

VARIANCE APPLICATION REQUIREMENTS AND PROCESS

Municipal Code Chapter 18 divides the City into different zoning districts and specifies all uses that may be allowed in each district. The uses allowed on any lot or parcel of land in the City is governed by the rules of the zoning district in which it is located. **Variances** may be granted for building construction in instances where the physical characteristics of an approved city lot or building site create practical difficulties, unnecessary hardships and results inconsistent with the general purposes of Chapter 18.

The following process is developed consistent with Chapter 18 and related state laws to guide applications for Variance approval through required levels of review and to the Planning Commission for approval, conditional approval or denial. Any Planning Commission determination can be appealed to the City Council.

1. Application Submittal: Applicant submits three (3) copies of all items necessary to make a complete application package to the Planning Department. Forms and requirements for a complete application package are attached. All items must be complete and legible, folded and collated into separate packages approximately 9" x 12" in size, for the application to be accepted for processing.

Day 1 <hr style="width: 80%; margin: 0 auto;"/> Date Achieved
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- a. preliminary review and application processing fees as explained on the following page;
 - b. a completed site plan application form;
 - c. site plan drawing(s) drawn legibly on paper 18" x 24" minimum and folded to approximately 9" x 12" Showing all of the following:
 1. location and dimensions of property lines, the location of all existing and proposed structures on the property together with their dimensions, distance between structures and setback distances from property lines;
 2. approximate location of all streams, drainage channels, and/or bodies of water and an approximate indication of slope and elevations of the property;
 3. names and locations of all existing and proposed streets including their widths, composition and associated improvements such as sidewalks, curbs and gutters. Location of all right-of-ways located on or near the property known to the owner and any proposed street dedications.
 4. proposed type, dimensions and location of driveways, parking areas, sidewalks, fences, shrubs, landscaping, etc.;
 5. the relation to the existing buildings and structures in the general vicinity and area;
 6. dimensions, north point, and scale;
 7. all proposed grading (existing and finish contours);
 8. all proposed future development;
 9. location map, naming and locating principal streets and lanes within the area sufficient to precisely locate the map area;
 10. all proposed and existing easements;
 11. design of proposed buildings and other improvements;
 12. height and area of buildings;
 13. type and pitch of roofs;
 14. exterior elevations showing detailed design of all 4 sides of proposed buildings;
 15. exterior building materials and colors to be used.
 - d. an environmental information form;
 - e. if the applicant is not the owner of the property involved, a letter bearing the original signature(s) of the person(s) owning record title to the land for which the site plan is requested indicating full awareness of the project and specifying one person as authorized to serve as his/her representative and applicant for the project.
2. Explanation of preliminary review and application processing fees:
- a. An application fee, as established by resolution, submitted together with three (3) copies of items a through e listed above (one copy of item #e shall contain original signatures).

- b. When the Planning Department has determined that the application package is complete for processing pursuant to Step #7 below. In addition, the applicant shall, by signing the required application form, agree to pay the city for City Engineer's, Planners, and Attorney's hourly rates plus any administration fee as established by resolution for time spent directly involved in review and consultation to the city concerning the subject application and the monitoring of conditions and mitigation measures if the application is approved, to the extent such charges exceed the amount of the application processing fee that is collected.

- 3. City Planner's Review. The City Planner reviews the application package for completeness with respect to "City of Sutter Creek Site Plan Approval Requirements" and determines if the application package is complete or not complete for processing.

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- 4. Incomplete Application. The City Planner will notify the applicant in writing if the application package is incomplete and state specifically those parts of the application that are incomplete and the manner in which they may be made complete in accordance with "Sutter Creek Site Plan Approval Requirements"

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Date Achieved

NOTE: The applicant is under no time limit for resubmittal of the application after it is determined to be incomplete. If, or when, the application is resubmitted, steps 1 through 4 are repeated. Each time an application is resubmitted the 30 day period required for determination of completeness will start over. The application will not proceed past step 4 until it is determined to be complete for processing. Additional fees may be required when an incomplete application is submitted more than one time or an appeal is filed.

- 5. Appeal of City Staff's Determinations. If the application is resubmitted more than one time and the City staff determines in each instance that the application is not complete, the applicant may appeal the City staff's decision in writing to the City Council. There shall be a written determination by the City council within forty-five (45) calendar days after receipt of the applicant's written appeal. If the written determination is not made within the 45 day period, the application will be deemed complete for processing.

- 6. Complete Application. When an application is determined to be complete, the City Planner will notify the applicant in writing that processing will begin.

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New Day 1
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Date Achieved

- 7. Acceptance and Review. The Planning Department will mark all copies accepted for processing. The Planning Department will direct the transmittal of application copies to all persons or agencies that are determined to have an interest therein. Each person or agency receiving copies of the application shall be required to submit their written comments upon the application to the Planning Department by a specified date (this will be 7 days before the scheduled Planning Commission meeting). The Planning Department will schedule a Planning Commission meeting within 30 days of the date the application is accepted.

- 8. Environmental Review. Unless the project is clearly exempt from the California Environmental Quality Act (CEQA), the Planning Department shall review the project for its potential effects upon the environment. The Planning Department shall complete an initial study environmental checklist and a recommendation whether a Negative Declaration (ND) or an Environmental Impact Report (EIR) should be prepared. If the Planning Department recommends a ND, it will prepare a DRAFT Negative Declaration (DND). If the Planning Department determines that and EIR should be prepared, it will draft the focus for an EIR. If the Planning Department is undecided it will recommend that the applicant submit additional information deemed essential for an adequate Planning Department determination. The Planning Department will deliver its recommendation in writing to the applicant.

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- 9. Planning Department Recommendation. The Planning Department will make a recommendation according to a,b,c, or d below and cause said recommendation to be presented in a written report to the Planning Commission together with supportive findings of fact and possible conditions.

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Date Achieved

- a. Exempt from CEQA. When it is determined that a project is exempt from environmental review, the Planning Department shall direct that a notice of exemption be included in the Planner's report to the Planning Commission. If there is any question that exempt status may not be upheld by the Planning Commission, a draft negative declaration shall also be included in the Planner's report to the Planning Commission. Exempt status shall always be considered questionable when the Planning Department determine three or more conditions for approval are recommended.

- b. Draft Negative Declaration. When the Planning Department determines that a project should be approved that is not exempt from environmental review and that the environmental effects of a project can be mitigated adequately by conditions, it will direct that a draft negative declaration with mitigation measures be included in the Planner's report to the Planning Commission. The mitigation measures shall be the same as the recommended conditions for approval.

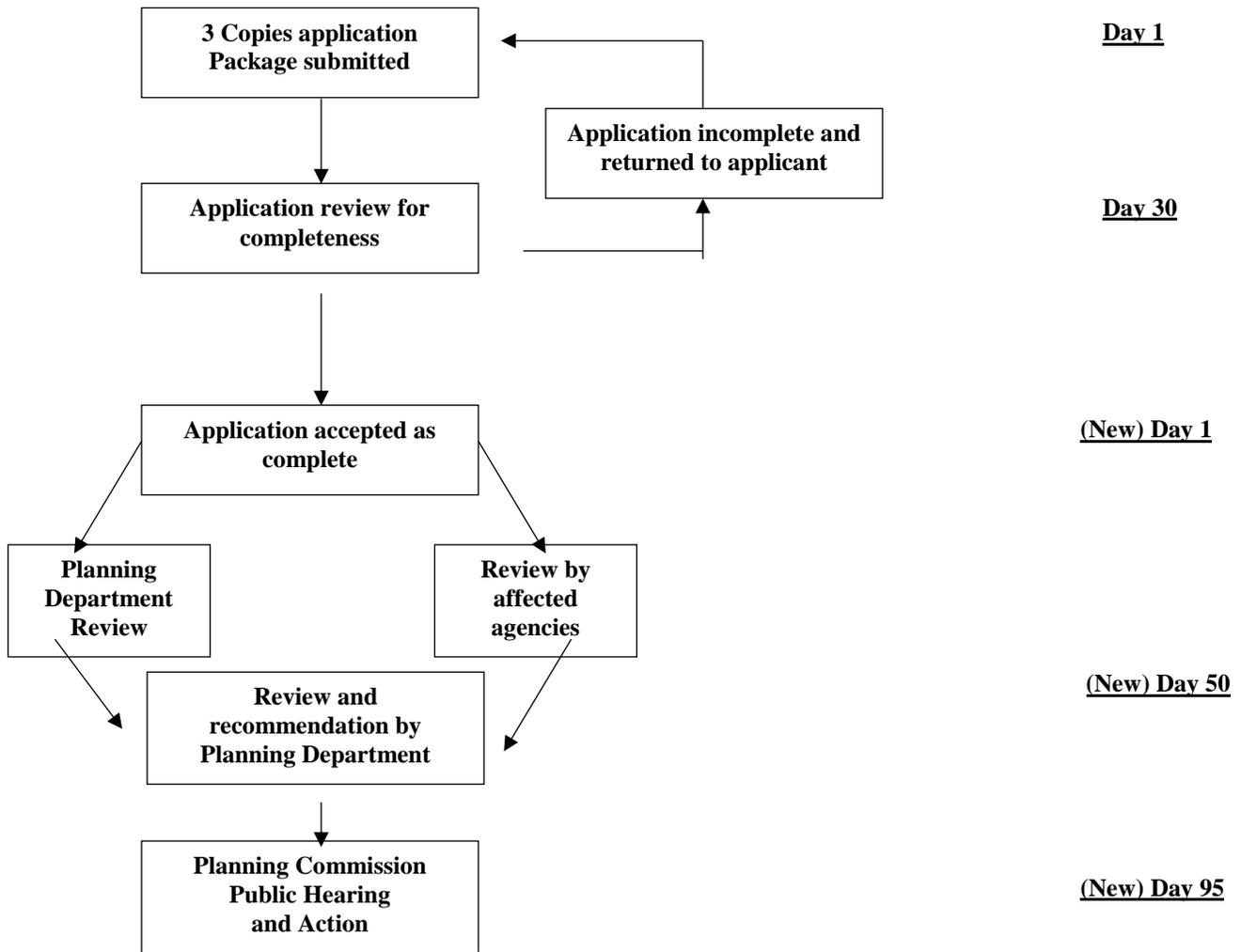
- c. EIR. When the Planning Department determines that information available is inadequate to determine acceptable mitigation measures/conditions, the Planning Department may recommend to the Planning Commission that an EIR be prepared before a recommendation for approval or denial is made.
 - d. Denial. When the Planning Department finds that the project will have a significant and unacceptable negative effect on the physical or social/economic environment that cannot be mitigated or that the project cannot conform to findings required by relevant section of Title 18 or the goals, policies or objectives of the General Plan or Municipal Codes, then it may recommend denial to the Planning Commission. Projects recommended for denial will include either a draft negative declaration or recommendation for an EIR in case the Planning Commission does not accept the Planning Department recommendation.
10. Public Notices and Review. The Planning Department will establish a 30 day public review period unless the project is found to be exempt from environmental review in which case a 10 day public review period will be established. The Planning Department will cause a public hearing concerning the project to be scheduled by the Planning Commission within 45 days of the date the Planning Department makes its recommendation. The Planning Department will cause notice of the public hearing to be provided pursuant to California Government Code Section 65091 and CEQA Section 15072. Such notice will include all information required by Government Code Section 65094 and will state that the project application and Planning Department recommendations are available for public review at City Hall during normal working hours. When a project may directly affect any state agency, the Planning Department will provide immediate, proper notification to the State Clearinghouse pursuant to Section 15106 of CEQA Guidelines.
11. Planner's Staff Report. The Planning Department will have a staff report prepared and transmitted to the applicant and Planning Commission members at least 7 days prior to the scheduled public hearing. The staff report will summarize the main steps and issues that have been involved in processing the application, it will reference laws or regulations which the Commission should consider and it will include the Planning Department's recommendation(s).
12. Planning Commission Hearing and Action. Upon completion of the public review period and the public hearing, the Planning Commission will make an action on the project. In preparing for their action the Commission will review and consider:
- a. The project application and the staff report including proposed finding and conditions,
 - b. The notice of exemption or initial environmental study and negative declaration or reasons (focus) for an EIR, and
 - c. All public comments submitted in writing during the public review period or presented orally during the public hearing.

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In approving or denying the application the Planning Commission will state clear reasons (findings of fact to support their action). When the Commission denies a project it need not adopt a negative declaration or an EIR. When the Commission intends to approve a project for which a negative declaration has been prepared, it will first adopt the negative declaration. When the Commission determines that an EIR should be prepared, no action on the project will be taken until the EIR is certified pursuant to "The City of Sutter Creek, Environmental Impact Report (EIR) Process".

PLANNING APPLICATION PROCESS DIAGRAM



Planning Commission decisions can be appealed to the City Council.

EXAMPLE SITE PLAN

APPLICANT/OWNER
 DOROTHY PARKER
 111 SOUTH ST.
 CITY, CA 93666

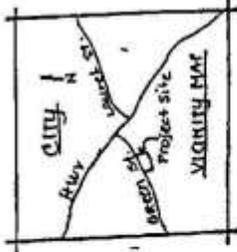
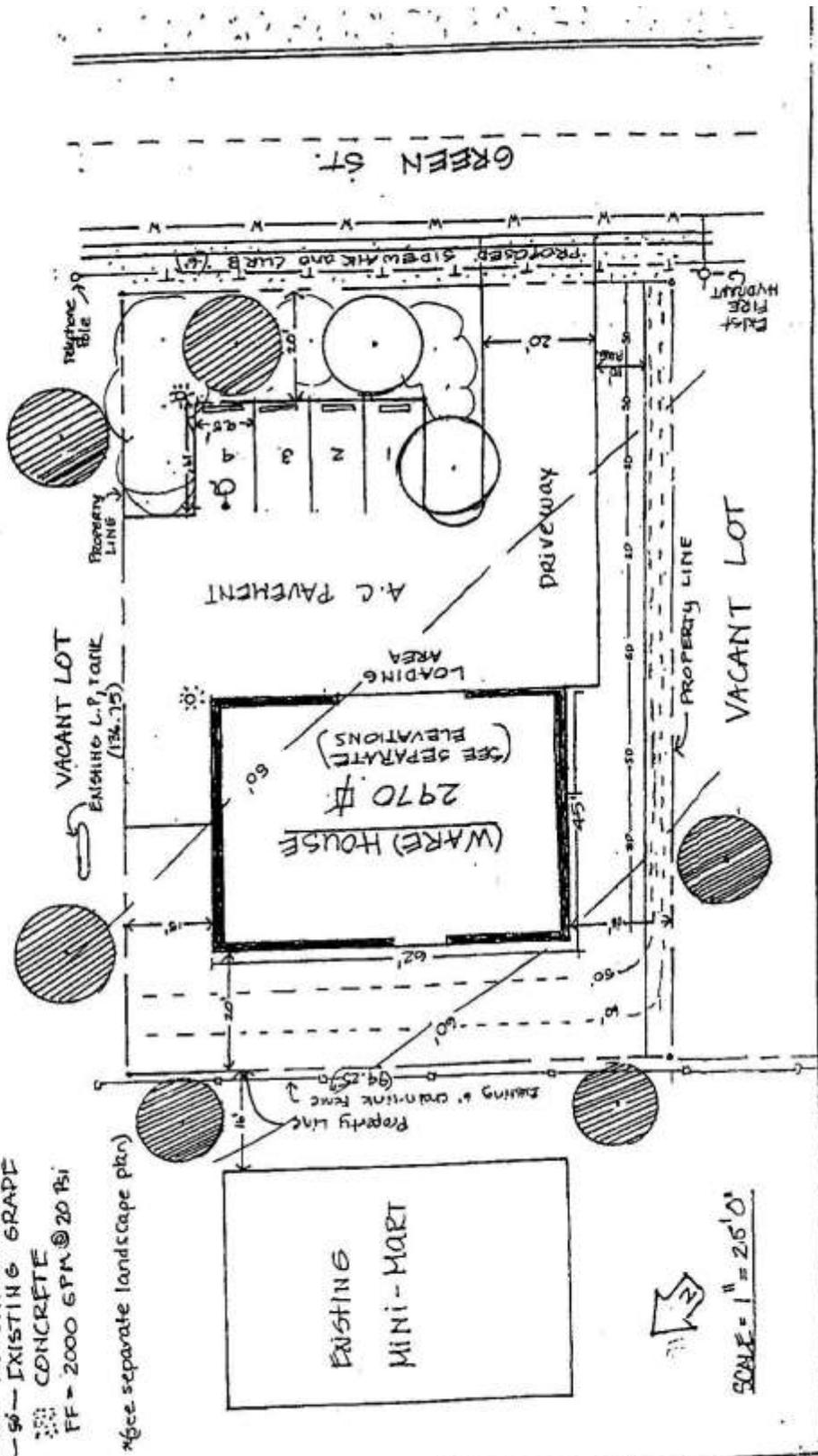
AGENT
 XYZ ENGINEERING
 37 MARLEST
 CITY, CA 95236

AP # 53-016-23

ZONING/GENERAL PLAN : C, Commercial

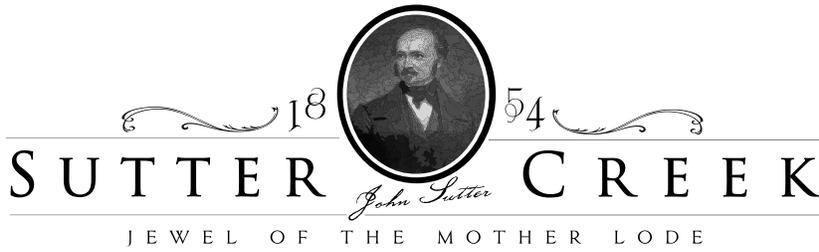
- SEWER, WATER AND P.O.E. LINES LOCATED WITHIN 10' POLE ON-SITE
- SD- STORM DRAINAGE (12" RIGID SMOOTH PIPE)
- *- OUTDOOR LIGHTING
- PROPOSED TREE*
- ⊙ EXISTING TREE*
- ⊖ PROPOSED GROUND COVER
- ⊕ HANDICAPPED PARKING
- 66-- FINISHED GRADE
- 56-- EXISTING GRADE
- ▨ CONCRETE
- FF = 2000 G.P.M. @ 20 PSI

*see separate landscape plan



SCALE = 1" = 25' 0"

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\$1,550 Deposit
 (*plus Staff Costs)
 Details on Page 9

VARIANCE APPLICATION

INSTRUCTIONS TO APPLICANT: Type or print legibly. Use additional sheets as necessary. Attach plans, diagrams, etc. as appropriate,

1. Owner(s):

 Name(s) Mailing Address, City, State, ZIP

 Telephone E-Mail Address

2. Agent or Representative (if not owner):

 Name Mailing Address, City, State, ZIP

 Telephone E-Mail Address

3. Project Location:

a. Assessor Parcel Number(s): _____

b. Physical Address(es): _____

c. Deed references (book and page): _____

d. General description of location (cross street, name of existing business etc.)

4. Zoning District: _____ General Plan Land Use Designation: _____

5. Complete the following:

a. I am requesting a variance in order to allow me to construct the facility shown on the attached site plan. This facility does not comply with requirement of the referenced zoning district for the following reasons: Explain. _____

b. *What are the special circumstances applicable to the subject property, including size, shape, topography, and location of surroundings that would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications? Explain: _____

- c. *Would a variance granted per this request constitute a grant of special privileges to the subject property inconsistent with the limitations upon other properties in the vicinity and zone? Explain: _____

- d. *Would the granting of a variance be detrimental to the public health, safety, convenience and welfare or injurious to property and improvements in the same vicinity and zone? Explain: _____

- e. *Would the granting of such variance conflict with the general plan of the City? Explain: _____

****NOTE: The law requires that the conditions set forth in Sections b,c,d, & e must be established before a variance CAN be granted. Answers to these Sections must be complete and full.***

ENVIRONMENTAL INFORMATION

- 1. Describe Project: _____

- 2. Existing use of property(ies): _____
- 3. Will grading occur on slopes of 10% or more? _____
- 4. Will any springs or wet areas be affected as a result of this project? _____
- 5. Estimated length of proposed roads and driveways: _____
- 6. Estimated type and amount (acreage or number) of vegetation to be disturbed for grading, roads, driveways, building sites, or other alteration. (Examples: Approx. 1 acre of Manzanita and other Brush to be cleared for building pads; over 100 small shrubs and oak trees to be cleared, etc.):

- 7. Project description: Use space below and/or attach additional sheets giving project description in sufficient detail to allow adequate evaluation of potential effects.
 - a. Proposed facilities: _____
 - b. Building Sizes: _____
 - c. Access: _____
 - d. Parking: _____
 - e. Water Source: _____
 - f. Estimated Water Consumption: _____
 - g. Method of Sewage Disposal: _____
 - h. Nature of Business: _____
 - i. Estimated Daily Volume of Traffic: _____
 - j. Estimated Number of Employees: _____
 - k. Estimated Energy Consumption: _____

- l. Percentage of lot to be covered by buildings/paving: _____ / _____
 - m. Construction schedule: _____
 - n. Any historical/archaeological features on property: _____
 - o. Other (please explain): _____

8. Describe special circumstances of the project or project site which may result in problems or adverse environmental effects. (Example: steep slopes, drainages, noisy equipment, hazardous access, lack of services.): _____

9. Indicate mitigation measures which may lessen problems or adverse environmental effects (including energy conservation) to be incorporated into project to eliminate or reduce adverse effects): _____

10. Describe most logical alternatives to project and how these alternatives would change the problems or effects discussed in items 13 and 14 above (include the alternative of "no project"): _____

Applicant certification, signature(s), and agreement to pay application processing costs.

I hereby certify that the statements furnished herein and on any attached pages present the data required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

I hereby certify that I own or am the authorized representative of the owner of the land hereby requesting Variance approval and that I am aware of and do agree to pay the hourly rates as established by Resolution of the City of Sutter Creek for the time spent by the City staff as necessary to process, review and provide consultation to the City concerning this application. I am also aware that said hourly charges are in addition to set fees required for preliminary review and administration and may also include charges to monitor compliance with conditions of approval if my request is approved.

Printed Name

Date

Signature

SITE PLAN PERMIT FEE: \$1,600 Deposit *plus Staff Costs

*20% City Administrative cost will be added to professional fees.

- *Clerical \$50.00/hour
- *City Sanitary Engineer \$135.00/hour
- *City Planner \$150.00/hour
- *City Engineer \$180.00/hour
- *City Attorney \$175.00 /hour

Payment: \$ _____ (22500) Check #: _____ Date: _____ By: _____