



STAFF REPORT

DATE: 5/14/2024

PL23-0272 – 220 S. Citrus Avenue

PROJECT NUMBER / NAME: PL23-0272 – Tentative Subdivision Map and Density Bonus

REQUEST: A request for a Tentative Subdivision Map and Density Bonus to allow for 14 single-family residential lots with two lettered lots (private street and storm water basin) on an existing 2.87-acre site. Lot sizes range from approximately 4,191 square feet to 7,900 square feet. The Density Bonus would allow for an increase in allowable density from a base density of 3.3 dwelling units per acre to a proposed density of 4.87 dwelling units per acre. The Density Bonus would require one lot be restricted for "very low-income" and permits for certain incentives, concessions and waivers from development standards in accordance with State Density Bonus law. The proposal also includes adoption of the environmental determination for the Project.

PROPERTY SIZE AND LOCATION: The 2.87-acre project site is located on the east side of S. Citrus Avenue, south of Bear Valley Parkway, north of Oak Hill Drive, addressed at 220 S. Citrus Avenue (APN: 231-470-03-00)

APPLICANT: Kenosha Holdings, LLC

GENERAL PLAN / ZONING: Suburban (S) / R-1-10

PRIMARY REPRESENTATIVE: Kire Builders, Stephen Gaspar

DISCRETIONARY ACTIONS REQUESTED: Tentative Subdivision Map

PREVIOUS ACTIONS: SUB17-0013 – Tentative Subdivision Map for eight single-family residential lots

CEQA RECOMMENDATION: The Project qualifies for an exemption under the California Environmental Quality Act (“CEQA”) Guidelines section 15332, Class 32 (“Infill Development Project”)

STAFF RECOMMENDATION: Approval

REQUESTED ACTION: Approve Planning Commission Resolution No. 2024-08

CITY COUNCIL HEARING REQUIRED: YES X NO

REPORT APPROVALS: X Dare DeLano, Senior Deputy City Attorney

X Veronica Morones, City Planner



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BACKGROUND

The 2.87-acre project site is developed with a single-family residence, detached garage and an accessory shed-type structure. The surrounding area consists of existing suburban residential neighborhoods, with some larger estate-type lots. A residential care facility is located to the northwest across Citrus Avenue. A medium density duplex residential development is located to the north. The site is located within the Suburban (S) General Plan land use designation, and is zoned R-1-10 (Single-Family Residential, 10,000 square foot minimum lot size) (Attachment 1). The property fronts onto, and takes access from, Citrus Avenue which is classified as a Local Collector Road on the City's Mobility Element. Full-width-street improvements (including curb, gutter and sidewalk) are intermittent along the street segment.

The Planning Commission previously approved a Tentative Subdivision Map (Case No. SUB17-0013) in 2017 for eight single-family residential lots on the site. Lot sizes ranged from 10,000 square feet to 14,205 square feet. This Tentative Subdivision Map entitlement is still valid.

SUMMARY OF REQUEST

Kenosha Holdings, LLC ("Applicant") submitted an application for a Tentative Subdivision Map to subdivide the Property into 14 single-family residential lots ("Project"). The lots would accommodate up to 14 new single-family residences. Lot sizes range from approximately 4,191 square feet to 7,900 square feet (net lot area). The Project includes a private cul-de-sac street (Lot A) and a storm water basin (Lot B). The existing single-family residential structure, detached garage and accessory/storage structure would be demolished.

Underlying zoning and the General Plan land use designation for the project site allows up to 9.47 dwelling units (3.3 dwelling units per acre["DU/AC"]). Article 67 of the Escondido Zoning Code (EZC), and State Density Bonus law, allow an increase in residential density for projects that restrict a percentage of those base units as affordable housing units, and all density calculations are rounded up resulting in a total of 10 base units/lots. The Applicant proposes to restrict one lot (Lot 10) for affordable housing to very low-income households (those making less than 50% of the area median income [AMI]) which would permit up to four additional density bonus units, bringing the total of number of allowed units/lots to 14 (1 very-low income and 13 market rate). As part of local and State Density Bonus regulations, the Project is also allowed up to two incentives/concessions, and may request additional waivers to development standards that are necessary to accommodate the construction of the Project. The Applicant's use of such incentives/concessions, along with the allowable waivers would allow the Applicant to develop the Project as designed.

The Supplemental Details of Request located below show the proposed Project in comparison to the required standards for the R-1-10 zone. A double asterisk ("**") identifies those standards the Applicant requests a modification to through their use of incentives/concessions, and development standard waivers.

A. SUPPLEMENTAL DETAILS OF REQUEST:

- | | |
|----------------------|--------------------------------------|
| 1. Property Size: | 2.87 acres (1 parcel) |
| 2. Number of Lots: | 14 single-family residential** |
| 3. Allowed Density: | Up to 3.3 DU/AC |
| 4. Proposed Density: | Up to 4.87 DU/AC per Density Bonus** |



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	<u>Required per R-1-10 Zone</u>	<u>Proposed</u>
5. Unit Size	n/a	n/a*
6. Minimum Lot Area	10,000 SF (net lot area)	4,191 (net lot area)**
7. Lot Coverage	40%	40%
8. Floor Area Ratio	50%	50%
9. Building Height	2-Stories, up to 35 feet	2 stories and 35 feet
10. Setbacks:		
a. Front Yard:	20' from P/L or road easement to garage; 15' to residence	20' to P/L, 15' to residence Lot 1 requires min. 20' from back of sidewalk design
b. Rear Yard:	20'	20'
c. Interior Side Yard:	5' and 10'	5'**
d. Street Side:	10'	5' to structure and 0' for retaining wall and fencing**
11. Fencing Height:	6'	Up to 7' vinyl fence along the west side of Lot 1 on top of and/or adjacent to retaining wall (approx. 4.62' in height) on west side of Lot 1 (totaling approx. 11.62'). Up to 6' in height on top of or adjacent to retaining wall up to approximately 6.2' in height along rear of the project lots (totaling approx. 12.2')**
12. Parking:	Min. 2 covered spaces unit	Min. 2 covered spaces per unit

*Unit size and design to be determined during Design Review pursuant to Article 64 (Design Review) and conditions of approval

**Deviations/waivers proposed as part of Density Bonus request

B. PROJECT ANALYSIS:

1. General Plan Conformance:

a) Land Use and Density Consistency

The City's General Plan land-use designation for the Project site is Suburban (S), allowing single-family residential development up to 3.3 dwelling units per acre. Based on the size of the Project site (2.87 acres), the underlying land use designation would allow up to 9.47 lots, which is rounded up to 10 per Density Bonus regulations. The request to subdivide the Project site into 14 single-family lots with a



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resulting net density of 4.87 dwelling units per acre would be compatible with single-family development within the surrounding area as permitted pursuant to Density Bonus Law and the City Density Bonus Ordinance (Article 67).

State Density Bonus law is codified in Government Code Section 65915 – 65918, and specifically states, “granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, zone change, or other discretionary approval.” As such, regardless of density, the Project is consistent with the provisions of the General Plan as long as it complies with density bonus law and Article 67 of the Escondido Zoning Code.

Density Bonus law further requires a developer to replace certain existing housing units on sites proposed for redevelopment through the Density Bonus process. The Project includes the removal of one single-family unit and the development of 14 single-family residential units (including one very-low-income unit). Therefore, the Project would result in no loss of affordable units on site and the existing residence would be replaced with one lot designed as very-low income.

b) Housing Element and “No Net Loss”

The City is taking steps to encourage, promote, and facilitate the development of housing consistent with policies 1.1 and 2.1 of the Housing Element of the General Plan, while accommodating the City’s share of regional housing needs, consistent with Government Code section 65584. No Net Loss Law (Government Code section 65863) ensures development opportunities remain available throughout the planning period to accommodate a jurisdiction’s Regional Housing Needs Allocation (“RHNA”), especially for lower- and moderate-income households. In general, jurisdictions cannot approve new housing at significantly lower densities or at different income categories than was projected in the Housing Element without making specific findings and identifying other sites that could accommodate these units and affordability levels “lost” as a result of the approval. The so-called “no net loss” provisions apply when a site is included in the jurisdiction’s Housing Element’s inventory of sites and is either rezoned to a lower residential density or is approved at a lower residential density than shown in the Housing Element. (Gov’t Code § 65863(b)). The Project site is not identified in the City’s General Plan Housing Element Suitable Sites Inventory for the 6th RHNA Planning Cycle. Because the provision of “no net loss” applies to housing located on any site listed in the City’s Housing Element, the City does not need to determine if this Project or a decision related to this Project would be subject to No Net Loss Law and its remedies.

2. Zoning or Specific Plan Conformance:

The Project consists of the proposed development of 14 single-family residential lots, street improvements, walls and fencing, and a stormwater basin. A zone change is not proposed. The Applicant requests modifications to development standards and zoning code requirements necessary to make the provision of affordable housing units feasible, as described below. Pursuant to Government Code section 65915(e)(1), a city may not “apply any development standards that will have the effect of physically precluding the construction of a development...at the densities or with the concessions or incentives permitted” by Density Bonus Law. Attachment 2 of this report outlines those requested waivers from development standards pursuant to Density Bonus law. Outside of those requested waivers, the proposed Project complies with the provisions of the R-1 zone, as shown in the Supplemental Details of Request table shown above. The proposed Project does not include architectural design of future units and as such, is conditioned to require



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future Design Review for such units (Condition of Approval No. E.4). However, those future units would be required to comply with the setbacks, lot coverage, parking, and building height shown within the Supplemental Details of Request. Only those items expressly identified as a part of Attachment 2 would be applicable to the future units.

3. Density Bonus and Residential Incentives

Article 67 of the Escondido Zoning Code is intended to encourage and incentivize the production of housing affordable to all segments of the population, consistent with State Density Bonus law. At a high level, a density bonus project is permitted to build more units than would otherwise be permitted on a particular property in exchange for restricting a percentage of those units for moderate, low, or very-low-income households. The increase in density is based on the percentage of units restricted and the income level at which they are restricted. A density bonus project is also entitled to a certain number of **incentives or concessions**, which are defined in Government Code section 65915(k), in part, to include “[a] reduction in site development standards or a modification of zoning code requirements or architectural design requirements... that results in identifiable and actual cost reductions...” Depending on the percentage of affordable units provided, a density bonus project is allowed a maximum increase in density of 50 percent. Density bonus projects are also entitled to additional **waivers** from development standards which would have the effect of physically precluding the construction of a density bonus project. The number of incentives/concessions, waivers, and allowed density bonus is determined by a set of sliding scales (identified in Article 67) and ultimately dependent on what a proposed development project entails. For reference, Article 67 of the Escondido Zoning Code can be found at the following link:

[Article 67 Density Bonus and Residential Incentives.](#)

The Project includes a *Density Bonus Project Proposal* (“Proposal”) which outlines the Applicant’s density bonus request. It has been modified over the course of the Project’s review to address any issues identified through the entitlement process (Attachment 2). The Proposal includes a density bonus calculation which identifies the density that could be achieved on the parcel based on the General Plan land use designation and Density Bonus provisions; how many density bonus units can be achieved; as well as the number of affordable housing units that would be required. As shown in the Proposal, the property could accommodate 10 dwelling units (base units), and by reserving one unit/lot (10%) as affordable to very low-income households (those making less than 50% of the AMI, adjusted for household size), the Project is allowed up to four additional bonus units (32.5% increase in density) that would allow up to 14 total units.

Based on the number of affordable units (10% very-low income), the Project is allowed up to two incentives/concessions and additional waivers of development standards. The Applicant is not requesting any incentives/concessions but is requesting additional waivers of development standards to allow the following:

1. Reduction in required lot size from a minimum of 10,000 square feet for the R-1-10 zone. Proposed lots sizes range from 4,191 square feet (net lot area) to 7,900 square feet.
2. A reduction in the required average lot width of 80 feet. Average lot widths range from 42 feet to 86 feet.
3. Reduction in the required minimum street frontage of 35 feet. Lot 12 proposes a 31-foot street frontage.
4. Reduction in the required setbacks for the future units to allow minimum 5-foot interior setback on each side, whereas a 5-foot and 10-foot setback is required. A minimum 5-foot setback along the



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street side for the future unit of Lot 1 and no setback for the street side fence proposed on Lot 1, whereas a 10-foot setback is required.

5. Increase in fencing height up to seven feet in height on top of, or adjacent to, retaining walls up to 6.2 feet in height, and to allow the additional height within the street side setback. Fences are limited to 42 inches in height within the 10-foot street side setback.
6. Reduction in the amount of required street trees of 1 per 30 linear feet due to limited available frontage area.
7. Waive determination that a grading exemption is required for the proposed perimeter retaining walls of approximately 6.2 feet in height. The Director of Development Services maintains approval discretion for fill slopes and walls between 5 feet and 10 feet in height.

4. Climate Action Plan Consistency:

The Applicant prepared and submitted a Climate Action Plan Checklist, and is screened out of additional Greenhouse Gas (GHG) Analysis based on the project type. Projects that are screened out are assumed to have a less than significant impact on GHG emissions. The screening threshold for single family uses is 36 dwelling units, and the Project proposes 14 dwelling units. Therefore, the Project is found to be consistent with the Climate Action Plan.

5. Site Characteristics

a) Subdivision Design, Access, Street Design and Parking:

The Applicant proposes to subdivide the property into 14 single-family residential lots ranging in size from 4,191 square feet 7,900 square feet (net lot area). Citrus Avenue across the project frontage would be improved to include curb, gutter and sidewalk with appropriate transition to existing roadway improvements. A new private cul-de-sac street intersecting Citrus Avenue on the east would provide access to the Project and would be maintained by the Project homeowners' association (HOA). The new private cul-de-sac street (Lot "A") would utilize the Suburban design standard of a 28-foot curb-to-curb width that would allow for parking along one side of the street. A 24-foot-wide private easement would provide access to four of the lots (Lots 8, 9, 10, and 11). The proposed tentative map and site design is depicted under Attachment 3.

Density Bonus law establishes the minimum amount of parking that can be required based on the number of bedrooms. Further, Density Bonus law stipulates that if the developer does not request parking ratios specified by Density Bonus law, the parking standards of the applicable zone shall apply. The proposed unit designs are not part of the Tentative Subdivision Map and would be reviewed separately through the Staff Design Review process. Even though Density Bonus Law would allow for a reduction in the number of required on-site parking spaces, the proposed Project would provide two-covered parking spaces for each unit in accordance with Article 39 (Off-Street Parking) of the Escondido Zoning Code for single-family units. Additional tandem spaces would be available in the driveways for each lot/unit as the structures would maintain a minimum 20-foot setback for the garages. Although not required per Density Bonus parking requirements, on-street parking within the Project site would be provided in conformance with the Suburban design standard that requires 1.5 spaces per lot. The proposed Project would include up to 21 on-street spaces as part of their design even though not required by Density Bonus law. The final



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engineering/street design will determine the final number of on-street spaces that could be accommodated.

b) Grading:

The Project site generally slopes and drains towards the adjacent properties to the north and eventually drains to the concrete channel further to the north. The grading design involves raising the northern portion of the site to create flat pad areas. Raising the northern portion would provide appropriate drainage of the lots to the proposed street, storm water basin, and ultimately to the existing concrete channel situated to the east. Under current conditions, the channel is situated at a higher elevation than the adjacent grade, and requires the pad elevation changes to facilitate adequate drainage. Raising the site would entail use of retaining walls up to 6.2 feet in height along the northern perimeter of the lots. This design would eliminate most of the drainage that typically flows onto the adjacent northern properties, and the final grading/drainage design would be required to incorporate features to direct any on- and off-site drainage to the eastern drainage channel eliminating potential issues for the neighboring properties. A lower retaining wall, ranging from one foot to approximately 3.62 feet in height would be located along the southern property boundary to support the new internal street. The grading of the site is required to conform and be designed in accordance with Article 55 (Grading and Erosion Control) of the Escondido Zoning Code.

c) Concept Landscape Design and Fencing:

The Project would provide a combination of street trees along the new cul-de-sac street ("Lot A"), along with parkway landscaping along the Citrus Avenue frontage. The south side of the proposed street would also contain a small landscaped area. The street, common landscaping associated with Lot A, perimeter brow ditch, storm water basin, and parkway landscaping along Citrus Avenue would be maintained by the Project HOA. White vinyl fencing up to seven feet in height would be located along the Citrus Avenue frontage to provide sound attenuation for Lot 1 in conformance with General Plan standards. Parkway landscaping would be planted in front of the wall along the back of sidewalk. A six-foot-high vinyl fence would be placed along the rear of the lots adjacent to the top of the retaining walls, with an overall combined height of approximately 12.2 feet. The design does not allow sufficient area for landscaping to be placed between the wall and fence. New vinyl fencing would also be installed along the southern boundary of the site, along the private cul-de-sac. The proposed Project would be required to submit for a final Landscape Plan Check through the Engineering Division as part of the post-entitlement process as conditioned in Exhibit "D" of Attachment 5.

FISCAL ANALYSIS

The Applicant will be responsible for payment of all applicable Development Impact Fees as adopted by the City Council.

ENVIRONMENTAL ANALYSIS

California Environmental Quality Act ("CEQA") Guideline's list classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from further environmental review under



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CEQA. The Project qualifies for an exemption under the CEQA Guidelines section 15332, Class 32 (“Infill Development Project”). A Notice of Exemption has been included with the staff report as Attachment 4. The project qualifies for the exemption as described further in the Findings of Fact, attached as Exhibit “C” to Resolution 2024-07 (Attachment 5).

PUBLIC INPUT

Staff has not received any comments from the public regarding the Project as of the preparation of this report.

CONCLUSION AND RECOMMENDATION

The Project proposes a residential subdivision that is compatible with the surrounding residential uses in that it is of similar unit type (e.g., single-family residences) and makes efficient use of the Property. Additionally, the Project would include much-needed affordable housing and provide affordable opportunities for home-ownership in a suburban setting where such housing is not typically available. The Project would further the Land Use and Community Form goals in Chapter II of the Escondido General Plan, including those related to community character and smart growth, as well as the Housing goals in Chapter IV of the General Plan, which include planning for sustainable growth and providing housing opportunities for all income groups and household types. Further, the Project is consistent with the provisions of Article 67 of the Escondido Zoning Code and State Density Bonus law.

Staff recommends that the Planning Commission adopt Resolution 2024-08, approving the Tentative Subdivision Map and Density Bonus and requested waivers based on the findings of fact and conditions of approval included as Exhibits “C” and “D,” respectively, to said Resolution, and adoption of the Environmental Determination prepared for the Project included as Attachment 4.

ATTACHMENTS

1. Location Map, General Plan Map, and Zoning Map
2. Density Bonus Project Proposal
3. Project Plans
4. CEQA Notice of Exemption
5. Draft Planning Commission Resolution No. 2024-08, including Exhibits A, B, C and D