

VARIANCE

A Variance is a waiver or modification of some requirement contained in the Zoning Code. A Variance may not be granted which authorizes a use or activity which is not otherwise expressly authorized by the zone regulations governing the parcel of property. Any Variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. Variances are not for self-imposed hardships and are intended to ensure reasonable rather than maximum use of the property.

California State Law and the Escondido Zoning Code require that prior to the granting of a Variance, the Planning Commission must make **all** of the findings required per **Section 33-1224** of the Escondido Zoning Code.

Prior to the submittal of a Variance 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

The following shall be required in order to accept an application as complete. As determined by the Director of Community Development, 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 Perimt General Application Form (A letter of permission signed by owner may be substituted for owner's signature on the application form.)
2. Copy of Grant Deed
3. Copy of Preliminary Title Report including legal description (dated within the last six months)
4. Twenty-five (25) blue-line or black-line copies each of the site plan, floor plans, building elevations, roof plans, landscape plans, and Tract Map (if applicable) to be collated into sets and folded to 8½" x 11". 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 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 with north oriented to the top of the page.
- 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(s).
- m. Name, address, phone number, and license number of design professional.

Floor plans (where applicable) should indicate use of rooms, square footage of units, and dimensions.

Exterior elevations must indicate types and colors of materials and heights of buildings, location of signage, and provide details for north, south, east, and west.

5. Preliminary landscape plan

Landscaping is intended to achieve architectural enhancement, an attractive living environment, visual screening of parking areas and unsightly objects, buffering of residential areas from commercial and industrial areas, streetscape enhancement, and control of soil erosion. **Note:** Refer to **Article 62** of the Zoning Code for Landscaping requirements.

Preliminary planting plan should include:

- a. North arrow, scale, and project site address.
- b. Name, address, phone number, and license number of the licensed design professional 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 and type of any significant existing trees to remain, to be relocated, or to be removed.
- f. Location, dimensions, and type of materials of all walkways and hardscape areas.

6. Slope analysis depicting slope categories and acreage within each category as follows:

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

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

- 7. One legible 8½" x 11" photographic 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.
- 8. Photographs of the site and the adjacent properties, mounted on 8½" x 11" paper and labeled.
- 9. Letter(s) of permission from current owner of the property over which easement rights, improvement rights and/or maintenance rights are to be granted (if access is required over existing easements, letter(s) of permission are required from property owner and other easement owners). Letter should give permission for easement use for access, maintenance, or improvements.
- 10. Details of Request form (see attached).
- 11. Fees.

12. Written statement of facts to support the following findings:
 - a. Demonstrate that there are exceptional or extraordinary circumstances related to the size, shape, location, or other similar characteristics of the property which do not apply to other property in the same zone or vicinity.
 - b. Demonstrate that the granting of this variance will not be detrimental to the public health, safety, or general welfare nor detrimental to adjacent property or improvements.
 - c. Demonstrate that this variance is necessary for the preservation of a substantial property right enjoyed by other property in the same zone or vicinity—but not this property, and that the granting of this variance will not constitute a special privilege granted to this property but not other property in the same zone or vicinity.
 - d. Demonstrate that this variance will not adversely affect the General Plan nor establish a bad precedent.
13. A completed Initial Study Form – Part I.

Procedure

Variations are administered pursuant to **Article 61, Division 2**, 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. If the request involves additions of or modifications to signage, any commercial, industrial, multifamily residential projects, or production homes in single-family subdivisions of five lots or more, the Design Review Board will review the request prior to the Planning Commission hearing.

After the staff analysis and Environmental Review are complete and the project has been reviewed by the Design Review Board, 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 the hearing date** (see attached instructions). 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 decision of the Planning Commission is final **unless** an appeal to the City Council is filed in accordance with **Section 33-1303** of the Zoning Code. 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 variance, said permit which has not been utilized within twelve (12) 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

Variance

Case # _____

Property Address: _____ General Plan Designation: _____
Assessor Parcel Number: _____ Tier/Neighborhood: _____
Site Acreage: _____ (gross) Zone: _____
_____ (net) Overlay Zone: _____

	<u>Existing</u>	<u>Proposed</u>	<u>Underlying Zone Requirements</u>
1. Number of Lots:	_____	_____	_____
2. Density (du/acre)	_____	_____	_____
3. Lot area:	_____	_____	_____
4. Lot Width:	_____	_____	_____
5. Yard Requirements (setbacks):	_____	_____	_____
Front:	_____	_____	_____
Side:	_____	_____	_____
Street Side:	_____	_____	_____
Rear:	_____	_____	_____
6. Building Height:	_____	_____	_____
7. Number of Stories:	_____	_____	_____
8. Total Number of Units:	_____	_____	_____
9. Unit Mix:	_____	_____	_____
# of 1 bdrm units:	_____	_____	_____
Size:	_____	_____	_____
# of 2 bdrm units:	_____	_____	_____
Size:	_____	_____	_____
# of 3 bdrm units:	_____	_____	_____
Size:	_____	_____	_____
# of 4+ bdrm units:	_____	_____	_____
Size:	_____	_____	_____

	<u>Existing</u>	<u>Proposed</u>	<u>Underlying Zone Requirements</u>
10. Unit Size (w/o garage):			
11. Parking Spaces Provided per Unit:			
Covered:			
Uncovered:			
12. Parking Adequacy:			
Off-Street Parking:			
Ratio (if non-residential):			
On-Street Parking:			
Off-Street Tandem Spaces: (in front of garages)			
13. Lot Coverage:			
Maximum:			
Average:			
14. Office Area (s.f.):			
Commercial Area (s.f.):			
Industrial Area (s.f.):			
Other (s.f.):			
15. Architectural Style:			
16. Colors and materials:			
Roof:			
Exterior:			
Trim:			
Fascia:			
17. Open Space and Amenities:			
Size of Open Space:			
Per Unit:			
Common Area:			
Amenities Proposed:			

	<u>Existing</u>	<u>Proposed</u>	<u>Underlying Zone Requirements</u>
18. Fencing:			
Height:			
Colors and Materials:			
19. Days and Hours of Operation:			
20. Number of Employees:			
21. Does the project include a density bonus?			
If yes, how many units?			
Very Low Income:			
Low Income:			
Moderate Income:			
Senior Units:			

	<u>Lot #(s)</u>	<u>Height Range/ Slope Inclination(s)</u>
22. Grading Exemptions:		
Peripheral Cut Slopes:		
Peripheral Fill Slopes:		
Interior Cut Slopes:		
Interior Fill Slopes:		
Number of Grading Exempted Cut Slopes:		
Number of Grading Exempted Fill Slopes:		

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:

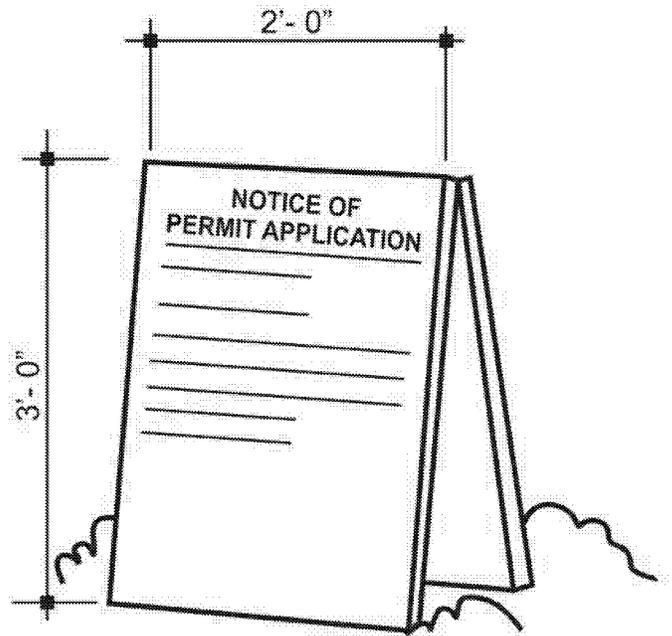
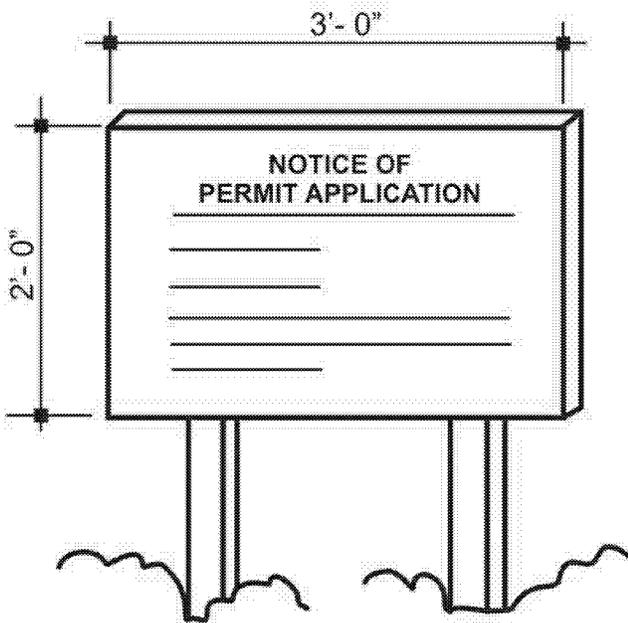
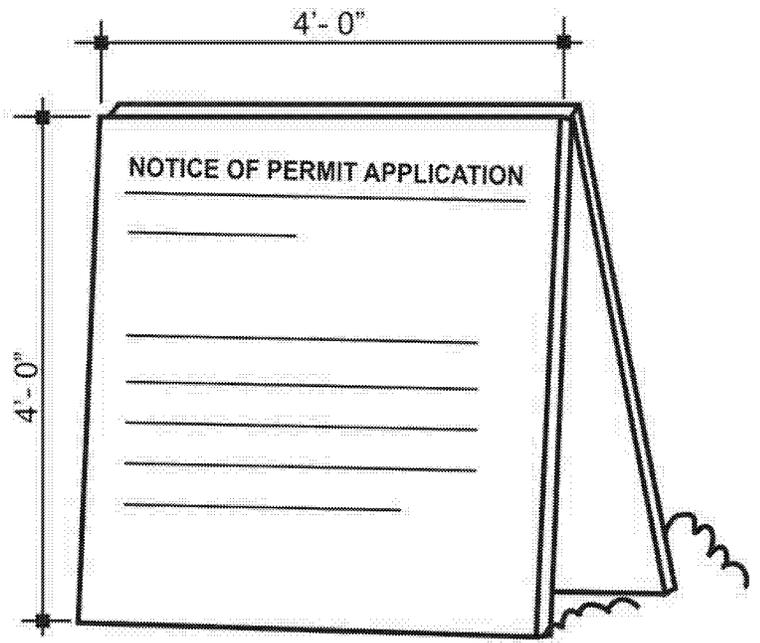
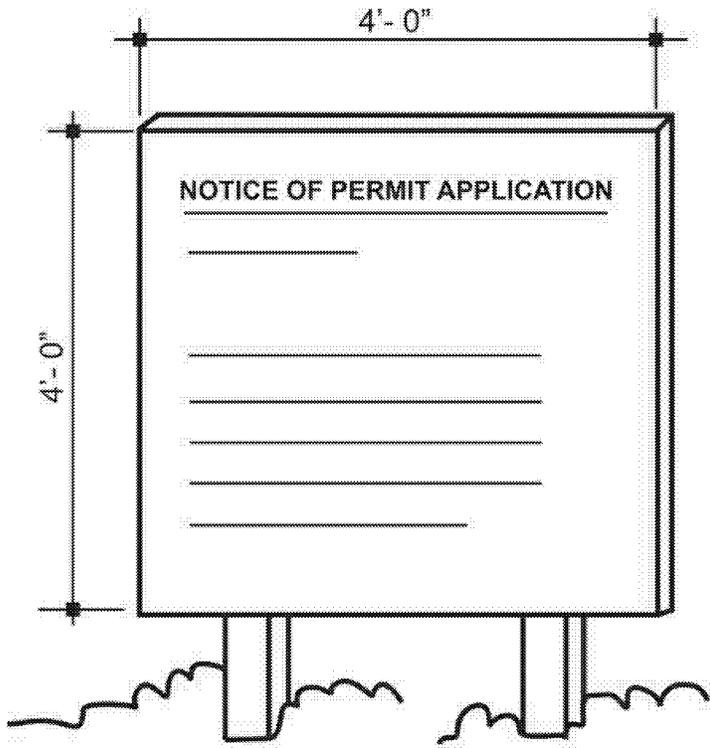
- a) a general explanation of the matter to be considered,
- b) the City case reference number,
- c) the applicant's name, and
- d) the telephone number of the Planning Division for further information.

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