

## 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**

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. 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.

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.

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

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

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.)

For Second Dwelling Unit requests in Old Escondido Neighborhood, include the following:

- Exterior elevations of the proposed second unit with building height and type and colors of materials noted
- Floor plan of proposed unit indicating use of rooms, square footage of each room, and the total square footage of the unit

Note: Prior to issuance of any building permits for a Second Dwelling Unit, a deed restriction shall be recorded which sets forth the occupancy limitations of [Section 33-1473](#) of the Zoning Code.

## 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 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.

6. Slope analysis depicting slope categories, 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.
7. One legible 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.
8. 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](#))
9. Photographs of the site and the adjacent properties, mounted on 8½" x 11" paper and labeled
10. [Details of Request](#) form
11. [Fees](#)
12. Written statement of facts to support the following findings:
  - 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.
13. Written statement listing days and hours of operation, number of employees, number of children, etc. (if applicable)
14. 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.
15. 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. If the request involves additions of or modifications to signage, any commercial, industrial, multifamily residential projects, residential care facilities, 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 is 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 10 days prior to the hearing date.** These signs are available at the Planning Division, see attachment for further information. Prior to the hearing, Staff will prepare a report to the Planning Commission, which will analyze the proposal and recommend approval (with conditions) or denial.

The decision of the Planning Commission is final **unless** a written appeal to the City Council and fee are 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 Conditional Use Permit, 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: \_\_\_\_\_



	<u>Proposed</u>	<u>Underlying Zone Requirements</u>
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:	_____	_____

	<u>Proposed</u>	<u>Underlying Zone Requirements</u>
19. Open Space and Amenities:	_____	_____
Size of Open Space:	_____	_____
Per Unit:	_____	_____
Common Area:	_____	_____
Amenities Proposed:	_____	_____
20. Is the project phased?	_____	
If yes, how many phases?	_____	
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:	_____	