

ORDINANCE NO. 2013-09(R)

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING THE ESCONDIDO ZONING CODE
ARTICLES 26, 27 AND 39, PERTAINING TO
EMERGENCY SHELTERS

Planning Case No. AZ 13-0006

WHEREAS, Senate Bill 2 was enacted on October 13, 2007, by the State of California, and requires that cities provide sites where emergency shelters can be located without discretionary review, and

WHEREAS, the General Plan Housing Element was adopted on December 12, 2012, by the City Council, and includes a policy for designating an overlay area for emergency shelters in compliance with Senate Bill 2, and

WHEREAS, the City Council desires to implement the policies of the General Plan Housing Element and comply with state law.

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

SECTION 1. That proper notices of a public hearing have been given and a public hearing has been held before the City Council on this issue.

SECTION 2. That the City Council has reviewed and considered the Notice of Exemption prepared for this project and issued on September 3, 2013, in conformance with Title 14 California Code of Regulation, California Environmental Quality Act ("CEQA") Section 15061(b) "General Rule", and has determined that all environmental

issues have been addressed and finds that no significant environmental impact will result from approving these code amendments.

SECTION 3. That upon consideration of the Factors to be Considered, attached as Exhibit "A" to this Ordinance and incorporated by this reference, the staff report and all public testimony presented at the hearing held on this project, this City Council finds the Zoning Code Amendment is consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 4. That specific sections of three (3) Articles of the Escondido Zoning Code Chapter 33 are amended as set forth in and attached as Exhibit "B" to this Ordinance and incorporated by these references.

SECTION 5. That the Zone District Map of the City of Escondido is hereby amended by incorporating the perimeter line shown on Exhibit "C", attached to this Ordinance and incorporated by this reference, describing the boundaries of the overlay area onto the map itself.

SECTION 6. That the City Clerk shall certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

EXHIBIT "A"
FACTORS TO BE CONSIDERED
AZ 13-0006

1. The public health, safety and welfare would not be adversely affected by approval of the proposed amendments to add an Emergency Shelter Overlay and development standards to the Zoning Code since the amendments would be consistent with the adopted Housing Element of the General Plan and the requirements specified in state law.
2. The site is suitable for the proposed amendments to the Zoning Code and the amendments would not be detrimental to surrounding properties, since the proposed Homeless Shelter Overlay was included and approved in the Housing Element of the General Plan. Additionally, allowing emergency shelters in a limited portion of the M-1 zone would be compatible with surrounding services and uses since the area is not located within the City of Escondido's Hazardous Chemical Overlay area, it is mostly developed with existing industrial and warehouse businesses in close proximity to Palomar Hospital and North County Transit District SPRINTER and BREEZE routes, and existing social services are accessible via transit.
3. The proposed amendment to the Zoning Code is consistent with the General Plan, since the overlay map has been incorporated into the adopted Housing Element and the amendment involves implementation of a program identified and approved as part of the adopted Housing Element of the General Plan.

EXHIBIT "B"

HOMELESS SHELTER OVERLAY
Proposed Amendment to
Article 26
This table is repealed and replaced:
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 hospital and care | | P | P | |
| Assembly | P | P | P | P |
| Auction services | P | P | P | P |
| Auto, RV and boat sales** | P | P | P | P |
| Automotive services (excluding gasoline service stations) | | P | P | |
| Banks/automated teller machines | | C | C | C |
| Boat repair | | 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 |
| Communication facilities (subject to Article 34) | P | P | P | P |
| Construction services | P | P | P | P |
| Crematoriums | P | P | P | P |
| Daycare | | | | C |
| Electrical wholesale houses** | P | P | P | P |
| <u>Emergency Shelters****</u> | | <u>P</u> | | |
| Equipment sales and leasing | | P | P | |
| Experimental-type uses | C | C | C | C |
| Feed stores** | P | P | P | P |
| Fleet fueling | | 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 |
| Heavy construction equipment** (e.g., tractors, earth moving equipment, etc.) | P | P | P | P |

| Use Title | I-O | M-1 | M-2 | I-P |
|--|-----|-----|-----|-----|
| Helipads | | C | C | C |
| Industrial hardware** | P | P | P | P |
| Landscape materials** (e.g., soil, compost, wood chips) | P | P | P | P |
| 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 |
| Oil refinery and bulk stations (located outside of the HCO zone) | | | C | |
| Plumbing supply** | P | P | P | P |
| Power plants | | | C | C |
| Primary metal manufacturing | | | C | |
| Recycling facility ¹ | | | | |
| Small processing facility ¹ | | 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, shredding and dismantling | | C | P | |
| Warehousing and distribution | P | P | P | P |
| Wholesale | P | P | P | P |

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

** = Retail component greater than the maximum fifteen (15) percent floor area/sales allowed under "Incidental Use" regulations is allowed only in M-I 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 five hundred (500) feet of public transportation.

****=Only on sites within the Emergency Shelter Overlay, Figure 33-661, and subject to the requirements of Article 27.

P = Permitted use.

C = Conditional permitted use subject to issuance of a conditional use permit by the planning commission (pursuant to section 33-1200).

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

Proposed Zoning Code Language:

Article 27 EMERGENCY SHELTER OVERLAY

Sec 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.

Sec 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.

Sec. 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 paragraph shall occur on the date the operator submits materials required in Sec. 33-594.

Sec. 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.

Sec. 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.

Sec. 33-595. Development Standards.

An emergency shelter proposed in the Overlay area must comply with the following:

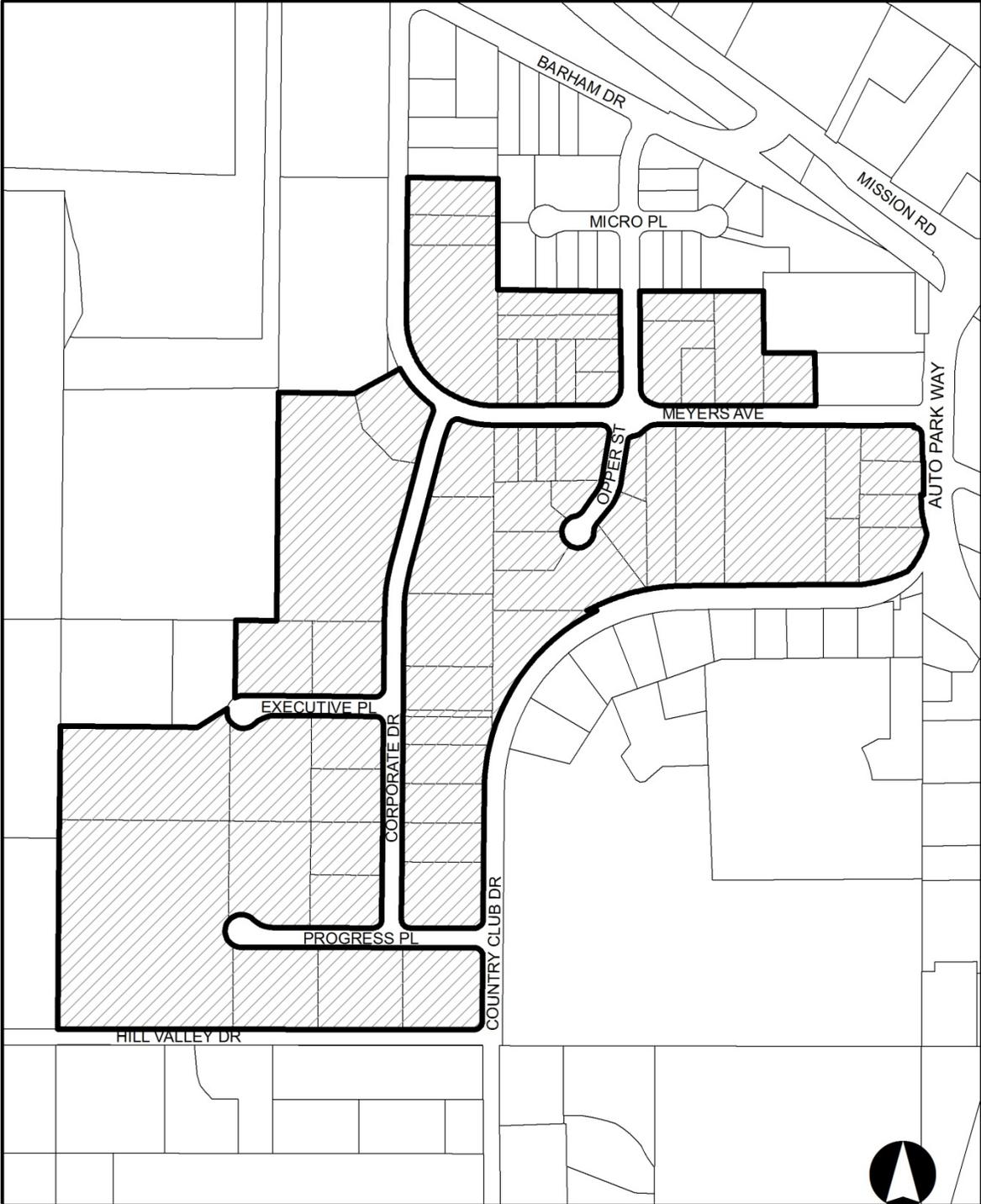
- (a) Each Emergency Shelter shall be located within an entirely enclosed, permanent structure.
- (b) Each Emergency Shelter may have a maximum of 50 beds to serve a maximum of 50 clients.

- (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 36, 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 three hundred (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.

Sec. 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.

**Add as Figure 33-592:
Emergency Shelter Overlay**



Proposed Amendment to: Art. 39, Off-Street Parking:

Sec. 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 (2) family residences | Two (2) car garage or carport for each unit |
| Bed and breakfast | One (1) 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. |
| Second dwelling units | One (1) parking space for the unit, in addition to those spaces required by this section for the primary residential use. All spaces shall be located on-site. |
| Multiple Dwellings | |
| Bachelor | One (1) parking space per unit. |
| One (1) bedroom | One and one-half (1 1/2) parking space per unit. |
| Two (2) bedroom | One and three-quarter (1 3/4) parking space per unit. |
| Three (3) or more bedrooms | Two (2) parking spaces per unit. Each unit shall have a minimum of one (1) covered parking space. In addition, there shall be provided a guest parking space for each four (4) 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 (2) parking spaces for each site. Parking may be in tandem. In addition, one (1) space for each ten (10) sites for the laundry and recreation facilities. |
| Rooming houses, lodging houses, clubs and fraternities having sleeping rooms | One (1) parking space for each two (2) sleeping rooms. |
| Sanitariums, children's homes, homes for the aged, asylums, nursing homes | One (1) parking space for each three (3) beds. |
| Commercial | |
| Automobile accessory shops | One (1) parking space for each six hundred (600) square feet of gross floor area. |
| Automobile service stations | One (1) parking space for each service stall. |
| Banks, and savings and loans | One (1) parking space for each two hundred (200) square feet of gross floor area. |
| Barber shops and beauty salons | One (1) parking space for every six hundred (600) square feet of gross floor area. |
| Furniture, large appliance stores and personal computer stores | One (1) parking space for each eight hundred (800) square feet of gross floor area. |

Use

Hotel, motel, and bed and breakfast facility

Motor vehicle, machinery sales and repair garages (excluding motorcycles)

Truck or motor home repair vehicles twenty-five (25) feet or longer

Motorcycle sales and repair

Pushcart food sales

Offices

General business and professional

Medical, dental and clinics

Restaurants/Food

Restaurants, bars, night clubs and others

Having less than four thousand (4,000) square feet

Having four thousand (4,000) square feet

Drive-in, drive-up, drive-thru

Product specialty, donuts, ice cream, bakery, etc.

Retail

General retail, except as otherwise specified herein

Coin operated laundry

Parking Spaces Required

One (1) parking space for each sleeping unit, plus one (1) parking space for the resident manager, plus one (1) loading space, minimum size ten (10) feet wide, thirty-five (35) feet long and fourteen (14) feet high for each twenty thousand (20,000) square feet of commercial use included in the facility (restaurant, bar, store, etc.), one (1) parking space for each one hundred (100) square feet of restaurant gross floor area, one (1) parking space for each one hundred (100) square feet of assembly area (meeting halls, auditoriums, conference rooms, etc.).

One (1) parking space for each one thousand (1,000) square feet of display floor area, one (1) space for each eight hundred (800) square feet of storage area, one (1) space for each two hundred fifty (250) square feet of garage floor area.

One (1) space for every one thousand (1,000) square feet.

One (1) parking space for each two hundred fifty (250) square feet of gross floor area.

No parking shall be required for pushcart food sales facilities except as required on a case-by-case basis as determined by the community development director as part of plot plan review procedure.

Four (4) parking spaces or one (1) parking space for each three hundred (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 (1) parking space for each two hundred fifty (250) square feet of gross floor area.

One (1) parking space for each two hundred (200) square feet of gross floor area.

One (1) parking space for each one hundred (100) square feet of gross floor area. Outdoor dining areas not to exceed three hundred (300) square feet shall be exempt from parking subject to Miscellaneous Use Restrictions, section 33-1111 of Article 57 of this chapter.

Forty (40) parking spaces plus one (1) for each fifty (50) square feet of gross floor area over four thousand (4,000) square feet. Outdoor dining areas not to exceed three hundred (300) square feet shall be exempt from parking subject to Miscellaneous Use Restrictions, section 33-1111 of Article 57 of this chapter.

Twenty (20) parking spaces plus one (1) for each one hundred (100) square feet of gross floor area over four thousand (4,000) square feet. Outdoor dining areas not to exceed three hundred (300) square feet shall be exempt from parking subject to Miscellaneous Use Restrictions, section 33-1111 of Article 57 of this chapter.

One (1) parking space for each one hundred fifty (150) square feet. Outdoor dining areas not to exceed three hundred (300) square feet shall be exempt from parking subject to Miscellaneous Use Restrictions, section 33-1111 of Article 57 of this chapter.

One (1) parking space for each two hundred fifty (250) square feet of gross floor area.

One (1) space per two hundred fifty (250) square feet.

Use

Open retail, nurseries and vehicle sales lots not otherwise specified
 Trailer and boat sales lots
 Shopping center (for the purpose of this article, a shopping center shall have a minimum lot area of three (3) acres and have multiple uses)
 Stamp redemption centers
 Tailor shops, shoe repair

Massage parlor

Recreational

Auditoriums and other places of public assembly and clubs, lodges having no sleeping facilities
 Bowling alleys

Game and athletic courts
 Gymnasium, skating rinks, billiard halls, dance schools, karate schools

Golf driving ranges
 Miniature or pitch and putt golf courses
 Swimming pools

Theaters and auctions

Industrial

Kennels, veterinary hospitals and veterinary offices

Recycling facility

Manufacturing uses, research and testing laboratories, food processing, printing and engraving shops and contractors

Salvage yard, junk yards, auto wrecking, storage yards, lumber yards and similar uses

Parking Spaces Required

One (1) parking space for each one thousand (1,000) square feet of lot area.

One (1) space per two thousand (2,000) square feet of lot supplies.

One (1) parking space for each two hundred (200) square feet of gross floor area.

One (1) space.

Three (3) parking spaces or one (1) parking space for each six hundred (600) square feet of gross floor area, whichever is greater.

One (1) space per one hundred (100) square feet.

One (1) parking space for each five (5) seats and one (1) for each one hundred (100) square feet of assembly area not having fixed seats.

Four (4) parking spaces for each alley. In addition, spaces for incidental uses shall be provided in accordance with standards specified for the particular use.

Two (2) parking spaces for each court.

One (1) parking space for each five (5) seats plus one (1) for each two hundred (200) square feet of recreation floor area.

One (1) parking space for each driving tee.

Three (3) parking spaces for each hole or two (2) for each hole plus the requirement for the accessory uses, whichever is greater.

One (1) parking space for each one hundred fifty (150) square feet of gross water surface area.

One (1) parking space for each five (5) seats or one (1) parking space for each thirty-five (35) square feet of assembly area.

One (1) parking space for each two hundred (200) square feet of examining and operating areas, plus (1) parking space for each four hundred (400) square feet of additional floor area.

One (1) space for each five hundred (500) square feet of material processing area; one (1) space for each five thousand (5,000) square feet of outdoor storage area; one (1) space for each scale or bin plus one (1) space (for waiting) per two (2) scales or bins for customer parking.

A. Parking standards for the M-1 and M-2 zones. One (1) space for each vehicle used in conjunction with the business, plus one (1) parking space for each five hundred (500) square feet of open or enclosed area devoted to the primary use, except contractors' open storage yards one (1) space per one thousand (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 (1) space per one thousand (1,000) square foot lot for contractors' open storage yards.

One (1) parking space per employee on the largest shift or one (1) space per five thousand (5,000) square feet of lot area, whichever is greater.

| Use | Parking Spaces Required | | | | | | | | | | |
|---|---|------------|---------------|----------------|-------|------------------------|-------|--------------------------|-------|-----------------|-------|
| Truck terminals | One (1) parking space for each three thousand (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 (1) parking space for each eight hundred (800) square feet of gross floor area. One (1) space per five thousand (5,000) square feet of floor area and storage lot for mini-storage. B. Parking standards for the IP and IP-O zones. <table border="0" style="margin-left: 20px;"> <thead> <tr> <th style="text-align: left;">Suite Size</th> <th style="text-align: left;">Space/Sq. Ft.</th> </tr> </thead> <tbody> <tr> <td><5,000 sq. ft.</td> <td>1/500</td> </tr> <tr> <td>5,000 to 9,999 sq. ft.</td> <td>1/600</td> </tr> <tr> <td>10,000 to 19,999 sq. ft.</td> <td>1/700</td> </tr> <tr> <td>>20,000 sq. ft.</td> <td>1/800</td> </tr> </tbody> </table> One (1) parking space per five thousand (5,000) square feet of floor area and storage lot for mini-storage. | 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 |
| 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 | | | | | | | | | | |

Miscellaneous

| | |
|---|--|
| Churches, chapels, religious meeting halls and their accessory uses | One (1) parking space for each five (5) seats or one (1) parking space for every one hundred (100) square feet of gross floor area for assembly areas without fixed seating (twenty-two (22) inches of linear bench constitutes one (1) seat). |
| Hospitals | One and one-quarter (1 1/4) parking spaces for each bed. |
| Libraries, museums and library stations | One (1) parking space for each two hundred fifty (250) square feet of gross floor area. |
| Mortuaries | One (1) parking space for every (50) square feet of gross assembly floor area. |
| Schools, private and public: | |
| Grade schools, elementary and junior high schools | One (1) parking space for each employee and faculty member. |
| Senior high schools | One (1) parking space for each employee and one (1) for each three (3) students for which the facility is designed. |
| Trade schools, business colleges and commercial schools | One (1) parking space for each one and one-half (1 1/2) students of the maximum capacity of the classroom plus one (1) space for each faculty member. |

Emergency Shelters

One (1) parking space for each employee, volunteer, service provider and non-client who will be on-site during peak periods, plus one space per three (3) 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. |
|--|--|

