



STAFF REPORT

October 11, 2023
File Number 0810-20

SUBJECT

2023 Omnibus Zoning Code Update – PL23-0329

DEPARTMENT

Development Services

RECOMMENDATION

Request the City Council conduct a public hearing on the 2023 Omnibus Zoning Code Update and act on the recommendation of the Planning Commission, which recommends the City Council:

- 1) Introduce Ordinance No. 2023-15, amending the Escondido Zoning Ordinance in various Articles and the Escondido Subdivision Ordinance in one Article to address changes in State law, correct errors, and clarify or improve existing regulations in Articles 1 (General Provisions and Definitions), 6 (Residential Zones), 36 (Cargo Container Restrictions), 39 (Off-Street Parking), 55 (Grading and Erosion Control), 61 (Administration and Enforcement), 63 (Transient Lodging Facilities), 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and 79 (East Valley Parkway Overlay Zone) of Chapter 33; and Article 2 (Tentative Maps) of Chapter 32.

Staff Recommendation: Approval (Development Services: Christopher McKinney, Director of Development Services)

Presenter: Veronica Morones, City Planner

FISCAL ANALYSIS

This project has no direct fiscal impact to the City budget.

It is anticipated that the project will clarify development standards and streamline processes within the Escondido Zoning Code allowing residents and applicants wanting to invest in the community to more clearly understand local requirements.

PREVIOUS ACTION

On September 26, 2023, the Planning Commission voted 7-0 to recommend approval of the proposed amendments.



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BACKGROUND

It is important that municipalities periodically review and update their codes and regulations to ensure they stay current and up-to-date. In 2017, the City initiated a new, reoccurring work program to annually review the Zoning Code to determine whether any updates are required such as state-mandated changes, error corrections, clarification of ambiguities or inconsistencies, conformance to the City's Communications Plan (requiring use of AP Style), and address today's land use challenges. Now, as established, the Planning Division is able to maintain a regular process and consistent schedule for maintaining the City's codes and regulations. These amendments are combined into a single clean-up batch proposal as a means of efficiently modifying the Zoning Code titled the Omnibus Zoning Code Update. In some instances, other chapters within the Escondido Municipal Code ("EMC") may require consistency alignment with the Zoning Code.

The 2023 batch of amendments affects many articles of the Escondido Zoning Code, which is Chapter 33 of the EMC. In addition, the Escondido Subdivision Ordinance (Chapter 32 of the EMC) requires language cleanup for clarification purposes related to the functions of the Zoning Code. As with past omnibus updates, a majority of the changes are minor and meant to directly provide guidance to the public regarding Zoning Code requirements in Escondido. This year's omnibus also includes modification to Article 79 (East Valley Parkway Overlay Zone) to account for the recent adoption of the EVSP. The Planning Commission staff report (excerpted) is included as Attachment "1" to this staff report.

ANALYSIS

For the 2023 Omnibus Zoning Code Update, the suggested amendment list includes modifications to various articles within the Zoning Code and one amendment to the Subdivision Ordinance. Table "A" below categorizes the proposed amendments by their primary function: clarification of existing regulations and/or policies; grammatical error cleanup/consistency changes with existing regulations; streamlining of existing processes.

For a summary on the specific articles and their corresponding proposed modification refer to Table 1 of Attachment "1." The proposed changes that require further explanation can be found detailed in Attachment "1" as well. Attachment "2" provides a strikethrough and underlined version of all proposed changes to both Article 32 and 33. Exhibit "B" to City Council Ordinance No. 2023-15 provides a "clean" copy of the changes and reflects how the Zoning Code and Subdivision Ordinances would read if adopted by City Council.

During the September 26, 2023 Planning Commission hearing, commissioners discussed the merits and/or requested clarification of proposed changes related to Articles 6, 36, 61, and 70. Specifically, commissioners asked for the intent surrounding community gardens on City-owned property; for clarification on the accessory dwelling unit changes and the scope of the cargo container changes; and for more discussion surrounding AB 1397 and the sites inventory.



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Table A – Categorization of Proposed Amendments

Clarification	Cleanup/Consistency Changes	Streamlined Process
<ul style="list-style-type: none"> • Article 2 (Tentative Maps)* • Article 1 (General Provisions and Definitions) • Article 63 (Transient Lodging Facilities) 	<ul style="list-style-type: none"> • Article 6 (Residential Zones) • Article 36 (Cargo Container Restrictions) • Article 39 (Off-Street Parking) • Article 55 (Grading and Erosion Control) • Article 61 (Administration and Enforcement) • Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units) • Article 79 (East Valley Parkway Overlay Zone) 	<ul style="list-style-type: none"> • Article 6 (Residential Zones)
<p>*Chapter 32 – Escondido Subdivision Ordinance</p>		

ENVIRONMENTAL REVIEW

There are a number of CEQA exemptions that are applicable to the 2023 Omnibus Zoning Code Update. Some proposed amendments are not considered a Project under CEQA, as defined in section 15378(b)(5) of the State CEQA Guidelines, while others are categorically or statutorily exempt under CEQA. Specifically, additional applicable CEQA exemptions include 15304(e), 15061(b)(3), 15282(h), as well as Public Resources Code section 21080.17. Furthermore, none of the exceptions listed under CEQA Guidelines section 15300.2 apply to the proposed project.

ORDINANCES

- a. Ordinance No. 2023-15
- b. Ordinance No. 2023-15 Exhibits “A” and “B”

ATTACHMENTS

- a. Attachment “1” – September 26, 2023, Planning Commission Staff Report (excerpted)
- b. Attachment “2” – Strikethrough/Underlined changes