

Mt. Shasta Planning Commission Regular Meeting Agenda

Tuesday, January 16, 2024; 6:00 p.m.

This meeting will be presented in a hybrid format and can be attended in two ways:
In-Person at the Mt. Shasta City Park Upper Lodge, 1315 Nixon Rd. Mt. Shasta, CA

or

Online at the following link:

MountShasta.22Ave.tv

Page	STANDING AGENDA ITEMS
	1. Call to Order and Flag Salute
	2. Roll call
	3. Public Comment: This time is set aside for residents to address the Planning Commission on matters listed on items not included on the Regular Agenda. If your comments concern an agenda item noted on the regular agenda, please address the Commission when that item is open for public comment. Each speaker is allocated three (3) minutes to speak. Speakers may not cede their time. Comments should be limited to matters within the jurisdiction of the City. Commission discussion or action cannot be taken on items not listed on the agenda other than to receive comments. If you have documents to present to members of Commission, please provide a minimum of seven (7) copies to the note taker.
Page	PLANNING COMMISSION BUSINESS
Page	4. Consent Agenda I. Approval of Minutes: November 28, 2023 Regular Meeting
Page	5. Conditional Use Permit (CUP2023-01) at 305 Old McCloud Rd to allow the renovation and occupancy of existing floor area for a 13-unit multi-family development consisting of five buildings on one .7-acre (30,491 square feet) parcel (APN 057-583-290). No new floor area proposed. Report By: Jeff Mitchem, Planning Director. Recommended Action: Staff recommend Planning Commission adopt the attached Resolution approving: <ol style="list-style-type: none"> Environmental Review. Finding that the proposed project is Exempt from CEQA under a categorical exemption in the State CEQA Guidelines: Class I (Section 15301) Existing Facilities. Conditional Use Permit. Findings that the proposed project meets Mt. Shasta Municipal Code (MSMC) Title 18 Zoning, Chapter 18.16, Section 18.16.020, Table 7 – High Density Residential (R-3) requirements to allow more than four multiple-family dwellings.
	6. Commission and Staff Comments

	<p>7. Future Agenda Items – Future items are topics brought to the Planning Commission from a public petition, city staff, Planning Commission member(s), and City Council for review and action. All dates refer to first introductions to the Planning Commission and can be altered due to time and priority level.</p>
	<p>8. Adjourn</p> <p>Availability of Public Records: All public records related to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at City Hall located at 305 North Mt. Shasta Blvd., Mt. Shasta, CA at the same time the public records are distributed or made available to the members of the legislative body. Agenda related writings or documents provided to a majority of the legislative body after distribution of the Agenda packet will be available for public review within a separate binder at City Hall at the same time as they are made available to the members of the legislative body.</p> <p>The City of Mt. Shasta does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or provision of services. In compliance with the Americans with Disabilities Act, persons requiring accommodations for a disability at a public meeting should notify the Deputy City Clerk at least 48 hours prior to the meeting at (530) 926-7510 in order to allow the City sufficient time to make reasonable arrangements to accommodate participation in this meeting.</p>

Projects heard at this Planning Commission meeting may be subject to appeal. Please contact the Planning Department for information. Appeals must be submitted to the City Clerk's office together with the appeal fee. If you challenge the environmental review of the project proposal in court, you may be limited to raising only those issues raised at the public hearing or in written correspondence delivered to the Planning Department on, or prior to, closing of the public comment period.

Mt. Shasta Planning Commission Special Meeting **DRAFT** Minutes

Tuesday, November 28, 2023; 6:00 p.m.

City Park Upper Lodge 1315 Nixon Rd.

This meeting allowed for remote participate via ZOOM

Item	STANDING AGENDA ITEMS
1.	Call to Order and Flag Salute – Chair Findling called the meeting to order at 6:00 PM and led the audience in the flag salute.
2.	Roll call Present: Findling, Higuera, Boyenger, Pardee, McDowell, Saryon, Beck Absent: Comments: <u>Todd Juhasz</u> – Introduced new Planning Director, Jeff Mitchem
3.	Public Comment: None
4.	Consent Agenda a. Approval of Minutes: August 15, 2023 Regular Meeting, May 17, 2022 Regular Meeting, August 9, 2022 Special Meeting, and August 16, 2022 Regular Meeting MOTION TO APPROVE: Higuera SECOND: Boyenger AYES: Findling, Higuera, Boyenger, Saryon, McDowell, Pardee, Beck NOES: None ABSENT: None ABSTAIN: None
5.	Review of the 2023-2031 Housing Element Update and recommendation for City Council to make findings of CEQA Exemption and Adoption with findings that it substantially complies with State Housing Element Law, and direct staff to submit to the California Department of Housing and Community Development (HCD) for certification.). <u>Jeff Mitchem, Planning Director.</u> Review of Housing Element review by HCD, summary of Staff revisions to document, CEQA Exemption and approval process. <u>Michelle Nielsen.</u> Review of specific changes made to Housing Element in response to HCD comments. Clarifying questions from Commissioners and discussion. <u>Public Comment.</u> 4 Public comments expressing concern about public notice process. <u>Commission findings.</u> Revisions non-substantive in nature – clerical edits, typographical errors, etc. Revisions to policy recorded by Staff. Summary: 1. Planning Commission questions/remarks after staff report and before accepting public comment: <ul style="list-style-type: none">Tracking changes—use different color and/or markup to show revisions in response to PC direction and comments. Staff Response. City Council Staff Report indicates track changing and color variations used to categorize comments.PC Chair’s comments sent to staff earlier in the day will be addressed. Staff Response. See #2

below.

- Clarify the program [HO-2.3.7] that the City's existing design guidelines stay the same for market rate developments. Staff Response. Program 2.3.7 clarified to convey that the 2010 guidelines will not be changed for market rate developments.
 - Per staff, the City's existing design guidelines will be used and translated into objective standards. Staff Response. Yes, the process for developing Objective Design Review (ODS) begins with translating the City's existing subjective design guidelines into objective design standards. The anticipated timeline is 6-9 months.
 - Program HO-2.4.1: change "female headed" language to single-parent households to be inclusive of male headed households. Staff Response. Program language modified accordingly.
 - Confirmation that Program HO-2.3.8 only applies to qualifying projects. Specifically, that subsection (2) of HO-2.3.8 which commits the city to ordinance amendments to allow non-discretionary exception process to the requirement RV parking space requirement applies only to qualifying multifamily housing. Staff Response. Program language clarified – parking concessions for RVs apply to qualifying housing development pursuant to State Law.
 - Note where PC can/will be involved (i.e., where current municipal code provides PC review authority). Staff Response. Program language revised – Planning Commission role noted.
2. 11/28 PC Chair's comments that were emailed prior to the hearing (11/28):
- Page 21 – Item 3, Commitment to changing the design review, I would want to encourage the city to quickly adopt design standards for target residential development to minimize the gap between adoption of the HE and having new, objective design standards in place. Would we be able to develop these standards in-house rather than by having to outsource to a consultant? Staff Response. Yes, Objective Design Standards (ODS) are underway directed by Planning Commission sub-committee. City Staff are formulating recommendations for consideration by the ODS Subcommittee in Q4 2023 and Q1 2024. Community engagement and City Council review will follow.
 - Page 26, Program HO-2.3.7 If we apply objective design standards specifically to target housing, are we required to amend our 2010 Architectural Guidelines? Or would adopting specific objective guidelines for target housing resolve this concern? Staff Response. Program HO-2.3.7 has been revised as noted above.
 - Page 28, B.4 – it reads that Table A-63 was revised comprehensively yet if the track changes are an indication, there were minimal changes. Staff Response. Inclusion of AFFH action plans are new mandatory housing element requirement. The edits to the June version of the AFFH action plan were made specifically in response to HCD's comments under B.4. of their September 5, 2023 letter. Action plans are to "Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics..." GC § 65583(c)(5). The earlier version lacked quantified metrics and geographic targeting for each effort. HCD also commented that additional actions to promote a variety of housing choices and affordability throughout the City were needed, also identifying additional sites beyond those for the RHNA. "Suggestions" to consider voluntary rezoning program, identification of publicly owned sites, adaptive reuse, connecting lower-income residents to services and rent stabilization efforts.
 - Page 46, Table 2-3 – the numbers in the "Very Low Income" column do not add up. Staff Response. Noted. The total will be corrected to be 10 units.
 - Page 47 – when I reviewed the reference to Appendix B, I noted that on page 10 of Appendix

B, in the first paragraph after the bullet points, that first sentence should read “by right” not “by residential”. Also on page 10, the first sentence of the last paragraph needs to be rewritten. Staff Response. Noted. Typos to be corrected.

- Page 50, Program HO-2.3.2 – the new sentence (in red) needs to be rewritten. Staff Response. Noted. Language clarified to resolve wordy & confusing as currently drafted.
- Page 51, Program HO-2.3.4 (2) – Are we to exclude all residential development from all provisions of Chapter 18.70 including market-rate residential development, or just target residential development? Staff Response. Housing references within MSMC 18.70 are to be removed to eliminate redundancy. End result is status quo – market rate housing projects over 4 units are subject to Conditional Use Permit.
- Page 52 HO-2.3.7 – Might we reword this so market rate multi-family development is still subject to our 2010 design guidelines? Staff Response. Noted. Document revised as noted above.
- Page 53, Program HO-3.1.1 (2) – first sentence repeats “owner”. Staff Response. Noted. Typo corrected
- Page 59 Program HO-4.2.4 (2) “shall be allowed in” repeated. (3) These two sentences need to be rewritten. (5) Rewrite the sentence. Staff Response. Noted. Typos corrected.
- Page 61 Program, HO-5.1.4 (1) -2nd sentence “The purchase”? Staff Response. Noted. Typos corrected.
- Page 64 Program HO-7.1.2 – It reads that Appendix A analyzes housing in Tulalake, but there seems to be minimal analysis – only 2 references in tables to Tulalake. Did I miss something? Staff Response. Noted. Typos corrected.

3. Public Testimony: a total of seven members of the public provided oral comments.

- B. Harlan: Lack of notification of the public; asked the PC if they received her email.

Staff Response. Confirmed that PC received all public comments.

- Jerry Metz/Matz -- Lack of communication with community. The public feels left out. Provide more times for comment. City should respond to the Dale La Forest document: all points should be explained; all his points answered.

Staff Response. Staff clarified all matters related to Mr. La Forest’s comments. In brief, existing design review process remains intact for market rate projects and legally sufficient public notice was given for 11.28.2023 PC public hearing.

- Betty Kreeger -- Changes feel like trying to rush things through; more time for public comment. Feel like trying put through changes [in housing element] that are not necessarily required. These aren’t really requirements. They’re suggestions. We don’t need to push forward in an effort to get it approved by HCD. Instead just make clerical corrections; take precautionary principle [approach]; let’s do what’s required, and nothing more and maintain our village atmosphere.

Staff Response. Staff clarified that all housing element recommendations are intended to meet, not exceed, state housing law.

- Peggy Risch – please bring back to PC before going back to CC.

Staff Response. Noted.

- Johanna Altorfer – want more time to review and digest the changes. CEQA and water quality..... Continue to next PC meeting.

Staff Response. Noted

- Dale La Forest – City did not notice appropriately. Newspaper notice did not mention CEQA. General Plan inconsistency.

- Staff Response. Staff clarified all matters related to Mr. La Forest's comments. In brief, existing design review process remains intact for market rate projects and legally sufficient public notice was given for 11.28.2023 PC public hearing.
- Vicki Gold -- echoed everyone's comments. Want responses to Dale's letter and comments specifically; he has the most CEQA knowledge. Want 10 day notice. Postpone decision. Confusion about YouTube. Transparency and make available to public. Revisit mountain village theme; what are others doing. Suggest Neg. Dec.
- Staff Response. Staff clarified CEQA findings for exemption as legally defensible. Provided brief overture to anticipated design review revisions as beginning with translating existing design guidelines. Conveyed intent to extend public notice period to 10-days and rectify YouTube issues.

Additional conditions:

4. Summary of Revisions to the Housing Element Programs (Chapter 2) based on Planning Commission direction.
 - Program HO-2.3.7: Revised to clarify that 2010 design guidelines will not be changed and will still apply to market rate housing projects.
 - Programs HO-2.3.4 and HO-2.4.2: Revised to clarify that they apply to qualifying projects only.
 - Program HO-2.4.2(B): Revise the reference design review to indicate "will be subject to objective design review".
 - Program HO-2.4.1: Revised "female headed" language to single-parent households to be inclusive of male headed households.
 - All Programs. Revised to specify when PC/CC are specified regulating body under current code provisions.
 - Expand Public Review. For all future items, whenever possible give public at least 10 days notice.

Commission discussion.

Commission Action: Approve the submittal as modified with the additional finding and conditions.

Motion: Boyenger

Second: Pardee

Ayes: Findling, Higuera, Boyenger, McDowell, Saryon, Pardee

Nays: Beck

Absent: None

Abstain: None

Objective Design Standards Subcommittee. Commissioners Findling, McDowell, Pardee.

6. Commission and Staff Comments

Belinda Higuera, Commissioner – Priority items: sign, noise, parklets ordinance. Update on affordable housing on Chestnut Street.

Paul Beck, Commissioner. Status requests for Mt Cannabis, DanCo and Golden Eagle. Noise Ordinance needed – start within next year. Increase public notice practices.

Alan Pardee, Commissioner – Welcome to Director Mitchem.

Von Boyenger, Commissioner – Increase public notice important to community.

David McDowell, Commissioner – Banner signs prohibited – enforce.

Touson Saryon, Commissioner – Welcome to Director Mitchem.

Melanie Findling, Chair – Increase public notice provisions wherever possible for all PC items.

Director Mitchem. Report back on DanCo

7. Future Agenda Items – Future items are topics brought to the Planning Commission from a public petition, city staff, Planning Commission member(s), and City Council for review and action. All dates refer to first introductions to the Planning Commission and can be altered due to time and priority level.

8. Adjourn – Adjourned at 7:26 PM



City of Mt. Shasta

Planning Commission

Agenda Item Summary

DATE	January 16, 2024
ITEM	Conditional Use Permit CUP 2023-01 305 Old McCloud Rd
APPLICANT	Jacob Barr, Barr Family Investments
PROPERTY ADDRESS	305 Old McCloud Rd
ASSESSOR'S PARCEL NOS.	057-583-290
GENERAL PLAN DESIGNATION	High Density Residential (HDR)
ZONING DISTRICT	R-3: High Density Residential
STAFF CONTACT	Jeff Mitchem, Planning Director
POTENTIAL CONFLICTS	None
RECOMMENDATION	Consider approving the conditional use permit application with conditions.
SUGGESTED MOTION	"I move that the Planning Commission adopt a resolution approving Conditional Use Permit 2023-01 with conditions to allow renovation and occupancy of a 13-unit multi-family residential development at 305 Old McCloud Rd and with findings that the project is exempt from CEQA."



CITY OF MT. SHASTA STAFF REPORT

To: Mt. Shasta Planning Commission
From: Jeff Mitchem, Planning Director
Meeting Date: January 16, 2024
Subject: **Conditional Use Permit CUP 2023-01 – 305 Old McCloud Rd**
Applicant: Jacob Barr. Application Submittal Date: 11.29.2023

ITEM DESCRIPTION

Consideration of a Conditional Use Permit (CUP) application to allow the renovation and occupancy of existing floor area for a 13-unit multi-family development consisting of five buildings on one .7-acre (30,491 square feet) parcel (APN 057-538-290). No new floor area is proposed.

RECOMMENDATION

Based on the information and analysis contained in this report, staff recommend that the Planning Commission adopt a resolution (**Attachment 1**) approving CUP 2023-01.

BACKGROUND

The CUP is required by Mt. Shasta Municipal Code (MSMC) Title 18 Zoning, Chapter 18.16, Section 18.16.020, Table 7 – High Density Residential (R-3) to allow more than four multiple-family dwellings. The property is designated High-Density Residential by the General Plan and zoned R3 High Density Residential. Before the property fell into disrepair and was abandoned (2017) it operated as lodging under a special use permit (expired).

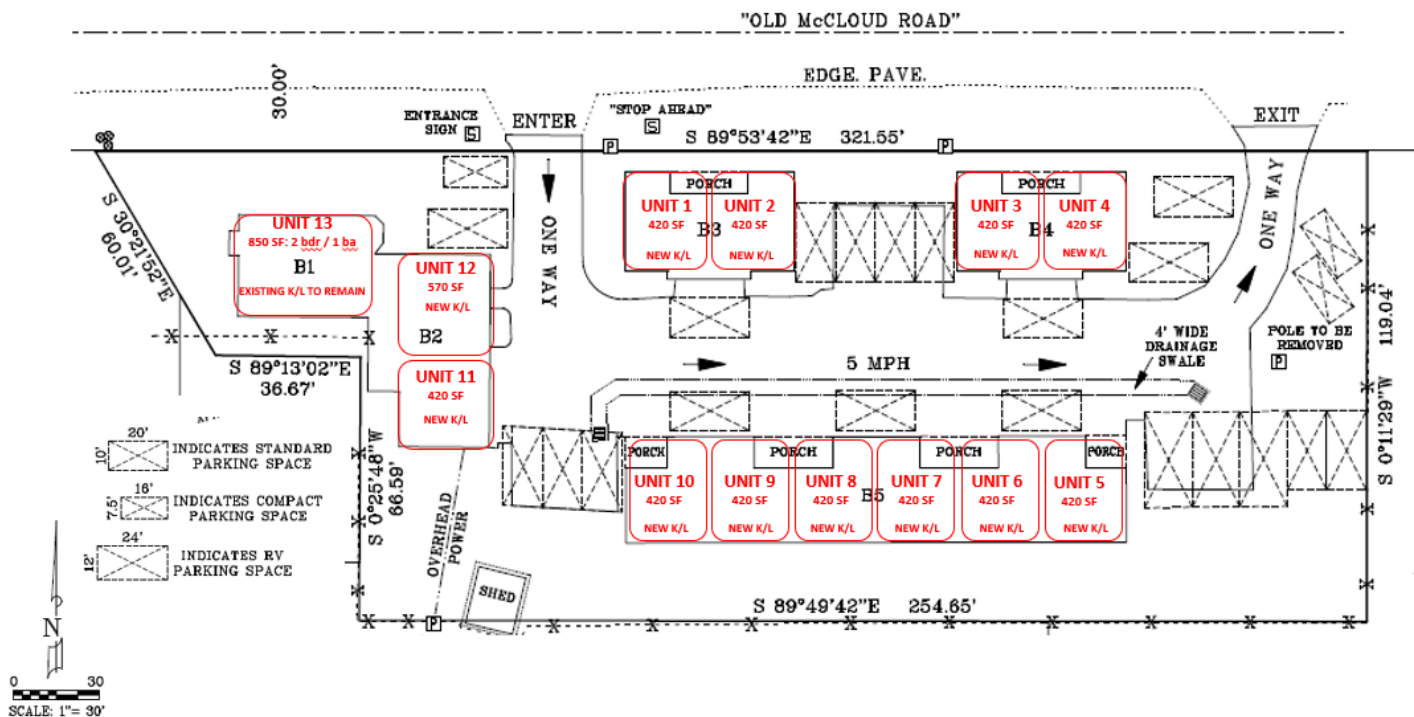
SITE AERIAL



PROJECT DESCRIPTION

The project site currently supports five single-story brick and wood frame structures containing 13 units (420sf – 850sf) historically used as short-term rentals. Constructed in 1963 as a motel, the units fell into disrepair and were vacated on order of abatement issued by the City Building Official in January 2017. They have been vacant since. The proposed scope of work is limited to exterior maintenance and repair (roofing, siding, paint, etc.) and interior remodel (kitchen additions, non-structural partitioning, etc.) No new floor area is proposed. The proposed work is exempt from Architectural Review per MSMC §18.60.055 A. allowing upkeep and maintenance which would not change the overall design of the structure(s).

SITE PLAN



ANALYSIS

A. Conditional Use Permit – MSMC Chapter 18.29

§18.29.010 Purpose. The purpose of a conditional use permit is to provide the general public with an opportunity to review a proposed land use that is generally consistent with the purpose of a base zoning district. As the regulating authority, the Planning Commission shall make the following findings (refer to Table B-1 below for applicable details) in order to approve a conditional use permit:

- (A) The proposed use is consistent with the Mt. Shasta General Plan, any applicable specific plan, and the provisions of this code.

Findings. *The proposed project is consistent with the site's High Density Residential (HDR) land use designation. HDR uses are housing types of multiple densities, both attached and detached single-family homes. HDR allows dwellings in clustered development (duplexes, triplexes, apartments, etc.) up to 20-units/acre and a 65% lot coverage.*

- (B) The subject property is adequate in land area to accommodate the proposed project, its required parking area, access, landscaping, and site improvements.

Findings. *The proposed project complies with all applicable provisions in the MSMC. As conditioned, the proposed project will comply with the 2022 California Building Code governing all future development activities in connection with this CUP.*

- (C) The proposed land use is compatible with neighboring land use and zoning.

Findings. *The proposed project consists of five detached residential structures supporting multiple living units ranging from 420sf to 850sf, which is consistent with the prevailing neighboring development pattern of clustered multi-family, condominium, and single-family residential dwellings.*

- (D) The public and private roads providing access to the subject property meet necessary standards to provide safe and adequate access or have been amended by conditions of project approval to satisfy the access requirements.

Findings. *As conditioned, the project will comply with all applicable provisions in the MSMC – particularly, Chapter 12.04 mandating the provision of curb/gutter/sidewalk along the project frontage and Chapter 15.44 specifying off-street parking requirements.*

- (E) Conditions of project approval are necessary for protection of public health, safety, and welfare, and to reduce or eliminate potential environmental effects.

Findings. *Compliance with all applicable MSMC provisions will ensure protection of public health, safety and welfare. As discussed below (Environmental Review), the project is found to be exempt from the California Environmental Quality Act.*

- (F) Any requirements for the dedication of land are reasonably related to the use of the property.

Findings. *No dedication of land is required to adequately serve the project and meet all applicable provisions of the MSMC.*

- (G) The requirements for the posting of improvement security for installation of public or private improvements is reasonably related to the use of the property.

Findings. *MSMC 12.04.020 Curb, gutter and sidewalks – Installation requirements mandate that curb, gutter and sidewalks be installed to the specifications set forth in this chapter at the time of building construction, remodeling or change of occupancy.*

B. Development Regulations – MSMC Chapter 18.16, §18.16.020, 7.3 High Density Residential (R-3) and General Plan Table 3-1

Purpose. The property is located within the R-3: High-Density Residential Zoning District. Multi-family residential uses over four units are conditionally permitted within this district. The high density residential (R-3) zoning district provides opportunities for the highest number of dwelling units on land within the City. The R-3 district helps achieve Housing Element goals for a mix of housing styles and characters aimed for a broad cross-section of the City residents.

Site Development Standards. MSMC Chapter 18.16.020, §7.1-7.7, Table 7 conveys the applicable zoning regulations. Parking requirements are conveyed in MSMC Chapter 15.44.050.

Table B-1 Development Standards

Applicable Development Standard		Proposed Development	Finding
Density (MSMC §18.16.020, 7.3 A. and Land Use Element Table 3-1)	20 units/acre	16.9 units/acre	Consistent
Minimum Parcel Size (MSMC §18.16.020, 7.3 B.4.)	2,000 sf/unit	2,345 sf/unit	Consistent
Building Setbacks (MSMC §18.16.020, 7.4 A.)			
Front	20 feet	15-18 feet	Legal non-conforming
Rear	10 feet	>15 feet	Consistent
Side	10 feet	>20 feet	Consistent
Building Height (MSMC §18.16.020, 7.3 B.1.)	45 feet	approx. 15 feet	Consistent
Lot Coverage (MSMC §18.16.020, 7.3 B.4. and Land Use Element Table 3-1)	65%	21% (6,304 sf/30,491 sf site)	Consistent
Parking (MSMC §15.44.050 B.)	Auto: 20 spaces (1.5 space / unit) RV: 3 spaces (1 space / 5 units)	20 auto spaces 3 RV spaces	Consistent
Signage (MSMC §8.32)	Title 8 Compliance	No signage proposed.	NA

ENVIRONMENTAL REVIEW

California Environmental Quality Act (CEQA) determination for the proposed project: *Exempt under CEQA Class 1 Categorical Exemption*. Refer to the following exemption findings. Upon approval by the Planning Commission, Staff will file the Notice of Exemption (**Attachment 2**) with the Siskiyou County Clerk and the California State Office of Planning and Research.

“Project.” The proposed project meets the definition of a “project” under the CEQA: an activity that (1) is a discretionary action by a governmental agency and (2) will have a direct or reasonably foreseeable indirect impact on the environment. (Pub. Res. Code, § 21065.)

Applicable Exemption. Section 21084 of the Public Resources Code provides a list of classes of “projects” which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. As applicable to the proposed project, a Class 1 exemption consists of the *operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use*. The types of “existing facilities” that fall within Class 1 are determined based on whether the project involves negligible or no expansion of use. Examples include activities falling within the scope of the proposed project: *Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances*.

Exemption Findings. *The proposed project is Exempt from CEQA under a categorical exemption in the State CEQA Guidelines: Class 1 (Section 15301) Existing Facilities. Specifically, the proposed project qualifies for the exemption for the following reasons:*

- **No Use Expansion.** *The project involves no expansion of floor area and negligible expansion of the site’s historic use.*
- **Interior Alterations.** *The Project is limited to interior alterations involving such things as interior partitions, plumbing, and electrical conveyances; and,*
- **Limited Exterior Modifications.** *Exterior modifications are limited to façade and roof repair, paint, minor landscaping improvements and closure of sidewalk gap on Old McCloud Rd (per City requirement).*
- **Historic Use.** *The Project activities would occur within existing buildings formerly occupied by uses of similar intensity to those proposed.*
- **Housing Goals.** *The Proposed use further Mt. Shasta’s Housing Element objectives to support the local workforce through the provision of affordable housing.*
- **No Exceptions to Exemptions** *Described below, there are no exceptions to the exemption that would render the exemption inapplicable.*

Exceptions to Exemption. Section 15300.2 of the CEQA Guidelines provides exceptions to categorical exemptions provided in Article 19 of the CEQA Guidelines. These exceptions include projects which impose cumulative impacts, significant impacts due to unusual circumstances, are located upon a hazardous waste site pursuant to Section

65962.5 of the Government Code or cause substantial adverse impacts to scenic resources or historic resources.

- **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

Findings. *The proposed project would not contribute to successive impacts in the same location. The proposed residential use would occupy existing underutilized buildings resulting in negligible intensification of prior uses of the project site. The proposed project involves interior modifications and minor exterior improvements to comply with 2022 California Building Code for residential occupancy bringing the use of the site further into compliance with existing code. Therefore, there are no cumulative impacts that would be caused by the proposed project.*

- **Unusual Circumstances.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Findings. *The proposed project involves minor modifications to existing buildings and conditionally permitted multi-family residential use as authorized through use permits consistent with City of Mt. Shasta regulations. Through compliance with the imposed conditions of approval, uniformly applied development standards, and provisions of the zoning code, the proposed project will broadly conform with local land use regulations. Furthermore, as similar uses have occurred previously onsite, and the proposed project would continue those uses, the proposed project will not result in an unusual circumstance. Therefore, the proposed project will not have a significant effect on the environment due to unusual circumstances.*

- **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.

Findings. *The Project does not result in damage to scenic resources, including but limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. The Project site abuts Old McCloud Rd, which is not designated or eligible as a state scenic highway.*

- **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

Findings. *The project is not located on an open hazardous waste site. The Project site is not identified as a listed cleanup site in Geotracker, under the State Water Resources Board, nor is it listed as a cleanup site in EnviroStor, under the Department of Toxic Substances Control.*

- **Historic Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Findings. *The Project will not cause a substantial adverse change to an historic resource. The Project site contains five buildings which would undergo interior improvements and minor exterior repairs. Though the buildings are not designated as historic resources, the façade improvements are “like for like” (materials/color) in nature, remedying years of deferred maintenance and will result in a net positive architectural quality condition.*

PUBLIC COMMENT

As of the publishing date of this staff report two public comments had been received. Refer to **Attachment 3** for the comment and staff response.

ATTACHMENTS

1. Draft Resolution
2. Notice of Exemption
3. Public Comments (Those public comments received after publication of the Staff Report will be entered into the record during the public hearing.)

**CITY OF MT SHASTA
PLANNING COMMISSION
RESOLUTION PC 2024-001**

**APPROVING CONDITIONAL USE PERMIT CUP 2023-01 ALLOWING A
13-UNIT MULTI-FAMILY RESIDENTIAL USE AT 1305 OLD MCCLOUD
ROAD (APN 0057-538-290) WITH FINDINGS THAT THE PROJECT IS
EXEMPT FROM CEQA**

WHEREAS, on November 29, 2023, Jacob Barr submitted a Conditional Use Permit (CUP) application to allow the renovation and occupancy of existing floor area for a 13-unit multi-family development consisting of five buildings on one .7-acre (30,491 square feet) parcel (APN 057-538-290); and

WHEREAS, the Planning Commission considered this request at its regular meeting on January 16, 2024. Prior to taking action on the application, the Planning Commission received written and oral reports by the staff, and received public testimony; and

WHEREAS, the proposed residential use has been evaluated for compliance with the City's adopted General Plan Policy and is in compliance in all respects; and

WHEREAS, this action has been reviewed for compliance with the California Environmental Quality Act (CEQA) and is exempt from the requirements of CEQA pursuant to Section 15301, Class 1 Existing Facilities Exemption, based on whether the project involves negligible or no expansion of use; and

WHEREAS, the Planning Commission pursuant to Mt Shasta Municipal Code Chapter 18.29 Conditional Use Permits, has made the following findings for the project:

- (A) The proposed use is consistent with the Mt. Shasta General Plan, any applicable specific plan, and the provisions of this code.

Findings. The proposed project is consistent with the site's High Density Residential (HDR) land use designation. HDR uses are housing types of multiple densities, both attached and detached single-family homes. HDR allows dwellings in clustered development (duplexes, triplexes, apartments, etc.) up to 20-units/acre and a 65% lot coverage.

- (B) The subject property is adequate in land area to accommodate the proposed project, its required parking area, access, landscaping, and site improvements.

Findings. The proposed project complies with all applicable provisions in the MSMC. As conditioned, the proposed project will comply with the 2022 California Building Code governing all future development activities in connection with this CUP.

- (C) The proposed land use is compatible with neighboring land use and zoning.

Findings. The proposed project consists of five detached residential structures supporting multiple living units ranging from 420sf to 850sf, which is consistent

with the prevailing neighboring development pattern of clustered multi-family, condominium, and single-family residential dwellings.

- (D) The public and private roads providing access to the subject property meet necessary standards to provide safe and adequate access or have been amended by conditions of project approval to satisfy the access requirements.

Findings. As conditioned, the project will comply with all applicable provisions in the MSMC – particularly, Chapter 12.04 mandating the provision of curb/gutter/sidewalk along the project frontage and Chapter 15.44 specifying off-street parking requirements.

- (E) Conditions of project approval are necessary for protection of public health, safety, and welfare, and to reduce or eliminate potential environmental effects.

Findings. Compliance with all applicable MSMC provisions will ensure protection of public health, safety and welfare. As discussed below (Environmental Review), the project is found to be exempt from the California Environmental Quality Act.

- (F) Any requirements for the dedication of land are reasonably related to the use of the property.

Findings. No dedication of land is required to adequately serve the project and meet all applicable provisions of the MSMC.

- (G) The requirements for the posting of improvement security for installation of public or private improvements is reasonably related to the use of the property.

Findings. MSMC 12.04.020 Curb, gutter and sidewalks – Installation requirements mandate that curb, gutter and sidewalks be installed to the specifications set forth in this chapter at the time of building construction, remodeling or change of occupancy. MSMC 12.04.110 Storm and subdrainage - The Director of Public Works shall specify the size and material of storm and subdrains if required; the same shall be installed prior to the installation of curbs, gutters and sidewalks.

NOW, THEREFORE, BE IT RESOLVED by the City of Mt Shasta Planning Commission that based on the above findings, the Planning Commission approves the proposed use, subject to the following conditions of approval:

Planning, Building & Fire

1. The use and design hereby permitted shall substantially conform to the project descriptions and supporting plans approved by CUP 2023-01, except as noted in the permit conditions.
2. Any further expansion or change of use shall require an amendment subject to use permit review as determined by the Planning Department. Minor modifications that substantially comply with this CUP 2023-01 approval may be approved in writing by the Planning Director.

3. No signage is specifically approved as a result of this approval. All signage shall separately be subject to the approval of the Planning Director, unless otherwise required, and shall be in accordance with Chapter 8.32 of the MSMC.
4. This permit shall be null and void if not used within a year, or if the use is abandoned for a period of one hundred and eighty (180) days. Once the use is initiated, this permit shall be valid until it expires or is revoked pursuant to the terms of this permit and/or Chapter 18.29 of the Mt Shasta Municipal Code.
5. This use permit does not abridge or supersede the regulatory powers or permit requirements of any federal, state or local agency, special district or department which may retain regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain permits as may be required from each agency.
6. A building permit shall be obtained for any construction occurring on the site not otherwise exempt by the California Building Code or any state or local amendment adopted thereto, and all fees associated with plan check and building inspections, and associated development impact fees established by City Ordinance or Resolution shall be paid.
7. All future permit submissions in connection with this CUP entitlement shall comply with all applicable provisions of the Mt Shasta Municipal code pursuant to the discretionary power vested in the Planning Director or designee.
8. The project shall comply with the 2022 Building Code, adopted by reference in MSMC Title 15, Building and Construction. Submit stamped engineered plans including plumbing, electrical, HVAC, load calcs, energy calcs, fire sprinklers. Civil drawings shall include sidewalk, curb, gutter, storm drain and all required ADA accommodations.
9. Prior to operation, an inspection shall be conducted by the Fire Department to ensure compliance with health and safety regulations including the installation of fire extinguishers, smoke detectors and carbon monoxide detectors. Additionally, if necessary, the occupancy limit of the space shall be reviewed and approved by the Building Official and/or Fire Chief and shall be posted in a conspicuous place for the life of the use.
10. All exterior lighting on the property shall be directed downward and shall otherwise be 'Dark Sky' compliant. An exterior lighting plan shall be submitted to the City for review and approval. Updated exterior lighting as necessary shall be installed prior to opening of the business.
11. All conditions related to previous entitlements or permits for this property shall remain in effect unless specifically amended herein.
12. This project is specifically noted as being subject to all City ordinances related to noise.

13. The occupancy limit of the space(s) shall be reviewed and approved by the Building Official and/or Fire Chief and shall be posted in a conspicuous place for the life of the use.

Public Works

14. All future permit submissions in connection with this CUP entitlement shall comply with all applicable provisions of the Mt Shasta Municipal code pursuant to the discretionary power vested in the Public Works Director and/or City Engineer.
15. Provide evidence to the City that the existing sewer lateral is structurally sound, adequate in capacity and correctly sloped. This can be done by videoing the sewer lateral and providing the City with a copy of the video. This videoing should be performed with a Public Works employee present.
16. Applicant shall install a Remote Read Water Meter consistent with City of Mt Shasta standard as accepted by City Public Works prior issuance of Occupancy Permit.
17. An encroachment permit is required from City for any connection to City utilities.
18. A backflow prevention device may be required on the applicant's side of the water meter. A site/plans assessment will be conducted by city public works to evaluate. The applicant will be responsible for annual testing and necessary repairs of device.

ADOPTED on January 16, 2024 by the following vote of the Mt Shasta Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Jeff Mitchem, Secretary

, Chair

Notice of Exemption

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Lead Agency

Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Public Comments

PROJECT: 305 Old McCloud Rd

1. Thomas Gordan.

Jeff Mitchem, Planning Director
Dec 31 2023

I saw the Nest property at 305 Old McCloud Rd will be discussed at the Jan 16 2024 planning commission meeting. Please send me the application and all related documents for this project. None of that information is found on the city's website as of today.

The December public notice for the Nest does not describe what changes are being proposed that necessitate a conditional use permit. What do you mean the "adaptive re-use of the existing floor area?" Since you studied architecture, it may mean something to you, but that phrase is largely indecipherable to the public. That vague phrase also does not provide a general explanation of the matter to be considered, as required by Gov C. 65094. It does not disclose any meaningful information why this project's changes might concern the public or need a planning commission approval.

So that my neighbors might be properly informed about this project, you must at least tell us more about it. I therefore request that the city publish a revised public notice that complies with this rule and informs us in some brief form with meaningful detail about what is being changed.

As you must know, the public notice must, at a minimum, be reasonably calculated to afford affected persons the realistic opportunity to protect our interests. Notice must occur sufficiently prior to a decision to permit a meaningful hearing to the public and affected landowners.

The public notice was probably published so people can submit their comments. But it does not show where such project information can be found in order to comment upon it. Please notify me and others where that information is, and of any such new notifications for the Nest.

STAFF RESPONSE:

Good morning, Mr. Gordan and Happy New Year!

Thank you for your public comment – I will enter it into the record and distribute to the Planning Commission. Please be advised that, as the new planner in town at direction by Planning Commission, I intend on expanding public notice provisions for all Planning Commission items. Accordingly, related to your item of interest – 305 Old McCloud Rd CUP – note that the City has, and will continue to, notice above and beyond State Law requirements (Ca Gov Code §65905, 65091, 65092) for statutory public notice (date, time, place, hearing body, general explanation, general location of property) as follows:

- 1) 10-day notice to property owners within 300' of the project site. The City sent legal notice on 12.19.2023 (21 days prior to hearing).
- 2) 10-day notice via email to those persons who request public notice (pursuant to your request, I have added you to that list). The City will distribute via email all hearing related material by close of business (COB) tomorrow, 01.03.2024 (13 days prior to hearing).
- 3) 10-days prior to hearing, notice published in a newspaper of general distribution. The Mt Shasta Herald will publish a notice on 01.03.02024 (13 days prior to hearing).

Additionally, the City will further exceed the minimum state law public notice requirements by:

- 1) Posting all hearing material on the City's website linked to the calendar page - <https://www.mtshastaca.gov/calendar>. Please note that, recently, the website was overhauled, and we are still getting used to the new format and upload procedures – so, your patience is greatly appreciated. The City will post all hearing materials on the City website 01.03.2024 (13 days prior to hearing).
- 2) Posting hard copies of all hearing material at City Hall (305 N Mt Shasta Blvd) and at the Library (515 E Alma St). The Agenda will also be posted in the display case in front of City Hall 13-days prior to the public hearing.
- 3) Posting public notice on the project site on 01.03.2024 (13-days prior to hearing.)
- 4) Providing contents of the record to all those submitted requests (pursuant to Public Records Law). The Staff Report/Resolution/CEQA Exemption Findings are being finalized today and will be ready for publication by COB tomorrow (13-days prior to hearing). Please expect distribution of those materials via email, per item #2 above.

Additionally, I am available for direct contact with any interested party related to this item – via email or contact information in my signature below. And, finally, regarding the phrase “adaptive reuse of existing floor area” – my apologies for the jargon – the meaning is simply, “change of use (from short-term to long-term residential) through interior modifications.” Apologies for the confusion.

2. Julie Jackson

Mr. Mitchen,

A little background My name is Julie Jackson and my residence is 308 Old McCloud (right across the street from 305). I have lived in my home since June 1999 when 305 was the Strawberry Court. The units originally had a one car carport for the units to provide the needed parking that have since been converted into another room for the units.

My concern is the limited amount of actual parking spaces provided for each of 13 units. What is the maximum capacity of each unit ? Say you have 2 adults each with a vehicle to total 26 vehicles. Where will they park ? Is there a plan to add additional covered parking spaces over by the fence between this property and the condos at 315 ?

Can the residents park between the buildings or does this create a fire/medical hazard in case of emergencies ? The residents in the 315 condos and neighborhood already park their extra vehicles on the street (I attach photos). I opine this will become a much bigger issue during our winter when snow removal is being provided by the City.

I am aware of the installation of sidewalks etc are planned. Your insight is greatly appreciated.

Regards,
Julie

Jackson

STAFF RESPONSE:

Julie,

Thank you for your public comment – I will enter it into the record and distribute to the Planning Commission. Additionally, I will add your name to the list of those interested in receiving additional information – the Planning Commission Staff Report and attachments will be published today, and I will distribute that material to you.

In direct response to your questions, please note the following:

What is the maximum capacity of each unit ?

City Response: 12 of the units are studio apartments. One unit is a 2 bedroom.

Where will they park?

City Response: The City's Municipal Code (Chapter 15.44.050 B.) requires 1.5 parking spaces per unit for a total of 20 spaces + 3 RV spaces. The proposed site plan meets those requirements.

Is there a plan to add additional covered parking spaces over by the fence between this property and the condos at 315?

City Response: The City is not aware of any plans to expand parking at 315 Old McCloud Rd.

Can the residents park between the buildings or does this create a fire/medical hazard in case of emergencies ?

City Response: Additional off-street parking between all buildings.

Please stand by for the full Staff Report and attachments once published later today.

Thank you.