

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING THE 2022 OMNIBUS THAT AMENDS VARIOUS ARTICLES OF THE ESCONDIDO ZONING CODE

CASE NO.: PL22-0645

The City Council of the City of Escondido, California DOES HEREBY ORDAIN as follows:

SECTION 1. The City Council makes the following findings:

a) The City of Escondido Planning Division conducts an annual review of the Escondido Zoning Code to determine if any revisions are necessary to reflect State mandated changes, to correct errors or inconsistencies, and to address land use considerations that have previously been overlooked.

b) Planning Division staff identified the need to amend Articles 1 (General Provisions and Definitions), 6 (Residential Zones), 16 (Commercial Zones), 26 (Industrial Zones), 27 (Emergency Shelter Overlay), 39 (Off-Street Parking), 44 (Home Occupations), 47 (Environmental Quality), 49 (Air Space Condominium and Community Apartment Projects), 56 (Miscellaneous Development Standards), 57 (Miscellaneous Use Restrictions), 61 (Administration and Enforcement), 63 (Transient Lodging Facilities), 64 (Design Review), 66 (Sign Ordinance), 67 (Density Bonus and Residential Incentives), 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and 73 (Temporary Use, Outdoor Display and Sale of Retail Merchandise); and to rescind Article 22 (Heliport Overlay Zone).

c) The Planning Commission of the City of Escondido, on December 13, 2022, held a duly noticed public hearing to consider the Zoning Code Amendments and tabled the item to a date certain of January 10, 2023.

d) The Planning Commission of the City of Escondido, on January 10, 2023, held a public hearing to consider the Zoning Code Amendments and recommended approval (4-0-1-2) of the items as provided in Exhibit "B."

SECTION 2. The City Council of the City of Escondido did hold a duly noticed public hearing on February 15, 2023, as prescribed by law. At said hearing, this City Council received and considered the reports and recommendations of the Planning Commission and City staff, and gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter. Evidence was submitted to and considered by the City Council, including, without limitation:

a. Written information including plans, studies, written and graphical information, and other material, submitted as part of the request;

b. Oral testimony from City staff, interested parties, and the public;

c. The City Council staff report, dated February 15, 2023, with its attachments as well as City staff's recommendation on the request, which is incorporated herein as though fully set forth herein;

d. The Planning Commission's recommendation on the request; and

e. Additional information submitted during the public hearing.

SECTION 3. Upon consideration of the Findings of Fact/Factors to be considered, attached hereto as Exhibit "A" and incorporated herein by reference as though fully set forth herein, the City Council desires at this time and deems it to be in the best public interest to approve said amendments, attached as Exhibit "B" hereto and incorporated herein by this reference as though fully set forth herein.

SECTION 4. ENVIRONMENTAL REVIEW. The proposed Zoning Code Amendments are statutorily or categorically exempt from further review pursuant to the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, or are not considered a Project under CEQA, as follows:

- a. A number of the amendments are not considered to be a Project under CEQA, as defined in section 15378(b)(5), specifically amendments that relate to error correction, formatting changes, and general reference cleans up, and for those amendments no further environmental review is required; and
- b. The amendments that relate to accessory dwelling units (Article 70) are statutorily exempt from CEQA pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h). Under Public Resources Code section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code (Accessory Dwelling Unit law). CEQA Guidelines section 15282(h) statutorily exempts the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of sections 65852.1 and 65852.2 of the Government Code as set forth in section 21080.17 of the Public Resources Code; and
- c. The amendment that relates to fences and walls (Article 56) is categorically exempt pursuant to CEQA Guidelines section 15303 (New Construction or Conversion of Small Structures); and
- d. The amendments that relate to a zone’s permitted use table (Article 16 and Article 26) are categorically exempt pursuant to CEQA Guidelines section 15301 (Existing Facilities) as such uses are either already permitted in less intensive zones (i.e., broadcasting is an existing permitted use within commercial zones and SRO units are permitted through the hotel conversion permit process within existing structures); and

- e. The amendments that relate to clarification of development standards for accessory buildings (Article 6) are categorically exempt pursuant to CEQA Guidelines section 15303 (New Construction or Conversion of Small Structures) as such regulations set maximum limits for size and area of such improvements; and
- f. The amendments that relate to the applicability of an administrative adjustment of required parking up to 25% being processed under a conditional use permit when applied for concurrent with a conditional use (Article 39) and an up to 15% increase in residential density for hotel conversions proposing 100% SRO units (Article 63) are categorically exempt pursuant to CEQA Guidelines section 15301 (Existing Facilities) as such regulatory changes would result in negligible or no expansion of the existing or former uses. The administrative adjustment modification would streamline the number of permits required only in instances where a conditional use permit is applicable. Potential increases in 100% SRO unit hotel conversions would still be subject to the development standards of section 33-1348, which include limits on the ability to expand the existing structure for the purposes of conversion.

SECTION 5. SEVERABILITY. 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 6. As of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. 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 for the City of Escondido.

SECTION 8. The Ordinance shall become effective 30 days from the date of the passage.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 8<sup>th</sup> day of MARCH, 2023 by the following vote to wit:

AYES : Councilmembers: GARCIA, GARCIA, MORASCO, MARTINEZ, WHITE

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:  
*Dane White*  
18FF55D8C3B409  
DANE WHITE, Mayor of the  
City of Escondido, California

ATTEST:

DocuSigned by:  
*Zack Beck*  
A58535B08D61430  
ZACK BECK, City Clerk of the  
City of Escondido, California

\*\*\*\*\*

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO : ss.  
CITY OF ESCONDIDO )

I, Zack Beck, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2023-05 passed at a regular meeting of the City Council of the City of Escondido held on the 15<sup>th</sup> day of February, 2023, after having been read at the regular meeting of said City Council held on the 8<sup>th</sup> day of March, 2023.

DocuSigned by:  
*Zack Beck*  
A58535B08D61430  
ZACK BECK, City Clerk of the  
City of Escondido, California

ORDINANCE NO. 2023-06

**EXHIBIT "A"****PLANNING CASE NO. PL22-0645****FACTORS TO BE CONSIDERED / FINDINGS OF FACT****Zoning Code Amendment Determinations:**

1. That the public health, safety and welfare will not be adversely affected by the proposed change in that:
  - a. the proposed batch of Zoning Code amendments correct internal inconsistencies, improve readability, update references to other code sections or regulatory documents, codify prior interpretations, and make the Code consistent with changing state or federal regulations. The proposed batch of Zoning Code amendments are consistent with the objectives, policies, general land uses, and programs within the General Plan as they further Goal 2, Policy 2.1 of the Land Use and Community Form chapter because, among other things, they address changes in state laws; correct errors; improve existing regulations to eliminate uncertainty for staff, customers, and the public; and are not intended to be a comprehensive update to the local code or change land use densities or intensities, and;
  - b. over the years, staff and members of the public have found certain sections of the Escondido Zoning Code are sometimes vague, unclear, or conflicting, which results in confusion and potential disagreement in Code interpretation. It is important that the City of Escondido review policies and procedures on an on-going basis to ensure our resident-focused government through transparent services and positive organizational culture. These Zoning Code amendments are the result of such review.
2. That the property involved is suitable for the uses permitted by the proposed Zoning Code amendments in that:
  - a. there is not a project-specific site proposed for the Project. The proposed Zoning Code amendments would go into effect Citywide and would affect all properties subject to the Escondido Municipal Code and their respective land use designation and zoning district, as is appropriate for the Zoning Code amendments, and;
  - b. the proposed Zoning Code amendments would not be detrimental to surrounding properties in that the Zoning Code amendments which affect uses, such as those in Articles 16 (Commercial Zones), 26 (Industrial

Zones), and 63 (Transient Lodging Facilities) have been reviewed under prior ordinances adopted by the City of Escondido and reviewed for their consistency with existing uses (i.e., Articles 16 and 63) and/or are permitted within less intensive land use designations and found to have no adverse impacts within those land use categories; therefore, allowance of their use within a more intensive land use designation and zoning districts would have no adverse impacts (i.e., Article 26).

3. That the uses permitted by the proposed Zoning Code amendments would not be detrimental to surrounding properties in that the Zoning Code amendments which affect uses, such as those in Articles 16 (Commercial Zones), 26 (Industrial Zones), and 63 (Transient Lodging Facilities) have been reviewed under prior ordinances adopted by the City of Escondido and reviewed for their consistency with existing uses (i.e., Articles 16 and 63) and/or are permitted within less intensive land use designations and found to have no adverse impacts within those land use categories; therefore, allowance of their use within a more intensive land use designation and zoning districts would have no adverse impacts (i.e., Article 26);
4. That the proposed Zoning Code amendments are consistent with the adopted general plan in that:
  - a. the Land Use and Community Form chapter states “Escondido’s growth and development patterns are to be managed in a way that does not overwhelm or reduce the quality of community services, safety and protection provided by the city.” The proposed Zoning Code amendments are consistent with this statement and will not adversely impact the public health, safety and welfare because those related to Article 1 (General Provisions and Definitions), Article 6 (Residential Zones), Article 16 (Commercial Zones), Article 22 (Heliport Overlay Zone), Article 26 (Industrial Zones), Article 27 (Emergency Shelter Overlay), Article 39 (Off-Street Parking), Article 44 (Home Occupations), Article 47 (Environmental Quality), 49 (Air Space Condominium and Community Apartment Projects), Article 56 (Miscellaneous Development Standards), 57 (Miscellaneous Use Restrictions), Article 61 (Administration and Enforcement), Article 63 (Transient Lodging Facilities), Article 64 (Design Review), Article 66 (Sign Ordinance), Article 67 (Density Bonus and Residential Incentives), Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and Article 73 (Temporary Use, Outdoor Display and Sale of Retail Merchandise) are nominal in nature and/or are a requirement of state law, and;
  - b. the proposed Zoning Code amendments correct internal inconsistencies, improve readability, update references to other code sections or regulatory documents, codify prior interpretations, and make the Code consistent with changing state or federal regulations. The proposed Zoning Code



amendments are consistent with the objectives, policies, general land uses, and programs within the General Plan as they further Goal 2, Policy 2.1 of the Land Use and Community Form chapter because, among other things, they address changes in state laws; correct errors; improve existing regulations to eliminate uncertainty for staff, customers, and the public; and are not intended to be a comprehensive update to the local code or change land use densities or intensities.

5. That the relationship of the proposed Zoning Code amendments is applicable to specific plans in that the proposed Project would not conflict with any specific plan as the proposed Zoning Code amendments are consistent with the objectives, policies, general land uses, and programs within the General Plan as they further Goal 2, Policy 2.1 of the Land Use and Community Form chapter because, among other things, they address changes in state laws; correct errors; improve existing regulations to eliminate uncertainty for staff, customers, and the public; and are not intended to be a comprehensive update to the local code or change land use densities or intensities.

EXHIBIT B

# Omnibus 2022

## **ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS**

### **Definitions for Adjacent and Abutting, Restaurant, Off-Street Parking**

#### **Sec. 33-8. Definitions.**

Abutting- a structure, lot, or parcel of land having a common boundary with another structure, lot, or parcel of land including a structure, lot, or parcel of land which have no common boundary other than a common corner.

Adjacent- a structure, lot, or parcel of land that is close or contiguous to another structure, lot, or parcel of land.

*Director* means the director of development services.

Restaurant- *See Restaurant, Sec. 14-1.1 of Chapter 14*

Off-Street Parking- A site, or portion of a site, devoted to the parking of motor vehicles outside of the public right-of-way, including parking spaces, aisles, and access drives.

## **ARTICLE 6. RESIDENTIAL ZONES**

### **Size of Accessory Structures/Buildings to Primary**

#### **Sec. 33-103. Accessory buildings and building requirements.**

(a) Accessory buildings located within a required side or rear yard setback area for the primary structure shall be limited to one story and 16 feet in height.

(b) Accessory buildings are subject to the property development standards as set forth in section 33-107, building requirements, generally.

(1) In addition to the restrictions of section 33-107, a guest house or accessory dwelling unit shall not have a total floor area that exceeds 50% of the existing living area of the main building, unless otherwise permitted pursuant to Article 70.

(2) A guest house may be attached to an accessory dwelling unit provided that the overall combined floor area of the combined building or structure does not exceed 75% of the main unit.

(3) In addition to the restrictions of sections 33-102 and 33-107, any attached or detached accessory structure/building shall not exceed 49% of the existing/proposed habitable space area of the main building, unless otherwise permitted pursuant to Article 70.

(c) The minimum distance between the residence (or main building) and a detached accessory building shall be 10 feet. If the residence (or main building) and detached accessory building are both one story in height, then the minimum separation requirement may be reduced to five feet. A minimum of five feet is maintained for clear access between the detached accessory building and any other building or structure.

(d) Nothing in this section or in section 33-107 shall be construed to limit the development of an accessory dwelling unit in the location and manner as specified by Article 70.

**ARTICLE 16. COMMERCIAL ZONES****Addition of SRO use in Commercial Zones****Sec. 33-332. Principal land uses.**

The following Table 33-332 lists those uses in the commercial districts which are permitted (P) subject to administrative or plot plan review, or subject to a conditional use permit (C). Major conditional use permits (C) and minor conditional use permits (C#) shall be processed pursuant to Article 61, Division 1 of this chapter. In the planned development zones, permitted uses are identified in each planned development master plan approval. In addition to the uses listed below, the following uses shall be subject to conditional use permit requirements of section 33-1200 et seq., of this chapter.

(a) Any use or structure permitted or conditionally permitted in a zone and involving hazardous materials is subject to conditional use permit requirements of section 33-666 et seq., of this chapter.

(b) All uses permitted in the CN zone operating between the hours of 11 p.m. and 7 a.m. are subject to a minor conditional use permit.

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

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

**Table 33-332****PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES**

*Note: The following use category to be added.*

Use Title	CG	CN	CP
<b>Residential and Lodging</b>			
Single-Room Occupancy Units (Article 63)	P <sup>1</sup>		

1 Single-Room Occupancy (SROs) Units shall only be permitted as a result of conversion from existing hotel/motel uses in the CG zone subject to Article 63, section 33-1348.

P = Permitted use.

**ARTICLE 22. HELIPORT OVERLAY (H-O) ZONE**

**Removal of the Heliport Overlay Zone as it is no longer applicable**

Article 22. RESERVED

**ARTICLE 26. INDUSTRIAL ZONES****Addition of Broadcasting and Recording Studios in select Industrial Zones****Sec. 33-564. Land uses.**

*Note: The following use category to be added*

**Table 33-564****PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES**

<b>Use Title</b>	<b>I-O</b>	<b>M-1</b>	<b>M-2</b>	<b>I-P</b>
Broadcasting (radio and/or television), recording, and/or sound studios <sup>3</sup>	P	P	P	P

Notes:

\* = As determined by the director and the fire chief based on information provided by the business describing the quantity and nature of hazardous chemicals used.

\*\* = Retail or support service components greater than the maximum 15% floor area/sales allowed by section 33-565 (Accessory uses and structures) is allowed only in M-1 and M-2 zones, subject to conditions in section 33-566—Specialized retail uses.

\*\*\* = Only on sites immediately adjacent to the general commercial zone and within 500 feet of public transportation.

\*\*\*\* = Only on sites within the emergency shelter overlay, Figure 33-661, and subject to the requirements of Article 27.

\*\*\*\*\* = Dog shelters generally means an establishment, especially one supported by charitable contributions, that provides a temporary home for dogs, cats and other animals that are offered for adoption.

1 = Pursuant to Article 33 of the zoning code (recycling facilities).

2 = Pursuant to section 33-576 of this article (animal boarding and daycare).

3 = Includes instruction. Pursuant to Chapter 17, Article 12 (noise abatement and control)

P = Permitted use.

C = Conditionally permitted use subject to issuance of a conditional use permit; either major (C) or minor (C#) (pursuant to Article 61, Division 1 of this chapter).

**ARTICLE 27. EMERGENCY SHELTER OVERLAY**  
**Clarify Emergency Shelter Parking Requirements**

**Sec. 33-595. Development standards.**

(d) Off-street parking shall comply with Article 39, Off-Street Parking. Non-operational and non-registered vehicles shall not be kept on the site.

## **ARTICLE 39. OFF-STREET PARKING**

### **Streamlining nonresidential parking adjustments**

#### **Sec. 33-764. Adjustments to nonresidential parking.**

- (a) Administrative Adjustment. For uses in nonresidential zones, adjustments up to 25% of the number of parking spaces required by section 33-765 may be considered by the director upon the submittal of an application for an administrative adjustment, with the application fee adopted by city council. The director may approve or conditionally approve the request upon demonstration that the proposed adjustment will be compatible with adjacent properties or improvements. The director will consider the following: proximity to public transit; on-street and/or overflow parking; and the range of uses in the area. The director shall give notice of his or her intended decision as outlined in Article 61 of this chapter. Multiple requests for reductions of required parking spaces may be considered when the total of all requests for reductions related to the subject property does not exceed 25% of the overall number of parking spaces required for the entire property.
1. When an adjustment to the number of parking spaces required for uses in a nonresidential zone is made in conjunction with a conditional use permit, the decision-making body for said conditional use permit shall be authorized to act on the parking adjustment as part of the action on the conditional use permit. No separate administrative adjustment shall be required.



**Removal of ADU parking requirement consistent with Article 70 and removal of redundancy emergency shelter use parking standard**

**Sec. 33-765. Parking spaces required.**

*Note: The following use category to be modified: Accessory dwelling units.  
The following use category to be removed: Emergency Shelters*

Use	Parking Spaces Required
<b>Residential</b>	
Accessory dwelling units	None.
Hotel Conversions	Subject to Article 63, Sec. 33-1348(e)(11)

## **ARTICLE 44. HOME OCCUPATIONS**

### **Home Occupation Permit Requirement**

#### **Sec. 33-850. License required.**

A legally established dwelling unit shall not be used for business purposes unless a business license has first been issued by the business license division. A cottage food operation, as defined in the California Homemade Food Act, shall obtain a business license. A Microenterprise Home Kitchen Operation (MEHKO), as defined by the County of San Diego Department of Environmental Health and Quality, shall obtain a business license. A business license for a home occupation shall not relieve the permittee of any other requirements of this code or other applicable law pertaining to licenses and license taxes.

#### **Sec. 33-851. Procedure.**

The director may, upon application, authorize the issuance of a business license for a home occupation. Said license shall state the home occupation permitted, the conditions attached, and any time limitations thereon. The license shall not be issued unless the director is satisfied that the applicant will comply with all the conditions listed in sections 33-852 to 33-854 of this article as applicable.

#### **Sec. 33-852. Minor Home Occupations.**

A business license is required for any business operated in a dwelling unit or accessory building which has little to no external indication of commercial activity and which is not a major home occupation, as authorized by section 33-853. Each and every one of the following conditions must be observed at all times by the holder of the business license.

(a) Employees. Employees or assistants who are not occupants of the dwelling shall not be employed on the premises, except where specifically permitted by law.

(b) The home occupation shall be conducted wholly within the structures on the premises and shall not exceed 25% of the total floor area of all legal structures on the premises.

(c) Inventory and supplies for the home occupation shall not occupy more than 50% of the permitted home occupation area.

(d) No structural alterations to the interior of the dwelling are permitted for the occupation if they would make it difficult to return the dwelling to exclusive residential use. External changes, which make the dwelling appear less residential in nature or function are prohibited.

(e) No storage of equipment, appliances, materials, or supplies shall be permitted where visible from the exterior of the property other than that storage normally found on the premises of a residence.

(f) No customer services or sales of goods, wares or merchandise shall be made on the premises, except where specifically permitted by law.

(g) Signs.

(1) No sign or advertising shall be displayed on the premises except where specifically required by law. Any required signs shall be no larger than the minimum size required by law.

(2) Residential addresses shall not be used in any advertising (i.e., newspaper advertisements, bulletin boards, paid electronic advertisements, and the like) unless otherwise required by law. Business cards and letterhead are not included in this requirement and may be permitted provided that they do not draw attention or customers to the property.

(h) No display of any kind shall be visible from the exterior of the premises.

(i) Parking.

(1) Required residential parking shall be maintained and available for residential parking.

(2) All maintenance, service, or commercial vehicles, trailers or equipment shall be parked or stored entirely within a building or structure. Other vehicles that bear advertisements associated with the home occupation, which may be used for personal use, must be parked or stored entirely within a building or structure or parked in a screened area so that the vehicle is not visible from the public right-of-way.

(3) No more than one business vehicle and one trailer are allowed for each resident involved in the home occupation.

(j) No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with residential use or use customary to home crafts.

(k) On-site manufacturing is prohibited as a home occupation, with the exception of custom and visual art crafts (e.g., jewelry, art, ceramics, etc.), custom sewing and fabric crafts, and light wood working.

(l) Traffic.

(1) The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.

(2) Customers. On-site customers are prohibited except as permitted for MEHKOs pursuant to California Health and Safety Code section 113825(a)(3).

(3) Deliveries or pick-ups by normal delivery services shall occur between 8 a.m. and 5 p.m. No more than two deliveries per day except as permitted for MEHKOs pursuant to California Health and Safety Code section 113825(a)(9).

(m) Cottage food operations. The following conditions shall apply to a minor home occupation for a cottage food operation (CFO).

(1) No more than one CFO is permissible per legally established dwelling unit.

(2) No more than one part-time non-resident CFO employee is allowed on the premises at a time.

(3) On-premises customers and non-resident employee(s) of a CFO are limited to 8 a.m. to 5 p.m., 40 hours per week maximum. The required residential parking for the dwelling unit shall not be used by the CFO customers and employee(s).

(4) A CFO shall comply with all other limitations of the California Homemade Food Act, which may be amended over time.

(n) Notwithstanding the above, all minor home occupations are also subject to the general conditions listed in section 33-854.

(o) Microenterprise Home Kitchen Operations (MEHKO) shall be subject to Chapter 5 of the San Diego County Code of Regulatory Ordinances, which may be amended over time.

#### Sec. 33-853. Major home occupations.

A business license is required for any business operated in a dwelling unit or accessory building which may have or has external indication of commercial activity, but remains a home occupation and not a primary use of the property. Each and every one of the following conditions must be observed at all times by the holder of the business license.

(a) Employees. Only members of the family or household residing on the premises, and no more than two non-residents who commute to the home to work, may be continuously employed at any one time on the site, except where specifically permitted by law. For the purposes of this article, a non-resident employee includes an employee,

business partner, co-owner, or other person affiliated with the major home occupation who does not reside on the site, but who visits the site as part of the home occupation. This provision does not allow employee shifts, with each shift staffed by different non-resident employees even when only two non-resident employees are at the site at any one time.

(b) The home occupation shall be conducted wholly within the structures on the premises and shall not exceed 33% of the total floor area of all legal structures on the premises.

(c) Inventory and supplies for the home occupation shall not occupy more than 50% of the permitted home occupation area.

(d) Although the dwelling and site must remain residential in appearance, internal or external changes may be necessary to support the home occupation, such as lighting and access control.

(e) No storage of equipment, appliances, materials, or supplies shall be permitted where visible from the exterior of the property other than that storage normally found on the premises of a residence, except for the outdoor storage of soft landscaping materials. The outdoor storage of said soft landscaping materials is permitted only if the material is not visible from the public right-of-way. The storage of said materials must also not create a nuisance to surrounding property owners.

(f) Retail sales of goods must be entirely accessory to any services provided on the site (such as hair care products sold as an accessory to hair styling services), except for merchandise crafted on-site (e.g., crafts and artwork).

(g) Signs.

(1) No sign or advertising shall be displayed on the premises except where specifically required by law. Any required signs shall be no larger than the minimum size required by law.

(2) Residential addresses may be used in print or electronic advertising provided that it is made clear that any on all on-site services are provided and/or offered by appointment only. Business cards and letterhead are not included in this requirement and may be permitted provided that they do not draw attention or customers to the property as drop-in or unannounced visits.

(h) No display of any kind shall be visible from the exterior of the premises.

(i) Parking.

(1) Required residential parking shall be maintained and available for residential parking.

(2) Home occupations with customer access shall maintain a driveway with a minimum depth of 20 feet from the back of sidewalk, or edge of public right-of-way if no sidewalk exists, and be made available to customers or non-resident employees during business hours.

(3) The site shall have adequate on-site parking to accommodate the anticipated additional traffic or parking demand resulting from the proposed home occupation use, which may limit the intensity of home occupation types.

(4) With the exception of approved driveways, and supplemental parking allowances per section 33-110, no parking shall be allowed in required front or side yard setbacks.

(5) All maintenance, service, or commercial vehicles, trailers or equipment shall be parked or stored entirely within a building or structure. Other vehicles that bear advertisements associated with the home occupation, which may be used for personal use, must be parked or stored entirely within a building or structure or parked in a screened area so that the vehicle is not visible from the public right-of-way.

(j) No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with residential use or use customary to home crafts.

(k) Traffic.

(1) The home occupation shall not generate pedestrian or vehicular traffic that noticeably affects the residential character of the neighborhood.

(2) Customers. No more than eight clients or customers shall be on the premises in any one day.

(3) Traffic, which exceeds eight clients, customers, normal deliveries, or combination thereof per day, shall be a prima facie evidence that the activity is a primary business and not a home occupation.

(4) Customer or client business-related visits and non-resident employee arrivals and departures shall occur between 8 a.m. and 8 p.m.

(5) Deliveries or pick-ups by normal delivery services shall occur between 8 a.m. and 5 p.m.

(l) If the major home occupation is to be conducted from rental property, the property owner's authorization for the proposed use shall be obtained prior to approval.

(m) Notwithstanding the above, all major home occupations are also subject to the general conditions listed in section 33-854.

**Sec. 33-854. General conditions.**

The following conditions are applicable to minor and major home occupations, in addition to the conditions provided for in section 33-852 for minor home occupations and section 33-853 for major home occupations.

(a) Any special condition established by the director and made of record in the home occupation business license, as they may deem necessary to carry out the intent of this section, shall be met.

(b) Prohibited uses. The following uses are not incidental and secondary to the use of the dwelling as a residence nor are they compatible with surrounding residential uses and shall be prohibited as home occupations, notwithstanding the provisions of any other section of this article.

(1) Motor vehicle, trailer, boat, and heavy equipment repair or restoration (body or mechanical), upholstery, and painting;

(2) Vehicle services, including stereo and car alarm installation, and on-site vehicle detailing (washing, waxing, etc.);

(3) Vehicle on-site sales;

(4) Medical or professional clinics;

(5) Veterinary clinics;

(6) Commercial kennels and on-site pet day care facilities;

(7) Massage establishments;

(8) Tattoo and/or body art/piercing establishments;

(9) Ammunition, explosives, or fireworks sales, use, or manufacturing;

(10) Manufacture of any type of fuel(s) for use, storage, dispensing, or sales; and

(11) Other similar uses determined by the director not to be incidental or secondary to or compatible with residential activities.

(c) There shall be complete conformity with fire, building, plumbing, electrical and health codes and to all state and city laws and ordinances.

(d) The home occupation shall not create impacts on municipal or utility services or community facilities from hazardous materials and other materials introduced into the wastewater system in excess of levels usually and customarily related to residential uses.

(e) The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.

(f) The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not alter the residential character of the premises.

(g) The home occupation shall not unreasonably disturb the peace and quiet of the neighborhood as follows:

(1) No excessive mechanical equipment which produces vibration, smoke, dust, odors, heat, glare, or noxious fumes resulting from a home occupation or interferes with radio and television reception, shall exceed that which is normally produced in a single-family dwelling.

(2) Any noise generated by the home occupation shall be consistent with the requirements of Article 12 (Noise Abatement and Control) of Chapter 17 (Offenses) of the Escondido Municipal Code.

(3) No production, generation, or storage of any hazardous substances or materials beyond an amount that is commonly used for a single-family dwelling shall be permitted.

(h) All business licenses for home occupations are subject to immediate cancellation in the event that the zoning regulations applicable to the premises are amended to prohibit such use.

(i) A business license for a home occupation issued to one person shall not be transferable to any other person, entity, or business, and is valid only for the property address set forth in the license.



**Sec. 33-855. Noncompliance.**

Any business license for a home occupation shall be revoked by the business license division at the direction of the director upon violation of any requirements of this article, or upon failure to comply with any of the conditions or limitations of the license, unless such violation is corrected within three days of the giving of written notice thereof. A license may be revoked for repeated violation of the requirements of this article, notwithstanding compliance with the notice.

**Sec. 33-856. Denial or revocation.**

In the event of denial of any license, or the revocation thereof, or of objection to the limitations placed thereon, appeal may be made pursuant to section 33-1303.

**Sec. 33-857. Reserved.**

## **ARTICLE 47. ENVIRONMENTAL QUALITY**

### **Climate Action Plan consistency clean up**

#### **Sec. 33-924. Coordination of CEQA, quality of life standards, and growth management provisions.**

(a) Negative and mitigated negative declarations. In situations where the preparation of a negative declaration is otherwise appropriate, yet quality of life standard deficiencies are found to exist, a negative declaration may still be prepared under the following circumstances, as applicable:

(6) Greenhouse gas (GHG) emissions. In situations where a negative declaration is otherwise appropriate, the following incremental GHG emissions are generally not considered significant:

(A) Projects that do not generate more than 500 metric tons (MT) of carbon dioxide equivalent (CO<sub>2</sub>e) GHG emissions and that are consistent with the General Plan, or

(B) Projects generating more than 500 MT of CO<sub>2</sub>e that are consistent with the general plan, and that have demonstrated consistency with the Climate Action Plan (CAP) through completion of the CAP Consistency Checklist, adopted by separate resolution, or

(C) Projects generating more than 500 MT of CO<sub>2</sub>e that are consistent with the general plan, and that cannot demonstrate consistency with the CAP through completion of the CAP Consistency Checklist due to unique land uses or circumstances for which no measures in the checklist would apply, but that can demonstrate consistency with the CAP through comparison to a numerical GHG threshold of 2.0 MT CO<sub>2</sub>e per service population per year, or

(D) Projects that are not consistent with the general plan and will generate greater GHG emissions than the allowable uses under the existing general plan land use designation that demonstrate through a project-specific analysis quantifying GHG emissions that through mitigation and design features, the project reduces GHG emissions consistent with the CAP;

## **ARTICLE 49. AIR SPACE CONDOMINIUM AND COMMUNITY APARTMENT PROJECTS**

### **Align condominium or condominium conversions with the subdivision ordinance**

#### **Sec. 33-951. Condominium or condominium conversion application**

(a) Permit required for new condominium projects and conversions to condominium ownership. A condominium permit and design review shall be required for all condominiums to be constructed or for existing buildings to be converted to condominiums in the City of Escondido.

(1) Application for a condominium permit shall be made to the director of development services, unless the action includes discretionary permits for which the planning commission or city council is the decision-making body.

#### **Sec. 33-952. Commission action.**

If required pursuant to section 33-951, the planning commission shall review the application for a condominium permit and recommendation of the planning division. A public hearing on the application shall be held in accordance with Division 6 of Article 61 of this chapter. A recommendation shall be forwarded to the city council if the action includes discretionary permits for which the city council is the decision-maker.

#### **Sec. 33-954. City council action.**

If required pursuant to section 33-951, after the submission of a formal recommendation by the planning commission, the city council shall review the application and recommendation during a public hearing held in accordance with Division 6 of Article 61 of this chapter, and shall approve, modify or disapprove the condominium permit.

#### **Sec. 33-964. Required notices to tenants.**

Condominium permits for the conversion of existing units are subject to all state-mandated notice requirements including:

(a) Current tenants of the apartments to be converted must be notified through mail, a minimum of 60-days prior to the filing of the application;

(b) Written notice of the proposed conversion, has been, and will continue to be given to all subsequent tenants;

(c) Each tenant has received 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate;

(d) Written notice of intent to convert has been, or will be provided to current residents for a minimum duration of 180 days prior to terminating tenancy;

(e) Notice must be provided to each tenant a minimum of 10 days prior to any public hearing on the conversion;

(f) A copy of the staff report must be provided to each tenant a minimum of three days prior to any scheduled public hearing involving the proposed conversion. The applicant shall pay all copying, mailing, and handling costs in an amount adopted by resolution of the city council;

(g) Notice of the ultimate authority's decision must be provided to each tenant 10 days after the approval of a final map;

(h) A 90 day notice of exclusive right to purchase from date of issuance of the subdivision public report per Section 11018.2 of the [Business and Professions Code](#).

In addition to the notice requirements listed in this section, tenants shall be given notice of preferential opportunities to purchase an alternate unit on a first-come, first-serve basis. Additionally, the notice of intent to convert may not be provided until after approval of the tentative subdivision map and condominium permit.

All notices must be personally delivered or sent via certified U.S. mail.

## **ARTICLE 56. MISCELLANEOUS DEVELOPMENT STANDARDS**

### **Modifications to barbed wire allowances**

#### **Sec. 33-1083. General fence and wall provisions**

(a) Materials. Fences or walls may be constructed of any suitable materials in a manner appropriate to its design.

(1) Prohibited Materials:

(A) Electrified fencing

(B) In any residential zoning district, barbed wire, razor wire, or other similar fences with affixed sharp instruments;

(C) Subsection (B) above notwithstanding, barbed wire is permitted in agricultural and residential estate zones on properties being used for agriculture or animal husbandry, subject to the following criteria:

(i) Properties must be a minimum of two acres;

(ii) Such fencing shall not be kept in a manner that is unsafe, abandoned or a materially dangerous condition;

(iii) Such fencing shall be set back from any public street or other public right-of-way a minimum of 20 feet unless it is not visible from such street or right-of-way; and

(iv) Such fencing shall not be placed on the rooftop of any building.

## **ARTICLE 57. MISCELLANEOUS USE RESTRICTIONS**

### **Clarifying what Entitlement (if any) is required for Schools**

#### **Sec. 33-1103. Nursery, primary and secondary education.**

For nursery, primary and secondary education (except small and family day care homes), permits as required by the underlying zoning designation, may be granted by the director, zoning administrator or planning commission upon consideration of the following criteria:

- (a) An off-street area for the loading and unloading of children from vehicles should be provided and should be designed so as to provide for the forward movement of vehicles both upon entering and leaving the site;
- (b) The use shall be conditioned upon there being off-street parking in conformance with Article 39 of this chapter.

## **ARTICLE 61. AMENDMENTS AND ZONE CHANGES**

### **Incorporation of general plan amendment initiation**

#### **Sec. 33-1261. Application, initiation and fee.**

(a) An application for a zoning amendment may be initiated by the city or by the owner of property subject to the amendment. Applications shall be on city forms and accompanied by the applicable fee.

(b) An application for a general plan amendment/specific plan amendment may be initiated by the city or by the owner of property subject to the amendment. Applications initiated by the owner of the property subject to the amendment require initiation authorization by the city council. Applications shall be on city forms and accompanied by the applicable fees.

### **Plot plan expiration**

#### **Sec. 33-1317. Expiration and extension of time.**

Unless otherwise specified in the action approving a plot plan, said approval shall become automatically null and void unless the project authorized by the plot plan approval has been substantially implemented within 24 months from the approval date. The abandonment or non-use of a plot plan approval for a period of 24 months shall also result in such approval becoming automatically null and void. The director shall have authority to grant extensions to the deadlines in this section. Once any portion of a plot plan is utilized, the other conditions thereof become immediately operative and must be strictly complied with.

## **ARTICLE 63. TRANSIENT LODGING FACILITIES**

### **Hotel conversion update: permit type, unit count and parking.**

#### **Sec. 33-1348. Hotel conversions.**

(e) Development Standards and Land Use Regulations. Development regulations shall be those of the base district in any zoning district in which an existing hotel or motel is located to ensure that hotel conversions may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area. Exceptions to the development standards and land use regulations of any zoning district as enumerated in this subsection shall be provided to incentivize the reuse of hotel, motels, and other transient lodgings for group home or quarters, SRO units, multifamily housing, or combination thereof. When there are General Plan, Zoning Map, or specific plan amendments contemplated or under study as part of the hotel conversion request, the city may apply additional terms, limitations, or conditions to the application request so that the use more closely aligns with applicable, objective General Plan and zoning standards.

(1) Minimum Lot Size. There shall be no applicable minimum lot width, depth, or total lot size for hotel and motel conversions.

(2) Residential Density. The resulting number of residential units after the conversion shall be no greater than the number of guest rooms in the existing hotel or motel unless otherwise described below.

(A) For 100% SRO conversions, a request to increase the number of residential units up to 15% of the number of permitted guest rooms in the existing hotel or motel may be considered by the planning commission upon submittal of a conditional use permit pursuant to Article 61, Division 1, with the application fee adopted by city council.

(11) Parking. The number of off-street parking spaces required in connection with any particular land use shall be not less than the amount set forth below.

(A) Market rate SRO/Multi-family units shall provide a minimum of one parking space per unit.

(B) The parking required for restricted group homes or quarters, SRO units, or multifamily dwelling units to be sold or rented to lower income households or target populations shall not exceed 0.5 parking spaces per unit.

(C) If utilized for supportive housing development, consistent with Supportive Housing Law ([Government Code](#) sections 65650 – 65656), if the supportive housing is located within one-half (1/2) mile of a public transit stop, no minimum parking requirements shall be applied for the units occupied by supportive housing residents, pursuant to [Government Code](#) section 65654.



(D) Guest Parking Requirements.

(i) Market rate SRO units shall provide one guest parking space for every eight SRO units (0.125 guest parking spaced per unit).

(ii) The requirement to provide guest parking is waived for restricted, lower-income affordable dwelling units. Restricted SRO units or multifamily units with more than 30 converted guest rooms shall not be eligible for this waiver provision for the portion of units that exceeds 30 units; and shall provide one guest parking space for every eight SRO units (0.125 guest parking spaces per SRO unit), with a minimum of one guest parking space per project and a maximum of 15 stalls for guest parking.

(C) With the exception of projects that allow only senior residents, projects that have less than one automobile parking space per unit shall provide one easily accessible space for storing and locking a bicycle per unit. For projects that provide one or more parking spaces per unit, at least one bicycle storage space for every three units shall be provided.

**ARTICLE 64. DESIGN REVIEW****Align condominium or condominium conversions with the subdivision ordinance****Sec. 33-1354. Jurisdiction.**

The following commercial, industrial, multifamily residential, and other projects shall be subject to design review by the planning commission, unless otherwise noted:

(a) Planned development projects, condominium permits requiring a tentative subdivision map, and all projects (besides single-family projects) requiring discretionary approval by the planning commission and involving new construction;

(b) Proposed development standards or design guidelines for specific plans and overlay districts;

(c) Proposed signs as specified pursuant to Article 66, Sign Ordinance;

(d) City-initiated projects that involve public facilities, including, but not limited to, libraries, major park structures, police stations, or fire stations, or major architectural or site modifications to existing public facilities.

## **ARTICLE 66. SIGN ORDINANCE**

### **Reference Correction**

#### **Sec. 33-1395. Sign standards—General.**

All permanent freestanding signs shall not obstruct the vehicle sight distance area at the intersections and driveways to the satisfaction of the engineering department. Freestanding signs shall not be placed within easements or over utility lines, except with the prior written approval of all easement holders. Any site plans submitted in conjunction with a sign permit application for a freestanding sign shall identify the location of easements or public or private utilities within 50 feet of the proposed sign location. On sites where the existing street is not constructed to the full designated width, signs shall be located behind the ultimate property line unless otherwise approved by the planning division and the engineering department with an agreement for future removal or relocation. In addition, all permanent freestanding signs shall incorporate the numerical address, or range of addresses, of the parcel or commercial center at which the sign is located. The area of the address shall not be counted in the area of the signs. All illuminated signs shall be equipped with automatic timing devices so that the lighting is turned off between the hours of 11 p.m. and sunrise, unless exempt pursuant to Article 35, Outdoor Lighting.

## **ARTICLE 67. DENSITY BONUS AND RESIDENTIAL INCENTIVES**

### **Consistency clean up items for state law compliance**

#### **Sec. 33-1413. Stand incentives for new residential construction**

Sec. 33-1413. Standard incentives for new residential construction.

(b) Density bonus. When a developer seeks and agrees to construct a housing development meeting the criteria specified in subsection (a) of this section, the decision-making body shall grant a density bonus subject to the following:

(1) The amount of density bonus to which a housing development is entitled shall vary. The density bonus may be increased according to the percentage of affordable housing units provided above the minimum percentages established in subsection (a) of this section, but shall not exceed 50%, except in accordance with subsection (c) of this section or as otherwise authorized by State Density Bonus Law.

(c) Density bonus in excess of 50%. In cases where a developer requests a density bonus in excess of that which is specified in this section, the city council may grant, at its discretion, the requested density bonus, subject to the following:

(1) The project meets the requirements of this article and State Density Bonus Law.

(2) The requested density increase, if granted, is an additional density bonus and shall be considered an incentive.

(3) The city council may require some portion of the additional density bonus units to be designated as target units, at its discretion.

(d) Granting a lower density bonus. A qualified developer for a density bonus and/or additional incentives and concessions pursuant to subsection (a) of this section may request and accept a lesser density bonus, including no increase in density, and shall still be entitled to those additional concessions or incentives as specified in 33-1415. No reduction will be allowed in the number of target units required.

## **ARTICLE 70. ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

### **Removal of accessory dwelling unit permit for single family residential only**

#### **Sec. 33-1471. Reserved**

#### **Sec. 33-1471. Permitted zones.**

Accessory dwelling units and junior accessory dwelling units shall be permitted in areas zoned to allow single-family or multifamily dwelling residential uses, subject to Sec. 33-1472 of this Article.

#### **Sec. 33-1472. Permit required.**

(a) Accessory dwelling units on properties with legally established multifamily residential dwellings are subject to the approval of an accessory dwelling unit permit.

(b) Accessory dwelling units and junior accessory dwelling units on properties with legally-established single-family residential dwellings are subject to the approval of a building permit, unless additional requirements apply as described under Sec. 33-1475, Other Regulations.

### **Modification to allowable conversion space of habitable structures**

#### **Sec. 33-1473. Occupancy limitations.**

(a) Allowed use.

(3) Number of accessory dwelling units on legal lots with existing multifamily dwelling units:

(A) Shall be permitted to construct at least one accessory dwelling unit within portions of existing multifamily dwelling structures that are existing non-habitable space, and shall allow up to 25% of the units in each existing multifamily dwelling structure, in accordance with [Government Code](#) section 65852.2(e). Existing detached accessory structures cannot be attached to a multi-family dwelling structure for the purposes of creating an accessory dwelling unit; and

(B) Not more than two accessory dwelling units are permitted that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling.

(C) For purposes of this article, “multifamily dwelling structure” or “multifamily dwelling” is defined as a structure with two or more attached dwellings on a single lot.

**Sec. 33-1477. Application and procedure.**

The director shall approve or disapprove an application for an accessory dwelling unit, ministerially, within 60 days after receiving a complete application. If the applicant requests a delay, the 60 day time period shall be tolled for the period of the delay. Only accessory dwelling units associated with existing multi-family dwelling units shall be required to obtain an accessory dwelling unit permit.

**ARTICLE 73. TEMPORARY USES, OUTDOOR DISPLAY AND SALE OF RETAIL MERCHANDISE**

**Application of Article 35 on Temporary Use Permit Events**

**Sec. 33-1534. Development standards.**

(9) All exterior lighting utilized in conjunction with outdoor displays, or temporary events approved with a temporary use permit, shall conform to the requirements of Article 35, Outdoor Lighting.