

ZONE CHANGE/PREZONE

In reviewing requests for a Change of Zone or a Prezone, the Planning Commission and City Council shall consider the public health, safety and welfare, the suitability of the property for the uses permitted by the proposed zone, the impact of the proposed zone to the surrounding properties, the consistency with the adopted General Plan and the relationship of the proposed zone to applicable specific plans.

An application for a Change of Zone may be approved by the City Council, after a duly noticed public hearing, pursuant to its own motion, a directive by the City Council, or a proper application of the owner(s), or agent of the owner(s), of the property proposed to be rezoned. The proposed zone of the property must be consistent with the adopted General Plan.

A Prezone is the process of establishing the most appropriate zoning to properties for which an Annexation to the City has been initiated by the City Council and after the appropriate environmental determination has been made. The zoning will be based on the existing adjacent City Zoning, topography, future land uses, the General Plan and City policies. An Annexation must first be initiated pursuant to State Law (Cortese/Knox Local Government Reorganization Act of 1985, as amended, commencing with Government Code Section 56000).

Prior to submittal of a Change of Zone or Prezone application, a pre-application meeting with a member of the Planning staff will be necessary to answer any questions and to ensure that the application will be completed as required. Appointments for a pre-application meeting can be scheduled by contacting the Planning Division at (760) 839-4671.

Submittal Requirements

The following shall be required in order to accept an application as complete. As determined by the Director of Planning and Building, additional information not listed below may be required to make a complete application. This will be determined on a case-by-case basis.

1. Completed and signed Discretionary Permit General Application Form (A letter of permission, signed by the owner, may be substituted for owner's signature on the application form.)
2. Copy of Grant Deed (for each property proposed to be rezoned or prezoned)
3. Copy of Preliminary Title Report, including legal description (dated within the last six [6] months) for each property to be rezoned or prezoned
4. Site plan showing all properties proposed to be rezoned or prezoned, including the following:
 - a. North arrow and graphic scale
 - b. Exterior boundaries of subject properties and property dimensions
 - c. All existing structures and streets
 - d. Existing topography
5. Slope analysis depicting slope categories and acreage within each category, for all subject properties, as follows:

0-15%, 15-25%, 25-35%, over 35%

Note: If entire site is less than 10% slope, a statement to that effect, by a licensed civil engineer, may be accepted in lieu of a slope analysis.

6. One 8½" x 11" photo reduction of each sheet of the plan set (**Xerox reductions shall not be accepted.**) Submitted graphics must be clear enough to be reproduced several times and still be legible.
7. Photographs of the site and the adjacent properties, mounted on 8½" x 11" paper and labeled
8. Fees
9. Written statement of facts to support the following findings (Factors to be Considered):
 - a. The public health, safety, and welfare will not be adversely affected by the proposed change.
 - b. The property involved is suitable for the uses permitted by the proposed zone.
 - c. The uses permitted by the proposed zone would not be detrimental to surrounding properties.
 - d. The proposed change of zone is consistent with the adopted General Plan.
 - e. The relationship of the proposed change of zone is applicable to specific plans.
10. Any related applications necessary to make findings for General Plan consistency or associated application (such as Adjustment Plats necessary to meet General Plan and Zoning requirements.
11. A completed Initial Study Form – Part I

Procedure

Zone Changes shall be administered pursuant to **Article 61, Division 4** of the Zoning Code.

Prezones shall be administered pursuant to **Article 61, Division 4** of the Zoning Code and all applicable State laws.

Once the application is submitted, the Planning staff will review the information for completeness. The application will be routed to other City departments and to outside agencies as necessary. Once comments are received, staff will review the application and will notify the applicant if corrections to the plans are required. An Initial Study shall be processed in conformance with the California Environmental Quality Act (CEQA) unless the project is categorically exempt. A determination shall be made whether an Environmental Impact Report, Negative Declaration or Statement of Exemption is required. The appropriate document shall be prepared (at the owner's expense) and circulated for public review in accordance with CEQA requirements, prior to the hearing.

After the staff analysis and Environmental Review is complete, the application will be placed on the next available agenda for review by the Planning Commission. A public hearing notice will be prepared and mailed in accordance with **Section 33-1300** of the Zoning Code. **Note: The applicant will be responsible for posting a sign(s) on the site ten (10) days prior to all hearing dates.** These signs are available for a fee at the Planning Division. Prior to the hearing, staff will prepare a report to the Planning Commission, which will analyze the proposal and recommend approval or denial, and may recommend conditions.

The Planning Commission will review the request and make a recommendation to the City Council. The City Council will vote to approve, uphold, modify or overrule the action of the Planning Commission.

Signatures. Applicant and property owner signature lines must be signed, even if the applicant and property owner are the same. The signature of the architect and/or engineer is also required if drawings are submitted by professional architects and/or engineers.

Applicant

As part of this application the applicant hereby agrees to defend, indemnify and hold harmless the City of Escondido, its Council, boards and commissions, officers, employees, volunteers, and agents from any claim, action, or proceeding against the City of Escondido, its Council, boards and commissions, officers, employees, volunteers and agents, to attack, set aside, void or annul an approval of the application or related decision, including environmental documents, or to challenge a denial of the application or related decisions. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth herein. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed.

By signing below, I hereby certify that the application I am submitting, including all additional required information, is complete and accurate to the best of my knowledge. I understand that any misstatement or omission of the requested information or of any information subsequently requested may be grounds for rejecting the application, deeming the application incomplete, denying the application, suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper by the City of Escondido.

Applicant: _____

Date: _____

Property Owner

By signing below, I hereby certify under penalty of perjury, that I am the owner of record of the property described herein and that I consent to the action requested herein. All other owners, lenders or other affected parties on the title to the property have been notified of the filing of this application. Further, I hereby authorize City of Escondido employees and officers to enter upon the subject property, as necessary to inspect the premises and process this application.

In order to facilitate the public review process, the City requires that property owners agree to allow any plans or drawings submitted as part of the application to be copied for members of the public. Property owner(s) hereby agree to allow the City to copy the plans or drawings for the limited purpose of facilitating the public review process.

Property Owner: _____

Date: _____

Architect/Engineer

In order to facilitate the public review process, the City requires that architects and engineers agree to allow any plans, drawings, studies or reports submitted as part of the application to be copied for members of the public. Architect/Engineer hereby agrees to allow the City to copy the plans, drawings, studies or reports for the limited purpose of facilitating the public review process.

Architect: _____

Date: _____

Engineer: _____

Date: _____

CITY OF ESCONDIDO

Examples of Complete Project Description

The project descriptions listed below are three examples of what staff considers to be **complete** project descriptions. For adequate analysis, complete legal descriptions are required.

EXAMPLE 1

A Tentative Subdivision Map and Master and Precise Planned Development for 33 lots and 33 single family, detached units, requesting lot averaging and a Grading Exemption to allow interior cut slopes up to 33 feet in height where such slopes are limited to 20 feet in height, on 1.5 acres, in the R-1-15 (Single Family Residential, 15,000 sq. ft. minimum lot size) zone.

EXAMPLE 2

A Grading Exemption to allow an increase in the height of an existing peripheral fill slope from 11 feet to 13 feet, where such slopes are limited to 5 feet in height, on 1.5 acres, in the R-E-20 (Residential Estates, 20,000 sq. ft.) zone.

EXAMPLE 3

Modifications to a previously approved Preliminary Plan including revisions to the site design, building elevations, access, and a variation in the unit type, and a Master and Precise Development Plan for 216 apartment units in the P-D-R, 24.5 (Planned Development Residential, 24.5 du/acre) zone.

Please note that the description identifies all aspects of the request, i.e., size, zoning, number of lots and/or units, identification of all exceptions in comparison to ordinance standards.

NOTICE: PUBLIC ART PARTNERSHIP PROGRAM

Effective February 17, 1987, development projects requiring building permits from the City of Escondido will be subject to the Public Art Partnership Program, with some exceptions. In conjunction with development, artwork approved by the Public Art Partnership Panel or an in-lieu fee based upon building valuation will be required with the issuance of building permits. Please contact the Planning Division for further information.

NOTICE: REQUIREMENT TO UNDERGROUND OVERHEAD UTILITIES

Effective February 14, 2007, developments shall be conditioned to underground all overhead utilities along the street frontage, abutting side or rear property lines or through the interior of the development. If a waiver of this condition is requested by the applicant, said request shall be made in writing justifying the reasons for waiving required undergrounding conditions.

**CITY OF ESCONDIDO
Disclosure Statement**

Consultation of List of Sites Related to Hazardous Wastes

Certification of Compliance with Government Code Section 65962.5

Pursuant to Government Code Section 65962.5f (AB 3750 Cortese), this statement **must be completed and signed** by the applicant before an application can be deemed complete for any type of development project.

I certify that I have consulted the list of identified hazardous waste sites consolidated by the Office of Planning and Research (OPR), which is posted and maintained at the Planning Department of the City of Escondido.

I hereby certify that the proposed location for a development permit application at:

Street Address		Assessor Parcel No.	
City	State	Zip	

- is not** on the most recent list of identified hazardous waste sites consolidated by the Office of Planning and Research.

- is** on the most recent list of identified hazardous waste sites consolidated by the Office of Planning and research. A copy of the list is hereby attached.

Signature of Applicant/Owner _____ Date _____

SDG&E Notification

The SDG&E Company's Gas Planning Department has requested notifications of new projects proposed in Escondido for utility purposes only.

This is to certify that I have routed a copy of the site plan and project description to the SDG&E Gas and Planning Department addressed as:

Todd Comer
SDG&E
Land Services Division
8335 Century Park Court, CP12A
San Diego, CA 92123

Signature

Date

**CITY OF ESCONDIDO
Sign Posting Requirement**

This requirement involves physically posting a notice on the project site in a conspicuous location so that the notice is visible from all portions of the site which abut a private or public street. The applicant shall maintain the posted notice in good condition for the full ten (10) day public notice period. Such notice shall be clearly titled "NOTICE OF PERMIT APPLICATION," and shall include:

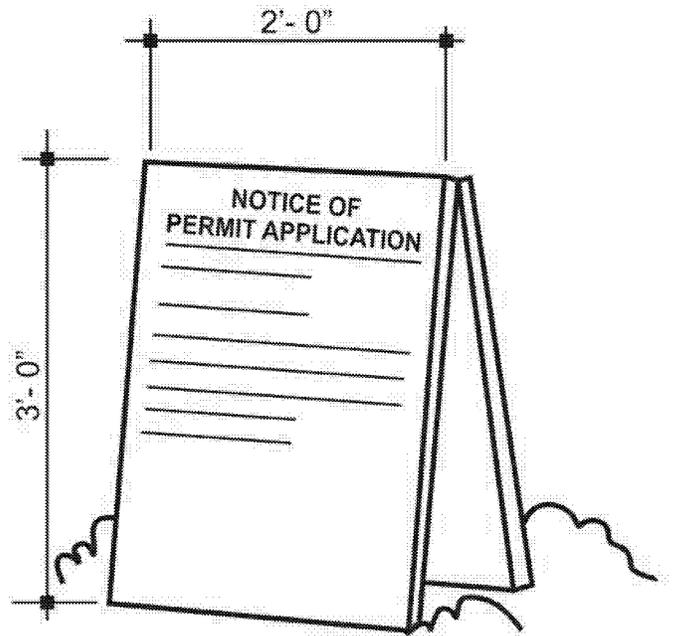
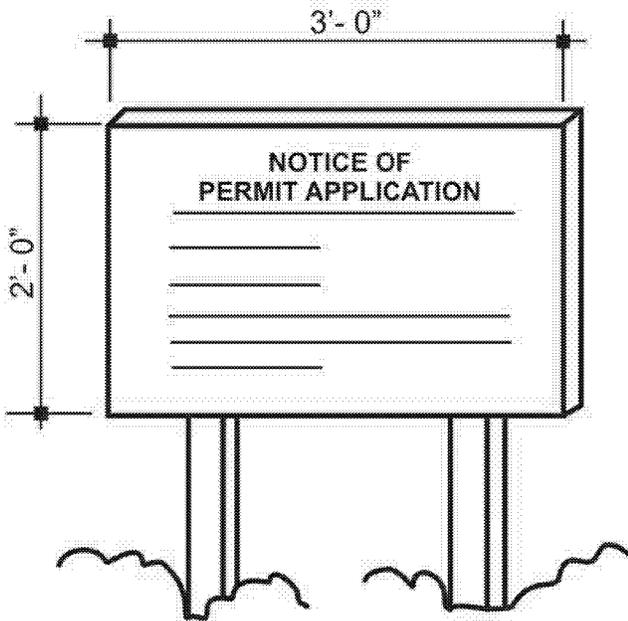
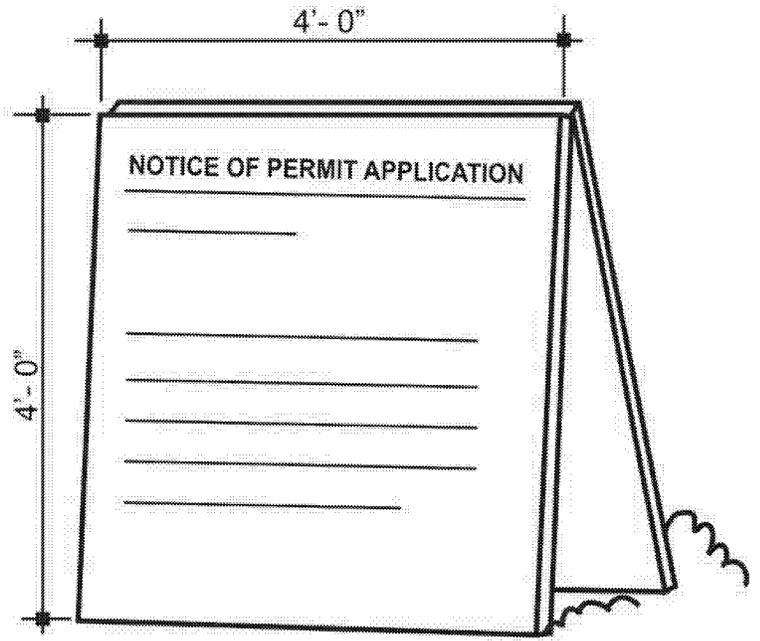
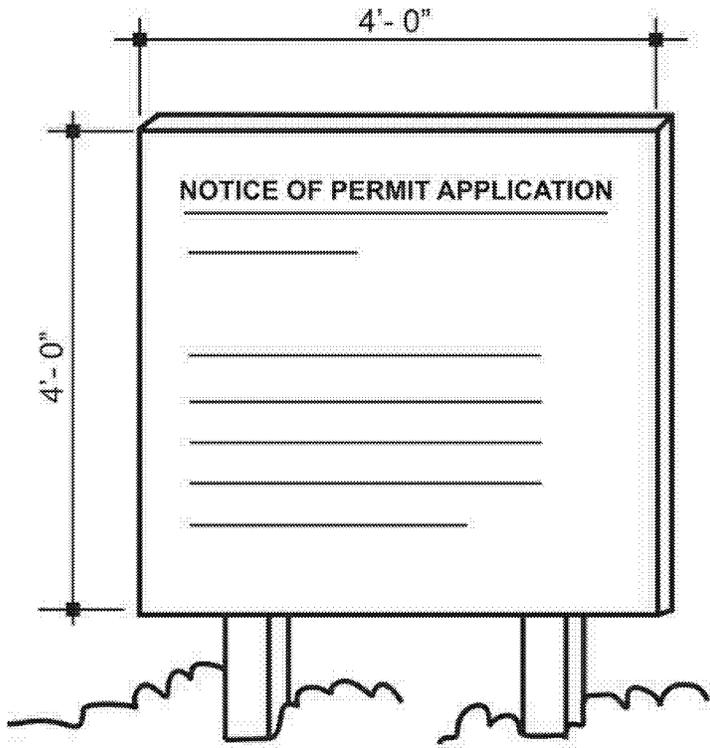
- a) a general explanation of the matter to be considered,
- b) the City case reference number,
- c) the applicant's name, and
- d) the telephone number of the Planning Division for further information.

The notice shall be constructed according to the following standards:

- a) Minimum size requirements of 16 sq. ft. for undeveloped parcels 1 acre or larger in size or developed parcels larger than 10 acres.
- b) Minimum size requirements of 6 sq. ft. for developed parcels less than 10 acres or undeveloped parcels less than 1 acre.

See attached forms for examples. The applicant will be required to utilize a standard sign copy which is available at the Planning Division (see current Fee Schedule). About four days prior to sign posting date, the applicant will be informed of exact wording to be indicated on the sign.

NOTICE OF PERMIT APPLICATION
REQUEST: _____ _____ _____
CASE NO: _____
APPLICANT: _____
HEARING DATE: _____
FOR FURTHER INFORMATION CALL (760) 839-4671
DATE POSTED: _____



* Each sign should face the street and be posted 10' - 15' from the edge of the street (right behind the sidewalk).

UNLICENSED PERSONS

Limited to design of:

- Single-family dwellings of woodframe construction not more than two stories and basement in height
- Multiple dwellings containing no more than four dwelling units of woodframe construction not more than two stories and basement in height. Not more than four dwelling units per lot.
- Garages or other structures appurtenant to dwellings of woodframe construction not more than two stories and basement in height.
- Agricultural and ranch buildings of woodframe construction.*
- Nonstructural store fronts, interior alterations or additions, fixtures, cabinet work, furniture, or other appliances or equipment including nonstructural work necessary to provide for their installation.
- Nonstructural alterations or additions to any building necessary to or attendant upon the installation of such storefronts, interior alterations or additions, fixtures, cabinet work, furniture, appliances, or equipment.
- May not design any component that affects the safety of any building or its occupants, including but not limited to structural or seismic components.

* Unless the building official having Jurisdiction deems that an undue risk to the public health, safety or welfare is involved.

**DESIGN LIMITATIONS
FOR
PROFESSIONALS**



STRUCTURAL ENGINEERS
No limitations; may design any building of any type.

CIVIL ENGINEERS
May design any building except hospitals or schools.

ARCHITECTS
May design any type building with these exceptions

- The structural portion of a hospital.

APPLICABLE STATUTES

6731, 6736, 5537.1 of B & P Code

APPLICABLE STATUTES

15013 of H & S Code
5537.5, 6731, 6735 of B & P Code

APPLICABLE STATUTES

15048 of H & S Code
5500.1, 6737 of B & P Code

APPLICABLE STATUTES

5537, 5538, 6737.1 of B & P Code