

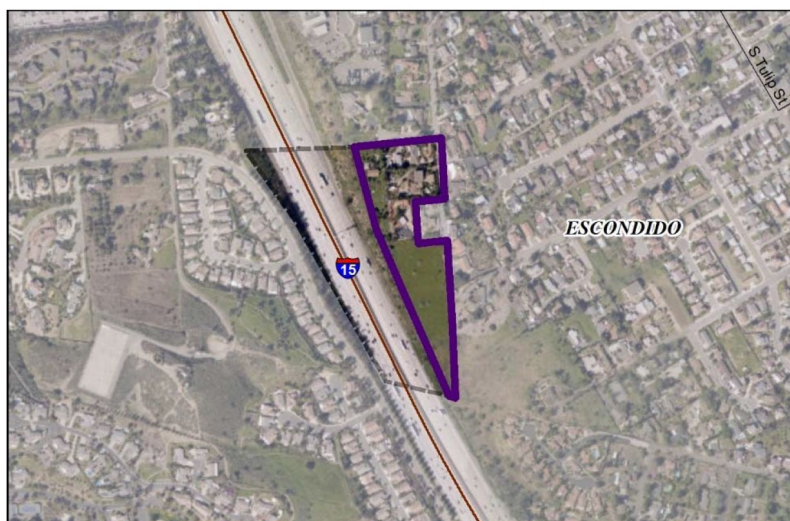


Pinecrest Avenue General Plan Clean-Up NCM402 Staff Analysis

Staff will request for the Planning Commission to revisit item NCM402 from the proposed 2019 General Plan Clean-Up (Clean-Up) General Plan Amendment (GPA) and Zone Reclassification (REZ). During the Planning Commission hearing on October 11, 2019, the Commission reviewed proposed changes to the County's Land Use Map and associated zoning to address errors, omissions, and changed circumstances identified in the implementation of the General Plan. One of the areas proposed for a change in Land Use, designated as NCM402, was brought forth to the Commission to resolve an inconsistency between the General Plan Land Use Designation and Zoning Use Regulation for five parcels in a County Island in the North County Metro Subregional Plan Area. The item was remanded back to staff following public comment in opposition to the staff recommendation to resolve the inconsistency. Staff plans to bring the item back to the Planning Commission with further analysis regarding fire safety, traffic, availability of public services, environmental constraints, and statutory requirements.

PROJECT BACKGROUND

NCM402 was included in the Clean-Up due to a mapping error made during the 2011 General Plan Update (2011 GPU). In 2011, the General Plan Land Use Designation was changed within NCM402 from Residential 2, allowing up to 2 dwelling units per acre, to Village Residential 15 (VR15), allowing up to 15 dwelling units per acre. The Zoning Use Regulation for the parcels within NCM402 was not updated to a Use Regulation which is consistent with VR-15. The existing Use Regulation of Rural Residential is inconsistent with a Land Use Designation of VR-15, as established in the Compatibility Matrix in Section 2050 of the Zoning Ordinance. NCM402 was brought to the Planning Commission to establish consistency between the Zoning Use Regulations and General Plan Land Use Designations of the site.



Aerial Map of NCM402, highlighted in purple.

NCM402 is a "County Island", a portion of unincorporated land under the jurisdiction of the County surrounded by an incorporated city. This County Island consists of five parcels totaling 7.56 acres in the



North County Metro area, surrounded by the City of Escondido and adjacent to Interstate 15. Of the five parcels, four are developed with single-family residences and one is vacant. The four developed lots range from 0.62 to 1.51 acres, and the undeveloped parcel is 3.71 acres. During the 2011 GPU, unincorporated County lands, next to or surrounded by incorporated cities, were evaluated for potential up-zoning because of their proximity to jobs, schools, and other community services. The density of NCM402 was increased during the 2011 GPU because it is near the intersection of Interstate 15 and State Route 78, which has a concentration of jobs and commercial services. It is also approximately 1 mile south of the Escondido Sprinter Station, which provides regional bus and sprinter rail services.

The inconsistency between the Land Use Designation and Zoning Use Regulation was identified when the owner of the vacant parcel within NCM402 (APN: 235-110-26-00) conducted an Initial Consultation with PDS. In this Initial Consultation (PDS2018-IC-18-056), the property owner proposed to subdivide the parcel into three lots. The proposal also included one new single-family dwelling and one Accessory Dwelling Unit (ADU) on each lot. When PDS staff identified the inconsistent Zoning Use Regulation and General Plan Land Use Designation during this Initial Consultation, the property owner was referred to request that this item be included in the 2019 General Plan Clean-Up to resolve the inconsistency.

During the October 2019 Planning Commission hearing, staff recommended rezoning the five parcels within NCM402 to Variable Residential (RV) to resolve the inconsistency. Property owners within NCM402 and nearby residents from the City of Escondido spoke in opposition of the proposed rezone, mentioning concerns about how the change in Use Regulation could lead to multi-family residential development that would increase traffic, impact property values, and change community character. Members of the public also mentioned that they were not notified of the 2011 GPU, when the higher-density land use designation was approved for NCM402.

During the 2011 GPU, notifications were sent to all properties which had a proposed change in Zoning Use Regulation, as required by Section 7605.a of the County Zoning Ordinance. However, not all properties with a change in General Plan Land Use Designation were notified because County Code does not require public notification of General Plan Amendments. As the Zoning Use Regulation for these parcels was not revised as part of the 2011 GPU, notice was not provided to the property owners within and surrounding NCM402. Per California Government Code Sections 65353, 65090, and 65091, notice of a public hearing for a proposed general plan is required to be sent to the affected property owners when the proposed changes would affect the permitted uses or intensity of uses.

Due to the high level of public controversy, the Planning Commission motioned to consider NCM402 as a separate item from the 2019 General Plan Clean-Up, and then voted to refer the item back to staff for further analysis.



OPTIONS TO BE CONSIDERED BY THE PLANNING COMMISSION

Staff plans to return to the Planning Commission with the following options to resolve the General Plan and Zoning inconsistency:

Designator	Existing	Option 1	Option 2	Option 3	Option 4	Option 5
General Plan Designation	VR-15	SR-1	VR-2	VR-4.3	VR-7.3	VR-15
Zoning Use Designation	RR	RR	RR	RS	RV	RV
Animal Regulations	J	J	Q	Q	Q	Q
Density	-	-	-	-	-	-
Lot Size	1 acre	1 acre	0.5 acre	10000 sq. ft	6000 sq. ft	6000 sq.
Building Type	C	C	C	C	K	K
Max. Floor Area	-	-	-	-	-	-
Floor Area Ratio	-	-	-	-	-	-
Height	G (35')	G (35')	G (35')	G (35')	G (35')	G (35')
Lot Coverage	-	-	-	-	-	-
Setback	B	B	H	H	H	H
Open Space	-	-	-	-	-	-
Special Area Regulations	-	-	-	-	-	-

The General Plan Land Use Designations indicate the number of units per acre which may be built.

- Village Residential 15 – 15 units per gross acre
- Village Residential 7.3 – 7.3 units per gross acre
- Village Residential 4.3 – 4.3 units per gross acre
- Village Residential 2 – 2 units per gross acre
- Semi-Rural 1 – 1 unit per 1, 2, or 4 gross acres (Slope dependent, see GP Table LU-2)

The Zoning Use Regulation regulates what types of uses may be permitted. The uses permitted for each Use Regulation listed below are outlined in Section 2000 of the Zoning Ordinance.

- RR – Rural Residential
- RS – Single-family residential
- RV – Variable Residential

The Building Type designators regulate what types of structures may be built (only residential types are shown below):

- C Designator: Single Detached (one dwelling per lot)
- K Designator: Single Detached (One dwelling unit per lot); Semi-Detached (one dwelling unit per lot; Duplex or Double Detached; Stacked (same lot); Triplex, Three Unit Multiple (same lot); Attached, Three to Eight Dwelling Units (separate lots, i.e. Condominiums); Multi-Dwelling (same lot, i.e. Apartments)

The Height designators indicate the maximum height that structures may be built to:

- G Designator = 35 feet
- J Designator = 40 feet.



ANALYSIS CONDUCTED BY STAFF

PDS conducted further analysis for potential impacts to the community and for consistency with existing plans, policies, and statutes. The discussion below highlights issues of particular concern to the community and explains the rationale used to make the proposed recommendations listed above.

FIRE SAFETY

The five parcels within NCM402 have a singular means of access from Pinecrest Avenue. This limited access creates issues related to dead-end road length and fire safety. A dead-end road is a road that has only one point of vehicular ingress/egress, including cul-de-sacs and looped roads. The length of a dead-end road is assessed as part of a determination of a proposed development's compliance with the County Fire Code. Projects proposed on a site in exceedance of dead-end road length standards are required to provide a secondary access to comply with fire safety standards.

The distance from the furthest parcel in NCM402 to the intersection of Pinecrest Ave. & W. 9th Ave.—the first opportunity to egress in two separate directions—is approximately 1,800 feet from the vacant parcel. All of the proposed options to be considered by the Planning Commission would result in an exceedance of the maximum dead-end road length standard (800 feet) set forth in the Section 503.2.5.1 of the 2020 Consolidated Fire Code. Therefore, no development could be achieved on the parcels within NCM402 without a secondary access for fire safety reasons.

The County Fire District states the only mitigation for any development on parcels within NCM402 in exceedance of dead-end road length is to establish a secondary access route for the development site. Due to the location of existing structures and the topography of area surrounding NCM402, it is unlikely that secondary access could be established. Additionally, the Escondido Fire Protection District has stated that the exceedance of maximum dead-end road length makes the Analysis Area unsuitable for high or hazardous occupancies, including uses for assembly, business groups, and educational facilities. A subdivision of land would not be permitted without a secondary access. As a result of the inability to meet dead-end road length at this site, the Escondido Fire Protection District does not support any further residential development within NCM402.

TRAFFIC

In response to public concerns potential increases to traffic volumes resulting from new residential development, a traffic impact study was conducted to analyze the possible impact of new dwelling units within NCM402. The study conducted by Rick Engineering found that an increase in average daily trips (ADT) caused by new residential development would not significantly affect the traffic flow, also known as Level of Service (LOS), of Pinecrest Avenue. The study states that this roadway currently functions as a rural residential collector, with an acceptable LOS of 1,500 - 4,500 ADT. Under all options presented to the Planning Commission, the potential ADT generated by any development within the vacant parcel would not exceed 1,500 ADT.

The study did not provide a conclusion about impacts to the nearby intersection of 9th Avenue and Pinecrest Avenue. The study included a preliminary analysis for that intersection for the morning and afternoon peak hours. This study found that two "critical movements" were below County standards: the Northbound left turn onto 9th Avenue during the PM peak hour, and the Southbound left turn onto 9th Avenue during the PM peak hour. It is anticipated that an increase in ADT within NCM402 will further degrade the LOS at this intersection.



AVAILABILITY OF PUBLIC SERVICES

Currently, public sewer service is not available to the undeveloped parcel within NCM402, due to the topography of the surrounding streets. Staff from the City of Escondido indicated that service could potentially be provided with an extension of the existing sewer facilities located in 15th Avenue to the east, which would require establishing new easements and annexing the parcel to the City of Escondido.

Any future residential development on the undeveloped parcel, while under the County's jurisdiction, would likely require an on-site wastewater treatment system (septic). The Department of Environmental Health and Quality (DEHQ) reviews septic projects to ensure they meet the water basin plan standards set by the Regional Water Quality Control Board.

If the property owner of the vacant parcel was to propose a subdivision of land, the project would be subject to the Local Agency Management Program (LAMP) standards for Onsite Wastewater Treatment Systems. The Average Allowable Density for Subdivision Lots set by the LAMP for this site is one unit per 2.5 acres. Greater density can be permitted if further studies are completed to determine the septic capacity, including a Nitrate Mass Balance Study.

If the property owner was to propose a multi-family residential development, the reliance on a septic system would likely constrain the potential dwelling units achievable within the undeveloped parcel. Preliminary estimates from the Department of Environmental Health and Quality predict that the site will be able to achieve only one unit per ½ acre on a septic system.

2017 HOUSING ELEMENT

In the 2017 Housing Element Update, the vacant 3.7-acre parcel in NCM402 was designated as a Regional Housing Needs Assessment (RHNA) site. Under California state law, the County is required to maintain an inventory of sites which can be developed to meet housing needs for a range of income levels. As part of the County's Fifth Housing Element, the vacant parcel within NCM402 was designated to provide an estimated 44 units at a density of VR-15. Section 65863 of the California Government Code states that a jurisdiction may not make any action that would reduce the density for any parcel designated as part of the Regional Housing Needs Assessment without findings to show that there is sufficient housing capacity elsewhere in the unincorporated area or that the jurisdiction can identify additional sites to meet the housing need by income level. This is also known as "no net loss".

If the Board of Supervisors votes to amend the General Plan Designation of NCM402 to a lower density prior to the expiration of the Fifth Housing Element, findings will need to be made to show that another site has been identified in the unincorporated area which can provide housing capacity to adequately replace any lost residential units from the RHNA inventory. Staff has determined that a change of density in NCM402 would not affect the County's compliance with the Regional Housing Needs Assessment.

The County is not expected to include the vacant parcel as part of the housing inventory in the Sixth Housing Element, which is projected to be heard by the Board in Summer 2021. Therefore, if the density of NCM402 is reduced after the Sixth Housing Element is adopted, these findings of additional housing capacity will not be necessary.



STATUTORY REQUIREMENTS

In 2019, the California legislature approved Senate Bill 330, the Housing Crisis Act of 2019. The Act was intended to accelerate housing construction in California by cutting the time it takes to obtain building permits, limiting fees on housing, and barring local governments from reducing the number of homes that can be built. The Act prohibits jurisdictions from changing the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use than what was in effect on January 1, 2018 (Cal. Gov. Code § 66300(b)(1)(A)). The County may only reduce the density of the General Plan Land Use Designation of NCM402 if it concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction, resulting in greater density, to ensure that there is no net loss in residential capacity (Cal. Gov. Code § 66300(i)(1)). If one of the options resulting in a lower density is selected, the Planning Commission would recommend that the Board direct staff to find housing capacity elsewhere in the unincorporated area.

CORRECTION: The restrictions on changes to land use limitations established by SB 330 is only applicable to "affected areas" of the County. Affected areas are census designated places, based on the 2013-2017 American Community Survey 5-year Estimates, that are wholly located within the boundaries of an urbanized area, as designated by the United States Census Bureau. To be classified as an affected area, a property must be in both within the boundary of a census designated place and in an urbanized area. During staff's first review of SB 330's applicability to the Pinecrest General Plan Clean-Up, it was mistakenly identified as being within an affected area because the Pinecrest site is within the Escondido Urbanized Area boundary. Upon a second review, it was found that the site it does not fall within the boundary for a Census designated place. As the site is not within a census designated place, it is not in an affected area as defined by SB 330. Therefore, there are no restrictions on any changes to land use limitations of the Pinecrest Clean-Up area as set by SB 330.

The County is required to resolve the inconsistency between the General Plan Land Use Designation and the Zoning Use Regulation by Government Code Section 65860. As set forth in Section 65860, when a zoning ordinance becomes inconsistent with a general plan because of a general plan amendment, the zoning ordinance must be amended within a reasonable time so that it is consistent with the general plan as amended. The present General Plan Land Use Designation and Zoning Use Regulation are not considered consistent, as defined in Section 2050 of the Zoning Ordinance. Therefore, the County must either amend the General Plan or the Zoning Ordinance to comply with Government Code Section 65860.