Negative Declaration has been submitted and staff has provided comments to the applicant on the draft and technical studies. A three-year extension of time for the previously approved ten-lot subdivision (Tract 895) was approved by the City Council on June 7, 2017. Staff is currently reviewing revisions to the tentative map that were submitted in early June.
12. Escondido Gateway (Developer: Greg Waite, Integral Communities) – The builder (Lyon Homes) is coordinating with city staff to resolve ownership and title issues regarding three strips of land under existing excess right-of way that is proposed to be vacated for the applicant's use. NCTD has approved its quitclaims and the City Council has authorized eminent domain. Building and grading permits are nearing approval. Asbestos and lead-based paint abatement has been completed in preparation for demolition of the vacant building on the site, which should start this month.
13. The Villages at Escondido Country Club (Developer: Jason Han, New Urban West, Inc.) – Planning staff has provided a location on the city's website for ECC project-related documents and plans. A 45-day public review period for the Draft EIR commenced on June 28, 2017 and will end on August 11, 2017. The Draft EIR and appendices have been placed on the city website. This information along with project status and other related information can be accessed at the following link: [ECC - City of Escondido](#)
14. Ivy/Valley Parkway Mixed-Use Development (Developer: Abad Rahan Pars Inc./ Norm Wieme, Architect) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week:* The applicant has indicated that grading and building plans are expected to be submitted into plan check soon. The reimbursement agreement for new water infrastructure that will be installed by the project in the adjoining alley has been approved.
15. North Avenue Estates (Developer: Casey Johnson) – An application to re-entitle aspects of the previously approved project that have expired and modify the project design to reflect new storm water requirements was submitted to the Planning Division on March 7, 2017. The applicant has notified staff that a revised design for the project entry and open space area adjacent to the Laurashawn Lane homes will be submitted this week. The applicant will be coordinating easement and utility crossing issues with the County Water Authority, whose main underground water transmission lines cross the site.
16. Aspire and The Ivy (Developer: Addison Garza, Touchstone Communities) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week:* The project consists of three separate downtown sites proposed for mixed-use, residential and parking garage project components on Parking Lot 1, Parking Lot 4 and the former Escondido Surgery Center property. Applications were submitted for entitlement processing on June 23, 2017. A project kick-off meeting with the applicant and city staff has been scheduled for July 13, 2017. Staff and the applicant are working on an agreement that will provide contract planner services to expedite project review times.

Building Division

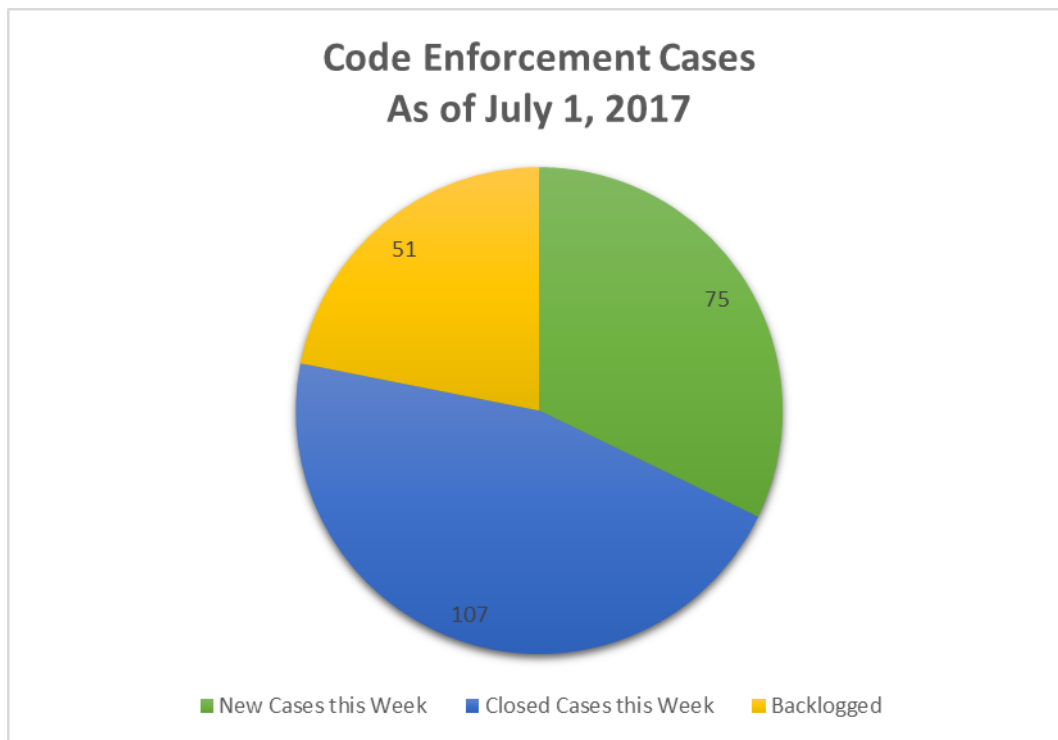


Building Permits Issued Last Week	Total Valuation
24	\$1,221,045

1. 12 solar permits were issued for the week. The Building Division has issued 485 solar permits this year compared to 687 issued for the same time last year.
2. Our building inspectors responded to 134 inspection requests for the week.
3. Building has issued 123 single family dwelling permits this year and 224 multi-family units. This compares with 48 single family dwelling and 33 multi-family dwellings for same time last year.
4. Projects nearing permit issuance are:
 - a. 917 W Lincoln, three new apartment buildings, nine units.
5. The construction of the City Plaza three-story mixed use building at 300 S. Escondido Blvd. has received partial approval of roof framing and rough framing inspections. *No change from previous.*
6. Drywall is being installed in the second floor units at the Meadowbrook, three-story apartment building with underground garage at 2081 Garden Valley Glen. The nursing care facility is now open.
7. The medical office building at 2125 Citracado Pkwy is progressing with the erection of the building structural steel. *No change from the previous.*
8. The medical office building at 1951 Citracado Pkwy has completed construction of the exterior masonry walls. Framing has commenced.

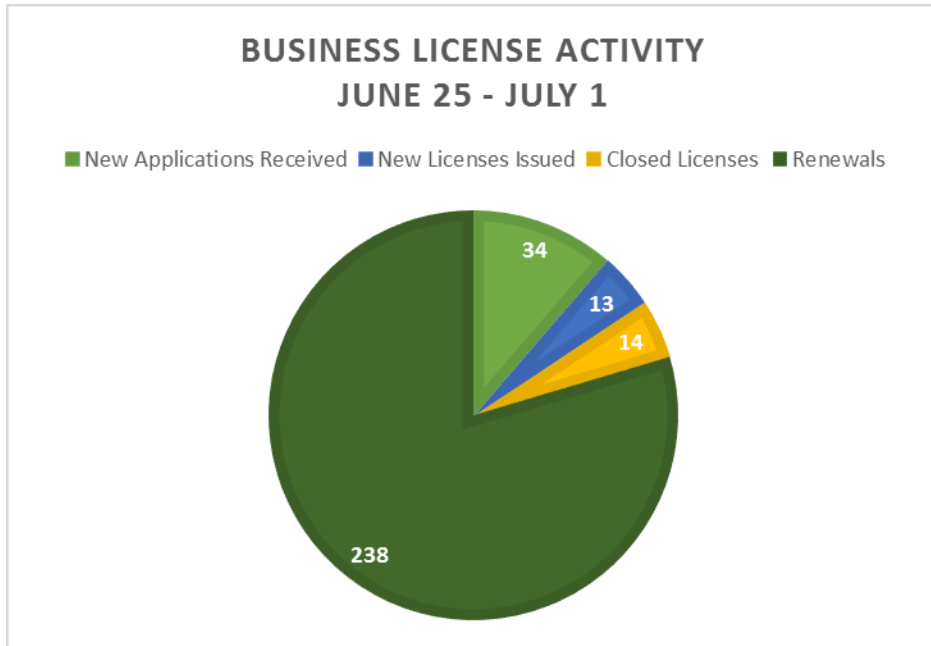
9. The Westminster Seminary at 1725 Bear Valley Pkwy is proceeding with the framing on two of the buildings. All but one of the nine building foundations have been completed.
10. The Emanuel Faith Church at 639 E 17th Ave and the Church of Resurrection at 1445 Conway have received partial foundation inspections and underground plumbing inspections. Construction of the exterior masonry walls is progressing. *No change from the previous.*
11. The new Popeye's restaurant at 1541 E. Valley Pkwy has received final inspection approval.
12. The Ford auto dealership at 1717 Auto Pkwy is setting the finish in the office showroom as part of their extensive remodel. Final finish and site work is in progress. *No change from the previous.*
13. The new Veterans Village project at 1540 S. Escondido Blvd. has received partial foundation inspection and inspections of the masonry walls at Building 1. *No change from the previous.*

Code Enforcement

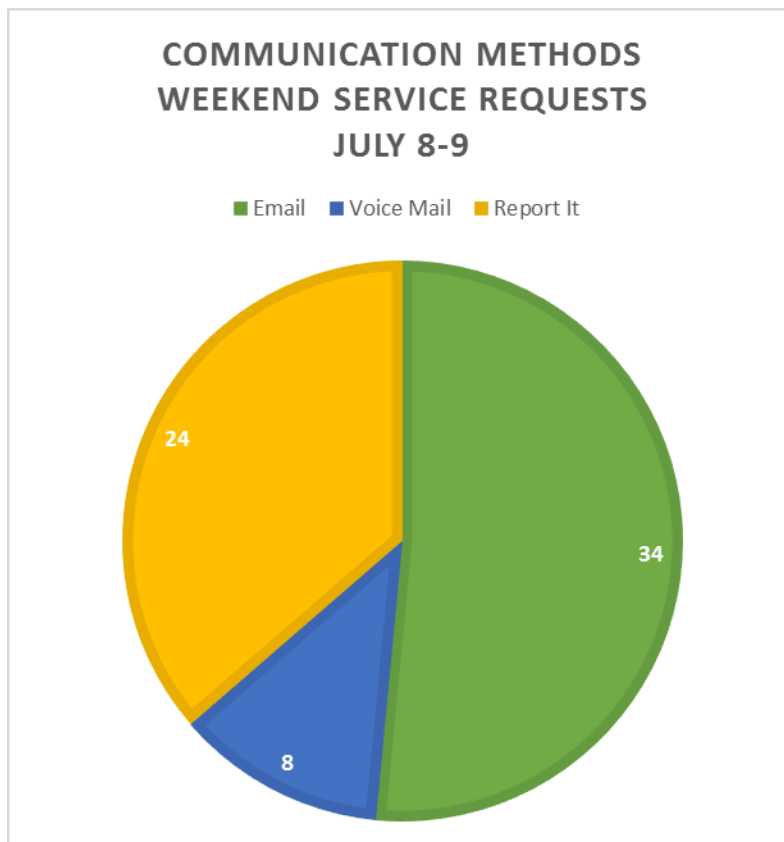


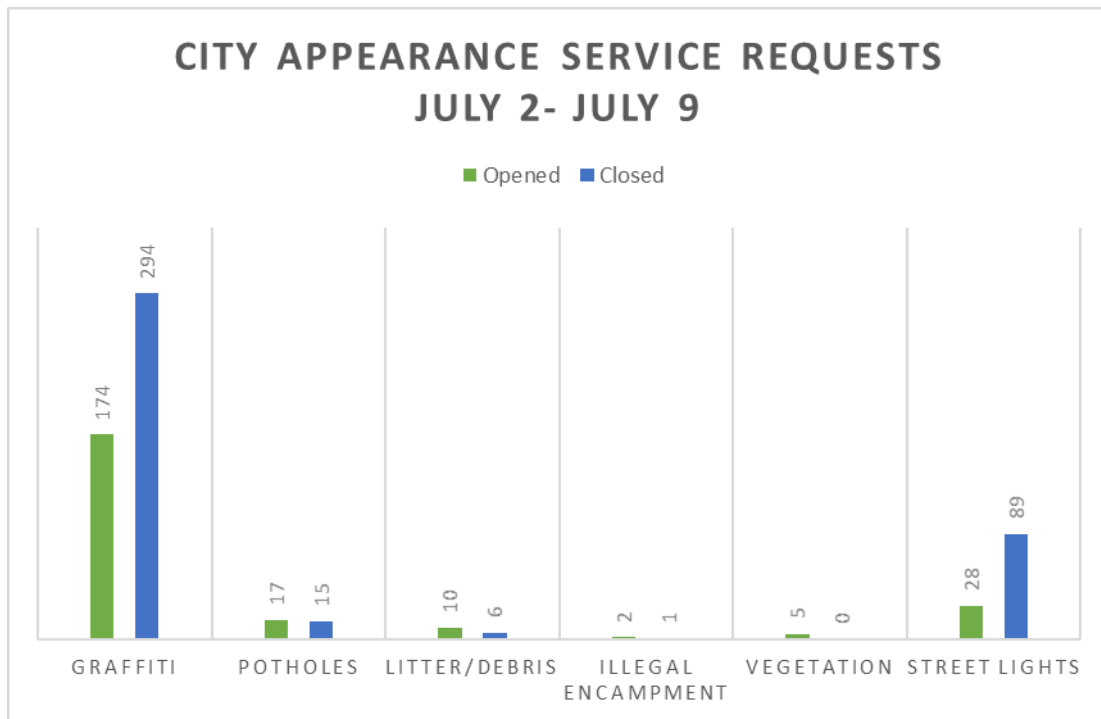
Total Open Code Cases	Illegal Signs Confiscated over the Previous Weekend
419	170

Business Licensing



Public Works Operations





Graffiti Restitution

Collected This Week	Collected Year to Date
\$100	\$5334.51

ENGINEERING

Capital Improvements

East Valley Pkwy/Valley Center Road Widening Project

This project will widen the bridge over Escondido Creek north of Lake Wohlford Road, widen Valley Center Road, add medians and landscaping, and construct sidewalk from Beven Drive to the northern City limit. This project bid on May 25, 2017, City staff has received Caltran's approval of Disadvantaged Business Enterprise goals for this federally funded project. The project is on the agenda and recommended for award by the City Council at the July 12, 2017 meeting. Construction is anticipated to begin later this summer.

Neighborhood Streetlight Project

This project will add new streetlights to meet current lighting standards, and retrofit existing streetlights with LED fixtures at five established communities throughout the City (Cedar-Cedar Brook, Mission Grove, Rose to Foxdale, Rustic Village, The Elms). Staff advertised for bids on June 22, 2017, bid opening on August 3, 2017. It is anticipated that award of the construction contract will be requested of the City Council at the August 16, 2017 meeting. Construction is anticipated to begin by late summer/early fall.

East Valley Pkwy/Date and El Norte Parkway/Fig Street Traffic Signals

This project will add new signals at both of these intersections. Designs for both projects are complete. The City has received Authorization to Construct approval from Caltrans. Staff has

completed minor updates to the plans and specifications, and they are under final review by the City Engineer. Staff anticipates advertising this project for bids in August 2017.

Annual Street Maintenance Project

City staff are currently preparing bid documents for the next annual street maintenance project. The project will replace uplifted sidewalks and trees, apply pavement treatments, and restripe with bike lanes in compliance with the City's Bike Master Plan. This year's project will focus in the North East Maintenance Zone, which is bounded by Broadway on the West, Lincoln on the South, and City limits on the North and East. In addition, resurfacing is planned on portions of Lincoln, El Norte Parkway, Broadway, Felicita and Andreasen. Staff expects to finalize bid documents later this summer, request City Council award of the contract, and begin construction in the fall. The list of streets to be paved will be posted on the Engineering page of the City's website in August.

Private Development

Pradera - Lennar Communities

No changes from that reported last week: Phase 6 homes are being released for occupancy this week.

Lexington Model Homes - KB Homes

No changes from that reported last week: The installation of the roadway base material has begun for the construction of the new roadway improvements for the two onsite streets.

Citron Project by William Lyon Homes

No changes from that reported last week: The mass grading of the project is continuing, the project is located 2516 S. Escondido Boulevard

Escondido Boulevard at 3rd Avenue

No changes from that reported last week: The contractor is continuing to place framing along the 3rd floor, lane closures along 3rd Avenue will be ongoing to allow for the lifting of construction materials to the third floor roof.

Tract 932 - Canyon Grove Shea Homes Community

The County of San Diego offsite improvements are continuing this week along Ash Street between Vista Avenue and Hubbard Avenue, the full roadway closure was completed on July 1, 2017, 6 days ahead of schedule. Work will now proceed on the construction of the traffic signal at Ash Street and Vista Avenue which includes the final pavement surface in the intersection. Onsite construction is concentrated on the installation of a temporary water line so that the construction of homes may resume.

Latitude II Condominiums by a Lyon Homes Partnership: Washington Avenue at Centre City Parkway

No changes from that reported last week: The preconstruction meeting for the construction of the offsite water main along the easterly edge of Centre City Parkway, beginning at the Mission Avenue/Centre City Parkway intersection, was held June 29, 2017. The work will require the closure of one lane of traffic along Centre City Parkway. The work is tentatively set to begin on July 5, 2017 of this week with saw cutting of the asphalt roadway. Electronic

message boards will be placed in advance of the work starting to inform the motorist of the closure, no detours are expected as part of the construction.

Veterans Village

The projects offsite water improvement plans concerning the multiple utility crossings has been submitted and approved. Work is expected to start along Escondido Blvd shortly.

Tract 877 – Bernardo Ave. by Ambient Communities

No changes from that previously reported: The onsite construction, which includes constructing wall footing, sewer main and storm drain improvements, will continue this week.

Palomar Medical Center

Contractor has installed the temporary pedestrian crossing at the southerly hospital entrance and has started to construct the new driveway approach. The contractor has completed the rough grading of the temporary parking lot pad across from the main entrance to the hospital. Street light foundations as well as surface improvements are being installed this week.

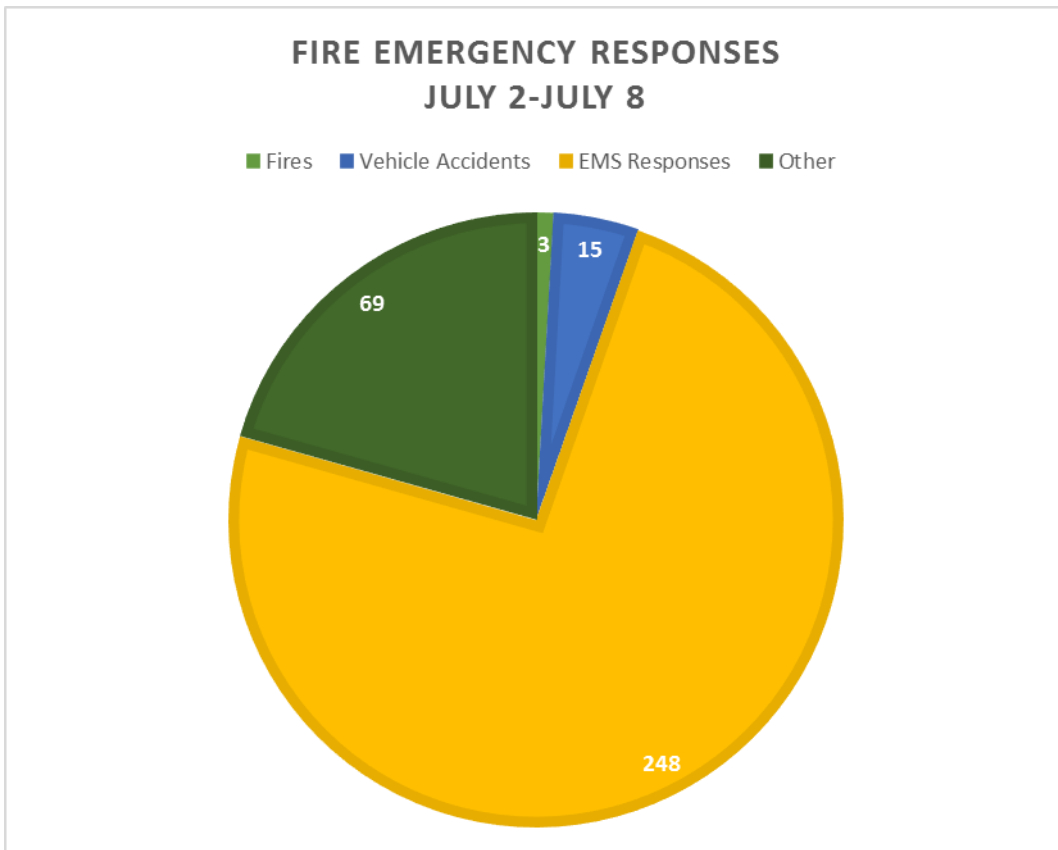
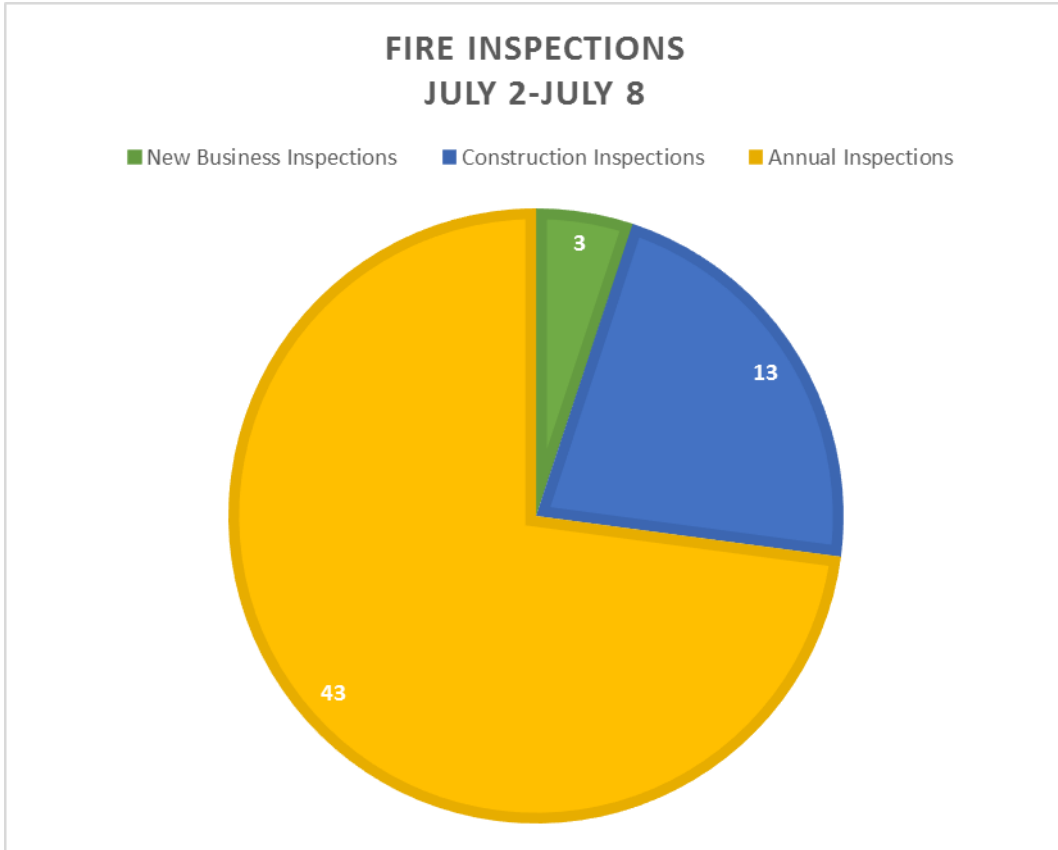
Victory Industrial Park

The grading operation at this site, including the importing of material, will continue this week. The project is located at 2005 Harmony Grove Road and is 5.4 acres in size.

Center Point Project

No change from that reported last week: The demolition of the existing concrete slabs was completed this week. The improvement plans as well as the traffic signal plans for the three surrounding intersections have been approved for construction. The project is located on the old Toyota car dealership at 999 Broadway.

FIRE
Inspections:



Total Emergency Responses (Year To Date)	8,601
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- Save the date! This year is the 10th anniversary of Stachtoberfest. The event is set to take place on October 4, 2017 at Stone Brewery. More details to follow in the coming weeks. <http://stachtoberfest.net/>

POLICE

INCIDENTS:

- On 7/2/17 at 05:05 hours, officers responded to a report of domestic violence at the Comfort Inn, 1290 W. Valley Pkwy. Officers arrived on scene and contacted the male suspect, who confronted the officers and was taken into custody with a minor use of force. No officers were injured. Officers requested medics for the victim who suffered facial injuries and loss of consciousness; she was transported to a local hospital. Suspect was booked into the Vista Jail for various violent felony charges.
- On 7/2/17 at 16:45 hours, a call was received regarding a shooting at Lincoln and Broadway between motorists after a traffic collision. Investigation revealed a driver was being chased by a car (white Malibu) of subjects E/B on SR-78 toward Broadway. The driver being chased (Gray Accord) rear ended an uninvolved vehicle and then ran off the road down into the park and ride parking lot. The chasing vehicle had occupants that were shooting (most likely a pellet or BB gun) at the vehicle being chased. The driver of the chased vehicle then drove away. California Highway Patrol handled the hit and run by the “victim.”
- On 7/02/17 at 23:11 hours, a male adult jumped over the service counter at the CVS Pharmacy, 318 W. El Norte Pkwy, and stole codeine; no weapons seen. The suspect reportedly fled on foot, and may have driven off in a dark colored Nissan sedan. Units quickly converged and made several pedestrian and vehicle stops to no avail. The suspect was described as a black male adult, thin build, wearing a hood and mask.
- On 07/03/17, a female adult stole a running vehicle from Cars Plus at 502 W. Mission Avenue and drove it off the lot. The Manager followed her to AMPM on El Norte Pkwy and Iris but the suspect exited the vehicle and ran into a bathroom in a nearby dental office. The suspect then then fled again to a property adjacent to Rod McCleod Park and hid in cacti but was quickly located. After negotiations by officers, she exited the cacti and was taken into custody without incident and charged with auto theft.
- On 7/3/17, while working a Saturation Patrol detail in the area of Washington Ave and Quince St, an officer sees a Kia sedan with a reverse commercial license plate attached that came up as lost or stolen. The officer initiates a traffic stop and after a short pursuit, the vehicle crashed into three other cars. Two males fled and a female stayed in the car. The officer apprehended the driver and gave information on the passenger that fled Northbound on Quince St. Witnesses say the runner went through 710 N. Quince and then into Mt. Vernon. The passenger was located at Mt. Vernon and another foot pursuit occurred. This passenger is arrested in the Carpet Club parking lot. A quarter pound of meth, some heroin, and drug paraphernalia was found in the car. The car was stolen. The driver was arrested on multiple drug and theft charges. The male passenger was a parolee at large. The female passenger was not charged.

- On 07/04/17, at 08:10 hours, officers responded to 1811 E. Grand Ave for a welfare check where a male was heard shouting. Officers arrive and make contact with a male through a security screen door. The male slammed the door but they acquired his name through the apartment manager and discovered he had a parole violation warrant. Officers forced entry and after a struggle took the subject into custody. Officers sustained minor injuries and the suspect received treatment for his injuries at Palomar Hospital prior to being booked for the warrant and Felony Resisting Arrest.
- On 7/4/17 at 23:25 hours, officers respond to a fight that was occurring in the middle of the street, in front of 643 N. Grape St. Officers arrived on scene and observed subjects fleeing the area. Officers detained one of the subjects leaving, who had a stab wound to his lower left abdomen that was not life threatening. The victim was uncooperative with the investigation. No suspect information.
- On 7/5/17 at 03:50 hours, officers respond to Motel 6, 900 N. Quince St, in reference to a male adult acting strange and frightening people. Officers contacted and arrested a male adult for Public Intoxication. The suspect suddenly became combative and a struggle ensued. Ultimately the suspect was placed in maximum restraints and was transported to Palomar Hospital by medics, for booking clearance. Officers sustained minor injuries.
- On 7/7/17 at 21:05 hours, officers responded to 1560 E. Grand Ave referencing a radio call of a robbery. Officers arrived and contacted the victim, who said a Hispanic Male Adult, approximately 25 years old, approached him while he was seated in his vehicle and took the victim's cell phone. When the victim demanded his phone back, the suspect punched him on the side of his face and fled the area. The suspect was not located.

EVENTS:

- On Saturday, 7/7/17, officers from Escondido, Carlsbad and Oceanside Police Departments, deputies from San Diego Sheriffs, and officers from San Diego County Probation teamed up in Escondido for AB 109 probationer compliance checks. 49 locations were visited, with six people arrested for various offenses, including probation violations, warrants and drug possession. This is an on-going, monthly, cooperative detail for North County agencies to ensure compliance of AB 109 probationers.

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