



# CITY of ESCONDIDO

## PLANNING COMMISSION MEETING

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May 26, 2026 at 7:00 PM

**Council Chambers: 201 North Broadway, Escondido, CA 92025**

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### WELCOME TO YOUR COMMISSION MEETING

We welcome your interest and involvement in the legislative process of Escondido. This agenda includes information about topics coming before the Commission.

#### CHAIR

Barry Speer

#### VICE CHAIR

Dustin Steeve

#### COMMISSIONERS

Marc Correll

Corey Gustafson

Jeff Jester

Carrie Mecaro

Stan Weiler

#### MINUTES CLERK

Angel Estrada

#### HOW TO WATCH

The City of Escondido provides one way to watch a Commission meeting:

#### In Person



201 N. Broadway, Escondido, CA 92025



# CITY of ESCONDIDO

PLANNING COMMISSION

TUESDAY, MAY 26, 2026

## HOW TO PARTICIPATE

The City of Escondido provides two ways to communicate with the Commission during a meeting:

### In Person



Fill out Speaker Slip and Submit to City Clerk

### In Writing



<https://escondido-ca.municodemeetings.com>

## ASSISTANCE PROVIDED

If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 760-839-4869. Notification 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility. Listening devices are available for the hearing impaired – please see the City Clerk.





# CITY of ESCONDIDO

## PLANNING COMMISSION

TUESDAY, MAY 26, 2026

### AGENDA

#### CALL TO ORDER

#### FLAG SALUTE

#### ROLL CALL

#### APPROVAL OF MINUTES

1. [May 12, 2026](#)

#### WRITTEN COMMUNICATIONS

Under state law, all items under Written Communications can have no action, and will be referred to the staff for administrative action or scheduled on a subsequent agenda.

#### ORAL COMMUNICATIONS

Under state law, all items under Written Communications can have no action, and will be referred to the staff for administrative action or scheduled on a subsequent agenda.

This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

#### CURRENT BUSINESS

2. [PL25-0083 – Article 70 Revisions](#)

REQUEST: Recommend approval to the City Council of a Zone Text Amendment to Chapter 33 (Zoning) of the Escondido Municipal Code, specifically Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units) and Article 1 (General Provisions and Definitions), for the purpose of compliance with mandatory State law, specifically Government Code sections 66310 through 66342. The Zone Text Amendment includes minor text updates to Article 1 to reconcile definitions of “accessory dwelling” and “junior accessory dwelling” with the new Article 70 language.

PROPERTY SIZE AND LOCATION: Citywide

APPLICANT: City of Escondido

CEQA RECOMMENDATION: Not subject to CEQA pursuant to Public Resources Code section 21080(b)(1); and statutorily exempt from CEQA under CEQA Guidelines section 15268. The proposed amendments to



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## PLANNING COMMISSION

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Article 1 (General Provisions and Definitions) are exempt pursuant to CEQA Guidelines section 15378(b)(5) as changes would not have a direct or indirect physical effect on the environment.

STAFF RECOMMENDATION: Recommend approval to City Council

CITY COUNCIL HEARING REQUIRED: YES

### **3. PL26-140 – SENATE BILL (SB) 79 INFORMATIONAL PRESENTATION**

REQUEST: For Planning Commission to receive the SB 79 presentation.

PROPERTY SIZE AND LOCATION: Properties in the ½-mile radius Transit-Oriented Development (TOD) zones surrounding the Escondido Transit Center and Nordahl Road SPRINTER stations.

APPLICANT: N/A

CEQA RECOMMENDATION: N/A

STAFF RECOMMENDATION: Receive and File

CITY COUNCIL HEARING REQUIRED: NO

## **FUTURE AGENDA ITEMS**

### **ORAL COMMUNICATIONS**

Under state law, all items under Written Communications can have no action, and will be referred to the staff for administrative action or scheduled on a subsequent agenda.

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### **PLANNING COMMISSIONERS REPORT**

### **CITY PLANNER'S REPORT**

- 4.** Tentative Future Agenda

## **ADJOURNMENT**



# CITY of ESCONDIDO

## PLANNING COMMISSION MINUTES

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**May 12, 2026 at 7:00 PM**

**Council Chambers: 201 North Broadway, Escondido, CA 92025**

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### **WELCOME TO YOUR COMMISSION MEETING**

We welcome your interest and involvement in the legislative process of Escondido. This agenda includes information about topics coming before the Commission.

#### **CHAIR**

Barry Speer

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201 N. Broadway, Escondido, CA 92025



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## PLANNING COMMISSION MINUTES

TUESDAY, MAY 12, 2026

### MINUTES

**CALL TO ORDER:** 7:00 p.m.

**FLAG SALUTE:** Chair Speer.

**ROLL CALL:**

**Commissioners Present:** Barry Speer, Chair; Dustin Steeve, Vice-Chair; Stan Weiler, Commissioner; Carrie Mecaro, Commissioner; Corey Gustafson, Commissioner.

**Commissioners Absent:** Jeff Jester, Commissioner; Marc Correll, Commissioner.

**City Staff Present:** Veronica Morones, Assistant Director of Development Services; Owen Tunnell, Assistant City Engineer; Dare DeLano, Assistant City Attorney; Alex Rangel, Associate Planner; Angel Estrada, Minutes Clerk.

**APPROVAL OF MINUTES:**

1. **April 28, 2026 Meeting Minutes.**

Motion to approve meeting minutes.

Motion: Stan Weiler, Commissioner; Second: Dustin Steeve, Vice-Chair.

Motion carried 4-0-1 to approve the meeting minutes.

Ayes: Speer, Steeve, Weiler, Gustafson.

Nays: None.

Abstain: Mecaro.

Absent: Jester, Correll.

**WRITTEN COMMUNICATIONS:**

None.

**ORAL COMMUNICATIONS:**

None.

**PUBLIC HEARINGS:**

2. **PL25-0096/PL25-0097/PL25-0098/PL25-0099: VALLEY PARKWAY & CENTRE CITY PARKWAY 94-UNIT CONDOMINIUMS**

**REQUEST:** Recommend to the City Council approval of a Tentative Subdivision Map, Planned Development



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Permit (Master and Precise), and Design Review Permit to allow the construction of 94 dwelling units (“Project”) on a site with a Downtown Specific Plan (SPA-9) General Plan land use designation and Specific Plan (S-P) zoning designation. The proposed Project includes a Tentative Subdivision Map to merge two lots into one and for the subdivision of air space for 94 “for-sale” condominium units. A Planned Development Permit consisting of a Master and Precise Plan to allow ground-floor residential units within the Downtown Specific Plan area. A Design Review Permit to construct, and for the design of, the multifamily dwelling buildings. The Project also includes necessary on- and off-site improvements, including the demolition of approximately 13,100 square-feet of existing commercial tenant buildings and 30,600 square-feet of self-storage warehouse buildings, as well as appurtenant grading, landscaping, open space, and public street and sidewalk improvements.

**APPLICANT:** Storm Properties, Inc.

**CEQA RECOMMENDATION:** Categorical Exemption – CEQA Guidelines Section 15332 (In-Fill Development Projects)

**STAFF RECOMMENDATION:** Recommend approval to the City Council

**COMMISSION DISCUSSION:**

Commissioner Weiler disclosed that he drove through and briefly walked around the project site and also had a brief discussion with one of the applicant’s representatives.

The Commission discussed the project in detail, with discussion topics including the project’s “missing middle” ownership housing concept and proximity to transit and downtown amenities, the overall architectural design and visual character of the development, opportunities for enhanced façade articulation and color variation, incorporation of additional architectural treatments and roof overhangs, landscaping considerations along Center City Parkway, guest parking management and HOA enforcement, housing density considerations within the Downtown Specific Plan, and potential design review procedures prior to building permit issuance. Brief discussion also occurred with Jay Ahluwalia, President of Storm Properties, Inc., and Jason Simmons with Consultants Collaborative regarding the project vision, higher-density ownership housing, and long-term residential opportunities within the downtown area.

**COMMISSION ACTION:**

Motion to Approve Resolution No. 2026-04 as designed with subsequent staff design review before building permit issuance.

Motion: Stan Weiler, Commissioner; Second: Dustin Steeve, Vice-Chair.

Motion Carried 5-0 to approve the resolution.

Ayes: Speer, Steeve, Weiler, Mecaro, Gustafson.

Nays: None.

Abstain: None.

Absent: Jester, Correll.



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**CURRENT BUSINESS:**

None.

**ORAL COMMUNICATIONS:**

None.

**PLANNING COMMISSIONERS:**

None.

**CITY PLANNER'S REPORT:**

Veronica Morones, Assistant Director of Development Services, introduced newly hired City Planner Garrett Smith, who would also be taking over the role of Secretary to the Commission, and announced that the May 26, 2026 Planning Commission meeting would include continued discussion of the Accessory Dwelling Unit Ordinance. Morones also noted that commissioner briefings for the item were underway and advised that both June Planning Commission meetings were anticipated to occur as scheduled.

**ADJOURNMENT**

Chair Speer adjourned the meeting at 8:30 p.m.

\_\_\_\_\_  
Veronica Morones, Secretary to the Escondido  
Planning Commission

\_\_\_\_\_  
Angel Estrada, Minutes Clerk



# STAFF REPORT

DATE: May 26, 2026  
PL25-0083 – Article 70 Revisions – Continuance

**PROJECT NUMBER / NAME:** PL25-0083 / Article 70 Revisions

REQUEST: Recommend approval to the City Council of a Zone Text Amendment to Chapter 33 (Zoning) of the Escondido Municipal Code, specifically Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units) and Article 1 (General Provisions and Definitions), for the purpose of compliance with mandatory State law, specifically Government Code sections 66310 through 66342. The Zone Text Amendment includes minor text updates to Article 1 to reconcile definitions of “accessory dwelling” and “junior accessory dwelling” with the new Article 70 language.

PROPERTY SIZE AND LOCATION: Citywide                      APPLICANT: City of Escondido  
GENERAL PLAN / ZONING: Citywide                              PRIMARY REPRESENTATIVE: Sally Schifman, Principal Planner

DISCRETIONARY ACTIONS REQUESTED: Zone Text Amendment  
PREVIOUS ACTIONS: Planning Commission continued the item on April 28, 2026 to a date certain of May 26, 2026  
CEQA RECOMMENDATION: Not subject to CEQA pursuant to Public Resources Code section 21080(b)(1); and statutorily exempt from CEQA under CEQA Guidelines section 15268. The proposed amendments to Article 1 (General Provisions and Definitions) are exempt pursuant to CEQA Guidelines section 15378(b)(5) as changes would not have a direct or indirect physical effect on the environment.  
STAFF RECOMMENDATION: Recommend approval to City Council  
REQUESTED ACTION: Approve Planning Commission Resolution No. 2026-06

CITY COUNCIL HEARING REQUIRED:  YES       NO  
REPORT APPROVALS:                               Kevin Snyder, Director of Development Services  
    Garrett Smith, City Planner



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## STAFF REPORT

Item 2.

### BACKGROUND

At its April 28, 2026 public hearing, Planning Commission received staff's presentation and recommendation on the proposed Zone Text Amendment to Chapter 33 (Zoning) of the Escondido Municipal Code, specifically Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units) and Article 1 (General Provisions and Definitions), for the purpose of compliance with mandatory State law, specifically Government Code sections 66310 through 66342. The Original Staff Report, dated April 28, 2026 and included as Attachment 1 to this report, provides a summary of pertinent State laws related to accessory dwelling units and includes a summary table of proposed zone text amendments.

During the hearing, staff also presented four text revisions to the proposed ordinance that resulted from feedback received by a housing oversight organization known as the California Housing Defense Fund (Attachment 2). Revisions are detailed in the Summary of Request section below and include changes to items related to height, windows, number of units, and traffic flow and public safety.

Planning Commission articulated concerns on the erosion of local control over accessory dwelling units (ADUs) and junior accessory dwelling units (JADU) and requested additional information on what the state law requires of local jurisdictions versus what staff was recommending in the proposed ordinance. They further provided input related to objective design standards for windows, requesting staff prepare a more flexible "menu option" for applicants to comply with a proposed standard to "substantially match those of the primary structure".

### SUMMARY OF REQUEST

The proposed text amendments are illustrated in Attachment 2 of the original Staff Report dated April 28, 2026, and are made easily identifiable through the use of underlines (newly added language) and ~~strikethroughs~~ (deleted text). The attachment identifies only the specific section of Article 1 that would be amended by this Zone Text Amendment, whereas the entirety of Article 70 is provided with illustrative changes; however, Article 70 will be repealed in its entirety for ease of updating the zoning ordinance through the City Clerk's office. Clean text for both Article 1 and Article 70 is provided in Exhibit "B" of Resolution No. 2026-06.

In addition, staff proposes the following further revisions to the provided proposed Article 70:

#### **§ 33-1474(d) Detached Units – Multifamily Residential Dwelling, subsection (1)**

On a lot with an existing multifamily dwelling, no more than eight detached State Exempt ADUs, or up to equal the number of existing primary units, shall be permitted, whichever is less. ~~These unit shall be inclusive of those which may have been permitted under subsection (c)(2).~~

#### **§ 33-1475(a) Designated Areas, subsection (3)**

(3) Impacts upon the residential neighborhoods directly affected would be minimized in relation to traffic flow and public safety. Staff will review the following site-specific topics to determine potential traffic flow or public safety concerns, where applicable:

- (A) Driveway locations and access type (e.g., full access, partial access, right in/out only).
- (B) Pedestrian access, bicycle access, and on-site pedestrian circulation and potential conflicts.



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- (C) Location/distance of nearest existing transit stop(s) (measure as walking distance to project entrance/or middle of parcel).
- (D) Location of any planned sidewalks or bikeways, identified in the Bicycle Master Plan and other City planning documents, within ¼ mile of the project location.
- (E) Access management standards for median openings and spacing between major driveway connections.
- (F) Sight distance.
- (G) Relationship of internal circulation to public streets.
- (H) Sufficiency of driveway length.
- (I) Shared access, including alternate access roads.

### § 33-1475(g) Height, subsection (1) (B)

An attached ADU that is attached to the primary dwelling, shall be limited to the height of the existing or proposed primary dwelling or ~~24~~25 feet, whichever is greater.

### § 33-1475(i) Architectural Details, subsection (3) Windows

~~Window materials, design, framing, and detailing for~~ Standard ADU windows shall be considered consistent with the primary dwelling if they utilize the same manufacturer product line or model series as the primary dwelling windows, where documentation is provided or where visually verifiable.

Alternatively, Standard ADUs windows shall substantially match those of the primary structure, by complying with at least three of the following standards.

- (A) Window Type (e.g., single-hung, double-hung, casement, slide)
- (B) Frame Material (e.g., vinyl, wood, aluminum-clad)
- (C) Window Proportions [Required for Historic Lots] (e.g., window height-to-width proportions, within ±10% of the predominant window proportions on the primary dwelling)
- (D) Trim Dimensions and Recess Depth
- (E) Window Glazing (e.g., clear, tinted, reflective)

~~(A) In addition, the number and placement of windows shall comply with~~ meet the minimum requirement to satisfy applicable building code and health and safety standards, for light, ventilation, egress, and safety.

### § 33-1476(d) Architectural Details, subsection (2) Windows



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Window materials, design, framing, and detailing for Junior ADU windows shall be considered consistent with the primary dwelling if they utilize the same manufacturer product line or model series as the primary dwelling windows, where documentation is provided or where visually verifiable.

Alternatively, Junior ADUs windows shall substantially match those of the primary structure, by complying with at least three of the following standards.

- (A) Window Type (e.g., single-hung, double-hung, casement, slide)
- (B) Frame Material (e.g., vinyl, wood, aluminum-clad)
- (C) Window Proportions [Required for Historic Lots] (e.g., window height-to-width proportions, within  $\pm 10\%$  of the predominant window proportions on the primary dwelling)
- (D) Trim Dimensions and Recess Depth
- (E) Window Glazing (e.g., clear, tinted, reflective)

~~(A) In addition, the number and placement of windows shall comply with meet the minimum requirement to satisfy applicable building code and health and safety standards, for light, ventilation, egress, and safety.~~

### FISCAL ANALYSIS

There will be no fiscal impacts to the City of Escondido as a result of these amendments.

### ENVIRONMENTAL ANALYSIS

The proposed amendments to Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units) are ministerial actions undertaken to implement mandatory State law. The City lacks discretionary authority to deny, modify, or condition these provisions based on environmental considerations. Accordingly, the action is not subject to CEQA pursuant to Public Resources Code section 21080(b)(1); and the action is statutorily exempt from CEQA under CEQA Guidelines section 15268. The proposed amendments to Article 1 (General Provisions and Definitions) are exempt pursuant to CEQA Guidelines section 15378(b)(5) as changes to Article 1 would not have a direct or indirect physical effect on the environment. No further environmental review is required.

### PUBLIC NOTICING AND INPUT

City staff noticed the Zone Text Amendment in accordance with Article 61, Division 6 of the Escondido Zoning Code and Government Code section 65854. One public comment letter has been received from the California Housing Defense Fund, dated April 27, 2026, and is included as Attachment 2. In addition, one oral public comment was received during the Planning Commission hearing on April 28, 2026, with the speaker in favor of the Zone Text Amendment and the proposed window “menu option” approach.

### CONCLUSION AND RECOMMENDATION

Planning staff recommend the Planning Commission approve Resolution No. 2026-06, recommending approval of the proposed Zoning Code amendments, including the additional revisions presented in the Staff Report dated May 26, 2026, to the City Council for final decision pursuant to Section 33-1262 of



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## STAFF REPORT

Item 2.

Article 61 of the Escondido Zoning Code (Administration and Enforcement Ordinance). Approval of these changes will improve and clarify planning processes, and ensure compliance with state mandates. No other discretionary permits are requested or required.

### ATTACHMENTS

1. Attachment 1 – Original April 28, 2026 Planning Commission Staff Report for PL25-0083 and all original attachments:
  - Original Attachment 1 – CalDHF public comment letter, dated February 18, 2025
  - Original Attachment 2 – Strikethrough and underline of proposed changes
  - Original Attachment 3 – Planning Commission Resolution No. 2026-06
    - Exhibit “A” – Findings of Fact
    - Exhibit “B” – Clean Copy of Proposed Changes
2. Attachment 2 – CalDHF public comment letter, dated April 27, 2026



# STAFF REPORT

DATE: April 28, 2026  
PL25-0083 – Article 70 Revisions

**PROJECT NUMBER / NAME:** PL25-0083 / Article 70 Revisions

REQUEST: Recommend approval to the City Council of a Zone Text Amendment to Chapter 33 (Zoning) of the Escondido Municipal Code, specifically Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units) and Article 1 (General Provisions and Definitions), for the purpose of compliance with mandatory State law, specifically Government Code sections 66310 through 66342. The Zone Text Amendment includes minor text updates to Article 1 to reconcile definitions of "accessory dwelling" and "junior accessory dwelling" with the new Article 70 language.

PROPERTY SIZE AND LOCATION: Citywide      APPLICANT: City of Escondido

GENERAL PLAN / ZONING: Citywide      PRIMARY REPRESENTATIVE: Sally Schifman, Principal Planner

DISCRETIONARY ACTIONS REQUESTED: Zone Text Amendment

PREVIOUS ACTIONS: N/A

CEQA RECOMMENDATION: Not subject to CEQA pursuant to Public Resources Code section 21080(b)(1); and statutorily exempt from CEQA under CEQA Guidelines section 15268. The proposed amendments to Article 1 (General Provisions and Definitions) are exempt pursuant to CEQA Guidelines section 15378(b)(5) as changes would not have a direct or indirect physical effect on the environment.

STAFF RECOMMENDATION: Recommend approval to City Council

REQUESTED ACTION: Approve Planning Commission Resolution No. 2026-06

CITY COUNCIL HEARING REQUIRED:  YES       NO

REPORT APPROVALS:  Dare Delano, Assistant City Attorney

Veronica Morones, Assistant Director of Development Services



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## STAFF REPORT

### BACKGROUND

On January 14, 2025, the Planning Commission reviewed and motioned to recommend approval to a number of draft updates to Article 70 under the 2024 Annual Omnibus Update (Resolution No. 2025-01). Prior to the scheduled February 19, 2025 City Council meeting, Development Services received a public comment from the California Housing Defense Fund ("CalHDF") identifying concerns regarding the drafted Article 70 amendments proposed with the 2024 Annual Omnibus Update. As a result of the public comment letter, staff pulled the Article 70 draft changes from the omnibus and undertook a comprehensive update to the City's Accessory Dwelling Units and Junior Accessory Dwelling Units ordinance (Article 70). The proposed amendments comply with required State ADU law and address those issues raised by CalHDF's public comment letter (see Attachment 1).

Since 2017, the California Legislature has enacted a series of laws to expand the development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) as a strategy to increase housing supply statewide within existing neighborhoods. Legislation adopted between 2024 and 2026 continued this trend by expanding development rights, limiting local regulatory authority, and reinforcing statewide development standards to ensure consistency. These laws, as described below, apply uniformly throughout California and preempt conflicting local regulations.

**Senate Bill (SB) 477** (effective date March 25, 2024) reorganized all State ADU and JADU statutes into a single, consolidated framework within Government Code Sections 66310 through 66342 (previously Gov. Code §§ 65852.2 et seq.). This legislation was expressly non-substantive and intended to improve clarity and consistency in state housing law. As a result of this consolidation and the continued operation of state preemption, local ADU ordinances that are inconsistent with state law are unenforceable by operation of law, and compliance with current statutory requirements is essential.

**Assembly Bill (AB) 2533** (effective date January 1, 2025) made various changes to State ADU law regarding unpermitted ADUs. The law requires local agencies to allow the legalization of unpermitted ADUs and JADUs constructed before January 1, 2020. Cities may not deny permits to legalize these units based on zoning, development standards, or nonconformity with local ADU regulations. Notwithstanding any other law, the statute limits review to corrections necessary to address substandard health and safety conditions as defined in the Health and Safety Code. The law further prohibits local agencies from imposing penalties, fines, impact fees, or connection fees associated with legalization, except in limited circumstances involving new utility infrastructure. AB 2533 establishes a mandatory pathway to legalization and limits local discretion in enforcement and code compliance actions related to older ADUs.

**SB 1211** (effective date January 1, 2025) made various changes to State ADU law with regard to replacement parking and exempt units. The law significantly expands ADU development opportunities on sites with existing multifamily residential development. Under this law, a lot containing an existing multifamily dwelling may construct up to eight detached ADUs, provided that the number of ADUs does not exceed the number of existing primary dwelling units on the lot. Prior state law limited multifamily properties to a maximum of two detached ADUs. The law also prohibits local agencies from requiring replacement parking when covered or uncovered spaces are removed to construct an ADU and clarifies the definition of "livable space" within multifamily buildings for purposes of ADU eligibility. Finally, SB 1211 places substantial restrictions on the development standards a city can place on certain state-mandated ADUs pursuant to Gov. Code § 66323.



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**AB 1154** (effective date January 1, 2026) limits the ability of local governments to impose owner-occupancy requirements on JADUs. Such requirements are only permitted where the JADU shares sanitation facilities with the primary dwelling unit. In all cases, rentals of JADUs must be for terms longer than 30 days.

**AB 1033** (effective date January 1, 2024) creates a new, optional pathway for cities and counties to allow ADUs to be sold separately from the primary dwelling on the same lot by permitting condominium conversion of an ADU and the primary dwelling. AB 1033 does not require jurisdictions to allow ADU sales. It is a local-option statute, not a statewide mandate. Absent adoption of a local ordinance, the separate sale of ADUs remains prohibited under state law.

**SB 543** (effective date January 1, 2026) makes various changes to State ADU law regarding requirements for local jurisdictions when submitting JADU ordinances to the Department of Housing and Community Development (HCD), as well as clarifies fire protection standards and the definition of "living space," revises limitations on impact fees, clarifies time limits for application review, and provides more broadly additional clarifying changes.

Additional legislation in the last few years has addressed administrative streamlining for pre-approved ADUs (**AB 1332**, effective date January 1, 2025), CEQA exemptions (**AB 3057**, effective date January 1, 2025), coastal zone coordination (**SB 1077**, effective date January 1, 2025, with state guidance to be developed by July 1, 2026), and enforcement authority (**AB 434**, effective date January 1, 2024)—all of which further reinforce the state's intent to facilitate ADU development. While this additional legislation provides important context regarding the State's broader ADU policy framework, these measures do not require amendments to the City of Escondido's ADU ordinance and are therefore not addressed further in this update.

Collectively, these state law changes further constrain local authority over ADUs and JADUs. Local regulations may not impose standards that are more restrictive than state law, and conflicting provisions are void. Cities retain the ability to adopt objective development standards where permitted by statute but State ADU law substantially curtails discretionary review and sets policy limitations on ADU development.

### SUMMARY OF REQUEST

The proposed text amendments are illustrated in Attachment 2 of this staff report and are made easily identifiable through the use of underlines (newly added language) and ~~strikethroughs~~ (deleted text). The attachment identifies only the specific section of Article 1 that would be amended by this Zone Text Amendment, whereas the entirety of Article 70 is provided with illustrative changes; however, Article 70 will be repealed in its entirety for ease of updating the zoning ordinance through the City Clerk's office. Clean text for both Article 1 and Article 70 is provided in Exhibit "B" of Resolution No. 2026-06.

Table 1 provides a summary of the proposed changes by Article and then by Section.



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**TABLE 1 - SUMMARY OF PROPOSED CHANGES**

Chapter – Article number: Article Name Section	Summary of Existing Contents	Proposed Change(s)
<b>Chapter 33 – Article 1: General Provisions and Definitions</b>		
<b>§ 33-8 Definitions</b>	Provides basic definition of “Accessory Dwelling Unit”	Update the definition of “Accessory Dwelling Unit” to match the definition provided in Article 70.
<b>§ 33-8 Definitions</b>	No JADU definition exists.	Add a definition of “Junior Accessory Dwelling Unit” to match the definition provided in Article 70.
<b>Chapter 33 – Article 70: Accessory Dwelling Unit and Junior Accessory Dwelling Units</b>		
<b>Throughout Article 70</b>	References to Gov. Code § 65852.2 and § 65852.22.	Reference updates throughout to specific new Gov. Code §§ 66310 et. seq.
<b>Throughout Article 70</b>	n/a	Reformatting updates to better align Article 70 with other articles of the Zoning Code.
<b>§ 33-1470 Purpose and Intent</b>	Provides purpose and intent the article.	Rename the section “ <b>Purpose</b> ”; update with new Government Cde references.
<b>§ 33-1471 <u>Applicability</u> Permitted zones</b>	Specifies where ADUs and JADUs are permitted.	Rename the section “ <b>Applicability</b> ”; expand on where and under what circumstances ADUs and JADUs are permitted.
<b>§ 33-1472 <u>Definitions</u></b>	A “definitions” section within Article 70 does not currently exist.	New section to provide definitions pertinent to Article 70 and as defined by State law.
<b>§ 33-1473 <u>2</u> Permit Required</b>	States that ADUs on multifamily properties require an ADU permit; and, states that ADUs on single-family properties only require a building permit (unless otherwise specified).	Repeal in full and replace with new update to differentiate between State Exempt ADUs and All Other ADUs; specify that all ADUs are to be reviewed by building permit only (i.e., eliminates a planning permit for multifamily ADUs).



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Chapter – Article number: Article Name Section	Summary of Existing Contents	Proposed Change(s)
<p><b><u>§ 33-1473 Occupancy limitations</u></b>  <b><u>§ 33-1474 Development standards – State Exempt ADUs</u></b></p>	<p>Specifies Allowed Uses – describes when, how, and the number of ADUs or JADUs permitted on lots; and Owner-Occupancy – describes owner-occupancy requirements, deed restrictions, code requirements, conveyance and rental terms, and occupancy recognition.</p>	<p>Repeal in full and replace with new <b>§ 33-1474 Development standards – State Exempt ADUs</b>. Specifies standards for attached and detached ADUs on single-family and multifamily lots <i>in accordance with Government Code section 66314</i>; and, see new <b>§ 33-1478 Allowable Use of ADU and JADUs</b>; and see new <b>§ 33-1479 Occupancy and Conveyance</b>.</p>
<p><b><u>§ 33-14754 Development standards – Standard ADUs</u></b></p>	<p>Specifies Development Standards for ADUs and JADUs – linked to underlying zone standards, number of bedrooms, entries, kitchens, sanitation facilities, setbacks, unit size, height, lot coverage, number of ADUs and JADUs, parking, design, and addresses.</p>	<p>Repeal in full and replace with new <b>§ 33-1475 Development standards – Standard ADUs</b>. Specifies standards for designated areas/zones, density, number of units, floor area, setbacks, lot coverage, height, interior space, architectural details, landscaping, parking, and addresses for ADUs in accordance with State law (i.e., <i>ADUs not subject to Government Code section 66323</i>).</p>
<p><b><u>§ 33-1475 Other regulations</u></b></p>	<p>Stipulates regulations for historic buildings, guest houses, and utility connections.</p>	<p>Repealed in full. Historic buildings are addressed in new <b>§ 33-1477 ADUs and JADUs on Historic Lots</b>; “guest houses” are removed completely from Article 70; and, Utility connections are addressed in <b>§ 33-1479 Occupancy and Conveyance</b> and <b>§ 33-1483 Fees</b>.</p>
<p><b><u>§ 33-1476 Development Standards – Junior Accessory Dwelling Units</u></b></p>	<p>Does not exist.</p>	<p>New Section. Specifies standards for designated areas/zones, floor area, interior space, architectural details, height, and parking for JADUs in accordance with State law.</p>
<p><b><u>§ 33-1477 ADUs and JADUs on Historic Lots</u></b></p>	<p>Does not exist.</p>	<p>New Section. Specifies additional standards for ADUs and JADUs on historic lots as permissible by State law.</p>



# CITY of ESCONDIDO

## STAFF REPORT

Chapter – Article number: Article Name Section	Summary of Existing Contents	Proposed Change(s)
<b><u>§ 33-1478 Allowable Uses of ADUs and JADUs</u></b>	Does not exist.	New Section. Specifies the allowable use of an ADU or JADU.
<b><u>§ 33-1479 Occupancy and Conveyance</u></b>	Does not exist.	New Section. Specifies limitations of renter and owner occupancy, conveyance of JADUs, and conveyance of ADUs.
<b><u>§ 33-148076 Code Standards Existing nonpermitted accessory units</u></b>	Does not exist.	New Section. Specifies building code standards for new ADUs or JADUs, and provides requirements for reviewing existing code violations and unpermitted ADUs and JADUs in accordance with State law.
<b><u>§ 33-148177 Application and p<u>ro</u>cedures</u></b>	States the Director shall approve or disapprove an application ministerially for an ADU within 60 days and states that ADUs on multifamily lots require an ADU permit.	Repeal in full and replace with language detailing the building permit application review process.
<b><u>§ 33-148278 Decision to Deny Findings for Denial</u></b>	Provides findings for denial of an ADU permit.	Repeal in full and replace with new <b>§ 33-1482 Decision to Deny</b> ; Specifies that the applicant shall be provided with a written list of defects and deficiency for remediation in accordance with State law.
<b><u>§ 33-1479 Appeal</u></b>	Provides directions for an appeal.	Repeal in full. An appeal process is no longer applicable.
<b><u>§ 33-14830 Fees</u></b>	Details fee requirements	Repeal in full and replace with new language regarding ADU/JADU application and impact fees in accordance with State law.
<b><u>§ 33-14841. through § 33-1489. (Reserved)</u></b>	n/a	Updated to reflect added sections.

### PROJECT ANALYSIS

#### 1. General Plan Conformance:

The Escondido General Plan is the City's long-term blueprint that lays out goals and policies for the City's physical, economic, and social development. The General Plan provides guidance on topics like land use patterns, mobility network, safety, and quality of life standards. The Implementation Program Chapter of the General Plan, Chapter 10, recognizes the zoning code to be a "key feature" in directing local decisions and facilitating the implementation of the General Plan. Recurring zoning code updates for clarification and alignment with State law ensures that the General Plan's policies will be carried out



# CITY of ESCONDIDO

## STAFF REPORT

accordingly. Changes proposed in Article 70 seek to clarify zoning code language and conform with State regulations, furthering the implementation of the General Plan. The changes proposed are related to state compliance. Therefore, the proposed changes to the Zoning Code would be consistent with the General Plan.

### 2. Zoning or Specific Plan conformance:

The amendments to Article 70 seek to clarify and/or correct zoning code language, conform with new State regulations, and address errors/typos. The proposed changes facilitate continued improvement on zoning code interpretation and further its purpose: to promote public peace, health, safety, convenience, comfort, prosperity or general welfare (Section 33-3 and 33-6 of Article 1 of the Zoning code). Approving the proposed Zoning Code amendments would further the zoning code's objectives, making this effort compliant with the zoning code.

Additionally, zoning text amendments such as this require the mandatory findings outlined under Article 61 (Administration and Enforcement), Division 4 (Amendments and Zone Changes), Section 33-1263 be substantiated. Exhibit "A" under the draft resolution attached to this staff report provide such justification for the proposed amendments to Article 70.

### 3. Climate Action Plan Consistency:

The City's 2021 Climate Action Plan provides a roadmap for reducing greenhouse gas ("GHG") emissions through the implementation of various strategies, goals, actions and supporting measures. The proposed amendments to Article 70 do not directly address or modify any of the Climate Action Plan's implementation objectives or activities.

## FISCAL ANALYSIS

There will be no fiscal impacts to the City of Escondido as a result of these amendments.

## ENVIRONMENTAL ANALYSIS

The proposed amendments to Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units) are ministerial actions undertaken to implement mandatory State law. The City lacks discretionary authority to deny, modify, or condition these provisions based on environmental considerations. Accordingly, the action is not subject to CEQA pursuant to Public Resources Code section 21080(b)(1); and the action is statutorily exempt from CEQA under CEQA Guidelines section 15268. The proposed amendments to Article 1 (General Provisions and Definitions) are exempt pursuant to CEQA Guidelines section 15378(b)(5) as changes to Article 1 would not have a direct or indirect physical effect on the environment. No further environmental review is required.

## PUBLIC NOTICING

City staff noticed the Zone Text Amendment in accordance with Article 61, Division 6 of the Escondido Zoning Code and Government Code section 65854. Due to the Citywide nature of the amendments, staff did not conduct specific project-related outreach. As of the time the staff report was prepared, no public correspondence has been received.



# CITY of ESCONDIDO

## STAFF REPORT

### CONCLUSION AND RECOMMENDATION

Planning staff recommend the Planning Commission approve Resolution No. 2026-06, recommending approval of the proposed Zoning Code amendments to the City Council for final decision pursuant to Section 33-1262 of Article 61 of the Escondido Zoning Code (Administration and Enforcement Ordinance). Approval of these changes will improve and clarify planning processes, and ensure compliance with state mandates. No other discretionary permits are requested or required.

### ATTACHMENTS

1. Attachment 1 – CalDHF public comment letter, dated February 18, 2025
2. Attachment 2 – Strikethrough and underline of proposed changes
3. Attachment 3 – Planning Commission Resolution No. 2026-06
  - a. Exhibit "A" – Findings of Fact
  - b. Exhibit "B" – Clean Copy of Proposed Changes



Feb 18, 2025

City of Escondido  
201 North Broadway  
Escondido, CA 92025

**Re: Proposed Amendments to City's ADU Ordinance**

**By email:** [Dane.white@escondido.gov](mailto:Dane.white@escondido.gov); [consuelo.martinez@escondido.gov](mailto:consuelo.martinez@escondido.gov);  
[christian.garcia@escondido.gov](mailto:christian.garcia@escondido.gov); [joe.garcia@escondido.gov](mailto:joe.garcia@escondido.gov);  
[judy.fitzgerald@escondido.gov](mailto:judy.fitzgerald@escondido.gov)

**Cc:** [pricila.rolan@escondido.gov](mailto:pricila.rolan@escondido.gov); [zack.beck@escondido.gov](mailto:zack.beck@escondido.gov);  
[michael.mcguinness@escondido.gov](mailto:michael.mcguinness@escondido.gov); [Sean.mcglynn@escondido.gov](mailto:Sean.mcglynn@escondido.gov);  
[christopher.mckinney@escondido.gov](mailto:christopher.mckinney@escondido.gov)

Dear Escondido City Council,

The California Housing Defense Fund ("CalHDF") submits this letter as a public comment for the City Council meeting of February 19, 2025 regarding item 13, a proposed amendment to the City's zoning code, including amendments to its regulations for ADUs and JADUs.

The proposed ordinance fails to comply with state law in several ways, and the City should address these issues before approving the ordinance.

### **Background**

The law gives local governments authority to enact zoning ordinances that implement a variety of development standards on ADUs. (Gov. Code, § 66314.) The standards in these local ordinances are limited by state law so as not to overly restrict ADU development. (See *id.*) Separately from local ADU ordinances, Government Code section 66323 establishes a narrower set of ADU types that local governments have a ministerial duty to approve via a building permit. "Notwithstanding Sections 66314 to 66322 ... a local agency shall ministerially approve" these types of ADUs. (*Id.* at subd. (a).) This means that ADUs that satisfy the minimal requirements of section 66323 must be approved regardless of any contrary provisions of the local ADU ordinance. (*Ibid.*) Local governments may not impose their own standards on such ADUs. (Gov. Code, § 66323, subd. (b) ["A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a)."].)

**2221 Broadway, PH1, Oakland, CA 94612**  
[hi@calhdf.org](mailto:hi@calhdf.org)

In addition, ADUs that qualify for the protections of Government Code section 66323, like other ADUs, must be processed by local governments within 60 days of a complete permit application submittal. (Gov. Code, § 66317, subd. (a).)

State law also prohibits creating regulations on ADU development not explicitly allowed by state law. Government Code Section 66315 states, “No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer.”

### **Impermissible Permit Requirement for ADUs on Multifamily Properties**

City code section 33-1472(a) requires an ADU permit in order for an applicant to develop ADUs on multifamily properties. However, Government Code section 66323, subdivisions (a)(3) and (a)(4) obligate the City to ADUs on multifamily properties via building permit only, as discussed *supra*. The City may not require a separate ADU permit in these circumstances.

For more information on 66323 units, please see page 18 et seq. of the January 2025 HCD ADU [Handbook](#).

### **Impermissible Certificate of Occupancy Delay**

City code section 33-1472(c)(1) prohibits the issuance of a certificate of occupancy for an ADU before the primary dwelling has been issued a certificate of occupancy. This unusual regulation is not allowed by state law.

Government Code section 66317, subdivision (a) states:

“... If the permit application to create or serve an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the permitting agency may delay approving or denying the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency approves or denies the permit application to create the new single-family or multifamily dwelling, but the application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing ...”

The law allows the City to delay the ADU permit application until the single-family dwelling permit is approved. It does not allow the City to delay issuance of a certificate of occupancy.

As discussed *supra*, state law does not allow the City to independently create regulations to discourage ADU development. Instead, state law prohibits creating regulations on ADU

development not explicitly allowed by state law. Government Code Section 66315 states, "No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer."

And, of course, the City may not impose this condition on any ADUs that qualify for the protections of Government Code section 66323, given that this section of law imposes a duty on the City to approve such ADUs via ministerial issuance of a building permit and does not allow the City to impose any of the requirements found in sections 66314 through 66322. There are many reasons that a family might choose to initially occupy an ADU. Home development is highly expensive. It is vastly more affordable (and faster) to develop an ADU than a primary dwelling. A family may choose to develop and occupy an ADU while building the primary dwelling, thus saving on rent while they finish the construction project. This regulation does not seem to serve any rational basis, unless the purpose is to discourage the development of ADUs with new single-family homes.

### **Impermissible Conditioning of Application on Health Department Approval**

City code section 33-1472(c)(2) states, "Prior to approval on properties with a private sewage system, approval by the county of San Diego department of environmental health, or any successor agency, may be required."

However, state law does not allow the City to require that applicants seek separate approval from a health department. Instead, Government Code section 66314, subdivision (f) only allows the following with respect to private sewage/septic systems:

A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

The City should amend its code accordingly.

### **Impermissible Blanket Ban on ADU Sales**

City code section 33-1473(d) forbids all separate sales of ADUs. However, Government Code section 66341 mandates that the City permit separate sales of ADUs in certain circumstances. The City should amend its code accordingly.

### **Impermissible Imposition of Underlying Zoning**

City code section 33-1474(a) imposes all underlying city zoning standards on ADUs, except as modified by that section. This provision is not allowed by state law.

As discussed *supra*, Government Code section 66323 mandates that the City approve a specific class of ADUs subject only to specified height and setback requirements, notwithstanding any local code requirements to the contrary. This means, for example, that the City cannot impose landscaping regulations, floor area ratio regulations, parking requirements, front setbacks, etc. on ADUs that qualify for the protections of Government Code section 66323.

### **Impermissible Front Setback Requirements**

City code section 33-1474(a)(4) imposes the front setback requirements of the underlying zoning on all new construction ADUs.

However, Government Code section 66323, subdivision (a) does not permit imposition of front setback requirements for ADUs that qualify for the protections of that section of law. There are many policy reasons for this. For instance, a homeowner may prefer to preserve a private backyard space while redeveloping the less useful front yard. While children may play in the backyard, the front yard is closer to the street and less safe for a variety of activities. The City therefore must allow front yard ADUs that comply with the standards in Government Code section 66323, subdivision (a) both on single family and on multifamily properties.

HCD has issued guidance (the January 2025 HCD ADU [Handbook](#), page 18) affirming the duty of local agencies to allow ADUs protected by Government Code section 66323 in the front setback under all circumstances.

### **Impermissible ADU Size Limitations**

City code Table 33-1474 imposes blanket maximum ADU sizes on all ADUs developed in the city.

However, these limits are not allowed for ADUs subject to the protections of Government Code section 66323, subdivisions (a)(1), (a)(3), and (a)(4). In the case of section 66323, subdivision (a)(1), state law does not allow a maximum unit size for a conversion of a portion of an existing structure into an ADU on a single-family property. For section 66323, subdivision (a)(3), state law does not allow a maximum unit size for a conversion of a portion of an existing structure into an ADU on a multifamily property. For section 66323, subdivision (a)(4), state law does not allow a size limitation for any detached ADUs constructed on multifamily properties, provided they comply with the specified height and setback requirements.

### Impermissible Height Limits

City code section 33-1474(a)(7) limits ADU heights to 16 feet or the underlying zoning, whichever is higher. However, Government Code section 66321, subdivision (b)(4) obligates the City to approve ADUs higher than 16 feet in certain circumstances, such as when the ADU is on the same parcel as a multistory multifamily dwelling, or when the parcel is near transit.

### Impermissible Lot Coverage Requirement

City code section 33-1474(a)(8) imposes the lot coverage requirement of the underlying zoning on ADUs. CalHDF notes that section 33-1474(a) allows relaxation of this standard to allow at least one 850 square foot ADU on the property.

However, this allowance is insufficient. Government Code section 66323, subdivision (a)(4) allows up to eight ADUs, without size restriction, on parcels with an existing multifamily dwelling, and the City may not impose any lot coverage requirement that would restrict this allowance.

### Impermissible Design Standards

City code section 33-1474(d) imposes design standards on all ADUs. None of these standards may be imposed on ADUs that qualify for the protections of Government Code 66323, subdivision (a), as discussed *supra*.

Additionally, this code section contains numerous non-objective requirements. The City may only apply objective standards (Gov. Code, § 66314, subd. (b)(1)), which state ADU law defines as “standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.” (Gov. Code, § 66313, subd. (i).)

It would be impossible for an applicant to know, *ex ante*, what the planning director considers to be “integrated with the primary structure” or “determined to have historic value by the director.”

These provisions of code should be amended to be made objective. Additionally, this code section should be amended to make clear that it does not apply to ADUs eligible for the protections of Government Code section 66323, subdivision (a).

### **Impermissible Historic Regulations**

City code section 33-1475(a) places a variety of regulations on ADUs developed on properties with historic structures. As discussed *supra*, the City may not impose any development standards on ADUs that qualify for the protections of Government Code 66323, subdivision (a). For such ADUs, the City may not impose the regulations in City code section 33-1475(a).

See pages 18-20 of the HCD's January 2025 ADU [Handbook](#) for further information on section 66323 ADUs. For instance, from page 20 of the Handbook: "A local agency may not impose development or design standards, including both local standards and standards found in State ADU Law, on 66323 Units that are not specifically listed in Government Code section 66323. (Gov. Code, § 66323, subs. (a), (b).) This includes, but is not limited to, parking, height, setbacks, or other zoning provisions (e.g., lot size, open space, floor area ratio, etc.)"

### **Impermissible Limitation on Number of ADUs per Lot**

City code section 33-1475(b) limits development of ADUs on a parcel as follows:

Guest house. An attached guest house may be converted to an accessory dwelling unit provided all provisions of this article and the building code and zoning code are met. A guest house and an accessory dwelling unit and/or a junior accessory dwelling unit may occur on the same lot provided the guest house does not contain kitchen facilities and is not rented. No more than one accessory dwelling unit or no more than one guest house is permitted on a lot. Nothing in this section shall be construed to prohibit the construction of an accessory dwelling unit and/or junior accessory dwelling unit in compliance with this article.

These limitations are plain violations of Government Code section 66323, subdivision (a). The City must approve building applications for the types of ADUs described in this section of law and may not condition the approval on the removal or alteration of an existing guest house.

Furthermore, City code section 33-1475(b) limits ADU development to one ADU per parcel. However, Government Code section 66323, subdivisions (a)(3) and (a)(4) allow for multiple ADUs on multifamily properties. This section of City code should be amended to reflect this allowance.

### **Impermissible Limitations on Unpermitted ADUs**

City code section 33-1476 declares all existing, unpermitted ADUs to be in violation of City code and subject to enforcement action. Section 33-1476(a) requires unpermitted ADUs to fully meet the requirements of the City code in order to be legalized.

These requirements are a clear violation of state ADU law. Government Code, section 66332, subdivision (a) (emphasis added):

(a) Notwithstanding any other law, and except as otherwise provided in subdivision (b), a local agency shall not deny a permit for an unpermitted accessory dwelling unit or unpermitted junior accessory dwelling unit that was constructed before January 1, 2020, due to either of the following:

(1) The accessory dwelling unit or junior accessory dwelling unit is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.

(2) The accessory dwelling unit or junior accessory dwelling unit does not comply with this article or Article 3 (commencing with Section 66333), as applicable, **or any local ordinance regulating accessory dwelling units or junior accessory dwelling units.**

Non-compliance with the City's ADU ordinance therefore is not a valid reason to deny a permit to legalize an existing ADU.

### Impermissible Required Findings

City code section 33-1478 requires the following findings as a condition of ADU permit approval:

- (a) Adequate public facilities and services are available;
- (b) All requirements of this article and the zoning code are met;
- (c) The project will not create a second front entrance;
- (d) The unit is integrated with the primary structure with respect to roof design, height, compatible materials, color, texture, and design details; and
- (e) The accessory dwelling unit does not create any adverse impact on any real property that is listed in the local, state, or federal Register of Historic Places.

As a threshold issue, the City is not allowed to require ADU permits or any ADU application eligible for the protections of Government Code section 66323, subdivision (a).

Findings (a), (c), (d), and (e) may not be required for any ADU application eligible for the protections of Government Code section 66323, subdivision (a), as that section of state law only permits the City to apply basic height and setback regulations specified in state law.

Additionally, findings (a) and (d) are non-objective. As discussed *supra*, the City may only apply objective standards (Gov. Code, § 66314, subd. (b)(1)) to ADU development.

It would be impossible for an applicant to know, ex ante, what the planning director considers to be “integrated with the primary structure” or whether the ADU has “adequate public facilities and services available.” Does this mean that there need to be “adequate” childcare slots available? That there needs to be “adequate” parkland available? The City may not apply this non-objective requirement.



CalHDF appreciates the City’s effort to implement state law governing ADU construction. However, the City should amend its ordinance to ensure that it complies with state law.

CalHDF is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at [www.calhdf.org](http://www.calhdf.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "Dylan Casey".

Dylan Casey  
CalHDF Executive Director

A handwritten signature in black ink, appearing to read "James M. Lloyd".

James M. Lloyd  
CalHDF Director of Planning and Investigations

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**ARTICLE 1  
GENERAL PROVISIONS AND DEFINITIONS**

**§ 33-8. Definitions.****"Dwelling"**

- (1) **"Dwelling"** means one or more rooms in a building used for occupancy by one family for living or sleeping purposes and having only one kitchen.
- (2) **"Grouped dwelling"** means a group of two or more detached or semi-detached one-family, two-family, three-family or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common, including bungalow courts and apartment courts, but not including recreational vehicle or campgrounds.
- (3) **"Multiple dwelling"** means a building or portion thereof used for occupancy by four or more families living independently of each other, and containing four or more dwellings.
- (4) **"One-family or single-family dwelling"** means a detached or semi-detached building designed for or occupied exclusively by one family.
- (5) **"Two-family dwelling and duplex"** means a detached or semi-detached building designed for or occupied exclusively by two families.
- (6) **"Three-family dwelling and triplex"** means a detached or semi-detached building designed for or occupied by three families.
- (7) **"Primary dwelling"** means the principal single-family dwelling located on a lot where an accessory dwelling unit is existing or proposed.
- (8) **"Accessory dwelling"** ~~means a secondary, but independent living facility which is located or established on the same lot as the primary residence. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation.~~ means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An ADU may also include the following:
  - An efficiency unit.
  - A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (9) **"Junior Accessory dwelling"** means a unit that is no more than 500 square feet of interior livable space in size and contained entirely within a single-family residence. Enclosed uses such as attached garages, are considered a part of the proposed or existing single-family residence.

**LEGEND:****Bold Text** – Headers (no text change unless denoted as below)~~Strikethrough~~ – Language RemovedUnderline – Proposed Language**ARTICLE 70****ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS****§ 33-1470. Purpose and intent.**

The purpose of this article is to provide regulations for the establishment of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) as additional housing. ~~accessory dwelling units and junior accessory dwelling units. The intent of the article is to provide additional housing opportunities in areas where adequate public facilities and services are available, and where impacts upon the residential neighborhoods directly affected would be minimized. Should any provision of this article be found not to be in compliance with California Government Code sections 66310 – 66342, as applicable, Notwithstanding the intent of California Government Code section 65852.2 or section 65852.22, should any provision of this article be found not to be in compliance with state law, that provision should be severed and stricken from Article 70 as if it had never been adopted.~~

**§ 33-1471. Permitted zones Applicability.**

~~Accessory dwelling units and junior accessory dwelling units shall be permitted in areas zoned to allow single-family or multifamily dwelling residential uses, subject to section 33-1472 of this article. This article applies to ADUs and JADUs proposed on lots developed or proposed to be developed with one or more residential dwellings in areas zoned to allow single-family or multifamily residential uses, in areas where adequate public facilities and services are available, and where impacts upon the residential neighborhoods directly affected would be minimized in relation to traffic flow and public safety, and/or mixed-use zones as applicable, as permitted by California Government Code sections 66314 and 66323, and subject to Sections 33-1473 through 33-1483, as applicable.~~

**§ 33-1472. Definitions.**

- (a) “Accessory dwelling unit”, or ADU, means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An ADU may also include the following:
- (1) An efficiency unit.
  - (2) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (b) “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.
- (c) “Attached ADU” means an ADU that is completely within an existing main building, or added to an existing primary building or accessory structure. These units shall be attached by a common wall, floor, or ceiling, and not simply by an attached passageway or porch; and

**LEGEND:**

**Bold Text** – Headers (no text change unless denoted as below)

~~Strikethrough~~ – Language Removed

Underline – Proposed Language

shall be contained within one building. Enclosed uses such as attached garages, are considered a part of the proposed or existing single-family residence.

- (d) “Detached ADU” means an ADU that is structurally independent and separated from the existing or proposed single-family or multi-family residence by a minimum of 10 feet.
- (e) “Efficiency unit” has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
- (f) “Junior accessory dwelling unit” means a unit that is no more than 500 square feet of interior livable space in size and contained entirely within a single-family residence. Enclosed uses such as attached garages, are considered a part of the proposed or existing single-family residence.
- (g) “Livable space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
- (h) “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- (i) “Local agency” means a city, county, or city and county, whether general law or chartered.
- (j) “Multifamily dwelling,” or “Multifamily residential uses,” means a structure with two or more attached dwellings on a single lot. This definition shall be specific to this article.
- (k) “Nonconforming zoning condition” means a physical improvement on a property that does not conform to current zoning standards.
- (l) “Objective standards” means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.
- (m) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- (n) “Permitting agency” means any entity that is involved in the review of a permit for an accessory dwelling unit or junior accessory dwelling unit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts.
- (o) “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- (p) “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- (q) “Qualified Buyer” means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

**LEGEND:****Bold Text** – Headers (no text change unless denoted as below)~~Strikethrough~~ – Language RemovedUnderline – Proposed Language

- (r) “Qualified Nonprofit Corporation” means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.
- (s) “Standard ADU” refers to ADUs that are created pursuant to Government Code Section 66314.
- (t) “State Exempt ADU” refers to ADUs or JADUs that are created pursuant to Government Code Section 66323.
- (u) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

**§ 33-14723. Permit required.**

- (a) **State Exempt ADUs.** Notwithstanding Government Code sections 66314 to 66322, inclusive, a building permit for a State Exempt ADU, in compliance with Government Code Section 66323, shall be required and ministerially approved. Accessory dwelling units on properties with legally established multifamily residential dwellings are subject to the approval of an accessory dwelling unit permit.
- (b) **All Other ADUs.** A building permit application for an ADU or a JADU shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Government Code Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, and in accordance with Government Code sections 66317, 66320, and 66335.

If the permit application to create or serve an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the City may delay approving or denying the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permit application to create the new single-family or multifamily dwelling is approved or denied, but the application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. Accessory dwelling units and junior accessory dwelling units on properties with legally established single-family residential dwellings are subject to the approval of a building permit, unless additional requirements apply as described under section 33-1475, Other regulations.

**~~§ 33-1473. Occupancy limitations.~~**

- (a) ~~Allowed use.~~
  - (1) ~~One attached or detached accessory dwelling unit may be permitted in conjunction with an existing or proposed single-family residence on a lot zoned for single-family or multifamily residential use.~~

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- ~~(A) The accessory dwelling unit is either attached to, or located within, the proposed or existing main building or attached garages, storage areas, or similar use; or a detached accessory structure and located on the same lot as the proposed or existing single-family home.~~
- ~~(B) An accessory dwelling unit may be permitted on a lot where a junior accessory dwelling unit exists or is proposed.~~
- (2) ~~One junior accessory dwelling unit may be permitted in conjunction with an existing or proposed single-family residential use.~~
- ~~(A) The junior accessory dwelling unit is located within the proposed or existing main building or attached garages, storage areas, or similar use.~~
- ~~(B) A junior accessory dwelling unit may be permitted on a lot where an accessory dwelling unit exists or is proposed.~~
- (3) ~~Number of accessory dwelling units on legal lots with existing multifamily dwelling units.~~
- ~~(A) Shall be permitted to construct at least one accessory dwelling unit within portions of existing multifamily dwelling structures that are existing non-habitable space, and shall allow up to 25% of the units in each existing multifamily dwelling structure, in accordance with Government Code section 65852.2(e). Existing detached accessory structures cannot be attached to a multifamily dwelling structure for the purposes of creating an accessory dwelling unit; and~~
- ~~(B) Not more than two accessory dwelling units are permitted that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling.~~
- ~~(C) For purposes of this article, "multifamily dwelling structure" or "multifamily dwelling" is defined as a structure with two or more attached dwellings on a single lot.~~
- (b) ~~Owner-occupied.~~
- (1) ~~The owner-occupancy requirement shall not be applied to any accessory dwelling unit.~~
- (2) ~~A junior accessory dwelling unit may be used as habitable space, only so long as either the remaining portion of the main dwelling unit, or the newly created junior accessory dwelling unit is occupied by the owner of record of the property, unless otherwise exempted by this section.~~
- ~~(A) Owner-occupancy for a junior accessory dwelling unit shall not be required if the owner is an agency, land trust, or housing organization.~~

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- (3) ~~Deed restriction. The city shall require the recordation of a deed restriction if owner-occupancy is required pursuant to this section.~~
- ~~(A) Prior to issuance of a building permit, the property owner shall execute a deed restriction setting forth the owner-occupancy requirements, in a form and substance satisfactory to the director of community development and city attorney's office, which shall be recorded in the office of the county recorder. The covenant shall also include the following terms and limitations:~~
- ~~(i) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, and shall not be subdivided in any manner that would authorize such sale or ownership;~~
- ~~(ii) A statement that the deed restriction may be enforced against future purchasers and the restrictions shall be bindings upon any successor in ownership of the property;~~
- ~~(iii) The junior accessory dwelling unit shall be a legal unit, and may be used as habitable space, only so long as the owner of record of the property occupies the premises;~~
- ~~(iv) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section, and if applicable the occupancy limitations of the California Health and Safety Code section 17958.1.~~
- (c) ~~All local building and fire code requirements apply, as appropriate, to accessory dwelling units and junior accessory dwelling units.~~
- ~~(1) A certificate of occupancy shall not be issued for the accessory dwelling unit and/or junior accessory dwelling unit until the building official issues a certificate of occupancy for the main building.~~
- ~~(2) Prior to approval on properties with a private sewage system, approval by the county of San Diego department of environmental health, or any successor agency, may be required.~~
- (d) ~~The accessory dwelling unit and/or junior accessory dwelling unit is not intended for sale, except in conjunction with the sale of the primary residence and property.~~
- (e) ~~The accessory dwelling unit and junior accessory dwelling unit may be rented separate from the primary residence, but only with a rental agreement and with terms greater than 30 days.~~
- (f) ~~The accessory dwelling unit and/or junior accessory dwelling unit shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the premises.~~
- ~~(1) The accessory dwelling unit and/or junior unit shall be deemed to be a legal unit and permit such accessory use of property, which use is specifically identified by the accessory use regulations for the underlying zone and per Government Code~~

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~~sections 65852.2 and 65852.22; and shall allow such other accessory uses which are necessarily and customarily associated with such principal residential use of the premises, except as otherwise provided by this subsection.~~

- (2) ~~An accessory dwelling unit and/or junior accessory dwelling unit shall be deemed an independent dwelling unit for the sole purpose of establishing a home occupation permit within the accessory dwelling unit and junior accessory dwelling unit, subject to the terms and limitations of Article 44. The limitations for home occupations shall be shared with the principal use and/or main building.~~

~~(B) No more than the quantities of animals specifically listed in Table 33-95(a) of Article 6 or section 33-1116 of Article 57 is permitted on the premises. The limitations for animal keeping and household pets shall be shared with the principal use and/or main building.~~

~~(C) For all other accessory use of property, the accessory dwelling units and/or junior accessory dwelling unit shall be controlled in the same manner as the principal use within each zone, and shall not expand or be conveyed separately from the primary use. When provided by these regulations, it shall be the responsibility of the director of community development to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, accessory dwelling unit, and/or junior accessory dwelling unit, based on the director's evaluation of the resemblance of the proposed accessory use and the relationship between the proposed accessory use and the principal use.~~

**§ 33-1474. Development standards – State Exempt ADUs.**

State Exempt ADUs shall be subject to the standards listed below, in accordance with Government Code Section 66323.

- (a) **Attached Units – Single-Family Residential Dwelling.** One Attached ADU and one JADU shall be permitted per lot with a proposed or existing single-family dwelling, subject to all the following requirements:

- (1) The State Exempt ADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure. If the State Exempt ADU is within an accessory structure, an expansion of not more than 150 square feet beyond the footprint of the existing accessory structure is permitted. The expansion shall be limited to accommodating egress and ingress.
- (2) The State Exempt ADU has exterior access separate from the proposed or existing single-family dwelling.
- (3) The side and rear setbacks comply with adopted codes pertaining to fire and building safety.

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- (4) When the State Exempt unit is a JADU, additional regulations apply as detailed in Section 33-1476, and in compliance with Government Code Section 66333 through 66339.
- (b) **Detached Units – Single-Family Residential Dwelling.** One detached, new construction State Exempt ADU shall be permitted per lot with a proposed or existing single-family dwelling, and may be in addition to one attached State Exempt ADU as described in paragraph (a), subject to all the following requirements:
- (1) Detached, new construction State Exempt units are subject to four-foot-minimum side and rear yard setbacks.
  - (2) The total floor area is limited to not more than 800 square feet of interior livable space.
  - (3) The height of the State Exempt unit shall comply with Section 33-1475(g) Height.
- (c) **Attached Units – Multifamily Residential Dwellings.**
- (1) Multiple attached State Exempt ADUs may be permitted within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to, storage room, boiler rooms, passageways, attics, basement, or garages, as long as each unit complies with state building standards for dwellings.
  - (2) At least one attached State Exempt ADU shall be permitted within an existing multifamily dwelling structure, and not more than 25-percent of the total existing multifamily dwelling units. Any calculation that results in a fractional unit shall be rounded down to the next whole number.
- (d) **Detached Units – Multifamily Residential Dwelling.**
- (1) On a lot with an existing multifamily dwelling, no more than eight detached State Exempt ADUs, or up to equal the number of existing units, shall be permitted, whichever is less. These units shall be inclusive of those which may have been permitted under subsection (c)(2).
  - (2) On a lot with a proposed multifamily dwelling, not more than two detached State Exempt ADUs shall be permitted.
  - (3) Detached State Exempt ADUs are subject to four-foot-minimum side and rear yard setbacks. The addition of detached State Exempt ADUs shall not require any setback modification of an existing multifamily dwelling that has a rear or side setback of less than four feet.
  - (4) The height of detached State Exempt ADUs on a lot with existing or proposed multifamily dwellings shall comply with Section 33-1475(g) Height.
- (e) **All State Exempt Units.**
- (1) No additional objective development or design standards beyond those detailed in Subsection 33-1474(a) through (d), as applicable, shall be imposed upon any State Exempt ADUs.

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- (2) The addition of State Exempt ADUs shall not require any correction of nonconforming zoning conditions.
- (3) The addition of State Exempt ADUs shall not require fire sprinklers if sprinklers are not required of the primary dwelling nor shall the addition of State Exempt ADUs require fire sprinklers to be installed in an existing dwelling that does not currently have sprinklers.
- (4) The rental of State Exempt ADUs shall be for a term longer than 30 days.
- (5) For State Exempt ADUs connected to an onsite wastewater treatment system (septic), a certified percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years, shall be required at part of the ministerial application materials.

**§ 33-14754. Development standards – Standard ADUs.**

Standard ADUs, beyond those permitted in accordance with Section 33-1474 above, shall be subject to the development standards listed below, and in accordance with Government Code Section 66314. Standard ADUs are permitted in addition to State Exempt ADUs.

- (a) **Designated areas.** Standard ADUs are permitted in areas zoned to allow single-family or multifamily residential uses where:
  - (1) The lot includes a proposed or existing dwelling.
  - (2) Adequate public facilities and services are available.
    - (A) For Standard ADUs proposed to connect to an onsite wastewater treatment system (septic), a certified percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years, shall be required at part of the application materials.
    - (B) For Standard ADUs proposing private sewage disposal, authorization to move forward with the construction of the Standard ADU by the San Diego County Department of Environmental Health and Quality, or their designee, shall be required as part of the application materials.
  - (3) Impacts upon the residential neighborhoods directly affected would be minimized in relation to traffic flow and public safety.
  - (4) An Attached Standard ADU shall be either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses.
  - (5) A Detached Standard ADU shall be either a converted accessory structure or a newly constructed ADU structure detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.
- (b) **Density.** In accordance with Government Code Section 66314(c) and 66319, Standard ADUs do not affect the allowable density for the lot upon which the ADU is located. Furthermore, Standard ADUs are recognized as a residential use consistent with the

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existing residential general plan and zoning designation for the lot upon which they are located.

(c) **Number of Units.**

(1) One Standard ADU shall be permitted in addition to permissible State Exempt ADUs and shall conform to the additional development standards established in this subsection.

(A) Additional Standard ADUs may be permitted and shall conform to the development standards of the underlying zone. An appropriate development application for the construction of additional Standard ADUs on any lot in all residential or mixed-use zones is required pursuant to Article 61 of this chapter.

(d) **Floor Area.**

(1) Minimum permissible floor area of any ADU shall be no less than 150 square feet and such proposed ADUs shall meet the requirements for an efficiency unit as defined by the California Health and Safety Code section 17958.1.

(2) Maximum total floor area of any Standard ADU shall not exceed 1200 square feet of interior livable space.

(3) Any accessory structure attached to a Standard ADU, such as a patio cover, shall not exceed 49 percent of the associated existing or proposed Standard ADU.

(e) **Setbacks.**(1) **Front Yard Setbacks.**

(A) Any Attached or Detached Standard ADUs between 800 and 1,200 square feet of interior livable space shall conform to the front yard setbacks of the underlying zone.

(B) No front setback shall be required for any Attached or Detached Standard ADU less than 800 square feet of interior livable space.

(2) **Side and Rear Yard Setbacks.**

(A) Attached Standard ADUs – Converted Space. No new side or rear yard setback shall be required for an existing living area or existing accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to a Standard ADU or to a portion of a Standard ADU.

(B) Attached Standard ADUs – New Construction. New Attached Standard ADUs shall maintain minimum side and rear yard setbacks of 4 feet.

(C) Detached Standard ADUs shall maintain minimum side and rear yard setbacks of 4 feet.

(3) **Special Circumstances**

(A) Any portion of a Detached Standard ADU constructed above an existing or proposed accessory structure, such as a garage, that is in excess of 18 feet, shall

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provide an additional five feet of setback adjacent property line(s) abutting residential zones.

(B) The structures listed below may project into the minimum front or rear setback not more than four feet and into the minimum side setback not more than two feet, provided that such projections shall not be closer than three feet to any lot line:

(i) Cornices, eaves, belt courses, sills, buttresses or other similar architectural features;

(ii) Fireplace structures and bays, provided that they are not wider than eight feet measured in the general direction of the wall of which it is a part;

(iii) Stairways, balconies, door stoops and fire escapes;

(iv) Awnings;

(v) Planting boxes or masonry planters not exceeding 42 inches in height;

(vi) Porte-cochere over a driveway in a side setback area, provided such structure is not more than one story in height and 22 feet in length, and is entirely open on at least three sides, except for the necessary supporting columns and customary architectural features.

(f) **Lot Coverage.**

(1) Any Attached or Detached Standard ADU with less than 800 square feet of interior livable space shall not count towards the lot coverage requirements of the underlying zone.

(2) Any Attached or Detached Standard ADU between 800 and 1,200 square feet of interior livable space shall comply with lot coverage requirements of the underlying zone.

(3) Any detached accessory structure associated with a Standard ADU shall be subject to the provisions of Sections 33-102 and 33-103 for the primary dwelling.

(4) An attached accessory structure, such as a patio cover, associated with a Standard ADU, shall not exceed 49 percent of the Standard ADU and shall be subject to the provisions of Sections 33-102 and 33-103 for the primary dwelling.

(g) **Height.**

(1) The following height standards apply to State Exempt or Standard ADUs:

(A) An Attached ADU or JADU that is within the proposed or existing space of an existing single-family dwelling or accessory structure shall be limited to the height of the structure it is within.

(B) An Attached ADU that is attached to the primary dwelling, shall be limited to the height of the existing or proposed primary dwelling or 24 feet, whichever is greater.

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- (C) A Detached ADU on a lot with an existing or proposed single-story single-family dwelling or single-story multifamily dwelling, shall be limited to the height of the existing or proposed single-story primary dwelling or 24 feet, whichever is greater.
  - (D) A Detached ADU on a lot with an existing or proposed multistory single-family dwelling or multistory multifamily dwelling, shall be permitted a height up to that of the primary structure or the height allowed by the underlying zone, whichever is greater, as measured from finished floor to top of roof.
  - (E) A Detached ADU constructed above an existing or proposed detached accessory structure, such as a detached garage, shall be permitted to a height up to that of the primary structure or the height allowed by the underlying zone, whichever is greater, as measured from finished floor to top of roof.
  - (2) Any portion of an Attached or Detached ADU above 18 feet shall be subject to the provisions of Section 33-1475(e)(3)(A) Special Circumstances.
  - (3) An additional two feet in height shall be permitted to accommodate a roof pitch on any ADU that is aligned with the roof pitch of the primary dwelling unit.
- (h) **Interior Space.**
- (1) **Access.** All Standard ADUs shall be provided with a separate, exterior entry, and no direct, interior access into the main building.
  - (2) **Bedrooms.** There is no limit on the number of bedrooms, provided that the Standard ADU complies with local building and fire code requirements.
  - (3) **Common Living Area.** The total area of all bedrooms shall not exceed 50 percent of the total interior livable space of the Standard ADU. The total combined Standard ADU common living area shall be equal to or greater than the total combined area of all bedrooms. The calculation of common living area and bedroom area shall not include closets, bathrooms or hallways, and shall be measured from the centerline of interior walls, and the exterior of exterior walls.
  - (4) **Bathrooms.** All Standard ADUs shall include separate bath/sanitation facilities
  - (5) **Kitchen.** Standard ADU shall include, and be limited to, one kitchen as defined by the Zoning Code. "Wet bars" shall not be permitted.
- (i) **Architectural Details.**
- (1) **Passageways.** No passageway, as defined in Section 33-1472, shall be required in conjunction with the construction of a Standard ADU.
  - (2) **Exterior Architecture.** Exterior building materials, texture, and colors for Standard ADUs shall match those of the primary structure.
  - (3) **Windows.** Window materials, design, framing, and detailing for Standard ADUs shall substantially match those of the primary structure.

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- (A) The number of windows shall meet the minimum requirement to satisfy applicable building code and health and safety standards.
- (4) **Roof.** Roof materials, texture, and color, as well as roof pitch, for Standard ADUs shall substantially match those of the primary structure.
- (5) **Historic Properties.** If the Standard ADU is an addition to a site that is listed in the California Register of Historical Resources, the City's Local Register of Historic Places, or located within a historical district, the requirements and development standards set forth in Section 33-1475 apply.
- (j) **Landscaping.**
- (1) **Yard areas.** A minimum of 50 percent of all remaining yard areas shall be landscaped with trees, shrubs and other plant materials, provided that such landscape features do not hinder safety access.
- (2) **Planting Materials.** Plantings shall consist of annuals, perennials, groundcovers, shrubs, and trees compatible with adjacent native vegetation, capable of surviving without permanent irrigation.
- (3) **Maintenance.** The property owner shall be responsible for the maintenance of landscape materials through regular routine maintenance to ensure that plant material is maintained in a flourishing manner. Dead or diseased plants must be replaced within 90 days from when the director makes a determination that the plant must be replaced. Failure to do so constitutes a violation of this article. The property owner shall receive a written notice of noncompliance.
- (4) **Irrigation.** Irrigation systems shall be consistently maintained and adjusted to eliminate water waste and ensure the healthy survival of the plant material.
- (k) **Parking.**
- (1) **Required Parking.** Designated parking spaces shall not be required for a Standard ADU in any of the following instances:
- (A) Where the Standard ADU is located within one-half mile walking distance of public transit.
- (B) Where the Standard ADU is located within an architecturally and historically significant historic district.
- (C) Where the Standard ADU is part of the proposed or existing primary residence or an accessory structure.
- (D) When on-street parking permits are required but not offered to the occupant of the Standard ADU.
- (E) When there is a car share vehicle located within one block of the Standard ADU.

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- (F) When a request for a Standard ADU is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the Standard ADU or the parcel satisfies the criteria listed in this subdivision.
- (2) **Voluntary Parking.** In instances where an applicant chooses to provide parking for a Standard ADU, the following requirements shall apply:
- (A) Parking need not exceed one parking space per Standard ADU.
- (B) Parking spaces may be provided as tandem parking on a driveway.
- (C) Parking shall be permitted in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
- (3) **Demolition of Existing Parking.**
- (A) When a garage, carport, or covered parking space is demolished or uncovered parking is replaced in conjunction with the construction of or conversion to a Standard ADU, replacement parking is not required.
- (B) Demolition permits required for a detached garage that is to be replaced with a Standard ADU shall be reviewed concurrently with the application for the Standard ADU and issued at the same time.
- (C) Written notice is not required for the proposed demolition of a detached garage that is to be replaced with a Standard ADU, unless the property is located within an architecturally and historically significant historic district, in which case notification is required pursuant to Section 33-1477.
- (l) **Addresses.** Standard ADUs shall be issued individual addresses upon the issuance of a certificate of occupancy. Addresses of all residential units shall be displayed in such a manner that they are clearly seen from the street, in accordance with California Residential Code standards.
- (a) ~~Accessory dwelling units shall be subject to all development standards of the zone in which the property is located, except as modified below. Notwithstanding, this section shall be interpreted liberally in favor of accessory dwelling unit construction. Furthermore, any property development standard provided herein that regulates the minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings shall permit at least an 850 square foot accessory dwelling unit to be constructed in compliance with all other local development standards and building code requirements.~~
- (1) ~~Number of bedrooms. There is no allowed limit on the number of bedrooms provided that the accessory dwelling unit and/or junior accessory dwelling unit complies with local building and fire code requirements.~~

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- (2) ~~The accessory dwelling unit shall be provided with a separate exterior entry. The accessory dwelling unit shall not have direct, interior access into the main building.~~
- (3) ~~The accessory dwelling unit shall include separate bath/sanitation facilities and include a separate kitchen.~~
- (4) ~~Setbacks. An attached or detached accessory dwelling unit, including a detached accessory unit that is attached to another accessory structure, shall be required to maintain minimum side and rear yard setbacks of at least four feet, and shall comply with front yard setbacks for the underlying zone. For attached accessory structures, whether attached to the primary unit or another detached accessory structure, the portion of the structure which does not include the habitable floor area of the accessory dwelling unit shall comply with setback requirements for the underlying zone. Roof eaves and other architectural projections for accessory dwelling units shall comply with section 33-104.~~
- (A) ~~No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit. The accessory dwelling unit may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress, subject to the terms and limitations of this article.~~
- (5) ~~Maximum unit size. The maximum accessory dwelling unit size is determined by the size of the lot as provided in Table 33-1474.~~
- (A) ~~If authorized by the underlying zoning, an accessory dwelling unit may be attached to a guest house provided that the overall combined floor area of the combined building or structure does not exceed 75% of the main unit.~~
- (B) ~~When an accessory dwelling unit is attached to other accessory building(s) or structure(s), such as a garage, carport, or patio cover, the overall combined building area of the structure(s) shall not exceed the existing floor area of the main residence.~~

**Table 33-1474**

<b>Lot Size</b>	<b>Maximum Permitted Accessory Dwelling Unit Size</b>	
	<b><i>1 bedroom or less</i></b>	<b><i>More than 1 bedroom</i></b>
Less than 20,000 sq. ft.	850 sq. ft.	1,000 sq. ft.
20,000 sq. ft. or more	1,000 sq. ft.	1,000 sq. ft.

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- (6) ~~Minimum unit size. The minimum permitted size of an accessory dwelling unit shall be the size of an efficiency unit as defined by the California Health and Safety Code section 17958.1. The minimum unit size of the residential zone shall not apply to the accessory dwelling unit that is built on the same legal lot as the primary residence in compliance with all local development standards.~~
- (7) ~~Height. Accessory dwelling units shall conform to the height limits of the zone, except that an accessory dwelling unit 16 feet in height shall be allowed regardless of the applicable height limit.~~
- (8) ~~Lot coverage. The combined area of all structures on a lot shall conform to the lot coverage limitation of the zone in which the property is located.~~
- (9) ~~Number of accessory dwelling units on properties with more than one detached single-family dwelling. One ADU shall be permitted through conversion of space within proposed or existing space of a single-family dwelling or existing structure, and through construction of a new detached ADU.~~
- (b) ~~Junior accessory dwelling units, as constructed within the existing or proposed single-family residence, shall be subject to all development standards of the zone in which the property is located, except as modified below.~~
- (1) ~~Number of bedrooms. There is no allowed limit on the number of bedrooms provided that the accessory dwelling unit and/or junior accessory dwelling unit complies with local building and fire code requirements.~~
- (2) ~~The junior accessory dwelling unit shall be provided with a separate exterior entry and may have direct, interior access into the main building.~~
- (3) ~~A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.~~
- (4) ~~The junior accessory dwelling unit shall include an efficiency kitchen.~~
- (5) ~~Maximum unit size. The maximum junior accessory dwelling unit size shall not exceed 500 square feet in total floor area and shall be contained entirely within an existing or proposed single-family residence and may include an expansion of not more than 150 square feet beyond the same physical dimensions of the existing residence to accommodate ingress and egress.~~
- (6) ~~Minimum unit size. The minimum permitted size of a junior accessory dwelling unit shall be the size of an efficiency unit as defined by the California Health and Safety Code section 17958.1. The minimum unit size of the residential zone shall not apply to the junior accessory dwelling unit that is built on the same legal lot as the primary residence in compliance with all local development standards.~~
- (7) ~~Except as provided herein, a junior accessory dwelling unit shall comply with all other zoning code standards, including, but not limited to, setbacks, building height, floor area ratio, and lot coverage.~~

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- (8) ~~Number of junior accessory dwelling units on properties with more than one detached single family dwelling. No JADUs shall be permitted on properties with multiple detached single family dwellings.~~
- (c) ~~Parking requirements.~~
- (1) ~~Notwithstanding any other law, the city will not impose parking standards for an accessory dwelling unit or junior accessory dwelling unit.~~
- (2) ~~When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, replacement parking is not required.~~
- (d) ~~Design of the unit.~~
- (1) ~~Access doors and entry for the accessory dwelling unit shall not be oriented to the nearest adjacent property line or create a second "front door" that is comparable to the main entrance.~~
- (2) ~~The accessory dwelling unit's color and materials must match those of the primary residence. The director shall review accessory dwelling unit applications to ensure the addition is integrated with the primary structure with respect to roof design, height, compatible materials, color, texture, and design details. If the accessory dwelling unit is an addition to a site with known historic resources or has been determined to have historic value by the director, all improvements shall retain the historical and/or architectural value and significance of the landmark, historical building, or historical district as specified by section 33-1475. The improvements shall be compatible with and retain the texture and material of the primary building(s) and/or structure(s) or its appurtenant fixtures, including signs, fences, parking, site plan, landscaping and the relationship of such features to similar features of other buildings within an historical district.~~
- (e) ~~Addresses. The addresses of both units shall be displayed in such a manner that they are clearly seen from the street.~~
- (f) ~~Fire sprinklers. Accessory dwelling units and junior accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~

**§ 33-1475. Other regulations.**

- (g) ~~Historic buildings.~~
- (1) ~~An accessory dwelling unit and/or junior accessory dwelling unit proposed for any lot that includes a building listed in the National Register of Historic Places, California Register of Historic Places, or the local historic inventory shall conform to the requirements for the historic structure.~~
- (2) ~~An accessory dwelling unit and/or junior accessory dwelling unit proposed for a property under a Mills Act Contract must comply with all Mills Act guidelines,~~

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~~including design conformance with the United States Secretary of the Interior Standards.~~

- (3) ~~An accessory dwelling unit and/or junior accessory dwelling unit proposed for any lot that includes a building listed in the National Register of Historic Places, California Register of Historic Places, or the local historic inventory are encouraged to comply with any historic preservation plans as may be approved by the city council. Notwithstanding the foregoing, if the city council acts to establish mandatory design standards for historically classified structures, the accessory dwelling unit and/or junior accessory dwelling unit shall conform to the mandatory standards.~~
- (h) ~~Guest house. An attached guest house may be converted to an accessory dwelling unit provided all provisions of this article and the building code and zoning code are met. A guest house and an accessory dwelling unit and/or a junior accessory dwelling unit may occur on the same lot provided the guest house does not contain kitchen facilities and is not rented. No more than one accessory dwelling unit or no more than one guest house is permitted on a lot. Nothing in this section shall be construed to prohibit the construction of an accessory dwelling unit and/or junior accessory dwelling unit in compliance with this article.~~
- (i) ~~The city may not require a new or separate utility connection for any accessory dwelling units that meets the criteria in Government Code section 65852.2(e)(1)(A). Accessory dwelling units and junior accessory dwelling units that do not meet the criteria in Government Code section 65852.2(e)(1)(A) may be required to obtain a new or separate utility connection.~~

**§ 33-1476. Development Standards – Junior Accessory Dwelling Units.**

Junior ADUs shall be subject to the development standards listed below, and in accordance with Government Code Section 66333 through 66339.

**(a) Designated areas.**

- (1) One JADU is permitted per lot in areas zoned to allow single-family residence and where:
- (A) The lot includes a proposed or existing single-family dwelling.
- (B) The JADU is constructed within the walls of the proposed or existing single-family residence.

**(b) Floor Area.**

- (1) Minimum permissible floor area of any JADU shall be no less than 150 square feet of interior livable space and shall meet the requirements for an efficiency unit as defined by the California Health and Safety Code section 17958.1.
- (2) Maximum total floor area of any JADU shall not exceed 500 square feet of interior livable space.

**LEGEND:****Bold Text** – Headers (no text change unless denoted as below)~~Strikethrough~~ – Language RemovedUnderline – Proposed Language**(c) Interior Space.**

- (1) **Access.** All JADUs shall be provided with a separate, exterior entry and:
  - (A) May also have direct, interior access to the main building.
  - (B) If a JADU does not include a separate bathroom, the JADU shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- (2) **Bedrooms.** There is no limit on the number of bedrooms, provided that the JADU complies with floor area restrictions and local building and fire code requirements.
- (3) **Bathrooms.** A JADU may include separate sanitation facilities, or may share sanitation facilities with the primary residence.
- (4) **Kitchen.** The JADU shall include, and be limited to, one efficiency kitchen, which shall include all the following:
  - (A) A cooking facility with appliances such as a range, microwave, or other appliances that meet code requirements and fit the space in relation to the size of the JADU.
  - (B) A food preparation counter with adequate space in relation to the size of the JADU and no less than four square feet.
  - (C) Storage cabinets that are of reasonable size in relation to the size of the JADU and no less than 36 cubic feet.

**(d) Architectural Details.**

- (1) **Exterior Architecture.** Exterior building materials, texture, and colors for JADUs shall substantially match those of the primary structure.
  - (2) **Windows.** Window materials, design, framing, and detailing for JADUs shall substantially match those of the primary structure.
    - (A) The number of windows shall meet the minimum requirement to satisfy applicable building code and health and safety standards.
  - (3) **Roof.** Roof materials, texture, and color, as well as roof pitch, for JADUs shall match those of the primary structure.
- (e) **Height.** The height of any JADU shall comply with Section 33-1475(g)(1)(A).
- (f) **Parking.** Designated parking spaces shall not be required for a JADU.

**§ 33-1477. ADUs and JADUs on Historic Lots.**

To prevent adverse impacts on any real property listed in the California Register of Historical Resources, the City's Local Register of Historic Places, or located within a historic district, the following requirements and objective standards apply to ADUs and JADUs on historic lots, in addition to the applicable standard set forth in section 33-1475 through 33-1476 (Government Code Section 66314[b]).

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- (a) An ADU and/or JADU proposed for any lot that includes a building listed in the National Register of Historic Places, California Register of Historic Places, the City's Local Register of Historic Places, the local historic inventory, or located within a historic district, shall conform to the requirements for the historic structure or district.
- (b) An ADU and/or JADU proposed for a property under a Historic Property Preservation Agreement must comply with all historic preservation guidelines as adopted by the City Council, including design conformance with the United States Secretary of the Interior Standards.
- (c) All site improvements shall be compatible with and retain the texture and material of the primary building(s) and/or structure(s) or its appurtenant fixtures, including signs, fences, parking, site plan, landscaping and the relationship of such features to similar features of other buildings within an historical district.
- (d) Notwithstanding subsection (a), if the City Council acts to establish mandatory design standards for historically classified structures, the ADU and/or JADU shall conform to the mandatory standards.
- (e) **Demolition of a Detached Garage.** Within an architecturally and historically significant historic district, an applicant shall provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an ADU.

**§ 33-1478. Allowable Use of ADUs and JADUs.**

- (a) The ADU and/or JADU shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the premises, and shall allow such other accessory uses which are necessarily and customarily associated with such principal residential use of the premises, except as otherwise provided by this subsection.
- (b) An ADU and/or JADU shall be deemed an independent dwelling unit for the sole purpose of establishing a home occupation permit within the ADU and/or JADU, subject to the terms and limitations of Article 44. The limitations for home occupations shall be shared with the principal use and/or main building.
- (c) No more than the quantities of animals specifically listed in Table 33-95(a) of Article 6 or section 33-1116 of Article 57 is permitted on the premises. The limitations for animal keeping and household pets shall be shared with the principal use and/or main building.
- (d) When provided by these regulations, it shall be the responsibility of the Director of Development Services to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, ADU, and/or JADU, based on the Director's evaluation of the resemblance of the proposed accessory use and the relationship between the proposed accessory use and the principal use.

**LEGEND:****Bold Text** – Headers (no text change unless denoted as below)~~Strikethrough~~ – Language RemovedUnderline – Proposed Language**§ 33-1479. Occupancy and Conveyance.**

- (a) **Renter-occupancy.** ADUs and JADUs may be rented separate from the primary residence, but only with a rental agreement and with terms greater than 30 days.
- (b) **Owner-occupancy.**
- (1) The owner-occupancy requirement shall apply to a JADU, only so long as the JADU has shared sanitation facilities with the existing structure.
- (A) Either the primary dwelling unit or the JADU may be occupied by the owner of record of the property, unless otherwise exempted by this section.
- (2) The owner-occupancy requirement shall not be applied to any State Exempt or Standard ADU.
- (3) Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.
- (4) **Deed restriction.** The City shall require the recordation of a deed restriction to ensure owner-occupancy requirements on JADUs, as applicable.
- (A) Prior to issuance of a building permit, the JADU owner shall execute a deed restriction setting forth the owner-occupancy requirements, in a form and substance satisfactory to the Director of Development Services and City Attorney's office, which shall be recorded in the office of the county recorder. The covenant shall also include the following terms and limitations:
- (i) A prohibition on the sale of the JADU separate from the sale of the primary residence, and shall not be subdivided in any manner that would authorize such sale or ownership;
- (ii) A statement that the deed restriction may be enforced against future purchasers and the restrictions shall be bindings upon any successor in ownership of the property;
- (iii) The JADU shall be a legal unit, and may be used as habitable space, only so long as either the primary dwelling unit or the JADU is occupied by the owner of record of the property, unless otherwise exempted;
- (iv) A restriction on the size and attributes of the JADU that conforms with this section, and if applicable, the occupancy limitations of the California Health and Safety Code section 17958.1.
- (c) **Conveyance – Junior ADUs.** Junior ADUs shall not be sold or otherwise conveyed separate from the primary residence.
- (d) **Conveyance – State Exempt and Standard ADUs.** ADUs shall not be sold or otherwise conveyed separate from the primary residence, with the following exceptions:

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- (1) **Conveyance as a Qualified Unit.** ADUs may be sold or otherwise conveyed separately from the primary residence to a qualified buyer, as defined in Section 33-1472, if all of the following apply:
- (A) The ADU or the primary dwelling was built or developed by a qualified nonprofit corporation.
- (B) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.
- (C) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:
- (i) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies.
- (ii) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the ADU or primary dwelling if the buyer desires to sell or convey the property.
- (iii) A requirement that the qualified buyer occupy the ADU or primary dwelling as the buyer's principal residence.
- (iv) Affordability restrictions on the sale and conveyance of the ADU or primary dwelling that ensure the ADU and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
- (v) If the tenancy in common agreement is recorded after December 31, 2021, it shall also include all of the following:
- a. Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.
- b. Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.

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- c. Procedures for dispute resolution among the parties before resorting to legal action.
  - (D) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
  - (E) If requested by a utility providing service to the primary residence, the ADU has a separate water, sewer, or electrical connection to that utility.
  - (F) Nothing in this section limits the ability of an ADU to be sold or otherwise conveyed separate from the primary residence as a condominium pursuant Section 33-1479(e)(2) below.
- (2) **Conveyance as a Condominium Unit.** The separate conveyance of the primary dwelling unit and ADU or ADUs as condominiums, may be permitted if all of the following requirements are met:
  - (A) The condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).
  - (B) The condominiums shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) and all objective requirements of the subdivision ordinance.
  - (C) Before recordation of the condominium plan, a safety inspection of the ADU shall be conducted as evidenced either through a certificate of occupancy or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.
  - (D) Neither a subdivision map nor a condominium plan shall be recorded with the San Diego County Recorder without each lienholder's consent. The following shall apply to the consent of a lienholder:
    - (i) A lienholder may refuse to give consent.
    - (ii) A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied.
  - (E) Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the San Diego County Recorder along with a signed statement from each lienholder that states as follows:
    - (i) "(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have."

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- (F) The lienholder's consent shall be included on the condominium plan or a separate form attached to the condominium plan that includes the following information:
- (i) The lienholder's signature.
  - (ii) The name of the record owner or ground lessee.
  - (iii) The legal description of the real property.
  - (iv) The identities of all parties with an interest in the real property as reflected in the real property records.
  - (v) The lienholder's consent shall be recorded in the office of the San Diego County Recorder.
- (G) When an ADU is established as a condominium, the homeowner shall be required to notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.
- (H) **Homeowners Associations.**
- (i) The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.
  - (ii) For purposes of this subdivision, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.
- (I) An ADU shall be sold or otherwise conveyed separate from the primary residence only under the conditions pursuant to this article.

**§ 33-148076. Existing nonpermitted accessory units Code Standards.**

- (a) Unless otherwise specified herein, ADUs and JADUs shall comply with all building code requirements that apply to detached dwellings as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the Building Official makes a written finding based on substantial evidence in the record that the construction of the ADU or JADU could have a specific, adverse impact on public health and safety, and with the following exceptions:
- (1) The construction of an ADU or JADU shall not constitute a Group R occupancy change.
  - (2) Nothing in this section shall be interpreted to prevent the City from changing the occupancy code of a space that was unhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this article.

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- (b) ADUs or JADUs that exist as of January 1, 2025, and that had previously been legally established, may continue to operate as legal nonconforming units.
- (c) A JADU shall not be considered a new or separate dwelling unit for purposes of any fire or life protection ordinance. Fire and life protection requirements that apply to the primary residence shall apply to the JADU.
- (d) ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence. Further, the construction of an ADU shall not require fire sprinklers to be installed in the existing primary dwelling.
- (e) A certificate of occupancy shall not be issued for the ADU and/or JADU until the building official issues a certificate of occupancy for the primary dwelling.
- (f) **Existing Code Violations and Unpermitted ADUs/JADUs.**
- (1) An application for a permit to create an ADU or a JADU shall not be denied due to nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the ADU or JADU.
- (2) **Delayed Enforcement Action.** In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an ADU described below, the City, upon request of an owner of a nonconforming ADU for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:
- (A) The ADU was built before January 1, 2020.
- (B) The ADU was built on or after January 1, 2020, at the time the City had a noncompliant ADU ordinance, but the ordinance is compliant at the time the request is made.
- (3) **Unpermitted ADU/JADUs – Constructed Prior to January 1, 2020 (Gov. Code § 66332).** A permit shall not be denied for an unpermitted ADU or unpermitted JADU that was constructed before January 1, 2020, unless a finding is made that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code, due to either of the following:
- (A) The ADU or JADU does not comply with this article.
- (B) The ADU or JADU is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code. Substandard building conditions are specified in [Section 17920.3 of the Health and Safety Code](#).
- (i) NOTE: Though not a requirement, it is in the best interest of the homeowners to obtain a confidential third-party code inspection from a licensed contractor to determine the existing condition or potential scope of building

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improvements for an unpermitted ADU or unpermitted JADU before submitting an application for a permit.

- (4) Subject to subdivision (3), upon receiving an application to permit a previously unpermitted ADU or unpermitted JADU constructed before January 1, 2020, a City inspector may inspect the unit for compliance with health and safety standards and provide recommendations to comply with health and safety standards necessary to obtain a permit.
- (A) If the inspector finds noncompliance with health and safety standards, the applicant shall not be penalized for having the unpermitted ADU or unpermitted JADU and necessary permits shall be approved to correct noncompliance with health and safety standards.
- (g) **Unpermitted ADU/JADUs – Constructed on or After January 1, 2020 and Before the Date of Passage of this Ordinance.** This article shall apply to all ADUs or JADUs which exist between January 1, 2020 and the date of passage of the ordinance. Units which do not have a permit, or cannot receive a permit, upon passage of the ordinance codified herein shall be considered in violation and shall be subject to code enforcement action.
- (1) Any ADU and/or JADU that exists as of the effective date of this section, and has not previously been legally established, is considered an unlawful use, unless it is determined that it meets the provisions of this section and a permit is approved and issued.
- (2) Administration and enforcement of any nonconforming building standard shall be conducted in accordance with California Health and Safety Code section 17980.12.
- (h) **Conversion of legally established structures.** The conversion of legally established structures shall require that the unit meet the provisions of this code. Any legally established waivers or nonconformities that existed when this section first went into effect may continue, provided that in no manner shall such waiver or nonconformity be expanded, notwithstanding Section 33-1474.

~~This article shall apply to all accessory dwelling units or junior accessory dwelling units which exist on the date of passage of the ordinance. All units which do not have a permit, or cannot receive a permit, upon passage of the ordinance codified herein shall be considered in violation and shall be subject to code enforcement action.~~

- (a) ~~Existing nonconforming units. Accessory dwelling units or junior accessory dwelling units that exist as of the effective date of this section that have previously been legally established may continue to operate as legal nonconforming units. Any unit that exists as of the effective date of this section, and has not previously been legally established, is considered an unlawful use, unless the director of community development determines that the unit meets the provisions of this section and a permit is approved and issued.~~

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- (1) ~~Conversion of legally established structures. The conversion of legally established structures shall require that the unit meet the provisions of this code. Any legally established waivers or nonconformities that existed when this section first went into effect may continue, provided that in no manner shall such waiver or nonconformity be expanded.~~
- (2) ~~Administration and enforcement of any nonconforming building standard shall be conducted in accordance with California Health and Safety Code section 17980.12.~~

**§ 33-147781. Application and procedures.**

In accordance with Government Code sections 66317, 66320, and 66335, a permit application for an ADU or a JADU shall be considered and approved ministerially without discretionary review or a hearing. The following apply to all ADU and JADU permit applications:

- (a) Building permit application materials for ADUs or JADUs shall be reviewed and determined to be complete or incomplete no later than 15 business days after receiving the application packet. If the application packet is determined to be incomplete, the applicant shall be provided with a list of incomplete items and a description of how the application can be made complete in the written notice and authorize the applicant to cure and address the application, as specified.
- (b) The building permit application for an ADU or a JADU where there is an existing single-family or multifamily dwelling on the lot shall be approved or denied within 60 days from the date the applicant packet is determined to be complete.
- (c) If the building permit application for an ADU or a JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the City may delay approving or denying the permit application for the ADU or the JADU until the City approves or denies the permit application to create the new single-family or multifamily dwelling, but the application to create or serve the ADU or JADU shall be considered without discretionary review or hearing.
- (d) If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.
- (e) If the City has not approved or denied the completed application within 60 days, the application shall be deemed approved.
- (f) The City shall not issue a certificate of occupancy for an ADU or JADU before issuing a certificate of occupancy for the primary dwelling.

~~The director shall approve or disapprove an application for an accessory dwelling unit, ministerially, within 60 days after receiving a complete application. If the applicant requests a delay, the 60 day time period shall be tolled for the period of the delay. Only accessory dwelling units associated with existing multifamily dwelling units shall be required to obtain an accessory dwelling unit permit.~~

**LEGEND:****Bold Text** – Headers (no text change unless denoted as below)~~Strikethrough~~ – Language RemovedUnderline – Proposed Language**§ 33-148278. Findings for approval and denial**~~Decision to Deny.~~

The decision to deny an application for an ADU or JADU shall be in writing and shall include a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant. ~~state the reasons therefor.~~ A permit for an accessory dwelling unit shall be issued upon a finding that all of the following have been established:

- (a) ~~Adequate public facilities and services are available;~~
- (b) ~~All requirements of this article and the zoning code are met;~~
- (c) ~~The project will not create a second front entrance;~~
- (d) ~~The unit is integrated with the primary structure with respect to roof design, height, compatible materials, color, texture, and design details; and~~
- (e) ~~The accessory dwelling unit does not create any adverse impact on any real property that is listed in the local, state, or federal Register of Historic Places.~~

**§ 33-1479. Appeal.**

- (a) ~~Upon denial of an application, the applicant may appeal the decision to the planning commission.~~
- (b) ~~Upon receipt of a written request for a hearing anytime prior to the effective date of a decision on the permit, the director shall notice a public hearing before the planning commission in accordance with the provisions of section 33-1300 of this chapter.~~
- (c) ~~The appeal hearing shall be conducted in accordance with the provisions of sections 33-1303 and 33-1304 of the Escondido Zoning Code, and shall be acted upon in accordance with the determination and findings specified in section 33-1478 of this article.~~

**§ 33-14830. Fees.**

A fee may be charged to reimburse costs incurred to implement this section, including the costs of adopting or amending any ordinance that provides for the creation of an ADU or JADU, pursuant to California Government Code sections 66000, 66012, and 66335(c).

- (a) **Application Fees.** Upon the filing of a permit for an ADU or JADU, a fee in an amount established by resolution of the City council shall be paid by the applicant to the City.
- (b) **Impact Fees.**
  - (1) An ADU shall not be considered a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

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- (2) A JADU shall not be considered a new or separate dwelling unit for purposes of calculating connection fees or capacity charges for utilities, including water, sewer, or power service.
- (3) For purposes of this subdivision, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of California Government Code Section 66000, except that it also includes fees specified in California Government Code Section 66477.
- (4) "Impact fee" does not include any connection fee or capacity charge.
- (5) No impact fee shall be imposed upon the development of an ADU less than 750 square feet of interior livable space.
- (6) Any impact fees charged for an ADU of 750 square feet of interior livable space or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
- (7) State Exempt ADUs.
- (A) The applicant shall not be required to install a new or separate utility connection directly between a State Exempt Unit and the utility provider.
- (B) In the event that an applicant chooses to install a new or separate utility connection directly between the State Exempt Unit and the utility, no related connection fee or capacity charge shall be charged unless the State Exempt Unit was constructed with a new single-family dwelling, or upon separate conveyance of the ADU pursuant to Section 33-1479.
- (8) Standard ADUs.
- (A) The applicant may be required to install a new or separate utility connection directly between a Standard ADU and the utility provider.
- (B) Consistent with California Government Code Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed ADU, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system.
- (C) This fee or charge shall not exceed the reasonable cost of providing this service.
- (9) A homeowner applying for a building permit for a previously unpermitted ADU or JADU constructed before January 1, 2020, shall not be required to pay impact fees or connection or capacity charges except when utility infrastructure is required to comply with Section 17920.3 of the Health and Safety Code and when the fee is otherwise authorized by this section.
- (a) ~~Upon the filing of a permit for an accessory dwelling unit, a fee in an amount to be established by resolution of the city council shall be paid by the applicant to the city.~~

**LEGEND:**

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- (b) ~~Any party who appeals a determination made by the director of community development shall submit an appeal processing fee as determined by the city council.~~
- (c) ~~The city may require a new or separate utility connection directly between the accessory dwelling unit and the utility. The connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system.~~

**§ 33-14841. through § 33-1489. (Reserved)**

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Planning Commission  
Hearing Date: April 28, 2026  
Effective Date: April 28, 2026

PLANNING COMMISSION RESOLUTION NO. 2026-06

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ESCONDIDO, CALIFORNIA,  
RECOMMENDING APPROVAL TO AMEND  
VARIOUS ARTICLES OF THE ESCONDIDO ZONING  
CODE

APPLICANT: City of Escondido

CASE NO: PL25-0083

WHEREAS, the City of Escondido Planning Services has conducted a review of the Escondido Zoning Code to determine if any revisions are necessary to reflect State mandated changes; and

WHEREAS, Planning Services staff identified the need to amend Chapter 33 of the Municipal Code, including Article 1 (General Provisions and Definitions) and Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units) for purposes of compliance with various State ADU laws; and

WHEREAS, pursuant to 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 Project; and

WHEREAS, the proposed amendments are not subject to CEQA pursuant to Public Resources Code section 21080(b)(1) and the action is statutorily exempt from CEQA under CEQA Guidelines sections 15268 and/or 15378(b)(5); and

WHEREAS, City staff provided public notice in accordance with City and State public noticing requirements, including Government Code section 65854; and

WHEREAS, on April 28, 2026, the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission received and considered the reports and recommendation of Planning Services and gave all persons full opportunity to be heard and to present evidence and testimony regarding the Project.

Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including written and graphical information, and other material,
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated April 28, 2026, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

WHEREAS, the public hearing before the Planning Commission was conducted in all respects as required by the Escondido Municipal Code and the rules of this Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Escondido that:

1. The above recitations are true and correct.
2. The proposed Zone Text Amendments are statutorily exempt from further review pursuant to various sections of the CEQA and the State CEQA Guidelines, as further described in the staff report. The proposed Zone Text Amendments would not, in and of themselves, result in development or any other material change to the environment. Projects seeking to implement the amended provisions would be subject to separate review under CEQA.
3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and on its behalf, the Planning Commission makes the substantive findings and determinations attached hereto as Exhibit "A," relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.

4. The Planning Commission hereby recommends that the City Council approve the Zone Text Amendments identified herein, and reflected in Exhibit "B" attached hereto.

PASSED, ADOPTED, AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 28<sup>th</sup> day of April, 2026, by the following vote, to wit:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSTAINED:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

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STAN WEILER, Chair  
Escondido Planning Commission

ATTEST:

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VERONICA MORONES, Secretary of the  
Escondido Planning Commission

I hereby certify that the foregoing Resolution was passed at the time and by the vote above stated.

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ANGEL ESTRADA, Minutes Clerk  
Escondido Planning Commission

Decision may be appealed to City Council pursuant to Zoning Code Section 33-1303

**EXHIBIT "A"**  
**PLANNING CASE NOS. PL25-0083**  
**FACTORS TO BE CONSIDERED / FINDINGS OF FACT**

**Environmental Determinations:**

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) ("CEQA"), and its implementing regulations (14 C.C.R. § 15000 et seq.) ("CEQA Guidelines"), the City of Escondido ("City") is the Lead Agency for the project ("Project"), as the public agency with the principal responsibility for approving the Project.
2. The Project qualifies for the following exemptions which have been determined to not have a significant effect on the environment, and are declared statutorily exempt from the requirement for the preparation of environmental documents. The proposed Project is not subject to CEQA pursuant to Public Resources Code section 21080(b)(1); and the action is statutorily exempt from CEQA under CEQA Guidelines section 15268. The proposed amendments to Article 1 (General Provisions and Definitions) are exempt pursuant to CEQA Guidelines section 15378(b)(5) as changes to Article 1 would not have a direct or indirect physical effect on the environment. No further environmental review is required.
3. The Planning Commission has independently considered the full administrative record before it, which includes but is not limited to, the April 28, 2026 staff report; testimony by staff and the public; and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

**Zoning Code Amendment Determinations (Escondido Zoning Code Section 33-1263)**

1. *That the public health, safety and welfare will not be adversely affected by the proposed change*

The proposed Zoning Code amendments make the Code consistent with changing state regulations, specifically Government Code sections 66310 through 66342. The proposed Zoning Code amendments are consistent with the objectives, policies, general land uses, and programs within the General Plan as they further Goal 2, Policy 2.1 of the Land Use and Community Form chapter because, among other things, they address changes in state laws; correct errors; improve existing regulations to eliminate uncertainty for staff, customers, and the public; and are not intended to be a comprehensive update to the

local code or change land use densities or intensities. The public health, safety and welfare will not be adversely impacted by the proposed changes, and;

*2. That the property involved is suitable for the uses permitted by the proposed Zoning Code amendments*

There is not a project-specific site proposed for the Project. The proposed Zoning Code amendments would go into effect Citywide and would affect all properties subject to the Escondido Municipal Code and their respective land use designation and zoning district, as is appropriate for the Zoning Code amendments, and;

*3. The proposed Zoning Code amendments would not be detrimental to surrounding properties*

The proposed Zoning Code amendment does not include the addition of uses that are not already permitted under the zoning code. The proposed Zoning Code amendments modify regulations surrounding accessory and junior accessory dwelling units which are already permitted under the Zoning Code, for purposes of compliance with state regulations, specifically Government Code sections 66310 through 66342.

*4. That the proposed Zoning Code amendments are consistent with the adopted general*

The Land Use and Community Form chapter states "Escondido's growth and development patterns are to be managed in a way that does not overwhelm or reduce the quality of community services, safety and protection provided by the city." The proposed Zoning Code amendments are consistent with this statement and will not adversely impact the public health, safety and welfare because those related to Chapter 33, Articles 1 (General Provisions and Definitions) and 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units) are nominal in nature and/or are a requirement of state law which supersede local restrictions.

The proposed Zoning Code amendments 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 regulations. The proposed Zoning Code amendments are consistent with the objectives, policies, general land uses, and programs within the General Plan as they further Goal 2, Policy 2.1 of the Land Use and Community Form chapter because, among other things, they address changes in state laws; correct errors; improve existing regulations to eliminate uncertainty for staff, customers, and the public; and are not intended to be a comprehensive update to the local code or change land use densities or intensities.

5. *That the proposed change of zone does not establish a residential density below 70% of the maximum permitted density of any lot or parcel of land previously zoned R-3, R-4, or R-5 unless the exceptions regarding dwelling unit density can be made pursuant to the provisions set forth in Article 6;*

The Project does not entail any changes to the zoning designations of land within the City. The proposed Zoning Code amendments 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 regulations. The proposed Zoning Code amendments are consistent with the objectives, policies, general land uses, and programs within the General Plan as they further Goal 2, Policy 2.1 of the Land Use and Community Form chapter because, among other things, they address changes in state laws; correct errors; improve existing regulations to eliminate uncertainty for staff, customers, and the public; and are not intended to be a comprehensive update to the local code or change land use densities or intensities.

6. *That the relationship of the proposed Zoning Code amendments is applicable to specific plans in that:*

The proposed Zoning Code amendment does not include the addition of uses that are not already permitted under the zoning code. The proposed Zoning Code amendments assure compliance with state regulations, specifically Government Code sections 66310 through 66342. The proposed Project would not conflict with any specific plan as the proposed Zoning Code amendments are consistent with the objectives, policies, general land uses, and programs within the General Plan as they further Goal 2, Policy 2.1 of the Land Use and Community Form chapter because, among other things, they address changes in state laws; correct errors; improve existing regulations to eliminate uncertainty for staff, customers, and the public; and are not intended to be a comprehensive update to the local code or change land use densities or intensities.

**Exhibit "B"**

**ZONE TEXT AMENDMENTS**

*Article 1 (General Provisions and Definitions) of Chapter 33 of the Escondido Municipal Code (Escondido Zoning Code) is hereby amended by adding quotation marks around "Dwelling"; striking the existing definition of "Accessory Dwelling" and replacing it as written below; and by adding a new definition for "Junior Accessory Dwelling):*

**ARTICLE 1 (ADMINISTRATION AND ENFORCEMENT)**

**§ 33-8. Definitions.**

**"Dwelling"**

- (1) **"Dwelling"** means one or more rooms in a building used for occupancy by one family for living or sleeping purposes and having only one kitchen.
- (2) **"Grouped dwelling"** means a group of two or more detached or semi-detached one-family, two-family, three-family or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common, including bungalow courts and apartment courts, but not including recreational vehicle or campgrounds.
- (3) **"Multiple dwelling"** means a building or portion thereof used for occupancy by four or more families living independently of each other, and containing four or more dwellings.
- (4) **"One-family or single-family dwelling"** means a detached or semi-detached building designed for or occupied exclusively by one family.
- (5) **"Two-family dwelling and duplex"** means a detached or semi-detached building designed for or occupied exclusively by two families.
- (6) **"Three-family dwelling and triplex"** means a detached or semi-detached building designed for or occupied by three families.
- (7) **"Primary dwelling"** means the principal single-family dwelling located on a lot where an accessory dwelling unit is existing or proposed.
- (8) **"Accessory dwelling"** means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An ADU may also include the following:

An efficiency unit.

A manufactured home, as defined in Section 18007 of the Health and Safety Code.

- (9) **"Junior Accessory dwelling"** means a unit that is no more than 500 square feet of interior livable space in size and contained entirely within a single-family residence. Enclosed uses such as attached garages, are considered a part of the proposed or existing single-family residence.

*Article 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units) of Chapter 33 of the Escondido Municipal Code (Escondido Zoning Code) is hereby repealed in its entirety and replaced as follows:*

## **ARTICLE 70 ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

### **§ 33-1470. Purpose.**

The purpose of this article is to provide regulations for the establishment of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) as additional housing. Should any provision of this article be found not to be in compliance with California Government Code sections 66310 – 66342, as applicable, that provision should be severed and stricken from Article 70, as if it had never been adopted.

### **§ 33-1471. Applicability.**

This article applies to ADUs and JADUs proposed on lots developed or proposed to be developed with one or more residential dwellings in areas zoned to allow single-family or multifamily residential uses, in areas where adequate public facilities and services are available, and where impacts upon the residential neighborhoods directly affected would be minimized in relation to traffic flow and public safety, and/or mixed-use zones as applicable, as permitted by California Government Code sections 66314 and 66323, and subject to Sections 33-1473 through 33-1483, as applicable.

### **§ 33-1472. Definitions.**

- (a) "Accessory dwelling unit", or ADU, means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An ADU may also include the following:
- (1) An efficiency unit.
  - (2) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (b) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
- (c) "Attached ADU" means an ADU that is completely within an existing main building, or added to an existing primary building or accessory structure. These units shall be attached by a common wall, floor, or ceiling, and not simply by an attached passageway or porch; and shall be contained within one building. Enclosed uses such as attached garages, are considered a part of the proposed or existing single-family residence.

- (d) "Detached ADU" means an ADU that is structurally independent and separated from the existing or proposed single-family or multi-family residence by a minimum of 10 feet.
- (e) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
- (f) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet of interior livable space in size and contained entirely within a single-family residence. Enclosed uses such as attached garages, are considered a part of the proposed or existing single-family residence.
- (g) "Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
- (h) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- (i) "Local agency" means a city, county, or city and county, whether general law or chartered.
- (j) "Multifamily dwelling," or "Multifamily residential uses," means a structure with two or more attached dwellings on a single lot. This definition shall be specific to this article.
- (k) "Nonconforming zoning condition" means a physical improvement on a property that does not conform to current zoning standards.
- (l) "Objective standards" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.
- (m) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- (n) "Permitting agency" means any entity that is involved in the review of a permit for an accessory dwelling unit or junior accessory dwelling unit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts.
- (o) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- (p) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- (q) "Qualified Buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

- (r) "Qualified Nonprofit Corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.
- (s) "Standard ADU" refers to ADUs that are created pursuant to Government Code Section 66314.
- (t) "State Exempt ADU" refers to ADUs or JADUs that are created pursuant to Government Code Section 66323.
- (u) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

### § 33-1473. Permit required.

- (a) **State Exempt ADUs.** Notwithstanding Government Code sections 66314 to 66322, inclusive, a building permit for a State Exempt ADU, in compliance with Government Code Section 66323, shall be required and ministerially approved.
- (b) **All Other ADUs.** A building permit application for an ADU or a JADU shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Government Code Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, and in accordance with Government Code sections 66317, 66320, and 66335.

If the permit application to create or serve an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the City may delay approving or denying the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permit application to create the new single-family or multifamily dwelling is approved or denied, but the application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing.

### § 33-1474. Development standards – State Exempt ADUs.

State Exempt ADUs shall be subject to the standards listed below, in accordance with Government Code Section 66323.

- (a) **Attached Units – Single-Family Residential Dwelling.** One Attached ADU and one JADU shall be permitted per lot with a proposed or existing single-family dwelling, subject to all the following requirements:
  - (1) The State Exempt ADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure. If the State Exempt ADU is within an accessory structure, an expansion of not more than 150 square feet beyond the footprint of the existing accessory structure is permitted. The expansion shall be limited to accommodating egress and ingress.
  - (2) The State Exempt ADU has exterior access separate from the proposed or existing single-family dwelling.

- (3) The side and rear setbacks comply with adopted codes pertaining to fire and building safety.
  - (4) When the State Exempt unit is a JADU, additional regulations apply as detailed in Section 33-1476, and in compliance with Government Code Section 66333 through 66339.
- (b) **Detached Units – Single-Family Residential Dwelling.** One detached, new construction State Exempt ADU shall be permitted per lot with a proposed or existing single-family dwelling, and may be in addition to one attached State Exempt ADU as described in paragraph (a), subject to all the following requirements:
- (1) Detached, new construction State Exempt units are subject to four-foot-minimum side and rear yard setbacks.
  - (2) The total floor area is limited to not more than 800 square feet of interior livable space.
  - (3) The height of the State Exempt unit shall comply with Section 33-1475(g) Height.
- (c) **Attached Units – Multifamily Residential Dwellings.**
- (1) Multiple attached State Exempt ADUs may be permitted within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to, storage room, boiler rooms, passageways, attics, basement, or garages, as long as each unit complies with state building standards for dwellings.
  - (2) At least one attached State Exempt ADU shall be permitted within an existing multifamily dwelling structure, and not more than 25-percent of the total existing multifamily dwelling units. Any calculation that results in a fractional unit shall be rounded down to the next whole number.
- (d) **Detached Units – Multifamily Residential Dwelling.**
- (1) On a lot with an existing multifamily dwelling, no more than eight detached State Exempt ADUs, or up to equal the number of existing units, shall be permitted, whichever is less. These units shall be inclusive of those which may have been permitted under subsection (c)(2).
  - (2) On a lot with a proposed multifamily dwelling, not more than two detached State Exempt ADUs shall be permitted.
  - (3) Detached State Exempt ADUs are subject to four-foot-minimum side and rear yard setbacks. The addition of detached State Exempt ADUs shall not require any setback modification of an existing multifamily dwelling that has a rear or side setback of less than four feet.
  - (4) The height of detached State Exempt ADUs on a lot with existing or proposed multifamily dwellings shall comply with Section 33-1475(g) Height.

(e) **All State Exempt Units.**

- (1) No additional objective development or design standards beyond those detailed in Subsection 33-1474(a) through (d), as applicable, shall be imposed upon any State Exempt ADUs.
- (2) The addition of State Exempt ADUs shall not require any correction of nonconforming zoning conditions.
- (3) The addition of State Exempt ADUs shall not require fire sprinklers if sprinklers are not required of the primary dwelling nor shall the addition of State Exempt ADUs require fire sprinklers to be installed in an existing dwelling that does not currently have sprinklers.
- (4) The rental of State Exempt ADUs shall be for a term longer than 30 days.
- (5) For State Exempt ADUs connected to an onsite wastewater treatment system (septic), a certified percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years, shall be required at part of the ministerial application materials.

**§ 33-1475. Development standards – Standard ADUs.**

Standard ADUs, beyond those permitted in accordance with Section 33-1474 above, shall be subject to the development standards listed below, and in accordance with Government Code Section 66314. Standard ADUs are permitted in addition to State Exempt ADUs.

- (a) **Designated areas.** Standard ADUs are permitted in areas zoned to allow single-family or multifamily residential uses where:
- (1) The lot includes a proposed or existing dwelling.
  - (2) Adequate public facilities and services are available.
    - (A) For Standard ADUs proposed to connect to an onsite wastewater treatment system (septic), a certified percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years, shall be required at part of the application materials.
    - (B) For Standard ADUs proposing private sewage disposal, authorization to move forward with the construction of the Standard ADU by the San Diego County Department of Environmental Health and Quality, or their designee, shall be required as part of the application materials.
  - (3) Impacts upon the residential neighborhoods directly affected would be minimized in relation to traffic flow and public safety.
  - (4) An Attached Standard ADU shall be either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses.

- (5) A Detached Standard ADU shall be either a converted accessory structure or a newly constructed ADU structure detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.
- (b) **Density.** In accordance with Government Code Section 66314(c) and 66319, Standard ADUs do not affect the allowable density for the lot upon which the ADU is located. Furthermore, Standard ADUs are recognized as a residential use consistent with the existing residential general plan and zoning designation for the lot upon which they are located.
- (c) **Number of Units.**
- (1) One Standard ADU shall be permitted in addition to permissible State Exempt ADUs and shall conform to the additional development standards established in this subsection.
- (A) Additional Standard ADUs may be permitted and shall conform to the development standards of the underlying zone. An appropriate development application for the construction of additional Standard ADUs on any lot in all residential or mixed-use zones is required pursuant to Article 61 of this chapter.
- (d) **Floor Area.**
- (1) Minimum permissible floor area of any ADU shall be no less than 150 square feet and such proposed ADUs shall meet the requirements for an efficiency unit as defined by the California Health and Safety Code section 17958.1.
- (2) Maximum total floor area of any Standard ADU shall not exceed 1200 square feet of interior livable space.
- (3) Any accessory structure attached to a Standard ADU, such as a patio cover, shall not exceed 49 percent of the associated existing or proposed Standard ADU.
- (e) **Setbacks.**
- (1) **Front Yard Setbacks.**
- (A) Any Attached or Detached Standard ADUs between 800 and 1,200 square feet of interior livable space shall conform to the front yard setbacks of the underlying zone.
- (B) No front setback shall be required for any Attached or Detached Standard ADU less than 800 square feet of interior livable space.
- (2) **Side and Rear Yard Setbacks.**
- (A) Attached Standard ADUs – Converted Space. No new side or rear yard setback shall be required for an existing living area or existing accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to a Standard ADU or to a portion of a Standard ADU.

- (B) Attached Standard ADUs – New Construction. New Attached Standard ADUs shall maintain minimum side and rear yard setbacks of 4 feet.
- (C) Detached Standard ADUs shall maintain minimum side and rear yard setbacks of 4 feet.

**(3) Special Circumstances**

- (A) Any portion of a Detached Standard ADU constructed above an existing or proposed accessory structure, such as a garage, that is in excess of 18 feet, shall provide an additional five feet of setback adjacent property line(s) abutting residential zones.
- (B) The structures listed below may project into the minimum front or rear setback not more than four feet and into the minimum side setback not more than two feet, provided that such projections shall not be closer than three feet to any lot line:
  - (i) Cornices, eaves, belt courses, sills, buttresses or other similar architectural features;
  - (ii) Fireplace structures and bays, provided that they are not wider than eight feet measured in the general direction of the wall of which it is a part;
  - (iii) Stairways, balconies, door stoops and fire escapes;
  - (iv) Awnings;
  - (v) Planting boxes or masonry planters not exceeding 42 inches in height;
  - (vi) Porte-cochere over a driveway in a side setback area, provided such structure is not more than one story in height and 22 feet in length, and is entirely open on at least three sides, except for the necessary supporting columns and customary architectural features.

**(f) Lot Coverage.**

- (1) Any Attached or Detached Standard ADU with less than 800 square feet of interior livable space shall not count towards the lot coverage requirements of the underlying zone.
- (2) Any Attached or Detached Standard ADU between 800 and 1,200 square feet of interior livable space shall comply with lot coverage requirements of the underlying zone.
- (3) Any detached accessory structure associated with a Standard ADU shall be subject to the provisions of Sections 33-102 and 33-103 for the primary dwelling.
- (4) An attached accessory structure, such as a patio cover, associated with a Standard ADU, shall not exceed 49 percent of the Standard ADU and shall be subject to the provisions of Sections 33-102 and 33-103 for the primary dwelling.

**(g) Height.**

- (1) The following height standards apply to State Exempt or Standard ADUs:

- (A) An Attached ADU or JADU that is within the proposed or existing space of an existing single-family dwelling or accessory structure shall be limited to the height of the structure it is within.
  - (B) An Attached ADU that is attached to the primary dwelling, shall be limited to the height of the existing or proposed primary dwelling or 24 feet, whichever is greater.
  - (C) A Detached ADU on a lot with an existing or proposed single-story single-family dwelling or single-story multifamily dwelling, shall be limited to the height of the existing or proposed single-story primary dwelling or 24 feet, whichever is greater.
  - (D) A Detached ADU on a lot with an existing or proposed multistory single-family dwelling or multistory multifamily dwelling, shall be permitted a height up to that of the primary structure or the height allowed by the underlying zone, whichever is greater, as measured from finished floor to top of roof.
  - (E) A Detached ADU constructed above an existing or proposed detached accessory structure, such as a detached garage, shall be permitted to a height up to that of the primary structure or the height allowed by the underlying zone, whichever is greater, as measured from finished floor to top of roof.
- (2) Any portion of an Attached or Detached ADU above 18 feet shall be subject to the provisions of Section 33-1475(e)(3)(A) Special Circumstances.
  - (3) An additional two feet in height shall be permitted to accommodate a roof pitch on any ADU that is aligned with the roof pitch of the primary dwelling unit.
- (h) **Interior Space.**
- (1) **Access.** All Standard ADUs shall be provided with a separate, exterior entry, and no direct, interior access into the main building.
  - (2) **Bedrooms.** There is no limit on the number of bedrooms, provided that the Standard ADU complies with local building and fire code requirements.
  - (3) **Common Living Area.** The total area of all bedrooms shall not exceed 50 percent of the total interior livable space of the Standard ADU. The total combined Standard ADU common living area shall be equal to or greater than the total combined area of all bedrooms. The calculation of common living area and bedroom area shall not include closets, bathrooms or hallways, and shall be measured from the centerline of interior walls, and the exterior of exterior walls.
  - (4) **Bathrooms.** All Standard ADUs shall include separate bath/sanitation facilities
  - (5) **Kitchen.** Standard ADU shall include, and be limited to, one kitchen as defined by the Zoning Code. "Wet bars" shall not be permitted.
- (i) **Architectural Details.**
- (1) **Passageways.** No passageway, as defined in Section 33-1472, shall be required in conjunction with the construction of a Standard ADU.

- (2) **Exterior Architecture.** Exterior building materials, texture, and colors for Standard ADUs shall match those of the primary structure.
  - (3) **Windows.** Window materials, design, framing, and detailing for Standard ADUs shall substantially match those of the primary structure.
    - (A) The number of windows shall meet the minimum requirement to satisfy applicable building code and health and safety standards.
  - (4) **Roof.** Roof materials, texture, and color, as well as roof pitch, for Standard ADUs shall substantially match those of the primary structure.
  - (5) **Historic Properties.** If the Standard ADU is an addition to a site that is listed in the California Register of Historical Resources, the City's Local Register of Historic Places, or located within a historical district, the requirements and development standards set forth in Section 33-1475 apply.
- (j) **Landscaping.**
- (1) **Yard areas.** A minimum of 50 percent of all remaining yard areas shall be landscaped with trees, shrubs and other plant materials, provided that such landscape features do not hinder safety access.
  - (2) **Planting Materials.** Plantings shall consist of annuals, perennials, groundcovers, shrubs, and trees compatible with adjacent native vegetation, capable of surviving without permanent irrigation.
  - (3) **Maintenance.** The property owner shall be responsible for the maintenance of landscape materials through regular routine maintenance to ensure that plant material is maintained in a flourishing manner. Dead or diseased plants must be replaced within 90 days from when the director makes a determination that the plant must be replaced. Failure to do so constitutes a violation of this article. The property owner shall receive a written notice of noncompliance.
  - (4) **Irrigation.** Irrigation systems shall be consistently maintained and adjusted to eliminate water waste and ensure the healthy survival of the plant material.
- (k) **Parking.**
- (1) **Required Parking.** Designated parking spaces shall not be required for a Standard ADU in any of the following instances:
    - (A) Where the Standard ADU is located within one-half mile walking distance of public transit.
    - (B) Where the Standard ADU is located within an architecturally and historically significant historic district.
    - (C) Where the Standard ADU is part of the proposed or existing primary residence or an accessory structure.
    - (D) When on-street parking permits are required but not offered to the occupant of the Standard ADU.
    - (E) When there is a car share vehicle located within one block of the Standard ADU.

- (F) When a request for a Standard ADU is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the Standard ADU or the parcel satisfies the criteria listed in this subdivision.
- (2) **Voluntary Parking.** In instances where an applicant chooses to provide parking for a Standard ADU, the following requirements shall apply:
- (A) Parking need not exceed one parking space per Standard ADU.
  - (B) Parking spaces may be provided as tandem parking on a driveway.
  - (C) Parking shall be permitted in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
- (3) **Demolition of Existing Parking.**
- (A) When a garage, carport, or covered parking space is demolished or uncovered parking is replaced in conjunction with the construction of or conversion to a Standard ADU, replacement parking is not required.
  - (B) Demolition permits required for a detached garage that is to be replaced with a Standard ADU shall be reviewed concurrently with the application for the Standard ADU and issued at the same time.
  - (C) Written notice is not required for the proposed demolition of a detached garage that is to be replaced with a Standard ADU, unless the property is located within an architecturally and historically significant historic district, in which case notification is required pursuant to Section 33-1477.
- (l) **Addresses.** Standard ADUs shall be issued individual addresses upon the issuance of a certificate of occupancy. Addresses of all residential units shall be displayed in such a manner that they are clearly seen from the street, in accordance with California Residential Code standards.

### § 33-1476. Development standards – Junior Accessory Dwelling Units.

Junior ADUs shall be subject to the development standards listed below, and in accordance with Government Code Section 66333 through 66339.

(a) **Designated areas.**

- (1) One JADU is permitted per lot in areas zoned to allow single-family residence and where:
  - (A) The lot includes a proposed or existing single-family dwelling.
  - (B) The JADU is constructed within the walls of the proposed or existing single-family residence.

**(b) Floor Area.**

- (1) Minimum permissible floor area of any JADU shall be no less than 150 square feet of interior livable space and shall meet the requirements for an efficiency unit as defined by the California Health and Safety Code section 17958.1.
- (2) Maximum total floor area of any JADU shall not exceed 500 square feet of interior livable space.

**(c) Interior Space.**

- (1) **Access.** All JADUs shall be provided with a separate, exterior entry and:
  - (A) May also have direct, interior access to the main building.
  - (B) If a JADU does not include a separate bathroom, the JADU shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- (2) **Bedrooms.** There is no limit on the number of bedrooms, provided that the JADU complies with floor area restrictions and local building and fire code requirements.
- (3) **Bathrooms.** A JADU may include separate sanitation facilities, or may share sanitation facilities with the primary residence.
- (4) **Kitchen.** The JADU shall include, and be limited to, one efficiency kitchen, which shall include all the following:
  - (A) A cooking facility with appliances such as a range, microwave, or other appliances that meet code requirements and fit the space in relation to the size of the JADU.
  - (B) A food preparation counter with adequate space in relation to the size of the JADU and no less than four square feet.
  - (C) Storage cabinets that are of reasonable size in relation to the size of the JADU and no less than 36 cubic feet.

**(d) Architectural Details.**

- (1) **Exterior Architecture.** Exterior building materials, texture, and colors for JADUs shall substantially match those of the primary structure.
  - (2) **Windows.** Window materials, design, framing, and detailing for JADUs shall substantially match those of the primary structure.
    - (A) The number of windows shall meet the minimum requirement to satisfy applicable building code and health and safety standards.
  - (3) **Roof.** Roof materials, texture, and color, as well as roof pitch, for JADUs shall match those of the primary structure.
- (e) **Height.** The height of any JADU shall comply with Section 33-1475(g)(1)(A).
- (f) **Parking.** Designated parking spaces shall not be required for a JADU.

**§ 33-1477. ADUs and JADUs on Historic Lots.**

To prevent adverse impacts on any real property listed in the California Register of Historical Resources, the City's Local Register of Historic Places, or located within a historic district, the following requirements and objective standards apply to ADUs and JADUs on historic lots, in addition to the applicable standard set forth in section 33-1475 through 33-1476 (Government Code Section 66314[b]).

- (a) An ADU and/or JADU proposed for any lot that includes a building listed in the National Register of Historic Places, California Register of Historic Places, the City's Local Register of Historic Places, the local historic inventory, or located within a historic district, shall conform to the requirements for the historic structure or district.
- (b) An ADU and/or JADU proposed for a property under a Historic Property Preservation Agreement must comply with all historic preservation guidelines as adopted by the City Council, including design conformance with the United States Secretary of the Interior Standards.
- (c) All site improvements shall be compatible with and retain the texture and material of the primary building(s) and/or structure(s) or its appurtenant fixtures, including signs, fences, parking, site plan, landscaping and the relationship of such features to similar features of other buildings within an historical district.
- (d) Notwithstanding subsection (a), if the City Council acts to establish mandatory design standards for historically classified structures, the ADU and/or JADU shall conform to the mandatory standards.
- (e) **Demolition of a Detached Garage.** Within an architecturally and historically significant historic district, an applicant shall provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an ADU.

**§ 33-1478. Allowable Use of ADUs and JADUs.**

- (a) The ADU and/or JADU shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the premises, and shall allow such other accessory uses which are necessarily and customarily associated with such principal residential use of the premises, except as otherwise provided by this subsection.
- (b) An ADU and/or JADU shall be deemed an independent dwelling unit for the sole purpose of establishing a home occupation permit within the ADU and/or JADU, subject to the terms and limitations of Article 44. The limitations for home occupations shall be shared with the principal use and/or main building.
- (c) No more than the quantities of animals specifically listed in Table 33-95(a) of Article 6 or section 33-1116 of Article 57 is permitted on the premises. The limitations for animal keeping and household pets shall be shared with the principal use and/or main building.

- (d) When provided by these regulations, it shall be the responsibility of the Director of Development Services to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, ADU, and/or JADU, based on the Director's evaluation of the resemblance of the proposed accessory use and the relationship between the proposed accessory use and the principal use.

**§ 33-1479. Occupancy and Conveyance.**

- (a) **Renter-occupancy.** ADUs and JADUs may be rented separate from the primary residence, but only with a rental agreement and with terms greater than 30 days.

(b) **Owner-occupancy.**

- (1) The owner-occupancy requirement shall apply to a JADU, only so long as the JADU has shared sanitation facilities with the existing structure.

(A) Either the primary dwelling unit or the JADU may be occupied by the owner of record of the property, unless otherwise exempted by this section.

- (2) The owner-occupancy requirement shall not be applied to any State Exempt or Standard ADU.

- (3) Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.

- (4) **Deed restriction.** The City shall require the recordation of a deed restriction to ensure owner-occupancy requirements on JADUs, as applicable.

(A) Prior to issuance of a building permit, the JADU owner shall execute a deed restriction setting forth the owner-occupancy requirements, in a form and substance satisfactory to the Director of Development Services and City Attorney's office, which shall be recorded in the office of the county recorder. The covenant shall also include the following terms and limitations:

(i) A prohibition on the sale of the JADU separate from the sale of the primary residence, and shall not be subdivided in any manner that would authorize such sale or ownership;

(ii) A statement that the deed restriction may be enforced against future purchasers and the restrictions shall be bindings upon any successor in ownership of the property;

(iii) The JADU shall be a legal unit, and may be used as habitable space, only so long as either the primary dwelling unit or the JADU is occupied by the owner of record of the property, unless otherwise exempted;

(iv) A restriction on the size and attributes of the JADU that conforms with this section, and if applicable, the occupancy limitations of the California Health and Safety Code section 17958.1.

- (c) **Conveyance – Junior ADUs.** Junior ADUs shall not be sold or otherwise conveyed separate from the primary residence.

- (d) **Conveyance – State Exempt and Standard ADUs.** ADUs shall not be sold or otherwise conveyed separate from the primary residence, with the following exceptions:
- (1) **Conveyance as a Qualified Unit.** ADUs may be sold or otherwise conveyed separately from the primary residence to a qualified buyer, as defined in Section 33-1472, if all of the following apply:
- (A) The ADU or the primary dwelling was built or developed by a qualified nonprofit corporation.
- (B) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.
- (C) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:
- (i) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies.
- (ii) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the ADU or primary dwelling if the buyer desires to sell or convey the property.
- (iii) A requirement that the qualified buyer occupy the ADU or primary dwelling as the buyer's principal residence.
- (iv) Affordability restrictions on the sale and conveyance of the ADU or primary dwelling that ensure the ADU and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
- (v) If the tenancy in common agreement is recorded after December 31, 2021, it shall also include all of the following:
- (a) Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.
- (b) Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.

- (c) Procedures for dispute resolution among the parties before resorting to legal action.
  - (D) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
  - (E) If requested by a utility providing service to the primary residence, the ADU has a separate water, sewer, or electrical connection to that utility.
  - (F) Nothing in this section limits the ability of an ADU to be sold or otherwise conveyed separate from the primary residence as a condominium pursuant Section 33-1479(e)(2) below.
- (2) **Conveyance as a Condominium Unit.** The separate conveyance of the primary dwelling unit and ADU or ADUs as condominiums, may be permitted if all of the following requirements are met:
- (A) The condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).
  - (B) The condominiums shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) and all objective requirements of the subdivision ordinance.
  - (C) Before recordation of the condominium plan, a safety inspection of the ADU shall be conducted as evidenced either through a certificate of occupancy or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.
  - (D) Neither a subdivision map nor a condominium plan shall be recorded with the San Diego County Recorder without each lienholder's consent. The following shall apply to the consent of a lienholder:
    - (i) A lienholder may refuse to give consent.
    - (ii) A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied.
  - (E) Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the San Diego County Recorder along with a signed statement from each lienholder that states as follows:
    - (i) "(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have."

- (F) The lienholder's consent shall be included on the condominium plan or a separate form attached to the condominium plan that includes the following information:
- (i) The lienholder's signature.
  - (ii) The name of the record owner or ground lessee.
  - (iii) The legal description of the real property.
  - (iv) The identities of all parties with an interest in the real property as reflected in the real property records.
  - (v) The lienholder's consent shall be recorded in the office of the San Diego County Recorder.
- (G) When an ADU is established as a condominium, the homeowner shall be required to notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.
- (H) **Homeowners Associations.**
- (i) The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.
  - (ii) For purposes of this subdivision, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.
- (I) An ADU shall be sold or otherwise conveyed separate from the primary residence only under the conditions pursuant to this article.

**§ 33-1480. Code Standards.**

- (a) Unless otherwise specified herein, ADUs and JADUs shall comply with all building code requirements that apply to detached dwellings as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the Building Official makes a written finding based on substantial evidence in the record that the construction of the ADU or JADU could have a specific, adverse impact on public health and safety, and with the following exceptions:
- (1) The construction of an ADU or JADU shall not constitute a Group R occupancy change.
  - (2) Nothing in this section shall be interpreted to prevent the City from changing the occupancy code of a space that was uninhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this article.

- (b) ADUs or JADUs that exist as of January 1, 2025, and that had previously been legally established, may continue to operate as legal nonconforming units.
- (c) A JADU shall not be considered a new or separate dwelling unit for purposes of any fire or life protection ordinance. Fire and life protection requirements that apply to the primary residence shall apply to the JADU.
- (d) ADUs shall not be required to provide fire sprinklers if they are not required for the primary residence. Further, the construction of an ADU shall not require fire sprinklers to be installed in the existing primary dwelling.
- (e) A certificate of occupancy shall not be issued for the ADU and/or JADU until the building official issues a certificate of occupancy for the primary dwelling.
- (f) **Existing Code Violations and Unpermitted ADUs/JADUs.**
  - (1) An application for a permit to create an ADU or a JADU shall not be denied due to nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the ADU or JADU.
  - (2) **Delayed Enforcement Action.** In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an ADU described below, the City, upon request of an owner of a nonconforming ADU for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:
    - (A) The ADU was built before January 1, 2020.
    - (B) The ADU was built on or after January 1, 2020, at the time the City had a noncompliant ADU ordinance, but the ordinance is compliant at the time the request is made.
  - (3) **Unpermitted ADU/JADUs – Constructed Prior to January 1, 2020 (Gov. Code § 66332).** A permit shall not be denied for an unpermitted ADU or unpermitted JADU that was constructed before January 1, 2020, unless a finding is made that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code, due to either of the following:
    - (A) The ADU or JADU does not comply with this article.
    - (B) The ADU or JADU is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code. Substandard building conditions are specified in [Section 17920.3 of the Health and Safety Code](#).
      - (i) NOTE: Though not a requirement, it is in the best interest of the homeowners to obtain a confidential third-party code inspection from a licensed contractor to determine the existing condition or potential scope of building improvements for an unpermitted ADU or unpermitted JADU before submitting an application for a permit.

- (4) Subject to subdivision (3), upon receiving an application to permit a previously unpermitted ADU or unpermitted JADU constructed before January 1, 2020, a City inspector may inspect the unit for compliance with health and safety standards and provide recommendations to comply with health and safety standards necessary to obtain a permit.
- (A) If the inspector finds noncompliance with health and safety standards, the applicant shall not be penalized for having the unpermitted ADU or unpermitted JADU and necessary permits shall be approved to correct noncompliance with health and safety standards.
- (g) **Unpermitted ADU/JADUs – Constructed on or After January 1, 2020 and Before the Date of Passage of this Ordinance.** This article shall apply to all ADUs or JADUs which exist between January 1, 2020 and the date of passage of the ordinance. Units which do not have a permit, or cannot receive a permit, upon passage of the ordinance codified herein shall be considered in violation and shall be subject to code enforcement action.
- (1) Any ADU and/or JADU that exists as of the effective date of this section, and has not previously been legally established, is considered an unlawful use, unless it is determined that it meets the provisions of this section and a permit is approved and issued.
- (2) Administration and enforcement of any nonconforming building standard shall be conducted in accordance with California Health and Safety Code section 17980.12.
- (h) **Conversion of legally established structures.** The conversion of legally established structures shall require that the unit meet the provisions of this code. Any legally established waivers or nonconformities that existed when this section first went into effect may continue, provided that in no manner shall such waiver or nonconformity be expanded, notwithstanding Section 33-1474.

### § 33-1481. Application Procedures.

In accordance with Government Code sections 66317, 66320, and 66335, a permit application for an ADU or a JADU shall be considered and approved ministerially without discretionary review or a hearing. The following apply to all ADU and JADU permit applications:

- (a) Building permit application materials for ADUs or JADUs shall be reviewed and determined to be complete or incomplete no later than 15 business days after receiving the application packet. If the application packet is determined to be incomplete, the applicant shall be provided with a list of incomplete items and a description of how the application can be made complete in the written notice and authorize the applicant to cure and address the application, as specified.
- (b) The building permit application for an ADU or a JADU where there is an existing single-family or multifamily dwelling on the lot shall be approved or denied within 60 days from the date the applicant packet is determined to be complete.

- (c) If the building permit application for an ADU or a JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the City may delay approving or denying the permit application for the ADU or the JADU until the City approves or denies the permit application to create the new single-family or multifamily dwelling, but the application to create or serve the ADU or JADU shall be considered without discretionary review or hearing.
- (d) If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.
- (e) If the City has not approved or denied the completed application within 60 days, the application shall be deemed approved.
- (f) The City shall not issue a certificate of occupancy for an ADU or JADU before issuing a certificate of occupancy for the primary dwelling.

### § 33-1482. Decision to Deny.

The decision to deny an application for an ADU or JADU shall be in writing and shall include a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

### § 33-1483. Fees.

A fee may be charged to reimburse costs incurred to implement this section, including the costs of adopting or amending any ordinance that provides for the creation of an ADU or JADU, pursuant to California Government Code sections 66000, 66012, and 66335(c).

- (a) **Application Fees.** Upon the filing of a permit for an ADU or JADU, a fee in an amount established by resolution of the City council shall be paid by the applicant to the City.
- (b) **Impact Fees.**
  - (1) An ADU shall not be considered a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.
  - (2) A JADU shall not be considered a new or separate dwelling unit for purposes of calculating connection fees or capacity charges for utilities, including water, sewer, or power service.
  - (3) For purposes of this subdivision, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of California Government Code Section 66000, except that it also includes fees specified in California Government Code Section 66477.
  - (4) "Impact fee" does not include any connection fee or capacity charge.
  - (5) No impact fee shall be imposed upon the development of an ADU less than 750 square feet of interior livable space.

- (6) Any impact fees charged for an ADU of 750 square feet of interior livable space or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
- (7) State Exempt ADUs.
  - (A) The applicant shall not be required to install a new or separate utility connection directly between a State Exempt Unit and the utility provider.
  - (B) In the event that an applicant chooses to install a new or separate utility connection directly between the State Exempt Unit and the utility, no related connection fee or capacity charge shall be charged unless the State Exempt Unit was constructed with a new single-family dwelling, or upon separate conveyance of the ADU pursuant to Section 33-1479.
- (8) Standard ADUs.
  - (A) The applicant may be required to install a new or separate utility connection directly between a Standard ADU and the utility provider.
  - (B) Consistent with California Government Code Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed ADU, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system.
  - (C) This fee or charge shall not exceed the reasonable cost of providing this service.
- (9) A homeowner applying for a building permit for a previously unpermitted ADU or JADU constructed before January 1, 2020, shall not be required to pay impact fees or connection or capacity charges except when utility infrastructure is required to comply with Section 17920.3 of the Health and Safety Code and when the fee is otherwise authorized by this section.

**§ 33-1484. through § 33-1489. (Reserved)**



**Apr 27, 2026**

**City of Escondido  
201 North Broadway  
Escondido, CA 92025**

**Re: Proposed Amendments to the City's ADU Ordinance**

**By email: [kevin.snyder@escondido.gov](mailto:kevin.snyder@escondido.gov)**

**Cc: [Sally.Schifman@escondido.gov](mailto:Sally.Schifman@escondido.gov); [Veronica.Morones@escondido.gov](mailto:Veronica.Morones@escondido.gov);  
[Pricila.Roldan@escondido.gov](mailto:Pricila.Roldan@escondido.gov); [michael.mcguinness@escondido.gov](mailto:michael.mcguinness@escondido.gov);**

Dear Escondido Planning Commission,

The California Housing Defense Fund ("CalHDF") submits this letter as a public comment for the Planning Commission meeting of April 28, 2026 regarding item 4, a proposed amendment to the City's zoning code, including amendments to its regulations for ADUs and JADUs.

The proposed ordinance is a dramatic improvement over the City's current ADU ordinance, and the City is to be commended for revising its ADU code in such a thorough manner.

We have highlighted a few remaining legal issues below.

### **Background**

The law gives local governments authority to enact zoning ordinances that implement a variety of development standards on ADUs. (Gov. Code, § 66314.) The standards in these local ordinances are limited by state law so as not to overly restrict ADU development. (See *id.*) Separately from local ADU ordinances, Government Code section 66323 establishes a narrower set of ADU types that local governments have a ministerial duty to approve. "Notwithstanding Sections 66314 to 66322 ... a local agency shall ministerially approve" these types of ADUs. (*Id.* at subd. (a).) This means that ADUs that satisfy the minimal requirements of section 66323 must be approved regardless of any contrary provisions of the local ADU ordinance. (*Ibid.*) Local governments may not impose their own standards on such ADUs. (Gov. Code, § 66323, subd. (b) ["A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a)."].)

In addition, ADUs that qualify for the protections of Government Code section 66323, like other ADUs, must be processed by local governments within 60 days of a complete permit application submittal. (Gov. Code, § 66317, subd. (a).)

State law also prohibits creating regulations on ADU development not explicitly allowed by state law. Government Code Section 66315 states, "No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer."

### **Suggested Clarification Regarding Detached ADU Allowance**

Proposed code section 33-1474(d)(1) reads as follows: "On a lot with an existing multifamily dwelling, no more than eight detached State Exempt ADUs, or up to equal the number of existing units, shall be permitted, whichever is less. These units shall be inclusive of those which may have been permitted under subsection (c)(2)."

The City is proposing this provision to bring the City code into compliance with Government Code section 66323, subdivision (a)(4)(A). We suggest a minor rewording for clarity:

On a lot with an existing multifamily dwelling, no more than eight detached State Exempt ADUs, or up to equal the number of existing units, shall be permitted, whichever is less. ~~These~~ The number of existing units shall be inclusive of those which may have been permitted under subsection (c)(2)."

This rewording will clarify that the City is allowing both detached and conversion ADUs on multifamily parcels, as is required by SB 543.

### **Traffic Flow and Public Safety**

Proposed code section 33-1475(a) reads as follows:

Designated areas. Standard ADUs are permitted in areas zoned to allow single-family or multifamily residential uses where:

(3) Impacts upon the residential neighborhoods directly affected would be minimized in relation to traffic flow and public safety.

We recommend deleting this provision. It would be unclear to an applicant if there are any parts of the City where standard ADUs are restricted. It could also be interpreted as adding a non-objective standard regarding whether or not a standard ADU is allowed in a given area. The City may only apply objective standards (Gov. Code, § 66314, subd. (b)(1)), which state

ADU law defines as “standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.” (Gov. Code, § 66313, subd. (i).)

### **Required Height Allowance for Attached ADUs**

Proposed code section 33-1475(g)(1)(B): “An Attached ADU that is attached to the primary dwelling, shall be limited to the height of the existing or proposed primary dwelling or 24 feet, whichever is greater.”

However, Government Code section 66321, subdivision (b)(4)(D) requires that the City allow a height limit of 25 feet for attached ADUs.

The City should amend this provision to allow a 25-foot height limit for attached ADUs.

### **Non-Objective Window Standards**

The following two proposed code sections regulate window design:

- Code section 33-1475(i)(3) Windows. Window materials, design, framing, and detailing for Standard ADUs shall substantially match those of the primary structure.
- Code section 33-1476(d)(2) Windows. Window materials, design, framing, and detailing for JADUs shall substantially match those of the primary structure.

While it is clear what the City is trying to accomplish with these code provisions, they are unfortunately not precise enough to be objective standards. The City may only apply objective standards (Gov. Code, § 66314, subd. (b)(1)), which state ADU law defines as “standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.” (Gov. Code, § 66313, subd. (i).)

An applicant cannot know *ex ante* whether the City will consider a proposed set of windows sufficiently matches the design, framing, and detailing of the primary dwelling. By way of example, would it be sufficient for windows to be double hung? Or must they match the dimensions of the primary dwelling’s windows? Older windows may be more challenging to match as well.

We recommend either rewriting these standards to make them objective, or deleting them if they are not important to the City’s policy objectives.



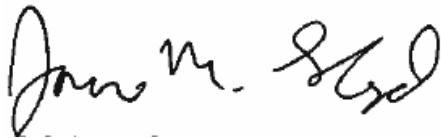
CalHDF appreciates the City's effort to implement state law governing ADU construction. We hope that these comments are helpful as the City fine-tunes and adopts its ADU ordinance.

CalHDF is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at [www.calhdf.org](http://www.calhdf.org).

Sincerely,



Dylan Casey  
CalHDF Executive Director



James M. Lloyd  
CalHDF Director of Planning and Investigations



# STAFF REPORT

DATE: May 26, 2026

PL26-0140 – Senate Bill 79 (2025) Informational Presentation

**PROJECT NUMBER / NAME:** PL26-140 – SENATE BILL (SB) 79 INFORMATIONAL PRESENTATION

REQUEST: For Planning Commission to receive the SB 79 presentation.

PROPERTY SIZE AND LOCATION: Properties in the ½-mile radius Transit-Oriented Development (TOD) zones surrounding the Escondido Transit Center and Nordahl Road SPRINTER stations.

APPLICANT: N/A

GENERAL PLAN / ZONING: N/A

PRIMARY REPRESENTATIVE: Joel Cvetko, Senior Planner

DISCRETIONARY ACTIONS REQUESTED: N/A

PREVIOUS ACTIONS: N/A

CEQA RECOMMENDATION: N/A

STAFF RECOMMENDATION: Receive and File

REQUESTED ACTION: No action is required at this time except to provide direction to staff as appropriate

CITY COUNCIL HEARING REQUIRED:  YES  NO

REPORT APPROVALS:  Kevin Snyder, Director of Development Services

Garrett Smith, City Planner



# CITY of ESCONDIDO

## STAFF REPORT

### BACKGROUND

On October 10, 2025, California Governor Gavin Newsom signed into law Senate Bill 79 (SB 79), the *Abundant and Affordable Homes Near Transit Act*, amending the California Government Code to add Chapter 4.1.5 (commencing with Section 65912.155) entitled *Transit-Oriented Development*. The law will be effective as of July 1, 2026.

SB 79 overrides local zoning regulations by imposing high-density development standards on residential, commercial, and mixed-use properties within a half mile of certain major transit stops. The impacted stops in Escondido are the SPRINTER stops at Escondido Transit Center and Nordahl Road. Once effective, the City will be prohibited from imposing density, height, or residential floor area ratio standards below the minimum thresholds shown in the table below, based on the property’s distance from the transit stop, measured in a straight line from the nearest parcel boundary to the pedestrian access point serving the stop.

<b>Tier 2 TOD Stops – SPRINTER Stations in Escondido</b>			
<b>Distance</b>	<b>Density (dwelling units per acre)</b>	<b>Height (feet)</b>	<b>Floor Area Ratio (FAR)</b>
0 feet – 200 feet	140	85	4
200 feet – ¼ mile	100	65	3
¼ mile – ½ mile	80	55	2.5

The TOD zone encompassing the Nordahl Road stop will see minimal impact, because it is almost entirely comprised of ineligible industrial land. Only four existing commercial properties would be eligible for redevelopment under SB 79, resulting in a maximum yield increase of approximately 200 units. The Escondido Transit Center TOD zone, by contrast, will see its theoretical residential capacity quadrupled, from an existing maximum yield of about 5,000 units to a new maximum yield of about 20,000 units.

SB 79 applies to developments of five or more units, with affordability requirements for projects exceeding 10 units and enhanced labor standards for buildings over 85 feet. While the law significantly increases allowable density, actual development outcomes will depend on site-specific conditions, market feasibility, financing, affordability requirements, displacement restrictions, and CEQA review. In addition, increased development capacity raises infrastructure and service considerations, including water, wastewater, stormwater, transportation, utilities, public safety, and community amenities, which will influence long-term planning and implementation.

In the map below, the blue shading covers parcels that will be upzoned to 80 units per acre, the red shading covers parcels that will be upzoned to 100 units per acre, and the green shading covers parcels that will be upzoned to 140 units per acre.



# CITY of ESCONDIDO

## STAFF REPORT

### SB 79 Impact to Escondido Transit Center TOD Zone



### CONCLUSION AND RECOMMENDATION

Staff requests the Planning Commission receive and file the SB 79 presentation. This item is informational only. There are no direct fiscal implications associated with this presentation. Staff will return to the Planning Commission in the near future to introduce a local implementing ordinance to enact certain exemptions and delayed effectuation on specific sites as allowed under the law.



# CITY of ESCONDIDO

## STAFF REPORT

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Agenda Item No. 4

May 26, 2026

Tentative Future Agenda Items

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DATE: May 26, 2026  
TO: Planning Commissioners  
FROM: Garrett Smith, City Planner  
SUBJECT: Tentative Future Agenda Items

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The items listed below are anticipated to be brought to the Planning Commission for consideration, discussion, and/or recommendation to the City Council over the next several months. Because there are factors out of City staff's control, this list is subject to change. The intent is to provide visibility regarding projects that the Commission should expect to see in the near future. (Items are listed in no particular order.)

Additionally, these items shall not be considered to be agenda items for this meeting so no discussion is permitted other than clarification of what the item is.

Private Development Projects:

- 6 lot Subdivision on Chestnut
- Alexan Density Bonus Residential Project
- Senate Bill 330 Conway Subdivision

Policy Work:

- General Plan Annual Project Report (APR)
- 2023-25 CY Climate Action Plan APR
- El Caballo Park Master Plan and Environmental Review
- Housing Element Implementation Ordinances
  - o Ministerial/by-right ordinance
  - o Permanent Supportive Housing ordinance
  - o ADU ordinance comprehensive update

Informational Presentations:

- California Environmental Quality Act
- North County Mall Permit History