

ZONE CHANGE

AN INFORMATIONAL GUIDE



PLANNING DEPARTMENT

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WHAT IS A ZONE CHANGE?

The City of California City has over 51,000 lots and lots are categorized into zoning districts. The zoning districts are reflected on the City's General Plan/Zoning Map. The types of zoning districts in California City include residential, commercial, industrial, Government, open space, and community medical center. The property owner may apply to the City's Planning Department to rezone at least two contiguous lots to a different zone. You must have a minimum of two lots to rezone or it is considered "spot zoning" and this is illegal.

A zone change is typically a part of a larger process that may include a Tentative Tract Map and General Plan Amendment. As an example, if you have twenty (20) acres of land zoned Open Space/Residential Agriculture (O/RA). The minimum lot size you may have in the O/RA zone is one acre. If you maintain the one acre minimum, you would not need to request a zone change. However, if you would like to subdivide the lots into anything less than one acre, a zone change is required. If you are requesting to subdivide the 20-acre parcel into one-half acre commercial lots, you would have to apply for a zone change and general plan amendment. The general plan amendment is necessary to change from a residential to a commercial district. Cities are allowed only four general plan amendments a year. The City groups together zone changes to be heard at quarterly intervals. Our quarterly general plan amendment intervals are January, April, July and October at a cost to you of \$1,000. To learn more about this and other planning processes, see other brochures and information guides available in the City's Planning Department. You can also visit the City's official website at <http://www.CaliforniaCity.com> click on Planning Department for a list of available topics.

The California City Municipal Code (CCMC), **ARTICLE 27. Sections 9-2.2700 - 9-2.2703 ZONE AMENDMENTS** outlines the zone change process. The City has incorporated the **Development Review Process (DRC)** for **all** projects including: Large apartment complex, tract map, parcel map, commercial and industrial development.

9-2.2700. Purpose. This article sets forth the process for amending the zoning regulations.

9-2.2701. Procedure for Consideration of Amendment. A change in the boundaries of a zone may be initiated by the Commission, Council or owner of property. The person proposing a change in the boundaries of the district shall file an application. The application shall be accompanied by a fee set by a resolution of the City Council to cover the cost of processing. The Planning Commission shall hold a duly noticed public hearing on the application. The Planning Commission shall make its decision and adopt findings within forty-five (45) days following the completion of the public hearing. The Commission shall transmit its decision to the City Council. The City Council shall hold a duly noticed public hearing upon receipt of the decision of the Planning Commission approving the application. The City Council need not take any further action if the Planning Commission has recommended against the adoption of the amendment unless an interested party files a written notice of appeal with the City Clerk within five (5) days after the Planning Commission adopts its decision. The City Council may approve, modify

or disapprove the recommendation of the Planning Commission. A modification not previously considered by the Commission shall be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a hearing thereon. Failure of the Planning Commission to report within forty (40) days of the reference, or such longer period as may be designated by the City Council, shall be deemed to be approval of the modification. The Council shall enact an ordinance amending the zoning district if the Council approves the application.

9-2.2702. Change on Zoning Map. A change in a district boundary shall be indicated on the Zoning Map with a notation of the date and number of the ordinance amending the map.

9-2.2703. New Application for Amendment. No application for the same or substantially the same change shall be filed within six (6) months of the date of denial of the application.

FEASIBILITY AND TIME INVOLVED

The first step is to determine if such a proposal is feasible. Contact the City's Planning Department to discuss the zoning and general plan designation for the site. It may be necessary to obtain other discretionary approvals prior to, or concurrent with, a zone change. The DRC and Planning Commission will want to determine the nature and scope of the zone change. Specifically describe the zone change. What buildings are planned for construction? Are there existing buildings that are being planned for conversion? How soon do you plan to develop? A zone change for speculation or to increase the value of the land for the purpose of selling it without intent to develop immediately, will affect the decision of DRC and the Planning Commission. The City is allowed no more than four general plan amendments per year and many times a zone change will involve a general plan amendment. Rezoning property based on pure speculation may not be approved. However, you may choose to continue with the zone change, knowing that approval is based on many factors and filing an application does not guarantee approval. Application fees are non-refundable. Upon determining that it is feasible and depending on the nature of the zone change, you may want to consider hiring a licensed land surveyor or registered civil engineer. They will work with this Department to ensure that the zone change application complies with all local and state requirements. Once the application is deemed complete and formally accepted, the DRC meeting occurs within approximately thirty (30) days. A public hearing is normally held within fifty (50) calendar days to conditionally approve or deny the zone change. However, if an environmental study is required, this processing time is lengthened considerably. (Typically, ninety [90] to one hundred and twenty [120] days are added onto the process.)

HOW DO I APPLY?

To apply for a zone change you need to file an application with the Planning Department and pay the appropriate fees. You

may visit the Planning Department to pick up the application, have one mailed to you or email your request. Email requests will receive a pdf version that you may print out. A licensed land surveyor or registered civil engineer will submit the application on behalf of the property owner. Once an application is submitted to the City's Planning Department, it will be reviewed to determine if it is complete. An application package will consist of the following and you must complete or be aware of your obligations to the process:

- Checklist for Conceptual Review, (DRC or Site Plan). Depending on the nature of the zone change additional checklists may apply.
- Application form. Discuss the purpose of the zone change and if the zone change is necessary to build a future business and how soon you plan to build? Will you be converting existing buildings?
- Applicant's Initial Study.
- Applicant's Environmental Information form.
- Biota Study. (Must be current and for raw land only.)
- Pictures of the site. North, East, South, West.
- Picture of the nearest fire hydrant.
- Will-serve letters from all utility companies are necessary unless utilities are existing or the project does not require any.
- Two (2) copies of a preliminary title report (less than thirty [30] days old).
- Ten (10) copies, 11" x 17" in size of any proposed buildings or parcel development. Depending on the nature of the zone change, maps involving a tract or parcel map must be prepared and stamped by a licensed land surveyor or registered civil engineer.
- One 8 ½" x 11" copy of any proposed building development, tract or parcel map. This will be used for publication purposes.
- Application fees due. See application fees.

A DRC meeting is scheduled with City staff in accordance with the DRC calendar. The DRC consists of staff from City departments such as, Engineering, Public Works, Building, Fire, Police and Planning. The Planning Director acts as Chairman of DRC or their Appointed Designee. The purpose of the DRC is to formulate a recommended action for the Planning Commission regarding the parcels. This meeting is also held so the applicant can discuss the recommendations with the DRC. Applicants are strongly encouraged to attend the DRC meeting and resolve all concerns at this level. Additional DRC meetings may be necessary to resolve conditions of approval and to make revisions. Written comments regarding the zone change are received at DRC from the Department Heads. These written comments will be compiled into formal Conditions of Approval and signed by the owner/developer or appointed agent and the DRC Chairman or Appointed Designee. The Planning Technician will prepare the notice of public hearing. The notice of public hearing is published in the local newspaper of general circulation. The Planning Technician will send letters noticing the public hearing to all property owners within 300 feet, 10 days prior to the public hearing.

The biota study completed on raw, remote and/or considerable land size, usually will result in additional more comprehensive land studies, requiring consultation with Fish and Game and U.S. Fish and Wildlife Service. As a result, California Environmental Quality Act (CEQA) documents will be filed such as, a Negative Declaration, Mitigated

Negative Declaration, Environmental Impact Report (EIR) or Certified Regulatory Program (CRP). The zone change is not sent out for review until the environmental document has been prepared. The City becomes the Lead Agency and prepares the map and CEQA documents such as, the Notice of Preparation and Notice of Availability that is published in the local newspaper of general circulation and notifies affected property owners within 300 feet as required by law, unless it is an EIR or CRP. EIR's and CRP's are prepared by the land owner's Environmental Consulting Firm and given to the Planning Technician for distribution with the Lead Agency's Notice of Completion to be sent to several governmental agencies and utility companies. There is a 30-day or 45-day review period for agencies to respond. An additional 15 copies are sent to the State Clearinghouse. The State Clearinghouse will disperse the additional 15 copies to agencies as they deem appropriate and that have not already been mailed by the Lead Agency. Any comments received during the "review period" are compiled by the Planning Department. A list of recommended conditions of approval and recommended findings will then be prepared to ensure all local and state requirements are satisfied. A public hearing will be scheduled as soon as possible to coincide with the ending of the State review period. On a predetermined date, action is taken by the Planning Commission to conditionally approve or deny the zone change. If the zone change is denied by the Planning Commission, the owner/applicant may file an appeal within ten (10) days of the denial. The appeal fee to be heard by City Council is \$200.00. The recommendation to approve the zone change by the Planning Commission is adopted by resolution and forwarded to City Council for final approval. The Council shall enact an ordinance amending the zoning district, if the Council approves the application. A change in a district boundary shall be indicated on the Zoning Map with a notation of the date and number of the ordinance amending the map. If the Council denies the zone change, no application for the same or substantially the same change shall be filed within six (6) months of the date of denial of the application.

CEQA REQUIREMENTS/FEEES

The California Environmental Quality Act (CEQA) requires that an environmental study be prepared for a zone change. The environmental study can take the form of a Negative Declaration, a Mitigated Negative Declaration, Environmental Impact Report (EIR) or a Certified Regulatory Program (CRP). Additional technical reports and studies required may include: a biota report, an archaeological survey, a soils report, a geologic hazard report, a groundwater analysis, traffic study, drainage plan, storm water prevention plan, among other reports and studies. These technical reports and studies will be used to assess the existing physical condition of the property and to determine the impacts of the zone change, if construction is anticipated. Technical reports and studies are identified in the application package checklists. Each time a CEQA document is processed by the County Clerk, there is a fee of \$50.00. A zone change will require the filing of a Notice of Determination and the fee for the appropriate CEQA document such as, Negative Declaration, Mitigated Negative Declaration, EIR or CRP to the County Clerk. The County Clerk's Office will accept a money order or cashier's check, made payable to the Kern County Clerk's Office. The City's Planning Department will advise you when these fees are needed and will attach your money order or cashier's check to the completed Notice of Determination and forward it to the County Clerk's Office for

recording. Additional CEQA fees may apply that are imposed by State agencies: The filing of Negative or Mitigated Negative Declaration is \$2,044.00, Environmental Impact Report (EIR) is \$2,839.25, a Certified Regulatory Program (CRP) is \$965.50. **Make your money order or cashier's check payable to Kern County Clerk's Office.** The Planning Technician will advise you when the fees are due. **YOUR PROJECT IS NOT COMPLETE UNLESS THESE FEES ARE PAID. ONCE THE PROJECT HAS BEEN APPROVED BY THE CITY COUNCIL, THE APPLICANT MUST BE PREPARED TO SUBMIT THE FEES IMMEDIATELY, THE PLANNING DEPARTMENT HAS NO MORE THAN FIVE (5) DAYS TO RECORD THE NOTICE OF DETERMINATION, THERE ARE NO EXCEPTIONS. ALL CITY PROJECTS MUST FOLLOW THE SAME PROCEDURE, "CERTIFICATE OF DE MINIMUS " ARE NO LONGER PERMITTED.**

APPLICATION FEES

- 1) DRC is required: \$750.00.
- 2) Zone Change fee is \$750.00 plus \$20.00 per lot.
- 3) General Plan Amendment fee is \$1,000.00. Filed quarterly.
- 4) Payment by cash, credit card (VISA, MASTER CARD or DISCOVER) or check made payable to the City of California City.
- 5) Additional costs depends on the extent of the zone change. Return completed application and fees to the Planning Department.