

ZONE CHANGE/PREZONE

In reviewing requests for a Change of Zone or a Prezone, the Planning Commission and City Council shall consider the public health, safety and welfare, the suitability of the property for the uses permitted by the proposed zone, the impact of the proposed zone to the surrounding properties, the consistency with the adopted General Plan and the relationship of the proposed zone to applicable specific plans.

An application for a Change of Zone may be approved by the City Council, after a duly noticed public hearing, pursuant to its own motion, a directive by the City Council, or a proper application of the owner(s), or agent of the owner(s), of the property proposed to be rezoned. The proposed zone of the property must be consistent with the adopted General Plan.

A Prezone is the process of establishing the most appropriate zoning to properties for which an Annexation to the City has been initiated by the City Council and after the appropriate environmental determination has been made. The zoning will be based on the existing adjacent City Zoning, topography, future land uses, the General Plan and City policies. An Annexation must first be initiated pursuant to State Law (Cortese/Knox Local Government Reorganization Act of 1985, as amended, commencing with Government Code Section 56000).

Prior to submittal of a Change of Zone or Prezone application, a pre-application meeting with a member of the Planning staff will be necessary to answer any questions and to ensure that the application will be completed as required. Appointments for a pre-application meeting can be scheduled 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 Planning and Building, 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 (for each property proposed to be rezoned or prezoned)
3. Copy of Preliminary Title Report, including legal description (dated within the last six [6] months) for each property to be rezoned or prezoned
4. Site plan showing all properties proposed to be rezoned or prezoned, including the following:
 - a. North arrow and graphic scale
 - b. Exterior boundaries of subject properties and property dimensions
 - c. All existing structures and streets
 - d. Existing topography
5. Slope analysis depicting slope categories and acreage within each category, for all subject properties, 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.

6. One 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.
7. Photographs of the site and the adjacent properties, mounted on 8½" x 11" paper and labeled
8. [Fees](#)
9. Written statement of facts to support the following findings (Factors to be Considered):
 - a. The public health, safety, and welfare will not be adversely affected by the proposed change.
 - b. The property involved is suitable for the uses permitted by the proposed zone.
 - c. The uses permitted by the proposed zone would not be detrimental to surrounding properties.
 - d. The proposed change of zone is consistent with the adopted General Plan.
 - e. The relationship of the proposed change of zone is applicable to specific plans.
10. Any related applications necessary to make findings for General Plan consistency or associated application (such as Adjustment Plats necessary to meet General Plan and Zoning requirements).
11. A completed [Initial Study Form – Part I](#)

Procedure

Zone Changes shall be administered pursuant to [Article 61, Division 4](#) of the Zoning Code.

Prezones shall be administered pursuant to [Article 61, Division 4](#) of the Zoning Code and all applicable State laws.

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.

After the staff analysis and Environmental Review is complete, 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 all hearing dates.** 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 Planning Commission will review the request and make a recommendation to the City Council. The City Council will vote to approve, uphold, modify or overrule the action of the Planning Commission.

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: _____