



# COMMUNITY DEVELOPMENT DEPARTMENT

(925) 779-7035

## Procedures for Prezoning and Rezoning

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### **PURPOSE**

The Antioch Municipal code classifies all property in districts which control both land use and construction standards. California State law requires zoning to be consistent with the City's General Plan. There are General Plan designations that permit more than one zone since General Plan designations are often more broadly defined than zoning. Unincorporated land must be prezoned and the zoning then becomes effective upon annexation.

The Zoning Ordinance, like the General Plan represents one of the most important policy statements of the City. Applications for rezoning should only be made when there are compelling reasons for change. In reviewing a proposed change in zoning, the request is evaluated for its consistency with the General Plan, its compatibility with surrounding land uses(s), the public need for the change in zone, the property suitability, and other relevant factors. A zoning change will be evaluated based on its community-wide benefit and its contribution to orderly growth, and not whether it increases property value.

### **PROCESS**

#### **Step 1 - Project Consideration**

When considering rezoning, the applicant should review the General Plan designation for the location or area affected. It is important that the zoning be consistent with all elements of the general plan or the rezoning cannot take place unless the General Plan is amended. In addition, the applicant is advised to review the proposed zoning in advance of formal application with the surrounding residents and property owners as well as other parties who may be affected. Local utilities and other special agencies should be contacted regarding requirements for future development in the area, if necessary.

#### **Step 2 – Pre-application Conference**

It is recommended that the applicant discuss the proposal with the Planning Staff to discuss the possibility of the request, the history of similar proposals, the intent of City policy, and possible environmental concerns. In addition, staff and the applicant can review the required forms, data and procedures to be followed through the process.

#### **Step 3 - Filing of Application**

Following the Pre-application conference, the applicant should submit the completed application, drawings, and other materials to the Department of Community Development as specified in this document. A planner will review the materials to make sure they are

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complete. When all information is complete, a notice of complete submittal will be furnished to the applicant. Processing begins on the date of this notice.

#### Step 4 - Environmental Review

All requests for a zone change must include an environmental assessment and are required to comply with the provisions of the California Environmental Quality Act (CEQA). The project may be determined to be categorically exempt or a Negative Declaration may be prepared if the project will not cause significant environmental effects. An Environmental Impact Report (EIR) is required when major projects will have a significant impact on the environment. An Initial Study is prepared to determine whether a Negative Declaration or EIR is the appropriate CEQA document.

The following fees are required by the State Department of Fish and Game when filing a Notice of Determination for a certified CEQA document. The appropriate fee is required at time of application.

- Negative Declaration or Mitigated Negative Declaration - \$1,876.76
- Environmental Impact Report - \$2,606.75

Planning staff will assist you in determining the appropriate fee for your project. This fee shall be made in a check payable to the City of Antioch. The fee will be paid to the County Clerk or State Clearinghouse when a Notice of Determination is filed as described in the attached memo.

#### Step 5 - Staff Review

Upon receipt of a complete application, the Planning Staff will review the basis for the existing zoning, conduct an investigation of the site, assess the impact and need of the proposed change. Other departments and agencies will be contacted as appropriate. After receiving responses from all referral agencies, you will be contacted by the Community Development Department to go over comments received. At this time, a tentative hearing date will also be set. A written staff report will be prepared and mailed to you approximately three (3) days prior to the hearing.

#### Step 6 – Planning Commission Evaluation at a Public Hearing

Typically, it will take 8 to 12 weeks from the time an **application is deemed to be complete** for a project to be scheduled for a hearing. The exact timing will depend on the complexity of the project and environmental review status.

The Planning Commission is required to hold at least one public hearing on rezoning applications. At least ten (10) days prior to the hearing, property owners within 300 feet of the project site, as well as owners within the site, will be notified by mail of the forthcoming hearing. A notice of the public hearing will also be advertised in the local newspaper at least ten (10) days (21 days for projects with negative declarations or EIRs) prior to the meeting. Before the application can be considered by the Planning Commission, the appropriate

environmental action must take place: a) certification of the Environmental Impact Report; or b) ratification of the Negative Declaration.

At the hearing, staff will first present its report and recommendation. This presentation will be followed by testimony from the applicant and any interested persons who may wish to comment on the application. A decision will be made by the Planning Commission after evaluating the public testimony, the staff report, and the environmental information. The recommendation of the planning Commission will then be forwarded to the City Council. A rezoning application may not be appealed as the final decision is made by the City Council at a public hearing. The hearing is automatically scheduled for the City Council following the Commission's action on the application.

### Step 7 – City Council Review

A City Council public hearing will be scheduled and the same legal notifications used for the Planning Commission are also used for the Council hearing. A copy of the staff report will be mailed to the applicant prior to the public hearing. At its meeting, the Council will consider the public testimony, staff reports, environmental information, as well as the recommendations and findings of the Planning Commission. Following public testimony, the City council may: a) close the public hearing and make its decision; or b) continue the public hearing to a specific time, date, and place for additional information and review; or c) refer the matter back to the Planning Commission for further evaluation and recommendation. The decision of the City Council to approval or deny a request is final.

### **RELATIONSHIP TO OTHER ACTIONS**

A change in the City's Zoning Ordinance may also require a General Plan amendment which must be processed separately and prior to consideration of the rezoning application. A tentative map, use permit or other planning or zoning action may also be required. In most cases, the processing of related applications and development plans can be initiated by the applicant prior to final approval of the rezoning to facilitate the development review process. If a tentative map, zoning action, or use permit is not necessary, the process for the architectural review of specific plans may be initiated by the applicant.

### **ESTIMATED TIME OF PROCESS**

The estimated time of processing a rezoning will vary depending upon the complexity and magnitude of the proposal and staff workload at the time, but it is generally estimated as follows. From complete submittal to Planning Commission and its review:

- With a negative Declaration approximately 12 weeks.
- With an Environmental Impact Report approximately six to nine months.



## **DEPOSIT / FEE SCHEDULE**

***The City of Antioch requires a deposit, as listed in the master fee schedule. If a Design Review application is submitted concurrently with a Use Permit request, the Use Permit deposit will cover all applications. Applicants will be charged on a time and materials basis monthly. The deposit will remain on file and will not be charged against, unless monthly invoices are not paid.***

**Fees are required by the State Department of Fish and Game. Planning staff will assist the applicant in determining the appropriate fee.**

**Both the deposit and Fish and Game fee shall be paid concurrently at time of application to the City of Antioch.**



# DEVELOPMENT APPLICATION

Community Development Department  
P.O. Box 5007  
Third & "H" Streets  
Antioch, CA 94531-5007  
Phone: (925) 779-7035 Fax: (925) 779-7034

**SITE LOCATION:** \_\_\_\_\_

**ASSESORS PARCEL NO. (S):** \_\_\_\_\_ **TOTAL ACREAGE:** \_\_\_\_\_

**BRIEF DESCRIPTION OF REQUEST:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## PROPERTY OWNER OF RECORD

Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Telephone No. \_\_\_\_\_

Fax No. \_\_\_\_\_

Email: \_\_\_\_\_

**Signature:** \_\_\_\_\_

## APPLICANT

Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Telephone No. \_\_\_\_\_

Fax No. \_\_\_\_\_

Email: \_\_\_\_\_

**Signature:** \_\_\_\_\_

***For Office Use Only***

Date Received: \_\_\_\_\_ File No: \_\_\_\_\_

Title: \_\_\_\_\_

Planner: \_\_\_\_\_ Account No. \_\_\_\_\_

**Type of Application:**

- |  |   |                                       |   |
|--|---|---------------------------------------|---|
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Amend General Plan | <input type="checkbox"/> Minor Subd   | <input type="checkbox"/> 2 <sup>ND</sup> Unit AUP |
| <input type="checkbox"/> Use Permit    | <input type="checkbox"/> Amend Spec Plan    | <input type="checkbox"/> Lot Line Adj | <input type="checkbox"/> Rezone/Final Dev. Plan   |
| <input type="checkbox"/> Variance      | <input type="checkbox"/> Amend Zoning Map   | <input type="checkbox"/> Subdivision  | <input type="checkbox"/> Annexation               |
| <input type="checkbox"/> Signage       | <input type="checkbox"/> Prelim PD          | <input type="checkbox"/> Other _____  |   |

***Return comments no later than*** \_\_\_\_\_

- |   |                                   |                                 |
|---|-----------------------------------|---------------------------------|
| <input type="checkbox"/> Engineering/PW         | <input type="checkbox"/> Building | <input type="checkbox"/> Police |
| <input type="checkbox"/> Engineering/E. Franzen | <input type="checkbox"/> Fire     | <input type="checkbox"/> _____  |
| <input type="checkbox"/> Engineering/CD         | <input type="checkbox"/> PHBS     | <input type="checkbox"/> _____  |
| <input type="checkbox"/> Maintenance            | <input type="checkbox"/> DDSD     |                                 |

**PLEASE SIGN AND RETURN WITH YOUR APPLICATION**  
**STATEMENT OF UNDERSTANDING**

In signing this Statement of Understanding in conjunction with the attached application to the City of Antioch, Department of Community Development for Project:

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I understand that charges for materials and staff time spent processing this application will be billed monthly and is based on an hourly rate as identified in the current fiscal year fee schedule. Application processing includes but is not limited to plan checking and processing, meetings, phone calls, research, e-mail, and staff report preparation. Further, I understand that my initial deposit is not a fee and actual charges may be in excess of the deposit. The deposit will be returned to me at the conclusion of the process after all invoices have been paid. If invoices are not paid on a monthly basis, processing will be terminated until all past due amounts have been paid. Failure to pay invoices on a monthly basis may also result in an application being deemed incomplete; postponement of hearings or meetings; and/or inability to obtain a building permit.

I assume full responsibility for all costs incurred by the City in processing this application.

Further, I understand that approval of my project is NOT guaranteed and may be denied. In the case of a denial, I understand that I am still responsible for all costs incurred by the City in processing this application.

I hereby authorize employees, officials and agents of the City of Antioch to enter upon the subject property, as necessary, to inspect the premises and process this application.

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

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Property owner signature for authorization to enter property and process the application. This is required only if the applicant is not the property owner.

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

Name of Project: \_\_\_\_\_

# ENVIRONMENTAL ASSESSMENT

*(To be completed by Applicant)*

To Accompany Application for:

\_\_\_\_\_

## APPLICANT INFORMATION

Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Parcel No. \_\_\_\_\_

Telephone No. \_\_\_\_\_

File No. \_\_\_\_\_

Completeness and accuracy of the information provided by this form will help assure that your application can proceed without unnecessary delay. Attach additional sheets if necessary.

## GENERAL INFORMATION

1. List and describe any other related permits and other public approvals required for this project, including those required by City, regional, state and federal agencies:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Existing zoning and general plan districts: \_\_\_\_\_

3. Proposed use of site (project for which this form is filed):

\_\_\_\_\_  
\_\_\_\_\_

## PROJECT DESCRIPTION

4. Site size: \_\_\_\_\_

5. Building square footage: \_\_\_\_\_

6. Number of floors of construction: \_\_\_\_\_

7. Amount of off-street parking provided: \_\_\_\_\_

8. Percentage of landscaping: \_\_\_\_\_

9. Projects associated with this project:

\_\_\_\_\_  
\_\_\_\_\_

10. Schedule of construction:

\_\_\_\_\_

11. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents and type of household size expected:

\_\_\_\_\_  
\_\_\_\_\_

12. If commercial, indicate the types of tenants, and whether neighborhood, City or regionally oriented:

\_\_\_\_\_  
\_\_\_\_\_

Environmental Assessment Form

Name of Project: \_\_\_\_\_

- 13. If industrial, indicate the type of tenants, hours of operation and estimated employment per shift:  
 \_\_\_\_\_  
 \_\_\_\_\_
- 14. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, and community benefits to be derived from the project:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- 15. If the project involves a variance, conditional use permit or rezoning application, state this and indicate clearly why the application is required:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Are the following items applicable to the project or its effects?

|     |   | YES | NO |
|-----|---|-----|----|
| 16. | Change in existing features of any wetlands, tidelands, beaches, or hills, or substantial alteration of ground contours |     |    |
| 17. | Change in scenic views or vistas from existing residential areas or public lands or roads                               |     |    |
| 18. | Change in pattern, scale or character of general area of project  |     |    |
| 19. | Create significant amounts of solid waste or litter   |     |    |
| 20. | Change in dust, ash, smoke, fumes or odors in vicinity  |     |    |
| 21. | Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns     |     |    |
| 22. | Create substantial change in existing noise or vibration levels in the vicinity   |     |    |
| 23. | Site on filled land or on slope of 10% or more  |     |    |
| 24. | Use or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives                  |     |    |
| 25. | Create a substantial change in demand for municipal services (police, fire, water, sewage etc.)                         |     |    |
| 26. | Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.)                                    |     |    |
| 27. | Project related to a larger project or series of projects   |     |    |

Discuss below all items checked "YES" (attach additional sheets as necessary)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Environmental Assessment Form

Name of Project: \_\_\_\_\_

\_\_\_\_\_

**ENVIRONMENTAL SETTING**

28. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Polaroid photos or digital photos will be accepted.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

29. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, setback, rear yard, etc.). Attach photographs of the vicinity. Polaroid photos or digital photos will be accepted.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATION**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct tot the best of my knowledge and belief.

Date: \_\_\_\_\_

Name of Agency: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Phone: \_\_\_\_\_

# HOW TO COMPILE THE PROPERTY OWNERS' MAP AND LISTING

## PURPOSE

Most applications to the City of Antioch Department of Development Services require notification of surrounding property owners. This is a requirement of State law which gives an opportunity for property owners on surrounding lands to comment on the application at a public hearing. Applicants are required to provide the names of the property owners and addressed, prestamped envelopes. Postal Service and City policy makes the use of predated and undated **METERED POSTAGE UNACCEPTABLE**. Please use current U.S. postage stamps as envelopes with ***metered postage will be returned to the applicant.***

## ASSESSOR ROLL METHOD

Contra Costa County Assessor's office prepares both a set of tax maps and a tax roll. A person's property can be identified by an assessor's parcel number which resembles a Social Security Number. An example of an assessor's parcel number is 068-102-15. In this example the first set of numbers (068) is the book, the second set of numbers (102) is the block/page and the third set of number (15) is the parcel. The full number represents the assessor's parcel number.

- Step 1 - Identify the assessor's parcel number and locate a series of assessor map books available at Contra Costa County Offices. Locate the parcel in the map book.
- Step 2 - Assemble a map showing a 300 foot radius around the subject site. Multiple assessor pages may be necessary. Identify parcels which fall wholly or partially within 300 feet of the subject parcel. Include this map with the application.
- Step 3 - List all the parcels **IN NUMERIC ORDER** by book, page and parcel on the attached sheet.
- Step 4 - Using the parcel numbers identified in Step 3, use the assessment roll to find the names and addresses of the owners of the properties and write these in the spaces provided on the attached sheet along with the site address.
- Step 5 - Submit this list to the Department of Development Services as part of the application. Sheets that are not legible will be returned. It is the applicant's responsibility to make sure these sheets are correct. Incorrect noticing could cause a delay to the processing of the project.

## **TITLE COMPANIES**

Most title companies have this information on computer and charge a nominal fee for this service. An applicant may wish to use a title company instead of following the above process, however, we will still require that the "PROPERTY OWNERS' NOTIFICATION LISTING" be accurately filled out and included with each application.

## **MAILING**

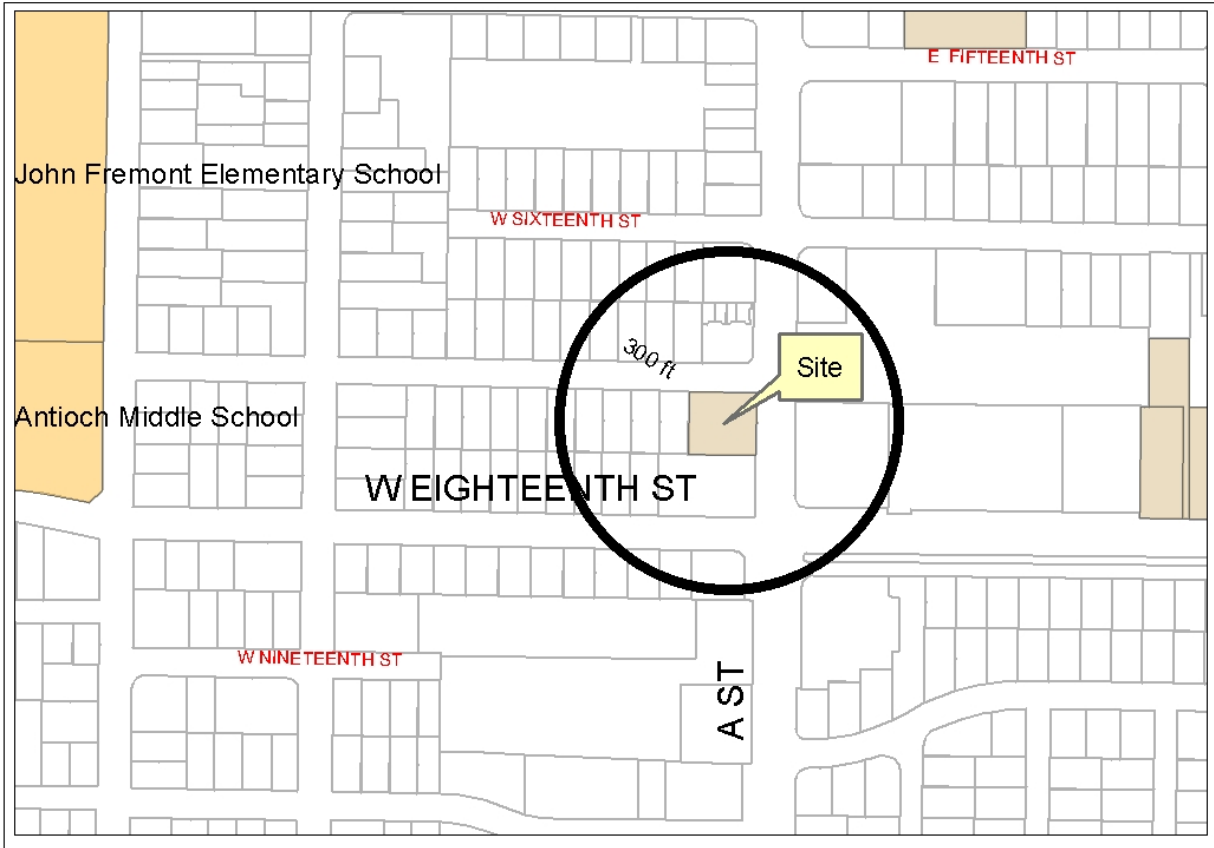
As part of the application, applicants will be required to supply a set of envelopes to be used by the City to mail the required notices:

- The envelopes shall be legal size, addressed, prestamped **(METERED POSTAGE CANNOT BE ACCEPTED)** envelopes.
- Bundle the envelopes in the same order as they appear on the Property Owners' Listing. ***Envelopes that are out of order will be returned to the applicant.***
- Property owners with multiple properties need only one envelope. Properties owned by the City of Antioch do not require envelopes.
- The upper left-hand corner of the envelope must be left blank so the City's return address may be placed on the envelope. In the event the Post Office is unable to deliver the notice of public hearing, it will be returned to the City for file.
- If you are making an application for a planned development, zoning, general plan or specific plan change, you should submit two (2) sets of envelopes.
- If an appeal is filed on an otherwise final decision, you will need to submit an additional set of envelopes for the required noticing.

See the samples in the following pages. Staff will be happy to answer any questions.

# Sample of Map

Parcels that are within the 300 foot radius are to be notified of the public hearing



Site = Applicants Property

Parcels in radius are parcels affected by the 300' radius that need to be notified

### SAMPLE OF PROPERTY OWNERS' NOTIFICATION LISTING

Within 300 feet of property located at:

Page  1  of  1

Project Address:  123 A St.

Project Assessor Parcel No:  000-100-123

|               |                            |   |
|---------------|----------------------------|---|
| 099-134-181-0 | Smith Construction Company | SITE: 10134 A St., Antioch, CA 94509<br>MAIL: P.O. Box 134, Antioch, CA 94587 |
| 099-134-182-0 | Buyer, Bill and Betty Jo   | SITE: 10138 A St., Antioch, CA 94509<br>MAIL: (SAME)                          |
| 099-134-183-9 | Developer, Joe             | SITE: 10142 A St, Antioch, CA 94509<br>MAIL: (SAME)                           |
| 099-135-001-0 | DevCo Commercial           | SITE: Deer Valley Road<br>MAIL: 123 El Camino Real, Los Altos, CA 94022       |
| <b>SAMPLE</b> |                            |   |
|               |                            |   |
|               |                            |   |

I certify that the above is from the most recent Contra Costa county tax assessment rolls.

I.M. Broker  
Applicant (Print Name)

J. M. Broker  
(Signature)

January 1, 2003  
Date