

ORDINANCE NO. 2019-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING ARTICLES 1, 6, 9, 16, 26, 39, 57, 61, 65, 66, 67, 70, AND 73 OF THE ESCONDIDO ZONING CODE TO ADDRESS CHANGES IN STATE LAWS, CORRECT ERRORS, AND IMPROVE EXISTING REGULATIONS.

APPLICANT: City of Escondido
PLANNING CASE NO.: AZ 19-0003

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 public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 2. The Planning Commission conducted a public hearing on June 25, 2019, to discuss and consider proposed amendments to the Zoning Code, considered public testimony, and made a recommendation to the City Council.

SECTION 3. The City Council has duly reviewed and considered all evidence submitted at said hearings, including, without limitation:

- a. Written information;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated August 7, 2019, which along with its attachments is incorporated herein by this reference as though fully set forth herein; and
- d. Additional information submitted during the Public Hearing.

SECTION 4. The City Council finds that the City's Municipal Code, Zoning Code, and Specific Plans need to be reviewed and amended periodically to address changes in State law, correct errors, and improve regulations.

SECTION 5. That upon consideration of the staff report, Planning Commission recommendation, Planning Commission staff report, all public testimony presented at the hearing held on this project, and the “Findings of Fact,” attached as Exhibit “A” to this Ordinance and incorporated herein by this reference as though fully set forth herein, this City Council finds the Zoning Code Amendments are consistent with the General Plan and all applicable specific plans of the City of Escondido. At this time, the City Council of the City Escondido desires to amend the Escondido Zoning Code to correct minor errors in the text, incorporate code interpretations, and improve existing regulations to eliminate uncertainty for staff, customers, and the public.

SECTION 6. This action is exempt from environmental review pursuant to California Environmental Quality Act Guidelines (“CEQA” and “CEQA Guidelines”) Section 15061(b)(3) since there would be no possibility of a significant effect on the environment because the amendments will not directly result in development. Any future project or development as defined by the CEQA that may occur as a result of the amended language would be subject to CEQA review and analysis.

SECTION 7. That the specified sections of the Escondido Zoning Code are amended as set forth in Exhibit “B” to this Ordinance and incorporated herein by this reference as though fully set forth herein

SECTION 8. 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 9. That as of the effective date of this Ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. 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 prepared in accordance with Government Code Section 36933, 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 21st day of August, 2019 by the following vote to wit:

AYES : Councilmembers: DIAZ, MARTINEZ, MASSON, MORASCO, 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
A58535D0BDC1430...

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. 2019-10 passed at a regular meeting of the City Council of the City of Escondido held on the 21st day of August, 2019, after having been read at the regular meeting of said City Council held on the 7th day of August, 2019.

DocuSigned by:
Zack Beck
A58535D0BDC1430...

ZACK BECK, City Clerk of the
City of Escondido, California

ORDINANCE NO. 2019-10

EXHIBIT "A"

FACTORS TO BE CONSIDERED / FINDINGS OF FACT

Municipal Code and Zoning Code Amendment(s) Determinations:

1. Over the years, staff and customers have found certain sections of the Municipal Code and Zoning Code are vague, unclear, or conflicting, which results in confusion and disagreement in code interpretation. It is important that the City of Escondido review policies and procedures on an on-going basis to ensure a customer-focused government through transparent services and positive organizational culture.

The Planning Division maintains a regular process and schedule for maintaining the City's codes and regulations. Those issues that have been identified are being addressed as part of this clean-up effort, whereby all code amendments have been combined in a single batch, called an annual omnibus.

Additional items to correct or improve the Municipal Code or Zoning Code may be considered in the next annual omnibus code clean-up cycle.

2. The City Council's decision is based on factors pursuant to Section 33-1263 of the Escondido Zoning Code.
3. The public health, safety, and welfare would not be adversely affected by the proposed batch of Municipal Code or Zoning Code Amendments because they correct internal inconsistencies, improve readability, update references to other code sections or regulatory documents, codify prior interpretations, and make the code consistent with changing state or federal regulations.
4. The proposed batch of Municipal Code or Zoning Code Amendments would be consistent with the goals and policies of the General Plan because they address changes in state laws, correct errors, and improve existing regulations to eliminate uncertainty for staff, customers, and the public. This effort is not intended to be a comprehensive update to the local code or change land use densities or intensities.
5. The proposed Zoning Code amendment does not conflict with any specific plan.

EXHIBIT "B"**PROPOSED MUNICIPAL CODE AND ZONING CODE AMENDMENTS****AZ 19-0003****SECTION 1.**

Amend the Chapter 32 of the Escondido Municipal Code to read as specified below. The changes are listed in order by section number, with ~~strikeout~~ typeface illustrating deletions and underline typeface illustrating new text.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

Sec. 33-8. Definitions. New definitions to be inserted or replaced, maintaining the sequencing of the existing alphabetical order.

Building.

(2) *Building height (also structure height)* means the vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building or structure to the top of the roof; ~~provided that chimneys, spires, towers, tanks and similar projections shall not be included in the height.~~ of the building or structure. When a basement element or underground structures exist or are proposed, height is measured from the finished grade (exterior grade adjacent to the structure) provided the finished grade is at or below the previous natural grade. All portions of the building/structure shall be located at or below the height limit of the underlying zone. Allowable projections listed in section 33-1075 need not be included in the building/structure height calculation.

Lot means:

(1) A parcel of real property shown as a delineated parcel of land with a number and other designation on the final map of subdivision recorded in the office of the county recorder of San Diego County; or

(2) A parcel of land, the dimensions or boundaries of which are defined by a record of survey maps recorded in the office of the county recorder of San Diego County in accordance with the law regulating the subdivision of land; or

(3) A parcel of real property not delineated as in subsection (1) or (2) of this definition, and containing not less than the prescribed minimum area required in the zone in which it is located and which abuts at least one (1) public street or easement which the planning commission has designated adequate for access purposes, and is held under one (1) ownership.

(4) The various definitions in this category are as follows:

(A) *Lot area* means the total area measured in a horizontal plane, included within the lot lines of a lot or parcel of land.

(B) *Corner lot* means a lot situated at the intersection of two (2) or more streets, which streets have an angle of intersection of not more than one hundred thirty-five (135) degrees.

(C) *Lot coverage* means the total horizontal area of a lot, parcel or building site covered by any building which extends more than three (3) feet above the surface of the ground level and including any covered car parking spaces. Covered patios shall not be considered as lot coverage provided that said patio is not more than fifty (50) percent enclosed.

(D) *Lot depth* means the horizontal length of a straight line connecting the bisecting points of the front and the rear lot lines.

(E) *Lot width* means the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines.

~~(E)~~(F) *Cul-de-sac lot* means an interior lot taking access from and having frontage primarily on the bulb of a cul-de-sac.

~~(F)~~(G) *Flag lot* means a lot in the approximate configuration of a flag pole, panhandle, or sign post, with the pole or post functioning primarily as an access way to the main body of the lot from the street of access, meeting the requirements of section 33-1084. In determining setbacks for a flag lot, the handle or access portion of the lot shall not be used to determine building setbacks. Setbacks shall be determined as though no handle was on the lot.

~~(G)~~(H) *Front lot line* means a line separating an interior lot from a street, or a line separating the narrower street frontage of a corner lot from the street.

~~(H)~~(I) *Interior lot* means a lot other than a corner lot or reversed corner lot.

~~(I)~~(J) *Key lot* means the first lot to the rear of a reversed corner lot whether or not separated by an alley.

~~(J)~~(K) *Rear lot line* means the record lot line or lines most distant from and generally opposite the front lot line except that in the case of an interior triangular or gore-shaped lot, it shall mean a straight line ten (10) feet in length which is: (i) parallel to the front lot line or its chord; and (ii) intersects the two (2) other lot lines at points most distant from the front lot line.

~~(K)~~(L) *Reversed corner lot* means a corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which the rear of said corner lot abuts.

~~(L)~~(M) *Side lot line* means any lot boundary line not a front lot line or a rear lot line.

~~(M)~~(N) *Through lot* means a lot having a frontage on two (2) parallel or approximately parallel streets.

Horse stable.

(1) *Private horse stable* means facilities for the keeping of horses, mules, donkeys or ponies for the use of the owners or lessees of the property and owners of the boarded animals.

(2) *Commercial horse stable* shall mean equestrian facilities such as, but not limited to, riding academies, riding rings, or training areas for horses, mules, donkeys or ponies which are rented, shown, used or boarded on a commercial basis for compensation. Accessory uses such as tack shops, on-site sale of food for people and animals, or similar uses may be permitted in conjunction with a commercial use permit. A commercial horse stable may include an office, employee break area, full bathroom and other associated areas or structures related to a commercial use. The temporary gathering of additional people and horses for a horse event,

<u>subject to sections 33-144(b) and 33-145.</u>								
<u>Barbeque pits, outdoor fireplaces, and grills</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Horse stable (commercial), subject to sections 33-144(b) and 33-145.</u>	<u>C</u>	<u>C</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>
<u>Horse stable (private), subject to sections 33-144(b) and 33-145.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>

ARTICLE 6. RESIDENTIAL ZONES.

Sec. 33-100. Side setback.

Table 33-100

Interior Side Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Interior side setback width (feet)	10 ¹	10 ¹	5 ^{1,2}	5 ⁴	5 ^{3,4}	5 ^{3,4}	5 ^{3,4}	5 ^{1,5}

Notes:

- 1 When used for access to a required parking facility, the drive aisle clearance shall be wide enough for a 10-foot-wide, unobstructed, paved driveway. The minimum width shall be increased to 16 feet with an approved turnaround (large enough to accommodate fire trucks) for driveways longer than 150 feet.
- 2 If the lot or parcel does not abut an alley, one such side setback shall be at least 10 feet in width.
- 3 An additional 5-foot setback shall be provided on each side of a lot or parcel of land for each story over 2 of a principal building, with a maximum requirement for any such side setback of 15 feet. Exception: The additional, 5-foot set-back standard does not apply to the third-story immediately above an enclosed, off-drive parking space on a lot or parcel in the R-4 or R-5

Zone with a lot width of 50 feet or less. Said exception is allowed provided that the building still maintains a setback from the side lot line or other structures as required by the California Building Code for fire separation.

- 4 A driveway that serves 2 homes has a minimum width of 20 feet. A driveway that provides a parking facility housing 3 homes or 9 or more vehicles with access to a street or alley shall be at least 24 feet wide, unless the parking facility is served by 2 one-way drives, in which case each driveway shall be at least 12 feet wide. All driveways shall have a height clearance of at least 13 feet, and shall be paved with cement, asphaltic concrete, or other construction material(s) to the satisfaction of the Director of Community Development.
- 5 Title 25 provisions shall apply where appropriate.

ARTICLE 6. RESIDENTIAL ZONES.

Sec. 33-102. Accessory buildings side setback and building requirements.

(i) Accessory dwelling units shall conform to the side yard setback requirements of the underlying residential zone ~~for the primary structure~~, unless otherwise permitted by Article 70.

ARTICLE 6. RESIDENTIAL ZONES.

Sec. 33-103. Accessory buildings rear setback and building requirements.

(g) Accessory dwelling units, shall conform to the ~~aforementioned~~ rear yard setback requirements of the underlying residential zone ~~for the accessory building~~, unless otherwise permitted by Article 70.

ARTICLE 6. RESIDENTIAL ZONES.

Sec. 33-104. Projections into setbacks (single- and multi-family zones, excluding R-T zone).

(a) The following structures may be erected or projected into any required setback in all residential zones (excluding the R-T zone):

- (1) Fences and walls in accordance with codes or ordinances;
- (2) Landscape elements, including trees, shrubs and other plants, except that no hedge shall be grown or maintained at a height or location other than that permitted by city codes or ordinances;
- (3) Necessary appurtenances for utility services;
- (4) Ground-mounted mechanical equipment, including heating and air conditioning units, provided the auxiliary structure is at least three (3) feet to interior side and rear lot lines, provided such units are screened from the street or adjoining lot by a sight obscuring fence or planting;
- (5) Pools and pool equipment, subject to Article 57.

(6) Barbeque pits, outdoor fireplaces, and grills with the prior approval of the fire chief or designee. Structures shall still maintain a front yard setback consistent with the underlying zone, and a side yard and rear yard setback as required by the California Building Code for fire separation. Incinerators, outdoor fireplaces, barbecues and grills shall not be built, installed, or maintained near combustible materials or in hazardous fire areas without prior approval of the city.

ARTICLE 9. ANIMAL OVERLAY (AO) ZONE.

Sec. 33-144. Animal enclosures.

(b) Animal enclosures are defined as pens, coops, hutches, stables, corrals and similar structures used for the keeping of poultry or animals.

(1) That the location, size, and design of the animal enclosure(s) will be compatible with adjacent uses, residences, buildings or structures, with consideration given to the suitability of the site for the number of animals proposed on the premises, and the harmful effect, if any, upon desirable neighborhood character.

(2) Animals shall be provided with adequate living facilities including an enclosed paddock, corral or stall, etc. for keeping. Such area shall be located within an animal enclosure or stable. Paddocks, corrals or stalls for horses and large animals shall have enough room for the animal to move about and lay down without restriction.

(3) An animal enclosure shall be maintained to standard best management practices in compliance with the grading, stormwater, and watershed protection ordinances.

(4) Manure Management. The area shall be kept in a clean and sanitary manner by the daily removal of manure to a manure management area from all usable areas to prevent the accumulation of flies, the spread of disease, or offensive odor. Manure shall be kept in the manure management area in a covered or enclosed bin or container unless being composted. Manure shall be removed from the property a minimum of every other week or properly composted onsite. The manure management area shall meet animal enclosure setbacks.

ARTICLE 9. ANIMAL OVERLAY (AO) ZONE

Sec. 33-145. Animal enclosure setback requirements.

(a) Animal enclosures shall be set back from property lines as follows:

(1) Front yard: twenty-five (25) feet in the R-A and R-E Zones and fifteen (15) feet in the R-1, R-2, R-3, R-4, and R-5 Zones;

(2) Side yard: fifteen (15) feet; and

~~(2)~~(3) Rear yard: ten (10) feet.

(b) Animal enclosures shall be set back from any residence twenty (20) feet.

(c) Additional setbacks shall be required for a private horse stable and commercial horse stable as follows:

(1) All storage areas of materials related to the horse stable use and parking shall meet the animal enclosure setbacks, this includes trailer parking, loading and delivery areas, hay storage, etc.

(2) Any structure permitted as part of a commercial horse stable that is over 1000 square feet in area shall meet a minimum twenty-five (25) foot setback from all property lines. Such structures include barns, hay barns, covered arenas, covered riding areas, stables and other structures.

ARTICLE 16. COMMERCIAL ZONES.

Sec. 33-332. Principal land uses.

Table 33-332. PERMITTED AND CONDITIONALLY PERMITTED LAND USES

Use Title	CG	CN	CP
Food stores (grocery, produce, candy, baked goods, meat, delicatessen, etc., with or without off-sale beer and wine, off-sale general license excluding concurrent sale)	P	P	---
With facilities to dispense gasoline to 4 or fewer vehicles at a time* (Article 57)	P	---	---
With facilities to dispense gasoline to 5 or more vehicles at a time* (Article 57)	C#	---	---
Gasoline sales or service stations including concurrent sale of alcoholic beverages and motor vehicle fuel* (Articles 57 and Council Resolution #5002)	<u>C#</u>	<u>---</u>	<u>---</u>
With facilities to dispense gasoline to 4 or fewer vehicles at a time	P	---	---
With facilities to dispense gasoline to 5 or more vehicles at a time	C#	---	---

ARTICLE 16. COMMERCIAL ZONES.**Sec. 33-333. Permitted accessory uses and structures.****Table 33-333. PERMITTED ACCESSORY USES AND STRUCTURES**

Use Title	CG	CN	CP
Vending machines* (Article 33 for <u>recycling and</u> Article 73 for <u>outdoor retail</u>)	P	P	P

ARTICLE 26. INDUSTRIAL ZONES.**Sec. 33-565. Permitted accessory uses and structures.****Table 33-565. PERMITTED ACCESSORY USES AND STRUCTURES.**

Use Title	I-O	M-1	M-2	I-P
<u>Reverse vending machines* (Article 33)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

ARTICLE 39. OFF-STREET PARKING**Sec. 33-763. Nonconforming facilities.**

Any use of property which, on the effective date of this article or of any subsequent amendment thereto, is nonconforming only as to the regulations relating to off-street parking facilities may continue in the same manner as if the parking facilities were conforming. Such existing facilities shall not be further reduced, except when necessary to meet federal, state or regional requirements, such as to accommodate updated standards related to the Americans with Disabilities Act (ADA), retrofitting existing dumpster areas for refuse collection, and/or accommodating electrical vehicle charging infrastructure. When the updating of parking facilities to meet ADA standards results in fewer parking spaces than required by section 33-765, the reduced parking shall not be considered when determining if a property is nonconforming pursuant to Article 61, Division 3 of this chapter.

ARTICLE 39. OFF-STREET PARKING.**Sec. 33-764. Adjustments to residential or nonresidential parking.**

(a) Administrative Adjustment. For uses in nonresidential zones, adjustments up to twenty-five (25) percent of the number of parking spaces required by section 33-765 may be considered by the director upon the submittal of an application for an administrative adjustment with the application fee adopted by city council. The director may approve or conditionally approve the request upon demonstration that the proposed adjustment will be compatible with adjacent properties or improvements. The director will consider the following: proximity to public transit; on-street and/or overflow parking; and the range of uses in the area. The director shall give notice of his or her intended decision as outlined in Article 61 of this chapter. Multiple requests for reductions of required parking spaces may be considered when the total of all requests for reductions related to the subject property does not exceed twenty-five (25) percent of the overall number of parking spaces required for the entire property.

(b) Minor Conditional Use Permit. For uses in nonresidential zones, a request to provide fewer than seventy-five (75) percent of the parking spaces required by section 33-765 may be considered by the zoning administrator upon the submittal of an application for a minor conditional use permit pursuant to Article 61, Division 1, with the application fee adopted by city council. The zoning administrator may approve or conditionally approve the request upon demonstration that the proposed reduction will be compatible with adjacent properties, uses and improvements; the development is in close proximity to public transit; and the number of parking spaces provided is suitable for the mix of uses proposed. The zoning administrator may require additional information with the application, including, but not limited to, a market demand study or report that substantiates the appropriateness of the requested parking reduction.

(c) The minimum required parking spaces for any existing development may be reduced by minor plot plan as necessary by the director to accommodate updated standards related to federal accessibility requirements (Americans with Disabilities Act), retrofitting existing dumpster areas for refuse collection, and/or accommodating electrical vehicle charging infrastructure.

(d) Major Conditional Use Permit. Unbundling any amount of parking or other means to separate the cost to rent a parking space from the cost of renting an apartment or condo.

ARTICLE 57. MISCELLANEOUS DEVELOPMENT STANDARDS.**Sec. 33-1075. Permitted structures in excess of height limit.**

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, roof-level architectural screening devices, roof-top gardening storage areas and/or equipment, skylights, towers, church steeples, flagpoles, chimneys, smokestacks, silos, water tanks, windmills, windbreaks, wireless masts or other similar structures (subject to the provisions of Article 34 (Communication Antennas)) Antennas) may be erected above the height limits established for the various zones provided that no portion of the structure in excess of the allowable building height

shall be used for sleeping or eating quarters, nor shall such portion of the structures in excess of the allowable building height be used for the purpose of providing additional habitable floor space or be deemed as an excessive or unreasonable use of space that creates an unnecessary aesthetic impact on surrounding properties (as determined by the director of community development).

ARTICLE 61. ADMINISTRATION AND ENFORCEMENT.

Sec. 33-1300. Notification of surrounding property owners.

The following provisions shall govern all notices of public hearing or public notices. Such notices shall be given as follows, unless noted otherwise:

(a) For notices of public hearings, the notice shall be published at least ten (10) calendar days before the hearing at least once in a newspaper of general circulation in the community. Such notice shall include a general explanation of the matter to be considered, the time, date and place of the hearing, the hearing body or officer, and any subject property.

(b) For notices of intended decision ~~and other public notices~~, the matter shall be published at least ten (10) days before the action at least once in a newspaper of general circulation in the community. Such notice shall include a general explanation of the matter to be considered and other information required pursuant to subsection (a) of this section. The findings, determination, or order contained in that notice will be declared as final on the date of noticed decision unless appealed as provided by the procedures commencing at section 33-1303.

ARTICLE 65. OLD ESCONDIDO NEIGHBORHOOD.

Sec. 33-1374. Conditional uses.

(d) ~~Staff and~~The planning commission shall evaluate all conditional use permits against the criteria set forth in Article 61 of this zoning code. In addition, those conditional use permits pursuant to section 33-1374(b) shall be subject to the following:

- (1) Hours of operation shall be from 7:00 a.m. to 11:00 p.m.
- (2) Adaptive reuse shall conform to design guidelines for historic resources. Every project for adaptive reuse will be subject to design review to assess appropriateness of the proposed use and any proposed changes in relation to the area, the building and the site.
- (3) Parking for employees shall be provided on site at a ratio of one (1) parking space per three hundred (300) square feet of the office area.

Curbside parking with a two (2) hour limit will be provided for customer parking. The city will provide parking stickers for residents.

- (4) Noise and lighting standards shall be the same as for residential areas.
- (5) Signs shall conform to section 33-1379 of this article

ARTICLE 66. SIGN ORDINANCE.**Sec. 33-1396. General use signs.**

(a) Special event signs. Commercial grand opening and similar signs may be approved by the director for a limited period of time in the COCG (general commercial) and CN (neighborhood commercial zones) and for specific uses in the M-I (light industrial) and M-2 (general industrial) zones, as a means of publicizing grand openings and special events such as new management and promotional sales. In addition, special event signs are also allowed for private schools, day care centers and churches regardless of the zoning. The regulation and limitation of the signs shall be as follows:

ARTICLE 67. DENSITY BONUS AND RESIDENTIAL INCENTIVES.**Sec. 33-1412. Implementation.**

(a) Any developer requesting a density bonus and any incentive(s), waiver(s), or parking reductions provided by State Density Bonus Law shall submit a density bonus report as described below. The density bonus report shall not exceed the reasonable documentation standards of state law. The requests contained in the density bonus report shall be processed concurrently with the planning application for the first ~~discretionary~~ permit required for the housing development and shall include the following information:

ARTICLE 67. DENSITY BONUS AND RESIDENTIAL INCENTIVES.**Sec. 33-1412. Implementation.**

(b) For projects proposing a density bonus:

(1) The city shall grant, according to Government Code Section 65915, a density bonus and/or concession(s) or incentive(s), waiver(s) or reductions of development standards and parking ratios, or financially equivalent incentive(s) as required by State Density Bonus Law. Each housing development is entitled to only one (1) density bonus. If a housing development qualifies for more than one (1) density bonus based on the number of target units provided, or as otherwise granted under State Density Bonus Law, the developer shall select the category under which the density bonus is granted and may not combine bonus density calculations.

(2) In order to qualify for this bonus, a housing development must consist of five (5) or more dwelling units, including mixed use developments, except those housing developments located within the ~~Centre City residential area~~ South Centre City Specific Plan, ~~as defined in the city's General Plan~~, may consist of three (3) dwelling units to qualify for this bonus. In determining the total number of units to be granted, a developer for a housing development must seek and agree to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this article, that will contain at least any one (1) of the following target households:

ARTICLE 67. DENSITY BONUS AND RESIDENTIAL INCENTIVES.

Sec. 33-1412. Implementation.

- (c) For projects not proposing a density bonus:
 - (1) The city shall grant concessions or incentives as detailed in section 33-1415 of this article.
 - (2) In order to qualify for the listed concessions or incentives, a housing development must consist of five (5) or more dwelling units, except those housing developments located within the ~~Centre City residential area~~ South Centre City Specific Plan may consist of three (3) dwelling units to qualify for the concessions or incentives. All housing developers requesting incentives must meet the criteria listed in 33-1412(b).

ARTICLE 67. DENSITY BONUS AND RESIDENTIAL INCENTIVES

Sec. 33-1414. Project application procedure.

(a) Density Bonus Projects. After notification to the applicant regarding the city's determination on the preliminary application review and/or granting additional concessions or incentives, or waiver of development standard(s), the applicant may submit the development application, which shall be subject to a separate ~~discretionary~~ permit. The proposal shall be submitted in conjunction with a subdivision map, conditional use permit application or planned development application. All appropriate requirements shall be delivered to the planning division in order for the application to be deemed complete. Not later than thirty (30) calendar days after the city has received the planning application, the planning division shall notify the developer in writing whether the application is complete as required by Government Code Section 65943.

At time of application, a notice shall be posted on the project site detailing a general description of the proposal in conformance with section 33-1300 of this chapter.

ARTICLE 67. DENSITY BONUS AND RESIDENTIAL INCENTIVES

Sec. 33-1416. Requirements for participation.

- (a) In order for a developer to participate in the program and be eligible for the density bonus and additional concessions, incentives or financially equivalent incentives, or residential incentives, the following requirements must be met:
 - (1) The developer/property owner shall restrict target units for the prescribed time period, the number of units by bedroom size which are designated for target households, unless transferred through a land donation as described in this article. A unit shall be counted toward meeting this requirement if it is either vacant and held out for rent/sale at affordable housing costs to low- or moderate-income households or occupied by a senior household or other target

household as defined by this article. Priority shall be given to target households that do not receive other housing subsidies.

(A) The units described in this section shall be subject to a recorded affordability restriction of fifty-five (55) years.

(B) The target units must be compatible in floor plan, furnishings and exterior design to non-target units. The exterior appearance, interior finishes, and resident amenities shall be comparable to the market-rate units in the same housing development. Further, the target units must be reasonably dispersed throughout the development.

(C) If the development proposes a phased building plan, a proportionate share of target units shall be constructed in each phase. Otherwise, the city shall not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the target units, and the city shall not approve any final inspections or certificates of occupancy for more than fifty (50) percent of the market rate units until it has issued certificates of occupancy for all of the affordable units.

(D) The number of bedrooms shall at least equal the minimum number of bedrooms of the market-rate units. For non-senior projects involving five (5) to nine (9) units, or three (3) to nine (9) units in the ~~Centre City residential area~~ South Centre City Specific Plan, exclusive of the target units, and which receive incentives in addition to the minimum required by State Density Bonus Law, all target units shall be two (2) bedrooms or larger in size.

ARTICLE 70. ACCESSORY DWELLING UNITS.

Sec. 33-1472. Permitted zones.

Accessory dwelling units shall be permitted in the RA, RE, R1, R2, R3, ~~and R4,~~ and R5 zones on properties with only one (1) single-family residence on the lot, subject to the approval of an accessory dwelling unit permit. Accessory dwelling units within the Old Escondido Neighborhood shall observe the same standards and review procedures required of similar building expansions in that neighborhood. Accessory dwelling units shall not be permitted on property developed in a planned development zone or as a part of a planned unit approval, unless approved as a part of the original PD or PUA and the subject lot is not less than six thousand (6,000) square feet in size.

ARTICLE 70. ACCESSORY DWELLING UNITS.

Sec. 33-1474. Development standards.

(d) Setbacks. ~~Attached accessory~~ Accessory dwelling units shall conform to the setback requirements of the underlying residential zone for the primary structure. Detached accessory dwelling units, other than those structures otherwise regulated within this section, may have a building height and setbacks as outlined for accessory residential structures of the underlying zone.

ARTICLE 73. OUTDOOR DISPLAY AND SALE OF RETAIL MERCHANDISE

Sec. 33-1533. Permitted uses.

- (a) Outdoor display.
 - (1) The following items are acceptable for outdoor display if permitted by the applicable zone in which the associated business is located.
 - (T) Retail vending machines

Sec. 33-1534. Development standards.

All outdoor displays of retail merchandise and temporary outdoor sales shall be subject to the following development standards:

(d) Outdoor retail vending machines. Outdoor retail vending machines are allowed in all commercial zones subject to the following standards:

(1) Retail vending machines shall not sell, store, or dispense anything other than the commercial products, merchandise, food or beverages permitted by the underlying zone or authorized by the Escondido Municipal Code.

(2) Retail vending activities may be established only in conjunction with an otherwise allowed and authorized principal land use activity and may not exceed a maximum of two (2) machines per site or occupy not more than twenty (20) feet of the wall facing the street or access drive.

(3) Retail vending machines shall be located along the face of a building or flush against a structure designed to accommodate them and be located on the site in a manner which will ensure compatibility with surrounding uses. The machine(s) shall not be within ten (10) feet of an entranceway to any business open to the public nor block any store window.

(4) All machines shall be visible in well-lit areas from access drives or public streets and be maintained in a litter free condition.

(5) Retail vending machines shall not obstruct private pedestrian walkways. A minimum four (4) foot wide pedestrian area remains clear and unobstructed and all fire, building and handicapped access requirements shall be kept clear of obstructions, or more if pedestrian traffic volume warrants.

(6) Retail vending machines are not allowed on public sidewalks, alleys, drive-aisles, or within the public right-of-way.

(7) The business owner or operator of said principal land use activity is responsible for the accessibility, maintenance, appearance, and safety in regards to retail vending.

(8) Business owner or operator shall not utilize or permit the utilization of any device which produces loud noise, or use and operate any loudspeaker, public address system, radio, sound amplifier, or similar noise creating device to attract the attention of the public, subject to the noise restrictions of the underlying zone.