

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) blueline or blackline 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 Categorical 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:	_____		