



PLANNING COMMISSION

Agenda Item No.: _____

Date: September 22, 2009

CASE NUMBER: AZ 09-0003

APPLICANT: City of Escondido

LOCATION: Citywide

TYPE OF PROJECT: Amendment to the Zoning Code

PROJECT DESCRIPTION: A request for an amendment to Section 33-1116 of the Zoning Code to increase the permitted number of dogs and cats in the R-1 (Single-Family Residential), RE (Residential Estates) and RA (Residential Agricultural) zones. The amendment also would include a minor clarification related to household pets in a Second Dwelling Unit.

STAFF RECOMMENDATION: Approval

BACKGROUND/SUMMARY OF ISSUES:

On July 8, 2009, the City Council initiated an Amendment to the Zoning Code to study the potential expansion of the number of dogs permitted in the R-1, RE and RA zones. Section 33-1116 of the Escondido Zoning Code addresses the type and number of household pets permitted in each residential zone. Section 33-1116(e) specifically addresses dogs and cats, and allows each dwelling unit located in the R-1 zone to have a maximum of two dogs and/or cats over four months of age. Each dwelling unit located in the RE or RA zone is permitted to have a maximum of three dogs and/or cats. There is no specific limit on the number of puppies or kittens under the age of four months that each resident can have. Section 33-1116(g) allows a Conditional Use Permit to be granted to a residence to allow up to twice the number of any permitted pet.

Due to the current nationwide economic situation, many residents are in a position where they are unable to afford to feed or maintain their pets. In addition, many homeowners who have been forced out of their homes due to foreclosures, evictions or other financial hardships have been unable to take their pets with them to their next residence due to relocating to a smaller residence or apartment, or a landlord not accepting pets. Many of these pets have been turned in to local shelters resulting in a large influx of animals up for adoption. Shelters throughout the country have reported an increase in the number of pets being surrendered over the past year.

In Escondido there are many households who have the means, ability and desire to adopt additional dogs or cats, or to provide a foster home to pets who are temporarily displaced until they can be retrieved by their owners or until they are permanently adopted. However, they are prevented from doing so without going through the Conditional Use Permit process, including paying the application fee, and are limited to the numbers currently specified in the Zoning Code.

An increase is proposed to the number of dogs and cats permitted by right in the RE and RA zone, and by right subject to lot size in the R-1 zone. In addition, specific language is proposed to clarify permitted pets when there is a legal Second Dwelling Unit on a parcel, since the Zoning Code is silent on the issue.

Staff feels that the issues are as follow:

1. Whether it would be appropriate to permit additional dogs and cats in single-family zones than currently permitted.

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2. Whether specific language is needed in the Zoning Code clarifying permitted household pets on a parcel containing a Second Dwelling Unit.

REASONS FOR STAFF RECOMMENDATION:

1. The proposed amendment would give some flexibility to pet owners on large lots in single-family zones without resulting in a negative impact to surrounding neighborhoods. The proposed increase in the number of dogs and cats is based on lot size, and no changes are proposed for single-family lots less than 10,000 SF in size. The proposed increase would allow one dog/cat in addition to what is currently permitted by right in the RA and RE zones and either one or two dogs/cats in addition to what is currently permitted by right in the R-1 zone on lots greater than 10,000 SF in size. The maximum number of household pets permitted in each of the single-family zones with a Conditional Use Permit (CUP) would remain no more than currently permitted with a CUP.
2. The Zoning Code is silent on the type and number of household pets permitted for a Second Dwelling Unit. Language related to permitted pets is needed to clarify the intent of the Second Dwelling Unit Ordinance, which is to have affordable housing in single-family zones with minimal impact to surrounding properties. The revised language would specify that the maximum number of household pets would be the same as permitted for a single residence, regardless of whether there is an approved Second Dwelling Unit on the site.

Respectfully submitted,

Kristina Owens
Assistant Planner II

A. ENVIRONMENTAL STATUS

1. A Notice of Exemption was issued on September 3, 2009, in accordance with CEQA Section 15061(b)(3), "General Rule."
2. In staff's opinion, no significant issues remain unresolved through compliance with code requirements.
3. The project will have no impact on fish and wildlife resources since no sensitive or protected habitat would be impacted by the proposed Zoning Code Amendment.

B. CONFORMANCE WITH CITY POLICY/ANALYSIS

General Plan

The proposed Zoning Code Amendment would be consistent with the General Plan since there are no policies in the General Plan specifically related to household pets. No General Plan policies or land use designations would be modified or impacted by the proposed Zoning Code Amendment.

Whether it Would be Appropriate to Permit Additional Dogs and Cats in Single-Family Zones Than Currently Permitted

An amendment to the Zoning Code was initially proposed to increase the number of dogs permitted in single-family residential zones. Since dogs and cats are classified in the same category in the Zoning Code, the proposed amendment would apply to both dogs and cats.

Currently, residents of parcels in the RA and RE zone are permitted to have up to three dogs and/or cats, and up to six of each with a Conditional Use Permit (CUP). Parcels in the R-1 zone are permitted to have two dogs and/or cats by right, and up to four of each with a Conditional Use Permit, regardless of lot size. The Conditional Use Permit process allows anyone to request up to twice the number of any type of pet otherwise permitted. With the proposed amendment, parcels in the RA and RE zones and some larger lots in the R-1 zone would be permitted to have additional dogs and cats without the need for a Conditional Use Permit.

It is proposed that one additional dog and/or cat would be permitted by right for properties in the RA and RE zones (for a total of four). Up to six of each would still be permitted with a Conditional Use Permit. In the R-1 zone the number of dogs and/or cats permitted on a parcel 10,000 SF or less in size would remain unchanged at two. On lots between 10,000 SF and 20,000 SF in size in the R-1 zone one additional cat and/or dog (for a total of three) would be permitted. A Conditional Use Permit would continue to be permitted for up to four of each pet on lots of less than 20,000 SF in size. Two additional dogs and/or cats (for a total of four) would be permitted by right on lots in the R-1 zone larger than 20,000 SF, with no additional dogs and/or cats permitted with a CUP. The number of cats/dogs proposed to be permitted by right in each zone/lot size would be no more than currently permitted with a Conditional Use Permit. In addition, the number of pets permitted would be more consistent by lot size in single-family zones.

Other cities in San Diego County permit varying numbers of dogs and cats in single-family residential zones, ranging from one to six, with an average of three to four, permitted by right. Staff feels that slightly increasing the number of dogs and cats permitted for some larger single-family parcels would be consistent with what is permitted in other cities and would not be detrimental to surrounding properties. Lots larger than 10,000 SF in size would be large enough to accommodate a small increase in the number of dogs or cats without negatively impacting neighboring properties.

The number of cats and dogs permitted in the RT, R-2, R-3 and R-4 zones, with and without a Conditional Use Permit, would remain the same.

Whether Specific Language is Needed in the Zoning Code Clarifying Permitted Household Pets on a Parcel Containing a Second Dwelling Unit

Zoning Code Section 33-1116 (household pets) specifies the number of household pets permitted in each residential zone “for the personal use of the occupants of each dwelling unit in a residential zone.” Since the RA, RE and R-1 zones are single-family residential zones, typically each lot or parcel contains only one residential unit. When a Second Dwelling Unit (SDU) is approved in conformance with Zoning Code Article 70 (Second Dwelling Units), that unit is considered a secondary unit and may be occupied separately or rented out. There is no specific language in the SDU Ordinance related to household pets.

A Second Dwelling Unit is intended to allow affordable housing with minimal impacts to surrounding neighborhoods and adjacent properties. An amendment is proposed to Section 33-1116 to clarify the intent that a second dwelling unit be incidental to the main residence on a property for purposes of calculating the maximum number of allowed pets. A parcel with a SDU would be permitted to have the same number of household pets as the zoning permits for the main residence, not double the number of permitted animals on the site. For the purposes of determining the number of permitted pets a SDU will not be considered a separate unit. Any single-family residence on a parcel with or without a legal Second Dwelling Unit will be permitted to have the number and type of household pets permitted for one residence, as described in Section 33-1116. This amendment would clarify and codify current staff policy with respect to pets in second dwelling units.

FACTORS TO BE CONSIDERED
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EXHIBIT "A"

1. The public health, safety and welfare would not be adversely affected by the proposed Zoning Code Amendment, since the amendment would not modify any permitted uses, but would clarify and expand the number of household dogs and cats permitted on large parcels of land in the single-family residential zones. The number of pets permitted would be more consistent among lot sizes. One additional dog and/or cat would be permitted by right for properties in the RA and RE zones, and on lots between 10,000 SF and 20,000 SF in the R-1 zone. Two additional dogs and/or cats would be permitted by right on lots larger than 20,000 SF in the R-1 zone. Parcels greater than 10,000 SF in size are able to accommodate additional cats and dogs without causing a negative impact to neighboring properties. The number of cats/dogs proposed to be permitted by right in each zone would be no more than currently permitted with a Conditional Use Permit. In addition, the number of cats and dogs proposed to be permitted is similar to the number permitted in other cities in San Diego County.
2. The proposed Zoning Code Amendment would not be detrimental to surrounding properties, since an increased number of household dogs and cats would apply to only a limited number of larger properties and the maximum number would be consistent among properties with similar lot sizes. The maximum number of permitted dogs and cats in a single-family residential zone with a Conditional Use Permit would be no more than the maximum currently permitted with a CUP. In addition, the amendment related to household pets on properties where there is a legal Second Dwelling Unit would clarify current policy based on the intent of the Second Dwelling Unit Ordinance.
3. The proposed amendment would be consistent with the General Plan, since no land uses or policies would be amended or impacted. There are no General Plan policies related to household pets.

EXHIBIT "B"
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Sec. 33-1116. Household pets in the residential zones.

Animals and/or household pets may be maintained on the premises as pets for the personal use of the occupants of each dwelling unit in a residential zone in accordance with the following:

- (a) Tropical fish, excluding caribe and turtles;
- (b) Small birds such as canaries, parrots, parakeets, love birds, etc., may be kept in accordance

with the following schedule:

R-A, R-E zones:	Up to twelve (12) total
R-1 zones:	Up to six (6) total
R-T, R-2, R-3 and R-4 zones:	Up to three (3) total

(c) A maximum of one hundred (100) racing or homing pigeons may be kept on any lot or parcel of land within the R-E, R-A or R-1 zone, provided the pigeon owners in the application file with the city a letter stating their affiliation with any state or nationally recognized racing or homing pigeon association or federation.

The term "racing or homing pigeon" shall mean pedigree pigeons which are banded and kept for the purpose of racing or homing sporting events conducted by a nationally affiliated sporting association, such as, but not limited to, the American Racing Pigeon Union or the International Federation of Racing Pigeon Fanciers;

(d) Adult rabbits, white mice, chipmunks, squirrels, chinchillas, guinea pigs, hamsters and the like, only in accordance with the following schedule:

R-A, R-E zone:	As provided in the zone
R-1 zone:	Up to four (4) total
R-T, R-2, R-3 and R-4 zones:	Up to two (2) total

(e) Household dogs and/or cats; but, if over four (4) months of age, only in accordance with the following schedule:

R-A, R-E zone:	Up to three (3) of each	Up to four (4) of each		Up to six (6) of each with a Conditional Use Permit in conformance with Sec 33-1116(g)
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R-1 zone:	Up to two (2) of each	Lots < 10,000 SF	Up to two (2) of each	Up to four (4) of each with a Conditional Use Permit in conformance with Sec 33-1116(g)
		Lots 10,000 SF – 20,000 SF	Up to three (3) of each	Up to four (4) of each with a Conditional Use Permit in conformance with Sec 33-1116(g)
		Lots > 20,000 SF	Up to four (4) of each	
R-T, R-2, R-3 and R-4 zones:	Up to one (1) of each			Up to two (2) of each with a Conditional Use Permit in conformance with Sec 33-1116(g)

(f) Other similar animals which in the opinion of the planning commission are not more obnoxious, detrimental or dangerous to the public and neighboring properties than the animals enumerated in this section;

(g) A conditional use permit may be granted to allow additional animals over those permitted by this section; provided, however, that the total number of animals so authorized shall not exceed twice that enumerated herein, **except household dogs and cats. The number of dogs and cats allowed with a conditional use permit shall be as specified in section 33-1116(e);**

(h) An animal overlay zone may be applied in the R-E (residential estates) or R-A (residential agricultural) zones upon approval by the planning commission and city council, pursuant to Article 9 of this chapter. (Zoning Code, Ch. 108, § 1085.21; Ord. No. 90-40, § 2, 8-15-90);

(i) A Second Dwelling Unit in conformance with Article 70 shall not be considered a separate dwelling unit for purposes of determining the number of permitted pets in accordance with this Section. The total number of household pets permitted on a parcel which contains a second dwelling unit shall be the total permitted for one unit.