

GRADING EXEMPTION

A Grading Exemption is required for any slopes created which do not meet the guidelines of [Article 55, Section 33-1066](#), Design Criteria of the Zoning Code. The criteria listed are intended to give guidance in the preparation of grading designs for development projects. These criteria are intended to reflect and implement the goals and policies of the Escondido General Plan relating to the protection of the critical landforms of the City. Proposed grading designs will be compared to these criteria. Grading should be sensitive to the surrounding neighborhood and properties and should conform to the guidelines pursuant to [Article 55](#).

A Grading Exemption is defined as: (1) any fill slope within fifty [50] feet of the property line, which is in excess of ten [10] feet in height; (2) any cut slope in excess of twenty [20] feet in height; (3) any cut slopes steeper than 2:1 determined by the director to impact adjacent properties; (4) any fill slope beyond 50 feet of the property line which is in excess of 20 feet in height. All Grading Exemptions must be approved by the Planning Commission.

A statement of justification for **each** Grading Exemption must be included. When considering requests for Grading Exemptions, the Planning Commission will consider the findings listed in [Article 55, Section 33-1066\(d\) \(1-5\)](#) of the Zoning Code.

Prior to the submittal of a Grading Exemption 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 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.
3. Copy of Preliminary Title Report, including legal description (dated within the last six [6] months).
4. Twenty-five (25) blueline or blackline copies each of the grading plan, 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.

Tentative grading design (including pad elevations, slope areas and earthwork quantities, cut/fill), two-foot or five-foot contour intervals, typical shall be drawn to scale and shall include:

- a. North arrow and graphic scale (with north oriented to the top of the page).
- b. Existing topography (two-foot or five-foot contour, typical).
- c. Proposed grading, clearly delineate cut slopes, fill slopes, and grading exemption slopes.

- d. Clearly labeled pad elevations, top of slope elevations, bottom of slope elevations and slope inclinations.
 - e. Cross section of grading exemption slopes.
 - f. Location and height (top of wall and bottom of wall) of all retaining walls.
5. Slope analysis depicting slope categories and acreage within each category, as follows:
- a. 0-15%, 15-25%, 25-35%, over 35%
- Note:** If the 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.
- b. Location and area of any on-site stream courses
6. 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.
7. Photographs of the site and the adjacent properties, mounted on 8½" x 11" paper and labeled.
8. Written justification statement for each Grading Exemption slope proposed.
9. For slopes steeper than 2:1, a soils study from a licensed soils engineer depicting soil type and demonstrating soil stability.
10. A letter from a licensed landscape architect indicating that the soil type is capable of supporting required landscaping at the proposed slope inclination.
11. [Fees](#).
12. Any other applications related to the project (such as Planned Development, Rezone, Tentative Subdivision Map, etc.) which must be filed concurrently.
13. A completed [Initial Study Form – Part I](#).

Procedure

Grading Exemptions are administered pursuant to [Article 55](#) 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 of 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 (or the accompanying applications require approval of the City Council). The City Council by a majority vote may approve, modify, or disapprove the decision of the Planning Commission. The expiration or extension of a Grading Exemption shall be concurrent with any accompanying Tentative Map (if applicable) or other application.

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

Grading Exemption

Case # _____

Property Address: _____ General Plan Designation: _____

Assessor Parcel Number: _____ Tier/Neighborhood: _____

Site Acreage: _____ (gross) Zone: _____

_____ (net) Overlay Zone: _____

	<u>Lot #(s)</u>	<u>Height Range/ Slope Inclination(s)</u>
1. Peripheral Cut Slopes:	_____	_____
2. Peripheral Fill Slopes:	_____	_____
3. Interior Cut Slopes:	_____	_____
4. Interior Fill Slopes:	_____	_____
5. Total # of Grading-Exempted Cut Slopes:	_____	_____
6. Total # of Grading-Exempted Fill Slopes:	_____	_____

NOTE: For multiple grading exemptions each slope shall be individually identified with information pertaining to each slope's height range and inclination. A justification for each grading exemption shall be provided.