

CONDITIONAL USE PERMIT

In each zoning district of the City of Escondido Zoning Code, specific uses are permitted for property within that zone. Each zoning district also lists various "conditionally allowed uses" which are permitted, subject to approval of a Conditional Use Permit by the Planning Commission. The use permit process provides the City sufficient flexibility to determine whether a specific land use with unusual characteristics will be compatible with surrounding properties while meeting the General Plan and Zoning requirements. In reviewing a use permit application, the staff and Planning Commission will evaluate such items as building placement and size, traffic and noise generation, parking demand, and other related development impacts. The Conditional Use Permit will only be granted by the Planning Commission (or City Council on appeal) if compatibility is ensured and if it is found that the use is appropriate in the proposed location. Conditions may be imposed as necessary to ensure the project's compatibility with the surrounding neighborhood and the General Plan.

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

Submittal Requirements for ALL CONDITIONAL USE PERMITS (i.e., Major, Minor, or concurrent submittals)

As determined by the Director of Community Development, additional information 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 the owner's signature on the application form).
2. Copy of Grant Deed
3. Copy of a current Preliminary Title Report, including complete legal description (within last six months)
4. (Digital)* A **site plan, architectural drawings, floor plans, preliminary landscape plans, and conceptual grading plans**, and the tentative map (if applicable) to be submitted via the City's digital plan review system: ProjectDox. Plans shall be prepared by or under the supervision of a licensed design professional, and include the signature of the design professional and the date of plan preparation or revision. Typical digital plan size shall not exceed 24" x 36" unless specifically authorized upon consultation with Planning staff.
 - The **site plan** should be drawn to scale and should include:
 - a. North arrow and graphic scale.
 - b. Exterior boundaries of subject property and property dimensions.
 - c. Existing topography and proposed grading, if other than flat.
 - d. Location and dimensions of existing and proposed structures, including any structures on adjacent properties within 50 feet of the property line.
 - e. Location, design, and dimensions of proposed parking facilities, landscaping, driveways, and open spaces. Show typical parking space dimensions and striping.
 - f. Dimensions of setbacks and building separations.
 - g. Location and dimensions of existing and proposed exterior doors, entryways, walkways, balconies, stairways, roof eaves, etc.
 - h. Location, height, and type of fencing and walls.
 - i. Location and dimensions of existing and proposed street improvements, including (but not limited to) gutters, curbs, sidewalks, centerline of streets, alleys, and easements.
 - j. Open space calculations as defined by the appropriate residential category.
 - k. Total building coverage in square footage and percent.
 - l. Street cross-section.

- m. Name, address, phone number and license number of design professional.
- **Architectural drawings** shall include (where applicable) elevations and section details which shall indicate types and colors of materials, heights of buildings, mechanical equipment (ground or roof mounted) and locations of signage, and provide details for north, south, east and west sides.
- **Floor plans** (where applicable) should indicate use of rooms, square footage of units, and dimensions.

*For Satellite Dish requests include the following:

Indicate the height of the building wall, height of the parapet, and the height of the dish above the roof.

Elevations of the satellite dish

Colors and materials of the satellite dish

Roof plan with location of proposed dish and distance of dish from all edges of the roof

Proposed screening of dish on all sides

Cross sections showing dish visibility from surrounding properties

*For Easement Access requests, include the following:

Indicate location and dimensions of easement(s) on site plan.

Indicate all structures within 25 feet of the easement and indicate distance from the easement.

Letter of permission from owner of property over which easement rights, improvement rights, and/or maintenance rights are to be granted (If access is over existing easements, letters of permission are required from property owner and other easement owners. Letters should give permission for easement use, maintenance use, or improvements, if required.)

- **Preliminary landscape plans** (where applicable) shall conform to [Article 62](#) of Chapter 33, and [Chapter 23](#) of the Municipal Code and shall consist of a Preliminary Planting Plan, which shall include:
 - a. North arrow, scale, and project site address.
 - b. Name, address, phone number and license number of the person or firm who prepared the plans.
 - c. The container size, number, and location of each type of plant as well as both the common and botanical names.
 - d. A clear indication of each planting area, lawn area, and paving area.
 - e. Location, type, and size of any significant existing trees to remain, to be relocated or to be removed.
 - f. Location, dimensions and type of material of all walkways and hardscape.
- **Conceptual grading plan** (where applicable) shall include the tentative grading design, including: topography (2 or 5-foot contours and spot elevations), pad elevations, slope areas, demonstrate how drainage will work in and around the site, and earthwork quantities: cut/fill—import/export.
 - **If grading exemptions** are required per [Article 55](#) of the Zoning Code, a grading plan shall be required, drawn to scale and including:
 - a. Existing topography (two-foot or five-foot contour, typical)
 - b. Proposed grading - clearly delineate cut slopes, fill slopes, and grading exemption slopes
 - c. Clearly labeled pad elevations, top of slope elevations, bottom of slope elevations and slope inclinations
 - d. Cross-section of grading exemption slopes depicting maximum slope height
 - e. Location and height (top of wall and bottom of wall) of all retaining walls
 - f. Statement justifying each grading exemption.

5. Slope analysis depicting slope categories, as follows: 0-15%, 15-25%, 25-35%, over 35% (may be

incorporated into conceptual grading plan set)

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. For commercial and industrial uses adjacent to residential uses/zoning, a Noise Study indicating projected decibel levels at property line and indicating mitigation measures required to ensure conformance with the Noise Ordinance (Ord. No. 90-8)
7. Color photographs of the site and the adjacent properties taken from street level
8. Details of Request form
9. Required Fees (see: <https://escondido.gov/1108/Development-Project-Information-Resource>)
10. Written statement of facts to support the following findings provided on a separate cover:
 - a. A Conditional Use Permit should be granted upon sound principles of land use and in response to services required by the community.
 - b. A Conditional Use Permit should not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.
 - c. A Conditional Use Permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is to be located.
11. An Operations and Management Plan containing the following, provided under separate cover. Additional operational information may be requested depending on the proposed use:
 - a. Identification of days and hours of operation;
 - b. Maximum number of employees on a given shift, including part time/full time;
 - c. Maximum number of intended clients/customers, such as children, patrons, congregants, etc. (if applicable);
 - d. Security information such as, video surveillance, on-site security personnel, etc. (if applicable);
 - e. Schedule of anticipated meetings, classes, shifts, etc. and their anticipated maximum attendance per time;
 - f. Identification and timing (e.g., dates/times) of any recurring special events, such as parking lot sales, fairs, conferences, etc.;
 - g. Transportation/circulation management operations (if applicable).
12. Letters of permission from all affected property owners for any off-site work required for the project, including, but not limited to, grading, access, etc.
13. A completed [Initial Study Form – Part I](#)

Procedure

Conditional Use Permits are administered pursuant to **Article 61, Division 1** of the Zoning Code.

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.

Once a project application is deemed complete by the City's review team, the application will be placed on the next available agenda for review by the applicable decision making body. Public hearing notice is required for any public hearing and the applicant shall be required to provide such noticing pursuant to the [Public Noticing](#) requirements (Sec. 33-1300). Note: The applicant must receive approval of the notice copy prior to, and is responsible for, posting a sign(s) on the site 10 days prior to all hearing dates (refer to [Public Noticing](#) requirements). Prior to the hearing, staff will prepare a report to the decision maker which will analyze the proposal and recommend approval or denial, and may recommend conditions. Staff will prepare a report to the Planning Commission, which will analyze the proposal and recommend approval (with conditions) or denial.

Decisions rendered for Conditional Use Permits are final **unless** a written appeal to the appropriate appeal board and fee are filed in accordance with **Section 33-1303** of the Zoning Code. Appeals of the Zoning Administrator may be referred to the Planning Commission, and appeals of the Planning Commission may be referred to the City Council. The City Council by a majority vote may approve, modify, or disapprove the decision of the Planning Commission. Unless otherwise specified in the action granting a Conditional Use Permit, said permit which has not been utilized within 24 months from the effective date shall become null and void.

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: _____

DETAILS OF REQUEST
Conditional Use Permit
Case#.....

Property Address: _____

General Plan Designation: _____

Tier/Neighborhood: _____

Assessor Parcel Number: _____

Zone: _____

Site Acreage: _____ (gross)
_____ (net)

Overlay Zone: _____

Proposed

Underlying Zone
Requirements

1. Number of Lots:		
2. Number of Units:		
3. Density:		
4. Lot Area:		
Minimum:		
Average:		
5. Lot Frontage:		
6. Yard Requirements (Setbacks):		
Front:		
Side:		
Street Side:		
Rear:		
7. Days and Hours of Operation:		
8. Number of Employees:		
9. Building Height:		
10. Number of Stories:		
11. Unit Mix:		
# of 1 bdrm units:		
Size:		
# of 2 bdrm units:		

DETAILS OF REQUEST
Conditional Use Permit
Case#.....

Proposed

Underlying Zone
Requirements

Size:

of 3 bdrm units:

Size:

of 4+ bdrm units:

Size:

12. Unit Size (w/o garage):

13. Parking Spaces Provided per Unit:

Covered:

Uncovered:

14. Parking Adequacy:

Off-Street Parking:

Ratio (if non-residential):

On-Street Parking:

Off-Street Tandem
Spaces: (in front of
garages)

15. Lot Coverage:

Maximum:

Average:

16. Office Area (SF):

Commercial Area (SF):

Industrial Area (SF):

Other (SF):

17. Architectural Style:

18. Colors and materials:

Roof:

Exterior:

Trim:

Fascia:

DETAILS OF REQUEST
Conditional Use Permit
Case#.....

Proposed

Underlying Zone
Requirements

19. Open Space and Amenities:

Total Size of Open Space:

Per Unit:

Common Area:

Amenities Proposed (list all):

20. Is the project phased (yes/no)?

If yes, how many phases are anticipated?

21. Does the project include Density Bonus (yes/no)?

If yes, does the application include a complete [Density Bonus Request Form](#) (yes/no)?

22. Grading Exemptions

Lot #s

Height Range/Slope Incline

Peripheral Cut Slopes:

Peripheral Fill Slopes:

Interior Cut Slopes:

No. of Grading Exempted Cut Slopes:

No. of Grading Exempted Fill Slopes:

Any Ridgelines impacted (yes/no)?