

## ***Chapter 17.10 ADMINISTRATION***

### **17.10.010 Planning Agency.**

Pursuant to Section 65100 of the California Government Code and as established in Chapter 2.12—Planning Agency of the municipal code. The city's planning agency shall consist of the city council, planning commission, city manager, and development services director or his or her designee (the "director") acting under the authority of this chapter and title.

### **17.10.020 City Council.**

The city council is the designated approving authority to review and approve or deny general plan amendments, specific plans and amendments to specific plans, amendments to zoning districts and all other provisions of this title, development agreements, appeals of planning commission determinations, and extensions of time (for projects originally approved by the city council), except in those cases where the city council chooses to delegate such authorities to another body or individual as may be allowed by state law.

### **17.10.030 Planning Commission.**

- A. Planning Commission Created. A planning commission for the city is established and created pursuant to the provisions of Sections 65100 through 65106 of the Government Code and the provisions of Chapters 2.12 and 2.16 of the Shasta Lake Municipal Code as now or hereafter amended.
- B. Powers and Duties. The planning commission shall have the powers and duties provided for by Sections 65100 through 65106 of the Government Code as now or hereafter amended. In addition, the planning commission shall have the responsibility to:
  - 1. Investigate and make recommendations to the city council regarding reasonable and practical means for implementing the general plan or any element thereof so that it will serve as an effective guide for orderly growth and development and the preservation and conservation of open space and natural resources.
  - 2. Provide annual reports to the city council on the status of the general plan and progress in its implementation.
  - 3. Clarify ambiguities regarding this title.
  - 4. Review and approve or deny any permits or other determinations that may be referred to it for action by the director, including use permits, variances, tentative subdivision maps and vesting tentative maps, and grants of extensions of time (for projects originally approved by the planning commission); hear appeals of decisions and interpretations of the director; and make other discretionary determinations as are assigned by the municipal code.
  - 5. Make recommendations to the city council on general plan amendments, specific plans and amendments to specific plans, amendments to the municipal code that may apply to or affect the duties of the commission, and to this title pursuant to Chapter 17.17 (Amendments to the Text or Map), and rezoning pursuant to Chapter 17.18 (Rezoning) of this title.
  - 6. Evaluate a project's potential environmental impacts pursuant to the California Environmental Quality Act and adopt an environmental determination when required by law or the municipal code.

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7. Predevelopment Review. The planning commission may hold meetings solely to compile staff comments and department conditions of approval and/or convey information to project applicants. The director or a majority vote of the commission may initiate such a review.
  8. Adopt by resolution those administrative procedures or standard conditions of approval as may be directed by the Shasta Lake Municipal Code or determined by the commission to be necessary for the effective administration of the code and the implementation of the general plan.
- C. Committees. The planning commission may establish such standing and temporary committees as it deems expedient in performing its duties. Such duties may include but are not limited to reviewing and making recommendations on zoning code updates and amendments, general plan amendments, and specific or area plans.

#### **17.10.040 Development Services Director.**

This title shall be administered by the development services director (the "director"), whose responsibilities include the following functions to be carried out either directly or by subordinate employees under the supervision or direction of the director.

- A. Powers and Duties.
1. Application Process. All applications for permits, licenses, and approvals pursuant to this chapter shall be submitted to the director for processing. The director or his or her designee shall be responsible for the following:
    - a. Determination of completeness of applications for permits or other entitlements.
    - b. Completion of appropriate documentation under CEQA for permits issued and actions taken pursuant to the zoning ordinance.
    - c. Collection of applicable fees.
    - d. Establishment of permanent files.
    - e. Posting/publication of public notices.
    - f. Preparation of reports or other related documents.
    - g. Processing of appeals.
    - h. Establishing necessary administrative procedures or making recommendations to the commission and city council when necessary for the effective administration of the code and implementation of the general plan.
    - i. Presentation of staff reports to the planning commission and city council.
  2. The director shall have the authority to review and approve or deny the following:
    - a. Administrative sign permits.
    - b. Administrative (general) permits.
    - c. Sign permits.
    - d. Site development permits.
    - e. Temporary use permits.
    - f. Zoning clearances.

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- g. Zoning exceptions.
  - i. Other permits or actions required by the municipal code that are not specifically identified as the responsibility of the city manager or planning commission. The undertaking of such actions is subject to the direction of the city manager.
3. The director also shall have the authority to make general plan consistency determinations as required by Section 65402 of the Government Code and to determine the appropriate use classification for uses not specifically listed in this chapter. When determined necessary because of unique or unusual circumstances, the director may refer such determinations to the planning commission. The director's decision may be appealed to the planning commission pursuant to the provisions of Section 17.11.090 (Appeals) of this title.
- B. Interpretation. The director shall decide any questions involving the interpretation or application of any provision of this title pursuant to its rules, standards, and requirements. When determined necessary because of unique or unusual circumstances, the director may refer such determinations to the planning commission. The director's decision may be appealed to the planning commission pursuant to the provisions of Section 17.11.090 (Appeals) of this title.
  - C. Coordination. The director shall refer to and coordinate matters related to the administration of this title with other agencies, city departments and city boards and commissions and shall provide information on the status of development proposals to interested parties as required by law or local policy.

### **17.10.050 Indemnification.**

The City of Shasta Lake, including its officers and employees, shall be held harmless from any loss, liability, damage, or cost sustained by any person or property arising from the application of the provisions of this zoning ordinance. Property owners, developers, and other parties involved in a project, activity, or use of property within the city agree to indemnify and hold the city harmless against any legal actions, costs, or liabilities resulting from such activities. Any person, entity, or organization undertaking development, construction, use of property, or other activities within the city that are regulated by this title may be required to execute a "Hold Harmless Agreement" to acknowledge this obligation. Such agreement shall indemnify and hold the city and its employees and officers harmless from any claims, damages, losses, or liabilities arising directly or indirectly from the project or activity for which a permit or other approval has been sought or issued. This requirement shall cover, but is not limited to, the following circumstances:

- A. Construction-related accidents or incidents related to a project, activity, or use of property.
- B. Environmental impacts related to a project, activity, or use of property.
- C. Public safety impacts related to a project, activity, or use of property.
- D. Property damage related to a project, activity, or use of property.
- E. Violations of any other municipal code regulations applicable to a project, activity, or use of property.

### **17.10.060 Severability**

If any provision or clause of this title or its application to any person or circumstance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, clauses or applications of this title that can be implemented without the invalid provision, clause or application, and to this end, the provisions and clauses of this title are declared to be severable.

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**17.10.070 Refund of fees.**

Whenever an application is terminated for any reason, and a written request has been filed with the city by the applicant for a refund of any unutilized application fees, the city may refund the fees paid in accordance with Schedule 17.10.070-A. If any portion of the application fee has been used by the city for processing or been paid to another jurisdiction, firm, or agency for services to be rendered in connection with the application, the city shall not refund that portion of the fee to the applicant. No refund of fees shall be made once a public hearing for an application has been noticed. The director may authorize a refund less than the percentage found in Schedule 17.10.070-A upon finding that funds were expended in processing the permit in excess of those presumed by the schedule.

**Schedule 17.10.070-A: Schedule for Refund of Fees**

<b>State of Processing</b>	<b>Percent of Refund</b>
Application submitted to the city, fee receipted, but no processing begun.	100%
Application submitted to the city, fee receipted, file created, but no project review begun.	90%
Application submitted and found complete or incomplete by the city.	80%
Environmental impact determination completed, but the application is withdrawn before action or public hearing.	50%

## ***Chapter 17.11 COMMON PROCEDURES***

### **17.11.010 Purpose.**

This chapter establishes procedures common to the application and processing of permits for zoning exceptions, site development permits, administrative and conditional use permits, variances, and other discretionary entitlements or permits, collectively hereinafter referred to as discretionary entitlements. These common procedures may be modified as set forth in the administrative chapters of this title wherein specific discretionary entitlements are addressed.

### **17.11.020 Application forms and fees.**

- A. The director shall prescribe the form for each application required under this chapter and may require an applicant to submit such information and supporting data as are considered necessary to process the application.
- B. The city council shall, by resolution, fix the fee to be charged for filing and processing each application, preparing environmental impact documents, and appealing a subordinate agency's decision. The city council or approving authority may also require cash deposits, bonds, or other performance guarantees as may be appropriate to ensure that the requirements of this title and chapter and any conditions of permit approval are met.
- C. When multiple zoning-related permits are necessary to address the specific requests in a project application, the approving authority shall process all applications simultaneously. The director shall determine the appropriate level of discretionary approval(s) required based on the project's specifics.

### **17.11.030 Pre-application meeting.**

Before submitting a formal development application, the applicant may request a pre-application meeting. The purpose of the pre-application meeting is to give the applicant the opportunity to discuss his or her development proposal with the city development review staff. The pre-application meeting provides information to an applicant related to the city's current development policies and standards. A request for a pre-application meeting, accompanied by the required fee, shall be filed with the development services department in a form prescribed and accompanied with project details and plans as determined appropriate and necessary by the director.

### **17.11.040 Review of applications.**

Upon receipt of an application, the director or his or her designee shall note the date received and determine whether the application is complete and accurate. Applicants shall be notified in writing within thirty days of making the application if (1) additional information must be provided to complete the application and/or (2) there are any known material inaccuracies with the application and related materials that need to be corrected. When complete, the director shall accept the application for processing and notify the applicant in writing that the application is complete.

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### **17.11.050 Determinations/actions by director.**

Where the director determines to approve, conditionally approve, or deny a permit as authorized by this code, the director shall make a written determination on the application or refer it to the planning commission for a public hearing. The determination shall specify the nature of the action, the facts and findings that have been satisfied, and any conditions of approval. A copy of the decision shall be sent to the applicant and any designated representative.

For discretionary site development permits or administrative permits, the director shall, in addition to the above, notify all owners of property within three hundred feet of the project site that a development application has been received and is under consideration for approval. The notice shall be mailed at least ten (10) days prior to final approval of the application. The notice shall provide a brief description of the use or activities requested by the applicant and indicate the date the decision on the application will become effective. It shall also indicate where information regarding the application may be obtained. Failure to receive the notice required by this chapter shall not invalidate any action on the application.

When the planning commission or city council determines to approve, conditionally approve, or deny a permit as authorized by this title, the director shall, within ten (10) working days of the approving authority's decision, provide the permit applicant with a written determination on the application. The determination shall specify the nature of the action, the facts and findings that have been addressed, and any conditions of approval applicable to the action.

### **17.11.060 Notice of public hearings.**

The director shall give notice of a public hearing as required by state law. The form of the notice shall contain:

- A. The time and place of the hearing.
- B. A general explanation of the matter to be considered, including a general description of the project location.
- C. Other information required by statute or specific provision of this code or which the director considers necessary or desirable.

Where a public hearing for a permit is required by this chapter, The notice shall be given by publication, as required by Government Code Section 65090, and by mail, as required by Government Code Section 65091.

### **17.11.070 Conduct of public hearings.**

The planning commission and city council shall comply with the minimum standards established by the Government Code when conducting public hearings. This includes but is not limited to providing required notice, making available to the public copies of any reports to the approving or recommending body, preserving a public record of proceedings, and providing an opportunity to be heard.

### **17.11.080 Effective dates.**

Permits or variances issued under this chapter shall be effective: (1) following expiration of the appeal period if no appeal is filed or (2) upon resolution of the appeal by the appropriate body as determined in this title.

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### 17.11.090 Appeals.

The following shall govern appeals of approval, disapproval, or conditions of approval placed thereon for temporary use permits, site development permits, use permits, and variances and related environmental determinations. Appeals associated with zoning exceptions are addressed in Section 17.15.090 (Appeal Procedure) of this chapter.

A. Appeals will be resolved by the following bodies:

Approving Body	Appeal Body
Director	Planning Commission
Planning Commission	City Council

- B. Persons unsatisfied with the planning commission's appeal determination may appeal to the city council. The council's decisions are final.
- C. Appeals shall be initiated by submitting a written appeal within ten days of the action of the approving or appeal body. Payment of a fee, as established by resolution of the city council, shall accompany the appeal. The appeal shall state the reasons for the appeal and why the appellant believes the determination of the approving body should be overturned or modified. Appeals to be heard by the planning commission shall be submitted to the director. Appeals to be heard by the city council shall be submitted to the city clerk.
- D. Grounds for an appeal shall be limited to those issues established in the public record that were brought to the attention of the approving authority during its consideration, or in written correspondence provided to the approving authority prior to the project's approval or denial.
1. Issues that are the basis of an appeal must be fully disclosed in a timely fashion and in advance of the appeal hearing so that it can be determined whether such issues were considered by the body originally acting on the project or issue under appeal.
  2. When an appeal is first considered, the director will report to the decision-making body whether the items or issues being appealed were fully considered by the body that originally acted on the project or issue under appeal.
  3. At its sole discretion, the body hearing the appeal may refuse to consider issues that were not considered by the body originally acting on the project or issue under appeal or, alternatively, may remand the matter back to the approving authority which acted on the project or issue under appeal in order to give that body an opportunity to consider the issue.
- E. The date of the public hearing to consider the appeal shall be set within thirty days of receipt of the appeal. The body shall render its decision following the public hearing, at which the appellant's testimony and written or oral report will be considered, and a determination will be made.
- F. Notice of the appeal hearing shall be given to the appellant, persons requesting notification, and owners of properties abutting the subject property. If the permit was the subject of a public hearing, notice of the appeal shall also be made in accordance with Section 17.11.060 (Notice of Public Hearings) of this chapter.

### 17.11.100 Lapse of approval—Expiration—Extensions.

- A. Lapse of Approval/Expiration by Failure to Utilize. Unless the conditions of approval establish a longer time limit to utilize the entitlement or the time limit for utilization has been administratively extended

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pursuant to subsection D of this section, all discretionary entitlements shall contain a standard condition providing that the entitlement shall expire and lapse two years from its date of approval and become null and void without further action by the city unless one of the following events has occurred:

1. If the discretionary zoning entitlement is necessary as determined by the development services director to allow for the construction of improvements, a building permit has been issued, and substantial construction has occurred consistent with and in reliance upon the granting of the discretionary entitlement containing the time limit for utilization.
  2. If the discretionary zoning entitlement approves a use of property only, which is not otherwise allowed as a matter of right under the zoning ordinance, the use of the property as permitted by the discretionary zoning entitlement has commenced.
- B. Lapse of Approval/Expiration by Non-Use. Any zoning use entitlement shall expire and become null and void when the use allowed by the entitlement is discontinued for a continuous period of one year with no further action by the city.
- C. Expiration by New Entitlement. Any discretionary zoning entitlement shall expire and be deemed void when the entitlement is superseded or replaced with a new entitlement. Conditions of approval applied by the approving authority to the new entitlement may modify this provision with a finding of good cause.
- D. Extension of Expiration Date. The development services director may extend the time frame for a discretionary zoning entitlement to expire pursuant to this section for one time for one additional year, subject to the same conditions of approval, provided that good cause is presented to delay the expiration because of the existence of extraordinary circumstances outside the control of the permittee; the approved zoning entitlement is otherwise found to be consistent with the zoning ordinance and general plan policies currently in effect; and the zoning entitlement would not otherwise be detrimental to the health, safety, and general welfare of the public. A complete application for an extension of the expiration date must be submitted prior to the expiration of the entitlement. The director may refer the extension request to the planning commission for a public hearing and decision.

#### **17.11.110 Revocation.**

- A. Initiation of Proceedings. The planning commission, on its own motion, may, and if directed by the city council shall, hold a public hearing to consider revoking any variance, permit, or other zoning entitlement that has been granted pursuant to the provisions of this title or by any ordinance which has been superseded by this title. When required by this title, a public hearing shall be held, and notice shall be given in accordance with this title and state law.
- B. Decision of the Planning Commission. After a public hearing, the planning commission may revoke a variance, permit or other entitlement on one or more of the following grounds:
1. Such approval was obtained by fraud or misrepresentation.
  2. Any person making use of or relying upon the variance, permit or other zoning entitlement is violating, or has violated any conditions thereof, or the use for which the discretionary entitlement or permit was granted is being or has been exercised contrary to the terms or conditions of such approval; or the use for which the approval was granted is exercised in such a manner as to be detrimental to the public health, safety, or general welfare.

In lieu of revocation, the planning commission may amend conditions of approval and/or compose additional conditions as appropriate. The planning commission's action may be appealed to the city council.

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**17.11.120 Reapplication.**

If an application for a site development permit, zoning exception, administrative permit or, use permit, or variance is disapproved, no new application for the same, or substantially the same as determined by the director, development plan shall be filed within one year of the date of denial of the initial application unless the denial of the initial application is made without prejudice and is so stated in the record of the proceedings.

## ***Chapter 17.12 ZONING CLEARANCE***

### **17.12.010 Purpose.**

This chapter establishes procedures for obtaining a zoning clearance. A zoning clearance assures that the proposed use of a site or structure is an allowed land use within the applicable zoning district. In the case of new construction, the zoning clearance also ensures that the development complies with the development standards, performance criteria, and any guidelines applicable to the land use or the zoning district of the site.

### **17.12.020 Applicability.**

- A. A zoning clearance is required to be obtained from the director under any of the following circumstances:
1. Prior to the issuance of a business license for a new use or change of use on a property or the occupancy of any building or property. A separate permit application is not required to obtain the zoning clearance.
  2. Before issuing a building permit for any new construction or expansion of existing structures, the zoning clearance will be processed simultaneously with a building permit application and is considered part of the issuance of the building permit. A separate permit application is not required to obtain the zoning clearance.
  3. Before approving a discretionary entitlement or other permit application for the use or development of any property or building. The zoning clearance will be considered part of the issuance of the discretionary permit and is considered integral to such entitlement or permit. A separate permit application is not required to obtain the zoning clearance.

### **17.12.030 Review and decision.**

- A. Project Review Procedures.
1. Business License. A zoning clearance is integral to the issuance of a business license. Obtaining a zoning clearance establishes that the proposed activity complies with the use regulations and development standards of this code. For those who desire to obtain a separate zoning clearance, the director shall provide a form that indicates whether (1) the proposed use is allowable based on the zoning of the property and (2) whether other permits or approvals must be obtained prior to the commencement of the use or activity.
  2. Building or Other Permit. Prior to issuance of a building or other permit or entitlement, the director shall determine whether the proposed building, use, or activity complies with the provisions of this title, whether a permit is required, or that additional information is needed to make the determination. The director shall also determine whether adequate public facilities exist at the site location and whether additional right-of-way or utility easements will be required consistent with the Shasta Lake Municipal Code. Applicants for a building permit shall be notified of the determination within 30 days of submitting a complete building or other application except as otherwise required by State law or local ordinance.
- B. Time Limits—Expiration. The zoning clearance shall be valid for the same period the business license is in effect or the companion building permit or other required permit is in force.

## ***Chapter 17.13 SITE DEVELOPMENT PERMITS***

### **17.13.010 Purpose.**

To expedite permit processing for certain minor discretionary and non-discretionary permits, it is the intent of this section to establish procedures whereby site development permits may be processed and approved by the director or planning commission. Site development permits are designed to address uses or activities that:

- A. Have lesser impacts and warrant less intensive review than uses requiring administrative permits or conditional use permits.
- B. Conform to the city's general plan and zoning ordinance.
- C. May create only limited land use conflicts with adjoining properties.
- D. Implement state law relative to the development of housing.
- E. Are exempt from the California Environmental Quality Act or have minimal impacts that can be reduced or eliminated by the design of the project or by reducing its size or scope.

### **17.13.020 Uses and development subject to site development permits.**

Site development permits shall be obtained for development projects and uses identified in the use regulations in this title as requiring such permits. If a project requires action on other related permits, action on all required discretionary permits shall be taken simultaneously.

### **17.13.030 Site development permit processes.**

Site development permitting procedures are established for the review and approval of site development permits. Site development permits shall be designated in this title as follows:

- A. SDP (D) – Limited discretionary review by the director or designee for development projects with minor potential for land use impacts to surrounding properties and which based on project specifics, are exempt from environmental review.
- B. SDP (M) – Ministerial review by the director or designee for development projects which based on project specifics are exempt from environmental review, and which are entitled to streamlined ministerial review pursuant to applicable provisions of state law. Such permits shall be applicable only where specifically identified by this title. “Ministerial processing” or “ministerial approval” means a process for development approval involving little to no personal judgment by the director as to the manner of carrying out the project. Such development must comply with the objective zoning standards, objective subdivision standards, and objective design review standards which are in effect at the time that the application is submitted.

### **17.13.040 Authority and duties of director.**

If a development or activity regulated in this title requires approval of a site development permit, the director shall review and approve all such applications that are consistent with the general plan, the general and specific purposes of the zoning district in which the site is located, any adopted development criteria, and any other applicable provisions of this title. All provisions of this chapter pertaining to the process of review, approval, or denial of site development permits shall pertain to actions taken by the director, except that a permit

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application may be referred by the director to the planning commission for consideration with good cause. In such cases, the notice and public hearing requirements of this chapter and title shall apply.

### **17.13.050 Authority of planning commission.**

The planning commission shall review, approve, or disapprove applications for site development permits referred to it by the director when doubt exists as to the consistency of the application with the general plan, the applicable provisions of the municipal code, and the general or specific purposes of the zoning district in which the project is located. When the director determines that the nature of the use, activity or project may be of substantial concern to adjacent developed properties or the community at large because of the project location, size, potential impacts, or the nature of the use, the director may refer the permit application to the planning commission for consideration and action.

### **17.13.060 Applications.**

An application for a site development permit, accompanied by the required fee, shall be filed with the development services department in a form prescribed by the director and shall be accompanied by site development plans and conceptual building elevations as necessary to show details of the proposed use and the buildings, street access, parking, landscaping, open space areas or environmentally sensitive resource areas on the site. The plans shall also show existing topography and proposed grading, proposed utility connections, any stormwater detention facilities, the improved street section for all adjacent streets, and the identification of existing trees on the site as required by the municipal code. Street sections shall include the locations of driveways on abutting properties and across the street(s) from the site.

- A. The director may request any information necessary to establish compliance with the municipal code and the required environmental determination. The director may waive the required information in this section when the information is unnecessary for a determination to approve, conditionally approve, or deny an application.
- B. When multiple zoning-related permits are necessary to address the specific requests in a project application, the city shall process all applications simultaneously. The director shall determine the appropriate level of ministerial or discretionary permitting required based on the specifics of the project.

### **17.13.070 Notice and public hearing.**

- A. Public Hearings. The planning commission shall hold a public hearing on an application for a discretionary site development permit (SDP – D), when the permit is referred to it by the director. The review and approval of ministerial site development permits (SDP-M) shall not require a public hearing or public notice, except as may be specifically established in state law.
- B. Notice of Hearing. Notice of the public hearing shall be given as prescribed in Chapter 17.11 (Common Procedures) of this title.

### **17.13.080 Duties of the approving authority.**

The approving authority of an application for a site development permit, shall do the following:

- A. Review the project. The approving authority shall review the application for compliance with the development standards and other requirements of the zoning district where the project is located and the applicable provisions of the municipal code.
- B. Decision and Notice. The approving authority of a site development permit shall approve, conditionally approve, or disapprove the application referred to it, in the manner set forth in this title. Within ten

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calendar days of the decision's date, the director shall mail notice of the decision to the applicant and any other party requesting such notice.

- C. Limits on Conditions of Approval. No conditions of approval for a site development permit shall be less restrictive than those prescribed by the applicable district regulations, except as may otherwise be allowed by the provisions of this title.

### **17.13.090 Required findings.**

For projects subject to a discretionary site development permit (SDP-D), the approving authority shall approve or deny an application for a permit, or approve subject to appropriate conditions of approval if, based on the application, plans, other materials, and any testimony submitted, the approving authority finds in the affirmative that:

- A. The project will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood where the project is proposed.
- B. The proposed use or project will not be injurious or detrimental to the general welfare of the city.
- C. The proposed use or project is consistent with the goals and policies established by the general plan and the zoning standards and design requirements of the municipal code.

For projects subject only to a ministerial site development permit (SDP-M), the approving authority shall only approve the project based on the application, plans, materials submitted, and the projects compliance with the objective zoning standards, objective subdivision standards, and objective design review standards which are in effect at the time that the application is submitted, or shall deny such applications when they are not consistent with the requirements of the municipal code.

### **17.13.100 Conditions.**

Whenever a discretionary site development permit is granted, the approving authority may impose reasonable conditions including, but not limited to, requirements for special yards, open-spaces, buffers, fences, walls, location and orientation of the building, screening of mechanical equipment and storage areas; specific building design elements; requirements for installation and maintenance of landscape and erosion-control measures; regulation of vehicular ingress and egress and traffic circulation; construction of street improvements and dedication of easements and right-of-way for streets; regulation of signs; regulation of parking; preservation and replacement of trees; regulation of lighting; regulation of hours or other characteristics of operation; establishment of development schedules or time limits for performance or completion; extension and provision of public utilities and easements; requirements for periodic review by the approving authority; and such other conditions as the approving authority may deem necessary to ensure compatibility with surrounding uses; to preserve public health, safety and welfare; and to implement the general plan.

### **17.13.110 Effective date—Appeals.**

A site development permit becomes effective at the end of the ten-day appeal period unless appealed. Appeals shall be resolved in accordance with the provisions established in Chapter 17.11 (Common Procedures) of this title. A ministerial site development permit issued for affordable housing projects shall not be subject to appeal or notification of adjacent property owners.

### **17.13.120 Lapse of approval—Revocation—Renewal.**

The procedures set forth in Chapter 17.11 - Common Procedures of this title govern the lapse of approval, revocation, and renewal of site development permits.

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### **17.13.130 Revised plans—new applications.**

Revised Plans. A request for changes in conditions of approval of a site development permit or a change to site or building plans that would affect a condition of approval or requirement of such permit, shall be treated as a new application, except that such changes when determined to be minor in nature in the opinion of the director, may be approved by the director.

## ***Chapter 17.14 ADMINISTRATIVE PERMITS AND USE PERMITS***

### **17.14.010 Purpose.**

Use permits are required for use classifications typically having unusual site-development features or operating characteristics requiring special consideration so that they may be designed, located, and operated in a manner compatible with uses on adjacent properties and in the surrounding area. Administrative permits are required for use classifications typically having site-development features or operating characteristics requiring special consideration but which typically have lesser impacts so that they may be designed, located, and operated in a manner compatible with uses on adjacent properties and the surrounding area. This chapter establishes procedures for approving, conditionally approving, or disapproving administrative permit and conditional use permit applications.

### **17.14.020 Applicability of administrative permits or use permits.**

An administrative permit or use permit may be approved for any of the uses for which administrative permits or use permits are required by this title. Use permits are required for development and uses identified in the use regulations tables found in this title as requiring either an administrative permit or a use permit. An administrative permit or a use permit may also be required for development in certain overlay districts as required by those districts' regulations.

### **17.14.030 Authority of director and planning commission.**

The planning commission and director, as applicable, shall approve, conditionally approve, or disapprove applications for administrative permits and use permits subject to the goals and policies of the general plan, the purposes of this title, and the specific purposes of the base or overlay zoning district in which a project is located.

### **17.14.040 Applications.**

An application for an administrative permit or use permit, accompanied by the required fee, shall be filed with the development services department in a form prescribed by the director.

- A. All applications shall be accompanied by plans and conceptual elevations necessary to show details of the proposed use and the proposed buildings, street access, parking, and landscape areas on the premises. The plans shall also show existing and proposed topography; proposed utility connections; stormwater-detention facilities, as applicable; the improved street section for all adjacent streets, including the locations of driveways on abutting properties and across the street(s) from the site as determined appropriate by the director; and any other information determined by the director to be necessary to determine compliance with this code, including required environmental findings pursuant to the California Environmental Quality Act.
- B. No application shall be accepted as complete unless and until all fees, the application form and related information are filed with and accepted by the planning division. Failure of any applicant to respond, within thirty (30) days of mailing, to any notice that the application is incomplete or to any request to clarify, amplify, correct, or otherwise supplement the application shall be deemed an abandonment of the administrative permit application and no further action shall be taken upon it. The application shall be accompanied by the following:

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1. A clear and concise description of the use and related activities.
  2. Plans, maps or other documents showing the details of the proposed use, building or facilities as set forth in this title; and
  3. Information demonstrating compliance with all criteria applicable to the proposed use.
  4. Payment of the required fee.

#### **17.14.050 Notice and public hearings.**

An application for an administrative permit or use permit shall be noticed and acted on as follows.

- A. Administrative Permits. If the director determines that a proposed application appears to meet all criteria applicable to the proposed use, the director shall provide notice of the proposed approval. The notice shall include a general explanation of the matter being considered, a general description of the location and area to be affected, and a deadline for submitting written comments on the application. The notice shall be given as required by Chapter 17.11 (Common Procedures) and the Government Code to all properties within 300 feet of the project boundary and to any individual requesting such notice. The publication of such notice shall be at the discretion of the director. A failure to receive the notice shall not invalidate any action on the application.
- B. Use Permits. The planning commission shall hold a public hearing on an application for a use permit. Notice shall be given as required by Chapter 17.11 (Common Procedures) and the Government Code to any individual requesting such notice. Notice of the time and place of the hearing, including a general explanation of the location and matter to be considered, and a deadline for submitting written comments on the application, shall be included. Any hearing may be continued to a specific time, date, and place without further public notice. A failure to receive the notice required by the Government Code shall not invalidate any action on the application.

#### **17.14.060 Duties of approving authority.**

- A. Decision and Notice – Use Permit. Within thirty (30) days of the conclusion of a public hearing, the commission shall approve, conditionally approve, or disapprove the application; notice of the decision shall be mailed to the applicant and any other party requesting such notice within ten (10) calendar days of the date of the resolution ratifying the decision.
- B. Decision and Notice – Administrative Permit. Within ten (10) days of the conclusion of the notice period, the director shall approve, conditionally approve, or disapprove the application; notice of the decision shall be mailed to the applicant and any other party requesting such notice.
- C. Use Permit - Planning Commission determination. The planning commission shall document its action by resolution. A resolution approving a use permit application shall clearly describe the uses permitted, set forth all conditions of approval, and identify which conditions, if any, must be met prior to commencing the use. The planning commission may require security it deems reasonably necessary to ensure compliance with any conditions imposed.
- D. Administrative Permit - Director determination. The director shall document the decision on an administrative permit. A letter of approval shall clearly describe the uses or other activities permitted, set forth all conditions of approval, and identify which conditions, if any, must be met prior to commencing the activity or development authorized by the permit. The approving authority may require security it deems reasonably necessary to ensure compliance with any conditions imposed.
- E. Referral to the Commission. The development services director may refer any administrative permit proposal to the planning commission for a decision if a decision to approve or deny the permit application requires the exercise of substantial discretion in interpreting general plan goals or policies as they relate to the project. The director may require the payment of an additional fee as established by the city council to cover the cost of such a referral.

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- F. **Mandatory Compliance with Standards.** No conditions of approval of a use permit or administrative permit shall include requirements that are less restrictive than those prescribed by applicable district regulations, except where otherwise permitted by this title.
  - G. **Term of Approval.** The approving authority may limit any permit issued pursuant to this chapter to a specific term. The establishment, maintenance, or operation of any permit under this chapter shall cease at the end of the term, if any, of the permit. A permit granted under this chapter may be renewed, subject to an application for renewal, and upon the terms and conditions appropriate at the time of such grant or renewal.

#### **17.14.070 Required findings.**

The approving authority shall approve an application for a permit if, based on the application, plans, materials, and testimony submitted, the approving authority finds:

- A. The establishment, maintenance, or operation of the use, building or facilities will not, under the circumstances of the particular use, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use.
- B. The establishment, maintenance, or operation of the use, buildings, or facilities will not be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the city unless the proposed use, building, or facility is necessary for public health, safety, or general welfare, and the finding so states.
- C. The proposed use is consistent with the policies and goals established by the general plan.
- D. The proposed use and project design are consistent with the applicable development and design standards established in the municipal code for the zoning district where the project is located.

#### **17.14.080 Conditions.**

Whenever a use permit is granted, the approving authority may impose reasonable conditions including, but not limited to, requirements for special yards, open-spaces, buffers, fences, walls, location and orientation of roll-up doors and screening; specific building design elements; requirements for installation and maintenance of landscape and erosion-control measures; regulation of vehicular ingress and egress and traffic circulation; construction of street improvements and dedication of right-of-way for street widening or street extensions; regulation of signs; regulation of parking; preservation of trees; regulation of lighting; regulation of hours or other characteristics of operation; establishment of development schedules or time limits for performance or completion; extension and provision of public utilities and easements; requirements for periodic review by the approving authority; submission of final plans to ensure compliance with the conditions of approval; and such other conditions as the hearing body may deem necessary to ensure compatibility with surrounding uses; to preserve public health, safety and welfare; to avoid adverse impacts on traffic-carrying capacity of streets and highways, public services and facilities; and to implement the general plan.

The granting of any permit may be conditioned upon the dedication of land or the posting of a bond to guarantee the installation of public improvements, provided the dedication or public improvements are reasonably related to the use for which the permit is granted.

#### **17.14.090 Effective date—appeals.**

A permit shall become effective at the end of the ten-day appeal period unless appealed. Appeals shall be resolved in accordance with the procedures established in Chapter 17.11 (Common Procedures) of this title.

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### **17.14.100 Lapse of approval—revocation—renewal.**

The procedures set forth in Chapter 17.11 (Common Procedures) of this title govern the lapse of approval, revocation, and renewal of administrative permits and use permits. A permit granted under this chapter may be renewed, subject to an application for renewal, and upon the terms and conditions appropriate at the time of such renewal.

### **17.14.110 Revised plans—new applications.**

Revised Plans. A request for changes in conditions of approval of an administrative permit or use permit, or a change to site plans or buildings that would affect a condition of approval of such permit shall be treated as a new application, except that when such changes are determined to be of a minor nature by the director, may be approved by the director.

## ***Chapter 17.15 MINOR EXCEPTIONS***

### **17.15.010 Purpose.**

Certain development standards are subject to relief by administrative review and the granting of a minor exception to provide the flexibility necessary to achieve the objectives of the general plan and the zoning code. Minor exceptions to development standards may, on occasion, be necessary to allow creative design solutions, to accommodate unique site conditions or to address minor errors in property information. The minor exception process allows minor deviations from certain development code requirements to be approved at the administrative level to provide fair and efficient relief from the unintended consequences of the strict application of development standards.

### **17.15.020 Scope of minor exceptions.**

A minor exception is a minor modification of the standards of Title 17, where such modification will be compatible with adjoining property and consistent with the general plan.

### **17.15.030 Standards for which exceptions may be considered.**

A minor exception may be applied to the following development standards in any zone. Minor exceptions do not apply to land uses or residential density as set forth in the general plan or this code. Minor exceptions may be approved, subject to the required findings as set forth in Section 17.15.040.

- A. Setbacks. Required setbacks to a maximum of twenty (20) percent of a required setback, but not less than one foot.
- B. Buffer Yards. The minimum width of a buffer yard required by this code may be reduced by up to twenty-five percent, provided that the reduction does not increase the potential for negative land use impacts between adjoining properties, given the circumstances of a particular site.
- C. Building Separation. The director may authorize a reduction in minimum building separation of up to twenty percent between buildings if the reduction will maintain compliance with the California Building Code.
- D. Height Limits. Building height to a maximum exception of ten percent.
- E. Fence, Wall and/or Screen Height. In any district, the maximum height of any fence, wall, hedge, or equivalent screening may be increased by a maximum of two feet where the topography of sloping sites or a difference in grade between adjoining sites warrants such an increase in height to maintain a level of privacy or to maintain the effectiveness of screening as generally provided by such fence, wall, hedge, or screening in similar circumstances.
- F. Lot coverage. Lot coverage to a maximum exception of ten percent.
- G. Floor Area Ratio. Floor area ratio standards to a maximum exception of ten percent.
- H. Front Yard Setback (Decrease). In any district, the director may decrease the minimum setback by twenty percent, provided the decrease will not negatively affect abutting properties. No exception shall be granted for a garage designed to have vehicles back directly out into the street.
- I. Garage Setback/Sloped Lots. Reserved.

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- J. Lot Size. In any zoning district, the director may authorize a maximum ten percent reduction in parcel area on parcels created by parcel map if two or more existing parcels within three hundred feet of the proposed parcel map are less than the minimum parcel size.
  - K. Multistory Limitations or Transitional Building Height: The director may reduce the second-story setbacks and/or reduce the building height limitations established by this code by up to twenty percent upon determining that any of the following are in evidence:
    - 1. Existing or required rear or side yard setbacks in the abutting residential district are sufficient to ensure that the intent of the multistory transitional height limitations is met.
    - 2. The difference in existing or proposed finished grade between building sites is such that privacy and height impacts to any adjacent residential district would not be present if requirements are reduced.
    - 3. The size or configuration of the developing property makes it impossible to meet the multistory transitional height limitations of this title.
  - L. Recreational Vehicle Storage/Parking. Reserved.
  - M. Parking spaces, generally. Off-street parking requirements may be reduced by up to ten percent of required spaces or dimensions. Such an exception shall not reduce the drive aisle or other dimensions required to meet state or local fire codes.
  - N. Parking for Affordable or Disabled Housing Projects. The parking standards of this code may be reduced by up to 20%, provided that the project qualifies as an affordable housing project as defined by the Government Code and that the necessary area for providing the required spaces is set aside and maintained to allow logical conversion to parking should the use convert from affordable or disabled housing to standard multiple-family use.
  - O. Reversing the Frontage of a Corner Lot. Reserved
  - P. Roof-Mounted Heating and Air Conditioning Equipment. Reserved
  - Q. Accessory Dwelling Units Size Increase - The director may authorize an increase in the allowable size of an accessory dwelling unit of up to 20%, provided that the exception is necessary to provide for reasonable accommodation for one or more disabled persons who will reside in the accessory dwelling unit.
  - R. Required Trees in a Parking Lot. The director may authorize a maximum ten percent reduction in the number of shade trees required in a parking lot provided that the total number of trees otherwise required by this code is provided in alternate locations on the site either through new plantings or the permanent preservation of existing protected trees, and the director determines that appropriate shading will be accomplished.
  - S. Yard Setbacks. In any district, the director may decrease the minimum setback by not more than twenty percent where the proposed setback area or yard is in character with the surrounding neighborhood; such decrease will not unreasonably impact abutting sites, and the setback is not required as an essential open space or recreational amenity to the site's use. Such a reduction shall not be less than the minimum property line setback as required by the building code.
  - T. Sign Height, Increased. The director may authorize an increase in sign height of up to 10 percent, not to exceed thirty-five feet in total sign height, when necessary for sign visibility due to topography, surrounding buildings, existing trees to be preserved, or similar circumstances. The director shall consider, in addition to visibility or sight obstructions, vehicle speed, visibility/readability from freeway off-ramp locations, or other factors that may negate the benefit otherwise gained by the increased sign height.

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- U. Driveway Surfacing. The requirement for paving residential driveways up to fifty feet in length may be waived by the director, provided that (1) the first thirty feet from the paved street or back of the sidewalk shall be paved, and (2) the driveway-surfacing requirements of the fire marshal shall be met.
  - V. Unique Parking Demand Uses. The director may authorize up to a ten percent reduction in an off-street parking requirement for commercial or industrial uses upon an adequate showing that parking demand for a proposed use is less than that required by Chapter 17.41 (Off-Street Parking and Loading) of this title.

#### **17.15.040 Required findings.**

The director shall make all the following findings when approving a minor exception:

- A. The minor exception(s) will provide a desirable and safe environment within its own boundaries.
- B. The minor exception(s) is compatible with existing development on the property and adjacent properties.
- C. The exception(s) to or deviation(s) from the requirements or development standards will result in desirable project or site design solutions that are unavailable through strict adherence to otherwise required code provisions.
- D. Granting the minor exception(s) will not adversely affect the interests of the general public or residents and property owners within three hundred (300) feet of the project.
- E. The minor exception(s) is consistent with the policies of the general plan and any applicable specific plan, and the conditions or purpose of any planned development, subdivision approval, or development agreement affecting the property.

#### **17.15.050 Conditions.**

In granting minor exceptions, the director may impose such conditions as are deemed necessary to implement the general plan, ensure compatibility with surrounding uses, preserve public health, safety, and welfare, and enable the director to make the findings required by this chapter.

#### **17.15.060 Application.**

An application for a minor exception(s) shall be made in writing on a form prescribed by the development services director and shall be accompanied by a clear description and statement of purpose for the requested exception. The application shall include plans showing the details of the proposed or existing building or facilities and the related exception(s). No application shall be accepted as complete unless and until all fees have been paid and the application form and related information as may be required by the director are filed with and accepted by the city. All applications shall be reviewed pursuant to the California Environmental Quality Act (CEQA). The fee for processing a minor exception shall be as established by the city council.

Failure of an applicant to respond, within thirty (30) days of mailing, to any notice that the application is incomplete or to any request to clarify, amplify, correct, or otherwise supplement the application shall be deemed an abandonment of the minor exception application and no further action shall be taken upon it.

#### **17.15.070 Determinations and actions by the director.**

The development services director shall approve minor exceptions. The director is authorized to approve, conditionally approve, modify, or deny a minor exception application. The director's decisions shall be in accordance with Section 17.11.050 (Determinations/actions by the director) of this title.

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### **17.15.080 Effective date and lapse of approval.**

Minor exceptions shall become effective on the day immediately following the expiration of the appeal period if no timely appeal has been filed. Upon filing a timely appeal, the effective date shall be suspended until final action is taken on the appeal.

### **17.15.090 Appeal procedure.**

An appeal of the director's determination must be made to the planning commission within ten days of the decision. The appeal shall be processed as set forth in Chapter 17.11 (Common Procedures). If an appeal is filed, the matter shall be set for hearing before the commission as established in Chapter 17.11.

### **17.15.100 Consideration of appeals by the planning commission.**

The planning commission shall hear the appeal at the time and place set forth in the public notice and may continue such hearing to consider additional evidence. Not more than thirty calendar days following the close of the hearing, a decision shall be rendered. The commission's decision may be appealed as set forth in Section 17.11.090 (Appeals) of this title.

### **17.15.110 Notice of decision.**

A written notice of decision shall be provided to the applicant within five business days of the date of the decision, to any parties who have requested notices in writing, and to adjacent property owners within three hundred (300) feet of the project area boundary. The notice shall include:

- A. The description of the exception request as acted upon by the director.
- B. The action taken by the director.
- C. The findings as required for the exception(s).
- D. The deadlines, criteria, and fees for filing an appeal.

### **17.15.120 Revocation.**

Revocation of a minor exception shall be in accordance with procedures established in Chapter 17.11 (Common Procedures) of this title.

## ***Chapter 17.16 VARIANCES***

### **17.16.010 Purpose.**

The provisions of this chapter allow for adjustment from the development standards of this code only when—because of special circumstances applicable to the property, including location, shape, size, surroundings, or topography—the strict application of the code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts. Any variance granted shall be subject to conditions that will ensure that the variance does not constitute a granting of special privilege(s) inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is situated. Variances from the terms of any dimensional and locational regulations established by the zoning plan may only be approved as set forth in this chapter. The power to grant variances does not extend to land use regulations; flexibility in land use regulations is provided in Chapter 17.14 (Administrative Permits and Use Permits) of this title.

### **17.16.020 Applicability.**

Planning commissions may grant a variance from all physical development requirements of this code except those establishing land uses, residential density; or commercial and industrial intensity (e.g., FAR).

### **17.16.030 Authority of the planning commission.**

The planning commission shall approve, conditionally approve, or disapprove applications for variances subject to the policies and intent of the general plan, the general purpose of this title, and the provisions of this chapter.

### **17.16.040 Application.**

An application for a variance, accompanied by the required fee, shall be filed with the development services department in a form prescribed by the director and shall be accompanied by plans, elevations, or other details necessary to illustrate and demonstrate the need for the variance request.

- A. An application for a variance shall be made to the city on a form prescribed by the director and shall be accompanied by a statement, plans or other evidence showing:
1. There are special circumstances applicable to the applicant's property, including size, shape, topography, location, or surroundings, and as a consequence of these circumstances, the strict application of the zoning regulations deprives the property of privileges enjoyed by other properties in the vicinity and in the same zone district; and
  2. The variance is necessary for the preservation and enjoyment of substantial property rights of the applicant; and
  3. The variance will not, under the circumstances of the particular case, adversely affect the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

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- B. No application shall be accepted as complete unless and until all fees, the application form and related information are filed with and accepted by the city. Failure of any applicant to respond, within thirty (30) days of mailing, to any notice that the application is incomplete or to any request to clarify, amplify, correct or otherwise supplement the application shall be deemed an abandonment of the variance application, and no further action shall be taken upon it.

#### **17.16.050 Hearings and public notice.**

Upon the director's determination that the variance application is in proper form and deemed complete, the planning commission shall hold at least one public hearing in compliance with Chapter 17.11 (Common Procedures) of this title. Prior to the hearing on the application, a staff report, including any recommended conditions of approval, shall be forwarded to the planning commission, and a copy shall be provided to the applicant.

#### **17.16.060 Duties of the planning commission.**

- A. Public Hearing. The planning commission shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued to a definite date and time without additional public notice.
- B. Decision and Notice. Within thirty days of the conclusion of a public hearing, the planning commission shall approve, conditionally approve, or disapprove the application; notice of the decision shall be mailed to the applicant and any other party requesting such notice within ten calendar days of the date of the resolution ratifying the decision.

#### **17.16.070 Required findings.**

The planning commission may approve, conditionally approve, or deny the application by resolution. A resolution approving a variance application shall clearly describe the variance, set forth all conditions of approval, and identify which conditions, if any, must be met prior to the use of the variance. No variance shall be granted unless the findings of fact as identified below are made, and all of the criteria in subsection A of this section apply. To approve the application, the planning commission shall find and determine that:

- A. There are exceptional or extraordinary circumstances or conditions applicable to the property, structure, or use referred to in the application, including location, shape, size, surroundings, or topography, which do not generally apply to property, structures, or uses in the same zoning district, so that the strict application of this code denies the property owner privileges enjoyed by other property owners in the vicinity and under an identical zoning district.
- B. Granting the variance is necessary for the preservation and enjoyment of substantial property rights.
- C. Granting the variance does not allow a use or activity that is not otherwise expressly authorized by the regulations governing the subject parcel.
- D. Granting the variance does not result in special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is located.
- E. Granting the variance will not, under the circumstances of the particular case, be materially detrimental to the public interest, health, safety, convenience, or welfare of the city or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

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### **17.16.080 Conditions.**

Whenever a variance is granted, the planning commission may impose reasonable conditions including, but not limited to, requirements for special yards, open-spaces, buffers, fences, walls, location and orientation of buildings and screening; specific building design elements; requirements for installation and maintenance of landscape and erosion-control measures; regulation of vehicular ingress and egress and traffic circulation; construction of street improvements and dedication of right-of-way for street widening or street extensions; regulation of signs; regulation of parking; preservation of trees; regulation of lighting; regulation of hours or other characteristics of operation; establishment of development schedules or time limits for performance or completion; require extension and provision of public utilities and easements; requirements for periodic review by the director; and such other conditions as the hearing body may deem necessary to ensure compatibility with surrounding uses; to preserve public health, safety and welfare; to avoid adverse impacts on traffic-carrying capacity of streets and highways, public services and facilities; and to implement the general plan.

The planning commission may require security it deems reasonably necessary to ensure compliance with any conditions imposed.

### **17.16.090 Effective date.**

A variance shall become effective at the end of the ten-day appeal period unless appealed. Appeals shall be resolved in accordance with the procedures established in Chapter 17.11 (Common Procedures) of this title. After the time for filing an appeal has expired, or if an appeal is filed in a timely manner, after the decision on the appeal, the director shall mail or deliver to the applicant or his agent a copy of the executed resolution on the decision. A resolution approving or affirming the approval of a variance application shall permit the applicant to vary from the applicable zoning regulations to the extent authorized in the resolution, provided any precedent conditions imposed under this section or on appeal have first been met.

### **17.16.100 Scope of approval, revocation of approval, or renewal of approval.**

The procedures set forth in Chapter 17.11 (Common Procedures) of this title shall govern the lapse of approval or revocation of approval and the renewal of variances.

### **17.16.110 Changed plans—new applications.**

Changed Plans. A request for changes in conditions of approval of a variance or a change to site plans that would affect a condition of approval shall be treated as a new application, except those changes determined to be minor by the director may be approved administratively by the director.

## ***Chapter 17.17 AMENDMENTS TO THE TEXT OR MAP***

### **17.17.010 Purpose.**

This title may be amended by changing the zoning map or the zoning regulations to effectively achieve the goals and policies of the general plan. Subject to city council approval, the regulations of any zone district established pursuant to this title may be amended by changing the boundaries of districts, reclassifying land from one district to another district or districts or combinations thereof, or by changing any other provisions thereof whenever the amendments would further the public necessity, convenience, and general welfare.

### **17.17.020 Initiation.**

An amendment may be initiated as follows:

- A. By application filed with the director. The application must be explicit about the requested amendment and accompanied by the required fee established by the city council.
- B. By direction of the planning commission.
- C. By direction of the city council.

The planning commission initiates an amendment by adopting a resolution of intention to initiate the amendment. An applicant initiates an amendment by making an application for amendment in writing on a form prescribed by the director. An application shall be accompanied by statements, plans, maps, or other information as determined necessary by the director to show the need for and scope of the proposed amendment.

### **17.17.030 Application.**

The director shall prepare application forms to be used to initiate amendments to the text or map. No application shall be accepted as complete unless and until all fees, the application form and related information are filed with and accepted by the director. Failure of any applicant to respond, within thirty (30) days of mailing, to any notice that the application is incomplete or to any request to clarify, amplify, correct or otherwise supplement the application shall be deemed an abandonment of the amendment application, and no further action shall be taken upon it.

### **17.17.040 Public hearings.**

- A. If the amendment pertains solely to the text of this title, the planning commission shall hold at least one public hearing on any proposed amendment and shall give notice as set forth in Chapter 17.11 (Common Procedures).
- B. If the proposed amendment consists of a change of the boundaries of any district so as to reclassify property from any district to any other district, the planning commission shall give additional notice of the time and place of the hearing in accordance with Section 65091 of the Government Code.

Notice shall be mailed to:

- 1. Property owners within the affected area at least ten days prior to the hearing.
- 2. Public agencies which may be affected by the action under consideration.
- 3. All owners of real property within three hundred feet of the property that is the subject of the hearing, as shown on the latest equalized assessment rolls. If the number of affected parcels is greater than one

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thousand, notice shall be provided by placing a one-eighth-page display advertisement in a newspaper of general circulation at least ten days prior to the hearing, and individual notice mailed to property owners is not required. If the required notice is mailed, notice shall also be provided in a newspaper of general circulation at least ten days prior to the hearing.

- C. Any failure to mail postal notices, as set forth in this section, shall not invalidate any proceedings to amend this title.

#### **17.17.050 Planning commission action.**

The director shall prepare an analysis of the proposed amendment's consistency or inconsistency with the general plan and any applicable specific plan. The director's report shall be forwarded to the planning commission prior to the application hearing. Following the hearings set out in Section 17.17.040 (Public hearings) of this chapter, the planning commission shall provide the city council with a written report and accompanying resolution reflecting its recommendation(s).

#### **17.17.060 City council action.**

Upon receipt of the report by the planning commission, the city council shall conduct a public hearing on the matter. The city clerk shall set the date for the public hearing and give notice of the public hearing as required by the government code and the provisions of Chapter 17.11 (Common Procedures). After the conclusion of the hearing, the city council may adopt, modify, or reject the proposed amendment.

If the council elects to modify the proposed amendment in a manner not previously considered by the planning commission, it shall refer its intent to the planning commission for a report and recommendation. The council shall not adopt the modification until:

- A. The report of the planning commission has been filed with the city council; or
- B. Until forty (40) days have elapsed after the city council has referred the modification to the planning commission. The planning commission need not conduct an additional public hearing.

#### **17.17.070 Abandonment of proceedings.**

The city council or the planning commission may, by resolution, abandon any proceedings for an amendment initiated by its own resolution of intention, provided the proposed amendment is then pending before it for consideration and provided that any public hearing on the amendment for which notice has been given is first held. An applicant may withdraw his application at any time, provided any public hearing on the amendment, for which notice has been given, is first held, and the amendment is not required as a condition of approval of a development project.

#### **17.17.080 Amendment of the zoning map and text – general plan consistency.**

Amendments to the city's zoning map or zoning text shall follow the procedures for amendment to this title. Changing a zoning district boundary, or zoning district text, does not require a general plan amendment if the proposed change will remain consistent with the purposes and mapping of the applicable general plan land use designation and any related general plan policies.

#### **17.17.090 Amendments to the general plan.**

Amendments to the city's general plan shall follow the same procedure as amendments to this title.

## ***Chapter 17.18 PREZONING***

### **17.18.010 Purpose.**

The purposes of rezoning property before annexation into the city are:

- A. To promote orderly development and expansion to the boundaries of the city of Shasta Lake that are consistent with the policies of the general plan.
- B. To ensure that all impacts to municipal services that may result from the annexation of rezoned land are addressed before annexation and to plan for appropriate mitigation measures when necessary.
- C. To protect, preserve, and promote the quality of life of residents by establishing reasonable control over the quality, distribution, and growth of the city.

### **17.18.020 Procedure—zoning map designation—effective date.**

- A. The city shall prezone unincorporated territory adjoining the city limits for the purpose of establishing the zoning district that will apply in the event of subsequent annexation of property to the city.
- B. The method and procedure for establishing such rezonings shall be in accordance with Chapter 17.17 (Amendments to the Text or Map) and this title.
- C. Unincorporated property that has been rezoned shall carry a "P" prefix before the zone classification and shall be so designated on the official zoning map of the city.
- D. The zone classification established through the rezoning procedure shall become effective and enforceable at the time the annexation of the property to the city becomes effective. At this time, the "P" prefix shall be deemed automatically removed from the zone classification.

### **17.18.030 Exceptions.**

The standards established and the process contained in this section shall not be applicable to the following types of annexation proposals:

- A. Annexation of lands and/or facilities that will be utilized for public purposes.
- B. Annexation of lands and/or facilities that the city council determines necessary to protect public health and safety.

### **17.18.040 Applications and public hearings.**

Applications for rezoning shall be made in accordance with Chapter 17.17 (Amendments to the Text or Map) of this title. The application must contain sufficient information as determined necessary by the director to make the determinations required in Section 17.18.050 of this chapter. At the time the application is deemed complete, and after the required environmental review pursuant to Chapter 17.22 (Environmental Review) is completed, public hearing(s) shall be set in the manner prescribed by law and in accordance with Chapter 17.11 (Common Procedures) and Chapter 17.17 (Amendments to the Text or Map) of this title.

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### **17.18.050 Review criteria and findings.**

Each application submitted to the city proposing the rezoning of unincorporated property shall be reviewed pursuant to the following application criteria. Approval of the rezoning and annexation application shall be subject to the findings set forth below.

- A. The property is adjacent to the existing city limits of Shasta Lake. Where the property is within the City's sphere of influence and is separated from the city limits by intervening property, the rezoning and subsequent annexation request must be supported by a majority of the property owners of the property that must be annexed to create a logical corporate boundary pursuant to the requirements of the Shasta County LAFCO and state law.
- B. The property is located within the sphere of influence of the city of Shasta Lake. A single parcel in which more than fifty percent of the land area is located within the sphere of influence shall be considered to be located within the sphere of influence. In order to meet LAFCO and state requirements, non-public agency applicants are required to submit development plans for processing concurrent with annexation applications that include vacant or substantially undeveloped parcels. Development plans include parcel and subdivision maps, use permits, variances, and any other discretionary applications that must be processed by the City to support the project.
- C. The rezoning proposal includes a plan for mitigating impacts to police and fire services. Approval of the rezoning proposal may include acceptance of alternative measures determined acceptable by the city council.
- D. The rezoning proposal includes a plan for needed public infrastructure both on-site and along the project frontage that will not require the city to provide or fund supplemental facilities.
- E. Proposals that include the annexation of developed properties shall include a plan for mitigating impacts on all public facilities and services through land dedication and/or development of necessary facilities or the payment of development impact in-lieu fees at a standard consistent with the requirements of the general plan and local ordinances.
- F. The city council finds in the affirmative that the development proposed for the property is consistent with the land use designations of the general plan and the zoning district that will be made applicable to the property by the rezoning action.
- G. The city council finds that the proposal will not permanently reduce the public service levels for existing residents and businesses.
- H. The city council finds that approval of the proposal will further the public necessity, convenience, and general welfare.

### **17.18.060 Denial.**

If the proposed rezoning application does not satisfy the review criteria and findings of Section 17.18.050 of this chapter, it will be considered premature and shall be denied.

### **17.18.070 Development agreement may be required.**

The city council may require that applicants for approval of rezonings and annexation enter into a development agreement with the city. The application process for a development agreement shall be as specified in Chapter 17.19 of this title.

## ***Chapter 17.19 DEVELOPMENT AGREEMENTS***

### **17.19.010 Purposes.**

- A. This chapter implements the government code sections that authorize governmental entities to enter into legally binding agreements with private parties. It outlines the procedures and minimum requirements for the review and consideration of development agreements upon application by or on behalf of property owners, the planning commission, or the city council.
- B. It is intended that the provisions of this chapter shall be fully consistent and in full compliance with the provisions of the Government Code and shall be so construed. In construing the provisions of any development agreement entered into in compliance with this chapter, those provisions shall be read to fully effectuate and to be consistent with the language of this chapter, state law and the agreement. Should any apparent discrepancies between the meaning of these documents arise, reference shall be made to the following documents in the following order:
  - 1. The plain terms of the development agreement.
  - 2. The provisions of state law.
  - 3. The provisions of this chapter.

### **17.19.020 Application.**

- A. Any owner of real property may request and apply through the director to enter into a development agreement. Acceptance of the application is contingent on the following:
  - 1. The director establishes the applicant's status as the property owner.
  - 2. The application is made on forms approved by the director, containing all information required.
  - 3. The application is accompanied by all lawfully required documents, materials, and information.
- B. The director shall receive, review, and process all applications for development agreements and prepare recommendations for the planning commission and city council consideration for all such applications.
- C. Processing fees, as established by council resolution, shall be collected for any application for a development agreement made in compliance with this chapter. Additionally, appropriate fees shall be established and collected for all annual reviews conducted by the director in compliance with state law.

### **17.19.030 Public hearings.**

- A. The director, upon finding the application for a development agreement is complete and the city attorney has accepted it as compliant with the law in form and content, shall set the application, together with recommendations, for a public hearing before the planning commission in compliance with Chapter 17.11 (Common Procedures) of this title. Following the conclusion of a public hearing, the planning commission shall make a written recommendation to the city council to approve, conditionally approve, or deny the application. The commission recommendation shall be by resolution. The resolution shall reflect the facts and any conditions, including any recommended

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modifications to the agreement, that the commission has relied upon in recommending the adoption of the development agreement by the city council.

- B. Upon receipt of the planning commission's recommendation, the city clerk shall set the application and written report of the planning commission for a public hearing before the city council in compliance with Chapter 17.11 (Common Procedures) of this title. Following the conclusion of the public hearing, the city council shall approve, conditionally approve, or deny the application.
- C. Notice of the hearing shall be given as a "notice of intention" to consider approval of a development agreement in compliance with state law.

#### **17.19.040 Findings.**

The city council may approve or conditionally approve a development agreement only after first making all the following findings:

- A. The development agreement would be in the best interests of the city and its residents.
- B. The development agreement would promote the public interest and welfare of the city and its residents.

#### **17.19.050 Execution and recordation.**

- A. The city shall not execute any development agreement until on or after the date upon which the ordinance codified in this title approving the agreement becomes effective.
- B. The provisions of this chapter shall not be construed to prohibit the director, planning commission, or city council from conditioning approval of a discretionary entitlement on executing a development agreement where the condition is otherwise authorized by law.
- C. A development agreement shall be recorded with the county recorder no later than ten days after execution.

#### **17.19.060 Effect of development agreement.**

Unless otherwise provided by the development agreement, the rules, regulations, and official policies governing allowed uses of the land, density, design, improvement, and construction standards and specifications applicable to the development of the property subject to a development agreement are the rules, regulations, and official policies in force at the time of execution of the agreement.

The agreement does not prevent the city from, in subsequent actions, conditionally approving or denying any subsequent development project application based on existing or new rules, regulations, and policies as may be adopted by the city following the execution of the agreement.

#### **17.19.070 Annual review.**

- A. Development agreements shall be limited to ten years from the effective date of the adopting ordinance. The city may specify in the agreement options to renew the terms of the agreement.
- B. Development agreements shall be reviewed once every twelve months or as otherwise required by the Government Code.
- C. The review shall inquire into the applicant's good faith compliance with the agreement's terms and conditions and for any other purpose specified in the agreement.

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- D. Before each review, the director shall prepare a report on all developments that have occurred under the agreement subsequent to the last review and any other matters the department wishes to bring to the council's attention.
  - E. If the director's review determines that all terms and conditions of the agreement were met and the council concurs, no further review is required.
  - F. If the director recommends modification or termination of the agreement, a public hearing shall be scheduled before the planning commission on the agreement. Notice of intention to modify or terminate the agreement shall be given in the same manner as outlined in Section 17.19.030 of this chapter. At such hearing, the applicant shall demonstrate his or her good faith compliance with the terms and conditions of the agreement. After closing the public hearing, the planning commission shall determine whether to recommend that the agreement be terminated, modified, or confirmed as is, by the city council.
  - G. Upon receipt of the director's and planning commission's recommendations, the city council shall schedule a public hearing. Notice of intention to modify or terminate the agreement shall be given as prescribed in Section 17.19.030 of this chapter. If, after the public hearing is closed, the city council finds and determines, based on substantial evidence, that the applicant or its successor in interest has not complied in good faith with the terms and conditions of the agreement, the city council may modify or terminate the agreement.

**17.19.080 Approved development agreements - filing.**

Development agreements approved by the city council shall be on file with the city clerk.

## ***Chapter 17.21 ADEQUATE PUBLIC FACILITIES***

### **17.21.010 Purposes.**

The specific purposes of this chapter are:

- A. To ensure that adequate right-of-way is available for existing and planned streets and utilities and that streets and other public facilities and services needed to support new development meet or exceed the level-of-service thresholds and engineering standards established by the general plan and this code.
- B. To prevent the approval of new development that will decrease public facilities and service levels below established thresholds for existing residents and businesses.
- C. To ensure that public facilities that are needed to support new development are available concurrent with the impacts of such development.
- D. To ensure that infrastructure for new development meets or exceeds the minimum public health and safety standards established in state law and the municipal code.
- E. To implement the policies and direction of the general plan.

### **17.21.020 Applicability.**

- A. **Public Facilities.** For purposes of this chapter, "adequate public facilities" includes, but is not limited to, the following: streets and street rights-of-way; water and sewer facilities and easements; stormwater facilities; electric facilities, transmission and distribution lines and easements; public safety facilities and services including police and fire service; and park facilities and services.
- B. **General Applicability.** The provisions of this chapter shall apply to all applications for a discretionary permit or entitlement within the city, except for the following:
  1. Additions or expansions of existing structures or uses.
  2. A new single-family dwelling on an existing lot.
  3. New or expanded facilities and services constructed by the city or other governmental agencies.

### **17.21.030 Adequate public facilities and services - required.**

- A. **Determination of Adequacy.** Upon an application for a discretionary entitlement or subdivision approval, the development services director, in consultation with other city departments, shall evaluate the proposed project for compliance with public service standards and facilities thresholds contained in the general plan, those established in the municipal code, those adopted by resolution of the city council, and any other public facilities standard as may be established in master utility or service plans adopted or otherwise accepted by the city. To make the required determination, the project applicant shall:
  1. Provide engineering or other pertinent data determined necessary by the director to evaluate project infrastructure and service needs and impacts. Potential project impacts shall be evaluated based on anticipated infrastructure needs when project occupancy or demand for such services occurs.

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### **17.21.040 Director's responsibility.**

Based on an evaluation of the data or other information requested by or available to the director, the director and other city departments shall determine whether public services and facilities are, and will be, adequate to serve the proposed development, and will not reduce adopted service levels below such standards.

### **17.21.050 Project review and approval.**

- A. Project Approval. A project application shall not be approved if it is determined that service levels will be reduced below adopted service thresholds unless the reduction will be mitigated to the satisfaction of the approving authority. To establish the required mitigation, the applicant may prepare a "deficiency plan," and the approving authority may adopt and modify such plan as a condition of development in accordance with subsection B of this section. If the nature of needed improvements or the proposed timing of the development is such that a deficiency plan is not practicable, the approving authority may determine to require any of the following measures as a condition of the entitlement:
1. Site or project development shall be delayed until necessary improvements are constructed by the developer, city, or other entity.
  2. The project applicant agrees to construct all improvements necessary to meet the applicable level of service standard, subject to a reimbursement agreement as may be necessary and allowed by law. The agreement shall specify the applicant's proportional share of costs based on identified project impacts. The amount to be reimbursed is the improvement costs paid by the project developer or successors in interest that exceeds the entitled development's proportional obligation. The timing of reimbursement shall be as established by the approving authority.
  3. The project applicant agrees to enter into an agreement with the city to participate financially in the cost of the necessary improvements to accelerate their construction.
  4. The project applicant agrees to reduce the project's scale or modify its phasing so that it meets the standards required by this chapter and the municipal code.
  5. Any other reasonable action that ensures that necessary public facilities and services will be available concurrent with the proposed development's impacts so that service levels are not reduced below adopted standards.
- B. Deficiency Plan. The approving authority may approve a development that will result in a reduction of service levels below adopted standards if a deficiency plan is concurrently adopted by the approving authority. The plan must clearly establish the following:
1. The measures that will be taken to address the deficiency.
  2. The funding mechanism(s) to be utilized.
  3. The approximate timing of construction of necessary improvements.
  4. The party responsible for undertaking the required improvements.

A deficiency plan may be tied to the city's adopted capital improvement plan (CIP) or utility master plans, provided that the necessary improvements are explicitly included in the CIP or utility master plans, and funds are identified for the necessary improvements. The approving authority may require as a condition of approval that a deficiency plan be tied to a development agreement or other legally binding contract between the city and the project applicant that ensures the completion of necessary improvements or the funding of necessary services occurs at the time they are needed, or as may otherwise be determined appropriate by the approving authority given the facts before it, the goals and policies of the general plan, and the purposes of this chapter.

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### **17.21.060 Public facility and service requirements - established.**

Development applications for projects that will generate new demand for public services and infrastructure shall demonstrate to the satisfaction of the approving authority that the development will not negatively impact current levels of service or system capacities at the time the project's demand for such services occurs. The city council may establish level-of-service standards for water, wastewater, electricity, stormwater, public safety services and facilities, and parks and recreation facilities by resolution. Every five years, the city council shall review and adjust the minimum service levels as identified in the resolution to reflect current capital improvement infrastructure programming, the impact of entitled but undeveloped projects, and other issues that may negatively impact service levels.

- A. Streets and intersections. All development subject to the provisions of this chapter shall demonstrate that the level-of-service thresholds below, and as contained in the general plan, will not be degraded by a project's development. Those thresholds are:

LOS "C" for most streets and their intersections.

LOS "D" for Shasta Dam Blvd., from Interstate 5 to Red Bluff Street.

LOS "D" for streets and interchanges within the state highway system.

LOS "D" for streets whose capacity is affected by adjacent intersections.

All proposed developments that would create more than two hundred fifty average daily or 35 peak hour (one-way) vehicle trips shall be required to demonstrate the adequacy of the street system to accommodate traffic from the development consistent with the above thresholds unless the director determines that such information is not needed to determine compliance with the applicable standard. That determination may be based on recent traffic studies, projections of the city's general plan EIR, or similar information.

Developments with less than two hundred fifty average daily or 35 peak hour (one-way) vehicle trips shall be presumed to have an insignificant impact on the street system and shall be exempt from the requirements for a traffic impact analysis unless the director or city engineer determines that the existing conditions are such that any additional traffic may reduce service levels below adopted standards. Right-of-way dedication may be required as a condition of development approval if the adjacent streets do not meet the city's right-of-way standard for that class of street.

After a project application is submitted, the director or the city engineer will determine whether a project-specific traffic analysis is needed, including its content and requirements.

- A. Water and wastewater service. Any proposed development that would create additional demand for water and/or wastewater services shall document the adequacy and availability of the water and wastewater systems to accommodate the proposed development's potential demand unless the director or city engineer determines that such information is not needed to confirm compliance with the established level-of-service standards.
- B. Electricity service. Any proposed development that would create additional demand for electrical service and facilities shall document the adequacy and availability of electric systems to accommodate the proposed development's potential demand unless the director or city engineer determines that such information is not needed to confirm compliance with the established level of service standards.
- C. Stormwater detention and treatment. Any proposed development that would create additional stormwater runoff shall document the adequacy and availability of collection and treatment systems necessary to accommodate the proposed development's potential impacts, unless the director or city engineer determines that such information is not needed to confirm compliance with the applicable level of service standards.

- D. Public safety facilities and services. Any proposed development that would create an additional demand for police and/or fire services shall document the adequacy and availability of facilities and services necessary to accommodate a proposed development's potential impacts, unless the director determines that such information is not needed to confirm compliance with the applicable level of service standards.
- E. Parks and recreation services. Any proposed development that would create an additional demand for parks and recreation services shall document the adequacy and availability of facilities and services necessary to accommodate the development's potential impacts, unless the director determines that such information is not needed to confirm compliance with the applicable level of service standards.

**17.21.070 Mandatory subdivision lot size limits.**

The California Government Code specifies that cities must not approve a proposed subdivision or parcel map unless the project, including its design and proposed improvements, is consistent with the local jurisdictions general plan. The city is required to deny or limit approval of any tentative or final subdivision maps not consistent with the goals, policies, or land use programs of the General Plan. Pursuant to general plan direction (Policy LU-3.9), minimum lot sizes for subdivision of residential property in areas lacking adequate public facilities without the concurrent approval of a deficiency plan as required in Section 17.21.050 are limited to the minimum lot sizes established in Table 17.21.070-A.

**Table 17.21.070-A: Minimum Lot Size**

Zoning Districts	Lot size minimum
RE	5 acres
SR-1	5 acres
SR-2	5 acres
UR-1	2 acres
UR-2	2 acres
UR-3	2 acres

## ***Chapter 17.22 ENVIRONMENTAL CLEARANCE***

### **17.22.010 Purpose.**

This section provides the city of Shasta Lake, project applicants, and the public with the local procedures to administer the city's responsibilities under the California Environmental Quality Act (CEQA), codified as Public Resources Code Section 21000, et seq., as amended.

### **17.22.020 Incorporation of State CEQA Guidelines.**

The full text of the State CEQA Guidelines as amended is hereby incorporated by reference into this ordinance as if fully set out herein and shall supersede any inconsistent provisions of these city environmental review procedures. These environmental review procedures supplement the State CEQA Guidelines.

### **17.22.030 Additional definitions.**

The list of terms in Chapter 17.61 (List of Terms and Definitions) of this title is expanded by reference to include the definitions applicable to environmental review as contained in the Public Resources Code and the CEQA Guidelines.

### **17.22.040 Application completeness determination.**

The director shall determine whether an application for a permit or other entitlement for use is complete within thirty calendar days of receipt. When reviewing the application for completeness, the director shall identify environmental issues that require additional information or explanation by the applicant. The director shall not determine whether an application for a project is complete until all information necessary for environmental review has been submitted. Accepting an application as complete does not limit the city's authority to require the submittal of additional information needed to complete the project's environmental evaluation.

### **17.22.045 Preparation of environmental documents - consultants.**

The city may choose to use consultants to fulfill its obligations under CEQA, including, but not limited to, the preparation of Initial Studies, Negative/Mitigated Negative Declarations, CEQA Local Implementation Guidelines and EIRs. Where the director determines that a consultant is necessary to prepare a required environmental document, the project applicant shall be informed of such decision and shall be responsible for the cost of preparing the required document(s).

### **17.22.050 Projects exempt from State CEQA Guidelines.**

- A. Ministerial Projects. Projects determined to be ministerial, as defined in Section 15268 of the State CEQA Guidelines, are exempt from CEQA.
  1. Local List of Exemptions. The City of Shasta Lake may adopt by resolution of the city council a list of activities determined to be ministerial projects that are exempt from the provisions of CEQA. The director may petition the city council for an amendment to the list whenever it is determined necessary to ensure the effective implementation of the goals and policies of the general plan or CEQA. The city council may delegate such resolution modifications to the planning commission. Exemptions on the list shall apply to those projects that have been determined to have no potential for significant effect on the environment as described in the CEQA Guidelines.

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- B. Statutory and Categorical Exemptions. Statutory exemptions apply to projects for which the state legislature has granted exemptions from CEQA, as described in Article 17 of the State CEQA Guidelines.
  - C. Notice of Exemption. When the director determines that a project is categorically or statutorily exempt from CEQA and the city approves or decides to carry out a project, the director may file a notice of exemption in accordance with Section 15062 of the CEQA Guidelines.
  - D. Filing of Notice of Exemption. The director shall file the notice of exemption with the Shasta County clerk.

#### **17.22.060 Environmental determination.**

If it is determined that a project is not exempt and is subject to CEQA review, an initial study shall be prepared to determine whether a negative declaration or Environmental Impact Report (EIR) is required. The initial study shall be prepared in accordance with the CEQA Guidelines. Thresholds of significance shall be determined based on CEQA requirements, the general plan, and other regulatory documents or requirements. A final environmental determination shall occur before or simultaneously with action to approve a project.

#### **17.22.070 Mitigation monitoring, reporting and enforcement.**

The city shall enforce mitigation monitoring or reporting procedures as required by CEQA for mitigation measures adopted as a condition of project approval.

- A. Enforcement. Where the city's monitoring or reporting activities demonstrate that mitigation measures are not being implemented, the director shall notify the project applicant of the specific areas of noncompliance and request correction. Where the permittee fails to comply with the adopted mitigation measures, the city shall take appropriate enforcement action, including issuing stop-work orders. The city retains and may utilize all authorities established in state law or the municipal code, which are necessary to obtain compliance with the mitigation monitoring program and reimbursement for the cost of obtaining such compliance.

#### **17.22.80 Appeals of environmental determinations.**

- A. Any determination or decision pursuant to these environmental review procedures may be appealed as set forth in Chapter 17.11. An appeal shall be made by filing a written appeal with the development services director within ten calendar days after the decision or determination is made. The written appeal shall set forth the grounds upon which the appeal is based. The planning commission or city council, as applicable, shall act on the appeal in an expeditious manner, subject to the notification requirements as required by state law.
- B. Where an appeal is made on a project decision, the planning commission or city council may also review the environmental document prepared for the project; however, the environmental document need not be recertified if the appeal is not based on environmental issues and the decision will not modify the effects or scope of the project and its potential environmental impacts.

#### **17.22.90 Costs of environmental review and mitigation monitoring.**

Applicants shall be required to pay an environmental review fee as set by city council resolution at the time of application. To guarantee that the city has the resources to carry out a mitigation monitoring and reporting program for a project, the approving authority may require the project proponent to post a cash bond or other security in a form acceptable to the city attorney before the commencement of the project. The security shall be used to cover the cost of staff time in meeting the requirements of the mitigation monitoring and reporting program. Upon completion of the monitoring program, any unused portion of the security shall be returned to the project proponent.

## ***Chapter 17.23 ENFORCEMENT***

### **17.23.010 Conformance required.**

All departments, officials, and employees of the city vested with the duty or authority to issue permits, licenses, or other approvals shall conform such actions to the provisions of this title and shall issue no permit or other approval in conflict with the provisions of this title. Any permit or license, or other approval issued in conflict with the provisions of this title shall be null and void.

### **17.23.020 Director.**

It is the duty of the director or their designee to enforce the provisions of this title pertaining to the erection, construction, reconstruction, moving, conversion, altering, or addition to any building or structure and the use of the property as regulated by this code; the director's duty and authority in this regard may include the issuing of stop-work orders.

### **17.23.030 Permit compliance.**

Failure to comply with the conditions of approval of any permit issued pursuant to the provisions of this title shall be considered a violation of the Shasta Lake Municipal Code and subject to all enforcement actions established therein.

## ***Chapter 17.24 RESIDENTIAL DENSITY BONUS***

### **17.24.010 Purpose.**

The purpose of this section is to implement California Government Code Sections 65915—65919, which allows incentives, consistent with state law, to support the construction of housing units that are affordable to very low, low-, and moderate-income households in Shasta Lake. A residential density bonus is an increase over the otherwise maximum residential density allowable under the zoning ordinance and the general plan for the property where the development will occur. The density bonus provides an incentive to encourage the development of affordable housing in Shasta Lake. State law also allows the city to provide incentives in addition to an increase in density if requested by an applicant. Accordingly, the purposes of this chapter are to:

- A. Establish procedures for allowing an increase in density above the maximum residential density allowed by the general plan and zoning ordinance.
- B. Provide flexibility in applying zoning regulations and development standards in order to facilitate the development of affordable housing.
- C. Provide incentives to encourage the inclusion of affordable housing within any residential project.
- D. Implement the general plan's goals and policies regarding housing opportunities and meeting community housing needs.

### **17.24.020 Incorporation of state regulations.**

The density bonus provisions of the California Government Code (State Density Bonus Law), as may be amended from time to time, are incorporated by reference into this chapter. In instances where the provisions of the State Density Bonus Law are more restrictive than those in this chapter, the city reserves the right to review applications for a density bonus in accordance with California Government Code Sections 65915-65918. Pursuant to state law, the granting of a density bonus or the granting of a density bonus together with an incentive(s) shall not be interpreted to require a general plan amendment, specific plan amendment, or rezone.

### **17.24.030 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the following meanings:

"Affordable housing agreement" is defined as a legally binding agreement between a developer and the city to ensure that the density bonus requirements of this chapter are satisfied. The agreement establishes the number and type of affordable units, affordability tenure, and the terms and conditions of affordability.

"Affordable housing unit" is defined as a housing unit, whether for rent or purchase, that is reserved under the terms of this chapter for very low-, low-, or moderate-income individuals or families as defined in this section and whose total housing costs will be at an affordable rent or sales price as determined using the methodology contained in California Code of Regulations (25 CCR Sections 6918 and 6920, respectively). Total housing costs for rentals generally include rent, utilities, and any fees and service charges levied by the landlord. Total housing costs for ownership units include but are not limited to, principal, interest, property taxes, insurance, utilities, homeowner association fees, and an allowance for maintenance costs.

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"Childcare facility" is defined as a child daycare facility other than a family daycare home, including, but not limited to, infant centers, preschools, extended daycare facilities, and school-age childcare centers.

"Density bonus" is defined as an increase in density over the otherwise maximum allowable residential density under the applicable general plan designation and or zoning district as of the date of filing of a request for a density bonus with the city.

"Development standard" is defined as the site, development, or construction standards and/or conditions of approval that apply to a residential development.

"Incentive" is defined as a reduction in any site development standard or a modification of Zoning Code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission. The applicant can request one or more incentives in accordance with Section 17.24.070. The term "incentive" includes the term "concession" as that term is used in California Government Code Section 65915(k)(1).

"Low income" is defined as less than eighty percent of the area median income as defined by Section 50079.5 of the California Health and Safety Code.

"Low-income unit" is defined as a unit with an affordable rent or payment that does not exceed thirty-five percent of one hundred ten percent of the area median income adjusted for family size as established by the State Department of Housing and Community Development.

"Market-rate unit" is defined as a dwelling unit where the rental rate or sales price is not restricted either by this chapter or by requirements imposed through other local, state, or federal affordable housing programs.

"Moderate income" is defined as less than one hundred twenty percent of the area median income as defined in Section 50093 of the California Health and Safety Code.

"Moderate-income unit" is defined as a unit with an affordable housing cost that does not exceed thirty-five percent of one hundred ten percent of area median income adjusted for family size appropriate for the unit as established by the State Department of Housing and Community Development.

"Very low-income" is defined as less than fifty percent of the area median income as defined in Section 50105 of the California Health and Safety Code.

"Very low-income unit" is defined as a unit with an affordable rent or payment that does not exceed thirty percent of fifty percent of the area median income adjusted for family size as established by the State Department of Housing and Community Development.

"Senior citizen housing development" is defined as a housing project where residency is restricted to persons sixty-two years of age or older, or fifty-five years of age or older in a Senior Citizen Housing Development, in accordance with Sections 51.3 and 51.12 of the California Civil Code.

"Waiver/modification of development standards" is defined as eliminating or modifying a development standard that would have the effect of physically precluding the construction of a development at the density or with the incentive(s) permitted by this chapter.

#### **17.24.040 Eligibility for density bonus.**

A developer of a housing development may qualify for a density bonus and at least one other incentive as provided by this chapter if the developer complies with the affordability requirements of this chapter:

- A. Long-term Affordability. All developments that receive approval for density bonuses shall enter into a long-term affordability agreement for affordable housing, which shall be recorded prior to receiving a building permit for any of the structures in the development. The affordability clauses in the agreement shall follow the applicable California Code sections governing the density bonus.

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### **17.24.050 Application requirements.**

Each application for a density bonus and/or approval of incentives for the development of affordable housing units shall be accompanied by the following information, which is in addition to the information required by an application for a building permit or discretionary permit required by the Zoning Code (i.e., site development permit, administrative permit, use permit, parcel map, tentative subdivision map). If a project is exempt from a discretionary permit under Government Code Sections 65400 and 65582.1, a site development permit by the director shall be required.

- A. A site plan that identifies all units in the project, including the location and size of the affordable/bonus units.
- B. A brief narrative describing the project, including information on:
  - 1. The maximum number of units permitted under the General Plan and base zoning of the property.
  - 2. The total number of units proposed in the project.
  - 3. The number of affordable and/or senior units proposed, and a breakdown of units proposed for very low-, low-, and moderate-income, senior citizen, and market-rate units.
  - 4. The number of bonus units requested based on this title and allowed pursuant to state law.
  - 5. A phasing plan (if applicable) that provides for the timely development of affordable units proportionate to each proposed phase of development.
  - 6. Any requested incentive(s) or waiver/modification of development standards, including explaining why the requested action is required to make the development affordable.
- C. The specific financial information and data (i.e., pro forma) relied upon by the developer to establish the monetary value of the incentives requested by the developer and a concise statement of how such value was calculated. A clear statement of how the requested incentive(s) is necessary to make the proposed housing development economically feasible shall be provided. The information shall be sufficiently detailed to enable the city to examine the conclusions reached by the developer. The director may also request:
  - 1. Any pertinent information the director may require and enabling the city to adequately analyze the economic feasibility of the proposed development with respect to the requested incentives. The city may, at its sole discretion, retain a consultant to review the financial information. The applicant shall bear the cost of the consultant review.

### **17.24.060 Density bonus allowance and increase.**

All applications for density bonuses as required by the California Government Code shall be governed by Government Code Sections 65915—65919 and any subsequent amendments thereto. A maximum density bonus increase of no more than 10% above that otherwise allowed by the Government Code may be approved subject to the approval of a use permit.

### **17.24.070 Incentives and waiver/modification of development standards.**

- A. Eligibility for Incentives. Incentives are available to a housing developer as follows:
  - 1. One incentive for housing developments that: (1) restrict at least ten percent of the total units to low-income households, at least five percent for very low-income households, or at least ten percent for persons and families of moderate income in a common interest development or (2) are for senior housing.

2. Two incentives for housing developments that restrict at least twenty percent of the total units to low-income households, at least ten percent to very low-income households, or at least twenty percent to persons and families of moderate income in a common-interest development.
3. Three incentives for housing developments that restrict at least thirty percent of the total units for low-income households, at least fifteen percent for very low-income households, or at least thirty percent for persons and families of moderate income in a common interest development.
4. At its sole discretion, the city may grant additional incentives where bonus units are not being requested to facilitate the development of affordable housing units.

B. Available Incentives. Incentives may include, but are not limited to:

1. A reduction in site development standards, such as:
  - a. Reduced minimum lot sizes and/or dimensions.
  - b. Reduced minimum building setbacks.
  - c. Reduced minimum common outdoor and/or private outdoor living area.
  - d. Increased maximum building height.
  - e. Reduced on-site parking requirements.
2. A density bonus greater than the amount allowed by this chapter.
3. Other regulatory incentives proposed by the developer or the city that result in identifiable, financially sufficient, and actual cost reductions.
4. Approval of mixed-use zoning in conjunction with the housing development if: (1) commercial, light industrial, or other land uses will reduce the cost of the housing development and will serve resident’s needs; and (2) the commercial, office, light industrial, or other land uses are compatible with the existing or planned future development in the area where the proposed project will be located.
5. If an applicant qualifies for a density bonus pursuant to this chapter, the applicant may request, in addition to any requested incentive(s), that the following parking requirement be applied to the project in place of the city’s current parking requirements. The parking requirement includes handicapped and guest parking for the entire housing development. On-street parking spaces shall not be utilized to satisfy the parking requirements of this section. Tandem parking arrangements may be requested.

Zero to one-bedroom	1 on-site parking space
Two to three bedrooms	1.5 on-site parking spaces
Four or more bedrooms	2 on-site parking spaces

- C. Waiver/Modification of Development Standards. Pursuant to Government Code Section 65915(e)(1), an applicant may request a waiver or reduction of a development standard that would otherwise physically preclude the construction of a development at the density or with the incentive(s) permitted by this chapter. Such standards include but are not necessarily limited to, those described in subsection B (Available Incentives) above.

**17.24.080 Childcare facilities.**

- A. Childcare Facility Density Bonus. If a density bonus is requested for the construction of a childcare facility pursuant to Government Code Section 65915(h), the application shall show the location and

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square footage of the proposed facility and provide other evidence as determined necessary by the director, that the requirements of that Government Code Section have been met.

#### **17.24.090 Donation of land.**

Donation of Land Density Bonus. If a density bonus is requested for the donation of land pursuant to Government Code Section 65915(g), the application shall show the location of the land to be dedicated and provide evidence as determined necessary by the director that the requirements of the Government Code Section have been met. The combined density bonus of all incentives, waivers, and other increases granted, including that permitted pursuant to Government Code Section 65915(g), shall not exceed 35 percent.

#### **17.24.100 General development criteria.**

The following criteria shall apply to housing development projects that have received bonus density units in accordance with this chapter:

- A. Affordable housing units shall be constructed concurrently with or prior to non-restricted units unless the city agrees to an alternate development schedule within the mandatory affordable housing agreement (refer to Section 17.24.110).
- B. In terms of overall design and materials use, the exterior design and appearance of the affordable dwelling units shall be visually indistinguishable from those of market-rate units in the development.

#### **17.24.110 Required findings.**

The following findings shall be made prior to approving applications for a density bonus and/or requests for incentives, as provided in this chapter.

- A. Density bonus approval (no incentives requested).

Finding:

- 1. The density bonus request meets the requirements of this chapter and state law.

- B. Density bonus approval with incentive(s) or waiver/modification of development standards.

Findings:

- 1. The density bonus request meets the requirements of this chapter and state law.
- 2. The incentive(s) are required to provide affordable housing, and the approving authority has been satisfied with this fact.
- 3. Approval of the incentive(s) will have no specific adverse impacts upon health, safety, or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low-, low-, and moderate-income households.
- 4. Approval of the incentives is not contrary to state or federal law.

#### **17.24.120 Affordable housing agreement required.**

Form and Content of Agreement. The applicant shall submit an affordable housing agreement (AHA) for city review. The form of the AHA may vary, depending on the manner in which the provisions of this chapter and state law are satisfied. For example, an affordable housing development may utilize public funding sources that require

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long-term affordability, monitoring, and reporting consistent with this chapter. In such cases, the requirements of such a program may be sufficient, and an AHA may not be required. The form and content of the AHA (or equivalent document) shall be subject to the review and approval of the city attorney. The AHA shall be recorded as a restriction on the parcel or parcels on which the affordable housing units will be constructed. The approval and recordation of the AHA shall take place prior to any final map being recorded or, where a map is not being processed, prior to issuance of a building permit(s) for such parcel or units. The AHA shall be binding on all future owners and successors in interest. An AHA must include, at a minimum, the following:

- A. Continued Affordability. The AHA shall include the procedures and mechanisms proposed by the developer to maintain the continued affordability of all affordable housing units, whether rental or ownership units. An applicant and any successors in interest shall agree to and shall ensure continued affordability of all very low- and low-income units for thirty years or a longer period of time if required by the construction or mortgage-financing assistance program, mortgage-insurance program, or rental-subsidy program. Rents for very low and low-income units shall be set at an affordable rent as defined in Section 17.24.030 of this chapter. Owner-occupied units shall be available at an affordable housing cost as defined in Section 17.24.030 of this chapter. The following specific items shall be addressed in the AHA if an agreement is required:
  - 1. Ownership Units. State Density Bonus Law and this chapter require the following ownership housing options and requirements for affordable ownership units:
    - a. Very Low-Income/Low-Income Units. Units shall be sold to very low- or low-income households who shall occupy the units as their principal residence. The purchaser of each affordable housing unit shall execute an instrument or agreement approved by the city and to be recorded against the property, restricting the sale of the affordable housing units to very low- and low-income households for a minimum of thirty years.
    - b. Moderate-Income Units (common-interest development). The initial sale of a unit within an affordable common-interest development, as defined in Section 1351 of the California Civil Code, shall be restricted to moderate-income households. The owner shall occupy the unit and execute an instrument or agreement to be recorded against the property, which provides for equity-sharing as set forth in Government Code Section 65915 when and if the unit is sold.
  - 2. Rental Units. The AHA shall contain procedures for establishing affordable rent, filling vacancies, maintaining the units for eligible tenants, verifying household incomes, and providing annual reports necessary to demonstrate compliance with this section.

#### **17.24.130 Administrative fee.**

The city council may establish an administrative fee for the review of all materials submitted in accordance with this chapter and as may be deemed necessary to enforce its provisions on an ongoing basis.

#### **17.24.140 Violation of affordable housing cost requirements.**

In the event it is determined that rents in excess of those allowed by operation of this chapter have been charged to a tenant residing in an affordable rental unit, the city may take the appropriate legal action to recover, and the rental unit owner shall be obligated to pay to the tenant (or to the city in the event the tenant cannot be located), any excess rent charges. In the event it is determined that a sales price in excess of that allowed by operation of this chapter has been charged to an income-eligible household purchasing an affordable ownership unit, the city may take the appropriate legal action to recover, and the affordable residential unit seller shall be obligated to pay to the purchaser (or to the city in the event the purchaser cannot be located), any sales proceeds determined to be in excess of the affordable price.