

ORDINANCE NO. 2022-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING AMENDMENTS TO THE ESCONDIDO MUNICIPAL AND ZONING CODES FOR THE IMPLEMENTATION OF SENATE BILL 9.

WHEREAS, the City of Escondido Planning and Engineering Divisions and City Attorney's Office have reviewed the Government Code sections created by the adoption of Senate Bill 9 ("SB 9"), and developed objective development standards to efficiently implement the requirements in the City of Escondido; and

WHEREAS, to create the local provisions, Planning Division staff identified the need to amend Articles 1 (General Provisions and Definitions), 6 (Residential Zones), and 61 (Administration and Enforcement) of the Escondido Zoning Code, and Sections 23-119 (Public dedication of rights-of-way required), 23-120 (Public improvements required), 23-47 (Undergrounding required), and 32.204.02 (requirements) of the Escondido Municipal Code; and

WHEREAS, the Planning Commission of the City of Escondido, on July 12, 2022, held a public hearing to consider the Zoning Code Amendments and unanimously recommended approval of the items as provided in Exhibit "B"; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") and the CEQA Guidelines (Title 14 of California Code of Regulations, Section 15000 et. seq.), the City is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the proposed Amendments; and

WHEREAS, on August 24, 2022, and September 14, 2022, the City Council of the City of Escondido did hold duly noticed public hearings as prescribed by law. At said hearings, the City Council received and considered the reports and recommendations of the Planning Commission and City staff, and gave all

persons full opportunity to be heard and to present evidence and testimony respecting said matter.

Evidence was submitted to and considered by the City Council, including, without limitation:

- a. Written information, and other material, submitted as part of the Amendments;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff reports, dated August 24, 2022, and September 14, 2022, with their attachments as well as City staff's recommendation on the Amendments, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing.

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

SECTION 1. That the above recitations are true.

SECTION 2. That the proposed Zoning Code Amendments are exempt from further review pursuant to the CEQA and the State CEQA Guidelines pursuant to Sections 65852.21(j) and 66411.7(n), in that the proposed amendments are associated with adoption of local SB 9 requirements.

SECTION 3. That the Project satisfies the requirements of state Planning and Zoning Law.

SECTION 4. That the proposed amendments to the Escondido Municipal and Zoning Codes are consistent with the Escondido General Plan and applicable Elements were reviewed as part of the amendment drafting process to ensure consistency.

SECTION 5. That, after consideration of all evidence presented, and studies and investigations made by the City Council and on its behalf, the City Council makes the substantive Findings of Fact and determinations attached hereto as Exhibit "A," relating to the information that has been considered.

SECTION 6. That, considering the Findings of Fact and applicable law, the City Council hereby approves said amendments, attached as Exhibit "B" and hereto and incorporated herein by this reference as though fully set forth herein.

SECTION 7. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 8. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9. That the City Clerk is hereby directed to 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 County and circulated in the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 28<sup>th</sup> day of September, 2022 by the following vote to wit:

AYES : Councilmembers: GARCIA, INSCOE, MORASCO, MARTINEZ, MCNAMARA

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:  
*Paul McNamara*  
CAACE20782954D3  
PAUL MCNAMARA, Mayor of the  
City of Escondido, California

ATTEST:

DocuSigned by:  
*Zack Beck*  
A58535D08DC1430  
ZACK BECK, City Clerk of the  
City of Escondido, California

\*\*\*\*\*

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO : ss.  
CITY OF ESCONDIDO )

I, Zack Beck, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2022-18 passed at a regular meeting of the City Council of the City of Escondido held on the 14<sup>th</sup> day of September, 2022, after having been read at the regular meeting of said City Council held on the 28<sup>th</sup> day of September, 2022.

DocuSigned by:  
*Zack Beck*  
A58535D08DC1430  
ZACK BECK, City Clerk of the  
City of Escondido, California

ORDINANCE NO. 2022-18

## **FACTORS TO BE CONSIDERED / FINDINGS OF FACT**

### **PL22-0363**

#### **Zoning Code Amendment Determinations:**

1. The public health, safety, and welfare will not be adversely affected by the proposed change in that the amendment under consideration is directly linked to the recent State legislation (SB 9), and adopts local objective requirements and procedures for efficiently processing two family dwelling developments and urban lot splits.
2. The proposed modifications are for all parcels zoned estate residential (R-E) and single-family residential (R-1) on the City of Escondido Zoning Map, as well as parcels in specific plans intended primarily for single-family residential development. The approval of these requirements are consistent with State law and allows for implementation of local objective development standards.
3. The uses that would be permitted by the proposed Zoning Code Amendment will not be detrimental to surrounding properties because on January 1, 2022, the provisions for SB 9 became active across the State and already apply to every single-family residential parcel in the City of Escondido. Adoption of local requirements allows the City to establish objective development standards to ensure compatibility with existing residential neighborhoods.
4. The proposed change is consistent with the adopted General Plan as the City of Escondido must continue to provide more opportunities for housing to meet the Regional Housing Needs Allocation of 9,607 units that have been assigned to Escondido. In addition, State law supersedes our local limitations regarding single-family residential zoning districts, and adopting local objective standards allows the ability to maintain neighborhood compatibility to the extent possible.
5. By reference, the proposed changes, pursuant to SB 9, will apply to parcels in specific plans designated primarily for single-family residential use.

1. *THE FOLLOWING SECTIONS SHALL BE ADDED TO THE ESCONDIDO ZONING CODE:*

**Sec. 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 multi-family 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 the Public 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 (1 ½) 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 (1 ½) 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 onsite 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 2 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 6 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 onsite 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 percent 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.

**Sec. 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 Escondido Municipal Code shall apply unless expressly modified in this section.
  - (1) No dedication of right-of-way or construction of offsite 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:

- (1) 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 (2) 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:

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

2. *THE FOLLOWING DEFINITION SHALL BE ADDED TO **SEC. 33-8. DEFINITIONS OF THE ESCONDIDO ZONING CODE (IN ALPHABETICAL ORDER):***

*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.

3. **SEC. 33-90. PURPOSE OF THE ESCONDIDO ZONING CODE SHALL BE REVISED TO READ AS FOLLOWS:**

**Sec. 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 four hundred thousand (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.

**4. TABLE 33-94 OF THE ESCONDIDO ZONING CODE SHALL BE REVISED TO APPEAR AS FOLLOWS:**

**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 <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
Mobilehome on parcel alone, pursuant to section 33-111	P	P	P	P				
Two-family dwelling units and urban lot splits		P <sup>2</sup>	P <sup>2</sup>					
Two-family, three-family, and multiple-family dwellings					P	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>

**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 seventy (70) percent 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 Pursuant to sections 33-115 and 33-116.

5. **SEC. 33-95. PERMITTED ACCESSORY USES AND STRUCTURES OF THE ESCONDIDO ZONING CODE SHALL BE REVISED TO READ AS FOLLOWS** (Note: Tables 33-95 and 33-95a are not shown below, however they shall not be deleted from the Escondido Zoning Code. Table 33-95 shall follow subsection (a)(1) and Table 33-95a shall follow section (b)(4)):

**Sec. 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.
- (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 (4) 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.

6. **SEC. 33-97. PROPERTY DEVELOPMENT STANDARDS OF THE ESCONDIDO ZONING CODE SHALL BE REVISED TO READ AS FOLLOWS:**

**Sec. 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.

7. **TABLE 33-98a OF THE ESCONDIDO ZONING CODE SHALL BE REVISED TO APPEAR AS FOLLOWS:**

**Table 33-98a**

Zoning Suffix	Minimum Lot Area (square feet)	Average Lot Width (feet)	Minimum Street Lot Frontage	Population Density
R-T <sup>2</sup>	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 <sup>1</sup> .	Not more than one single-family dwelling may be placed on a lot or parcel of land in this zone. <sup>3</sup>
R-1-6	6,000	60		
R-1-7	7,000	65		
R-1-8	8,000	70	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.	
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	Panhandle lots pursuant to Article 56.	
R-1-20	20,000	100		
R-1-25	25,000	110		

Zoning Suffix	Minimum Lot Area (square feet)	Average Lot Width (feet)	Minimum Street Lot Frontage	Population Density
			*Mobilehome parks pursuant to Article 45 allow different lot requirements. Title 25 provisions apply where applicable.	
R-E-20	20,000	100	20 feet or be connected to a public street by a permanent access easement <sup>1</sup> .  Panhandle lots pursuant to Article 56.	
R-E-25	25,000	110		
R-E-30	30,000	125		
R-E-40	40,000	150		
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. <sup>1</sup>	
R-A-10	435,600		Panhandle lots pursuant to Article 56.	

**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.

8. ***SEC. 33-106. PLAN APPROVAL REQUIRED OF THE ESCONDIDO ZONING CODE SHALL BE REVISED TO READ AS FOLLOWS:***

**Sec. 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 dwellings 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.

9. ***SEC. 33-107. BUILDING REQUIREMENTS, GENERALL OF THE ESCONDIDO ZONING CODE SHALL BE REVISED TO READ AS FOLLOWS:***

**Sec. 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**

<b>Building Requirements</b>	<b>R-A</b>	<b>R-E</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>R-T*</b>
Building height (feet), except as otherwise provided in this chapter	35	35	35	35 <sup>1</sup>	35 <sup>1</sup>	75	75	35
Maximum building stories				2 <sup>1</sup>	3 <sup>1</sup>	4 <sup>1</sup>	4 <sup>1</sup>	
Minimum distance between residence and accessory buildings (feet)	10 <sup>5</sup>	10 <sup>5</sup>	10 <sup>5</sup>	10 <sup>5</sup>	10 <sup>5</sup>	10 <sup>5</sup>	10 <sup>5</sup>	10 <sup>5</sup>
Dwelling unit minimum floor area (square feet) <sup>2</sup>	850	1,000 <sup>6</sup>	850 <sup>6</sup>	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) <sup>3</sup>	0.3	0.4 <sup>4</sup>	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 (1) 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 (5) additional feet for each story over two (2) 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 (1) story in height, then the minimum separation requirement may be reduced to five (5) 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.

**10. SEC. 33-1314. DEFINITION AND PURPOSE OF THE ESCONDIDO ZONING CODE SHALL BE REVISED TO READ AS FOLLOWS:**

**Sec. 33-1314. Definition and purpose.**

(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 multi-family, 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.

**11. SEC. 23-119. PUBLIC DEDICATION OF RIGHTS-OF-WAY REQUIRED OF THE ESCONDIDO MUNICIPAL CODE SHALL BE REVISED TO READ AS FOLLOWS:**

**Sec. 23-119. Public dedication of rights-of-way required.**

(a) Subject to the "individualized determination" of section 23-121, any applicant who constructs any new building or dwelling in the city shall grant necessary public dedication or have provided a grant of easement or other appropriate conveyance, as approved by the city attorney. Accessory structures with a valuation less than

twenty-three thousand eight hundred twenty-eight dollars (\$23,828.00), as determined by building permit valuation, and accessory structures to single-family residences shall be exempt from this section. Rights-of-way shall also be provided for any improvements to existing facilities including rights-of-way for storm drains or other required public facilities. All rights-of-way shall be accompanied by a title examination report and be free of all liens and encumbrances.

- (b) The public dedications required by subsection (a) of this section shall also apply to any person who enlarges or expands any building in the city if the cost of such work exceeds the sum of twenty-three thousand eight hundred twenty-eight dollars (\$23,828.00) as determined by building permit valuation. By resolution of city council, said amount may be increased annually consistent with the International Code Council valuation schedule for the appropriate construction type.
- (c) The required public dedications shall be granted prior to issuance of the building permit for the subject property.
- (d) In determining the building permit valuation, the building official shall include the cumulative building permit valuation of multiple building permit applications within a twelve (12) month period to determine whether the development is exempt from this section.
- (e) Projects developed under the provisions of sections 33-116 of the Escondido Zoning Code shall be exempt from the provisions of this section. Easement(s) may be required for future public facilities, utilities, and/or access.

**12. SEC. 23-120. PUBLIC IMPROVEMENTS REQUIRED OF THE ESCONDIDO MUNICIPAL CODE SHALL BE REVISED TO READ AS FOLLOWS:**

**Sec. 23-120. Public improvements required.**

- (a) Subject to the "individualized determination" of section 23-121, any applicant who constructs any building or dwelling in the city shall construct all necessary public improvements in accordance with city specifications upon the property and along all street frontages adjoining the property upon which such building is constructed unless adequate improvements already exist. Accessory structures with a valuation less than twenty-three thousand eight hundred twenty-eight dollars (\$23,828.00), as determined by building permit valuation, and accessory structures to single-family residences shall be exempt from this section. In each instance, the city engineer shall determine whether the necessary improvements exist and are adequate. Each building permit application shall be so endorsed at the time it is issued. All new and redevelopment projects are subject to undergrounding of overhead utilities.

- (b) The improvements required by subsection (a) of this section shall also apply to any person who enlarges or expands any building or dwelling in the city if the cost of such work exceeds twenty-three thousand eight hundred twenty-eight dollars (\$23,828.00), as determined by building permit valuation.
- (c) By resolution of city council, such amount may be increased annually consistent with the International Code Council valuation scheduled for the appropriate construction type. Tenant and façade improvements to any building that do not result in enlargement or expansion of the building area are exempt from public improvements and undergrounding of overhead utilities.
- (d) In determining the building permit valuation, the building official shall examine the cumulative building permit valuation of multiple building permit applications within a twelve (12) month period to determine whether the development is exempt from this section.
- (e) Projects developed under the provisions of sections 33-116 of the Escondido Zoning Code shall be exempt from the provisions of this section. Easement(s) may be required for future public facilities, utilities, and/or access.

**13. SEC. 23-47. UNDERGROUNDING REQUIRED OF THE ESCONDIDO MUNICIPAL CODE SHALL BE REVISED TO READ AS FOLLOWS:**

**Sec. 23-47. Undergrounding required.**

- (a) All development projects within the City of Escondido which are either new subdivisions or subject to section 23-119 or 23-120 shall be required to underground all utility distribution facilities, including cable television and other communication facilities.
- (b) The developer shall make the necessary arrangements with each of the serving utilities, including those providing cable television, telephone, and other utility services, for the installation of such facilities. All transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and any other related facilities appurtenant to such underground utilities shall also be placed underground except in circumstances permitting above ground installations pursuant to conditions established by the director of community development.
- (c) Projects developed under the provisions of sections 33-116 of the Escondido Zoning Code shall be exempt from the provisions of this section. Easement(s) may be required for future public facilities, utilities, and/or access.



14. **SEC. 32-204.02. REQUIREMENTS OF THE ESCONDIDO MUNICIPAL CODE SHALL BE REVISED TO READ AS FOLLOWS:**

**32.204.02. REQUIREMENTS**

Before approval of a Final or Parcel Map for a subdivision, the subdivider shall:

- A.** Grade and improve or agree to grade and improve all land dedicated or to be dedicated for streets or easements, bicycle ways and all private streets and private easements laid out on a Final Map or Parcel Map in such manner and with such improvements as are necessary in accordance with the Escondido City standards;
- B.** Install or agree to install sewers or sewage disposal systems in accordance with the Private Sewage Disposal Systems ordinance;
- C.** Provide proof satisfactory to the City Engineer that there exists an adequate potable water supply available to each lot or parcel and that the sub-divider will install or agree to install water supply facilities to the satisfaction of the City Engineer provided that the City Engineer may require such other system or size of water supply pipe as recommended by the water facility serving the subdivision;
- D.** Install or agree to install as required by the City Engineer, fire hydrants and connections, which hydrants and connections shall be of a type approved by the Escondido Fire Chief; and
- E.** Construct or agree to construct all off-site improvements required by the City Engineer.
- F.** Subdivisions created under the provisions of section 33-116 of the Escondido Zoning Code shall be exempt from the provisions of this section. Easement(s) may be required for future public facilities, utilities, and/or access.