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ARTICLE 1
GENERAL PROVISIONS AND DEFINITIONS

§ 33-1. Short Title.

This Chapter 33 shall be known as the "Escondido Zoning Code."
(Zoning Code, Ch. 100, § 1000.09; Ord. No. 2017-07, § 4, 6-7-17)

§ 33-2. Authority for the zoning chapter.

Chapter 33 is adopted and amended pursuant to Section 11 of Article XI of the Constitution of the State of California and in compliance with the requirements of the Planning and Zoning Law, Title 7 of the Government Code.
(Zoning Code, Ch. 100, § 1000.05; Ord. No. 2017-07, § 4, 6-7-17)

§ 33-3. Purpose.

The purpose of this chapter is to serve the public health, safety, comfort, convenience and general welfare by dividing the city into zones and:

(a) Establishing land use districts for public and private use and general provisions and standards of development with the aim of preserving a wholesome, serviceable and attractive community;

(b) Regulating the use of buildings, structures, and land uses as between agriculture, industry, business, residence, civic and other purposes;

(c) Regulating the location, height, bulk, number of stories and size of buildings and structures; the size and use of lots, yards, courts and other open spaces; the percentage of a lot which may be occupied by a building or structure, and the intensity of land use;

(d) Establishing and maintaining building setback requirements;

(e) Establishing off-street parking and loading requirements;

(f) Establishing signage, lighting, grading, and landscaping and irrigation requirements; and

(g) Establishing provisions for coordinating California Environmental Quality Act guidelines, quality of life standards, administration and enforcement, and growth management requirements.

(Zoning Code, Ch. 100, § 1000.13; Ord. No. 92-17, § 1, 3-25-92; Ord. No. 2017-07, § 4, 6-7-17)

§ 33-4. Replacement of other ordinances.

The provisions of this chapter shall not be deemed or construed to repeal, amend, modify, alter or change any other ordinance or any part thereof not specifically repealed, amended, modified, altered or changed herein, except in such particulars or matters as this chapter is more restrictive than such other ordinance, or part thereof; and that in all particulars wherein this chapter is more restrictive, each such other ordinance shall remain in full force and effect.
(Zoning Code, Ch. 100, § 1000.21; Ord. No. 2017-07, § 4, 6-7-17)

§ 33-5. Reference to any portion of this chapter.

Whenever reference is made to any portion of this chapter, or of any other law or ordinance, the reference applies to all amendments and additions now or hereinafter made.

(Zoning Code, Ch. 100, § 1000.25; Ord. No. 2017-07, § 4, 6-7-17)

§ 33-6. Interpretation.

(a) In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public peace, health, safety, convenience, comfort, prosperity or general welfare.

(1) The provisions of the ordinance codified in this section apply to all zones and all uses of land unless otherwise stated. The provisions shall be regarded and applied as the minimum requirements and maximum potential limits for the promotion of public health, safety, comfort, convenience, and general welfare of the city and its residents. When the ordinance codified in this section provides for discretion on the part of a city official or body, that discretion may be exercised to impose more stringent requirements than identified in the ordinance codified in this section, as may be necessary to promote orderly land use development and the purposes of the ordinance codified in this section.

(2) Any provisions of an adopted specific plan related to subjects contained in the ordinance codified in this section shall prevail over the provisions of the ordinance codified in this section to the extent of any conflict between the ordinance codified in this section and the specific plan.

(3) It is not intended by this chapter to abrogate, annul, impair or interfere with any existing or future provision of law or ordinance or with any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use or occupation of buildings or premises or upon the height or location of buildings or structures or upon the lot area per family, size of yards and open spaces, number of garages or other requirements whatsoever, than is imposed or required by such existing laws, ordinances, easements, covenants or agreements, the provisions of this chapter shall govern.

(b) The director shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of the ordinance codified in this section. Whenever the director determines that the meaning or applicability of any of the requirements of the ordinance codified in this section are subject to interpretation generally, or as applied to a specific case, the director may issue an official interpretation. In any case where there is difficulty in interpreting and applying the provisions of this chapter to any specific case or situation, the planning commission shall upon request interpret the intent of this chapter by written policy and said interpretation shall be followed in applying said provisions.

(Zoning Code, Ch. 100, § 1000.37; Ord. No. 2017-07, § 4, 6-7-17; Ord. No. 2020-31R, § 6, 1-13-21)

§ 33-7. Permits and licenses required.

(a) All departments, officials or public employees vested with the duty or authority to issue permits or licenses where required by law shall conform to the provisions of this chapter. No such license or permit for uses, buildings, or purposes where the same would be in conflict with the provisions of this title shall be issued. Any such license or permit, if issued in conflict with the provisions hereof, shall be null and void.

(b) Permits and licenses.

(1) Building permits, pursuant to Chapter 6 of the Municipal Code.

Before commencing any work pertaining to the erection, construction, reconstruction, moving,

conversion, alteration or addition to any building or structure within the City of Escondido, a permit for each separate building or structure shall be secured from the building official of said city by the owner or his or her agent for said work, and it is unlawful to commence said work until and unless said permit shall have been obtained.

(A) An approved final building inspection from the building division shall be obtained prior to any use or occupancy of the building or structure or portion thereof.

(B) Certificate of occupancy required. No occupancy of a building or structure, or a proposed use of a building or structure, can occur before a certificate of occupancy is approved and issued and the project complies with all state building regulations and provisions of the ordinance codified in this section. A temporary certificate of occupancy may be issued by the building division when determined appropriate, subject to the approval of the city building official.

(2) Business licenses, pursuant to Chapter 16 of the Municipal Code.

Every person engaged or intending to engage in any calling, business, occupation, or profession, in whole or in part, including the exercise of any corporate or franchise powers, within the limits of the city, whether or not an office or physical location for the business lies within the city, is required to pay an annual license fee for the privilege of doing any business and obtain a business license.

(A) No person shall be entitled or authorized to engage in business within the city until such time as the director has approved and issued a business license pursuant to the terms of Chapter 16.

(B) Business licenses are issued for revenue purposes. The issuance or possession of a license confers no rights or privileges and only serves to prove that a business license fee has been paid for the period specified on the license certificate. Licenses are not deemed regulatory in any way and are not proof of compliance with zoning, building or any other regulations of the city.

(C) Certain business types may require additional review and approval from other departments or agencies.

(Zoning Code, Ch. 100, § 1000.29; Ord. No. 2017-07, § 4, 6-7-17; Ord. No. 2020-31R, § 6, 1-13-21)

§ 33-8. Definitions.

For the purpose of this chapter, the words and phrases set forth in this section shall have the meanings respectively ascribed to them. Words used in the present tense shall include the future; words in the singular number shall include the plural, and words used in the plural number shall include the singular; the word "shall" is mandatory, and the word "may" is permissive.

"Abutting" means 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.

"Accessory" means a use and/or structure customarily incidental to a building, part of a building or structure, which is subordinate to and the use of which is incidental to and detached from the main building, structure or use on the same lot. If an accessory building is attached to the main building either by a common wall, or if the roof of the accessory building is a continuation of the roof of the main building, such accessory building shall be considered a part of the main building. (See also *Use - Accessory Use*.)

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

"Alley" means any public thoroughfare, having a width of not more than 30 feet. An alley shall not be considered a street for the purposes of calculating building or structure setbacks or height.

"Amusement arcade" means any establishment, room or place where more than four amusement machines are available for public use.

"Amusement machine" means any device, whether mechanical, electrical or electronic, or similar object, which by payment of a fee, or insertion of a coin or token, may be operated for the primary purpose of amusement. The term amusement machine does not include any device or object the primary purpose of which is to play music.

"Apartment" means a room or group of two or more rooms which is constructed, designed, intended for or actually used by, a single family for living and sleeping purposes for periods of 30 consecutive days or longer.

"Area of lot" means the total horizontal area included within ownership lot lines.

"Arts and crafts" shall include physical objects which are made by or as if by hand, and which require manual dexterity and artistic skill. Items such as jewelry, paintings, needlepoint, knitting, crochet, dolls, furniture, woodworking (e.g., carvings, etchings), sculptures, ceramics, toys, clothing, photography, scale models and similar items as determined by the director shall be considered as "arts and crafts" objects.

"Arts and crafts show" shall mean the activity of offering for sale of "arts and crafts" by means of announcing or advertising an "arts," "crafts," or "hobbies," show, bazaar or festival, all of which are synonymous, or by any other means intended to communicate that the sale is an occasional, casual event offering the sale of personally crafted property. "Arts and crafts show" shall only be conducted by a property owner possessing a valid business license and an arts and crafts permit issued by the City of Escondido.

"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 building. An accessory dwelling unit constructed above an existing detached garage shall be considered an attached unit.

Banking.

(1) "ATM kiosk" is an electronic telecommunications devise or electronic banking outlet that allows customers to complete basic financial transactions without the aid of a bank teller or chartered financial institution representative.

(2) "Bank" means a state or federally chartered financial institution, credit union, mortgage lender, savings and loan association, or industrial loan company which offers financial services that include lending money, collecting deposits, issuing currencies and debit cards, and transaction processing, and other typical banking services, with or without a teller.

(3) "Check-cash/pay day" means fringe bank institution or uses defined as other than a State or Federally chartered institution, credit union, mortgage lender, savings and loan association or industrial loan company, that offers deferred deposit transaction services or check cashing services and loans for payment of a percentage fee. The term included, but is not limited to, deferred deposit transaction (payday loan) businesses that make loans upon assignment of wages received, check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, and vehicle title lenders who offer a short-term loan secured by the title to a vehicle. Non-profit financial institutions

are not included in this definition.

"Bargain basement store" means any for-profit or non-profit store including any establishment, operation, or enterprise with one or more of the following characteristics: (1) a majority of the store's merchandise is offered for sale at a price equal to or below $5; (2) merchandise priced at or below $5 occupies at least one-half of the store's floor area which is devoted to retail sales; (3) used items represent a majority of the merchandise offered for sale in the store; or (4) used merchandise occupies at least one-half of the floor area in the store devoted to retail sales. Used merchandise herein is defined as all forms of used items including, without limitation, items that were formerly used but have been repaired, refurbished, and /or repackaged. The bargain basement store definition excludes: (1) bona fide antique stores; (2) thrift stores, second-hand dealers, and pawn shops; (3) stores which primarily engage in the sale of used books, periodicals, videos, or DVDs; (4) stores specializing in the sale of highly collectible items such as used coins, stamps, baseball cards, and other similar collectibles; and (5) a store where the majority of the items sold, measured by receipts or number of items sold, consist of food and/or beverage items.

"Basement" means a story partly underground and having at least 1/2 of its height above the average adjoining grade. A basement shall be termed a cellar when more than 1/2 of its height is below the average adjoining grade. A basement or cellar shall be counted as a story if the vertical distance from the average adjoining grade to the ceiling is over five feet.

"Block" means all property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, terminus of dead end, or cul-de-sac street, city boundary, public parks or other natural boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

Boarding house. See *Rooming house.*

Building.

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

(2) "Building height" (also *structure height*) means the vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building or structure to the top of the building or structure. When a basement element or underground structures exist or are proposed, height is measured from the finished grade (exterior grade adjacent to the structure) provided the finished grade is at or below the previous natural grade. All portions of the building/ structure shall be located at or below the height limit of the underlying zone. Allowable projections listed in section 33-1075 need not be included in the building/structure height calculation.

(3) "Building site" means the ground area of: (A) all or a portion of a lot or parcel of land; or (B) all or a portion of two or more lots or parcels of land, when used in combination for a building or group of buildings, together with all yards and open spaces required by this chapter.

(4) "Main building" means one or more buildings on a lot or building site designed or used to accommodate the primary use to which the premises are devoted.

"Business or commerce" means the purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity or service for profit or livelihood.

"Carport" means a permanently covered motor vehicle shelter, consisting of a roof and supporting members such as columns or beams, which are affixed to a permanent foundation per applicable building codes. A carport must be open on two or more sides except for structural supports. Carports as used in this chapter

do not include temporary shelters or canopies. Any structure designed or used for the storage of motor vehicles which does not meet this definition must comply with all regulations relating to a garage.

"Commercial dairy" means any land whereupon is kept or maintained for any length of time, more than two milk cows where milk or milk products are produced for, or intended for sale to the public.

"Common area" means the total area within a development that is not designed for the exclusive use of owners or tenants and which is available for common use by all owners, tenants or groups of tenants.

"Consignment shop" is a retail establishment primarily engaged in the retail sale of nondonated, second-hand merchandise, and the merchandise is placed for sale with the establishment by the owner of the merchandise. Upon sale of the merchandise the purchase price is divided between the consignment shop owner and the owner of the merchandise. The establishment shall be limited to one type of merchandise, including, but not limited to, clothing and related accessories, children's apparel and furniture, sporting equipment, or furniture and related home furnishings. This use does not include the sale of guns, appliances, mattresses, or vehicles.

"Court" means an open unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two or more sides by such building or buildings and a lot line, including the open space in a bungalow court or court apartment providing access to the units thereof.

"Cul-de-sac" means a street or portion of a street that terminates without providing vehicular access to adjacent streets and includes pavement at its terminus to accommodate vehicles exiting in a forward manner by a single turning motion without reversing.

"Density" means the number of residential dwelling units per acre of lot area but shall exclude areas of remainder parcels; areas of nonresidential development; the panhandle portion of a flag lot; and areas of dedication for street rights-of-way, adjustments for floodways as defined by the Federal Emergency Management Agency (FEMA — see Flooding Map) or the city, slope categories, and other environmental factors as designated. Minimum and maximum density calculations for an individual site shall utilize the net lot area to determine the applicable number of dwelling units. Any density calculation that results in a fractional unit shall be rounded down to the next whole number.

"Detached dwelling" means a dwelling that is structurally independent and separated from the existing primary dwelling by a minimum of 10 feet.

"Director" means the director of development services.

"Drive-through business" means any building, establishment, or facility that provides a specified "drive-through" lane or driveway where customers receive a service or purchase goods while remaining in a motor vehicle in designated stacking aisles. Products or services are typically provided or dispensed through an attendant at a service window, order kiosk, and/or an automated machine. Drive-through businesses may operate as the primary use, such as in restaurants, eating establishments and coffee shops or accessory use of a business in combination with other uses, such as pharmacies, financial institutions, personal service shops, and other retail or customer-based service uses. A drive-through business does not include an automated car-wash service or gas pump island; however, they may be regulated similarly.

"Driveway" means a permanently surfaced area providing direct access for vehicles between a street and a permitted off-street parking or loading area and extending to a maximum width equal to the curb cut approved by the city engineer.

Dwelling.

("D)welling" means one or more rooms in a building used for occupancy by one family for living or sleeping purposes and having only one kitchen.

"Grouped dwelling" means a group of two or more detached or semi-detached one-family, two-family, three-family or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common, including bungalow courts and apartment courts, but not including recreational vehicle or campgrounds.

"Multiple dwelling" means a building or portion thereof used for occupancy by four or more families living independently of each other, and containing four or more dwellings.

"One-family or single-family dwelling" means a detached or semi-detached building designed for or occupied exclusively by one family.

"Two-family dwelling and duplex" means a detached or semi-detached building designed for or occupied exclusively by two families.

"Three-family dwelling and triplex" means a detached or semi-detached building designed for or occupied by three families.

"Primary dwelling" means the principal single-family dwelling located on a lot where an accessory dwelling unit is existing or proposed.

"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.

"Family" means one or more persons related by blood, marriage, or adoption, or a group including unrelated individuals living together as a relatively permanent, bona fide, housekeeping unit.

"Family day care" means regularly provided care, protection and supervision of 14 or fewer children in the provider's home, for periods of less than 24 hours per day, while the parents or guardians are away, and including the following:

"Large family day care home" means a home which provides family day care, with no overnight stay, to nine to 14 children, inclusive, including children who reside at the home;

"Small family day care home" means a home which provides family day care, with no overnight stay, to eight or fewer children, including children who reside at the home.

"Fleet storage" means storage or parking of one or more vehicles used regularly in business operations. Where the parking of vehicles constitutes the principal use on the site, the use activity is considered a principal use. Typical fleet storage uses include taxi fleets, mobile catering trucks, car or truck (service delivery) storage, or delivery truck fleets. Excluded are car dealerships and vehicle junkyard or vehicle dismantling services.

"Floor area" means the total area of all floors and interior habitable area of a building included within the outside faces of the building's exterior walls, exclusive of basement and attic storage space and areas within a building used for the parking of vehicles.

"Floor area ratio" (also FAR) is the ratio of a building's floor area divided by the net lot area. FAR is expressed as a decimal unit.

"Frontage" means that property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting and intercepting streets, and railroad right-of-way or unsubdivided acreage.

Garage.

(1) "Private garage" means an enclosed accessory building or an accessory portion of the main building, designed and/or used only for the shelter of vehicles owned or operated by the occupants of the main building.

(2) "Public garage" means any building except those described as a private garage, used for the storage or shelter of self-propelled vehicles.

"Garage sale" shall mean the activity of offering for sale any property, other than real property or personally crafted arts and crafts items, by means of announcing or advertising a "garage," "yard," "moving," "estate," "rummage" or "tag" sale, all of which are synonymous, or by any other means intended to communicate that the sale is an occasional, casual, or non-business-related event offering the sale of personal property. "Garage sale" or "yard sale" shall not include any event which constitutes an arts and crafts show or any other sales activity which would require the business or person to possess a valid business license issued by the City of Escondido.

"Greenhouse (also lath house)" means a building or structure constructed chiefly of glass, glass-like or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

"Gross leasable area" or "GLA" means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any; expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

"Guest house" means any living quarters that is no more than 1,000 square feet within a detached accessory building for the sole use of persons employed on the premises or for temporary use by guests of the occupants of the premises, which living quarters have no kitchen facilities and are not rented or otherwise used as a separate dwelling.

"Home occupation" means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof or does not adversely affect the uses permitted in the zone of which it is a part. A home occupation must satisfy the conditions set forth in Article 44 of this chapter.

Horse stable.

(1) "Private horse stable" means facilities for the keeping of horses, mules, donkeys or ponies for the use of the owners or lessees of the property and owners of the boarded animals.

(2) "Commercial horse stable" shall mean equestrian facilities such as, but not limited to, riding academies, riding rings, or training areas for horses, mules, donkeys or ponies which are rented, shown, used or boarded on a commercial basis for compensation. Accessory uses such as tack shops, on-site sale of food for people and animals, or similar uses may be permitted in conjunction with a commercial use permit. A commercial horse stable may include an office, employee break area, full bathroom and other associated areas or structures related to a commercial use. The temporary gathering of additional people and horses for a horse event, show or competition which is not a part of the active operations of a commercial horse stable shall be considered.

"Hotel (also motel)" means a building in which there are five or more guest rooms where transient lodging (for a period of 30 consecutive calendar days or less) with or without meals is provided for compensation.

"Industry" means the storage, repair, manufacture, preparation or treatment of any article, substance or commodity whatsoever, and including the operation of stables.

"Junk yards" mean any space of 200 square feet or more of area of any lot used for the storage, sale,

keeping or abandonment of inoperable vehicles, wrecking yards or salvage yards, junk or waste material, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts thereof, other than an impound yard.

"Kitchen" means any portion of an accessory living quarters arranged for or conducive to the preparation or cooking of food, by the inclusion of a sink, garbage disposal, hot water line, and dishwasher; place of not less than 10 cubic feet to accommodate a refrigerator; 220 AC or 240 volt electrical outlet or stove; storage cabinets and counter space that are of reasonable size in relation to the building; and any other item required by the Building Code. An *efficiency kitchen* shall be considered to have the same features as a kitchen, but is smaller in size and scope in relation to the land use activity or building. At a minimum, the size and scope of an efficiency kitchen should meet or exceed the following criteria: a sink with a maximum waste line of 1.5 (1 1/2) inches, a cooking facility with appliances that has electrical service of 120 volts, a food preparation counter, and storage cabinets.

"Landscaping" means the planting and maintenance of some combination of trees, shrubs, vines, ground covers, or flowers. In addition, the combination or design may include natural features such as rock and stone; and structural features, including, but not limited to, water features, art works, screens, walls, fences and benches.

Lath house. See *Greenhouse.*

"Liquor store" means any store designed and operated for the selling of alcoholic beverages with the selling of any other merchandise being incidental to the primary operation of selling liquor.

"Lot" means:

(1) A parcel of real property shown as a delineated parcel of land with a number and other designation on the final map of subdivision recorded in the office of the county recorder of San Diego County; or

(2) A parcel of land, the dimensions or boundaries of which are defined by a record of survey maps recorded in the office of the county recorder of San Diego County in accordance with the law regulating the subdivision of land; or

(3) A parcel of real property not delineated as in subsection (1) or (2) of this definition, and containing not less than the prescribed minimum area required in the zone in which it is located and which abuts at least one public street or easement which the planning commission has designated adequate for access purposes, and is held under one ownership.

(4) The various definitions in this category are as follows:

("A") "Lot area (gross)" means the total area measured in a horizontal plane, included within the lot lines of a lot or parcel of land.

("B") "Lot area (net)" means lot area excluding areas of remainder parcels, areas of nonresidential development, the panhandle portion of a flag lot, and areas of dedication for street rights-of-way; adjustments for floodways as defined by the Federal Emergency Management Agency (FEMA — see Flooding Map) or the city; slope categories; and other environmental factors as designated. The net lot area shall be used in the calculation of minimum allowed residential density, project floor area/lot coverage calculations, and other standards or requirements as so specified.

("C") "Lot coverage" means the total horizontal area of a lot, parcel or building site covered by any building which extends more than three feet above the surface of the ground level and including

any covered car parking spaces. Covered patios shall not be considered as lot coverage provided that said patio is not more than 50% enclosed.

("D") "Lot depth" means the horizontal length of a straight line connecting the bisecting points of the front and the rear lot lines.

("E") "Lot width" means the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines.

("F") "Cul-de-sac" lot means an interior lot taking access from and having frontage primarily on the bulb of a cul-de-sac.

("G") "Flag lot" means a lot in the approximate configuration of a flag pole, panhandle, or sign post, with the pole or post functioning primarily as an access way to the main body of the lot from the street of access, meeting the requirements of section 33-1084. In determining setbacks for a flag lot, the handle or access portion of the lot shall not be used to determine building setbacks. The director shall determine the front, side, and rear of a flag lot for the purposes of identifying setbacks and yards, guided by the relationship of the lot and to surrounding lots and structures.

("H") "Front lot line" means a line separating an interior lot from a street, or a line separating the narrower street frontage of a corner lot from the street.

("I") "Interior lot" means a lot other than a corner lot or reversed corner lot.

("J") "Key lot" means the first lot to the rear of a reversed corner lot whether or not separated by an alley.

("K") "Rear lot line" means the record lot line or lines most distant from and generally opposite the front lot line except that in the case of an interior triangular or gore-shaped lot, it shall mean a straight line 10 feet in length which is: (i) parallel to the front lot line or its chord; and (ii) intersects the two other lot lines at points most distant from the front lot line.

("L") "Reversed corner lot" means a corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which the rear of said corner lot abuts.

("M") "Side lot line" means any lot boundary line not a front lot line or a rear lot line.

("N") "Through lot" means a lot having a frontage on two parallel or approximately parallel streets.

"Low barrier" means best practices to reduce barriers to entry, as further defined in Government Code section 65660.

"Low barrier navigation center" means a low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

Mini-dorms. See *Rooming house.*

"Mini-warehouse storage facility (also self-storage or mini-storage)" means an establishment containing individual compartmentalized spaces or warehousing space for rent or lease to the general public for personal storage, including businesses and individuals.

"Mobilehome (also manufactured home)" means a dwelling that is subject to California Code of Regulations Title 25 provisions built in a factory or other off-site location on a non-removable steel chassis that is transported and placed on a permanent or non-permanent foundation.

"Mobilehome park" means a development specifically approved for grouping mobilehomes and/or manufactured homes within a unified setting that is subject to California Code of Regulations Title 25 provisions. The term mobilehome park shall include the grouping of mobilehomes under a single ownership, or separate ownership of mobilehomes and mobilehome sites, or the establishment of a mobilehome subdivision, condominium, stock cooperative, or any similar project where the member of the project owns a home ownership share, fee lot, or condominium unit.

"Mobilehome park street" means any roadway used or designed to be used for the general circulation of traffic within the mobilehome park.

"Mobilehome site" means any portion of a mobilehome park designed for the use or occupancy of one mobilehome or manufactured home.

"Modular home" means a dwelling that conforms to all local building codes, built in sections at a factory or other off-site location, and transported to the building site where the dwelling is assembled on-site on a permanent foundation.

Motel. See *Hotel.*

"Multi-family housing development" means a building designed for multiple dwelling unit occupancy in a multiple-residential zoning district (R-2, R-3, R-4, and R-5) or mixed-use zoning district. Units in multifamily housing developments are not classified as single-unit attached structures.

"Nonconforming use" means a building or land occupied by a use that does not conform with the regulations of the use district in which it is situated.

"Off-street parking" means 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.

"Official zoning map" means a map which graphically shows all zoning district boundaries and classifications within the City of Escondido, as contained within the Escondido zoning code, which is signed by the director and on file in the Escondido planning department.

"Parcel of land" means a contiguous quantity of land in the same possession of, or owned by, or recorded as the property of, the same person or persons.

"Parking index" means the number of car parking spaces made available per 1,000 square feet of GLA (gross leasable area).

"Pawn shop" means a pawnbroker or business establishment that loans money, either for himself or herself, or for any other person, upon any personal property or personal security being purchased and resold to the vendor or other assignee at prices previously agreed upon. This use does not include the sale of guns, appliances, mattresses, or vehicles.

"Planning commission" means the planning commission of the City of Escondido.

"Recreational vehicle" means a vehicle on wheels which offers living accommodations in a mobile setting for travel or recreational purposes in compliance with provisions established by the California Department of Motor Vehicles.

Restaurant. See Restaurant, section 14-1.1 of Chapter 14.

"Rooming house" means a building containing three or more bedrooms or other rooms intended to be used, rented or leased, to be occupied by five or more individuals under five or more separate oral or written leases, subleases or any other contractual agreement designed to effectuate the same result, with or without meals, for compensation, as permanent guests pursuant to definite periods, by the month or greater term. A "rooming housing" does not require a property owner, or a manager, to be in residence. A "rooming house"

shall have a central kitchen. A "rooming house" may or may not provide free access to common living areas beyond the bedrooms or guest rooms. A "room" means any rented, leased, let or hired living space or other square footage within the building that is used or designed to provide sleeping accommodations for one or more persons. A properly permitted accessory dwelling unit, shall not be considered a rooming house.

"Secondhand store (or second-hand dealer)" means conducting, managing, or carrying on the business of buying and selling used merchandise such as jewelry, watches, diamonds, clothing, musical instruments, luggage, sporting goods, furniture, etc. This use does not include the sale of guns, appliances, mattresses, or vehicles.

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

"Sign" means any mark or painted character on any card, cloth, paper, metal, wood, plastic, or any other material visible from outside a structure, mounted to the ground or any tree, wall, bush, rock, fence or structure, either privately or publicly owned. "Sign" shall also mean any graphic announcement, declaration, demonstration, display, illustration, statuary or insignia used to promote the interest of any person, product, activity or service when the same is placed outdoors in view of the general public.

"Single room occupancy (SRO) unit" means a living or efficiency unit, as defined by CaliforniaHealth and Safety Code section 17958.1, intended or designed to be used as a primary residence for a period of more than 30 consecutive days. Each SRO unit consists of one combined living and sleeping room with a closet, and may contain either a kitchen or separate private bathroom. The kitchen or bathroom, if not contained within the individual unit, shall be provided as a common facility within the same structure and shall be shared with the tenants of other SRO units within the same structure. An SRO may include an office for the purpose of managing the SRO units and common facilities. An SRO may include one self-contained dwelling unit with kitchen and bathroom facilities for a caretaker.

Site area. See *Building site* and *Lot area.*

"Staff development committee" means and shall be made up of representatives from the planning, engineering, building, fire and other departments which are associated with a given project or problem. Its purpose is to provide coordinated technical information and advice to the planning commission or city council.

Story.

(1) "Story" means that portion of a building included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

(2) "Half story" means a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

"Street" means a public or private thoroughfare which affords principal means of access to abutting property.

"Structural alterations" means any change in the supporting members of a building such as bearing walls, columns, beams or girders, and floor joists or roof joists.

"Structure" means anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in

retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing that is provided in single-, two- or multifamily dwelling units, group residential, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two-, or multifamily dwelling units, group residential, residential care facilities, or boarding house uses under this code.

"Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5, commencing with Section 4500 of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

"Tattoo parlor" means any permanent premises where a tattoo artist does tattooing for a fee or for other consideration. Tattoo parlor establishments also include body piercing and other body art services, but do not include beauty salons including cosmetology involving ear piercing, permanent eye and lip lining.

"Thrift shop" is a retail establishment or non-profit organization primarily engaged in selling used merchandise which has been obtained through bulk-purchases, or through donations or gifts and where the donor receives no value upon the sale of such merchandise, and where the use is designed to sell donated merchandise at a price below reasonable market value. The second-hand sale of guns, appliances, mattresses, or vehicles is prohibited under this classification. This use does not include establishments which sell used merchandise on consignment

"Title 25" means Title 25 of the California Code of Regulations.

"Tow yard storage" means a business or offering the services of a vehicle towing service, whereby disabled motor vehicles are towed or otherwise removed from the place where they are disabled by a truck; automobile; or other vehicle so adapted to that purpose, such as tow truck dispatch centers; or in the business of storing disabled motor vehicles. Excluded are sales/rentals of vehicles (i.e. car dealerships) and junkyard or dismantling services.

"Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional housing that is provided in single-, two-, or multifamily dwelling units, group residential, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two-, or multifamily dwelling units, group residential, residential care facilities, or boarding house uses under this code.

Travel trailer. See *Recreational vehicle.*

"Urban lot split" means the subdivision of any lot in a single-family residential zone or parcels designated for primarily single-family development in a specific plan into two lots and shall have he same meaning as stated in California Government Code Section 66411.7.

Use.

(1) "Use" means the purpose of which premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

(2) "Accessory use" means a use or activity incidental and accessory to the principal use of a lot or of a building located upon the same lot as the accessory use or activity.

Vehicle repair services.

("1") "Commercial vehicle repair" includes uses that repair and maintain the mechanical components of the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft or boats. Commercial vehicle repair may also include general auto repair-type functions.

("2") "General vehicle repair" includes major repair of automobiles, motorcycles, recreational vehicles, or light trucks. Examples of use include body and fender shops; brake shops; full-service motor vehicle repair garages; machine shops; painting shops; towing services; and transmission shops. Does not include vehicle dismantling or salvage and tire retreading or recapping. General vehicle repair may also include limited vehicle repair-type functions.

("3") "Limited vehicle repair" includes minor repair of automobiles, motorcycles, recreational vehicles, or light trucks, vans, or similar size vehicles. Examples of use include brake adjustments and repairs; installation of electronic equipment (e.g., alarms, stereos, etc.); servicing of cooling, electrical, fuel, and exhaust systems; oil and lube shops; tire sales and installation shops; wheel alignment and balancing; auto glass installation and services.

Vehicle sales.

("1") "Boutique car sales" means a business associated with sales of automobiles, light trucks, vans, small trailers, and small recreational vehicles subject to registration, licensed by the Department of Motor Vehicles (DMV) with or without on-site vehicle inventory. Boutique car sales would allow a licensed dealer, that functions primarily as an office or broker, to store no more than two vehicles on site at any given time.

("2") "Car dealership" means a well-defined sales and service area or car lot primarily engaged in the sale, long term storage, or rental or leasing of automobiles, light trucks, vans, small trailers, and small recreational vehicles to the public with a vehicle dealers permit or rental company permit licensed by the Department of Motor Vehicles (DMV). A car dealership may engage in auto retail sales, auto wholesales, auto broker sales, rental leasing, or any other DMV business partnership. Sales and leasing of heavy trucks and tractors are included within the category of "tractor or heavy truck sales, storage, rental."

("3") "Parts and accessories sale and supply" means an auto supply store or retailer specializing in new and rebuilt, package vehicle supplies, parts, and accessories, including the incidental assembling of customized items or parts onto vehicles.

("4") "Tractor or heavy truck sales" means an establishment primarily engaged in the sale, long term storage, or rental or leasing of tractor or heavy trucks, aircraft, marine crafts, large recreational vehicles and campers, equipment rental and leasing dealerships.

Vending machine.

("1") "Retail vending machine" means any self-service device offered to the public for commercial use used for displaying or storing articles for sale, rent, or lease, or delivery, which, upon insertion of payment, or by other means, dispenses commercial products, merchandise, food or beverage either in bulk or in package, without the necessity of replenishing the device between each vending operation.

("2") "Reverse vending machine" means an automated machine that utilizes advanced technology to identify, sort, collect, and process used containers, provided that the entire process is enclosed within the machine.

Yard.

("Yard" means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

("Front yard" means a yard extending across the full width of the lot, having at no point a depth of less than the minimum required horizontal distance between the front lot line, or its tangent, and the closest permissible location of the main building. Said distance shall be measured by a line at right angles to the front lot line, or its tangent.

("Rear yard" means a yard extending across the full width of the lot, having at no point a depth of less than the minimum required horizontal distance as measured from the part of the main building nearest the rear lot line towards the rear lot line, and such measurement shall be along a line representing the shortest distance between said part of the main building and the rear lot line. The required rear yard shall be that portion of the rear yard contiguous to the rear lot line having at no point a depth less than that required for the rear yard. The area to the rear of the rear lot line of an interior triangular or gore-shaped lot shall be considered a part of the required rear yard.

("Side yard" means a yard between the main building and the side lot lines extending from the required front yard, or the front lot line where no front yard is required, to the rear yard, the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line towards the nearest part of a main building.

"Zone" means a portion of the territory of the city, exclusive of streets, alleys and other public ways, within which certain uses of land, premises and buildings are not permitted and within which certain yards and open spaces are required and certain height limits are established for buildings, all as set forth and specified in this chapter.

"Zoning administrator" means the director of community development (director) or designee.
(Zoning Code, Ch. 100, §§ 1001.00—1001.18; Ord. No. 88-54, §§ 1, 2, 10-12-88; Ord. No. 91-5, § 1, 4-3-91; Ord. No. 92-15, § 1, 3-25-92; Ord. No. 92-42, § 2, 11-4-92; Ord. No. 92-47, § 3, 11-18-92; Ord. No. 94-41, § 1, 1-11-95; Ord. No. 96-8, § 1, 3-13-96; Ord. No. 97-22, § 1, 10-22-97; Ord. No. 2011-19R, § 5, 1-11-12; Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2017-07, § 4, 6-7-17; Ord. No. 2018-07R, § 7, 4-18-18; Ord. No. 2018-12, § 7, 6-6-18; Ord. No. 2018-18, § 7, 8-15-18; Ord. No. 2018-20, § 7, 11-28-18; Ord. No. 2019-10, § 7, 8-21-19; Ord. No. 2019-09, § 6, 9-11-19 ; Ord. No. 2020-31R, § 6, 1-13-21; Ord. No. 2021-07, § 6, 8-11-21; Ord. No. 2022-18, § 2, 9-28-22; Ord. No. 2023-06, § 3, 3-8-23; Ord. No. 2023-15, 10/25/2023)

§ 33-9. through § 33-12. (Reserved)

Editor's note—Ord. No. 2017-07, § 4, 6-7-17, repealed §§ 33-9—33-12, derived from Zoning Code Ch. 100 §§ 1002.01—1002.04 and Ord. No. 90-2, § 3, 1-10-90.

§ 33-13. Determination of permitted uses.

The lists of uses included in various articles of this chapter are typical of permitted and conditionally permitted uses in their respective zones.

The director of community development may determine that uses similar to the listed uses are permitted, or conditionally permitted, uses within the various zones. Such determinations will thereafter be uniformly applied and the director shall keep a record of all such determinations.

When the director cannot make a determination that a particular use is similar to the uses within any of the various zones, a request for an interpretation shall be forwarded to the planning commission for

its determination pursuant to the rules of interpretation of section 33-6 of this article. After a planning commission interpretation specifying the appropriate zone, or zones, within which the particular use may fall, said use shall be permitted, or conditionally permitted, in the zones designated by the planning commission.

If the planning commission is unable to designate zones into which a particular use may fall, that use is prohibited in the city in the absence of an amendment to this chapter.
(Zoning Code, Ch. 100, § 1002.15; Ord. No. 2017-07, § 4, 6-7-17; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-14. Zoning districts.

(a) In order to carry out orderly growth and development in the city, this chapter provides for various zoning classifications (e.g., R-1, R-2, R-3, etc.) in order to promote and protect the public health, safety, convenience and general welfare of the inhabitants, and through the orderly and planned use of land resources which are presently a part of said city, or which may become a part thereof in the future.

(b) The boundaries of all zones shall be shown on an "official zoning map" maintained by the director, which is made a part of this chapter. Whenever the boundaries of zones are changed, or property is reclassified to another zone pursuant to Article 61, the director shall alter the official zoning map to reflect such changes.

(Zoning Code, Ch. 100, § 1003.01; Ord. No. 2017-07, § 4, 6-7-17; Ord. No. 2020-31R, § 6, 1-13-21)

§ 33-15. Zoning district boundary uncertainty.

In the event of any conflict between the official zoning map and any legal description or other designation of the boundary or boundaries of any zoning district, or where any uncertainty exists as to the boundary or boundaries of any zoning district shown on the official zoning map, the official zoning map shall prevail and the location of such boundary or boundaries shall be fixed as follows:

(a) Where such boundaries are indicated by scales as approximately following street, alley or lot lines in existence at the time the zoning district map(s) was adopted, such lines shall be construed to be such boundaries.

(b) Where any public street, alley or any private right-of-way or easement of any railroad, railway, canal, transportation or public utility company is vacated or abandoned, the existing zone which abuts said land shall apply to such vacated or abandoned property, then each such zone shall be considered to extend to the centerline of said vacated or abandoned property.

(c) In unsubdivided land or where a zoning district boundary divides a parcel, the location of such boundary, unless same is indicated by dimensions, shall be determined by use of the scale appearing on the map

(Zoning Code, Ch. 100, § 1003.02; Ord. No. 2017-07, § 4, 6-7-17; Ord. No. 2020-31R, § 6, 1-13-21)

§ 33-16. through § 33-29. (Reserved)

ARTICLE 2
OPEN SPACE AND HAZARDOUS LANDS GENERALLY

§ 33-30. Purpose.

Open space and hazardous land regulations are established to implement the open space/conservation element of the general plan and to identify, classify, and protect lands designated for public and private uses related to open space and recreation to preserve and protect these lands as a limited and valuable resource, and to identify, classify and protect lands whose unrestricted use might constitute a hazard to the public health, safety and welfare.
(Zoning Code, Ch. 102, § 1020.01)

§ 33-31. Designation of open space and hazardous lands zones.

The following classes of open space and hazardous land zones are established:

OS	open space zone,
FP	flood plain overlay zone.

(Zoning Code, Ch. 102, § 1020.04)

§ 33-32. through § 33-39. (Reserved)

ARTICLE 3
OPEN SPACE (OS) ZONE

Prior history: Zoning Code, Ch. 102, §§ 102.1, 1021.2, 1021.3, 1021.4, 1021.5 as amended by Ord. 92-17.

§ 33-40. Purpose.

The open space (os) zone is established to implement the open space/conservation element of the general plan and the public lands/parks land use designation. To provide for permanent open space within the community, the OS zone designates land for public and private uses related to open space, recreation, education and public facilities, land with unique scenic or geologic value, land requiring protection of unique or rare plant and/or animal habitat, and land whose unrestricted use might' endanger the public health, safety or welfare. This zone also permits the reasonable use of such land while conserving and protecting open space as a limited and valuable resource, or protecting the public health, safety, and welfare.
(Ord. No. 97-02, § 3 Exh. B, 1-22-97)

§ 33-41. Principal land uses.

Table 33-41 lists those uses in the open space district which are permitted (P) subject to plot plan review, or subject to a conditional use permit (C).

Table 33-41
PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES

Use Title	OS
Agricultural uses including field crops, orchards, vineyards and grazing.	P
Airports, flying fields, and helipads * (Article 57).	C
Colleges and universities—public.	P
Colleges and universities—private.	C
Common open space and recreation areas within planned developments.	P
Country clubs.	C
Equestrian centers and stables.	C
Firearms and archery ranges.	C
Group or organized camps.	C
Junior colleges—public.	P
Junior colleges—private.	C
Landbanks, mitigation sites, and conservation preserves.	P
Park-and-Ride facilities.	P
Personal wireless service facilities * (Subject to Article 34, Communication Antennas)	C
Preschool, elementary and secondary schools * (Article 57)—public.	P
Preschool, elementary and secondary schools * (Article 57)—private.	C

Table 33-41 PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES	
Use Title	**OS**
Private recreational uses similar to those permitted by section 33-42.	C
Private recreational uses similar to those listed under Public recreation uses.	C
Public recreation uses including, but not limited to, parks; playgrounds and athletic areas; sports activities; camping areas; picnicking areas; swimming areas; boating areas; fishing activities and related services; golf courses; fairgrounds; historic/ prehistoric and other cultural sites; trails for non-motorized uses; community gardens; band shells and stages.	P
Public utilities and utility easements.	P
Radio and television transmitting stations and towers.	C
Retreat centers.	C

P = Permitted Use;

C = Conditionally Permitted Use [subject to a Conditional Use Permit (CUP)].

* = Subject to special regulations—see Article in parentheses.

(Ord. No. 97-02, § 3 Exh. B, 1-22-97; Ord. No. 98-13, § 1, 8-12-98; Ord. No. 2001-31R, § 5, 12-5-01)

§ 33-42. Permitted accessory uses and structures.

Accessory uses and structures are permitted in open space zones, provided they are incidental to, and do not substantially alter the operating character of the permitted principal use or structure as determined by the director of community development. Such permitted accessory uses and structures include, but are not limited to, the following:

Table 33-42 ACCESSORY USES AND STRUCTURES
Concession stands.
Greenhouses and lath houses (providing they do not cover more than 10% of the project area).
Information and interpretive centers.
Maintenance facilities.
Parking lots.
Residences for resident managers or caretakers and their family.
Restrooms.
Satellite dish antennas* (Article 34, CUP required for some sizes and heights).

* = Subject to special regulations—see Article in parentheses.

(Ord. No. 97-02, § 3 Exh. B, 1-22-97; Ord. No. 98-13, § 2, 8-12-98; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-43. Development standards.

In addition to the property development standards set forth in this chapter, minimum yard requirements along each property boundary shall be consistent with the yard requirements of the zone of the adjacent lot along each boundary. The city council may adopt by resolution park plan standards or park master plans.
(Ord. No. 97-02, § 3 Exh. B, 1-22-97; Ord. No. 98-13, § 3, 8-12-98)

§ 33-44. Plan approval required.

Prior to constructing recreational facilities in an undeveloped park site, a park master plan shall be approved involving community input. For existing park sites that have developed without a master plan, any new building or structure proposed, or any time a new use of land or existing structure is proposed that requires additional off-street parking, a plot plan application shall be submitted to the planning division. In such an event, surrounding property owners shall be notified of the proposed change consistent with the provisions found in section 33-1300. A plot plan will not be required for implementation of approved park plans where the building plans are consistent with the previously approved park plan or park master plan. Park plans and park master plans may be referred to the planning commission upon the determination of the director of community development. Open space areas that are designated for public park purposes shall be assigned a sub-zone designator "OS-P" (open space-park) to disclose to the public that active and/or passive public recreational uses shall be planned or constructed on the site.
(Ord. No. 98-13, § 4, 8-12-98; Ord. No. 2011-19R, § 5, 1-11-12; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-45. through § 33-49. (Reserved)

ARTICLE 4
FLOOD PLAIN (FP) OVERLAY ZONE

§ 33-50. Purpose.

It is the purpose of the flood plain (FP) overlay zone to provide land use regulations in areas with properties situated within the designated flood plains of rivers, creeks, streams and water courses to protect the public health, safety and welfare and to minimize losses to property and life due to flooding and periodic inundation by:

(a) Restricting or prohibiting uses which are dangerous to health, safety or property in times of flood or cause excessive increases in flood heights or velocities; and

(b) Requiring that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction; and

(c) Protecting individuals from buying lands which are unsuited for intended purposes because of flood hazard by identifying such lands.

The flood plain overlay zone will be used as a supplement to the basic underlying land use zone or zones.

This zone shall be applied in a uniform manner to those properties which, after considering evidence from flood experience and engineering studies, are deemed subject to inundation by a 100 year flood.

(Zoning Code, Ch. 102, § 1022.1)

§ 33-51. Floodway defined.

A designated floodway is defined as an area consisting of the channel of a stream and that portion of the adjoining flood plain which would serve both to adequately accommodate flood waters to be expected at frequent intervals in periods of heavy rainfall, including erosion, and which would be required to reasonably provide for the construction of flood control projects for the passage of design flood by means of flood control channels, and including the lands necessary for the construction of project levees.
(Zoning Code, Ch. 102, § 1022.2)

§ 33-52. Permitted principal uses and structures.

The following uses have a low flood damage potential and do not obstruct flood flows, provided they do not require structures, fill, or storage of materials or equipment:

(a) Any use permitted in the underlying zone or zones, subject to the conditions and restrictions of such zone, except as regulated by this article;

(b) Agricultural uses including field crops, orchards, vineyards and grazing;

(c) Public recreation uses such as parks, golf courses, tennis courts, camping areas, picnicking areas, playgrounds and athletic areas;

(d) Residential uses such as lawns, gardens, parking areas and play areas;

(e) Commercial uses such as loading and unloading areas and parking lots;

(f) Public flood control projects.

No building or structure shall be constructed, erected, moved, converted, structurally altered or enlarged, except as required by law, in the designated floodway zone, nor shall any other condition be permitted which would tend to cause stream channel alteration, or effect the carrying capacity of a floodway or otherwise constitute a threat to life and property.

(Zoning Code, Ch. 102, § 1022.3)

§ 33-53. Conditional uses and structures.

The following uses shall be permitted subject to the issuance of a conditional use permit:

(a) Private recreation uses similar to those specified in section 33-52;

(b) Circuses, carnivals or other similar transient amusement enterprises;

(c) Concession and refreshment stands and similar uses which do not require construction of permanent buildings;

(d) Private flood control projects, subject to report and recommendation of the city engineer.

(Zoning Code, Ch. 102, § 1022.4)

§ 33-54. Development standards.

No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other use may be permitted which, acting alone or in combination with existing or future uses, unduly affects the capacity of the floodway or unduly increases flood heights. The effects of a proposed use shall be considered based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. In addition all floodway uses shall be subject to the following standards:

(a) Fill:

(1) Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials;

(2) Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover, bulkheading or other method approved by the city engineer.

(b) Structures (temporary or permanent):

(1) Structures shall not be designed for human habitation;

(2) Structures shall have a low flood damage potential;

(3) The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.

(A) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of floodflow, and

(B) So far as practicable, structures shall be placed approximately on the same floodflow as those of adjoining structures;

(4) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river; and

(5) Service facilities such as electrical and heating equipment shall be constructed at or above the regulatory flood protection elevation for the particular area or floodproofed.

(c) Storage of material and equipment:

(1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited;

(2) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or readily removable from the area within the time available after flood warning.

(Zoning Code, Ch. 102, § 1022.5)

§ 33-55. Evaluation of conditional uses and structures.

In evaluating a use for which a conditional use permit has been requested, the planning commission shall consider the following:

(a) The danger to life and property due to increased flood heights or velocities caused by encroachments;

(b) The danger that materials may be swept on to other lands or downstream to the injury of others;

(c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;

(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(e) The importance of the services provided by the proposed facility to the community;

(f) The availability of alternative locations not subject to flooding for the proposed use;

(g) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

(h) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site;

(k) Such other factors which are relevant to the purposes of this chapter.

(Zoning Code, Ch. 102, § 1022.6)

§ 33-56. Liability.

The granting of approval shall not constitute a representation, guarantee or warranty of any kind or nature of the city or the planning commission, or by an officer or employee of either thereof, of the practicability or safety of any structure or other plan proposed and shall create no liability upon, or a cause of action

against such public body, officer or employee for any damage that may result pursuant thereto. (Zoning Code, Ch. 102, § 1022.7)

§ 33-57. through § 33-69. (Reserved)

ARTICLE 5
OPEN SPACE DEVELOPMENT STANDARDS

§ 33-70. Purpose.

It is the purpose of this article to establish standards for the development of lands identified by the open space/conservation element of the general plan as having open space value to the community and its citizens in one or more of the following categories:

(a) Moderate slopes of 16% to 30%;

(b) Steep slopes of 31% or greater;

(c) Vegetation conservation areas;

(d) Natural drainage courses not otherwise defined as floodways;

to protect and preserve such lands for their open space value in accordance with the goals and objectives of the Escondido general plan, and to protect the public health, safety and welfare from such dangers as erosion, landslide and mudflows.

(Zoning Code, Ch. 102, § 1023.1)

§ 33-71. Intent.

It is intended that the requirements of this article shall be in addition to the property development standards of the zone in which such land is located, and that said requirements be applied in a uniform manner to all lands of similar characteristics. The provisions of this article shall prevail over conflicting provisions of any other article.
(Zoning Code, Ch. 102, § 1023.2)

§ 33-72. Development standards.

All developments proposed on lands identified by the open space/conservation element as having one or more of the designations set forth in section 33-70 shall be subject to the following development standards:

(a) Natural features such as rock outcroppings, creeks and other natural drainage courses, and wooded areas shall be protected and preserved;

(b) Unless cleared for agricultural purposes, natural vegetation shall remain undisturbed except as necessary to construct improvements and to eliminate hazardous conditions, unless replanted with native or fire-retardant materials including groundcovers, shrubs and trees;

(c) Grading shall not alter the natural contours of the terrain except as necessary for building sites or to correct unsafe conditions. The locations of buildings and roads shall be planned to follow and conform to existing contours;

(d) Lot coverage shall not exceed 20% on land consisting of moderate slopes (16% to 30%) or 10% on land consisting of steep slopes (31% or greater). Lot coverage shall include all buildings which extend more than three feet above the surface of the ground level;

(e) Density transfer allowances may be permitted based on the density provisions of the zone in which such lands containing features requiring preservation are located, through utilization of the planned development (PD) or planned unit approval (PUA) procedure;

(f) No alteration of natural features identified for preservation and protection shall be permitted prior to approval of a development permit.

(Zoning Code, Ch. 102, § 1023.3; Ord. No. 99-17, § 4)

§ 33-73. Development permit.

Prior to issuance of a building permit, a development permit application shall be submitted to and approved by the staff development committee.

(Zoning Code, Ch. 102, § 1023.4)

§ 33-74. Application, form and content.

Said application shall be submitted to the planning department on forms provided by said department. Six copies of all plans shall be submitted, which shall show all information necessary to ascertain the size and location of the property, the nature and extent of the proposed development, existing topography and natural features, conditions and vegetation, and proposed grade, landscaping, drainage and access.

(Zoning Code, Ch. 102, § 1023.4.1)

§ 33-75. Determination.

The staff development committee may approve, conditionally approve or deny a development permit. Such determination shall be in writing, setting forth the reasons thereof, and shall indicate conformance or nonconformance with the goals and objectives of the open space/conservation element of the general plan. One copy of said determination shall be mailed to the applicant at the address shown on the application form.

(Zoning Code, Ch. 102, § 1023.4.2)

§ 33-76. Appeal.

The applicant may appeal any decision, finding or condition of approval to the planning commission within 15 days after making of said determination by the staff development committee by filing said appeal on forms provided by the planning department, together with a filing fee in the amount of $50. The applicant may further appeal any planning commission action to the city council within 15 days after said action by filing said appeal with the city clerk. The decision of the city council shall be final.

(Zoning Code, Ch. 102, § 1023.4.3)

§ 33-77. Exemptions.

The following projects are exempt from the requirements of a development permit:

(a) A single-family residence on an existing lot or parcel;

(b) Projects which require a planned unit approval (PUA);

(c) Projects filed as a planned development (PD);

(d) Subdivision maps associated with (b) or (c);

(e) Projects which require a conditional use permit (CUP).

(Zoning Code, Ch. 102, § 1023.5)

§ 33-78. through § 33-89. (Reserved)

ARTICLE 6
RESIDENTIAL ZONES

Prior history: Zoning Code, Ch. 103, §§ 1030.01—1030.08 and Ord. No. 2009-14.

§ 33-90. Purpose.

(a) Residential zones are established to provide for residential districts of various population densities so that the various types of residential developments may be separated from each other as necessary to assure compatibility of uses within family living areas, including the necessary appurtenant and accessory facilities associated with such areas.

(b) The following classes of residential use zones are established:

(1) The agriculture residential (R-A) zone is established to provide an agricultural setting in which agricultural pursuits can be encouraged and supported within the city. The R-A zone is designed to include single-family detached dwellings and to protect agricultural uses from encroachment by urban uses until residential, commercial or industrial uses in such areas become necessary or desired.

(2) The estate residential (R-E) zone is established to provide a rural setting for family life in single-family detached dwellings. Provisions are made for the maintenance of limited agricultural pursuits as well as those uses necessary and incidental to single-family living.

(3) The single-family residential (R-1) zone is established to provide a suburban setting suitable for family life in single-family, detached dwellings.

(4) The mobilehome residential (R-T) zone is established to provide a mobilehome park setting for family life in single-family detached mobilehomes. No land shall be classified into this zone where such classification would create an R-T zone area of less than 400,000 square feet.

(5) The light multiple residential (R-2) zone is established to provide a multifamily setting for family life in low-height, low-density dwelling units in close proximity to single-family residential neighborhoods.

(6) The medium multiple residential (R-3) zone is established to provide a multifamily setting for family life in low-height, medium-density dwelling units in close proximity to other multifamily neighborhoods.

(7) The high multiple residential (R-4) zone is established to provide a multifamily setting for family life in mid-height, high-density dwelling units in close proximity to other multifamily neighborhoods and near the city's center.

(8) The very high multiple residential (R-5) zone is established to provide a multifamily setting for family life in higher-height, very high-density dwelling units in close proximity to other multifamily neighborhoods and near the city's center.

(c) Subsection 33-90(a) notwithstanding, this section also serves to implement provisions of sections 65852.21 and 66411.7 of the Government Code.

(Ord. No. 2017-07, § 4, 6-7-17; Ord. No. 2022-18, § 3, 9-28-22)

§ 33-91. Designation of single-family residential sub-zones.

Several of the single-family zones established by section 33-90 are further classified into sub-zones based on the required minimum lot area and lot width. Sub-zones are designated by adding a suffix number to the symbol for the principal R-zone. The suffix number shall indicate the minimum lot area for the sub-zone stated in units of 1,000 square feet (except that the suffix for R-A sub-zones -5 and -10 shall be stated in units of 5AC and 10AC respectively).
(Ord. No. 2017-07, § 4, 6-7-17)

§ 33-92. Designation of multiple-family residential sub-zones.

The R-2, R-3, R-4 and R-5 zones established by section 33-90 are further classified into sub-zones based on the maximum number of dwelling units allowed per net acre (density). Density sub-zones are designated by adding a suffix number to the symbol for the principal multiple residential zone. The suffix number shall indicate the maximum allowable units per net acre exclusive of the right-of-way of all public streets or alleys as classified in the circulation element of the Escondido general plan as amended, or as is indicated to be dedicated to the City of Escondido on the pertinent development proposal, whichever is more restrictive.
(Ord. No. 2017-07, § 4, 6-7-17)

§ 33-93. General plan compatibility matrix.

Table 33-93 lists the general plan designation corresponding to the residential zoning district designations. Densities for the Rural, Estate, and Suburban general plan designations are subject to topographic slope conditions.

Table 33-93

Zoning	Corresponding General Plan Designation
Residential agricultural (R-A)	Rural I, Rural II
Residential estate (R-E)	Estate I, Estate II
Single-family residential (R-1)	Suburban, Urban I
Mobilehome residential (R-T)	Suburban, Urban I, Urban II
Light multifamily residential (R-2)	Urban II
Medium multifamily residential (R-3)	Urban III
High multifamily residential (R-4)	Urban IV
Very high multifamily residential (R-5)	Urban V

(Ord. No. 2017-07, § 4, 6-7-17)

§ 33-94. Permitted and conditional uses and structures.

Table 33-94 lists those uses in residential districts that are permitted (P) or subject to a major conditional use permit (C) or minor conditional use permit (C#).

Table 33-94								
Permitted/Conditional Uses & Structures	**R-A**	**R-E**	**R-1**	**R-T**	**R-2**	**R-3**	**R-4**	**R-5**
Residential and Lodging								
Single-family dwellings detached	P	P	P		P	P[1]	P[1]	P[1]
Mobilehome on parcel alone, pursuant to section 33-111	P	P	P	P				
Two-family dwelling units and urban lot splits		P[2]	P[2]					
Two-family, three-family, and multiple-family dwellings					P	P[1]	P[1]	P[1]
Mobilehome parks pursuant to Article 45 and Title 25. A minimum 400,000 sq. ft. in land area required			C	C	C			
Small lot developments pursuant to section 33-114					P	P[1]		
Transitional housing and supportive housing constructed as residential dwellings consistent with the underlying zone pursuant to section 33-8 of Article 1	P	P	P	P	P	P	P	P
Rooming house, boarding house, mini-dorms etc. with central kitchen, interior access to sleeping rooms					C	C	C	C
Bed and breakfast facilities, pursuant to Article 32	C#	C#	C		C	C	C	C
Senior housing	P	P	P	P	P	P	P	P
Care in Residential Zones								
Licensed residential care facilities and group quarters for 6 or fewer persons including, but not limited to, sanitariums, convalescent homes, rest home services, transitional and supporting housing	P	P	P	P	P	P	P	P
Licensed residential care facilities and group quarters for 7 or more persons, including, but not limited to, sanitariums, convalescent homes, rest home services, transitional and supportive housing	C	C	C		C	C	C	C

Table 33-94								
Permitted/Conditional Uses & Structures	**R-A**	**R-E**	**R-1**	**R-T**	**R-2**	**R-3**	**R-4**	**R-5**
Small and large family day care as defined in section 33-8 pursuant to section 33-1104 of Article 57	P	P	P		P	P	P	P
Day nurseries, child care centers (excluding small and large family care which are permitted uses)	C	C	C		C	C	C	C
Agriculture and Animals								
Animal specialties, poultry and egg production, rabbits, apiaries, aviaries, small animal farms	C							
Animals other than those listed in Table 33-95a, and provisions pursuant to section 33-1116 of Article 57	C#	C#	C#					
Field and seed crops	P							
Horse stable (commercial), subject to sections 33-144(b) and 33-145, with the quantities of animals allowed pursuant to Table 33-95a or Article 9	C	C						
Livestock (on sites exceeding nine acres)	C							
Truck crops (includes vegetables, berries, melons); orchards and vineyards (fruit and tree nuts); horticultural specialties	P	P	P					
Wineries with a tasting room pursuant to section 33-1107 of Article 57	C	C						
Wineries without a tasting room pursuant to section 33-1107 of Article 57 (at least 50% of fruit used in winemaking must be grown on site)	P	P						
Community gardens on city-owned property					P[3]	P[3]	P[3]	P[3]
Social, Religious, Educational, Recreational, Governmental								
Golf courses, private and public	C	C	C	C	C	C		
Government services (except correctional institutions)	C	C	C	C	C	C	C	C
Nursery, primary and secondary (grades K-12), post-secondary and professional schools and education	C	C	C		C	C	C	C

Table 33-94								
Permitted/Conditional Uses & Structures	**R-A**	**R-E**	**R-1**	**R-T**	**R-2**	**R-3**	**R-4**	**R-5**
Religious activities, civic associations, social clubs and fraternal organizations and lodges	C	C	C	C	C	C	C	C
Resorts and group camps	C							
Tennis courts, private membership only	C	C	C	C	C	C		
Youth organizations pursuant to section 33-1105 of Article 57	C	C	C	C	C	C	C	C
Other public recreation uses and structures	C	C	C	C	C	C	C	C
Utility and Communications Operations								
Communications (excluding offices and relay towers, microwave or others)	C	C	C	C	C	C	C	C
Utility facilities	C	C	C	C	C	C	C	C
Wireless service facilities on private property, including communication antennas, pursuant to Article 34	C	C	C	C	C	C	C	C
Miscellaneous								
Aluminum can and newspaper redemption centers without can crushing facilities (only as an accessory use to nursery, primary, secondary, post-secondary and professional education, and religious activities)	C	C			C	C	C	C
Arts and crafts shows as defined in section 33-8, with permit pursuant to section 33-1119 of Article 57	P	P	P	P	P	P	P	P
Cemeteries and/or mausoleums	C	C	C		C			
Uses or structures permitted or conditionally permitted by this zone and involving hazardous materials (pursuant to section 33-666 of Article 30)	C	C	C	C	C	C	C	C

Notes:

1 No vacant or underdeveloped lot or parcel of land in any R-3, R-4, and R-5 zone shall be improved or developed at a density below 70% of the maximum permitted density. Exceptions to the minimum density requirement may be granted in writing as part of the plan approval required by section 33-106 provided the development will not preclude the city from meeting its housing needs as described in the housing element of the Escondido General Plan. Minimum density requirements shall not apply to property owners seeking to enhance or enlarge existing dwelling units or construct other accessory structures on a site.

2 Subject to requirements under section 33-116.

3 Subject to required licensing agreements through the city's real property process.

(Ord. No. 2023-15, 10/25/2023)

§ 33-95. Permitted accessory uses and structures.

(a) Accessory uses and structures are permitted in residential zones, provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, those listed in Table 33-95.

(1) When provided by these regulations, it shall be the responsibility of the director to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to, the principal use, based on the director's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal uses and the relationship between the proposed accessory use and the principal use.

Table 33-95								
Permitted Accessory Uses and Structures	**R-A**	**R-E**	**R-1**	**R-T**	**R-2**	**R-3**	**R-4**	**R-5**
Accessory Structures								
Accessory buildings for animals and animal enclosures, subject to sections 33-144(b) and 33-145	P	P	P	P	P	P	P	P
Accessory buildings such as garages, carports, green houses, gazebos, gardening sheds, recreation and similar structures which are customarily used in conjunction with and incidental to a principal use or structure	P	P	P	P	P	P	P	P
Accessory buildings or structures required for the storage of any products, equipment or uses lawfully permitted or produced on the premises	P	P	P					
Accessory buildings and structures for mobilehomes including carports, porches, awnings, skirting, portable storage cabinets, and similar structures which are customarily used in conjunction with, and incidental to, the principal use or structure, provided they are located within 6 feet of a mobilehome	P	P	P	P				
Accessory dwelling units pursuant to Article 70	P	P	P		P	P	P	P
Agricultural related accessory buildings or structures including windmills, silos, tank houses, water wells, reservoirs, storage tanks, buildings or shelters for farm equipment and machinery, housing required for the nurture, confinement or storage of animals, crops, products or equipment lawfully permitted or produced on the premises	P	P						
Barbeque pits, outdoor fireplaces, and grills	P	P	P	P	P	P	P	P
Caretaker's residence or housing for persons deriving the major portion of their income from employment on the premises in conjunction with authorized agricultural use, provided that such buildings shall be occupied only by such persons and their families	P	P						
Bus stop shelters pursuant to Municipal Code Article 9 of Chapter 23 and section 33-1118 of Article 57	P	P	P	P	P	P	P	P
Guest house as defined in section 33-8. In the RE zone said facility shall be located to the rear of the main building, or screened from street view. In the R-1 zone said facility shall be located on the rear one-half of the lot or parcel, and only on lots or parcels that are more than 1½ times the sub-zone minimum lot area	P	P	P					
Horse stable (commercial), subject to sections 33-144(b) and 33-145	C	C						
Horse stable (private), subject to sections 33-144(b) and 33-145	P	P	P					
Satellite dish antennas pursuant to Article 34	P	P	P	P	P	P	P	P

Table 33-95								
Permitted Accessory Uses and Structures	**R-A**	**R-E**	**R-1**	**R-T**	**R-2**	**R-3**	**R-4**	**R-5**
Stands for displaying and selling agricultural or farming products that are grown or produced on the premises. A maximum of 1 stand per lot or parcel of land shall be permitted. The ground coverage of the stand shall not exceed 300 square feet, and it shall be set back from the street or highway right-of-way line a distance of at least 20 feet	P	P						
Swimming pools constructed in accordance with the provisions of Article 57	P	P	P	P	P	P	P	P
Accessory Uses and Activities								
Animal overlay (AO) zone pursuant to Article 9 subject to planning commission and city council approval	P	P						
Animals and household pets pursuant to Table 33-95a and section 33-1116 of Article 57	P	P	P	P	P	P	P	P
Minor home occupations pursuant to Article 44	P	P	P	P	P	P	P	P
Parking for recreational vehicles pursuant to Article 25	P	P	P		P	P	P	P
Private recreation uses and structures (no private membership or use-fee)	P	P	P	P	P	P	P	P
Private or semi-public recreation uses and structures (with private membership or use-fee)	C	C	C	C	C	C	C	C
Storage of materials used for the construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto, and provided further, that such use shall be permitted only during the construction period and the 30 days thereafter	P	P	P	P	P	P	P	P
Subdivision sales and signs in accordance with the requirements of this chapter	P	P	P	P	P	P	P	P
Vegetable and flower gardens	P	P	P	P	P	P	P	P

(b) The permitted types and quantities of animals allowed in residential zones is listed in Table 33-95a. Other household pets are allowed pursuant to section 33-1116 of Article 57 of this chapter.

(1) At no time shall the keeping of such animals and pets constitute a nuisance or other detriment to the health, safety, or general welfare of the community.

(2) All animal keeping is subject to the animal control and humane treatment standards in Chapter 4 of the Municipal Code (Animal Control) and other regulations found in County and State codes, including, but not limited to, State Health and Safety Code.

(3) No more than the quantities of animals specifically listed in Table 33-95(a) or section 33-1116 shall be kept on any premises, except that offspring may be kept onsite for up to four months from birth.

(4) The number of animals allowed on properties that have been divided pursuant to section 33-116 shall be one half of that otherwise allowed in the underlying zoning district.

Table 33-95a								
Permitted Animals in Residential Zones	**R-A**	**R-E**	**R-1**	**R-T**	**R-2**	**R-3**	**R-4**	**R-5**
Alpacas	2**	2 with a minor CUP						
Birds: Small species as household pets including canaries, parrots, parakeets, love birds, etc.	Pursuant to Section 33-1116 of Article 57							
Birds: Racing or homing pigeons	Pursuant to section 33-1116 of Article 57							
Birds: Domesticated fowl. Quantity indicates total of all bird species for each parcel	25*	25*	6*					
Chickens (hens only), ducks, etc. raised for meat and/or egg production	25	25	6					
Turkeys, peafowl, and emus	2**	2 to 3 maximum**						
Roosters	1 to 2 maximum**	1 maximum with CUP						
Bovine and large animals: Domesticated cattle, sheep, goats, llamas, swine raised for meat, fleece, and/or milk production. Quantity indicates the total number of large animals per acre	1	1						
Cats (adults over 4 months)	Pursuant to section 33-1116 of Article 57							
Dogs (adults over 4 months)	Pursuant to section 33-1116 of Article 57							
Goats (pygmy/miniature):	2	2	2 with a minor CUP					
Horses (miniature)***: In the R-1 zone said animals are permitted only on properties zoned R-1-10 or larger	2	2	2 with a minor CUP					
Horses (standard)***:	1**	1**						
Potbelly pigs, as household pet	1	1						
Rodents: Chinchillas, chipmunks, guinea pigs, mice (white), hamsters, rabbits (adult), squirrels, etc. Quantity indicates total of all species for each parcel	Pursuant to section 33-1116 of Article 57							
Tropical fish*: excluding turtles and carnivorous fresh water fish	No limit							
Other animals in RA-AO and RE-AO animal overlay zones pursuant to Article 9 of this chapter	P	P						

Notes:	
*	The total combined number of domesticated birds/fowl permitted shall include both those birds/fowl allowed by all categories of chickens, ducks, etc.; turkeys, peafowls, and emus; and roosters.
**	The quantity indicates the number of animals permitted per lot or for the first 40,000 SF of lot area; plus 1 animal permitted for each 20,000 SF over 40,000 SF.
***	The total number of horses and the usable acreage for horses calculated shall include both those horses allowed pursuant to private horse keeping (i.e. private horse stable) as well as horses rented, shown, used or boarded on a commercial basis for compensation (i.e. commercial horse stable), and all of the combined areas for both use types.

(Ord. No. 2017-07, § 4, 6-7-17; Ord. No. 2018-20, § 7, 11-28-18; Ord. No. 2019-10, § 7, 8-21-19; Ord. No. 2019-16, § 6, 11-20-19; Ord. No. 2020-31R, § 6, 1-13-21; Ord. No. 2022-18, § 5, 9-28-22)

§ 33-96. Prohibited primary uses and structures.

All industrial, commercial and residential uses and structures not listed in this article are prohibited. (Ord. No. 2017-07, § 4, 6-7-17)

§ 33-97. Property development standards.

(a) In addition to the property development standards set forth in this chapter, the development standards set forth in this article shall apply to land and structures in residential zones.

(b) Properties developed pursuant to sections 33-115 or 33-116 shall be subject to the development standards contained in those sections. For any development standards not addressed in those sections, the standards contained elsewhere in this chapter shall apply.

(Ord. No. 2017-07, § 4, 6-7-17; Ord. No. 2022-18, § 6, 9-28-22)

§ 33-98. Parcel requirements.

Tables 33-98a and 33-98b list parcel requirement for residential zones. Lots or parcels of land which were created prior to the application of the residential zone shall not be denied a building permit for reason of nonconformance with the parcel requirements of this section. For the purpose of establishing sub-zones, an acre contains 43,560 square feet.

Table 33-98a

Zoning Suffix	Minimum Lot Area (square feet)	Average Lot Width (feet)	Minimum Street Lot Frontage	Population Density
R-T[2]	4,500*	55*	35 feet on a line parallel to the centerline of the street or on a cul-de-sac improved to city standards[1]. Frontage on a street end that does not have a cul-de-sac improved to city standards shall not be counted in meeting this requirement except for panhandle lots. Panhandle lots pursuant to Article 56. *Mobilehome parks pursuant to Article 45 allow different lot requirements. Title 25 provisions apply where applicable.	Not more than one single-family dwelling may be placed on a lot or parcel of land in this zone[3].
R-1-6	6,000	60		
R-1-7	7,000	65		
R-1-8	8,000	70		
R-1-9	9,000	75		
R-1-10	10,000	80		
R-1-12	12,000	85		
R-1-15	15,000	90		
R-1-18	18,000	95		
R-1-20	20,000	100		
R-1-25	25,000	110		
R-E-20	20,000	100	20 feet or be connected to a public street by a permanent access easement[1]. Panhandle lots pursuant to Article 56.	
R-E-25	25,000	110		
R-E-30	30,000	125		
R-E-40	40,000	150		

Table 33-98a				
Zoning Suffix	**Minimum Lot Area (square feet)**	**Average Lot Width (feet)**	**Minimum Street Lot Frontage**	**Population Density**
R-E-50	50,000			
R-E-60	60,000			
R-E-70	70,000			
R-E-80	80,000			
R-E-90	90,000			
R-E-100	100,000			
R-E-110	110,000			
R-E-130	130,000			
R-E-150	150,000			
R-E-170	170,000			
R-E-190	190,000			
R-E-210	210,000			
R-A-5	217,800	150	60 feet or be connected to a public street by a permanent access easement[1]. Panhandle lots pursuant to Article 56.	
R-A-10	435,600			

Notes:

1 Exception: Access to lots or parcels may be provided by private road easement conforming to the following standards:

(a) The minimum easement widths shall be 20 to 24 feet as determined by the city engineer and fire marshal; subject to the Escondido Design Standards and Standard Drawings;

(b) Pavement section widths, grades and design shall be approved by the city engineer;

(c) A cul-de-sac or turnaround shall be provided at the terminus to the satisfaction of the planning, engineering and fire departments.

2 Except for land that was being used for mobile homes prior to the effective date of the ordinance codified in this article, no land shall be classified into this zone where such classification would create an R-T zone area of less than 400,000 square feet.

3 Properties developed pursuant to Section 33-115 and/or 33-116 shall be allowed one two-family dwelling project urban lot split.

Table 33-98b				
Zoning Suffix	Minimum Lot Area (square feet)	Average Lot Width (feet)	Minimum Public Street Lot Frontage	Maximum Population Density
R-2	6,000	60	35 feet on a line parallel to the centerline of the street or on a cul-de-sac improved to city standards. Frontage on a street end which does not have a cul-de-sac improved to city standards shall not be counted in meeting this requirement.	12 du/acre
R-3	6,000	60		18 du/acre[1]
R-4	6,000	50		24 du/acre[1]
R-5	6,000	50		30 du/acre[1]

Notes:

1 No vacant or underdeveloped lot or parcel of land in any R-3, R-4, and R-5 zone shall be improved or developed at a density below 70% of the maximum permitted density. Exceptions to the minimum density requirement may be granted in writing as part of the plan approval required by section 33-106 provided the development will not preclude the city from meeting its housing needs as described in the housing element of the Escondido general plan. Minimum density requirements shall not apply to property owners seeking to enhance or enlarge existing dwelling units or construct other accessory structures on a site.

(Ord. No. 2017-07, § 4, 6-7-17; Ord. No. 2022-18, § 7, 9-28-22)

§ 33-99. Front setback.

Table 33-99 lists front setback requirements in residential zones, excluding mobilehome parks approved pursuant to Article 45.

Table 33-99								
Front Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Front setback depth (feet)	25[1]	25[1]	15[1, 2]	15[1, 2]	15[1, 2]	15[1, 2]	15[1, 2]	15[3]

Notes:

1 A required front setback shall not be used for vehicle parking except such portion as is devoted to driveway use or the parking of recreational vehicles in accordance with Article 25, parking of recreational vehicles in residential zones.

2 A garage having an entrance fronting on the street shall be set back at least 20 feet from the street property line.

3 The front setback shall not be used for vehicle parking, except for such portion devoted to driveway use. Title 25 shall apply where appropriate.

(Ord. No. 2017-07, § 4, 6-7-17)

§ 33-100. Side setback.

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

Table 33-100

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

Notes:

1 When used for access to a required parking facility, the drive aisle clearance shall be wide enough for a 10-foot-wide, unobstructed, paved driveway. The minimum width shall be increased to 16 feet with an approved turnaround (large enough to accommodate fire trucks) for driveways longer than 150 feet.

2 If the lot or parcel does not abut an alley, one such side setback shall be at least 10 feet in width.

3 An additional 5-foot setback shall be provided on each side of a lot or parcel of land for each story over 2 of a principal building, with a maximum requirement for any such side setback of 15 feet. Exception: The additional, 5-foot set-back standard does not apply to the third-story immediately above an enclosed, off-drive parking space on a lot or parcel in the R-4 or R-5 Zone with a lot width of 50 feet or less. Said exception is allowed provided that the building still maintains a setback from the side lot line or other structures as required by the California Building Code for fire separation.

4 A driveway that serves 2 homes has a minimum width of 20 feet. A driveway that provides a parking facility housing 3 homes or 9 or more vehicles with access to a street or alley shall be at least 24 feet wide, unless the parking facility is served by 2 one-way drives, in which case each driveway shall be at least 12 feet wide. All driveways shall have a height clearance of at least 13 feet, and shall be paved with cement, asphaltic concrete, or other construction material(s) to the satisfaction of the Director of Community Development.

5 Title 25 provisions shall apply where appropriate.

Street Side Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Corner (street) side setback width (feet)	10[1, 2]	10[1, 2]	10[1, 2]	10[1, 2]	10[1, 2]	10[1, 2]	10[1, 2]	10[2, 3]

Notes:

1 A garage having access that is perpendicular to the street shall be set back at least 20 feet from the street property line. A required side setback shall not be used for vehicle parking except such portion as is devoted to driveway use.

2 The required street side setback shall not be used for vehicle parking.

3 Title 25 provisions shall apply where appropriate.

(Ord. No. 2017-07, § 4, 6-7-17; Ord. No. 2018-20, § 7, 11-28-18; Ord. No. 2019-10, § 7, 8-21-19)

§ 33-101. Rear setback.

Table 33-101 lists rear setback requirements in residential zones, excluding mobilehome parks approved pursuant to Article 45.

Table 33-101								
Rear Setback Requirements	**R-A**	**R-E**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-T**
Rear setback (feet)	20	20	20	15	10[1]	10[1]	10[1]	5[2]

Notes:

1 An additional five foot rear setback shall be provided for each building story over two in height. Where the rear setback abuts a public alley, the setback may be measured from the centerline of the alley; however, in no event shall there be less than a five foot setback from the edge of the alley.

2 Title 25 provisions shall apply where appropriate.

(Ord. No. 2017-07, § 4, 6-7-17)

§ 33-102. Accessory building setback requirements.

(a) Accessory buildings or structures that are attached to the main building shall conform to the front, side, or rear yard setback requirements of the underlying zone for the main building, except as specified herein.

(1) Patios, when enclosed on three sides or less may extend into the rear setback a maximum of 50% of the required depth of that setback, pursuant to section 331079.

(2) Allowed projections into setbacks pursuant to section 33-104.

(3) Animal enclosures pursuant to section 33-145 and section 33-146.

(b) Detached accessory buildings or structures.

(1) Front yard setbacks. Detached accessory buildings shall conform to the front yard setback requirements of the underlying residential zone.

(2) Side yard setbacks for detached accessory buildings.

(A) The interior side setback of any detached accessory building located less than 70 feet from the front property line in single-family and multifamily zones, or 50 feet from the front property line in the R-T zone (unless superseded by Title 25), shall be the same as that required for the main building, pursuant to Table 33-100.

(B) A detached accessory building may be located on a side property line that is not contiguous to a street if, and only if, all of the following conditions are met:

(i) The building is located 70 feet, or more, from the front property line (50 feet in the R-T zone, unless superseded by Title 25); and

(ii) Has facilities for the discharge of all roof drainage onto the subject lot or parcel of land; and

(iii) The building does not require a building permit.

(C) A detached accessory building shall have a minimum side setback of 10 feet for a side property line which is contiguous to a street.

(D) A detached accessory building having direct vehicular access from an alley shall be located not less than 25 feet from the edge of the alley farthest from the building.

(E) A detached accessory building that is 70 feet or more from the front property line in single family and multifamily zones, or 50 feet in the R-T zone, but which does not meet the requirements of subsection (B) above, may not be located closer than five feet from the interior side property line in single family and multifamily zones, or three feet in the R-T zone (unless superseded by Title 25).

(3) Rear yard setbacks.

(A) No detached accessory building shall be situated on the rear property line in the R-T zone unless superseded by Title 25.

(B) A detached accessory building may be located on the rear property line in all residential zones (except the R-T zone) if, and only if, all the following conditions are met:

(i) The building does not require a building permit; and

(ii) Has facilities for the discharge of all roof drainage onto the subject lot or parcel of land.

(C) For detached accessory buildings that do not meet the conditions listed in subsection (B), a building(s) may be located within a required rear yard setback area in all residential zones, but only in the following circumstances:

(i) In the R-A and R-E zone districts, a building(s) may be located within a required rear yard setback area provided that such building(s) is located no closer than 10 feet to a rear lot line, and shall not cover more than 50% of the width of the rear setback area.

(ii) In all other single family and multifamily zones (except the R-T zone), the building(s) may be located within the rear yard setback provided that a minimum of five feet is maintained, and a building(s) shall not cover more than 50% of the width of the rear setback area. Additional usable open space requirements may apply on the premises, depending on the requirements of the underlying zoning district.

(D) An accessory building having direct vehicular access from an alley shall be located not less than 25 feet from the edge of the alley farthest from the building.

(E) On a reverse corner lot the rear property line of which is also the side property line of the contiguous property, an accessory building shall be located not less than five feet from the rear property line.

(c) Accessory dwelling units (attached or detached) shall conform to the front, side, and rear yard setback requirements of the underlying residential zone for the main building, unless otherwise permitted by Article 70.

(Ord. No. 2017-07, § 4, 6-7-17; Ord. No. 2017-06, § 8, 8-16-17; Ord. No. 2018-07R, § 7, 4-18-18; Ord. No. 2019-10, § 7, 8-21-19 ; Ord. No. 2020-31R, § 6, 1-13-21)

§ 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.

(Ord. No. 2017-07, § 4, 6-7-17; Ord. No. 2017-06, § 8, 8-16-17; Ord. No. 2018-07R, § 7, 4-18-18; Ord. No. 2019-10, § 7, 8-21-19; Ord. No. 2020-31R, § 6, 1-13-21; Ord. No. 2023-06, § 3, 3-8-23)

§ 33-104. Projections into setbacks (single- and multifamily zones, excluding R-T zone).

(a) The following structures may be erected or projected into any required setback in all residential zones (excluding the R-T zone):

(1) Fences and walls in accordance with codes or ordinances;

(2) Landscape elements, including trees, shrubs and other plants, except that no hedge shall be grown or maintained at a height or location other than that permitted by city codes or ordinances;

(3) Necessary appurtenances for utility services;

(4) Ground-mounted mechanical equipment, including heating and air conditioning units, provided the auxiliary structure is at least three feet to interior side and rear lot lines, provided such units are screened from the street or adjoining lot by a sight obscuring fence or planting;

(5) Pools and pool equipment, subject to Article 57.

(6) Barbeque pits, outdoor fireplaces, and grills with the prior approval of the fire chief or designee. Structures shall still maintain a front yard setback consistent with the underlying zone, and a side yard and rear yard setback as required by the California Building Code for fire separation. Incinerators, outdoor fireplaces, barbecues and grills shall not be built, installed, or maintained near combustible materials or in hazardous fire areas without prior approval of the city.

(b) In R-1 zones, a single story structure attached to an existing main building may be located within the rear setback to within 10 feet of the rear property line if the director of community development finds that the site for the proposed use is adequate in size and shape, and that the proposed use will not have

an adverse effect upon adjacent or abutting properties. Such structures shall not be closer than five feet from any retaining wall or toe of slope and the aggregate area of such structure shall not exceed 40% of the total area of the rear setback otherwise required by section 33-101 of this article.

(c) The structures listed below may project into the minimum front or rear setback not more than four feet and into the minimum side setback not more than two feet, provided that such projections shall not be closer than three feet to any lot line:

(1) Cornices, eaves, belt courses, sills, buttresses or other similar architectural features;

(2) Fireplace structures and bays, provided that they are not wider than eight feet measured in the general direction of the wall of which it is a part;

(3) Stairways, balconies, door stoops and fire escapes;

(4) Awnings;

(5) Planting boxes or masonry planters not exceeding 42 inches in height;

(6) Porte-cochere over a driveway in a side setback area, provided such structure is not more than one story in height and 22 feet in length, and is entirely open on at least three sides, except for the necessary supporting columns and customary architectural features.

(Ord. No. 2017-07, § 4, 6-7-17; Ord. No. 2018-07R, § 7, 4-18-18; Ord. No. 2019-10, § 7, 8-21-19)

§ 33-105. Projections into setback (R-T zone).

The following structures may be erected or projected into any required setback in the R-T zone unless superseded by Title 25:

(a) Fences and walls in accordance with city codes or ordinances, but not to exceed five feet in height;

(b) Landscape elements including trees, shrubs and other plants, except hedges, and provided that such landscape feature does not hinder the movement of the mobilehome in or out of its space;

(c) Trailer hitches;

(d) Necessary appurtenances for utility services;

(e) Awnings not to exceed one foot.

(Ord. No. 2017-07, § 4, 6-7-17)

§ 33-106. Plan approval required.

(a) Building plan review and building permits are required for the construction or modification of single-family detached dwellings, mobilehomes, and some accessory structures in residential and R-T zones. Application shall be made to the building division for plan review, which is subject to planning division confirmation of zoning compliance. Two-family dwellings and urban lot splits in single-family residential zones shall be processed pursuant to section 33-115 and 33-116 of this article, respectively.

(b) An appropriate development application for the construction or modification of more than one dwelling on any lot in R-2, R-3, R-4 and R-5 zones, multiple-family dwellings, some accessory structures, and nonresidential development in all residential zones is required pursuant to Article 61 of this chapter.

(Ord. No. 2017-07, § 4, 6-7-17; Ord. No. 2022-18, § 8, 9-28-22)

§ 33-107. Building requirements, generally.

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

Table 33-107

Building Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T*
Building height (feet), except as otherwise provided in this chapter	35	35	35	35[1]	35[1]	75	75	35
Maximum building stories				2[1]	3[1]	4[1]	4[1]	
Minimum distance between residence and accessory buildings (feet)	10[5]	10[5]	10[5]	10[5]	10[5]	10[5]	10[5]	10[5]
Dwelling unit minimum floor area (square feet)[2]	850	1,000[6]	850[6]	500	400	400	400	700
Maximum percent lot coverage by primary and accessory structures	20%	30%	40%	50%	none	none	none	60%
Maximum floor area ratio (FAR)[3]	0.3	0.4[4]	0.5	0.6	0.7	0.8	0.9	none
Minimum square feet allowed for residential and parking regardless of the FAR	1,500	1,500	1,500	2,500	3,500	4,500	5,000	700

Notes:

1 Buildings or structures in excess of one story and located adjacent to single-family zoned land, shall provide a setback equal to the abutting setback required by the single-family zone standards, plus five additional feet for each story over two on the property line(s) abutting the single-family zone(s) as noted in sections 33-100 and 33-101. Additionally, building features such as windows, doors, balconies, etc., bulk and scale shall not adversely affect the adjacent single-family property.

2 Area is exclusive of porches, garages, carports, entries, terraces, patios or basements.

3 FAR is the numerical value obtained by dividing the total gross floor area of all buildings on the site by the total area of the lot or premises.

4 Except that the maximum FAR for the RE-20 zone shall be 0.5; and for the RE-170 and RE-210 zones the maximum FAR shall be 0.3.

5 Pursuant to section 33-103(c), 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, unless a greater distance is required by local building and fire code requirements for fire separation.

6. Dwelling unit minimum floor area does not apply to units created subject to section 33-115.

* Requirements apply unless superseded by Title 25.

(Ord. No. 2017-07, § 4, 6-7-17; Ord. No. 2018-20, § 7, 11-28-18; Ord. No. 2020-31R, § 6, 1-13-21; Ord. No. 2022-18, § 9, 9-28-22)

§ 33-108. Building requirements, multifamily zones.

(a) Dwelling Groups. Each dwelling unit in a group or multiple dwelling developments shall front upon and have primary access to a street or a court which meets the following requirements:

(1) The court shall be unobstructed to the sky and shall extend to a street or to another court which has the same or greater width and extends to a street;

(2) The width of the court shall be 20 feet if the court is bounded on both sides by buildings having access thereto, and 10 feet if bounded on one side only, by such buildings;

(3) No portion of any required court shall be used for parking, turnaround, driveway or any other automotive purpose;

(4) Any such court shall be increased in width by five feet for each story in excess of four included in the combination of buildings on both sides of such a court.

(b) Usable Open Space. Each lot or parcel of land in the R-2 and R-3 zones shall provide on the same lot or parcel of land 400 square feet of usable open space, or 200 square feet in the R-4 and R-5 zones, as hereinafter defined, per dwelling unit, plus an additional 200 square feet of usable open space for each sleeping room (bedroom) over one in said dwelling unit.

"Usable open space," for the purpose of this section, means an open area or recreational facility which is designed and intended to be used for outdoor living, landscaping and/or recreation. An area of usable open space shall not exceed a grade of 10%, shall have a minimum dimension of at least 10 feet (except balconies), and may include landscaping, walks, recreational facilities and decorative objects such as artwork and fountains. Up to 1/2 of the requirement for each unit may be provided in a private patio or balcony having direct access from the unit. Balconies having a minimum dimension of not less than five feet and a minimum area of not less than 50 square feet shall be counted as open space. Usable open space shall not include any portion of off-street parking areas, driveways, rooftops or required front setbacks. Any accessory building or unit designed and intended to be used for recreational purposes shall be counted as usable open space.

(c) Private Storage Area. A minimum of 80 cubic feet of private storage area shall be provided for each dwelling unit. The storage area shall have minimum dimensions of two feet, and shall be in addition to normally expected cabinets and closets.

(Ord. No. 2017-07, § 4, 6-7-17)

§ 33-109. Parking and loading requirements.

Parking and loading requirements shall be provided as per Article 39 of this chapter, unless superseded by Title 25 in the R-T zone.

(Ord. No. 2017-07, § 4, 6-7-17)

§ 33-110. Supplemental parking for detached single-family homes.

Unless otherwise restricted in this code, property owners of detached, single-family homes may construct one supplemental uncovered parking space in residential front setback areas, subject to the following conditions:

(a) The supplemental parking space shall connect to the required driveway and be placed between the driveway and the closest, interior, side property line. For the purpose of the Escondido Zoning Code the supplemental parking space shall be considered part of the area devoted to driveway use;

(b) The supplemental parking space shall be permanently constructed using concrete, asphalt or paver blocks. The surface shall cover a minimum of eight by 20 feet and any pavers shall be either connected or no more than one inch apart. Total curb cut shall not exceed 40% of the street frontage;

(c) Vehicles parked on a supplemental parking space shall remain perpendicular to the residential street. Angled parking is prohibited;

(d) An area designed to facilitate turning around a vehicle to allow safe access to a collector street shall not be considered a supplemental parking space and shall not be used for parking;

(e) Residential properties with driveways accessing major roads, prime arterials, and collector streets, as depicted in the general plan circulation element may not have a supplemental parking space.

(Ord. No. 2017-07, § 4, 6-7-17)

§ 33-111. Mobilehomes in single-family zones (excluding mobilehome parks approved pursuant to Article 45 or superseded by Title 25).

Mobilehomes, in the R-A, R-E and R-1 zones shall comply with the following:

(a) Shall be manufactured within the last 10 years and shall be certified under the National Mobilehome Construction and Safety Standards Act of 1974;

(b) Shall be installed on foundation system in compliance with all applicable requirements of the California Residential Building Code to the satisfaction of the city;

(c) Shall be covered with an exterior material customarily used on conventional dwellings to the satisfaction of the planning division. The exterior covering material shall extend to the ground except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation;

(d) Shall have a roof constructed of shingles or other material customarily used for conventional dwellings to the satisfaction of the city.

(Ord. No. 2017-07, § 4, 6-7-17)

§ 33-112. Landscaping.

Landscaping in residential zones shall conform to the requirements set forth in Article 62.

(Ord. No. 2017-07, § 4, 6-7-17)

§ 33-113. Performance standards.

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

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

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

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

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

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

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

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

(Ord. No. 2017-07, § 4, 6-7-17; Ord. No. 2018-20, § 7, 11-28-18)

§ 33-114. Small lot development.

(a) Purpose. Development and recycling opportunity in certain multifamily zones.

(b) Development Standards. Development under this provision shall comply with the following requirements:

(1) The minimum lot area shall not be less than 3,500 square feet and not more than one dwelling unit per lot;

(2) Setbacks for main and accessory buildings may vary in order to allow flexibility; however, the minimum front yard setback shall be 10 feet;

(3) Parking shall be provided at a ratio of four off-street spaces per unit. Two of the four spaces must be covered; the additional two spaces may be tandem and may occupy front and side yard setbacks. A minimum back up area of 24 feet shall be provided;

(4) Densities per acre shall not exceed that allowed by the zone classification and the general plan;

(5) In the R-3 zone, a minimum density of 70% of the maximum permitted density of the zone classification shall be provided. Exceptions to the minimum density may be granted as part of the map approval provided the development would not preclude the city from meeting its housing needs as described in the housing element of the Escondido General Plan;

(6) Access to lots may be provided by a private road easement a minimum of 20 feet wide for two or fewer lots subject to approval by the fire marshal and city engineer; additional easement width may be required by the fire marshal and/or city engineer based on the number of lots served and the specific project design;

(7) The development shall be comprehensively designed to incorporate appropriate and attractive architectural elements and site features that create a quality residential environment;

(8) Process. All requests for a small lot development shall be included in the project description and plans of the associated tentative parcel map or subdivision map application.

(Ord. No. 2017-07, § 4, 6-7-17)

§ 33-115. Two-family dwellings in single-family residential zones and specific plans.

(a) Purpose. The purpose of section 33-115 is to appropriately regulate qualifying Senate Bill 9 two-family dwelling unit developments within single-family residential zones in accordance with California Government Code section 65852.21.

(b) For the purposes of this section and section 33-116 only, the term "two-family dwelling" shall mean two attached or detached units on single-family zoned properties, and on properties in specific plans intended for single-family residential use.

(c) Permit Required. Two-family dwellings shall require processing of a major plot plan application as described in division 8 of article 61 of this chapter.

(1) The director of development services or their designee (director) shall review complete applications for compliance with the requirements of this section and the underlying development standards in the zoning district or specific plan in which it is located, and any other applicable objective development standards stated in the municipal code. Notwithstanding language in any specific plan to the contrary, provisions of this section shall supersede where any conflict exists. The director shall ministerially approve complete applications found to be in compliance with these standards.

(2) The director may deny a complete application if it fails to comply with the requirements of this section, the underlying development standards in the zoning district or specific plan in which it is located, and any other applicable objective development standards stated in the municipal code. In addition to the foregoing, the director may deny an application if such denial is based upon a preponderance of evidence and the written finding of the building official that the proposed two-family dwelling project would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Notwithstanding the foregoing, an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards.

(d) Appeals of the director's decision shall be governed by section 33-1303.

(1) If the development of a two-family dwelling project requires another entitlement pursuant to the Escondido Zoning Code, the two-family dwelling project shall not be approved until that entitlement process is completed and approved. If the entitlement is not approved, the two-family dwelling project cannot be approved unless it is redesigned to eliminate the need for the denied entitlement.

(e) Location.

(1) Except as specified below, two-family dwellings shall be permitted in estate residential (R-E) and single-family residential (R-1) zones, and on properties in specific plans intended primarily for single-family residential use.

(2) Two-family dwellings shall not be permitted in the following locations:

(A) On properties that allow as the primary use multifamily residential, commercial, industrial, agricultural, or mixed uses, regardless of the allowance of single-family residential uses.

(B) On properties described in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Government Code section 65913.4.

(C) Within a historic district or upon property included on the State Historic Resources Inventory, as defined in section 5020.1 of thePublic Resources Code, or within a site that is designated or listed as a city or county landmark or historic resource or district pursuant to a city or county ordinance.

(D) On parcels requiring demolition or alteration of any of the following types of housing:

i. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

iii. Housing that has been occupied by a tenant in the last three years.

(E) On parcels which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(F) On parcels with legal nonconforming uses or structures unless development of the two-family dwelling brings the property into conformance.

(f) Objective Development Standards. The development standards set forth below shall apply to all two-family dwellings. Any development standard not explicitly identified below shall be subject to the underlying zoning designation or specific plan, and all applicable provisions of this code, unless superseded by Government Code sections 65852.21, 66411.7, and 66452.6.

(1) Unit Size:

(A) The minimum unit size of any unit created as part of a two-family dwelling shall be 400 square feet.

(B) Except as described below, no new unit constructed as part of a two-family dwelling may exceed 800 square feet.

i. New units may be up to 1,200 square feet if they meet all of the following requirements:

a. The parcel on which the two-family dwelling is located is in the R-E or R-1 zone and has a lot size of at least one and a half (1½) times the minimum size otherwise permitted in the zone.

b. No accessory dwelling unit or junior ADU exist on the parcel.

c. A deed restriction is recorded prohibiting the construction of an ADU or junior ADU on the parcel.

d. Existing and new dwelling units shall each have two covered parking spaces.

e. An attached or detached garage or covered parking space(s) associated with the 1,200 square foot unit does not exceed 450 square feet.

f. Existing and new dwelling units shall meet the minimum setbacks in the underlying zone.

g. Addition of the new unit does not result in the parcel being out of compliance with the maximum floor area ratio and lot coverage for the underlying zone.

ii. New units may be up to 1,500 square feet if they meet all of the following requirements:

a. The parcel on which the two-family dwelling is located is in the R-E zone and has a lot size of one and one half (1½) times the minimum size otherwise permitted in the zone, or is in the R-1 zone and has a minimum lot size of 20,000 square feet.

b. The unit satisfies all requirements identified in subsections b through g of section 33-115(f)(1)(B)i.

iii. New units may be up to 2,000 square feet if they meet all of the following requirements:

a. The parcel on which the two-family dwelling is located is in the R-E or R-1 zone and has a lot size of at least one acre.

b. The unit satisfies all requirements identified in subsections b through g of section 33-115(f)(1)(B)i.

(C) Any future subdivision of a parcel with a two-family dwelling project shall not cause the parcel to be out of compliance with the provisions of this subsection.

(2) Setbacks and Building Separation.

(A) Minimum side and rear yard setbacks for a two-family dwelling shall be no less than four feet.

(B) Section 33-104(c), projections into setbacks, shall not apply to any projects utilizing sections 33-115 or 33-116.

(C) For two-family dwellings constructed on properties which have frontage on streets which have not been dedicated to their ultimate width, setbacks shall be measured from the ultimate right-of-way.

(D) Setback requirements noted above shall not apply to a legally existing detached accessory structure that is utilized as one of the two units associated with the two-family dwelling or for a new structure constructed in the same location as a legally existing detached accessory structure.

(E) Detached dwelling units and associated covered parking shall be a minimum of 10 feet from each other unless all structures are single-story and not more than 16 feet in height, in which case the minimum separation shall be five feet.

(F) Notwithstanding subsection (E) above, all dwellings with less than 10 feet of separation shall meet the fire resistive construction requirements contained in the California Residential and Fire codes.

(3) Maximum Height/Stories.

(A) If located within the rear or side yard setback of the underlying zoning district, the two-

family dwelling shall be limited to 16 feet and one story.

(B) If compliant with the setbacks for the underlying zoning district, the two-family dwelling shall comply with the height limitations of the underlying zoning district.

(4) Parking Requirements.

(A) At least one off-street parking space shall be provided for each new unit constructed under the provisions of this section. Said parking spaces shall be covered, and shall not be in tandem with parking spaces for any other unit on the property.

(B) The required parking shall be located on site with the two-family dwelling the parking is associated with.

(C) Parking spaces shall be designed pursuant to section 33-769. Compact spaces are not permitted.

(D) The foregoing parking standards shall not be required in either of the following circumstances:

i. The two-family dwelling is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of section 21155 of the Public Resources Code, or a major transit stop as defined in section 21064.3 of the Public Resources Code. The applicant shall be responsible for demonstrating applicability of this section; or

ii. There is a car share vehicle located within one block of the two-family dwelling.

(5) Access and Easements.

(A) Vehicular access from the public right-of-way shall meet the following requirements:

i. Driveways that provide access to two homes shall have a minimum paved width of 20 feet.

ii. Driveways that provide access to three homes, or that provide access to parking facilities with nine or more parking spaces, shall have a minimum width of 24 feet, unless the parking facility is served by two one-way driveways, in which case each driveway shall be at least 12 feet wide.

iii. All driveways shall have a height clearance of at least 13 feet six-inches, and shall be paved with cement, asphaltic concrete, or other all-weather construction material(s) and to the City Design Standards for Driveway Structural Design.

iv. Access improvements shall be provided in compliance with the city's adopted standard drawings.

(B) Access to lots shall be in conformance with Article 39 of the Escondido Zoning Code. Dead end access shall be no longer than 150 feet in length unless a Fire Department approved turn-around is provided. Fire Department access shall be a minimum of 20 feet in unobstructed width.

(C) Emergency access and easements for the provision of public facilities, utilities, and/or access shall be provided in compliance with applicable sections of the municipal code.

(6) The primary entrance for any new dwelling unit constructed as part of a two-family dwelling shall not be oriented to the side or rear property line unless the structure meets the side or rear setback established by the underlying zoning district.

(7) Each unit in a two-family dwelling shall be placed on a permanent foundation and permanently connected to the public sewer system or an on-site wastewater treatment system approved by the County of San Diego Health Department.

(8) Each unit in a two-family dwelling shall include sufficient permanent provision for living, sleeping, eating, cooking, and sanitations, including, but not limited to, washer/dryer hookups and full kitchen facilities.

(9) Both units in a two-family dwelling shall share the same water and sewer utility connections and meter, and shall be subject to connection fees or capacity charges, or both.

(g) Additional Requirements.

(1) Construction of a two-family dwelling project shall not require the demolition of more than 25% of the exterior structural walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.

(2) Any unit created pursuant to this section shall, if rented, be rented for a term longer than 30 days.

(3) A deed restriction prepared by the city shall be recorded against the subject property prior to issuance of any building permit(s) for a two-family dwelling. The deed restriction shall run with the land and shall stipulate compliance with the applicable provisions of this section.

(4) New dwelling units constructed as part of a two-family dwelling shall meet the requirements of the California Building, Residential, and Fire codes, as such codes have been adopted and amended by Chapters 6 and 11 of the Escondido Municipal Code.

(5) Both units in a two-family dwelling project shall utilize the same colors and materials. This requirement applies whether both units are constructed at the same time or if one unit is added to a property that is currently developed with an existing unit.

(6) Solar panels shall be required on newly constructed units within a two-family dwelling project in compliance with the California Energy Code.

(7) Accessory Dwelling Units.

(A) For the purposes of this subsection, "unit" refers to either a primary dwelling unit, an accessory dwelling unit (ADU), or a junior ADU.

(B) Inclusive of the two-family dwelling requirements described in this section, any existing parcel may be permitted to construct up to four total units.

(C) Any parcel created pursuant to section 33-116 shall be permitted to have no more than two total units.

(D) ADUs and Junior ADUs shall be governed by the provisions of Article 70.

(Ord. No. 2022-18 § 1, 9-28-22)

§ 33-116. Urban lot split.

(a) Purpose. The purpose of section 33-116 is to appropriately regulate qualifying Senate Bill 9 urban lot split developments within single-family residential zones in accordance with California Government Code section 66411.7.

(b) For the purposes of this section, "two-family dwelling" shall have the same meaning as that identified in section 33-115.

(c) Urban lot splits, as defined in section 33-8, shall be approved ministerially without discretionary review.

(d) Urban lot splits are not permitted on the following parcels:

(1) Those described in section 33-115(e)(2);

(2) Parcels that were created by a prior urban lot split;

(3) Parcels adjacent to those which the owner or someone acting in concert with the owner has previously subdivided through an urban lot split process.

(4) Parcels where subdivision would result in either of the new parcels being out of compliance with the maximum unit sizes identified in subsection 33-115(f)(1).

(5) Parcels containing more than two units, as that term is described in subsection 33-115(g)(7)(A).

(e) All provisions of the Subdivision Map Act and the Escondido Municipal Code shall apply unless expressly modified in this section.

(1) No dedication of right-of-way or construction of off-site improvements shall be required as a condition of parcel map approval.

(2) If the urban lot split is proposed on a public street that has not been dedicated to its ultimate width, public access and utility easements shall be recorded as a condition of parcel map approval.

(f) Development Standards. Parcels shall be subject to all development standards of the zone in which the property is located, except as modified below:

(1) Lot Size.

(A) Each newly created lot shall be at least 40% of the lot area of the parcel being divided.

(B) Each newly created parcel shall be no smaller than 1,200 square feet.

(2) Setbacks, unit size, and parking requirements shall be the same as those in section 33-115(f).

(g) A parcel created by an urban lot split shall be permitted to have a total of two units. This can be achieved through either a two-family dwelling, a single-family dwelling with an ADU, or a single-family dwelling with a junior ADU.

(h) Parcels created by an urban lot split shall not be required, as a condition of ministerial approval, to correct nonconforming zoning conditions.

(i) An application for an urban lot split shall not be rejected solely because it proposes adjacent or connected structures, provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(j) Access to lots shall be in conformance with Article 39 of the Escondido Zoning Code. Dead end access shall be no longer than 150 feet in length unless a Fire Department approved turn-around is provided. Fire Department access shall be a minimum of 20 feet in unobstructed width.

(k) Each dwelling unit and parcel shall have access to, provide access to, or adjoin the public right-of-way. Accessibility shall be in conformance with the Building Code and Americans with Disability Act, and shall not preclude construction of future public improvements

(l) Easements for the provision of public facilities, utilities, access, and/or emergency access shall be provided as a condition of approval of an urban lot split.

(m) Unless specifically exempted pursuant to Government Code sections 66411.7(g)(2) and (3), an applicant for an urban lot split shall sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

(n) Units on parcels created subject to this section shall, if rented, be rented for a term longer than 30 days.

(o) Applications for urban lot splits shall be processed in the same manner as those for tentative parcel maps, and shall be subject to the applicable requirements contained in Chapter 32 of the Escondido Municipal Code.

(p) Notes shall be included on the parcel map which reference compliance with sections 33-115 and 33-116 of the Escondido Zoning Code, and any other provisions of said code related to urban lot splits.

(q) Fees for urban lot split applications shall be the same as those assessed for other tentative parcel map and parcel map applications.

(r) Denial of Permit. The city may deny a request for an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the request would have a specific, adverse impact, as defined and determined in paragraph of subdivision (d) of section 65589.5 the California Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(s) Appeals. Appeals of the director's decision shall be governed by section 33-1303.

(Ord. No. 2022-18 § 1, 9-28-22)

ARTICLE 7
(RESERVED)

Editor's note—Article 7, §§ 33-100—33-119, pertaining to Residential Agricultural (R-A) Zone, derived from Zoning Code, Ch. 103, §§ 1031.1—1031.39 and Ord. Nos. 88-58, 90-40, 92-15, 92-42, 94-34, 94-41, 96-8, 2001-31R, 2004-06, 2004-21 and 2006-01(R), was repealed by Ord. No. 2017-07, § 4, enacted June 7, 2017.

ARTICLE 8
(RESERVED)

Editor's note—Article 8, §§ 33-120—33-139, pertaining to Residential Estates (R-E) Zone, derived from Zoning Code, Ch. 103, §§ 1032.1—1032.39 and Ord. Nos. 88-58, 90-40, 92-15, 92-17, 92-42, 94-3, 94-34, 94-41, 96-8, 2001-08, 2001-31R, 2004-06, 2004-21 and 2006-01(R), was repealed by Ord. No. 2017-07, § 4, enacted June 7, 2017.

ARTICLE 9
ANIMAL OVERLAY (AO) ZONE

§ 33-140. Purpose.

It is the purpose of the animal overlay (AO) zone to provide animal regulations in rural areas identified as residential agriculture (R-A) and residential estate (R-E) zones to encourage a continued rural life style.
(Zoning Code, Ch. 104, § 1049.1; Ord. No. 90-40, § 1, 8-15-90)

§ 33-141. Applicability.

This zone shall be applied upon request, subject to discretionary review, to areas zoned R-E and R-A.
(Zoning Code, Ch. 104, § 1049.2; Ord. No. 90-40, § 1, 8-15-90)

§ 33-142. Designation of zone.

Establishment of an AO zone, in combination with an R-E or R-A zone, shall be designated in the official zoning map of the city by adding the designation "AO" in parentheses as a suffix to the regular zoning designation.

Example: the AO zone used in conjunction with the R-E zone would be shown in the zoning map as R-E (AO).
(Zoning Code, Ch. 104, § 1049.3; Ord. No. 90-40, § 1, 8-15-90)

§ 33-143. Permitted and conditional uses and structures and permitted accessory uses and structures.

The permitted uses and structures and the accessory uses and structures shall be those which are indicated in the underlying zone, except for the following list of animals which shall be permitted or conditionally permitted as specified in Table 33-143.
(Zoning Code, Ch. 104, § 1049.41; Ord. No. 90-40, § 1, 8-15-90)

§ 33-144. Animal enclosures.

(a) Animals shall be confined in an animal enclosure.

Table 33-143

	Lot Size		
	Less Than 20,000 SF	**20,000 SF—4 Acres**	**Over 4 Acres**
Horses*	No limit	No limit	No limit
Other Large Animals	2	1 per 1/2 Acre	8 + 1 for each additional acre
Dogs and Cats	7	7	7
Small Animals	25	25	25
Poultry	25	25	25
Birds	25**	25**	25**
Exotic Animals	Requires CUP	Requires CUP	Requires CUP

Notes:

* Grazing of horses, bovine animals and sheep permitted provided no building, structure, pen or corral shall be designed or used for housing or concentrated feeding of animals, and the number of animals shall not exceed one per 1/2 acre of land.

** Additional by conditional use permit.

(b) Animal enclosures are defined as pens, coops, hutches, stables, corrals and similar structures used for the keeping of poultry or animals.

(1) That the location, size, and design of the animal enclosure(s) will be compatible with adjacent uses, residences, buildings or structures, with consideration given to the suitability of the site for the number of animals proposed on the premises, and the harmful effect, if any, upon desirable neighborhood character.

(2) Animals shall be provided with adequate living facilities including an enclosed paddock, corral or stall, etc. for keeping. Such area shall be located within an animal enclosure or stable. Paddocks, corrals or stalls for horses and large animals shall have enough room for the animal to move about and lay down without restriction.

(3) An animal enclosure shall be maintained to standard best management practices in compliance with the grading, stormwater, and watershed protection ordinances.

(4) Manure Management. The area shall be kept in a clean and sanitary manner by the daily removal of manure to a manure management area from all usable areas to prevent the accumulation of flies, the spread of disease, or offensive odor. Manure shall be kept in the manure management area in a covered or enclosed bin or container unless being composted. Manure shall be removed from the property a minimum of every other week or properly composted onsite. The manure management area shall meet animal enclosure setbacks.

(Zoning Code, Ch. 104, §§ 1049.42.1, 1049.42.4; Ord. No. 90-40, § 1, 8-15-90; Ord. No. 2019-10, § 7, 8-21-19)

§ 33-145. Animal enclosure setback requirements.

(a) Animal enclosures shall be set back from property lines as follows:

(1) Front yard: 25 feet in the R-A and R-E Zones and 15 feet in the R-1, R-2, R-3, R-4, and R-5 Zones;

(2) Side yard: 15 feet; and

(3) Rear yard: 10 feet.

(b) Animal enclosures shall be set back from any residence 20 feet.

(c) Additional setbacks shall be required for a private horse stable and commercial horse stable as follows:

(1) All storage areas of materials related to the horse stable use and parking shall meet the animal enclosure setbacks, this includes trailer parking, loading and delivery areas, hay storage, etc.

(2) Any structure permitted as part of a commercial horse stable that is over 1000 square feet in area shall meet a minimum twenty–five (25) foot setback from all property lines. Such structures

include barns, hay barns, covered arenas, covered riding areas, stables and other structures.
(Zoning Code, Ch. 104, §§ 1049.42.2—1049.42.3; Ord. No. 90-40, § 1, 8-15-90; Ord. No. 2019-10, § 7, 8-21-19)

§ 33-146. Animal enclosure setback exemption.

A fenced pasture containing a minimum of two acres, with no building used for human habitation and having no interior cross-fencing, is exempt from the animal enclosure setback requirements.
(Zoning Code, Ch. 104, § 1049.42.5; Ord. No. 90-40, § 1, 8-15-90)

§ 33-147. Property development standards.

In addition to the property development standards set forth in Articles VII (for R-A zones) and VIII (for R-E zones) and elsewhere in this chapter, the special development standards set forth in sections 33-148 and 33-149 shall apply.
(Zoning Code, Ch. 104, § 1049.51; Ord. No. 90-40, § 1, 8-15-90)

§ 33-148. Parcel requirements for R-A zones.

The minimum area in square feet (SF) of any lot or parcel of land in the R-A (AO) zone shall be as indicated below for the zone in which the lot or parcel is situated:

(a) Newly created lots or parcels:

R-A (AO)	5 acres	217,800 SF
R-A-10 (AO)	10 acres	217,800 SF

(b) Legal nonconforming lots or parcels in an R-A zone:

R-A (AO)	20,000 SF
R-A-10 (AO)	20,000 SF

(c) Legal nonconforming lots or parcels in an R-A (AO) zone may be less than 20,000 square feet bordered by a physical barrier such as a flood control channel, a street or a landform which would provide enough separation to minimize impacts as determined by the planning commission.
(Zoning Code, Ch. 104, § 1049.52; Ord. No. 90-40, § 1, 8-15-90)

§ 33-149. Parcel requirements for R-E zones.

The minimum area of any lot or parcel of land in the R-E (AO) zone shall be as indicated below for the sub-zone in which the lot or parcel is situated:

(a) Newly created lots ranging from 20,000 square feet (SF) to 110,000 square feet in increments of 10,000 square feet:

Sub-zone	Minimum Area
RE-20 (AO)	20,000 SF
RE-30 (AO)	30,000 SF
RE-40 (AO)	40,000 SF

Sub-zone	Minimum Area
RE-50 (AO)	50,000 SF
RE-60 (AO)	60,000 SF
RE-70 (AO)	70,000 SF
RE-80 (AO)	80,000 SF
RE-90 (AO)	90,000 SF
RE-100 (AO)	100,000 SF
RE-110 (AO)	110,000 SF

(b) Newly created lots ranging from 130,000 square feet to 210,000 square feet in increments of 20,000 square feet:

Sub-zone	Minimum Area
RE-130 (AO)	130,000 SF
RE-150 (AO)	150,000 SF
RE-170 (AO)	170,000 SF
RE-190 (AO)	190,000 SF
RE-210 (AO)	210,000 SF

In a subdivision, the planning commission may authorize an exception to the minimum lot area, provided that special circumstances such as extreme topography, drainage or unusual shapes exist; that there is a favorable staff recommendation; and the lots shall average the area requirement of the zone.

(c) Legal nonconforming lots or parcels in the R-E zone ranging from 20,000 square feet to 110,000 square feet in increments of 10,000 square feet:

Sub-zone	Minimum Area
RE-20 (AO)	20,000 SF
RE-30 (AO)	20,000 SF
RE-40 (AO)	20,000 SF
RE-50 (AO)	20,000 SF
RE-60 (AO)	20,000 SF
RE-70 (AO)	20,000 SF
RE-80 (AO)	20,000 SF
RE-90 (AO)	20,000 SF
RE-100 (AO)	20,000 SF
RE-110 (AO)	20,000 SF

(d) Legal nonconforming lots in the R-E zone ranging from 130,000 square feet to 210,000 square feet in increments of 20,000 square feet:

Sub-zone	Minimum Area
RE-130 (AO)	20,000 SF
RE-150 (AO)	20,000 SF
RE-170 (AO)	20,000 SF
RE-190 (AO)	20,000 SF
RE-210 (AO)	20,000 SF

(e) Legal nonconforming lots or parcels in an R-E (AO) zone may be less than 20,000 square feet if bordered by a physical barrier such as a flood control channel, a street or a landform which would provide enough separation to minimize impacts as determined by the planning commission:

Size may be less than 20,000 square feet if approved by the planning commission.

(Zoning Code, Ch. 104, § 1049.53; Ord. No. 90-40, § 1, 8-15-90)

§ 33-150. through § 33-159. (Reserved)

ARTICLE 10
(RESERVED)

Editor's note—Article 10, §§ 33-160—33-189, pertaining to Single-Family Residential (R-1) Zone, derived from Zoning Code, Ch. 103, §§ 1033.1—1033.39.3 and Ord. Nos. 88-58, 92-15, 92-17, 92-42, 93-36, 94-34, 94-41, 96-8, 98-20, 2001-31R, 2004-21, 2006-01(R) and 2016-15, was repealed by Ord. No. 2017-07, § 4, enacted June 7, 2017.

ARTICLE 11
(RESERVED)

Editor's note—Article 11, §§ 33-190—33-209, pertaining to Mobilehome Residential (R-T) Zone, derived from Zoning Code, Ch. 103, §§ 1034.11—1034.39.5 and Ord. Nos. 88-58, 92-15, 92-17, 96-8, 2001-31R and 2004-21, was repealed by Ord. No. 2017-07, § 4, enacted June 7, 2017.

ARTICLE 12
(RESERVED)

Editor's note—Article 12, §§ 33-210—33-239, pertaining to Light Multiple Residential (R-2) Zone, derived from Zoning Code, Ch. 103, §§ 1035.1—1035.39.11 and Ord. Nos. 88-58, 92-15, 92-17, 92-42, 93-36, 94-36, 94-41, 96-8, 2000-29, 2001-31R, 2004-21, 2006-01(R), 2006-41, 2011-19R and 2016-15, was repealed by Ord. No. 2017-07, § 4, enacted June 7, 2017.

ARTICLE 13
(RESERVED)

Editor's note—Article 13, §§ 33-240—33-269, pertaining to Medium Multiple Residential (R-3) Zone, derived from Zoning Code, Ch. 103, §§ 1036.1—1036.39.11 and Ord. Nos. 88-58, 92-15, 92-17, 92-42, 93-36, 94-36, 94-41, 96-8, 2001-31R, 2004-21, 2006-01(R), 2006-41, 2007-19, 2011-19R and 2016-15, was repealed by Ord. No. 2017-07, § 4, enacted June 7, 2017.

ARTICLE 14
(RESERVED)

Editor's note—Article 14, §§ 33-270—33-299, pertaining to Heavy Multiple Residential (R-4) Zone, derived from Zoning Code, Ch. 103, §§ 1037.1—1037.39.11 and Ord. Nos. 88-58, 92-15, 92-17, 92-42, 93-36, 94-36, 94-41, 96-8, 2001-31R, 2004-21, 2006-01(R), 2006-41, 2007-19, 2011-19R and 2016-15, was repealed by Ord. No. 2017-07, § 4, enacted June 7, 2017.

ARTICLE 15
(RESERVED)

Editor's Note—Article 15 (§§ 33-300—33-329) was deleted by Ord. No. 97-02, § 1, 1-22-97.

ARTICLE 16
COMMERCIAL ZONES

Prior history: Zoning Code, Ch. 104, §§ 1041.1, 1041.2, 1041.21, 1041.23, 1041.25, 1041.27, 1041.28, 1041.31, 1041.32.3—1041.32.7, 1041.33, 1041.33.3, 1041.33.4, 1041.33.7, 1041.34.1—1041.34.9, 1041.35.1—1041.35.3, 1041.35.5, 1041.35.6, 1041.39, 1041.39.3, 1041.39.5, 1041.39.7, 1041.39.9, 1041.40 as amended by Ord. Nos. 88-58, 90-2, 90-19, 91-5, 92-17, 92-43, 94-32, 96-2 and 96-11.

§ 33-330. Purpose.

(a) Purpose of this article. The commercial zones are intended to implement development and operation of commercial areas for retail and service establishments, neighborhood convenience, and office uses required by residents of Escondido in a manner consistent with the general plan.

(b) Purpose of individual commercial land use districts.

(1) General commercial (CG) zone. The general commercial (CG) zone is established to provide for the community's general commercial needs. This zone is used in areas where a wide range of retail, office, service establishments, and other uses not suitable for residential zones but less intensive than industrial uses, are needed to accommodate the surrounding community.

(2) Neighborhood commercial (CN) zone. The neighborhood commercial (CN) zone is established to provide a shopping center for the sale of convenience goods and personal services for day-to-day living needs, and provide a neighborhood/community activity center. The uses and structures allowed and the standards of development are designed to protect the adjacent residential zones, promote orderly development and avoid traffic congestion within the neighborhood. No land area shall be classified into this zone where such classification would create a zoned CN area of less than one acre or larger than five acres and may be required to be located on an intersection of improved collectors and/or major roads and/or prime arterials as shown on the adopted circulation plan of Escondido. Neighborhood commercial zones shall be separated by at least one mile from any other commercial center or zone.

(3) Professional commercial (CP) zone. The professional commercial (CP) zone is established to provide for the development of certain business and professional offices, medical services, medically related retail, legal services and related support-type uses in locations where such uses can conveniently serve the public.

(4) Planned development (PD) zone. The planned development (PD) zone is established to encourage the comprehensive site planning and building design in a creative approach through variation in the siting of buildings and the appropriate mixing of land uses and activities. Planned development zoning is subject to Article 19 of the Escondido zoning code and applies to properties zoned Planned Development-Commercial (PD-C), Planned Development-Neighborhood Commercial (PD-CN), Planned Development-Office (PD-O) and Planned Development-Mixed Use (PD-MU).

(c) Interim development standards for properties located in the hospital professional (HP) zone.

(1) Properties located in the hospital professional (HP) zone identified on the city of Escondido adopted zoning map shall be governed by the standards of the professional commercial (CP) zone.

(Ord. 97-02, § 2 Exh. A, 1-22-97; Ord. No. 2014-15, § 4, 8-13-14)

§ 33-331. General plan compatibility matrix.

Table 33-331 shows the general plan designation corresponding to the commercial zoning district designations.

Table 33-331

Zoning	Corresponding General Plan Designations
General Commercial (CG)	General Commercial (GC)
Neighborhood Commercial (CN)	General Commercial (GC), all residential designations (existing CN zoning only)
Professional Commercial (CP)	Offices (O), General Commercial (GC)
Planned Development—Commercial (PD-C)	Planned Commercial (PC), Office (O), General Commercial (GC)
Planned Development—Neighborhood Commercial (PD-CN)	All designations
Planned Development—Office (PD-O)	Planned Office (PO)
Planned Development—Mixed Use (PD-MU)	Planned Commercial (PC), Office (O), General Commercial (GC)

(Ord. No. 97-02, § 2 Exh. A, 1-22-97; Ord. No. 2014-15, § 4, 8-13-14)

§ 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 11:00 p.m. and 7:00 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

Use Title	CG	CN	CP
Residential and Lodging			
Bed and breakfast* (Article 32)	C#		
Hotels and motels* (Article 63)	C		

Table 33-332 PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES			
Use Title	**CG**	**CN**	**CP**
Single-room occupancy units (Article 63)	P[1]		
Manufacturing, Wholesale Trade, and Storage			
Mini-warehouse storage facilities* (Article 57)	C		
Newspaper printing and publishing	P		
Retail Trade			
Automotive and marine craft			
Sales lots and parts and accessories sale and supply (including autos, motorcycles, trailers, campers, recreational vehicles and marine craft vehicles excluding farm and construction vehicles, three-axle trucks, and buses)	P		
Boutique car sales* (subject to Article 57)	P		
Car dealership* (subject to Article 57)	C		
Parts and accessories sale and supply (including autos, motorcycles, trailers, campers, recreational vehicles and marine craft vehicles	P		
Parts and accessories sale and supply (farm and construction vehicles, three-axle trucks, and buses)			
Tractor or heavy truck sales, storage, or rental* (subject to Article 57)	C		
Gasoline sales or service stations with or without convenience stores and without concurrent sale of alcoholic beverages* (Article 57 and Council Resolution #5002)	P		
Gasoline sales or service stations including concurrent sale of alcoholic beverages and motor vehicle fuel* (Articles 57 and Council Resolution #5002)	C#		
Food and liquor			
Food stores (grocery, produce, candy, baked goods, meat, delicatessen, etc., with or without off-sale beer and wine, off-sale general license excluding concurrent sale)	P	P	
Liquor stores, packaged (off-sale)	C	C	
General retail			
Bargain basement store	C		
Drugstores with drive through* (subject to section 33-341)	C	C	C
Pharmacies with drive through* (subject to section 33-341)	C	C	C
Florists, gifts, cards, newspapers, and magazines with drive through* (subject to section 33-341)	C	C	C
General retail with drive through* (subject to section 33-341)	C	C	C

Table 33-332 PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES			
Use Title	**CG**	**CN**	**CP**
Tobacco product store			
Building materials and supplies including lumber, heating, plumbing, and electrical equipment, etc. (outdoor storage or sale subject to CUP)	P		
Drugstores	P	P	P
Pharmacies	P	P	P
Florists, gifts, cards, newspapers and magazines	P	P	P
Furniture, home and office furnishing and equipment, electrical appliances, and office machines and supplies	P		
General retail, NEC (as determined by the director, based on conformance with the purpose of the specific zone, interaction with customers, the appearance of the building, the general operating characteristics, and the type of vehicles and equipment associated with the use, and including incidental assembling of customized items)	P	P	
Hospital/medical equipment sales	P		P
Nurseries and garden supply stores	P	P	
Outdoor retail, NEC (as a principal use)	C#		
Sporting goods (includes ammunition and firearms, fishing, hunting, golf, playground equipment, etc.)	P		
Temporary seasonal sales such as Christmas tree and wreath sales, pumpkin sales, etc., on vacant lots subject to a temporary use permit* (Article 73)	P	P	P
Used Merchandise			
Consignment shop* (subject to Chapter 15 and Article 57)	C		
Pawn shop* (subject to Chapter 15 and Article 57)			
Secondhand store* (subject to Chapter 15 and Article 57)	C		
Thrift shop* (subject to Chapter 15 and Article 57)	C		
Eating and Drinking Establishments			
Cabarets and nightclubs (with or without alcoholic beverages, including comedy clubs, magic clubs, etc.)	C		
Drinking places—alcoholic beverages (on-sale beer and wine and on-sale general licenses and public premises) includes bars and taverns, does not include restaurants serving alcoholic beverages	C		
Restaurants, cafés, delicatessens, sandwich shops, etc.			
Without alcoholic beverages	P	P	P

Table 33-332 PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES			
Use Title	**CG**	**CN**	**CP**
With on-sale beer and wine and on-sale general licenses	P	C	C
Auto oriented (drive-in,* drive-through*) (section 33-341)	C		
Specialized food sales from pushcart facilities* (section 33-342)	P	P	P
Services			
Animal care (excluding kennels)	P	P	
Automotive services (including motorcycles, marine craft and recreational vehicles)			
Car-wash, polishing, vacuuming, or detailing (primary or accessory use)* (subject to Article 57)	C		
Limited vehicle repair* (subject to Article 57)	C#		
General vehicle repair* (subject to Article 57)	C		
Commercial vehicle repair* (subject to Article 57)			
Tire retreading* (subject to Article 57)			
Junkyard and wrecking yard* (subject to Chapter 15 and Article 57)			
Fleet storage* (subject to Article 57)	C		
Tow yard storage* (subject to Article 57)			
Miscellaneous auto service, except repair and wash (includes motor clinics, auto towing service only)	P		
Educational services			
Day nurseries, child care centers* (Article 57)	P	C#	C#
Schools, including kindergarten, elementary, junior, and senior high schools* (Article 57)	P		C
University, college, junior college, and professional schools	P		C
Vocational and trade schools	P		C
Other special training (including art, music, drama, dance, language, etc.)	P	P	
Special needs education	P	P	P
Government services			
Administrative centers and courts	P	C	P
Other government services NEC excluding correctional institutions	C		C
Police and fire stations	C	C	C
Financial services and institutions			

Table 33-332 PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES			
Use Title	**CG**	**CN**	**CP**
Bank	P	P	P
Bank with drive-through* (subject to section 33-341)	C	C	C
Check-cash/pay day			
Real estate service or security broker	P	P	P
Insurance	P	P	P
Hospital and medical service organizations (including Blue Cross, Blue Shield, etc.)	P		P
Medical, dental and related health services			
Hospitals, excluding small medical clinics	C		C
Massage establishments* (Article 38)	P/C		
Medical, dental and optical laboratories	P		P
Medical clinics and blood banks	P		P
Medical, dental, optical, and other health care offices	P	P	P
Other medical and health services NEC	P		P
Sanitariums, convalescent and licensed residential care facilities Sanitariums, convalescent and residential care facilities approved prior to the effective date of Ordinance 2014-15 are exempt from voluntary work limitations identified in section 33-1243 (Exceptions to nonconforming use provisions). Expansions and/or intensification of said facilities shall require a conditional use permit subject to Article 61.	C		C
Offices and business services, except medical			
General business services (including advertising, credit reporting, building services, news syndicate, employment services, computer services, drafting, detective/protective services, etc.)	P	P	P
General office use (includes professional offices)	P	P	P
Mailing, accounting and office services	P	P	P
Travel agencies and services	P	P	P
Personal Services			
Barber, beauty, nail, and tanning services	P	P	P
Clothing and costume rental, marriage bureaus, baby-sitting services, etc.	P		
Tattoo parlor and body piercing* (subject to Chapter 17)	C		
Repair services, except automotive			
Apparel and shoe repair and alteration	P	P	

Table 33-332 PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES			
Use Title	**CG**	**CN**	**CP**
Bicycle repair	P	P	
Locksmiths and key shops	P	P	P
Miscellaneous repair services (excluding machine shops and welding services)	P		
Small appliance repair and services (including TV, radio, small electronics, computers, household appliances, etc.)	P	P	
Watch, clock, and jewelry repair	P	P	P
Social, professional, and religious organizations and services			
Churches, synagogues, temples, missions, religious reading rooms, and other religious activities* including columbariums and mausoleums* as an incidental use (Article 57). Major or minor conditional use permit pursuant to Article 61, Division 1.	P	C/C#	C/C#
Religious establishments listed above and/or assembly uses on property designated Planned Office in the general plan: Existing churches may operate subject to their approved conditional use permits. Expansions may occur subject to Article 57 that do not increase the boundary of the conditional use permit, including parking areas within the Planned Office designation. No new religious establishments and/or assembly uses are permitted on land in the general plan designated Planned Office.			
Low barrier navigation center (only in mixed use overlay areas that are zoned for mixed use and nonresidential zones permitting multifamily uses)	P	P	P
Social and professional organizations (political membership, veterans, civic, labor, charitable and similar organizations, etc.)	P	C	P
Youth organizations* (Article 57)	P	C	
Other services			
Assembly halls, fraternities, sororities, lodges, etc.	C		
Equipment rental and leasing service* (Article 57 and Council Resolution #73-264-R) (includes airplanes, business equipment, furniture, construction equipment, sanitation units, sports equipment, etc.)	P		
Mortuary (excluding crematories and mausoleums)	P		
Hospital/medical equipment rental and leasing	P		P
Laundry and dry cleaning services			
Self-service, coin-operated* (section 33-343)	P	P	

Table 33-332 PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES			
Use Title	**CG**	**CN**	**CP**
Pick-up service only* (section 33-343)	P	P	P
Dry cleaning, laundering, pressing and dying for on-site retail customers only* (section 33-343)	C		
Commercial laundry or pressing* (section 33-343)			
Private smokers' lounge			
Photographic and duplicating services:			
Blueprinting	P		P
Photocopying	P	P	P
Studios, developing, printing, and similar services, except commercial photography	P	P	P
Commercial photography, including aerial photographs and mapping services	P		P
Picture framing, assembly only	P	P	
Recycling services* (Article 33):			
Reverse vending machines occupying a total of 50 square feet or less	P	P	P
Small collection facilities occupying a total of 500 square feet or less	P	P	P
Aluminum can and newspaper redemption center without can crushing facilities	C#		
Cultural Entertainment and Recreation			
Adult entertainment establishments* (Article 42)	P		
Cultural, including museums, art galleries, etc.	P		C#
Entertainment assembly, amphitheater, concert halls, exhibit halls	C		
Health and fitness facilities, including gymnasiums, athletic clubs, body building studios, dance studios, martial arts schools, etc.	P	P	P
Swimming schools and pools	C#	C#	
Libraries	P	P	P
Parks	P	P	P
Sports and recreation facilities, including bowling alleys, billiards, indoor and outdoor skating facilities, batting cages, riding schools and stables, etc.	C		
Theaters, indoor motion picture	P		
Transportation, Communications and Utilities			

Table 33-332 PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES			
Use Title	**CG**	**CN**	**CP**
Transportation			
Ambulance and paramedic	C#		C#
Bus and train depots	P		
Helipad (as an incidental use only)* (Article 57)	C		C
Park-and-ride facilities	P	P	P
Parking lots and parking structures (short-term)	P		P
Taxicab stand	P		P
Communications (telephone, telegraph, radio, TV, etc.)			
Broadcasting (radio and/or television), recording, and/or sound studios	P		P
Personal wireless service facilities* (subject to Article 34)			
Roof-mounted or building-mounted facilities incorporating stealthy designs and/or screened from public ways or significant views	P	P	P
Pole-mounted or ground-mounted facilities that incorporate stealthy designs and do not exceed 35′ in height	P	P	P
Pole-mounted or ground-mounted facilities that exceed 35′ in height or roof-mounted or building-mounted designs which project above the roofline and are not completely screened or considered stealthy	C	C	C
Other communications, NEC	C		C
Radio and television transmitting towers	C		C
Telephone exchange stations and telegraph message centers	P	P	P
Utilities (electric, gas, water, sewage, etc.)			
Central processing, regulating, generating, control, collection, storage facilities and substations	C	C	C
Distribution facilities	P	P	P

Notes:

* = Subject to special regulations—see Article in parentheses.

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.

C = Conditionally Permitted Use [subject to a Major Conditional Use Permit (CUP)] pursuant to section 33-1200 et seq.

C# = Conditionally Permitted Use [subject to a Minor CUP] pursuant to section 33-1200 et seq.

Notes:

NEC = Not Elsewhere Categorized.

(Ord. No. 97-02, § 2 Exh. A, 1-22-97; Ord. No. 97-11, § 2, 6-11-97; Ord. No. 99-15-R, § 4 Exh. A, 6-9-99; Ord. No. 2001-31R, § 14, 12-5-01; Ord. No. 2003-20(R), § 4 Exh. A, 10-15-03; Ord. No. 2004-21, § 10, 11-17-04; Ord. No. 2009-17, § 4, 7-15-09; Ord. No. 2014-15, § 4, 8-13-14; Ord. No. 2015-01R, § 6, 1-14-15; Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2018-12, § 7, 6-6-18; Ord. No. 2018-13R, § 10, 6-6-18; Ord. No. 2019-10, § 7, 8-21-19; Ord. No. 2019-09, § 6, 9-11-19; Ord. No. 2020-31R, § 6, 1-13-21; Ord. No. 2023-06, § 3, 3-8-23)

§ 33-333. Permitted accessory uses and structures.

(a) Accessory uses and structures are permitted in commercial zones, provided they are incidental to, and do not substantially alter the operating character of the permitted principal use or structure as determined by the director of community development. Such permitted accessory uses and structures include, but are not limited to, those listed in Table 33-333.

(1) When provided by these regulations, it shall be the responsibility of the director to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, based on the director's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal uses and the relationship between the proposed accessory use and the principal use.

Table 33-333 PERMITTED ACCESSORY USES AND STRUCTURES

Use Title	CG	CN	CP
ATM kiosk	P	P	P
ATM kiosk (drive-in,* drive-through*) (section 33-341)	C	C	C
Drive-in,* drive-through* (section 33-341)	C	C	C
Fleet storage* (subject to Article 57)	P		
Tow truck operation incidental to repair* (subject to Article 57)	P/C		
Accessory buildings such as garages, carports and storage buildings clearly incidental to a permitted use	P	P	P
Bus stop shelters* (Article 57 and EMC Article 9, Chapter 23)	P	P	P
Caretaker's or resident manager's quarters (for lodgings, motels, hotels, and funeral parlors)	P		
Cottage food operations and home occupations as provided for in Article 44	P	P	P
Employee recreational facilities	P		P
Live entertainment	P	P	P
Outdoor dining in conjunction with an approved eating place* (Article 57)	P	P	P
Outdoor display of merchandise* (Article 73)	P	P	P

Table 33-333 PERMITTED ACCESSORY USES AND STRUCTURES			
Use Title	**CG**	**CN**	**CP**
Satellite dish antennas* (Article 34, CUP required for some sizes and heights)	P/C	P/C	P/C
Storage of materials used for the construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto and provided further, that such use shall be permitted only during the construction period and the 30 days thereafter	P	P	P
Swimming pools* (Article 57) and tennis courts	P		P
Temporary outdoor sales* (Article 73) and special events subject to the issuance of a temporary use permit	P	P	P
Vending machines* (Article 33 for recycling and Article 73 for outdoor retail)	P	P	P

Notes:

* = Subject to special regulations—see Article in parentheses.

P = Permitted Accessory Use

(Ord. No. 97-02, § 2 Exh. A., 1-22-97; Ord. No. 2013-07RR, § 4, 12-4-13; Ord. No. 2014-15, § 4, 8-13-14; Ord. No. 2019-10, § 7, 8-21-19; Ord. No. 2019-09, § 6, 9-11-19; Ord. No. 2020-31R, § 6, 1-13-21)

§ 33-334. Prohibited uses.

(a) All uses and structures not listed as permitted primary or accessory uses, or conditionally permitted uses shall be prohibited. However, the director may approve a use, after study and deliberation, which is found to be consistent with the purposes of this article, similar to the uses listed as permitted uses, and not more detrimental to the zone than those uses listed as permitted uses.

(b) Any existing residential structure shall not be used for both residential and commercial purposes at the same time, except as provided for in Article 44.

(Ord. No. 97-02, § 2 Exh. A, 1-22-97; Ord. No. 2013-07RR, § 4, 12-4-13; Ord. No. 2014-15, § 4, 8-13-14; Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-335. Development standards.

(a) All zones. The standards contained in the following table shall apply to all commercial districts and shall be determined minimum unless stated otherwise.

(b) CN Zone. No single use shall exceed a gross floor area of 5,000 square feet except that a grocery store may have a gross floor area of up to 30,000 square feet.

Table 33-335 COMMERCIAL DEVELOPMENT STANDARDS			
	CG	**CN**	**CP**
Lot area (SF) min.[1][2]	None	7,000	7,000
Average lot width min.[1]	None	100′	50′
Lot frontage min. [1]	All lots shall front on public street (does not include an alley)		
Front setback min.[4][7]	None [5][6]	10′	10′
Corner and reverse corner lots	5′[6]	10′	10′
Facing Centre City Parkway in Landscape Master Plan Overlay [3]	15′	15′	15′
Side setback min.[4][7]	None [5][6]	None [5] except 10′ adjacent to residential zones	None [5] except 5' for first two stories plus 5' for each additional story up to 10' max. when adjacent to residential structures
Corner lots and reverse corner lots	5′ [6]	10′	5′
Facing Centre City Parkway in Landscape Master Plan Overlay [3]	15′	15′	15′
Rear setback min.[7]	None [5][6]	20′	5′ except 10' for first two stories plus 5' for each additional story up to 15' max. when adjacent to residential structures
Abutting an alley	None [5]	10′	5′
Facing Centre City Parkway in Landscape Master Landscape Overlay [3]	15′	15′	15′
Building height maximum	None (UBC)	1 story or 35′ whichever is less	75′
Landscaping	According to Article 62		
Lot coverage maximum	None	50%	None
Parking	According to Article 39		

Table 33-335 COMMERCIAL DEVELOPMENT STANDARDS			
	CG	CN	CP
Loading	One off-street space/each building or separate occupancy thereof over 10,000 SF plus one space/each additional 20,000 SF of the gross floor area of the building	Loading to be performed on-site and be from the rear or side of the structure and concealed from street and adjoining residential zoned property by landscape or architecture features	
Minimum space size	10′ wide, 25′ long, 14′ high	None	None
Trash storage	Required per section 33-338		
Walls and fences [7]	A solid masonry wall minimum 6' feet high on the sides of property adjoining a residential zone, school or park (an alley shall constitute a separation, subject to Article 56)		

(1) Lots or parcels of land which were legally created prior to the application of this zone shall not be denied a building permit for reason of nonconformance with the parcel requirements of this section.

(2) Parcels of land containing two or more lots developed as a single project shall be maintained as a unit. Where two or more lots are developed as one unit, a covenant may be required by the city in a form satisfactory to the city attorney to ensure that required off-street parking facilities shall be provided on said premises.

(3) A reduced setback may be approved by the director if found consistent with the Centre City Parkway landscape master plan.

(4) Required yard shall not be used for vehicle parking (including overhang), except such portion as is devoted to driveway use.

(5) A building located on a lot line shall have facilities for the discharge of all roof drainage onto the subject lot.

(6) When the yard of a property zoned CG is adjacent or abutting the yard of a residentially zoned property, the following landscaped setbacks shall apply for all buildings and structures:

(A) Front yard setback:

Distance from structure to residential property	Front yard setback
25′ or less	Equal to residential zone
26′—50′	10′
Over 50′	5′

(B) Side yard setback shall be minimum five feet.

(C) Side yard setback adjacent to street when the rear yard of the corner and reverse corner lots abuts residentially zoned property shall be minimum 10 feet.

(D) Rear yard setback shall be same as the rear yard setback required for adjacent residential zone.

(7) Adjustments to the standards up to 25% may be approved pursuant to section 33-1220 et seq., of this chapter.

(Ord. No. 97-02, § 2 Exh. A, 1-22-97; Ord. No. 2011-19R, § 5, 1-11-12; Ord. No. 2014-15, § 4, 8-13-14; Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-336. Projections into yards.

(a) Any yard. The following structures may be erected or projected into any required yard:

(1) Fences and walls in accordance with the city codes or ordinances;

(2) Landscape elements, including trees, shrubs and other plants, except that no hedge shall be grown or maintained at a height or location other than permitted by city ordinances or codes for fences;

(3) Necessary appurtenances for utility services.

(b) Maintain minimum yard. The structures listed below may project into the minimum front yard or rear yard not more than four feet and into the minimum side yard not more than two feet, provided that such projections shall not be closer than three feet to any lot line:

(1) Cornices, eaves, belt courses, sills, buttresses or other similar architectural features;

(2) Fireplace structures and bays, provided that they are not wider than eight feet measured in the general direction of the wall of which it is a part;

(3) Stairways, balconies, door stoops and fire escapes;

(4) Awnings;

(5) Planting boxes or masonry planter not exceeding 42 inches in height;

(6) Port-cochere over a driveway in side yard, providing such structure is not more than one (l) story in height and 22 feet in length, and is entirely open on at least three sides, except for the necessary supporting columns and customary architectural features;

(7) Permitted signs;

(8) Trash storage enclosures (rear yard only).

Adjustments to the standards up to 25% may be approved pursuant to section 33-1220 et seq., of this chapter.

(Ord. No. 97-02, § 2 Exh. A, 1-22-97; Ord. No. 2014-15, § 4, 8-13-14; Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-337. Performance standards.

The following performance standards shall apply to all land and structures in commercial zones.

(a) All permitted uses shall be conducted entirely within completely enclosed buildings in all commercial

zones, except vending machines, parking, loading, pushcarts for specialized food sales, outdoor display, outdoor dining, retail sale of flowers and plants from a gazebo or kiosk, vehicle, boat, and aircraft sales and rental lots, farm and nursery/garden supplies, helipads, and athletic and recreational facilities in conformance with the standards of this chapter, or outdoor retail approved as part of a conditional use permit or other permit issued by the city.

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

(c) No material, equipment or goods of any kind shall be stored on the roof of any building in the commercial zones.

(d) In the CN zone, business hours shall be limited to the hours between 7:00 a.m. and 11:00 p.m. except those uses which are granted a minor CUP under section 33-1200 et seq., of this chapter. Security lighting shall be permitted during closed hours. Those lighted signs which are directly used in conjunction with a 24 hour use shall be reviewed with the CUP.

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

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

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

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

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

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

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

(f) Shopping cart management.

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

(2) Shopping cart storage shall not be located in required parking or truck loading spaces within the designated parking lot or other property provided by a business establishment for use by a customer for parking an automobile or other vehicle. The director of community development may require modifications or alterations in the existing or proposed construction or the operational procedures of shopping cart storage areas to determine the adequacy of the shopping

cart containment system and/or control method or ensure that compliance with the performance standards will be maintained.

(Ord. No. 97-02, § 2 Exh. A, 1-22-97; Ord. No. 2014-15, § 4, 8-13-14; Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2018-20, § 7, 11-28-18)

§ 33-338. Trash storage.

Containers for trash storage shall be of a size, type and quantity approved by the director. They shall be placed so as to be concealed from the street and shall be maintained. Additionally, an area for the storage and pickup of recyclables must be included in this area.

(Ord. No. 97-02, § 2 Exh. A, 1-22-97; Ord. No. 2014-15, § 4, 8-13-14; Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-339. (Reserved)

Editor's note—Section 33-339 pertaining to mini-warehouse storage facilities requirements, derived from Ord. Nos. 97-02 and 2014-15, was repealed by Ord. No. 2018-12, § 7, enacted June 6, 2018.

§ 33-340. Plot plan approval required.

A plot plan review shall be required pursuant to Article 61, Division 8 under the following circumstances.

(a) At the time a building permit is requested for expansion of any building or structure.

(b) Any time a new use of land or existing structure which may require additional off-street parking is proposed.

(c) A new, substantially different, use is proposed for the site of an existing or vacant automobile dealership.

(Ord. No. 97-02, § 2 Exh. A, 1-22-97; Ord. No. 2009-17, § 4, 7-15-09; Ord. No. 2014-15, § 4, 8-13-14; Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-341. Commercial drive-through facilities requirements.

(a) Conditional Use Permit Required. Conditional Use Permit approval shall be required for the establishment of any use that offers drive-in or drive-through facilities. This shall include drive-through uses in conjunction with, but not limited to, washing/detailing automotive services (automated or hand-washed), retail trades, eating and drinking establishments, banks and other financial institutions, pharmacies, and other services.

(b) The following site design and building design guidelines may be utilized by the appropriate permit review authority in the review of a Conditional Use Permit application to promote high quality development and to ensure that such developments do not have negative impacts on traffic, safety, air quality and visual character of the area in which they are located:

(1) Site planning that accomplishes a desirable transition with the streetscape and adequate pedestrian environment. Pedestrian walkways that intersect the drive-through drive aisles and parking areas with clear visibility, and may be emphasized by enriched paving or striping.

(2) Drive-through aisles with a minimum 12 foot width on curves and a minimum 11 foot width on straight sections.

(3) The drive-through stacking lane situated so that any overflow from the stacking lane shall not spill out onto public streets or major aisles of any parking lot. Sufficient vehicle stacking room

shall be provided on-site behind the speaker area where orders are taken.

(4) Drive-through aisles constructed with (PCC) concrete.

(5) Drive-through aisles and associated structures should be oriented away from public streets and surrounding land uses unless significant screening is provided to the satisfaction of the director of community development by means of heavy landscaping, decorative walls, and sound attenuating devices. A planter between the drive-through aisle and the parking area that includes shade trees consistent with those used in the parking areas may be requested.

(6) No ingress and egress points conflicting with turning movements at nearby street intersections. The design of the site and placement of structures done in a manner that: (A) minimizes the number of driveway cuts; and (B) provides adequate and safe queuing and maneuvering of vehicles to prevent interference with circulation of the site, adjacent uses, or queuing within/ onto public right-of-way.

(7) The architecture of the building and other structures used to support the drive-through should address compatibility and harmonization with that of the building, shopping center, and/or structures within the immediate area in terms of building color, materials, mass, scale, and form. All building elevations should be architecturally enhanced. High quality building materials are encouraged. Reflective, glossy, and fluorescent surfaces are discouraged.

(Ord. No. 97-02, § 2 Exh. A, 1-22-97; Ord. No. 2014-15, § 4, 8-13-14; Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2018-07R, § 7, 4-18-18; Ord. No. 2019-09, § 6, 9-11-19)

§ 33-342. Specialized food sales from pushcarts.

Specialized food sales from pushcarts are permitted on private property subject to the approved design guidelines for pushcarts and review by the planning division. Where a pushcart request will eliminate existing parking spaces, pedestrian circulation, or landscaping, a minor plot plan application shall be required.

(Ord. No. 97-02, § 2 Exh. A, 1-22-97; Ord. No. 2014-15, § 4, 8-13-14)

§ 33-343. Laundry and dry cleaning services.

(a) No new dry-cleaning with on-site cleaning or commercial laundry establishment shall be located within 200 feet of a residential zone or residential use unless the establishment utilizes a high-trans fluorinated alternative rather than using carbon Trichloroethylene (TCE) and Perchloroethylene (PERC).

(b) The operator of the approved "self-service laundromats" use shall prevent loitering and loud noises around the subject site during and after the hours of business operations. Management or a staff representative (e.g., attendant) must be present during hours of operation.

(c) No liquid or solid waste or similar material that may contaminate water supplies, interfere with bacterial process in sewage treatment, or otherwise cause the emissions of dangerous or offensive elements shall be discharged into the public sewer or private disposal system, except as determined by the permit review authority in accordance with applicable regulations.

(Ord. No. 2019-09, § 6, 9-11-19)

§ 33-344. Conversion of existing and vacant automobile dealerships.

(a) Plot Plan Required. A plot plan application shall be required for all existing and vacant automobile

dealerships converting to a new, substantially different, use (either in whole or in part). A comprehensive sign program shall be included in applications for the conversion to multiple tenant spaces.

(b) Development Criteria. City staff shall review all existing and vacant automobile dealerships converting to a new, substantially different, use to determine that such developments conform to the following criteria and do not have negative impacts on the physical or visual character of the area in which they are located. The following development standards shall not be in excess of those standards required for all other properties in the commercial zone, as provided in the zoning code:

(1) Appropriate on-site landscaping shall soft-en large expanses of paved areas and buildings, and buffer undesirable views.

(2) Screening of parking lots, trash storage areas, and delivery/service areas shall be provided to the extent feasible.

(3) Adequate street trees shall be included in the site design in proportion to the project and the site to provide shade where feasible.

(4) Site lighting shall meet commercial lighting standards.

(5) Appropriate stormwater management improvements shall be provided.

(6) Exterior colors shall be compatible and harmonious throughout the site.

(7) Entries for multiple tenant spaces shall be defined, be in harmony with the style and proportions of the existing buildings, and not conflict with existing design elements.

(8) Signage shall be compatible throughout the site with logical and integrated sign locations.

(9) Visible window areas shall remain uncluttered.

(10) Fencing or other improvements in disrepair shall be removed or rehabilitated.

(Ord. No. 2009-17, § 4, 7-15-09; Ord. No. 2011-19R, § 5, 1-11-12; Ord. No. 2014-15, § 4, 8-13-14)

§ 33-345. through § 33-359. (Reserved)

ARTICLE 17
(RESERVED)

Editor's Note: Article 17 (§§ 33-360—33-389) was deleted by Ord. No. 92-48, § 1, 11-18-92.

ARTICLE 18
SPECIFIC PLAN (S-P) ZONE

§ 33-390. Purpose.

The purpose of the specific plan (S-P) zone is to implement various policies within the general plan which permit residential, industrial and commercial development through specific plans pursuant to Government Code Section 65450. The specific plans shall be consistent with the "property suitability criteria" and the "mandatory specific plan requirements" presented in the "general plan implementation techniques" section of the general plan.
(Zoning Code, Ch. 104, § 1043.1)

§ 33-391. Application of S-P zone.

The S-P zone shall be applied in areas designated on the general plan with a "specific planning area" overlay designation and may be applied in such other areas as determined appropriate by the city council upon the recommendation of the planning commission.
(Zoning Code, Ch. 104, § 1043.2)

§ 33-392. Development regulations.

Development standards for property zoned S-P shall be established by a specific plan which shall be prepared and adopted pursuant to Section 65450 of the Government Code. No property zoned S-P can be developed without the adoption of a specific plan.
(Zoning Code, Ch. 104, § 1043.3)

§ 33-393. Permitted uses.

The permitted uses within the S-P zone shall be fully defined through adoption of a specific plan. General direction for permitted uses shall be established by the existing general plan designations; the general plan/zoning "compatibility matrix" shall be used as a guide to determine these uses through listing of zones found to be normally "compatible" with the existing general plan designation. In addition, where the S-P zone implements the "specific planning area" general plan overlay designation, permitted land uses shall be established in accordance with the policy direction provided in the land use element text for that particular "SPA."
(Zoning Code, Ch. 104, § 1043.4; Ord. No. 92-15, § 9, 3-25-92)

§ 33-394. Hazardous materials.

Any use permitted within a specific plan and involving hazardous materials identified in section 33-665 of Article 30 of this chapter shall be subject to the provisions of sections 33-664 through 33-667 of Article 30.
(Zoning Code, Ch. 104, § 1043.5)

§ 33-395. through § 33-399. (Reserved)

ARTICLE 19
PLANNED DEVELOPMENT (P-D) ZONE

§ 33-400. Purpose.

The planned development (P-D) zone designation has the following purposes:

(a) Encouraging the development of parcels with comprehensive site planning and building design;

(b) Providing a more flexible regulatory procedure by which the basic public purposes of the Escondido general plan and development policies may be accomplished for specific parcels;

(c) Encouraging creative approaches to the use of land through variation in siting of buildings and the appropriate mixing of several land uses and the design of facilities;

(d) Promoting and creating public and private open space as an integral part of land development design;

(e) Encouraging private development of older areas of the city or areas which are not conducive to development under traditional zoning designations;

(f) Enhancing and preserving property with unique features, such as historical significance, sensitive biological resources, or unusual topography and landscape features.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-401. General provisions and standards for planned development.

(a) In the event of conflict between any other provision of the Escondido Zoning Code and a requirement of a planned development zone, the requirement of the planned development zone shall prevail.

(b) Planned development zones shall only be established on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes of this article.

(c) Planned development zones shall be in conformity with the Escondido General Plan and any applicable specific plans. A planned development zone shall not be adopted without findings that the proposed planned development conforms to such plans and policies relative to compliance with the general location, amounts and densities of such uses as set forth in the Escondido General Plan; or in any applicable specific plans.

(d) Planned development zones may combine a variety of land uses. Mixed uses may include any skillful combination of residential, commercial, industrial and agricultural uses, and may occur among or within buildings as long as the uses are compatible with each other and with existing and potential uses surrounding the zone.

    (1) To ensure that the purpose and provisions of a formally adopted zoning district or specific plan of record shall be conformed to, land use activities shall be limited exclusively to such uses as are permitted or conditionally permitted in the underlying zone or specific plan to which the site is classified.

(e) Compliance with the requirements of a master development plan is necessary for any person or public agency to lawfully establish, construct, occupy, maintain, reconstruct, alter, expand, or replace any use of land or structure within the planned development zone.

    (1) The zoning standards in effect immediately prior to the planned development zoning, if consistent with the underlying General Plan designation, shall apply regarding specified

properties within a planned development zone that are not associated with a master development plan. Otherwise, those properties not associated with a master development plan shall be subject to the nonconforming use provisions of Article 61.

(f) The general provisions, conditions, and exceptions applicable to all zoning districts and specific plans shall be applied as presented to all sites in a planned development zone, unless a different regulation or standard is prescribed and enacted as part of this article.

(1) Development standards including, but not limited to, area, coverage, light and air orientation, building height, sign placement and design, site planning, street furniture placement and design, yard requirements, open spaces, off-street parking and screening for planned developments, shall be governed by site-specific standards which shall be adopted as part of the zone. Such standards shall result in a superior development that presents enhanced design in all facets of the project (site, architecture, materials, amenities, landscaping, etc.) for an overall high quality planned development.

(g) The provision of public and private open space as an integral part of land development planning and design is required of planned developments. The planning commission shall recommend to the city council and the city council shall adopt principles and standards for the provision, improvement and maintenance of required open space, and may require higher standards of open space for residential portions of a planned development than are required elsewhere for residential uses.

(h) Standards for public improvements shall be governed by applicable ordinances and laws of the city.

(i) Exceptions to standards of the zoning code or to standards adopted by the planning commission or city council shall be granted by the planning commission and city council only in cases where these bodies find that such exceptions encourage a more desirable environment, are warranted in order to foster the establishment of a comprehensively planned and designed development or unit thereof, and are consistent with the purposes of section 33-400 of this article.

(Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2020-31R, § 6, 1-13-21)

§ 33-402. Residential density policy.

Planned development residential densities shall be guided by the following:

(a) Residential planned developments may, and are encouraged to, depart from standard subdivision and housing design by providing a variety of lot sizes and housing types, provided that the overall residential density yield conforms with the city policy as determined in subsection (b) of this section, and provided residential amenities are incorporated in amounts and locations conducive to the establishment of a quality residential environment and/or residential environments of special social importance to the city.

(b) All planned developments in which residential uses are proposed shall be governed by the residential density set forth in the Escondido General Plan, or in any applicable specific plan, or any applicable area plan, or in official city plans and policies in process of preparation and adoption.

(c) For planned developments in which residential uses are proposed on lots or parcels of land in the R-3, R-4 and R-5 zones, area plans and specific plan areas with a maximum specified multifamily residential density, no planned development shall be improved or developed at a density below 70% of the maximum permitted density of the underlying multifamily zone, area plan or specific plan multifamily designation. Exceptions to the minimum density requirement may be granted in writing as part of the planned development approved pursuant to section 33-408 provided the development

will not preclude the city from meeting its housing needs as described in the Housing Element of the Escondido General Plan. Minimum density requirements shall not apply to property owners seeking to enhance or enlarge existing dwelling units or construct other accessory structures on a site.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-403. Findings of the planning commission and city council.

A planned development zone shall not be adopted unless the following findings are made:

(a) The location, design, and residential density of the proposed planned development is consistent with the goals and policies of the Escondido General Plan and any applicable specific plan or with any policies adopted by, or being considered by the Escondido city council, or in the process of being prepared and adopted;

(b) The proposed location allows the planned development to be well integrated with its surroundings;

(c) All vehicular traffic generated by the planned development will be accommodated safely and without causing undue congestion upon adjoining streets;

(d) The proposed location and design allows residents and business establishments proposed within the zone to be adequately serviced by existing or proposed public facilities and services and does not provide an undue or negative impact on existing public facilities and services. In appropriate circumstances, and as provided elsewhere by city code, the city may require that suitable areas for schools, parks and playgrounds, pedestrian ways or public open spaces be dedicated for public use, or reserved by deed covenant for the common use of all residents, establishments or operations in the development;

(e) The overall design of the proposed planned development produces an attractive, efficient and stable environment;

(f) The planned development is well integrated with its settings, does not require excessive earthmoving or grading, or destruction of desirable natural features, nor is visually obstructive or disharmonious with surrounding areas and facilities, and does not substantially harm major views from adjacent properties;

(g) The uses proposed have a beneficial effect not obtainable under existing zoning regulations. Any departure from existing ordinance requirements shall be warranted by the design and the amenities incorporated in the planned development in accord with adopted city policy.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-404. Dedication, maintenance and open space.

(a) As a condition of approval, the city may require that suitable areas for schools, parks and playgrounds be set aside, improved and dedicated for public use, or be reserved for the owners, residents and establishments in the development by deed restrictions. Whenever group or common open space is provided, whether required or not, the planning commission shall, as a condition of approval, require that some provision be made for perpetual maintenance of said open space. The form of any instrument used to assure open space maintenance shall, be approved by the city attorney as to form and content. Agreements and covenants running with the land shall include provisions for charges to be levied for carrying out the specified functions and administrative expenses of said perpetual maintenance. The city shall be a party in interest in any such development and may by mandatory injunction enforce the provisions of this article.

(b) To assure that open space shall be available for the entire developed planned development district, public sites and development rights to required open spaces shall be dedicated in advance of development whenever such dedication is required. In any event, whether a subdivision map is required or not, any required dedication of public sites and development rights to required open spaces for the entire district shall be made before the first building permit is issued.

(c) Other dedications for street, utility, flood control, rights-of-way and for easements and other public purposes may also be required before the issuance of the first building permit.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-405. Findings for conversion of a mobilehome park to planned development.

(a) The procedures set forth in this article may be used in circumstances where a mobilehome park is converted to resident ownership of individual mobilehome lots.

(b) In the event this planned development process is used for a mobilehome park conversion as specified in subsection (a) of this section, any findings which are required by sections 33-403 and 33-410 of this article shall not be required. Before recommending approval, the planning commission shall find that:

(1) The location and design of the mobilehome park is consistent with the goals and policies of the Escondido general plan and with any other applicable official plan or policies adopted by the Escondido city council, or in the process of being prepared and adopted;

(2) The existing public facilities, common areas, street system, lot configuration and other physical features shall be suitable for the conversion of the mobilehome park to resident ownership.

(c) The following sections of this article shall be inapplicable in the event of a mobilehome conversion pursuant to subsection (a) of this section:

(1) The residential density policy of section 33-402; and

(2) The dedication and maintenance of open space requirements of section 33-404.

(d) In the event the City of Escondido is the proponent of the mobilehome park conversion pursuant to subsection (a) of this section, the fees required by section 33-407 may be waived by the city council.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-406. Initiation of a planned development zone.

(a) A planned development (P-D) zone may be established upon application directed by the city council or upon application of the owner(s) of property which would be included in the zone.

(b) A planned development zone initiated by property owner application shall include the written consent of every property owner within such zone at the time of adoption of the ordinance agreeing to the conditions and regulations proposed and which will be effective within the zone.

(c) Whenever a planned development zone has been established, its boundary shall be indicated on the official zoning maps of the City of Escondido.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-407. Application procedure.

(a) A planned development zone shall be created by adoption of a master development plan and a subsequent precise development plan. A master development plan and a precise development plan may be processed and approved concurrently.

(b) Fees for the filing of master and precise development plans shall be established by resolution of the city council from time to time and shall be payable upon submission of an application.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-408. Master development plan.

(a) The master development plan shall provide detailed plans of the proposed overall development layout; multi-modal circulation; the intensity, density and types of land uses proposed and their interrelationship; common areas/facilities and open space; proposed development standards; existing topography, proposed grading and stormwater management; architectural design, materials and colors; comprehensive sign program; proposed development phasing; and any other information required by the director to inform the city of the extent, dimensions and impact, including potential environmental impacts, of the proposed development. Approval of the master development plan shall include precise location of uses, configuration of parcels, engineering feasibility, and any required environmental analysis.

(b) The planning commission shall conduct a public hearing pursuant to Article 61, Division 6 to review and recommend the application and the accompanying master development plan. The planning commission's recommendation to the city council shall be in writing and shall state the reasons for approval or denial based on findings pursuant to section 33-403.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-409. City council action.

The city council may, after giving public notice and holding a hearing as provided in Article 61, Division 6, approve, conditionally approve or deny the master development plan, provided that, in overruling a planning commission recommendation for denial, the city council shall make the findings listed in section 33-403 of this article. Approval of the master development plan and establishment of a planned development zone shall be by ordinance. Approved zoning to P-D shall include but not be limited to the following stipulations:

(a) The development, maintenance and use of the property included in the master development plan shall be carried on in conformance with the approved plan drawings and documents; the developer shall substantially adhere to the phased development schedule submitted as part of a master development plan.

(b) Approval of the master plan shall not be interpreted as waiving compliance with other provisions of the Escondido Municipal Code.

(c) The approved master development plan drawings and documents shall be filed in the office of the city clerk and in the city planning division.

(d) No land shall be used or developed and no buildings shall be constructed, maintained or used other than for the purpose specified on the approved master development plan drawings and documents, as filed, nor prior to the approval of a precise development plan as required hereinafter.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-410. Precise development plan.

One or more precise development plans shall provide finely detailed plans consistent with the approved master development plan. The planning commission shall approve, conditionally approve, or deny the proposed precise development plan by resolution, after a determination of consistency with the master development plan, and shall notify the applicant. Approval of the precise development plan shall include, but not be limited to, site layout, building elevations, colors, materials, signage, parking, circulation, grading, drainage, landscaping, fencing, etc.

(a) If a precise development plan is submitted concurrently with the master development plan, review and consideration shall be pursuant to sections 33-408 and 33-410.

(b) The reasons for approval or denial of the precise development plan shall be in writing based on findings pursuant to section 33-403.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-411. Modifications.

(a) The planning commission shall have the authority to approve changes to a master development plan at a public hearing when the changes are consistent with the purpose of the master development plan and do not affect the boundaries of the subject zone, provided that such changes shall not increase the established densities, change uses of land, or the location or amounts of land devoted to specific land uses. Proposed modifications that exceed these limitations shall be considered pursuant to section 33-408.

(b) The zoning administrator shall have the authority to approve changes to a precise development plan upon review and determination that the proposed changes are consistent with the purpose, character and established development standards of the master development plan.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-412. Subdivision maps.

(a) A final subdivision map or parcel map submitted in combination with or after approval of the master development plan shall not be approved for recordation by the city council until after the planned development zoning has become effective.

(b) The provisions of the planned development zone are in addition to all requirements of the Escondido subdivision ordinance (EMC Chapter 32). Subdivision maps for all or portions of the proposed zone shall be processed concurrently with the planned development zone application.

(c) No building permit shall be issued until a final subdivision map, or parcel map, if required, has been recorded in compliance with the Subdivision Map Act and the Escondido subdivision ordinance.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-413. Appeals.

Appeals of a decision by the zoning administrator or the planning commission shall be made in accordance with the provisions of sections 33-1303 and 33-1304 of Article 61 of this chapter within 10 days following the date of the decision.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-414. Expiration of planned development permit.

All planned development permit approvals shall expire concurrently with the expiration of any companion tentative subdivision map(s) or tentative parcel map(s). Where there is no tentative subdivision map or parcel map, all planned development permit approvals shall expire according to the same schedule and procedure as a tentative subdivision map including local or state time extensions granted to subdivisions. Where a planned development permit has expired the city may set a hearing to rezone all or part of the property back to the zoning status existing immediately prior to establishment of the planned development zone, or, after notice and hearing provided in this division, to any other appropriate zone.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-415. through § 33-429. (Reserved)

ARTICLE 20
(RESERVED)

Editor's Note—Article 20 (§§ 33-430—33-459) was deleted by Ord. No. 97-02, § 1, 1-22-97.

ARTICLE 21
(RESERVED)

Editor's Note—Article 21 (§§ 33-460—33-489) was deleted by Ord. No. 97-02, § 1, 1-27-97.

ARTICLE 22
(RESERVED)

Editor's note—Article 22 (§§ 33-490—33-497), derived from Zoning Code Ch. 104 §§ 1047.1—1047.6, was deleted by Ord. No. 2023-06, § 3, 3-8-23.

ARTICLE 23
(RESERVED)

Editor's note—Article 23 (§§ 33-500—33-529) was deleted by Ord. No. 97-02, § 1, 1-22-97.

ARTICLE 24
(RESERVED)

Editor's note—Article 24 (§§ 33-530—33-549), pertaining to automotive service (A-S) overlay zone, was repealed by Ord. No. 2001-08, § 5, enacted May 9, 2001. The article was derived from Zoning Code, Ch. 105, § 1051.1—1051.53; Ord. No. 92-17, § 25—26, enacted March 25, 1992; Ord. No. 96-11, §§ 13—14, enacted March 20, 1996; Ord. No. 97-11, §§ 3—4, enacted June 11, 1997.

ARTICLE 25
PARKING OF RECREATIONAL VEHICLES IN RESIDENTIAL ZONES

§ 33-550. Purpose.

The purpose of this article is to provide regulations for the parking of recreational vehicles within residential zones by establishing development standards addressing public safety, screening, neighborhood compatibility, accessibility and security considerations.
(Ord. No. 94-41, § 2, 1-11-95)

§ 33-551. Definitions.

"Campers" means a type of recreational vehicle which includes a chassis-mounted camper having a fixed living module or a pick-up truck having a removable module.

"Motorhome" means a recreational vehicle which has its own motive power, and contains a living module and a driver compartment within one integral unit.

"Operational" means capable of being operated in the intended manner and maintaining a valid current license and/or registration.

"Recreational vehicle (RV)" means a vehicle which has its own motive power, and contains a living module and a driver compartment within one integral unit.

"Trailer" means a type of recreational vehicle designed to be towed by a motorized vehicle, including, but not limited to, travel trailers, fifth-wheel trailers, telescoping and folding trailers, utility or flat bed trailers, tent trailers, and livestock and horse trailers.

"Watercraft" means a type of recreational vehicle designed to be used for water-related activities, including, but not limited to, sail boats, power boats, canoes, kayaks and other personal watercraft.
(Ord. No. 94-41, § 2, 1-11-95)

§ 33-552. Permitted zones.

The parking of recreational vehicles when not within a completely enclosed structure is permitted as an accessory use in the residential agriculture (R-A), residential estates (R-E), and single-family residential (R-1) zones, and on a property developed with a single-family residence in the multifamily zones (R-2, R-3 and R-4). Outdoor parking of recreational vehicles shall not be permitted in multifamily zones developed with multifamily residences except on areas of the development site specifically designated for that purpose as part of an approved development plan. Outdoor parking of recreational vehicles shall also be prohibited on properties developed as a planned development or planned unit approval unless approved as part of the original PD or PUA or modified through the public hearing process.
(Ord. No. 94-41, § 2, 1-11-95)

§ 33-554. Development standards.

Recreational vehicles may be parked in permitted zones subject to the following development standards:

(a) Rear yards. A recreational vehicle may be parked in the rear yard, subject to all of the following:

(1) A minimum separation of three feet shall be provided between the recreational vehicle and any wall along habitable portions of the existing structure on the same property containing windows and doors, as determined by the director of community development;

(2) The recreational vehicle shall be screened from adjacent properties by means of a five foot-high solid wall or fence and/or vision-obscuring landscaping constructed along the property or setback line or interior of the property, as allowed by the underlying zone; and

(3) No recreational vehicle shall be parked in a manner which encroaches in the public right-of-way, unless an encroachment permit is issued by the city engineer. No recreational vehicle shall be parked in a manner which encroaches into any adjacent property unless permission from the property owner is granted.

(b) Side yards. A recreational vehicle may be parked in the side yard, subject to all of the following:

(1) A minimum three foot-wide area shall be maintained along both side yards at all times to allow emergency access to rear yards; and

(2) All other standards required by subsection (a) of this section shall apply.

(c) Front yards. A recreational vehicle may be parked in the front yard only on properties where access to feasible parking in the side or rear yard is unavailable, in accordance with all of the following:

(1) Driveways.

(A) The recreational vehicle shall be operational or capable of being operated in the intended manner, as required by the California Vehicle Code;

(B) The recreational vehicle shall maintain a minimum 10 foot separation from any door or window in the habitable portions of any residence on an adjacent property; and

(C) The recreational vehicle shall be parked perpendicular to the street, except that recreational vehicles may be parked parallel to the street when the garage door on the same property is oriented perpendicular to the street, or when a circular driveway exists with adequate driveway separation, as determined by the city engineer.

(2) Parking not in driveway. RV parking in the front yard other than the driveway may be permitted only if conforming driveway parking is not available. In addition to standards required in subdivision (1) of this subsection, all of the following standards shall be required:

(A) No more than 50% of the required front setback area including the driveway shall be used for vehicle parking.

(B) Recreational vehicles shall only be parked on a prepared surface such as concrete, asphalt or paver blocks. Parking of recreational vehicles in landscaped areas is prohibited.

(C) Recreational vehicles parked perpendicular to the street in the area defined by a continuation of the side setback shall provide a three foot-high solid wall or fence and/or vision-obscuring landscaping along the side property line.

(D) The recreational vehicle shall maintain a minimum setback distance of 10 feet measured from the back of the sidewalk, or face of curb in locations where a sidewalk is not required, for sight visibility purposes.

(E) On properties where the recreational vehicle cannot be parked in the driveway or in a perpendicular manner in accordance with the development standards, the recreational vehicle may be parked parallel to the street which provides driveway access in the R-1-6, R-1-7 and R-1-8 zones only, subject to approval of an administrative permit approved by

the director of community development. The administrative permit shall include conditions requiring a three foot-high wall or fence and/or vision-obscuring landscaping provided along the street side parallel to and along the entire length of the recreational vehicle; additionally, the sight visibility setback may be reduced by up to 20% upon approval by the city engineer.

(Ord. No. 94-41, § 2, 1-11-95; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-555. through § 33-559. (Reserved)

ARTICLE 26
INDUSTRIAL ZONES

Editor's note—Ord. No. 94-37 amended §§ 33-560 through 33-659, replacing Arts. 26 through 29 with a new Art. 26. The prior ordinance history for the replaced articles is as follows: Ords. 88-58, 90-8, 91-4, 92-17, 92-21, 92-47, 93-25 and Zoning Code Ch. 106.

§ 33-560. Purpose of this chapter.

(a) Provide industrial areas to accommodate a wide variety of enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of good, merchandise, or equipment in conformance with environmental laws and industry standards.

(b) Provide adequate space to meet the needs of industrial development including off-street parking, loading, and storage.

(c) Protect industrial areas from encroachment of nonrelated commercial or residential uses.

(d) Create a hierarchy of zones based upon development standards, outdoor storage regulations and off-street loading requirements to appropriately situate a range of industrial uses.

(e) Promote a mix of industrial uses that provide the city with a sound, diverse industrial base.

(Ord. No. 94-37, § 1, 11-9-94)

§ 33-561. Purpose of individual industrial zones.

(a) Light Industrial (M-1) Zone. The purpose of the light industrial (M-1) zone is to provide for a variety of light industrial firms engaged in processing, assembling, manufacturing, storage warehousing and distribution, research and development, and other light industrial uses not typically suited to commercial zones by virtue of operational characteristics and space needs. Necessary support and service uses are also permitted. In order to ensure compatibility among a variety of uses, M-1 development standards are more restrictive than the general industrial zone. Outdoor storage is permitted as an accessory use, but is limited in scale.

(b) General Industrial (M-2) Zone. The M-2 zone allows the widest range of manufacturing, warehousing/ distributing, assembling, and wholesaling activities including those considered "heavy" or "intensive" by virtue of increased outside storage needs, heavier equipment, and operational characteristics that require the least restrictive design standards. Although light industrial uses are permitted, they must accommodate M-2 standards.

(c) Industrial/Office (I-O) Zone. The purpose of the industrial/office (I-O) zone is to provide for light manufacturing, research and development firms, and office-type industrial operations which are less intensive than the M-1 and M-2 zone uses. This zone does not allow outdoor storage other than for small fleet vehicles.

(d) Industrial Park (I-P) Zone. The industrial park (I-P) zone encourages well designed industrial park developments concentrated in specific areas rather than scattered around the planning area. The general purpose of the industrial park (I-P) zone is to provide sites for manufacturing and research and development firms that are employee intensive and clean in nature. The zone is also intended to promote an attractive industrial park environment through:

(1) Construction—attractive, high quality and designed to promote orderly growth (see property development standards, section 33-569);

(2) Landscaping—comprehensively designed to integrate with adjacent developments by promoting common landscaping themes (see landscaping standards, Article 62 of this chapter);

(3) Signage—coordinated programs to provide adequate identification without cluttering the zone (see sign standards, Article 66 of this chapter);

(4) Planned developments—opportunity for large-scale industrial park planning with a comprehensive architectural, landscaping and sign program (see P-D standards, Article 19 of this chapter).

(Ord. No. 94-37, § 1, 11-9-94; Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-562. Plot plan review required.

A plot plan review shall be required pursuant to Article 61, Division 8 under the following circumstances.

(a) Request for a building permit for any new building, structure, or addition.

(b) A new use of land or existing structure which may require additional parking.

(c) To allow outdoor storage as a new use on a property.

(d) To allow new permitted use to store materials above the approved height of the existing outdoor storage use consistent with the standards of section 33-571.

(Ord. No. 94-37, § 1, 11-9-94; Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-563. General plan compatibility.

Table 33-563 shows the general plan designations corresponding to the industrial zoning district designations.

Table 33-563 INDUSTRIAL ZONES

General Plan Designation	Corresponding Zoning
General industrial	General industrial (M-2)/ Light industrial (M-1)
Industrial office	General industrial (M-2)/ Light industrial (M-1)/ Industrial office (I-O)
Light industrial	Light industrial (M-1)/ Industrial park (I-P)

(Ord. No. 94-37, § 1, 11-9-94)

§ 33-564. Land uses.

(a) Principal Uses and Structures. The following Table 33-564 lists those uses which are permitted (P) or subject to a conditional use permit (C) in industrial districts. Major conditional use permits (C) and minor conditional use permits (C#) shall be processed pursuant to Article 61, Division 1 of this chapter.

Table 33-564 PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES				
Use Title	**I-O**	**M-1**	**M-2**	**I-P**
Administrative and business offices	P			P
Agriculture livestock (not including animal waste processing facilities)		C	P	
Ammunition manufacturing		C	C	
Animal boarding (indoor boarding only) and training, feeding, care, grooming and "daycare"[2]. Does not include animal shelters*****, sales or breeding		P	P	
Animal hospital and care		P	P	
Assembly	P	P	P	P
Auction services	P	P	P	P
Automotive services (including motorcycles, marine craft, and recreational vehicles)				
Gasoline sales or services				
Fleet fueling		P	P	
Car-wash, polishing, vacuuming, or detailing (primary or accessory use)		C	C	
Limited vehicle repair* (subject to Article 57)		P	P	
General vehicle repair* (subject to Article 57)		C#	C#	
Commercial vehicle repair* (subject to Article 57)			C	
Tire retreading* (subject to Article 57)				
Junkyard and wrecking yard* (subject to Chapter 15 and Article 57)			C	
Fleet storage* (subject to Article 57)		C	C	
Tow yard storage* (subject to Article 57)			C	
Broadcasting (radio and/or television), recording, and/or sound studios[3]	P	P	P	P
Building materials**	P	P	P	P
Bulk fertilizer (not including animal waste processing facilities)			C	
Cabinet manufacturer/wholesaler**	P	P	P	P
Canning/curing seafoods		C	C	
Carpeting manufacturer/wholesaler**	P	P	P	P/C
Car-wash, polishing, vacuuming, or detailing (primary or accessory use) (subject to Article 57)		C	C	
Communication facilities (subject to Article 34)	P	P	P	P

Table 33-564 PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES				
Use Title	**I-O**	**M-1**	**M-2**	**I-P**
Construction services	P	P	P	P
Crematoriums	P	P	P	P
Daycare (subject to Article 57)				C
Electrical wholesale houses**	P	P	P	P
Emergency shelters****		P		
Equipment sales and leasing (subject to Article 57)		P	P	
Experimental-type uses	C	C	C	C
Feed stores**	P	P	P	P
Financial services				
Bank		P	P	
Bank (drive-in,* drive-through*) (section 33-341)		C	C	
Check-cash/pay day				
Real estate service or security broker	P			P
Furniture manufacturer/wholesaler**	P	P	P	P
Government services	P			
Grain mills		C	P	
Green waste compost facility			C	
Health and fitness facilities	C#			C#
Heavy construction equipment** (e.g., tractors, earth moving equipment, etc.)	P	P	P	P
Helipads		C	C	C
Industrial hardware**	P	P	P	P
Landscape materials** (e.g., soil, compost, wood chips)	P	P	P	P
Laundry and dry cleaning services				
Self-service, coin-operated				
Pick-up service only				
Dry cleaning, laundering, pressing and dying for on-site retail customers only				
Commercial laundry or pressing		C	C	
Lumber yards**	C	C#	P	C
Manufacturing	P	P	P	P
Masonry products**	P	P	P	P
Materials batch plants and concrete recycling			C	
Medical laboratories	P	P	P	P

Table 33-564 PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES				
Use Title	**I-O**	**M-1**	**M-2**	**I-P**
Oil refinery and bulk stations (located outside of the HCO zone)			C	
Plumbing supply**	P	P	P	P
Postsecondary vocational training schools, limited to training for uses which are permitted or conditionally permitted in the zone	C	C	C	C
Power plants			C	C
Primary metal manufacturing			C	
Recycling facilities[1]				
Reverse vending machine[1]	P	P	P	
Small processing facility[1]		P/C	P	
Large processing facility[1]		C	C	
Repair services	P	P	P	P
Restaurants		C#	C#	C#
Slaughter houses/meat products		C	C	
Social and charitable services (including emergency shelters)***		C		
Solid waste transfer facility			C	
Storage yards		C	P	
Swap meet		C		
Trades	P	P	P	P
Transmission/communication facilities		C	C	
Transportation facilities	P	P	P	
Uses involving hazardous chemicals or waste*	C	C	C	C
Utilities	P	P	P	
Vehicle Sales				
Boutique car sales* (subject to Article 57)				
Car dealership* (subject to Article 57)	C	C	C	C
Parts and accessories sale and supply		P	P	P
Tractor or heavy truck sales, storage, or rental* (subject to Article 57)		C	C	
Vehicle, shredding and dismantling		C	P	
Warehousing and distribution	P	P	P	P
Mini-warehouse storage facilities		C		

Table 33-564 PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES				
Use Title	**I-O**	**M-1**	**M-2**	**I-P**
Wholesale	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).

(b) The following business uses shall be classified as "environmentally sensitive businesses":

(1) If any portion of the business is classified as a group H occupancy, except divisions 4 and 5, pursuant to California Building Code section 307.1, as amended;

(2) If the business operations require the approval of, or a permit from, the San Diego County Air Pollution Control District;

(3) Any business that operates under a permit or conditions imposed by state or federal laws regarding odor or the release of airborne contaminants;

(4) Any business that requires a conditional use permit for operation, and which is identified in the conditional use permit as a business producing odors derived from hazardous materials or hazardous waste;

(5) Any business that requires an industrial waste users discharge permit, pursuant to section 22-176 of the Escondido Municipal Code;

(6) Any business that is required to prepare and submit a storm water pollution prevention plan,

pursuant to Escondido Municipal Code section 22-26; and

(7) Any business that identifies itself as using any hazardous manufacturing or industrial processes, as identified on its business license application or a fire department inspection form.

(Ord. 94-37, § 1, 11-9-94; Ord. No. 97-05, § 2, 4-2-97; Ord. No. 2000-28, § 4, 10-4-00; Ord. No. 2000-37R, § 4, 12-13-00; Ord. No. 2001-31R, § 15, 12-5-01; Ord. No. 2013-09R, § 4, 11-6-13; Ord. 2015-04, § 4, 3-4-15; Ord. No. 2016-12, § 4, 9-28-16; Ord. No. 2016-15, § 4, 10-26-16; Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2017-16, § 4, 1-10-18; Ord. No. 2018-12, § 12, 6-6-18; Ord. No. 2018-13R, § 10, 6-6-18; Ord. No. 2019-09, § 6, 9-11-19; Ord. No. 2020-31R, § 6, 1-13-21; Ord. No. 2023-06, § 3, 3-8-23)

§ 33-565. Permitted accessory uses and structures.

(a) Accessory uses and structures are permitted in the industrial zones, provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

Table 33-565 PERMITTED ACCESSORY USES AND STRUCTURES

Use Title	I-O	M-1	M-2	I-P
ATM kiosk				
ATM kiosk (drive-in,* drive-through*) (section 33-341)				
Fleet storage* (subject to Article 57)	P	P	P	P
Tow truck operation incidental to repair* (subject to Article 57)		P/C	P/C	
Bus stop shelters**	P	P	P	P
Cafeteria, operated in conjunction with a permitted use for the convenience of persons employed upon the premises	P	P	P	P
Caretakers' or watchperson's dwelling	P	P	P	P
Commercial sales and service uses clearly incidental and secondary to a principal permitted use as provided for in section 33-565(b)	P	P	P	P
Cottage food operations and home occupations as provided for in Article 44	P	P	P	P
Employee recreational facilities and play areas	P	P	P	P
Other accessory uses and buildings customarily appurtenant to a permitted use	P	P	P	P
Reverse vending machines* (Article 33)	P	P	P	P
Satellite dish antennas*	P	P	P	P
Storage buildings incidental to a permitted use	P	P	P	P

Table 33-565 PERMITTED ACCESSORY USES AND STRUCTURES				
Use Title	**I-O**	**M-1**	**M-2**	**I-P**
Storage of materials used for the construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto and provided further, that such use shall be permitted only during the construction period and the 30 days thereafter	P	P	P	P

Notes:

* Subject to special regulations—see section 33-700.

** Subject to special regulations—see section 33-1118.

(b) Sales and service uses incidental and accessory to a principally permitted use may be permitted by the director of community development provided that the following standards are met:

(1) The operations are contained within the main structure which houses the primary use.

(2) The use occupies no more than 50% of the gross building square footage.

(3) No retail sales or display of merchandise occur(s) outside the structure(s), or outside designated outdoor storage area.

(4) All products offered for sale on the site are manufactured, warehoused, or assembled on the premises.

(c) Sales and service uses not accessory to a principally permitted use may be conditionally permitted in the M-1 and M-2 zones, as an incubator use or activity.

(1) Incubator uses and/or activities shall be subject to all applicable city, state, and federal code requirements, as well as the following operational limitations:

(A) The use shall be permitted in the existing space of an existing industrial building or suite.

(B) No more than one incubator, as described by this section, shall be permitted within any industrial building complex, regardless of size.

(C) An incubator shall only be allowed as a sub-lessee of a bona-fide industrial user.

(D) The use shall occupy no more than 1,000 square feet or 10% of the total floor area of the primary industrial space from whom they sublease, whichever is less.

(E) Parking for incubator uses shall be determined based on the parking requirement for the proposed use, in accordance with the provisions of Article 39 of the Zoning Code, governing off-street parking requirements.

(F) Hours of operations shall be limited to those of the primary industrial use on site and not adversely impact industrial use activity or operations.

(G) Exterior signage for the use shall be limited to window signage.

(H) Customers of the incubator space shall be seen by appointment only.

(I) Incubator uses must have restrooms available for employees and customers/clients.

(2) The use shall be conditionally permitted for no more than four years, at which time it must vacate the space. Sub-lessee shall not assign any lease agreement, or sub-let or grant any use to the premises or any part thereof without the prior written consent of the city. Upon the termination date, the sub-lessee shall be required to vacate the premises.

(3) This subsection shall remain in effect only until January 1, 2023, and as of that date is repealed. Any use, as described by the section, in operation after this date shall be permitted as a non-conforming use, subject to Article 61 of the Zoning Code, and shall be allowed to lawfully continue its operations until the fourth anniversary of the approval of its conditional use permit.

(Ord. 94-37, § 1, 11-9-94; Ord. No. 2013-07RR, § 4, 12-4-13; Ord. No. 2017-16, § 4, 1-10-18; Ord. No. 2018-20, § 7, 11-28-18; Ord. No. 2019-10, § 7, 8-21-19; Ord. No. 2019-09, § 6, 9-11-19; Ord. No. 2023-06, § 3, 3-8-23; Ord. No. 2023-07, § 3, 3-8-23)

§ 33-566. Specialized retail uses.

A limited list of industrial uses which contain a retail component greater than the maximum 15% floor area/sales allowed under the "accessory uses and structures" section shall be permitted within the M-1 and M-2 industrial zones. These uses have been determined to be industrial in nature; however, given unique circumstances involving the need to manufacture, warehouse, wholesale, and/or store their products on-site, they would not be appropriately located in the commercial zones. Those industrial uses, specified in Table 33-564 (and other uses determined to be similar in nature as permitted by the director), shall be permitted subject to the following:

(a) Prior to issuance of a building or occupancy permit, the applicant shall submit a plot plan application pursuant to Article 61, Division 8 of this chapter.

(b) The applicant shall provide parking at a ratio of one space per 250 square feet of floor area for that portion of the retail and display/showroom designated areas which exceed 15% of the gross floor area on the site (unless a lower parking ratio is deemed adequate by the director pursuant to section 33-764). Parking shall be provided at the standard industrial use ratios for the balance of the floor area on the site, pursuant to section 33-760 et seq.

(c) The applicant will be allowed only the amount of signage permitted by the citywide sign ordinance for the underlying industrial zone, pursuant to section 33-1390.

(Ord. No. 94-37, § 1, 11-9-94; Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2017-16, § 4, 1-10-18)

§ 33-567. (Reserved)

Editor's note—Ord. No. 2017-16, adopted 1-10-18, repealed § 33-357 pertaining to incidental uses which was derived from Ord. Nos. 94-37 and 2017-03R.

§ 33-568. Prohibited uses.

All uses and structures not listed as permitted, accessory or conditionally permitted uses and not meeting the requirements for incidental uses shall be prohibited. However, the director may approve a use, after study and deliberation, which is found to be consistent with the purposes of this section, similar to the uses listed as permitted uses, and not more detrimental to the zone than those uses listed as permitted uses.

(Ord. No. 94-37, § 1, 11-9-94; Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-569. Development standards.

The following standards apply to all industrial zones and shall be minimum unless stated otherwise.

TABLE 33-569 INDUSTRIAL DEVELOPMENT STANDARDS

STANDARD	M-1	M-2	I-P	I-O
Lot area[1, 2]	7,000 SF	10,000 SF	1 Acre	7,000 SF
Average lot width[2]	50′	50′	100′	50′
Lot frontage minimum[2]	35′	35′	70′ except 35′ on cul-de-sac	35′
Front setback[3]	10′	10′	20′	15′
Side setback[3]	None	None	None	None
Adjoining residential zone,[5] school, or park	20′	20′	20′	20′
Adjoining dedicated street,[5] or right-of-way	10′	10′	10′	15′
Rear setback[3]	None	None	None	None
Adjoining residential zone,[5] school, or park	20′	20′	20′	20′
Adjoining dedicated street,[5] or right-of-way	10′	10′	20′	15′
Landscaping[4]	—Subject to citywide landscape ordinance[6]— See Article 62			
Distance between buildings (on same property)	None	None	15′	15′
Maximum building height	UBC	UBC	UBC	UBC
Within 100′ from residentially zoned property	UBC	UBC	35′	35′
Maximum lot coverage	None	None	40%	None
Average suite size	None	None	5,000 SF	None
Parking	According to section 33-760	According to section 33-760	According to section 33-760	According to section 33-760

TABLE 33-569 INDUSTRIAL DEVELOPMENT STANDARDS				
STANDARD	**M-1**	**M-2**	**I-P**	**I-O**
Off-street loading; Number of docks	Building over 10,000 SF shall provide minimum of 1 loading space for each additional 10,000 SF of gross floor area or fraction thereof, unless fewer loading docks are determined to be required for the use of the director of community development	Building over 10,000 SF shall provide minimum of 1 loading space for each additional 10,000 SF of gross floor area or fraction thereof, unless fewer loading docks are determined to be required for the use of the director of community development	Building under 30,000 SF -1 loading dock. Building over 30,000 SF - 2 loading dock/first 30,000 SF, plus 1 loading dock for each additional 20,000 SF (or fraction thereof) located to the rear of the buildings so that the door does not face toward a public street or adjoining residential property	A maximum of 1 off-street or alley loading space
Size of space, minimum	10′ x 30′	10′ x 30′	10′ x 30′	10′ x 30′
Outdoor storage	See outdoor storage section 33-571	See outdoor storage section 33-571	See outdoor storage section 33-571	See outdoor storage section 33-571
Separation walls	Min. 6′ high wall adjacent to residentially zoned property, school, or park required	Min. 6′ high wall adjacent to residentially zoned property, school, or park required	Min. 6′ high wall adjacent to residentially zoned property, school, or park required	Min. 6′ high wall adjacent to residentially zoned property, school, or park required
Exterior lighting	No light shall be directed toward adjacent properties or public rights-of-way (see section 33-710)	No light shall be directed toward adjacent properties or public rights-of-way (see section 33-710)	No light shall be directed toward adjacent properties or public rights-of-way (see section 33-710)	No light shall be directed toward adjacent properties or public rights-of-way (see section 33-710)
Trash storage	Required per section 33-572	Required per section 33-572	Required per section 33-572	Required per section 33-572

Notes:

(1) Exception: a lot or parcel of land shall be required to have a larger lot size when, upon study of the topography, surrounding zoning, land uses and land features, it is determined to be in the public interest to increase the minimum lot size which shall be designated by a suffix to the zone.

(2) Nonconforming parcels. Lots or parcels of land which were legally created prior to the application of this zone shall be exempt from the parcel requirements of this section.

Notes:

(3) Adjustments to all yard requirements of up to 25% may be granted.

(4) All required setbacks must be landscaped. Up to five feet of the public right-of-way adjacent to a rear yard may be landscaped and counted toward the usable area on the property.

(5) Fences and walls may be constructed in any location allowed for principal structures.

(6) Exceptions to the provisions of Article 62 landscape standards section 33-1339(b) and (d) may be granted by the director pursuant to an administrative adjustment filed in conformance with Article 61, Division 2 of this chapter, for expansions to existing uses in the M-1 and M-2 zones, based on the finding that the modifications are consistent with the intent of the citywide landscape ordinance, and do not result in detrimental impacts due to either the nature of the site, the nature of surrounding properties, or conditions placed on the landscape plan.

(Ord. No. 94-37, § 1, 11-9-94; Ord. No. 96-31, §§ 1, 2, 10-16-96; Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-570. Performance standards.

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

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

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

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

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

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

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

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

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

(9) All permitted uses within the M-1, I-P, and I-O zones shall be conducted entirely within completely enclosed buildings, except for parking, loading, pushcarts for specialized food sales,

and storage (as permitted by the M-1 and M-2 zones) as permitted by the zone and approval process.

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

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

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

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

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

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

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

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

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

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

(Ord. No. 94-37, § 1, 11-9-94; Ord. No. 2000-37R, § 5, 12-13-00; Ord. No. 2018-20, § 7, 11-28-18)

§ 33-571. Accessory outdoor storage requirements.

A plot plan application pursuant to Article 61, Division 8 of this chapter, shall be required to determine conformance with the outdoor storage requirements of this section. Except as otherwise exempted, outdoor storage is defined as the keeping in an unenclosed area of any components, products, debris, material, merchandise, equipment, vehicles, and trailers. Fleet/company vehicles, equipment attached to fleet/company vehicles, short-term customer and staff parking, and approved trash enclosures shall not be considered outdoor storage.

(a) M-2 zone.

(1) Outdoor storage areas must be screened on the perimeter with a minimum six foot high solid fence, wall, or chain link fence with redwood slats (existing six foot screens are adequate). Outdoor storage may extend above the height of the fencing.

(2) Shrubs, hedges (minimum five gallon), and large trees (minimum 15 gallon) with thick, broad

canopies must be installed in front of all screen fencing on the visible exterior sides which abut a public right-of-way to soften the visual impacts of the fencing and to further screen the outdoor storage areas. All landscaping shall be permanently maintained in a flourishing manner which shall be defined as the ongoing preservation of the approved type and number of landscape materials in a well-maintained state.

(3) No outdoor storage shall be permitted until the six foot perimeter fences and landscaping are installed.

(4) The outdoor storage material must be stored in an orderly manner such that fire codes are met (i.e., access lanes) and access to all areas of the yard is possible.

(5) Outdoor mechanical repair and maintenance of equipment and vehicles are allowed within the outdoor storage areas of the M-2 zone.

(b) M-1 Zone.

(1) Outdoor storage in the M-1 zone is allowed as an accessory use to the main operation. The materials stored outdoors may be utilized for manufacturing and operations occurring only within an enclosed building. Utilization of the outdoor storage area for manufacturing and operations is not permitted.

(2) The outdoor storage area shall be located so as to minimize views from adjacent public rights-of-way, residential development. or zones, and adjacent developments. Where possible, they should be located behind buildings, away from streets, and obscured from public view from driveways.

(3) Outdoor storage areas must be screened on all sides with a minimum six foot high solid fence, wall, or chain link fence with redwood slats.

(4) Shrubs, hedges (minimum five gallon), and large trees (minimum 15 gallon) with thick, broad canopies must be installed within a minimum five foot-wide planting strip in front of all screen fencing on the visible exterior sides which abut a public right-of-way to soften the visual impacts of the fencing and to further screen the outdoor storage areas. All landscaping shall be permanently maintained in a flourishing manner which shall be defined as the ongoing preservation of the approved type and number of landscape materials in a well-maintained state.

(5) The outdoor storage material may not extend above the height of the fencing.

(6) The outdoor storage material must be stored in an orderly manner such that fire codes are met (i.e., access lanes) and access to all areas of the yard is possible.

(7) No outdoor storage shall be permitted until the perimeter screen fences and landscaping are installed, with the exception of company vehicles.

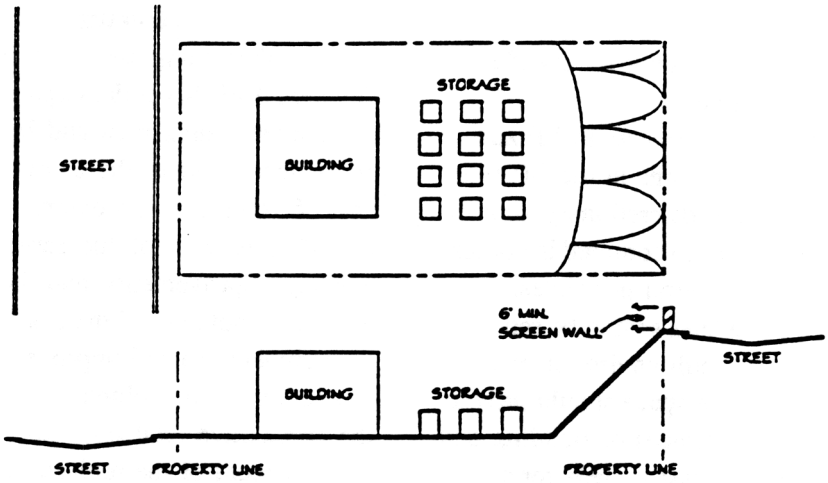
(8) No outdoor mechanical repair of equipment or vehicles shall be allowed within the outdoor storage areas in the M-1 zone. Except for approved specialized retail sales pursuant to section 33-566 and loading and unloading activities associated with an otherwise permitted use, all activities including manufacturing, assembly, repair, and sales shall occur within fully enclosed buildings. Other outside activities may only be permitted pursuant to a conditional use permit.

(c) I-O and I-P Zones. All permitted uses except parking, loading and fleet storage (I-P zone only) shall be conducted entirely within completely enclosed buildings. No outside storage will be allowed

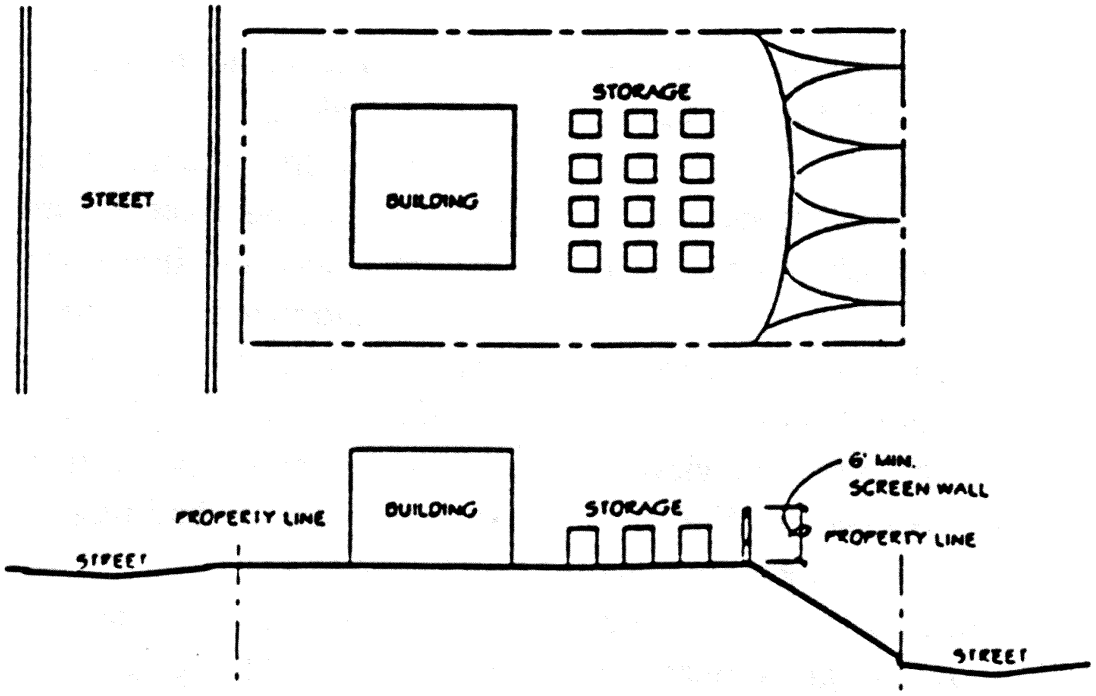
except for small vehicles used in conjunction with the business. All storage and equipment must be completely enclosed within the primary building or a structure that is consistent with the design, materials, color, etc., of the primary building(s).

(d) Special Circumstances (M-2 and M-1 Zones). Within the M-2 and M-1 zones, unusual topographic circumstances may warrant exceptions to the outdoor storage screening requirements. The following diagrams delineate the screening locations and wall heights in conjunction with slopes on a property. The director may, on a case-by-case basis, modify or waive screening based upon the topography and visual impacts associated with the specific situation. In general, screening should be placed at a height and location where it will most effectively reduce the visual impacts of outdoor storage areas upon public streets and adjacent properties.

SITE SLOPES UP TO STREET



SITE SLOPES DOWN TO STREET



(Ord. No. 94-37, § 1, 11-9-94; Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-572. Trash storage.

Containers for trash storage shall be of a size, type, and quantity approved by the director. They shall be placed so as to be concealed from the street and shall be maintained. Additionally, an area for the storage and pickup of recyclables must be included in this area.
(Ord. No. 94-37, § 1, 11-9-94; Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-573. Specific development standards for I-P zone.

(a) Design Guidelines for Projects in I-P Zone. For new development applications in the I-P zone, or prior to approval of any discretionary project, development proposals shall be submitted in conformance with the following general principles:

(1) Building height and bulk should be sensitive to the existing natural and built environments.

(2) Landscaping and open space should provide relief from the hardscape surfaces of building and parking areas and provide pleasant areas for enjoyment by employees and users of the industrial park.

(3) The natural character of prominent hillsides and canyons should be retained where practical.

(4) Graded areas should be contoured to blend with natural land forms.

(5) Incidental uses locating within an I-P development shall be incorporated with the rest of the development and zone.

(6) The use of greenbelts and buffers are encouraged to reduce possible industrial/residential land use conflict.

(7) There shall be no unscreened openings in buildings located next to a residential zone.

(8) Fleet storage shall be screened from view by landscaping and walls not less than six feet in height. Landscaping intended to screen parking, outdoor storage, and outdoor uses should consist of closely spaced, broad-canopy, evergreen trees that achieve a minimum height of 20 feet.

(b) P-D Development Criteria. The planned development process (see section 33-400) is encouraged in the I-P zone to allow a greater degree of freedom in planning an industrial park when the opportunity exists to design a comprehensive, integrated development proposal. A comprehensive architectural, landscape and sign program is required upon submittal of an industrial park planned development to fulfill the intent and purpose set forth in the I-P zone as discussed in section 33-561 of this article.

(Ord. No. 94-37, § 1, 11-9-94)

§ 33-574. Nonconforming sites, structures and uses.

Notwithstanding the provisions of Article 61, Division 3 of this code, expansions and alterations to nonconforming sites, structures or uses in industrial areas may occur to the extent that the cumulative cost of voluntary improvements is within 75% of the replacement costs of all existing improvements, and the expansion or alteration does not expand the degree of nonconformity. Government ordered improvements may also occur in addition to the voluntary limits to the extent that the cumulative total does not exceed 100% of the replacement value.

Full conformance with current zoning standards is not required where the cost of improvements is less than the maximum permitted replacement values. However, exterior alterations shall be subject to design review that reasonably addresses the alteration or modification in accordance with the city's design guidelines.

(a) Nonconforming Sites or Structures.

(1) A site or structure may be legally nonconforming if it was in conformance with the underlying zone requirements at the time it was developed, however, not in conformance with the currently adopted zone regulations. A site or structure may be nonconforming if it does not comply with

the following regulations of the currently adopted zone: setbacks, landscaping, parking, building height, outside storage and screening.

(2) A legal nonconforming site/structure may be improved without bringing the entire site/structure into conformance under the following conditions:

(A) Such improvements conform to currently adopted zoning requirements.

(B) Such improvements do not expand the degree of nonconformity.

(C) The cost of such work does not exceed a total of 75% of the current replacement value, including government-ordered improvements of the nonconforming use at the time the first nonconforming improvements are made.

(b) Nonconforming Uses.

(1) A use may be legally nonconforming if it was established at a time when the underlying zone permitted the use at the time it was established, however, either the zone or the zoning code has subsequently been amended such that the use is no longer permitted on the site.

(2) The use may continue to operate without bringing the site into conformance with the regulations of the adopted zoning code under the following conditions:

(A) For a new user which is exercising the same nonconforming use rights, tenant improvements may be allowed which are less than 75% of the current replacement value, including government-ordered improvements of the nonconforming use at the time the first nonconforming improvements are made.

(B) Changes of use on a site may occur; however, parking will be reviewed to determine the adequacy of the parking ratio for the new use.

(C) To the extent that an outside storage use (with or without a CUP) is in conflict with the zone code provisions, no improvement requirements shall be triggered for new permitted uses, or continuation of the existing use unless one or more of the following conditions exist:

(i) A new permitted use is proposed in the M-1 zone where the height of the material would exceed the existing fence height. In such cases, either the height of the material shall be reduced to the height of the fence, or the fence height shall be increased.

(ii) The limits of the existing storage are expanded. In such cases the degree of nonconformity cannot be expanded; therefore, the new storage area shall conform with fence height requirements of the underlying zone.

(Ord. No. 94-37, § 1, 11-9-94; Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-575. (Reserved)

Editor's note—Section 33-575, pertaining to nonconforming uses, derived from Ord. No. 94-37, was repealed by Ord. No. 2017-03R, § 4, 3-22-17.

§ 33-576. Animal boarding and day care.

The indoor boarding of animals and animal day care shall be subject to the following standards:

(a) Outdoor boarding of animals shall not be allowed.

(b) All animals must be kept within the enclosed building(s), except for supervised walks. A plot plan application submitted to the planning division for review is required to establish any on-site supervised outdoor animal day care activity area or training area. The submittal shall include a site plan of the entire site showing fencing, any permanent improvements in the outdoor area, parking, circulation, etc.

(c) The site shall be maintained in a neat, orderly and sanitary condition.

(d) Shelter and care of the animals may be on a daily or overnight basis and include feeding, grooming, training and other associated activities.

(e) The overnight boarding area shall be a separate and secure interior space.

(f) The overnight boarding area shall incorporate sound attenuation measures to reduce potential noise impacts to adjacent businesses.

(g) On-site supervision and/or remote camera monitoring of the overnight boarding area shall be provided when the business closes for the evening.

(Ord. No. 2016-15, § 4, 10-26-16)

§ 33-577. through § 33-589. (Reserved)

ARTICLE 27
EMERGENCY SHELTER OVERLAY

§ 33-590. Purpose.

The purpose of the emergency shelter overlay is to provide an appropriate zone to accommodate year-round emergency shelters and accommodate the city's share of the unsheltered homeless population. This section provides standards for the establishment and operation of emergency shelters in compliance with Government Code section 65583.
(Ord. No. 2013-09R, § 4, 11-6-13)

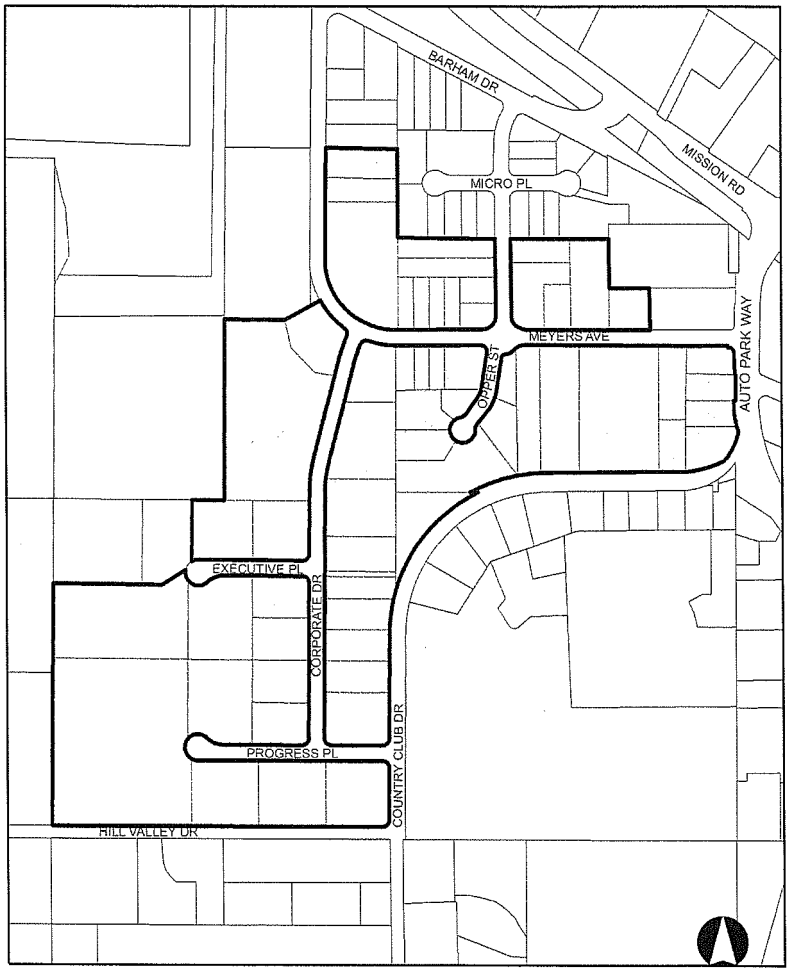
§ 33-591. Definition.

An emergency shelter is housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.
(Ord. No. 2013-09R, § 4, 11-6-13)

§ 33-592. Permitted locations.

Emergency shelters are allowed without discretionary review when located within the emergency shelter overlay, Figure 33-592. A conditional use permit pursuant to Article 61 of the Zoning Code shall be required if the emergency shelter beds within the city as defined under Government Code section 65583 meets or exceeds the number of emergency shelter beds required by Government Code section 65583(a)(7). The determination required by this section shall occur on the date the operator submits materials required in section 33-594.

Figure 33-592 Emergency Shelter Overlay



(Ord. No. 2013-09R, § 4, 11-6-13)

§ 33-593. Designation of zone.

Establishment of the emergency shelter overlay, in combination with a designated industrial zone, shall be designated on the official zoning map of the city by incorporating the perimeter line shown on Figure 33-592, describing the boundaries of the overlay area onto the map itself.
(Ord. No. 2013-09R, § 4, 11-6-13)

§ 33-594. Permit administration.

At the time a new emergency shelter is requested in any new or existing building or structure, a plot plan application package shall be submitted to the planning division together with the application fee as established by resolution of the city council. City staff shall review the application and associated submittal for compliance with all requirements, including the development standards in section 33-595.
(Ord. No. 2013-09R, § 4, 11-6-13)

§ 33-595. Development standards.

An emergency shelter proposed in the overlay area must comply with the following:

(a) Each emergency shelter shall be located within an entirely enclosed, permanent structure.

(b) Each emergency shelter may have a maximum of 50 beds to serve a maximum of 50 clients.

(c) The maximum length of stay at any one time for any person shall be six months in any 12 month period.

(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.

(e) There shall be no camping/sleeping in vehicles permitted on the site of the shelter.

(f) An emergency shelter shall be located at least 300 feet from another emergency shelter, as measured from property boundaries.

(g) Each emergency shelter shall provide on-site supervision at all times when the shelter is open.

(h) Each shelter shall conform to the requirements of the Outdoor Lighting Ordinance, Article 35.

(i) The emergency shelter operator/provider shall submit a written management plan, to the satisfaction of the city, with the plot plan application for approval. The intent of the management plan is to establish operating procedures that promote compatibility with the surrounding area and businesses. The operator shall agree to maintain the standards in the management plan.

(Ord. No. 2013-09R, § 4, 11-6-13; Ord. No. 2023-06, § 3, 3-8-23)

§ 33-596. Modification of approval or conditions.

In the event that, after operation of an approved emergency shelter has begun, complaints are received that conditions of approval or the management plan are not adequate due to negative impacts to the surrounding properties, staff may re-address the application with the operators to determine if additional or modified conditions are needed.

(Ord. No. 2013-09R, § 4, 11-6-13)

§ 33-597. through § 33-619. (Reserved)

ARTICLE 28
(RESERVED)

Editor's Note—Article 28 (§§ 33-620—33-649) was deleted by Ord. No. 94-37, § 1, 11-9-94.

ARTICLE 29
(RESERVED)

Editor's Note—Article 29 (§§ 33-650—33-659) was deleted by Ord. No. 94-37, § 1, 11-9-94.

ARTICLE 30
HAZARDOUS CHEMICAL OVERLAY (H-C-O) ZONE

§ 33-660. Purpose.

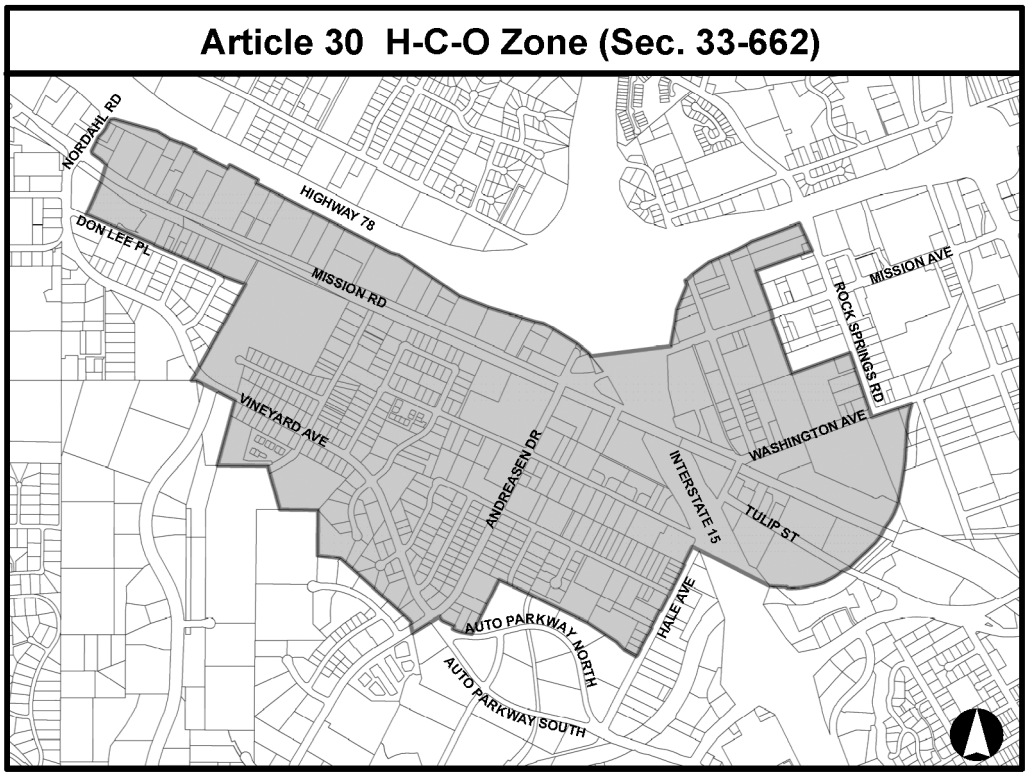
The purpose of the hazardous chemical overlay (H-C-O) zone is to allow for the use of properties within the city for the manufacture and wholesale trade of hazardous drugs, chemical and allied products and for petroleum bulk stations, within a specified district as a principal permitted use.
(Zoning Code, Ch. 106, § 1066.11)

§ 33-661. Use in combination.

The H-C-O zone shall be used only in combination with the M-1, light industrial zone, and the M-2, general industrial zone.
(Zoning Code, Ch. 106, § 1066.20)

§ 33-662. Designation of zone.

Establishment of the H-C-O zone, in combination with a designated industrial zone, shall be designated on the official zoning map of the city by adding the designation "H-C-O" in parentheses as a suffix to the regular zone designation.



(Zoning Code, Ch. 106, § 1066.30)

§ 33-663. Uses and structures.

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

(a) Chemicals and allied products, except the following:

(1) Perfumes, cosmetics, and other toilet preparations;

(2) Printing ink;

(3) Explosives, including dynamite, nitroglycerin, fuses, etc.;

(4) Battery acid;

(5) Non-agricultural pesticides; and

(6) Fireworks;

(b) Drugs; and

(c) Petroleum bulk stations and terminals.

(Zoning Code, Ch. 106, § 1066.40; Ord. No. 2018-20, § 7, 11-28-18)

§ 33-664. Hazardous materials regulations—Purpose.

The purpose of hazardous materials regulations is to insure that adequate safeguards are implemented prior to the operation of any use or project involving certain hazardous materials or substances which may present a threat to public health and safety.

(Zoning Code, Ch. 106, § 1066.61)

§ 33-665. Hazardous materials regulations—Disclosure.

Any existing or proposed use or project involving unstable material, highly toxic material or poisonous gas as defined by the Uniform Building Code, or acutely toxic materials, as defined in Section 25532 of the California Health and Safety Code, shall be disclosed to the fire chief and to the San Diego County Department of Health Services—Hazardous Materials Management Division, prior to the issuance or renewal of a business license, permit or certificate of occupancy.

(Zoning Code, Ch. 106, § 1066.70)

§ 33-666. Hazardous materials regulations—Approval required.

(a) All permits required by law, including, but not limited to, those required by the San Diego County Department of Health Services—Hazardous Materials Management Division, shall be submitted to the fire chief with a description of the project.

(b) After reviewing all required permits and descriptions, the fire chief shall either:

(1) Approve the use applicable to the provisions of the permits issued and Uniform Building and Fire Codes as adopted by the city;

(2) Refer the project and permits to the staff development committee for additional review and conditional approval; or

(3) If it is determined by the fire chief that the use primarily involves research, experimentation, packaging, repackaging, processing or reprocessing the subject hazardous materials, the use or project shall be subject to approval of a conditional use permit by the planning commission.

(Zoning Code, Ch. 106, § 1066.80)

§ 33-667. Hazardous materials regulations—Appeal.

Any decision by the fire chief or staff development committee under the authority of section 33-666 of this article may be appealed to the building advisory appeals board under the provisions of municipal code Chapter 6, Article 2.

(Zoning Code, Ch. 106, § 1066.90)

§ 33-668. Off-site hazardous waste treatment and storage facilities.

Hazardous waste treatment and storage facilities can be established either as a separate facility, or serve as one component of a larger integrated complex, subject to the provisions and guidelines of the County of San Diego Hazardous Waste Management Plan (HWMP), as amended and adopted by the City of Escondido (Resolution No. 89-310). The following uses and structures are allowed in select M-2 zones designated as an H-C-O, Hazardous Chemical Overlay District, subject to approval of a conditional use permit (CUP):

(a) Transfer station. A hazardous waste facility where hazardous wastes are loaded, unloaded, pumped or packaged for future transport and storage.

(b) Storage facility. A permitted hazardous waste facility, for temporary storage of hazardous waste, which meets any of the requirements as listed in Appendix A of the Hazardous Waste Management Plan.

(c) Treatment facility. A facility at which hazardous waste is subjected to treatment or where a resource is recovered from a hazardous waste.

(d) Recycling facility. A facility which redirects or utilizes a hazardous waste or substance from a hazardous waste, and includes recovery or resources from a hazardous waste.

(e) Solidification facility. A facility which uses a treatment process for limiting the solubility or detoxification of hazardous wastes by producing blocks of treated waste with high structural integrity.

(f) Stabilization facility. A facility which uses a treatment process for limiting the solubility or detoxification of hazardous wastes by adding materials which ensure that hazardous constituents are maintained in their soluble and/or toxic form.

(g) Incineration facility. A facility which employs a process for reducing the volume or toxicity of hazardous wastes by oxidation at high temperatures.

(Ord. No. 92-22, § 1, 6-10-92)

§ 33-669. Development standards.

Hazardous waste treatment and storage facilities are subject to the applicable criteria and standards of the M-2 zone and those criteria listed below. A city-appointed local assessment committee (LAC) may recommend modification of the standards upon approval by the planning commission, subject to findings that such modifications are reasonably necessary in order to implement the general intent of the Hazardous Waste Management Plan and this section. In case of a conflict, the more restrictive standards shall apply.

(a) A risk assessment shall be prepared for all proposed facilities pursuant to the requirements of the Hazardous Waste Management Plan;

(b) For facilities handling ignitable, volatile, or reactive waste, a minimum 2000 foot buffer zone shall be maintained around existing and future residential uses, unless a risk assessment analysis demonstrates that the public is adequately protected in the event of an accident. Hotels and motels shall be considered residential uses;

(c) Facilities not handling ignitable, volatile, or reactive wastes shall comply with the underlying zoning setback requirements unless a greater distance is justified through the approval process;

(d) Residual repositories and landfills are prohibited due to setback and siting constraints.

(Ord. No. 92-22, § 1, 6-10-92)

§ 33-669.1. Findings for approval of off-site hazardous waste projects in H-C-O zone.

Prior to approval of an off-site hazardous waste management facility, all of the following findings shall be made:

(a) The location and design of a facility will not create a significant threat to life and property due to fire, explosion, water contamination, spill, emissions or other hazards;

(b) The location, design, bulk, scale and overall character of a proposed project shall be visually and architecturally compatible with the I-15/78 Corridor Area Plan;

(c) That the proposed facility in itself, or in combination with other similar facilities, does not substantially exceed the city's and county's "fair share" for the type of treatment which such a facility would provide;

(d) That the facility does not result in an over-concentration of facilities in a particular geographic area.

(Ord. No. 92-22, § 1, 6-10-92)

§ 33-669.2. Exemptions and exceptions.

(a) The provisions of this ordinance do not apply to facilities which collect and temporarily store spent lubricating products from off-site sources (i.e., all automotive, marine and aviation crankcase oils, including gear lubes, transmission oils and hydraulic oils; all industrial oils except metal working oils that are chlorinated) where the collection, storage and transfer of such products are regulated by the County of San Diego Hazardous Materials Management Division or any other public agency. The collection, handling and temporary storage of off-site spent lubricating products shall be incidental to the primary operation of the facility;

(b) Household hazardous waste and other hazardous waste community collection events are exempt from these provisions.

(Ord. No. 92-22, § 1, 6-10-92)

ARTICLE 31
SEWAGE TREATMENT PLANT (S-T-P) OVERLAY ZONE

§ 33-670. Purpose.

The purpose of the sewage treatment plant (S-T-P) overlay zone is to guide the development of property within a defined area surrounding the Hale Avenue sewer plant, in order to limit the exposure of future residents to odors from the sewer plant, to limit the number of new residential dwelling units to be located within said area, and to allow certain limited nonresidential uses. At the same time, the uses which would be located within this overlay zone should not, themselves, cause adverse impacts on adjacent properties.
(Zoning Code, Ch. 106, § 1067.1)

§ 33-671. Use in combination.

The S-T-P overlay zone may be used in combination with residential zoning on the properties within 1,000 feet of the Hale Avenue sewer plant.
(Zoning Code, Ch. 106, § 1067.2)

§ 33-672. Designation of zone.

Establishment of the S-T-P overlay zone, in combination with a designated residential zone, shall be designated on the official zoning map of the city by incorporating the perimeter line shown on Figure 33-672, describing the boundaries of the overlay area, onto the zoning map itself. Areas "A" and "B" (which includes the present site of the sewer plant), which are also described in Figure 33-672, shall also be delineated on the zoning map. Legal descriptions for both areas "A" and "B," as well as the entire overlay study area, are incorporated into city council Ordinance No. 82-15.

It is not anticipated that this overlay zone will be applied in any other area of the city.

Figure 33-672-SEWAGE
Sewage Treatment Plant Overlay Zone
(Hale Avenue Recovery Facility)

(Zoning Code, Ch. 106, § 1067.3)

§ 33-673. Permitted uses and structures.

(a) All principal uses and structures, as set forth in the provisions of the zone with which the S-T-P zone is being combined, except as modified in section 33-676, conditional uses and structures.

(b) All residential uses existing on the effective date of this ordinance[1] shall be considered conforming uses and shall be entitled to all zoning rights provided conforming uses.

(c) 4840—Sewage disposal (excluding 4843—sewage sludge drying beds).
(Zoning Code, Ch. 106, § 1067.4)

§ 33-674. Permitted accessory uses and structures.

Accessory uses and structures set forth in the provisions of the zone with which the S-T-P overlay zone is combined shall be permitted.
(Zoning Code, Ch. 106, § 1067.5)

§ 33-675. Conditional uses and structures.

(a) In sub-area "B" the following uses are discouraged, but may be allowed, subject to the issuance of a conditional use permit:

Use No.	Use Title
1111	Single-family dwellings, detached
1116	Mobilehomes on parcel alone

(b) Conditional uses and structures as set forth in the provisions of the zone with which the S-T-P overlay zone is combined shall be permitted, subject to the issuance of a conditional use permit.

(c) In addition to the conditional uses and structures permitted by paragraph (a) above, the following conditional uses shall also be permitted in sub-area "B," subject to the issuance of a conditional use permit:

Use No.	Use Title
6299	Privately owned wedding chapel
6375	Mini-warehousing and storage

Such additional restricted business service uses as determined by the planning commission to be consistent with the purpose and intent of the S-T-P overlay zone, and which would create minimal traffic, light, glare and noise impacts

(Zoning Code, Ch. 106, § 1067.6)

§ 33-676. Property development standards.

(a) Property development standards as set forth in the provisions of the zone with which the S-T-P overlay zone is combined, shall also apply within the respective area of the S-T-P overlay zone.

(b) In addition to the property development standards imposed by paragraph (a) above, the following standards shall also apply:

(1) As a condition of approval for any new residential use or expansion of any existing residential use, an "easement for air and odor" shall be granted to the city by the property owner. This easement shall be in a form satisfactory to the city attorney. The easement shall have the dual purpose of granting the city the right of "free passage of malodorous air" over the property, and to serve as a warning to future residents in this area that the potential for such odors may exist from time to time.

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1. Editor's Note: The effective date of the ordinance codified in this article is April 16, 1982.

(2) Any new residential development shall incorporate a plot plan design which maximizes the physical distance of future residents from the sewer plant.

(3) Density bonuses otherwise allowed in connection with PUA (planned unit approval) applications may not be granted in the S-T-P overlay zone.

(4) Any new nonresidential development shall incorporate a plot plan design which screens and buffers all neighboring residential uses from visual, light, glare and noise impacts.

(Zoning Code, Ch. 106, § 1067.7)

§ 33-677. through § 33-679. (Reserved)

ARTICLE 32
BED AND BREAKFAST FACILITIES

§ 33-680. Purpose.

It is the purpose of this article to provide standards for bed and breakfast facilities. It is intended that the operation of these facilities be compatible with the integrity of the surrounding area by not creating adverse impacts, such as excess traffic generation, noise or demand upon on-street parking.
(Zoning Code, Ch. 107, § 1070.1)

§ 33-681. Bed and breakfast facility defined.

A bed and breakfast facility is a residential establishment where rooms are rented to transient guests on an overnight basis and breakfast is served to these guests.
(Zoning Code, Ch. 107, § 1070.2)

§ 33-682. Development standards.

(a) In residential and hospital-professional zones:

(1) The facility shall be the primary residence of the owner-operator;

(2) The maximum length of stay for any guest shall be 14 days per calendar year;

(3) No cooking facilities shall be permitted in any of the rooms available for rent;

(4) No restaurant activity shall take place. Breakfast may be served to overnight guests only;

(5) Adequate off-street parking shall be provided as required by Article 39;

(6) Employees or assistants who are not occupants of the facility shall not be employed on the premises;

(7) The maximum number of rooms which may be rented is four, unless it can be shown that the structure and/or parcel is of sufficient size to contain more rooms while meeting the purpose of this article;

(8) (Reserved) (Deleted by Ord. No. 92-47, § 2, 11-18-92);

(9) Prior to the operation of the facility, approval by the building and fire departments must be obtained.

(b) In commercial zones: Bed and breakfast facilities permitted in commercial zones shall meet the same standards applicable to hotels and motels.

(Zoning Code, Ch. 107, § 1070.3; Ord. No. 92-47, § 2, 11-18-92)

§ 33-683. Permitted zones.

Bed and breakfast facilities conforming with the provisions of this article are permitted in the R-A, R-E, R-1, R-2, R-3, R-4, HP, C-G, CBD and C-T zones, subject to the issuance of a conditional use permit.
(Zoning Code, Ch. 107, § 1070.4)

§ 33-684. Prohibited locations.

Bed and breakfast facilities shall be prohibited on lots or parcels within developments constructed under the provisions of a planned unit approval (PUA), planned development (PD), or containing less than the minimum lot area required by the property development standards of the permitted zones specified in section 33-683 or in any zone not specifically listed in section 33-683.
(Zoning Code, Ch. 107, § 1070.5)

§ 33-685. through § 33-689. (Reserved)

ARTICLE 33
RECYCLING FACILITIES

§ 33-690. Purpose.

It is the purpose of this article to provide standards for recycling facilities. It is intended that such recycling facilities be installed and operated in a manner consistent with the health, safety and aesthetic objectives of this article.
(Zoning Code, Ch. 104, § 1040.10; Ord. No. 97-05, § 1, 4-2-97)

§ 33-691. Objectives.

(a) To ensure recycling facilities are installed to prevent possible injury to person or damage to property.

(b) To permit locations which do not obstruct pedestrians or vehicular circulation.

(c) To ensure that recycling facilities do not create a nuisance for surrounding property owners with noise or odor.

(d) To require sufficient screening, setback and height limitations preventing aesthetic intrusions into surrounding areas.
(Zoning Code, Ch. 104, § 1040.11; Ord. No. 97-05, § 1, 4-2-97)

§ 33-692. Definitions.

"Bulk reverse vending machine" means a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time and will pay by weight instead of by container.

"Collection facility" means a center for the acceptance by donation, redemption, purchase or other means, of recyclable materials predominantly from the public. Such a facility does not use power-driven processing equipment except as indicated in section 33-694(b)(5). Collection facilities may include the following:

(1) Reverse vending machine(s) (see definition below) occupying less than 50 square feet;

(2) Small collection facilities which occupy an individual area of not more than 500 square feet and may include:

(A) A mobile recycling unit (see definition below).

(B) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet.

(C) Kiosk-type units which may include permanent structures (see definition below).

"Kiosk unit" means a small structure similar to a one-day service photo stand or newsstand pavilion which may be permanent in nature and is occupied by an attendant for collecting the recyclable material.

"Mobile recycling unit" means an automobile, truck, trailer or van which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes, or containers transported by trucks, vans or trailers and used for the collection of recyclable materials.

"Processing" means the preparation of recyclable materials to the specifications of an end-user for the purpose of remanufacturing. Processing may include the preparation of recyclables by means of bailing, compacting, flattening, crushing, shredding, cleaning and any other mechanical sorting. Processing also

includes the initial dumping of material into containers or onto a floor. The processing does not include the recycling of refuse materials (other than incidental residuals contained within the recycling load, which may not exceed 10% of the materials processed by weight), or hazardous materials or auto dismantling.

"Processing facility" means a building or enclosed space used for the collection and processing of recyclable materials. Such facilities deal with the collection and preparation of recyclable materials for efficient shipment to an end user's specifications by means of bailing, compacting, flattening, crushing, shredding, cleaning, and any other mechanical sorting. Such facilities do not involve the remanufacturing of recyclable materials into new products and/or crushing of concrete or asphalt. Processing facilities may include the following:

(1) Small processing facilities which occupy an area larger than 500 square feet and do not process more than 10 tons of recyclable materials per day.

(2) Large processing facilities means any processing facility other than a small processing facility used for the collection and processing of recyclable material collected predominantly from commercial and industrial sources, as well as commercial and municipal recycling vehicles.

"Processing of yard waste (green waste)" means the process that produces mulch and soil modifier materials from yard waste. This process includes shredding, grinding and the composition of yard waste.

"Recycling facility" means a center for the collection and/or processing of recyclable materials. Recycling facilities include "collection facilities" and "processing facilities."

"Recyclable materials" means reusable materials including, but not limited to, metals, glass, plastic, paper and yard waste which are intended for reuse, remanufacture or reconstruction for the purpose of using the altered form. Recyclable materials may include used motor oil collected and transported in accordance with Section 25250.11 and 25143.2(b) of the California Health and Safety Code.

"Residual waste" means a solid product left over at the end of the sorting and processing of recyclable materials which is intended for disposal rather than shipment to an end-user for the purpose of remanufacturing or reuse.

"Reverse vending machine" means an automated mechanical device which occupies less than 50 square feet and accepts at least one or more type of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value as determined by the state. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and met the requirements of certification as recycling facility, multiple groupings of reverse vending machines may be necessary.

"Yard waste (green waste)" means materials trimmed from trees, ground cover, and shrubs. It may also include leaves, weeds, clippings, branches, brush and wood materials.
(Zoning Code, Ch. 104, § 1040.20; Ord. No. 92-21, § 1, 6-10-92; Ord. No. 97-05, § 1, 4-2-97)

§ 33-693. Permits required.

No person shall place, construct, or operate any recycling facility without first obtaining a permit pursuant to the provisions set forth in this section and written consent from the property owner. Recycling facilities may be permitted as set forth in the following table:

Type of Recycling Facility	Zones Permitted	Permit Required
Reverse vending machine(s)	All commercial	Administrative approval (conditional use permit in downtown revitalization area)
Reverse vending machines	All industrial (Except I-P)	Administrative approval (CUP in downtown revitalization area)
Small collection facilities	All commercial	Administrative approval
Small processing facility	M-1 (processing in an enclosed structure)	Administrative approval
	M-1 (outdoor processing)	Conditional use permit
	M-2	Administrative approval
Large processing facility	M-1 (indoor processing only)	Conditional use permit
	M-2	Conditional use permit

(Zoning Code, Ch. 104, § 1040.30; Ord. No. 92-21, § 1, 6-10-92; Ord. No. 97-05, § 1, 4-2-97)

§ 33-694. Development standards.

Those recycling facilities permitted by administrative approval shall meet all of the applicable criteria and standards listed below. Those recycling facilities permitted with a conditional use permit shall meet the applicable criteria and standards, provided that the planning commission may modify standards upon reviewing individual requests upon a finding that such modifications are reasonably necessary in order to implement the general intent of this section.

(a) Reverse vending machine(s). Reverse vending machine(s) located within a commercial structure do not require review by the planning department. Reverse vending machines do not require additional parking spaces for recycling customers. They may be permitted in all commercial and industrial zones with an administrative use permit except the downtown revitalization area, in which case they require a conditional use permit. In addition to conditional use permit findings of fact, reverse vending machines shall comply with the following standards:

(1) Shall be established in conjunction with a commercial use which is in compliance with the zoning, building and fire codes of the city;

(2) Shall be located in close proximity to the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;

(3) Shall not be located in the parking area of the commercial use;

(4) Shall occupy no more than 50 square feet of floor space, including any protective enclosure, and shall be no more than eight feet in height;

(5) Shall be constructed and maintained with durable waterproof and rustproof material;

(6) Shall be clearly marked to identify the type of material to be deposited, operating instructions and the identity and phone number of the operator or responsible person to call if the machine is inoperative;

(7) Shall have a sign area of a maximum of four square feet per machine, exclusive of operating

instructions;

(8) Shall be maintained in a clean, litter-free condition on a daily basis;

(9) Operating hours shall be at least the operating hours required by the State of California;

(10) Shall be illuminated to ensure safe operation if operating hours are between dusk and dawn.

(b) Small collection facilities. Small collection facilities may be sited in commercial structures and industrial zones with an administrative permit provided they comply with the following conditions:

(1) Shall be established in conjunction with an existing commercial center over three acres in size with a supermarket which is in compliance with the zoning, building and fire codes of the city;

(2) Shall be no larger than five parking spaces not including space that will be periodically needed for removal of materials or exchange of containers;

(3) Shall be set back at least 10 feet from any street right-of-way, shall be provided with landscaping adjacent to the street and shall not obstruct pedestrian or vehicular circulation;

(4) Shall accept only glass, metals, plastic containers, paper and reusable items;

(5) Shall use no power-driven processing equipment except for reverse vending machines;

(6) Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered with site is not attended, secured from unauthorized entry or removal of material and shall be of a capacity sufficient to accommodate materials collected and collection schedule;

(7) Shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present;

(8) Shall be maintained free of litter and any other materials. Mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;

(9) Shall not exceed noise levels of 60 dBA as measured at the property line of residentially zoned or occupied property, otherwise shall not exceed 70 dBA;

(10) Shall not operate between the hours of 10:00 p.m. and 7:00 a.m. Facilities located within 100 feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.;

(11) Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours or operation and display a notice stating that no material shall be left outside the recycling enclosure or containers;

(12) Signs may be provided as follows:

(A) Recycling facilities may have identification signs with a maximum of 20% per side or 16 square feet, whichever is larger, in addition to directional signs as required in subsection (C) of this subsection; in the case of a wheeled facility, the side will be measured from the pavement to the top of the container,

(B) Signs must be consistent with the style, color and character of the location,

(C) Directional signs, bearing no advertising message, may be installed with the approval of the planning commission if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way;

(13) The facility shall not eliminate any existing landscaping established in the commercial center;

(14) No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space will be provided for the attendant who may be present;

(15) Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;

(16) Occupation of parking spaces by the facility may not reduce available parking spaces below the minimum number required for the center.

(c) Small processing facilities. Small outdoor processing facilities may be sited in the M-1 (light industrial) zone with the processing of a conditional use permit, and may be approved administratively (plot plan) in the M-2 (general industrial) zone. Such facilities shall comply with the following conditions:

(1) Enclosure. Unless adequately screened and the requirements of the Noise Ordinance are met, power-driven processing equipment shall be enclosed within a structure. Power-driven processing equipment does not include forklifts, front-end loaders, and other types of lifting or hauling vehicles as determined by the planning division. Any operation and outdoor storage shall be screened by a continuous solid wall or fence a minimum six feet high, in conformance with the industrial code requirements for outdoor storage set forth in Article 26, sec. 33-571. Fences or walls may be constructed higher than six feet in any location allowed for principal structures in accordance with section 33-694(c)(4);

(2) Noise. The noise levels along the property line shall not exceed those identified in Article 12 of Chapter 17 of this code. The noise level at the property line of a large recycling facility abutting a residential zone shall not exceed 50 dB when abutting single family zones and no more than 55 dB when abutting multiple family zones;

(3) Outdoor storage. Adequate storage area shall be delineated on site. Said area shall not interfere with the on-site circulation. No stacking of materials shall project above the perimeter screening walls or fence within an M-1 zone. Adequate screening shall be provided for all outdoor storage areas to the satisfaction of the director of community development. All exterior storage material subject to vectors shall be in sturdy, nonflammable containers which are covered, secure and maintained in good condition. Baled, pelletized or bulk material which may not be easily confined or stored in such containers may be stored behind sight-obscuring walls or appropriately screened fences.

(4) Landscape/setbacks. The minimum required setbacks depicted in the underlying zone shall be provided. Additional setbacks and separation are required for facilities developed adjacent to residential zones, schools or parks as indicated under sections 33-571, 33-572, 33-573, 33-601, 33-602 and 33-603. Landscaping shall be provided in compliance with the Landscape Ordinance and industrial code landscape provisions, and shall provide additional screening as determined by the director of community development;

(5) Signs. All signs such as the facility's identification or directional sign, shall comply with the sign ordinance;

(A) Signs must be consistent with the style, color and character of the location,

(B) Directional signs, bearing no advertising message, may be installed with the approval of the planning commission if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way,

(C) All signs shall comply with the sign criteria depicted in the underlying zone;

(6) Parking. Employee and customer parking shall be provided in accordance with the provisions of Article 39, sec. 33-765 (off-street parking);

(7) Operating hours. Enclosed processing facilities shall not operate between the hours of 11:00 p.m. and 6:00 a.m. Outdoor processing facilities shall not operate between the hours of 10:00 p.m. and 7:00 a.m. Facilities sites located within 100 feet of a property with residential zoning shall not operate between the hours of 9:00 p.m. and 7:00 a.m. Pick-up or deliveries also shall not occur during these hours;

(8) Recyclable materials or refuse which has accumulated or is deposited outside of containers, bins or enclosures intended as receptacles for recyclable materials shall be removed on an as needed basis. The premises of the facility shall be maintained free of litter and any other debris, and shall be swept at the end of each collection day.

(d) Large processing facility. Large processing facilities may be sited in the M-2 (general industrial) zone with the processing of a conditional use permit. In addition to the conditions required for small processing facilities, all large processing facilities shall be subject to the following requirements:

(1) A traffic and noise study may be required as part of the application for any proposed facility as determined by the planning and engineering departments.

(2) Residual waste. Facilities shall be limited to a maximum of 10% residual waste retrieved from the recyclable materials by weight. In order to ensure compliance with this provision, the operator of the facility shall submit a quarterly report to the planning division due by the last week of the 1st, 4th, 7th, and 10th month of the year detailing the monthly percentage of residual waste removed from the recyclable materials. The report shall contain a brief analysis of the monthly tonnage of recyclable materials by type and residual waste processed through the facility. The 10% residual waste limit will be calculated based on the average over the reporting period. The report also shall indicate the contract hauler for the residual waste and destination for final disposal.

(3) Air contaminants including, but not limited to, smoke, charred paper, paper, dust, grime, carbon, noxious acids, fumes, gases, odors, particulate matter, emissions that endanger human health, cause damage to vegetation or property, or cause soiling, vibration or above ambient noise levels, which are detectable on neighboring properties shall not be permitted.

(4) As part of the application process, facilities proposing to processing any construction and demolition debris shall prepare a protocol for the handling of hazardous waste such as, but not limited to oil, batteries, solvents, asbestos and lead based products, as approved by the city. The protocol shall include detailed procedures for the screening and exclusion, identification, segregation, handling, storage, personnel training, emergency procedures and disposal of any hazardous waste. Prior to development and/or operation, a Hazardous Materials Management

Plan (pursuant to Article 80, section 8001 of the 1994 Fire Code) shall be filed and approved by the City and County Department of Environmental Health;

(5) Inspection and enforcement. To ensure compliance with the conditions detailed above, the facility and all necessary records shall be made available for review and inspection by the planning and/or engineering department as deemed necessary by the city. Any violations of these provisions or the conditions of approval of a facility may result in the modification or revocation of the permit. In addition, the violation of these provision or any condition of approval is unlawful and may be punished as provided in section 33-1313 of the zoning code.

(Zoning Code, Ch. 104, § 1040.40; Ord. No. 92-21, § 2, 6-10-92; Ord. No. 97-05, § 1, 4-2-97; Ord. No. 2008-22, § 5, 9-10-08)

§ 33-695. Building permit.

Prior to the construction or installation of any recycling facility, copies of site plans, building plans, elevation and circulation plans shall be submitted to the planning department for review and approval by the city for compliance with development standards in accordance with the filing instructions included with the plot plan review application. This article does not exempt any facility from obtaining building permits which may otherwise be required.

(Zoning Code, Ch. 104, § 1040.50; Ord. No. 97-05, § 1, 4-2-97)

§ 33-696. through § 33-699. (Reserved)

ARTICLE 34
COMMUNICATION ANTENNAS

§ 33-700. Purpose.

The purpose of this article is to provide standards and design guidelines for satellite dish antennas and other personal wireless service facilities. It is intended that such antennas and facilities be installed and operated in a manner consistent with all of the articulated health, safety, visual and aesthetic objectives of this article, while preserving the viability of these antennas and facilities as communication systems.
(Ord. No. 2020-03, § 6, 3-4-20)

§ 33-701. Objectives.

The objectives of this article are:

(a) To provide reasonable opportunities for installations of satellite dish antennas and personal wireless service facilities;

(b) To ensure secure installations to prevent possible injury to persons or damage to property;

(c) To permit locations which do not obstruct or interfere with the provision of emergency services and communications;

(d) To preserve the city's authority over the placement, construction, modification, and design of facilities addressed by this article.

§ 33-702. Definitions.

(a) For the purposes of this article and any guidelines adopted pursuant to it, the following words, terms, phrases, and their derivations have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, and words in the singular number include the plural number.

"Accessory equipment" means any non-antenna portion of a personal wireless service facility, except concealment features, including, but is not limited to, remote radio units, surge protectors, diplexers, triplexers, battery racks, generators, air conditioners, wires, cables, and cabinets.

"ANSI" means the American National Standards Institute.

"Antenna" means the same as defined in 47 C.F.R. § 1.6002(b), as may be amended.

"Antenna shroud" means a solid barrier that screens an antenna (or antennas) and any accessory equipment attached thereto, including, but not limited to, radio units, wires, cables, and brackets, entirely from view.

"Camouflaged" or "stealthy" means a personal wireless service that is disguised, hidden, integrated into the architecture of an existing or proposed structure or placed within an existing or proposed structure, and designed to be compatible with the existing scale and pattern of development and/or characteristics of the site, as determined by the director of community development.

"Collocation" means the same as defined in 47 C.F.R. § 1.6002(g), as may be amended.

"Concealed" or "concealment" means camouflaging techniques that integrate the transmission equipment into the surrounding natural and/or built environment such that the average, untrained observer cannot directly view the equipment but would likely recognize the existence of the wireless

facility or concealment technique.

"FCC" means the Federal Communications Commission.

"Fixed wireless service" means a local wireless operation providing services such as local and long distance telephone, high-speed internet, and digital television to residential and business customers by means of a small equipment installation of less than 30 inches in diameter (the "remote unit") on the exterior of each home or business that elects to use this service.

"IEEE" means the Institute of Electrical and Electronics Engineers.

"NCRP" means the National Council on Radiation Protection and Measurements.

"Personal wireless service" means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended.

"Personal wireless service facility" means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended.

"Radome" means a cylindrical antenna shroud.

"RF" means radiofrequency or electromagnetic waves.

"RFR" means radiofrequency radiation, or the formation of radiofrequency radiation generated by the movement of electromagnetic energy through space, including radio and microwaves, which is used for providing telecommunications, broadcast and other services.

"Satellite dish antennas" means circular or saucer shaped antennas using parabolic or spherical reflecting surfaces, or similar antennas which are designed to transmit and/or receive communication signals from satellites.

"Shot clock" means the presumptively reasonable time frame within which a local jurisdiction must act on a wireless application, as defined by the FCC and as may be amended from time to time.

"Small wireless facility" means a personal wireless service facility which:

(1) Is mounted on a structure 50 feet or less in height including their antennas, mounted on a structure which is no more than 10% taller than other adjacent structures, or does not extend existing structures on which they are located to a height of more than 50 feet or by more than 10%, whichever is greater; and

(2) Has antennas no larger than three cubic feet; and

(3) Has associated wireless equipment which is cumulatively no larger than 28 square feet, including any pre-existing equipment; and

(4) Does not require antenna structure registration; and

(5) Is not located on tribal lands; and

(6) Does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards.

"Structure" means the same as defined by the FCC in 47 C.F.R. § 1.6002(m), as may be amended.

"Technically feasible" means that the siting, location, and equipment proposed for a personal wireless service facility are available and known to be able meet the service objectives of that facility.

"Telecommunications Act" means the Telecommunications Act of 1996.

(Ord. No. 2020-03, § 6, 3-4-20)

§ 33-703. Personal wireless service facilities guidelines—Five general principles.

The following principles shall serve as general guidelines for the city's consideration of applications for personal wireless service facilities which are not small wireless facilities located in the public right-of-way:

(a) Height guidelines—Utilize lowest profile technology.

(1) Discourage further consideration of high-profile antenna installations (such as non-camouflaged towers and monopoles). Personal wireless service facilities should be designed to be in scale with surrounding buildings and tree heights.

(2) Use existing structures as opposed to introducing new ones.

(3) Encourage facilities that meet the zone's height standards.

(4) Use landscaping (such as dense tree growth) or other measures to minimize visual impacts and screen the facility.

(b) Location guidelines—Avoid proliferations that create or compound undesirable visual impacts, but also encourage co-location, where appropriate.

(1) Encourage the use of commercial, and industrial, and public right-of-way sites whenever possible, and discourage the use of residential zones. Wireless communication facilities proposed to be located within residential zones/areas shall consider the following and submit a feasibility study to implement the following options before proposing a wireless facility on a residentially developed property:

(A) Residential zoned properties developed with nonresidential uses (i.e., schools, churches, parks, etc.);

(B) Public right-of-way (such as existing or new light pole or other utility structures).

(2) Encourage single sites utilizing stealth designs and latest technologies.

(3) Ensure full aesthetic integration of new facilities into the proposed locations.

(4) Ensure that the area covered by wireless facilities which are screened and landscaped to minimize visual impacts is large enough to incorporate appropriate visual screening methods.

(5) Ensure that proposed landscaping has permanent proper irrigation and maintenance.

(6) Require amended co-location language for facility leases on city-owned properties to include:

(A) Modification requirements as technology advances.

(B) Square foot minimums for leased lots to ensure proper buffering areas.

(7) Encourage co-location on existing sites where it is possible to avoid obtrusiveness, up to the point where a structure or site has too many antennae/structures and becomes visually cluttered.

(8) Ensure that the mass and scale of proposed facilities are not excessive in order to meet the carrier's reasonable coverage objectives.

(c) Stealth technology guideline—Encourage creative, unobtrusive stealth technology.

(1) Encourage personal wireless service facilities to be camouflaged or integrated into or onto existing structures, wherever possible. When a personal wireless service facility extends above the roof height of a building on which it is mounted, the facility should be concealed within or behind architectural features to limit its visibility from public ways. Facilities mounted on a roof should be stepped back from the façade in order to limit their impact on the building's silhouette and reduce visibility from adjacent public ways. Existing visual obstructions or clutter on the roof or along the roof line should, in a commercially practical matter, be removed or screened (such as a parapet or architectural element that serves as a rooftop screen) as a precursor to the new wireless installation. Facilities which are façade-mounted should blend with the existing building's architecture, materials and colors.

(2) Require designs that are in scale and context with their surroundings.

(3) Encourage creative designs with the least visual impact and the use of microtechnology where possible.

(4) Encourage designs that mimic natural elements, and that are natural in appearance, by including:

(A) Natural colors applied in a natural-looking way.

(B) Inclusion of related forms and textures as they commonly would be found in nature.

(C) Antenna or facility elements formed in, clad by, or screened by natural-looking features.

(5) If a stealthy design is not feasible, proposed facilities shall be surrounded by buffers of dense landscaping including tree growth of sufficient width, height and understory vegetation to create an effective year-round visual buffer. Permanent irrigation shall also be provided.

(d) Older facility guidelines—Encourage older facilities to upgrade using less obtrusive technology.

(1) Require facility upgrade when leases on city-owned property are up for renewal.

(2) Facility modifications should incorporate the latest technology consistent with this article.

(e) Emissions guidelines—Ensure that emissions do not exceed federal thresholds.

(1) Require that every installation meets all Federal Radiation Standards to ensure public health, including NCRP, ANSI/IEEE and FCC standards and guidelines.

(2) Require that each facility owner adhere to all federal (FCC) emission testing stipulations and timetables.

(Ord. No. 2020-03, § 6, 3-4-20)

§ 33-704. Personal wireless service facilities—Development and operating standards.

The following operating standards shall apply to all personal wireless service facilities:

(a) Interference. The operation of personal wireless service facilities shall be in conformance with all applicable Federal Communications Commission regulations regarding interference with other equipment.

(b) Screening. All personal wireless utility equipment (i.e., antennas, support structures, mounts, equipment, etc.) shall be screened from view of adjacent properties or public rights-of-way to the

maximum extent possible. Screening may include integrating architectural elements, color and texture of the antenna structure, fencing, landscaping, or other method appropriate to the specific situation. Screening may be waived by the director of community development if the available methods of screening create a greater visual impact, or call greater attention to the facility than if otherwise left unscreened.

(c) Equipment. With the exception of small wireless facilities located in the public right-of-way, associated equipment shall be placed within an existing building whenever possible. Locational standards for equipment associated with small wireless facilities in the public right-of-way shall comply with development standards contained in any guidelines adopted pursuant to subsection (k) of this section.

(d) Setbacks and height. With the exception of small wireless facilities located in the public right-of-way, antennas, poles, mounts and all utility equipment shall not be located in required front, rear, side and street side-yard setback areas. All façade-mounted and roof-mounted facilities and screening materials shall not project above the height limit of the zoning district within which the facility is located, unless otherwise permitted in conformance with section 33-8 (building height) and section 33-1075 (permitted structures in excess of height limits) of the zoning code. Facilities installed on residential uses in residential zones shall meet the underlying zone's height standards for principal structures. Height limitations for small wireless facilities in the public right-of-way shall comply with development standards contained in any guidelines adopted pursuant to subsection (k).

(e) RFR emissions. Ninety days after installation of any facility, under full operating conditions, the applicant shall measure the radio frequency(ies) emitted by the facility and submit an operational radio frequency study to the planning division to verify conformance of the facility with the theoretical study and applicable ANSI/IEEE and FCC standards for radiofrequency radiation exposure.

(f) Noise. Noise levels generated by wireless equipment shall not exceed the noise level limits of the underlying zone and receiving land use, whichever is less. Appropriate siting and building measures shall be incorporated into the facility to comply with the city's noise requirements. An acoustical study may be required, as determined by the director of community development.

(g) Lighting. Personal wireless service facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other on-site facilities for maintenance purposes shall be shielded from abutting properties.

(h) Signage. Signs shall be limited to those needed to identify the property and the owner and to warn of any danger; shall provide one or more 24 hour emergency telephone numbers; and shall be subject to the approval of the planning division.

(i) Maintenance. All facilities, landscaping and related equipment shall be maintained in good working condition and free from trash, debris, graffiti and designed to discourage vandalism. Any damaged equipment shall be repaired or replaced within 30 calendar days. Damaged, dead or decaying plant materials shall be removed and replaced within 30 calendar days.

(j) Hillside and ridgeline overlay district. Personal wireless service facilities located within close proximity to a skyline ridge or intermediate ridgeline shall be subject to the provisions of the hillside and ridgeline overlay district.

(k) Public right-of-way. Unless expressly stated otherwise, all requirements of this article shall apply to the placement, construction, modification or reconstruction of any personal wireless service facilities

proposed within the public right-of-way, except to the extent precluded by state or federal law. The following additional requirements also shall apply:

(1) All personal wireless service facilities must comply with the city's requirements for an encroachment permit as set forth in Chapter 23 of this code and any guidelines adopted pursuant to this article. All applicants shall enter into a license agreement as provided by the city to the extent the facility is proposed to be located on city facilities.

(2) All personal wireless service facilities in the public right-of-way that are not small wireless service facilities shall require a major conditional use permit.

(3) Small wireless facilities in the public right-of-way. All small wireless facilities installed in the public right-of-way shall comply with the development standards included in any guidelines adopted pursuant to this section. Development standards in the adopted guidelines may address various design, use of right-of-way, and aesthetic aspects including, but not limited to, size, spacing, quantity, location, color, method of mounting, orientation, concealment of cables, wires, and conduit, and other physical aspects of the antennas, equipment, and structures on which the facilities are mounted.

(4) Small wireless facility permits. All new small wireless facilities proposed within the public right-of-way, and any collocations or modifications to existing small wireless facilities within the public right-of-way shall require the issuance of a small wireless facility permit. The director may establish the forms and submittal requirements to implement the requirements of this section and any guidelines adopted pursuant to it.

(A) Administrative permit. All proposed small wireless facilities which meet all the requirements in this article and any guidelines adopted pursuant to it, may be processed through an administrative small wireless facility permit. The director shall determine whether an application meets the requirements of this article and any adopted guidelines. The permit will be approved if the regulations are met, or denied if the regulations are not met. The application process shall follow the procedures set forth in any guidelines adopted pursuant to this article.

(B) Minor conditional use permit. Any small wireless facility proposed on a new vertical structure that is not a street light, any facilities that project from a support structure by use of an arm or other horizontal bracket/brace, and any facility that exceeds the quantitative limitations described in this article and any guidelines adopted pursuant to it, shall require a minor conditional use permit, pursuant to Article 61 of this code.

(C) Findings. Applications for small wireless facility permits shall demonstrate complete conformance with the development standards established by this section any guidelines adopted pursuant to it.

(i) Administrative permit. In order to determine conformance with development standards, the director shall make all of the following findings when issuing an administrative permit:

a. That the applicant has demonstrated that the small wireless facility is being placed on the most-preferred support structure that is technically feasible;

b. That the location of the proposed small wireless facility conforms to the requirements of this article and any adopted guidelines; and

c. That the design of the proposed small wireless facility conforms to the requirements of this article and any adopted guidelines.

(ii) Minor conditional use permit. In addition to the findings in section 33-1203, the zoning administrator must also make the same findings required under subsection (k)(4)(C)(i). If the decision of the Zoning Administrator is not satisfactory to the applicant, the applicant may appeal the decision to the Planning Commission in accordance with procedures set forth in Article 61.

(D) Appeals. Decisions of the director and zoning administrator may be appealed pursuant to section 33-1303 of the Escondido Zoning Code.

(5) The city council may, by resolution, establish additional criteria, clarifications and guidelines for the location, operation, design and review of small wireless facilities in the public right-of-way.

(l) Installation of remote units (less than 30 inches in diameter) required for private, fixed wireless service on private property or installed by the city are not subject to the provisions of this article and are exempt from review by the zoning administrator, planning commission or city council.

(m) Residential locations. The following development standards shall apply to any wireless communication facility located on land developed with residential as the primary use. This excludes the public right-of-way adjacent to such land.

(1) A wireless facility shall not be located on a parcel less than 10,000 square feet, with no more than one wireless facility located on a parcel less than one acre in size.

(2) Freestanding wireless antenna facilities/structures (not incorporated into the architecture of the main residence) shall be set back from the adjacent property boundary a minimum distance of one and one-half (1.5) times the height of the wireless facility.

(3) Wireless antenna facilities shall not encroach into the minimum setbacks required of the main residence.

(4) Freestanding equipment structures may be located anywhere on the site as provided for accessory structures. The equipment structures shall be designed to be architecturally compatible with the main residence/residential structure.

(5) The planning commission may modify development requirements: (1) and (2) of this subsection (m) upon the findings the proposed wireless facility will not result in any adverse compatibility, noise or visual impacts to surrounding properties; and the project design and location modifications represents the most appropriate alternatives for the subject property.

(Ord. No. 2020-03, § 6, 3-4-20)

§ 33-705. Personal wireless service facilities—Application requirements.

(a) The following shall be included with an application for all personal wireless service facilities except for small wireless facilities in the public right-of-way:

(1) A citywide map showing the provider's other existing facilities and the general area of currently anticipated future personal wireless service facilities in the city and outside the city, within one mile of its corporate limits.

(2) The qualifications of the person who prepared the required RFR study, including such information as his or her education and professional qualifications, experience preparing studies, history demonstrating compliance with FCC guidelines, etc.

(3) Existing before photographs and after visual simulations. A sight line representation drawn to scale) may also be required (as determined by the director of community development) which shall be drawn from adjacent public roads and the adjacent properties (viewpoint) to the highest point (visible point) of the personal wireless service facility. Each sight line shall be depicted in profile and show all intervening trees and buildings, and be accompanied by photographs of what currently can be seen from the specific site and a visual simulation of the proposed facility. An on-site mock-up or balloon simulation also might be required for highly visible or sensitive sites to adequately assess the potential visual impact of the proposed facility.

(4) A description of proposed materials and colors of the proposed facility specific by type and treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.).

(5) Preliminary landscape and irrigation plan, if required.

(b) The city reserves the right to employ experts, at the applicant's expense, to evaluate information submitted with the application to ensure compliance with local regulations for land use, and to verify compliance with the Federal Communications Commission's standards for RFR emissions.

(c) Applicants shall submit a theoretical radiofrequency radiation study (prepared by a person qualified to prepare such studies) with the application which quantifies the proposed project's radiofrequency emissions, demonstrating compliance of the proposed facility with applicable NCRP and ANSI/IEEE and FCC policies, standards, and guidelines for maximum permissible exposure (MPE) to radiofrequency radiation emissions. The study shall also include a combined (cumulative) analysis of all the wireless operators/facilities located on and/or adjacent to the project site, identifying total exposure from all facilities and demonstrating compliance with FCC guidelines. An updated radiofrequency study shall be submitted for any modification to a facility.

(d) Application materials required for small wireless facilities proposed in the public right-of-way pursuant to section 33-704(k) shall comply with any guidelines adopted pursuant to that section.

(Ord. No. 2020-03, § 6, 3-4-20)

§ 33-706. Personal wireless service facilities—Land use approval.

(a) City staff shall review plans for planning, siting, architecture, zoning compliance, landscaping, engineering, building requirements, safety, and conformance with the wireless facilities guidelines.

After such review, staff may approve, conditionally approve, or deny the proposed facility, or refer it to the planning commission for approval, conditional approval, or denial. As a component of the project review, the applicant must include details regarding the ability to provide the necessary utilities (i.e., telco and power) and appropriate access to the site. All new utility service runs shall be placed underground.

(b) Land use approval requirements for small wireless facilities located in the public right-of-way are provided in section 33-704(k).

(c) Except for small wireless facilities in the public right-of-way, a plot plan application shall be required for all personal wireless service facilities/antennas and facilities which are permitted in the zone and which do not require a conditional use permit.

(d) Residential and open space zones. Except as specified in section 33-706(b), personal wireless service facilities located in residential and open space zones, and in the public right-of-way adjacent to them, shall require a conditional use permit pursuant to Division 1 of Article 61.

(e) Commercial and industrial zones. Plot plan approval or a conditional use permit shall be required in commercial and industrial zones according to the following chart:

	CG	CN	CP	I-O	M-1	M-2	I-P
Personal Wireless Communication Facilities							
Roof-mounted or building-mounted incorporating stealthy designs and/or screened from public ways or significant views	P	P	P	P	P	P	P
Pole-mounted or ground-mounted that incorporate stealthy designs and do not exceed 35′ in height	P	P	P	P	P	P	P
Pole-mounted or ground-mounted that exceed 35′ in height, or roof or building-mounted designs which project above the roofline and are not completely screened or considered stealthy	C	C	C	C	P	P	C

P = Permitted subject to plot plan review.

C = Conditionally permitted subject to a conditional use permit (CUP).

(f) Co-location. Co-location of personal wireless service facilities is encouraged to the extent it is technically feasible, up to the point where a structure or site has too many antennae and becomes visually cluttered, subject to the following siting criteria and chart:

	CG	CN	CP	I-O	M-1	M-2	I-P
Personal Wireless Communication Facilities							
Co-location on existing buildings or structures, or adding an additional facility on a site	P	P	P	P	P	P	C
Co-location including new pole-mounted or ground-mounted structures that exceed 35′ in height, or roof-mounted or building-mounted designs which project above the roofline and are not completely screened or considered stealthy	C	C	C	C	P	P	C

RA	RE	R-1	R-2	R-3	R-4	RT	OS
C	C	C	C	C	C	C	C

P = Permitted subject to plot plan review.

C = Conditionally permitted subject to a conditional use permit (CUP).

(g) Planned development and specific plans. Unless specifically permitted or conditionally permitted as part of the planned development or specific plan, any wireless communication facility shall not be permitted within these zones unless a modification to the master development plan or specific plan is approved by the planning commission or city council, as may be required. This provision does not apply to small wireless facilities in the public right-of-way.

(Ord. No. 2020-03, § 6, 3-4-20; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-707. Personal wireless service facilities—Modifications and upgrades.

Except for small wireless facilities in the public right-of-way identified in section 33-704(k), the modification of a personal wireless service facility which was not specified in the original design/approval (including, as examples, an increase in height, the number of antennas/panels, an increase in mass and scale, etc.) may be considered equivalent to an application for a new personal wireless service facility, and will be subject to the requirements of this article. However, upgrades to existing facilities to incorporate new technology which, in the discretion of the director, do not in-crease the existing mass and scale, increase the height or visibility of the structures, or decrease the overall height of the facility, may be approved by the director, and/or may be referred to the planning commission. Modifications and upgrades to small wireless facilities installed in the public right-of-way pursuant to section 33-704(k) shall be reviewed as described in said section and in any guidelines adopted pursuant to it.

(Ord. No. 2020-03, § 6, 3-4-20)

§ 33-708. Personal wireless service facilities—Abandonment or discontinuation of use.

(a) At such time that a licensed carrier plans to abandon or discontinue operation of a personal wireless service facility, such carrier shall notify the city in writing of the proposed date of abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the personal wireless service facility shall be considered abandoned upon such discontinuation of operations.

(b) Upon abandonment or discontinuation of use, the carrier shall physically remove the personal wireless service facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

(1) Removal of antennas, mount, equipment shelters and security barriers from the subject property;

(2) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal programs;

(3) Restoring the location of the personal wireless service facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

(c) For small wireless facilities installed in the public right-of-way, the city shall reserve the right to require a bond to ensure removal of such facilities, and the replacement of any structures removed as part of the installation, upon abandonment or discontinued use. The city may, at its sole discretion, require any structure installed in the public right-of-way for the purpose of installation of a small wireless facility to be left in place, and such structure shall become the possession of the city upon abandonment or discontinuance of use by the carrier. The city may also require the carrier to replace any structure that was removed in order to install the small wireless facility.

(Ord. No. 2020-03, § 6, 3-4-20)

ARTICLE 35
OUTDOOR LIGHTING

§ 33-710. Citation.

This article may be cited as the City of Escondido outdoor lighting ordinance.
(Zoning Code, Ch. 107, § 1072.10; Ord. No. 2014-20, § 4, 1-7-15)

§ 33-711. Purpose and intent.

It is the purpose and intent of this article to minimize glare, light trespass, and artificial sky glow for the benefit of the citizens of the city and astronomical research at Palomar Observatory, and to promote lighting design that provides for public safety, utility, and productivity while conserving energy and resources by:

(a) Using outdoor light fixtures with good optical control to distribute the light in the most effective and efficient manner;

(b) Using the minimum amount of light to meet the lighting criteria;

(c) Using shielded outdoor light fixtures;

(d) Using low-pressure sodium, narrow-spectrum amber light emitting diodes (LEDs,) or other equivalent energy efficient outdoor light fixtures with a correlated color temperature (CCT) of 3,000 Kelvin (K) or less;

(e) Energizing outdoor light fixtures only when necessary, by means of automatic timing devices; and

(f) Requiring that certain outdoor light fixtures and lamps be turned off between 11:00 p.m. and sunrise.
(Zoning Code, Ch. 107, § 1072.11; Ord. No. 2014-20, § 4, 1-7-15; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-712. Definitions.

"Automatic timing device" means a clock device which automatically activates and deactivates outdoor light fixtures or circuits. Photosensitive controls are not considered automatic timing devices for the purposes of this article.

"Correlated color temperature (CCT)" means the color temperature measured in Kelvins (K) that describes the overall color tone of a white light source.

"Glare" means difficulty seeing in the presence of bright light such as direct or reflected artificial lights.

"Kelvin" means the unit of measure of the color temperature of light sources.

"Lamp" means a device that produces light.

"LED" means light emitting diode, which is a semiconductor device that converts electricity into light.

"Light trespass" means light falling across property boundaries, onto property not containing the originating light source.

"Lumen" means a quantitative unit measuring the actual amount of visible light produced by a lamp.

Luminaire. See "Outdoor light fixture."

"Luminous tube lighting" means gas-filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

Neon lighting. See "Luminous tube."

"Outdoor light fixture" means an artificial lighting assembly (including lamp, housing, reflectors, lenses and shields) which is permanently installed outdoors including, but not limited to, lights for roadways, walkways, parking lots, open canopies, product display areas, landscape and architectural accents, security, recreational facilities, advertising and decorative effects.

"Person" means any individual, partnership, venture, corporation or entity, the singular of which becomes plural.

"Shielding" means a combination of techniques or methods of construction, mounting and focusing, which causes all light emitted from an outdoor light fixture, either directly from the lamp or indirectly from the fixture, to be projected below an imaginary horizontal plane passing through the lowest light-emitting point of the fixture (zero up-light rating).

"Sky glow" means visible light in the sky resulting from light that is reflected and/or refracted by water vapor, dust and other gas molecules in the atmosphere.

"Watt" means the unit of measure of the electrical power consumption of a lamp (not the light output).
(Zoning Code, Ch. 107, § 1072.12; Ord. No. 2014-20, § 4, 1-7-15)

§ 33-713. General requirements.

(a) Outdoor light fixtures installed after the effective date of this article[2] and thereafter maintained upon private commercial, industrial, multifamily residential (over six dwelling units), or other nonresidential uses (e.g., churches, day care, convalescent use, schools) shall comply with the following:

(1) Only shielded low-pressure sodium, shielded narrow-spectrum amber LEDs, or other shielded energy efficient outdoor light fixtures with a CCT of 3,000 Kelvin or less shall be utilized except as listed under subsection (b) of this section and section 33-714 of this article;

(2) All light fixtures within 100 feet of any signalized intersection shall be shielded and/or directed in such a manner so that the lighting from such fixtures does not interfere with established traffic signals.

(b) Time controls. All outdoor light fixtures that are not low-pressure sodium or narrow-spectrum amber LEDs, or do not have a CCT of 3,000 Kelvin or less, and that are installed and maintained after the effective date of this article upon new private commercial, industrial, multifamily residential (over six dwelling units), or other nonresidential uses (e.g., churches, day care, convalescent use, schools) shall be equipped with automatic timing devices so that such lighting is turned off between the hours of 11:00 p.m. and sunrise except when used for:

(1) Industrial and commercial uses where color rendition is required, such as in assembly, repair, and outdoor display areas, where such use continues after 11:00 p.m. but only for so long as such use continues in operation;

(2) Recreational uses that are in progress at 11:00 p.m. but only for so long as such uses continue;

(3) Signs and electronic displays and screens of business facilities that are open to the public between the hours of 11:00 p.m. and sunrise but only for so long as the facility is open.

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2. Editor's Note—The effective date of the ordinance codified in this article is February 6, 1987.

(c) In addition to the provisions of this article, all outdoor light fixtures shall be installed in conformity with all other applicable provisions of the Escondido Municipal Code, the California Building Code, the National Electrical Code, the California Energy Code, and the California Green Building Standards Code.

(d) Standards for street lighting installed on public rights-of-way and private roads are found in the City of Escondido Engineering Design Standards and Standard Drawings.

(e) The types, locations, and controlling devices of outdoor light fixtures for multifamily dwellings (six units or less) and single-family homes shall minimize glare, light trespass, and artificial sky glow.

(Zoning Code, Ch. 107, § 1072.20; Ord. No. 2014-20, § 4, 1-7-15; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-714. Exemptions.

(a) All outdoor light fixtures existing and legally installed prior to the effective date of this article[3] are exempt from the requirements of this article, unless work is proposed in any one year period so as to replace 50% or more of the existing outdoor light fixtures or lamps, or to increase to the extent of 50% or more the number of outdoor light fixtures on the premises. In such a case, both the proposed and the existing outdoor light fixtures shall conform to the provisions of this article and shall be detailed on lighting plans prior to the issuance of applicable building permits.

(b) All outdoor light fixtures producing light directly by combustion of fossil fuels, such as kerosene lanterns or gas lamps, are exempt from the requirements of this article.

(c) All outdoor light fixtures on facilities or lands owned, operated, or controlled by the United States Government, the State of California, the County of San Diego, or any other public entity or public agency not subject to ordinances of this city are exempt from the requirements of this article. Voluntary compliance with the intent of this article at those facilities is encouraged.

(d) Temporary uses and holiday lighting not exceeding 45 consecutive days during any one-year period as determined by the director of community development are exempt from the requirements of this article.

(e) Any shielded light fixture that produces 4,050 lumens or less is exempt from the requirements of this article. Examples of lamp types of 4,050 lumens and below generally include:

(1) 200 watt standard incandescent and less;

(2) 150 watt tungsten-halogen (quartz) and less;

(3) 75 watt mercury vapor and less;

(4) 50 watt high pressure sodium and less;

(5) 50 watt metal halide and less;

(6) 40 watt fluorescent and less.

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3. Editor's Note—The effective date of the ordinance codified in this article is February 6, 1987.

Note: Because lumen output determines this exemption instead of wattage, manufacturer's specifications with the lumen information must be included with proposals applicable under this article.

(Zoning Code, Ch. 107, § 1072.30; Ord. No. 2014-20, § 4, 1-7-15; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-715. Conflicts.

Where any provision of the statutes, codes or laws of the United States of America or the State of California conflict with any provision of this article, the most restrictive shall apply unless otherwise required by law.
(Zoning Code, Ch. 107, § 1072.40; Ord. No. 2014-20, § 4, 1-7-15)

§ 33-716. Violation.

Any person who willfully violates any provision of this article shall be guilty of an infraction punishable under the provisions of section 1-17 of Chapter 1 of the Escondido Municipal Code.
(Zoning Code, Ch. 107, § 1072.50; Ord. No. 2014-20, § 4, 1-7-15)

§ 33-717. through § 33-719. (Reserved)

ARTICLE 36
CARGO CONTAINER RESTRICTIONS

§ 33-720. Definition and purpose.

(a) Definition. A *cargo container* is an industrial, standardized reusable metal vessel that was originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities by commercial trucks, trains and/or ships. A cargo container modified in a manner that would preclude future use by a commercial transportation entity shall be considered a cargo container for purpose of this article.

(b) Purpose. This article establishes minimum development standards for the placement of metal shipping containers within the city, limits the use of cargo containers in residential zones and addresses requirements in other zones.

(Ord. No. 2012-07(R), § 9, 6-20-12)

§ 33-721. Permitted locations and prohibitions.

(a) It is unlawful to place, use, allow or maintain cargo containers on residential property zoned R-1, R-2, R-3, R-4, R-5 or RT; unless specifically exempted pursuant to this article.

(b) It is unlawful to place, use, allow or maintain cargo containers on property zoned R-A or R-E; unless specifically authorized or exempted pursuant to this article.

(c) It is unlawful to place, use, allow or maintain cargo containers in any commercial or industrial zone unless there is a legal primary use on the property where it is located, required parking is not impacted and access is maintained.

(d) It is unlawful to place, use, allow or maintain cargo containers in any planned development or specific plan zone unless specifically authorized by the director of community development, and consistent with provisions of the specific plan or planned development.

(e) Where permissible, the placement of cargo containers on private property shall be subject to the issuance of a minor development permit by the director of community development.

(Ord. No. 2012-07(R), § 9, 6-20-12; Ord. No. 2023-15, 10/25/2023)

§ 33-722. Authorized residential use.

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

(a) A parcel within the RE and RA zone must be a minimum of one acre in size. Only one cargo container is allowed for the first one acre and one additional cargo container per every additional five acres.

(b) A legal primary use exists on the property.

(c) The cargo container meets all applicable use, development standards and maintenance regulations in the Escondido Municipal and Zoning Codes.

(d) The cargo container is appropriately screened from public view by fencing, landscaping, terrain, buildings, exterior architectural enhancements to the container (i.e., decorative siding, pitched roof, etc.) or some combination of these methods.

(e) Cargo containers must meet setback requirements for primary structures, but shall not be allowed closer than 10 feet to any property boundary. A container also must maintain a separation of 10 feet from the primary structure and other accessory structures, except for other authorized cargo containers.

(Ord. No. 2012-07(R), § 9, 6-20-12)

§ 33-723. Cargo containers in nonresidential zones.

(a) Cargo containers used for the routine transportation of goods and temporarily stored in commercial and industrial zones are exempt from the provisions of this article, but subject to other use restrictions found in both the Escondido Municipal and Zoning Codes. Cargo containers may be used for long-term storage on industrial zoned property in areas where open storage has been approved.

(b) Cargo containers may be used on a temporary basis in commercial zones for additional storage to support seasonal events, but shall not be located on the site for more than 90 consecutive days. The containers shall be located to the rear or other nonconspicuous areas of the site. The containers shall not be located within the front areas of the site or highly visible areas from the public way.

(c) Cargo containers may be used for long-term storage in commercial zones if all of the following requirements are met:

(1) The containers meet all applicable use, development standards and maintenance regulations in the Escondido Municipal and Zoning Codes.

(2) The cargo container is appropriately screened from public view by fencing, landscaping, terrain, buildings, exterior architectural enhancements to the container (i.e., decorative siding, pitched roof, etc.) or some combination of these methods.

(Ord. No. 2012-07(R), § 9, 6-20-12)

§ 33-724. Cargo containers for sports fields.

(a) Cargo containers may be used for storage purposes in conjunction with schools that maintain sports fields, and also for parks, golf courses, governmental facilities, and other similar uses as determined by the director of community development.

(b) The container(s) shall be located in a nonconspicuous location on the site and conform to the setbacks of the underlying zone, but no closer than 10 feet to any exterior property boundary. Appropriate screening may be required, as determined by the director of community development.

(Ord. No. 2012-07(R), § 9, 6-20-12)

§ 33-725. Temporary storage.

Cargo containers are allowed on private property in all zones temporarily to store building materials and/or construction tools during construction pursuant to an active building permit on the same property. If the building permit is expired or finaled, the container shall be removed within 10 calendar days of the permit expiration or building permit final. If construction ceases for a period of 30 days or is abandoned, the container shall be removed no later than 10 calendar days after notice to remove is issued by the city. The temporary placement on lots smaller than one acre shall never exceed 180 days in any calendar year.

(Ord. No. 2012-07(R), § 9, 6-20-12)

§ 33-726. Permit administration.

A minor development permit shall be required prior to the placement of a cargo container on private property, unless expressly exempted by this article. An application for a minor development permit shall be made to the planning division on forms prescribed by the director of community development. The application shall be accompanied by the following:

(a) Three copies of a detailed site plan showing the location of the proposed container (including, but not limited to, setbacks from property lines and other structures located on the site, drive aisles, parking spaces, etc.).

(b) Details regarding the container (including height, width, length, color, etc.).

(c) Method of screening.

(d) Such other information as the director of community development may require to adequately review an application.

(e) Minor development permit fee, as adopted by city council resolution.

(Ord. No. 2012-07(R), § 9, 6-20-12)

§ 33-727. Standards.

(a) It is unlawful for any property owner, tenant or other responsible party to use, allow or maintain a cargo container in violation of any standard provided in this section.

(b) Cargo containers shall not be stored in a manner that impedes access to public rights-of-way, public utility or drainage easements or adjacent structures and buildings. The cargo container(s) shall not block, obstruct, or reduce in any manner any required exits, windows, vent shafts, parking spaces, and/or access driveways.

(c) Cargo containers may be used for storage only and shall not be used for human habitation or for commercial business purposes.

(d) Cargo containers shall not be used to store hazardous materials in violation of any local, state or federal requirements.

(e) Cargo containers may not occupy any required off-street parking spaces, loading/unloading areas, or fire lanes. Parking spaces may be used for temporary storage in commercial zones to support seasonal events provided the amount of spaces is not more than 20% of the required parking spaces for the sponsoring business or 5% of the overall spaces within a commercial center containing multiple tenants.

(f) No signage shall be allowed on any permanent cargo container.

(g) Cargo containers shall not be stacked on top of each other or on another structure.

(h) Containers shall be prohibited from having windows, heating and cooling, plumbing, or multiple entrances. Cargo containers may include passive systems to provide appropriate ventilation. Utility services shall not be provided to the container.

(i) All cargo containers shall be operated in a safe manner, and be structurally sound, stable and in good repair. The container shall not contain any holes, peeling paint, rust, damage or structural modifications.

(j) Cargo container(s) used for long-term storage shall not be visible from the portion of any public or private road that abuts the lot or property. Acceptable screening features for a cargo container include landscaping, fencing, terrain, existing structures, exterior architectural enhancements, or a combination of these features.

(k) Cargo container(s) used for temporary storage in commercial zones may not be placed within any designated landscape or storm water facility.

(l) Cargo container(s) shall be painted a nonreflective neutral color that is compatible with the primary structure or to blend in with the surrounding environment.

(Ord. No. 2012-07(R), § 9, 6-20-12)

§ 33-728. Nonconforming use expiration.

A cargo container that was lawfully on private property prior to the effective date of the ordinance codified in this article may be allowed to continue as a nonconforming use for two years after the effective date.

(Ord. No. 2012-07(R), § 9, 6-20-12)

ARTICLE 37
PUBLIC ART

§ 33-730. Intent.

(a) It is the intent of the city to create a program designed to promote the arts in public places. It is intended that art work will be installed throughout the neighborhoods of Escondido and be a source of pride to the residents of the city and the community life.

(b) The public art partnership program will provide art education and experiences which will enhance the economic vitality, commemorate local values, history and progress, as well as develop community pride and identity and improve the general welfare and quality of life in the city. The program will promote partnership between business, local government and private citizens and thereby encourage awareness and enjoyment of art experiences. An increase in the quantity and quality of distinguished works of art will improve and expand the use and value of public buildings and facilities and enhance the urban development of the community.

(Zoning Code, Ch. 107, § 1074.10)

§ 33-731. Definitions.

"Art in public places" means any visual work of art, accessible to public view, on public or private property within the Escondido neighborhood environs including residential, business or industrial buildings, apartment and condominium complexes, parks, multiple-use structures and similar facilities. The work of art may include, but need not be limited to, sculptures, murals, monuments, frescoes, fountains, paintings, stained glass or ceramics. Media may include, but need not be limited to, steel, bronze, wood, plastic, stone and concrete.

"Tenant improvements" mean improvements within the confines of an existing building exclusive of those required to meet minimum Uniform Building Code occupancy standards, such as wiring or plumbing.
(Zoning Code, Ch. 107, § 1074.20)

§ 33-732. Appointment and terms of office.

(a) The city council shall appoint a public art commission, which shall meet as needed. The commission shall consist of seven members possessing an interest in public art. Members of the public art commission shall be appointed by the mayor. Members shall reside or own a business within the city's general plan; up to two members may be appointed who do not reside or own a business within the city's general plan provided they are employed at a business within the city's general plan. Members of the public art commission shall serve at the pleasure of the council, and may be removed from office at any time, without cause.

(b) The terms of office for members of the public art commission shall be for a two year period commencing with the actual date of appointment and ending on March 31st of the second year thereafter.

(c) Any vacancy which occurs prior to the expiration of a term shall be filled by appointment for the unexpired portion of such term consistent with the nomination procedure provided for in section 2-30.

(d) The commission shall appoint a chairperson and shall designate ex officio advisers to aid in the commission functions without vote.

(e) Ex officio advisers shall include:

(1) A visual artist;

(2) An architect or urban designer;

(3) An arts professional such as a curator, fine arts collector, art critic or art educator;

(4) A member of the business or industry community;

(5) A member of the community services commission.

(Ord. No. 2021-14R, § 4, 3-2-22)

§ 33-733. Administrative panel duties.

The duties of the public art partnership panel shall include, but not be limited to, the following:

(a) To review, select and approve art work proposed within the public art partnership program;

(b) To devise methods of selecting and commissioning artists with respect to the design, execution and placement of art in public places and to advise the city council on the selection and commissioning of artists for such purposes;

(c) To advise the city in matters pertaining to the quality, quantity, scope and style of art in public places;

(d) To advise the city regarding the amount of the "percent for art" fund to be expended on specific art projects;

(e) To review and maintain an inventory of art in public places and advise the city in matters pertaining to the maintenance, placement, alteration, sale, transfer, ownership and acceptance or refusal of donations and other matters pertaining to art in public places;

(f) To recommend the retention of consultants to assist the city in making decisions concerning the public art partnership program;

(g) To advise and assist private property owners regarding the selection and installation of works of art to be located on private property in the public view;

(h) To act as a liaison between artists and private property owners desiring to install works of art on private property in public view;

(i) To establish and maintain an inventory of meritorious works of art in the public view and give recognition to the artist and the donor;

(j) To endeavor to preserve works of art in the public view deemed to be meritorious by the public art partnership panel through agreements with the property owners and the artist;

(k) To seek grants, donations, gifts and other funding methods for works of art in public places;

(l) To educate, edify and generally inform the public about art.

(Zoning Code, Ch. 107, § 1074.31)

§ 33-734. Fees.

(a) By resolution, the city council shall establish a schedule of construction requiring building permits from the city which shall pay a fee for art in public places or provide art in public places pursuant to subsection (b) of this section. There shall be no fee for the following:

(1) Individual tenant improvements in a commercial or industrial building and all residential improvements to existing residential structures (such as room additions) except for work which results in an additional dwelling unit.

(2) The first 2,000 square feet of any structure. This exception shall not apply on an individual basis to commercial structures which are part of a larger integrated commercial center, but shall apply only to the first 2,000 square feet of the entire center.

(b) Prior to issuance of a building permit, the applicant or developer for projects identified in subsection (a) of this section shall be required to either:

(1) Pay the art fee which shall be established from time to time by city council resolution; or

(2) Enter into an agreement with the city to defer payment to a date established by the city, not to exceed one year from building permit issuance, with the calculation of such fee due based on the fee schedule in effect at the time of payment; or

(3) In lieu of the fee, donate art which shall have been approved by the public art partnership panel and have a minimum value determined by the panel based upon the fee schedule which shall be established by city council resolution; or

(4) A combination of the above.

(c) If art has been provided in lieu of a fee for construction requiring building permits, the art shall be installed, maintained and operated at all times in substantial conformance with the manner in which the art was originally approved by the panel.

(d) Following approval of the project, the applicant shall record a document with the county recorder setting forth a description of the art and stating the obligation of the property owner to repair and maintain the art project. This document and the underlying land shall be in form to run with the land and provide notice to future property owners of the obligation to repair and maintain the art project.

(e) At any time the panel has determined that project has not been maintained in substantial conformance to the manner in which it was originally approved, the panel shall require the current property owner to either:

(1) Repair or maintain the art; or

(2) Pay the art fee required by subsection (b) of this section, based upon the current fee schedule and the square footage of the building, structure or improvement for which the art was required.

(Zoning Code, Ch. 107, § 1074.40; Ord. No. 90-26, § 1, 6-13-90; Ord. No. 97-10, § 1, 6-4-97; Ord. No. 2012-12, § 8, 6-20-12)

§ 33-735. Art project proposals.

The public art partnership shall develop procedures to implement the public art partnership program and shall develop and review criteria for all art under the program.
(Zoning Code, Ch. 107, § 1074.50)

§ 33-736. Notice.

At any time the panel reviews an art project proposal, the advance notice shall be published at least once in a newspaper of general circulation. At any time the panel or the city council reviews an appeal of a

decision on an art project proposal, advance notice of such review shall be given to the applicant and shall be published at least once in a newspaper of general circulation.
(Zoning Code, Ch. 107, § 1074.51)

§ 33-737. Appeal.

Decisions of the public art partnership panel pursuant to this article and related resolutions on art for private and public property are deemed final at the time they are made and are effective 10 days after the decision is made. An appeal of any final decision filed with the city clerk within 10 days of the date the decision is made shall stay the decision until determination of the appeal. An appeal to the panel for reconsideration of the panel decision may be filed by any aggrieved person, and shall be processed as follows:

(a) An appeal shall be reviewed at the first regularly scheduled meeting after it is filed;

(b) Appeals shall be filed on forms available at the city clerk's office and shall contain the grounds upon which the appeal is made;

(c) On appeal, the panel shall review all pertinent documents, including the original application, records, specifications and details of the appeal which may indicate how or why the application and art proposal failed to meet the requirements of this article and the related resolutions and guidelines;

(d) The panel may affirm, reverse or modify in whole, or in part, any appealed decision, determination or requirement. Before granting any appealed petition which was originally denied, the panel shall indicate in writing where and how the proposal meets or fails to meet the relevant requirements as stated;

(e) The panel review of its own action may be appealed by any aggrieved person in writing to the city council within 10 days of the panel's final decision. The appeal shall state the grounds upon which it is based. A fee of $50 to cover costs on appeal shall be paid at the time the appeal is filed;

(f) The city council will not exercise its independent judgment on artistic matters unless the city council requests that the matter be put on the agenda for review or an appeal of a panel decision is filed. Unless the city council determines to exercise its independent judgment as provided in this section, designs, sketches, precise plans, photographs, art examples and similar items concerning art in public places shall not be transmitted to the city council as a matter of course in conjunction with projects before the city council.

(Zoning Code, Ch. 107, § 1074.52)

§ 33-738. Installation.

A certificate of occupancy shall not be issued until such time as the art/sculpture is in place, the appropriate fee has been paid or a letter of credit for the full amount of the fee has been deposited with the city. If the art work is not completed within 12 months, the fee or letter of credit shall be forfeited and the obligation satisfied.
(Zoning Code, Ch. 107, § 1074.53)

§ 33-739. Nondevelopment proposals.

(a) The public art partnership panel shall receive art/sculpture project proposals from sculptors, painters, environmental artists, ceramicists, glass artists, woodworkers and metalsmiths. All such artists who work in either large or small scale are encouraged to submit project ideas. The panel shall maintain such ideas in readiness for continuous review by the panel and such ideas shall be matched with

requests by developers, builders, owners or users of prospective sites. The panel shall also make available to other public and private organizations such information.

(b) The public art partnership panel shall develop necessary criteria for the nondevelopment proposals. (Zoning Code, Ch. 107, § 1074.60)

§ 33-740. through § 33-749. (Reserved)

ARTICLE 38
MASSAGE ESTABLISHMENTS

§ 33-750. Purpose.

It is the purpose and intent of this chapter to regulate the operations of massage establishments, which tend to have judicially recognized adverse secondary effects on the community, including, but not limited to, increases in crime in the vicinity of massage establishments; decreases in property values in the vicinity of massage establishments; increases in vacancies in residential and commercial areas in the vicinity of massage establishments; interference with residential property owners' enjoyment of their properties when such properties are located in the vicinity of massage establishments as a result of increases in crime, litter, noise, and vandalism; and the deterioration of neighborhoods. Special regulation of these businesses is necessary to prevent these adverse secondary effects and the blighting or degradation of the neighborhoods in the vicinity of massage establishments.
(Ord. No. 2015-01R, § 5, 1-14-15)

§ 33-751. Definitions.

In addition to any other definitions contained in the municipal code, all words and phrases included in this chapter pertaining to massage establishments shall be consistent with the definitions in Chapter 16A, Article 1, section 16A-1, unless it is clearly apparent from the context that another meaning is intended.

Businesses, including day spas, salons, beauty parlors, barber shops, etc., that provide up to 15% of their gross floor area for massage activities are not considered massage establishments, however, persons administering massages at said establishments shall comply with all state and local licensing provisions.
(Ord. No. 2015-01R, § 5, 1-14-15)

§ 33-752. Location of massage establishments.

(a) Massage establishments, as defined in Chapter 16A, Article 1, section 16A-1 of this code, shall be a permitted use only in certain commercial shopping centers listed below:

Center Name	Address
Civic Center Plaza	311 - 445 N. Escondido Boulevard
Del Norte Plaza	302 - 358 W. El Norte Parkway
El Norte Parkway Plaza	1000 W. El Norte Parkway
Escondido Gateway	810 - 860 W. Valley Parkway
Escondido Promenade Center	1200 - 1290 Auto Parkway
Ferrara Plaza	2401 - 2447 E. Valley Parkway
Major Market Shopping Center	1805 - 1895 S. Centre City Parkway
Plaza Las Palmas	970 - 1138 W. Valley Parkway
Westfield North County	200 - 298 E. Via Rancho Parkway

(b) Massage establishments, as defined in Chapter 16A, Article 1, section 16A-1 of this code, not located within commercial shopping centers listed in subsection (a) shall be permitted in the General Commercial (CG) zone subject to a conditional use permit pursuant to Article 61 unless otherwise prohibited.

(c) A massage establishment legally established prior to the adoption of this ordinance operating with a valid business license and other appropriate approvals that does not comply with subsection (a) or (b) shall be considered a legal nonconforming use pursuant to Article 61, Division 3.

(d) Any person violating or causing the violation of any locational provisions regulating massage establishments pursuant to this section shall be subject to the remedies of section 33-753 of this article.

(e) The requirements of subsections (a), (b), and (c) of this section shall be in addition to any other relevant provisions of this code.

(Ord. No. 2015-01R, § 5, 1-14-15)

§ 33-753. Violations.

(a) Any person operating or causing the operation of a massage establishment on any parcel in which no application for a massage establishment permit under Chapter 16A has been granted, or any person violating or causing the violation of any of the locational provisions regulating massage establishments shall be subject to license revocation/suspension pursuant to section 16A-16, a fine of not more than $1,000 pursuant to Government Code sections 36900 and 36901, and any and all other civil remedies. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.

(b) In addition to the remedies set forth in subsection (a), any violation of any of the locational provisions pursuant to section 33-752 regulating massage establishments is hereby declared to constitute a public nuisance and may be abated or enjoined.

(c) If a massage establishment permit is revoked, or not renewed as a result of violations, no massage establishment permit may be issued at that location for a period of five years from the date of revocation or non-renewal.

(Ord. No. 2015-01R, § 5, 1-14-15)

§ 33-754. Regulations nonexclusive.

The provisions of this chapter regulating massage establishments are not intended to be exclusive, and compliance therewith shall not excuse noncompliance with any other provisions of the municipal code and/or any other regulations pertaining to the operation of businesses as adopted by the city council of the City of Escondido.

(Ord. No. 2015-01R, § 5, 1-14-15)

§ 33-755. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this article and the ordinance to which it is a part, or any part thereof is held for any reason to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, the remaining sections, subsections, paragraphs, sentences, clauses, and phrases shall not be affected thereby. The city council hereby declares that it would have adopted this article and the ordinance to which it is a part regardless of the fact that one or more sections, subsections, paragraphs, sentences, clauses, or phrases may be determined to be unconstitutional, invalid, or ineffective.

(Ord. No. 2015-01R, § 5, 1-14-15)

§ 33-756. through § 33-759. (Reserved)

ARTICLE 39
OFF-STREET PARKING

§ 33-760. Off-street parking.

The number of off-street parking spaces required in connection with any particular land use shall be not less than that set forth in the applicable zoning regulations or as set forth in this article, unless otherwise preempted by state law.
(Ord. No. 2023-15, 10/25/2023)

§ 33-761. Permanent parking to be provided.

Every building, structure, improvement or use hereafter constructed, reconstructed, structurally altered or enlarged, shall be provided with permanently maintained parking space as specified in this article.
(Zoning Code, Ch. 107, § 1077.11; Ord. No. 88-64, § 1, 11-30-88; Ord. No. 92-43, § 7, 11-18-92; Ord. No. 92-48, § 3, 11-18-92)

§ 33-762. Continuing obligation.

The required off-street parking facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle or vehicle loading facilities continues. It is unlawful for an owner of any building or use to discontinue or dispense with the required vehicle parking facilities without providing some other vehicle parking area which meets the requirements of this article.
(Zoning Code, Ch. 107, § 1077.11.1)

§ 33-763. Nonconforming facilities.

Any use of property which, on the effective date of this article or of any subsequent amendment thereto, is nonconforming only as to the regulations relating to off-street parking facilities may continue in the same manner as if the parking facilities were conforming. Such existing facilities shall not be further reduced, except when necessary to meet federal, state or regional requirements, such as to accommodate updated standards related to the Americans with Disabilities Act (ADA), retrofitting existing dumpster areas for refuse collection, and/or accommodating electrical vehicle charging infrastructure. When the updating of parking facilities to meet the standards results in fewer parking spaces than required by section 33-765, the reduced parking shall not be considered when determining if a property is nonconforming pursuant to Article 61, Division 3 of this chapter.
(Ord. No. 2012-17, § 4, 10-3-12; Ord. No. 2019-10, § 7, 8-21-19)

§ 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.

(b) Minor conditional use permit. For uses in nonresidential zones, a request to provide fewer than 75% of the parking spaces required by section 33-765 may be considered by the zoning administrator upon the submittal of an application for a minor conditional use permit pursuant to Article 61, Division 1, with the application fee adopted by city council. The zoning administrator may approve or conditionally approve the request upon demonstration that the proposed reduction will be compatible with adjacent properties, uses and improvements; the development is in close proximity to public transit; and the number of parking spaces provided is suitable for the mix of uses proposed. The zoning administrator may require additional information with the application, including, but not limited to, a market demand study or report that substantiates the appropriateness of the requested parking reduction.

(c) The minimum required parking spaces for any existing development may be reduced by minor plot plan as necessary by the director to accommodate updated standards related to federal accessibility requirements (Americans with Disabilities Act), retrofitting existing dumpster areas for refuse collection, and/or accommodating electrical vehicle charging infrastructure.

(d) Major conditional use permit. Unbundling any amount of parking or other means to separate the cost to rent a parking space from the cost of renting an apartment or condo.

(e) Carry-out zones. For off-street parking facilities containing at least five existing, striped parking spaces, at least one, but no more than 5% of the total number of parking spaces on the same premises may be reserved for curbside pick-up, restaurant carry-out zones, and/or other drop-off and pick-up related uses and activities. Additional spaces may be allowed through an administrative adjustment process.

(Ord. No. 2012-17, § 5, 10-3-12; Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2019-10, § 7, 8-21-19; Ord. No. 2023-06, § 3, 3-8-23; Ord. No. 2023-07, § 3, 3-8-23)

§ 33-765. Parking spaces required.

Except as specifically required in applicable zoning regulations, specific plans, or in section 33-782, Parking for historic structures, the number of off-street parking spaces shall be not less than that specified below. When an addition is made to an existing building, only the square footage in such addition need be used in computing the required off-street parking.

Use	Parking Spaces Required
Residential	
Single-family and two-family residences	Two car garage or carport for each unit.
Bed and breakfast	One parking space for each sleeping room available for rent, in addition to those spaces required by this section for the primary residential use. All spaces shall be located on site.
Accessory dwelling units	None.
Hotel conversions	Subject to Article 63, section 33-1348(e)(11).
Multiple Dwellings	

Use	Parking Spaces Required
Bachelor	One parking space per unit.
One bedroom	One and one-half (1½) parking space per unit.
Two bedroom	One and three-quarter (1¾) parking space per unit.
Three or more bedrooms	Two parking spaces per unit. Each unit shall have a minimum of one covered parking space. In addition, there shall be provided a guest parking space for each four units or fraction thereof. On-street parking spaces, when approved by the staff development committee, may be counted toward fulfilling this requirement. Street frontages abutting the subject property and which are included in the circulation element of the general plan shall not be included in fulfilling this requirement.
Mobilehome parks	Two parking spaces for each site. Parking may be in tandem. In addition, one space for each 10 sites for the laundry and recreation facilities.
Rooming houses, lodging houses, clubs and fraternities having sleeping rooms	One parking space for each two sleeping rooms.
Sanitariums, children's, homes, supportive housing, congregate and care facilities, asylums, nursing homes, etc.	A minimum of one parking space for each three beds is required. Additional parking requirements may be applied based on type and intensity of occupancy. The number of required parking spaces shall be determined by the director of community development and shall be based on the operating characteristics of a specific proposal, including, but not limited to, number of: (1) on-site employees, (2) service deliveries, (3) on-site amenities, and (4) group-use programmed space. Adequate provisions for loading and unloading or pick-up and drop off zones shall be provided, subject to approval of a plot plan/CUP.
Senior housing	Two parking spaces, plus three parking spaces for every four units that are studios/bachelor units or one bedroom units. Units with two or more bedrooms require one and one-half (1½) spaces per unit. Senior housing must also provide adequate provisions for loading and unloading or pick-up and drop-off zones.
Commercial	
Automobile accessory shops	One parking space for each 600 square feet of gross floor area.
Automobile service stations	One parking space for each service stall.
Banks, and savings and loans	One parking space for each 200 square feet of gross floor area.
Barber shops and beauty salons	One parking space for every 600 square feet of gross floor area.
Car dealerships and motor vehicle sales (excluding motorcycles)	Indoor space. One parking space for each 2,000 square feet of floor area. Outdoor space. Employee and customer parking of no fewer than three spaces shall be provided at a minimum, provided that one additional employee/customer parking space shall be required for each additional 20 spaces used for outdoor storage or outdoor display. Exceptions to these requirements may be reviewed and considered as part of a CUP.

Use	Parking Spaces Required
Furniture, large appliance stores and personal computer stores	One parking space for each 800 square feet of gross floor area.
Hotel, motel, and bed and breakfast facility	One parking space for each sleeping unit, plus one parking space for the resident manager, plus one loading space, minimum size 10 feet wide, 35 feet long and 14 feet high for each 20,000 square feet of commercial use included in the facility (restaurant, bar, store, etc.), one parking space for each 100 square feet of restaurant gross floor area, one parking space for each 100 square feet of assembly area (meeting halls, auditoriums, conference rooms, etc.).
Machinery sales and repair garages	One parking space for each 1,000 square feet of display floor area, one space for each 800 square feet of storage area, one space for each 250 square feet of garage floor area.
Truck or motor home repair vehicles 25 feet or longer	One space for every 1,000 square feet.
Motorcycle sales and repair	One parking space for each 250 square feet of gross floor area.
Pushcart food sales	No parking shall be required for pushcart food sales facilities except as required on a case-by-case basis as determined by the director of community development as part of plot plan review procedure.
Offices	
General business and professional	Four parking spaces or one parking space for each 300 square feet of gross floor area, whichever is greater. For offices in the industrial park zone or industrial park overlay, the requirement shall be one parking space for each 250 square feet of gross floor area.
Medical, dental and clinics	One parking space for each 200 square feet of gross floor area.
Massage establishments	One space per 100 square feet.
Restaurants/Food	
Restaurants, bars, night clubs and others	
Having less than 4,000 square feet	One parking space for each 100 square feet of gross floor area. Outdoor dining areas not to exceed 300 square feet shall be exempt from parking subject to miscellaneous use restrictions, section 33-1111 of Article 57 of this chapter.
Having 4,000 square feet	Forty parking spaces plus one for each 50 square feet of gross floor area over 4,000 square feet. Outdoor dining areas not to exceed 300 square feet shall be exempt from parking subject to Miscellaneous Use Restrictions, section 33-1111 of Article 57 of this chapter.
Drive-in, drive-up, drive-thru	Twenty parking spaces plus one for each 100 square feet of gross floor area over 4,000 square feet. Outdoor dining areas not to exceed 300 square feet shall be exempt from parking subject to Miscellaneous Use Restrictions, section 33-1111 of Article 57 of this chapter.

Use	Parking Spaces Required
Product specialty, donuts, ice cream, bakery, etc.	One parking space for each 150 square feet. Outdoor dining areas not to exceed 300 square feet shall be exempt from parking subject to Miscellaneous Use Restrictions, section 33-1111 of Article 57 of this chapter.
Retail	
General retail, except as otherwise specified herein	One parking space for each 250 square feet of gross floor area.
Coin operated laundry	One space per 250 square feet.
Open retail, nurseries and vehicle sales lots not otherwise specified	One parking space for each 1,000 square feet of lot area.
Trailer and boat sales lots	One space per 2,000 square feet of lot supplies.
Shopping center (for the purpose of this article, a shopping center shall have a minimum lot area of three acres and have multiple uses)	One parking space for each 200 square feet of gross floor area.
Stamp redemption centers	One space.
Tailor shops, shoe repair	Three parking spaces or one parking space for each 600 square feet of gross floor area, whichever is greater.
Recreational	
Auditoriums and other places of public assembly and clubs, lodges having no sleeping facilities	One parking space for each five seats and one for each 100 square feet of assembly area not having fixed seats.
Bowling alleys	Four parking spaces for each alley. In addition, spaces for incidental uses shall be provided in accordance with standards specified for the particular use.
Game and athletic courts	Two parking spaces for each court.
Gymnasium, skating rinks, billiard halls, dance schools, karate schools	One parking space for each five seats plus one for each 200 square feet of recreation floor area.
Golf driving ranges	One parking space for each driving tee.
Miniature or pitch and putt golf courses	Three parking spaces for each hole or two for each hole plus the requirement for the accessory uses, whichever is greater.
Swimming pools	One parking space for each 150 square feet of gross water surface area.
Theaters and auctions	One parking space for each five seats or one parking space for each 35 square feet of assembly area.
Other types of public or private recreation	The number of required parking spaces shall be determined by the director of community development and shall be based on the operating characteristics of a specific proposal, including, but not limited to, number of: (1) on-site employees, (2) service deliveries, (3) on-site amenities, and (4) group-use programmed space.
Industrial	

Use	Parking Spaces Required
Kennels, veterinary hospitals and veterinary offices	One parking space for each 200 square feet of examining and operating areas, plus one parking space for each 400 square feet of additional floor area.
Recycling facility	One space for each 500 square feet of material processing area; one space for each 5,000 square feet of outdoor storage area; one space for each scale or bin plus one space (for waiting) per two scales or bins for customer parking.
Manufacturing uses, research and testing laboratories, food processing, printing and engraving shops and contractors	A. Parking standards for the M-1 and M-2 zones. One space for each vehicle used in conjunction with the business, plus one parking space for each 500 square feet of open or enclosed area devoted to the primary use, except contractors' open storage yards one space per 1,000 square foot lot.
	B. Parking standards for the IP and IP-O zones.
	Suite Size / Space/sq. ft.
	<5,000 sq. ft. / 1/400
	5,000 to 9,999 sq. ft. / 1/500
	10,000 to 19,999 sq. ft. / 1/575
	>20,000 sq. ft. / 1/650
	Plus one space per 1,000 square foot lot for contractors' open storage yards.
Salvage yard, junk yards, auto wrecking, storage yards, lumber yards and similar uses	One parking space per employee on the largest shift or one space per 5,000 square feet of lot area, whichever is greater.
Truck terminals	One parking space for each 3,000 square feet of lot area.
Warehouse and wholesale business and mini-storage	A. Parking standards for the M-1 and M-2 zones. One parking space for each 800 square feet of gross floor area. One space per 5,000 square feet of floor area and storage lot for mini-storage.
	B. Parking standards for the IP and IP-O zones.
	Suite Size / Space/sq. ft.
	<5,000 sq. ft. / 1/500
	5,000 to 9,999 sq. ft. / 1/600
	10,000 to 19,999 sq. ft. / 1/700
	>20,000 sq. ft. / 1/800
	One parking space per 5,000 square feet of floor area and storage lot for mini-storage.
Miscellaneous	
Churches, chapels, religious meeting halls and their accessory uses	One parking space for each five seats or one parking space for every 100 square feet of gross floor area for assembly areas without fixed seating 22 inches of linear bench constitutes one seat).
Hospitals	One and one-quarter (1¼) parking spaces for each bed.

Use	Parking Spaces Required
Libraries, museums and library stations	One parking space for each 250 square feet of gross floor area.
Mortuaries	One parking space for every 50 square feet of gross assembly floor area.
Schools, private and public:	
Grade schools, elementary and junior high schools (primary and lower secondary schools)	One parking space for each employee and faculty member, with adequate provisions for loading and unloading or pick-up and drop-off zones pursuant to section 33-1103.
Preschool, day nurseries, and/or child care centers	One parking space per staff person during the shift with the maximum number of employees plus one space for each 10 children, with adequate provisions for loading and unloading or pick-up and drop-off zones pursuant to section 33-1103.
Senior high school (upper secondary school)	One parking space for each staff person during the shift with the maximum number of employees and one for each three students for which the facility is designed, with adequate provisions for loading and unloading or pick-up and drop-off zones pursuant to section 33-1103.
Trade schools, business colleges and commercial schools	One parking space for each one and one-half (1½) students of the maximum capacity of the classroom plus one space for each faculty member.
Emergency shelters	One parking space for each employee, volunteer, service provider and non-client who will be on-site during peak periods, plus one space per three beds.
Transportation terminals and facilities, public utilities, colleges, stadiums, sport arenas and golf courses	Adequate number as determined by the planning commission after special study has been performed.

(Ord. No. 2015-01R, § 7, 1-14-15; Ord. No. 2017-06, § 8, 8-16-17; Ord. No. 2018-07R, § 7, 4-18-18; Ord. No. 2018-20, § 7, 11-28-18; Ord. No. 2020-31R, § 6, 1-13-21; Ord. No. 2023-06, § 3, 3-8-23)

§ 33-766. Parking requirements for land uses not specified.

The parking requirements for land uses which are not specified in this article shall be determined by the planning commission. Such determination shall be based upon the requirements for the most comparable use specified herein.
(Zoning Code, Ch. 107, § 1077.14)

§ 33-767. Parking provisions may be waived by commission.

The commission may, by resolution, waive or modify off-street parking requirements for electrical power generating plants, electrical transformer stations, utility or corporation storage yards or other similar uses requiring a very limited number of persons.
(Zoning Code, Ch. 107, § 1077.15)

§ 33-768. Off-street parking—General provisions.

The general provisions in sections 33-769 through 33-771 shall apply to off-street parking requirements in

this article.

Table 33-768A
Parking Table

STANDARD CAR

A	B	C	D	E	F	G
0°	8.5	8.5	12.0	22.0	29.0	29.0
20°	8.5	14.2	12.0	24.9	40.4	32.4
30°	8.5	16.4	12.0	17.0	44.8	37.4
45°	8.5	18.7	12.0	12.0	49.4	43.4

A	B	C	D	E	F	G
60°	8.5	19.8	14.5	9.8	54.1	49.8
70°	8.5	19.8	20.0	9.0	59.6	56.7
80°	8.5	19.2	24.0	8.6	62.4	60.9
90°	8.5	18.0	24.0	8.5	60.0	60.0

COMPACT CAR

A	B	C	D	E	F	G
0°	8.5	8.5	12.0	20.0	29.0	29.0
20°	8.5	13.5	12.0	24.9	39.0	31.0
30°	8.5	15.4	12.0	17.0	42.8	35.4
45°	8.5	17.3	12.0	12.0	46.6	40.6

A	B	C	D	E	F	G
60°	8.5	18.1	14.5	9.8	50.7	46.4
70°	8.5	17.9	20.0	9.0	55.8	52.9
80°	8.5	17.2	24.0	8.6	58.4	56.9
90°	8.5	16.0	24.0	8.5	56.0	56.0

24'-0" TWO-WAY TRAFFIC AISLE
* 2'-0" BUMPER OVERHANG ALLOWED

A PARKING ANGLE
B STALL WIDTH
* **C** STALL TO CURB
D AISLE WIDTH
E CURB LENGTH PER CAR
F CURB TO CURB
G STALL CENTER TO STALL CENTER

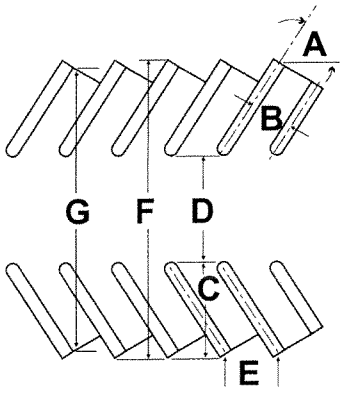
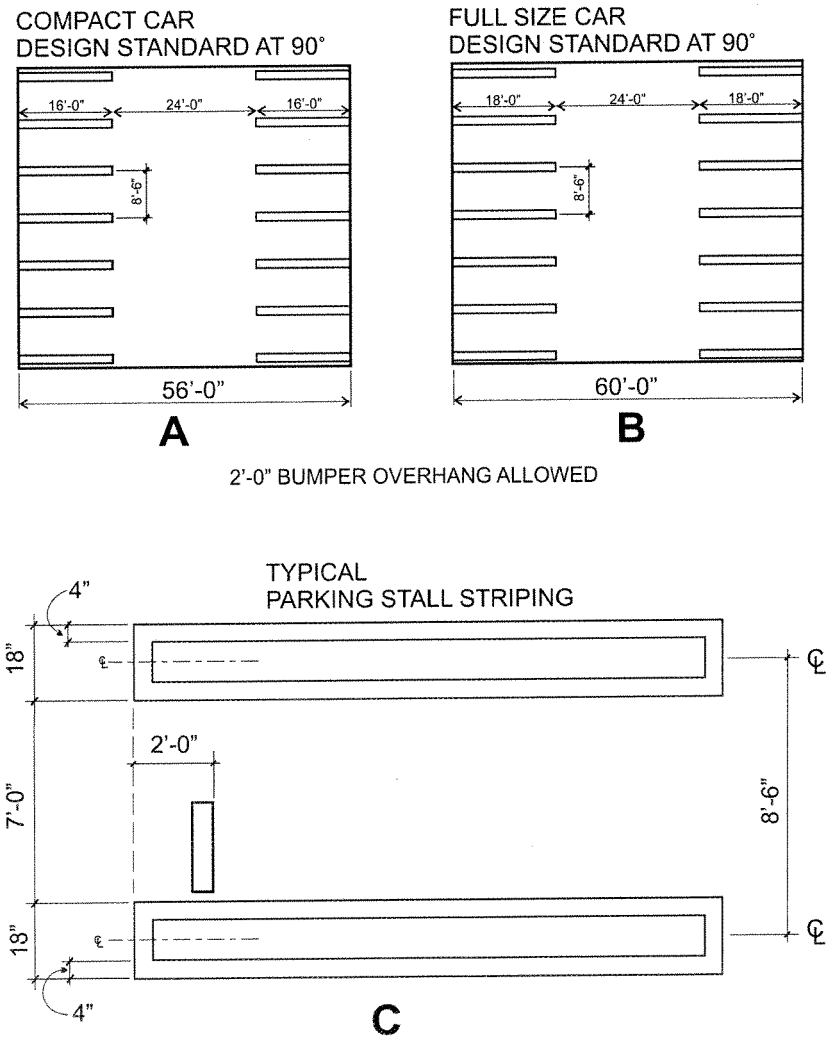


Table 33-768B
Parking Table



(Zoning Code, Ch. 107, § 1077.16; Ord. No. 2012-17, §§ 7, 8, 10-3-12)

§ 33-769. Off-street parking space—Size and access.

Each off-street parking space, except compact spaces conforming to section 33-770 of this article, shall be not less than eight and one-half (8 1/2) feet in width and 18 feet in length. Said parking spaces shall be double-striped, with outside dimensions of 18 inches. All off-street parking spaces shall be provided with adequate ingress, egress, circulation and maneuvering space in conformance with the provisions of this article and standards shown in Tables 33-768 A and B and subject to the approval of the director of community development.

Two-car garages shall have a minimum interior width of nineteen and one-half (19 1/2) feet and a depth of 20 feet that is free and clear of obstructions. A one-car garage shall have a minimum interior width of 10 feet and a minimum depth of 20 feet that is free and clear of obstructions. A two-car carport shall have minimum dimensions of 17 feet in width and 18 feet in length with no posts encroaching into the space. A

one-car carport shall have minimum dimensions of eight and one-half (8 1/2) feet in width and 18 feet in length with no posts encroaching into the space.

(a) No parking area, except for single-family or duplex residences where not more than two parking spaces use any one driveway, may be located so as to require or encourage the backing of vehicles across any street lot line to effect ingress or egress from the off-street parking spaces. In no case shall backing be permitted onto streets designated as prime arterial, major road or collector.

(b) Parking spaces in tandem having a single means of ingress or egress shall not be counted as two off-street parking spaces for fulfilling the requirements of this article, unless tandem parking is expressly permitted by the applicable zoning regulation.

(c) All maneuvering, except parallel parking, shall be designed so that a vehicle may enter an off-street parking space in one forward motion and may exit in one reverse and one forward motion.

(d) Circulation within a parking area shall be designed so that a car entering the parking area need not enter a street to reach another aisle.

(e) All required parking spaces shall be clearly outlined on the surface of the lot with paint or other easily distinguishable material.

(f) Lights used to illuminate the parking area shall be reflected away from any adjoining premises located in any R zone.

(g) Each parking lot or parking structure where parking is provided for the public as clients, guests or employees shall provide the required number and minimum dimension of accessible parking stalls pursuant to the most current edition of Title 24, Part 2 of the California Code of Regulation.

(Zoning Code, Ch. 107, § 1077.16.1; Ord. No. 2005-06, § 5, 4-13-05; Ord. No. 2007-23, § 4, 11-7-07)

§ 33-770. Compact car spaces.

The off-street parking spaces required by section 33-765 of this article for industrial, office and multiple residential uses, may be satisfied with compact or small car spaces not exceeding 30% of the required uncovered off-street parking spaces. Compact or small car spaces shall conform to the following standards:

(a) Minimum stall size. The minimum stall size shall be eight and one-half (8 1/2) feet in width and 16 feet in length.

(b) Maneuvering space. The required maneuvering space and drive aisle width shall be shown on Tables 33-768 A and B.

(c) Striping and marking. All compact stalls shall be delineated with double striped yellow striping with 18 inches outside dimensions and marked in a manner to indicate the use for compact or small cars only.

(Zoning Code, Ch. 107, § 1077.16.2)

§ 33-771. Location.

In the event that permanently maintained off-street parking facilities are provided on a noncontiguous parcel, they shall be located as hereinafter specified. The distance specified shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building being served thereby.

(a) Hospitals, sanitariums, homes for the aged, asylums, orphanages, rooming houses, lodging houses, club rooms, fraternity and sorority houses, not more than 150 feet;

(b) All other buildings except dwellings, not over 300 feet;

(c) Parking facilities for dwellings shall be located on the same or a contiguous lot or parcel in all cases.
(Zoning Code, Ch. 107, § 1077.16.3)

§ 33-772. Mixed uses in a building.

In the case of mixed uses in a building, the number of off-street parking facilities shall be the sum of the requirements for the various uses computed separately, unless otherwise specified in this article.
(Zoning Code, Ch. 107, § 1077.16.5)

§ 33-773. Joint use.

The planning commission may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein:

(a) Up to 50% of the parking facilities required by this article for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime or Sunday use; up to 50% of the parking facilities required by this article for a use considered to be primarily a nighttime or Sunday use may be provided by the facilities of a use considered to be primarily a daytime use, provided such reciprocal parking area shall be subject to the conditions set forth in subsection (b) of this section.

(b) Conditions required for joint use.

(1) The building or use for which application is being made for authority to utilize the existing facilities provided by another building or use shall be located within 150 feet of such parking facility.

(2) The applicant shall show that there is not substantial conflict in the principal operating hours of the building or uses for which the joint use of off-street parking facilities is proposed.

(3) Parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a proper legal instrument approved by the city attorney as to form and content. Such instrument, when approved as conforming to the provisions of this article, shall be recorded in the office of the county recorder and copies thereof filed with the building department and the planning commission.
(Zoning Code, Ch. 107, § 1077.16.7)

§ 33-774. Common facilities.

Common parking facilities may be provided in lieu of the individual requirements contained herein provided an agreement establishing the permanent preservation of said facilities be submitted and approved by the director of community development, and that the total of such off-street parking spaces, when used together, shall not be less than the sum of the various uses computed separately, unless otherwise specified in this article.
(Zoning Code, Ch. 107, § 1077.16.8; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-775. Plan approval.

A plan for all proposed parking areas shall be submitted to the staff development committee at the time of the application for a plan approval for a building or other purpose for which the parking is being developed. The plan shall clearly indicate the proposed development, including such features as location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking lot. All parking areas shall be subject to the same restrictions governing accessory building as defined in the zone in which the parking is located.
(Zoning Code, Ch. 107, § 1077.16.9)

§ 33-776. Computation.

In computing the required number of off-street parking spaces, a remaining fraction may be disregarded.
(Ord. No. 2012-17, § 9, 10-3-12)

§ 33-777. Comprehensive planned facilities.

Areas which are served by a comprehensive parking facility may be exempt by ordinance of the city council from the provisions of this article.
(Zoning Code, Ch. 107, § 1077.18)

§ 33-778. Required improvements and maintenance of parking area.

Every lot used as a public or private parking area shall be developed and maintained in the manner set forth in sections 33-779 through 33-781.
(Zoning Code, Ch. 107, § 1077.19)

§ 33-779. Surfacing.

Except those portions of a trailer/mobilehome sales lot utilized for parking of units for sales, boat/trailer storage lots in industrial areas and other areas specifically exempt in applicable zoning regulations, which shall be surfaced with sufficient decomposed granite to preclude water damage or dust, all off-street parking areas shall be paved or otherwise surfaced with cement or asphaltic concrete in accordance with standard city specifications and shall be graded and drained so as to dispose of all surface water. In no case shall such drainage be allowed across sidewalks.
(Zoning Code, Ch. 107, § 1077.19.1)

§ 33-780. Border—Barricades, screening and landscaping.

(a) Every parking lot, either public or private, having a capacity of five or more vehicles shall be developed and maintained as follows:

(1) All rows of parking spaces shall be provided with curbed terminal islands to protect parked vehicles and facilitate circulation. Wheel stops shall be provided for each parking space and placed 18 inches from terminal island or facing parking space. Terminal islands shall be a minimum of five feet wide and shall contain at least one tree for each row of parking spaces for which the island is serving. Wheel stops may be excluded if the terminal island is expanded to eight feet wide.

(2) Every parking area abutting residentially zoned property, regardless of street or alleys, shall be separated from such property by a solid wall, view-obscuring fence or compact evergreen hedge six feet in height measured from the finished surface of such parking lot, provided that along

the street side or along alleys used for access to such parking areas, said wall, fence or hedge shall not exceed 36 inches in height. No such wall, fence or hedge need be provided where the elevation of that portion of the parking area immediately adjacent to an R zone is six feet or more below the elevation of such R zone property along the common property line.

(3) Landscaping shall conform to the requirements set forth in Article 62.

(Zoning Code, Ch. 107, § 1077.19.3; Ord. No. 92-17, § 36, 3-25-92)

§ 33-781. Entrances and exits.

The location and design of all parking facility entrances and exits shall be in conformance with the provisions of this article and shall be subject to the approval of the city engineer, provided no entrance or exit other than on or from an alley shall be closer than five feet to any lot location in an R zone.

(a) All one-way entrances or exits shall be a minimum of 12 feet in width.

(b) Two-way aisles shall be a minimum of 20 feet in width and clear of all obstruction in areas where no parking maneuvering is permitted. When parking is permitted or when regular trucking use occurs, the minimum width shall be 24 feet.

(Zoning Code, Ch. 107, § 1077.19.5)

§ 33-782. Parking for historic structures.

If a structure is listed on the Local Register of Historic Places and is located on property zoned commercial or professional, or if the structure is located on the south side of Fifth Avenue between South Escondido Boulevard and Juniper Avenue, the applicant may request a parking reduction or variation from the total number of spaces required for development by the applicable zoning codes:

(a) Credit of up to 100% of the total on-street parking spaces for property zoned commercial or professional listed on the Local Register of Historic Places may be applied to the total off-street parking required by the zoning code based on the following criteria:

(1) All on-street spaces shall conform to the city's design standards;

(2) Appropriate sight distance and safety standards shall be met at driveways and intersections to the satisfaction of the city;

(3) The ability to enter and exit designated on-street spaces shall be attained without creating a significant traffic hazard as determined by the engineering department on a case-by-case basis.

(b) On-site tandem spaces for employees only may fulfill the requirements of this article for off-street parking spaces.

(c) A minimum of two off-street parking spaces shall be required to be located on site.

(d) Upon approval by the Historic Preservation Commission, properties listed on the Local Register of Historic Places and located on South Escondido Boulevard between 6th and 15th Avenues may be credited up to 100% of the total adjacent on-street parking spaces that may be eliminated by widening of Escondido Boulevard provided that the parking spaces conformed to the criteria outlined in section 33-782(a). These on-street parking spaces, as delineated on the Specific Alignment Plan for South Escondido Boulevard kept on file with the engineering department, may be applied to the total off-street parking required by the Zoning Code.

(Ord. No. 92-32, § 2, 6-24-92; Ord. No. 94-2 § 1, 1-12-94; Ord. No. 98-25, § 5, 12-9-98)

§ 33-783. through § 33-789. (Reserved)

ARTICLE 40
HISTORICAL RESOURCES

Editor's note: Ord. No. 2024-05 adopted 5/8/2024, repealed and replaced Art. 40, pertaining to Historical Resources, which derived from Ord. Nos. 2024-03, 2021-14R, 2000-23, 2003-35, 2008-16, 2011-19R, 2016-15, 2018-07R, and 2020-31R.

§ 33-790. Purpose and definitions.

(a) Purpose. It is the purpose and intent of this article to:

(1) Protect, enhance and perpetuate historical resources, sites, and districts that represent or reflect elements of the city's cultural, social, economic, political, and architectural history for the public health, safety, and welfare of the people of the city;

(2) Safeguard the city's historical heritage as embodied and reflected in its historical resources, sites, and historical districts;

(3) Stabilize and improve property values;

(4) Foster civic pride in the character and accomplishments of the past;

(5) Strengthen the city's economy by protecting and enhancing the city's attractions to residents, tourists, and visitors and serve as a support and stimulus to business and industry;

(6) Enhance the visual character of the city by encouraging the preservation of unique and established architectural traditions;

(7) Promote the use of historical landmarks and districts for the education, pleasure, and welfare of the people of the city;

(8) Permit historical and archaeological sites to be identified, documented, and recorded by written and photographic means and allow an opportunity for preservation of historical and archaeological sites.

(b) Definitions. Whenever the following terms are used in this article, they shall have the meaning established by this section.

"Alteration" means any exterior change or modification through public or private action of any historical property or resource on the Escondido historic sites survey, local register or located within an historical district, affecting the exterior visual qualities of the property or resource excluding routine maintenance (masonry tuckpointing, cleaning), temporary fixtures (awnings and canopies, signs and plaques, light fixtures, portable spas, steps, and landscape accessories) and maintenance and removal of plantings and nonmature trees. Alteration also includes removal of historical resources such as mature trees and other landscape features identified on the Escondido historic sites survey as well as disturbances of archaeological sites.

"Archaeological site" means an area where remains of man or his and her activities prior to keeping of history are still evident.

"California Register of Historical Resources/California Register" means a state authoritative and comprehensive listing and guide to California's significant historical resources. The California Register is used by state and local agencies, private groups and citizens to identify, evaluate, register

and protect California's historical resources. The California Register is administered by the State Historic Resources Commission, and the Office of Historic Preservation.

"Catastrophic event" means an event, such as fire, earthquake or flooding, that is beyond the property owner's ability to control and renders historical resources hazardous. Catastrophic event shall not include improper/insufficient owner maintenance or corrections that can be accomplished through reasonable measures.

"Certificate of appropriateness" means a certificate issued by the director of development services approving alteration, restoration, construction, removal, relocation in whole or in part, consistent with the Secretary of Interior Standards, of or to a property on the local register or to an improvement within an historical district.

(1) "Certificate of appropriateness (major)" means a major project that undergoes design review by planning commission or city staff, prior to issuance of the certificate of appropriateness.

(2) "Certificate of appropriateness (minor)" means a minor project that undergoes planning administrative review, prior to issuance of the certificate of appropriateness.

"Demolition" means any act that destroys in whole or in part an historical resource on the local register or an improvement within an historical district.

"Design Guidelines for Historic Resources" means the guideline/manual adopted by city council Ordinance 91-57 and any subsequent amendments, applicable to any historical resource or any property within an historical district, intended for property owners, design professionals, and city boards and commissions as a design resource, regulatory tool and policy guide.

Escondido Historic Sites Survey. See Survey.

"Façade" means the exterior face of a building that is the architectural front, sometimes distinguished from other faces by elaboration of architectural or ornamental details.

"Fixture" means a decorative or functional device permanently affixed to a site or the exterior of a structure and contributing to its ability to meet historical designation criteria. Permanently affixed shall include, but not be limited to, attachment by screws, bolts, pegs, nails or glue, and may include such attachment methods as rope, glass or leather if such material is integral to the design of the device. Fixtures include, but are not limited to, lighting devices, murals, moldings, leaded glass or other decorative windows and decorative hardware.

"Historic Register Incentives Program" means a program adopted by city council resolution of various incentives intended to encourage and facilitate the preservation, maintenance and appropriate rehabilitation of significant historical resources. The availability of incentives may vary from time to time.

"Historic sign" means a sign that possesses historical, cultural, architectural, or community interest or value associated with the development, heritage or history of the city and that is listed on the Escondido historic sites survey or designated on the local register of historic places.

"Historic street markings list" means the list adopted by city council Ordinance 88-57, and any subsequent amendments, identifying the location and name of the historical markings.

"Historical district" means any area that contains a number of structures or landscape features having a similar character of historic, archaeological, cultural, architectural, community or aesthetic value as part of the heritage of the city, region, state, or nation, and that has been designated pursuant to this article.

"Historical resources" means and includes, but is not limited to, any object, building, structure, site, area, place, sign, outdoor work of public art, landscape feature, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of Escondido and listed on the Escondido historic sites survey.

"Historical site" means any parcel or portion of real property that has special character related to its special historical, cultural, or archaeological feature.

"Improvement" means any place, building, structure, landscape feature or object constituting a physical addition to real property or a structure on real property, or any part of such addition or façade excluding routine maintenance such as masonry tuckpointing, cleaning, awnings, signs, plaques, light fixtures, steps, spas, plantings, nonmature tree and landscaping accessories.

"Landscape feature" means any tree or plant life that has been placed, planted or manipulated by man for cultural purposes.

"Local historical landmark" means any historical resource that has been registered as a local historical landmark pursuant to this article because of its outstanding historic, cultural, architectural, archaeological, or community interest or value as part of the development, the heritage or history of the city.

"Local register of historical places" means a local list established by the city council of districts, sites, buildings, uses, landscape features, signs, structures and objects of local, state or national importance that are significant and warrant protection because of their historic, architectural, archaeological, or cultural values. The local register includes local historical landmarks and districts.

"Mature tree" means as defined in Escondido Zoning Code Article 55, Grading and Erosion Control.

"National Register of Historic Places" means a national list of districts, sites, buildings, structures and objects of local, state or national importance that are significant for their historical, architectural, archaeological or cultural values. Properties less than 50 years old ordinarily are not eligible for the Register unless they are of exceptional importance. The Register is administered by the Keeper of the Register, U.S. Department of the Interior, and is the nation's official list of cultural resources worthy of preservation.

"Owner" means the person appearing on the last equalized assessment roll of the County of San Diego.

"Person" means any individual, association, partnership, firm, corporation, public agency or political subdivision.

"Planning commission" means the planning commission of the City of Escondido as established by Chapter 20 of the Escondido Municipal Code.

"Secretary of the Interior's Standards" means the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, 1995 Edition, or such later edition as adopted by the city council.

"Street markings" means any street name or stamp in concrete or curbs that denotes the original name of the street or contractor. This definition also includes any historical feature such as horse rings or lamp posts as identified in the Escondido Historic Survey, and all items identified in the historic street markings list.

"Survey" means the Escondido Historic Sites Survey consisting of an historical resources inventory compiled and maintained by the zoning administrator that documents structures, uses, sites, and

artifacts that are related to the area's history including all areas within the corporate limits. Resources on the list must be 50 years or older unless the zoning administrator deems a younger, exceptional resource worthy of documentation. The inventory was originally completed in March 1984 and is updated as needed. The survey may also include an inventory of archaeological resources. Certain records of archaeological resources may not be subject to public review in the interest of protecting these resources from tampering. Resources listed in the survey are eligible for nomination to the Escondido local register of historical places.

"Zoning administrator" means the director of development services (director), or designee, as provided for in Title 7, Chapter 4, Article III (section 65901) of the Government Code.

(Ord. No. 2024-05, 5/8/2024)

§ 33-791. (Reserved)

§ 33-792. Establishment of a local register of historical places.

(a) Purpose. The purpose of the local register is to provide a means to preserve, protect and enhance the most significant historical resources within the community, including structures, sites, buildings, uses, and landscape features.

(b) Eligibility. Resources listed on the Escondido historic sites survey are eligible for nomination to the Escondido local register of historical places.

(c) Identification. Local register resources may be identified on site with an exterior marker displaying pertinent information about the resource. A record of resources on the local register will be kept at the planning division and at the regional information center of the office of historic preservation or other agencies as required.

(Ord. No. 2024-05, 5/8/2024)

§ 33-793. Designation of a local historical landmark.

(a) Purpose. The purpose of designating historical landmarks is to provide distinctive recognition of structures, sites, buildings, uses, and landscape features that have outstanding character or historical, archaeological or aesthetic interest or importance as part of the development, heritage, or cultural characteristics of the city.

(b) Eligibility. Resources listed on the local register are eligible for local historical landmark nomination.

(c) Identification. Landmark resources would be identified on site with an exterior marker displaying pertinent information about the landmark. A record of the landmark resource would also be kept at the planning division and at the regional information center of the office of historic preservation or other agencies as required.

(Ord. No. 2024-05, 5/8/2024)

§ 33-794. Procedure and criteria for local register listing or local landmark designation.

(a) Initiation. Any person may nominate a historical resource to the local register or landmark designation. The application shall be made to the planning division on forms provided by the city. Requests for local landmark designation shall include a letter signed by the property owner consenting to the initiation.

(b) Review process.

(1) Upon receipt of an application for local register listing or local landmark designation, the planning division shall notify the property owner and building division of the pending request. No building or demolition permits shall be issued for any alteration to any improvement, fixture, or façade located on a site subject to a request for local register listing or local landmark designation while the matter is pending final decision.

(2) Requests for local register listing or local landmark designation of resources owned by the City of Escondido shall be brought to the city council prior to the zoning administrator's decision to list or designate such resource.

(3) The zoning administrator shall hold a public meeting. In their review of the request for local register listing or local landmark designation, the zoning administrator shall consider the criteria listed in this section.

(c) Criteria. Prior to granting a resource local register or historical landmark status, the zoning administrator shall consider the definitions for historical resources and historical districts and shall find that the resource conforms to one or more of the criteria listed in this section. A structural resource proposed for the local register shall be evaluated against criteria number one through seven and must meet at least two of the criteria. Signs proposed for the local register shall meet at least one of the criteria numbered eight through 10. Landscape features proposed for the local register shall meet criterion number 11. Archaeological resources shall meet criterion number 12. Local register resources proposed for local landmark designation shall be evaluated against criterion number 13. The criteria are as follows:

(1) Escondido historical resources that are strongly identified with a person or persons who significantly contributed to the culture, history, prehistory, or development of the City of Escondido, region, state or nation;

(2) Escondido building or buildings that embody distinguishing characteristics of an architectural type, specimen, or are representative of a recognized architect's work and are not substantially altered;

(3) Escondido historical resources that are connected with a business or use that was once common but is now rare;

(4) Escondido historical resources that are the sites of significant historic events;

(5) Escondido historical resources that are 50 years old or have achieved historical significance within the past 50 years;

(6) Escondido historical resources that are an important key focal point in the visual quality or character of a neighborhood, street, area or district;

(7) Escondido historical building that is one of the few remaining examples in the city possessing distinguishing characteristics of an architectural type;

(8) Sign that is exemplary of technology, craftsmanship or design of the period when it was constructed, uses historical sign materials and is not significantly altered;

(9) Sign that is integrated into the architecture of the building, such as the sign pylons on buildings constructed in the Modern style and later styles;

(10) Sign that demonstrates extraordinary aesthetic quality, creativity, or innovation;

(11) Escondido landscape feature that is associated with an event or person of historical significance to the community or warrants special recognition due to size, condition, uniqueness or aesthetic qualities;

(12) Escondido archaeological site that has yielded, or may be likely to yield, information important in prehistory;

(13) Escondido significant historical resource that has an outstanding rating of the criteria used to evaluate local register requests.

(Ord. No. 2024-05, 5/8/2024)

§ 33-795. Procedure and criteria for rescinding local register or landmark status.

(a) Submittal. Any person may submit a written request to the planning division to remove his or her resource from the local register or to rescind a local landmark designation. The application shall be made on forms provided by the city.

(b) Review. The zoning administrator shall hold a public meeting. In their review of the request to remove a local register or landmark designation, the zoning administrator shall consider the criteria listed in this section. Upon rescission, any associated Historic Property Preservation Agreement (Mills Act agreement) will be cancelled.

(c) Criteria. The criteria listed in this section shall be used to determine whether to remove a resource from the local register or to rescind its local landmark designation.

(1) New documentation has been presented disproving the property's association with a significant person, event, or pattern of history or any other information upon which the resource was placed on the local register or given landmark status;

(2) Evidence has been presented that the property no longer retains its integrity, meaning that modifications and alterations to the resource have affected its location, design, setting, materials, workmanship, feeling or association that warranted its placement on the local register or its designation as a local landmark.

(Ord. No. 2024-05, 5/8/2024)

§ 33-796. Historical districts.

(a) Purpose. The purpose of designating historical districts is to provide recognition to an area or site that has several individual structures and improvements that contribute to a special aesthetic, cultural, architectural or engineering interest or value of an historical or archaeological nature.

(b) Eligibility. Any geographically definable area possessing a significant concentration or continuity of sites, buildings, structures, or objects unified by past events, or aesthetically by plan or physical development is eligible for historical district designation.

(c) Zoning applicability. A historical district designation may be combined with any zoning district provided for in this title as an overlay to be shown on the zoning map. Development within an historical district overlay shall be subject to historical preservation provisions as set forth in this article, as well as to the regulations of the underlying zone. Where conflict occurs, the regulations set forth in this article shall apply.

(d) Identification. Markers displaying pertinent information about the district may be placed at various vehicular and pedestrian gateways into the historical district. The boundaries of an historical district

may be shown on a zoning map as an overlay zone. A record of historical districts would be kept at the planning division and at the regional information center of the office of historic preservation or other agencies as required.

(Ord. No. 2024-05, 5/8/2024)

§ 33-797. Procedure and findings for designating an historical district.

(a) Submittal. Any person may request the planning commission to designate a historical district. The request for designation shall be filed with the planning division on forms provided by the city.

(b) Review process.

(1) Initiation process. Upon receipt of a recommendation from the planning commission, the city council shall determine whether or not to initiate the designation process.

(2) Designation process. Upon city council initiation:

(A) A minimum of one public neighborhood meeting shall be held during the designation process.

(B) Following the appropriate neighborhood meetings and the completion of research for the district, the planning commission shall hold a duly noticed public hearing and shall forward its recommendation to the city council, who shall hold a duly noticed public hearing on the matter. Should the planning commission recommend that the area be designated a historical district; the report shall contain the following information:

(i) A map showing the proposed boundaries of the historical district and identifying all structures within the boundaries, contributing or noncontributing;

(ii) An explanation of the significance of the proposed district and description of the historical resources within the proposed boundaries;

(iii) Statements showing how the proposed historical district meets the findings set forth in this section.

(C) In their review of the request to designate a historical district, the planning commission and the city council shall consider the criteria listed in this section.

(c) Criteria. The city council may designate an area as an historical district if it finds that the proposed historical district meets all of the following criteria:

(1) The proposed historical district is a geographically definable area possessing a significant concentration or continuity of sites, buildings, structures, or objects unified by past events, or aesthetically by plan or physical development;

(2) The collective historical value of the proposed historical district may be is greater than that of each individual resource;

(3) The proposed designation is in conformance with the purpose of the city's historic preservation provisions set forth in this article and the city's general plan.

(d) Notification of action. No later than five working days after city council action, the city council's decision shall be filed with the city clerk. A notice thereof shall be mailed to the applicant at the address shown on the application and to the owners of properties located within the proposed

historical district.
(Ord. No. 2024-05, 5/8/2024)

§ 33-798. Permits and permit procedures.

(a) It is unlawful for any person to tear down, demolish, construct, alter, remove or relocate any historical resource or any portion thereof that has been listed on the Escondido historic sites survey, local register, designated a local landmark, or located within an historical overlay district or to alter in any manner any feature of such designated resource without first obtaining a permit in the manner provided in this article. All repairs, alterations, constructions, restorations or changes in use of applicable historical resources shall conform to the requirements of the State Historical Building Code and the Secretary of the Interior's Standards for Rehabilitation.

(b) Unless otherwise exempted in this article, a certificate of appropriateness is required for any new construction, and/or alteration that would affect the exterior appearance of an historical resource listed on the local register, or located within a historical overlay district, including back and sides, as well as street façade, even when a building permit is not otherwise required. Other permits, and/or review by the planning commission, may be required as prescribed in this article.

(c) Exemptions. A certificate of appropriateness is not required for routine maintenance (masonry tuck-pointing, and cleaning), installation of temporary fixtures (awnings and canopies, signs and plaques, light fixtures, portable spas, steps, and landscape accessories) and maintenance and removal of plantings and nonmature trees, nor does this article prevent the construction, reconstruction, alteration, restoration, demolition or removal of any improvement when the city has been satisfied that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the State Historical Building Code.

(d) Submittal requirements for certificate of appropriateness. An application for a certificate of appropriateness shall be filed with the planning division on a form provided by the city.

(e) Review processes. Following the planning division's receipt of a complete application, the director shall determine the appropriate review process as follows:

(1) Minor projects. Minor projects shall be subject to planning division staff administrative review. Minor projects include:

(A) Placement or removal of exterior objects and restoration and exterior changes to materials (siding, brick, stucco, metal, etc.) and structures including porches (columns, cornices), roofs (covering, change in shape), any painting of exterior surfaces, satellite dishes, solar collectors, freestanding walls, fences and retaining walls, any modifications to historical signs, restoration and exterior changes to architectural details and decorative elements (fish scale, shingles, dentils, shutters), porches (trim, railing, ornamentation), exterior staircases, exterior doors, windows, skylights, mechanical systems (window units, exhaust fans, vents), storm windows and doors, security grilles, and fire escapes.

(B) Improvements and alterations to properties listed on the Escondido historic sites survey outside a historical overlay district shall be subject to staff administrative review to ensure said improvements do not affect the properties' integrity such that they will maintain eligibility to be placed on the local register.

(2) Major projects. Major projects shall be subject to design review by the director of development services, or their designee, unless otherwise noted below. Major projects include all new

construction (primary structure, out-buildings), additions (including porch enclosures, dormers, etc.), removal, relocation, changes to the site (grading, parking lots, paving), public right-of-way improvements (curb and gutter, sidewalks, street paving, driveways, curb cuts, stamped sidewalk), new freestanding signs, street furniture, and any project requiring a plot plan review.

(A) Major projects for properties located within a historical overlay district, and on the local register are subject to design review by the planning commission.

(B) Notwithstanding subsection (A) above, major projects for all other properties within a historical overlay district shall be subject to staff design review prior to a decision by the director of development services, unless it is determined by the director that the proposed project does not conform to the design guidelines for historic resources and therefore requires design review by the planning commission.

(C) Major projects for properties outside a historical overlay district but identified on the local register shall be subject to staff design review prior to a decision by the director of development services, unless it is determined by the director that the proposed project does not conform to the design guidelines for historic resources and therefore requires design review by the planning commission.

(D) Major projects for properties listed on the Escondido historic sites survey but outside a historic overlay district and not on the local register shall be subject to staff administrative review to ensure said improvements do not affect a property's integrity such that they would be ineligible for inclusion on the local register at a future time.

(3) Discretionary projects requiring a public hearing. Discretionary projects requiring a public hearing shall be acted on by the ultimate decision-maker of the discretionary application.

(f) Notification of action. The determination by planning division staff shall be documented by the issuance of a certificate of appropriateness that outlines the approved work, or a written statement giving the reasons for disapproval.

(g) Appeal. The director's decision may be appealed to the planning commission. Appeals shall be filed within 10 days of notification of action and noticed in accordance with section 33-1303 of this title.

(h) Findings. A certificate of appropriateness may be issued if planning division staff, planning commission, or the city council makes the following findings:

(1) All of the following:

(A) The proposed alteration or improvement is consistent with the design guidelines for historic resources,

(B) The action proposed is consistent with the purposes of historical preservation as set forth in this article and with the general plan,

(C) The action proposed retains the historical and/or architectural value and significance of the landmark, historical building, or historical district,

(D) The action proposed retains the texture and material of the building and structure in question or its appurtenant fixtures, including signs, fences, parking, site plan, landscaping and the relationship of such features to similar features of other buildings within a historical district,

(E) The proposed project is compatible in its location of buildings and structures with the location of the street or public way and the location and arrangement of other buildings and structures in the neighborhood,

(F) If located within a historical district, the proposed project conforms to the design guidelines established for the district; or

(2) The applicant has demonstrated that the action proposed is necessary to correct an unsafe or dangerous condition on the property.

(Ord. No. 2024-05, 5/8/2024)

§ 33-799. Incentives for preserving historical resources.

(a) Historic register incentives program. To support the preservation, maintenance and appropriate rehabilitation of historical resources and thus carry out the purposes of this article, the director of development services may develop and recommend incentives for city council adoption. The type and availability of incentives vary from time to time.

(b) Eligible resources. Resources listed on the local register of historical places, including local historical landmarks and properties located within an historical district, may be eligible for incentives.

(c) Submittal requirement. Requests for an incentive shall be filed in writing with the planning division. The request shall include the consent of the owner of the historical resource and information needed to determine whether the resource qualifies for the requested incentive.

(d) Repayment required. Monies granted as an incentive to preserve an historical resource pursuant to this article shall be repaid to the city following the zoning administrator's approval to remove the historical designation of said historical resource or the city council's approval of its demolition.

(e) Authority. City manager and/or their designee has authority to execute agreements and/or contracts necessary for the historic register incentive programs.

(Ord. No. 2024-05, 5/8/2024)

§ 33-800. Duty to keep in good repair.

(a) Maintenance regulations. The owner, lessee, or other person legally in possession of an historical resource on the local register or on the survey within an historical district shall comply with all applicable codes, laws and regulations governing the maintenance of property and shall secure the property against trespassers. Additionally, it is the intent of this section to preserve from deliberate or inadvertent neglect, the exterior features of buildings on the local register or on the survey within an historical district, and the interior portions thereof when such maintenance is necessary to prevent desecration and decay of the exterior. All such buildings shall be preserved against such decay and deterioration and shall remain free from structural defects through prompt corrections of any of the following defects:

(1) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;

(2) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split, or buckle due to defective material or deterioration;

(3) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors;

(4) Defective or insufficient weather protection for exterior wall covering, including lack of paint or other protective covering;

(5) Any fault or defect in the building that renders it not properly watertight or structurally unsafe.

(Ord. No. 2024-05, 5/8/2024)

§ 33-801. Demolishing an historical resource.

(a) Demolition permit required. No historical resource shall be demolished prior to obtaining a demolition permit issued pursuant to section 33-802 or 33-803, pertaining to emergency or non-emergency removal of historical resources, respectively.

(b) Status of historical significance designation. In all cases, demolishing a local register resource shall automatically remove the local register and landmark designation unless the planning commission determines that the site should be retained for potential monumentation.

(Ord. No. 2024-05, 5/8/2024)

§ 33-802. Procedure for obtaining an emergency demolition permit.

(a) Submittal. A request for a demolition permit involving an historic resource that has been subject to a catastrophic event, as defined in this article, shall be submitted in writing to the planning division and shall include the property owner's authorization for submittal.

(b) Review. On a case-by-case evaluation and upon consultation with a minimum of two city staff members, comprised of either the chief building official, fire marshal, and/or city planner, the director of development services may, without a public hearing, issue a permit for a complete or partial demolition of an historical resource if it is determined that the catastrophic event has rendered said resource immediately hazardous and dangerous and/or detrimental to the public health and/or safety as defined in the latest adopted California Building Code or California Housing Law. The director may request additional documentation from the applicant for evaluation of the historical resource.

(c) Considerations for demolition. In determining the appropriateness of demolishing a resource under this emergency provision, the director of development services shall give consideration to demolishing only those portions of a resource that are immediately hazardous, thereby allowing for the preservation/reconstruction of non-hazardous portions. The director shall also consider whether the damage to the resource is so substantial that it alters the historic character of the resource.

(Ord. No. 2024-05, 5/8/2024)

§ 33-803. Procedure and findings for obtaining a nonemergency demolition permit.

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

(b) Review. The planning commission and city council shall each hold a duly noticed public hearing prior to the demolition of a significant historic resource. The applicant shall provide, at a minimum, the

following items to the satisfaction of the director of development services or designee:

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

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

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

(c) Findings. The city council may approve a demolition request upon making finding number 1, 4, and 5, and either number 2 or 3:

(1) That the City of Escondido's inventory of significant historical resources is not diminished by the demolition of the subject resource, and that there remains in the community a like resource, i.e., use, site, architectural style, or example of an architect's work;

(2) That all feasible economic and physical alternatives to demolition have been evaluated, and that the applicant has shown that there is no alternative left to pursue, other than demolition;

(3) That the continued existence of the historical resource is detrimental to the public health, safety and welfare;

(4) If the property is approved for demolition, the Historical Society and/or other appropriate historic agency has access to the building to retrieve any historic material, and to provide photo documentation of the resources conducted according to Historic American Building Survey (HABS) specifications;

(5) The applicant shall have, or will have a plot plan or development plan approved by the city prior issuance of a demolition permit.

(d) Notification of action. No later than five working days following the city council action, the decision of the city council shall be filed with the city clerk and a notice thereof shall be mailed to the applicant at the address shown on the application.

(Ord. No. 2024-05, 5/8/2024)

§ 33-804. Enforcement and penalties.

(a) Abatement. The procedures set forth in Chapter 6, Article 7 of the Escondido Municipal Code governing unsafe, dangerous or substandard buildings, whether in commercial or residential use, shall be applicable to any violations of sections 33-800 and 33-801.

(b) Misdemeanor. It is unlawful for any person or entity to maintain any building or demolish a historical resource listed on the local register or on the survey within an historical district in violation of sections 33-800 and 33-801, respectively. Any such violation constitutes a misdemeanor punishable as set forth in Section 1-13 of the Escondido Municipal Code. Each day of violation constitutes a separate offense and may be separately punished. The chief building official and code enforcement officer are authorized to exercise the authority in CaliforniaPenal Code Section 836.5 and to issue citations for violation of this section.

(c) Additional remedies.

(1) In addition to any other remedies provided herein, any violation of this chapter may be enforced by civil action brought by the city. Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein are cumulative and not exclusive. In any such action, the city may seek as appropriate, one or both of the following remedies:

(A) A temporary or permanent injunction, or both;

(B) Assessment of the violator for the costs or any investigation, inspection, or monitoring survey that led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection; and

(2) In addition to any other remedies provided herein, in the event an historic resource is completely demolished in violation of this chapter, a penalty may be imposed in which no building or construction related permits shall be issued for the property upon which the demolition took place, for a period of three years from the date of demolition. Said penalty shall be enforced by civil action filed by the city attorney and adjudicated by a court of competent jurisdiction. A demolition shall be presumed to have occurred on the date that the city had actual knowledge of the demolition.

(Ord. No. 2024-05, 5/8/2024)

§ 33-805. Historic street markings.

(a) In order to preserve the integrity of historic street markings throughout the City of Escondido, the following procedures shall be followed:

(1) The current and proposed locations of the existing historic street marking shall be clearly noted on the improvement plan. If neither improvement plans nor a site development review plan is required for the development, the applicant shall submit a letter and location map to the planning division 10 days prior to the construction of any new improvements. The planning division shall review the request and inform the appropriate departments of the restrictions.

(2) In addition, a $1,000.00 security bond shall be submitted to the engineering division prior to building permit issuance to ensure that the street marking is properly preserved.

(3) Efforts shall be made to preserve a marking in its original location. However, if the director of development services concurs that no other alternative exists but to relocate the marking, the applicant shall:

(A) Saw-cut the entire street marking out in one piece and reinstall it as part of the new walk as close as possible and within context of its original location; or

(B) Saw-cut the entire street marking out in one piece and reinstall it adjacent to the new walk as close as possible and within context of its original location.

(4) The planning division shall review the request and inform the appropriate departments of the restrictions. The public works department will ensure that the work is correctly done during reconstruction of the curb, gutter, sidewalk and sidewalk pattern.

(Ord. No. 2024-05, 5/8/2024)

§ 33-806. Public notification.

Unless otherwise specified in this article, notices of public hearings held pursuant to this article shall be published and mailed in accordance with section 33-1300(a) and (c) of this title.
(Ord. No. 2024-05, 5/8/2024)

§ 33-807. through § 33-809. (Reserved)

ARTICLE 41
SENIOR HOUSING

§ 33-810. Purpose.

This article shall pertain to all developments which receive conditional use permit approval for the construction and operation of senior housing projects under this article or any previous version of this article. All senior housing projects so approved and constructed shall be subject to the conditions of approval established by the planning commission and/or city council as well as to the provisions contained in this article. Each project also shall comply with the provisions of the Fair Housing Amendments Act of 1988, 42 U.S.C. sections 3601 through 3619, prior to continuing its status as a senior housing project under this article.

Those projects which do not comply with the requirements of the Fair Housing Amendments Act shall not be subject to the age restrictions of this article.

Nothing in this article shall immunize any project from liability for failure to comply with the Fair Housing Amendments Act.
(Zoning Code, Ch. 107, § 1079.10; Ord. No. 92-36, § 1, 8-12-92; Ord. No. 2007-19, § 4, 9-19-07)

§ 33-811. Definitions.

For the purpose of this article, certain words and phrases are defined as follows:

"Seniors housing project" means a housing development which was developed under this article or previous versions of this article.

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

(1) One to 16 units: none;

(2) Seventeen to 80 units: one;

(3) Eighty-one to 190 units: two (one manager and one assistant);

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

(Zoning Code, Ch. 107, § 1079.20; Ord. No. 2007-19, § 4, 9-19-07; Ord. No. 2018-20, § 7, 11-28-18)

§ 33-812. Compliance.

(a) Each senior housing project shall maintain all documents, papers, computer data, and all other business records pertaining to the occupancy requirements of this article on file at the senior housing project. Such records shall be available for inspection by the housing division or their designated representatives at any time during business hours.

(b) Each senior housing project shall post on its premises notice of its status as a senior housing project in a manner readily visible to and accessible to the residents. Such notices shall be prepared by the housing division.

(c) It is unlawful to encourage, coerce or evict any person from a senior housing project for the purpose of meeting the requirements of this article, unless the owner or manager of the senior housing project shall have first paid all costs of relocating such individuals to similar housing facilities.

(Zoning Code, Ch. 107, § 1079.30; Ord. No. 90-14, § 1, 5-2-90; Ord. No. 2007-19, § 4, 9-19-07)

§ 33-813. Enforcement.

The failure on behalf of an owner or owners to perform and/or achieve compliance with the requirements of this article or other conditions of the project approval shall constitute a violation of the project approval and the zoning code. Any such violations shall be corrected within 10 days following notice from the city identifying the nature of said violations and describing those measures necessary to correct said violation(s). Continued noncompliance shall be subject to prosecution as a misdemeanor violation. Noncompliance with this article shall be defined as follows:

(a) Failure to restrict occupancy to those households with at least one person 62 years or older (except as specifically noted in this chapter);

(b) Unauthorized expansions or deviations from any other conditions of the project approval.

(Zoning Code, Ch. 107, § 1079.40; Ord. No. 2007-19, § 4, 9-19-07)

§ 33-814. Conversion of senior projects.

As noted in section 33-810, any senior housing project developed under this article or previous versions of this article which does not comply with the requirements of the of the Fair Housing Amendments Act of 1988, 42 U.S.C. Sections 3601-3619, shall not be subject to the age restrictions of this article. Any proposed change in the use of a senior housing project that does comply with the Fair Housing Amendments Act shall conform to all current zoning and density requirements. Any such conversion shall be accompanied by plans showing how said structure will be brought into conformance with city standards.

(Zoning Code, Ch. 107, § 1079.50; Ord. No. 2007-19, § 4, 9-19-07)

§ 33-815. Violations.

In addition to the penalties specified in section 33-813, the failure to meet the occupancy requirements of this article and any other violation of any provision of this article is unlawful and is a misdemeanor. Each separate offense, or each day on which an ongoing offense is committed shall be a separate violation. Such violation shall be punishable by a fine not exceeding one thousand dollars, ($1,000.00) or by imprisonment in the county jail for a period not exceeding six months, or both.

(Zoning Code, Ch. 107, § 1079.60; Ord. No. 90-14, § 2, 5-2-90; Ord. No. 2007-19, § 4, 9-19-07)

§ 33-816. through § 33-819. (Reserved)

ARTICLE 42
ADULT BUSINESSES

Editor's note—Ord. No. 2007-05, § 7, adopted March 21, 2007, repealed and replaced Article 42, pertaining to adult entertainment establishments, which derived from Zoning Code, Ch. 108, §§ 1082.2—1082.4, 1082.6; Ord. No. 95-3, §§ 1, 2, adopted April 5, 1995; and Ord. No. 2000-15, § 4, adopted April 26, 2000.

§ 33-820. Purpose.

It is the purpose and intent of this chapter to regulate the operations of adult businesses, which tend to have judicially recognized adverse secondary effects on the community, including, but not limited to, increases in crime in the vicinity of adult businesses; decreases in property values in the vicinity of adult businesses; increases in vacancies in residential and commercial areas in the vicinity of adult businesses; interference with residential property owners' enjoyment of their properties when such properties are located in the vicinity of adult businesses as a result of increases in crime, litter, noise, and vandalism; and the deterioration of neighborhoods. Special regulation of these businesses is necessary to prevent these adverse secondary effects and the blighting or degradation of the neighborhoods in the vicinity of adult businesses while at the same time protecting the First Amendment rights of those individuals who desire to own, operate or patronize adult businesses.
(Ord. No. 2007-05 § 7, 3-21-07)

§ 33-821. Definitions.

In addition to any other definitions contained in the municipal code, all words and phrases included in this chapter shall be consistent with the definitions in Chapter 16E, Article 1, section 16E-2, unless it is clearly apparent from the context that another meaning is intended.
(Ord. No. 2007-05 § 7, 3-21-07)

§ 33-822. Location of adult businesses.

(a) Adult businesses, as defined in Chapter 16E, Article 1, section 16E-2 of this code, shall be permitted only in certain commercial shopping centers listed below:

Center Name	Address
De Norte Plaza	302 - 358 W. El Norte Parkway
Escondido Center	2315-2375 E. Valley Parkway
Felicita Plaza	325 - 469 W. Fellcita Avenue
Ferrara Plaza	2401 - 2447 E. Valley Parkway
Westfield Shoppingtown	200 - 298 E. Via Rancho Parkway
Escondido Promenade Center	1200 - 1290 Auto Parkway
Escondido Town & Country	1605 - 1665 E. Valley Parkway

(b) In addition to the requirements of subsection (a) of this section, no adult business as defined in Chapter 16E, Article 1, section 16E-2 of this code shall be located within 500 feet from any other adult business. The distance between the adult uses shall be measured from the closest exterior wall of any two adult businesses without regard to intervening structures.

(c) Any person violating or causing the violation of any of these locational provisions regulating adult business shall be subject to the remedies of section 33-824 of this article,

(d) That the requirements of subsections (a), (b), and (c) of this section shall be in addition to any other relevant provisions of this code.

(Ord. No. 2007-05 § 7, 3-21-07)

§ 33-823. Violations.

(a) Any person operating or causing the operation of an adult business in any parcel in which no application for an adult business regulatory license under Chapter 16E has been filed or granted, or any person violating or causing the violation of any of the locational provisions regulating adult business shall be subject to license revocation/suspension pursuant to section 16E-7, a fine of not more than $1,000 pursuant to Government Code Sections 36900 and 36901, and any and all other civil remedies. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.

(b) In addition to the remedies set forth in section 33-823(a), any violation of any of the locational provisions regulating adult business is hereby declared to constitute a public nuisance and may be abated or enjoined.

(Ord. No. 2007-05 § 7, 3-21-07)

§ 33-824. Regulations Nonexclusive.

The provisions of this chapter regulating adult businesses are not intended to be exclusive, and compliance therewith shall not excuse noncompliance with any other provisions of the municipal code and/or any other regulations pertaining to the operation of businesses as adopted by the city council of the City of Escondido.

(Ord. No. 2007-05 § 7, 3-21-07)

§ 33-825. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter and the ordinance to which it is a part, or any part thereof is held for any reason to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, the remaining sections, subsections, paragraphs, sentences, clauses, and phrases shall not be affected thereby. The city council hereby declares that it would have adopted this chapter and the ordinance to which it is a part regardless of the fact that one or more sections, subsections, paragraphs, sentences, clauses, or phrases may be determined to be unconstitutional, invalid, or ineffective.

(Ord. No. 2007-05 § 7, 3-21-07)

§ 33-826. through § 33-829. (Reserved)

ARTICLE 43
ABANDONED SERVICE STATIONS

§ 33-830. Purpose.

It is hereby determined that the abandoned service stations warrant special consideration and regulations to promote the health, safety, and general welfare of the residents of the city for the following reasons:

(a) They represent a degree of danger to life and property due to the use and storage of flammable and combustible liquids or the hazardous accumulation of vapors in underground tanks and other containers after such liquids are removed.

(b) By their very nature they are traditionally located at prominent locations at major intersections and, therefore, are uniquely conspicuous and subject to vandalism when abandoned.

(c) They have distinctive physical appearance which often cannot be easily or inexpensively adapted to other uses.

(d) Abandoned service stations, the underground storage tanks of which have been safeguarded or removed, often are not thereafter used as service stations due to the cost of replacing such tanks or restoring them to serviceable condition.

(e) The unenclosed characteristic of service stations invite vandalism, arson, and other fire hazards.
(Zoning Code, Ch. 108, § 1083.1)

§ 33-831. Public nuisance.

Any abandoned service station is hereby declared a public nuisance which shall be abated pursuant to the procedure herein provided.
(Zoning Code, Ch. 108, § 1083.2)

§ 33-832. Abatement of nuisance—Initiation, service and posting.

Upon discovery of conditions indicating that a service station may have been abandoned, the director of community development shall cause a notice to be served personally or by mail on the owner of the real property on which the service station is located at his or her address as disclosed on the last equalized assessment roll on file in the assessor's office of San Diego County or as known to the director of community development, and on the person, if any, occupying or otherwise in real or apparent charge and control of the service station. The director of community development also shall cause the notice to be posted on the service station.
(Zoning Code, Ch. 108, § 1083.3.1; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-833. Abatement of nuisance—Additional service.

The director of community development also shall cause the notice to be served on each of the following persons: The holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or interest of record in or to the service station or the real property on which such service station is located. The failure of the director of community development to make or attempt service to any person who is required to be served pursuant to the provisions of this subsection shall not invalidate any proceedings hereunder as to any other person duly served.
(Zoning Code, Ch. 108, § 1083.3.2; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-834. Time of service and posting.

The director of community development shall cause the notice to be served and posted pursuant to the provisions of this section at least 15 days before the date of any hearing as set in such notice.
(Zoning Code, Ch. 108, § 1083.3.3; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-835. Proof of service and posting.

Proof of service or posting of the notice shall be documented at the time of service or posting by a declaration under penalty of perjury executed by the person effecting service or posting, declaring the time, place, and manner in which service or posting was made.
(Zoning Code, Ch. 108, § 1083.3.4)

§ 33-836. Contents of notice.

The notice shall contain the following:

(a) The street address and a legal description sufficient for identification of the premises on which the service station is located.

(b) A statement that the director of community development has discovered conditions, and a description of such conditions, indicating that the service station may have been abandoned.

(c) A statement of the date, time, and place of a hearing before the planning commission at which any interested person may appear to offer any relevant evidence and at the conclusion of which the planning commission shall decide whether or not the service station has been abandoned.

(d) A statement advising that, if the planning commission decides that the service station is abandoned, the planning commission shall order that the public nuisance be abated within a period of time, not less than 60 days nor more than 180 days, as the planning commission deems reasonable, commencing upon service of the planning commission's written findings of fact, decision, and order of those persons identified in section 33-832 of this article. The public nuisance shall be abated by any of the following means:

    (1) Reoccupation and reinstitution of a service station use pursuant to all applicable provisions of this code; or

    (2) Conversion to another use pursuant to all applicable provisions of this code; or

    (3) Removal of all buildings or structures, safeguarding or removing any flammable or combustible liquid storage tanks, and cleaning of the site, all pursuant to applicable provisions of this code.

(e) A statement advising that, if the service station is deemed a nuisance and if such nuisance is not abated within the time stipulated, it will be abated by the city and the cost of abatement will be assessed on the land from which such nuisance is removed and will constitute a lien on such land until paid.

(f) A statement advising that the planning commission's determination is final unless judicial review is sought in accordance with section 33-839 of this article.
(Zoning Code, Ch. 108, § 1083.3.5; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-837. Findings, decision and order.

(a) At the conclusion of the hearing, the planning commission shall consider the evidence presented and shall make written findings of fact, based on the evidence, to support its decision and order.

(b) The planning commission shall decide whether or not the service station is abandoned.

(c) If the planning commission decides that the service station is abandoned, it shall order that the public nuisance be abated within a period of time, not less than 60 days nor more than 180 days, as the planning commission deems reasonable, commencing upon service of the planning commission's findings, decision, an order on those persons identified in section 33-832 of this article. The planning commission shall advise further that the public nuisance may be abated by any of the following means:

(1) Reoccupation and reinstitution of a service station use pursuant to all applicable provisions of this code; or

(2) Conversion to another use pursuant to all applicable provisions of this code; or

(3) Removal of all buildings or structures, safeguarding or removing any flammable or combustible liquid storage tank, and cleaning up the site, all pursuant to applicable provisions of this code.

(Zoning Code, Ch. 108, § 1083.4)

§ 33-838. Service of findings, decision and order.

The planning commission's written findings of fact and decision shall be served on those persons identified in section 33-832 of this article.
(Zoning Code, Ch. 108, § 1083.5)

§ 33-839. Finality of decision and order.

The decision and order of the planning commission is final unless a judicial review thereof is sought from an appropriate court within 30 days after such decision and order is made.
(Zoning Code, Ch. 108, § 1083.6)

§ 33-840. Enforcement of order.

(a) If the public nuisance is not abated pursuant to the planning commission's decision and order, in addition to any other lawful procedure authorized by this code, the director of community development shall enforce such decision and order in the following manner.

(b) The director of community development shall issue an order to the director of public works to accomplish the following work: removal of all buildings or structures, safeguarding or removing of any flammable or combustible liquid storage tanks, and cleaning of the site, all pursuant to applicable provisions of this code.

(c) The cost of the work shall be paid from the abandoned service station fund, a special revolving fund which is hereby established. Payment shall be made out of such fund upon demand of the director of public works to defray the cost and expenses which may be incurred by the city in causing the necessary work to abate the nuisance of an abandoned service station.

(d) The city council may at any time transfer to the abandoned service station fund, out of any money in the general fund of the city such sums as it may deem necessary in order to expedite the performance of the work to abate the nuisance of an abandoned service station, and any sum so transferred shall be deemed a loan to such fund and shall be repaid out of the proceeds of the assessments hereinafter

provided for in this article. All funds collected under the proceedings hereinafter provided for, either upon voluntary payments or as a result of the sale of property after delinquency, shall be paid when collected to the finance director, who shall place the same in the abandoned service station fund.

(e) The director of public works shall keep an itemized account of the net expense incurred by the city in the work to abate the nuisance of an abandoned service station. Upon completion of such work, the director of public works shall prepare and file with the city clerk a report specifying the work done, the itemized net cost of the work, a description of the real property upon which the service station is or was located, the names and addresses of the persons entitled to notice pursuant to section 33-831 of this article and the amount of the assessment against each lot or parcel of land proposed to be levied to pay the cost of the work. Any such report may include or on any number of buildings or structures on any number of parcels of property, whether or not contiguous to each other.

(f) Upon receipt of the report of the director of public works, the clerk shall fix time and place, when and where the council will hear and pass upon the report. The clerk shall cause notice of the proposed assessment, as shown in the report, to be given in the manner and to the persons specified in section 33-832 of this article. Such notice shall contain a description of the property sufficient to enable the persons served to identify it, and shall specify the day, hour, and place when the council will hear and pass upon the report, together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such work, and any other interested persons. Such notice of the hearing shall be so given not less than 15 days prior to the time fixed by the clerk for the hearing, and shall also be published one time, at least 15 days prior to the date of hearing, in a daily newspaper published and circulated in the city.

(g) Any interested person may file a written protest with the city clerk at any time prior to the time set for the hearing on the report of the director of public works. Each such protest shall contain a description of the property in which the person signing the protest is interested and the grounds of such protest. The city clerk shall endorse on every such protest the date and time of filing and shall present such protest to the council at the time set for the hearing.

(h) Upon the day and hour fixed for the hearing the council shall consider the report of the director of public works, together with any protests which have been filed with the city clerk as hereinabove provided. The council may make such revision, correction or modification in the report as it may deem just, and when the council is satisfied with the correctness of the assessment, the report and proposed assessment, as submitted or as revised, corrected or modified, shall be confirmed. The decision of the council on the report and the assessment and on all protests shall be final and conclusive. The council may adjourn the hearing from time to time.

(i) The validity of any assessment levied under the provisions of this section shall not be contested in any action or proceeding unless such action or proceeding is commenced within 30 days after the assessment is confirmed by the council.

(j) Immediately upon the confirmation of the assessment by the council, the director of community development shall file in the office of the county recorder of San Diego County a certificate in substantially the following form:

NOTICE OF LIEN

Pursuant to the authority vested in the Director of Community Development by the provisions of the Escondido Zoning Code, the Director of Community Development did on or about the day of _____, 20_____, cause on the property hereinafter described the removal of all buildings or structures, the safeguarding or removal of any flammable or combustible liquid storage tanks, and the cleaning up of the site, in order to abate a nuisance on such real property; and the Council of the City of Escondido did on the day of _____, 20_____, assess the cost of such upon the real property hereinafter described, and the same has not been paid nor any part thereof, and the said City of Escondido does hereby claim a lien on said real property for the net expense of the doing of such work in the amount of such assessment, to wit: the sum of $ _____, and the same shall be a lien upon said real property until the sum has been paid in full and discharged of record.

The real property hereinabove mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Escondido, California, County of San Diego, State of California, and particularly described as follows:

(Description)

DATED: This _____day of_____, 20_____.

_____
DIRECTOR OF COMMUNITY DEVELOPMENT
City of Escondido

(k) Immediately upon the recording of the notice of lien the assessment shall constitute a lien on the real property assessed. Such lien shall enjoy the same priority as a lien for state, county and city taxes.

(l) (1) The notice of lien, after recording shall be delivered to the auditor of San Diego County, who shall enter the amount thereof on the county assessment book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The notice of lien shall be delivered to the auditor before the date fixed by law for the delivery of the assessment book to the county board of equalization.

(2) Thereafter the amount set forth in the notice of lien shall be collected at the same time and in the same manner as ordinary city taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary city taxes. All laws applicable to the levy, collection and enforcement of city taxes are hereby made applicable to such assessment.

(Zoning Code, Ch. 108, § 1083.7; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-841. Obstruction or interference with abatement work.

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the city, or with any person, whenever such officer, employee, contractor, authorized representative of the city, or person is engaged in the work of abating the nuisance of an abandoned service station, pursuant to the provisions of this article, or in performing any necessary act preliminary to or incidental to such work.

(Zoning Code, Ch. 108, § 1083.8)

§ 33-842. Conversion of service stations.

(a) No service station shall be converted to any other use unless such conversion is expressly authorized by a conditional use permit issued pursuant to Division 1 of Article 61 of this chapter.

(b) A conditional use permit authorizing the conversion of a service station to any other use shall be subject to the following:

(1) All pumps, pump islands, signs, insignias, trade marks, their supporting structures, mountings, and foundations, and all other aboveground improvements which are uniquely associated with service station operations shall be taken down, dismantled, and removed from the site.

(2) All gasoline storage tanks, fuel lines, pumps, and other belowground apparatus related to the delivery or disposal of petroleum products shall be excavated and removed from the site or filled in accordance with the provisions of the Uniform Fire Code as currently adopted by the city.

(3) Upon the removal of the tanks, structures, and apparatus specified above, the converted service station site shall be resurfaced and landscaped in a manner appropriate to the proposed commercial or industrial use.

(Zoning Code, Ch. 108, § 1083.9)

§ 33-843. through § 33-844. (Reserved)

ARTICLE 44
HOME OCCUPATIONS

§ 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.
(Zoning Code, Ch. 108, § 1087.1; Ord. No. 2013-07RR, § 4, 12-4-13; Ord. No. 2018-04, § 1, 4-4-18; Ord. No. 2023-06, § 3, 3-8-23)

§ 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.
(Zoning Code, Ch. 108, § 1087.3; Ord. No. 2013-07RR, § 4, 12-4-13; Ord. No. 2018-04, § 1, 4-4-18; Ord. No. 2023-06, § 3, 3-8-23)

§ 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 8:00 a.m. and 5:00 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 8:00 a.m. to 5:00 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.

(Zoning Code, Ch. 108, § 1087.5; Ord. No. 2013-07RR, § 4, 12-4-13; Ord. No. 2018-04, § 1, 4-4-18; Ord. No. 2023-06, § 3, 3-8-23)

§ 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 8:00 a.m. and 8:00 p.m.

(5) Deliveries or pick-ups by normal delivery services shall occur between 8:00 a.m. and 5:00 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.

(Zoning Code, Ch. 108, § 1087.7; Ord. No. 2013-07RR, § 4, 12-4-13; Ord. No. 2018-04, § 1, 4-4-18; Ord. No. 2023-06, § 3, 3-8-23)

§ 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.

(Ord. No. 2018-04, §1, 4-4-18; Ord. No. 2023-06, § 3, 3-8-23)

§ 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.

(Ord. No. 2018-04, §1, 4-4-18; Ord. No. 2023-06, § 3, 3-8-23)

§ 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.

(Zoning Code, Ch. 108, § 1087.8; Ord. No. 2013-07RR, § 4, 12-4-13; Ord. No. 2018-04, § 1, 4-4-18; Ord. No. 2023-06, § 3, 3-8-23)

§ 33-857. through § 33-859. (Reserved)

ARTICLE 45
MOBILEHOME PARKS

§ 33-860. Conditional use permit.

In addition to such terms and conditions as may be required by the planning commission upon the issuance of a conditional use permit for a mobilehome park, all mobilehome parks shall be built to the standards set forth in this article, and all conditional use permits for mobilehome parks shall be subject to the time limitations of section 33-862 of this article.
(Zoning Code, Ch. 108, § 1088.10)

§ 33-861. Definitions.

For the purpose of the article, certain words and phrases are defined as follows:

"Approved" when used in connection with any material, appliance, construction or design and specification, means meeting the requirements and approval of either the building official or the city engineer.

"Mobilehome" means a vehicle, other than a motor vehicle, which may be used as semipermanent housing, and which is designed for human habitation, or transporting persons and property, and for being drawn by a motor vehicle. The term mobilehome shall include a trailer home.

"Mobilehome park street" means any roadway used or designed to be used for the general circulation of traffic within the trailer park.

"Mobilehome site" means any portion of a trailer park or mobilehome park designed for the use or occupancy of one trailer coach or mobilehome.

"Occupancy or occupied" means the use of any mobilehome, in whole or in part, as the home, residence or sleeping place of one or more persons, either continuously, permanently, temporarily or transiently.
(Zoning Code, Ch. 108, § 1088.20)

§ 33-862. Expiration and revocation of conditional use permit.

A conditional use permit for a mobilehome park shall become void automatically under any of the following circumstances:

(a) If a building permit for the construction of a mobilehome park has not been issued within 180 days from the date of the planning commission's action granting the conditional use permit, or within any extension of time granted by the planning commission for good cause.

(b) If the construction is not commenced within 90 days after the issuance of a building permit or an extension of time granted by the planning commission for a good cause.

(c) If construction of a mobilehome park is not completed and a certificate of occupancy issued by the building department within one year from the date of issuance of the building permit.

(d) If the building permit for the construction of a mobilehome park expires for any reason.
(Zoning Code, Ch. 108, § 1088.25)

§ 33-863. Property development standards.

The development standards in section 33-864 shall apply to the individual mobilehome site. Plans and

elevations for the mobilehome park shall be submitted along with other construction plans with the application for a conditional use permit for a mobilehome park, and shall be subject to review and change upon recommendation of the planning commission.
(Zoning Code, Ch. 108, § 1088.31)

§ 33-864. Site requirements.

(a) Identification. Each mobilehome site shall be plainly marked and numbered for identification and shall meet all requirements of this article.

(b) Site area. The mobilehome sites in a mobilehome park shall average 3,000 square feet in area but no site shall be smaller than 2,700 square feet.

(c) Site width. Each mobilehome site designed for a single width mobilehome shall be of an average width of 42 feet. Sites designed for mobilehomes of double width or larger shall be of an average width of 30 feet plus the width of the mobilehome, unless it can be shown that adequate space for a patio, parking and side yard(s) will be assured, despite a site of lesser width.

(d) Site frontage. Each mobilehome shall abut directly upon a mobilehome park street for a minimum distance of 30 feet.

(e) Population density. Not more than one single-family mobilehome may be placed on a mobilehome site.
(Zoning Code, Ch. 108, §§ 1088.32—1088.32.9)

§ 33-865. Yard requirements.

(a) Adjustments to the following requirements of up to 25% may be approved or conditionally approved by the director of community development upon demonstration that the proposed adjustment will be compatible with and will not prove detrimental to adjacent property or improvements. The applicant for an adjustment shall pay a fee to the city in an amount to be established by resolution of the city council.

(b) The director of community development shall give notice of his or her intended decision using the procedures outlined in section 33-1300 of Article 61 of this chapter.
(Zoning Code, Ch. 108, § 1088.33; Ord. No. 88-58, § 6, 10-19-88; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-866. Front yard.

Each mobilehome site shall have a front yard of not less than five feet. The front yard so required shall not be used for vehicle parking, except such portion thereof as is devoted to driveway use.
(Zoning Code, Ch. 108, § 1088.33.2)

§ 33-867. Side yards.

(a) Generally. Each mobilehome shall have a side yard on each side of not less than five feet, or one side yard of not less than 10 feet.

(b) Corner mobilehome sites. On corner mobilehome sites, the side yard adjoining the mobilehome park street shall not be less than five feet.

(c) Driveway. When used for access to a parking facility a side yard shall be wide enough for a 10 foot wide unobstructed driveway. All such side yard driveways shall be paved with cement or asphaltic

concrete.
(Zoning Code, Ch. 108, §§ 1088.33.3—1088.33.5)

§ 33-868. Rear yard.

Each mobilehome site shall have a rear yard of not less than five feet.
(Zoning Code, Ch. 108, § 1088.33.7)

§ 33-869. Projections into yard.

The following structures may be erected or projected into any required yard:

(a) Eaves, stairways and awnings not to exceed one foot;

(b) Landscape elements including trees, shrubs and other plants, except hedges; provided, that such landscape feature does not hinder the movement of the mobilehome in or out of its space;

(c) Mobilehome hitches;

(d) Necessary appurtenances for utility services;

(e) Air conditioning or compressors in rear and side yards not contiguous to a park street; provided, that the encroachment into the yard shall not exceed three and one-half (3.5) feet and provided that any such unit or compressor which is installed on the ground or on the pad, shall be screened from view from any street by a permanent solid fence or wall. Such wall or fence shall not exceed the height of the unit or compressor by more than six inches.

(Zoning Code, Ch. 108, § 1088.33.9)

§ 33-870. Mobilehome requirements.

(a) Distance between mobilehomes or accessory structures. No portion of a mobilehome or attached accessory structure shall be closer than 10 feet to another mobilehome or attached accessory structure.

(b) Setbacks in previously constructed parks. Mobilehomes and or mobilehome accessory structures which do not conform to the foregoing standards, and which were erected prior to the effective date of their enactment (by Ordinance 1032 or 1138) and which have been maintained in exactly the same configuration since they became nonconforming, may continue or be replaced in this same configuration. In those mobilehome parks erected prior to the effective date of said ordinances, a minimum setback of three feet (or six feet between awnings) shall be maintained on all sides (including front and rear) of a mobilehome or accessory structure which does not qualify as continually nonconforming, notwithstanding the other provisions of this article.

(Zoning Code, Ch. 108, §§ 1088.34.5—1088.34.9)

§ 33-871. Off-street parking.

(a) Each mobilehome site shall have thereon a paved space suitable for providing automobile shelter with space for at least two automobiles for each mobilehome.

(b) Recreation and laundry areas shall have sufficient parking facilities to accommodate one automobile for every 10 mobilehome sites.

(Zoning Code, Ch. 108, § 1088.35.1)

§ 33-872. Other requirements.

(a) Adjustments to the following requirements of up to 25% may be approved or conditionally approved by the director of community development upon demonstration that the proposed adjustment will be compatible with and will not prove detrimental to adjacent property or improvements. The applicant for an adjustment shall pay a fee to the city in an amount to be established by resolution of the city council.

(b) The director of community development shall give notice of his or her intended decision using the procedures outlined in section 33-1300 of Article 61.

(Zoning Code, Ch. 108, § 1088.39; Ord. No. 88-58, § 6, 10-19-88; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-873. Signs.

(a) Each mobilehome park shall have a bulletin for the listing of each mobilehome site and the name of the occupant thereof. The bulletin board shall be located outside the office and it shall be lighted at night.

(b) Adequate signs and marking indicating directions, parking areas, recreation areas and street names shall be established and maintained in the mobilehome park. Such signs shall not exceed six square feet in area.

(Zoning Code, Ch. 108, § 1088.39.1; Ord. No. 92-47, § 2, 11-18-92)

§ 33-874. Landscaping.

The following landscaping provisions shall apply to all mobilehome parks:

(a) Landscaping shall conform to the requirements set forth in Article 62.

(b) For all new development, the director of community development shall require a minimum of one street tree for every 30 linear feet of street frontage within or adjacent to the development.

(Zoning Code, Ch. 108, § 1088.39.3; Ord. No. 92-17, § 37, 3-25-92; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-875. Trash storage.

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

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

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

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

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

(Zoning Code, Ch. 108, § 1080.39.5; Ord. No. 92-17, § 38, 3-25-92; Ord. No. 2018-07R, § 7, 4-18-18; Ord. No. 2018-20, § 7, 11-28-18)

§ 33-876. Walls and fences.

(a) Walls or fences up to a maximum of six feet in height may be located within the interior side and rear yard setbacks and fences up to 42 inches in height and at least 50% "open type" type construction, such as split rail, wrought iron, chain link or other similar type construction, may be located in the front and street side yard setbacks of mobilehome sites.

(b) Walls and fences shall be erected around the perimeter of each mobilehome park as may be required by the planning commission. The height, construction and type of material for such perimeter walls shall be as specified by the planning commission in the conditional use permit.

(Zoning Code, Ch. 108, § 1080.41.1)

§ 33-877. Mobilehome park streets.

Mobilehome park streets shall be provided in such a pattern as to provide convenient traffic circulation within the mobilehome park. They shall be built to the following standards:

(a) All mobilehome park streets shall have a width of not less than 30 feet including curbs.

(b) There shall be concrete roll curbs on each side of the streets.

(c) The mobilehome park streets shall be paved in accordance to standards established by the city engineer.

(d) Mobilehome park streets shall be lighted in accordance with the requirements of the city engineer.

(Zoning Code, Ch. 108, § 1088.41.2)

§ 33-878. Recreation areas.

A central recreation area shall be established in each mobilehome park created pursuant to the provisions of this article. The size of such area shall be at least 200 square feet per mobilehome site. The recreation area may contain community club houses, swimming pools, shuffle board courts and similar facilities. The planning commission may permit decentralization of the recreation facilities in accordance with principles of good planning provided that the total recreation area meets the above stated minimum size.

(Zoning Code, Ch. 108, § 1080.41.3)

§ 33-879. Office—Facilities.

(a) Mobilehome park office. Every mobilehome park shall include a mobilehome park office which may be located in the following structures:

(1) Permanent building structure or single-family dwelling for the exclusive use of the owner or manager;

(2) Mobilehome for the exclusive use of the owner or manager;

(3) Approved cabaña structure.

Note: A single-family dwelling or mobilehome, or mobilehome/cabaña combination, which is used for office space may utilize no more than 25% of the total combined gross floor area for the office use. Access to the office facility must comply with applicable disabled access regulations.

(b) Laundry rooms. Every mobilehome park shall have one or more laundry rooms. Laundry drying lines

shall not be permitted on any mobilehome site.

(c) Mail boxes provided. Each mobilehome site shall be equipped with a receptacle for mail deliveries in accordance with the standards presented by the local post master.

(d) Telephones. The mobilehome park shall contain at least one public telephone for the use of park residents.

(e) Storage areas. Areas used for storage of travel trailers, boats and other such items, may be established in a mobilehome park provided they are adequately screened from public view.

(f) Utilities. All utility distribution facilities, including television antenna service lines serving individual mobilehome sites shall be placed underground. The owner is responsible for complying with the requirements of this article, and he or she shall make the necessary arrangements with each of the serving utilities for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestal, concealed ducts and other facilities necessarily appurtenant to such underground facilities may be placed above ground. Water and sewer distribution facilities shall be installed in conformance with specifications of the city engineer. All mobilehome sites must be served with water, gas, electricity and city sewers.

(Zoning Code, Ch. 108, §§ 1088.41.4—1088.41.9; Ord. No. 95-12, § 1, 7-12-95)

§ 33-880. Community television antenna.

Individual roof top or outdoor television antennas shall not be permitted in a mobilehome park. One single television antenna for community service may be situated within the mobilehome park.

(Zoning Code, Ch. 108, § 1088.42)

§ 33-881. Dogs and animals.

Dogs and other household pets shall not be permitted to run at large in any mobilehome park. Bird aviaries, poultry and other barnyard animals shall not be permitted in any mobilehome park.

(Zoning Code, Ch. 108, § 1088.42.1)

§ 33-882. Transient spaces.

Not more then 10% of the mobilehome sites may be used for transient mobilehome sites. Sites reserved for transient mobilehomes shall be so designated on the plans submitted with the application for the mobilehome park conditional use permit. The site, yard and property development standards of this article shall fully apply to sites reserved for transient mobilehomes. Mobilehomes which are smaller than specified in section 33-868 of this article may occupy such designated transient mobilehome site for periods up to 90 days.

(Zoning Code, Ch. 108, § 1088.42.2)

§ 33-883. Enforcement.

Should the director of community development determine that there has been a violation of the provisions of this article or of any conditional use permit issued pursuant thereto, he or she shall notify, in writing, the owner or manager of the mobilehome park, specifying the particular violation or violations and shall make demand that such violations be corrected within 60 days after receipt of said notice.

(Zoning Code, Ch. 108, § 1088.28; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-884. Violations.

Any person, firm or corporation violating any of the provisions of this article, or disregarding any condition or term imposed by the planning commission or city council hereunder, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceed $500 or imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment.
(Zoning Code, Ch. 108, § 1088.9)

§ 33-885. through § 33-889. (Reserved)

ARTICLE 46
TRAVEL TRAILER PARKS

§ 33-890. Conditional use permit.

In addition to such terms and conditions as may be required by the planning commission upon the issuance of a conditional use permit for a travel trailer park, all travel trailer parks shall be built to the standards set forth in this article and Chapter 32 of this code. All conditional use permits for travel trailer parks shall be subject to the time limitations of section 33-892 of this article.
(Zoning Code, Ch. 108, § 1089.10)

§ 33-891. Definitions.

For the purpose of this article, certain words and phrases are defined as follows:

"Campground site" means a designated portion of a travel trailer park designed for tent camping.

"Travel trailer" as used in this article shall mean any of the following:

(1) Camping trailer means a canvas, folding structure, mounted on wheels and designed for travel, recreation and vacation use.

(2) Motor home means a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

(3) Pickup coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

(4) Travel trailer means a vehicle other than a motor vehicle which is designed or used for human habitation, and for travel or recreational purposes, which does not at any time, exceed eight feet in width and 40 feet in length and which may be moved upon a public highway without a special permit or chauffeur's license or both, without violating any provision of the vehicle code.

(5) Travel trailer site means any portion of a travel trailer park designed for the use or occupancy of one travel trailer and a motor vehicle used for towing it.

"Travel trailer park" means any area or tract of land where one or more lots are rented or leased or held out for rent or lease to owners or users of travel trailers, camp cars, or tent camping used for travel or recreational purposes.

"Travel trailer park street" means any roadway used or designed to be used for the general circulation of traffic within the travel trailer park.
(Zoning Code, Ch. 108, § 1089.20)

§ 33-892. Expiration and revocation of conditional use permit.

Conditional use permit for a travel trailer park shall become null and void automatically under any of the following circumstances:

(a) Unless otherwise specified in the action granting a conditional use permit, said permit which has not received building permits within 12 months from the effective date shall become null and void. Also, the abandonment or nonuse of a permit for a period of 12 consecutive months shall terminate said permit and any privileges granted thereunder shall become null and void. However, an extension of time may be granted by the planning commission. Once any portion of a conditional use permit is

utilized, the other conditions thereof become immediately operative and must be strictly complied with.

(b) If the building permit for the construction of a travel trailer park expires for any reason.

(Zoning Code, Ch. 108, § 1089.21)

§ 33-893. Property development standards.

The following development standards shall apply to the individual travel trailer and camp sites. Plans and elevations for the travel trailer park shall be submitted along with other construction plans with the application for a conditional use permit for a travel trailer park, and shall be subject to review and change upon recommendation of the planning commission.

(Zoning Code, Ch. 108, § 1089.30)

§ 33-894. Travel trailer and campsite requirements.

(a) Each travel trailer and campsite shall be plainly marked and numbered for identification and shall meet all requirements of this article.

(b) Travel trailer and campground site area. Each travel trailer and camp site in a travel trailer park shall have an area not less than 800 square feet.

(c) Campground area. Campground sites within a travel trailer park for the accommodation of tents shall be separated from the travel trailer sites. Not more than one tent may be permitted per space.

(d) Travel trailer and camp site width. Each travel trailer and camp site shall have an average width of 20 feet. Trailers shall be separated from each other and from other structures by at least six feet of landscape treatment.

(e) Travel trailer and camp site frontage. Each travel trailer and camp site shall have a minimum frontage of 20 feet.

(f) Population density. Not more than one travel trailer or tent may be placed on a travel trailer or campsite.

(Zoning Code, Ch. 108, §§ 1089.31—1089.31.5)

§ 33-895. Park perimeter requirements.

The following setbacks shall take precedent over the requirements of the underlying zone(s). The following park perimeter setbacks shall apply to travel trailer parks. When adjacent to a residential zone, a landscaped setback may be required to be increased equal to that required by the residential zone. The park setbacks shall not be used for vehicle parking, except such portion thereof as is devoted to driveway use.

(a) Front setback. Each travel trailer park shall have a front yard of not less than 15 feet.

(b) Side setback. Interior and street side setbacks for a travel trailer park shall not be less than 10 feet.

(c) Rear setback. Each travel trailer park shall have a rear yard of not less than 10 feet.

(d) Major road or highway setback. When adjacent to a major road or highway, a setback of not less than 20 feet shall be provided.

(Zoning Code, Ch. 108, §§ 1089.32—1089.32.4)

§ 33-896. Projections into park setbacks.

No building structures, picnic tables, vehicular parking, travel trailer, or campground sites, shall encroach into the required park perimeter setbacks. Wall and fence structures may encroach into said setback pursuant to conditional use permit approval.
(Zoning Code, Ch. 108, § 1089.32.5)

§ 33-897. Yard requirements.

(a) Each travel trailer or tent occupying a space shall maintain a six foot separation from any building or other travel trailer, or tent, pursuant to regulations contained in Title 25 of the California Administrative Code.

(b) Adjustments to the following requirements of up to 25% may be approved or conditionally approved by the director of community development upon demonstration that the proposed adjustment will be compatible with and will not prove detrimental to adjacent property or improvements. The applicant for an adjustment shall pay a fee to the city in an amount to be established by resolution of the city council.

(c) The director of community development shall give notice of his intended decision using the procedures outlined in section 33-1300 of Article 61 of this chapter.
(Zoning Code, Ch. 108, § 1089.33; Ord. No. 88-58, § 6, 10-19-88; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-898. Front yard.

Each travel trailer and campground site shall have a landscaped front yard of not less than five feet, except when devoted for travel trailer driveways and required vehicular parking.
(Zoning Code, Ch. 108, § 1089.33.1; Ord. No. 92-17, § 39, 3-25-92)

§ 33-899. Side yard.

(a) Each travel trailer and campground site shall have a landscaped side yard on each side of not less than three feet.

(b) Corner travel trailer sites. On corner travel trailer or campground sites, the side yard adjoining the travel trailer park street shall not be less than five feet.

(c) Driveway. When used for access to a parking facility, a side yard shall be wide enough for a nine foot side unobstructed driveway in addition to the required five foot side yard.
(Zoning Code, Ch. 108, §§ 1089.33.2—1089.33.4)

§ 33-900. Rear yard.

Each travel trailer site shall have a rear yard of not less than three feet.
(Zoning Code, Ch. 108, § 1089.33.5)

§ 33-901. Off-street parking.

(a) Each travel trailer and campground site shall have one space suitable for providing automobile parking. Parking may be provided in tandem to that of the travel trailer or may be part of the side driveway on which the travel trailer will rest.

(b) Each travel trailer parking area shall provide sufficient parking and maneuvering space so that the parking, loading or maneuvering of trailers incidental to parking shall not necessitate the use of any public street, sidewalk or right-of-way or any private grounds not part of the travel trailer parking area.

(c) There shall be provided off-street parking in each travel trailer park at the ratio of one parking space for each five travel trailer and campground sites. A portion of the required off-street parking shall be provided at the recreation area and manager's office. Off-street parking shall be surfaced in the same manner as the streets.

(d) A minimum width of nine feet shall be provided for all recreational vehicle parking.

(e) Travel trailer pads and travel trailer and campground site vehicular parking spaces shall contain a stabilized parking surface of rock, decomposed granite, paving, or other suitable material. Travel trailer pads and vehicular parking spaces shall not encroach into the required travel trailer landscape setbacks.

(Zoning Code, Ch. 108, § 1089.35.1)

§ 33-902. Travel trailer park streets.

Travel trailer park streets shall be provided in such a pattern as to provide convenient traffic circulation within the travel trailer park and shall be built to the following standards.

(a) All travel trailer park streets shall be at least 24 feet wide for two-way traffic and 12 feet wide for one-way traffic. Parking shall not be allowed on a travel trailer park street.

(b) The travel trailer park streets shall be paved in accordance with standards established by the city engineer.

(c) Travel trailer park streets shall be lighted in accordance with the requirements of the city engineer.

(Zoning Code, Ch. 108, § 1089.35)

§ 33-903. Recreation area.

Recreation areas shall be set aside and developed as common usable areas for open or enclosed recreation facility in all travel trailer parks, which shall be easily accessible from all travel trailer and campground sites. The size of such recreation area shall be not less than 10% of the gross site area. The area of usable recreation area shall not exceed a grade of 10% and shall have a minimum dimension in all directions of at least 20 feet. Trailer and camp sites, manager quarters, park setbacks, and roads shall be excluded from the definition of recreation area, whereas open areas, recreational facilities, trail paths, and commercial services as defined in section 33-904 of this article may be included.

(Zoning Code, Ch. 108, § 1089.36.1)

§ 33-904. Commercial services—Offices—Facilities.

(a) Commercial services. Commercial services incidental to the travel trailer park and intended for the convenience of the occupants shall be permitted with conditional use permit approval. Such commercial accessory structures and uses may include a general store, restaurant or snack bar.

(b) Travel trailer park office. Every travel trailer park shall include a travel trailer park office which may be located in the following structures:

(1) Permanent building structure or single-family dwelling for the exclusive use of the owner or

manager;

(2) Mobilehome for the exclusive use of the owner or manager;

(3) Approved cabaña structure.

Note: A single-family dwelling or mobilehome, or mobilehome/cabaña combination, which is used for office space may utilize no more than 25% of the total combined gross floor area for the office use. No portion of a travel trailer may not be utilized for the park office. Access to the office facility must comply with applicable disabled access.

(c) Laundry rooms. Every travel trailer park shall have one or more laundry rooms. Laundry drying lines shall not be permitted on any travel trailer and camp site.

(d) Rest room and shower facilities. Public toilets, showers and lavatories will be provided in accordance with Chapter 24 of the municipal code.

(e) Disposal and water stations. Each travel trailer park shall have facilities for the hold tank disposal and also a source of potable water for filling trailer water tanks.

(f) Telephones. The travel trailer park shall contain at least one public telephone for the use of park residents.

(g) Utilities. All utility distribution facilities, including television antenna service lines serving individual travel trailer and camp sites shall be placed underground. The owner is responsible for complying with the requirements of this article, and he or she shall make the necessary arrangements with each of the serving utilities for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestal, concealed ducts and other facilities necessarily appurtenant to such underground facilities may be placed above ground. Water and sewer distribution facilities shall be installed in conformance with specifications of the city engineer. All travel trailer and camp sites must be served with water, electricity and city sewers.

(h) Accessory structures or fixtures provided by occupant shall be permitted, provided that such structures or fixtures are portable.

(Zoning Code, Ch. 108, §§ 1089.36.2—1089.36.9; Ord. No. 95-12, § 2, 7-12-95)

§ 33-905. Community television antenna.

One single television antenna for community service may be situated within the travel trailer park for the use of patrons.

(Zoning Code, Ch. 108, § 1089.37)

§ 33-906. Dogs and animals.

Dogs and other household pets shall not be permitted to run at large in any travel trailer park.

(Zoning Code, Ch. 108, § 1089.37.1)

§ 33-907. Trash storage.

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

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

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

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

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

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

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

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

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

(Zoning Code, Ch. 108, § 1089.37.2; Ord. No. 2018-20, § 7, 11-28-18)

§ 33-908. Picnic areas.

One picnic table with benches shall be provided for every travel trailer and campground site. Required picnic areas shall be surfaced a minimum dimension of at least six feet and may encroach no more than one foot into the required landscape setbacks.

(Zoning Code, Ch. 108, § 1089.37.3)

§ 33-909. Length of occupancy.

Occupancy of site shall mean use by any one tourist, family, or vacationists for a cumulative or total period of time not to exceed 90 days in any 12 month period.

(Zoning Code, Ch. 108, § 1089.37.4)

§ 33-910. Landscaping.

Landscaping shall conform to the requirements contained in Article 62.

(Zoning Code, Ch. 108, §§ 1089.38.1—1089.38.5; Ord. No. 92-17, § 40, 3-25-92)

§ 33-911. Signs.

(a) (Reserved)

(b) Adequate signs and marking indicating directions, parking areas, recreation areas shall be established and maintained in a travel trailer park. Such signs shall not exceed six square feet in area.

(c) Each travel trailer park shall have a bulletin board for the posting of information, messages, and park site plan. The bulletin board shall be located outside the office and shall be lighted at night.

(Zoning Code, Ch. 108, § 1089.39; Ord. No. 92-47, § 2, 11-18-92)

§ 33-912. Lighting.

(a) A lighting program for safety and identification purposes shall be submitted as part of the conditional use permit application in compliance with the following requirements:

(1) Adequate lighting shall be provided for all walkways, streets, parking areas, sanitary facilities, and recreational facilities.

(2) All lighting shall be located and shielded in such a manner that no light shall be directed toward camp sites, adjacent properties, or public rights-of-way.

(Zoning Code, Ch. 108, § 1089.40)

§ 33-913. Enforcement.

Should the director of community development determine that there has been a violation of the provisions of this article or of any conditional use permit issued pursuant thereto, he or she shall notify, in writing, the owner or manager of the travel trailer park, specifying the particular violation or violations and shall make demand that such violations be corrected within 60 days after receipt of said notice.
(Zoning Code, Ch. 108, § 1089.22; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-914. Violations.

Any person, firm or corporation violating any of the provisions of this article, or disregarding any conditions or terms imposed by the planning commission or city council hereunder, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding $500 or imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment.
(Zoning Code, Ch. 108, § 1089.41)

§ 33-915. through § 33-919. (Reserved)

ARTICLE 47
ENVIRONMENTAL QUALITY

Prior history: Zoning Code, Ch. 109, §§ 1090.00—1090.40 as amended by Ord. Nos. 89-3, 90-69 and 92-38.

Division 1
Regulations

§ 33-920. Purpose.

These environmental quality regulations (EQR) implement the California Environmental Quality Act (CEQA) and State CEQA Guidelines (guidelines) by applying the provisions and procedures contained in CEQA to development projects proposed within the City of Escondido.
(Ord. No. 95-2, § 1, 2-15-95; Ord. No. 2013-12, § 4, 12-11-13)

§ 33-921. Incorporation of the California Environmental Quality Act and the CEQA Guidelines.

The City of Escondido hereby adopts the California Environmental Quality (CEQA) Guidelines (Division 13 of the Public Resources Code of the State of California, Section 21000 et seq.) and the CEQA Guidelines (Section 15000 et seq.) as amended, by reference. Whenever any provisions of CEQA or the guidelines conflict with any provision of this chapter, CEQA and the guidelines shall supersede this chapter.
(Ord. No. 95-2, § 1, 2-15-95; Ord. No. 2013-12, § 4, 12-11-13)

§ 33-922. Exemption procedures.

The following sections implement Section 15300.4 of the CEQA Guidelines which requires the city to list those specific activities which fall within each of the following exempt classes:

(a) Ministerial projects. Pursuant to Section 15369 of the CEQA Guidelines, "ministerial projects" are those that involve little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. They involve the use of fixed standards or objective measurements. Projects in the city specifically deemed to be ministerial include all post-approval submittals in substantial conformance with the approval. Post-approval submittals include certified tentative subdivision maps, final maps, grading, landscape and improvement plans, CC&Rs, and building plans. Other ministerial projects include final inspections, issuance of licenses, utility service connections and disconnections, city-ordered brush clearance of nonsensitive areas in accordance with City of Escondido procedures, and other similar actions for which no discretion exists that could create or avoid environmental impacts.

(b) Categorical exemptions. Pursuant to Section 15300 of the CEQA Guidelines, Categorical Exemptions are classes of projects determined not to have a significant effect on the environment and are therefore exempt. No clarifications or additions are necessary to Sections 15300 to 15333 other than to specify that administrative adjustments, within prescribed parameters, fall within Class 5, Section 15305 of the Guidelines.

(c) "General rule" exemptions. Section 15061(b)(3) of the CEQA Guidelines provides that: "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." The following are specific actions considered not to have a significant effect pursuant to this provision:

    (1) Minor zone or municipal code amendments that do not involve physical modifications, or lead to physical improvements beyond those typically exempt, or which refine or clarify existing land use standards;

    (2) Projects that are not specifically listed as categorical or statutory exemptions but exhibit characteristics similar to one or more specific exemptions.

(d) Determination procedures. Initial determinations as to whether a statutory, categorical or general rule exemption is warranted are made by the staff planner before an application is deemed complete. Prior to project approval, the director or designee shall prepare a notice of exemption form, which shall be placed in the appropriate case file and be available for public review. Prior to any final action, the notice of exemption shall be reviewed and certified by the appropriate decision makers as part of the approval action. Written findings supporting the determination on the environmental status and shall be considered prior to approval of the project and be included on the notice of exemption.

(e) Exceptions. Even though a project may otherwise be eligible for an exemption, no exemption shall apply for grading and clearing activities, parcel maps, plot plans and all discretionary development projects otherwise exempt that would have a potential for significant effect on all or a portion of the site involving:

(1) Plant or animal species, which disturb, fragment or remove such areas defined by either the California Endangered Species Act (Fish and Game Code Section 2050 et seq.), or the Federal Endangered Species Act (16 U.S.C. Section 15131 et seq.) as sensitive, rare, candidate, species of special concern, endangered, or threatened biological species or their habitat (specifically including coastal sage scrub habitat for the California Gnatcatcher);

(2) Archaeological or cultural resources from either historic or prehistoric periods;

(3) Stream courses designated on U.S. Geological Survey maps;

(4) Hazardous materials, unstable soils or other factors requiring special review.

(Ord. No. 95-2, § 1, 2-15-95; Ord. No. 2013-12, § 4, 12-11-13)

§ 33-923. Mitigation and reporting requirements.

It is the intent of the city to ensure that all required mitigation measures to avoid potentially significant effects are effectively implemented and monitored throughout the project approval, permitting, construction process, as well as the lifespan of the project. In conjunction with the approval of each project, an individual program shall be developed and adopted, to ensure that each feature related to the mitigation measures to avoid a significant effect is specifically included in the conditions of approval, incorporated into the subsequent stages of development review and permitting process, monitored during construction, final inspection, as well as on an ongoing basis. The program may contain remedies to ensure compliance with the ongoing mitigation measures beyond final inspection.

(Ord. No. 95-2, § 1, 2-15-95; Ord. No. 2013-12, § 4, 12-11-13)

§ 33-924. Coordination of CEQA, quality of life standards, and growth management provisions.

The purpose of this section is to ensure consistency between the city's thresholds of environmental significance and the Public Facilities Master Plan that implements the growth management element of the general plan. The city's general plan contains quality of life standards that are to be considered in comprehensive planning efforts as well as individual project review. The degree to which a project, and the area in which it is located, conforms to the quality of life standards, is an issue in determining thresholds of significance. Notwithstanding the city's goal of providing adequate infrastructure concurrent with development, the Public Facilities Master Plan acknowledges that concurrent provision of infrastructure cannot be provided in all cases, particularly in the short term. Instead, only critical infrastructure deficiencies affect the timing of development. The following criteria are intended to clarify how facility deficiencies should affect the following CEQA determinations:

(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:

(1) Facility deficiencies are of an interim nature in that a master plan has been adopted for the provision of the facilities, appropriate fees are charged to offset project impacts, or other measures are in place to address long-run impacts;

(2) The project does not in itself, or in conjunction with other pending and approved projects, cause the number of units outside specified fire and emergency response times to exceed 10% of the total number of city units;

(3) A project proposes fewer than 200 units, and the cumulative total of reasonably anticipated projects does not exceed a total of 1,000 units where the police service territory is experiencing, or is likely to experience, unacceptable service times;

(4) Adequate sewer, water, and drainage facilities for the area can be provided to the satisfaction of the city engineer in accordance with adopted master plans;

(5) After mitigation, the project does not individually generate air-quality impacts for fixed, mobile, or construction sources within the general plan area by more than any of the following thresholds per day:

Pounds per Day Thresholds						
Respiratory Particulate Matter (PM10)	**Fine Particulate Matter (PM2.5)**	**Oxides of Nitrogen (NOx)**	**Oxides of Sulfur (SOx)**	**Carbon Monoxide (CO)**	**Lead and Lead Compounds**	**Volatile Organic Compounds (VOCs)**
100	55	250	250	550	3.2*	75** 55***

* Not applicable to construction.

** Threshold for construction per SCAQMD CEQA Air Quality Handbook.

*** Threshold for operational per SCAQMD CEQA Air Quality Handbook.

(A) Diesel standby generators in conformance with Zoning Code section 33-1122 are exempt from the above requirement for daily emissions of oxides of nitrogen;

(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_2e) GHG emissions and that are consistent with the general plan, or

(B) Projects generating more than 500 MT of CO_2e 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_2e 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 CO2e 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;

(7) Noise impacts of circulation element street widening. In situations where a negative declaration is otherwise appropriate, the following incremental noise increases are generally not considered significant:

(A) Short- or long-term increases, regardless of the extent, that do not result in noise increases in excess of general plan standards,

(B) Short-or long-term increases that result in a three dBA or less incremental increase in noise beyond the general plan's noise standards;

(8) Demolition or removal of historic resources. Demolition of historic resource would be considered significant if:

(A) Structures are determined to be a unique or rare example of an architectural design, detail, historical type, or method of construction in the community representing an example of a master (a figure of generally recognized greatness in a field, or a known craftsman of consummate skill), possessing high artistic value, embodying the distinctive characteristics of a type, period, or method of construction referring to the way in which a property was conceived, designed or fabricated in past periods of history in Escondido; or containing enough of those characteristics to be considered a true representative of a particular type, period, or method of construction,

(B) Structures located within an historic district and the relationship with other structures in the vicinity contributes to the unique character and quality of the streetscape and/or district,

(C) Structures involving the site of a locally historic person (or event) whose activities were demonstrably important within the context of Escondido, generally restricted to those properties that illustrate (rather than commemorate) important achievements that are directly associated with the subject property and reflect the time period,

(D) Structures listed with, or eligible for listing with, the State Register or National Register,

(E) Pursuant to CEQA Guidelines section 15300.2(f) a categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of an historic resource because a project that is ordinarily insignificant in its impact to the environment in a particularly sensitive environment may be significant.

(b) Environmental impact reports. Where deficiencies exist relative to the city's quality of life standards, and the extent of the deficiency exceeds the levels identified in subsection (a) of this section, an environmental impact report shall be prepared.

(c) Level of service. While changes in level of service (LOS) at street intersections or segments may not be used to determine whether a project will cause traffic impacts for purposes of CEQA analysis, they

may be used to determine if the project is consistent with the General Plan's Street Network Policy 7.3.

(Ord. No. 95-2, § 1, 2-15-95; Ord. No. 2001-18, § 4, 7-25-01; Ord. No. 2002-10, § 5, 4-10-02; Ord. No. 2003-36, § 4, 12-3-03; Ord. No. 2013-12, § 4, 12-11-13; Ord. No. 2021-10, § 6, 10-27-21; Ord. No. 2023-06, § 3, 3-8-23)

§ 33-925. City responsibility for environmental documentations and determinations.

(a) The city shall have responsibility and control over the form, scope, and content of all documents comprising the environmental assessment of a project. All reports, studies, or other documents prepared by or under the direction of an applicant, intended for inclusion in the environmental documents, shall be clearly identified as the project proponent's environmental assessment (PEA), and shall set forth in detail the assumptions and methodologies supporting any conclusions reached or upon which any recommendations may be based.

(b) The city, at its sole discretion, may decide to utilize the services of a private consulting firm to prepare or review all studies, reports, and other documents required or permitted by CEQA, the CEQA Guidelines, or other applicable laws or regulations, including those studies, reports, or other documents submitted by the project proponent or any other party. In all cases, the consultant shall enter into a contract with and shall be responsible directly to the city. All services shall be performed to the satisfaction of the director of community development, or designee.

(c) All costs incurred in the preparation of a project's environmental documents, including the cost of services performed under subsection (b) of this section, shall be borne by the project proponent.

(Ord. No. 952, § 1, 2-15-95; Ord. No. 2013-12, § 4, 12-11-13; Ord. No. 2018-07R, § 7, 4-18-18; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-926. Enhanced CEQA review for projects subject to congestion management program requirements.

Unless otherwise exempt from state law, development proposals or other discretionary planning actions that are expected to generate either an equivalent of 2,400 or more average daily trips (ADT) or 200 or more peak hour vehicle trips shall include as part of the enhanced CEQA review the following information:

(a) A traffic analysis to determine the project's impact on the regional transportation system. The regional transportation system includes all the state highway system (freeways and conventional state highways) and the regional arterial system identified in SANDAG's (San Diego Association of Governments) most recent regional transportation plan (RTP). The regional transportation system includes all of the designated congestion management program (CMP) system.

(b) The traffic analysis shall be made using the traffic model approved by SANDAG for congestion management program traffic analysis purposes. The traffic analysis shall also use SANDAG's most recent regional growth forecasts as the basic population and land use database.

(c) The traffic analysis shall acknowledge that standard trip generation estimates may be overstated when a project is designated using transit-oriented development design principles. Trip generation reductions should be considered for factors such as focused development intensity within walking distance to a transit station, introduction of residential units into employment centers, aggressive transportation demand management programs, and site design and street layouts that promote pedestrian activities.

(d) The project analysis shall include an estimate of the costs associated with mitigating the project's

impacts to the regional transportation system. The estimates of any costs associated with the mitigation of interregional travel (both trips end outside the county) shall not be attributed to the project. Credit shall be provided to the project for public and private contributions to improvements to the regional transportation system. The city shall be responsible for approving any such credit to be applied to a project. The credit may be in any manner approved by the city, including any one or combination of the following: donated/dedicated right-of-way, interim or final construction, impact fee programs, or money contributions. Monetary contributions may include public transit, ride sharing, trip reduction program support, and air quality transportation control measure funding support.

(e) Notwithstanding any statement to the contrary within this section, a project's effect on automobile delay shall not constitute a significant environmental impact for purposes of CEQA, except as otherwise provided in CEQA Guidelines section 15064.3.

(Ord. No. 95-2, § 1, 2-15-95; Ord. No. 2013-12, § 4, 12-11-13; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-927. Public noticing of negative declarations and mitigated negative declarations.

In conformance with Article 6 of CEQA (Negative Declaration Process, Section 15072), a notice of intent to adopt a negative declaration or mitigated negative declaration shall be mailed to the last known name of all organizations and individuals who have previously requested such notice in writing and shall also give notice of intent to adopt a negative declaration or mitigated negative declaration by the following procedures to allow the public the review period provided under CEQA Section 15105:

(a) Publication at least one time by the lead agency in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.

(b) Direct mailing to the owners of property within a 500 foot radius of the exterior boundaries of the project as shown on the latest equalized assessment roll, except as provided in California Government Code Section 65091(a)(3), or as subsequently amended.

(Ord. No. 99-15-R, § 4 Exh. C, 6-9-99; Ord. No. 2013-12, § 4, 12-11-13)

§ 33-928.1. through § 33-929. (Reserved)

Editor's note—Ord. No. 2007-12, § 5, adopted May 9, 2007, repealed Ch. 33, Art. 47, Div. 2, §§ 33-928.1—33-929, pertaining to the environmental advisory board, which derived from Ord. No. 2003-25, § 1, adopted July 30, 2003; and Ord. No. 2005-05, § 11, adopted October 26, 2005.

ARTICLE 48
RELOCATION OF BUILDINGS

§ 33-930. Purpose.

The purpose of this article is to provide adequate safeguards to insure that buildings moved from one location to another will not have an adverse effect on property values and neighborhood environment at their new location, and that they will harmonize and fit into the existing and anticipated future development of the area.
(Zoning Code, Ch. 109, § 1096.00)

§ 33-931. Approval.

No person shall place, move on, or affix to the land in any manner any building which was formerly located in another site, unless written approval of the director of community development has first been obtained. The term "building" as used herein, means any structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property, and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. An accessory structure having a floor area of less than 100 square feet, and being less than eight feet high shall not fall within this definition. The provisions herein shall not prohibit the installation of new prefabricated houses in accordance with applicable regulations.
(Zoning Code, Ch. 109, § 1096.01; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-932. Application.

A person seeking approval hereunder shall file an application for such approval with the director of community development.

(a) Form. The application shall be made in writing upon forms provided by the director of community development, and shall be filed in the office of the director of community development.

(b) Contents. The application shall set forth and contain:

(1) A description of the building proposed to be moved, giving construction materials, dimensions, number of rooms, condition of exterior and interior, date of construction and an estimate of its present value.

(2) The present location of the building, giving city and street address, or legal description of its present site.

(3) A complete legal description of the lot to which it is proposed such building be removed, and street address.

(4) A plot plan of the proposed new site showing all boundary lines, adjacent lots on all sides, all structures and improvements, means of access, and showing the position of the buildings on the lot as proposed.

(5) Photographs of the building or such elevations as the director of community development may direct.

(6) Any additional information which the director of community development may find necessary to a fair determination of whether the application should be approved.

(Zoning Code, Ch. 109, § 1096.04; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-933. Fee.

The application shall be accompanied by a fee for each building in an amount to be established by resolution of the city council, except for accessory structures as defined in section 33-931 of this article.
(Zoning Code, Ch. 109, § 1096.06)

§ 33-934. Standards and criteria for relocated buildings.

Before approving an application hereunder, the director of community development shall determine that all the following conditions are satisfied:

(1) That the building will conform to all provisions of the applicable zoning regulations at its proposed site.

(2) That the proposed allocation will not adversely affect any proposed streets or other improvements in the area, nor be in conflict with an adopted general plan of the city.

(Zoning Code, Ch. 109, § 1096.09; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-935. Conditional approval.

The director of community development may approve a proposed relocation subject to such conditions as the director may deem warranted by the circumstances. Said conditions may include specified landscaping and exterior finishing, dedication and improvement of streets and alleys adjoining the property, and time for completion of the work and improvements required. Such conditional approval shall not become effective, nor shall any action be taken thereon, unless and until security is furnished as required by section 33-937 of this article.
(Zoning Code, Ch. 109, § 1096.12; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-936. Expiration.

Unless otherwise specified in the action approving the building relocation, if a building which has been approved for relocation is not relocated with 12 months of the date of the approval, such approval shall become null and void. However, an extension of time, not to exceed an additional 12 months, may be granted by the director of community development.
(Zoning Code, Ch. 109, § 1096.13; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-937. Security.

If approval is granted subject to performance of conditions by the applicant, a cash deposit, a cashier's check or a certified check payable to the City of Escondido shall be furnished by the applicant. Such cash deposit or check shall be in the amount of the cost of performance of the conditions as estimated by the director of community development and shall be conditional upon and shall guarantee the performance of the conditions enumerated by the director of community development and any work ordered done by the director of community development pursuant to section 33-938 of this article.
(Zoning Code, Ch. 109, § 1096.14; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-938. Inspection of work.

The cash deposit or check shall not be released or the bond shall not be exonerated as the case may be, nor shall the removed building be occupied until the director of community development certifies that all work and improvements specified by the director of community development have been satisfactorily completed. The director of community development shall cause an inspection of the building at its new location to be

made upon request therefor by the owner or applicant, or at the expiration of the time designated by the director of community development for completion of the work. The director of community development may require any minor items of work to be done, such as an exterior trim, painting where needed or clean up which in his judgment is required to meet the purpose and intent of this article.
(Zoning Code, Ch. 109, § 1096.16; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-939. Appeal.

The applicant shall have the right to appeal any decision of the director of community development to the planning commission. Any decision of the planning commission may be appealed to the city council, whose determination thereon shall be final.
(Zoning Code, Ch. 109, § 1096.17; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-940. Moving permit also required.

Approval or conditional approval of the director of community development or city council hereunder is not a building moving permit, and such approval shall not relieve the applicant from compliance with the provisions of the building code or from any other requirement of law.
(Zoning Code, Ch. 109, § 1096.18; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-941. Violations.

Any person, firm or corporation violating any of the provisions of this article, or disregarding any condition or term imposed by the director of community development or city council hereunder, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding $500 or imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment.
(Zoning Code, Ch. 109, § 1096.20; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-942. through § 33-949. (Reserved)

ARTICLE 49
AIR SPACE CONDOMINIUM AND COMMUNITY APARTMENT PROJECTS

Prior history: Zoning Code, Ch. 109, §§ 1097.01—1097.05 and 1097.10—1097.21 as amended by Ord. No. 93-14.

§ 33-950. Applicability.

The procedures set forth in this article shall be utilized for all new condominium projects in all zones within the City of Escondido. The conversion of residential units into condominium ownership shall be subject to supplemental standards as applicable. It shall apply to condominiums as defined in Section 783 of the Civil Code, community apartment projects and stock cooperatives as defined in Sections 11003.2 and 11004 of the Business and Professions Code, and to the conversion of existing structures to condominiums, community apartment projects or stock cooperatives. For the purpose of this article, community apartment projects and stock cooperatives shall be synonymous with the term condominium or condominium conversion, as appropriate. The requirements of this chapter are in addition to subdivision ordinance requirements contained in Chapter 32.
(Ord. No. 2005-21 (RRR), § 1 Exh. 1, 8-24-05; Ord. No. 2015-14, § 4, 7-8-15)

§ 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.

(2) The director shall prescribe the form and content of all condominium permit applications.

(b) Exceptions to required permits. The following projects are not required to process a condominium permit through this article:

(1) Condominiums requested concurrently with a planned development application pursuant to Article 19.

(2) Condominiums requested concurrently with resident purchase of mobilehome parks pursuant to section 32-401 of Article 4 of Chapter 32, subdivisions.

(3) Condominiums requested for a non-residential development entitlement application in conformance with the California Subdivision Map Act, and subject to the following provisions:

(A) The project is not a mixed-use development that includes residential units.

(B) A maintenance and replacement program, as well as a contingency fund is provided to adequately address required improvements to the satisfaction of the director of community development (for conversion projects only).

(C) The developer files with the city, a declaration of covenants, conditions and restrictions pursuant to section 33-1108.

(D) Public notice of the condominium project complies with section 33-1300(b) and (c).

(Ord. No. 2020-07, § 6, 5-6-20; Ord. No. 2023-06, § 3, 3-8-23)

§ 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.

(Ord. No. 2020-07, § 6, 5-6-20; Ord. No. 2023-06, § 3, 3-8-23)

§ 33-953. Findings of commission and council.

(a) Except as specifically addressed in section 33-955 of this article, the project meets current zoning, design review, drainage, engineering, fire protection, seismic and building code requirements as if the project were newly constructed. However, the conversion of existing legal nonconforming multifamily residential developments to condominium units is exempt from current density requirements providing no increased density is proposed. Conversion requests may also utilize the same administrative adjustment procedures available to new construction as specified in the underlying zone;

(b) Required upgrades or modifications correcting a nonconforming condition may be permitted notwithstanding the provisions of section 33-1243 of this code, if the project otherwise conforms to applicable criteria;

(c) Residential projects will contain architectural and site-planning features commonly found in projects that maintain a majority of owner-occupied units;

(d) The project provides sufficient parking commensurate with its location and design;

(e) The project's open space is well-designed, properly distributed, and does not unreasonably restrict disabled access;

(f) The project conforms to the general plan and applicable zoning provisions. However, a conversion to residential condominiums may occur notwithstanding the fact that existing densities exceed currently permitted general plan densities provided no additional units are proposed;

(g) The project's maintenance and replacement program adequately addresses required improvements and appears to be sustainable;

(h) That all tenant notification and information, as required by the California Subdivision Map Act, this chapter, and the City of Escondido subdivision ordinance has been, or will be provided; and

(i) That provisions have been made for the timely release of security deposits and provision of rental payment history reports if requested by existing residential tenants.

(Ord. No. 2020-07, § 6, 5-6-20)

§ 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.
(Ord. No. 2020-07, § 6, 5-6-20; Ord. No. 2023-06, § 3, 3-8-23)

§ 33-955. Development standards.

Condominiums approved and authorized shall be developed or upgraded to comply with the city's current design review, building, seismic, drainage, engineering, zoning and fire protection standards for new construction. Limited departures, in accordance with applicable building code provisions, may be granted for condominium conversions providing that proposed conditions will substantially conform to current requirements, feasible upgrades have been provided, and no health and safety issues will exist.

Condominium permit approvals shall comply with the findings outlined in section 33-953 of this article. Additionally, minimum standards for residential condominium units include the following:

(a) Minimum square footages as follows:

Studio	600 square feet
One-bedroom units	700 square feet
Two-bedroom units	800 square feet
Three-bedroom units	1,000 square feet
Additional bedrooms	150 square feet for each additional bedroom

(b) Washer and dryer hook-ups in each unit.

(c) Minimum of 80 cubic feet of private storage area for each unit with minimum dimensions of at least two feet. Said storage shall be in addition to normally expected cabinets and closets.

(Ord. No. 2020-07, § 6, 5-6-20)

§ 33-956. Physical element report.

As part of the application submittal for any requested conversion to condominium ownership, a building and site evaluation report shall be submitted to the planning division, detailing compliance with current zoning, building, engineering, seismic, drainage and fire codes, the condition of existing improvements, and a schedule for recommended replacement and upgrades. Each report shall evaluate approved project plans as well as as-built conditions. It shall identify and assess any exceptions from current codes and recommend remedial measures. The report shall include estimated remaining useful life and replacement cost of roofs, driveways, foundations, plumbing, electrical, heating, air conditioning, and other mechanical and structural systems. The report shall also document the presence or absence of lead-based paint and asbestos and outline mitigation as appropriate. It shall also evaluate the potential for incorporating arc-fault circuit interrupters, GFCI outlets per the current California Electrical Code, and sleeping room egress door or window openings that conform to current code requirements. Each component of the report shall be prepared by a professional engineer or qualified professional licensed in each subject area they address.

Requests for condominium conversions shall not be deemed complete until the following has been completed:

(a) A copy of the completed physical inventory report has been distributed to existing tenants.

(b) A minimum two week comment period has been provided.

(c) All copies of resident responses have been submitted to the city.

(Ord. No. 2005-21 (RRR), § 1 Exh. 1, 8-24-05; Ord. No. 2015-14, § 4, 7-8-15)

§ 33-957. Contingency fund deposit.

The applicant is hereby required to establish a fund and deposit with the owners' association, a minimum sum of $1,000 per unit in any condominium conversion project. Higher per unit deposits may be required based on the condition of the facility, the nature of the required improvements, and the number of condominium units. Said deposit shall be used solely and exclusively as a contingency fund for emergencies which may arise relating to open space areas, exterior portions of units, and such other restoration or repairs as may be assumed by the owners' association or management corporation. Said funds shall be administered by the city until the unit owners take majority control of the association.
(Ord. No. 2005-21 (RRR), § 1 Exh. 1, 8-24-05; Ord. No. 2015-14, § 4, 7-8-15)

§ 33-958. Improvement security.

All required modifications and upgrades required of the condominium permit shall be secured and bonded or completed prior to recordation of the final subdivision map, to the satisfaction of the director of community development and city attorney. All necessary improvements shall be installed to the satisfaction of the director of community development prior to granting occupancy. The installation of improvements and grant of occupancy may be phased on a building-by-building basis consistent with the associated final subdivision map. Required security may be released incrementally as building occupancies are granted.
(Ord. No. 2005-21 (RRR), § 1 Exh. 1, 8-24-05; Ord. No. 2015-14, § 4, 7-8-15)

§ 33-959. Covenants, conditions and restrictions.

The developer shall be required to file with the city, a declaration of covenants, conditions and restrictions, pursuant to section 33-1108.
(Ord. No. 2005-21 (RRR), § 1 Exh. 1, 8-24-05; Ord. No. 2015-14, § 4, 7-8-15)

§ 33-960. Expiration and extensions.

The expiration or extension of a condominium permit shall be concurrent with the accompanying tentative map and in accordance with Chapter 32 of this code.
(Ord. No. 2005-21 (RRR), § 1 Exh. 1, 8-24-05; Ord. No. 2015-14, § 4, 7-8-15)

§ 33-961. Modifications.

Minor changes to a proposed condominium project may be approved administratively on a case-by-case basis based on the nature and scope of the proposed changes, or subject to planning commission approval, provided changes are consistent with the intent and purpose of the condominium permit approval. The director of community development shall determine the appropriate application type and fee.
(Ord. No. 2005-21 (RRR), § 1 Exh. 1, 8-24-05; Ord. No. 2015-14, § 4, 7-8-15)

§ 33-962. Filing fee.

The filing fee for a condominium permit shall be in the amount established by resolution of the city council. Fees shall also include copying and distribution costs associated with providing copies of the project staff report to existing tenants.
(Ord. No. 2005-21 (RRR), § 1 Exh. 1, 8-24-05; Ord. No. 2015-14, § 4, 7-8-15)

§ 33-963. Reporting to planning commission and city council.

The planning division will include in its staff report on all condominium conversion applications, statistical information regarding the number of apartment units converted to condominiums, and the percentage of multiple residential housing unit stock that has been converted.
(Ord. No. 2005-21 (RRR), § 1 Exh. 1, 8-24-05; Ord. No. 2015-14, § 4, 7-8-15)

§ 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.

(Ord. No. 2005-21 (RRR), § 1 Exh. 1, 8-24-05; Ord. No. 2015-14, § 4, 7-8-15; Ord. No. 2023-06, § 3, 3-8-23)

§ 33-965. through § 33-969. (Reserved)

ARTICLE 50
(RESERVED)

Editor's note: Article 50 (§§ 33-970—33-979) was deleted by Ord. No. 97-14, § 3, 7-2-97.

ARTICLE 51
(RESERVED)

Editor's note: Article 51 (§§ 33-980—33-989) was deleted by Ord. No. 97-14, § 4, 7-2-97.

ARTICLE 52
FREEWAY SIGN CONTROL

§ 33-990. Definitions.

As used in this article, certain terms are defined as follows:

"Advertising" structure refers to a structure of any kind or character erected or maintained for outdoor advertising purposes on which any poster, bill printing, painting or other advertisement of any kind whatsoever may be placed, including statuary.

"Sign" refers to any card, cloth, metal, painted or wooden sign of any character, placed for outdoor advertising purposes on or in the ground or any tree, wall, bush, rock, fence, building, structure or thing, either publicly or privately owned, other than an advertising structure.

(Exceptions. Neither "advertising structure" nor "sign" as used in this article includes:

(A) Official notices issued by a court or public body or officer;

(B) Notices posted by any public officer in performance of a public duty, or by any person in giving legal notice;

(C) Directional, warning or information signs or structures required or authorized by law.

"Advertising display" refers to advertising structures and to signs.

"Sign controlled freeway" means a divided arterial highway for through traffic, with full or partial control of access, and which may or may not have grade separations at intersections.

To place. The verb "to place" and any of its variants as applied to advertising displays includes the maintaining and the erecting, constructing, posting, painting, printing, tacking, nailing, gluing, stitching, carving or otherwise fastening, affixing or making visible any advertising display on or to the ground, or any tree, bush, rock, fence, post, wall, building, structure or thing.
(Zoning Code, Ch. 90, § 9041)

§ 33-991. Advertising displays adjacent to sign controlled freeways.

No advertising displays shall be placed or maintained on property adjacent to a sign controlled freeway as defined in section 33-990, if the advertising display is designed to be viewed primarily by persons traveling on such freeway.
(Zoning Code, Ch. 90, § 9042)

§ 33-992. Exempt advertising displays.

The provisions of section 33-991 shall not apply to any of the following listed advertising structures or signs which are used exclusively:

(a) To advertise the offering for sale or for lease of the property on which said advertising display is placed;

(b) To designate the name of the owner or occupant of the premises upon which said advertising display is placed or to identify such premises;

(c) To advertise the business conducted or goods manufactured or produced, or services rendered upon the property upon which said advertising display is placed;

(d) To direct the public to historical places or points of interest as approved and recorded in the Register of Historical Places or State of California Department of Parks and Recreation as a "point of historical interest."

(Zoning Code, Ch. 90, § 9043)

§ 33-993. Removal of prohibited displays.

Any advertising structure or sign which is now, or hereafter may be, in violation of the provisions of section 33-991 shall be removed within three years from the effective date of this article.[4]

(Zoning Code, Ch. 90, § 9044)

§ 33-994. Prohibited displays as nuisance.

All advertising displays which are placed or which exist in violation of the provisions of this article are public nuisances and may be removed by any public employee after 10 days written notice posted on the structure or sign and a copy forwarded by mail to the display owner at his last known address.

(Zoning Code, Ch. 90, § 9045)

§ 33-995. Removal of temporary signs.

Notwithstanding any other provision of this article the city manager or any authorized employee may summarily and without notice remove and destroy any advertising display placed in violation of this article which, because of the materials of which it is constructed, or because of the nature of the copy thereon, is temporary in nature.

(Zoning Code, Ch. 90, § 9046)

§ 33-996. Entry upon private property.

For the purpose of removing or destroying any advertising display placed in violation of the provisions of this chapter, the city manager or his authorized agent may enter upon private property without incurring any liability for trespass therefor.

(Zoning Code, Ch. 90, § 9047)

§ 33-997. Violation as misdemeanor.

Every person as principal, agent or employee violating any of the provisions of this article is guilty of a misdemeanor.

(Zoning Code, Ch. 90, § 9048)

§ 33-998. Remedies cumulative to this article.

The remedies provided in this article for the removal of illegal advertising displays are cumulative and not exclusive of any other remedies provided by law.

(Zoning Code, Ch. 90, § 9049)

§ 33-999. through § 33-1009. (Reserved)

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4. Editor's Note: The effective date of this article is July 23, 1965.

ARTICLE 53
(RESERVED)

Editor's note: Article 53 (§§ 33-1010—33-1029) was deleted by Ord. No. 97-14, § 5, 7-2-97.

ARTICLE 54
(RESERVED)

Editor's note: Article 54 (§§ 33-1030—33-1049) was deleted by Ord. No. 97-14, § 6, 7-2-97.

ARTICLE 55
GRADING AND EROSION CONTROL

Prior history: Zoning Code, Ch. 70, §§ 7001 through 7015 as amended by Ord. Nos. 89-18, 91-53, 91-54, 92-27, 93-11 and 95-21.

§ 33-1050. Purpose.

The purpose of this article is to assure that development occurs in a manner which protects the natural and topographic character and identity of the environment, the visual integrity of hillsides and ridgelines, sensitive species and unique geologic/geographic features, and the health, safety, and welfare of the general public by regulating grading on private and public property and providing standards and design criteria implementing best management practices to control stormwater and erosion during all construction activities for all development.
(Ord. No. 2001-21, § 5, 8-22-01)

§ 33-1051. Scope.

This article sets forth rules and regulations to control excavation, grading, earthwork construction including fills and embankments, and development on hillsides and along ridgelines; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction necessary for compliance with stormwater management requirements.
(Ord. No. 2001-21, § 5, 8-22-01)

§ 33-1052. Definitions.

For the purposes of this chapter the definitions listed hereunder shall be construed as specified in this section:

"Approval" means a written engineering or geological opinion concerning the progress and completion of the work.

"As-graded" means the extent of surface conditions on completion of grading.

"Bedrock" means in-place solid rock.

"Bench" means a relatively level step excavated into earth material on which fill is to be placed.

"Best management practices (BMPs)" means specific stormwater management techniques that are applied to manage construction site runoff and minimize site erosion.

"Borrow" means earth material acquired from an off-site location for use in grading on a site.

"Civil engineer" means a professional engineer registered in the state to practice in the field of civil works.

"Civil engineering" means the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind.

"Clearing" includes the modification or trimming or pruning or destruction or removal of vegetation.

"Compaction" means the densification of a fill by mechanical means.

"DBH (diameter breast height)" is the diameter of a tree trunk four and one-half (4½) feet above the natural grade.

"Director" shall refer to the director of community development.

"Dripline" is the outermost edge of the tree's canopy.

"Earth material" means any rock, natural soil or fill and/or any combination thereof.

"Engineering geologist" means a geologist experienced and knowledgeable in engineering geology.

"Engineering geology" means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

"Erosion" means the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

"Erosion control system" means permanent and/or temporary erosion control devices/features installed in graded areas to prevent erosion and site runoff.

"Excavation" means the mechanical removal of earth material.

"Fill" means a deposit of earth material placed by artificial means.

"Grade" means the vertical location of the ground surface.

(1) "Existing grade" is the grade prior to grading;

(2) "Rough grade" is the stage at which the grade approximately conforms to the approved plan;

(3) "Finish grade" is the final grade of the site which conforms to the approved plan.

"Grading" means any excavating or filling or combination thereof.

"Hillside area" means a parcel or portion of a parcel with slope over 15% which is shown as such on the hillside and ridgeline overlay map on file with the City of Escondido planning division.

"Hillside and Ridgeline Overlay (HRO) District" is defined on the hillside and ridgeline overlay map on file with the City of Escondido. The overlay district generally encompasses parcels with a slope of 15% or greater on any portion of the parcel, and/or located in proximity to an identified intermediate or skyline ridge, and located in an area that has not been developed to its full potential at the time of adoption of the ordinance codified in this chapter.

"Intermediate ridge" means a long, narrow, conspicuous elevation identified on the hillside and ridgeline overlay map on file in the planning division. The precise location shall be determined during the project review process. Intermediate ridges generally have visible land behind them which creates a backdrop to the ridge and generally have the height from 500 feet to 900 feet mean sea elevation in the south portions of the city and from 900 feet to 1,500 feet mean sea elevation in the north portions of the city as separated by El Norte Parkway.

"Key" means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

"Landscaping" means vegetation:

(1) "Ornamental landscaping" includes all vegetation, but excludes required landscaping, sensitive biological habitat, mature trees, and protected trees.

(2) "Required landscaping" is landscaping specifically mandated as a condition of approval by either the administrative or discretionary approval process relating to land use compatibility, ordinance development standards, environmental mitigation, and/or required slope planting ratios.

"Mature tree" is any self-supporting woody perennial plant, native or ornamental, with a single well-

defined stem or multiple stems supporting a crown of branches. The single stem, or one of the multiple stems of any mature oak tree (genus quercus), shall have a diameter four inches or greater when measured at four and one-half (4½) feet DBH above the tree's natural grade. All other mature trees shall have a diameter of eight inches DBH, or greater, for a single stem or one of the multiple stems.

"Permanent erosion control devices" means features installed on-site for the permanent control of erosion and site runoff, including, but not limited to, required landscaping, permanent desilting basins, etc. (see also City of Escondido Stormwater Management Requirements document).

"Professional" shall refer to a qualified botanist, certified arborist, or other qualified professional acceptable to the director of community development.

"Protected tree" is any oak (genus quercus) which has a 10 inch or greater DBH, or any other species or individual specimen listed on the local historic register, or determined to substantially contribute to the historic character of a property or structure listed on the local historic register, pursuant to Article 40 of the Escondido Zoning Code.

"Record plan" means a final plan certified by the project civil engineer to reflect "as-built" conditions.

"Routine maintenance" includes trimming, pruning, weeding, mowing, replacement or substitution of vegetation in ornamental and required landscapes. Routine maintenance does not include the removal or alteration of sensitive biological habitats and/or sensitive biological species or removal and replacement of mature or protected trees.
Trimming, pruning, and shaping of mature or protected trees shall not involve topping but may allow removing up to one-third (⅓) of the living crown during a single pruning in order to establish or maintain a crown ratio that is twice as high as the trunk or as deemed appropriate by the director.

"Sensitive biological habitat" is any biological habitat that supports or has the potential to support any rare, endangered, threatened or candidate species of plants, trees, or animals or species of special concern as defined by the California Endangered Species Act (Fish and Game Code Section 2050 et seq.) or Federal Endangered Species Act (16 U.S. C1531 et seq.).

"Sensitive biological species" is any rare, endangered, threatened or candidate species of plants, trees or animals, or species of special concern as defined by the California Endangered Species Act (Fish and Game Code Section 2050 et seq.) or Federal Endangered Species Act (16 U.S. C1531 et seq.).

"Site" means any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

"Skyline ridge" means a long, narrow, conspicuous elevation identified on the hillside and ridgeline overlay map on file in the planning division. The precise location shall be determined during the project review process. Skyline ridges generally define the horizon and have the height over 900 feet mean sea elevation in the south portions of the city and over 1,500 feet mean sea elevation in the north portions of the city as separated by El Norte Parkway.

"Slope" means an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

"Soil" means naturally occurring superficial deposits overlying bedrock.

"Soils engineer" means a civil engineer experienced and knowledgeable in the practice of soils engineering.

"Soils engineering" means the application of the principles of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

"Stormwater Discharge Permit" means Order No. 2001-01 NPDES No. CASO108758 and amendments

thereto, issued by the California Regional Water Quality Control Board, San Diego Region identifying Waste Discharge Requirements for discharges of urban runoff within the San Diego Region.

"Stormwater Management Requirements" (separate document adopted by resolution and as amended, available at engineering and planning counters) means techniques required to minimize erosion and manage construction site runoff.

"Temporary erosion control device" means interim features installed on-site during construction to control erosion and site runoff, including, but not limited to, geotextiles and mats, sandbagging, temporary drains and swales. (also see City of Escondido Stormwater Management Requirements document).

"Tree survey" is a drawing prepared to scale which provides the location, DBH, health and condition, and botanical and common names of mature and protected trees located on a given parcel. Said survey shall show any improvements, drainage, structures, or buildings existing or proposed for development and designate trees proposed for removal or retention. The drip lines of each tree shall also be graphically indicated on the drawing.

"Vegetation" means any plant life and plant cover including mature trees, protected trees, and sensitive biological habitat.
(Ord. No. 2001-21, § 5, 8-22-01; Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-1053. Permits required—Exceptions.

No person shall do any grading without first having obtained a grading permit from the city engineer except for the following, provided that the exempted activity does not affect sensitive biological species or habitats, mature or protected trees, and required landscaping, as defined in section 33-1052. The following exempt activities are subject to implementing erosion control measures as defined in the city's stormwater management requirements and may be subject to applicable stormwater discharge permits:

(a) An excavation below finished grade for basements and footings of a building, retaining wall, or other structure, authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure;

(b) Cemetery graves controlled by other regulations;

(c) Refuse disposal sites controlled by other regulations;

(d) Excavations for wells, controlled by other regulations;

(e) Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate, or clay, where established and provided for by law, provided such operations do not affect the lateral support, or increase the stresses in or pressure upon, any adjacent or contiguous property;

(f) Minor exploratory excavations and soil remediation under the direction of soil engineers, or engineering geologists at the discretion of the city engineer based on a case-by-case review when considering site conditions, topography, surrounding properties, and the extent of work involved;

(g) Grading which:

(1) Involves excavating less than two feet in depth,

(2) Does not create a cut slope greater than two feet in height and steeper than two horizontal to one vertical,

(3) Involves fill slopes less than one foot in depth and placed on a natural terrain with a slope flatter than five horizontal to one vertical,

(4) Does not exceed 200 cubic yards on any one lot, or

(5) Does not impact a drainage course (as determined by resource agencies).

(Ord. No. 2001-21, § 5, 8-22-01)

§ 33-1054. Hazards.

Whenever the city engineer determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the city engineer, shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this code.

(Ord. No. 2001-21, § 5, 8-22-01)

§ 33-1055. Grading permit requirements.

(a) Permits required. Except as exempted in section 33-1053 of this article, no person shall perform any grading without first obtaining a grading permit from the city engineer and applicable state-issued stormwater discharge permits. A separate permit shall be required for each site, and may cover both excavations and fills.

(b) Application. The provisions of section 302(a) of the Uniform Building Code are applicable to grading, and in addition the application shall state the estimated quantities of work involved.

(c) Plans and specifications. When required by the city engineer, each application for a grading permit shall be accompanied by two sets of plans and specifications, and supporting data consisting of a soil engineering report and engineering geology report. Additional sets of plans and specifications may be required by the city engineer.

(d) Information on plans and specifications. Plans shall be drawn to scale upon substantial paper, or cloth, and shall be of sufficient clarity to indicate the nature and extent of the work proposed, and show in detail that they will conform to the provisions of this code and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall give the location of the work and the name and address of the owner, and the person by whom they were prepared.

The plans shall include the following information:

(1) General vicinity of the proposed site;

(2) Property limits and accurate contours of existing ground and details of terrain and area drainage;

(3) Limiting dimensions, elevations, or finish contours to be achieved by the grading, and proposed drainage channels and related construction;

(4) Detailed plans of all surface and subsurface drainage devices, including brow ditches, walls, cribbing, dams, protective fencing, and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drains;

(5) Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within 15 feet of the property or that may be affected by the proposed grading operations;

(6) Location and identification of any existing sensitive biological species, sensitive biological habitat, mature trees, or protected trees pursuant to section 33-1068(c);

(7) Letter of permission from property owner for any off-site grading;

(8) For projects greater than five acres, the Regional Water Quality Control Board's notice of intent file number.

(e) Soils engineering report. The soils engineering report required by subsection (c) of this section shall include data regarding the nature, distribution, and strength of existing soils; conclusions and recommendations for grading procedures; design criteria for corrective measures, when necessary; and opinions and recommendations covering adequacy of sites to be developed by the proposed grading. Recommendations included in the report and approved by the city engineer shall be incorporated in the grading plans or specifications.

(f) Engineering geology report. The engineering geology report required by subsection (c) of this section shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading. Recommendations included in the report and approved by the city engineer shall be incorporated in the grading plans or specifications.

(g) Issuance. The provisions of section 303 of the Uniform Building Code are applicable to grading permits. The city engineer may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

(h) Provisions for denial. A grading permit may be denied if the city engineer determines that:

(1) It is reasonably likely that the ultimate development of the land to be graded cannot occur without further grading requiring zoning administrator or director approval pursuant to the provisions of section 33-1066(c) of the criteria for grading design; or

(2) There is no approved development plan or environmental clearance under CEQA for the property to be graded; and

(3) The proposed grading may substantially limit development alternatives for the property; and

(4) It is probable that development of the property will require discretionary approvals (such as, but not limited to, a tentative subdivision or parcel map, a conditional use permit, or a planned development approval) by the city; or

(5) The proposed grading is detrimental to the public health, safety, or welfare; or

(6) The proposed grading is not in conformance with the requirements of sections 33-1068 through 33-1069, clearing of land and vegetation protection.

(i) Appeals. The city engineer's denial of a grading permit pursuant to subsection (h) of this section may be appealed to the planning commission in accordance with the provisions of section 33-1303 et seq. of Article 61 of this chapter.

(Ord. No. 2001-21, § 5, 8-22-01; Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1056. Grading fees.

The amount of the plan-checking and inspection fee for grading plans shall be as set forth by resolution of the city council of the City of Escondido.
(Ord. No. 2001-21, § 5, 8-22-01)

§ 33-1057. Bonds.

The city engineer may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions. In lieu of a surety bond, the applicant may file a cash bond or instrument of credit with the city engineer in an amount equal to that which would be required in the surety bond.
(Ord. No. 2001-21, § 5, 8-22-01)

§ 33-1058. Cuts.

(a) General. Unless otherwise recommended in the approved soils engineering and/or engineering geology report, cuts shall conform to the provisions of this section.

(b) Slope. The slope of cut surfaces shall be no steeper than is safe for the intended use. Cut slopes shall be no steeper than two horizontal to one vertical, unless authorized pursuant to section 33-1066.

(c) Drainage. Drainage shall be provided as required by section 1061 of this article.
(Ord. No. 2001-21, § 5, 8-22-01)

§ 33-1059. Fills.

(a) General. Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section. In the absence of an approved soils engineering report these provisions may be waived by the city engineer for minor fills not intended to support structures.

(b) Fill Location. Fill slopes shall not be constructed on natural slopes steeper than two to one (2:1)

(c) Preparation of Ground. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, scarifying to provide a bond with the new fill and, where slopes are steeper than five to on (5:1)and the height is greater than five feet, by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than five to one (5:1) shall be at least 10 feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. Where fill is to be placed over a cut, the bench under the toe of fill shall be at least 10 feet wide but the cut must be made before placing fill and approved by the soils engineer and engineering geologist as a suitable foundation for fill. Unsuitable soil is soil which, in the opinion of the city engineer or the civil engineer or the soils engineer or the geologist, is not competent to support other soil or fill, to support structures or to satisfactorily perform the other functions for which the soil is intended.

(d) Fill material. Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the city engineer, no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills.

Exception: The city engineer may permit placement of larger rock when the soils engineer properly

devises a method of placement, continuously inspects its placement and approves the fill stability. The following conditions shall also apply unless modified by the city engineer:

(1) Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan;

(2) Rock sizes greater than 12 inches in maximum dimension shall be 10 feet or more below grade, measured vertically;

(3) Rocks shall be placed so as to ensure filling of all voids with fines.

(e) Compaction. All fills shall be compacted to a minimum of 90% of maximum density as determined by U.B.C. Standard No. 70-1. Field density shall be determined in accordance with U.B.C. Standard No. 70-2 or equivalent as approved by the city engineer.

(f) Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than two horizontal to one vertical.

(g) Drainage. Drainage shall be provided and the area above fill slopes shall be graded and paved as required by section 33-1061 of this article.

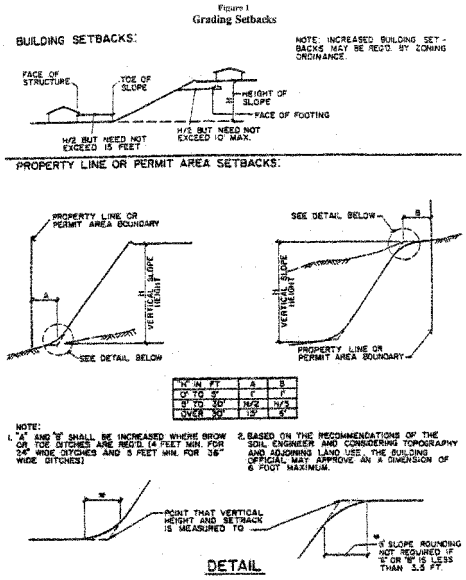
(Ord. No. 2001-21, § 5, 8-22-01)

§ 33-1060. Setbacks.

(a) General. The setbacks and other restrictions specified by this section are minimum and may be increased by the city engineer or by the recommendation of a civil engineer, soils engineer or engineering geologist, if necessary for safety and stability or to prevent damage of adjacent properties from deposition or erosion or to provide access for slope maintenance and drainage. Retaining walls may be used to reduce the required setbacks when approved by the city engineer.

(b) Setbacks from Permit Area Boundary. The tops and the toes of cut-and-fill slopes shall be set back from the permit area boundary, including slope right areas and easements, as far as necessary for the safety of adjacent properties and to prevent damage resulting from runoff or erosion of the slopes. Unless otherwise recommended in the approved soil engineering and/or engineering geology report and shown on the approved grading plan, setbacks shall be no less than shown on figure 1.

(c) Design Standards for Setbacks. Setbacks between graded slopes (cut or fill) and structures in residential zones shall be provided in accordance with Figure 1, Grading Setbacks.



(Ord. No. 2001-21, § 5, 8-22-01; Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1061. Drainage.

(a) General. Unless otherwise indicated on the approved grading plan, drainage facilities shall conform to the provisions of this section.

(b) Drainage swales or ditches shall be installed to the satisfaction of the city engineer.

(c) Subsurface Drainage. Cut-and-fill slopes shall be provided with subsurface drainage as necessary for stability.

(d) Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainageway approved by the city engineer and/or other appropriate jurisdiction as a safe place to deposit such waters. Site erosion shall be prevented by installing appropriate erosion control measures as described in the city's stormwater management requirements.

Building pads shall have a drainage gradient of 2% toward approved drainage facilities, unless waived by the city engineer.

Exception: The gradient from the building pad may be 1% if all of the following conditions exist throughout the permit area:

(1) No proposed fills are greater than 10 feet in maximum depth;

(2) No proposed finish cut or fill slope faces have a vertical height in excess of 10 feet;

(3) No existing slope faces, which have a slope face steeper than 10 horizontally to one vertically, have a vertical height in excess of 10 feet.

(e) Interceptor Drains. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes towards the cut and has a drainage path greater than 40 feet measured horizontally. Interceptor drains shall be paved with a minimum of three inches of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches and a minimum paved width

of 30 inches measured horizontally across the drain. The slope of drain shall be approved by the city engineer.

(Ord. No. 2001-21, § 5, 8-22-01)

§ 33-1062. Best management practice (BMP) implementation.

All construction projects are subject to implementation of best management practices as stated in the City of Escondido stormwater management requirements and the following:

(a) Temporary Erosion Control System.

(1) All construction projects involving site grading shall include erosion control plans prepared by a registered civil engineer and approved by the city engineer.

(2) Prior to issuance of grading permit, or issuance of building permit for projects that do not require grading permit, a refundable cash security shall be posted to pay for the costs incurred by the city for cleanup or damage caused by erosion resulting from project construction. Amount of cash security shall be 10% of the total estimated cost of grading work, a minimum $5,000 and maximum $30,000. However, for the development of a single-family residence that does not require a grading permit, this cash security shall be in the amount of $2,000.

(3) Temporary and permanent erosion control devices, in accordance with the stormwater management requirements, shall be provided to control erosion at all times.

(4) All public rights-of-way, including, but not limited to, paved streets, sidewalks, and parkway areas shall be maintained free of loose soil, mud, construction debris, and trash at all times.

(5) Graded building pads shall be provided with on-site erosion control system designed by a registered civil engineer and approved by the city engineer.

(6) The project owner shall provide sufficient equipment and qualified personnel to conduct emergency erosion control methods at all times. A 24 hour emergency contact person and telephone number shall be provided to the city engineer or his authorized representative.

(b) Temporary erosion control system maintenance.

(1) The project owner shall be responsible for continual maintenance and inspection of the erosion control system. In the event of failure or refusal by the project owner to properly maintain the system, the city engineer may cause emergency maintenance work to be done to protect public and private property. The cost shall be charged to the property owner.

(2) In the event that the city engineer must authorize emergency maintenance work to be done, he may revoke the grading permit by written notice to the property owner. The permit shall not be reissued until the erosion control system is reviewed and any necessary revisions as approved by the city engineer. Also, if the cash security for grading, cleanup and emergency work is drawn upon, the amount used for the emergency work by the city contractor shall be replaced prior to re-issuance of the grading permit.

(c) Permanent erosion protection. The following requirements shall be installed prior to final inspection:

(1) All manufactured slopes less than three feet in vertical height, or existing slopes stripped of vegetation shall be landscaped with suitable ground cover or installed with an erosion control system to the satisfaction of the director.

(2) All manufactured slopes over three feet in vertical height shall be landscaped with ground covers, shrubs and trees and shall be provided, with permanent irrigation system, to the satisfaction of the director.

(3) Failure to maintain slope planting in a satisfactory condition may cause the slopes to be replanted by the city or its contractor and the cost assessed to the owner.

(d) All construction projects shall employ the following general site best management practices (BMPs) to the maximum extent practicable:

(1) Minimizing areas that are cleared and graded to only the portion of the site that is necessary for construction;

(2) Minimizing exposure time of disturbed soil areas;

(3) Minimizing grading during the wet season and correlation of grading with seasonal dry weather to the extent feasible;

(4) Limiting grading to a maximum disturbed area as specified in the storm water management plan before either temporary or permanent erosion controls are implemented to prevent storm water pollution;

(5) Temporarily stabilizing and reseeding disturbed soil areas as rapidly as feasible;

(6) Preserving natural hydrologic features where feasible;

(7) Preserving riparian buffers and corridors where feasible;

(8) Maintaining all BMPs, until removed; and

(9) Retaining, reducing and properly managing all pollutant discharges on site to the maximum extent practical.

(e) All construction sites shall employ the following erosion and sediment controls to the maximum extend practicable:

(1) Installing erosion prevention BMPs as the most important measure for keeping sediment on site during construction, but never as the single method;

(2) Installing sediment controls as a supplement to erosion prevention for keeping sediment on site during construction;

(3) Stabilizing all inactive slopes during the rainy season and during rain events in the dry season;

(4) Stabilizing all active slopes during rain events regardless of the season; and

(5) Permanently revegetating or landscaping as early as feasible.

(f) Advanced treatment for sediment (e.g., flocculation, chemical treatment) shall be used at construction sites determined to be a high threat to water quality based on the following factors and specifications:

(1) Soil erosion potential or soil type;

(2) The site's slopes;

(3) Project size and type;

(4) Proximity to receiving water bodies;

(5) Non-storm water discharges;

(6) Ineffectiveness of other BMPs; and

(7) Any other relevant factors.

(Ord. No. 2001-21, § 5, 8-22-01; Ord. No. 2008-08, § 4, 2-27-08)

§ 33-1063. Grading inspection.

(a) General. All grading operations for which a permit is required shall be subject to inspection by the city engineer. When required by the city engineer, special inspection of grading operations and special testing shall be performed in accordance with the provisions of Section 108 of the Uniform Building Code and subsection (b) of this section.

(b) Grading requirements. It shall be the responsibility of the project civil engineer to incorporate all recommendations from the soils engineering and engineering geology reports and applicable state issued stormwater discharge permit requirements into the grading plan. The project civil engineer shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor and the city engineer. The civil engineer also shall be responsible for the preparation of revised plans and the submission of record grading plans upon completion of the work. The grading contractor shall submit, in a form prescribed by the city engineer, a statement of compliance to said record plan.

Soils engineering and engineering geology reports shall be required as specified in section 33-1055 of this article. During grading all necessary reports, compaction data and soil engineering and engineering geology recommendations shall be submitted to the civil engineer and the city engineer by the soils engineer and the engineering geologist.

The soils engineer's area of responsibility shall include, but need not be limited to, the professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes and the design of buttress fills, where required, incorporating data supplied by the engineering geologist.

The engineering geologist's area of responsibility shall include, but need not be limited to, professional inspection and approval of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters and the need for subdrains or other groundwater drainage devices. He shall report his findings to the soils engineer and the civil engineer for engineering analysis.

The city engineer shall inspect the project at the various stages of the work requiring approval and at any more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

(c) Notification of noncompliance. If, in the course of fulfilling his responsibility under this chapter, the civil engineer, the soils engineer, the engineering geologist or the testing agency finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the city engineer. Recommendations for corrective measures, if necessary, shall be submitted.

(d) Transfer of responsibility for approval. If the civil engineer, the soils engineer, the engineering geologist or the testing agency of record is changed during the course of the work, the work shall be

stopped until the replacement has agreed to accept the responsibility within the area of his technical competence for approval upon completion of the work.

(Ord. No. 2001-21, § 5, 8-22-01)

§ 33-1064. Completion of work.

(a) Final reports. Upon completion of the rough grading work, and at the final completion of the work, the city engineer may require the following reports and drawings and supplements thereto:

(1) A record grading plan prepared by the civil engineer including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities. He or she shall provide approval that the work was done in accordance with the final approved grading plan.

(2) A soil grading report prepared by the soils engineer including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soils engineering investigation report. He or she shall provide approval as to the adequacy of the site for the intended use.

(3) A geologic grading report prepared by the engineering geologist including a final description of the geology of the site including any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. He or she shall provide approval as to the adequacy of the site for the intended use as affected by geologic factors.

(b) Notification of completion. The permittee or his agent shall notify the city engineer when the grading operation is ready for final inspection. Final approval shall not be given until all work including installation of all drainage facilities and their protective devices and all erosion-control measures have been completed in accordance with the final approved grading plan, the required reports, and the record grading plan have been submitted.

(Ord. No. 2001-21, § 5, 8-22-01)

§ 33-1065. Violation—Penalty.

(a) Violation deemed nuisance. Any grading or clearing which is done in violation of any provision of this article shall be declared to be unlawful and a public nuisance, and the city attorney of the City of Escondido shall immediately commence action or proceedings for the abatement, removal and enjoinment thereof in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using property contrary to the provisions of this code. The remedies provided for in this section shall be cumulative and not exclusive.

(b) Penalty for violation.

(1) Any grading or clearing which is done in violation of any provision of this chapter shall be a misdemeanor punishable by a one thousand dollar ($1,000.00) fine. Each day or any portion of a day that any person violates or continues to violate any provision of this chapter will constitute a separate offense and may be charged and punished separately without awaiting conviction on any prior offense.

(2) Any grading or clearing which, according to a field inspection of the property, was done in

violation of the city's grading regulations shall be grounds for denying for five years all applications for land use and development approvals of any sort, including, but not limited to, grading permits, major and minor subdivisions, rezones, specific plans, specific plan amendments, and general plan amendments proposed for the property on which the violation occurred. The five year period shall commence from the date of the violation, if documented, or from the date of discovery of the violation as determined by the city engineer based on reasonable evidence.

(3) Upon evidence that mitigation measures have been taken to rehabilitate the site, or that other appropriate measures have been taken to mitigate the adverse effects of the illegal grading or clearing, the city council may waive any penalty imposed by this section.

(Ord. No. 2001-21, § 5, 8-22-01)

§ 33-1066. Design criteria.

The criteria listed below are to be adhered to in the preparation of grading designs for private and public development projects. In addition, these criteria are intended to reflect and implement the goals and policies of the Escondido General Plan relating to the protection of the critical landforms and natural resources of the city. Proposed grading designs will be compared to these criteria and, therefore, project proponents are encouraged to meet with city staff to discuss development and grading concepts prior to submittal of formal permit applications.

(a) Sensitivity to surrounding areas. All graded areas shall be protected from wind and water erosion through acceptable measures as described in the city's stormwater management requirements. Interim erosion control plans shall be required, certified by the project engineer, and reviewed and approved by the engineering services department. All grading designs must demonstrate visual sensitivity to surrounding properties and neighborhoods. Grading designs should have these characteristics:

(1) Extensive slope areas that are easily visible from outside the development shall be avoided;

(2) Fill slopes shall not block views from surrounding properties;

(3) Cut slopes shall not adversely affect the safe operation of adjoining septic systems;

(4) Any significant grading feature that may intrude into or disturb surrounding property shall be avoided.

(b) Slope heights. Slope heights shall be limited to minimize impact on adjoining properties. The height of retaining walls incorporated in grading designs shall be included in calculating the overall slope height. Grading designers shall strive to conform to the following criteria:

(1) Fill slopes within 50 feet of the property line shall be limited to five feet in height. Fill slopes in this location between five and 10 feet in height may be allowed, subject to the approval of the director;

(2) Fill slopes beyond 50 feet from the property line shall be limited to 20 feet in height;

(3) Fill slopes adjacent to existing public and private streets shall be limited to 10 feet in height;

(4) Cut slopes within 50 feet of the property line shall be limited to 20 feet in height;

(c) Specific review by the zoning administrator for discretionary project applications or by the director for administrative project applications is required for the following slopes:

(1) Any fill slope within 50 feet of the property line that is in excess of 10 feet in height;

(2) Any fill slope beyond 50 feet of the property line that is in excess of 20 feet in height;

(3) Any cut slope in excess of 20 feet in height;

(4) Any cut slope steeper than two to one (2:1) ratio that is determined by the director to impact adjacent properties.

(d) Requests for approval of slopes in subsection (c) above shall be included in the project description and identified on the project plans. A statement of justification for each slope shall also be included. For those slopes that are proposed as part of an administrative request, fees for the legal notice and mailing list shall be submitted and a public notice of intended decision shall be issued pursuant to Article 61, Division 6, of this chapter. For a discretionary project, no separate application or filing fee will be required. When judging such requests, the zoning administrator or the director shall consider:

(1) The criteria contained within section 33-1066;

(2) The stability of the slope;

(3) The impact of the slope on surrounding properties;

(4) The reason for the slope; and

(5) Whether reasonable alternatives to the proposed design are available.

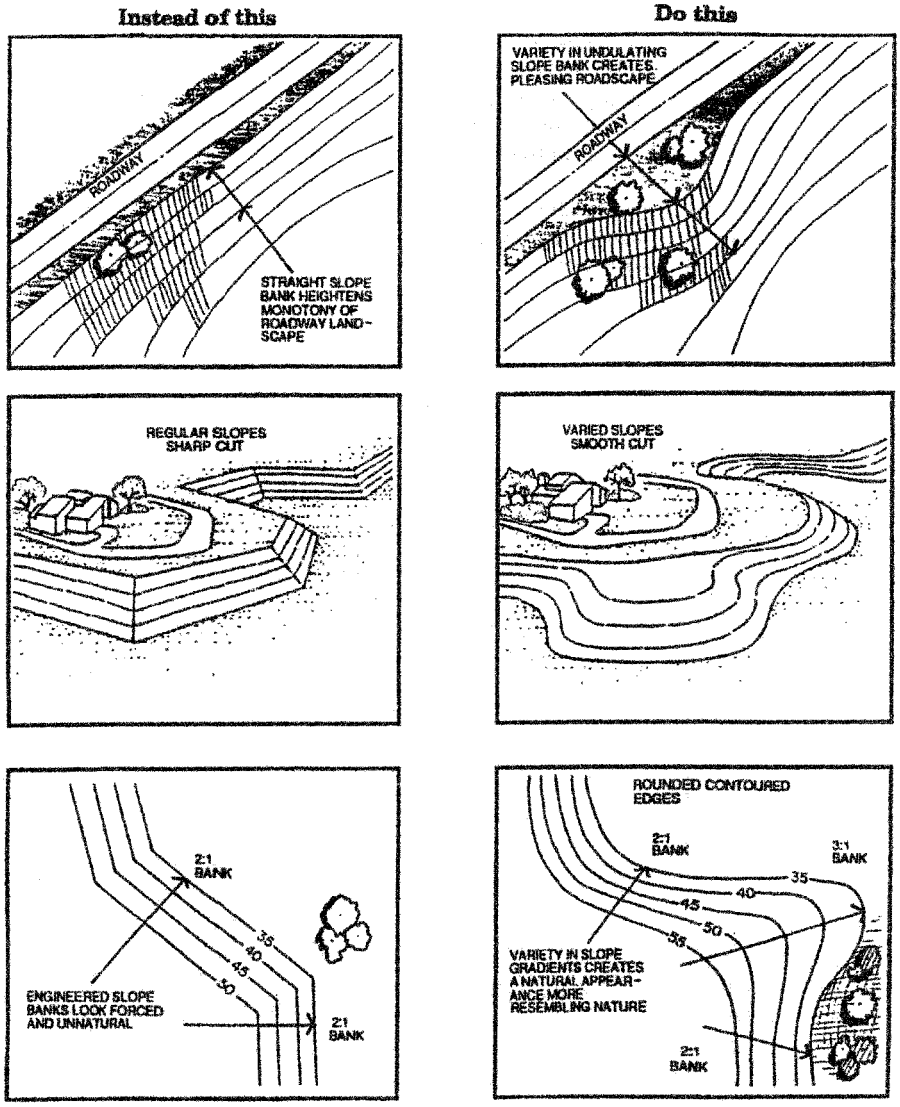
(e) Slope ratios. Grading designs should use a mix of different slope ratios, particularly where slope surfaces are easily visible from public streets. A mixture of two to one (2:1), two and one half to one (2 1/2:1), three to one (3:1), and flatter slope ratios should be used to provide variety throughout the development. Depending upon the recommendation of the soils engineer, steeper slopes to a maximum of one and one half to one (1 1/2:1) may be approved by the director for cut slopes of limited heights. Concurrent with development plan submittal, reasonable justification (such as to avoid blasting rock or to preserve mature trees) shall be given for any cut slope proposed to be steeper than two to one (2:1).

(f) Contoured grading. Slopes should be designed and constructed so as to conform to the natural contours of the landscape. Creative landforms using contoured grading should be utilized in all cases, except when such approach requires substantial increase in grading and slope heights, or is not deemed appropriate by the director. When utilized, contour grading should conform to the following guidelines:

(1) Grading should follow the natural topographic contours as much as possible (See figure 2);

(2) Manufactured slopes should be rounded and shaped to simulate the natural terrain (see Figure 2);

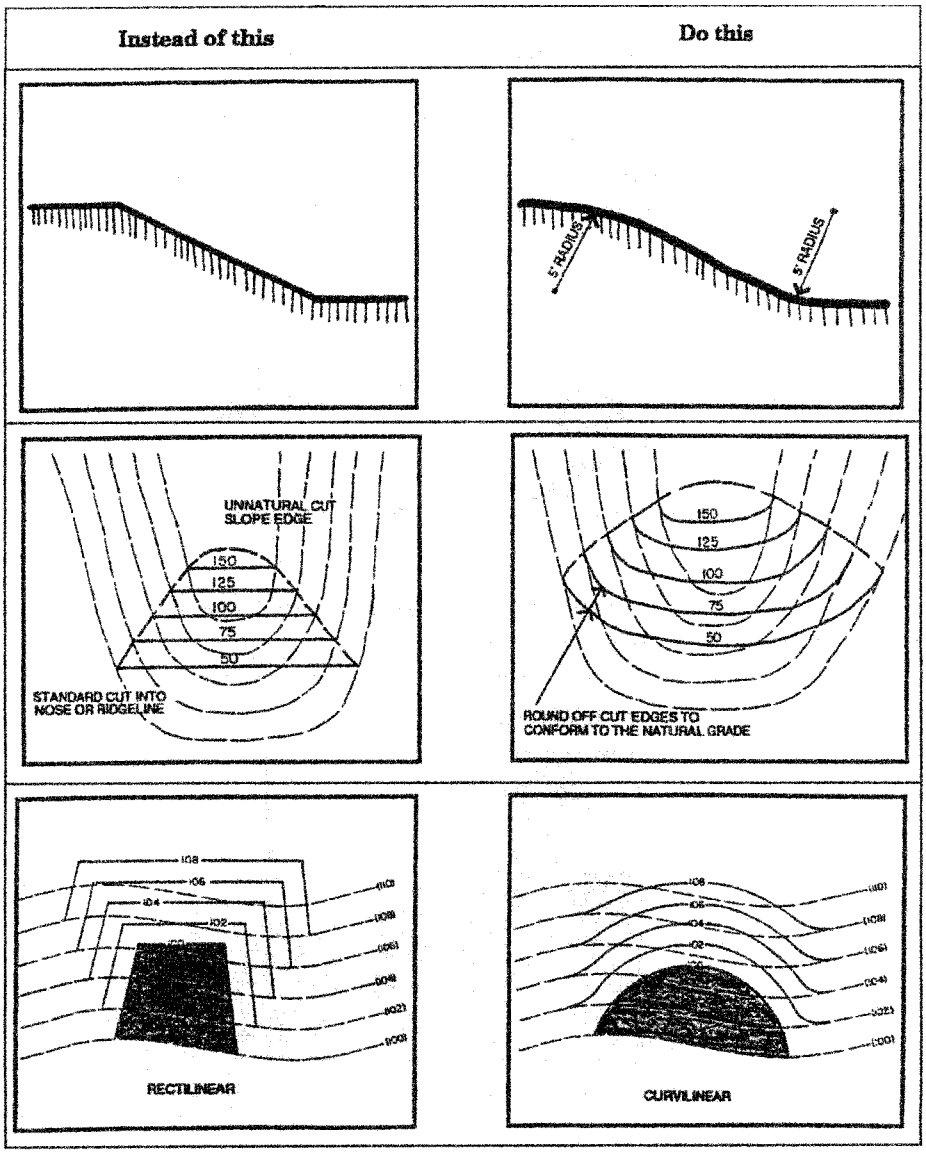
Figure 2: CONTOUR GRADING



(3) The toe and crest of any slope in excess of 10 feet in vertical height should be rounded with vertical curves of radii no less than five feet, designed in proportion to the total height of the slope, when space and proper drainage requirements can be met with an approval by the city engineer (see Figure 3). The setbacks from such slope shall be determined as shown on Figure 1. When slopes cannot be rounded, vegetation shall be used to alleviate a sharp, angular appearance;

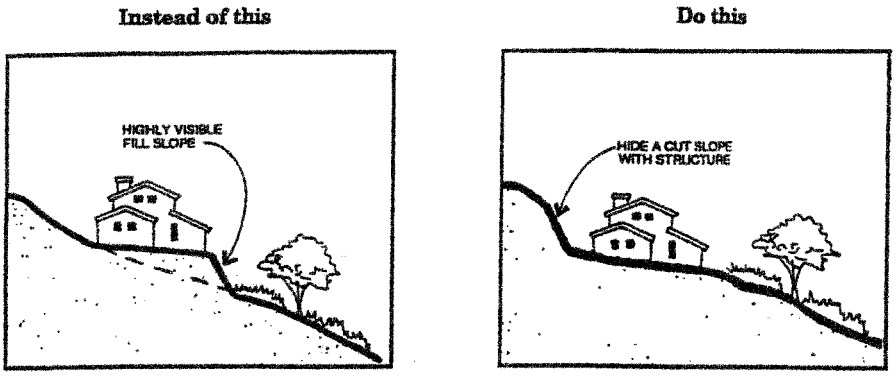
(4) Manufactured slopes shall blend with naturally occurring slopes at a radius compatible with the existing natural terrain (see Figure 3);

Figure 3: CONTOUR GRADING



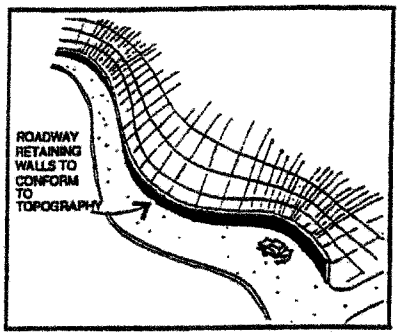
(5) Manufactured slopes shall be screened from view under or behind buildings or by intervening landscaping or natural topographic features. Where possible, grading areas shall be designed with manufactured slopes located on the uphill side of structures, thereby hiding the slope behind the structure (see Figure 4);

Figure 4: SLOPE SCREENING



(6) Retaining walls shall be designed with smooth, continuous lines that conform to the natural hillside profile to the extent possible (see Figure 5).

Figure 5: RETAINING WALLS



(g) Preservation of natural and cultural features. Grading designs shall be sensitive to natural topographic, cultural, or environmental features, as well as mature and protected trees, and sensitive biological species and habitat, pursuant to sections 33-1068 through 33-1069. The following features shall be preserved in permanent open space easements, or such other means that will assure their preservation:

(1) Undisturbed steep slopes greater than 35%;

(2) Riparian areas, mitigation areas, and areas with sensitive vegetation or habitat;

(3) Unusual rock outcroppings;

(4) Other unique or unusual geographic features;

(5) Significant cultural or historical features.

(h) Public safety. More extreme grading measures may be approved if necessary to construct street systems conforming to minimum design standards or to provide reliable maintenance access to public utilities or drainage systems.

(i) Landscaping of manufactured slopes. All manufactured slopes shall be protected and landscaped to the satisfaction of the engineering and planning departments.

(1) High slopes (over 20 feet) shall be screened with appropriate landscaping, and efforts shall be made in the plotting of structures to screen slopes to the maximum extent possible.

(2) Drought-tolerant and native species shall be utilized wherever possible to minimize water usage. Refer to the fire department's "Wildland/Urban Interface Standards" for planting requirements on slopes adjacent to high fire zone areas.

(j) Dissimilar land uses. Where dissimilar land uses are located adjacent to one another, grading shall be designed so as to buffer or screen one use from the other. In this regard, the location, height, and extent of proposed grading shall be compatible with adjacent uses, and screening measures that include fences, walls, mounding, and extensive landscaping shall be utilized wherever needed.

(k) Erosion and sediment control. A sound grading approach must include measures to contain sediment and prevent erosion. Such measures shall be identified at the earliest possible point in the grading design process and thereafter implemented as soon as deemed necessary by the city engineer or inspector. Developers of projects that propose grading shall prepare erosion and sediment control plans in conjunction with grading plans utilizing measures described in the city's stormwater management requirements. Containment of sediment and control of erosion is the responsibility of the property owner and developer.

(l) Hillside areas. The standards provided with this section are in addition to the provisions of the underlying land use district and to other applicable provisions of the Escondido Zoning Code.

(1) Minimum site standards. The following provisions shall apply to residential hillside areas, except that the city engineer may approve modifications to these requirements upon demonstration that any such proposed modifications represent a desirable integration of both site and unit design, and excepting further that these requirements are not intended to require additional grading on existing lots or parcels. For the purposes of this section, "usable" is defined as having a gradient not exceeding that of the balance of the building pad, or 10% whichever is the lesser.

(2) Within single-family districts, a usable rear yard of at least 15 feet from building to slope shall be provided. Within multiple-family districts, a usable rear yard of at least 10 feet from building to slope shall be provided. This requirement may be modified to the extent that (A) equal usable area is provided elsewhere on the lot other than within the required front yard; and (B) it is demonstrated that the unit is designed to relate to the lot design;

(3) Within single-family districts where a 10 foot side yard is required, at least five feet of the side yard shall be usable as defined above;

(4) Retaining walls may not be used within required usable side or rear yards unless approved by the director. Retaining walls so used will be counted as part of the total permitted slope height.

(5) Grading on natural slopes of 25% to 35% shall only be permitted for the construction and installation of roads, utilities, garage pads, and other limited pad grading that can be shown to be sensitive to the existing terrain.

(m) Proposed structures shall be designed to conform to the terrain and shall utilize pole, step, or other such foundation that requires only limited excavation or filling.

(Ord. No. 2001-21, § 5, 8-22-01; Ord. No. 2016-15, § 4, 10-26-16; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1067.A. Hillside and ridgeline overlay district.

(a) The hillside protection regulations contained in sections 33-1067.A through 33-1067.F shall apply to all development located within the hillside and ridgeline protection overlay district, as defined in section 33-1052, except as specifically noted in subsection (b). The standards provided with these sections are in addition to the provisions of the underlying land use district and to other applicable provisions of the Escondido Zoning Code. Approval of a tentative subdivision map or planned development permit shall also constitute approval of the development conformity with this section. Grading plans and building plans shall also be checked for conformance with this section prior to approval. Specific plans need to be in general conformance with this section or have to clearly demonstrate the benefits of any deviation from those standards.

The hillside protection regulations shall not be applied to preclude the reasonable development of one single-family residence on a legally created parcel.

(b) Exemptions. The hillside protection regulations shall not apply to the following types of projects:

(1) Repair or reconstruction of homes damaged or destroyed by fire or other cause;

(2) Projects for which a grading or building permit was issued prior to the effective date of the ordinance codified in this chapter, which permit was still valid as of said effective date and which has not since expired;

(3) Grading necessary to correct a slope failure or other ground failure if such correction is deemed by the city engineer to be an emergency, i.e. a situation where life and/or property is threatened. Such corrections might include buttressing or replacement of a slope failure, repair of earthquake damage, removing a slide from a roadway, or similar actions;

(4) All public roads identified in the circulation element of the Escondido General Plan, provided that findings of fact are made that no less environmentally damaging alternative alignment or non-structural alternative measures or combination of measures exist;

(5) Local public streets or private roads which are necessary for access to the portion of the site to be developed on slopes of less than 35%, provided no less environmentally damaging alternative exists;

(6) Trails for passive recreational use according to the approved parks and trails master plan;

(7) Development of public utility systems, including water reservoirs, and not including private antennas, provided that findings of fact are made that the least environmentally damaging alignment has been selected;

(8) Final maps recorded, and tentative tract maps and parcel maps approved and/or deemed complete prior to the date of adoption of the ordinance codified in this chapter. However, development, grading, and landscaping that has not been specifically approved with the approved map shall be reviewed for compliance with these regulations to the extent possible within the framework of the approved plans.

(Ord. No. 2001-21, § 5, 8-22-01)

§ 33-1067.B. Additional submittal requirements in HRO district.

In addition to other requirements of this article, applications for developments in the hillside and ridgeline protection overlay shall include the following for the subject site and any off-site improvements:

(a) If any portion of a property is within the hillside and ridgeline overlay district, the following shall be

submitted for the entire property:

(1) Slope analysis of the natural topographic features showing the following slope categories and the acreage/square footage for each slope category:

For all projects except single-family homes on existing lots:

0-15 percent

15-25 percent

25-35 percent

35 percent and over

For single-family homes on existing lots:

0-35 percent

35 percent and over

The slope analysis shall generally be prepared at a scale no smaller than one inch equals two hundred feet (1″ = 200′) utilizing contour intervals of no more than 10 feet. Exceptions may be granted by the director based on the size and slope of the property. Small isolated areas of slope over 35% will be reviewed by the director for their development potential.

(2) An overlay of the slope analysis and the proposed development indicating the location of proposed pads, structures, streets, driveways, retaining walls, and any other site improvements, and all proposed grading including cut and fill lines and maximum slope heights and gradients.

(b) The following information shall be submitted for each property or portion of a property within the hillside and ridgeline overlay district:

(1) Location of significant geological features, including bluffs, ridgelines, cliffs, canyons, rock outcroppings, stream courses, and other significant natural features specified in the open space element of the general plan, including the exact location of any skyline and intermediate ridge identified on the hillside and ridgeline overlay map on file with the Escondido planning division;

(2) Location of all existing mature and/or protected trees as defined in section 1052 of this article, and other significant biological features, or sensitive species or habitats, indicating retention, relocation, or removal;

(3) Location, dimension, cross sections, building materials and top/bottom elevations of any proposed retaining, crib and stem walls and fences.

(c) Upon initial review of the proposed project, visual analysis may be required to include panoramic photographs, cross sections, and/or any other material to demonstrate the visual impact of the development if any development or grading is proposed within 200 feet horizontal or fifty feet (50) vertical, whichever is more restrictive, of a skyline and/or intermediate ridge, and the proposed development can potentially conflict with the applicable design guidelines outlined in section 33-1067.F.

(d) For all single-family homes on existing lots, building and grading plans shall be submitted at the same time.

(e) Any additional or other specific information determined by the director to be relevant to the

applicant's proposal.
(Ord. No. 2001-21, § 5, 8-22-01)

§ 33-1067.C. Findings for approval of projects in HRO District.

Prior to director approval of a project in the hillside and ridgeline overlay district, all of the following findings shall be made in addition to any other applicable findings:

(a) The bulk, scale, density, and overall character of the proposed development is compatible with the surrounding neighborhood and with the natural, cultural, scenic and open space resources of the area; and

(b) The location and design of the proposed development respects and preserves the natural landform, vegetation, and wildlife of the project site; and

(c) The location and design of the development does not substantially alter the natural appearance and land form of the hillsides and ridges; and

(d) The location and design of the proposed development will protect the safety of current and future residents, and will not create a significant threat to life and property due to slope instability, fire, flood, mud flow, erosion, or other hazards; and

(e) All grading associated with the project has been minimized to the extent possible, preserving the character of the property while utilizing appropriate erosion control practices as determined by the city engineer to avoid erosion, slides, or flooding, in order to have as minimal an effect on said environment as possible.
(Ord. No. 2001-21, § 5, 8-22-01)

§ 33-1067.D. Density transfer.

Within a project in the hillside and ridgeline overlay district, a density transfer may be granted in order to protect sensitive natural resources, avoid hazardous areas, or preserve the natural appearance of hillsides and ridgelines. In considering such density transfer, the following standards shall apply:

(a) Density transfer shall be permitted only within planned development zones or specific planning areas.

(b) Density transfer shall be permitted only when it preserves slopes, ridgelines, or sensitive habitat or when it provides a community benefit. Cluster development shall avoid sensitive cultural or biological resources.
(Ord. No. 2001-21, § 5, 8-22-01)

§ 33-1067.E. Setbacks.

Setbacks shall be provided as required by the underlying zone. However, no usable side or back yard shall be required when the provision of such space requires a grading exemption. In such case, the required open space shall be substituted with usable open space provided on a deck and/or roof, and minimum three foot wide pedestrian access shall be provided to all sides of the structure.
(Ord. No. 2001-21, § 5, 8-22-01)

§ 33-1067.F. Design guidelines for HRO district.

(a) Natural slopes equal to or greater than 15% but below 25%. In addition to other applicable provisions of this article, all development including grading on natural slopes equal to or greater than 15% but

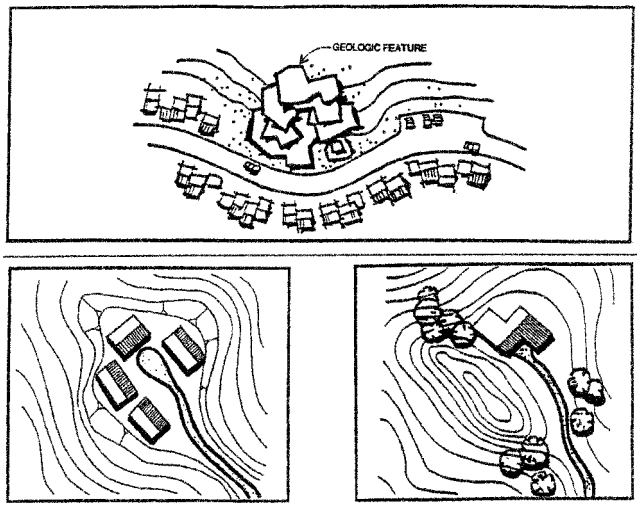
below 25% shall be designed according to the following guidelines:

(1) All development shall be sited to avoid potentially hazardous areas and environmentally sensitive areas as identified in the open space element of the general plan or as part of the environmental review, as well as to avoid dislocation of any unusual rock formations or any other unique or unusual geographic features (see Figure 6);

(2) Natural drainage courses shall be preserved, enhanced, and incorporated as an integral part of the project design to the extent possible. Where required, drainage channels and brow ditches shall follow the existing drainage patterns to the extent possible. Drainage channels and brow ditches shall be placed in inconspicuous locations and receive a naturalizing treatment including native rock, colored concrete, and landscaping, so that the structure appears as an integral part of the environment;

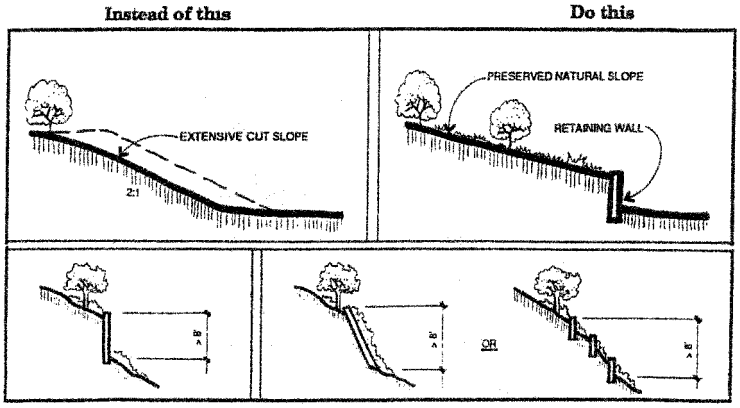
(3) Grading shall be limited to the extent possible and designed to retain the shape of the natural landform (see Figure 6). Padded building sites are allowed, but site design and architecture techniques (such as custom foundations, split level designs, stacking, and clustering) shall be used to mitigate the need for large padded building areas. Grading must be designed to preserve natural features such as knolls or ridgelines. In no case may the top of a prominent hilltop, knoll, or ridge be graded to create a large building pad;

Figure 6: SENSITIVE AREAS



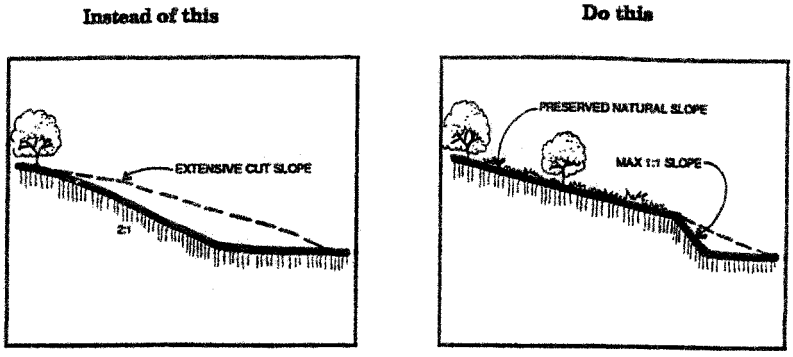
(4) The use of retaining walls, plantable walls, and terraced retaining structures is encouraged when such use can eliminate the need for extensive cut or fill slopes. Retaining walls shall typically have a height of five feet or less. Plantable walls shall be used instead of retaining walls above six feet in height. Terraced retaining structures shall be considered on an individual lot basis when their use can avoid the need for extensive manufactured slopes and retaining walls (see Figure 7);

Figure 7: USE OF RETAINING WALLS



(5) Slopes steeper than two to one (2:1), appropriately designed by a geotechnical engineer, may be permitted subject to zoning administrator or director approval when such slopes preserve the significant environmental characteristics of the site or substantially reduce the need for extensive cut and fill slopes (see Figure 8);

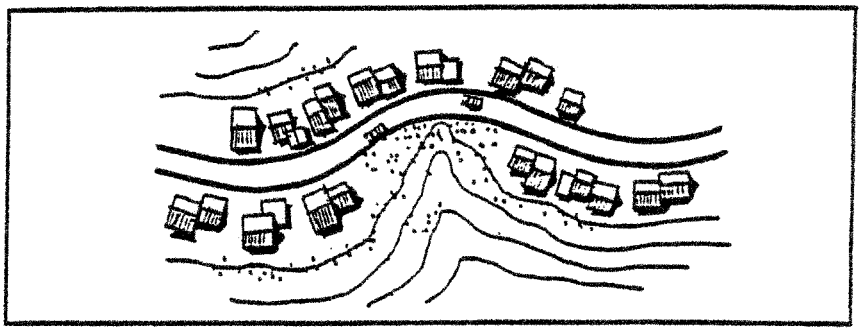
Figure 8: CUT SLOPES



(6) All roads shall comply with the design standards for rural roads;

(7) Circulation shall be aligned to conform to the natural grades as much as possible within the limits of the city's street design standards (see Figure 9);

Figure 9: ROAD DESIGN

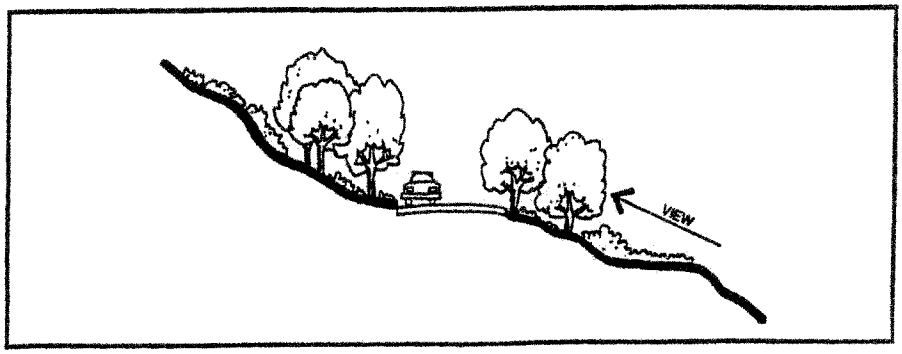


(8) Grading for the construction of access roads or drainageways shall be minimized so that the visual impacts associated with such construction are mitigated to the greatest extent possible;

(9) Common drives in single-family developments shall be considered if grading is reduced by their use;

(10) The construction of access roadways or driveways shall be accompanied by sufficient berming and landscaping/erosion control so that visual impacts associated with such construction are promptly mitigated (see Figure 10);

Figure 10: SCREENING IMPACTS



(11) Accessory buildings on sloping lots. If the city engineer determines that no hazard to pedestrian or vehicular traffic will be created, a garage or carport may be built to within five feet of the street right-of-way line, if:

(A) The front half of the lot or building site slopes up or down from the established street grade at a slope of 20% or greater, and

(B) To the extent the elevation of the front half of the lot or building site is more than four feet above established street grade, such garage or carport may not extend across more than 50% of the street frontage of the lot or building site.

(b) Slopes equal to or greater than 25% but below 35%. In addition to other applicable provisions of this article, all development including grading on natural slopes equal to or greater than 25% but below 35% shall be designed according to the following guidelines:

(1) Grading shall be utilized only for the construction and installation of roads, utilities, garage pads, and other limited pad grading that is shown to be sensitive to the existing terrain.

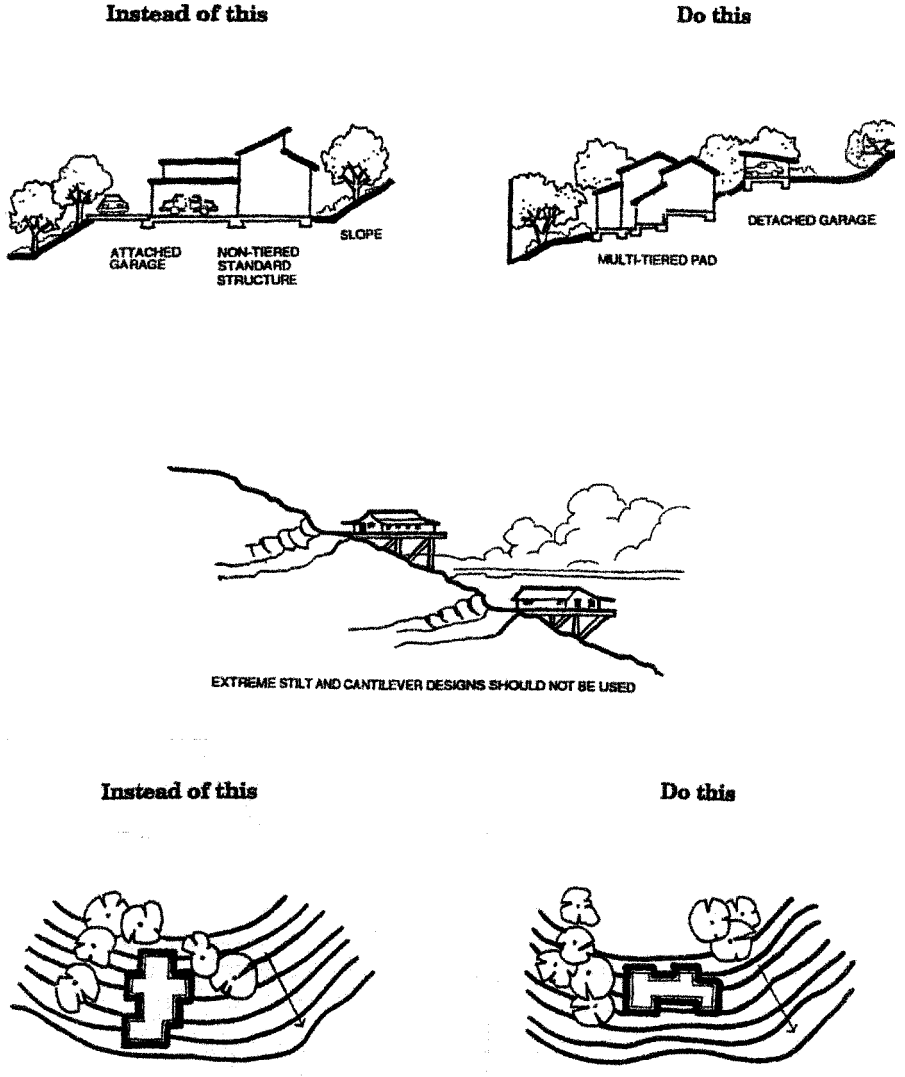
(2) Proposed structures shall utilize split pads, stepped footings, and grade separations in order to conform to the natural terrain (see Figure 11). Detaching parts of a dwelling such as a garage, utilizing below grade rooms, and using roofs on lower levels for the deck space of upper levels shall be considered. Other structural designs such as stilt or cantilevered foundations and earth-sheltered or earth-bermed buildings that fit the structure to the natural contours and minimize grading may be considered on a case-by-case basis. Deck construction with excessively high distances between the structure and grade shall be avoided.

(3) The rear yard shall not exceed 20 feet measured parallel to the slope if the rear yard requires a grading exemption.

(4) Accessory structures, swimming pools, tennis courts, and similar uses shall not be constructed if such construction requires a grading exemption.

(5) Single-level residential structures shall be oriented such that the greatest horizontal dimension of the structure is parallel with, and not perpendicular to, the natural contour of the land (see Figure 11).

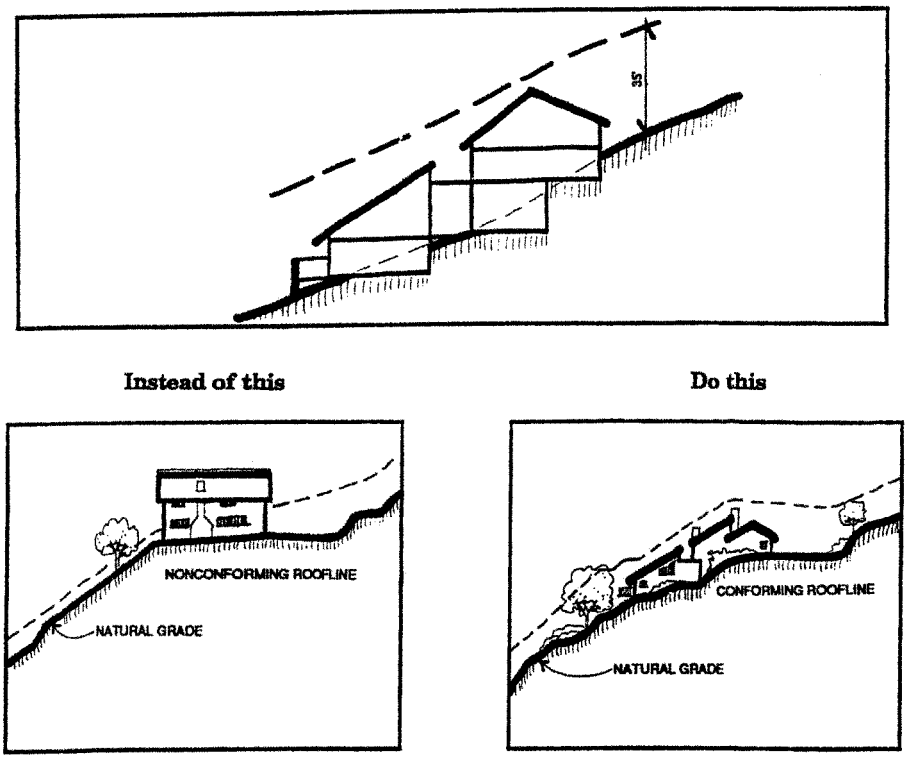
Figure 11: HOME & DESIGN LOCATION



(6) Building height shall be as permitted by the underlying zoning as measured from the natural grade at any point of the structure (see Figure 12).

(7) The slope of the roof shall be oriented in the same direction as the natural slope, and in developments that include a number of individual buildings, variation shall be provided to avoid monotony (see Figure 12).

Figure 12: BUILDING HEIGHT/ROOF SLOPE



(8) Architectural treatment should be provided on all sides of the structure visible from adjacent properties, roadways, or public rights-of-way. Building materials and color schemes should blend with the natural landscape of earth tones for main and accessory structures, fences, and walls. Reflective materials or finishes should not be used.

(c) Slopes of 35% and over. No development or grading should occur on slopesof 35% or greater, except as described in section 1067.A(b)(5).

(d) Intermediate ridges. Development in proximity to intermediate ridgelines should be avoided. However, in case that such development occurs, the following guidelines shall apply in addition to other applicable provisions of this article (see Figure 13):

(1) Only single-story structures or portions of multiple single-story-stepped structures designed to conform to the site shall be permitted to project above the ridgeline;

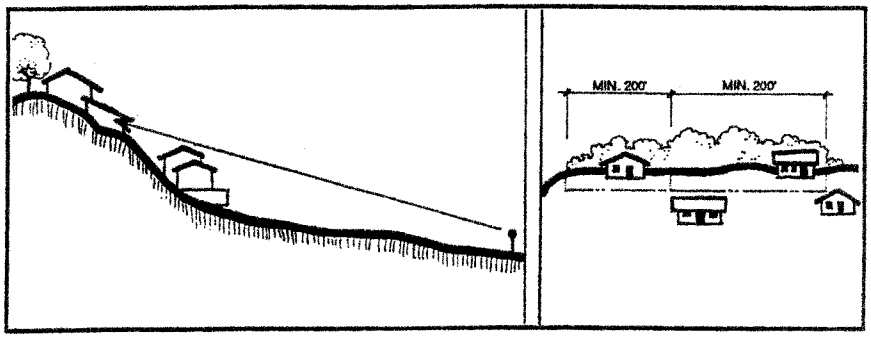
(2) The minimum width of the lot measured parallel to the protected ridge at the proposed building site is not less than 200 feet;

(3) Grading should conform to the natural terrain to the extent possible. Extensive manufactured slopes and retaining walls should be avoided. In no case should the top of a ridge be graded to provide a large building pad;

(4) Any building or structure in proximity to an intermediate ridge should be located and designed to minimize its impact upon the ridgeline. Techniques such as use of subordinate or hidden location, split foundations adjusted to the slope, single-story structures, roofline following the slope, and colors and materials that blend with the natural environment should be used;

(5) Landscaping should be utilized to recreate the linear silhouette and to act as a backdrop for structures. Trees that grow to at least one and one-half (1½) times the height of the structure should be planted between buildings to eliminate the open gap and blend the rooflines into one continuous silhouette.

Figure 13: SITE DISTANCE/LOT WIDTHS



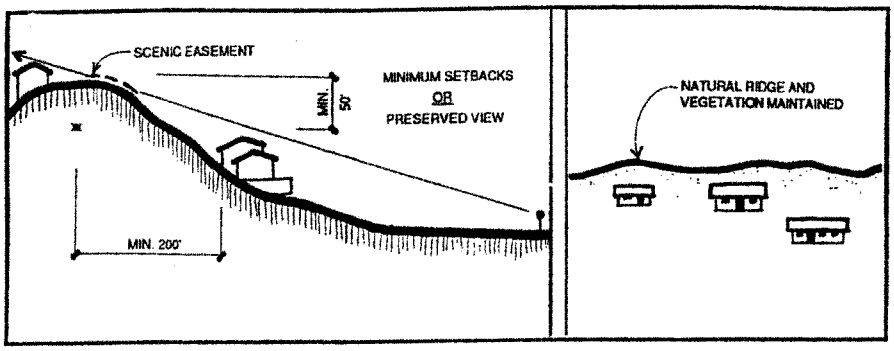
(e) Skyline ridges. Development in proximity to skyline ridges shall conform to the following standards (see Figure 14):

(1) The ridgelines' natural contour and vegetation shall remain intact with development maintaining an undisturbed minimum setback of 200 feet measured horizontally from the center of the ridgeline on a topographic map, or 50 feet measured vertically on a cross-section, whichever is more restrictive. Lesser setbacks may be authorized if it can be demonstrated that no structure or portion of a structure will obstruct the view of the ridge as seen from major points defined during the application process. Points of view to be used for the visual analysis shall generally be taken along major roads including Interstate 15, Del Dios Highway, Centre City Parkway, Bear Valley Parkway, North Broadway, El Norte Parkway, and Valley Parkway; and major public open space areas including Lake Hodges, Lake Wohlford, Lake Dixon, and Kit Carson Park, as applicable to the proposed project. The exact points of view will be from the most critical points as determined by the combination of points from which the proposed development is most visible and points at which the highest public use occurs (e.g., playfields, picnic areas). The distance of the viewpoints from the ridgeline shall generally be no more than five miles and no less than 1/2 of a mile. The sensitive viewshed areas and the exact points of view for each proposed project will be identified prior to the project submittal to the satisfaction of the director. The decision of the director will be appealable to the planning commission.

(2) The area along a skyline ridge shall be dedicated to the city as a scenic easement not intended for public access in conjunction with any development that may occur on the property. The owner shall be responsible to retain, maintain, preserve, and protect the public views of these areas in their natural state without obstruction by structures. A scenic easement shall not prohibit clearing of brush or planting of vegetation that is necessary to reduce fire hazards.

(3) Development of one single-family home on a lot legally created prior to adoption of the ordinance codified in this article will be exempt from the requirements of subsections (e)(1) and (e)(2) of this section. Such development will be subject to the requirements of section 33-1067.F(d).

Figure 14: SCENIC RIDGELINES



(Ord. No. 2001-21, § 5, 8-22-01; Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1068.A. Clearing of land and vegetation protection.

(a) Purpose. The purpose of the following sections is to safeguard life, limb, property, and the public welfare by regulating grading, clearing, and removal of mature trees on private property. Further, it is the purpose of this chapter to reflect and achieve the goals and policies of the Escondido general plan which recognizes oak trees and other mature trees as significantly aesthetic and ecological resources, and to protect sensitive biological species and habitats, and historically significant trees which are located within the boundaries of the City.

(b) Scope. The following sections set forth regulations to control habitat destruction, the clearing of land, and the removal of mature and protected trees; to establish standards for the preservation, protection, and selected removal of sensitive habitat and mature and protected trees; to set forth the administrative procedure for issuance of permits; and to provide standards for the replacement of vegetation approved for removal. Additional landscape requirements are specified in Article 62 of this chapter.

(Ord. No. 2001-21, § 5, 8-22-01)

§ 33-1068.B. Restrictions on removal of vegetation.

(a) Permits required for removal of vegetation.

(1) Requests to remove and replace trees located within the public right-of-way shall be submitted to the city engineer pursuant to Article 62 of this chapter.

(2) A vegetation removal permit shall be obtained prior to any encroachment by new construction or improvements into the dripline of protected and required trees.

(3) On developed and undeveloped lots of less than two acres, a vegetation removal permit shall be obtained prior to clearing, pruning, or destroying sensitive biological species, sensitive biological habitat, protected trees and/or required landscaping.

(4) On developed and undeveloped lots two acres or larger, a vegetation removal permit shall be obtained prior to clearing, pruning, or destroying vegetation, and prior to any encroachments by new construction or improvements that disturb the root system within the dripline of mature trees.

(b) Exceptions to required permits.

(1) A vegetation removal permit is not required when the clearing of vegetation is proposed as part of a development project requiring another administrative or discretionary application approval.

(2) Brush management and clearing, under the order of the city fire marshal, that does not destroy or remove or affect sensitive biological species or sensitive biological habitats, or as allowed pursuant to agreements with the California Department of Fish and Game and the U.S. Fish and Wildlife Service. This exception shall apply only to the minimum amount of clearance necessary as determined by the director.

(3) Clearing authorized by a valid grading permit issued by the city engineer.

(4) Trees that pose a safety, health hazard, or public nuisance as determined by a peace officer, fireman, civil defense official, code enforcement officer, or designated public works representative.

(5) Plant material planted, grown and/or held for sale as part of a licensed nursery business or agriculture production in which vegetation, except protected trees and sensitive biological habitats, must be removed in order to conduct normal farming practices.

(6) Removal of trees for improvement projects constructed by the City as a part of the city capital improvement program shall be reviewed by the director on a case-by-case basis to determine if they are subject to the provisions of this ordinance.

(7) Routine maintenance as defined in section 33-1052 in conjunction with an existing development, agricultural production, or park and street tree maintenance as well as removal, replacement, trimming, mowing, and weeding of ornamental landscaping.

(8) Removal of vegetation and mature trees in existing residential development common areas under the control of a homeowner's association to the extent that sensitive biological habitats and sensitive biological species, protected trees, and required landscaping are not affected.

(9) The necessary clearing and pruning of vegetation, excluding sensitive biological species and habitats, when done by a public utility company subject to the jurisdiction of the Public Utilities Commission, for the purpose of protecting or maintaining existing overhead public utility lines or other public utility facility.

(Ord. No. 2001-21, § 5, 8-22-01; Ord. No. 2023-15, 10/25/2023)

§ 33-1068.C. Vegetation removal permits.

(a) Submittal requirements. Each application for a vegetation removal permit shall be accompanied by the following information:

(1) A site plan showing the location and type of existing plants, trees, and sensitive biological habitat areas, locations for all existing and proposed buildings or improvements on the property, and the specific area to be cleared;

(2) A tree survey (including the location, dripline, and trunk DBH) of any mature or protected tree(s), whether the tree(s) is intended to be removed or preserved, a relocation site for any mature tree(s) proposed to be relocated, and proposed method of removal. The director may cause to be prepared, at the applicant's expense, a tree replacement and/or protection plan as well as a report by a professional which estimates the health of and the significance of the impacts to the tree(s) to be preserved, removed or relocated, and includes specifications for transplanting and maintenance of the affected tree(s). The report shall also include feasible

mitigation measures to reduce potential impacts to the tree(s). The professional may also be required to supervise the relocation of any tree(s);

(3) Photographs of the site and surrounding properties which clearly indicate the existing conditions and existing vegetation;

(4) A biological report, as necessary, or other documentation acceptable to the director, which indicates the quantity and quality of the existing sensitive biological habitat and species, and other vegetation deemed potentially suitable habitat for the California Gnatcatcher or other sensitive biological species. The report shall document all potential impacts on preservation alternatives as well as on the suitability of remaining undisturbed areas to sustain sensitive biological species or habitat on-site and on adjacent properties. A revegetation plan showing mitigation of destroyed habitat shall also be included as necessary;

(5) Statement by the applicant justifying the clearing and/or trimming of vegetation;

(6) An erosion control plan as necessary approved by the city engineer for all areas proposed for clearance.

(b) Evaluation criteria. All requests to remove vegetation shall be submitted to the director prior to removal of vegetation as determined by section 33-1068.B. In the evaluation of each request, the director shall consider the following criteria:

(1) Whether removal of the vegetation is necessary to construct improvements, or may be avoided through relocation or redesign as determined by the director;

(2) Whether the proposed clearing would result in fragmentation or isolation of sensitive biological species or habitat; or would substantially limit preservation alternatives for the site; or reduce the quality of remaining sensitive biological species or habitat on the site or on adjacent properties below self-sustaining levels;

(3) Whether proposed replacement vegetation ensures no net loss of habitat and quality of the habitat, or no reduction in the quality of required landscaping, as determined by the director or applicable state or federal agency;

(4) Whether the development of the property will require discretionary approvals by the city, or there is an approved development plan for the property;

(5) In the case where the vegetation removal permit involves mature trees and/or protected trees, the director shall consider, in addition to the criteria above, the following:

(A) Whether retaining the mature and/or protected tree(s) in their existing location negatively affects any permanent structures or public utilities,

(B) The contribution the tree(s) proposed for removal make to the visual character of the neighborhood and/or to the value of historic sites, in conjunction with good forestry practices regarding the number of healthy mature trees which a given area or parcel of land can support,

(C) The potential effect that tree or vegetation removal could have on significantly reducing available wildlife habitat or displacing desirable species.

(c) Required findings. In order to approve a request to clear vegetation, the following findings must be made:

(1) The proposed vegetation removal is in compliance with all applicable state and federal requirements;

(2) Environmental review for the proposed clearing of vegetation has been completed in conformance with the California Environmental Quality Act (CEQA);

(3) The proposed clearing of vegetation is not premature with respect to future discretionary approvals and preservation options;

(4) The proposed clearing is not under a current stop work order issued for violations of this ordinance; or appropriate corrective measures have been incorporated into the permit application to correct the noticed violation of the stop work order issued by the city;

(5) The public safety will not be compromised by the requested vegetation removal due to plant pests or diseases, soil erosion, or increase in the flow of surface water;

(6) The proposed project is reasonably designed considering site characteristics and plant species involved such that all feasible methods to avoid removing vegetation, or to protect or transplant mature trees, have been incorporated, and adequate replacement of the vegetation is conditioned to be provided at a location approved by the director.

(d) Approval.

(1) If a permit is approved, the director may attach conditions of approval as deemed necessary.

(2) An issued permit shall be valid for a period of six months from the date of issuance. Extensions of time may be granted by the director for periods not to exceed six months each upon submittal of a written request, prior to the original expiration date, which includes the reason why the extension of time is needed.

(e) Denial. If a permit is denied, the director shall provide written notification, including reason(s) for denial, to the applicant.

(f) Appeals. The director's decision to approve, conditionally approve, or deny a vegetation removal permit may be appealed to the planning commission in accordance with the provisions of section 33-1303 et seq., of the Escondido Zoning Code.

(Ord. No. 2001-21, § 5, 8-22-01)

§ 33-1069. Vegetation protection and replacement standards.

(a) Protection.

(1) No person shall destroy or do any clearing of vegetation and mature trees, nor destroy, clear, trim, or cut protected trees, in violation of this chapter, including deliberately damaging a mature or protected tree so that the removal of the tree is necessary to maintain public safety.

(2) Every feasible effort shall be made to preserve sensitive biological habitat, sensitive biological species, mature trees, and protected trees in-place on the project site through consideration of alternative means of accomplishing the desired action or project, to the satisfaction of the director.

(3) All feasible measures to avoid damage to existing trees and vegetation to remain shall be taken by the owner or developer during clearing, grading, and construction. A report prepared by a professional and provided at the applicant's expense, which provides recommendations on

methods to minimize damage to the tree(s), may be required upon determination of the director.

(4) Rigid protective barriers of a type acceptable to the director shall be placed around the dripline of all trees and vegetation designated to remain. The barricades or fencing are to remain in place until completion of all grading and construction.

(5) In conjunction with new construction or improvement projects, no activity, including grading and trenching, that disturbs the root system within the dripline of protected or required trees on all size lots, and also within the dripline of mature trees on lots two acres or larger, shall be permitted unless the proposed disturbance is determined appropriate by the director through the evaluation process established by section 33-1068.C.

(6) All future owners of parcels on which trees or habitat are required to be maintained as a condition of approval shall be responsible for continued maintenance of such vegetation. The director may require a deed restriction, or other appropriate document, which notifies future owners of this requirement and the condition(s) of approval.

(b) Replacement.

(1) Required landscaping which is removed shall be replaced with equivalent plant material consistent with the original requirement(s).

(2) Sensitive biological habitat and sensitive biological species which are removed shall be mitigated either on-site or off-site by the planting of the same habitat species at a minimum ratio of one to one (1:1). Higher replacement ratios, or different plant species, may be required by the director for conformance with other federal, state, or local codes and agreements in effect at the time of the review of the application.

(3) If replacement of sensitive biological species and/or habitat is not feasible on-or off-site, other equivalent mitigation measures may be considered by the director.

(4) If mature trees cannot be preserved on-site, they shall be replaced at a minimum one to one (1:1) ratio. The preferred replacement is a tree(s) of equal size and caliper. Protected trees shall be replaced at a minimum two to one (2:1) ratio.

(5) The number, size and species of replacement trees shall be determined on a case-by-case basis by the director, based on the specific circumstances of each request, the characteristics and condition (size, age and location) of the individual trees involved, and any professional report.

(6) The planting location of the replacement trees may be on-site or elsewhere in the city, as determined by the director.

(7) Replacement trees and habitat mitigation sites shall be maintained in a flourishing manner on a continuing basis.

(Ord. No. 2001-21, § 5, 8-22-01)

ARTICLE 56
MISCELLANEOUS DEVELOPMENT STANDARDS

§ 33-1070. Purpose.

The purpose of this article is to provide for the several miscellaneous land development standards which are applicable throughout the city regardless of zones. The requirements of this article shall be in addition to the property development standards for each zone. The provisions of this article shall prevail over conflicting provisions of any other article.
(Zoning Code, Ch. 107, § 1075.00; Ord. No. 2013-07RR, § 4, 12-4-13)

§ 33-1071. Prohibitions.

No lot shall be created, nor shall any structure be erected, nor shall any existing lot or structure be altered or changed in any manner which would result in noncompliance with the property development standards set forth in this article, except as allowed in Article 61, Division 3, Nonconforming Uses, Structures and Land, or where a variance has been granted in accordance with the provisions of this article.
(Zoning Code, Ch. 107, § 1075.05; Ord. No. 2013-07RR, § 4, 12-4-13)

§ 33-1072. Minimum lot area to be preserved.

No portion of a minimum lot area prescribed in this article shall be used or considered as part of another lot or parcel of land for purposes of establishing or determining applicable property development standards.

No lot or parcel of land shall be reduced in size by conveyance or otherwise so that the area thereof is less than the prescribed minimum.
(Zoning Code, Ch. 107, § 1075.10)

§ 33-1073. Lot area for public buildings and utility buildings may be reduced.

A reduction in the minimum required area for a lot or parcel of land which is owned by the city, county, state or other public entity or by a public entity regulated by the public utility commission may be granted by variance if such lot or parcel is used exclusively for public purposes and providing that no living quarters are located on such lot or parcel.
(Zoning Code, Ch. 107, § 1075.15)

§ 33-1074. Minimum lot area where portion taken for public use.

If a portion of a lot or parcel of land which meets the minimum lot area requirements of the zone is acquired for public use in any manner, including dedication, condemnation or purchase, and such acquisition reduces area below such minimum, the remainder of such lot or parcel shall nevertheless be considered as having the required minimum lot area if all of the following conditions are met:

(a) Such lot or parcel contains a rectangular space of at least 30 feet by 40 feet exclusive of applicable front and side yard requirements, and exclusive of one-half (½) the applicable rear yard requirements, and such rectangular space is usable for a principal use or structure.

(b) The remainder of such lot or parcel of land has an area of at least one-half (½) of the required lot area of the zone in which the lot or parcel is located, except that in zones requiring a lot area of 15,000 square feet or more, a lot area of not less than 6,000 square feet shall be required; and

(c) The remainder of such lot or parcel of land has access of a width of 20 feet or more to a public street.

(Zoning Code, Ch. 107, § 1075.20)

§ 33-1075. Permitted structures in excess of height limit.

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, roof-level architectural screening devices, roof-top gardening storage areas and/or equipment, skylights, towers, church steeples, flagpoles, chimneys, smokestacks, silos, water tanks, windmills, windbreaks, wireless masts or other similar structures (subject to the provisions of Article 34 (Communication Antennas)) may be erected above the height limits established for the various zones provided that no portion of the structure in excess of the allowable building height shall be used for sleeping or eating quarters, nor shall such portion of the structures in excess of the allowable building height be used for the purpose of providing additional habitable floor space or be deemed as an excessive or unreasonable use of space that creates an unnecessary aesthetic impact on surrounding properties (as determined by the director of community development).
(Zoning Code, Ch. 107, § 1075.25; Ord. No. 2001-31R, § 13, 12-5-01; Ord. No. 2018-07R, § 7, 4-18-18; Ord. No. 2019-10, § 7, 8-21-19)

§ 33-1076. (Reserved)

Editor's Note—Ord. No. 2001-21, adopted 8-22-01, repealed § 33-1076 pertaining to development standards, which derived from Zoning Code, Ch. 107, § 1075.30.

§ 33-1077. Minimum yard areas to be preserved.

Except as provided in this article, every required front, side and rear yard shall be open and unobstructed from the ground to the sky.

No lot or parcel of land shall be divided or reduced in area or dimension so as to cause any required yard or open space provided around any building for the purpose of complying with the provisions of this article shall be used or considered as a yard or open space for any other building. When two or more lots are used as a single building site, the yard requirements of the zone shall be applied to a single lot.
(Zoning Code, Ch. 107, § 1075.35)

§ 33-1078. Through lots to have two front yards.

A through lot shall have a front yard as required by the zoning regulations in which it is situated on each street on which it abuts.
(Zoning Code, Ch. 107, § 1075.40)

§ 33-1079. Permissible coverage of required rear yard.

Patios, when enclosed on three sides or less, awnings, canopies and similar structures attached to the dwelling unit may extend into the rear setback a maximum of 50% of the required depth of that setback. Swimming pools may be installed to within five feet of any property line other than as required by the front or side setback requirements, but in no case may any pool cover more than 50% of the required lot area.
(Zoning Code, Ch. 107, § 1075.45)

§ 33-1080. Fences, walls and hedges.

(a) Single-family residential zones.

(1) Front and street side setbacks. Fences, walls, or hedges may not exceed three feet in height if constructed of materials that are less than 50% open, or three and one half (3 ½) feet in height if constructed of materials that are at least 50% open.

Fences, walls, or hedges may not exceed six feet in height when located anywhere on a lot or parcel of 10 acres or greater where horticulture specialties, orchards, or vineyards occur, pursuant to section 33-161 and subject to the design criteria under section 33-1081(b)-(e) and subject to the director's approval.

(2) Interior side and rear setbacks. Fences, walls, or hedges may not exceed six feet in height.

Fences, walls, or hedges may not exceed eight feet in height when abutting a public facility or a multifamily, commercial, or industrial zone, pursuant to the design criteria under sections 33-1081(a) and 33-1081(b), subject to the director's approval. (See Figure 33-1081.2)

(3) Outside of setbacks. Fences, walls, or hedges may not exceed eight feet in height.

(b) Multifamily residential zones.

(1) Front and street side setbacks. Same as in section 33-1080(a)(1), except that fences, walls, or hedges in front or street side setbacks may not exceed six feet in height, pursuant to the design criteria under section 33-1081(a)-(e), subject to the director's approval. (See Figure 33-1081.1)

(2) Interior side and rear setbacks. Same as in section 33-1080(a)(2), except that fences, walls, or hedges may not exceed eight feet in height, pursuant to the design criteria under section 33-1081(a)-(e), subject to the director's approval.

(3) Outside of setbacks. Fences, walls, or hedges may not exceed eight feet in height.

(c) Commercial/industrial zones.

(1) Front and street side setbacks. Same as in section 33-1080(a)(1). Adequate sight distance pursuant to section 33-1081(b) shall be provided for all fences.

(2) Interior side and rear setbacks. Same as in section 33-1080(a)(2).

(3) Outside of setbacks. Fences, walls, or hedges may not exceed eight feet in height.

(d) Special fences.

(1) Play field fencing. Tennis court, badminton court, basketball court, football field, soccer field, volleyball court, and other similar athletic play area fencing, subject to the fencing design criteria specified in section 33-1081, shall not exceed a height of 15 feet and shall observe the setback of accessory structures within the zone. However, not less than a five foot setback shall be provided to any property line.

(2) School fences. School common areas may be fenced to the street line; provided, that the fence is made of open wire construction and does not exceed 10 feet in height.

(3) Security fences. Fences or walls not to exceed eight feet in height may be located around commercial, industrial, or public facility uses in any location allowed for principal structures, when required for security purposes, screening, or containment of hazardous materials. In residential zones, fences or walls not exceeding eight feet in height may be located anywhere within the rear and the interior side setbacks when abutting a public facility or a multifamily,

commercial, or industrial zone, pursuant to the design criteria under section 33-1081(a) and (b).

(4) Noise mitigation. Fences and walls that are required by a mitigation measure and designed and approved through a tentative subdivision map, tentative parcel map, or major design review with the planning commission for noise attenuation are exempt from the height restrictions.

(5) Guardrails. A guardrail or guards, as defined by the California Building Code, may extend above the maximum height of a fence or wall, but only to the minimum extent required for safety by the California Building Code.

(6) Trailer parks. The height of fences in trailer parks shall be regulated by section 29-30 of Chapter 29 (Trailer Coaches and Trailer Parks) and section 33-896 (Travel Trailer Parks).

(7) Swimming pools. The height of fences around swimming pools shall be regulated by section 33-1109 (Swimming Pools).

(Zoning Code, Ch. 107, §§ 1075.50—1075.52.4; Ord. No. 94-12, § 1, 5-4-94; Ord. No. 2018-07R, § 7, 4-18-18; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1081. Fencing design criteria.

(a) Construction materials. Decorative open materials (constructed of at least 50% open materials), such as wrought iron, may be utilized for the entire height. Solid materials, such as masonry, wood, or similar opaque materials, may be utilized for a height up to three feet within front and street side yards, and up to six feet within interior side or rear yards. Open materials shall be utilized for the remaining portion of the fence height (see Figure 33-1081.1). Fences shall be constructed of materials and colors compatible with the existing or proposed development. Chain link over six feet in height is not permitted in multifamily zones. Barbed wire (or any similar material hazardous to the public) is not permitted in any residential zone, except as authorized pursuant to section 33-1081.

(b) Sight distance. Observance of sight distance areas shall be provided at street corners, driveways, alleys, or similar locations. No solid fence over three feet in height shall be installed within the sight distance area necessary for clear view of oncoming vehicular and pedestrian traffic when waiting to proceed at a street corner or driveway. The sight distance at driveways shall be defined by a triangle formed connecting two points measured along each side of the driveway 10 feet from the street, and along the street 10 feet from the outermost point of the driveway return, as shown in Figure 33-1081.3. At non-signalized corners, the sight distance area is defined by the triangle formed by connecting two points measured along each street frontage 25 feet from the curb return in each direction, as shown in Figure 33-1081.4. No solid fence over three feet in height above the curb grade nor other support structure (such as columns, posts, or pilasters) larger than 12 inches in diameter may be installed in this sight distance area unless approved by the engineering department. Sight distance on classified roads shall conform to the engineering department standards to the satisfaction of the city engineer.

(c) Accessibility. The design of the fence (including mechanical/electrical hardware such as knox boxes and intercoms) shall include provisions for access by emergency service personnel pursuant to the Fire and Uniform Security Codes, maintenance and service personnel, and pedestrians. Maintenance and service shall include, but not be limited to, landscape maintenance, postal service and delivery vehicles, utilities, and trash collection. Access to guest parking spaces shall be accommodated outside of the gate, rather than on the street. However, if the required guest parking is located inside the fence, a key pad entry system shall be provided for guest access.

(d) Security gates. Security gates across driveways or private streets shall be located so as to provide

adequate vehicle stacking room on site, and to prevent stacking in the public right-of-way. Gates shall not open or swing into the public right-of-way. At least one gate shall be remote-activated and operated without having to leave the car. Automobiles that turn in the driveway and cannot enter through the gate must be able to turn around and exit in a forward manner onto the street. A turnaround area, escape lane, circular drive, or other method of egress shall be provided to the satisfaction of the planning division and the engineering department.

(e) Landscaping. In multifamily zones, fences along street frontages exceeding three and one-half (3 ½) feet in height shall setback so that a five foot landscape area with trees, groundcover, and irrigation is provided between the back of the sidewalk and the fence facing the street. Proposed fence locations shall be designed to accommodate existing mature landscaping to the extent feasible.

(f) Play field fence buffering. Provisions for buffering shall incorporate heavy landscaping with tall plant materials to help offset the height of the fence.

(g) Play field fence construction. The fence shall utilize a combination of decorative wood or masonry up to six feet in height and chain link for the remaining nine feet.

FENCE DESIGN EXAMPLES
(SEE SECTION 33-1081 FOR SPECIFIC CRITERIA)

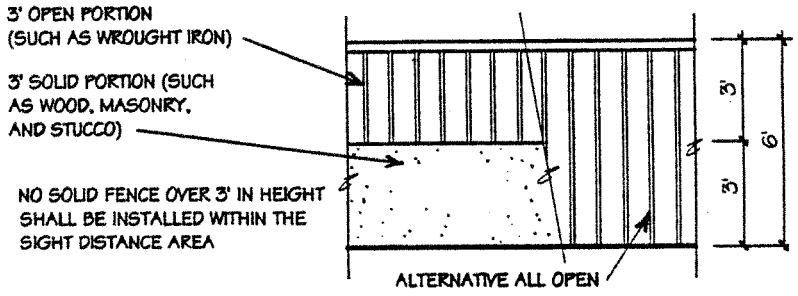


FIGURE 33-1081.1 — EXAMPLE OF 6' HIGH FENCE DESIGNS
FOR FRONT AND STREET SIDE YARDS (EXCEPT IN SINGLE-FAMILY ZONES)

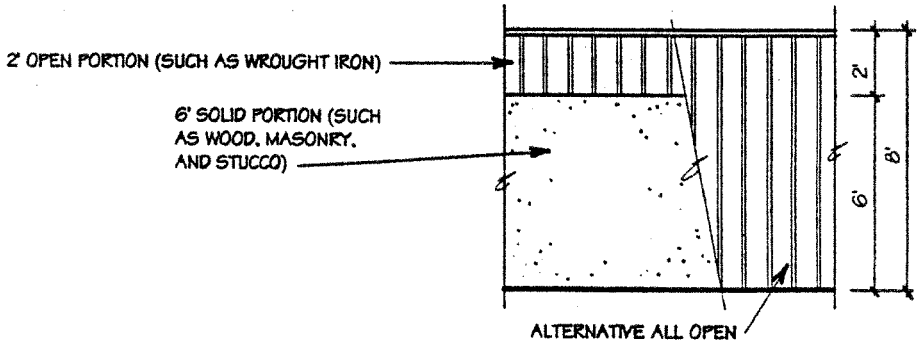


FIGURE 33-1081.2 — EXAMPLE OF 8' HIGH FENCE DESIGNS
(SUBJECT TO SECTIONS 33-1080 AND 1081)

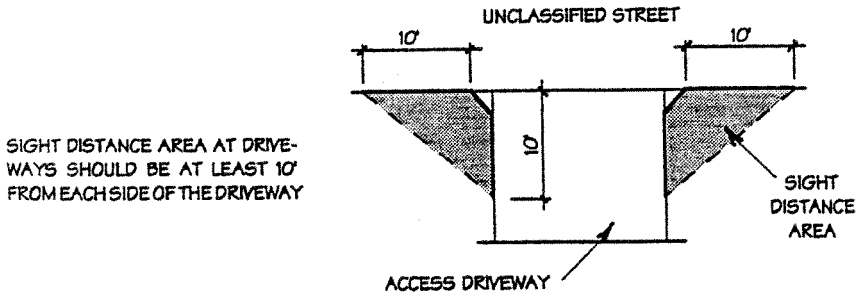


FIGURE 33-1081.3 — SIGHT DISTANCE AT DRIVEWAYS

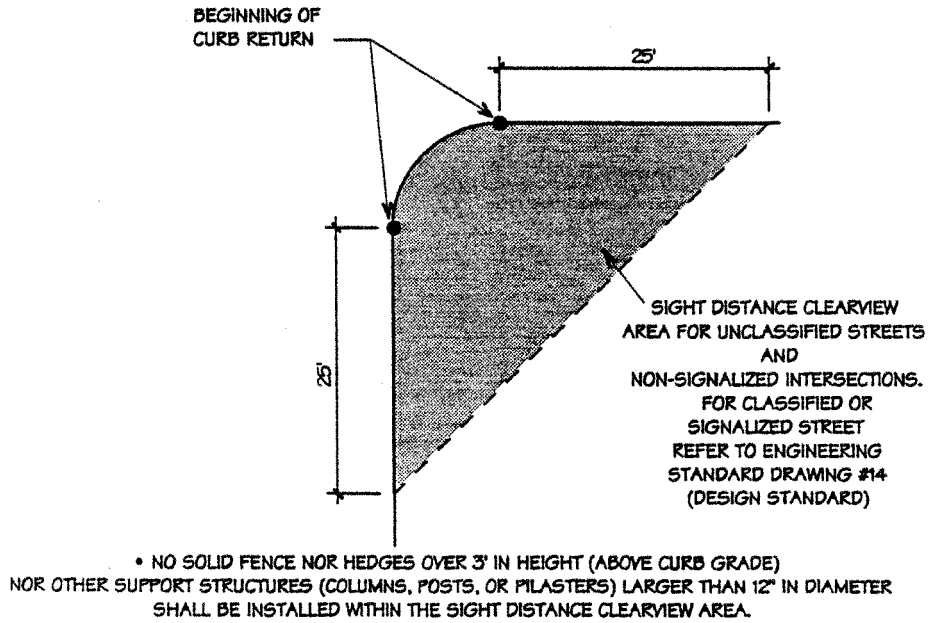


FIGURE 33-1081.4 — SIGHT DISTANCE AT CORNERS (UNCLASSIFIED STREETS)

(Zoning Code, Ch. 107, § 1075.53; Ord. No. 94-12, § 1, 5-4-94; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1082. Separation walls.

A six foot high solid masonry or concrete wall shall be constructed on and along the common property line between any property zoned or used for commercial or industrial purposes and property zoned for residential purposes. The height of this wall must be measured from the residential side of the property line and shall conform to all setback requirements. The wall need not be constructed until the commercial or industrial property is developed.
(Zoning Code, Ch. 107, § 1075.54)

§ 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.

(b) Height measurements. The height measurement of a fence or wall may be measured from either side in a vertical line from the lowest point of contact with the ground directly adjacent to either side of the fence or wall (i.e., finished grade) to the highest point along the vertical line. The finished grade shall be that as shown on the approved grading plan. In cases where a retaining wall does not require the approval of a grading plan, the finished grade shall be as determined by the city engineer.

(1) Height and location requirements for fences or walls placed atop a wall.

(A) Freestanding walls. When a fence or wall is placed over a freestanding wall, the height of the freestanding wall shall be considered as part of the fence or wall for purposes of determining the overall height of the combined structure.

(B) Retaining or landscaping walls used to increase usable lot area.

(i) When a fence or wall is placed atop a retaining or landscaping wall, the height of the retaining or landscaping wall shall be considered as part of the fence or wall for purposes of determining the overall height of the combined structure. Within any required front or street side setback, there must be a horizontal separation of at least two feet between structures so the combined height of the fence and retaining wall structure does not exceed the provisions of sections 33-1080 and 33-1081. When a minimum two foot horizontal offset is provided, within which screening vegetation is provided to the satisfaction of the director of community development, the wall/fence may not be considered one continuous structure for calculating wall/fence height. The horizontal separation shall be measured from the "back" face of the lower wall/fence to the "front" face of the higher wall/fence.

(ii) If a retaining or landscaping wall is combined with a fence or wall in an interior side or rear setback of any property, the retaining wall shall not be included in the measurement of fence or wall height. The height of the fence or wall shall be determined exclusive of the height of the retaining wall such that the top of the retaining wall is considered the finished grade. Only the portion of the fence or wall above finished grade shall be considered as part of the overall height of the fence or

wall. Any combinations of retaining wall and fence or wall over eight feet in height must provide a variation in design or materials between the retaining wall and the fence or wall. Landscaping shall be utilized to soften the appearance of the wall or fence above the retaining or landscaping wall.

(iii) If a fence, wall, or other structure in the nature of a fence is placed over a retaining or landscaping wall beyond the front, street side, interior side, or rear setback line, the height of the fence, wall, or other structure shall be measured separately from the retaining wall, subject to section 33-1080.

(2) All components of a fence, such as columns, posts, or other elements, shall be included in height measurements.

(c) Construction and maintenance. All fences and walls shall be constructed of new or good used material and shall be kept in good repair and adequately maintained. Any dilapidated, dangerous, or unsightly fences or walls shall be removed or repaired.

(Zoning Code, Ch. 107, §§ 1075.55.1—1075.55.4; Ord. No. 2021-10, § 6, 10-27-21; Ord. No. 2023-06, § 3, 3-8-23)

§ 33-1084. Panhandle lots permitted.

Panhandle-shaped lots may be created in any residential zone if all of the following requirements are met:

(a) The body of the lot meets the lot area and lot width requirements of the zone;

(b) The handle portion of the lot is at least 20 feet in width and not more than 120 feet in length;

(c) The lot has at least 20 feet of frontage on a public street which frontage serves as access to the subject lot only.

(Zoning Code, Ch. 107, § 1075.60)

§ 33-1085. Mechanical equipment and devices.

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

(1) Roof-mounted mechanical equipment and devices.

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

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

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

(2) Ground-mounted mechanical equipment and devices.

(A) All ground-mounted mechanical equipment, including but not limited to heating and air conditioning units and swimming pool and spa pumps and filters, shall be completely screened from view from surrounding properties and adjacent public streets by a solid wall or fence or shall be enclosed within a building or electrical/service room. Depending on the location, height, and length of any wall or fence used for screening purposes, landscaping shall be used to the extent practicable to shield and obscure the wall or fence. Alternative methods for screening equipment from the public right-of-way and adjacent properties may include the placement of equipment in locations where buildings serve the purpose of screening or any other method approved by the director. Chain link fencing with or without wooden or plastic slats is prohibited.

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

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

(D) Structural, design, and/or landscaping plans for any required screening under the provisions of this section shall be approved by the director and the building official.

(3) Wall-mounted mechanical devices.

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

(B) Minor wall-mounted mechanical and electrical equipment, such as small generators, utility meters, or junction boxes, that are 36 inches in height and width or less, shall be screened to the maximum extent practicable through the use of building design integration and concealment, enclosure, or surface color paint matching and be screened by walls or fences or sight-obscuring landscaping. Chain link fencing with or without wooden/plastic slats is prohibited.

(4) General screening.

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

(B) Structural, design, and landscaping plans for any required screening under the provisions

of this section shall be approved by the director and the building official.

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

(A) Electric vehicle charging support systems.

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

(C) Communication facilities, including satellite antennas.

(D) Heavy industrial uses where the mechanical equipment itself is the main focus of the use, and the size or scale of the equipment prohibits full screening (such as concrete batching plants or certain other large-scale manufacturing uses). The director may require partial screening measures (such as solid fencing or landscape screening) as appropriate and on a case-by-case basis, to minimize the visual effects of the neighborhood to surrounding properties and adjacent streets.

(Ord. 2021-10, § 5, 10-27-21; Ord. No. 2018-20, § 7, 11-28-18)

§ 33-1086. Utilities.

All structures built in residential (R) zones, except for single-family dwellings where more than 51% of the lots in the block are serviced by overhead wires, and all structures built in a commercial (C) zone shall, within the exterior boundary lines of such property, have all electrical communication, C.A.T.V. and similar distribution service wires and/or cables placed underground. The owner is responsible for complying with the requirements of the article and he shall make the necessary arrangements with each of the serving utilities for installation of such facilities.

Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts and other facilities necessarily appurtenant to such underground facilities may be placed above ground. Water and sewer distribution facilities shall be installed in conformance with specifications of the city engineer.

The planning commission may waive the requirements of this section in a particular case where it is shown and the planning commission so finds that topography, soil or other conditions make such underground installation unreasonable or impractical.

The provisions of this section shall not apply to existing utility facilities or to the installation and maintenance of overhead electrical transmission lines and overhead communication long distance trunk and feeder lines.

(Zoning Code, Ch. 107, § 1075.70)

§ 33-1087. Minor public utility structures—Setback encroachments.

(a) Setback encroachments may be considered for the small scale public utility structures which do not exceed one story (up to 15 feet in height) to enclose existing sewer lift stations. Provisions for setback encroachments would not apply to other public utility structures such as water pressure reducing systems, water pump stations, water reservoirs, refuse collection centers/transfer stations, water or wastewater treatment plants, water reclamation plants or electrical substations.

(b) Limited setback encroachments will be considered in residential, commercial, office and industrial zones based on the following criteria:

When setback encroachments cannot be reasonably avoided and where sight distance standards are met, the proposed setback encroachment must be compatible with adjacent properties and improvements, through consideration of landscaping, architectural features, material, color, height, scale and size, and location of proposed structures.

(Zoning Code, Ch. 107, § 1075.71)

§ 33-1088. Condominium or other independent forms of conversions.

At such time as any multiple-family dwellings are converted from individual, corporate or partnership ownership to a condominium or other independent ownership form, those persons desiring to make such conversion shall request an inspection of the premises by the planning department of the City of Escondido to ascertain whether the existing landscaping and parking conforms to the current requirements for multiple-family dwellings within the particular zone and if said landscaping or parking does not conform, it shall submit landscaping and parking plans for approval by the planning department in the manner provided in this chapter.

Furthermore, none of the above described conversions shall be permitted unless such development is consistent with the general plan of the City of Escondido.

In addition, the person undertaking such conversion shall deposit in the manner and sum provided in section 33-957 of Article 49 of this chapter a contingency or reserve fund.

(Zoning Code, Ch. 107, § 1075.75)

§ 33-1089. through § 33-1099. (Reserved)

ARTICLE 57
MISCELLANEOUS USE RESTRICTIONS

§ 33-1100. Purpose.

(a) General miscellaneous uses covered in this article, are such that they cannot be confined to particular zones. In those zones where such land uses tend to adversely affect the principal use of the zone, the use is made subject to the issuance of a conditional use permit. One purpose of this article is to establish the criteria for the issuance of such conditional use permits and various regulatory provisions therefor. The other purpose of this article is to establish provisions for several land uses which create special problems of regulation and control. The provisions of this article are intended to minimize the adverse effect of those uses on surrounding properties in order to foster higher standards of development. When said adverse effects of any such conditional use on surrounding properties or the community as a whole cannot be prevented by the imposition of reasonable conditions, then the city may, and reserves the right to, deny such conditional use permit.

(b) The provisions of this article shall not be construed to limit or interfere with the installation, maintenance and operation of water lines, sewer lines, gas lines or other public utility pipelines and overhead electric and communication lines and associated appurtenances (exclusive of buildings) when installed, maintained and operated in accordance with all other applicable laws.

(c) The Escondido Zoning Code has always been and is a permissive zoning code. Under a permissive code, no use may be established or operated within a building or on land unless the use: (1) qualifies as an expressly listed use pursuant to Chapter 33; and (2) has first received and maintained all permits or approvals needed to qualify as a lawful use.

(1) Only lawful uses may be legally established, operated, or maintained on land or in a building within the City of Escondido.

(2) It is unlawful, prohibited, and a violation of this code for a person to manage, operate, or materially contribute to a use which constitutes an unlawful use. "Unlawful use" means any primary or accessory use which is not a lawful use.

(3) A person maintains and operates an unlawful use if the person: (a) is an owner or partial owner of the unlawful use; (b) holds an equity or other legal interest in the unlawful use which gives the holder managerial control in the operation of the unlawful use; or (c) is a primary manager of the unlawful use, whether or not on-site. A person operates or materially contributes to an unlawful use if the person: (a) is an on-site manager of the unlawful use during any period that the unlawful business is open; (b) is hired to provide or otherwise provides security at the unlawful use; or (c) is an employee at or worker in any way associated with the unlawful use. For purposes of this paragraph, an employee or worker is a person who provides on-site work or services for the benefit of the unlawful use (whether or not hired by the unlawful use as an employee) during a period when there are no more than two persons present at the site of the unlawful use (other than security) who are performing work for the benefit of the unlawful use.

(4) Enforcement against an unlawful use may occur using any or all available legal means, including without limitation, the issuance of administrative citations, civil proceedings, nuisance proceedings, or criminal proceedings.

(d) The provisions of this article shall be in addition to any other applicable ordinance or regulation.
(Zoning Code, Ch. 108, § 1085.11; Ord. No. 2016-01, § 4, 2-3-16)

§ 33-1101. Airports, heliports and landing strips.

Conditional use permits for airports, heliports and landing strips may be granted by the planning commission upon consideration of the following criteria:

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

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

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

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

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

(Zoning Code, Ch. 108, § 1085.12; Ord. No. 2018-20, § 7, 11-28-18)

§ 33-1102. Cemeteries, crematories, mausoleums and columbariums.

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

(a) Access to the site should be sufficient and should not create traffic congestion;

(b) The site should be obscured from view by natural or artificial screening.

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

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

(Zoning Code, Ch. 108, § 1085.13; Ord. No. 2018-20, § 7, 11-28-18)

§ 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.

(Zoning Code, Ch. 108, § 1085.14; Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2023-06, § 3, 3-8-23)

§ 33-1104. Family day care homes.

Small and large family day care homes (as defined in section 33-8 of Article 1 of this chapter) shall conform to all development standards specified for the zone in which such home is located.
(Zoning Code, Ch. 108, § 1085.14.1; Ord. No. 97-22, § 2, 10-22-97)

§ 33-1105. Youth organizations.

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

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

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

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

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

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

(Zoning Code, Ch. 108, § 1085.14.2; Ord. No. 2018-20, § 7, 11-28-18)

§ 33-1106. Churches.

(a) Conditional use permits for churches may be granted by the zoning administrator or planning commission pursuant to Article 61, Division 1, upon consideration of the following criteria:

(1) The site should be 20,000 square feet or more in area;

(2) All buildings, structures and landscaping should be compatible with surrounding developments;

(3) The buildings should be designed, situated or landscaped so that sounds from church activities will not carry into surrounding properties.

(b) A conditional use permit for a church shall be conditioned upon provision being made for landscaping, which will screen parking areas from view from surrounding properties. Day school activities shall not be permitted unless the conditional use permit so provides, in which case, the requirements of section 33-1103 of Article 57 of this chapter shall apply.

(c) The zoning administrator or planning commission may waive up to 50% of the off-street parking requirements for "urban churches" upon consideration of the following criteria:

(1) The project site involves an existing church located within a multifamily residential zone with a density of 12 du/acre or greater;

(2) The parking incentive request is in conjunction with a conditional use permit;

(3) The parking on site with the proposed project does not result in a higher ratio than currently exists;

(4) Adequate pedestrian amenities (sidewalks, crosswalks, etc.) exist or will be provided in the surrounding area;

(5) On-street parking is available along the project frontage; and

(6) Sufficient documentation can be provided indicating that at least 40% of the congregation lives within one mile radius of the church and that operational measures will be implemented to minimize vehicular traffic, including, but not limited to, limiting hours of operation, minimizing peak-traffic uses from occurring concurrently, and encouraging ridesharing and pedestrian traffic.

(d) For purposes of applying this section, an urban church is one which serves a congregation whose members are geographically close to each other, identifiable by a neighborhood rather than a region of a city. The congregation of which approximately 50% will rely on public transportation or will walk to church and other neighborhood services.

(Zoning Code, Ch. 108, § 1085.15; Ord. No. 2003-32(R), § 4, 11-19-03; Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1107. Wineries.

Wineries may be permitted or conditionally permitted pursuant to section 33-94 of Article 6, upon consideration of the following criteria:

(a) Areas not devoted to agricultural production including the primary residence, the winery, ancillary structures, parking, landscaping, storage and loading areas, excluding driveways from the main road to the facility, shall not exceed three acres;

(b) Uses not directly related to wine production, including wine tasting, retail sales of wine oriented merchandise, meeting rooms for reception and food service shall generally occur indoors, be integrated with the winery facility and shall be ancillary to the primary activity;

(c) All winemaking operations shall generally be conducted within enclosed buildings. Structures used for the winery operation and any outdoor operation shall generally be located in the central and interior portion of the site to provide maximum separation from surrounding properties;

(d) Wine production may include grapes and/or fruit grown off site and delivered to the facility; and

(e) Wine tasting, if proposed, shall only involve product produced from the on-site winery.

(Ord. No. 2004-06, § 7, 4-14-04; Ord. No. 2017-07, § 4, 6-7-17)

§ 33-1108. Covenants, conditions and restrictions—Planned unit development and condominium subdivisions.

The subdivider shall be required to file with the city a declaration of covenants, conditions and restrictions, naming the City of Escondido as a party to said declaration and authorizing the city to enforce the terms and conditions of the declaration in the same manner as any owner within the subdivision. Said covenants, conditions and restrictions shall be reviewed by the city attorney and any amendments, substitutions or corrections he may deem necessary shall be submitted to the city council. The covenants, conditions,

and restrictions and the recommendations of the city attorney, including the above mentioned declaration, shall be subject to the approval of the city council concurrent with the approval of the final map of the subdivision.
(Zoning Code, Ch. 108, § 1085.15.1)

§ 33-1109. Swimming pools.

(a) Definition. As used in this section, a swimming pool is any confined body of water, located either above or below the finished grade of the site, which exceeds 100 square feet in surface area and two feet in depth, and which is designed, used or intended to be used for swimming or bathing purposes. The provisions of this section do not apply to indoor pools.

(b) Front, side and rear yards.

(1) All swimming pools constructed after the effective date of the ordinance codified in this article shall be subject to the front yard and side yard setback requirements as set forth in the applicable zoning regulation, but in no case shall a swimming pool be located closer than five feet from any property line.

(2) Tanks, heating, filtering and pumping equipment shall be subject to the front yard and side yard setback requirements of the applicable zone, except that such accessories may be located within such required yards if installed entirely below the finished grade of the site and covered with a permanent protective cover. In the rear yard, tanks, filtering and pumping equipment must provide at least a five foot separation to the rear lot lines.

(3) No single pool or combination of pools or spas shall cover more than 50% of the required lot area, pursuant to section 33-1079.

(c) Fence requirements and protection measures against drowning.

(1) Every swimming pool shall be enclosed by a natural barrier, wall, fence and/or other structure having a minimum height of five feet and constructed or situated so as to prevent unauthorized entrance thereto. Such fence, structure or wall shall not occupy a front yard required by applicable zoning regulations but may occupy a side or rear yard so required;

(A) The enclosing wall or fence shall comply as an enclosure as defined in the Swimming Pool Safety Act (Health and Safety Code section 115923) and the International Swimming Pool and Spa Code;

(B) The fence, gate and all other protective devices shall meet all fire exit requirements and other applicable provisions of law; and

(C) Public pools and pools associated with multifamily facilities are subject to pool enclosure and safety feature provisions regulated by the Department of Environmental Health.

(2) Swimming pools require the following measures against drowning or injury:

(A) At least two nonredundant additional safety features listed in Health and Safety Code section 115922, accepted by the city building official; and

(B) Other safety feature provisions deemed necessary by the city building official for entrapment avoidance.

(d) Variances and exemptions. The building inspector may waive the fencing requirements of this section

upon an adequate showing that an alternative safeguard against unauthorized entry to the swimming pool exists or will be provided, and that the physical conditions of the site make the erection of a fence or wall impractical.

(Zoning Code, Ch. 108, §§ 1085.16.1—1085.16.32; Ord. No. 2018-07R, § 7, 4-18-18; Ord. No. 2020-31R, § 6, 1-13-21)

§ 33-1110. Subdivision sales office.

A subdivision sales office may be established within the boundaries of a new subdivision, in residential zones in which subdivision sales activities are a permitted use, subject to the following conditions:

(a) No transaction involving a property outside the limits of the subdivision may be conducted at such sales office;

(b) That such subdivision sales office shall not be operated or maintained for a period exceeding 18 months, or until all the lots in the subdivision have been sold, whichever occurs first. The director of community development may, for good cause, grant an extension of said period up to one additional year.

(Zoning Code, Ch. 108, § 1085.17; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-1111. Outdoor dining provisions.

(a) Outdoor dining for legally established restaurants and eating establishments shall be exempt from providing additional parking for an area up to 300 square feet, provided the use conforms with all required parking standards for its indoor dining area, subject to the following conditions and administrative review:

(1) The establishment requesting outdoor dining shall conform to all sections of the Municipal Code. Outdoor dining areas not in compliance with the required provisions of this article operating prior to October 5, 1994, may continue provided: (A) continuous existence; and (B) use of the outdoor dining area can be demonstrated to the satisfaction of the director department and no violations of state, federal or health and safety regulations exist.

(2) All outdoor dining furniture, including tables, chairs, umbrellas and planters, shall be movable. Umbrellas must be secured with a minimum base of not less than 60 pounds. Outdoor heaters, amplified music or speakers shall be reviewed at the time of application.

(3) No signage shall be allowed in the outdoor dining area, except for the name of the establishment on an awning or umbrella valance.

(4) The outdoor dining area may only serve food and beverages prepared or stocked for sale by the adjoining indoor eating establishment, provided that the service of alcoholic beverages solely for on-premises consumption by customers within the area of the outdoor dining area has been licensed by the state authorities to sell such beverages for consumption within the outdoor dining area.

(5) The area in which the outdoor dining area is located shall be delineated from parking spaces, drive aisles, and sidewalks by a barrier consisting of railings, fences, or walls, or a combination of railings, fences, and walls, and planter boxes that are 42 inches in height or less. Acceptable materials include decorative wrought iron, tubular steel, wood, masonry, or other durable material that is suitable for outdoor use on a permanent basis. A clear, transparent material may be used on top of the barrier, not to exceed a total height of five feet. Awnings or umbrellas may

be used in conjunction with an outdoor dining area, which may also be covered with a permanent roof or shelter provided all California Building Code requirements are met. Barriers adjacent to parking stalls or drive aisles shall include reflective materials and shall be designed in a manner so as to provide protection to the outdoor dining area.

(6) The outdoor preparation of food and busing facilities are prohibited at outdoor dining areas. The presetting of tables with utensils, glasses, napkins, condiments and the like is prohibited. All exterior surfaces within the outdoor dining area shall be easily cleanable and shall be kept clean at all time by the permittee. Restrooms for the outdoor dining area shall be provided in the adjoining indoor eating establishment and the outdoor dining seating shall be counted in determining the restroom requirements of the indoor restaurant.

(7) The permittee shall remove all trash and litter as they accumulate. The permittee shall be responsible for maintaining the outdoor dining area, including the floor surface, furniture and adjacent areas in a clean and safe condition.

(8) Hours of operation shall be identical to those of the indoor eating establishment.

(9) No required landscaping shall be eliminated unless replaced on site.

(10) Outdoor dining shall meet current California Building Code and Americans with Disabilities Act requirements for accessibility.

(b) Outdoor dining for restaurants and eating establishments exceeding 300 square feet shall be subject to the conditions stated in subsection (a) of this section, as well as the following conditions:

(1) The establishment conforms with all required parking standards. Additionally, no required vehicle parking spaces shall be eliminated in order to accommodate the outdoor dining area unless replaced on site.

(2) Additional parking shall be provided for the area exceeding 300 square feet at a ratio of that required for indoor dining areas. Additional parking shall be provided either on site or along the street fronting the establishment, or through a joint use or other arrangement deemed appropriate by the city.

(3) Landscaping/buffering shall be incorporated into the outdoor dining area subject to planning division approval which may consist of container plants, permanent landscape areas, garden walls, temporary fencing or other satisfactory measures to delineate the area devoted for outdoor dining.

(c) Conversion of required off-street parking. The conversion of at least two and up to 25% of required off-street parking spaces for the establishment of permanent outdoor dining may be permitted as an administrative adjustment to nonresidential parking subject to the provisions of section 33-764 of this chapter

(d) Design review in accordance with Article 64 of this chapter shall be required for all outdoor dining areas.

(Ord. No. 94-32, § 8, 12-7-94; Ord. No. 2011-19R, § 5, 1-11-12; Ord. No. 2023-07 § 3, 2-15-23)

§ 33-1112. Accessory buildings on sloping lots.

In any residential zone, detached accessory buildings shall have front, side and rear yards of the same minimum standards as are required for the main buildings, except as hereinafter provided.

If the city engineer determines that no hazard to pedestrian or vehicular traffic will be created thereby, a garage or carport may be built to within five feet of the street right-of-way line, if:

(a) The front half of the lot or building site slopes up or down from the established street grade at a slope graded one foot for each five feet horizontal distance; or

(b) If the elevation of the front half of the lot or building site is more than four feet above established street grade.

Such garage or carport may not extend more than 50% of the street frontage of the lot or building site. The applicable side yard requirements of the zone shall apply except where the wall of the garage or carport adjacent to a side lot line is at least two-thirds (⅔) below the natural ground level of the adjacent property and the highest point of such wall is less than four feet above said adjacent ground level.

(Zoning Code, Ch. 108, § 1085.19)

§ 33-1113. Automobile service stations.

The city council shall, after recommendation by the city planning commission, adopt a resolution setting forth standards and design criteria to be utilized in approving automobile service stations. The planning commission, or the city council on appeal, shall apply all of the standards and criteria in said resolution as conditions of every conditional use permit granted for a service station, unless specific findings are made and enumerated in the resolution of approval stating the unique circumstances and undue hardship that require a modification to the standards and criteria.
(Zoning Code, Ch. 108, § 1085.20; Ord. No. 2018-20, § 7, 11-28-18)

§ 33-1114. Vehicle sales, vehicle repair services, fleet storage and tow yard storage, and junkyards and wrecking yards.

(a) General requirements. The following requirements and standards apply to boutique car sales, car dealerships, tractor and heavy truck sales, vehicle repair services, fleet storage and tow yard storage, and junkyards and wrecking yards.

(1) Required building. A permanent structure or building with a minimum of 300 square feet shall be maintained on-site to support the land use activity. The building shall be a permanent structure. The quality of architecture and building materials of all on-site structures shall meet or exceed surrounding structures. Modular or portable buildings, trailers, or mobile homes for this purpose are prohibited.

(2) Amplified sound. The use or installation of a public address system or amplified sound system is prohibited. No loud or boisterous noises are allowed to emanate from the place of business, either by persons congregating there or by the playing of recording instruments, radios, and/or television sets or other sound-producing equipment.

(3) Parking areas. Customer and employee parking areas shall be easily accessible and located separately from vehicle display or storage areas. Ground markings and signs shall clearly indicate the location of customer and employee parking.

(4) The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior façades of the building, designated parking areas serving the use, walls and fences and the perimeter of the site (including all public parkways).

(b) Boutique car sales. Boutique car sales shall be allowed as provided in any Permitted and Conditionally Permitted Principal Use Matrix and shall comply with the development standards of the zoning district, general development standards of subsection (a) above, and this subsection. No boutique car sales project shall be granted a permit unless the following requirements are satisfied:

(1) That the area controlled by the business is of sufficient size to allow storage or display on-site of no more than two cars in paved and lined spaces no smaller than eight and one-half (8½) feet in width and 18 feet in length.

(2) Display. Vehicles shall not be displayed on any above ground apparatus. The use of temporary structures and/or devices to elevate vehicles above the average grade of the site for display is specifically prohibited. All vehicle inventory must be stored on-site and not in the public right-of-way.

(3) No boutique car sales establishment shall be operated in conjunction with nor share any operating space with any other boutique car sales or car dealership business.

(4) Any lights provided to illuminate any car sales area permitted by this section shall be comparable and of the same intensity to that of the rest of the commercial or industrial area or premises and so arranged to reflect the light away from adjacent properties.

(c) Car dealerships and tractor or heavy truck sales, storage, or rental. Car dealerships and tractor or heavy truck sales shall be allowed as provided in any Permitted and Conditionally Permitted Principal Use Matrix and shall comply with the development standards of the zoning district, general development standards of subsection (a) above, and this subsection. No dealership project shall be granted a permit unless the following requirements are satisfied:

(1) That the area controlled by the business is of sufficient size to allow storage or display of on-site of vehicles in paved and lined spaces no smaller than eight and one-half (8½) feet in width and 18 feet in length. Employee and customer parking of no fewer than three spaces shall be provided at a minimum, provided that one additional employee/customer parking space shall be required for each additional 20 spaces used for storage or display. Additional off-street parking may be required pursuant to Article 39.

(2) Display. All vehicle inventory must be stored on-site and not in the public right-of-way.

(3) Landscaping. The vehicles and other display materials shall be set back five feet from a street and shall not be located in required parking areas. Wheel stops or some other type of protective device shall be provided as necessary to prevent vehicles from damaging fences, walls, buildings or landscaped areas, or from extending across any public or private property lines. A landscape planter a minimum of five feet wide shall be provided along all street frontages, subject to Water Efficient Landscape Standards and street tree planting standards. Said landscaping shall be continuous and include a decorative planter area at the corner of intersecting streets unless a building is located at the corner or otherwise prevents continuity.

(d) Vehicle repair services. Vehicle repair services shall be allowed as provided in any Permitted and Conditionally Permitted Principal Use Matrix and shall comply with the development standards of the zoning district, general development standards of subsection (a) above, and this subsection. No vehicle repair services project shall be granted a permit unless the following requirements are satisfied.

(1) All tires, barrels, new or discarded auto parts, vehicles under repair and other storage of

materials used or sold on the premises must be stored and maintained inside the building if in a CG commercial zone (section 33-337), M-1 industrial zone (Section 33-571), or similar zone district; or screened from view from adjacent properties and streets by a solid screen barrier in the M-2 industrial zone (section 33-571).

(A) Outdoor storage of non-operational vehicles is prohibited in all zones, subject to subsection (5), unless authorized as a permitted or conditionally permitted use (refer to "tow yard and storage") and reviewed and approved for code compliance.

(B) No person engaged in conducting or carrying on the business of an auto repair shop as defined in the Zoning Code shall store, display or park upon a public street or highway any motor vehicle in his/her possession or under his/her control between the hours of 5:00 p.m. and 7:00 a.m., including Saturdays, Sundays, and holidays.

(C) No person engaged in conducting or carrying on the business of an auto repair shop as defined in the Zoning Code, shall repair, remodel, overhaul, recondition or paint any automobile, other motor vehicle, or any parts thereof, in his or her possession or under his or her control, upon any public street or highway.

(2) Residential and street adjacency. All new structures shall be oriented to face building, workstation, and service bay entrances, away from abutting residential properties and the public right-of-way to the extent practicable.

(3) Service bays shall be screened from adjacent properties and public view by a wall, fence, hedge or other appropriate plant or landscape material between the service bay and the property line to the extent practicable. Solid fencing or walls shall be constructed of brick, block, stone or frame-stucco. An ornamental masonry wall shall be provided along all property lines that abut property used or zoned for residential purposes. Screening shall minimize the visual impact to the extent appropriate, through means of placement, barrier, or camouflage. Screening shall be designed to blend into the surrounding architecture or landscape so that the object or land use is not apparent to the casual observer. The face of all screen walls facing public rights-of-way shall be landscaped with shrubs, trees, and climbing vines. Use of walls and screening techniques shall meet crime prevention standards and provide graffiti deterrence elements.

(4) Landscaping required. A landscape planter a minimum of five feet wide shall be provided along all street frontages, subject to Water Efficient Landscape Standards and street tree planting standards. Said landscaping shall be continuous and include a decorative planter area at the corner of intersecting streets unless a building is located at the corner or otherwise prevents continuity.

(5) Automobiles that are drivable in their present condition and are awaiting repairs are not considered to constitute "storage." Transported automobiles must be repairable and may be stored on the site if they are intended to be repaired. Vehicles or equipment parked or stored on the site shall not be used as a source of parts and shall not be sold unless the business is also licensed for vehicle or equipment sales. A vehicle that is not in working order shall not be stored on such premises for more than 48 hours, excluding days when business transactions do not take place such as public holidays or the weekend. Vehicles shall not be wrecked or dismantled; shall have hoods, trunks and doors closed.

(6) Tow truck operation incidental to repair. No commercial tow truck, tractor, trailer or semi-trailer, designed to pull or transport passenger automobiles, may be parked on the premises of a "auto supply stores with incidental installations" or "limited auto repair" station or service

garage for more than four hours within any 24 hour period, except in case of emergency. Exceptions to exceed the four hour limitation may be granted for "general repair" and "commercial vehicle repair" facilities as determined by the permit review authority. The storage of these trucks must be within an enclosed building or service bay of a commercial or industrial zone (CG, M-1, or M-2); or be located in the rear half of the lot of an industrial zone (M1 or M-2 Zone) and be enclosed by a six foot high solid wall or fence with solid gates.

(e) Fleet storage and tow yard storage. Fleet storage and tow yard storage shall be allowed as provided in any Permitted and Conditionally Permitted Principal Use Matrix and shall comply with the development standards of the zoning district, general development standards of subsection (a) above unless specified herein, and this section. No fleet storage or tow yard storage project shall be granted a permit unless the following requirements are satisfied:

(1) A vehicle that is not in working order shall not be stored on such premises for more than 48 hours. Vehicles shall not be wrecked or dismantled; shall have hoods, trunks and doors closed; shall not be dirty or dusty; and shall not be parked or stored on public property or public rights-of-way. Junkyards and dismantling services is regulated by Chapter 15 of the Escondido Municipal Code.

(2) Sale prohibited. No vehicle or any component of a vehicle shall be parked on public or private property advertising the vehicle or any other service or merchandise for sale.

(3) Required building. A building shall be required to support tow yard storage services, if the use is maintained as a principal use, consistent with the general development standards of subsection (a) of this section; however, a building is not required to support fleet storage as a principal use.

(4) Screening. Perimeter screening shall be by a solid, uniform fence or wall with a maximum height as specified in the ordinance of the zoning district. Solid fencing or walls shall be constructed of brick, block, stone or frame-stucco. An ornamental masonry wall shall be provided along all property lines that abut property used or zoned for residential purposes. Screening shall minimize the visual impact to the extent appropriate, through means of placement, barrier, or camouflage. Screening shall be designed to blend into the surrounding architecture or landscape so that the object or land use is not apparent to the casual observer. The face of all screen walls facing public rights-of-way shall be landscaped with shrubs, trees, and climbing vines. Use of walls and screening techniques shall meet crime prevention standards and provide graffiti deterrence elements.

(5) Landscaping required. A five foot wide planting area with trees shall be provided along the interior sides of screen wall. A separate landscaped planter shall be provided on-site with a minimum of five feet wide dimensions along all street frontages, subject to Water Efficient Landscape Standards and street tree planting standards.

(6) Tow trucks for tow yard storage. Storage or tow trucks is considered an integral part of the tow truck dispatching service which is the main permitted use. When subject to the conditions of the M-2 Zone or the WM General district of the South Centre City Specific Plan, the storage of these trucks must be located in the rear half of the lot and be enclosed by a six foot high solid wall or fence with solid gates.

(7) Fleet storage as a principal use. Demand analysis and mitigation as specified in section 33-1125 of this article.

(8) Fleet storage as an accessory use. Accessory fleet storage areas must be incidental to a principal

land use activity, and the accessory storage is located on the same site or lot as the primary use, and is considered an integral part of that business. Accessory outdoor fleet storage and must be located in a manner that minimizes the visual impact of the fleet storage through means of placement, barrier, or landscape screening to the extent appropriate. Accessory fleet storage shall not include any of the following: (A) a tow truck, tractor, trailer or semi-trailer, designed to pull or transport passenger automobiles; or (B) accessory display of rental, leasable, or for-sale vehicles or equipment. The accessory storage or display of such is permitted only if they are otherwise permitted in the zone in which the facility is located.

(f) Junkyards. Junkyards and wrecking yards shall be allowed as provided in any Permitted and Conditionally Permitted Principal Use Matrix and shall comply with the development standards of the zoning district, general development standards of subsection (a) above unless specified herein, and this section. No junkyards or wrecking yards project shall be granted a permit unless the following requirements are satisfied:

(1) Required building. A building is not required to support junkyards and wrecking yard uses.

(2) Screening and landscaping required. Perimeter screening shall be placed along the perimeter of the property by a solid, uniform fence or wall with a maximum height as specified in the ordinance of the zoning district. A five foot wide planting area with trees shall be provided along the interior sides of solid screen wall. A separate landscaped planter shall be provided on-site with a minimum of five feet wide dimensions along all street frontages, subject to Water Efficient Landscape Standards and street tree planting standards.

(3) Demand analysis and mitigation as specified in section 33-1125 of this article.

(Zoning Code, Ch. 108, § 1085.20.1; Ord. No. 2018-07R, § 7, 4-18-18; Ord. No. 2019-09, § 6, 9-11-19; Ord. No. 2020-31R, § 6, 1-13-21)

§ 33-1115. Concurrent sale of motor vehicle fuel and alcoholic beverages.

(a) Purpose. It is the purpose of these regulations to comply with state law(s) addressing the concurrent sale of motor vehicle fuel and alcoholic beverages. In addition to applying minimum standards of state law to all concurrent sale locations, the state-authorized conditional use permit procedure is applied to concurrent sale locations where the primary business activity is the sale of motor vehicle fuel.

(b) Intent. It is the intent of these regulations to reduce the frequency of impulse buying of alcoholic beverages by motor vehicle operators or passengers and increase public awareness of the problems associated with drinking and driving.

(c) Development standards. All establishments which sell motor vehicle fuel and alcoholic beverages on the same premises shall comply with the following standards:

(1) No alcoholic beverage shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler as of January 1, 1988;

(2) No advertisement of alcoholic beverages shall be displayed at motor fuel islands;

(3) No sale of alcoholic beverages shall be made from a drive-in window;

(4) No display or sale of alcoholic beverages shall be made from any ice container;

(5) No self-illuminating advertising for beer and wine shall be located on buildings or windows;

(6) Employees selling alcoholic beverages between the hours of 10:00 p.m. and 2:00 a.m. shall be at least 21 years of age;

(7) All Alcoholic Beverage Control (ABC) regulations shall be complied with at all times.

(d) Minor conditional use permit required. All establishments which sell motor vehicle fuel and alcoholic beverages on the same premises and have more than four fuel pump stations shall be subject to a minor conditional use permit pursuant to Division 1 of Article 61 of this chapter.

(e) Applicability. All standards of subsection (c) of this section shall be met by January 1, 1988. The conditional use permit requirement of subsection (d) of this section shall apply to new concurrent sale establishments for which building permits are issued after the effective date of this section (February 6, 1988) et seq., or existing establishments commencing concurrent sale of motor vehicle fuel and alcoholic beverages on or after the effective date of this section et seq. The ordinance codified in this section repeals the provisions of Ords. 86-72, 86-74, and 87-59.

(Ord. No. 97-11, § 5, 6-11-97; Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1116. Household pets in the residential zones.

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

(a) Tropical fish, excluding caribe and turtles.

(b) Small birds such as canaries, parrots, parakeets, love birds, etc., may be kept in accordance with the following schedule:

R-A, R-E zones	Up to 25 total
R-1 zone	Up to six total
R-T, R-2, R-3 and R-4 zones	Up to three total

(c) A maximum of 100 racing or homing pigeons may be kept on any lot or parcel of land within the R-E, R-A or R-1 zone, provided the pigeon owners in the application file with the city a letter stating their affiliation with any state or nationally recognized racing or homing pigeon association or federation.

The term "racing or homing pigeon" shall mean pedigree pigeons which are banded and kept for the purpose of racing or homing sporting events conducted by a nationally affiliated sporting association, such as, but not limited to, the American Racing Pigeon Union or the International Federation of Racing Pigeon Fanciers.

(d) Adult rabbits, white mice, chipmunks, squirrels, chinchillas, guinea pigs, hamsters and the like, only in accordance with the following schedule:

R-A, R-E zone	Up to 25 total
R-1 zone	Up to four total
R-T, R-2, R-3 and R-4 zones	Up to two total

(e) Household dogs and/or cats; but, if over four months of age, only in accordance with the following schedule:

RA, RE zones	Up to four of each	Up to six of each with a conditional use permit in conformance with Sec. 33-1116(g)
R-1 zone		
Lots < 10,000 SF	Up to two of each	Up to four of each with a conditional use permit in conformance with Sec. 33-1116(g)
Lots 10,000 SF – 20,000 SF	Up to two dogs Up to three cats	Up to four of each with a conditional use permit in conformance with Sec. 33-1116(g)
Lots > 20,000 SF	Up to four of each	
RT, R-2, R-3, and R-4 zones	Up to one of each	Up to two of each with a conditional use permit in conformance with Sec. 33-1116(g)

(f) Other similar animals which in the opinion of the zoning administrator are not more obnoxious, detrimental or dangerous to the public and neighboring properties than the animals enumerated in this section.

(g) A minor conditional use permit may be granted to allow additional animals over those permitted by this section; provided, however, that the total number of animals so authorized shall not exceed twice that enumerated herein, except household dogs and cats. The number of dogs and cats allowed with a minor conditional use permit shall be as specified in section 33-1116(e).

(h) An animal overlay zone may be applied in the R-E (residential estates) or R-A (residential agricultural) zones upon approval by the planning commission and city council, pursuant to Article 9 of this chapter.

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

(Zoning Code, Ch. 108, § 1085.21; Ord. No. 90-40, § 2, 8-15-90; Ord. No. 2009-23 § 4, 11-18-09; Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2018-20, § 7, 11-28-18; Ord. No. 2020-31R, § 6, 1-13-21)

§ 33-1117. Commercial and medical cannabis uses.

(a) Definitions.

(1) For the purposes of this article, unless the context clearly requires otherwise, the definitions found in the Medicinal and Adult Use Cannabis Regulation and Safety Act codified at California Business and Professions Code Section 26000 et seq., shall control.

(b) Uses and activities prohibited.

(1) All cannabis activities and uses are expressly prohibited in all zones in the city other than as provided in subsection (c). No use permit, variance, building permit, or any other entitlement, license, or permit, whether administrative or discretionary, shall be approved or issued for the establishment or operation of cannabis related activities or uses in the City of Escondido, and

no person or entity shall otherwise establish or conduct such activities in the city.

(c) Exemptions.

(1) Personal use. Nothing in this article shall prohibit the personal use of cannabis as specifically provided in California Health and Safety Code Section 11362.1 at a personal residence, provided that the activity or use is wholly contained within the residence and not visible to the public.

(2) Transportation. Nothing in this article shall prevent a duly licensed cannabis business that is in compliance with the Medicinal and Adult Use Cannabis Regulation and Safety Act from transporting cannabis or cannabis products on public roads through the city to another destination outside the city limits. No commercial or medical cannabis business may deliver any product to any residence, office, commercial or any other place in the city limits.

Editor's note — Ord. No. 2007-05, § 6, adopted March 21, 2007, repealed section 33-1117, pertaining to location of peep shows, which derived from Zoning Code, Ch. 108, § 1085.24. And Ord. No. 2018-03R, § 3, adopted March 21, 2018, repealed section 33-1117 pertaining to medical marijuana, which derived from Ord. No. 2016-01 adopted 2-3-16)

(Ord. No. 2018-03R, § 3, 3-21-18)

§ 33-1118. Bus stop shelters.

The signage and setback requirements of this chapter shall not apply to any bus stop shelters which are consistent with the following provisions:

(a) Bus stop shelters shall be subject to all requirements of Chapter 23 of Article 9 of the Escondido municipal code;

(b) For the purpose of this section, the right-of-way portions abutting a property shall be controlled by the zoning designation of the abutting property;

(c) Bus stop shelter locations must be approved by the planning department and public works department prior to the issuance of building permits subject to the provisions of this section and other criteria, including, but not limited to, location, separation, site distance, size, lighting, maintenance and aesthetics;

(d) All lighting for bus stop shelters shall be subject to approval of the police prior to issuance of building permits and shall conform to Article 35 of this chapter;

(e) Applicants shall provide evidence of permission from private property owners for bus stop shelters that are located entirely or partially on private property, to the satisfaction of the city attorney;

(f) Bus stop shelters may encroach up to three feet from the street property line into the adjacent parcel.

(Zoning Code, Ch. 108, § 1085.29; Ord. No. 92-47, § 4, 11-18-92)

§ 33-1119. Arts and crafts shows.

Arts and crafts shows (as defined in section 33-8 of Article 1 of this chapter) shall conform to all standards for the zone in which they are held, and may be held only upon issuance of an administrative permit issued by the director of community development pursuant to the criteria described in this section. No person shall advertise, announce, conduct, operate or sponsor an arts and crafts show within a residentially zoned

neighborhood in conflict with the requirements of this section. Proposals which, in the opinion of the director of community development, do not readily conform to the criteria for administratively approving an arts and crafts show, will be required to obtain approval of a minor conditional use permit issued by the planning commission at a noticed public hearing.

(a) Application procedures. An administrative permit for an arts and crafts show may be issued in accordance with the following procedure:

(1) Application. An application for an arts and crafts show permit shall be made to the planning division 60 days prior to advertising for an arts and crafts show. No advertisement of the event shall be conducted until final approval for the event is granted by the City of Escondido. Advertisement of the event prior to city approval shall be grounds for denial of the application. Application shall include the following:

(A) Processing fee (as adopted by council resolution);

(B) Completed application form. The applicant must be the owner and/or resident of the property. If the resident is not the property owner, the property owner's written consent is required;

(C) Graphic depiction of the premises to be used for the arts and crafts show (site plan and floor plan);

(D) Map of the surrounding neighborhood;

(E) Written description of where patrons of the event are expected to park and/or be shuttled;

(F) Any other information which is necessary for a complete review of the application.

The application and fee is a one-time process and fee, provided that the scope and nature of the operation does not change or expand over time (see subsection (a)(4)).

(2) Notice of intended decision. Not less than 15 days prior to the date on which the decision will be made on the application, the director of community development shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a 500 foot radius of the exterior boundaries of the residence which is the proposed location for the arts and crafts show. In addition, if the proposed show is within a cul-de-sac street, the residents of the entire cul-de-sac shall receive notice.

(3) Appeal. The applicant or other affected person may appeal the administrative decision of the director of community development to the planning commission which will review the case at a noticed public hearing in accordance with the provision of section 33-1303 of Article 61 of this chapter. The cost of the appeal, if any, shall be borne by the appellant.

(4) Approval of show and subsequent events. Once final approval of the arts and crafts show has been given, the city will send the applicant a letter of approval. The applicant will be required to post the letter of approval in a visible location for display to any city official which may inspect the property during the event.

Prior to conducting subsequent shows the applicant will be required to notify the planning division in writing 60 days prior to advertising of the event. No new application form or fee will be required. If the director of community development determines that significant modifications are proposed, a new application, fee, and approval process will be required. Problems associated with an operation (i.e., parking, nuisance, violation of conditions of approval) will be considered

in the approval of future events.

(5) Exemptions. Schools and churches may be exempt from obtaining an arts and crafts show permit if they can demonstrate all on-site parking will remain available to operators and patrons of the show. No on-site parking may be displaced by exhibits or other operations related to the arts and crafts show.

(6) Business license required. A temporary business license shall be required to be obtained from the City of Escondido prior to operation of the arts and crafts show. A minimal fee (approximately $5), and proof of an arts and crafts show permit will be required in order to obtain the business license for operation of an arts and crafts show event. Nonprofit organizations are exempt from this requirement upon demonstration of proof of their non-profit status.

(b) Approval criteria/findings. The director of community development shall approve an arts and crafts permit based upon the following findings:

(1) Building and fire codes. All applicable building and fire codes must be met in order to conduct an arts and crafts show from a residential property. The applicant must have at least two fire extinguishers available at all times, and shall insure that all exit areas remain open and unobstructed during the operating hours of the show. The applicant shall agree to allow inspection by the fire department and/or building department at any time during the event.

(2) Hours when permitted—Length of sale—Frequency.

(A) No person shall conduct or operate, or permit the conduct or operation, of any arts and crafts show except between the hours of 8:00 a.m. and 6:00 p.m.

(B) No arts and crafts show shall be conducted or operated on any one site for a period longer than three consecutive days.

(C) No more than three arts and crafts shows may be conducted in any calendar year at any individual site or location. For purpose of this section, "site" or "location" means any single-family residence, or any other single premises within a residential zone of the City of Escondido.

(3) Parking and access.

(A) At least a 20 foot clear access for emergency vehicles and surrounding residents must be maintained at all times to the satisfaction of the city engineer, the fire department and the director of community development. Factors which will be examined will include, but are not limited to, street width, street configuration, condition of the street and parking availability in the surrounding area.

(B) Adequate on-street parking, within reasonable proximity to the proposed site/residence, must be available in the surrounding area to accommodate the arts and crafts show. The amount of on-street parking available must be commensurate with the size of the property and scale of the proposed show, such that the anticipated parking demand will not result in an adverse parking impact to the surrounding neighborhood. Applicants may choose to identify an off-site parking area from which patrons may walk (without impeding vehicular traffic), and/or be shuttled to the subject residence. The director of community development may approve alternative parking plans which include, but are not limited to: (i) off-site parking and shuttle service, and (ii) parking agreements to utilize nearby

parking lots.

(4) Property offered for sale or display. No person shall conduct or operate an arts and crafts show at which personal property is offered for sale or display that is not the personally crafted property of the person conducting or operating the arts and crafts show, or the personally crafted property of another person who is known by the person conducting or operating the sale and who has given express consent for the display and sale of such property.

(5) Location of display—Manner. No person operating or conducting any arts and crafts show shall display or permit the display of any property for sale, or place or locate any property, within five feet of the improved portion of any public right-of-way. The improved portion of a public right-of-way includes sidewalks, pathways, curbs, paving, bikeways, and any other portions of the right-of-way used or traveled by the public.

(6) Announcements of shows. No person shall place, post, display or circulate any sign, bulletin, announcement, or other material advertising any arts and crafts show, bazaar, or event except in accordance with the following regulations.

(A) Any such sign, bulletin, announcement or other material advertising any arts and crafts show shall not exceed four square feet in area. Balloons shall not be permitted.

(B) No sign, bulletin, announcement or other material advertising any arts and crafts show shall be placed, posted, or circulated except on the day or days of the sale and two days preceding the sale, and all such signs, bulletins, announcements, or other material shall be removed by 8:00 a.m. of the day following such show.

(C) No sign, bulletin, announcement or other material advertising any arts and crafts show, or providing direction to its location, shall be placed upon any public fixture within a public right-of-way, including, without limitation, any street sign pole, utility pole, traffic sign or signal, streetlight pole, bus or transit sign, bench or shelter, or any traffic control device or marker. Signs announcing arts and crafts shows are permitted at the site of the show.

(7) Inspection of site and property. During all reasonable hours and in any reasonable manner, the director of community development (or designee), business license officer, code enforcement officer, or any law enforcement officer, may inspect the site at which an arts and crafts show is being advertised, or the personal property which may be displayed or offered for sale, for the purpose of assuring compliance with the provisions of this chapter.

(8) Findings. In order for the director of community development or the planning commission to grant approval of an arts and crafts permit, the following findings must be made:

(A) The issuance of the arts and crafts permit will not adversely impact the required access for emergency vehicles or residents within the surrounding neighborhood.

(B) The issuance of the arts and crafts permit will not create any adverse parking impacts upon the surrounding neighborhood.

(C) The issuance of the arts and crafts permit will result in a temporary event which is compatible with the surrounding neighborhood.

(D) The site or lot is sufficiently sized and configured to accommodate vendors and patrons such that there will be no adverse impacts upon the surrounding neighborhood.

(Ord. No. 96-8, § 3, 3-13-96; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-1120. Field inspection fee.

A fee shall be charged to the applicant and paid to the city when a field inspection for compliance with the requirements and specifications of this chapter is done by the planning department. The fee will be in an amount to be established by resolution of the city council.
(Zoning Code, Ch. 108, § 1085.23)

§ 33-1121. Mini-warehouse storage facilities requirements.

Mini-warehouse storage facility projects shall be allowed as provided in any Permitted and Conditionally Permitted Principal Use Matrix and shall comply with the development standards of the zoning district, general development standards, and this section. No mini-warehouse storage facility project shall be granted a permit unless the following requirements are satisfied:

(a) Adequate security shall be provided by managers during hours of operation and/or full-time resident caretakers.

(b) All storage shall be within completely enclosed structures.

(c) Goods or products which are hazardous, toxic or obnoxious, shall be prohibited.

(d) Electrical service to storage units shall be for lighting and climate control only. No electrical outlets are permitted inside individual storage units. Lighting fixtures and switches shall be of a secure design that will not allow tapping the fixtures for other purposes.

(e) The development shall provide adequate fire and vehicular access and parking to accommodate anticipated vehicle types and quantities including, but not limited to, moving vans, trucks, fire equipment and automobiles.

(f) The proposed development should be compatible with surrounding development (existing and/or anticipated) in terms of scale, mass and setbacks. Mini-warehouse facility buildings shall be surfaced in high-quality materials. Unfaced concrete block, painted masonry, tilt-up and pre-cast concrete panels and prefabricated metal sheets are prohibited. Prefabricated buildings are not allowed.

(g) Screening should be provided as necessary to visually buffer the proposed development from surrounding streets and properties, particularly residential and may consist of any combination of landscaping, fencing, or other suitable method. Setbacks greater than those required within the underlying zone may also be required to reduce impacts to surrounding properties.

(h) Accessory uses such as the rental of trucks, trailers or moving equipment (hand carts, jacks and lifts, etc.), the installation of trailer hitches, or the sale of boxes or packing materials are permitted only if they are otherwise permitted in the zone in which the facility is located, and shall meet all use and development standards of the zone. Incidental or accessory manufacturing, fabrication, or processing of goods, service or repair of vehicles, engines, appliances or other electrical equipment, any other industrial activity, and/or retail sales or services related to storage unit garage or estate sales or auctions are prohibited.

(i) Demand analysis and mitigation as specified in section 33-1125 of this article.
(Ord. No. 2018-12, § 7, 6-6-18)

§ 33-1122. Electric generating facilities.

(a) Definition. As used in this section, an electric generating facility means a structure, apparatus or

feature incorporating machinery or equipment, designed to produce electricity for power consumption.

(b) Permit requirements. Except where the city's land-use-permit authority is preempted by state law, the land use permit required is determined by the type of facility, as follows:

(1) A conditional use permit is required for commercial electric generating facilities proposed for the primary purpose of providing electricity to the power grid. Solar-energy systems are exempt from this requirement and design review unless the building official determines the solar-energy system would have a specific, adverse impact upon the public health and safety and there is no feasible method to avoid the specific adverse impact. Decisions of the building official may be appealed to the planning commission by filing a written request with any required fee, with the department of community development not more than 10 days following the final decision of the building official. The appeal shall state the reasons why the determination is contested and which findings, the appellant believes, were made in error. Decisions of the planning commission may be appealed to the city council pursuant to Article 61, Division 6 of the Zoning Code. Facilities shall conform to the following criteria:

(A) All buildings, structures and landscaping should be compatible with surrounding development;

(B) Facilities shall involve combined cycle technology as appropriate;

(C) Facilities shall utilize most efficient, state-of-the-art technology that is reasonably available;

(D) All feasible measures shall be incorporated to minimize pollutants generated by the facility;

(E) Fuel used to generate electricity shall be limited to natural gas, solar, wind or other renewable energy resources;

(F) Noise levels produced by the generator shall comply with noise ordinance standards for the zone based on 24 hour operation;

(G) Transmission lines and components shall be under grounded to the maximum extent feasible;

(H) Facilities shall meet the provisions for reducing NOx in section 33-1122(d)(7);

(2) A plot plan application shall be required for facilities that retrofit operations to incorporate co-generation, electric production involving any amount of electricity. The application shall include the following:

(A) All buildings, structures and landscaping should be compatible with surrounding development;

(B) Pollutants generated in producing electricity by the facility shall be demonstrated to constitute the lowest available emission rates;

(C) The energy generated is intended to serve facilities on-site;

(D) Noise levels produced by the generator shall comply with noise ordinance standards for the zone based on 24 hour operation.

(c) Standby/emergency/back-up generators. Emergency back-up generators, including those proposed for previously approved discretionary projects, and portable generators associated with a temporary event shall conform to the following criteria:

(1) The energy generated is intended to serve facilities on-site during outages of the primary power or during a temporary event;

(2) Noise levels produced by the generator shall comply with noise ordinance standards for the zone based on 24 hour operation;

(3) All buildings, structures and landscaping should be compatible with surrounding development;

(4) Standby, diesel generators shall demonstrate that the best available technology is being utilized;

(5) Standby, emergency generators may operate for no more than 52 hours per year, except in an emergency situation where the primary power is unavailable in the community;

(6) Testing and maintenance of standby, diesel generators may only occur between the hours of 7:00 a.m. and 5:00 p.m.

(d) General application contents. In addition to any requirements specified later in this section, electric generating facility applications shall include the following information:

(1) Description of the physical and operating characteristics of the facility; the maximum design capacity of the facility; the operating schedule; the intended users of the generated energy; and if any electric energy is to leave the site, the physical and contractual arrangement for tying into other facilities;

(2) Alternatives to the proposed facility. This will include reliability, as well as economic and environmental advantages and disadvantages;

(3) Plans for overhead or underground transmission lines, transformers, inverters, switchyards or any required new or upgraded off-site transmission facilities;

(4) Documentation regarding the toxic and/or hazardous materials that will be used during the construction and operation, including the transfer and loading of hazardous materials to ensure on-site containment, estimates of the volumes, the inventory control system that is proposed, the disposition of these materials and the disposal system and ultimate location for disposal;

(5) Details pertaining to all off-site improvements associated with constructing the facility including, but not limited to; street improvements, water, natural gas, electricity, etc.

(6) The following studies shall be prepared that clearly document compliance with state and federal air quality standards:

(A) A health assessment modeled on local meteorological conditions;

(B) A concentration analysis of all pollutants at emission sources;

(C) A cancer risk assessment;

(7) In an effort to reduce nitrogen oxide (NOx) emissions, enhance the spread of cleaner technologies and advance alternative technology, facilities shall include in their proposal details, NOx offsets at a 1.2:1 ratio. Standby, diesel generators shall be exempt from NOx offset requirements. Said offsets shall include, but not be limited to:

(A) Purchasing emissions reductions credits through a local, state or federal program that demonstrably offsets local air quality impacts;

(B) Providing funding for retrofitting mobile or stationary pollution generators to the satisfaction of the city reducing nitrogen oxide emissions;

(C) Providing assurances that the pollution offsets established as mitigation remain effective during the operational life of the facility.

(e) Approvals from other agencies. Prior to deeming an application complete, if another agency must approve the proposed facility the applicant shall:

(1) Provide documentation that the San Diego Air Pollution Control District has deemed the application for the proposed facility as substantially complete;

(2) Provide authorization from San Diego Gas and Electric to extend necessary utilities to serve the site;

(3) Provide documents and contracts issued by the state and other appropriate agencies for the distribution of power.

(f) Development standards—Hazardous materials. Prior to delivery and use on-site, the applicant shall submit a hazardous material and waste management plan for review and approval by the fire chief including routes used to transport hazardous materials. Details to be contained in this plan will be established in the environmental review and development plan approval process.

(g) Co-generation and steam electric generating facilities.

(1) Application contents. In addition to the general requirements of section 33-1122(d), (e) and (f) an application for co-generation and steam electric generating facilities shall describe:

(A) The cooling system, including volume and flow characteristics, source of the cooling fluid and the location, flow and chemical make-up of any liquid or gaseous discharges;

(B) The potable and/or non-potable water requirements and proposed source;

(C) The fuel sources, delivery and storage systems and firing characteristics;

(D) The air pollution control system and emission characteristics;

(E) The characteristics of the energy conversions of the proposed facility and the proportions going to the various end-uses and their seasonal variation.

(h) Photovoltaic generating facilities for residential and commercial sites.

(1) Application contents. In addition to the general requirements of section 33-1122(d), (e) and (f) an application for a photovoltaic generating facility shall describe:

(A) The structural design, location, positioning and/or tracking system design, including documentation that no concentrated reflections will be directed at occupied structures, recreation areas or roads;

(B) How public access will be restricted or why public liability is not a concern at the particular facility.

(i) Wind energy conversion facilities (WECS).

(1) Application contents. In addition to the general requirements of section 33-1122(d), (e) and (f) an application for a wind energy conversion facility shall describe:

(A) The location and elevation of proposed WECS;

(B) The location of all aboveground utility lines on-site or within one radius of the total height of the WECS;

(C) The location and size of structures and trees above 35 feet within a 500 foot radius of the proposed WECS. For purposes of this requirement, electrical transmission and distribution lines, antennas, slender or open lattice towers are not considered structures.

(2) Development standards. The following standards apply:

(A) Setbacks. The facility shall be set back from property lines at least five rotor diameters for a horizontal axis WECS or the height of a vertical axis WECS.

(B) Rotor safety. Each wind conversion system shall be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a statement by a California-registered professional engineer certifying that the rotor and overspeed controls have been designated and fabricated for the proposed use in accordance with good engineering practices. The engineer shall also certify the structural compatibility of proposed towers and rotors. The manufacturer would normally supply said certification.

(C) Guy wires. Anchor points for any guy wires for a WECS tower shall be located within property lines and not on or across any above-ground electric transmission or distribution line. The point of ground attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in a bright orange or yellow covering from three to eight feet above ground.

(D) Tower access. Towers shall be constructed to provide one of the following means of access control, or other appropriate method approved by the director of community development.

(i) Tower-climbing apparatus located no closer than 12 feet from the ground;

(ii) A locked climb-deterrent device installed on the tower; or high.

(iii) The tower shall be completely enclosed by a locked, protective fence at least six feet

(E) Signs. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage.

(F) Electromagnetic interference. The wind energy conversion system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated to the planning director that a wind energy conversion system is causing harmful interference, the operator shall promptly mitigate the harmful interference.

(G) Height. The facility shall provide documentation that the height of the lowest part of the WECS shall be adequate to ensure safety within 30 feet above the highest existing major structure or tree within a 250 foot radius. For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open lattice towers are not

considered structures. Modification of this standard may be made when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.

(H) Distance from structures. Horizontal axis wind turbines shall be placed at a distance of at least two times the total tower height from any occupied structure. Vertical axis wind turbines shall be placed at a distance of at least 10 blade diameters from any structure or tree. A modification may be granted by the director of community development for good cause shown, however, in no case shall the turbine be located closer than three blade diameters to any occupied structure.

(I) Undergrounding. Electrical distribution lines on the project site shall be undergrounded up to the low voltage side of the step-up transformer, to the point of on-site use, or to the utility interface point of on-site substation.

(J) Public nuisance. Any WECS that has not generated power for 12 consecutive months is hereby declared to be a public nuisance that shall be abated by repair, rehabilitation, demolition or removal.

(Ord. No. 2001-19(R), § 4, 7-25-01; Ord. No. 2002-10, § 4, 4-10-02; Ord. No. 2005-14, § 1, 6-15-05; Ord. No. 2008-01, § 4, 2-6-08; Ord. No. 2016-15, § 4, 10-26-16; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-1123. Cottage food operations.

Cottage food operations, as defined in the California Homemade Food Act and Article 44 of this chapter. (Ord. No. 2013-07RR, § 4, 12-4-13)

§ 33-1124. Electric vehicle charging stations.

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

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

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

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

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

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

(2) An EVCS for non-commercial (no service fee) or private use shall be permitted as an accessory use within any legal commercial, industrial, or other non-residential parking space in a parking

lot or in a parking garage or carport; subject to all applicable city, state, and federal code requirements, and the following:

(A) The requirements listed in subsection (a)(1).

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

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

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

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

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

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

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

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

(c) Permit review requirements.

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

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

(3) The building division may require an applicant to apply for a minor use permit if the official finds, based on substantial evidence, that the EVCS could have a specific, adverse impact upon the public health and safety. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost. Such decisions may be appealed to the planning commission.

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

(d) Fees. The city council may establish fees for permits issued under this section.
(Ord. No. 2017-11, § 5, 8-16-17)

§ 33-1125. Land uses and activities that require special study for potential economic impact.

This section establishes a process to analyze the economic impact of certain new development proposals and land use decisions. The analysis required below shall be reviewed and considered in conjunction with other discretionary permit application requirements and review procedures associated with the project. Modifications or additions to existing facilities shall be subject to the same review procedure and approval criteria; however, the review shall be limited in scope to the modification request.

(a) Demand Analysis. An applicant shall prepare or pay for the preparation of a market demand analysis that analyzes and substantiates the need for the proposed facility in the city.

(b) Approval. Projects subject to this section may be approved if the use is in the best interest of the public health, safety and general welfare based on consideration of the demand analysis and the following criteria:

(1) The economic impact of the project to the city, including, but not limited to, a demonstrated positive fiscal benefit to the city;

(2) The extent to which the proposed project avoids the displacement of uses that would generate tax revenue for the city in preferred locations;

(3) Any proposed mitigation measures that would reduce the economic impacts of a non-tax or non-job-producing use or uses.
(Ord. No. 2018-12, § 7, 6-6-18)

§ 33-1126. Car-wash, polishing, vacuuming, or detailing.

The following section shall also apply to car-wash, polishing, vacuuming, and/or detailing uses (including self-service and automated facilities). This section applies to any primary or accessory use and any structure or part thereof used for the washing of cars either by manual or assembly line techniques, utilizing employees or the car owner, or a combination of both. Car-wash, polishing, and detailing uses shall comply with the development standards of the zoning district, general development standards, and this section.

This section does not apply to temporary car-wash activities that occur on not more than three consecutive days at the same location.

(a) All detailing or waxing (except for spray waxing) shall be conducted inside a building enclosed on no less than three sides, subject to the satisfaction of the director of community development.

(b) Bay enclosures.

(1) Sides of car-wash bays or tunnels open to a residential use or a residential or mixed use zoning district that abuts or is across an alley from the site shall be completely enclosed or otherwise screened by a wall. Solid windows that do not open, glass block, or other closed material may be used as part of the wall face.

(2) All car-wash bays and tunnels and all car-wash equipment shall be designed to minimize the creation, and carrying off the premises, of airborne particles of water, chemicals, and dust.

(c) The exit from the car-wash shall have a drainage system which is subject to the approval of the city.

(d) Vacuum stations.

(1) Vacuum stations and related equipment shall comply with the setbacks for the principal structure.

(2) The site shall be designed to reduce the visual impacts of vacuum stations and waiting cars as viewed from surrounding development and public streets. The vacuum stations shall be screened to the extent feasible by an intervening building or by a combination of landscaping, wall/fencing, and/or berming.

(e) Automated and drive-through car-wash related facilities must also comply with the commercial drive-through requirements set forth in section 33-341(b).

(f) The following types of land use activities shall be subject to section 33-1125 of this article:

(1) The construction of a new car-wash related facility; and

(2) The expansion of an existing car-wash related facility that increases the size of the lot and involves new land area devoted to car-wash related improvements.

Other types of expansions, additions, repairs, upgrades, replacement or reconstruction of existing facilities shall be exempt from the requirements of section 33-1125.

(Ord. No. 2018-13R, § 10, 6-6-18)

§ 33-1127. Used merchandise sales.

(a) All consignment shops, secondhand stores, and thrift shops shall provide or satisfy the following criteria:

(1) A designated area inside the building shall be established for the receipt, sorting and processing of goods. Donated goods or received merchandise shall be accepted only during regular business hours.

(2) No more than 30% of the floor area shall be utilized for receiving, sorting and storage of donated and traded goods. The area devoted to receiving, sorting and storage may be increased to 40% if the store/shop occupies more than 15,000 square feet of building space.

(3) Signs advising patrons that the merchandise/goods within the store are primarily preowned.

(4) Enclosed Activities. All activities shall be completely enclosed within the building for the use.

(5) Property Maintenance. The subject property shall be maintained free of trash and debris at all times. Management shall be responsible for the removal of litter from the subject property, adjacent property, and streets that results from the thrift store (with adjacent property owner consent). The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall include the maintenance of exterior façades of the building, designated parking areas serving the use, walls and fences and the perimeter of the site (including all public parkways).

(6) The storefront windows shall be permanently maintained as displays of merchandise in a professional and attractive manner (i.e., unsightly clothing racks and displays shall not be placed adjacent to the windows).

(7) Thrift shop. All goods donated for sale at the thrift shop must be accepted through the rear of the store. Adequate directional signage shall be provided from the main entrance to the use to direct individuals to the collection area. The collection area shall be noticed to prohibit depositing goods during nighttime hours or when the store is closed. Signage should include daytime collection hours for donated goods.

(8) All secondhand dealers are subject to the limitations and restrictions of Chapter 15 (Secondhand Dealer Ordinance).

(b) Pawn shops are prohibited use. Any existing pawn shop store or proprietor with a duly issued permit may continue to operate subject to the limitations and restrictions of Chapter 15 (Secondhand Dealer Ordinance) and Article 61 of Chapter 33.

(Ord. No. 2019-09, § 6, 9-11-19)

§ 33-1128. through § 33-1129. (Reserved)

ARTICLE 58
DEVELOPMENT AGREEMENTS

§ 33-1130. Authority for adoption—Applicability.

This article is adopted under the authority of Government Code Section 65864 et seq.
(Zoning Code, Ch. 93, § 9301)

§ 33-1131. Forms and information.

(a) Except as otherwise provided in this chapter, the director of community development shall prescribe the form for each application, notice and document provided for or required under this article for the preparation and implementation of development agreements.

(b) The director of community development may require an applicant to submit such information and supporting data as the city development director considers necessary to process the application.
(Zoning Code, Ch. 93, § 9302; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-1132. Fees.

(a) A fee or fee deposit established by city council resolution shall be paid by the applicant at the time of filing the application.

(b) Nothing in this chapter shall relieve the applicant from the obligation to pay any other fee for a city approval, permit or entitlement required by this chapter.
(Zoning Code, Ch. 93, § 9303; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-1133. Qualification as an applicant.

Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the development agreement. The term "applicant" includes authorized agent. The community development director shall require an applicant to submit proof of his or her interest in the real property and of the authority of the agent to act for the applicant. Before processing the application, the director of community development shall obtain the opinion of the city attorney as to the sufficiency of the applicant's interest in the real property to enter into the agreement.
(Zoning Code, Ch. 93, § 9304; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-1134. Proposed form of agreement.

Each application shall be accompanied by the form of development agreement proposed by the applicant. The city council may adopt by resolution a standard form of development agreement. The applicant may choose to use the standard form and include specific proposals for changes in or additions to the language of the standard form. The proposed agreement shall contain all the elements required byGovernment Code Section 65865.2 and may include any other provisions permitted by law, including requirements that the applicant provide sufficient security approved by the city attorney to ensure provision of public facilities.
(Zoning Code, Ch. 93, § 9305)

§ 33-1135. Review of application.

(a) The director of community development shall review the application and may reject it if it is incomplete or inaccurate for processing. If he or she finds that the application is complete, he or she

shall accept it for filing.

(b) The director of community development shall review the application and proposed agreement and shall prepare a report and recommendation to the planning commission on the agreement.

(c) The director of community development shall forward a copy of the application and agreement to the city attorney for review. The city attorney shall prepare a report and recommendation to the planning commission on the agreement.

(Zoning Code, Ch. 93, § 9306; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-1136. Transmittal to planning commission.

The director of community development shall transmit the application to the planning commission for a public hearing when all the necessary reports and recommendations are completed. Notice of the public hearing shall be given as provided in this chapter. The application for a development agreement may be considered concurrently with other discretionary permits for the project.

(Zoning Code, Ch. 93, § 9307; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-1137. Planning commission report.

After a pubic hearing, the planning commission shall consider the application and prepare a report and recommendation for the city council. The report and recommendation shall include findings on the matters substantially set to the same form as set forth in section 33-1138(b) of this article. This report and recommendation shall be forwarded to the city clerk who shall set the matter for public hearing before the city council.

(Zoning Code, Ch. 93, § 9308; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-1138. Decision by city council.

(a) After the city council completes the public hearing, it may approve, modify or disapprove the development agreement. It may refer matters not previously considered by the planning commission during its hearing back to the planning commission for report and recommendation. The planning commission need not hold a public hearing on matters referred back to it by the city council.

(b) The city council shall not approve the development agreement unless it finds that the agreement:

(1) Is consistent with the objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan;

(2) Is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located and all other provisions of Chapter 33 of this code;

(3) Is in conformity with public convenience, general welfare and good land use practices;

(4) Will not be detrimental to the health, safety and general welfare;

(5) Will not adversely affect the orderly development of property or the preservation of property values;

(6) Is consistent with the provisions of Government Code Section 65864 et seq.

(Zoning Code, Ch. 93, § 9309; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-1139. Approval of development agreements.

If the city council approves the development agreement, it shall adopt an ordinance approving the agreement and directing the mayor to execute the agreement after the effective date of the ordinance on behalf of the city. Before execution, each agreement shall be approved as to form by the city attorney.
(Zoning Code, Ch. 93, § 9310)

§ 33-1140. Required notice.

(a) Notice of public hearing required by this chapter shall be given as provided in section 33-1300 of Article 61.

(b) The notice requirement referred to in subsection (a) is declaratory of existing law (Government Code Sections 65867, 65854, 65854.5 and 65856). If state law prescribes a different notice requirement, notice shall be given in that manner.

(c) The failure of any person to receive notice required by law or these regulations does not affect the authority of the city to enter into a development agreement.
(Zoning Code, Ch. 93, § 9311; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-1141. Irregularity in proceedings.

No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation or any matters of procedure whatever unless after an examination of the entire case, including the evidence, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is not presumption that error is prejudicial or that injury was done if error is shown.
(Zoning Code, Ch. 93, § 9312)

§ 33-1142. Amendment and cancellation of agreement by mutual consent.

(a) Either party may propose an amendment to or cancellation in whole or in part of the development agreement previously entered into. The amendment or cancellation permitted by this section must be by mutual consent of the parties.

(b) The procedure for proposing and adoption of an amendment to or cancellation in whole or in part of the development agreement is the same as the procedure for entering into an agreement in the first instance. However, where the city initiates the proposed amendment to or cancellation in whole or in part of the development agreement, it shall first give notice to the property owner of its intention to initiate such proceedings at least 30 days in advance of the giving of public notice of the hearing to consider the amendment or cancellation.
(Zoning Code, Ch. 93, § 9313)

§ 33-1143. Recordation.

(a) Within 10 days after the city enters into the development agreement, the city clerk shall have the agreement recorded with the county recorder.

(b) If the parties to the agreement or their successors in interest amend or cancel the agreement as

provided in Government Code Section 65868, or if the city terminates or modifies the agreement as provided inGovernment Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of the agreement the city clerk shall have notice of such action recorded with the county recorder.

(Zoning Code, Ch. 93, § 9314)

§ 33-1144. Periodic review.

(a) The city council shall review the development agreement every 12 months from the date the agreement is entered into.

(b) The time for review may be shortened either by agreement between the parties or by initiation in one or more of the following ways:

(1) Recommendation of the community development director;

(2) Resolution of intention by the planning commission;

(3) Resolution of intention of the city council.

(c) The director of community development shall begin the review proceeding by giving written notice that the city council intends to undertake a periodic review of the development agreement to the property owner. He or she shall give the notice at least 10 days in advance of the time at which the matter will be considered by the council.

(d) The city council may refer the matter to the planning commission for review and recommendation.

(Zoning Code, Ch. 93, § 9315; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-1145. Procedure for periodic review.

(a) The city council or the planning commission, if the matter has been referred pursuant to subsection (d) of section 33-1144 of this article, shall conduct a public review hearing at which the property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the property owner.

(b) The city council shall determine upon the basis of substantial evidence whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the agreement.

(c) If the city council finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, no other action is necessary.

(d) If the city council finds and determines on the basis of substantial evidence that the applicant has not complied in good faith with the terms and conditions of the agreement during the period under review, the council may initiate proceedings to modify or terminate the agreement.

(Zoning Code, Ch. 93, § 9316; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-1146. Modification or termination.

(a) If upon a finding under subsection (d) of section 33-1145 of this article the city council determines to modify or terminate the agreement, the city council shall give notice to the property owner of its intention so to do. The notice shall state:

(1) The time and place of the hearing;

(2) A statement as to whether or not the city council proposes to terminate or modify the development agreement;

(3) Other information which the city council considers necessary to inform the property owner of the nature of the proceedings.

(b) At the time and place set for the hearing on modification or termination, the property owner shall be given an opportunity to be heard. The city council may refer the matter to the planning commission for further proceedings or for report and recommendation. The city council may impose those conditions to the action it takes as it considers necessary to protect the interests of the city. The decision of the city council shall be final.

(Zoning Code, Ch. 93, § 9317)

§ 33-1147. No damages on termination.

In no event shall the applicant or his or her successors in interest be entitled to any damages against the city upon termination of the agreement.

(Zoning Code, Ch. 93, § 9318)

§ 33-1148. No vesting of rights.

Approval and construction of a portion or phase of a development pursuant to the agreement shall not vest any rights to construct the remainder or any other portion of the development nor create any vested rights to the approval thereof if the agreement is terminated as provided in this article.

(Zoning Code, Ch. 93, § 9319)

§ 33-1149. Reservation of rights.

The city council of the City of Escondido reserves the right to terminate or modify any development agreement after a public hearing if such termination or modification is reasonable and necessary to protect the public health, safety or welfare.

(Zoning Code, Ch. 93, § 9320)

§ 33-1150. through § 33-1159. (Reserved)

ARTICLE 59
(RESERVED)

Editor's note—Article 59, (§§ 33-1160—33-1179), pertaining to planned unit approval, was repealed by Ord. No. 2001-08, enacted May 9, 2001. Said article was derived from Zoning Code, Ch. 108, §§ 1086.10—1086.25.

ARTICLE 60
(RESERVED)

Editor's note—Article 60 (§§ 33-1180—33-1199) was deleted by Ord. No. 97-14, § 7, 7-2-97.

ARTICLE 61
ADMINISTRATION AND ENFORCEMENT

Division 1
Conditional Use Permits

§ 33-1200. Definition and purpose.

A conditional use permit is a permit allowing a use under specified conditions which assure that the use will not be detrimental to the public health, safety and welfare and will not impair the integrity and character of the surrounding areas. Conditional use permits are classified as "minor" or "major," as provided for in section 33-1202.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1201. Authorization.

(a) Unless otherwise provided, the director, zoning administrator or planning commission shall have the authority to grant, conditionally grant or deny a conditional use permit application based on sound principles of land use. Unless as otherwise provided, a conditional use permit is granted at the discretion of the director, zoning administrator or planning commission and is not the automatic right of any applicant.

(b) When a proposed use is not specifically listed as permitted or conditionally permitted in the subject zone, the director shall determine if the use shall be permitted, or conditionally permitted as a major or minor conditional use, after study and finding that the use is similar to uses listed and would be consistent with the purpose of the subject zone. The director may also determine that a conditionally permitted use qualifies for processing as a minor conditional use permit when the project substantially conforms to one of the situations listed in section 33-1202(c) based on the details of the request.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1202. Application, fees and procedures.

(a) Application and fees. Application for a conditional use permit may be initiated by the property owner or agent of the property affected, the planning commission, or the city council. Application shall be made on forms provided by the city and shall be accompanied by the appropriate fee. The application shall further be accompanied by such materials as required by the director.

(b) Procedures. The zoning administrator or planning commission shall consider the application, all relevant codes and regulations, the project's environmental status, necessary findings, the circumstances of the particular case, and any other relevant evidence, and shall hold a public hearing before approving, conditionally approving, or denying the application. The zoning administrator may refer any minor conditional use permit application to the planning commission.

(c) Minor conditional use permit. The zoning administrator shall give notice pursuant to Division 6 of this article and hold a hearing on the application. Minor conditional use permits include, but are not limited to, the following:

(1) Land uses specified as minor conditional uses in the land use matrix of the applicable zoning district, area plan, specific plan, or planned development;

(2) Requests where the conditional use to be permitted does not involve the construction of a new building or other substantial structural improvements on the property in question, provided the

use does not involve the use of hazardous substances;

(3) Requests where the conditional use requiring the permit would make use of an existing building and does not involve substantial remodeling of the existing building or the use of hazardous substances;

(4) Requests where the use requiring the permit is a temporary use that operates periodically on a regular basis and exceeds the time or area restrictions set forth in sections 33-1534(c)(1) and (2) of Article 73;

(5) Applications for additional animals over those permitted by section 33-1116 of Article 57, pursuant to section 33-1116(g);

(6) For uses in nonresidential zones requesting parking suitable for the proposed use or mix of uses, pursuant to section 33-764(b) of Article 39;

(7) Requests for businesses in the CN zone that are open for business before 7:00 a.m. or after 11:00 p.m., pursuant to section 33-337(d);

(8) Requests involving a modification to an existing major conditional use permit (or a modification to a conditional use permit that was approved before the establishment of the minor conditional use permit process) that otherwise meets the criteria under sections 33-1202(c)(1)-(7).

(Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1203. Findings.

All decisions granting or denying a permit shall be in writing and shall state the reasons for the decision. In granting a conditional use permit, the following guidelines shall be observed:

(a) A conditional use permit should be granted upon sound principles of land use and in response to services required by the community.

(b) A conditional use permit should not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.

(c) A conditional use permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is to be located.

Any conditional use permit granted shall be subject to such conditions necessary and desirable to preserve the public health, safety and general welfare.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1204. Notification of action.

The decisions of the zoning administrator and the planning commission shall be filed in the Planning Division and a copy provided to the applicant at the address shown on the application.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1205. Appeal and effective date.

The provisions of Division 6 of this article regarding appeal of the zoning administrator's or commission's actions and the effective date of approval shall apply.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1206. Expiration.

Unless otherwise specified in the action granting a conditional use permit, any such permit shall become automatically null and void unless the uses authorized by the permit have been substantially implemented within 24 months from the grant of the permit. The abandonment or non-use of a permit for a period of 24 consecutive months shall also result in such permit becoming automatically null and void. The director shall have authority to grant extensions to the deadlines in this section. Once any portion of a conditional use permit is utilized, the other conditions thereof become immediately operative and must be strictly complied with.
(Ord. No. 2023-15, 10/25/2023)

§ 33-1207. Modification or revocation of conditional use permits.

The planning commission or the city council shall have the discretion to initiate proceedings to revoke or modify a conditional use permit. If such proceedings are initiated, written notice of a public hearing shall be served on the owner of the property for which such permit was granted at least 10 days before such public hearing. Such notice may be served either personally or by certified mail, postage prepaid, return receipt requested. A conditional use permit may be modified or revoked under any of the following circumstances:

(a) That the use is detrimental to the public health, safety or welfare or is a nuisance;

(b) That the conditional use permit was obtained by fraud;

(c) That the use for which the permit was granted is not being exercised;

(d) That the use for which the permit was granted has ceased or been suspended for 12 months or more;

(e) That the conditions of the improvements, if any, on a property for which a conditional use permit has been issued, are such that they can be used or altered as to be used in conformity with the uses permitted in the zone in which such property is located without impairing the constitutional rights of any person;

(f) That the conditions of the conditional use permit are not being complied with.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1208. Minor expansion of existing conditional use permits.

Expansion of existing major and minor conditional uses of less than 1,000 square feet or 10% of the facility, whichever is greater, may be requested through the plot plan administrative review process pursuant to Division 8 of this article. The director or zoning administrator may administratively approve or conditionally approve, without a public hearing, other minor adjustments, in substantial conformance to the original development plans of a major or minor conditional use, that do not involve an expansion or change to the conditionally permitted use, provided that such adjustments do not conflict with the concept or intent of the development plans originally approved.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1209. Limitation on refiling of applications.

Any final action which denies any application for a conditional use permit shall prohibit the refiling of a similar or substantially similar application for at least one year from the date of denial.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1210. Violation—Penalty.

In addition to modification or revocation as provided in section 33-1207 of this division, the violation of any condition of a conditional use permit is unlawful and may be punished as provided in section 33-1313 of this article. A violation of any condition of a conditional use permit may also result in the imposition of civil penalties as provided in section 1-20 et seq., of Chapter 1 of the Escondido Municipal Code.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1211. (Reserved)

(Deleted by Ord. No. 92-47, § 2, 11-18-92)

§ 33-1212. Conditional use permits for residential care facilities for the handicapped.

(a) The decision whether or not to issue a conditional use permit for residential care facilities for the handicapped, when required by other provisions of this code, shall lie with the sound discretion of the director. Whenever permissible under the California Environmental Quality Act or its guidelines for implementation, the director shall prepare a notice of exemption for the proposed residential care facility. If the facility is not eligible for an exemption, the director shall conduct only such environmental review as is necessary to comply with the minimum requirements of the California Environmental Quality Act. The construction of access ramps for persons with mobility impairments shall not be deemed to be a substantial modification of a structure or to have a significant effect on the environment.

(b) Upon determining whether or not to issue a conditional use permit for a residential care facility for the handicapped, the director shall provide notification of the intended decision to surrounding property owners as provided in section 33-1300. The notification shall advise all interested persons that unless appealed, the director's decision to issue a conditional use permit for a residential care facility for the handicapped shall become final within 10 days of the date of notification.

(c) Any interested person may appeal the decision of the director to grant or deny a conditional use permit for a residential care facility for the handicapped. Such appeal shall be made to the planning commission and the city council, and shall be made pursuant to the requirements set forth in section 33-1300 et seq. of this code.

(d) In determining whether or not to grant a conditional use permit for a residential care facility for the handicapped, the director shall grant the application as long as the following requirements are met:

(1) The proposed use and structure comply with all existing and applicable Zoning Code provisions, Uniform Housing Code provisions, and Uniform Building Code requirements;

(2) The site and structure have, or will receive, all necessary licenses from the appropriate state or federal regulatory agencies;

(3) The design of the physical structure is not wholly inconsistent with the design and scale of the surrounding neighborhood; however, this factor shall not be considered with respect to an existing structure;

(4) The use and structure will not create measurable and identifiable traffic problems in the surrounding neighborhood. In making this determination, the director shall determine from information supplied by the applicant the number of automobile trips that the home may reasonably be expected to generate. Traffic may not be used as a reason to deny or condition the

application unless this number is more than twice the number which the city assumes for planning purposes will be generated by a typical single-family residence, which is 10;

(5) The use and structure will not create measurable and identifiable parking problems in the surrounding neighborhood. In making this determination, the director shall determine from information supplied by the applicant the number of cars that may reasonably be expected to be present at the home at any one time, and may condition the permit on the applicant's providing the appropriate number of off-street parking spaces. In making this determination, the director shall not apply any formula, but shall assess the actual likelihood that the prospective residents will own and operate cars.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1213. through § 33-1219. (Reserved)

Division 2
Variances and Administrative Adjustments

§ 33-1220. Variance defined.

Variance is a waiver or modification of some requirement contained in this chapter which may be granted in accordance with the requirements of this division. A variance may not be granted which authorizes a use or activity which is not otherwise expressly authorized by the zone regulations governing the parcel of property.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1221. Administrative adjustment defined.

Administrative adjustment is a reduction or exceedance of certain standards prescribed in the zoning code, which may be granted in accordance with the requirements of this division. An administrative adjustment may not be granted which authorizes a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property. Administrative adjustments may be requested for the following property development standards:

(a) Up to a 25% reduction of required yards/setbacks for structures, signs, and parking areas;

(b) Reductions up to 25% of the required number of parking spaces for uses in nonresidential zones, pursuant to section 33-764 of this chapter.

(c) Increases above the 50% limitation on the cumulative costs of improvements as a percentage of the replacement value of the nonconforming use for a nonconforming single-family residential structure in a single-family zone, pursuant to section 33-1243 of this chapter.

(d) Modifications of the identified front, street side, side and rear lot lines of a lot in order to facilitate orderly development on a parcel subject to unusual circumstances, including but not limited to, topography, grading, drainage and stormwater treatment, utility facilities, easements, access and other site constraints or development requirements.

(e) Up to a 25% increase in fence height for commercial zoned properties, and up to a 50% increase in fence height for industrial zoned properties.

(f) Other adjustments as specified by this chapter.
(Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2023-16, 1/10/2024)

§ 33-1222. Authorization.

(a) The zoning administrator, shall have the authority to approve, conditionally approve or deny a variance application as provided for in Title 7, Chapter 4, Article III (Section 65900 et seq.) of the Government Code of the state of California, providing such approval or conditional approval is consistent with the intent and purpose of this chapter and this article. A variance is granted at the discretion of the zoning administrator and is not the automatic right of any applicant.

(b) The director of community development (director), or designee, shall have the authority to approve, conditionally approve, or deny an application for an administrative adjustment providing such approval or conditional approval is consistent with the intent and purpose of this chapter and will not be detrimental to adjacent properties or improvements.

(c) The zoning administrator and the director may refer any variance or administrative adjustment

application to the planning commission.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1223. Application and procedure.

(a) Application. Application for a variance may be initiated by the property owner or agent of the property affected, or the city council. Application for an administrative adjustment may be initiated by the property owner or owner's agent. An application shall be made on forms provided by the city and shall be accompanied by a fee in the amount established by resolution of the city council. The application shall further be accompanied by such materials as may be required by the zoning administrator and director.

(b) Variance Procedure. The zoning administrator shall hold a public hearing pursuant to Division 6 of this article. Such hearing may be continued from time to time as deemed necessary by the zoning administrator.

(c) Administrative Adjustment Procedure. The director shall review the requested adjustment, the applicant’s justification, the compatibility with adjacent properties or improvements and any other pertinent factor(s). If an administrative adjustment is associated with a discretionary application that requires a public hearing, the request shall be reviewed by the appropriate decision-making body for the discretionary action, and a separate application or Notice of Intended Decision is not required.
(Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2023-16, 1/10/2024)

§ 33-1224. Variance findings.

The decision of the zoning administrator shall be in writing and shall state the reasons therefor. In granting a variance, the following findings shall be made:

(a) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity;

(b) That the granting of such variance will not be materially detrimental to the public health, safety or welfare or injurious to the property or improvements in such zone or vicinity in which the property is located;

(c) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone or vicinity;

(d) That the granting of such variance will not adversely affect the comprehensive general plan.

Any variance granted shall be subject to conditions necessary to assure that the variance thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1225. Notification of action.

(a) Zoning Administrator Action. Decisions of the zoning administrator shall be filed in the planning division and a copy provided to the applicant at the address shown on the application.

(b) Director Action. The director shall give notice of the intended decision as provided in Division 6 of this article.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1226. Appeal and effective date.

A decision of the zoning administrator or director may be appealed to the planning commission, pursuant to Division 6 of this article.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1227. Expiration.

Unless otherwise specified in the action granting a variance or administrative adjustment, any such approval shall become automatically null and void unless the variance or administrative adjustment authorized by the approval has been substantially implemented within 12 months from the grant of approval. The abandonment or non-use of a variance or administrative adjustment for a period of 12 consecutive 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 for both variances and administrative adjustments. Once any portion of a variance or administrative adjustment is utilized, the other conditions thereof become immediately operative and must be strictly complied with.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1228. Modification or revocation of variances.

The authority making the original grant of a variance or the city council shall have the discretion to initiate proceedings to revoke or modify a variance. If such proceedings are initiated, written notice of a public hearing shall be served on the owner of the property for which such variance was granted at least 10 days before such public hearing. Such notice may be served either personally or by certified mail, postage prepaid, return receipt requested. A variance may be modified or revoked under the following circumstances:

(a) That the grant is detrimental to the public health, safety or welfare or is a nuisance;

(b) That the variance was obtained by fraud;

(c) That the purpose for which the variance was granted is not being exercised;

(d) That the use for which the variance was granted has ceased or been suspended for 12 months or more;

(e) That the conditions of the variance are not being complied with.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1229. Limitation of refiling of applications.

Any final action which denies any application for a variance shall prohibit the refiling of a similar or substantially similar application for at least one year from the date of denial.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1230. through § 33-1239. (Reserved)

Division 3
Nonconforming Uses and Structures

§ 33-1240. Definition and purpose.

"Nonconforming use", as used in this division, is the use of any building, structure or land which is prohibited by any city law, but which use was lawful prior to the effective date of such law. The purpose of this division is to provide for the control, improvement and termination of uses, structures or parcels which do not conform to the current regulations for the land on which they are located.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1241. Continuing nonconforming use.

(a) A nonconforming use may be continued even though such use does not conform to the revised provisions of applicable regulatory ordinances, but only if such use constitutes a legal nonconforming use as determined by the provisions of this division.

(b) This division does not authorize or approve the continuance of the use of any land, building or structure which was in violation of law at the commencement of such use.

(c) Alterations or enlargements may be made to single-family residential structures in residential zones notwithstanding the fact that such structure or lots may not conform to the minimum setback, lot size or lot width requirements of the current applicable zoning regulations, if the residential structure was built in conformity with the development standards in force at the time of construction.

Alterations or enlargements made to such nonconforming structures shall observe current front and rear yard setbacks, but may observe prior established nonconforming side yard setbacks subject to current applicable building code requirements and subject to the limitations of section 33-1243.

(d) Notwithstanding the provisions of this chapter, the director of community development ("director") or designee, may determine that nonconforming status exists for residential, commercial or industrial zoned properties, even though permit documentation is not available, subject to the following findings:

(1) The structure was constructed prior to 1976 and subsequently annexed to the city.

(2) The structure or building does not create a public nuisance as a result of conditions that threaten the public health, safety and welfare.

(3) Except as noted in this subsection, all other provisions of this article shall apply.

(e) Investigation. Any request brought pursuant to this subsection, shall be made in writing to the planning division, and shall be accompanied by a filing fee, which shall be established by resolution of the city council. The director, or designee, shall review the request, together with any other information deemed relevant or necessary. Any necessary information shall be the responsibility of the applicant to provide. Upon making the required findings of this subsection, the director, or designee, shall grant, deny, or conditionally grant the request subject to the provisions of this article.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1242. Inapplicability of this division.

The following properties shall not be entitled to legal nonconforming use status under section 33-1241:

(a) Abandoned Use of Property. Any discontinuance of a nonconforming use for a continuous period of six months shall be deemed to constitute abandonment of any preexisting nonconforming rights and such property shall not thereafter be returned to such nonconforming use;

(b) Altered Property Use. Nonconforming uses may not be repaired, altered, improved or reconstructed in such a way that the nonconforming use becomes more permanent or is expanded. Alterations, improvements and reconstruction are deemed to make the nonconforming use more permanent or expanded if cumulative expenditures on the nonconforming use exceed the percentages of replacement value set forth in section 33-1243. All percentages used in section 33-1243 shall be calculated on a cumulative basis commencing with the initial expenditure. Replacement values shall be calculated by the director, or designee, using the most recent table of valuation multipliers of the International Code Council;

(c) Changed Use. A nonconforming building, structure or use shall not be changed to another nonconforming use;

(d) Extended Nonconforming Use. A nonconforming use shall not be physically extended or enlarged, except as permitted in section 33-1243. Minor expansions of nonconforming buildings are permitted provided the degree of nonconformity is not increased and all applicable development standards are met. The extension or enlargement of a lawful use to any portion of a nonconforming use, or the issuance of a home occupation permit pursuant to Article 44, shall not be deemed the extension of such nonconforming use.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1243. Exceptions to nonconforming use provisions.

(a) Routine Maintenance. Nothing in this division shall prevent a property owner from performing routine maintenance on a nonconforming use. For the purposes of this section, the term, "routine maintenance," is minor work on a nonconforming use which does not require a permit of any kind and is primarily related to the aesthetics of a use or to alleviate normal wear and tear. Common examples of routine maintenance include, but are not limited to, painting, scraping, cleaning, pruning and so forth.

(b) Voluntary Work. Nothing in this division shall prohibit the repair, alteration, improvement or reconstruction of a nonconforming use provided that the total cumulative costs of such work do not exceed 25% of the replacement value of the nonconforming use. The 25% limitation shall include the replacement costs of work conducted pursuant to subsection (c) of this section and shall not include work that brings the property more into conformance with the current code:

(1) Improvements, additions and/or alterations for a nonconforming single-family residential structure(s) in a residential zone, including restoration pursuant to government order, may exceed the 25% limitation up to 50% of the replacement value of the nonconforming structure;

(2) Improvements, additions and/or alterations above 50% for a nonconforming single-family residential structure(s) in a single-family zone, including restoration pursuant to governmental order, may be approved or conditionally approved by the director, or designee, pursuant to an administrative adjustment, as provided for in Division 2 of this article, upon demonstration that the proposed adjustment will be compatible with and will not be detrimental to adjacent property or improvements;

(3) The application for the administrative adjustment of the replacement valuation shall include a fee to the city in an amount to be established by resolution of the city council. The director may

agendize the application for consideration by the planning commission. Replacement values shall be calculated by using the most recent table of valuation multipliers of the International Code Council;

(4) A nonconforming sign may be altered, improved or remodeled notwithstanding this section provided the cumulative costs of such improvements or remodeling of the sign does not exceed 50% of the cost of reconstruction of the building, as determined by the director;

(5) City-Wide Zone Change. Nothing in this division shall prohibit the repair, alteration, improvement or reconstruction of a residential use considered nonconforming due to the city-wide zone change program; provided, that the total cumulative costs of such work does not exceed 50% of the replacement value of the nonconforming use, except as permitted within this subsection;

(6) Industrial Zones. Repairs, alterations and expansions to nonconforming sites, structures and uses in industrial zones may exceed the 25% limitation up to 75% of the replacement costs of all existing improvements provided the expansion or alteration does not expand the degree of nonconformity, pursuant to section 33-574 of this chapter.

(c) Restoration Pursuant to Governmental Order. Nothing in this division shall prevent the repair, alteration, improvement or reconstruction of any portion of a nonconforming use if such work is ordered by a governmental authority having jurisdiction or if such work is necessary to bring the nonconforming use into compliance with any applicable building, plumbing, electrical or similar codes, provided the total cost of such work includes only restoration pursuant to government order to ensure health, safety and welfare.

(d) Restoration Following Disaster. Nothing in this division shall prevent the repair, alteration, improvement or reconstruction of any nonconforming use damaged by fire, collapse, explosion or acts of God, provided the total cumulative costs of such work does not exceed 50% of the replacement value. Nonconforming residential structures are exempt from the 50% limitation set forth in this subsection and may be constructed, repaired and rebuilt to nonconforming densities and the use thereof may be continued following damage by fire, collapse, explosion or acts of God without limitation as to cost. The percent limitations set forth in this subsection do not include work pursuant to subsection (b) or (c) of this section.

(e) Low-and Very Low-Income Housing. Low-and very low-income housing units may be repaired, altered, improved or reconstructed to a condition complying with all applicable building, electrical, plumbing and similar codes without regard to the percent limitations set forth in subsection (c) or (d) of this section, if the following conditions are satisfied:

(1) The housing units at issue have been inhabited continuously by individuals with low-or very low-income for at least one year prior to the date of the proposed alteration, improvement or reconstruction;

(2) The property owner restricts the property for occupation solely by individuals of families of low-and very low-income for a period of at least 10 years. Such restrictions shall be in a form satisfactory to the city attorney;

(3) The property owner does not charge rent for the property which is in excess of 30% of the gross household income of the residents of the property.

(f) Income Definition. For the purposes of subsection (e) of this section, the term "low-and very low-

income" means 80% and 50% respectively of median income of the San Diego County metropolitan statistical area adjusted for household size or any more recent definition adopted by the Department of Housing and Urban Development.

(g) Any property owner electing to not be subject to restrictions imposed pursuant to subsection (e)(2) of this section shall immediately notify the city and shall terminate, demolish or bring the nonconforming use into compliance with all relevant zoning, building, plumbing, electrical and similar codes within 30 days of terminating the low-income use.

(h) Miscellaneous Exceptions. The following nonconforming situations are not subject to this division:

(1) Lots created in the Old Escondido Neighborhood Historic District pursuant to Article 65, section 33-1376;

(2) Single-family residential lots that were created legally but now do not meet minimum lot width, lot frontage or lot area;

(3) Nonconforming structures listed on the city's local register of historic places pursuant to the provisions of Article 40 of this chapter.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1244. Appeals.

Any owner of a nonconforming use or structure who is notified by the city of the nonconformance and/or ordered to remove or abate said structure or use may appeal such order to the director pursuant to the terms and procedures set forth in the following sections of this division.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1245. Time for appeal.

Any notice of nonconformance or order for removal or abatement shall become final upon the expiration of 30 days from the date of posting and mailing of the notice and order, unless an appeal to the director is filed prior to the expiration of said period of time. In the event that an appeal is timely filed, all action to be commenced against a nonconforming structure or use shall be stayed until said appeal is finally decided, unless there is an immediate and imminent threat to the public health, safety or welfare, as determined by the director.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1246. Procedure for appeals.

(a) Form. Any appeal brought pursuant to section 33-1244 shall be submitted on an application form to be provided by the planning division and shall be filed with the planning division. An appellant shall provide the following information as to each nonconforming structure or use that is the subject of an appeal:

(1) A detailed description of the use or structure, including legal description, assessor's parcel number, the method of its construction and dimensions;

(2) The name and address of each owner, occupant or tenant of the property upon which the use or structure is located;

(3) The date and value of original construction of the nonconforming structure or the date of commencement of the nonconforming use and investment in such use;

(4) The date and cost of appellant's purchase of the use or structure;

(5) The date or dates, and all expenditures for repairs, alterations, improvements or reconstruction on the nonconforming use;

(6) The current value of the use or structure.

(b) Investigation. The director shall initiate an investigation of each of the above points, together with any other information deemed relevant or necessary by the director.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1247. Hearing on appeal.

Within 30 days of the filing of the appeal, the director shall commence a hearing during which the appellant may present evidence and argument. The building advisory and appeals board may grant or deny the appeal upon determining that the application of this division to the appellant is neither arbitrary nor unreasonable.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1248. Findings.

The building advisory and appeals board shall not grant an appeal until the following findings are made:

(a) The use or structures to which the legal nonconforming use applies was lawfully in existence prior to the imposition of the law to which the current use or structures do not conform;

(b) The use of the property or building does not constitute a public nuisance as a result of conditions that threaten the public health, safety and welfare.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1249. Appeal to planning commission and city council.

The decision of the building advisory and appeals board may be appealed to the planning commission and subsequently to the city council pursuant to section 33-1303 of this chapter.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1250. Future entitlements.

A copy of all determinations on appeal shall be permanently maintained on file with the planning division. No building permit or land use entitlement shall be issued for any property which does not conform to current laws.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1251. through § 33-1259. (Reserved)

Division 4
Amendments and Zone Changes

§ 33-1260. Procedure.

The city council may adopt an ordinance amending any prior zoning ordinance, the Escondido Zoning Code, or the Escondido Zone District map after a public hearing is held on the proposed amendment. To the extent required by state law, the planning commission shall hold a hearing and make recommendations on any such amendments prior to city council consideration.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 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.

(Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2023-06, § 3, 3-8-23)

§ 33-1262. Planning commission action.

The planning commission's recommendation to the city council shall be in writing and shall state the reasons for approval or denial based on factors pursuant to section 33-1263. A recommendation of denial shall terminate the process unless timely appealed by the applicant to the city council.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1263. Factors to be considered.

The decisions of the planning commission and city council shall be in writing and shall state the reasons therefore after consideration of the following factors:

(a) That the public health, safety and welfare will not be adversely affected by the proposed change;

(b) That the property involved is suitable for the uses permitted by the proposed zone;

(c) That the uses permitted by the proposed zone would not be detrimental to surrounding properties;

(d) That the proposed change is consistent with the adopted general plan;

(e) That the proposed change of zone does not establish a residential density below 70% of the maximum permitted density of any lot or parcel of land previously zoned R-3, R-4, or R-5 unless the exceptions regarding dwelling unit density can be made pursuant to the provisions set forth in Article 6;

(f) That the relationship of the proposed change is applicable to specific plans.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1264. Notification of planning commission's recommendation.

The recommendation of the commission shall be filed in the planning division and a copy provided to the applicant at the address shown on the application.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1265. City council action.

The city council may approve, modify or deny the proposed amendment. Any modification of a proposed change of zone by the city council not previously considered by the planning commission during its hearing, shall first be referred to the planning commission for report and recommendation. Such report and further recommendation may be made by the planning commission without holding a public hearing.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1266. through § 33-1269. (Reserved)

Editor's note—Sections 33-1266—33-1269 were repealed by Ord. No. 2017-03R, § 4, enacted March 22, 2017.

§ 33-1270. Zoning of vacated public rights-of-way.

Where a public street or alley or other public right-of-way is officially vacated or abandoned, the area comprising such vacated or abandoned right-of-way shall acquire the zoning classification of the property to which it reverts.
(Ord. No. 2017-03R, § 4, 3-22-17)

Division 5
Reasonable Accommodation

§ 33-1271. Purpose.

It is the policy of the city, pursuant to Title III of the Americans with Disabilities Act (42 U.S.C. Section 12131, et seq.) (the "ADA"), the Federal Fair Housing Act (42 U.S.C. Section 3604(f)(3)(B)) ("FHA"), and the California Fair Employment and Housing Act (Cal. Gov. Code Sections 12927(c)(1), 12955(τ) ("FEHA") (collectively, the "Acts"), to provide persons with disabilities reasonable accommodation in the city's zoning laws and land use rules, policies and procedures. The purpose of this division is to provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the city, when such accommodations are necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1272. Applicability.

This division shall apply to any person who is qualified as a "disabled person" under the ADA, or who is otherwise qualified to receive reasonable accommodation under any of the Acts.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1273. (Reserved)

Editor's note—Section 33-1273 was repealed by Ord. No. 2017-03R, § 4, enacted March 22, 2017.

§ 33-1274. Authorization.

The director, or designee, shall have the authority to grant, conditionally grant or deny a reasonable accommodation application consistent with the intent and purpose of this division, and shall provide the applicant with a written decision in a timely manner. The director shall give notice of the intended decision using the procedures outlined in section 33-1300 of this article.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1275. Application and fee.

In order to make available housing more obtainable to an individual with a disability, a disabled person may request reasonable accommodation for a specific residential living unit, relating to the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the city. A disabled person may file a request for reasonable accommodation on an application provided by the planning department. There shall be no fee imposed in connection with a request for reasonable accommodation under the provisions of this division. However, if the project for which the request is being made also requires some other planning permit or approval, the applicant shall file the requests together and submit the required fees associated with the related permits.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1276. Factors to be considered.

In determining the reasonableness of a requested accommodation, the director shall consider the following factors:

(a) Whether the housing which is the subject of the request for reasonable accommodation will be used by an individual protected under the Acts;

(b) Whether fulfillment of the request is necessary to make specific housing available to an individual protected under the Acts;

(c) Whether the accommodation will impose an unreasonable financial or administrative burden on the city;

(d) Whether the accommodation will require a fundamental alteration of the zoning or building laws, policies and/or procedures of the city;

(e) Whether the accommodation will have any potential impact on surrounding uses;

(f) Physical attributes of the property and structures; and

(g) Any other factor deemed relevant to the determination according to the Acts, as amended.

(Ord. No. 2017-03R, § 4, 3-22-17)

Division 6
Public Hearings, Notices, Fees and Appeals

§ 33-1300. Notification of surrounding property owners.

The following provisions shall govern all notices of public hearing or public notices. Such notices shall be given as follows, unless noted otherwise:

(a) For notices of public hearings, the notice shall be published at least 10 calendar days before the hearing at least once in a newspaper of general circulation in the community. Such notice shall include a general explanation of the matter to be considered, the time, date and place of the hearing, the hearing body or officer, and any subject property.

(b) For notices of intended decision, the matter shall be published at least 10 days before the action at least once in a newspaper of general circulation in the community. Such notice shall include a general explanation of the matter to be considered and other information required pursuant to subsection (a) of this section. The findings, determination, or order contained in that notice will be declared as final on the date of noticed decision unless appealed as provided by the procedures commencing at section 33-1303.

(c) In addition to notice by publication in subsections (a) and (b), the city shall give notice as follows:

(1) Mailing to each owner of property within the boundaries of the proposal as well as each property owner within a radius of 500 feet of the exterior boundaries of the project. The notice shall be deposited in the United States mail with postage prepaid not less than 15 days prior to the date of the public hearing or the decision becoming effective.

(A) When property is within a radius of 500 feet of the exterior boundaries of the subject property and consists of a mobilehome park or a condominium project, notice shall be provided to each resident within the mobilehome park or each owner of any interest in the condominium project.

(B) For projects involving the conversion of apartment complexes to condominium units, notices shall be provided to each apartment unit within the complex.

(2) Physically posting a notice on the project site in a conspicuous location so that the notice is visible from all portions of the site which abut a private or public street. The applicant shall maintain the posted notice in good condition for the full 10 day public notice period. Such notice shall be clearly headed "NOTICE OF PUBLIC HEARING," or "NOTICE OF INTENDED DECISION" and shall include:

(A) A general explanation of the matter to be considered;

(B) The city case reference number;

(C) The applicant's name;

(D) The telephone number of the planning division for further information; and

(E) The date of the hearing; or the closing date of the public review period.

The notice shall be constructed according to the following standards: Minimum size requirements of six square feet.

(3) Requirements for this section are considered minimum notification requirements in addition to other minimum requirements set forth in the provisions of this chapter.

(Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2019-10, § 7, 8-21-19)

§ 33-1301. Fees.

All fees required in connection with this code shall be established by resolution of the city council, which may be amended from time to time. Fees shall be payable to the city of Escondido. Fees shall not be refunded unless a written request to withdraw the application and receive a refund of fees is submitted by the applicant prior to the time that the publication of notice of the hearing is ordered, or the notice of intended decision is issued, or administrative approval is issued. Any refund shall be based on the percentage of work performed on the application at the time the request is received.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1302. Continuation of hearings.

Any hearing required by this code may be continued from time to time.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1303. Appeals.

(a) This section shall control all appeals unless specified otherwise in this code. If the final date to appeal falls on a day when the city's business offices are closed, the time for appeal shall run through the end of the next city business day.

(b) Any interested party may appeal the decision of the director, zoning administrator or planning commission within 10 calendar days following the date of the decision.

(c) All appeals shall be in writing, and shall be accompanied by the applicable fee. The appeal shall state the decision from which the appeal is taken, and shall contain a concise statement of the reasons for the appeal. An appeal not containing the basis for appeal may be rejected as incomplete.

(d) All appeals shall be filed, along with the appropriate filing fee, with the city clerk. The filing of an appeal shall immediately stay the effective date of any decision which is subject to the appeal.

(e) Within the time limits set forth in subsection (b) of this section, the city council may request planning commission review of any decision of the zoning administrator or director, or council review of any decision of the planning commission. Such review shall be requested in writing, and shall be filed with the city manager. There shall be no appeal fee payable upon a request for a review by the city council or a member of the city council.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1304. Hearing on appeal.

Decisions which are appealed shall be set for public hearing at the earliest practicable date, given the schedules of parties involved, but subject to the discretion of the hearing body. Decisions of the director and zoning administrator may be appealed to the planning commission, and decisions of the planning commission may be appealed to the city council.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1305. through § 33-1309. (Reserved)

Division 7
Enforcement and Penalties

§ 33-1310. Enforcement.

All employees of the City of Escondido vested with the duty or authority to issue, deny, or modify permits of any sort shall conform to the provisions of this chapter and shall issue no permit, certificate or license for uses, buildings or purposes in conflict with the provisions of this chapter. Any such permit, certificate or license issued in conflict with the provisions of this chapter, intentionally or otherwise, shall be null and void.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1311. Right of entry.

Whenever necessary to make an inspection of any premises, business records or other data to enforce any of the provisions of this chapter, or whenever any of the officials set forth in section 33-1310 of this article has reasonable cause to believe that there exists in any building or upon any premises any condition, or violation of this chapter, or use of property or premises that is unsafe, dangerous or hazardous, the official or their authorized representative may enter such building or premises at all reasonable times to inspect the building, premises, business records, or other data or to perform any duty imposed upon such official by this chapter. If the building or premises are occupied, the official shall first present proper credentials and request entry. If the building or premises are unoccupied, the official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the official or authorized representative shall have recourse to every remedy provided by law to secure entry.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1312. Abatement.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this code, and any use of land, building or premises established, conducted, operated or maintained contrary to the provisions of this code is unlawful and a public nuisance. The city attorney is authorized to immediately commence action or proceedings for the abatement and removal and enjoinment of such nuisance in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using property contrary to the provisions of this code. This remedy shall be cumulative and not exclusive.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1313. Penalty provisions.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any portion of this chapter, including the use of land or structures contrary to this chapter, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than $1,000, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment. Such person, firm or corporation is guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed or continued by such person, firm or corporation.
(Ord. No. 2017-03R, § 4, 3-22-17)

Division 8
Plot Plans

§ 33-1314. Definition, purpose, and applicability.

(a) Plot plan means a zoning instrument used primarily to review the location and site development of certain permitted land uses. The plot plan review process is required when any of the following are proposed in a multifamily, commercial, or industrial zone:

(1) A new building, structure, or addition;

(2) A new permitted use of land or existing structure that may require additional off-street parking;

(3) A modification of an existing development affecting the building area, parking (when a reduction in parking spaces is proposed), outdoor uses, or on-site circulation. Changes to parking areas that do not result in a reduction in parking spaces are exempt from plot plan review, but require design review, as provided in section 33-1355(b)(2);

(4) As may otherwise be required by this chapter.

Plot plan review is not required for residential development created by a planned development or residential subdivision of single-family lots.

(b) Minor plot plan may include, but shall not be limited to, a change in use with no additional floor area, minor building additions, outdoor storage as an accessory use in the industrial zones, or other site plan changes affecting site circulation and parking, as determined by the director.

(c) Major plot plan may include, but shall not be limited to, new construction, reconstruction and additions of facilities permitted in the underlying zone, or other projects that exceed thresholds for a minor plot plan, as determined by the director. All two-family dwelling projects proposed pursuant to section 33-115 shall be subject to the approval of a major plot plan.

(d) Pursuant to AB 1397, rezoning of sites for the RHNA past the April 15, 2021 statutory deadline is subject to by-right approval of housing projects that include 20% of lower income units. Select sites identified in the city's adopted Suitable Sites Inventory (Appendix B of the City's Housing Element) are subject to the required by-right provisions of AB 1397 (Government Code section 65583.2). The select sites identified in the city's adopted Suitable Sites Inventory provide by-right approval through the plot plan review process for multi-family housing consistent with the densities and development standards established for the specific plan areas. To be consistent with AB 1397, this section further specifies that housing projects setting aside 20% of the units for lower income households are permitted by-right, without discretionary review.

(Ord. No. 2023-15, 10/25/2023)

§ 33-1315. Authorization, procedure and modifications.

(a) Authorization. The director, or designee, shall have the authority to grant, conditionally grant or deny a plot plan application, or refer it to the planning commission as provided for in Section 65900 et seq. of the California Government Code, based on sound principles of land use.

(b) Procedure. Application for a plot plan may be initiated by the property owner or agent of the property affected. Application shall be made on forms provided by the city and shall be accompanied by the appropriate fee. A discretionary project application shall further be accompanied by such materials as required by the director. The project shall be reviewed for conformance to all applicable requirements

of the general plan, zoning code, specific plans, area plans, city design standards, building and safety requirements, and other applicable city standards, to the satisfaction of the director.

(c) Modifications. The director may approve or conditionally approve minor modifications to a project that are consistent with the intent of the plot plan approval and do not intensify the use(s) on the site.

(Ord. No. 2023-15, 10/25/2023)

§ 33-1316. Findings, notification of action and appeals.

(a) Findings. The decision of the director shall be in writing and shall state the reasons therefor. In granting a plot plan approval, the director shall issue a conditional letter of approval and shall make the following findings:

(1) That the use is a permitted use in the zone in which it is located.

(2) That the plot plan is granted subject to such conditions as deemed necessary to meet the standards of the use and zone in which it is located and to comply with applicable design standards.

(3) That the plot plan is granted subject to such additional conditions as deemed necessary and desirable to preserve the public health, safety and general welfare.

(b) Notification of action. The director's written decision, the conditional letter of approval, shall be filed in the planning division and a copy provided to the applicant at the address shown on the application. The applicant must sign and return the conditional letter of approval, thereby agreeing to the conditions of approval, prior to submittal of applications for construction permits.

(c) Appeals. Appeals shall be governed by the provisions of Division 6 of this article. Any final action which denies any application for a plot plan shall prohibit the refiling of a similar or substantially similar application for at least one year from the date of denial.

(Ord. No. 2017-03R, § 4, 3-22-17)

§ 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.

(Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2023-06, § 3, 3-8-23)

Division 9
Zoning Administrator

§ 33-1318. Office established—Authority.

For the purpose of this chapter, there is hereby created the position of zoning administrator, which shall be the director of community development (director) or designee, as provided for in Title 7, Chapter 4, Article III (section 65901) of the Government Code.
(Ord. No. 2017-03R, § 4, 3-22-17)

§ 33-1319. Powers and duties and procedure.

(a) The zoning administrator is authorized to consider and approve, disapprove or modify applications and/or issue use permits, for requests that include, but are not limited to:

(1) Minor conditional use permits as defined in Division 1 of this article;

(2) Minor conditional use permits for non-residential parking pursuant to section 33-764 of Article 39;

(3) Variances as defined in Division 2 of this article;

(4) Reasonable accommodation as provided in Division 5 of this article;

(5) Grading exemptions not associated with a discretionary project pursuant to section 33-1066(d) of Article 55;

(6) Proposed modifications to an approved precise development plan pursuant to section 33-411 of Article 19;

(7) Time extensions for maps and permits, except those maps and permits initially approved by the director as specified in this article and Chapter 32, upon submittal of a written request for an extension request, justification statement, and payment of all required application fees;

(8) Comprehensive sign programs as specified in section 33-1392(c) of Article 66;

(9) Listing and removal of historical resources on the City of Escondido Local Register of Historical Places pursuant to section 33-794 of Article 40.

(b) The zoning administrator is authorized to consider and adopt a negative declaration or mitigated negative declaration, prepared pursuant to CEQA and Article 47 of this chapter, upon completion of the CEQA public review period, for administrative projects that do not require a public hearing.

(c) The zoning administrator shall have the power to adopt all rules and procedures necessary for the conduct of the administrator's business.

(1) The zoning administrator shall schedule public hearings as needed.

(2) The zoning administrator shall hold a hearing, issue a notice of intended decision, or take an administrative action on an application as required pursuant to this chapter for the specific type of request.

(3) The decisions of the zoning administrator shall be filed in the planning division and a copy provided to the applicant at the address shown on the application.

(4) Actions of the zoning administrator may be appealed to the planning commission.

(Ord. No. 2017-03R, § 4, 3-22-17; Ord. No. 2018-07R, § 7, 4-18-18; Ord. No. 2020-14 § 10, 8-12-20; Ord. No. 2023-15, 10/25/2023; Ord. No. 2024-05, 5/8/2024; Ord. No. 2024-05, 5/8/2024)

ARTICLE 62
WATER EFFICIENT LANDSCAPE REGULATIONS

Editor's note—Ord. No. 2010-01, § 4, adopted February 3, 2010, amended Article 62 to read as herein set out. Formerly, Article 62 had pertained to the same subject matter and had been derived from Ord. No. 95-21, Ord. No. 93-12 and Ord. No. 91-55.

§ 33-1320. Purpose.

The state legislature determined in the Water Conservation in Landscaping Act (the "Act"), Government Code Section 65591 et seq., that the state's water resources are in limited supply. The legislature also recognized that while landscaping is essential to the quality of life in California, landscape design, installation, maintenance and management must be water efficient. The general purpose of this article is to establish water use standards for landscaping in the City of Escondido that implement the 2006 development landscape design requirements established by the Act.

Consistent with the legislature's findings, the purpose of this article is to:

(a) Promote the values and benefits of landscapes while recognizing the need to utilize water and other resources as efficiently as possible;

(b) Establish a structure for planning, designing, installing, maintaining, and managing water efficient landscapes in new construction;

(c) Promote the use, when available, of tertiary treated recycled water, for irrigating landscaping;

(d) Use water efficiently without waste by setting a maximum applied water allowance as an upper limit for water use and reduce water use for landscaping to the lowest practical amount; and

(e) Encourage water users of existing landscapes to use water efficiently and without waste.

(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1321. Findings.

This article implements the Water Conservation in Landscaping Act. The requirements of this article reduce water use associated with irrigation of outdoor landscaping by setting a maximum amount of water to be applied to landscaping, and by designing, installing and maintaining water efficient landscapes consistent with the water allowance.

(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1322. Definitions.

The following definitions shall apply to this article:

"Automatic irrigation controller" means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers shall schedule irrigation events using either evapotranspiration (ETo) (weather-based) or soil moisture sensor data.

"Backflow prevention device" means a safety device that restricts irrigation water from backing up into drinking water systems to prevent contamination of the water supply.

"Building permit" means a permit issued by the City of Escondido to engage in a certain type of construction on a specific location.

"Certified landscape irrigation auditor" means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization, or other accredited certification program.

"Developer" means a person who seeks or receives permits for or who undertakes land development activities who is not a single-family homeowner. Developer includes a developer's partner, associate, employee, consultant, trustee or agent or any person who has any other business or financial relationship with the developer.

"Director" means the director of community development for the City of Escondido or anyone whom the director has designated or hired to administer or enforce this article.

"Discretionary permit" means any permit requiring a decision making body to exercise judgment prior to its approval, conditional approval, or denial.

"Estimated total water use (ETWU)" means the estimated total water use in gallons per year for a landscaped area.

"ET adjustment factor (ETAF)" means a factor that when applied to reference ETo, adjusts for plant water requirements and irrigation efficiency, two major influences on the amount of water that is required for a healthy landscape.

"Evapotranspiration (ETo)" means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time period. ETo is expressed in inches per day, month, or year and is an estimate of the ETo of a large field of four inch to seven inch tall, cool season turf that is well watered. Reference ETo is used as the basis of determining the MAWA so that regional differences in climate can be accommodated.

"Grading" means any importation, excavation, movement, loosening, or compaction of soil or rock.

"Hardscape" means any durable surface material, pervious, or nonpervious.

"Homeowner-provided landscaping" means landscaping installed either by a private individual for a single-family residence or installed by a licensed contractor hired by a homeowner.

"Hydrozone" means a portion of the landscape area having plants with similar water needs. A hydrozone may be irrigated or nonirrigated.

"Invasive species" means species of plants not historically found in California that spread outside cultivated areas and may damage environmental or economic resources.

"Irrigation audit" means an inspection which includes an in depth evaluation of the performance of an irrigation system conducted by a certified landscape irrigation auditor. An irrigation audit may include, but is not limited to, inspection, system tune up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow and preparation of an irrigation schedule.

"Irrigation efficiency" means the measurement of the amount of water beneficially used divided by the water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices.

"Landscaped area" means an area with outdoor plants, turf and other vegetation. A landscaped area includes a water feature either in an area with vegetation or that stands alone. A landscaped area may also include design features adjacent to an area with vegetation when allowed under section 33-1327. A landscaped area does not include the footprint of a building, decks, patio, sidewalk, driveway, parking lot or other hardscape that does not meet the criteria in section 33-1327. A landscaped area also does not include an area without irrigation designated for nondevelopment such as designated open space or area

with existing native vegetation.

"Landscape Design Manual" means the manual, prepared or designated by the director that establishes specific design criteria and guidance to implement the requirements of this article.

"Licensed" means licensed by the State of California.

"Low head drainage" means a sprinkler head or other irrigation device that continues to emit water after the water to the zone in which the device is located has shut off.

"Low volume irrigation" means the application of irrigation water at low pressure through a system of tubing or lateral lines and low volume emitters such as drip lines or bubblers.

"Mass grading" means the movement of soil per Article 55.

"Maximum applied water allowance (MAWA)" means the maximum allowed annual water use for a specific landscaped area based on the square footage of the area, the ETAF and the Reference ETo.

"Mulch" means an organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel or decomposed granite left loose and applied to the soil surface to reduce evaporation, suppress weeds, moderate soil temperature, or prevent soil erosion.

"Overspray" means the water from irrigation that is delivered outside an area targeted for the irrigation and makes contact with a surface not intended to be irrigated.

"Pervious" means any surface or material that allows the passage of water through the material and into underlying soil.

"Plant factor" means a factor when multiplied by the ETo, estimates the amount of water a plant needs.

"Public water purveyor" means a public utility, municipal water district, municipal irrigation district, or municipality that delivers water to customers.

"Recycled water" means wastewater that has been treated at the highest level required by the California Department of Health Services for water not intended for human consumption.

"Reference evapotranspiration" means a standard measurement of environmental parameters which affect the water use of plants. Reference ETo is used as the basis of determining the MAWA so that regional differences in climate can be accommodated.

"Runoff" means water that is not absorbed by the soil or landscape to which it is applied and flows from the landscaped area.

"Special landscaped area" means an area of the landscape dedicated to edible plants, an area irrigated with recycled water, or an area dedicated as turf area within a park, sports field, or golf course where turf provides a passive or active recreational surface.

"Subsurface irrigation" means an irrigation device with a delivery line and water emitters installed below the soil surface that slowly and frequently emit small amounts of water into the soil to irrigate plant roots.

"Transitional area" means a portion of a landscaped area that is adjacent to a natural or undisturbed area and is designated to ensure that the natural area remains unaffected by plantings and irrigation installed on the property.

"Tertiary treated recycled water" means water that has been through three levels of treatment including filtration and disinfection.

"Turf" means a groundcover surface of mowed grass.

"Water feature" means a design element where open water performs an aesthetic or recreational function.

A water feature includes a pond, lake, waterfall, fountain, artificial streams, spa and swimming pool. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices are not water features; and therefore, are not subject to the water budget calculation.

"WUCOLS" means Water Use Classification of Landscape Species and refers to the Department of Water Resources 1999 publication or the most current version.
(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1323. Applicability.

(a) This article and the requirement to obtain an outdoor water use authorization as part of the permitting process shall apply to the following projects which require a building permit or a discretionary permit:

(1) A project for an industrial, commercial, institutional, or multifamily residential use where the landscaped area is greater than or equal to 2,500 square feet;

(2) Developer installed residential and common area landscapes where the total landscaped area for the development is greater than or equal to 2,500 square feet;

(3) A new single-family residence with homeowner provided landscaping where the landscaped area is greater than or equal to 5,000 square feet;

(4) A model home that includes a landscaped area;

(5) A public agency project that contains a landscaped area 2,500 square feet or more;

(6) A rehabilitated landscape for an existing industrial, commercial, institutional, public agency, or multifamily use where a building permit or discretionary permit is being issued and the applicant is installing or modifying 2,500 square feet or more of landscaping;

(7) A cemetery under limited requirements in section 33-1329;

(8) A new single-family residence with homeowner provided landscaping, where the landscape area is less than 5,000 square feet, under limited requirements in section 33-1328.

(b) This article and the requirements hereof shall not apply to the following:

(1) A registered local, state or federal historical site;

(2) An ecological restoration project that does not require a permanent irrigation system;

(3) A mined land reclamation project that does not require a permanent irrigation system;

(4) A botanical garden or arboretum, open to the public;

(5) Any single-family residence that is being rebuilt after it was destroyed due to a natural disaster, such as a fire, earthquake, hurricane or tornado.

(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1324. Landscape approval and modification of outdoor water use authorization.

(a) No person shall install landscaping for a project subject to this article without the review and approval required by this article.

(b) A person constructing a project subject to the requirements of this article shall obtain approval for the

landscaped area as follows:

(1) A person applying for a building permit for a single-family residence shall obtain an approval of the landscaping from the director as part of the permitting process.

(2) A person applying for a discretionary permit described in section 33-1323:

(A) Shall submit a landscape concept plan as required by the discretionary permit application. The concept plan shall include representation of the site features, proposed planting areas, and the proposed method and type of irrigation;

(B) Shall obtain approval for landscaping as part of the permitting process for each building permit for each project segment that requires installation of a water meter or connection to an existing water meter;

(C) May use "typical" plans for developer-installed landscaping for single-family homes.

(c) A person may submit an application to modify the outdoor water use authorization required by this article on a form provided by the director.

(1) An applicant requesting modification of an authorization for a single-family residence where the total landscaped area after modification is less than 5,000 square feet shall comply with section 33-1328.

(2) An applicant requesting modification of an authorization other than the type of project in subsection (1), shall comply with sections 33-1326 through 33-1326-4.

(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1325. Administration, landscape manual and fees.

(a) The director shall administer and enforce this article.

(b) The director shall prepare a landscape design manual or may designate the current county of San Diego Landscape Design Manual as the Escondido Landscape Design Manual to provide guidance to applicants on how to comply with the requirements of this article.

(c) An applicant for a project subject to this article shall include with the application, all fees established by the City of Escondido to cover the cost to review an application, any required landscape documentation package, and any other documents the city reviews pursuant to the requirements of this article.

(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1326. Landscape documentation package.

(a) Except as provided in subsection (b), building permit applications for projects subject to section 33-1323 shall include a landscape documentation package that complies with the provisions of this article and with the Landscape Design Manual.

(b) An applicant for a building permit for a single family residence with a landscaped area less than 5,000 square feet is not required to submit a landscape documentation package with the permit application, but shall comply with section 33-1328. An applicant for a permit for a cemetery is not required to submit a landscape documentation package, but shall comply with section 33-1329.

(c) The landscape documentation package required by subsection (a) shall contain the following:

(1) A soil management report and plan that complies with section 33-1326-1 that analyzes the soil within each landscaped area of the project and makes recommendations regarding soil additives;

(2) Planting and irrigation plans that comply with section 33-1326-2 that describe the landscaping and irrigation for the project;

(3) A water efficient landscape worksheet that complies with section 33-1326-3 that calculates the MAWA and the ETWU for the project;

(4) A grading design plan that complies with section 33-1326-4 that describes the grading of the project. If the project applicant has submitted a grading plan with the application for the project, the director may accept that grading plan in lieu of the grading design plan required by this subsection if the grading plan complies with section 33-1326-4.

(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1326-1. Soil management report.

(a) The soil management report required by section 33-1326 shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect, or other landscape professional licensed by the state to do this work and shall contain the following information:

(1) An analysis of the soil for the proposed landscaped areas of the project that includes information about the soil texture, soil infiltration rate, pH, total soluble salts, sodium, and percent organic matter;

(2) Recommendations about soil amendments that may be necessary to foster plant growth and plant survival in the landscaped area using efficient irrigation techniques.

(b) When a project involves mass grading of a site the applicant shall submit the soil management report that complies with subsection (a) with the certificate of completion required by section 33-1335.

(c) The soil management report shall include information regarding proposed soil amendments and mulch:

(1) The report shall identify the type and amount of mulch for each area where mulch is applied. Mulch shall be used as follows:

(A) A minimum two inch layer of mulch shall be applied on all exposed soil surfaces in each landscaped area except in turf areas, creeping or rooting ground covers or direct seeding applications where mulch is contraindicated;

(B) Stabilizing mulch shall be applied on slopes;

(C) The mulching portion of seed/mulch slurry in hydro-seeded applications shall comply with subsection (A);

(D) Highly flammable mulch material shall not be used.

(2) The report shall identify any soil amendments and their type and quantity.

(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1326-2. Planting and irrigation plans.

(a) The planting and irrigation plans required by section 33-1326 shall be prepared by a licensed

landscape architect, licensed civil engineer, licensed architect, or other landscape professional licensed by the state to do this work. The plans shall:

(1) Include the MAWA for the plans, including the calculations used to determine the MAWA. The calculations shall be based on the formula in section 33-1326-6;

(2) Include the ETWU for the plans, including the calculations used to determine the ETWU. The calculations shall be based on the formula in section 33-1326-7;

(3) Include a statement signed under penalty of perjury by the person who prepared the plan that provides, "I am familiar with the requirements for landscape and irrigation plans contained in the Escondido Water Efficient Landscape Regulations. I have prepared this plan in compliance with those regulations and the Landscape Design Manual. I certify that the plan implements those regulations to provide efficient use of water";

(4) Demonstrate compliance with best management practices required by sections 22-19 et seq. (Stormwater management and discharge control regulations);

(5) Address fire safety issues, demonstrate compliance with applicable requirements for defensible space around buildings and structures, and shall avoid the use of fire prone vegetation.

(b) The planting plan shall meet the following requirements:

(1) The plan shall include a list of all vegetation by common and botanical plant name, which exists in the proposed landscaped area. The plan shall state what vegetation will be retained and what will be removed. Existing invasive plant species shall be removed.

(2) The plan shall include a list of all vegetation by common and botanical plant name, which will be added to each landscaped area. No invasive plant species shall be added to a landscaped area. The plan shall include the total quantities by container size and species. If the applicant intends to plant seeds, the plan shall describe the seed mixes and applicable purity and germination specifications.

(3) The plan shall include a detailed description of each water feature that will be included in the landscaped area.

(4) The plan shall be accompanied by a drawing showing on a page or pages, the specific location of all vegetation, retained or planted, the plant spacing and plant size, natural features, water features, and hardscape areas. The drawing shall include a legend listing the common and botanical plant name of each plant shown on the drawing.

(5) All plants shall be grouped in hydrozones and the irrigation shall be designed to deliver water to hydrozones based on the moisture requirements of the plant grouping. A hydrozone may mix plants of very low and low water use, or of moderate and low water use, or mix plants of high water use with plants of moderate water use. No high water use plants shall be allowed in a very low or low water use hydrozone. The plan shall also demonstrate how the plant groupings accomplish the most efficient use of water.

(6) The plan shall identify areas permanently and solely dedicated to edible plants.

(7) The plan shall demonstrate that landscaping when installed and at maturity will be positioned to avoid obstructing motorists' views of pedestrian crossings, driveways, roadways and other vehicular travel ways. If the landscaping will require maintenance to avoid obstructing

motorist's views, the plan shall describe the maintenance and the frequency of the proposed maintenance.

(8) The plan shall avoid the use of landscaping with known surface root problems adjacent to a paved area, unless the plan provides for installation of root control barriers or other appropriate devices to control surface roots.

(9) Plants in a transitional area shall consist of a combination of site adaptive and compatible native and/or non-native species. No invasive species shall be introduced or tolerated in a transitional area. The irrigation in a transitional area shall be designed so that no overspray or runoff shall enter an adjacent area that is not irrigated.

(10) On a project other than a single-family residence, the plan shall identify passive and active recreational areas.

(c) The irrigation plan shall meet the following requirements:

(1) The plan shall show the location, type and size of all components of the irrigation system that will provide water to the landscaped area, including the controller, water lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices.

(2) The plan shall show the static water pressure at the point of connection to the public water supply and the flow rate in gallons, the application rate in inches per hour and the design operating pressure in pressure per square inch for each station.

(3) The irrigation system shall be designed to prevent runoff, overspray, low-head drainage and other similar conditions where irrigation water flows or sprays onto areas not intended for irrigation. The plan shall also demonstrate how grading and drainage techniques promote healthy plant growth and prevent erosion and runoff.

(4) The plan shall identify each area irrigated with recycled water.

(5) The plan shall provide that any slope greater than 25% will be irrigated with an irrigation system with a precipitation rate of .75 inches per hour or less to prevent runoff and erosion. As used in this article, 25% grade means one foot of vertical elevation change for every four feet of horizontal length. An applicant may employ an alternative design if the plan demonstrates that no runoff or erosion will occur.

(6) The plan shall provide that all wiring and piping under a paved area that a vehicle may use, such as a parking area, driveway or roadway, will be installed inside a PVC conduit.

(7) The plan shall provide that irrigation piping and irrigation devices that deliver water, such as sprinkler heads, shall be installed below grade if they are within 24 inches of a vehicle or pedestrian use area. The director may allow on-grade piping where landform constraints make below grade piping infeasible.

(8) The plan shall provide that only low volume or subsurface irrigation shall be used to irrigate any vegetation within 24 inches of an impermeable surface unless the adjacent impermeable surfaces are designed and constructed to cause water to drain entirely into a landscaped area.

(9) The irrigation system shall provide for the installation of a manual shutoff valve as close as possible to the water supply. Additional manual shutoff valves shall be installed between each

zone of the irrigation system and the water supply.

(10) The irrigation system shall provide that irrigation for any landscaped area will be regulated by an automatic irrigation controller.

(11) The irrigation system shall be designed with a landscape irrigation efficiency necessary to meet the MAWA.

(12) The plan shall describe each automatic irrigation controller the system uses to regulate the irrigation schedule and whether it is a weather based system or moisture detection system. The plan shall depict the location of electrical service for the automatic irrigation controller or describe the use of batteries or solar power that will power valves or a smart controller.

(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1326-3. Water efficient landscape worksheet.

The water efficient landscape worksheet required by section 33-1326 shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect, or other landscape professional licensed by the state to do this work and shall contain the following:

(a) A hydrozone information table that contains a list of each hydrozone in the landscaped area of the project and complies with the following requirements:

(1) For each hydrozone listed, the table shall identify the plant types and water features in the hydrozone, the irrigation methods used, the square footage and the percentage of the total landscaped area of the project that the hydrozone represents.

(2) The plant types shall be categorized as turf, high water use, moderate water use, low water use, or very low water use.

(b) Water budget calculations, which shall meet the following requirements:

(1) The plant factor used shall be from WUCOLS. The plant factor shall be 0.1 for very low water use plants, 0.3 for low water use plants, 0.5 for moderate water use plants and 0.8 for high water use plants. A plan that mixes plants in a hydrozone that require a different amount of water shall use the plant factor for the highest water using plant in the hydrozone.

(2) Temporarily irrigated areas shall be included in the very low and low water use hydrozones. Temporarily irrigated as used in this article means the period of time when plantings only receive water until they become established.

(3) The surface area of a water feature, including swimming pools, shall be included in a high water use hydrozone.

(4) The calculations shall use the formula for the MAWA in section 33-1326-6 and for the ETWU in section 33-1326-7.

(5) Each special landscaped area shall be identified on the worksheet and the area's water use calculated using an ETAF of 1.0.

(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1326-4. Grading design plan.

The grading design plan required by section 33-1326 shall be prepared by a California-licensed civil

engineer, licensed landscape architect, licensed architect, or other landscape professional licensed by the state to do this work and shall comply with following requirements:

(a) The grading on the project site shall be designed for the efficient use of water by minimizing soil erosion, runoff and water waste, resulting from precipitation and irrigation.

(b) The plan shall show the finished configurations and elevations of each landscaped area including the height of graded slopes, the drainage pattern, pad elevations, finish grade and any stormwater retention improvements.

(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1326-5. Irrigation schedule.

The irrigation schedule required by section 33-1335 shall be prepared by a licensed landscape architect, licensed civil engineer, licensed architect, or other landscape professional licensed by the state to do this work and provide the following information:

(a) A description of the automatic irrigation system that will be used for the project;

(b) The ETo data relied on to develop the irrigation schedule, including the source of the data;

(c) The time period when overhead irrigation will be scheduled and confirm that no overhead irrigation shall be used between 10:00 a.m. and 6:00 p.m.;

(d) The parameters used for setting the irrigation system controller for watering times for:

(1) The plant establishment period,

(2) Established landscaping,

(3) Temporarily irrigated areas,

(4) Different seasons during the year;

(e) The consideration used for each station for the following factors:

(1) The days between irrigation,

(2) Station run time in minutes for each irrigation event, designed to avoid runoff,

(3) Number of cycle starts required for each irrigation event, designed to avoid runoff,

(4) Amount of water to be applied on a monthly basis,

(5) The root depth setting,

(6) The plant type setting,

(7) The soil type,

(8) The slope factor,

(9) The shade factor.

(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1326-6. Maximum applied water use.

(a) A landscape project subject to this article shall not exceed the MAWA. The MAWA for a landscape project shall be determined by the following calculation:

MAWA = (ETo)(0.62)(0.7 x LA + 0.3 x SLA)

(b) The abbreviations used in the equation have the following meanings:

(1) MAWA = Maximum Applied Water Allowance in gallons per year.

(2) ETo = Evapotranspiration in inches per year.

(3) 0.62 = Conversion factor to gallons per square foot.

(4) 0.7= ET adjustment factor for plant factors and irrigation efficiency.

(5) LA = Landscaped area includes special landscaped area in square feet.

(6) 0.3 = the additional ET adjustment factor for a special landscaped area (1.0 - 0.7 = 0.3)

(7) SLA = Portion of the landscaped area identified as a special landscaped area in square feet.

(c) If a public water purveyor establishes a MAWA for a property that is lower than the MAWA established pursuant to this section nothing in this section shall be construed to prevent the water purveyor from enforcing its rules, regulations or ordinances.

(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1326-7. Estimated total water use.

(a) An applicant for a project subject to this article shall calculate the ETWU for each landscaped area and the entire project using the following equation:

(1) ETWU = (ETo)(0.62)(PF x HA / IE + SLA)

(b) The abbreviations used in the equation have the following meanings:

(1) ETWU = Estimated total water use in gallons per year.

(2) ETo = Evapotranspiration in inches per year.

(3) 0.62 = Conversion factor to gallons per square foot.

(4) PF = Plant factor from WUCOLS.

(5) HA = Hydrozone area in square feet. Each HA shall be classified based upon the data included in the landscape and irrigation plan as high, medium, low water use, or very low water use.

(6) IE = Irrigation efficiency of the irrigation method used in the hydrozone.

(7) SLA = Special landscaped area in square feet.

(c) The ETWU for a proposed project shall not exceed the MAWA.

(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1327. Adjustment to landscaped area for nonvegetated area.

Rock and stone or pervious design features, such as decomposed granite ground cover that are adjacent to

a vegetated area may be included in the calculation of the MAWA and ETWU provided the features are integrated into the design of the landscape area and the primary purpose of the feature is decorative.
(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1328. New single-family residential projects with limited landscaping.

An applicant for a building permit for a new single-family residence subject to this article where the landscaped area of the project is less than 5,000 square feet shall, as a condition of obtaining a building permit, submit an application to establish a MAWA and/or a best landscape design practices checklist for the property on the form approved by the director.
(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1329. Cemeteries.

(a) A person submitting an application for a cemetery shall include the following:

(1) A concept plan, as described in section 33-1324;

(2) A water efficient irrigation worksheet that calculated the MAWA for the project with the application that complies with section 33-1326-3;

(3) A landscape irrigation and maintenance schedule that complies with section 33-1334.

(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1330. Regulations applicable to use of turf on landscaped areas.

The following regulations shall apply to the use of turf on a project subject to this article:

(a) Only low volume or subsurface irrigation shall be used for turf in a landscaped area:

(1) On a slope greater than 25% grade where the toe of the slope is adjacent to an impermeable hardscape; and

(2) Where any dimension of the landscaped area is less than six feet wide.

(b) On a commercial, industrial, institutional or multifamily project, no turf shall be allowed on a center island median strip, on a parking lot island, or in a public right-of-way.

(c) A ball field, park, golf course, cemetery and other similar use shall be designed to limit turf in any portion of a landscaped area not essential for the operation of the facility.

(d) No turf shall be allowed in a landscaped area that cannot be efficiently irrigated, such as avoiding runoff or overspray.

(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1331. Projects with model homes.

A person who obtains a permit to construct a single-family residential development that contains a model home or homes shall provide a summary of this article to each adult visitor that visits a model home. If an adult visitor is accompanied by one or more adults during the visit, only one set of written materials is required to be provided. Each model home shall provide an educational sign in the front yard of the model home visible and readable from the roadway that the home faces that states in capital black lettering at least two inches high on a white sign:

THIS MODEL HOME USES WATER EFFICIENT LANDSCAPING AND IRRIGATION.
(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1332. Recycled water.

(a) A person who obtains a permit for a project that is subject to this article shall use recycled water for irrigation when tertiary treated recycled water is available from the water purveyor who supplies water to the property for which the city issues a permit.

(b) A person using recycled water shall install a dual distribution system for water received from a public water purveyor. Pipes carrying recycled water shall be purple.

(c) A person who uses recycled water under this section shall be entitled to an ETAF of 1.0.

(d) This section does not excuse a person using recycled water from complying with all state and local laws and regulations related to recycled water use.
(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1333. Landscaping and irrigation installation.

A person issued a landscape approval for a project, other than a single-family residence where the landscaped area of the project is less than 5,000 square feet, shall install the approved landscaping and irrigation system before final inspection of the project.
(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1334. Landscaping and irrigation maintenance.

(a) A property owner using water on property subject to a landscape approval other than a single-family residence with a total landscaped area less than 5,000 square feet, shall prepare a maintenance schedule for the landscaping and irrigation system on the project. The schedule shall provide for: (1) routine inspection to guard against runoff and erosion and to detect plant or irrigation system failure; (2) replacement of dead, dying and diseased vegetation; (3) eradication of invasive species; (4) repairing the irrigation system and its components when necessary; (5) replenishing mulch; (6) soil amendment when necessary to support and maintain healthy plant growth; (7) fertilizing, pruning and weeding and maintaining turf areas; and (8) maintenance to avoid obstruction of motorists' view. The schedule shall also identify who will be responsible for maintenance.

(b) After approval of a landscape plan, the owner is required to:

(1) Maintain and operate the landscaping and irrigation system on the property consistent with the MAWA;

(2) Maintain the irrigation system to meet or exceed an irrigation efficiency necessary to meet MAWA;

(3) Replace broken or malfunctioning irrigation system components with components of the same materials and specifications, their equivalent or better;

(4) Ensure that when vegetation is replaced, replacement plantings are representative of the hydrozone from which the plants were removed and are typical of the water use requirements of the plants removed, provided that the replaced vegetation does not result in mixing high water use plants with low water use or very low water use plants in the same hydrozone.
(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1335. Certificate of completion.

Prior to receiving final approval for completion of the project, each applicant, other than for a single family residence with a total landscaped area less than 5,000 square feet, shall submit a signed certificate of completion and final documentation for the project under penalty of perjury within 10 days after installation.

(a) The certificate of completion shall:

(1) Be submitted on a form provided by the city;

(2) Include a statement verifying that the landscaping and irrigation were installed as allowed in the approved landscape and irrigation plan, all approved soil amendments were implemented, the installed irrigation system is functioning as designed and approved, the irrigation control system was properly programmed in accordance with the irrigation schedule, and the person operating the system has received all required maintenance and irrigation plans;

(3) Be signed by the professional of record for the landscape design.

(b) The final submittal shall include:

(1) Irrigation schedule that complies with section 33-1326-5, that describes the irrigation times and water usage for the project;

(2) A landscaping and irrigation system maintenance schedule that complies with section 33-1334; and

(3) A soil management report that complies with section 33-1326-1, if the applicant did not submit the report with the landscape documentation package;

(4) Final "as built" plans, submitted by the professional of record, where there have been significant changes to the landscape plan during the installation of landscaping or irrigation devices or irrigation system components.

(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1336. Wasting water—Prevention.

(a) No person shall use water for irrigation that due to runoff, low head drainage, overspray or other similar condition, water flows onto adjacent property, nonirrigated areas, structures, walkways, roadways or other paved areas.

(b) No person whose landscape is subject to a landscape approval pursuant to this article shall apply water to the landscape in excess of the MAWA.

(c) A person who violates subsections (a) or (b) shall be subject to the administrative remedies procedures set forth in sections 1A-1 et seq., of this code.

(d) The city may also obtain an injunction against a person who continues to violate subsections (a) and (b) after receiving a notice of violation pursuant to section 1A-6.

(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1337. City's right to inspect and audit outdoor water use.

(a) Whenever the city has reasonable grounds to believe that a person is violating section 33-1336, the

city may inspect the property and any irrigation system or water feature on the property. If a person refuses consent to an inspection, the city may obtain an inspection warrant pursuant to Code of Civil Procedure sections 1822.50 et seq. No person shall interfere with a city inspector conducting an inspection authorized by this article.

(b) The city may randomly audit outdoor water use on any property for which it issued a water use authorization pursuant to this article to determine compliance with the authorization. A person who owns or occupies property subject to a water use authorization, shall be deemed to consent to the audit of outdoor water use if the person engages in outdoor water use on the property.

(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1338. Enforcement and appeal.

(a) The director of community development shall administer and enforce the provisions of this article. Any city authorized personnel or enforcement officer may exercise any enforcement powers as set forth in the code.

(b) The city may delegate to or enter into a contract with a local agency or other person to implement and administer any of the provisions of this article on behalf of the city.

(c) A person whose application for a water use authorization or for modification of a water use authorization is denied may appeal the denial to the planning commission by making a written request for the appeal to the director within 10 calendar days of the denial. The request for the appeal shall be accompanied by a filing fee, which shall be established by resolution of the city council. The planning commission shall consider the matter within 45 days after the appeal is filed. The 45 day period may be extended upon the written consent of the appellant. The planning commission, by a majority vote, may approve, modify, or disapprove the decision of the director.

(d) Any interested party may appeal the decision of the planning commission to the city council within 10 calendar days following the date of the planning commission action. All appeals to the city council shall be in writing, shall be filed with the city clerk, and shall be accompanied by a filing fee, which shall be established by resolution of the city council. The appeal shall state the decision from which the appeal is taken, and shall contain a concise statement of the reasons for the appeal. Wherever possible, the council shall set all appeals of decisions of the planning commission for hearing before the council within 30 days of the date the appeal is filed. By majority vote, the council may approve, modify or disapprove the decision of the planning commission.

(Ord. No. 2010-01, § 4, 2-3-10)

§ 33-1339. Standards for landscaping.

The following standards shall apply to the installation and maintenance of all landscaped areas to which this article applies:

(a) General.

(1) Use of plant materials. A high percentage of water conserving plant materials shall be utilized in all designs. The use of turf is therefore discouraged. Areas approved for turf will require the use of lower water usage turf varieties. A higher percentage of turf may be allowed if it is an essential part of the development, such as athletic playing fields for schools or parks upon review of the landscape plans by the city.

(2) Turf species. Turf species should be limited to low to moderate water using varieties such as

Bermuda grass, Buffalo grass, Bahia grass, Zoysia grass and Tall Fescue hybrids, rather than bluegrass or ryegrass variety. Turf shall not be used in areas less than five feet wide, medians, slopes 4:1 or greater, and when not visible from public or occupants view (i.e., behind fences).

(3) Plant lists. New landscaping should use water conserving plant materials that are native to the San Diego region or are adapted to a hot dry summer/cool winter climate. Non-native or adapted varieties that require large amounts of irrigation to survive the hot dry summer season are to be avoided.

(4) Quality of plants. All plant material shall conform to the requirements described in the latest edition of American Standards for Nursery Stock published by the American Association of Nurserymen.

(5) Landscape design. Existing vegetation should be incorporated into the landscape design where possible. (For removal of mature trees and sensitive biological habitat species refer to sections 33-1068 and 33-1069).

(6) Rocky slopes. Requirements contained in this document may be varied for landscaping on slopes which are composed primarily of rocks or granite, as determined by the director. Justification of the request shall require a landscape architect's written statement and proposed alternatives for landscaping.

(7) Trash enclosure areas. Where required, as determined through a plot plan approval process, for industrial, commercial and multifamily residential projects, trash enclosure areas shall contain a minimum three foot planting area at the base of the enclosure wall when the enclosure is visible from the street or surrounding properties. The landscaping in the planting area shall consist of vertical planting (vines, hedges) which will screen the enclosure and irrigation.

(b) Off-street parking areas. All off-street parking shall conform to off-street parking standards, sections 33-760 through 33-769. In addition, off-street parking areas which include more than 10 parking spaces shall be landscaped to conform to the following:

(1) General.

(A) Planting in parking areas should consist of a mixture of deciduous and evergreen shade trees, groundcover, low shrubs and mulch to provide 100% coverage. Trees must be a minimum of 15 gallons and six feet in height. No turf within the islands or the tree wells of the parking lot shall be allowed.

(B) All rows of parking spaces shall be provided with curbed terminal islands to protect parked vehicles and facilitate circulation. Wheel stops shall be provided for each parking space and placed 18 inches from the front of each parking space. Terminal islands shall be a minimum of five feet wide and shall contain at least one tree for each row of parking spaces for which the island is serving.

(2) Interior landscaping.

(A) A continuous curbed center island, not less than five feet wide, shall be provided between each double row of parking spaces. Wheel stops may be excluded if the center island is expanded to eight feet wide. The island shall incorporate a minimum of one tree per four opposing parking spaces and groundcover or shrub planting to provide 100% coverage within two years of planting. Trees shall be provided with root control barriers; or

(B) Tree wells, four feet by five feet square minimum, resulting from the conversion of two opposing full-size parking spaces to compact, shall be provided at a rate of one tree per six opposing parking spaces in conformance with sections 33-760 through 33-769; or

(C) Finger islands, a minimum of five feet wide, parallel with the row of parking spaces, may be utilized for every four abutting parking spaces. Each finger island shall contain at a minimum one tree.

(3) Perimeter landscaping.

(A) Perimeter landscaping is located along interior boundary lines, not fronting along the street, and shall provide landscaping not less than five feet wide and at least one tree for each 30 linear feet of planting. Trees may be planted singly or in clusters; or

(B) Landscaping of front yard setbacks, where required, shall provide a minimum of one tree for every 30 feet of frontage with shrub planting and groundcover and shall provide a visual screen of three to four feet high within two years of planting. Trees may be planted singly or in clusters; or

(C) Landscaping of front yard setbacks, where required, shall provide a minimum of one tree for every 35 linear feet of frontage with mounding three feet to four feet higher than the finished elevation of the parking lot, including groundcover, or turf (not to exceed 25% of frontage landscaped area) and shrubs for 100% coverage, within two years of planting.

(c) Planting on slopes.

(1) All manufactured slopes over three feet high shall be planted with an appropriate and attractive mix of trees, shrubs and groundcovers;

(2) Groundcover to provide 100% coverage within one year of installation.

(d) Commercial/industrial developments.

(1) The following standards shall apply to all commercial and industrial zones. Specific standards may be developed for the downtown specific plan or an approved area plan.

(A) A landscape strip must be located on the subject property, adjacent to the public right-of-way, except when a setback is not required within the zone.

(B) Trees, shrubs, groundcover to provide 100% coverage of those areas not utilized for building, parking, storage or trash enclosure. Embellished pavement and inert materials may be used for up to 25% of the required landscaping. Variations in these requirements may be specifically approved by the director.

(2) Perimeter planting area. In addition to landscape requirements for parking areas, required front yard, side yard and rear yard setbacks for industrial and commercial uses shall be landscaped with trees, shrubs, and groundcovers.

(3) Loading areas. Loading areas for commercial and industrial uses shall incorporate landscaping to provide screening of the loading area from public rights-of-way, adjacent uses and pedestrian circulation.

(4) Buffer areas. Where commercial or industrial use abuts a residential use a landscaped buffer area shall be provided. The buffer area shall be planted with a minimum of one tree per every

25 linear feet to the adjacent property. (This calculation establishes the number of required trees; tree placement does not have to be linear or equal spacing.) Shrubs and groundcover shall be planted to provide 100% coverage within two years of planting. Where possible, vines shall be grown onto walls and fences to soften their appearance.

(e) Residential development.

(1) Single-family subdivisions.

(A) Front yard landscaping installed by the developer shall contain, at a minimum, one tree (15 gallon minimum and six feet in height) per lot, placed in varying locations on each lot in addition to the required number of street trees.

(B) Common areas and recreation areas shall contain trees, shrubs, groundcovers, and/or turf (turf shall not exceed 40% of the landscaped area) to provide 100% coverage within two years. Embellished pavement and inert materials may be used for up to 25% of the required landscaping, may be specifically approved by the director.

(2) Multifamily. Landscaped areas in multifamily projects shall contain, at a minimum, the following:

(A) One tree per dwelling unit shall be provided in the common landscaped area in addition to the required number of street trees.

(B) All areas not used for walkways, driveways, or other hard surface shall be landscaped with shrubs, groundcovers and turf. Turf areas shall not exceed 40% of total landscaped area and shall be located in areas where the turf is functional (i.e., play areas) unless specifically approved by the director.

(C) In addition to landscape requirements for parking areas, required front yard, side yard and rear yard setbacks shall be landscaped with trees, shrubs, groundcover and/or turf. Pavement shall be limited to pedestrian walkways.

(f) Medians and parkway planting standards (within the public right-of-way)—General. New development or modifications to existing development requiring administrative or discretionary approval shall be required to landscape or bond for the landscaping of the parkway and/or median as determined by the city engineer and the director of parks and recreation.

(1) Medians.

(A) Embellished pavement (i.e., stamped concrete, brick, river rock set in mortar) shall be used for all areas within the median which measure five feet wide or less. Additionally, embellished pavement may be used in conjunction with planting for a minimum of 15% and a maximum of 30% of the area within the median, as determined by the director of parks and recreation.

(B) Topsoil provided for the median shall be suitable for plant growth and free of harmful substances or hazardous materials. Class A topsoil (as defined in Section 212-1.1.2 of the Standard Specification for Public Work Construction) shall be required for all medians and parkway planting areas.

(C) Medians shall be planted with trees which are a minimum of 15 gallon, six feet high and a two inch caliper; unless palms are used, which shall be a minimum of six foot brown trunk

height (BTH). Trees shall be at least three feet from any median curb and not closer than 20 feet from the nose of the median (the city engineer may require greater setbacks for specific situations).

(D) Shrubs shall be spaced to provide 100% coverage within (2) years.

(E) Groundcovers shall provide 100% coverage within one year of planting unless mulches are used. Turf grass shall not be used in medians.

(2) Parkways.

(A) Landscaping within the street right-of-way shall be maintained by the adjacent property owner.

(B) Areas within or adjacent to the public right-of-way (not including medians) installed by the developer/property owner and which are maintained by the homeowner's association or the city through landscape maintenance districts shall conform to the following:

(i) Parkways located between the curb and the sidewalk shall be a minimum of six feet wide unless altered by special engineering constraints as determined by the city engineer and shall contain trees as per the street requirements. Parkways may meander, thus reducing or increasing the minimum distance from the curb. The ground surface shall be planted with low spreading shrubs or groundcover to provide 100% coverage. Turf shall not be used unless specifically approved by the director or director of parks and recreation.

(ii) Parkways located between the sidewalks and the edge of development shall contain at a minimum one fifteen (15) gallon tree for every 30 linear feet of frontage. (The calculation establishes the number of required trees; the trees are not required to be located linear or equally spaced.) Although not specifically required, planting areas of variable widths are encouraged, particularly for projects with frontages exceeding 150 feet. Trees without invasive roots and root control barriers shall be required.

(iii) The ground surface shall contain shrubs, mulch, or groundcover to provide coverage within two years. Turf shall not be used unless in areas wider than six feet and approved by the director. If a wall or fence separates the development from the street, planting vines or espalier shrubs may be incorporated into the planting design.

(3) Standard specifications for landscaping and irrigation installation may be obtained from the parks and recreation department.

(g) Revegetation standards. Revegetation of graded slopes and other disturbed areas adjacent to areas of native vegetation is required to provide visual and biological compatibility with the adjacent native plant materials (reference Article 55).

(1) Invasive, non-native plant materials are prohibited in revegetation areas and shall be removed.

(2) Permanent irrigation should be avoided where it is contiguous to existing native vegetation. The distance irrigation equipment is placed from natural vegetation shall be determined by the director on a case-by-case basis.

(3) All manufactured slope areas shall be covered, within 30 days of completion of grading, with plant material straw mulch, jute netting or other approved material for erosion control (reference

section 33-1062).

(4) Plantings shall consist of annuals, perennials, groundcovers, shrubs, and trees compatible with adjacent native vegetation, capable of surviving without permanent irrigation.

(h) Standards for irrigation systems.

(1) Temporary systems. Aboveground irrigation systems may be utilized for temporary irrigation and must be removed when no longer operational. Installation shall comply with all applicable health and safety codes.

(A) Temporary irrigation systems, such as above-ground UV-resistant pipe irrigation, may be approved by the director for revegetated areas and transitional planting where the plant materials, once established, will not require irrigation.

(B) Unless otherwise approved by the director, temporary systems shall operate for a maximum of a two year period.

(2) Slope irrigation.

(A) On-grade irrigation systems may be approved for slope areas planted in native vegetation and/or in areas of highly erosive or extremely rocky soils, and for temporary systems.

(B) Permanent on-grade systems shall be galvanized steel pipe, fittings and heads, and shall be secured to slopes.

(C) Ultra-violet resistant (UV) piping (i.e., brown line) may be used upon approval of the director. UV fittings, risers, as well as pipe stabilizers and stakes shall be required.

(3) Reclaimed water systems.

(A) Irrigation systems utilizing reclaimed water shall comply with City of Escondido design standards or industry standards.

(B) The percentages of allowed turf may be varied for projects which have an approved reclaimed water system at the time of approval of the landscape and irrigation plans.

(C) Dual piping irrigation systems shall be encouraged for large open landscaped areas such as playgrounds, golf courses, playing fields, etc., for the purpose of utilizing reclaimed water when available.

(i) Installation and maintenance standards.

(1) Planting installation.

(A) All trees shall be staked in accordance with the City of Escondido standard tree staking detail.

(B) Groundcover shall be planted in a triangular pattern spaced to ensure 100% coverage within one year of installation.

(C) A minimum three inch layer of mulch material shall be applied to all shrub and tree planted areas.

(2) Landscape maintenance.

(A) The property owner shall be responsible for the maintenance of landscape materials through regular routine maintenance to ensure that plant material is maintained in a flourishing manner. Dead or diseased plants must be replaced within 90 days from when the director makes a determination that the plant must be replaced. Failure to do so constitutes a violation of this article. The property owner shall receive a written notice of noncompliance.

(B) The required three inch depth of mulch areas shall be maintained at all times for all shrub and tree planted areas.

(C) Plants shall be selectively pruned in accordance with professional trimming standards to maintain their intended shapes and sizes, and to ensure due health of the species and safety of the public. Trimming, pruning and shaping of mature trees as permitted by section 33-1068(b), shall not involve topping, but may allow removing up to one-third of the living crown during a single pruning in order to establish or maintain a crown ratio that is twice as high as the trunk, or as deemed appropriate by the director.

(D) Irrigation systems shall be consistently maintained and adjusted to eliminate water waste and ensure the healthy survival of the plant material.

(j) Street trees standards. The following standards apply for tree selection location and planting of street trees within the city. The standards apply to the number of trees, not the specific spacing.

(1) Location of trees.

(A) Street trees shall be located within the public right-of-way (ROW) or within a five foot additional width easement behind the ROW. Generally speaking, the tree will be located approximately three to eight feet behind the curb or sidewalk.

(B) Street trees shall be located and maintained to preserve a clear zone of at least 10 feet from fire hydrants, utility poles, overhead utility wires, street light luminaries, and aboveground utility structures such as transformer enclosures.

(C) Street trees shall be planted at least five feet from underground utility such as water, storm drain, gas, electric and telephone, and eight feet from any sewer lines.

(D) The tree shall be placed away from the intersection so as to allow for adequate site distance. The allowable site distance shall be determined by the city engineer.

(E) The tree shall not restrict bus loading or unloading.

(F) The tree shall be at least three feet from any meter box.

(G) The tree shall be at least eight feet from driveways.

(2) Number of trees. In all commercial, industrial and residential development, there shall be a minimum of one street tree for every 30 linear feet of street frontage within or adjacent to the development.

(3) Additional requirements.

(A) The minimum size street tree shall be a 15 gallon, two inch caliper and six feet in height, in accordance with AAN standards.

(B) All trees shall be double-staked using treated lodgepole pine stakes and flexible rubber ties. Remove any nursery stakes. Trees located within six feet of pavement shall be provided with root barriers.

(C) All trees shall have a watering basin around the tree, except in turf areas, and shall receive deep watering to promote deep rooting until established or based on individual tree demands.

(D) Palms used as street trees shall be a minimum of six foot brown trunk height (BTH). Single-stem trees such as palms which do not lend themselves to top trimming will not be permitted under utility wires.

(4) Street tree maintenance and replacement.

(A) Newly planted trees shall be watered until established and shall be maintained in a flourishing manner. Trees shall be replaced with a minimum 15 gallon size tree consistent with the suggested street tree list.

(B) All street trees shall be watered by the abutting owner in front of whose property such trees are planted.

(C) The planting, removal, trimming, pruning of trees in all public parks, parkways and street right-of-way within the City of Escondido shall be maintained by the director of parks and recreation.

(5) Removal of trees in public right-of-way.

(A) No person shall cut down, destroy or move a tree growing or located within any public street right-of-way or public park within the city, without first obtaining a written permit from the director of parks and recreation. The director of parks and recreation may refer the application to another department, committee, or person for comments and recommendations.

An application for a permit shall contain the number, species, size and location of the tree or trees involved, a statement of the reason for the requested action and any other pertinent information. The following criteria shall be considered when granting a permit:

(i) The condition of the tree with respect to its health, public nuisance or public safety;

(ii) Consideration of whether the tree(s) removal is necessary and relocation and redesign cannot be avoided in order to construct public improvements and utilities;

(iii) Consideration of whether the removal is necessary to control erosion, soil retention or diversion or increased flow of surface water;

(iv) The effect of removal of the tree will have on historic value, scenic value, and general welfare of the city as a whole.

(B) The following replacement values shall be considered when granting a permit:

(i) Any tree authorized to be removed shall be replaced by the permittee with a tree conforming to the official street tree list on a one for one basis with a tree of a size and location approved by the director of parks and recreation.

(ii) Subject to physical condition of the tree, the species, size and the location, off-site relocation or replacement as determined by the director of parks and recreation as an alternative mitigation measure may be considered if on-site replacement or relocation is not feasible. Off-site replacement trees shall be placed on a city-owned property. Relocation of the tree to an on-site location shall be a consideration prior to off-site replacement or relocation.

(C) Emergencies.

(i) Trees that pose a safety, health hazard or public nuisance may be removed as determined by a peace official, fire fighter, civil defense official or code enforcement officer in their official capacity.

(ii) Public utilities subject to the jurisdiction of the Public Utilities Commission of the state, without a permit, may take such action as may be necessary to comply with the safety regulations of the commission and as may be necessary to maintain a safe operation of their facilities.

(Ord. No. 2010-01, § 4, 2-3-10)

ARTICLE 63
TRANSIENT LODGING FACILITIES

§ 33-1340. Purpose.

It is the intent of the City of Escondido to encourage a range of transient lodging facilities, including budget type facilities, resort and tourist accommodations as well as business class and meeting oriented facilities. It is intended that such lodgings be established and maintained in a manner that promotes a favorable image of the city and in an environment that will support and sustain the projects economically.
(Zoning Code, Ch. 107, § 1070A.10; Ord. No. 91-5, § 6, 4-3-91)

§ 33-1341. Definition.

"Hotel conversion" is any action that converts any building or structure used for transient lodging in which there are five or more transient guest rooms by either: (1) a change of use to a commercial, industrial, or other nonresidential use; (2) a change of use to a group home or quarters, single-room occupancy (SRO) units, multifamily housing, or a combination thereof, that may be utilized for supportive housing, transitional housing, or other types of housing; (3) a conversion to a condominium, cooperative, or similar form of ownership; or (4) a discontinuance of transient occupancy or closure of transient lodging that changes the use for a purpose other than transient lodging operations. Such a conversion of any of the above may affect an entire building or structure used for transient lodging, or any portion thereof.

"Transient lodgings" are accommodations intended exclusively for occupation by transient persons. Transient lodgings shall include, but not be limited to, hotels, motels and resort destination accommodations. See section 33-8 of Article 1 of this chapter.
(Zoning Code, Ch. 107, § 1070A.20; Ord. No. 91-5, § 6, 4-3-91; Ord. No. 2021-07, § 6, 8-11-21)

§ 33-1342. Permitted zones.

Transient lodging facilities shall be permitted or conditionally permitted in commercial zones according to section 33-332 of Article 16 of this chapter. Transient lodging facilities shall also be allowed within adopted specific plans subject to the language of the applicable specific plan.
(Zoning Code, Ch. 107, § 1070A.30; Ord. No. 91-5, § 6, 4-3-91; Ord. No. 2016-15, § 4, 10-26-16)

§ 33-1343. Market analysis.

As part of the CUP application, a market analysis shall be submitted to the city. In order that sufficient data suitable for review is presented, the planning department shall establish a region to be encompassed by the market analysis. The market analysis shall address existing facilities, including the number and type of rooms and types of amenities; the proposed facility, including the number and type of rooms and proposed amenities; and the expected market from which the new facility will draw. In addition, the market analysis shall discuss the vacancy rates of existing facilities and the expected effect the proposed facility will have on the existing market. The market analysis shall be prepared by a qualified individual such as a fiscal or marketing consultant, to the satisfaction of the director. The intent of the market analysis is to establish the need for the type of transient lodging being proposed and to give the city some type of assurance that the additional rooms will be absorbed by the market.
(Zoning Code, Ch. 107, § 1070A.40; Ord. No. 91-5, § 6, 4-3-91; Ord. No. 2016-15, § 4, 10-26-16)

§ 33-1344. Design guidelines.

Proposals for transient lodging facilities shall comply with the design guidelines for transient lodging

facilities, set forth as in this section, as well as the design review guidelines which have been established for all commercial projects.

DESIGN GUIDELINES FOR TRANSIENT LODGING FACILITIES

These design guidelines are prepared as a checklist of items that affect the physical aspect of hotel/motel developments. They are not intended to restrict creativity or to limit imagination in proposals, but rather, to assist both developers and staff in preparing and reviewing projects for satisfactory design and aesthetics. Refer to the underlying zone for development standards and application requirements.

The overall appearance of a transient lodging facility is a product of the site design and the features offered, the relation of the site to surrounding areas, the relation of the buildings on-site and the bulk and scale of those buildings, the landscaping, lighting and signage of the facility as well as the materials and colors used and the design and location of the parking areas. Often, a creative solution to site-specific constraints results in a project highlight and a benefit to surrounding properties.

I. TYPES OF TRANSIENT LODGING FACILITIES

A. Definitions and Expected Features. Transient lodging covers a wide spectrum of facilities from budget motels to resort destinations. Economy class, business/convention facilities and bed and breakfast establishments are also included. A customer chooses a facility to serve a particular need. While features of one type of establishment may be found in another, the following is a breakdown of facilities into three types:

1. Economy. Hotels and motels located on or near major arterials that serve the more budget-minded tourist and business clientele. Facilities can be generalized as being one or two stories with 200 rooms or fewer and having outdoor corridors and basic recreational amenities such as a pool and/or spa. Adjacent surface parking is typical.

2. Full Service. Hotels and motels located near business centers, downtowns or other major arterials convenient to major attractions. They generally provide a broader range of amenities and may include health clubs or other recreational facilities, restaurants, lounges, conference and convention facilities, laundry, secretarial and taxi services and business-oriented shopping facilities.

3. Resort. Hotels and lodgings typically sited on a prominent or otherwise attractive location and/or providing recreational amenities either on-site or within close proximity. They are treated as a destination point and offer a relaxing or vacation-type climate. They often include amenities similar to full service hotels such as restaurants, lounges, meeting facilities and shopping to attract conventions and other businesses.

B. Minimum Parcel Size. The site for a proposed facility shall meet the minimum lot size requirement for the underlying zone. Refer to the Zoning Ordinance for the minimum setback, height and floor area ratio requirements.

C. Businesses space and restaurants. Full service and resort hotels and lodging designed, constructed or used for 25 or more guest rooms or more may include a business supportive space use conducted therein for the convenience of the occupants and their guests, a boutique retail space, or a restaurant for use primarily by the hotel occupants and their guests.

1. The entrance to the business or restaurant shall be from the inside of the hotel.

2. The floor area used for all the businesses and restaurants in the facility shall not exceed 30% of the total ground floor area of all the buildings comprising the hotel which are on a single lot or contiguous lots.

II. SITE DESIGN

A. Provide site planning that accomplishes a desirable transition with the streetscape and adequate landscaping, parking and safe pedestrian movement.

B. Preserve and respect the existing topography by integrating buildings with the hillsides. When grading is required, create several smaller pads rather than one large one.

C. Utilize building height and scale which is compatible with the site and existing or anticipated adjoining buildings. Cluster buildings to attain village scale. Break up long building expanses with plazas and landscaping.

D. Maximize view opportunities of distant hills and mountains and other natural and manmade landmarks from the complex.

E. Ensure that full architectural treatment is provided on all building elevations, particularly those fronting major Circulation Element Streets.

F. Centrally locate the lobby and office for easy access from streets and hotel units.

G. Create an individual theme for the project site which is reinforced through architectural, landscaping, signage and streetscape treatments.

H. Create a sense of arrival with unique focus to the project. Create sense of place and individual identity for each project by appropriate utilization of design treatments.

I. Provide outdoor-oriented areas and activities such as cafes, kiosks, booths, benches, etc.

J. Orient buildings around courtyards, arcades and plazas whenever possible.

K. Avoid parking areas between street and building. Provide parking in rear of buildings.

L. Consider crime prevention design and ease of surveillance in site planning and access design. Exemplary measures include visual corridors into the project from major roadways, landscaping to maintain views of pedestrian areas from drive aisles, and sufficient night lighting of pedestrian and parking areas.

M. Exterior corridors on multi-level buildings are strongly discouraged and should not be located adjacent to residential uses.

III. RELATIONSHIP TO COMMUNITY

A. Maintain a sense of community. Integrate projects with adjacent development.

B. Provide an attractive landscape tradition to adjoining properties.

C. Provide buffers for any project features which may have negative impacts upon adjacent properties.

D. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall

include the maintenance of exterior façades of the building, designated parking areas serving the use, walls and fences and the perimeter of the site (including all public parkways), subject to section 33-1344(X).

IV. LANDSCAPE TREATMENT (Refer to the underlying zones in the Zoning Ordinance for specific landscape requirements.)

A. Preserve natural or existing topographic patterns where such features contribute to beauty and utility of a development. Modification to topography will be permitted where it contributes to good appearance and site utilization.

B. Design grades of walks, parking spaces, terraces, and other paved areas to provide an inviting and stable appearance for walking and, if seating is provided, for sitting.

C. Provide landscape treatments which enhance architectural features, strengthen vistas and important axes, and provide shade.

D. Achieve unity of design by repetition of certain plant varieties and other materials and by correlation with adjacent development.

E. Select plant material for interest in its structure, texture and color, and for its ultimate growth. Plants that are drought-tolerant and indigenous to the area are encouraged.

F. Protect landscaping in locations where plants will be susceptible to injury by pedestrian or motor traffic, by constructing appropriate curbs, tree guards, or other devices.

G. Enhance parking areas and traffic ways with landscape spaces containing trees or tree groupings.

H. Screen service yards, parking areas and other places that tend to be unsightly by use of decorative walls, fencing, landscaping, berming, or combinations of these.

I. Design miscellaneous structures and street hardware to be part of the architectural concept of design and landscape. Scale, material and color shall be compatible with surroundings.

V. BUILDING DESIGN

A. Evaluate the appearance of a project based on the quality of its design and relationship to surroundings. Architectural style is not restricted.

B. Utilize creative access designs to individual units which encourages individual or interior access.

C. Vary detail, form and siting to provide visual interest. Monotony of design in single or multiple building projects shall be avoided.

D. Utilize interior access for guest rooms where possible. Direct exterior access to guest rooms should be limited to facilities of smaller size and fewer amenities.

E. Design building components such as windows, doors, eaves and parapets to have similar proportions and relationships to one another.

F. Locate vending machines in interior halls where possible located outside, stay on interior side of facility or screen appropriately with wall features and landscaping.

G. Screen roof-top equipment where visible from surrounding areas.

H. Consider using flat roof areas as terraces.

I. Provide service delivery areas for restaurants and other amenities requiring service deliveries away from the general public use areas of the hotel.

VI. SIGNAGE

(Refer to the underlying zone in the Zoning Ordinance for specific sign regulations.)

A. Establish a uniform sign program for each project to ensure aesthetic quality. The program should address lettering style, size, form, color and materials.

B. Propose signs which have good scale and proportion in their design and visual relationship to buildings and surroundings and complement the architectural design of the building. Major identification signs should have simple forms and shapes to minimize visual clutter.

C. Present colors, materials and lighting which are restrained and harmonious with the building and site. Sign supports should be a black or dark brown or other dark color with a flat finish to minimize their visibility.

D. Minimize lighting for signs as much as possible and still provide readability. Glare and ambient light should not affect adjacent properties. Flashing lights shall be prohibited.

E. Design signs to be compatible with signs on adjoining premises so as not to compete for attention.

VII. PARKING AREAS AND ACCESS (Refer to Article 39 of this chapter for specific parking regulations.)

A. Provide the parking and loading space requirements as found in the Zoning Ordinance.

B. Locate loading spaces away from the front and exterior side of the facility or otherwise screen them from view. Loading spaces shall operate in a safe and efficient manner so as to not interfere with vehicular circulation and parking.

C. Provide valet parking or adequate loading and unloading as part of the design and operating standards of the facility. Short-term parking should be provided in close proximity to the office/ check-in areas. Delivery and loading areas should be screened to minimize adverse visual and noise-related impacts to adjacent uses.

D. Coordinate project access with adjacent intersection design and median cuts in abutting arterial and major highways.

E. Design the pads as close to the street elevations as possible where the development abuts a major road to facilitate vehicular access, project visibility and drainage.

F. Lay out car and pedestrian flow patterns carefully within the site, to minimize auto/pedestrian conflicts and insure adequate fire and delivery vehicle access.

G. Soften the visual impact of parking areas on-and off-site by using landscaped islands; landscape screening, berms, walls; breaking up parking into sub-lots or into areas associated with particular uses; utilizing textured paving and walkways; or similar design measures.

H. Coordinate the design of projects and associated expanded parkways with the parkways and medians of adjacent roadways including landscaping, project entries, street furniture and fencing.

I. Coordinate site planning with transit stops.

J. Use shading devices extensively in parking and pedestrian areas, such as canopy trees, arcades, decorative awnings and porticos.

K. Orient buildings to provide parking through rear entrances where possible.

VIII. LIGHTING DETAILS (Refer to Article 35 of this chapter for specific outdoor lighting regulations.)

A. Enhance the building design and the adjoining landscape with exterior lighting.

B. Provide lighting standards and building fixtures which are of a design and size compatible with the building and adjacent areas.

C. Provide lighting which is restrained in design and avoids excessive brightness.

IX. EXTERIOR MATERIALS AND COLORS

A. Select materials which have good architectural character and are compatible with adjoining buildings.

B. Select materials which are suitable to the type of building and the design in which they are used. Buildings shall have the same or harmonious materials used for all exterior walls or other components visible from public areas.

C. Select materials of durable quality.

D. Use harmonious colors and compatible accents.

E. Screen refuse and waste removal areas, service yards, storage yards, exterior work areas and roof equipment from view from public areas with compatible building lines and color.

X. MAINTENANCE

A. Continued good appearance depends upon the extent and quality of maintenance. Choose materials and their use, together with the types of finishes and other protective measures, which are conducive to easy maintenance and upkeep.

B. Include provision for washing and cleaning of buildings and structures, as well as control of refuse, in the design. Configurations that tend to accumulate debris, leaves, trash and dirt shall be avoided.

XI. EXISTING FACILITIES

Consistent with the intent of the City of Escondido to provide a wide range of transient lodging facilities, the existing hotels and motels may be remodeled and/or expanded. The above design guidelines shall apply to all facilities and be incorporated into the design and upgrade of any existing facility.

XII. DOWNTOWN SPECIFIC PLAN PROJECTS

Proposals for facilities in the Downtown Specific Plan Area shall consider the following:

A. Consider providing a full service type of facility, capable of accommodating meetings and conventions that may from time to time be associated with the civic center of the City.

B. Relate the design of the site and buildings to the surrounding built environment, to be compatible with the architecture, scale and color of the civic core.

(Zoning Code, Ch. 107, § 1070A.50; Ord. No. 91-5, § 6 and Exh. A, 4-3-91; Ord. No. 2016-15, § 4, 10-26-16; Ord. No. 2019-09, § 6, 9-11-19)

§ 33-1345. Threshold standards for existing facilities.

(a) The requirements for a conditional use permit under this section shall apply to existing facilities when one of the following occurs:

(1) A facility is remodeled by more than 25% of the replacement costs as determined by a building department official;

(2) The number of rooms is altered or uses changed;

(3) There is an increase of more than 3,000 square feet or more than a 10% increase for hotels larger than 30,000 square feet.

(b) Upon written application, the requirement for a CUP and/or market analysis for modification to existing facilities may be waived if the director finds:

(1) That it can be seen with certainty that the proposed renovations will not have a negative effect on the community or area plan for the area in which the facility is located;

(2) That the proposed renovations are consistent with the goals and policies of the adopted general plan;

(3) That the proposed renovations are so minor in nature that to require a CUP and/or a market analysis would be unduly burdensome in relationship to the scale of the project;

(4) That it can be seen with certainty that the proposed renovations will have a negligible effect on the existing market for the type of rooms provided; or

(5) It can be demonstrated that modifications are necessary to maintain health and safety standards pursuant to city, county and state regulations.

(Zoning Code, Ch. 107, § 1070A.60; Ord. No. 91-5, § 6, 4-3-91; Ord. No. 2016-15, § 4, 10-26-16)

§ 33-1346. Required findings.

In addition to findings required for conditional use permits by section 33-1203 of Article 61 of this chapter, before any conditional use permit for transient lodgings can be granted or modified, the following findings shall be made:

(a) The proposed transient lodging facility will not in itself or in combination with others significantly affect the city's ability to achieve a balanced range of transient lodging facilities;

(b) The site is appropriate for transient lodging uses in that it is sufficiently accessible, is compatible with surrounding uses and is large enough to incorporate sufficient buffers and appropriate amenities;

(c) The amenities and design features are appropriate for both the location and target population;

(d) The facility conforms with any applicable specific plan and area plan criteria;

(e) The location does not create problems which would adversely affect the city's objectives of maintaining a balanced range of lodging facilities; and

(f) The project design incorporates the design guidelines established for transient lodging facilities.
(Zoning Code, Ch. 107, § 1070A.70; Ord. No. 91-5, § 6, 4-3-91; Ord. No. 2016-15, § 4, 10-26-16)

§ 33-1347. Operator obligations.

(a) A manager and a minimum of one additional employee shall be on duty at all times.

(b) Guest registration requirements per Chapter 16-D of this code.

(c) Operator has duties and obligations to their guests to furnishing proper accommodations and to exercise proper care for the guest's safety. The duty is fulfilled when reasonable care is taken to promote the guest's safety, morals, comfort convenience, and general welfare; and to prevent a guest's exposure to dangers.

(d) The operator of the approved use shall prevent loitering and loud noises around the subject site during and after the hours of business operations.

(e) Extended stay. No room shall be made available for extended stay or be provided to guests to occupy for more than 30 consecutive days.

(f) Every manager or person in control of a transient lodging facility in Escondido shall post in a conspicuous place in each room which is for rent or hire a printed statement of the specific charge or rate of charges by the day, week or month to be charged for said room or rooms. No charge or sum shall be collected or received for any greater sum than entitled to under the statement of charges or rates posted.

(g) Transient occupancies are subject to the transient occupancy tax requirements of Chapter 25 of this code.

§ 33-1348. Hotel conversions.

(a) Purpose. The specific purpose of the hotel conversion procedure is to ensure that any conversion of transient lodging to other uses is preceded by adequate notice, and to allow for the conversion of existing hotels, motels, and other transient lodgings to various types of land uses, while providing for the review of the configuration, design, location, and potential impacts of the proposed use in order to evaluate the suitability of a new or converted use to the site.

(b) Applicability.

(1) Permit Required. In addition to any other necessary discretionary land use permit that may be required, a hotel conversion permit (plot plan permit) is required in order to authorize the conversion of hotels, motels, and other transient lodgings to another use, and may be approved for any use classification permitted or conditionally permitted in the base district in any zoning district in which an existing hotel or motel is located. To qualify for a hotel or motel conversion to housing, the land development request or proposed housing development would have to comply with applicable, objective General Plan, zoning, and subdivision standards.

(A) No application to construct a new use on the property shall be accepted for processing or

approved, unless the proposed land use development application is in conformance with this section and a hotel conversion permit is first obtained.

(B) No building permit or other license, authorization, or permit shall be construed to allow any action in contravention of this section, and any license, authorization, or permit obtained that purports to allow any action in contravention of this section shall be void.

(C) Regulations Non-Exclusive. The provisions of this chapter regulating Hotel Conversions are not intended to be exclusive, and compliance therewith shall not excuse noncompliance with any other provisions of the Municipal Code or any other regulations pertaining to the operation of businesses as adopted by the city council of the City of Escondido

(2) Zoning Districts. Existing hotels and motels in all zoning districts, as well as those located in specific plan areas, may be permitted to be converted provided the conversion is found consistent with all applicable standards provided in this section.

(c) Authority.

(1) The director, or director's designee, shall have the authority to grant, conditionally grant, or deny a hotel conversion permit application for any use that is permitted in the zoning district. For projects including other discretionary actions that must be approved at a higher level than the director (such as by the planning commission or city council), the design review permit will also be decided upon at that higher level.

(2) The conversion of hotels, motels, and other transient lodgings to any other use that is conditionally permitted in the same zoning district shall be reviewed and considered by the planning commission through the issuance of a major conditional use permit, or as otherwise identified in an applicable specific plan.

(3) A hotel conversion permit application that requires concurrent review and approval of a zone change or other discretionary action at a higher level than the director or planning commission shall require the review by the planning commission, which shall forward a recommendation to the city council for final action.

(d) Permit Administration. At the time a new hotel conversion is requested in any existing building or structure, a hotel conversion permit application package shall be submitted to the planning division, together with the applicable application fee as established by the city council.

(1) Application Requirements. An application for a hotel conversion shall be filed in compliance with section 33-1315 (Authorization, procedure, and modification) in the same manner as a plot plan permit.

(2) Hotel conversion projects shall be allowed to convert to any land use or activity as provided in any permitted and conditionally permitted principal use matrix in the base district in any zoning district in which an existing hotel or motel is located. Hotel conversion projects shall comply with all applicable requirements of the General Plan, Zoning Code, specific plans, area plans, city design standards, building and safety requirements, and other applicable city standards. No hotel conversion project shall be granted a permit unless the following requirements are satisfied:

(A) Demand analysis and mitigation as specified in section 33-1125 for a change of use to a commercial, industrial, or other nonresidential use; for a conversion to a condominium,

cooperative, or similar form of ownership; or for other changes of the use for a purpose other than transient lodging operations.

(B) Compliance with section 6-457 (Other fees and exactions for public services), if otherwise applicable, for a change of use to group home or quarters, SRO units, multifamily housing, or combination thereof that may be utilized for supportive housing, transitional housing, or other types of housing provisions.

(C) The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

(D) The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

(E) The design, location, operating characteristics, and size of the proposed use, including any proposed increase in floor area, room/unit count, or height is consistent with the provisions of this ordinance and the implementation of which would be compatible with the existing land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.

(3) Project Review, Notice, and Hearing.

(A) Each application shall be analyzed to ensure the application is consistent with the purpose and intent of this section.

(i) Expedited Processing of Plans and Permits. Projects providing affordable housing, including affordable housing for seniors and/or target populations, will receive expedited processing as currently available.

(B) City staff shall submit a staff report and recommendation to the decision-maker for consideration on a hotel conversion permit.

(C) The applicant shall be provided with a list of applicable conditions. In approving a hotel conversion permit, the applicable review authority may impose conditions (e.g., landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, traffic circulation) deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by this section, and to preserve the public health, safety, and general welfare.

(i) The city council may find that there is substantial evidence to support a finding that the imposition of conditions would result in an extreme economic hardship for the applicant for an affordable housing project, including affordable housing projects for seniors and/or target populations. An extreme economic hardship does not exist where the cost of implementing the conditions would merely deny the applicant the maximum profits that could be realized from the hotel conversion.

(ii) If the city council determines that the conditions would result in extreme economic hardship for the applicant, the city council may waive or modify any conditions that would otherwise be necessary to enable the city council to make the findings required. Such conditions may be waived or modified only to the extent minimally necessary to alleviate such extreme economic hardship.

(4) Findings and Decision. The applicable review authority may approve, conditionally approve, or disapprove an application for a hotel conversion permit. The review authority may approve a hotel conversion permit only after first finding that the hotel or motel proposed for conversion was legally constructed and is currently a legal or legally nonconforming use and the project represents successful implementation of this section, and complies with all other applicable provisions of local and state law.

(i) For hotel conversion projects under the purview of the director, the director's written decision and conditional letter of approval shall be filed in the planning division and a copy provided to the applicant at the address shown on the application. The applicant must sign and return the conditional letter of approval, thereby agreeing to the conditions of approval, prior to submittal of applications for construction permits.

(ii) For hotel conversion projects under the purview of the planning commission or the city council, the applicable review authority shall conduct a public hearing on an application for a hotel conversion permit before the approval or disapproval of the permit.

(5) Post approval procedures. The procedures relating to appeals, changes, expiration, performance guarantees, and revocation that are identified in the Zoning Code shall apply following the decision on a hotel conversion permit application.

(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.

(3) General unit size and building requirements.

(A) The general building and occupancy standards required in connection with group homes or quarters shall be not less than the amount set forth by Article 6 (Residential Zones) of the Zoning Code

(B) The net area of a SRO unit may range from a minimum of 150 square feet to a maximum of 400 square feet, with the average unit size being no greater than 345 square feet.

(C) Multifamily units shall meet the general building requirements of Article 6 (Residential Zones) of the Zoning Code. The minimum size of a residential unit resulting from a hotel or motel conversion shall be the same as the minimum size of a SRO.

(4) General occupancy requirements for group homes or quarters with beds, SRO units, or multifamily units.

(A) Common open spaces shall be designed to accommodate appropriate furnishings and shall be furnished for use by residents. Appropriate furnishings for indoor spaces may include such items as lounge chairs or couches, tables with chairs, writing desks, and televisions. Outdoor furnishings may include such items as outdoor benches; tables with chairs; barbecues; and shade coverings like arbors, patio covers, garden shelters, or trellises.

(B) Laundry facilities must be provided within units or elsewhere on site. If laundry facilities are provided as a shared provision, a minimum of two washers and two dryers must be provided in a separate room. Additional washers and dryers must be provided for any development that has more than 20 units at the ratio of one washer and one dryer for every 20 units or portion thereof.

(C) Common bathrooms must be located on any floor with units that do not have full bathrooms. Common bathrooms shall be either single occupant use with provisions for privacy or multi-occupant use with separate provisions for men and women. Common bathrooms shall have shower or bathtub facilities at a ratio of one such bathroom for every 10 units. Each shared shower or bathtub facility shall be provided with an interior lockable door.

(D) Complete common cooking facilities/kitchens must be provided if any unit within the project does not have a kitchen. At least one complete common cooking facility/kitchen shall be provided within the project for every 20 units or portion thereof. one complete common cooking facility/kitchen shall be provided on any floor where units without kitchens are located.

(5) Floor area ratio. The resulting floor area, as defined in "floor area, gross" for "all other districts" after conversion shall no more than 110% of the existing floor area of the hotel or motel being converted. Floor area added solely for the purpose of complying with the Building Code or life safety requirements shall not be counted for purposes of calculating the floor area ratio.

(6) Site coverage. There shall be no maximum site coverage applicable for hotel and motel conversions.

(7) Height. Any increase in height resulting from hotel and motel conversions shall comply with the maximum height set forth in the underlying zoning district. The conversion of any existing hotel or motel to affordable housing pursuant to this subsection shall not result in loss of legally nonconforming status with regard to building height.

(8) Setbacks. Hotel and motel conversions shall not be subject to the setback requirements of the underlying zoning district. The conversion of any existing hotel or motel to affordable housing pursuant to this subsection shall not result in loss of legally nonconforming status with regard to setbacks.

(9) Common areas and open space. All hotel and motels conversion shall include common areas with amenities such as seating, tables, barbecues, recreation areas or other related amenities.

The size and nature of these common areas shall be approved by the reviewing authority pursuant to a hotel conversion permit.

(A) Not less than 50 square feet of usable common areas and open space area shall be provided for each SRO unit. Group homes or quarters and multi-family units shall meet the general building and occupancy standards for open space areas.

(B) Shared bathrooms, laundry rooms, or kitchens shall not be considered as open space areas.

(10) Landscaping. Minimum landscaped areas shall not be applicable to hotel and motel conversions. Additional landscaping screening shall be provided as necessary to visually buffer the proposed development from surrounding streets and properties, particularly residential properties, and may consist of any combination of landscaping, fencing, or other suitable method. Notwithstanding the foregoing, the maximum height of walls and fences between the front property line and the occupancy frontage for hotel and motel conversions may be increased to six feet, provided that such walls and fences are at least 50% open and are set back a minimum of three feet from the front property line. The reviewing authority may approve deviations from any wall and fence requirements as part of the issuance of a hotel conversion permit. A decorative masonry wall six feet in height shall be constructed along any common property line between the subject property and any adjoining property containing a single-family use.

(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/multifamily 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 one-half (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 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.

(E) 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.

(12) Signs. All hotel and motel conversions shall comply with the residential signage provisions of Article 66 (Signs) of the Zoning Code.

(13) Lighting. All hotel and motel conversions shall comply with the provisions of Article 35 (Outdoor Lighting) of the Zoning Code.

(14) Affordability. If required as a component of the land use development request, there are two different approaches to maintaining long-term affordability that require signing an affordable housing agreement: (i) the applicant agrees to maintain the designated dwelling unit as affordable for at least 45 years for for-sale units and 55 years for rental units; or (ii) the applicant agrees to participate in a "shared equity purchase program." The decision on which approach to use is up to the developer, except where state or federal standards applying to a given project require specific affordability periods. Under the long-term affordability program, the housing must remain affordable for at least 45 years for for-sale units and 55 years for rental units, from the original date of sale or rental. Affordability terms are secured by an affordable housing agreement, which shall be in a form approved by the city attorney and recorded on the property prior to or concurrent with the initial occupancy (for rental units) or sale of the property.

(Ord. No. 2021-07, § 6, 8-11-21; Ord. No. 2023-06, § 3, 3-8-23; Ord. No. 2023-15, 10/25/2023)

§ 33-1349. (Reserved)

ARTICLE 64
DESIGN REVIEW

§ 33-1350. Purpose.

(a) The exterior appearance of buildings, structures, signs and the type and extent of landscaping and the development of the site affect the desirability of the immediate area and neighboring areas for residential, commercial, industrial or other purposes. It is in the interest of the city to prevent the introduction of elements which may be incompatible with the highest quality of development sought by the city and which might impair the value of both improved and unimproved property, It is the intent of the city council to encourage the most appropriate and beneficial use of land so as to safeguard the general welfare of the community as it is described in the general plan.

(b) In order to preserve the natural charm, and integrity and quality of the built environment, it is necessary to regulate the design and appearance of development in order to insure compatibility with existing development and ensure that new development is consistent with or exceeds the high quality of the development projects currently located in the city.

(Ord. No. 91-52, § 1, 11-13-91; Ord. No. 2011-19R, § 5, 1-11-12)

§ 33-1351. (Reserved)

Editor's note—Ord. No. 2011-19R, adopted 1-11-12, repealed § 33-1351 pertaining to Established membership, which derived from Ord. No. 91-52, § 1, 11-13-91; Ord. No. 2008-22, § 4, 9-10-08.

§ 33-1352. (Reserved)

Editor's note—Ord. No. 2011-19R, adopted 1-11-12, repealed § 33-1352 pertaining to Appointment and terms of office, which derived from Ord. No. 91-52, § 1, 11-13-91; Ord. No. 2005-05, § 12, 10-26-05; Ord. No. 2008-14, § 8, 5-14-08.

§ 33-1353. (Reserved)

Editor's note—Ord. No. 2011-19R, adopted 1-11-12, repealed § 33-1353 pertaining to Organization meetings, which derived from Ord. No. 91-52, § 1, 11-13-91.

§ 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.

(Ord. No. 91-52, § 1, 11-13-91; Ord. No. 2008-22, § 4, 9-10-08; Ord. No. 2009-17, § 4, 7-15-09; Ord. No.

2011-19R, § 5, 1-11-12; Ord. No. 2021-10, § 6, 10-27-21; Ord. No. 2023-06, § 3, 3-8-23)

§ 33-1355. Exemptions and exceptions.

(a) Exemptions. This article shall not apply to the following:

(1) Painting of existing buildings, unless required by an adopted specific plan, overlay district, other code section, or where color was part of a discretionary action;

(2) Repair and maintenance of existing buildings;

(3) Interior modifications;

(4) Single-family residences of four or fewer lots, unless required by an adopted specific plan or overlay district, planned development, or other code section;

(5) Landscaping of single-family lots;

(6) Street improvement projects and below-ground public facilities constructed by the city as part of the capital improvement program.

(b) Exceptions. City staff shall review all other non-exempt projects for conformance with applicable design guidelines as noted below. Minor projects where the proposed work may have a significant effect on the surroundings may be agendized for review by the planning commission.

(1) Minor exterior changes in overlay zones;

(2) Minor exterior revisions to commercial, industrial, or multifamily residential projects, including, but not limited to, parking lot changes not involving a reduction in parking spaces, minor accessory structures, additions of in-wall ATMs, trash enclosures, or additions of minor components for which there are previously approved guidelines, such as above-ground storage tanks, vapor recovery tanks, security gates/fencing, or outdoor dining areas of 300 square feet or less;

(3) Minor public facilities such as accessory park structures, pump stations, ADA improvements, and bicycle trails;

(4) Production homes in subdivisions of five lots or more;

(5) Proposed signs pursuant to Article 66, Sign Ordinance;

(6) Repainting of existing structures in any new color palette where building colors were part of a discretionary action.

(7) Minor architectural or site modifications to industrial, commercial, and multifamily residential developments that were approved through a public hearing, if the modifications are in substantial conformance with the original approval. Modifications found not to be in substantial conformance may be agendized for review before the decision-making body that approved the original development.

(Ord. No. 91-52, § 1, 11-13-91; Ord. No. 2008-22, § 4, 9-10-08; Ord. No. 2011-19R, § 5, 1-11-12; Ord. 2021-10)

§ 33-1356. Elements of design considerations.

The elements of design consideration shall include, without limitation, site development, circulation, grading, setbacks, exterior appearance of buildings, structures, signs, lighting, street furniture, landscaping and other outdoor appurtenances. All plans for nonexempt projects shall be prepared by licensed professionals, as required by state licensing acts.
(Ord. No. 91-52, § 1, 11-13-91; Ord. No. 2011-19R, § 5, 1-11-12)

§ 33-1357. Design review standards.

The planning commission and/or city staff shall review all projects subject to this chapter to determine whether the design considerations conform to the following criteria:

(a) Site design.

(1) The structure shall be appropriate to the site, regarding location, size, topography, natural and man-made surroundings of the site.

(2) The project shall respect environmentally sensitive areas, such as hillsides, arroyos, rock outcroppings, threatened or endangered habitats or plants, ridgelines, slopes, existing trees, architectural and historic resources.

(3) The site layout, orientation and location of structures, buildings and signs shall be designed to create a well-integrated relationship to one another. Specific consideration shall be given to open spaces, topography, pedestrian and vehicular areas and circulation, and exterior building lighting.

(4) Grading shall be sensitive to the site and surrounding areas, and designed according to Article 55, of the city zoning code (grading and erosion control).

(5) Major consideration shall be given to pedestrian open spaces when possible.

(6) The location of parking and loading areas shall be convenient to the users.

(7) Loading deck areas, mechanical and utility equipment and trash storage areas shall be integrated into the total design concept and concealed to the extent possible.

(8) Overbuilding of a site will be discouraged and every effort shall be made to provide suitably landscaped or natural open space.

(b) Architectural—Building design.

(1) Overall building shape, size, and apparent bulk, shall be in proportion to and in scale with the site and with other existing or permitted structures in the area;

(2) A harmonious relationship shall exist between the proposed and adjoining developments, avoiding excessive variety or monotonous repetition;

(3) All elevations visible from public streets and/or adjacent properties shall be of consistent design, including harmony of materials, colors, composition and architectural elements of all sides of a structure or building;

(4) Long solid walls shall be avoided by breaking up large wall surfaces with architectural features or other treatment;

(5) A limited number of materials shall be used on the exterior face of the building or structure (wood, concrete, brick, stone, etc.). The use of natural materials is encouraged;

(6) A harmonious color palette consisting of softer and more subtle hues shall be used;

(7) Logical and integrated sign locations shall be provided on commercial/industrial buildings;

(8) Storage areas and all exterior utility and mechanical equipment shall be screened with architectural elements of the design;

(9) Roof-mounted equipment shall be screened and integrated into the overall building design;

(10) Varied building relief shall be used extensively, where the architectural style is conducive to this technique.

(c) Landscaping.

(1) Adequate landscaping shall be provided in proportion to the project and the site, with due regard to preservation of protected, specimen, landmark or other mature trees;

(2) The project shall incorporate water conservation measures in design, selection of plants and selection of irrigation system, to the extent feasible;

(3) Selection of a size and type of planting shall be appropriate to the project and the site and shall include a balanced mix of trees, shrubs and groundcovers;

(4) Landscaping shall successfully provide shade for parking and open space areas, soften large expanses of paved areas, buildings and wall edges, screen parking areas and trash enclosures and buffer undesirable views;

(5) Existing trees shall be retained where possible;

(6) Non-plant materials (such as gravel, bark, or simulated plant materials) may be considered for use instead of groundcover or turf, as part of the total integrated landscape design concept.

(d) Signs and lighting.

(1) Signs and lighting and other advertising media shall harmonize with and be subordinate to the building it services and area in which it is located;

(2) Signs shall be readable and attractive, emphasizing the name and/or address and limiting any slogans or product advertising; overcrowding the sign information shall be avoided;

(3) Lighting shall conform to the provisions of Article 35 (outdoor lighting), of the zoning code.

(e) Fencing and walls.

(1) Fences and walls shall conform to all ordinance requirements regarding height, construction, etc.

(2) Fences and walls shall be compatible with surrounding architecture and the character of the area.

(3) Fences and walls, including retaining walls, shall utilize quality decorative material.

(Ord. No. 91-52, § 1, 11-13-91; Ord. No. 2008-22, § 4, 9-10-08; Ord. No. 2011-19R, § 5, 1-11-12)

§ 33-1358. Design review process.

The design review process shall be as follows:

(a) Applications subject to design review shall include the submittal requirements listed in section 33-1361 as part of the completed project application, in accordance with the administrative filing requirements of the planning division.

(b) Review of plans, to determine conformance with the criteria outlined in section 33-1357 of the ordinance codified in this article, or to design guidelines for the area the project is located in, shall be conducted during the project review by staff or at a regularly scheduled planning commission meeting at which the applicant or representative has the opportunity to be present.

(c) For discretionary projects which require a public hearing, the planning staff shall submit recommendations to the planning commission and/or city council. The planning commission and/or city council shall consider the planning staff's report in making its decision.

(d) For administrative projects that require planning division review, the planning division staff shall submit recommendations to the director of community development.

(Ord. No. 91-52, § 1, 11-13-91; Ord. No. 2007-23, § 4, 11-7-07; Ord. No. 2008-22, § 4, 9-10-08; Ord. No. 2011-19R, § 5, 1-11-12; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-1359. Findings.

No decision to approve the application shall be made without making the following findings:

(a) The proposed site plan has been designed in a manner which is compatible with the natural and urban characteristics of the site and the surrounding neighborhood.

(b) The bulk, scale, and architectural design of the proposed structure are compatible with the character of the surrounding neighborhood.

(c) The project incorporates landscaping, irrigation and screening which is drought tolerant, appropriate for the site, and in compliance with the landscape standards established by the city.

(d) All grading related to the project is in conformance to design standards set by Article 55, Grading and Erosion Control.

(e) The project has incorporated the applicable design review standards contained in the ordinance codified in this section and other applicable ordinances into the site layout and building design.

(f) The project is consistent with the goals and objectives on the city general plan.

(Ord. No. 91-52, § 1, 11-13-91; Ord. No. 2008-22, § 4, 9-10-08; Ord. No. 2011-19R, § 5, 1-11-12)

§ 33-1360. Design changes and enforcement.

(a) Any change from the approved plans or specifications, or to the appearance of an existing structure, or a structure under construction, or approved landscaping plans, shall be subject to administrative review by the planning division. The planning staff may deny the building permit or certificate of occupancy, or approve those changes which it determines are consistent with the findings below. The director may agendize the matter to the planning commission, as applicable, for consideration of such changes. No building permit or certificate of occupancy may be issued until a final decision has been rendered regarding the change. Approval of changes shall be based on the following findings:

(1) The changes do not significantly alter the appearance, intent or purpose of the design;

(2) The quality of the design, material and equipment is maintained or is superior to the previously approved design and specifications.

(Ord. No. 91-52, § 1, 11-13-91; Ord. No. 2008-22, § 4, 9-10-08; Ord. No. 2011-19R, § 5, 1-11-12)

§ 33-1361. Submittal requirements.

Projects submitted for design review by staff or the planning commission will conform to the following submittal criteria:

(a) Site plan. A scaled drawing of a dimensioned site plan which shall include an indication of all the following items:

(1) The location and dimensions of buildings and lot lines on the site and on adjacent properties within 100 feet of the subject site;

(2) The land use and zoning on the site and on surrounding properties;

(3) Street rights-of-way, setback lines, street dedications and dimensions;

(4) Existing topography and proposed grading showing slope heights, inclination and designation of cut or fill;

(5) Drainage patterns and grades, and location of all proposed and existing drainage facilities;

(6) Location and dimensions of existing and proposed street improvements, including, but not limited to, gutters, curbs, sidewalks, centerline of streets, alleys and easements;

(7) All existing and proposed buildings, trees, fences, walks, driveways, parking spaces and loading areas. Existing trees shall be identified as to species, trunk diameter six feet above the adjacent grade, and designated for removal, retention or relocation;

(8) Open space calculations as defined by appropriate residential category;

(9) Areas to be landscaped;

(10) Location, height, and type of fencing;

(11) Location and dimensions of existing and proposed exterior doors, entryways, walkways, balconies, stairways, roof eaves, etc.;

(12) Consistency and unity of all features of the site plan;

(13) Photographs of the existing site and adjacent properties, including lots across the street or alley, as well as buildings within 100 feet of the project property lines;

(14) Aerial photos or satellite imagery of the project site are recommended and may be required as a part of the application.

(15) Location of mechanical equipment.

(b) Architectural presentation plans.

(1) Exterior elevations. A colored, scaled and dimensioned drawing of each face of the proposed

structure showing/labeling materials, colors, textures, doors, windows, architectural detailing, landscaping (size at the time of planting), mechanical equipment, etc.;

(2) Material board showing all exterior materials including color chips, wall samples, roof samples, window and door materials etc.; in lieu of a materials board, color photographs and/or product information sheets/brochures, which clearly show the nature of the material, may be submitted with color chips representing the proposed color scheme. Materials must be formatted to fit in an eight and one-half (8 1/2) inch by 11 inch file folder.

(3) Floor plans, where applicable, should indicate use of the rooms, square footage, units and dimensions;

(4) Scale models of the project site may be required as a part of the application.

(c) Landscape plan. A conceptual landscaping plan at the same scale as the site plan including the following information:

(1) A clear indication of trees, shrubs, lawn and paving areas;

(2) The container size, type, amount and location of all plant materials and a proposed plant pallet including both botanical and common name;

(3) Specification of all existing trees designating removal, retention or relocation on site;

(4) Type and dimensions of all hardscape material, outdoor furniture, garden walls, fencing and walking surfaces;

(5) Slope planting for all slopes in excess of three vertical feet;

(6) Street trees, selected from the approved street tree list and planted at the ratio designated in the city's landscape standards.

(d) Signs. A scaled and dimensioned plot plan and elevation of all proposed signs showing:

(1) Street rights-of-way, property lines, setback lines, structure and site features;

(2) Location, size, materials, colors, copy and type of illumination;

(3) An indication of affected or proposed planters, parking areas, buildings, etc.;

(4) Elevation of signs in relation to buildings;

(5) Location and sizes of all existing signs on the site to remain;

(6) The area of the buildings or lease space, and/or the total lease area.

(e) Any other material necessary to process an application and make the findings required in section 33-1359 of this document.

(Ord. No. 91-52, § 1, 11-13-91; Ord. No. 2008-22, § 4, 9-10-08; Ord. No. 2011-19R, § 5, 1-11-12)

§ 33-1362. Appeals.

(a) Decisions of the director may be appealed to the planning commission by filing a written request with any required fee, with the planning division not more than 10 days following the final decision of the director. The appeal shall state the reasons why the decision is contested and which findings the

appellant believes were made in error.

(b) Decisions of the planning commission may be appealed to the city council pursuant to Article 61, Administration and Enforcement, of the zoning code.

(Ord. No. 91-52, § 1, 11-13-91; Ord. No. 2008-22, § 4, 9-10-08; Ord. No. 2011-19R, § 5, 1-11-12)

§ 33-1363. Design review in specific plans.

Any and all references to the design review board reviewing projects in any adopted area, master, and specific plan shall be reviewed by the planning commission for discretionary projects requiring a public hearing, and by the planning staff for administrative projects.

(Ord. No. 2007-12, § 4, 5-9-07; Ord. No. 2011-19R, § 5, 1-11-12)

§ 33-1364. Design review in historic overlay districts.

Any and all references to the design review process in any adopted historic overlay district shall be reviewed by the planning commission or city staff, and shall be subject to rules and procedures outlined in Article 40, Historical Resources.

(Ord. No. 2024-05, 5/8/2024)

§ 33-1365. through § 33-1369. (Reserved)

ARTICLE 65
OLD ESCONDIDO NEIGHBORHOOD

§ 33-1370. Purpose.

It is the purpose and intent of the Old Escondido Neighborhood historic district to:

(a) Preserve the single-family residential character of the neighborhood;

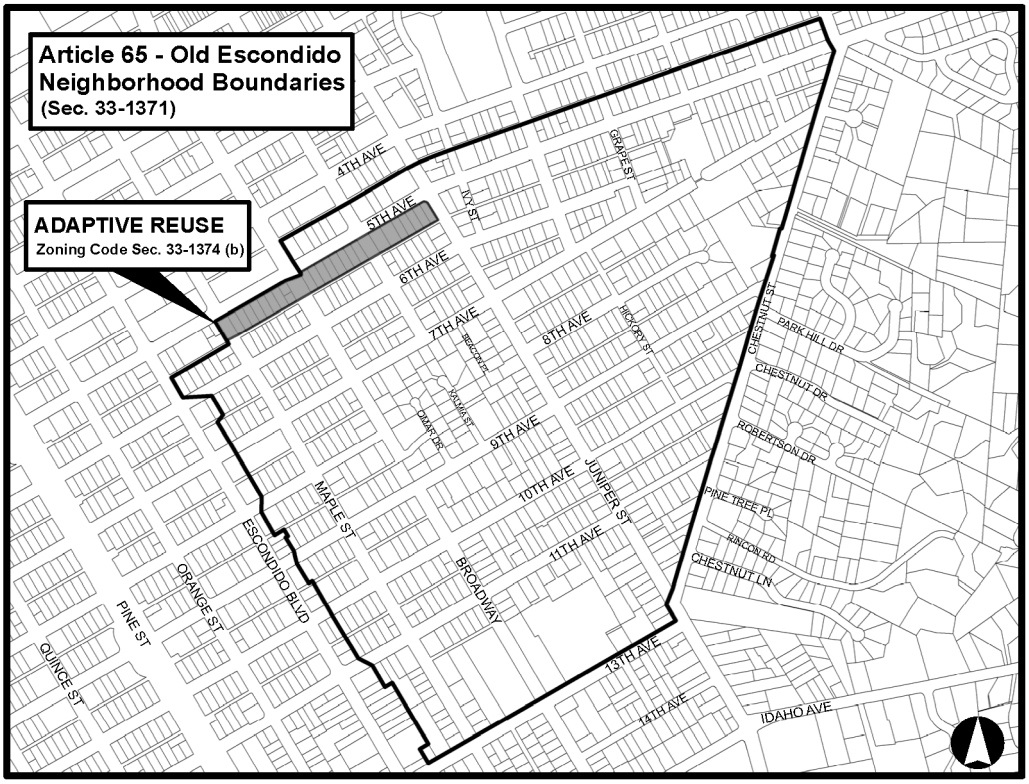
(b) Preserve the historic/cultural resources of the neighborhood;

(c) Emphasize orientation towards pedestrian activities in the area;

(d) Discourage nonresidential uses.
(Ord. No. 91-58, § 1, 12-18-91)

§ 33-1371. Boundaries.

The boundaries of Old Escondido Neighborhood are Fifth Avenue on the north, Chestnut Street on the east, Thirteenth Avenue on the south and South Escondido Boulevard on the west, excluding properties fronting on Escondido Boulevard, and including north side of Fifth Avenue from Juniper to Date. For more detailed boundaries see map below.



(Ord. No. 91-58, § 1, 12-18-91)

§ 33-1372. Permitted principal uses and structures.

The following principal uses and structures are permitted in the Old Escondido Neighborhood:

Use No.	Use Title
1111	Single-family dwellings, detached, including licensed residential care facilities for six or fewer persons
6815	Small family day care centers as defined in section 33-8 of this code.

(Ord. No. 91-58, § 1, 12-18-91; Ord. No. 2004-21, § 6, 11-17-04; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1373. Permitted accessory uses and structures.

(a) Accessory uses and structures are permitted in the Old Escondido Neighborhood, provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure (i.e., garage, storage, shed, etc.). Accessory uses and structures are permitted according to section 33-162 (R-1 zone) of this zoning code.

(b) Accessory dwelling units as defined in section 33-8, are permitted subject to an accessory dwelling unit permit in conformance with Article 70 of this chapter.

(Ord. No. 91-58, § 1, 12-18-91; Ord. No. 2016-15, § 4, 10-26-16; Ord. No. 2017-06, § 8, 8-16-17)

§ 33-1374. Conditional uses.

(a) The following uses are permitted anywhere within the neighborhood/district if a conditional use permit has first been issued and subject to the terms thereof.

Use No.	Use Title
1400	Mobilehome parks conforming to the provisions of this article
1591	Bed and breakfast facilities, conforming to Article 32 (except no signs shall be allowed, no variance to parking requirements granted and size shall be limited to four rooms with no exception)
4710	Communications (excluding 4718—offices, 4712—relay towers, microwave or others)
4753	Satellite dish antennas pursuant to Article 34 of this chapter
4833	Water storage as part of a utility water system (uncovered)
6810	Nursery, primary and secondary education (use of existing buildings only)
6910	Religious activities
6941	Social clubs
6942	Fraternal associations and lodges
6944	Youth organizations subject to criteria of section 33-1105
6952	Civic associations

(b) The following conditional uses are permitted in existing buildings within the Old Escondido Neighborhood on the south side of Fifth Avenue between South Escondido Boulevard and Juniper.

Use No.	Use Title
6520	Legal services
6530	Engineering, architectural and planning services
6591	Accounting, auditing, bookkeeping services, income tax services, notary public
6592	Interior decorating consulting services
6611	Building contractors (includes residential, commercial, and industrial) with no storage of vehicles, equipment, or materials

(c) No new structures shall be permitted for any conditional uses. All signs shall conform to section 33-1379 of this article. Any use or structure permitted or conditionally permitted by this zone and involving hazardous materials is subject to the conditional use permit requirements of Article 30 of this chapter.

(d) The zoning administrator or planning commission shall evaluate all conditional use permits against the criteria set forth in Article 61 of this chapter. In addition, those conditional use permits pursuant to section 33-1374(b) shall be subject to the following:

(1) Hours of operation shall be from 7:00 a.m. to 11:00 p.m.

(2) Adaptive reuse shall conform to design guidelines for historic resources. Every project for adaptive reuse will be subject to design review to assess appropriateness of the proposed use and any proposed changes in relation to the area, the building, and the site.

(3) Parking for employees shall be provided on site at a ratio of one parking space per 300 square feet of the office area. Curbside parking with a two hour limit shall be provided for customer parking. The city will provide parking stickers for residents.

(4) Noise and lighting standards shall be the same as for residential areas.

(5) Signs shall conform to section 33-1379 of this article.

(Ord. No. 91-58, § 1, 12-18-91; Ord. No. 92-42, § 10, 11-4-92; Ord. No. 2004-21, § 9, 11-17-04; Ord. No. 2016-15, § 4, 10-26-16; Ord. No. 2019-10, § 7, 8-21-19; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1375. Prohibited uses and structures.

All industrial, office, commercial, agricultural and multifamily uses not specifically listed in this article are prohibited.

(Ord. No. 91-58, § 1, 12-18-91)

§ 33-1376. Property development standards.

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

(b) All new construction and all external modifications and changes to structures and sites within the Old Escondido Neighborhood shall conform to design guidelines for homeowners of historic resources.

(c) Lot dimensions for newly created parcels may vary from the underlying zone standard in order to facilitate the relocation of a historic single-family residence, provided the lot maintains the minimum square footage established for the zone and the relocated residence meets all other criteria established

by the city to the satisfaction of the director of community development.
(Ord. No. 91-58, § 1, 12-18-91; Ord. No. 2005-10R, § 4, 7-13-05; Ord. No. 2018-07R, § 7, 4-18-18; Ord. No. 2018-20, § 7, 11-28-18)

§ 33-1377. Off-street parking.

Off-street parking shall conform with Article 39 of this zoning code.
(Ord. No. 91-58, § 1, 12-18-91)

§ 33-1378. Noise and lighting.

Noise and lighting standards will be the same as for residential areas.
(Ord. No. 91-58, § 1, 12-18-91)

§ 33-1379. Signs.

Signs within the Old Escondido Neighborhood shall conform to the following provisions:

(a) Wall signs or name plates shall not exceed eight and one-half (8.5) inches by 14 inches size, and shall display only the name and address of the business or occupant, except as specified in this subsection:

(1) On the south side of Fifth Avenue between Escondido Boulevard and Juniper Street, signs shall not exceed 120 square inches in area and shall display only the name and address of the business or occupant.

(b) Wall signs shall be attached to the building or to an arm attached to the building. One sign shall be permitted for each residence or business located within a structure.

(c) No illumination of wall signs or window signs shall be allowed.

(d) Freestanding signs. Subject to planning staff review and approval, one freestanding sign per parcel may be permitted within the adaptive reuse area subject to the following standards:

(1) The sign shall not exceed eight square feet in area and five feet in height.

(2) The sign shall display only the name, address and/or logo of the business or occupant.

(3) No internal illumination shall be allowed. Indirect external illumination may be allowed between the hours of sunrise and 11:00 p.m.

(e) Sign design, colors, materials and typeface shall be coordinated with the building style, material, size, color, and shall be in keeping with the historical context of the Old Escondido Neighborhood.

(f) Churches are exempt from the sign restrictions of this section, but shall conform to the standards of Article 66.
(Ord. No. 91-58, § 1, 12-18-91; Ord. No. 92-47, § 6, 11-18-92; Ord. No. 2000-01, § 4, 1-19-00; Ord. No. 2011-19R, § 5, 1-11-12)

§ 33-1380. Review.

Exterior changes to structures or sites within the Old Escondido Neighborhood will be subject to the design guidelines for homeowners of historic resources and the receipt of a certificate of appropriateness as prescribed in section 33-798. Any project involving the removal or relocation of mature or protected

tree, or sensitive biological species or habitat, is also subject to the regulations of sections 33-1068 through 33-1069.
(Ord. No. 2000-23, § 6, 9-13-00)

§ 33-1381. Appeal.

Staff review decisions may be appealed to the planning commission. Planning commission decisions may be appealed to city council pursuant to section 33-1303 of this zoning code.
(Ord. No. 2024-05, 5/8/2024)

ARTICLE 66
SIGN ORDINANCE

§ 33-1390. Purpose and applicability.

(a) Intent and purpose.

(1) It is the intent of this article (the sign ordinance) to preserve and enhance the aesthetic, traffic safety and environmental values of our communities and growing commercial/industrial districts, while at the same time providing channels of communication to the public. It is also the city's intent to regulate on the basis of characteristic and proportion of signage. The city finds that commercial signage constitutes the majority of existing signage and desires to limit such signage to on-site locations in order to keep proliferation of such signage to a more aesthetic proportion, while providing a channel of communication to advertise businesses. The city finds that it is in the interest of both aesthetics and traffic safety that sign information be kept to a minimum. It is the intent of this article to enhance traffic safety by ensuring that signage does not distract, obstruct or otherwise impede traffic circulation. Proper sign control also safeguards and preserves the health, property and public welfare of Escondido residents through prohibiting, regulating and controlling the design, location and maintenance of signs. Noncommercial signage is permitted wherever other signage is permitted within Article 66 and is subject to the same standards and total maximum allowances for a site of each sign type specified in this article.

(2) This article defines basic sign standards and design guidelines to aid business owners and sign contractors in creating appropriate signs. The sign program coordinates the type, placement, and size of signs, and encourages innovative designs which respond to surrounding conditions.

(3) Recognizing that building types and locations as well as other site specific characteristics often differ, the sign design guidelines, as may be adopted or modified by the city council, are to be used in conjunction with this chapter to determine the appropriate sign parameters and ensure quality in design. Proposed sign designs shall be reviewed pursuant to this article to determine their consistency with the sign design guidelines and the ordinance.

(b) Applicability.

(1) Signs to be located in specific planning areas (SP zones) or planned developments (PD zones) are not subject to these sign provisions, but shall conform with the established sign standards adopted with the particular planned development or specific plan. This chapter shall not apply to properties located within the boundaries of the downtown revitalization area specific plan, except in instances where the specific plan has incorporated certain sections by reference as part of the sign guidelines for the downtown area. Signs located in the Old Escondido Neighborhood overlay district shall conform with Article 65 of the Escondido zoning code.

(2) This chapter does not regulate official traffic signs or other government signs located within the public right-of-way. Freestanding signs, wall signs, and bulletin signs for city facilities are subject to these standards.

(Ord. No. 92-47, § 1, 12-2-92; Ord. No. 99-27R, § 4, 12-1-99)

§ 33-1391. Definitions.

The following are definitions of terms contained in this article:

"Abandoned sign" means a sign, or portion thereof, advertising or identifying a business, use or activity which has not been in operation for 180 calendar days or more.

"Advertise" means any notice to the public for the purpose of increasing sales or business, announcing the availability of a service or product, or making claims as to the value or quality of any service or product.

Animated sign. See Flashing sign or Moving sign.

"Area of sign and area of super-graphic sign" mean the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character, together with any other material or color forming an integral part of the display or used to differentiate such sign from the background on which it is placed. The area of a sign or a super-graphic sign having no such perimeter shall be computed in a reasonable manner by enclosing the entire integral parts of the sign copy area within trapezoids, triangles and/or circles in sizes sufficient to cover the entire area and computing the size of such area. In the case of a double-faced sign where the two faces are of equal size, are parallel to each other, and are not separated more than 36 inches, the total area shall be computed as the area of a single display face. In the case of a sign with more than two sign faces where each face contains identical copy, the total area of the sign shall be computed by dividing the total number of sign faces by two (resulting fractional numbers shall be rounded up to the next whole number), and multiplying this number by the sign area of a single face. The supports or uprights of a freestanding sign, the support structure of a monument sign, and other significant architectural features around the copy shall not be included in the sign area. In the case of any cylindrical sign, the total area shall be computed on the total area of the surface of the sign. For multi-shingle/panel signs, the sign area may be calculated by totaling only the area of the individual panels, along with any other copy area.

"Awning" means a shelter projecting from and supported by an exterior wall of a building and constructed of nonrigid materials on a supporting framework.

"Banner, flag, pennant, balloon or other attention-getting device" means any cloth, bunting, plastic, paper or similar flexible material used for advertising purposes or to attract attention, which is attached to or pinned on any structure, staff, pole, line, framing or vehicle, but not including flags as described in section 33-1393(a)(12) or temporary portable signs as described in section 33-1396(j).

"Billboard" means a sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which the sign is located (e.g., off-premises signs or outdoor advertising). A sign placed within the public right-of-way, immediately adjacent to commercially zoned property and property designated for commercial use, for which there is a valid encroachment-removal agreement shall not be considered a billboard.

"Building face and/or frontage" means the area of the front building elevation in which the business is located and which faces a street or parking lot excluding driveways. If more than one business is located in a single building, then such area shall be limited to that front portion which is occupied by each individual business.

"Building floor area" means the total gross leasable space occupied by the business or tenant.

"Bulletin sign" means any sign erected by the City of Escondido, other public body, theater owner, or other use authorized by this chapter, which is erected upon the same property as the institution for the purpose of announcing events which are held on the premises.

"Cabinet sign" means an advertising display which is constructed like a box to enclose the source of illumination (internally illuminated) so that the light shines through the translucent portions of the sign's copy panel(s).

"Canopy/marquee" means a permanent roof-like structure extending from part or all of a building face and

constructed of durable rigid material.

"Canopy/marquee sign" means a wall sign attached to the face of a canopy or marquee, but not projecting above the top of the canopy or marquee.

"Center" means a commercial or industrial development which includes two or more tenant spaces in which businesses, structures and parking/circulation are designed as an architecturally integrated and interrelated development. Such design is independent of the number of structures, lots or parcels making up the center.

"Changeable copy sign" means a sign whose informational content can be changed or altered regardless of the method of attachment or change, or materials of construction.

"Commercial, industrial, or professional center" means a development which is located on more than one legal lot, but which constitutes a comprehensively designed complex through common or shared use arrangements.

"Comprehensive sign program" means a sign program for commercial and industrial centers consisting of two or more tenant spaces, which establishes design criteria for all signs in the center and integrates them with building and landscaping design, and achieves architectural compatibility. A comprehensive sign program may also be implemented for car-wash, polishing, vacuuming, and detailing uses with directional/informational signage exceeding two square feet in area or three feet in height, regardless of the number of tenant spaces on the property.

"Construction or contractor sign" means a temporary sign which states the names of the individuals and/or firms connected with the construction of a project. Such signs shall be located at the project site and may include, but are not limited to, the name of the project, the address of the business, and the telephone numbers.

"Copy" means any words, letters, numbers, figures, designs or other symbolic representations incorporated into the graphic content of a sign.

"Directional/informational sign" means an on-premises sign which contains words such as "entrance," "in," "out," "rest rooms," "no parking," "curbside pickup," "online orders," "reserved for _____," or other similar words, or a sign containing arrows or characters indicating traffic directions used either in conjunction with such words or separately. The sign area shall not be greater than two square feet and the sign not higher than three feet. Signs exceeding this area and/or height may be allowed with approval of a comprehensive sign program, for carwash, polishing, vacuuming, and detailing uses only. No directional/informational sign shall contain any advertising or trade name information, although minor business identification, not exceeding 20% of the sign area, is allowed for directional purposes. Real estate kiosk and directional signs as defined in section 33-1396(c) and (d) shall not be included in this category.

"Director" means the director of community development, or a designated representative, whose responsibility it is to administer and enforce the provisions of this article.

"Districts" mean designated areas of the community approved by city council resolution or ordinance, including overlay, area and neighborhood plans, historic sections, and specific planning areas.

"Double-faced sign" means a freestanding, hanging or projecting sign where two copy faces of equal size are mounted back-to-back. The two faces shall be parallel to each other and not separated by more than 36 inches. One face only will be charged against the permitted sign area.

"Feather sign" means a type of freestanding temporary portable sign of flexible material that is plain or includes copy and/or graphics and is supported by a horizontal or vertical pole, including, but not limited to, feather, flutter, bow, and tear drop flag signs.

"Flashing sign" means any sign which contains or is illuminated by lights which are intermittently on

and off, which change intensity or color, or which create the illusion of motion in any manner, including animated signs which manifest a physical movement or rotation in one or more planes or the optical illusion of action or motion. Time and temperature signs where all advertising is excluded are not included in this category.

"Freestanding sign" means a sign which is permanently supported on the ground by one or more uprights, braces, poles, or other similar structural components that is not attached to any building. This category includes both monument and pole-type signs.

Freeway-oriented sign. For the purposes of this regulation, a freeway-oriented sign means any structure, housing, device, figure, statuary, painting, display, message placard or other contrivance, including a wall sign or freestanding sign, which provides information in the nature of advertising and which has been designed and located adjacent to the right-of-way on Interstate 15 freeway or portions of Highway 78, with the intention that it be viewed and/or read primarily by motorists traveling on Interstate 15 or portions of Highway 78.

"Future tenant identification sign" means a temporary sign which identifies a future use of a site or a future tenant for a building.

"Glazing area sign" means temporary or permanent signs painted on, attached, glued or otherwise affixed to glass windows, doors, or other glass structures, and oriented to the exterior of the building and public view.

"Grand opening sign" means a temporary special event sign used by newly established businesses to inform the public of their location and service available to the community. A grand opening sign may only be installed within 60 days after the business initially opens, and shall not be displayed for more than 30 consecutive calendar days. "Grand opening" does not mean an annual or occasional promotion of retail sales by a business.

"Halo-lit letters" mean individual, dimensional letters or symbols with solid opaque faces which are indirectly illuminated by a light source contained within each letter or symbol, where the light is directed upon the wall or background surface behind the letters creating silhouettes of the letters or symbols against the reflected light.

"Height of sign" means the greatest vertical distance measured from the top of the sign, including decorative embellishments, to the finish grade at the point the sign supports intersect the ground.

"Historic sign" means a sign or advertising structure that possesses historic, cultural, architectural, or community interest or value associated with the development, heritage or history of the city.

"Historic site sign" means signage as necessary to identify a historic landmark or a local register property as designated by the City of Escondido.

"Illegal sign" means any advertising display erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use, as well as, signs which have expired permits due to the lack of having had the required inspections per the Uniform Building Code and National Electric Code.

Illumination.

(1) "External illumination" means the illumination of a sign by an external light source that is not a component part of the sign.

(2) "Internal illumination" means the brightening of a sign by a light source that is a component part of the sign and enclosed within the advertising structure.

"Incidental sign" means a small sign, emblem or decal informing the public of facilities or services available on the premises (e.g., a credit card sign or sign indicating business hours, health rating or licensing).

"Inflatable display" means any three dimensional ambient air-filled object depicting a container, figure, product or product trade dress.

"Inoperative activity" means a business or activity that has ceased operation at any given location for a continuous period of at least 180 calendar days.

"Interior sign" means a sign inside any business that is not intended to be seen from outside the building in which the business is located.

"Legal" means authorized or permitted in accordance with procedures defined by ordinance or law.

"Logo" means a trademark or symbol used to identify a business.

"Menu sign" means a sign, located adjacent to a drive-through lane of a food service facility, which lists the products available and the prices, and is designed to be read by the occupants of a vehicle.

"Message center, electronic," means a sign which has a changeable message which may be changed by electronic processes or by remote control and which exposes its message for not less than eight seconds with the interval between messages not less than one second.

"Monument sign" means a low-profile freestanding sign.

"Moving sign" means a sign whose entirety or components rotate or move in any manner to attract attention.

"Multi-shingle (multi-panel) sign" means a freestanding sign composed, in whole or in part, of individual tenant panels without an attached background, typically hung from each other from a cross member supported by posts, and generally separated by a gap not greater than six inches.

"Nonconforming sign" means a sign that does not presently comply with the provisions of this article. A sign that was lawfully erected prior to the enactment of the ordinance codified herein, but now fails to meet any of the standards contained herein shall be considered a legal nonconforming sign.

"Pole sign" means a permanently mounted, freestanding sign which is supported above the ground by one or more uprights, braces, poles, or other similar structural components.

"Portable sign" means a sign which is not permanently attached to a structure or to the ground and is designed to be moved easily.

"Projecting sign" means any sign other than a wall or canopy sign which is attached to and hangs or projects from a structure or any portion of a building.

"Public right-of-way" means a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be or is presently occupied by a road, sidewalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, bikeway, pedestrian walkway or other public use.

Real estate kiosk sign. See Subdivision sign kiosk—Real estate kiosk sign.

"Real estate sign" means a temporary sign advertising the sale, rent, lease or open house of the property upon which it is located and the identification of the firm handling such sale, lease, rent or open house.

"Regional market group" means a defined group of related commercial uses where a marketing or advertising association has been established for the benefit of the regional market group members who are located in a single approved Escondido planned development of more than 40 acres with limited visibility

from Interstate 15 freeway, and whose market area extends beyond the city limits throughout a larger regional area.

"Regional market sign" means a freeway-oriented sign for a regional market group or affiliated business organization consisting of members of the regional market group, which may include an electronic message center.

"Roof" means the external covering of a building or structure above or covering any exterior or interior vertical wall or other portion of the site.

"Roofline" means the top edge of the roof or top of the parapet, whichever forms the top line of the building silhouette.

"Roof sign" means a sign erected, constructed or placed upon or over a roof of a building, except a mansard roof or canopy which is below the roof of the primary structure which is wholly or partly supported by such buildings.

"Sandwich sign" means a type of portable sign of A-frame construction.

"Sign" means any mark or painted character on any card, cloth, paper, metal, wood, plastic, or any other material visible from outside a structure, mounted to the ground or any tree, wall, bush, rock, fence or structure, either privately or publicly owned. Sign shall also mean any graphic announcement, declaration, demonstration, display, illustration, statuary or insignia used to promote the interest of any person, product, activity or service when the same is placed outdoors in view of the general public.

"Special event sign" means a temporary sign which advertises special events and activities such as, but not limited to, grand openings, charitable events, promotional sales, and Christmas tree sales. Such signs are limited to the provisions listed in this article, section 33-1396(a).

"Statuary" means statues or sculptures or similar figures that depict products, features, items or logos of a business, excluding those items that are considered design features or complements of the overall site such as wagons, benches, equipment sold or rented on the premises, hand water pumps, troughs, and other like items.

"Subdivision sign kiosk—Real estate kiosk sign" means a city designated sign in the public right-of-way or on private property containing directional panels for residential developments.

"Super-graphic sign" means a wall sign displaying a large graphic image with or without text. The graphic image extends beyond the perimeter of the sign text.

"Temporary sign" means any sign that is displayed for a limited period of time as defined in this article.

"Time and temperature sign" means an electronically or electrically controlled changeable copy sign which conveys only information such as the time, date, temperature or atmospheric conditions, where different alternating copy changes are shown on the same copy area. Each message remains displayed for a specific minimum period of time with a total blackout between message changes. The copy shall not travel or appear to travel in any direction. Time and temperature signs shall be included in the permitted wall or freestanding sign area and shall not include any advertising within the changeable copy area.

"Use" means the purpose for which a property, lot, building, sign or other structure is arranged, intended, designed, occupied or maintained as established by the authorized legislative body.

"Vehicle sight distance" means the area through which a driver has a clear view of oncoming vehicle and pedestrian traffic when waiting to proceed at a street corner or driveway. The sight distance at driveways should be at least 10 feet on each side of the driveway. At nonsignalized corners, the clear view area is typically established by measuring 25 feet along the street fronts from each curb return point and drawing a line across the two back points to form a triangular area. Generally, no sign in excess of three feet above

the curb grade, or support pole larger than 12 inches in diameter may be installed in this clear view area unless approved by the engineering division.

"Vehicle sign" means a sign which is attached to or affixed in any fashion, painted on, or resting in or on any type of vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or an activity or business located on such property as determined by the director.

"Wall sign" means a sign painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall. A parapet, mansard, or canopy/marquee sign shall be considered a wall sign provided it is architecturally integrated with the building and does not project above the roof line.

Window sign. See Glazing area sign.
(Ord. No. 92-47, § 1, 11-18-92; Ord. No. 94-33, § 1, 11-2-94; Ord. No. 95-18, § 2, 9-13-95; Ord. No. 96-27, § 1, 8-28-96; Ord. No. 98-25, § 1, 12-9-98; Ord. No. 99-27R, §§ 5, 6, 12-1-99; Ord. No. 2000-23, § 8, 9-13-00; Ord. No. 2008-22, § 7, 9-10-08; Ord. No. 2009-02, § 4, 2-25-09; Ord. No. 2011-19R, § 5, 1-11-12; Ord. No. 2012-08, § 4, 5-23-12; Ord. No. 2018-22, § 1, 12-5-18; Ord. No. 2020-14 § 10, 8-12-20; Ord. No. 2023-07, § 3, 3-8-23)

§ 33-1392. Permit administration.

(a) Sign permit required. A sign permit from the planning division shall be required prior to the placing, erecting, moving, reconstructing or replacing (including sign copy) any sign in the city unless expressly exempted by this article. One or more signs may be approved per sign permit. Signs requiring a permit shall comply with the provisions of this chapter and all other applicable laws, as well as be consistent with the sign design guidelines as may be adopted by the city council. Signs may require building permits in addition to sign permits, as determined by the building official.

(b) Method of application. An application for a sign permit shall be made to the planning division on forms prescribed by the director. The sign permit application shall be accompanied by the following:

(1) Three copies of a scaled plan showing:

(A) Location of proposed sign both in plan view and elevation and its relation to adjacent buildings, structures, topography and property lines,

(B) The design, dimensions, colors, materials, copy and type of lighting proposed,

(C) Location of existing freestanding signs on adjacent properties and dimensions,

(D) Details to verify conformance with Article 35 (Outdoor Lighting Ordinance),

(E) For freeway-oriented signs, cross-sections of the development site and freeway right-of-way which indicate the height relationship between the proposed sign and the freeway travel lane;

(2) A list of all existing and approved signs (type and size) existing at the subject location or tenant space (if any) as of the date of the application;

(3) The size of the lot or commercial/industrial center and gross floor area of building or tenant space;

(4) Such other information the director may require to adequately review an application;

(5) A sign permit fee, as adopted by city council resolution.

(c) Comprehensive sign program for commercial and industrial zones. A comprehensive sign program shall be required for all new commercial, office or industrial centers consisting of two or more tenant spaces, and for existing commercial, office or industrial centers for which the owner requests permission to remodel, expand, or enlarge the building(s) or land use which affects the existing signs. A comprehensive sign program also shall be required for all new or existing car-wash, polishing, vacuuming, and detailing uses that propose the use of directional/informational signs exceeding two square feet in area or three feet in height. The purpose of the program shall be to integrate signs with building and landscaping design into a harmonious architectural unit and, in the case of directional signage exceeding the aforementioned size limits, to ensure that the size and scope of this signage is appropriate for the site. All comprehensive sign programs shall be reviewed by planning staff to determine conformance with the sign design guidelines, planned development approvals, applicable overlay guidelines, and/or specific plan standards. Comprehensive sign programs to allow directional signage as described above must be reviewed and approved by the zoning administrator. Staff may agendize the matter to the planning commission. Method of application shall be the same as designated in section 33-1392(b). Integration of signs shall be achieved by:

(1) Using the same background color on all signs or by using various shades as determined compatible;

(2) Using the same type of support or method of mounting for signs of the same type, and by using the same type of construction material for components such as sign copy, cabinets and supports. Slightly dissimilar signing may be approved if determined compatible;

(3) Using the same form of illumination for all signs, or by using varied forms of illumination where justifiable and determined compatible;

(4) Providing a comprehensive plan for the location, placement and number of all signs to be permitted for all existing or future development in the center, or by identifying common architectural elements where tenants can physically locate their signs;

(5) Incorporating the design standards established in the sign design guidelines, as may be adopted by city council.

(d) Method of review.

(1) After receipt of a sign application not related to a project otherwise requiring design review, the director or designee shall approve, conditionally approve or deny such sign request. The director may refer the application to the planning commission when there is a question as to whether the application adequately conforms to the sign design guidelines, unless otherwise required by this chapter. Such a review shall ensure that any sign proposal is in conformance with this article, as well as other applicable ordinances and policies of the City of Escondido. Sign applications referred to the planning commission by the director, shall be scheduled for the next available planning commission meeting upon determination of a complete application.

(2) Sign permits which do not require review by the planning commission pursuant to this chapter and are not referred to the planning commission shall be processed by the planning division within five working days of submittal of a complete application. In the event that the sign permit application is not approved, conditionally approved or denied within five working days, the applicant may request a refund of 1/2 of the planning sign permit fees.

(e) Appeals. Appeals of the director's decision shall be to the planning commission and must be filed in the planning division in writing within 10 calendar days of that action. Such appeal shall be accompanied by the appeal fee as adopted by the city council. Appeals of the planning commission's decision may be made to the city council by filing a written appeal with the city clerk within

10 calendar days of the commission's action and paying the fees as adopted by the city council.

(f) Building permit required. Sign permits shall be in addition to any other permits which may be required by applicable law. Sign permits must be obtained before other sign related building permits may be issued.

(g) Administration. It is the responsibility of the director to administer and enforce all provisions.
(Ord. No. 92-47, § 1, 11-18-92; Ord. No. 2008-22, § 7, 9-10-08; Ord. No. 2011-19R, § 5, 1-11-12; Ord. No. 2020-14 § 10, 8-12-20)

§ 33-1393. Exempt and prohibited signs.

(a) Exempt signs. The following signs shall be exempt from the application and sign permit requirements, but must be in conformance with all other requirements of this chapter. A building permit and/or encroachment permit may be required. No sign shall obstruct the vehicle sight distance area at intersections and driveways pursuant to section 33-1391(65).

(1) Glazing area signs.

(A) Internal signs affixed to glazing areas and oriented to the exterior and public view, not exceeding 20% of the area of glazing on which it is located. Temporary signs may be of expendable materials such as cloth, paper, paint, etc. Permanent signs shall be of nonfading materials permanently applied in a professional manner. Permanent glazing area signs may include incidental signs, and information such as hours of operation or a proprietor's name,

(B) Any window sign used as permanent identification of the business name or logo shall be considered a wall sign and the sign area shall be included in the total wall sign area allowed for the building or tenant space. A sign permit is required for such business sign;

(2) Real estate signs for single and multiple residential rental and sales. One on-site sign per street frontage, up to two, not exceeding four square feet in area, provided it is unlit and is removed within 15 calendar days after the close of escrow or the rental or lease has been accomplished. Up to two riders identifying the agent and/or special feature of the property may be added to the signs. Sign height not to exceed five feet including riders. One on-site and up to three off-site open house signs, not exceeding four square feet in area and five feet in height, are also permitted for the purpose of selling a single house or condominium. Up to three balloons, each not exceeding 24 inches in any dimension, may be attached to on-site real estate/open house signs. Other attention-getting devices are not permitted;

(3) Contractor or construction signs.

(A) Residential projects consisting of five units or more and commercial and industrial projects shall be allowed, one wall or freestanding sign on the construction site for all contractors (may include financial institutions, real estate agents, subcontractors, etc.). The sign area may not exceed 50 square feet unless legally required by government contracts to be larger. No freestanding sign shall exceed 15 feet in overall height. Such sign shall be

removed by the contractor(s) upon the granting of occupancy by the city,

(B) Residential projects involving four or less units shall be allowed two wall or freestanding signs. Each sign shall not exceed four square feet in area. Freestanding signs shall not exceed five feet in height. Such signs shall be removed by the contractor(s) upon the granting of occupancy by the city;

(4) Real estate signs for commercial and industrial premises. One sign per street frontage is allowed, up to two signs which advertise the sale, lease or rent of the premises. These signs shall not exceed 24 square feet in area for lots/centers three acres or less in size, or 48 square feet for lots/centers over three acres in size. These signs may be freestanding signs, wall signs or banners. No such freestanding sign shall exceed eight feet in overall height. Freestanding signs may be double-sided if the panels are of equal size and are mounted back-to-back (parallel) or in a "V" shape if the interior angle does not exceed 90 degrees. The area of only one side of a double-sided sign shall be calculated to determine the area of the sign. Such real estate signs shall be removed within five calendar days after the property to which they refer has been rented, leased or sold;

(5) Interior signs. Devices or displays which are entirely inside a building or in a display space of a lawful show window and are not affixed to the window pane;

(6) Historic site signs, on-premises memorial tablets or plaques. These include those installed by the City of Escondido, a city-recognized historical society, or civic organization, or other displays which do not advertise goods or services;

(7) Directional/informational signs as defined in section 33-1391. Such signs shall not exceed two square feet in area. Freestanding signs shall not be higher than three feet. Directional/informational signs exceeding these limits may be allowed only for car-wash, polishing, vacuuming, and detailing uses with approval of a comprehensive sign permit, as set forth in section 33-1392(c). No directional/informational sign shall contain any advertising or trade name information, although minor business identification, not exceeding 20% of the sign area, is allowed for directional purposes. Real estate directional and kiosk signs shall not be included in this category;

(8) Future tenant identification signs may be placed on vacant or developing property or on a vacant tenant space to advertise the future use of an approved project or the future tenant of the suite. One such sign is permitted which shall not exceed 20 square feet in area for a future tenant, or 32 square feet for a vacant or developing property. Freestanding signs shall not be higher than eight feet. Any future tenant identification sign shall be removed upon granting of occupancy by the city;

(9) Residence identification signs used to identify individual names and/or addresses of individual residences. Such signs shall not exceed two square feet in area. A maximum of two signs or name plates are allowed per dwelling unit;

(10) Official and legal notices issued by the court, public body, person or officer in performance of his or her public duty or in giving any legal notice;

(11) Signs providing notice of public hearing, direction, warning, or informational signs or structures required or authorized by law or by federal, state, county or city authority;

(12) Official flags. Up to three official flags of the United States, the State of California, or other

states of the nation, counties, municipalities, and official flags of foreign nations. Proposals for more than three flags require a sign permit and design review. If flags are to be displayed on vertical flagpoles, these poles shall be permanently installed with appropriate building permits. Flags of nationally or internationally recognized organizations and corporate or business flags are only permitted if displayed in conjunction with a United States flag. The Flag Code of the United States shall be observed at all times;

(13) Seasonal decorations displayed during a holiday or announcing a community event which do not advertise a specific product or service and are removed within 10 working days after the holiday or community event, except as otherwise permitted for temporary window signs;

(14) Signs of public utility companies indicating danger, serving as an aid to public safety, showing the location of underground facilities or public telephones;

(15) Safety signs on construction sites;

(16) No trespassing, no parking, and similar warning signs not exceeding four square feet in area;

(17) Signs on public transportation vehicles including, but not limited to, buses and taxicabs;

(18) Signs on licensed vehicles; provided, that such vehicles are not used or intended for use as portable signs or as otherwise prohibited in section 33-1393(b);

(19) Incidental signs for automobile repair stores, gasoline service stations, automobile dealers with service repairs, motels and hotels showing notices of services provided as required by law, trade affiliations, credit cards accepted, and the like, attached to the structure or building; provided, that all the following conditions exist:

(A) The signs number not more than four unless required by state law,

(B) No such sign projects beyond any property line,

(C) No such sign shall exceed an area per face of four square feet per face. Signs may be double-faced;

(20) Copy attached to fuel pumps or dispensers such as fuel identification, station logo, and other signs as required by law;

(21) Bill of fare signs for restaurants. Such signs shall not exceed four square feet in area and may be displayed in the window or on the exterior wall in an appropriate manner;

(22) Agricultural signs, either wall or freestanding types, and nonilluminated to only identify the premises as being associated with a trade organization, or as producing products under registered trade names, or to identify the business name and agricultural products grown on the premises. Such signs shall not exceed four square feet for lots two acres or less and 16 square feet for lots greater than two acres. One sign per street frontage is allowed with a maximum of two signs per lot. Wall signs shall be located below the roofline. Freestanding signs shall not be higher than six feet, and if higher than three feet shall not be located within 25 feet of any property line abutting a street;

(23) Model unit signs. One feature sign, one model sign and two flags or pennants for each model home may be placed on the model home lots, at the sales office, or in the parking lot area of the subdivision. Such signs and flags shall not exceed four square feet in area and may be double-sided;

(24) Public signs. Signs placed on public property by federal, state or local agencies designed to provide identification or benefit to the public. This exemption does not apply to freestanding, wall, or bulletin signs proposed for public facilities of the City of Escondido;

(25) Scoreboards placed on athletic fields;

(26) Barber poles outside a barbershop;

(27) Commemorative plaques;

(28) Garage and yard-sale signs as permitted by the Escondido Municipal Code section 16-119.

(b) Prohibited signs. Any sign not specifically authorized by this article shall be prohibited unless required by law or otherwise exempted by a local agency pursuant to the Government Code, sections 53090 et seq., of the State of California. The following signs are expressly prohibited:

(1) Roof signs, except a roof-type sign, where permitted by the planning commission as a freeway-oriented sign pursuant to section 33-1395(a)(3);

(2) Flashing signs, including time and temperature signs (unless all advertising is excluded);

(3) Inflatable advertising devices of a temporary or permanent nature, including hot air balloons, unless approved as a special event sign pursuant to section 33-1396(a);

(4) Animated and moving signs;

(5) Searchlights and beacons except as permitted per section 33-1396(a);

(6) Revolving or rotating signs;

(7) Vehicle signs (when parked or stored on property or street for the purpose of identifying a business or advertising a product or service);

(8) Signs without an approved sign permit, unless exempt from the provisions of this chapter;

(9) Portable signs and banners except where permitted by this chapter;

(10) Signs within the public right-of-way, except where required by a government agency or otherwise permitted by sections 33-1396(c) and 33-1396(j);

(11) Signs blocking doors or fire escapes;

(12) Outside light bulb strings, except for temporary uses such as holiday sales, Christmas tree lots, carnivals and other similar events as defined in section 33-1391(58);

(13) Readerboard/changeable copy signs, either electric or nonelectric, except time and temperature signs as defined in section 33-1391(63), and other signs permitted pursuant to sections 33-1395.2(b)(3) and (4), 33-1395.10, and 33-l396(e);

(14) Pennants, streamers, whirligigs, balloons, and other attention-getting devices except as permitted by section 33-1396 of this chapter;

(15) Signs which purport to be, imitate or resemble official traffic warning devices or signs that by color, location or lighting may confuse or disorient vehicular or pedestrian traffic. This does not include traffic or directional signs installed on private property to control on-site traffic, which do not confuse or disorient vehicular or pedestrian traffic on a public road or right-of-way;

(16) Off-site real estate and yard sale directional signs other than those permitted by sections 33-1393(a)(2), 33-1396(c) and (d) and Municipal Code section 16-119;

(17) Billboards and signs that advertise a product, person, business or service not available on the property where the sign is located (off-site signs), and signs placed adjacent to a sign-controlled freeway (see Article 52 of the Escondido Zoning Code).

(Ord. No. 92-47, § 1, 11-18-92; Ord. No. 95-18, § 2, 9-13-95; Ord. No. 98-25, § 1, 12-9-98; Ord. No. 99-27R, § 7, 12-1-99; Ord. No. 2011-19R, § 5, 1-11-12; Ord. No. 2012-08, § 4, 5-23-12; Ord. No. 2018-22 § 1, 12-5-18; Ord. No. 2020-14 § 10, 8-12-20)

§ 33-1394. Construction and maintenance of signs.

(a) Construction standards. Every sign and all parts, portions and materials comprising the sign, together with the frame, background, supports or anchorage, shall be manufactured, assembled and erected in compliance with all applicable state, federal and city regulations and the Uniform Building Code.

(b) Maintenance of signs. Every sign and all parts, portions and materials comprising the sign, together with the frame, background, support or anchorage, including those signs otherwise exempt from this chapter, shall be maintained and kept in proper repair. The display surface of all signs shall be kept clean, neatly painted and free from rust or corrosion. Any crack, broken surface, malfunctioning light, missing sign copy or other unmaintained or damaged portion of a sign shall be repaired or replaced within 30 calendar days following notification by the city. Any cracked, faded, torn, ripped, broken or otherwise damaged temporary portable or feather sign shall be immediately removed from public view until repaired or replaced. Any sign not properly maintained shall constitute a public nuisance and may be abated per section 33-1398.

(Ord. No. 92-47, § 1, 11-18-92; Ord. No. 2012-08, § 4, 5-23-12)

§ 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 11:00 p.m. and sunrise, unless exempt pursuant to Article 35, Outdoor Lighting.

(Ord. No. 92-47, § 1, 11-18-92; Ord. No. 94-33 § 2, 11-2-94; Ord. No. 2000-23, § 9, 9-13-00; Ord. No. 2008-22, § 7, 9-10-08; Ord. No. 2023-06, § 3, 3-8-23)

§ 33-1395.1. Sign standards—Wall signs—CG and CN zones.

(a) Allowable wall sign area. One square foot of sign area for every 50 square feet of gross building floor area for each business establishment. A minimum aggregate sign area of 15 square feet shall be permitted. The total aggregate area of all wall signs shall not exceed 300 square feet per business establishment.

(b) Size.

(1) The maximum size of individual wall signs shall be 100 square feet. Tenants occupying a space larger than fifteen thousand (15,000) square feet in area may request individual wall sign(s) greater than 100 square feet;

(2) The director shall determine whether the signs are consistent with the sign guidelines and appropriate for the specific site conditions;

(3) Projecting signs shall not exceed six square feet and shall be counted against the total wall sign area permitted for the building. These signs shall project from the wall not more than three feet at an angle of 90 degrees, or hang from an overhead canopy.

(c) Wall signage on multistory buildings. Top-of-building wall signage on buildings of three or more stories shall be limited to the address and text and/or logo identifying the building. Such signage shall be subject to the following sign sizes:

Number of Stories	Max. Letter Height	Max. Symbol Height
3 to 4	3′6″	3′10″
5 to 9	4′0″	4′5″
10 to 15	5′0″	5′6″

(d) Location. Wall signs may not project above the primary wall line or parapet, nor be located on or supported by the roof. Wall signage shall not occupy more than 80% of the length of a building frontage or tenant space frontage.

(e) Tenants in multitenant buildings with an approved comprehensive sign program, may transfer portions of their sign allotment to a frontage which is not part of their shop space with the written consent of the owner of the building and the tenant occupying the space where the sign is proposed. The total aggregate area of all signs on the tenant spaces shall not exceed the maximum area permitted for that tenant building. The aggregate length of all signs on a single frontage shall not exceed 80% of the total length of the building or tenant space frontage.

(f) Wall signs for businesses adjacent to Centre City Parkway should be oriented toward vehicular entries on the cross streets. Wall signs that face[5] Centre City Parkway shall be subject to the following additional requirements:

(1) Signs shall be limited to a maximum 24 inch letter height for all businesses with less than 10,000 square feet of gross floor area. Graphics associated with the text may exceed the 24 inch height limitation.

(2) Signs shall be located in a manner that reduces the potential for visual conflict with Centre City Parkway right-of-way and parking lot landscaping at maturity, and shall not rely on trimming or removal of landscaping to increase or maintain sign visibility.

(3) Internally illuminated "cabinet" signs with illuminated backgrounds shall be prohibited.

(g) Transfer of other sign entitlements. All or part of the freestanding sign entitlements for a lot or center allowed under column A of the chart in section 33-1395.2(a) may be transferred to permitted wall sign area. However, no wall sign(s) shall occupy more than 80% of the length of the building/tenant

5. A wall sign shall be considered to face Centre City Parkway when it forms an angle of 45 degrees or less to Centre City Parkway.

space frontage. No freestanding sign is allowed when any sign area is transferred. If the proposed wall signs are consistent with the design guidelines, including maximum frontage coverage, no design review is required. Transfers up to the maximum freestanding sign entitlement (column B of the chart in section 33-1395.2(a)) for the lot/center may be approved by planning staff if deemed appropriate. No one sign may exceed 100 square feet unless proposed for a tenant occupying more than 15,000 square feet of space and planning staff determines that the proportions of the sign are appropriate for the building and location.

(h) Super-graphic signs. Additional sign area for purposes of displaying large graphic images may be permitted pursuant to section 33-1395.11.

(Ord. No. 94-33, § 2, 11-2-94; Ord. No. 96-32, § 1, 11-20-96; Ord. No. 98-25, § 1, 12-9-98; Ord. No. 2008-22, § 7, 9-10-08)

§ 33-1395.2. Sign standards—Freestanding signs—CG and CN zones.

(a) Size. The maximum size of freestanding signs shall be determined by the size of the lot or commercial center according to the following chart:

	Column A		Column B	
	Maximum size without design review		Maximum size with staff design review	
Lot/Center Size	**Area**	**Height**	**Area**	**Height**
a. Up to 7,000 SF (.16 ac)	10 SF	4′*	20 SF	15′
b. 7,001-10,000 SF (.23 ac)	20 SF	4′*	40 SF	15′
c. 10,001-25,000 SF (.57 ac)	30 SF	6′	60 SF	15′
d. 25,001-43,560 SF (l ac)	30 SF	6′	80 SF	15′
e. l+ ac-3 ac	30 SF	6′	100 SF	15′
f. 3+ ac-7 ac	30 SF	6′	125 SF	20′
g. 7+ ac	30 SF	6′	150 SF	30′

Notes:

* Signs with appropriately designed bases may be up to five feet high.

Individual signs which do not exceed the maximum sign area and height indicated in column A and column B of the chart in this subsection for the appropriate lot/center size category, and which are consistent with the sign design guidelines, may be approved administratively.

(b) Number. No more than one freestanding sign per street frontage shall be permitted except as follows:

(1) In commercial centers over three acres, multiple freestanding signs may be permitted as follows:

(A) Frontages longer than 1,000 linear feet on one street may have two freestanding signs.

(B) One additional freestanding sign shall be allowed for each 600 linear feet of frontage on one street thereafter.

(C) In the case of multiple frontages, the allowed number of freestanding signs shall be calculated separately for each street and may not be transferred to other frontages on the

site.

(D) All freestanding signs on the site shall be separated by a minimum distance of 250 linear feet, except as may be permitted by the director.

(E) For the purposes of determining the number of permitted freestanding signs, the term "street frontage" shall include frontages adjacent to Interstate 15 and Highway 78.

(F) The maximum sign area allowed for any second or subsequent sign on the same frontage is 70% of the maximum size allowed for the lot/center size category for the purposes of calculating total allowable aggregate sign area. This aggregate total may be distributed in any appropriate fashion among all freestanding signs in the center with no single sign exceeding the maximum sign area for the lot/center size category under column B of the chart in subsection (a) of this section.

(2) In commercial centers over three acres in size, monument signs not exceeding 60 square feet or eight feet in height shall be permitted for single tenants occupying the entire building located on a separate pad within the center. The area of the sign shall be counted in the allowable wall sign area for the pad building and the sign shall be located in close proximity to the subject business. A minimum separation of 250 linear feet shall be maintained between the pad sign and any other freestanding sign in the commercial center, unless a lesser separation is determined appropriate by the director.

(3) Additional freestanding signs (maximum of one per frontage) may be permitted for service stations as necessary to comply with state-mandated price notification requirements. The maximum number of freestanding signs allowed per service station is one per street frontage. Such additional price signs are exempt from sign separation requirements, but shall be limited to a maximum size of 10 square feet and maximum height of six feet including the base.

(4) Menu signs. In conjunction with a drive-through business or automated car wash:

(A) Up to two freestanding menu, or other similar signs, up to 32 square feet each and a maximum height of six feet may be permitted for drive-through businesses with one stacking lane.

(B) Drive-through businesses with more than one stacking lane shall be allowed one freestanding menu sign, or other similar sign, up to 32 square feet and a maximum height of six feet, and one freestanding menu sign, or other similar sign, up to 24 square feet and a maximum height of six feet, for each stacking lane.

(C) A maximum of two freestanding menu, or other similar signs, shall be oriented toward each stacking lane for drive-through businesses.

(D) Automated car washes shall be allowed one freestanding menu sign or other similar sign, up to 24 square feet and a maximum height of six feet, and one pay station or kiosk, for each stacking lane.

(E) Menu signs shall be screened from view from adjacent properties and rights-of-way through the use of landscaping, earthen berms, walls, etc., to the maximum extent possible.

(F) Menu signs may be internally illuminated and utilize changeable copy.

(G) The area of the menu signs shall not be counted against the allowable sign area for the

business.

(c) Other limitations specific to properties on Centre City Parkway. Notwithstanding subsection (b) above, a maximum of one freestanding sign along Centre City Parkway shall be permitted for each vehicular entry from Centre City Parkway.

(Ord. No. 94-33, § 2, 11-2-94; Ord. No. 96-32, § 1, 11-20-96; Ord. No. 2008-22, § 7, 9-10-08; Ord. No. 2011-19R, § 5, 1-11-12; Ord. No. 2016-15, § 4, 10-26-16; Ord. No. 2018-15, § 5, 6-13-18; Ord. No. 2018-22, § 1, 12-5-18; Ord. No. 2020-14 § 10, 8-12-20)

§ 33-1395.3. Sign standards—Freeway-oriented signs—CG and CN zones.

(a) Eligible properties and uses. Freeway-oriented signs may only identify the name of the center and/or the specified freeway-oriented uses listed in the sign design guidelines, which are located on parcels or in commercial centers physically contiguous to the Interstate 15 freeway right-of-way, or that portion of Highway 78 right-of-way west of Broadway, or on certain noncontiguous properties which are visually oriented to the Interstate 15 freeway and are located at off-ramp intersections. These noncontiguous parcels are identified in the design guidelines.

(b) Type of sign. Freeway-oriented signs may be freestanding pole or monument type signs, wall signs, structures, or other building signs which are determined by the director to be consistent with the design guidelines and appropriate for the specific site and development.

(c) Number. Not more than one freeway-oriented sign is permitted for any parcel or commercial center, and the area of the sign shall be counted as part of the allowable freestanding sign entitlements for the lot or center.

(d) Size. The area of the sign shall comply with the corresponding lot center size indicated in the permitted freestanding sign chart in section 33-1395.2(a). For lots/centers 25,000 square feet or less in area, larger signs up to a maximum of 80 square feet may be approved by the director based on specific site characteristics, the visibility of the sign, and the demonstration of the need for a larger sign to achieve the least obtrusive design solution which provides the necessary visibility.

(e) Height. The height of freeway-oriented signs shall be the minimum necessary to achieve a functional sign in conformance with the design guidelines. In no event shall the overall height of the sign exceed 80 feet.

(Ord. No. 94-33, § 2, 11-2-94; Ord. No. 2008-22, § 7, 9-10-08; Ord. No. 2011-19R, § 5, 1-11-12; Ord. No. 2016-15, § 4, 10-26-16)

§ 33-1395.4. Sign standards—Wall signs—CP and HP zones.

(a) Number. No limit for a given building elevation (see subsection (b) of this section). The maximum number of building elevations on which wall signs may be located shall not exceed the number of street frontages.

(b) Size. Total wall signage shall not exceed 20 square feet in area on each building elevation, except as may be approved pursuant to subsection (c) of this section.

(c) Transfer of other sign entitlements. All or part of one of the freestanding sign entitlements for a lot or center allowed under column A of the chart in section 33-1395.5(b) may be transferred to permitted wall sign area on any single frontage. A maximum of one freestanding sign is allowed when any sign area is transferred. Requests for transfers maybe approved by planning staff upon determination that the proportions of the sign are appropriate for the building and location.

(d) Location. Signs shall be mounted flush and parallel to the building wall on which it is located and shall not extend above the wall line or parapet, nor be located on or supported by the roof. The length of the sign, or aggregate length of signs in a horizontal row, shall not occupy more than 80% of the length of the building/tenant space frontage.

(e) Illumination. External illumination only, except halo-lit letters are permitted.

(f) Super-graphic signs. Additional sign area for purposes of displaying large graphic images may be permitted pursuant to section 33-1395.11.

(Ord. 94-33, § 2, 11-2-94; Ord. No. 98-25, § 1, 12-9-98; Ord. No. 2008-22, § 7, 9-10-08)

§ 33-1395.5. Sign Standards—Freestanding signs—CP zone.

(a) Number. No more than one freestanding sign per street frontage, except as noted below. In no case may a development have more than two freestanding signs total.

(1) Two freestanding signs may be permitted on a single frontage. The total sign area of both signs may not exceed the maximum allowed for a single sign.

(2) Freestanding signs on the same site shall be separated by a minimum distance of 25 feet, except as may be approved by the director.

(3) Transfers of allowable freestanding sign area to freestanding signs on another street frontage is prohibited, except that up to 50% of the freestanding sign entitlement for one frontage may be allotted to a freestanding sign on an alley, with the approval of the director.

(b) Size. The maximum size of any freestanding sign shall be determined by the size of the lot or professional center according to the following chart:

	Column A		Column B	
	Maximum Size Without Design Review		Maximum Size With Staff Design Review	
Lot/Center Size	**Area**	**Height**	**Area**	**Height**
a. Up to 21,000 SF	10 SF	4′*	25 SF	8′
b. 21,001 SF -3 ac	20 SF	6′	50 SF	8′
c. 3+ ac	30 SF	8′	60 SF	12′

Notes:

* Signs with appropriately designed bases may be up to five feet high.

Multishingle/panel signs are encouraged in the CP zone (see definition).

Individual signs which do not exceed the maximum sign area and height indicated in column A and column B of the chart in this subsection for the appropriate lot/center size category, and which are consistent with the sign design guidelines, may be approved administratively.

(c) Illumination. External illumination only, except halo-lit letters are permitted.

(Ord. No. 94-32 § 2, 11-2-94; Ord. No. 2008-22, § 7, 9-10-08; Ord. No. 2016-15, § 4, 10-26-16)

§ 33-1395.6. Sign standards—Wall Signs M-1 and M-2 zones.

(a) Allowable wall sign area. One square foot of sign area for every 100 square feet of gross building floor area for each business establishment.

(b) Size. The maximum size of individual wall signs shall not exceed 50 square feet, unless the business occupies an entire building in which case the maximum size of individual wall signs shall not exceed 100 square feet. The total aggregate area of all wall signs shall not exceed 150 square feet per business establishment.

(c) Location. Wall signs may not project above the wall line or parapet, nor be located on or supported by the roof. Wall signage shall not occupy more than 80% of the length of a building frontage or tenant space frontage.

(d) Tenants in multitenant buildings with an approved comprehensive sign program may transfer portions of their sign allotment to a frontage which is not part of their shop space with the written consent of the building owner and the tenant occupying the space where the sign is proposed. The total aggregate area of all signs on the tenant spaces shall not exceed the maximum area permitted for that tenant building. The aggregate length of all signs on a single frontage shall not exceed 80% of the total length of the building or tenant space frontage.

(e) Wall signs for businesses adjacent to Centre City Parkway should be oriented toward vehicular entries on the cross streets. Wall signs that face[6] Centre City Parkway shall be subject to the following additional requirements:

(1) Signs shall be limited to a maximum 24 inch letter height for all businesses with less than 10,000 square feet of gross floor area. Graphics associated with the text may exceed the 24 inch height limitation.

(2) Signs shall be located in a manner that reduces the potential for visual conflict with Centre City Parkway right-of-way and parking lot landscaping at maturity, and shall not rely on trimming or removal of landscaping to increase or maintain sign visibility.

(3) Internally illuminated "cabinet" signs shall be prohibited.

(Ord. No. 94-33 § 2, 11-2-94; Ord. No. 96-32, § 1, 11-20-96)

§ 33-1395.7. Sign standards—Wall signs—IP zone.

(a) Maximum number and size. Wall signs shall be limited to one 30 square foot wall sign or two 15 square foot wall signs for freestanding buildings.

Each industrial establishment located within a multitenant building is permitted one nonilluminated name plate sign not to exceed 16 square feet.

(b) Location. Wall signs shall not project a distance greater than 12 inches from the face of the building which wholly supports such sign. Such wall sign shall not project above the wall line or parapet, or be located on or supported by the roof.

(Ord. No. 94-33, § 2, 11-2-94)

§ 33-1395.8. Sign standards—Freestanding signs M-l, M-2, and IP zones.

(a) Number. No more than one freestanding sign per street frontage shall be permitted.

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6. A wall sign shall be considered to face Centre City Parkway when it forms an angle of 45 degrees or less to Centre City Parkway.

(b) Size. Freestanding signs shall not exceed 50 square feet excluding the base and may be double faced.

(c) Height. Freestanding signs shall not exceed a maximum height of six feet including the base.

(d) Location. Freestanding signs for businesses adjacent to Centre City Parkway shall be oriented towards the vehicular entries on the cross streets or vehicular entries from Centre City Parkway, if any. A maximum of one freestanding sign along Centre City Parkway shall be permitted for each vehicular entry from Centre City Parkway. All freestanding signs adjacent to Centre City Parkway shall require DRB approval.

(Ord. No. 94-33 § 2, 11-2-94; Ord. No. 96-32, § 1, 11-20-96; Ord. No. 2008-22, § 7, 9-10-08)

§ 33-1395.9. Sign standards—Residential uses.

(a) Entry signs. Project entry signs shall be permitted as follows:

Class	Single-family residential subdivisions and multifamily developments of 16 units or more including mobilehome parks.
Sign Type	Monument or mounted on a perimeter wall.
Maximum number	One per major entry to project.
Maximum area per sign face	Twenty square feet.
Maximum height	Three feet within required setback and six feet otherwise.

Entry signs shall not be illuminated except by indirect or halo-type backlighting.

(b) Name plates. For single-family residences and multifamily complexes of two to four units, signs or name plates depicting the name and address of the resident are allowed. Each sign/name plate shall not exceed two square feet in area. A maximum of two signs or name plates are allowed per dwelling unit and no sign permit is required.

(c) Wall signs. In addition to the signs allowed in the preceding paragraphs, multifamily complexes with five to 15 units may also have a single wall sign not exceeding 20 square feet in size. A single 30 square foot wall sign may be permitted for each street frontage if the apartment complex has 16 units or more. Such signs shall not be illuminated, except by indirect or halo-type backlighting.

(d) Incorporation of rental information. If the permanent wall or entry sign is designed so that rental information can be integrated with the sign as units become available, the size of the permanent sign may be increased by up to 10 square feet. The increased area shall include any attachments for the rental information. Any monument type entry sign which is increased by this process may be up to four feet in height when a five foot setback is provided. No other rental signs or attention-getting devices are allowed with these types of signs. A sign(s) up to four square feet, which only advertises the multifamily development for sale, would also be allowed pursuant to section 33-1393(a)(2).

(e) In addition to the requirements of this section, signs located in the Old Escondido Neighborhood shall conform with Article 65 of the Escondido Zoning Code.

(Ord. No. 94-33, § 2, 11-2-94; Ord. No. 2008-22, § 7, 9-10-08)

§ 33-1395.10. Sign standards—Regional market signs.

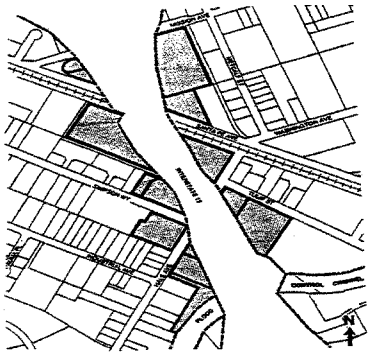
Notwithstanding other sections of this article, this section shall regulate the type, location, size, number, and eligible user(s) of regional market signs, as well as the application and review process.

(a) Eligible users. Only a regional market group or an affiliated business organization consisting of members of the regional market group, as approved by the city council, may request a regional market sign.

(b) Type of sign. Regional market signs may be freeway-oriented, freestanding pole or monument type signs, wall signs, structures, art pieces, or other building signs which are determined by the planning commission and city council to be consistent with the design guidelines, appropriate for the specific site and surrounding development, and comprehensively designed to provide artistically integrated elements which create an innovative and high-quality advertisement.

(c) Location. Regional market signs shall be located only on commercially and certain industrially zoned parcels contiguous to Interstate 15, as shown on Figure 33-1395.10(c)l.

Figure 33-1395.10(c)1



(d) Size. The area and height of the sign shall be the minimum needed to achieve a visible and functional sign in compliance with the design guidelines. Signs up to a maximum of 80 feet high and 710 square feet in copy area including any message center panel approved by the city council, with the total sign area not exceeding 825 square feet, may be considered based on specific site characteristics, adjacent freeway elevation and substantiation of the need for that large of sign. The director of community development may approve a sign up to 10% larger than the maximum sign height and sign area specified here, upon receipt of an application for an administrative adjustment.

(e) Number.

(1) Not more than one regional market sign is permitted for any regional market group or lot/center where the sign will be located. Not more than one regional market sign shall be permitted within the industrially zoned area along Interstate 15 as described above in subsection (c). The regional market sign may be in addition to any existing permitted freeway oriented advertising sign(s) not related to the regional market group, on the property at the time the regional market sign is requested. An appropriate separation based on specific site characteristics and existing signs shall be provided between freeway-oriented signs.

(2) A regional market group may have either a freeway-oriented regional market sign or a freeway-oriented advertising sign on any site; not both.

(f) Displays. Regional market signs may only identify the regional market group, group members, or affiliated business organization located on-site as owners or occupants of the premises, and/or advertise the business conducted or services rendered or goods produced or sold upon the property upon which the regional market sign is constructed, and other information consistent with Section

5405 of Division 3, Chapter 2 of the Business and Professions Code, Outdoor Advertising Act, and the policies of the California Department of Transportation (Caltrans) for freeway-oriented signs.

(g) Fixed text. Any permanent fixed copy on a regional market sign shall be individual letters or have the appearance of individual letters, and shall be consistent with the sign design guidelines including criteria for legibility and the avoidance of a cluttered appearance.

(h) Changeable message. An electronic message center may be incorporated in the regional market sign with the approval of the city council, subject to the following:

(1) Length of display. Each message shall be displayed for a period of at least eight seconds. The sign shall remain blank (no messages or display) for at least one second between displays. The messages and displays shall not be animated, appear in incremental stages or move across the changeable copy sign face. The software manufacturer and the software installer shall certify to the city that the software for the computer which controls the sign has been designed to and can only operate the sign at the approved on and off intervals.

(2) Maximum size. The maximum size of the electronic message center portion of a regional market sign shall be 600 square feet. The director of community development may approve an electronic message center up to 10% larger than the maximum size specified here, upon receipt of an application for an administrative adjustment.

(i) Illumination. The permanent copy may be illuminated by internal illumination of each individual letter or by halo back-lighting of each letter. No cabinet signs with illuminated backgrounds are allowed. The changeable copy area shall only be illuminated by the internal electronically controlled lights of the message center component.

(j) Initiation of application. Each sign application for a regional market sign shall be forwarded to the city council for initiation. The city council shall make the following findings prior to initiating any request.

Initiation findings.

(1) The applicant(s) constitute(s) a regional market group as defined by section 33-1391(52-1) or an affiliated business organization consisting of members of a qualified regional market group,

(2) The regional market group has limited visibility from the Interstate 15 freeway,

(3) Due to interurban competition, the defined group of users is at risk of a reduction in their share of the regional market; or

The regional market sign will assist in the retention of the regional market group uses in Escondido.

Upon initiation by the city council, a sign(s) shall be posted in a conspicuous location(s) on the project site so as to be visible from each public street adjacent to the site. The sign(s) shall notify the public of the submittal of a regional market sign application and shall be consistent with the requirements of section 33-1300(c)(2) of this chapter as to content and size.

(k) Review of application. Upon initiation by the city council, the sign permit application and processing fee shall be submitted to the planning division and shall include a site-specific study prepared pursuant to subsection (n) of this section, as well as a list of property owners within 500 feet of the proposed sign location pursuant to subsection (1) below. If the proposed location for the regional market sign is zoned PD-C (planned development-commercial), no separate modification of the

master sign program for the planned development is necessary. The sign application shall be reviewed by the planning division, whose recommendations shall be considered by the planning commission and the city council at separate public hearings. The city council shall make all the following findings prior to any approval or conditional approval of a regional market sign.

Approval findings.

(1) The proposed sign size and design are appropriate for the proposed location, type of regional market group, and surrounding development including the elevation of the adjacent freeway travel lane and mature height of landscaping, and conform to the sign standards of this section.

(2) The proposed sign is comprehensively designed to artistically integrate the various elements of the advertising and structure consistent with the sign design guidelines, which creates a high quality advertisement.

(3) The proposed sign will not be materially detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity in which the property is located.

(4) The regional market group association has demonstrated the ability and intent to enter into an agreement with the city to provide continuing maintenance of the regional market sign in accordance with the sign standards and conditions of approval.

(l) Public hearing notice. Public notice of the public hearings before the planning commission and the city council shall be given pursuant to Division 6, section 33-1300 of this chapter. However, the 500 foot radius from the property line adjacent to the freeway shall be measured from the Caltrans right-of-way line on the opposite side of the freeway from the project site.

(m) Other permits. Any approval of a sign application submitted without a current sign permit from the California Department of Transportation (Caltrans) for the proposed location, shall be conditioned upon obtaining any applicable sign permit from Caltrans for the proposed location.

(n) Requirements of site-specific study. The applicant shall provide a visual study representing the sign at the proposed location which demonstrates the visibility of the proposed sign from northbound and southbound travel lanes of Interstate 15. The study may be photographs or video tape of sign mockups situated on the proposed site; photo simulations; computer simulations; or other appropriate representations to the satisfaction of the director.

(o) Maintenance agreement. A maintenance agreement between the regional market group and the city shall be executed prior to the issuance of building permits for the regional market sign. The agreement shall identify the party responsible for the maintenance and operation of the regional market sign and shall include the annual maintenance schedule, to the satisfaction of the city attorney.

(Ord. No. 95-18, § 2, 9-13-95; Ord. No. 96-27, § 1, 8-28-96; Ord. No. 2008-22, § 7, 9-10-08; Ord. No. 2011-19R, § 5, 1-11-12; Ord. No. 2016-07, § 4, 8-24-16)

§ 33-1395.11. Sign standards—Super-graphic signs—CG, CN, CP, and P-D-C zones.

Subject to review and approval by the director, wall signs, except projecting wall signs that incorporate large graphic images may exceed the maximum allowable sign area subject to wall sign development criteria and design guidelines for the underlying zone and subject to the following additional provisions and standards:

(a) Size. In no event shall the total area of super-graphic signs exceed two times the allowable wall sign area for the underlying zone. The text of the sign shall be limited to the maximum allowable wall sign

area of the underlying zone.

(b) Illumination of a super-graphic sign shall not exceed an area equal to the maximum allowable wall sign area of the underlying zone.

(c) Internally illuminated cabinet signs shall be prohibited.

(d) If deemed appropriate by the director, a super-graphic sign may extend above the primary wall line or parapet.

(Ord. No. 98-25, § 1, 12-9-98; Ord. No. 2011-19R, § 5, 1-11-12; Ord. No. 2016-15, § 4, 10-26-16)

§ 33-1395.12. Sign standards—Signs related to historic buildings and historic signs.

(a) Historic buildings. Signs for buildings listed in the Escondido historic/cultural resource inventory or on the local register of historic places may deviate from the standards and from the design guidelines if the request is deemed historically appropriate for the significant architectural style of the building and consistent with the historic preservation incentives program. The historic preservation commission shall consider each request on a case-by-case basis.

(b) Advertising structures and signs identified by the historic preservation commission as having historic cultural significance may be maintained pursuant to the historic preservation incentives program. The historic preservation commission shall consider each request on a case-by-case basis.

(c) Maintenance requirements. Failure to maintain a historic sign and advertising structures in conformance with the following requirements shall constitute grounds for rescinding existing sign exception:

(1) All parts of the signs and advertising structures exempted by this section, including neon tubes, incandescent lights, and shields and sign faces, shall be maintained in a functioning condition as historically intended.

(2) Historic signs and advertising structures for which an exception is granted shall be brought into conformance with the above requirements within 90 days of the date the exception is granted.

(d) Alterations. Subject to the issuance of a certificate of appropriateness pursuant to Article 40, a historic sign may be altered provided that such alterations do not substantially change the historic style, scale, height, type of material, or dimensions of the historic sign.

(Ord. No. 2000-23, § 10, 9-13-00; Ord. No. 2011-19R, § 5, 1-11-12; Ord. No. 2016-15, § 4, 10-26-16)

§ 33-1396. General use signs.

Sign permits may be issued for signs included under this section in any zone in the city unless otherwise designated. Applications for permits for general use signs shall be made as provided in section 33-1392 or as otherwise indicated by this section. These signs are in addition to those signs expressly permitted in particular zones and are subject to the following provisions:

(a) Special event signs. Commercial grand opening and similar signs may be approved by the director for a limited period of time in the CG (general commercial) and CN (neighborhood commercial zones) and for specific uses in the M-l (light industrial) and M-2 (general industrial) zones, as a means of publicizing grand openings and special events such as new management and promotional sales. In addition, special event signs are also allowed for private schools, day care centers and churches regardless of the zoning. The regulation and limitation of the signs shall be as follows:

(1) In advance of a special event, the business owner shall submit a temporary sign application, which includes the dates of the special event and the types of signs to be used. The sizes and locations of the signs shall also be indicated.

(2) Special event signs shall be limited to a maximum of 60 days per calendar year per business, not exceeding 30 consecutive days at any time.

(3) Special event signs may be approved in the M-1 and M-2 zones for motor vehicle dealers, lumberyards, restaurants, and other permitted uses of similar retail nature, as determined by the director.

(4) Special event signs may include balloons, flags, searchlights, beacons, pennants and streamers, banners, portable signs, or other similar devices. Balloons may not exceed 24 inches in any dimension.

(5) One special event banner is allowed for each street frontage, except for individual in-line shops in commercial centers where one banner is allowed for each building face fronting on a parking lot or a street.

(6) Each special event banner shall not exceed 72 square feet in area.

(7) Large balloons and other inflatable displays may be allowed for a maximum of 14 days per calendar year. If these balloons and displays are to be ground-mounted, they may not exceed 30 feet in height and, if located in the parking lot, not more than 10% of the required number of parking spaces may be utilized for the installation of the device, including the required tethering area around it. Roof-mounted inflatable displays shall not extend above the height limit of the zone. A sign permit and nominal fee is required. All requests shall be reviewed by the planning, building and fire departments for compliance with all fire and building codes.

(8) No special event signage (of any type) may be displayed on or attached to any public property including telephone or utility poles, traffic control signs or devices, street lights or other structures located on public property.

(9) No special event signage of any type shall interfere with or restrict vehicular or pedestrian access or visibility.

(10) Automobile sales businesses that sell new vehicle inventory, which are located outside the Escondido Auto Park and in zones other than PD (planned development), shall utilize the Escondido Auto Park standards listed below:

(A) Large, roof-top balloons are permitted for four, 10 day periods per calendar year.

(B) Helium filled balloons, not exceeding 24 inches in any dimension, are permitted on Saturdays, Sundays and for special events. They shall be removed at the close of business each day.

(C) Each dealership shall be permitted to display banners for a maximum of 30 consecutive days for special events, not exceeding 100 square feet in size per banner.

(D) Window banners, antenna mast flags, wind-driven propellers, streamers, windshield sunshades, stuffed animals and inflatable characters are prohibited.

(E) Temporary 25 foot by 50 foot shade tents are permitted in display areas (not customer parking areas) for 30 day periods, or the length of a promotion/event, whichever is less.

All requests shall be reviewed by the building division and fire department for compliance with all building and fire codes.

(b) On-Site Subdivision Signs.

(1) One temporary on-site subdivision sign is permitted on each street frontage of the property to be subdivided not to exceed two such signs for any subdivision. Each sign shall not exceed 50 square feet in area and shall not exceed a height of 12 feet.

(2) One feature sign, one model sign and two flags or pennants for each model home may be placed on the model home lots, at the sales office, or in the parking lot of the subdivision. Such signs and flags shall not exceed four square feet in area and may be double-sided.

(3) Signs shall observe a minimum five foot setback from all property lines and shall not interfere with vehicle sight distance requirements.

(4) Such sign shall be for the identification of a subdivision, price information, and the developer's name, address and telephone number. Signs may be either single-faced or double-faced provided the faces are not more than 12 inches apart and are mounted along parallel planes.

(5) Such signs shall be removed within 30 calendar days from the date of the close of escrow for the final sale of the land or last residence for the first time. The director may grant a written extension of the period for which signs, flags, or pennants may be maintained after the final sale up to a maximum of six months.

(6) Signs shall be maintained in good repair at all times pursuant to section 33-4.

(c) Real Estate Kiosk Signs. Sign panels on a city-approved kiosk structure may be authorized for the purpose of providing directional information to residential developments with units for sale, lease, or exchange (including assisted living developments) located within Escondido's general plan area.

(1) Number. The maximum number of single-faced sign panels allowed shall be 10 per development.

(2) Area and Dimensions. Sign panels shall be five square feet in total area and shall measure five feet horizontal length by one foot vertical height.

(3) Height. Maximum sign height for a single sign structure (kiosk) shall be 11 feet.

(4) Kiosk Structures. All sign panels shall be located on a city-approved kiosk structure.

(5) Permitted Locations. Signs shall be located on designated city kiosk structures within the public right-of-way. If, in the opinion of the director, available city kiosk structures will not permit adequate directional information, kiosk structures may be approved by the director on private property with the written permission of the property owner. A kiosk location plan shall be prepared showing the site of each kiosk and shall be submitted to and approved by the planning division prior to the acceptance of a sign permit application.

(6) Sign Copy. Each kiosk panel shall contain only the name of the subdivision or residential development, or developer, or development logo, and a logo(s) regarding an award, special certification, or "green" development, and a directional arrow. Community directional panels (City Hall, library, parks, districts, historic sites, etc.), at the discretion of the city, may also be allowed on kiosk structures.

(7) Spacing. No real estate kiosk sign shall be placed within 300 feet of another except when they are across the street from one another. A maximum of seven temporary real estate directional sign panels for different developments may be grouped on a single kiosk structure face. Only one panel per development may be placed on a single kiosk structure face.

(8) Colors. Directional signs shall conform to colors and design standards approved by the director.

(9) Right of Entry. All kiosks which are placed on private property must have prior written consent of the property owners to allow the city, in the event of noncompliance, to enter said property and remove the sign. A copy of said consent shall be filed with the planning division prior to the acceptance of a sign permit application.

(10) Changes. Any sign approved for a particular development project within the city shall not be changed to another project without prior approval of the director of community development.

(11) Time Period. Permits for sign panels shall be issued for a limited period of time, not to exceed 24 months. Following the 24 month period, the permittee may apply for one year extensions or all sign panels shall be removed.

(12) Cash Deposit. A cash deposit or bond in the amount necessary to remove such sign and an administration fee as may be established by resolution of the city council may be required to be deposited with the city to ensure compliance with the stipulations of this chapter and removal of signs in a timely fashion. Upon confirmation that the sign has been removed, the deposit will be refunded or the bond released. In the event the city removes a sign, due to noncompliance with the permit or these regulations, the full amount of the bond or cash deposit shall be due the city in order to defray enforcement costs.

(13) Unauthorized Alterations. There shall be no additions, tag signs, attention-getting devices, or other appurtenances added to the sign as approved.

(14) Lighting. Artificial illumination of real estate kiosk signs by any means is prohibited.

(d) Temporary Real Estate Directional Signs. In addition to the approved kiosk sign panels, major subdivisions located within the general plan area of Escondido may also request temporary real estate directional signs.

(1) Number. Up to 10 single-faced or double-faced signs per development;

(2) Area. Temporary directional signs shall not exceed four square feet per face nor dimensions of two feet by two feet;

(3) Height. Maximum sign height shall be five feet;

(4) Location. Temporary directional signs shall not be placed within any public right-of-way or be attached to utility poles, nor shall they interfere with vehicle sight distance requirements. Written approval of the property owner(s) is required to be submitted with the application;

(5) Spacing. Each temporary directional sign shall be placed a distance of not less than 100 feet from any other temporary directional sign or real estate kiosk sign of the same development, except when they are across the street from one another;

(6) Right of Entry. All temporary directional signs must have prior written consent of the property owners to allow the city, in the event of noncompliance, to enter said property and remove the sign. A copy of said consent shall be filed with the planning division in conjunction with the

sign permit application;

(7) Time Periods. Permits for temporary directional signs shall be issued for a limited period of time, not to exceed one year, or until each unit is sold for the first time, whichever occurs first. Following the one year period, the permittee shall apply for a six month extension or all signs shall be removed. The total permitted time period shall not exceed 36 months and each application for an extension shall include a right-of-entry consent form from any new property owners involved;

(8) Cash Deposit and Fee. A cash deposit or bond in the amount necessary to remove such signs and an administrative fee as may be established by resolution of the city council may be required to be deposited with the city to ensure compliance with the stipulations of this chapter and removal of signs in a timely manner. Upon confirmation that the signs have been removed, the deposit will be refunded or the bond released. In the event the city removes a sign, due to noncompliance with the permit or these regulations, the full amount of the bond or cash deposit shall be due the city in order to defray enforcement costs;

(9) Unauthorized Alterations. There shall be no additions, tag signs, attention-getting devices or other appurtenances added to the sign as approved;

(10) Lighting. Artificial illumination of temporary real estate directional signs by any means is prohibited.

(e) Bulletin Signs.

(1) Any allowable wall or freestanding sign may be a changeable copy sign announcing cultural activities, events or programs to be held on the premises, for the following uses only:

(A) Amphitheaters;

(B) Theaters;

(C) Churches;

(D) Convention/conference centers;

(E) WASC (Western Association of Schools and Colleges) accredited primary and secondary schools (grades K-12);

(F) Museums;

(G) Youth centers;

(H) City of Escondido or other public body;

(I) Establishments which offer live entertainment.

(2) All requests for the construction of electronic changeable copy signs shall be considered by the planning commission. Requests for manually-changed bulletin signs shall be reviewed by planning staff.

(f) Signs for Nonresidential Uses in Residential Zones. Nonresidential facilities and uses located in residential zones subject to a conditional use permit, are allowed one wall sign, a maximum of 20 square feet in area and one freestanding sign, a maximum of 24 square feet in area. A freestanding sign three feet high may be located anywhere on the site. A taller sign up to a maximum of six feet

high shall maintain the required setback of the zone. All freestanding signs must be compatible with the structure and/or property where they are installed and shall not adversely impact the visual character of the surrounding area. For properties with more than five acres and frontage on more than one street, one freestanding sign per street frontage may be allowed. Only one sign per property/use may be a changeable copy sign pursuant to section 33-1396(e).

(A) WASC (Western Association of Schools and Colleges) accredited primary and secondary schools (grades K-12) subject to this section are allowed one wall sign, a maximum of 40 square feet in area. Monument sign(s) of up to six feet in height are permitted, or a pole sign of up to 15 feet in height may be permitted subject to staff design review. The maximum square footage allowed for each freestanding sign shall not exceed 60 square feet, and the number of freestanding signs permitted on a site shall not exceed two. Each and every sign over three feet shall maintain the required setback of the underlying zone.

(g) Public Facilities Signs of the City of Escondido. Freestanding signs, wall signs, and bulletin signs for public facilities of the City of Escondido shall be reviewed by the director for appropriate design and scale for the site pursuant to the design guidelines, but in no event shall any sign exceed the sizes and heights permitted in commercial zones.

(h) Off-Site Directional Signs for Approved Historical Points of Interest. In the case of approved historical points of interest, off-site directional signs of a content, size, height above ground, and location acceptable to the city may be approved by the director and the city engineer. To be considered approved, a place or point of interest must be recorded in the national register of historical places, the local register of historic places, or at the California Department of Parks and Recreation as a point of historical interest.

(i) Pole-Mounted Banners. Pole-mounted banners for the purpose of providing business identification shall be permitted on poles within HP (hospital professional), CG (general commercial), CP (office professional) and PD-C (planned development—commercial) zones. All proposals for pole-mounted banners shall be reviewed by the planning division for conformance with the following standards:

(1) Banners shall be constructed of vinyl, cloth or similar durable material. Each banner may be double-faced and shall be permitted a maximum area of 16 square feet. A maximum of two banners shall be permitted on each pole. Each banner shall be hung on the pole so that the lowest portion of the banner is at least eight feet above the ground.

(2) Banners shall be kept in good condition and may be exhibited year-round. For commercial centers or properties less than three acres in size, the aggregate total of all banners shall not exceed 72 square feet.

(3) All banners shall feature color backgrounds and/or graphic images. Text shall be limited to no more than 1/2 of the banner area. All text shall be limited to identifying the business or enterprise on the property only and shall not be used to display products, services or promotions.

(j) Signs within the public right-of-way for commercial activities for which there is a valid encroachment-removal agreement.

(1) Monument signs for which there is a valid encroachment-removal agreement may be placed within the public right-of-way, only under the following circumstances:

(A) Sufficient right-of-way exists between the ultimate edge of pavement or back of sidewalk, whichever is applicable, and the adjacent property line, as determined by the city engineer.

(B) Existing underground public utilities preclude the placement of a monument sign on the property immediately adjacent to the location where the sign is proposed.

(C) The right-of-way is classified as a major road or prime arterial in the General Plan.

(D) The public right-of-way intended for placement of a monument sign must be immediately adjacent to a commercially zoned property or property designated for commercial use, with an operating commercial land use activity, and the commercial property must be at least four acres in size.

(E) The encroachment-removal agreement must be between the City of Escondido and the owner of the property immediately adjacent to the location where the sign is placed.

(F) No other freestanding sign is allowed for the adjacent shopping center along the street where the monument sign will be placed.

(G) New buildings have not been constructed on the property immediately adjacent to the location where the sign is proposed after the effective date of the ordinance codified in this subsection in a location that would have otherwise provided an opportunity for a monument sign on said adjacent property.

(2) Monument signs placed within the public right-of-way shall be subject to the following conditions:

(A) Development standards (size, height, illumination, etc.) shall be the same as those applicable to the adjacent commercial property.

(B) The sign is considered an on-site sign for the immediately adjacent shopping center and shall be subject to all laws and regulations applicable to the subject shopping center for the duration of the encroachment-removal agreement.

(C) The sign shall be subject to design review.

(D) The sign shall have a decorative base and enhanced landscaping must be provided around the base of the sign.

(E) The sign shall be as close as possible to the immediately adjacent property line.

(F) The sign must be at least 100 feet from any intersection and shall not create or exacerbate an existing sight-distance issue.

(G) Placement of the sign shall not necessitate the removal of any trees, either for installation of the sign and/or visibility of the sign.

(3) The city may deny any request to place a sign in the public right-of-way if necessary to preserve the public health, safety, and welfare, or other public interest concerning the right-of-way.

(Ord. No. 92-47, § 1, 11-18-92; Ord. No. 99-20, § 4 Exh. A, 7-21-99; Ord. No. 2001-05, § 4, 2-28-01; Ord. No. 2008-11, § 4, 5-21-08; Ord. No. 2008-22, § 7, 9-10-08; Ord. No. 2009-02, § 4, 2-25-09; Ord. No. 2012-08, § 4, 5-23-12; Ord. No. 2017-08, § 7, 5-24-17; Ord. No. 2018-22, § 1, 12-5-18; Ord. No. 2019-10, § 7, 8-21-19)

§ 33-1397. Temporary signage on private property.

Up to 30 days prior, and 10 days after any local, state, regional or national official election temporary

signage is allowed on all private property. Sign area is limited to 16 square feet per sign in all zones. All freestanding temporary signs shall not exceed an overall height of eight feet from the finished grade immediately around the sign. The number of signs during this time period is not limited. No permit is required for the placement of temporary signage pursuant to this section. All signs prohibited by section 33-1393(b) of this article are expressly prohibited as temporary signage. Such signage may carry any form of noncommercial signage, consistent with this article.

Temporary signage shall not obstruct the vehicle sight distance area at intersections and driveways.

For purposes of this section, vehicle sight distance means the area through which a driver has a clear view of oncoming vehicle and pedestrian traffic when waiting to proceed at a street corner or driveway. The sight distance at driveways should be at least 10 feet on each side of the driveway and at least 10 feet from the back of the sidewalk or 15 feet from existing curb or edge of pavement. At nonsignalized corners, the clear view area is established by measuring 25 feet along the street fronts from each curb return point and drawing a line across both back points to form a triangular area. Signs in excess of three feet above the curb grade or having a support pole larger than 12 inches in diameter installed in any clear view area shall be reviewed and approved by the engineering division prior to installation to ensure sufficient vehicle sight distance exists as required by this section.
(Ord. No. 92-47, § 1, 11-18-92; Ord. No. 93-27, § 1, 10-27-93; Ord. No. 98-25, § 1, 12-9-98; Ord. No. 99-27R, § 8, 12-1-99)

§ 33-1398. Enforcement and penalties.

(a) Violators Punishable by Fine and Imprisonment. Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than $1,000 or by imprisonment in the County Jail for a period of not more than six months or by both such fine and imprisonment.

(b) Each Day a Separate Offense. Each person found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this article is committed, continued or permitted by such person and shall be punishable therefor as provided for in this article.

(c) Violation a public nuisance. Any sign or advertising structure erected, constructed, altered, maintained, placed or used contrary to the provisions of the article shall be declared unlawful and a public nuisance. Furthermore, any failure, refusal, or neglect to obtain a permit as required by the terms of this article shall be a prima facie evidence of the fact that a nuisance has been committed in connection with any sign or advertising structure erected, constructed, altered, maintained, placed or used contrary to the provisions of this article.

(d) Remedies cumulative. All the remedies provided for in this section shall be cumulative and not exclusive.

(e) Inspection to ensure compliance. Whenever there is cause to suspect a violation of any provision of this article or to investigate either an application for granting extension or modification or an action to revoke or modify a permit, any officials responsible for enforcement or administration of this article or their duly authorized representatives may enter any site, provided they shall do so in a reasonable manner. No owner or occupant or agent thereof shall, after reasonable notice and opportunity to comply, refuse to permit such entry. In the course of such inspection, no enclosed building or structure shall be entered without the express permission of the owner or occupant.

(f) Notices to maintain, alter, or repair. Upon a written notice from the building or planning division, the

necessary maintenance, alterations or repairs shall be made within 30 calendar days after the date of such notice.

(g) Inventory of illegal and abandoned signs. Pursuant to the California Planning and Zoning Laws, Chapter 2.5, Section 5491.1, the city shall inventory and identify illegal and abandoned advertising displays within its jurisdiction. The inventory and identification shall commence within six months from the date of adoption of the ordinance codified in this article, and abatement of the identified illegal and abandoned on-premises signs shall commence within eight months of the adoption of this article. The city may impose reasonable fees for inventory and identification costs upon all owners or lessees of illegal and abandoned advertising displays.

(1) Removal. Except as otherwise required in this article, signs pertaining to enterprises, occupants or activities which are no longer using the premises for which the sign relates or are inoperative shall be painted out, obliterated or removed from the premises within 180 calendar days after the enterprise or occupant has vacated the premises. Any nonconforming signs which exist at the time a business becomes abandoned as defined in this article shall be removed and may not be replaced, restored or revised unless brought into conformance with this article.

(h) Public nuisance abatement. Any signs which are placed or which exist in violation of the provisions of this article are public nuisances and may be removed by any public employee after 10 days written notice posted on the structure or sign and a copy forwarded by mail to the advertising display owner at his last known address. The cost of removal shall be billed to the sign's owner, the property owner, business owner, or other responsible party.

(i) Summary abatement. Signs located in the public right-of-way which are not in compliance with this article may be declared to be a public nuisance subject to summary abatement by the city. In addition to any criminal or civil penalties prescribed by law, the actual costs of abatement of such signs shall be a debt owed to the city by the person responsible for causing placement of the sign in the public right-of-way.

(j) Removal of unsafe, illegal, or abandoned signs.

(1) Whenever any sign or part thereof other than those referred to in section 33-9 is erected or maintained in violation of the provisions of this article or whenever any sign is in a condition to be in danger of falling or is a menace to the safety of persons or property, the director shall give written notice to the permittee, owner or person in charge of the sign. Such written notice shall specify the nature of the violation, order the cessation thereof and require either the removal of the sign or the execution of remedial work in the time and in the manner specified by the notice. The time for removal shall be not less than fifteen nor more than 30 calendar days from the date of the mailing of the notice. Within 10 days of the date of mailing the notice, the permittee, owner or person in charge of the sign may request a hearing before the director or his or her designee. The hearing shall be limited to whether the sign was erected or maintained in violation of this article or whether the condition of the sign is dangerous to the safety of persons or property. Upon receipt of a written request for a hearing, the director shall schedule a hearing and send written notice by first class mail of the time, place and date for the hearing. After the hearing the director may affirm, modify or revoke the order to remove or repair. The time for compliance with the original order shall be stayed during the pendency of the hearing. Whenever the permittee, owner or person in charge of the sign fails to comply with an order of the director made pursuant to this section, the director may remove or alter the sign so that it conforms to the provisions of this article. The expense of such action by the director shall be charged to the permittee, owner or person in charge of the sign. Such amount shall constitute a

debt owed to the city. No permit shall thereafter be issued to any permittee, owner or person in charge of a sign who fails to pay such costs. Any costs, including attorney's fees incurred by the city in collection of the costs shall be added to the amount of the debt.

(2) Any lettering, advertisement, card, poster, sign or notice of any kind placed upon public property or on any curb, sidewalk, post, pole, lamppost, hydrant, bridge, tree or other surface located on public property in violation of the provisions of this code or any sign which constitutes an immediate peril to persons or property may be removed without prior notice by any officer or employee of the city designated to do so by the city manager. For the purposes of this subsection, "public property" shall include any public right-of-way.

(3) (A) When a sign or other matter specified in subsection (b) of this section is posted or caused to be posted in violation of this chapter and the city has incurred any expense in removing the sign or other matter or in repairing public property damaged because of the posting of the sign or other matter, the director may send a bill to the person responsible for posting and causing to be posted the sign or other matter for the actual or estimated cost of removal. Any such expense incurred shall constitute a debt owed to the city. The director may establish administrative regulations to govern the billing procedures. Each bill shall include the cost both direct and indirect involved in the removing of the signs or other matter and in administering the billing procedure. The bill shall describe the basis of the amount billed by indicating the number of signs or other matter posted illegally, the time necessary for removal, the hourly cost for removal, the right to a hearing and other relevant information. The bill shall also specify a date by which the bill is to be paid which date shall be not less than 10 business days after the bill is mailed.

(B) Every person billed may request a hearing pursuant to subsection (j)(4) of this section. Following the hearing the director shall within 10 business days after the date of the hearing notify the person billed of any adjustment to the bill or any determination not to make an adjustment. This notification shall specify the date by which such bill shall be paid, which date shall in no event be less than 30 calendar days after the date of the hearing.

(C) Any person posting or causing to be posted a sign or other matter in violation of the provisions of this chapter who fails to pay the amount billed such persons for such violation within the period specified in this section shall also be liable for expenses incurred by the city in collecting the debt, including the cost of paying city employees or other persons engaged in the debt collection.

(D) In any civil action involving any person, firm or corporation, or the chairman, president or other head of any committee or organization for violation of any of the provisions of this chapter, proof that the sign or other matter contains the name of or otherwise identifies such person, firm or corporation, or the particular committee or organization involved shall constitute prima facie evidence that the person, firm, corporation or chairman, president or other head of the committee or organization involved posted, or caused to be posted, such sign or other matter.

(4) The owner of any lettering, advertisement, card, poster, sign or notice of any kind placed upon public property, or constituting an immediate peril to persons or property, which has been removed by an officer, or employee of the city without prior notice to the owner pursuant to the provisions of subsection (j)(2) of this section may request a hearing conducted by the director or his or her designee. The request for hearing shall be made in writing to the director no later

than 15 calendar days from the date the director mails the billing statement specified in subsection (j)(3) of this section or within 30 calendar days of the date of the removal whichever occurs first. The hearing shall be limited to determining whether the lettering, advertisement, card, poster, sign or notices was located upon public property in violation of the provisions of this chapter or constituted an immediate peril to persons or property and the accuracy of the amount billed. Upon receiving a written request for hearing the director or his or her designee shall set a hearing not less nor more than 30 calendar days from the date of receipt of the request and shall provide written notification of the hearing to the applicant. The notification shall include the date, time and place of the hearing. The decision of the hearing officer shall be final and nonappealable. Any lettering, advertisement, card, poster, sign or notice which has been properly removed under this section may be returned to the owner upon payment to the city of the costs of removal as specified in subsection (j)(3) of this section. If no timely request is made for hearing or if no demand is made for the return of the materials removed, the director or his or her designee is authorized to destroy or dispose of the removed material.

(Ord. No. 92-47, § 1, 11-18-92; Ord. No. 99-27R, §§ 9, 10, 12-1-99; Ord. No. 2008-22, § 7, 9-10-08)

§ 33-1399. Nonconforming signs.

(a) Continued use. Any sign which does not conform to the provisions of this article and which was legally constructed or displayed prior to the adoption of the ordinance codified in this article, or was issued permits pursuant to section 33-1398(h) of this article, shall be considered legal nonconforming and may remain in use subject to the provisions of this chapter.

(b) Removal of nonconforming signs without compensation. A legal nonconforming sign shall be removed or brought into conformance with this article without compensation when such sign meets any of the following criteria:

(1) A sign lawfully erected, but whose business or use has become inoperative or abandoned for a period of not less than 180 calendar days. This does not apply to signs which are in conformance with an approved comprehensive sign program for a commercial/industrial center;

(2) A sign damaged to the extent that the cost of repair, other than copy replacement, will exceed 50% of the sign value as determined by the director, and sign or building permits are not obtained within 30 calendar days of the date of the destruction of the sign;

(3) A sign located on a site whose owner is requesting permission to remodel such sign, or to expand or enlarge the building or land use upon which the advertising display is located and the sign is affected by the construction, enlargement or remodeling, or the cost of construction, enlargement or remodeling of the sign exceeds 50% of the cost of reconstruction of the building;

(4) A sign which is relocated;

(5) A sign for which there has been an agreement between the sign owner and the city for its removal as of any given date;

(6) A sign which is, or may become dangerous to the public, as determined by the director.

(Ord. No. 92-47, § 1, 11-18-92; Ord. No. 2008-22, § 7, 9-10-08)

§ 33-1400. through § 33-1409. (Reserved)

ARTICLE 67
DENSITY BONUS AND RESIDENTIAL INCENTIVES

§ 33-1410. Purpose.

The purpose of this article is to specify how the city will implement State Density Bonus Law (Government Code sections 65915–65918) ("State Density Bonus Law"), as required by Government Code section 65915(a).

This article is intended to materially assist the housing industry in providing adequate and affordable shelter for all economic segments of the community and to provide a balance of housing opportunities for very low income, lower income, and senior households, as well as transitional foster youth, disabled veterans, and homeless persons, throughout the city. It is intended that this article facilitate the development of affordable housing development projects and implement the goals, objectives, and policies of the City of Escondido General Plan Housing Element.

If any provision of this article conflicts with State Density Bonus Law or other applicable state law, such state law shall control. Any ambiguities shall be interpreted to be consistent with state law. Applicable state statutes should be consulted for amendments prior to applying the provisions in this article.
(Ord. No. 92-19, § 1, 4-22-92; Ord. No. 94-38, § 1, 12-7-94; Ord. No. 2017-05, § 7, 5-24-17; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1411. Definitions.

The definitions found in State Density Bonus Law are incorporated herein by this reference as if fully set forth herein and shall apply to the terms used in this article, unless the context requires otherwise and as further clarified in this section:

"Affordable housing costs" has the same meaning as provided in Health and Safety Code section 50052.5.

"Child care facility" means a facility installed, operated, and maintained for the nonresidential care of children as defined under applicable state licensing requirements for the facility, including but not limited to an infant center, preschool, extended day care facility, and school-age child care center, but not including a family day care home.

"Density bonus" means an increase over the otherwise maximum allowable gross residential density as of the date of the application by the applicant to the city, or if elected by the applicant, a lesser percentage of density increase.

"Density bonus units" means those residential units granted pursuant to the provisions of this article that exceed the otherwise maximum residential density or permitted floor area ratio (FAR) for the development site.

"Developer" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the city for the applicable permits to undertake any construction, demolition, or renovation project within the city.

"Development standard" means a site or construction condition or requirement that applies to a housing development pursuant to any ordinance, general plan element, master or specific plan, or other city requirement, law, policy, resolution, or regulation.

"Housing development" means one or more groups of projects for residential units that are the subject of one development application, consisting of the following:

(1) The construction of five or more residential units (or three or more units if the housing development is located within the South Centre City Specific Plan);

(2) A subdivision or common interest development (commonly known as condominiums) consisting of five or more residential units or unimproved lots; or

(3) A project to either substantially rehabilitate and convert an existing commercial building to residential use, or substantially rehabilitate an existing two family or multiple-family dwelling structure, where the result of rehabilitation would be a net increase in available residential units.

"In-lieu incentive" means an incentive offered by the city that is of equivalent financial value based upon the land cost per dwelling unit, and that is offered in lieu of a density bonus.

"Incentives or concessions" means such regulatory incentives and concessions as stipulated in Government Code section 65915(k), to include, but not be limited to, the reduction of site development standards or zoning code requirements, approval of mixed use zoning in conjunction with the housing project, or any other regulatory incentive that would result in identifiable cost reductions to enable the provision of housing for the designated income group or qualifying residents.

"Maximum residential density" means the maximum number of residential units permitted on the project site as defined in the zoning ordinance, or the applicable specific plan.

"Nonrestricted unit" means any unit within the housing development that is not a target unit.

"Senior citizen housing" means as currently defined by Sections 51.3 and 51.12 of the Civil Code and any subsequent amendments or revisions thereto.

"Target unit" means a residential unit within a housing development that will be offered for rent or sale exclusively to, and that shall be affordable to, the designated income group or qualifying resident, as required by this article and State Density Bonus Law.

"Total units" means the number of dwelling units in a housing development, excluding the dwelling units added by the density bonus.
(Ord. No. 92-19, § 1, 4-22-92; Ord. No. 94-38, § 1, 12-7-94; Ord. No. 2017-05, § 7, 5-24-17; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1412. General applicability.

(a) The provisions of this article shall apply to a housing development of at least five units (or at least three units if the housing development is located within the South Centre City Specific Plan) and where the developer seeks and agrees to construct housing units to be restricted for occupancy by very low, lower, or moderate income households; senior citizens; transitional foster youth, disabled veterans, or homeless persons; or students, as further described in this article.

(b) Fractional units. When calculating any component of a density calculation pursuant to this article, including calculating a density bonus or the required number of target units, any calculations resulting in fractional units shall be rounded up to the next whole number.
(Ord. No. 92-19, § 1, 4-22-92; Ord. No. 94-38, § 1, 12-7-94; Ord. No. 2017-05, § 7, 5-24-17; Ord. No. 2019-10, § 7, 8-21-19; Ord. No. 2020-07, § 6, 5-6-20; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1413. Stand incentives for new residential construction.

(a) The decision-making body shall grant one density bonus, as specified in subsection (b) of this section, and/or incentives or concessions, as set forth in section 33-1414, when a developer of a housing development of at least five units (or at least three units if the housing development is located within

the South Centre City Specific Plan) seeks and agrees to construct at least any one of the following. (The density bonus units shall not be included when determining the total number of target units in the housing development.)

(1) Low income households. A minimum of 10% of the total units of the housing development as restricted and affordable to lower income households, as defined in Health and Safety Code section 50079.5.

(2) Very low income households. A minimum of 5% of the total units of the housing development as restricted and affordable to very low income households, as defined in Health and Safety Code section 50105.

(3) Senior citizens. A senior citizen housing development or mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the CaliforniaCivil Code.

(4) Moderate income households. A minimum of 10% of the total units in a common interest development as restricted and affordable to moderate income households, as defined in Health and Safety Code section 50093, provided that all units in the development are offered to the public for purchase.

(5) Transitional foster youth, disabled veterans, homeless persons. A minimum of 10% of the total units of the housing development as restricted for transitional foster youth, as defined in Education Code section 66025.9; disabled veterans, as defined in Government Code section 18541; or homeless persons, as defined in the Federal McKinney-Vento Homeless Assistance Act (42 U.S.C. section 11301 et seq.).

(6) Students. A minimum of 20% of the total units for lower income students in a student housing development that meets the following requirements:

(A) All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled full-time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the city that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.

(B) The applicable target units will be used for lower income students, which for purposes of this clause means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in Education Code section 64932.7(k)(1). The eligibility of a student under this clause shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education that the student is enrolled in, or by the California Student Aid Commission, that the student receives or is eligible for financial aid, including an institutional grant or fee waiver, from the college or university, the California Student Aid Commission, or the Federal Government.

(C) The rent provided in the target units shall be calculated at nineteen and one half (19.5) percent of the area median income for a single-room occupancy unit type.

(D) The development will provide priority for the target units for lower income students experiencing homelessness. A homeless service provider, as defined in Health and Safety Code section 103577(e)(3), or institution of higher education that has knowledge of a person's homeless status, may verify a student's status as homeless for purposes of this subclause.

(E) For purposes of calculating a density bonus granted pursuant to this subsection, the term "unit" as used in this subsection means one rental bed and its pro rata share of associated common area facilities. The units described in this subsection shall be subject to a recorded affordability restriction of 55 years.

(7) One hundred percent of the total units in the development, but exclusive of any manager's unit, are for lower income households, as defined by Health and Safety Code section 50079.5, except that up 20% of the total units in the development may be for moderate income households, as defined in Health and Safety Code section 50053.

(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.

(A) Low income households. For housing developments meeting the criteria of subsection (a)(1) of this section, the density bonus shall be calculated as follows:

Table A

Density Bonus for Housing Developments with Units Affordable to Low Income Households

Percentage (%) of Low Income Units (Minimum 10% required)	Percentage (%) of Density Bonus to Be Granted (Additional 1.5% bonus for each 1% increase above the 10% minimum)
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32

Table A

Density Bonus for Housing Developments with Units Affordable to Low Income Households

Percentage (%) of Low Income Units (Minimum 10% required)	Percentage (%) of Density Bonus to Be Granted (Additional 1.5% bonus for each 1% increase above the 10% minimum)
19	33.5
20	35
21	38.75
22	42.5
23	46.25
24	50

(B) Very low income households. For housing developments meeting the criteria of subsection (a)(2) of this section, the density bonus shall be calculated as follows:

Table B

Density Bonus for Housing Developments with Units Affordable to Very Low Income Households

Percentage (%) of Very Low Income Units (Minimum 5% required)	Percentage (%) of Density Bonus to Be Granted (Additional 2.5% bonus for each 1% increase above the 5% minimum)
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

(C) Senior citizens. For housing developments meeting the criteria of subsection (a)(3) of this section, the density bonus shall be 20% of the number of senior housing units.

(D) Moderate income households in a common interest development. For housing developments meeting the criteria of subsection (a)(4) of this section, the density bonus shall be calculated as follows:

Table C Density Bonus for Common Interest Developments with Units Affordable to Moderate Income Households	
Percentage (%) of Moderate Income Units (Minimum 10% required)	**Percentage (%) of Density Bonus to Be Granted (Additional 1% bonus for each 1% increase above the 10% minimum)**
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34

Table C

Density Bonus for Common Interest Developments with Units Affordable to Moderate Income Households

Percentage (%) of Moderate Income Units (Minimum 10% required)	Percentage (%) of Density Bonus to Be Granted (Additional 1% bonus for each 1% increase above the 10% minimum)
40	35
41	38.75
42	42.5
43	46.25
44	50

(E) Transitional foster youth, disabled veterans, homeless persons. For housing developments meeting the criteria of subsection (a)(5) of this section, the density bonus shall be 20% of the number of the type of units giving rise to a density bonus under that subsection.

(F) Students. For housing developments meeting the criteria of subsection (a)(6) of this section, the density bonus shall be 35% of the student housing units.

(G) 100% affordable projects. For housing developments meeting the criteria of subsection (a)(7) of this section, the density bonus shall be 80% of the number of units for lower income households. If the housing development is located within one half (½) mile of a major transit stop, the city shall not impose any maximum controls on density.

(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 section 33-1415. No reduction will be allowed in the number of target units required.

(e) Land donation. When a developer for a tentative subdivision map, parcel map, or other housing development approval donates land to the city to provide a minimum of 10% of the total units for a future housing development, as provided for in this subsection, the developer shall be entitled to a density bonus for the entire development, as follows:

Table D Density Bonus for Land Donation	
Percentage (%) of Very Low Income Units (Minimum 10% required)	**Percentage (%) of Density Bonus to Be Granted (Additional 1% bonus for each 1% increase above the 10% minimum)**
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(1) Additional density bonus. The density bonus stated in Table D shall be in addition to any increase mandated by subsection (a) of this section. The maximum combined density bonus of the mandated and the additional increase shall not exceed 35%. A developer shall be eligible for the density bonus described in this subsection (e) of this section only if all of the following conditions are met:

(A) Date of donations/transfer. The land is donated and transferred to the city no later than the date of approval of the final subdivision map, parcel map, or housing development application.

(B) Feasibility of development. The developable acreage, development standards, zoning classification, and general plan land use designation of the land being donated are sufficient to permit construction of the units affordable to very low income households in an amount not less than 10% of the number of residential units of the proposed

development.

(C) Size of land. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate zoning classification and general plan land use designation, and is or will be served by adequate public facilities and infrastructure.

(D) Discretionary approvals. No later than the date of approval of the final subdivision map, parcel map, or housing development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the city may subject the proposed development to subsequent design review to the extent authorized by California Government Code section 65583.2(i) if the design is not reviewed by the city prior to the time of transfer.

(E) Continued affordability. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with section 33-1419, which shall be recorded on the property at the time of dedication.

(F) Transfer to housing developer. The land is transferred to the city or to a housing developer approved by the city.

(G) Location of land. The transferred land shall be within the boundary of the proposed development or, if the city agrees, within one-quarter (¼) mile of the boundary of the proposed development.

(H) Financing. A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development permit.

(2) Condition of development. Nothing in this subsection (e) shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.

(Ord. No. 92-19, § 1, 4-22-92; Ord. No. 94-38, § 1, 12-7-94; Ord. No. 2017-05, § 7, 5-24-17; Ord. No. 2021-10, § 6, 10-27-21; Ord. No. 2023-06, § 3, 3-8-23)

§ 33-1414. Alternative or additional incentives and concessions for housing developments.

(a) When a developer requests a density bonus and/or incentives or concessions pursuant to section 33-1413, the decision-making body shall grant incentives or concessions, subject to the following:

(1) Number of incentives/concessions.

(A) The developer shall receive the following number of incentives or concession based upon the minimum percentage of total units to be restricted as target units:

Table E Number of Incentives/Concessions	
Number of Incentives/ Concessions	**Percentage (%) of Target Units (Minimum required)**
1 Incentive/Concession	5% for very low income households
	10% for lower income households
	10% for moderate income persons or families in a common interest development
2 Incentives/ Concessions	10% for very low income households
	17% for lower income households
	20% for moderate income persons or families in a common interest development
3 Incentives/Concessions	15% for very low income households
	24% for lower income households
	30% for moderate income persons or families in a common interest development
4 or more Incentives/ Concessions	At the discretion of the decision-making authority

(2) Incentives/concessions. An incentive or concession may include any of the following:

(A) Development, design, and zoning code requirements. A reduction or waiver of site development standards, modification of zoning code, or architectural design requirements that exceed the minimum building standards approved by the California Building Standards, including, but not limited to, a reduction in minimum lot size, setback requirements, and/or in the ratio of vehicular parking spaces that would otherwise be required. Any waiver or reduction from the applicable development standards that is necessary to implement the density and incentives/concessions to which the developer is entitled under this subsection (a) shall not serve to reduce or increase the number of incentives/concessions.

(B) Mixed use development. Approval of mixed use residential development in areas not permitted if: (i) commercial, office, industrial or other land uses will reduce the cost of the housing development; and (ii) the commercial, office, industrial or other land uses are compatible with the housing development and the existing or planned future development in the area where the project will be located.

(C) Excess density bonus. A density bonus in excess of more than that which is specified in section 33-1413(b) and in compliance with section 33-1413(c).

(D) Other. Other regulatory incentives or concessions proposed by the developer that result in identifiable, financially sufficient, and actual cost reductions that contributes to the economic feasibility of the project.

(E) Financial incentives. The city council may, but is not required to, provide direct financial incentives, including direct financial aid in the form of a loan or grant, the provision of

publicly owned land, or the waiver of fees or dedication requirements.

(3) Nothing in this section shall be construed to require the city to grant a concession or incentive if the city finds that the proposed concession or incentive is not required to achieve the required affordable housing costs or rents, would cause a public health or safety problem, would cause an environmental problem, would harm historical property, or would otherwise be contrary to law.

(4) A developer shall be ineligible for concessions or incentives when the housing development is proposed on any property that includes rental dwelling units that are—or if the units have been vacated or demolished, within the five year period preceding the housing development application—subject to a recorded covenant, ordinance, or law that restricts rents to affordable levels or is subject to any other form of rent or price control, or occupied by very low households or low income households, unless the proposed housing development replaces those units and meets the requirements of Government Code section 65915(c)(3).

(Ord. No. 92-19, § 1, 4-22-92; Ord. No. 94-38, § 1, 12-7-94; Ord. No. 2017-05, § 7, 5-24-17; Ord. No. 2019-10, § 7, 8-21-19; Ord. No. 2020-07, § 6, 5-6-20; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1415. Condominium conversions.

(a) Income requirements. The decision-making body shall grant either a density bonus or in-lieu incentives of equivalent financial value, as set forth in section 33-1414, to a developer proposing to convert apartments to condominiums as otherwise in compliance with the Escondido Municipal Code, and who agrees to provide the following:

(1) Low or moderate income. A minimum of 33% of the total units of the proposed condominium project as restricted and affordable to low or moderate income persons or families; or

(2) Low income. A minimum of 15% of the total units of the proposed condominium project as restricted and affordable to low income households.

(b) Density bonus. For housing development projects meeting the criteria of subsection (a) of this section, the density bonus shall be 25% over the number of apartments, to be provided within the existing structure or structures proposed for conversion.

(c) Calculating the target units. In determining the number of target units to be provided pursuant to the standards of this section, the number of apartment units within the existing structure or structures proposed for conversion shall be multiplied by the percentage of units to be offered exclusively to the designated income group, as required by subsection (a) of this section. The density bonus units shall not be included when determining the total number of target units required to qualify for a density bonus.

(d) Granting a lower density bonus. In cases where a density increase of less than 25% is requested, no reduction will be allowed in the number of target units required.

(e) Other incentives. For purposes of this section, "other incentives of equivalent financial value" shall not be construed to require the city to provide monetary compensation, but may include the waiver or reduction of requirements that might otherwise apply to the proposed condominium conversion project at the sole discretion of the decision-making body.

(f) Ineligibility. A developer proposing to convert apartments to condominiums shall be ineligible for a density bonus or in-lieu incentives under this section if the apartments proposed for conversion

constitute a housing development for which a density bonus or in-lieu incentives were previously provided under this article.

(g) Affordable housing agreement as a condition of development. An affordable housing agreement for all condominium conversion proposals that request a density bonus or in-lieu incentives shall be processed concurrently with any other required project development application (e.g., tentative maps, parcel maps, design review, conditional use permits), and shall be made a condition of the discretionary permits, and execution of such agreement shall be required prior to the issuance by the city of a building permit for the development. The affordable housing agreement shall be consistent with section 33-1420.

(h) No requirement to approve conversion. Nothing in this section shall be construed to require that the city approve a proposal to convert apartments to condominiums.

(Ord. No. 2020-07, § 6, 5-6-20; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1416. Housing with child care facilities.

(a) When a developer proposes to construct a housing development that conforms to the requirements of section 33-1413(a), and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the following provisions shall apply:

(1) Bonus or incentive/concession. The decision-making body shall grant either of the following:

(A) Density bonus. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility; or

(B) Incentive/concession. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility.

(2) Conditions of approval. The decision-making body shall require, as a condition of approval of the housing development, that the following occur:

(A) Period of operation for child care facility. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain affordable, pursuant to section 33-1418; and

(B) Income requirements. The percentage of children who are of very low, lower, or moderate income households shall be equal to or greater than the percentage of dwelling units that are required for very low, lower, or moderate income households pursuant to section 33-1413(a).

(3) Findings to deny bonus or incentive/concession. Notwithstanding any requirement of this section, the decision-making body shall not be required to provide an additional density bonus, incentive, or concession for a child care facility if it finds, based on substantial evidence, that the community has an adequate number of child care facilities.

(Ord. No. 92-19, § 1, 4-22-92; Ord. No. 94-38, § 1, 12-7-94; Ord. No. 2017-05, § 7, 5-24-17; Ord. No. 2019-10, § 7, 8-21-19; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1417. Affordable and senior housing standards.

(a) Concurrent development. Target units shall be constructed concurrently with nonrestricted units unless both the city and the developer agree within the affordable housing agreement to an alternative schedule for development. If the development proposes a phased building plan, a proportionate share

of target units shall be constructed in each phase. Otherwise, the city shall not issue building permits for more than 50% of the nonrestricted units until the city has issued building permits for all of the target units, and the city shall not approve any final inspections or issue any certificates of occupancy for more than 50% of the market rate units until the city has issued certificates of occupancy for all of the affordable units.

(b) Location and dispersal of units. Target units and density bonus units shall be built on site (within the boundary of the proposed development) and when practical, be dispersed within the housing development.

(c) Off-site alternative. Circumstances may arise in which the public interest would be served by allowing some or all of the designated target units to be produced and operated at a development site different from the site of the associated housing development, also known as an off-site alternative. Where the city and the applicant form such an agreement, both the associated target and nonrestricted units of the housing development shall be considered a single housing development for the purposes of this article, and the applicant shall be subject to the same requirements of this article pertinent to the target units to be provided at an off-site alternative.

(d) Bedroom unit mix. The housing development shall include a mix of target units (by number of bedrooms) in response to the affordable housing demand priorities of the city as may be identified within the city's housing element or consistent with the unit mix of nonrestricted units. The number of bedrooms in the target units shall at least equal the minimum number of bedrooms of the nonrestricted units. For non-senior projects involving five to nine units (or three to nine units if the project is located within the South Centre City Specific Plan), exclusive of the target units, and that receive incentives in addition to the minimum required by State Density Bonus Law, all target units shall have at least two bedrooms. For non-senior projects involving 10 or more units, exclusive of the target units, and that receive incentives in addition to the minimum required by State Density Bonus Law, at least 33% of the target units shall have at least three bedrooms, or a ratio deemed acceptable by the city.

(e) Compliance with development standards and codes. Housing development projects shall comply with all applicable development standards, except those that may be modified as an incentive or concession or will have the effect of physically precluding the construction of a development providing the target units at the densities or with the concessions or incentives permitted by section 33-1414, or as otherwise provided for in this article.

(f) Design consistency. The design and appearance of the target units shall be consistent or compatible with the design of the total housing development in terms of appearance, materials, and finished quality.

(g) Parking. Upon the request of the developer, the parking ratio (inclusive of handicap and guest parking) for a housing development that conforms to the requirements of section 33-1413(a) shall not exceed the ratios specified in Table F. Such request and application of this parking ratio shall not be considered an incentive/concession pursuant to section 33-1414. If the developer does not request the parking ratios specified in Table F or the project does not conform to the requirements of section 33-1413(a), the parking standards of the applicable zone shall apply.

(1) Fractional parking spaces. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

(2) Tandem and uncovered parking. For purposes of this section, a housing development may provide "on-site" parking through tandem parking or uncovered parking, but not through on-

street parking.

(3) Additional parking incentives/concessions. The developer may request additional parking incentives or concessions beyond those provided in this section, as specified in section 33-1414.

Table F
Parking Ratio for Housing Development Projects

Dwelling Unit Size	On-Site Parking Ratio (Inclusive of Handicapped and Guest Parking)
0–1 bedrooms	1 space per unit
2–3 bedrooms	2 spaces per unit
4 or more bedrooms	2.5 spaces per unit

(h) Waiver/reduction of development standards. Any waiver or reduction from the applicable development standards shall be limited to those necessary to implement the density and incentives/concessions to which the developer is entitled under section 33-1413.

(1) Adverse impact. Nothing in this section shall be construed to require that the city waive or reduce development standards that would have an adverse impact upon the health, safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Adverse impact is defined in section 65589.5(d)(2) of the California Government Code and any subsequent amendments and revisions thereto.

(2) Historical resources and conflict with law. Nothing in this section shall be construed to require that the city waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources or to grant any waiver or reduction that would be contrary to state or federal law.

(i) Prequalification. All households for target units must be prequalified by the developer prior to such households moving into a target unit by a process mandated by the city. The prequalification process for target households shall certify the income level of the prospective tenant household, and advise the household of affordable housing costs, if applicable. These standards will be made available to the applicant by the city. The property owner shall not charge the applicant for the initial prequalification review. If, after performing the necessary verification, the prospective tenant qualifies as a very low, low, or moderate income household, the city shall issue a certificate to the applicant and the property owner verifying the income level and eligibility to rent or own the unit.

(j) Reporting. By May 31 of each calendar year, the developer shall provide the housing division an accounting of the previous calendar year, including the following:

(1) Total units occupied for any part of the previous year by bedroom size;

(2) Total units vacant for any part of the previous year by bedroom size;

(3) Total units occupied by target households by bedroom size;

(4) For each very low, low, or moderate income target unit, the total monthly housing costs advertised and/or paid; and

(5) Any other pertinent information deemed appropriate by the city upon approval of the project.

(k) Enforcement. Default by the property owner is unlawful and is a misdemeanor. Each applicable unit shall be considered a separate violation. Such violation shall be punishable by a fine, not exceeding $1,000, or by imprisonment in the County Jail for a period not exceeding six months, or both. In addition, the city shall have the right to prohibit the property owner from leasing any non-restricted unit that becomes vacant until the owner remedies the default. Until the default is remedied, no such unit shall thereafter be rented until the property owner presents sufficient evidence to the housing division that the prospective tenant qualifies as a target household. Additionally, the average monthly default units shown on the audit report for the previous year shall be added to the units to be set aside during the next succeeding reporting period, if applicable.

(Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1418. Affordability tenure.

(a) Lower and very Low income housing. All target units for lower and very low income households shall remain restricted and affordable to the designated group for a period not less than 55 years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental financing subsidy program.

(b) Moderate income. All target units for moderate income persons or families shall be initially occupied by the designated group and offered at an allowable housing expense. The target units shall be subject to an equity sharing agreement, as set forth by State Density Bonus Law, unless in conflict with the requirements of another public funding source or law.

(Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1419. Application requirements and review.

(a) Preliminary application. A developer proposing a housing development pursuant to this article may submit a voluntary preliminary application prior to the submittal of any formal request for approval. Developers are encouraged to schedule a preapplication conference with designated staff of the community development department to discuss and identify potential application issues, including prospective incentives or concessions pursuant to section 33-1413.

(b) Application. The developer shall submit an affordable housing application, which will be treated as part of any other required development application, requesting a density bonus and/or incentive(s) or concession(s), pursuant to this article. Pursuant to Government Code section 65915(a)(2), the applicant shall provide reasonable documentation to establish eligibility for a requested density bonus and/or incentive(s) or concession(s). The proposed housing development may require other project development application(s) (e.g., tentative map, parcel map, design review, and conditional use permits). Under such circumstances, the affordable housing application shall be processed concurrently.

(c) Approval of an application. When a project involves a request for a density bonus, incentive(s) or concession(s), or in-lieu incentives, the decision-making body shall make a written finding, as part of the approval of the development application required for the project or as part of the approval of the affordable housing agreement, that the project is consistent with the provisions of this article. The granting of an incentive/concession shall not, in and of itself, require a general plan amendment, zoning code amendment, or any other discretionary approval.

(d) Denial of application. In rejecting such development application, the decision-making body shall make written findings in compliance with Government Code Section 65589.5(b) and based upon substantial evidence in the record.

(Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1420. Affordable housing agreement.

(a) Execution of agreement. Developers requesting a density bonus, incentive(s) or concession(s), or in-lieu incentives pursuant to this article shall demonstrate compliance with this article by executing an affordable housing agreement with the city in a form approved by the city attorney.

(b) Recordation. Following execution of the affordable housing agreement by all parties, the completed affordable housing agreement, with the approved site development plan, shall be recorded against the entire development, including nonrestricted lots/units; and the relevant terms and conditions therefrom filed and recorded as a deed restriction or regulatory agreement on those individual lots or units of a property that are designated for the location of target units. The approval shall take place prior to final map approval, and recordation shall occur concurrent with the final map recordation, or where a map is not being processed, prior to issuance of building permits for such parcels or units. The affordable housing agreement shall be binding to all future owners and successors in interest.

(c) Provisions. The affordable housing agreement shall set forth the conditions and guidelines to be met in the implementation of this article and shall include, but not be limited to, the following:

(1) Number of units. The number of total residential units and the density bonus and target units approved for the housing development;

(2) Term of affordability. The number of years the occupancy and affordability restrictions for target units remain in place;

(3) Phasing schedule. A schedule of production and occupancy of target units;

(4) Incentives/concessions. A description of the incentive(s), concessions, or in-lieu incentives of equivalent financial value being provided by the city;

(5) Operation and maintenance. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, operating and maintaining target units for qualified tenants;

(6) Ongoing monitoring. Provisions requiring developers to demonstrate compliance with this article;

(7) Initial sale. Where applicable, tenure and conditions governing the initial sale of for-sale target units;

(8) Remedies. A description of remedies for breach of the agreement by either party;

(9) Other provisions for compliance. Other provisions as the city may require to ensure implementation and continued compliance with this article and the State Density Bonus Law.

(Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1421. Agreement processing and administrative fee.

Over the minimum tenure of projects containing target units, the city will either directly or, via oneor more third parties, provide for the preparation and/or review of all affordable housing agreements and recurring services associated with the administration and monitoring of such units. The city council may establish an administrative fee to fully recover the costs associated with such administration and monitoring, the amount of which shall be established by ordinance of the city council.

(Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1422. Noticing and procedural requirements for expiring rental restrictions.

(a) Tenant notices of expiring affordability. The developer shall give notices consistent with California Government Code sections 65863.10 through 65863.13 in anticipation of the expiration of affordable housing restrictions to each affected tenant household.

(b) Notices to prospective and new tenants. All prospective and new tenants to the housing development shall be provided at the time of their application for tenancy a copy of all notices issued per this section to existing tenants.

(c) Notices to the City of Escondido and state. The developer shall provide a copy of all notices consistent with California Government Code Sections 65863.10 through 65863.13 in anticipation of the expiration of affordable housing restrictions to the City of Escondido Community Development Department and the State Department of Housing and Community Development.

(d) First class mailed notices. All notices to affected tenants, the City of Escondido, and the State Department of Housing and Community Development shall be sent by first-class mail postage prepaid.

(Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1423. Interpretation.

(a) If any conflict exists between this article and any other land use ordinance, regulation, resolution, policy, or prior decision of the city, this article shall control all applicable land use applications that do not have final approval on the effective date of this article.

(b) This article shall be interpreted liberally in favor of producing the maximum number of total housing units, pursuant to the intent and requirements of State Density Bonus Law.

(Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1424. through § 33-1429. (Reserved)

ARTICLE 68
GROWTH MANAGEMENT ORDINANCE

§ 33-1430. Definitions.

Whenever the following terms are used in this chapter, they shall have the meaning established by this section unless from the context it is apparent that another meaning is intended:

"Application" means any request for approval of a development permit subject to the provisions of this chapter, including, but not limited to, subdivisions, plot plans, specific plans, planned developments, planned unit approvals, condominium permits, and conditional use permits.

"Available facility capacity" means the remaining facility capacity available to future development without creating critical infrastructure deficiencies requiring facility construction or expansion. It may be determined at either the project-specific or citywide level.

"Citywide facilities plan" means the plan prepared and approved by the city council that both identifies areas of critical infrastructure deficiencies and provides the analytical framework against which projects are evaluated for conformance with the city's quality of life standards, including drainage.

"Critical facilities" means those improvements that must either be constructed, or financially secured within a geographic area, before development may proceed. Areas with critical infrastructure deficiencies shall be identified by the planning commission and/or city council and be reflected in the citywide facilities plan.

"Development" means any land use, building, or other alteration of land, and construction incidental to such land use, building, or other alteration of land, subject to this chapter.

"Facilities" means all land and improvements defined by the general plan's quality of life standards, including drainage.

"Improvements" include all measures necessary to achieve conformance with the general plan quality of life standards as determined by the citywide facilities plan.

"Improvement threshold" means the point at which a project or group of projects exceeds the acceptable, available facility capacity and required concurrent construction of facilities.

"Neighborhood" means the specific geographic sub-areas as defined by Figure II-12 of the general plan, or as amended.

"Nonresidential uses" means those commercial or nonprofit uses which are either permitted by right or by conditional use permit in residential zones, including, but not limited to, daycare, convalescent homes, church facilities, recreational facilities, parks, and other uses that are not residential in character.

"Quality of life standards" means those service level standards identified by the general plan for traffic/ transportation, schools, fire and police service, sewer and water service, parks and trails, and libraries.

"Region of influence" means an area where a critical infrastructure deficiency exists, as specified in the citywide facilities plan.

"Tiers" mean the general categories into which the 21 general plan neighborhoods are grouped as identified by Figure VI-I of the general plan, or as may be amended.
(Ord. No. 94-16, § 1, 5-18-94; Ord. No. 95-11, § 1, 7-12-95; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1431. Applicability.

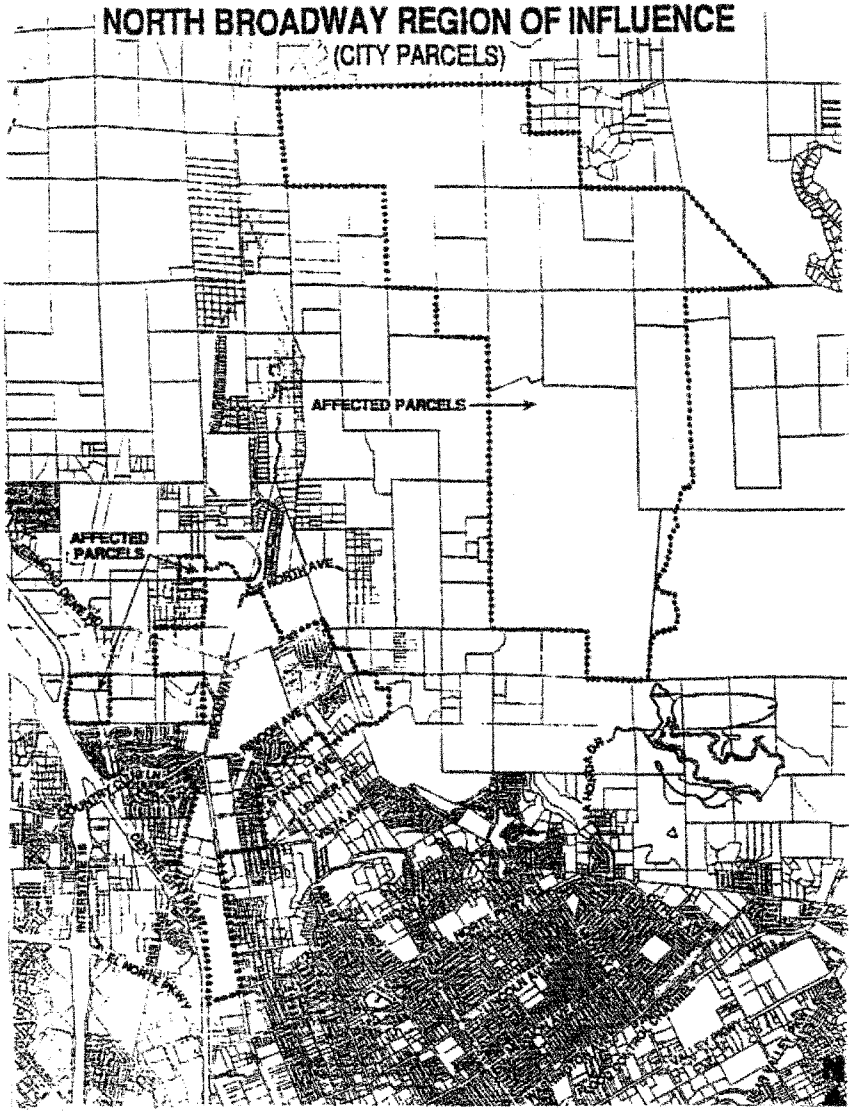
(a) Unless exempted by section 33-1432 or 33-1433, no new application for residential, commercial, or

industrial development may be accepted for processing in region of influence areas (as shown on Figure 33-1431) identified by the citywide facilities plan as having critical infrastructure deficiencies.

(b) Except as provided in Article 61, Division 3 of the Zoning Code, no building permits for residential, nonresidential facilities in residential zones, commercial, or industrial uses may be issued where such development is inconsistent with the general plan.

(c) Except for final subdivision maps for single-family lots that recorded prior to the effective date of the general plan, no applications for new development may be deemed complete for processing or permits issued within said subdivision unless it conforms with the provisions of the general plan.

(d) No permits shall be issued for any parcel whose zoning category is inconsistent with the general plan.



(Ord. No. 94-16, § 1, 5-18-94)

§ 33-1432. Exemptions.

The following projects shall be exempt from the timing requirements for the regions of influence identified by the citywide facilities plan:

(a) Projects authorized through a development agreement in accordance with section 33-1433 of this chapter;

(b) Rehabilitation/remodel projects in accordance with Article 61, Division 3 of this code;

(c) Zone changes;

(d) Annexations;

(e) Conversion of mobilehomes or apartments to condominium ownership where such conversions do not propose any additional spaces or units;

(f) Processing of applications for development of property in the process of being annexed to the city for which the city council has authorized negotiation of a preannexation agreement. In the event that the city council rescinds the authority for such negotiations, all processing of such project shall terminate and the provisions of the ordinance codified in this section prohibiting processing of such project shall apply;

(g) Nonresidential facilities in residential zones such as schools; daycare, rest homes, and convalescent facilities; churches; parks; public works projects; public facilities; and capital improvement projects;

(h) Extensions of time for tentative subdivision and parcel maps;

(i) Processing and development of properties in Tiers 1, 2 and 3 that are not included in an identified area region of influence containing a critical infrastructure deficiency;

(j) Applications for development of a single-family residence on any legal lot created prior to September 10, 1988, as to which the city council has granted an exemption from the provisions of the cost-managed, quality of life ordinance and the owner has no direct or indirect ownership interest in any property contiguous to such lot;

(k) Applications for development of a single-family residence on an existing vacant lot of record, zoned for residential use, where such lot was created prior to June 6, 1990, within the region of influence, provided the owner has no direct or indirect ownership interest in any property contiguous to such lot. A supplemental deposit shall be collected at the time of building permit issuance to ensure that facility impacts are adequately addressed.

(Ord. No. 94-16, § 1, 5-18-94; Ord. No. 95-11, § 1, 7-12-95)

§ 33-1433. Development agreement procedures.

The city council may authorize the use of a development agreement to allow the filing, processing and development of projects included in the facility deficiency areas identified by the citywide facilities plan's region of influence, not withstanding the terms of this chapter, under the following conditions:

(a) The project either provides facilities necessary to upgrade existing deficiencies or financially participates toward their solution;

(b) No critical infrastructure is adversely impacted;

(c) The project pays its proportionate share toward neighborhood and/or citywide improvements.
(Ord. No. 94-16 § 1, 5-18-94)

§ 33-1434. Compliance with this article.

No development application shall be approved or permit issued unless, in accordance with the Escondido Subdivision and Zoning Code, either city staff, the planning commission, or city council finds that the project is consistent with the citywide facilities plan and provisions of this article. Conditions shall be required as necessary to implement the general plan and the citywide facilities plan.
(Ord. No. 94-16 § 1, 5-18-94)

§ 33-1435. Implementation of facilities and improvements requirements.

The director of community development shall monitor the citywide development activity. An annual report should be prepared which includes a development activity analysis, a facilities and improvements adequacy analysis, a facility revenue/expenditure analysis, and any necessary amendments to the citywide facilities plan, if necessary.
(Ord. No. 94-16, § 1, 5-18-94; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-1436. Findings.

The city council makes the following findings:

(1) That these actions are necessary to ensure adequate public facilities are available to serve any new development in the city. Without this article and the requirements imposed by it, adequate public facilities may not be available to serve new development or building. Development or building without public facilities is contrary to the city general plan and would be dangerous to the public health, welfare and safety.

(2) This action of the city council is consistent with longstanding policies and objectives of the city to ensure adequate public facilities within Escondido. This action will protect the public health, safety, and welfare of the citizens of Escondido by ensuring safe streets, adequate water, sewer and drainage facilities, adequate schools and libraries, sufficient police and fire protection, and park and recreation facilities.

(3) This action is consistent with the city's policy to provide housing opportunities for all economic sectors of the community because sufficient opportunities for new housing continue to exist within the city. In addition, development of housing for low-and moderate-income persons and families would most likely occur in areas of the city which are designated for highest development priority.

(4) Adoption of this article will not adversely affect the regional welfare. By ensuring that adequate and safe public facilities and improvements will exist to serve all of the development in Escondido and because many of these facilities and improvements are used by persons residing in neighboring areas and cities, the safety and welfare of the whole region is enhanced.
(Ord. No. 94-16 § 1, 5-18-94)

§ 33-1437. through § 33-1449. (Reserved)

ARTICLE 69
ESCONDIDO BUSINESS ENHANCEMENT ZONE

§ 33-1450. Purpose and intent.

The purpose of this article is to establish an Escondido business enhancement zone to induce and facilitate projects that provide significant public benefit and strengthen the image and appearance of the city of Escondido. Projects submitted under this section shall be evaluated pursuant to the criteria established in city council policy which was adopted by Resolution 2001-191 and most recently amended by Resolution 2006-56.
(Ord. No. 92-13, § 1, 3-18-92; Ord. No. 2000-04, § 4, 2-16-00; Ord. No. 2001-23, § 4, 8-22-01; Ord. No. 2006-12, § 4, 5-24-06)

§ 33-1451. Creation of the Escondido business enhancement zone area.

The Escondido business enhancement zone shall include those areas which are within and regulated by Article 16 (Commercial Zones), Article 26 (Industrial Zones) and any area approved for commercial, industrial, or office use under Article 18 (Specific Plans) and Article 19 (Planned Development) of the Escondido Zoning Code, and those portions of residential zones which have been approved for specific commercial use such as a bed and breakfast establishment or the downtown specific plan area. These regulations shall apply only to induce and facilitate developments within these zones. Nothing in this article shall relieve any applicant from compliance with the California Environmental Quality Act, the Subdivision Map Act or any other applicable federal, state or local regulation, including provisions of the zoning code for each of the articles identified above, unless otherwise stipulated in this article.
(Ord. No. 92-13, § 1, 3-18-92; Ord. No. 2000-04, § 4, 2-16-00; Ord. No. 2001-23, § 4, 8-22-01; Ord. No. 2006-12, § 4, 5-24-06)

§ 33-1452. Incentives.

To accomplish the purpose and intent of this article, the city council may establish an economic incentive fund which shall be available to provide incentives for projects in the business enhancement zone. Funds shall be used as credit to reduce or eliminate otherwise applicable development or connection fees. The city council also may grant relief from parking, landscape and related requirements through the use of an administrative adjustment, expedite processing as provided below, provide for lot consolidation or street closure if otherwise permitted by law, and provide any other incentives which may induce and facilitate development which is consistent with the purpose and intent of this article. Any incentives granted by the city council under this section shall be fully used within one year from the time of approval unless extended by the city council. A request for extension shall be submitted to the city manager or designee and placed on the next available city council agenda.
(Ord. No. 2000-04, § 4, 2-16-00; Ord. No. 2001-23, § 4, 8-22-01; Ord. No. 2006-12, § 4, 5-24-06)

§ 33-1453. Request for consideration.

(a) Any person proposing a use of property within the Escondido business enhancement zone who desires to receive the benefits of this article shall first submit a request for consideration in such form as shall be established by the city manager or designee.

(b) The request for consideration shall be submitted to the city manager or designee who, within 10 days of receiving such request, shall determine if the request is complete and shall evaluate the proposed use to determine whether it is consistent with the city's general plan and other applicable requirements.

(c) The city manager or designee shall forward the request to a standing council economic development subcommittee, which shall consist of two members of the city council to be appointed from time to time.

(d) The council economic development subcommittee shall review the request and determine whether the proposal is suitable for processing in accordance with the provisions of this article. Any proposal determined by the council economic development subcommittee not to be eligible for processing pursuant to this article shall be processed in accordance with the provisions of this chapter otherwise applicable to such proposed development.

(e) In making its determination on the eligibility of a request for processing under this article, the council economic development subcommittee shall consider whether the project furthers the purposes outlined in section 33-1450 and any relevant council policies in section 33-1450, and any relevant council policies.

(Ord. No. 92-13, § 1, 3-18-92; Ord. No. 2000-04, § 4, 2-16-00; Ord. No. 2000-16, § 4, 7-19-00; Ord. No. 2001-23, § 4, 8-22-01; Ord. No. 2006-12, § 4, 5-24-06)

§ 33-1454. Negotiation of incentives and inducements.

(a) Any applicant whose request for consideration has been approved in accordance with section 33-1453 may request incentives or inducements from the city to facilitate the development. The request shall be presented to the council economic development subcommittee.

(b) The council economic development subcommittee may require the applicant to provide such information as necessary to assist in conducting the negotiations. Such information may include, without limitation, plot plans, elevations of buildings, architectural renderings, and detailed information regarding proposed uses.

(c) Any incentives or inducements, which the council economic development subcommittee determines to be appropriate, shall be submitted to the city council for final approval.

(Ord. No. 92-13, § 1, 3-18-92; Ord. No. 2000-04, § 4, 2-16-00; Ord. No. 2001-23, § 4, 8-22-01; Ord. No. 2006-12, § 4, 5-24-06)

§ 33-1455. Processing of development applications.

(a) Notwithstanding any other provision of this chapter to the contrary, all development projects, for which a request for consideration has been approved by the council economic development subcommittee, shall be eligible for processing as follows and shall be exempt from review by any other entity including, without limitation, the historic preservation commission, and the planning commission.

(b) An application shall be submitted in accordance with the requirements of the planning and building divisions. An application determined to be complete and in compliance with the requirements of the California Environmental Quality Act by the director of community development shall be submitted to the council economic development subcommittee in the case of projects for which no public hearing is required, or the city council in the case of projects for which a public hearing is required.

(c) The council economic development subcommittee shall consider any project submitted to it under the provisions of this article and shall either approve, conditionally approve, or deny the project in accordance with the provisions of this chapter applicable to such project. The city council shall act as a planning commission for any project submitted to it under the provisions of this article.

(d) The city council shall conduct necessary public hearings and either approve, conditionally approve, or deny the project in accordance with provisions of this chapter applicable to such project.

(Ord. No. 92-13, § 1, 3-18-92; Ord. No. 2000-04, § 4, 2-16-00; Ord. No. 2001-23, § 4, 8-22-01; Ord. No. 2006-12, § 4, 5-24-06; Ord. No. 2011-19R, § 5, 1-11-12; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-1456. Façade and property improvement program for existing development.

In addition to incentives otherwise offered by this article, the city may provide funding for the aesthetic enhancement of developed commercial properties, which already exist within this zone. Such funds may be utilized for façade and property improvements, landscape and hardscape improvements, or other exterior aesthetic improvements in accordance with the program criteria and which have been approved by the city and will benefit the property and the area in which the property is located. Requests for funding pursuant to this section shall be filed as a separate submittal to the economic development and planning divisions. Funding for such improvements shall only occur pursuant to guidelines adopted from time to time by the city council and administered by the economic development division.

(Ord. No. 2000-04, § 4, 2-16-00; Ord. No. 2001-23, § 4, 8-22-01; Ord. No. 2006-12, § 4, 5-24-06)

§ 33-1457. Administrative adjustments.

Those standards set forth in sections 33-335 and 33-336 of Article 16, section 33-569 of Article 26, section 33-765 of Article 39, sections 33-1326, 33-1327, 33-1328, and 33-1333 of Article 62, in Chapter 5 of the South Centre City Specific Plan, and Figure 11-2 of the Downtown Specific Plan shall be eligible for administrative adjustments. Adjustments of up to 25% may be approved or conditionally approved by the director of community development upon demonstration that the proposed adjustment will be compatible with and will not prove detrimental to, adjacent property or improvements. The director of community development shall give prior notice of an intended decision to provide an administrative adjustment pursuant to Article 61 of this chapter. Any applicant for an administrative adjustment shall pay a fee for such adjustment in an amount to be established by resolution of the city council.

(Ord. No. 2000-04, § 4, 2-16-00; Ord. No. 2000-16, § 4, 7-19-00; Ord. No. 2001-23, § 4, 8-22-01; Ord. No. 2006-12, § 4, 5-24-06; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-1458. through § 33-1469. (Reserved)

ARTICLE 70
ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

§ 33-1470. Purpose and intent.

The purpose of this article is to provide regulations for the establishment of accessory dwelling units and junior accessory dwelling units. The intent of the article is to provide additional housing opportunities 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 or section 65852.22, 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.
(Ord. No. 2020-07, § 6, 5-6-20)

§ 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 section 33-1472 of this article.
(Ord. No. 2023-06, §, 3-8-23)

§ 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 section 33-1475, Other regulations.

(Ord. No. 2020-07, § 6, 5-6-20; Ord. No. 2023-06, § 3, 3-8-23)

§ 33-1473. Occupancy limitations.

(a) Allowed use.

(1) One attached or detached accessory dwelling unit may be permitted in conjunction with an existing or proposed single-family residence on a lot zoned for single-family or multifamily residential use.

(A) The accessory dwelling unit is either attached to, or located within, the proposed or existing main building or attached garages, storage areas, or similar use; or a detached accessory structure and located on the same lot as the proposed or existing single-family home.

(B) An accessory dwelling unit may be permitted on a lot where a junior accessory dwelling unit exists or is proposed.

(2) One junior accessory dwelling unit may be permitted in conjunction with an existing or proposed single-family residential use.

(A) The junior accessory dwelling unit is located within the proposed or existing main building or attached garages, storage areas, or similar use.

(B) A junior accessory dwelling unit may be permitted on a lot where an accessory dwelling

unit exists or is proposed.

(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 multifamily 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.

(b) Owner-occupied.

(1) The owner-occupancy requirement shall not be applied to any accessory dwelling unit.

(2) A junior accessory dwelling unit may be used as habitable space, only so long as either the remaining portion of the main dwelling unit, or the newly created junior accessory dwelling unit is occupied by the owner of record of the property, unless otherwise exempted by this section.

(A) Owner-occupancy for a junior accessory dwelling unit shall not be required if the owner is an agency, land trust, or housing organization.

(3) Deed restriction. The city shall require the recordation of a deed restriction if owner-occupancy is required pursuant to this section.

(A) Prior to issuance of a building permit, the property owner shall execute a deed restriction setting forth the owner-occupancy requirements, in a form and substance satisfactory to the director of community development and city attorney's office, which shall be recorded in the office of the county recorder. The covenant shall also include the following terms and limitations:

(i) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, and shall not be subdivided in any manner that would authorize such sale or ownership;

(ii) A statement that the deed restriction may be enforced against future purchasers and the restrictions shall be bindings upon any successor in ownership of the property;

(iii) The junior accessory dwelling unit shall be a legal unit, and may be used as habitable space, only so long as the owner of record of the property occupies the premises;

(iv) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section, and if applicable the occupancy limitations of the California Health and Safety Code section 17958.1.

(c) All local building and fire code requirements apply, as appropriate, to accessory dwelling units and junior accessory dwelling units.

(1) A certificate of occupancy shall not be issued for the accessory dwelling unit and/or junior accessory dwelling unit until the building official issues a certificate of occupancy for the main building.

(2) Prior to approval on properties with a private sewage system, approval by the county of San Diego department of environmental health, or any successor agency, may be required.

(d) The accessory dwelling unit and/or junior accessory dwelling unit is not intended for sale, except in conjunction with the sale of the primary residence and property.

(e) The accessory dwelling unit and junior accessory dwelling unit may be rented separate from the primary residence, but only with a rental agreement and with terms greater than 30 days.

(f) The accessory dwelling unit and/or junior accessory dwelling unit shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the premises.

(1) The accessory dwelling unit and/or junior unit shall be deemed to be a legal unit and permit such accessory use of property, which use is specifically identified by the accessory use regulations for the underlying zone and per Government Code sections 65852.2 and 65852.22; and shall allow such other accessory uses which are necessarily and customarily associated with such principal residential use of the premises, except as otherwise provided by this subsection.

(2) An accessory dwelling unit and/or junior accessory dwelling unit shall be deemed an independent dwelling unit for the sole purpose of establishing a home occupation permit within the accessory dwelling unit and junior accessory dwelling unit, subject to the terms and limitations of Article 44. The limitations for home occupations shall be shared with the principal use and/or main building.

(B) No more than the quantities of animals specifically listed in Table 33-95(a) of Article 6 or section 33-1116 of Article 57 is permitted on the premises. The limitations for animal keeping and household pets shall be shared with the principal use and/or main building.

(C) For all other accessory use of property, the accessory dwelling units and/or junior accessory dwelling unit shall be controlled in the same manner as the principal use within each zone, and shall not expand or be conveyed separately from the primary use. When provided by these regulations, it shall be the responsibility of the director of community development to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, accessory dwelling unit, and/or junior accessory dwelling unit, based on the director's evaluation of the resemblance of the proposed accessory use and the relationship between the proposed accessory use and the principal use.

(Ord. No. 2020-07, § 6, 5-6-20; Ord. No. 2020-31R, § 6, 1-13-21; Ord. No. 2021-10, § 6, 10-27-21; Ord. No. 2023-06, § 3, 3-8-23)

§ 33-1474. Development standards.

(a) Accessory dwelling units shall be subject to all development standards of the zone in which the property is located, except as modified below. Notwithstanding, this section shall be interpreted liberally in favor of accessory dwelling unit construction. Furthermore, any property development standard provided herein that regulates the minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings shall

permit at least an 850 square foot accessory dwelling unit to be constructed in compliance with all other local development standards and building code requirements.

(1) Number of bedrooms. There is no allowed limit on the number of bedrooms provided that the accessory dwelling unit and/or junior accessory dwelling unit complies with local building and fire code requirements.

(2) The accessory dwelling unit shall be provided with a separate exterior entry. The accessory dwelling unit shall not have direct, interior access into the main building.

(3) The accessory dwelling unit shall include separate bath/sanitation facilities and include a separate kitchen.

(4) Setbacks. An attached or detached accessory dwelling unit, including a detached accessory unit that is attached to another accessory structure, shall be required to maintain minimum side and rear yard setbacks of at least four feet, and shall comply with front yard setbacks for the underlying zone. For attached accessory structures, whether attached to the primary unit or another detached accessory structure, the portion of the structure which does not include the habitable floor area of the accessory dwelling unit shall comply with setback requirements for the underlying zone. Roof eaves and other architectural projections for accessory dwelling units shall comply with section 33-104.

(A) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit. The accessory dwelling unit may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress, subject to the terms and limitations of this article.

(5) Maximum unit size. The maximum accessory dwelling unit size is determined by the size of the lot as provided in Table 33-1474.

(A) If authorized by the underlying zoning, an accessory dwelling unit may be attached to a guest house provided that the overall combined floor area of the combined building or structure does not exceed 75% of the main unit.

(B) When an accessory dwelling unit is attached to other accessory building(s) or structure(s), such as a garage, carport, or patio cover, the overall combined building area of the structure(s) shall not exceed the existing floor area of the main residence.

Table 33-1474

	Maximum Permitted Accessory Dwelling Unit Size	
Lot Size	***1 bedroom or less***	***More than 1 bedroom***
Less than 20,000 sq. ft.	850 sq. ft.	1,000 sq. ft.
20,000 sq. ft. or more	1,000 sq. ft.	1,000 sq. ft.

(6) Minimum unit size. The minimum permitted size of an accessory dwelling unit shall be the size of an efficiency unit as defined by the CaliforniaHealth and Safety Code section 17958.1. The minimum unit size of the residential zone shall not apply to the accessory dwelling unit that is

built on the same legal lot as the primary residence in compliance with all local development standards.

(7) Height. Accessory dwelling units shall conform to the height limits of the zone, except that an accessory dwelling unit 16 feet in height shall be allowed regardless of the applicable height limit.

(8) Lot coverage. The combined area of all structures on a lot shall conform to the lot coverage limitation of the zone in which the property is located.

(9) Number of accessory dwelling units on properties with more than one detached single-family dwelling. One ADU shall be permitted through conversion of space within proposed or existing space of a single-family dwelling or existing structure, and through construction of a new detached ADU.

(b) Junior accessory dwelling units, as constructed within the existing or proposed single-family residence, shall be subject to all development standards of the zone in which the property is located, except as modified below.

(1) Number of bedrooms. There is no allowed limit on the number of bedrooms provided that the accessory dwelling unit and/or junior accessory dwelling unit complies with local building and fire code requirements.

(2) The junior accessory dwelling unit shall be provided with a separate exterior entry and may have direct, interior access into the main building.

(3) A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(4) The junior accessory dwelling unit shall include an efficiency kitchen.

(5) Maximum unit size. The maximum junior accessory dwelling unit size shall not exceed 500 square feet in total floor area and shall be contained entirely within an existing or proposed single-family residence and may include an expansion of not more than 150 square feet beyond the same physical dimensions of the existing residence to accommodate ingress and egress.

(6) Minimum unit size. The minimum permitted size of a junior accessory dwelling unit shall be the size of an efficiency unit as defined by the California Health and Safety Code section 17958.1. The minimum unit size of the residential zone shall not apply to the junior accessory dwelling unit that is built on the same legal lot as the primary residence in compliance with all local development standards.

(7) Except as provided herein, a junior accessory dwelling unit shall comply with all other zoning code standards, including, but not limited to, setbacks, building height, floor area ratio, and lot coverage.

(8) Number of junior accessory dwelling units on properties with more than one detached single-family dwelling. No JADUs shall be permitted on properties with multiple detached single-family dwellings.

(c) Parking requirements.

(1) Notwithstanding any other law, the city will not impose parking standards for an accessory dwelling unit or junior accessory dwelling unit.

(2) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, replacement parking is not required.

(d) Design of the unit.

(1) Access doors and entry for the 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.

(2) The accessory dwelling unit's color and materials must match those of the primary residence. The director shall review 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 to 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 as specified by section 33-1475. 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.

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

(f) Fire sprinklers. Accessory dwelling units and junior accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(Ord. No. 2020-07, § 6, 5-6-20; Ord. No. 2020-31R, § 6, 1-13-21; Ord. No. 2021-10, § 6, 10-27-21; Ord. No. 2023-15, 10/25/2023)

§ 33-1475. Other regulations.

(a) Historic buildings.

(1) An accessory dwelling unit and/or junior accessory dwelling unit proposed for any lot that includes a building listed in the National Register of Historic Places, California Register of Historic Places, or the local historic inventory shall conform to the requirements for the historic structure.

(2) An accessory dwelling unit and/or junior accessory dwelling unit proposed for a property under a Mills Act Contract must comply with all Mills Act guidelines, including design conformance with the United States Secretary of the Interior Standards.

(3) An accessory dwelling unit and/or junior accessory dwelling unit proposed for any lot that includes a building listed in the National Register of Historic Places, California Register of Historic Places, or the local historic inventory are encouraged to comply with any historic preservation plans as may be approved by the city council. Notwithstanding the foregoing, if the city council acts to establish mandatory design standards for historically classified structures, the accessory dwelling unit and/or junior accessory dwelling unit shall conform to the mandatory standards.

(b) Guest house. An attached guest house may be converted to an accessory dwelling unit provided all provisions of this article and the building code and zoning code are met. A guest house and an accessory dwelling unit and/or a junior accessory dwelling unit may occur on the same lot provided

the guest house does not contain kitchen facilities and is not rented. No more than one accessory dwelling unit or no more than one guest house is permitted on a lot. Nothing in this section shall be construed to prohibit the construction of an accessory dwelling unit and/or junior accessory dwelling unit in compliance with this article.

(c) The city may not require a new or separate utility connection for any accessory dwelling units that meets the criteria in Government Code section 65852.2(e)(1)(A). Accessory dwelling units and junior accessory dwelling units that do not meet the criteria in Government Code section 65852.2(e)(1)(A) may be required to obtain a new or separate utility connection.

(Ord. No. 2020-07, § 6, 5-6-20; Ord. No. 2021-10, § 6, 10-27-21)

§ 33-1476. Existing nonpermitted accessory units.

This article shall apply to all accessory dwelling units or junior 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.

(a) Existing nonconforming units. Accessory dwelling units or junior accessory dwelling units that exist as of the effective date of this section that have previously been legally established may continue to operate as legal nonconforming units. Any unit that exists as of the effective date of this section, and has not previously been legally established, is considered an unlawful use, unless the director of community development determines that the unit meets the provisions of this section and a permit is approved and issued.

(1) Conversion of legally established structures. The conversion of legally established structures shall require that the unit meet the provisions of this code. Any legally established waivers or nonconformities that existed when this section first went into effect may continue, provided that in no manner shall such waiver or nonconformity be expanded.

(2) Administration and enforcement of any nonconforming building standard shall be conducted in accordance with California Health and Safety Code section 17980.12.

(Ord. No. 2020-07, § 6, 5-6-20; Ord. No. 2020-31R, § 6, 1-13-21; Ord. No. 2021-10, § 6, 10-27-21)

§ 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 multifamily dwelling units shall be required to obtain an accessory dwelling unit permit.

(Ord. No. 2020-07, § 6, 5-6-20; Ord. No. 2020-31R, § 6, 1-13-21; Ord. No. 2023-06, § 3, 3-8-23)

§ 33-1478. Findings for approval and denial.

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:

(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.

(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. 2017-06, § 8, 8-16-17)

§ 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 accordance 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)

§ 33-1480. Fees.

(a) Upon the filing of a 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 a determination made by the director of community development shall submit an appeal processing fee as determined by the city council.

(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.

(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. 2017-06, § 8, 8-16-17)

§ 33-1481. through § 33-1489. (Reserved)

ARTICLE 71
(RESERVED)

Editor's note—Article 71, (§§ 33-1490—33-1509) is reserved.

ARTICLE 72
(RESERVED)

Editor's note—Article 72, (§§ 33-1510—33-1529) is reserved.

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

§ 33-1530. Purpose.

Short-term activities and events can enhance the city's lifestyle and provide benefits to area residents, businesses, and other community members through the creation of unique venues for expression, recreation, and entertainment that are not normally provided. However, the city council recognizes that short-term activities and events, if unregulated, can have an adverse effect on the public health, safety and welfare due to noise, traffic, safety, and health hazard impacts. The purpose of this article is to authorize limited and/or short-term activities or events to which public may be invited (with or without charge) and set forth reasonable regulations by establishing a process for permitting short-term activities and events. Temporary activities or events may occur indoors or outdoors, on improved or unimproved property, and may include outdoor displays, temporary outdoor sales, temporary uses, and special events. Such uses are appropriate when regulated as set out herein.

This article also encourages the economic vitality of public property, facilities, or parks; sidewalks, streets, or other areas of the public right-of-way; and developed or undeveloped private property. This article also affords increased merchandise visibility through the establishment of standards for the outdoor display of special interest retail items in an ongoing manner, and the allowance of temporary parking lot sales for other retail items as a limited special use. The safe and orderly outdoor display of merchandise can be beneficial by attracting interest, adding character, and increasing pedestrian traffic to a commercial area which can extend economic benefits to all commercial enterprises within that area.
(Ord. No. 2020-07, § 6, 5-6-20)

§ 33-1531. Definitions.

"Outdoor display" refers to the outdoor display of retail goods on a daily basis during business operating hours in a manner which is incidental to and a part of the operation of the adjacent indoor use. The merchandise would be removed at the close of business and securely stored inside the building.

"Temporary outdoor sales" refers to outdoor sales events or promotions of a limited duration and frequency. Events include, but are not limited to, weekend parking lot sales, tent sales, and seasonal or promotional events.

"Temporary uses" are activities, which by their nature are non-recurring, and are beneficial to the public for a limited and/or specific period of time.

"Special events" mean the temporary use of public property, facilities, parks, sidewalks, streets, or public right-of-way as and that as defined in section 16-201 of Article 4 in Chapter 16 of this code.
(Ord. No. 2020-07, § 6, 5-6-20)

§ 33-1532. Permitted zones.

(a) The outdoor display of retail merchandise shall be permitted as an accessory use subject to the approval of an outdoor display permit as discussed in section 33-1534 in the commercially zoned districts of the city (CG, CP, CN, and existing PD-C zones, and to the extent permitted in the South Centre City Specific Plan and East Valley Parkway Area Plan).

(b) Temporary outdoor sales are permitted in the aforementioned zones and specific and area plans subject to the approval of a temporary use permit as discussed in section 33-1534.

(c) Other temporary uses in various residential, commercial, and industrial zoning districts, subject to the

approval of the permit required under section 33-1534.

(d) Special events permitted in the locations as designated by Article 4 of Chapter 16.
(Ord. No. 2020-07, § 6, 5-6-20)

§ 33-1533. Permitted uses.

(a) Outdoor display.

(1) The following items are acceptable for outdoor display if permitted by the applicable zone in which the associated business is located.

(A) Antiques

(B) Artwork

(C) Automotive supplies (gas stations only)

(D) Bicycles

(E) Books

(F) China and glassware

(G) Clothing

(H) Crafts

(I) Firewood

(J) Flowers and plants

(K) Food sales

(L) Hardware

(M) Gardening and landscape equipment and supplies

(N) Jewelry

(O) Motorcycles and scooters

(P) Newspapers and magazines

(Q) Sporting goods

(R) Tires

(S) Propane tank exchange units

(T) Retail vending machines.

(2) The director of community development is authorized to permit additional retail items to be displayed outdoors if it can be determined that the use is consistent with the purpose of this article.

(3) All outdoor displays shall be subject to the issuance of an outdoor display permit. Prior to the

issuance of an outdoor display permit, an application shall be submitted and approved by the planning department. Outdoor display permits shall be valid for a maximum of one year from the date of issuance; provided, that the permit shall be extended automatically for an additional year unless written notice of termination is given to the permittee no less than 30 days prior to the expiration of the permit.

(b) Temporary outdoor sales. All retail items proposed for temporary outdoor sales will be reviewed for consistency with the purpose of this article on a case-by-case basis through the temporary use permit process as discussed in section 33-1536.

(1) Merchandise displayed or sold must be customarily sold on the premises. All such sales shall be conducted by a business located on and conducting business within a building on the property upon which the temporary use is proposed.

(2) All temporary outdoor sales shall be subject to the issuance of a temporary use permit. A temporary use permit can be issued for multiple events on the same site for the length of time specified under section 33-1534(c)(1) and shall be valid for no longer than one year from the date of issuance; provided, that the permit shall be extended automatically for an additional year unless written notice of termination is given to the permittee no less than 30 days prior to the expiration of the permit.

(c) Temporary uses as permitted and regulated by this article.

(1) The following some short-term activities and events can be approved with a temporary use permit.

(A) Amusement, entertainment or recreation activities or events, often upon payment of a fee, or nonprofit or government entity-sponsored, including concerts, carnivals, attractions, circuses, fairs, festivals, and amusement rides.

(B) Animal displays.

(C) Historical re-enactments.

(D) Special temporary seasonal sales such as Christmas trees, wreaths, pumpkin retail sales or similar sales are limited to the period of time around the holiday.

(E) Temporary health care structures.

(F) Temporary modular school classrooms.

(G) Temporary structures and tents for social or religious groups for services.

(2) Some short-term activities and events can be approved through the issuance of a special temporary use permit or agreement, as provided herein.

(A) Community gardens with an agricultural operations permit.

(B) Donation bins through an administrative permit, subject to section 33-694.

(C) Off-site staging areas or off-site storage yards with a city agreement.

(D) Real estate model homes and/or sales offices with a model home permit/agreement.

(E) Roadside sales of agricultural products with an agricultural operations permit, subject to

section 33-1534(e).

(F) Special events on public property as defined by Article 4 of Chapter 16 with a special event permit.

(3) Some short-term activities and events can be authorized without additional or special zoning clearances (i.e. otherwise exempt from needing a temporary use permit or special temporary use permit or agreement).

(A) Activities of an organization which is receiving governmental grant funds to be used for public or community purposes when holding an event less than three days in duration for the purpose of raising funds to supplement the governmental grant funds and to support the public or community purpose for which the grant funds were received.

(B) City, state, federal, school district, community college district or other public agencies' event when conducted wholly on that agency's public property or with the consent of another public property owner and which will not require public road closures or significantly impact on traffic on adjacent public streets.

(C) Garage or yard sales conducted at the same residential location more than four times per year, subject to section 16-116 of Article 2 in Chapter 16 of the Municipal Code.

(D) Groundbreaking, ribbon-cutting, or similar initiation event for an active or completed construction project for not more than one day conducted wholly on the same site as the project.

(E) Homeowners association events for not more than one day conducted wholly in common areas within the boundaries of the association and which do not impact public streets or other public facilities.

(F) On-site staging of construction equipment or trailers necessary for a specific aspect of a construction project. On-site storage yards shall screen storage of construction equipment, vehicles, and/or excavated materials to the extent practicable for the duration of the construction project, not to exceed 15 calendar days before project commencement and 15 days after task completion. A copy of the active construction permit, or permit number, is required.

(G) Outdoor fire sales (duration not to exceed three calendar days) for a business with an active business license, for the site where the fire occurred.

(H) Portable on-site storage and cargo containers, subject to Article 36.

(I) Temporary dumpsters for the sole purpose of collecting and removing refuse or excavated material generated from the same property of the dumpster location, associated with an active grading or building permit. A copy of the active construction permit, or current permit number, is required.

(4) Other temporary uses that are not specifically listed in the zoning code. The director of community development at his/her discretion may determine whether such use should be authorized and regulated by this section. This determination shall be based on the similarities and differences with those listed uses and an assessment of the proposed temporary use's compatibility with the zoning district and the surrounding land uses. Those uses and activities which do not fit within the criteria for a temporary use permit shall be addressed through a plot

plan, minor conditional use permit, or other type of permit identified by the Zoning Code; or be expressively prohibited as an authorized land use activity.

(5) Approval of any type of permit addressed within this article that authorizes a temporary use for a specific time period does not waive the permit holder from obtaining other city, state, or federal permits or licenses, which may also be required as determined by the appropriate regulatory agency.

(Ord. No. 2020-07, § 6, 5-6-20)

§ 33-1534. Development standards.

All short-term activities, events, and outdoor displays of retail merchandise and temporary outdoor sales shall be subject to the following development standards:

(a) Outdoor displays on private property.

(1) The outdoor display area shall not extend beyond the actual frontage of the associated commercial use. Displays shall be identical and accessory to items sold indoors. Displays shall be temporary and removed at the end of each business day. A display/use may, on a case-by-case basis, be displayed permanently outdoors, as determined by the director. The director may refer a request for a permanent display to the planning commission for review and comment.

(2) Parking lot circulation and all required parking spaces shall remain unobstructed at all times. Private sidewalks, courtyards, or entry areas may be utilized for display provided a minimum four foot wide pedestrian area remains clear and unobstructed and all fire, building and handicapped access requirements are met. See subsection (b) of this section for clearance requirements for displays within the right-of-way.

(3) All displays shall be located in such a manner so that vehicular sight distance is not impeded to the satisfaction of the engineering department.

(4) Display and sale of merchandise is permitted only by the tenant of an existing commercial development on the same site. Outdoor displays are not permitted on vacant property.

(5) No sales or display of merchandise from cars, trucks, or any other vehicle is permitted. Vending from pushcarts may be permitted subject to compliance with all development standards in this section. Specialized food sales from pushcarts either on private property or within the public right-of-way shall be subject to applicable code requirements.

(6) All signage associated with an outdoor display shall be as approved pursuant to an outdoor display permit and shall be limited to a maximum of four square feet per commercial tenant.

(7) All displays shall be located within hardscape areas. No merchandise may be displayed in any landscaped area, or be situated in such a manner as to be detrimental to any existing landscaping on the site.

(8) All food sales shall be correlated with food that is customarily sold on the same premises and be conducted in compliance with health department regulations.

(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.

(10) No electricity shall be utilized, nor any noise generated by an outdoor display.

(b) Outdoor displays within the public right-of-way.

(1) Display of merchandise within the public right-of-way is permissible only within the downtown retail core district subject to approval of an encroachment permit (an approved copy must be submitted concurrently with the application for an outdoor display permit), proof of insurance, and compliance with all development standards in this section.

(A) Proof of insurance can be satisfied by documentation of an insurance policy issued by an insurance company licensed to do business in the State of California, protecting the licensee and the city from all claims for damages to properly and bodily injury, including death, which may arise from operations in connection with the display activity. Such insurance shall name as additionally insured the city for an amount of $300,000 or more and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' advance written notice to the city.

(B) The merchandise display shall be permitted only within the four feet of public right-of-way nearest the property line, and parallel to the curb in front of the business to which it pertains. The merchandise display shall be limited to 50% of the lineal length of the associated commercial frontage or 60 square feet whichever is less.

(C) In front of the displayed merchandise there shall be at all times a minimum four foot wide sidewalk area clear of any obstructions and in conformance with all fire, building and handicapped access requirements.

(D) The merchandise is not permitted within any landscaped area of the right-of-way.

(E) All merchandise shall be located in such a way that it does not block the sight distance of the streets to the satisfaction of the engineering department. Any merchandise found obstructing the sight distance will be subject to removal by the city and the encroachment permit canceled.

(F) All merchandise items and displays should have no sharp edges or corners.

(G) The city also reserves the right to remove merchandise which causes any interference with vehicular traffic or pedestrian traffic, or in the event of any emergency situation or if the merchandise interferes with any work that is to be performed upon the street by or on the behalf of the city or a public utility.

(H) All merchandise and display racks shall be removed from the public right-of-way at the end of business hours.

(2) No sales or display of merchandise from cars, trucks, or any other vehicle is permitted. Vending from pushcarts may be permitted subject to compliance with all development standards in this section. Specialized food sales from pushcarts either on private property or within the public right-of-way shall be subject to applicable code requirements.

(3) All signage associated with an outdoor display within the public right-of-way shall be as approved pursuant to an outdoor display permit and shall be limited to a maximum of two square feet per commercial tenant.

(4) All displays shall be located within hardscape areas. No merchandise may be displayed in any landscaped area, or be situated in such a manner as to be detrimental to any existing landscaping on the site.

(5) All food sales shall be conducted in compliance with health department regulations.

(6) All exterior lighting utilized in conjunction with outdoor displays shall conform to the requirements of Article 35, Outdoor Lighting.

(7) No electricity shall be utilized, nor any noise generated by an outdoor display.

(c) General development standards for other temporary uses and outdoor sales.

(1) Short short-term activities and sales events at any one location or commercial center shall not exceed three calendar days during any three month period and are subject to the issuance of a temporary use permit.

(2) Some short-term activities of the type as described herein will be allowed to recur on a property for longer than that provided in subsection (c)(1):

(A) Amusement, entertainment, or recreation activities and events for up to 10 calendar days within a six month period.

(B) Community gardens, for the duration as stated on the agricultural operations permit.

(C) Donation bins in commercial zoning districts, excluding specific plan areas, for the duration as stated on the administrative permit.

(D) Off-site staging areas, for the duration as stated on the off-site staging area agreement/ permit.

(E) Real estate model homes and/or sales offices, for the duration as stated on the model home permit.

(F) Roadside sales of agricultural products in residential zoning districts for up to forty-five (45) days within a three month period in the residential zoning districts, pursuant to section 33-1534(e).

(i) Exception in R-A and R-E Zones. Pursuant to Article 6 of the Zoning Code, roadside sales are a permitted as an accessory use in the R-A and R-E Zones. As such, sales may be continued beyond the 45 day limitation on the parcel of land on which such produce is grown in the R-A and R-E Zones. Such authorization shall be made by approval of an agricultural operations permit and design review permit provided that the principal use of said parcel is agricultural or plotted for community gardening and the use is consistent with the terms and limitations of Section 33-1534(e).

(G) Special temporary seasonal sales for up to 45 days within a three month period.

(H) Temporary health care structures for up to 60 days within a 12 month period only by the tenant of an existing commercial development on the same site.

(I) Temporary modular school classrooms for 60 days within a 12 month period as a temporary use. A time extension may be provided through the approval of a Plot Plan or Conditional Use Permit (based on the use allowance of the underlying zoning district).

(J) Temporary structures and tents for social or religious groups for services for up to 10 days within a six month period.

(3) Location of each event shall be restricted to private property only and shall not adversely impact

parking lot circulation. Events shall not be permitted within parking areas containing less than 20 spaces. A maximum of 20% of the required parking spaces for the sponsoring business, or 5% of the spaces within a commercial center containing multiple tenants may be utilized for the display and sale of merchandise. No encroachment into the public right-of-way shall be permitted.

(4) Any structure used in conjunction with a sales event shall be subject to all building, engineering, and fire department requirements.

(5) All merchandise and/or temporary structures shall be set back a minimum of five feet from any public right-of-way or driveway.

(6) All exterior lighting utilized in conjunction with a temporary sales event shall conform to the requirements of Article 35, Outdoor Lighting.

(7) All food sales shall be conducted in compliance with health department regulations.

(A) Through the approval and issuance of a temporary use permit, some amusement, entertainment, or recreation attractions or events; and/or special temporary seasonal sales events may accommodate a food truck or mobile food facility as defined by Article 7 of Chapter 16 of the Municipal Code. If the mobile food facility is authorized by this section, the mobile food facility must be parked in a legal parking space, or other area subject to approval of the director, and must not occupy the premises past 10:00 p.m. Not more than one mobile food facility and one operator is permitted to park on the premises, for the duration of time authorized by this section and for the period of time provided by the permit. Any mobile food facility or mobile food facility operation or activity not exercised within the days and duration specified on an approved temporary use permit shall automatically forfeit the time, day, and duration not utilized and/or become void.

(8) All businesses participating in a temporary outdoor sales event must have a valid City of Escondido business license to conduct business at the site of the event. Each participating business or entity shall be listed on the permit application prior to approval of the permit.

(9) All noise/sound generated by a temporary outdoor sales event shall conform to the noise level limits established in the noise ordinance (Ord. No. 90-08) for commercial zones. If an event is located adjacent to a residential zone, all noise generated shall conform to the noise level limits of the affected residential zone.

(10) Signs for temporary outdoor sales are permitted provided adequate detail is shown on the temporary use permit application to determine that the following standards are met:

(A) Signs shall be limited to flags, pennants and streamers, banners, or other similar devices.

(B) Large inflatable displays must be ground-mounted and may not exceed 30 feet in height.

(C) One banner is allowed for each street frontage and each banner shall not exceed 60 square feet in area.

(D) No event signage (of any type) may be displayed on or attached to any public property including telephone or utility poles, traffic control signs or devices, street lights or other structures located on public property without the express written consent of the City of Escondido.

(E) No signage of any type shall interfere with or restrict vehicular or pedestrian access or visibility.

(d) Outdoor retail vending machines. Outdoor retail vending machines are allowed in all commercial zones subject to the following standards:

(1) Retail vending machines shall not sell, store, or dispense anything other than the commercial products, merchandise, food or beverages permitted by the underlying zone or authorized by the Escondido Municipal Code.

(2) Retail vending activities may be established only in conjunction with an otherwise allowed and authorized principal land use activity and may not exceed a maximum of two machines per site or occupy not more than 20 feet of the wall facing the street or access drive.

(3) Retail vending machines shall be located along the face of a building or flush against a structure designed to accommodate them and be located on the site in a manner which will ensure compatibility with surrounding uses. The machine(s) shall not be within 10 feet of an entranceway to any business open to the public nor block any store window.

(4) All machines shall be visible in well-lit areas from access drives or public streets and be maintained in a litter free condition.

(5) Retail vending machines shall not obstruct private pedestrian walkways. A minimum four-foot-wide pedestrian area remains clear and unobstructed and all fire, building and handicapped access requirements shall be kept clear of obstructions, or more if pedestrian traffic volume warrants.

(6) Retail vending machines are not allowed on public sidewalks, alleys, drive-aisles, or within the public right-of-way.

(7) The business owner or operator of said principal land use activity is responsible for the accessibility, maintenance, appearance, and safety in regards to retail vending.

(8) Business owner or operator shall not utilize or permit the utilization of any device which produces loud noise, or use and operate any loudspeaker, public address system, radio, sound amplifier, or similar noise creating device to attract the attention of the public, subject to the noise restrictions of the underlying zone.

(e) Roadside Sales of Agricultural Products. Operation of a stand, by the owner/occupant of the premises, for the display and sale of agricultural products primarily produced on the premises. This category includes flower sales (non-mobile), vendor stands (non-mobile), and seasonal sales of agricultural products for limited periods of time, which at no time may be conducted in the public right-of-way. All roadside sales of agricultural products covered by this article shall be submitted on an agricultural operations permit application form obtained from the planning division and shall be accompanied by a nonrefundable fee.

(1) Location and size requirements.

(A) In the R-A and R-E Zones, the ground coverage of the stand shall not exceed 300 square feet, and it shall be set back from the street or highway right-of-way line a distance of at least 20 feet.

(B) The stand shall not exceed an area of 200 square feet in the R-1, R-2, R-3, R-4, and R-5

Zones. The stand shall not be closer than 24 feet to any street or highway.

(Ord. No. 2020-07, § 6, 5-6-20; Ord. No. 2023-06, § 3, 3-8-23)

§ 33-1535. (Reserved)

§ 33-1536. Application and determination.

(a) All permit applications covered by this article shall be submitted to the planning department in a form provided by the planning department. The application form and content required may be modified as determined by the director for a recurring type of application request so that the permit can be renewed by providing the same documentation as done with the original permit issuance.

(1) Fee. A nonrefundable fee, as set forth in the schedule of service costs approved by city council resolution, reasonably calculated to reimburse the city for its reasonable and necessary costs in receiving, processing, and reviewing applications for permits to hold a short-term activity or event must be paid to the City of Escondido when an application is filed.

(A) If the application includes the use of any city facility and/or property, or if any city services are required for the special event, the applicant must file a special event permit in accordance with agree to pay for the services in accordance with a schedule of service costs approved by city council resolution.

(B) Third party fee. If the permittee provides for or allows third party vendors to participate in the special event, the permittee shall pay an additional nonrefundable fee, as set forth in the schedule of service costs approved by city council resolution, reasonably calculated to reimburse the city for its actual and necessary costs in receiving, processing and reviewing the application that includes third party vendors. The amount of the additional fee shall be established by resolution of the city council and shall be based on whether the application is for a major or minor event.

(b) City staff shall review outdoor display permit and temporary use permit applications, or and any other permit prescribed by this article, for planning and zoning compliance.

(c) Applications for outdoor display permits and temporary use permits, or any other permit prescribed by this article, shall be made at least 30 days in advance of the event. Within 20 days from the submittal of a complete application, staff may approve, conditionally approve or deny the proposed application. Any aggrieved party may appeal a decision of the staff to the planning commission using the provisions outlined in Division 6 of Article 61 of this chapter.

(1) The city shall require evidence that all related permits and approvals, such as fire prevention, health and sanitation, police, animal regulations, and business licenses, have been obtained for each outdoor display and temporary use permit or any other permit prescribed by this article. Under the authority of the California Health and Safety Code, the County of San Diego Environmental Health Department has the responsibility to regulate the selling of food.

(2) The application shall be accompanied by:

(A) A map showing the area on which the event will be conducted.

(B) A description of the event for which the permit is requested.

(C) The name(s) of the organization or business and principals within the organization or business applying for the permit.

(D) An estimate of the number of persons who will attend, all vendors who are anticipated to operate at the event, and a description of hours, noise, security, trash collection and disposal, occupant loads, lighting, sanitary facilities, traffic control, dust control, and/or other related concerns that are correlated with the proposed use.

(E) Such additional information as may be required by the director to determine whether the event will be compatible with the surrounding uses, satisfy applicable laws, and to be consistent with the public health, safety, and welfare.

(F) Written assurance that all conditions of the permit shall be complied with, and that in the event the permittee fails to perform any obligation covered by the conditions or terms and limitations of this ordinance, the owner of the property shall perform such obligations upon notice of violation. Property owner and permittee are subject to enforcement and citation, subject to section 33-1537.

(3) The city may require building and/or engineering design of the temporary buildings, certification of the structure, mechanical, electrical, and other equipment and devices.

(4) The police chief may determine whether and to what extent additional police protection, civilian traffic control personnel, private security and volunteer staff are reasonably necessary to ensure traffic control and public safety for the short-term activity, event, outdoor display and temporary use. The police chief will base this decision on the size, location, duration, time and date of the permitted use, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked off from use by the public, and the need to detour or preempt pedestrian and vehicular travel from the use of public streets and sidewalks. The police chief shall provide an estimate of the cost of extraordinary city services and equipment required in writing, if police protection and/or other emergency and safety services or equipment is deemed necessary for the permitted use. The applicant will be billed for services after the event.

(d) Appeal. Appeals from the decision of the director shall be made pursuant to Article 61. The decision of city staff, or on appeal the planning commission, to grant an outdoor display permit or a temporary use permit or other permit prescribed by this article shall be made based on the following finding:

(1) The proposed short-term activity, event, or outdoor display or temporary outdoor sales event conforms with all development standards for said events and will not negatively impact adjacent commercial or residential areas.

(2) The nature of the proposed use is not detrimental to the public health, safety, or welfare of the community.

(e) Conditions. Failure to comply with the following requirements and conditions shall be cause for revocation of the permit and enforcement under this chapter.

(1) Any permit prescribed by this article not exercised within the duration specified or withdrawn by the applicant shall automatically become void.

(2) Expiration. Each valid permit, unless earlier revoked, shall expire and become null and void at the time specified in the permit. An extension of outdoor display permits and temporary use permits or any other permit prescribed by this article cannot be granted; a new use for a different timeframe requires a new application. If the use is discontinued or abandoned, the site must be cleaned up within seven calendar days of the discontinuance or abandonment.

(3) Transfer. No permit shall be transferrable to another location or to another permittee.

(4) Posting. The permit (along with any other required permits) shall be posted on the premises where the event is conducted and/or a copy of the permit must be in the possession of the person responsible for the event at all times while it is occurring.

(5) Permittee agrees to waive and release the City of Escondido and its officers, agents, employees and volunteers from and against any and all claims, costs, liabilities, expenses or judgments including attorney's fees and court costs arising out of the activities of this temporary use or event or any illness or injury resulting therefrom, and hereby agree to indemnify and hold harmless the City of Escondido from and against any and all such claims, whether caused by negligence or otherwise, except for illness and injury resulting directly from gross negligence or willful misconduct on the part of the city or its employees.

(6) The director may attach whatever additional conditions and limitations necessary to protect public health, safety, and welfare that the director determines are reasonably required and roughly proportionate to the proposed use, activity, or event in order to make the finding that the characteristics of such are compatible with the uses in the surrounding area. Such conditions may include, but not be limited to, items that address the following topic areas: hours, noise, security, trash collection and disposal, occupant loads, lighting, sanitary facilities, traffic control, dust control, and/or other related concerns.

(Ord. No. 2020-07, § 6, 5-6-20)

§ 33-1537. Violations.

(a) Any person, firm or corporation violating any of the provisions of this article, or disregarding any condition or term imposed by the planning department, or on appeal, the planning commission, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding $1,000 or imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Each separate offense, or each day on which an ongoing offense is committed shall be a separate violation. Any violation as described in this section shall be subject to immediate revocation of the permit to display outdoors or conduct a temporary outdoor sales event.

(b) The police chief may revoke a special event permit without prior notice upon violation of the permit or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the special event would have an immediate and adverse effect upon the health, safety, and welfare of persons or property. Written notice of the revocation setting forth the reasons therefor, shall be hand delivered or mailed to the applicant at the address provided on the application

(c) Reinstatement. When a permit has been revoked, it may not be reinstated. A new Temporary Use Permit application for the same activity shall not be approved until the causes of revocation have been corrected and all costs incurred by the city have been paid as estimated by the building official.

(Ord. No. 2020-07, § 6, 5-6-20)

§ 33-1538. through § 33-1549. (Reserved)

ARTICLE 74
DOWNTOWN REVITALIZATION AREA SPECIFIC PLAN

§ 33-1550. Designation of Downtown Revitalization Area plan.

Development of those properties identified on the zoning map as Downtown Revitalization Area SP shall be governed by the provisions of the Downtown Revitalization Area Specific Plan adopted by Resolution No. 92-442.
(Ord. No. 92-50, § 1, 12-2-92)

§ 33-1551. through § 33-1569. (Reserved)

ARTICLE 75
SAN DIEGUITO RIVER VALLEY FOCUS PLANNING AREA

§ 33-1570. Purpose and intent.

It is the purpose of this article to establish appropriate design guidelines and provide for comprehensive planning of the San Dieguito river valley focus planning area in conjunction with general plan policies related to the visual impression of the city and preservation of significant natural resources. The article shall ensure land use compatibility by allowing development to take place that is compatible with the natural resources, including ridgelines, hillsides, biological habitat, cultural resources, and visual quality.
(Ord. No. 93-17, § 1, 8-18-93)

§ 33-1571. Objective.

The City of Escondido desires attractive, well-planned development that will have minimal impact on the environment and achieve compatibility with the San Dieguito regional park. It is the objective of the City Of Escondido to establish a set of design standards and guidelines that encourage alternative methods of development and ensure the best use of the site within the San Dieguito focus area boundary, while protecting the public health, safety and general welfare.

It is the objective of this article to:

(1) Preserve the scenic views from the Lake Hodges watershed, trails and proposed public facilities to surrounding hills.

(2) Minimize the visual impact of grading and development as seen from the public areas of the river valley and promote site planning that is compatible with the rural, natural character of the river valley.

(3) Protect habitat and water resource values of the area.
(Ord. No. 93-17, § 1, 8-18-93)

§ 33-1572. Applicability.

(1) This article shall apply to all public and private developments located within the focus planning area overlay zone (as shown on Figures 33-1572.1—33-1572.4 to be found at the end of this article), requiring discretionary or administrative permits, including, but not limited to, the following:

   (A) New residential development.

   (B) New commercial development.

   (C) Additions, expansions and accessory structures including decks, tennis courts, gazeboes and retaining walls prominently visible from the San Dieguito river valley regional park. Existing commercial, residential and agricultural developments that propose modifications shall attempt to meet and will be evaluated to the guidelines of this article.

(2) Upon annexation to the city, all areas within the San Dieguito river park focused planning area overlay zone shall be included in the focused planning area overlay zone and subject to the provisions of this article.
(Ord. No. 93-17, § 1, 8-18-93)

§ 33-1573. Exemptions and exceptions.

Existing commercial, residential and agricultural developments approved prior to the date of the adoption of the ordinance codified in this article and not in conformance with the guidelines shall be exempt from the provisions of the Nonconforming Use Ordinance. The provisions of this article shall not apply to normal maintenance and repairs (e.g., repainting, stucco, roofing, etc.).
(Ord. No. 93-17, § 1, 8-18-93)

§ 33-1574. Minimum requirements.

The policies and guidelines within this overlay zone are minimum requirements.
(Ord. No. 93-17, § 1, 8-18-93)

§ 33-1575. Review.

(1) All requests for building permits, plot plans, business licenses and discretionary permits must be reviewed by the director of community development to determine if the use is permitted by the underlying zone and the development is appropriate with the purpose and intent of the overlay zone.

(2) Administrative projects (parcels maps and plot plans), shall be reviewed by the city staff for conformance to the criteria of this article. All such conditions are subject to appeal to the planning commission.

(3) All public hearing projects (major subdivision, CUPs), within the focused planning area shall be reviewed by the San Dieguito joint powers authority (JPA) prior to final action by the city.

(4) The development standards of the underlying zone(s) and this overlay zone shall be applied to development and use of properties within the focus planning area boundaries. In case of a conflict of the standards, the more restrictive shall apply.

(Ord. No. 93-17, § 1, 8-18-93; Ord. No. 2018-07R, § 7, 4-18-18)

§ 33-1576. Guidelines.

Development project(s) within the overlay zone shall be as compatible as possible with the Lake Hodges/ East Lake Hodges master plan goals and objectives. In addition to other applicable city ordinances, standards and design guidelines, all development should be designed according to the following criteria:

(1) Grading.

(A) Grading designs should be limited to the minimum extent possible and retain the natural shape of the landform. The type of proposed construction should be designed to reflect the topographic constraints of the terrain. Creative landform using contour grading and incorporating existing significant natural features should be utilized wherever possible in accordance with the following techniques (See Article 55, excavation and grading as amended by the Hillside/ Ridgeline Ordinance):

(i) Design slopes to blend with the natural topography,

(ii) Use varied slopes with smooth, rounded cuts,

(iii) Round off toe and crest of slopes,

(iv) Utilize vegetation to alleviate sharp, angular slopes,

(v) Locate manufactured slopes behind structures,

(vi) Preserve natural and significant geologic features,

(vii) Design drainage courses to blend with the environment,

(B) Retaining walls located on slopes in view of the park should not exceed six feet in height and should conform to the natural contour of the topography and be screened with landscaping. Earthtone colors and decorative natural materials, such as stone construction should be used to blend with the natural landscape.

(2) Design.

(A) The form, mass and profile of the individual buildings and architectural features should be designed to blend with the natural terrain and preserve the character and profile of the natural slope.

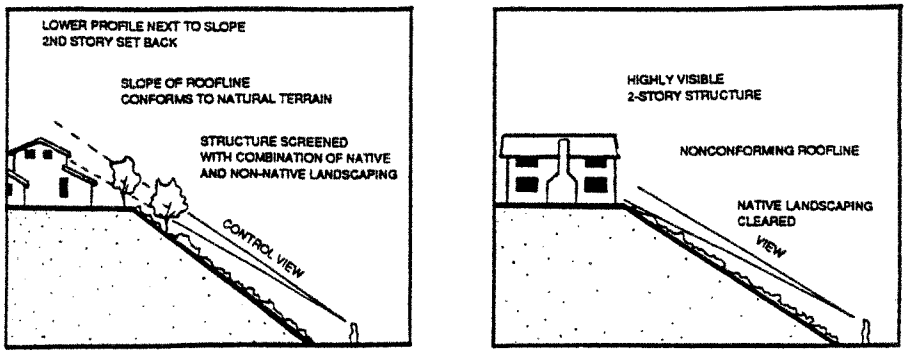
(B) Use of color should be limited to subtle earthtone hues, with style and texture that reflects the traditional/rural character of the proposed community park and natural environment. Colors should not be bright, reflective, metallic or otherwise visually out of character with the community or natural setting. The use of natural materials is encouraged.

Recommended Colors	Discouraged Colors
Off-whites (flat)	Pinks
Earth tones	Red
Browns	Yellow
Beige	Purple
Tans	Bright gloss white
Natural green hues	Orange
Grays	Fluorescent colors
Terracotta	

(C) The visible area of the buildings and uses should be minimized through a combined use of regrading and landscaping techniques.

(D) Structures located within view of the park should be generally low in profile and utilize upper story setbacks so as not to be visually prominent.

Do This **Instead of this**



(E) Commercial uses should be designed to complement the park. A design theme should be utilized which relates most closely to the Old California farmhouse or ranch style.

(F) Retaining and stem walls, and structural supports which are an integral part of the structure or accessory use should not exceed eight feet in height. Exterior structural supports and undersides of floors and decks including stem walls, within view of the park, should be screened with landscaping, in accordance with fire safety standards.

(3) Accessory structures and uses.

(A) Tennis courts, gazeboes, sheds, swimming pools and other similar accessory structures/uses should be set back from the ridgeline and properly screened with landscaping to be unobtrusive within view of the valley floor. In deck construction, excessively high distances between structures and grade shall be avoided.

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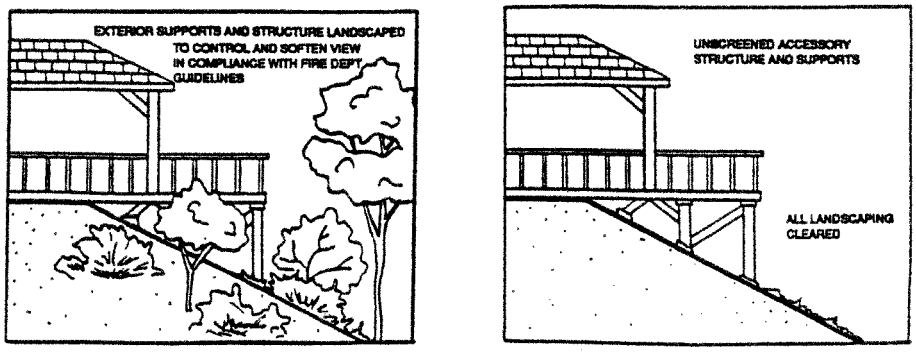
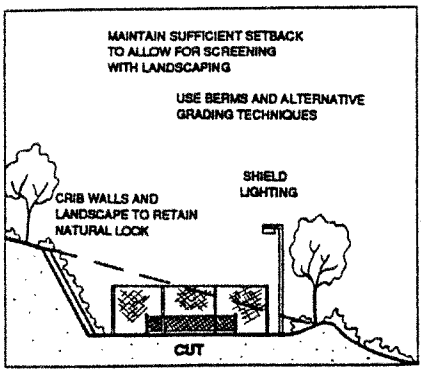
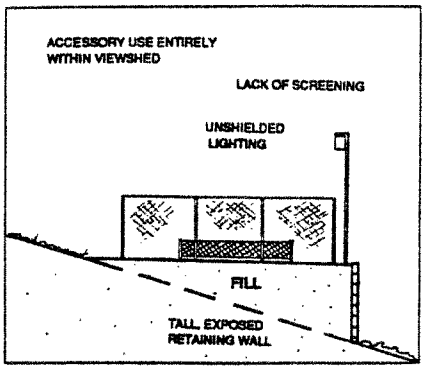


(B) The visible area(s) of accessory structures/uses located on slopes within viewshed of the park should be minimized through a combined use of contour grading, berms and landscaping.

Do This **Instead of this**





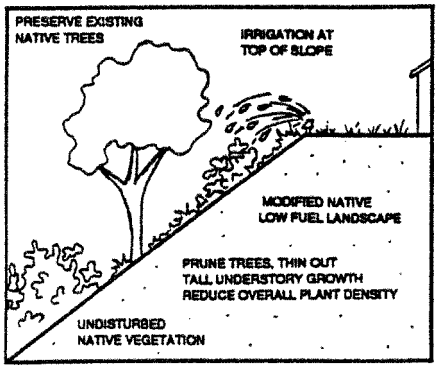
(4) Landscaping.

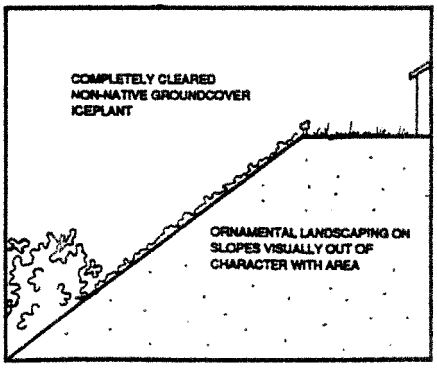
(A) Drought-tolerant and native species should be used wherever possible to minimize water usage and maintain the natural shape and rural character of the environment. Landscaping should make a gradual transition from ornamental to native vegetation (See Landscape Ordinance 91-55).

(B) Existing mature, native trees and shrubs, natural rock outcroppings and riparian areas should be preserved (See Tree Preservation & Clearing and Grubbing Ordinances 91-54).

(C) Planting along the slope side of development should be designed to allow controlled views out, yet partially screen and soften the architecture. Tree species selection and placement should be designed to be capable of exceeding the height of the top of the slope.

Do This **Instead of this**





(D) Clearing for firebreaks and planting of nonnative, fire retardant vegetation should occur on top of the slope so that the area is not within the viewshed below. Sensitive fire suppression landscape designs to provide necessary protection while striving to maintain the visual and biological integrity of the native plant communities should be utilized in accordance with the following (See Escondido Fire Department Wildland Interface Guidelines).

(i) Maintain adequate building setback;

(ii) Locate irrigation at top of slope;

(iii) Thin out high and moderately flammable species;

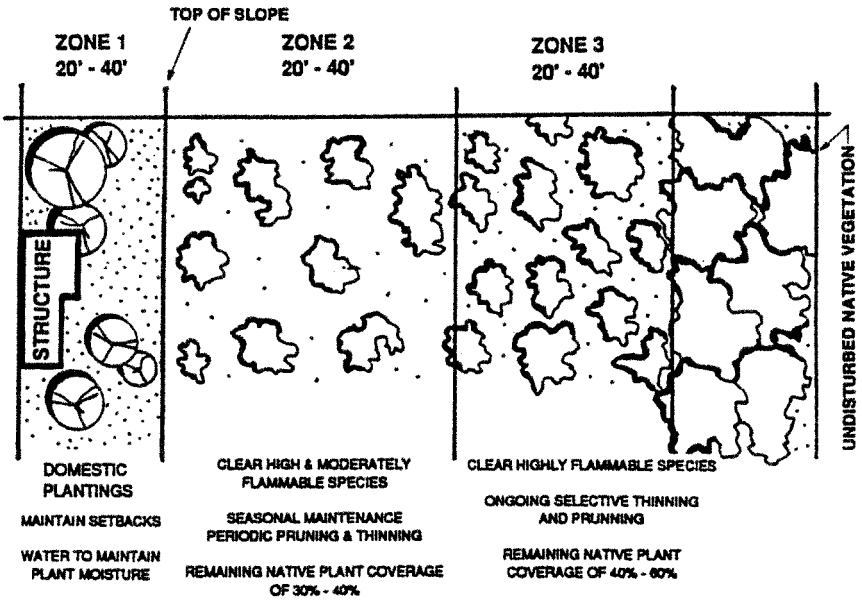
(iv) Remove dead branches, foliage and other debris;

(v) Remove limbs touching ground;

(vi) Separate plant groupings and avoid dense plantings of tall species, maintain existing plants in random;

(vii) Prune selectively to maintain natural appearance;

(viii) Hydroseed with native, low growing plants and grasses.



NOTE: All grading, cleating, grubbing and landscaping which involves the loss of Coastal Sage Scrub (CSS) shall be in conformance with Section 4(d) of the Endangered Species Act, as well regulations and guidelines of the Department of Fish and Wildlife, Fish and Game, and Multiple Habitat Conservation Program (MHCP).

(5) Fencing. Fencing should be unobtrusive, typically open and nonopaque when viewed from public areas of the park (i.e. wrought iron, open rail, etc), and use natural colors to blend with landscape.

(Ord. No. 93-17, § 1, 8-18-93)

§ 33-1577. Findings for approval.

(1) The development is in conformance with the goals and objectives of the San Dieguito river valley regional park focused planning area and hillside/ridgeline overlay districts (Article 55); and

(2) The intensity and character of the proposed development is compatible with the natural, cultural, scenic and open space resources of the area; and

(3) All grading associated with the project has been kept to a minimum and the location and design of

the proposed development respects and preserves the natural landform, geologic features, existing streambeds, vegetation, significant tree cover and wildlife of the area; and

(4) The location and design of the development maintains the natural rural character of the area as viewed from adjoining properties and the valley floor.

(Ord. No. 93-17, § 1, 8-18-93)

§ 33-1578. through § 33-1579. (Reserved)

FIGURE 33.1572.1-FIGURE

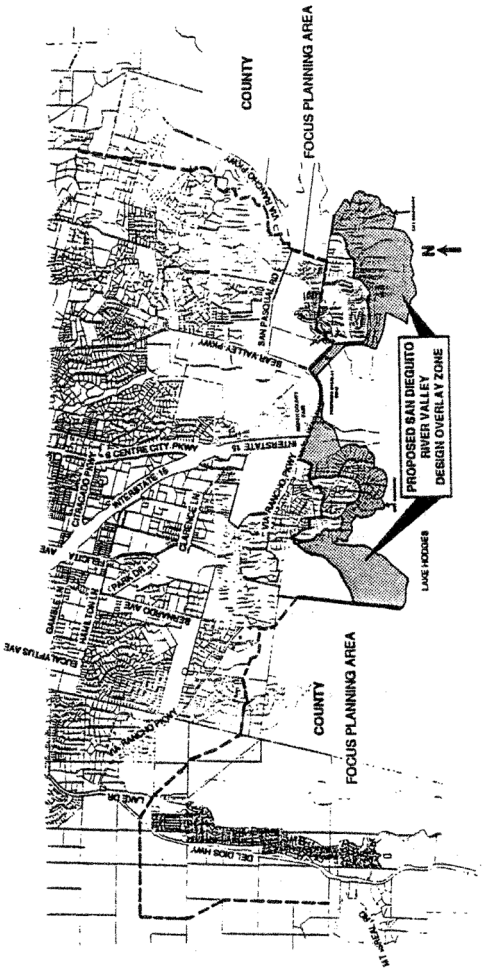


FIGURE 33.1572.2

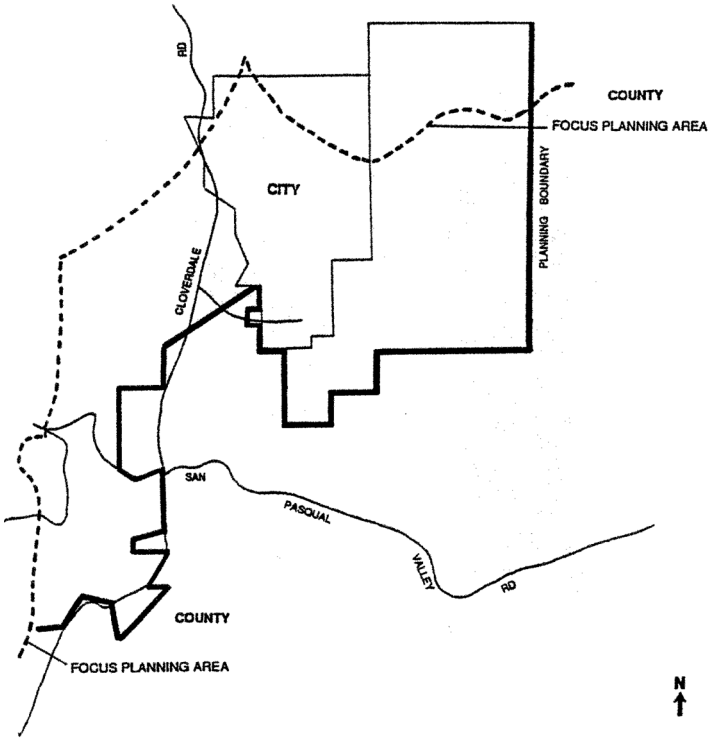


FIGURE 33.1572.3

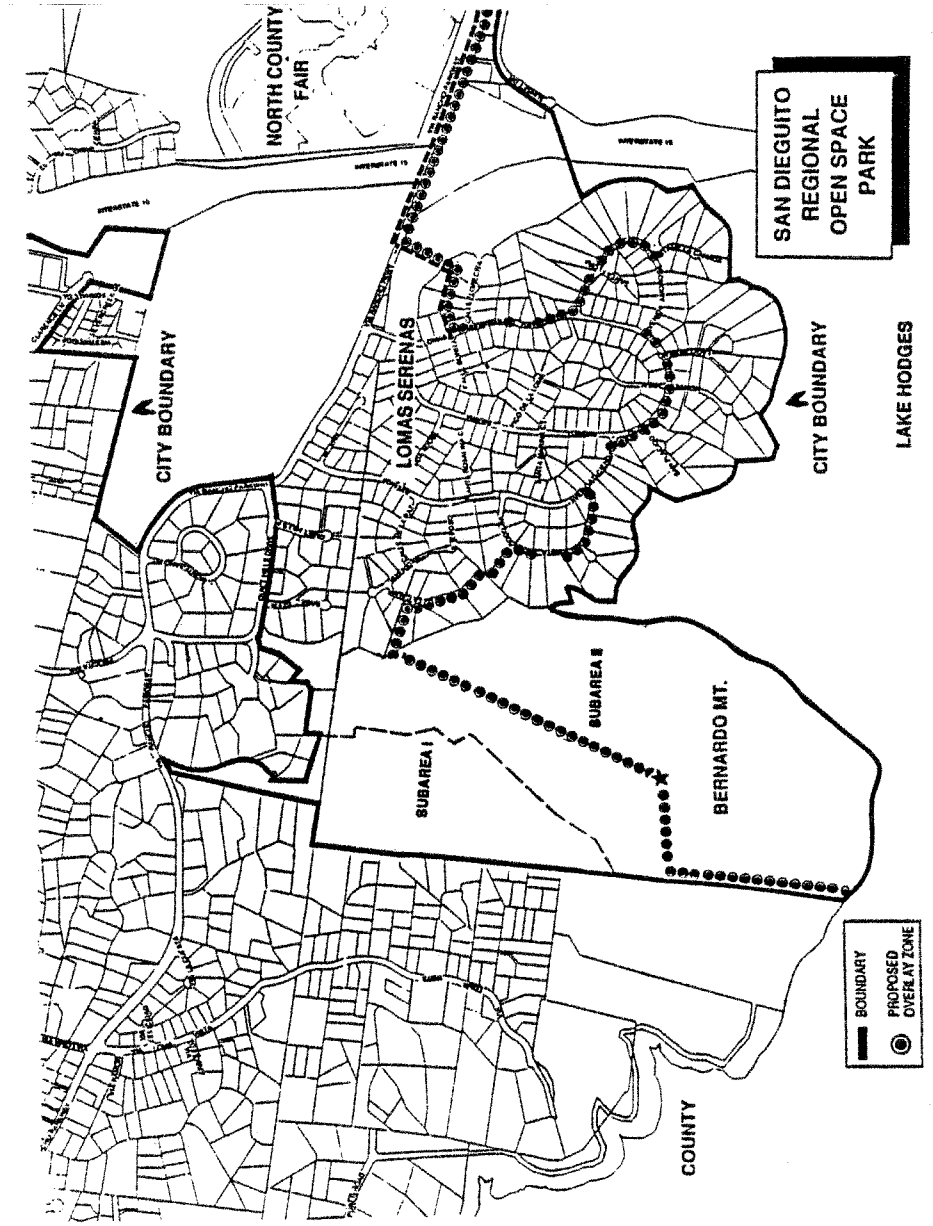
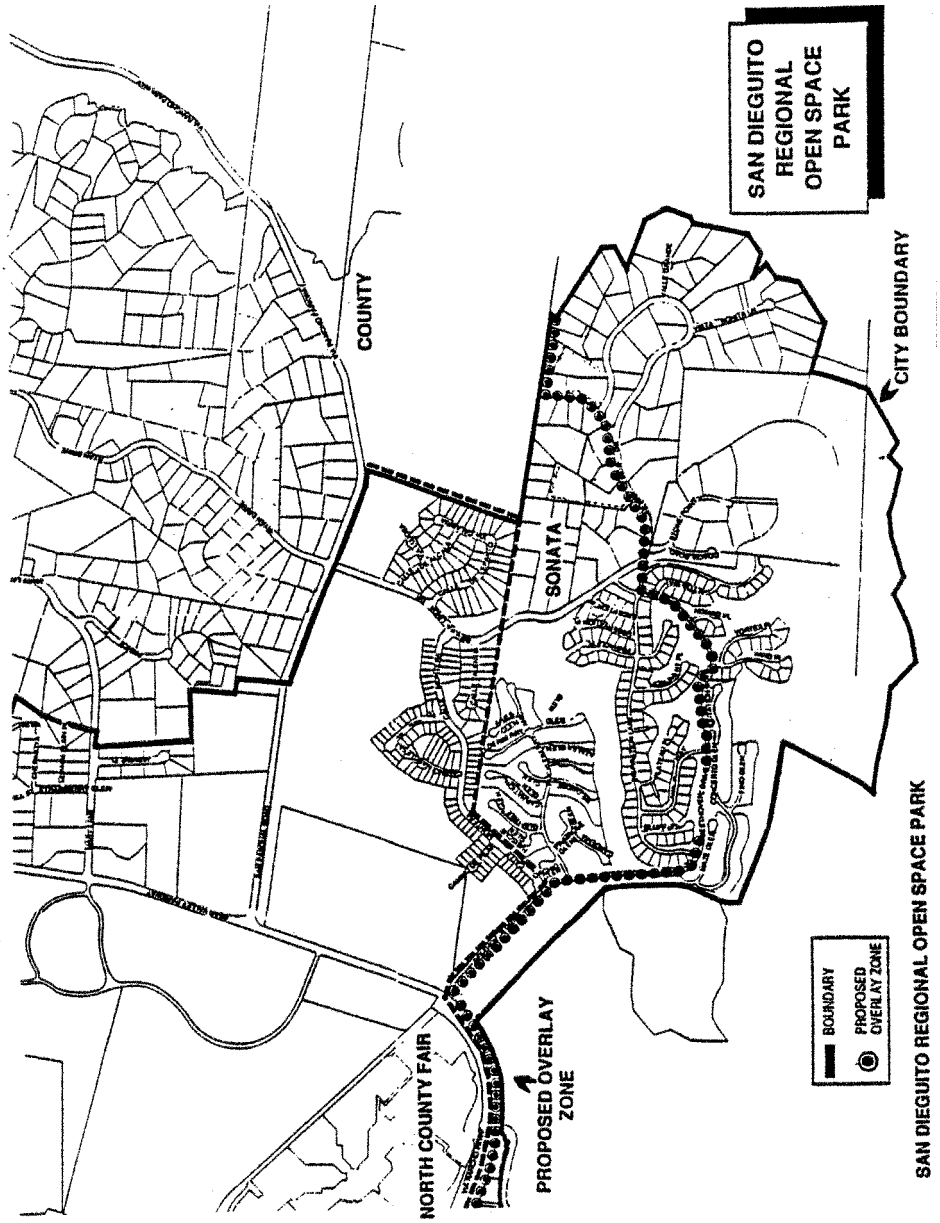


FIGURE 33.1572.4



ARTICLE 77
CENTRE CITY RESIDENTIAL (CCR) OVERLAY ZONE

§ 33-1610.01. Purpose.

(a) General purpose. The purpose of Centre City residential overlay zone is to provide standards for development in the Centre City residential area that will encourage the revitalization of the area.

(b) Applicability. The CCR (Centre City residential) overlay zone shall be used in conjunction with the R-4 (residential multifamily) zone. If there is any conflict between these zones, the standards established with the CCR zone shall prevail.

(Ord. No. 93-21, § 1, 8-18-93)

§ 33-1610.02. Land uses.

(a) Underlying zone. All permitted, conditional and accessory uses and structures permitted by the zone with which the CCR zone is being combined shall remain as specified by the underlying zone.

(b) Permitted principal uses and structures. In addition to the uses and structures imposed by paragraph (a) above, the following use shall also be permitted:

1. Day nurseries-child care center (with plot plan review and notice to property owners within a 500 foot radius for child care centers for more than 12 children).

(c) Density bonus. Within the CCR overlay zone, the provisions of Article 67 (Density Bonus Ordinance) of the Zoning Code may also be applied to projects that contain less than four units.

(Ord. No. 93-21, § 1, 8-18-93)

§ 33-1610.03. Property development standards.

(a) Underlying zone standards. Property development standards as set forth in the provisions of the zone with which the CCR overlay zone is combined, shall apply.

(b) Front yard. Each lot or parcel in the CCR overlay zone shall have a front yard of not less than 15 feet in depth, except that a garage having an entrance fronting on the street shall be set back at least 20 feet from the street property line.

(c) Building height. No lot or parcel of land in the CCR overlay zone shall have a building or structure used for dwelling purposes or public assembly in access of 35 feet in height, except as otherwise provided in this chapter.

(d) Parking. Parking shall be provided according to Article 39 of this code, except as follows:

Multiple Dwellings	
Studio	one parking space per unit
One bedroom	one and one-half (1½) parking space per unit
Two or more bedrooms	one and three quarter (1¾) parking space per unit. Each unit shall have a minimum of one covered parking space

In addition, there shall be provided a guest parking space for each four units or fraction thereof. On-street parking spaces contiguous to the site, when approved by the staff development committee, may be counted towards the guest parking requirement.

Tandem parking spaces may be counted towards the off-street parking requirement when both parking spaces are assigned to the same dwelling unit.

(e) Open space. Each lot or parcel of land in CCR overlay zone shall provide on the same lot or parcel of land 200 square feet of usable open space, as defined in section 33-283.(f), for a one bedroom dwelling, and 400 square feet of usable open space for a two bedroom or larger dwelling unit.

(f) Access. New driveway access from Centre City Parkway will not be permitted.

(g) Landscaping. Development along Centre City Boulevard shall provide landscape screening consistent with the Centre City Parkway landscape plan.

(Ord. No. 93-21, § 1, 8-18-93)

§ 33-1610.04. Design guidelines.

The following design guidelines shall apply to all new projects in the CCR overlay zone:

(a) The structure shall provide an orientation towards the street using design principles providing variety and creativity such as varied roof planes, archways, framed windows, dormer windows, courtyards, and varied roof heights.

(b) Balconies and windows should be located to avoid overviewing adjacent properties.

(c) Building height, bulk and material should be sensitive to existing residential uses. Techniques such as architectural elements, split levels, or stepping back of second stores should be considered.

(d) New developments should be sensitive to existing historic structures in terms of bulk, scale and architecture. Exhibiting historic structures should be preserved whenever possible.

(e) Vehicular circulation should be designed to maximize efficiency, minimize automobile and pedestrian conflicts, and create unobtrusive parking areas.

(f) Parking for multifamily developments should be located at the back of the site. Garages should be located at the back of the site and accessed from the alleys whenever possible.

(Ord. No. 93-21, § 1, 8-18-93)

ARTICLE 78
MERCADO AREA PLAN OVERLAY

§ 33-1611. Purpose.

(a) Purpose and intent. The purpose of the Mercado overlay zone is to identify and designate the Mercado overlay area that is intended to encourage the revitalization of the area and ensure land use compatibility by allowing development to take place that is appropriate with overall community goals of improving the gateway area of Escondido.

(b) Applicability. This article shall apply to all public and private development located with in the Mercado overlay zone area, which is attached as Exhibit A and incorporated by this reference, requiring discretionary or administrative permits including new development, additions and expansions. The Mercado overlay zone shall be used in conjunction with the Mercado area plan document, adopted by resolution, establishing appropriate architectural, signage and landscaping guidelines as well as permitted, conditional and accessory uses.

(Ord. No. 2001-35, § 4, 12/19/01)

§ 33-1612. Land Uses.

(a) Underlying zone. Areas zoned downtown specific plan, planned development commercial (PD-C) and planned development industrial (PD-I) located within the Mercado area plan overlay shall comply with any underlying zone requirements as well as the Mercado area plan document adopted by resolution.

(b) Underlying zone standards. Property development standards as set forth in the provisions of the zones with which the Mercado overlay zone is combined, as well as the Mercado area plan document shall apply. If there is a conflict between these zones, the standards established with the underlying zones shall prevail.

(c) Landscaping. Development along Centre City Boulevard shall provide landscape screening consistent with the Centre City Parkway landscape plan. Other areas within the Mercado overlay shall comply with the Mercado area plan document adopted by resolution.

(Ord. No. 2001-35, § 4, 12/19/01)

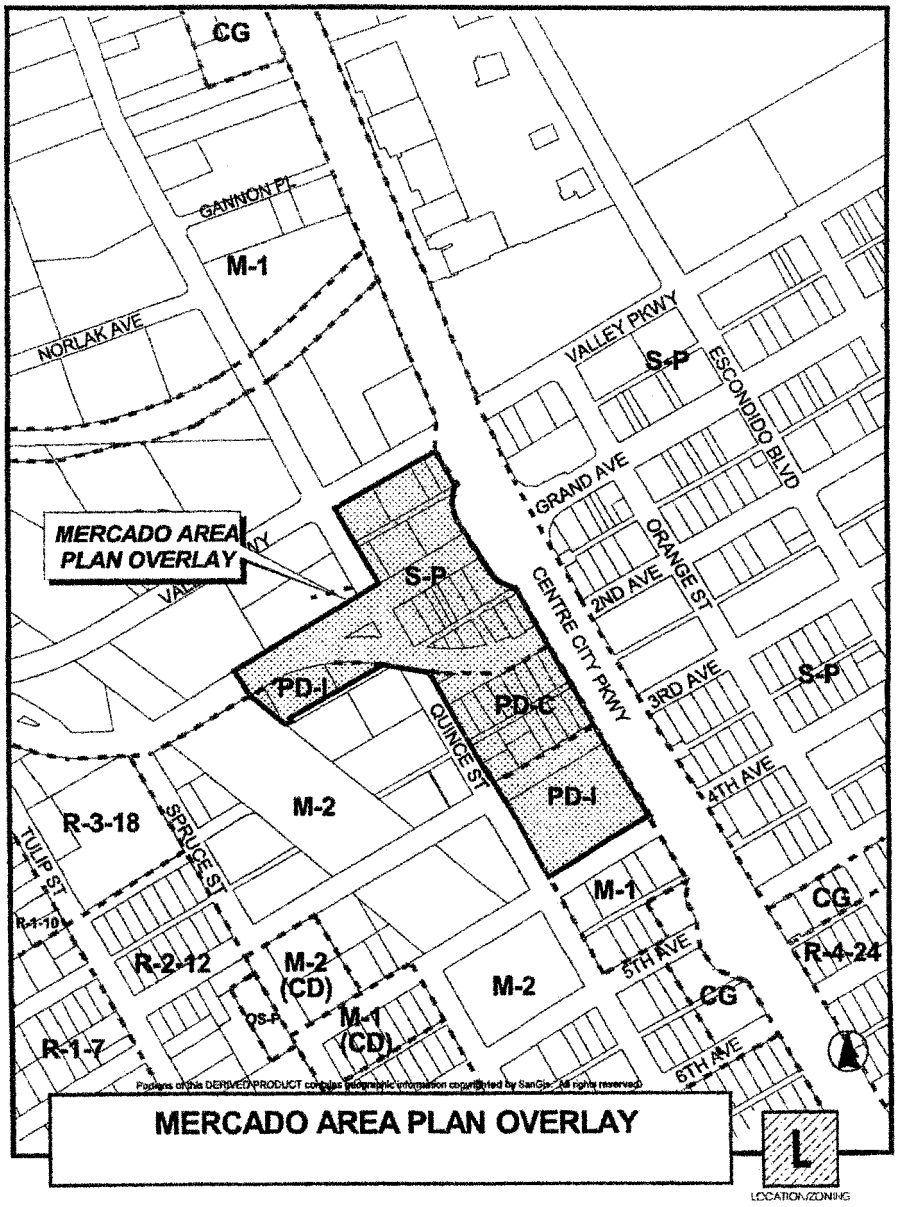
§ 33-1613. Design Standards.

Separate design standards incorporated in the Mercado area plan document, adopted by resolution, shall apply to all new projects within the overlay area. The Mercado area plan document shall be used to determine a project's conformance with the established overlay goals and objectives.

(Ord. No. 2001-35, § 4, 12/19/01)

§ 33-1614. through § 33-1629. (Reserved)

FIGURE: MERCADO AREA PLAN OVERLAY



ARTICLE 79
EAST VALLEY PARKWAY OVERLAY ZONE

§ 33-1630. Purpose.

(a) Purpose and intent. The purpose of the East Valley Parkway overlay zone is to identify and designate the East Valley Parkway overlay area, described in this chapter and incorporated by this reference, to encourage revitalization of the area, and to ensure land use compatibility by establishing standards to enhance the area's appearance, strengthen its economic base, increase property values, and support surrounding areas.

(b) Applicability. This article shall apply to all public and private development located within the overlay zone, that requires discretionary or administrative permits, including new development, additions, expansions, exterior modifications and changes in land use. The East Valley Parkway overlay zone shall be used in conjunction with the East Valley Parkway area plan document adopted by separate resolution, to implement the general plan by establishing appropriate design guidelines for site planning, architectural style, landscaping, signage and lighting, and to establish permitted, conditional and accessory uses.

(Ord. No. 2004-15, § 4, 10-6-04)

§ 33-1631. Land uses.

(a) Underlying zone. Areas zoned general commercial (CG) and located within the overlay zone shall comply with any underlying zone requirements as well as the East Valley Parkway area plan.

(b) Conflict in zone standards. If there is any express conflict between the underlying zone standards and the overlay zone standards, the overlay zone standards shall prevail.

(Ord. No. 2004-15, § 4, 10-6-04; Ord. No. 2023-15, 10/25/2023)

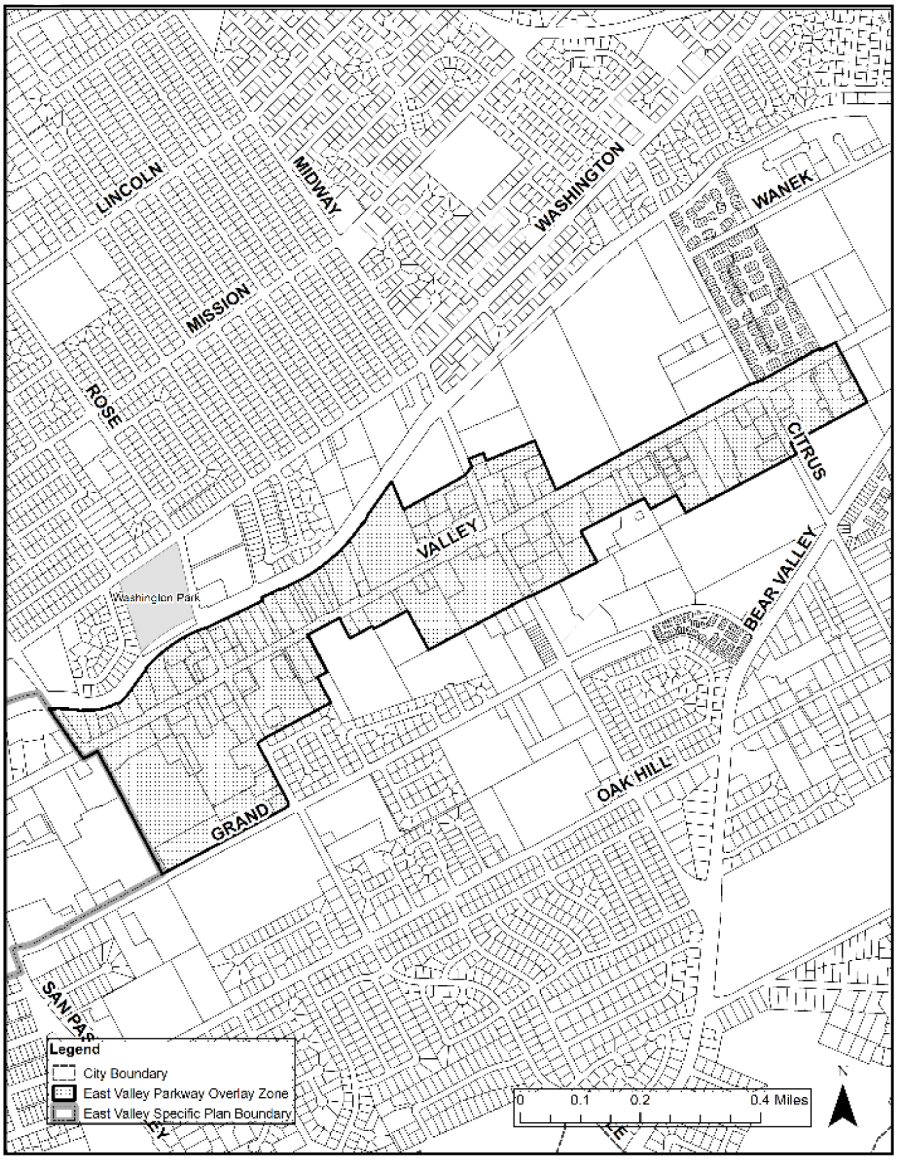
§ 33-1632. Design standards.

All new projects within the overlay zone are must conform with the separate design standards of the East Valley Parkway area plan document and with the overlay zone's goals and objectives.

(Ord. No. 2004-15, § 4, 10-6-04)

§ 33-1633. through § 33-1649. (Reserved)

EAST VALLEY PARKWAY OVERLAY ZONE



ARTICLE 80
PUBLIC FACILITIES OVERLAY ZONE

§ 33-1650. Purpose.

General Purpose. The purpose of the public facilities overlay zone is to provide uniform standards and procedures for the development of public utility, operations, maintenance, police department and fire department facilities throughout the city.
(Ord. No. 2006-18, § 3, 6-14-06; Ord. No. 2016-06, § 6, 6-22-16)

§ 33-1651. Applicability.

The PFO (public facilities) overlay zone may be applied upon request, subject to discretionary review, in any residential, commercial, industrial, open space or specific plan zoning designation.
(Ord. No. 2006-18, § 3, 6-14-06; Ord. No. 2016-06, § 6, 6-22-16)

§ 33-1652. Permitted and conditional uses.

The permitted uses and structures and the accessory uses and structures shall be as permitted in the underlying zone. Those properties where the city council has applied the PFO overlay zone shall additionally allow the establishment of public utility, operations, maintenance, police department and/or fire department facilities subject to the issuance of a conditional use permit.
(Ord. No. 2006-18, § 3, 6-14-06; Ord. No. 2016-06, § 6, 6-22-16)

§ 33-1653. Development standards.

Standards for area, coverage, building height, sign placement and design, site planning, setbacks, landscaping and screening, distances between buildings, floor area ratio, open space, off-street parking, may vary from the underlying zoning as needed to ensure that public facilities meet community needs as recommended by the chief of police, fire chief, or director of public works and subject to the approval of the planning commission and/or city council. All requested exceptions shall be noted in the staff report presented to the planning commission and consideration of the effects of such exception shall be given to surrounding residents and businesses.
(Ord. No. 2006-18, § 3, 6-14-06; Ord. No. 2016-06, § 6, 6-22-16)

§ 33-1654. Required findings for approval.

Prior to recommending approval of a conditional use permit, the planning commission shall find that the proposed public facility conforms to the following criteria:

(a) The location of the facility is in response to the public service needs of the community and will not significantly impair the continued use and enjoyment of neighboring properties.

(b) The design of the facility has taken into consideration the scale and architectural context of the neighborhood or business district in which the facility is located. Departures from standard zoning requirements are based upon the necessary operating characteristics of the facility and the efficient provisions of public services.

(c) All vehicular traffic generated by the facility can be accommodated safely and without causing undue congestion upon adjoining streets.

(d) That all requirements of the California Environmental Quality Act have been met.

(Ord. No. 2006-18, § 3, 6-14-06; Ord. No. 2016-06, § 6, 6-22-16)