“Our mission is to maintain the character of our “small town” community while striking an appropriate balance between economic development and preservation of our quality of life. We help create a dynamic and vital City by providing quality, cost-effective municipal services and by forming partnerships with residents and organizations in the constant pursuit of excellence.”

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<td>3</td>
<td>Appeal of the Planning Commission’s November 19, 2019 Decision Regarding 1119 Ream Avenue Parcel Split and Condominium Conversion</td>
<td><strong>Background:</strong> The City of Mt. Shasta received an appeal within the 10-day appeal period in opposition to the Planning Commission adoption of a Class 1 California Environmental Quality Act (CEQA) exemption and approval of a tentative parcel map with conditions for parcel 057-621-080. The parcel has a situs address of 1119 Ream Avenue. The basis for the appeal and the required payment was delivered within the allotted time for the appeal; therefore, all required pieces for an appeal were completed within the timeframe outlined in Chapter 18.32 of the Mt. Shasta Municipal Code. <strong>Report By:</strong> Juliana Lucchesi, City Planner <strong>Recommended Council Action:</strong> Affirm the Planning Commission adoption of the Class 1 exemption from CEQA and approval with conditions for the tentative parcel map at 1119 Ream Avenue.</td>
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<td>4</td>
<td>Adjourn</td>
<td><strong>Availability of Public Records:</strong> 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. <strong>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 City Clerk or 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.</strong></td>
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City Council Special Meeting Agenda December 16, 2019
Agenda Item # 5
Staff Report

Meeting Date: December 16, 2019
To: City Council
From: Planning Department
Subject: Appeal Hearing: 1119 Ream Parcel Split and Condominium Conversion

Recommended Action:

1. Open and Close the Public Hearing

2. Motion to affirm the Planning Commission adoption of the Class 1 exemption from CEQA and approval with conditions for the tentative parcel map at 1119 Ream Avenue (APN # 057-621-080). The basis of affirmation being that the Planning Commission conducted the meeting in compliance with state regulations, the application of a Class 1 CEQA exemption was appropriately applied, and the tentative parcel map meets all required findings in Chapter 17.12 with the adopted conditions applied.

Background:

The City of Mt. Shasta received an appeal within the 10-day appeal period in opposition to the Planning Commission adoption of a Class 1 California Environmental Quality Act (CEQA) exemption and approval of a tentative parcel map with conditions for parcel 057-621-080. The parcel has a situs address of 1119 Ream Avenue. The basis for the appeal can be found in Attachment 1 of this report. The required payment was delivered within the allotted time for the appeal; therefore, all required pieces for an appeal were completed within the timeframe outlined in Chapter 18.32 of the Mt. Shasta Municipal Code

Project Description:

The City received an application for a parcel split and condominium (condo) conversion of the building at 1119 Ream Avenue. The proposed lot split would result in the creation of two new parcels from an existing parcel. The proposed split would follow the center of the existing interior building wall and along the existing roof ridge line.

Parcel “A” will consist of the southerly portion of the existing building and lot. Parcel “B” will include the northerly portion of the existing building and lot. The proposed building split would
result in the creation of a new sewer and water connection for one of the units. The existing connection would be preserved.

Parking

The current property has unmarked parking but can fit approximately 10 vehicles at one time. There are no handicap parking spaces. The proposed tentative parcel map indicates that there will be at least one handicap parking space available to each parcel ensuring Americans with Disabilities Act (ADA) accommodations. Parcel “A” has three parking spaces available in addition to the ADA space and seven shared parking for both Parcel “A” and “B”. An easement for shared parking is proposed to ensure continued parking availability. Parcel “B” has two parking spaces in addition to the ADA space. There will be no expansion of the surface area of the existing parking area.

The proposed parking spaces could satisfy Chapter 15.44 “Off-Street Parking Requirements” through a shared parking agreement. The current gym use has a minimum parking of one space per 300 sq. ft. gross floor area, up to and including 5,000 sq. ft., then one space per 500 sq. ft. gross floor area. The gym is approximately 3,800 sq. ft. which is a minimum parking of 12 spaces, which can be met by the proposed parking arrangement and shared parking agreement. The gym use is not considered a constant use due to the scheduling of classes and personal training session; therefore, we can anticipate that all 13 spaces would not be filled for a full day.

Parcel “B” is currently vacant, but has served as an alcohol distribution warehouse, mechanical service shop, and storage. The square footage of the building is 4,000 sq. ft. the building is not currently in use but is zoned Employment Center which includes the following uses:

“Professional and service offices, production studios not involving the use of significant amounts of hazardous substances, and not exceeding 10,000 square feet in floor area where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive. Manufacturing and warehouse uses not involving the use of significant amounts of hazardous substances, and not exceeding 10,000 square feet in floor area where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.” (18.16.020 MSMC)

There is no specific minimum parking calculation for the uses, so we will rely on 1 space for every 300 sq. ft. Parcel “B” would require 13 parking spaces. Parcel “B” has three spaces onsite and access to the 10 shared spaces onsite. The combination of the parking requirements for both parcels would exceed the shared parking onsite. The total amount of parking for both uses would be 25 parking spaces. The property owner has developed and prepared to enter into an agreement with an adjacent property owner to provide 10 to 12 additional parking spaces at 1023 Ream Ave (Attachment 5). The spaces would be available to proposed Parcel “B”. The
onsite parking improvements and the shared parking agreement with the adjacent property owner would meet Chapter 15.44 requirements.

There is no proposed expansion of the existing parking lot or removal of non-invasive plant species. The project application proposes to remove damaged parking lot areas and replace with a new parking lot surface. The replacement of the damaged parking lot would not result in the loss of trees or landscaping. The project Applicant does propose to remove the Himalayan Blackberry on the property, which is an invasive species. The Applicant has expressed interest in adding planter boxes to the edge of the buildings and parking lots. The proposed replacement of the parking lot would not trigger an Architectural Design review or environmental review.

Chapter 18.60 governs the Architectural Review process. Architectural review is required for new and altered commercial and high density residential developments; high-density residential is one structure containing 5 or more housing units. The Applicant would be required to apply if there are significant changes to the façade or site. Section 18.60.055 lists the exceptions to filing an Architectural Design application which includes upkeep of the property, addition of landscaping, or other work which would not change the design of the structure. The replacement of the parking area with no increase in square footage, management of invasive species, and addition of planter boxes would not constitute the filing of an Architectural Review application at this time.

The parcels do not show bike parking spaces or stationary objects to accommodate bike parking. Section 15.44.130 requires that a stationary object shall be provided to which two adult bicycles may be attached for every 2,000 sq. ft. The proposed parcel split would trigger compliance with this section of the municipal code. A condition of approval shall be to install a minimum of two stationary objects per parcel, for a total of 4, to accommodate bike parking. The Applicant may place these objects in the shared parking area or inside the facility as long as the area is clearly designated bike parking.

Utilities

The tentative parcel map would require the purchase and construction of a separate connections for one of the new parcels. The Applicant has illustrated on Attachment 2 the proposed new sewer and water connections. Parcel “B” will receive a new sewer line. Parcel “A” will receive a new water line. The Public Works Department has reviewed the tentative parcel map and new services and approves of the placement subject to minor changes. A final building permit, which would include a civil sheet, would be required prior to construction taking place to install the new sewer and water lines.

**Project Location: 1119 Ream Avenue, Mt. Shasta, CA 96067**

APN # 057-621-080
**Surrounding Conditions & Uses:**

The property is immediately surrounding by commercial and industrial uses to the north and east. The property is bordered by Union Pacific Railroad rail line on the west and southern sides of the property. The property on the other side of the rail line is vacant and zoned for Employment Center (industrial) uses. Within 300 feet of the property are a mixture of uses; residential, commercial, and industrial.

**General Plan and Zoning Code Connection:**

The parcel has a Land Use designation of Employment Center. The Employment Center land designation is for siting businesses that provide a product or service that generally does not require onsite customer traffic. These types of businesses include manufacturers, machine shops, automobile repair, administrative offices, lumber mills, and other industrial type uses. The General Plan standards for Employment Center include no persons per acre levels since residential is not an appropriate use. The maximum lot coverage in the Employment center zone is 75% which includes the building footprint. Lot coverage does not include the parking areas.

The parcel has a zoning code designation of Employment Center as well. The Employment Center lot design prescribes a maximum building height for 45 feet and no required lot depth or width minimum. There are no building setbacks prescribed in the zoning code, but the buildings must comply with the Building and Fire Code. The requirements for building separation for a commercial condo conversion involve the installation of a fire wall between units that extends 30 inches above the roof. The fire wall is proposed to be gabled to match the slope and design of the existing roof. The tentative parcel map follows the site development standards of the zoning code. A condition of approval has been added to ensure compliance with Fire and Building Code standards.

The zoning code prescribes the density and intensity of a given lot. The maximum intensity, which is the building footprint, shall not exceed 75 percent of the lot coverage for either lot. Since the City is requesting the street be deeded to the City, the area of the street was subtracted from the parcel size. The proposed new parcels would have lot coverage of Parcel “A” is 38.15% and Parcel “B” is 45.28% coverage. Both parcels would be below the 75% lot coverage standard. There is no requirement for minimum parcel size.

**Environmental Review:**

This Project has been reviewed for compliance with the California Environmental Quality Act (CEQA). The CEQA review process begins with the determination of whether the parcel map is considered a “project”. A “project” under CEQA is any discretionary action which could directly or indirectly impact the environment. The Planning Department determined that it is a project due to the discretionary nature of the parcel map.

The second stage of the review process is to determine if a CEQA exemption is available for the project based on the available categorical or statutory exemptions. The project could qualify for an exemption from CEQA under a Class 1 Existing Facilities Section 15301(k). The Class 1 exemption applies to a number of projects involving negligible or no expansion of use beyond
that existing at the time of the lead agency’s determination. Subsection (k) applies to the subdivision of existing commercial or industrial buildings, where no physical changes occur which are otherwise exempt. The proposed physical changes to meet Fire and Building Code standards would not qualify as physical changes subject to CEQA.

In addition, the re-pavement of the parking with no expansion of surface area and installation of utilities for the proposed parcels are considered physical changes that would also be exempt from CEQA. If the project applicant were to proceed with a re-pavement of the existing parking lot and installation of the utilities outside of a lot split application, those actions would be considered a Class 1 and Class 3 exemptions, respectively. Class 1 would cover the replacement of an existing facilities and the Class 3 would cover the installation of new construction related to water mains, sewage, electrical, gas, and other utility extensions of reasonable length to serve such construction.

Public comment does not agree with the application of a Class 1 exemption for the project. The main argument centers on the perceived expansion of use and application of “unusual circumstances”. The perceived expansion of use is predicated on the pending cannabis industry license application. First, the cannabis industry license is not an action item in front of the Planning Commission; therefore, it is not analyzed under CEQA in relation to this application. Previous Planning Commission and City Council decisions in 2017, authorized the siting of cannabis industry uses in a number of zones outlined in the zoning code. Chapter 18.91 outlines the permitted, conditional use, and not permitted zones for cannabis industry uses. The Employment Center zone allows for cannabis industry uses by right; therefore, there is no proposed expansion of use if the use remains within the permitted uses of the zone.

The second argument stated is that the proposed lot split fits in the “unusual circumstances” category. Unusual circumstances under CEQA refer to factors of the project which meet one of the exceptions listed in 14 CCR § 15300.2(c):

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(b) 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.

(c) Significant Effect. 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.

(d) 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. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

(e) 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.

(f) Historical 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.

The public comment argument incorrectly tries to apply exceptions (b) and/or (c) to this project application. Exception (b) looks at the cumulative impact of like projects in the area over time. There are no applications for other lot splits in the area nor inquiries related to lots splits. The statement that this lot split will lead to more lot splits in the area is speculative and not supported by evidence. The cannabis industry license application is not part of the project and the City has not received any interest or applications for other facilities in the area. Again, the statement that this lot split will lead to an increase in cannabis industry use applications is speculative and not supported by evidence.

Exception (c) focuses on “unusual circumstances”. A project with unusual circumstances “differs from the general circumstances of the projects covered by a particular categorical class exemption, and create an environmental risk that does not exist for the general class of exempt projects” (Citizens for a Better Environment, citing Azusa Land Reclamation Co v. Main San Gabriel Basin Watermaster (1997) 52 Cal. App. 4th 1165). The “unusual circumstances” definition and application are incorrectly used by the public commenters. The comments incorrectly assert that there is evidence to support an “unusual circumstance” but do not provide the evidence or speculate on the potential environmental impacts.

The Sixth District Court of Appeal’s decision in Aptos Council v. County of Santa Cruz (2017), 10 Cal. App. 5th 266; 216 Cal. Rptr. 3d 142, upheld a negative declaration under the “fair argument” standard.” In this case, the County of Santa Cruz adopted three ordinances, one of which would have removed density limitations and height limitations for hotels. Aptos Council challenged the Project, stating that the negative declaration did not take into consideration the environmental impacts that may ensue from future hotel developments.

The Court disagreed with Aptos Council’s analysis and found that the potential for future developments was too speculative to be reasonably foreseeable, even though evidence in the record indicated that the purpose of the Ordinance was to stimulate the development of hotels. The Court noted that Aptos Council did not point to anything in the record to demonstrate that increased development was reasonably foreseeable, rather than an “optimistic gleam in [the County’s] eye.” (Topanga Beach Renters Assn. v. Department of General Services (1976) 58 Cal.App.3d 188, 196.)
The Court referenced CEQA Guidelines, §15144, which states, “While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can” and concluded that, nonetheless, it need not consider impacts that are too speculative. CEQA Guidelines §15064(d)(3) states, “An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.”

In addition, in Aptos Council v. County of Santa Cruz, the Court noted that pointing to a lack of evidence in the administrative record does not by itself constitute substantial evidence of a significant environmental impact:

“An absence of evidence in the record on a particular issue does not automatically invalidate a negative declaration. The lack of study is hardly evidence that there will be a significant impact.” (Gentry v. City of Murrieta, supra, 36 Cal.App.4th at p. 1379.) In essence, Aptos Council is merely speculating that the ordinance may have a significant effect. Aside from vague arguments that the ordinance will encourage development of higher density hotels, Aptos Council fails to adequately show there is substantial evidence in the record to support its fair argument claim. At this point, environmental review of potential future developments would be an impossible task, because it is unclear what form future developments will take.

The public commenters assertion that there is evidence; therefore, the City must initiate an Initial Study process is not founded.

Public Input:

Public notice was posted as per Government Code Sections 65090 and 65091, which require specific posting requirements and noticing to property owners within 300 feet of the proposed parcel split. The notice went out in October and November of 2019 following these regulations. The general topics raised from the public input through the noticing process and public input form the October regular meeting were concerned with the completion of the project application, the measurement of a 600 foot state sensitive use buffer, use of the property, and CEQA. The CEQA comments have been addressed in the “Environmental Review” section of this report.

Incomplete Application Complaint

Public comments have been concerned with the Planning Department accepting an incomplete application. Chapter 17.10 of the Mt. Shasta Municipal Code outlines general proceedings for application procedures and fees. The process for projects follows three general steps: pre-application meeting, application submission, and fee payment. The information and fees associated with the project will differ depending on what the project involves. The Planning Director determines if the information presented for an application is complete or incomplete (MSMC 17.10.020). The comments presented disagree with the determination of completeness of the application, which is an opinion. The comments discuss the General Application form which is a tool to collect information related to a project. The General Application form is not a requirement.
What is required of a parcel map application is listed in Chapter of the Mt. Shasta Municipal Code. Section 17.12.020 states:

(A) Tentative parcel maps shall be prepared by, or under the direction of, a registered civil engineer or licensed land surveyor, but need not be based on a survey, and shall contain the following information:

1. The subdivision name or number, date, north point, scale and sufficient description to define the location and boundaries of the proposed subdivision;
2. Name and address of record owner or owners of the subdivision;
3. Name and address of the subdivider;
4. Name, business address and number of the registered engineer, or licensed surveyor, who prepared, or directed the preparation of, the map of the subdivision;
5. Elevations or contours at intervals of five feet to determine slope of the land and the high and low points thereof;
6. The locations, names, widths and approximate grades of all roads, streets, highways and ways, if any, in the proposed subdivision and along the boundaries thereof;
7. The location and character of all existing or proposed public utility facilities in the subdivision or on the adjoining and contiguous highways, streets and ways;
8. The approximate widths, location and purpose of all existing or proposed easements contiguous to the proposed subdivision;
9. Approximate lot layout and approximate dimensions of each lot and each to be numbered or lettered;
10. The outline of any existing buildings to remain in place and their locations in relation to existing or proposed street and lot lines;
11. Approximate location of all areas subject to inundation or stormwater overflow and the location, width and direction of flow of all watercourses;
12. When a public street is proposed as part of the subdivision, show typical street sections and detail.

In the case of this parcel map application, the proposed parcels are developed and do not need to provide information regarding numbers (5), (6), (11), and (12). This information is needed for the Public Works Department and City Engineer when there is also a proposed development as part of the project. The tentative map has been reviewed by the Public Work Director and City Engineer. There was no additional information needed at this time.

The public comments discuss the collection of a 15% fee at the time of the pre-application meeting. The City has suspended this requirement for the past couple of years due to difficulty in determining the appropriate fees at the time of a pre-application meeting. Pre-application meetings are typically done during the conceptual phase of a development. The conceptual nature of the project makes it difficult to know what fees and information will be needed at the final submission. We do require that 100% of fees are collected at the time of application submission. City Staff do have plans to correct the Municipal Code to reflect current practices.

600 Foot State Use Buffer
As previously discussed in the October 15, 2019 Planning Commission meeting use is not a factor in the approval or denial of a parcel map application. The discussion surrounding the potential use of the property and the application of the state sensitive use buffer is inappropriate for this application discussion. The Planning Commission and City Council raised the issue of the application of a local sensitive use buffer during the amendments to the cannabis zoning ordinance Chapter 18.91 in early 2019. The decision was made by the City Council and subsequently rescinded due to a referendum. The result of the discussion and referendum is that there is no local buffer distance or method for measurement. The Planning Commission and City Council may not open discussion of a local buffer and measurement interpretation until May of 2020 due to the referendum process.

The second discussion piece is how to interpret the state regulations regarding the measurement of the state buffer. A letter from the City Attorney was prepared regarding the issue August 19, 2019 (Attachment 4). The letter is the City’s current position on the interpretation of the state buffer based on existing state regulations. It is not advisable for the Planning Commission to interpret state regulations. The state is the responsible legislative agency in this case and should correct the City if its interpretation is wrong.

Use of the Property

A number of comment letters are concerned with the potential use of the property. As discussed at the October 15, 2019 regular Planning Commission, the potential, actual, and speculated use of a property is not a factor in the determination of a parcel map application. Chapter 17.12 governs the tentative parcel map requirements and analysis of parcel maps of four or less lots. Section 17.12.030 states “The Planning Commission shall determine whether the proposed subdivision is in conformity with the Subdivision Map Act and this title, whether the size and shape of the proposed lots are in general conformance to City requirements, and whether all the proposed lots will have proper and sufficient access to a public street.” This review is analyzed and discussed in the “Analysis and Findings” section of this report. Use is not a factor in this application process.

Parking Lot and Landscaping

Public comment was received indicating that there would be an expansion of the parking lot and removal of landscaping to accommodate parking. As stated in the above “Parking” section of this report, there will be no expansion of the parking lot area or removal of non-invasive species.

As for the comment on parking lot orientation and safety, the Public Works and City Engineer have reviewed the proposed parking lot configuration and have no issue with the orientation.

Analysis & Findings:

Chapter 17.12 of the Mt. Shasta Municipal Code is the local regulation governing lot splits with less than four lots involved. The Planning Commission shall determine whether the proposed subdivision is in conformity with the Subdivision Map Act and this title, whether the size and shape of the proposed lots are in general conformance to City requirements, and whether all the proposed lots will have proper and sufficient access to a public street.
The Subdivision Map Act is the state regulation of parcel mergers, tentative maps, and parcel divisions. The Act requires an application to be filed with the City to the designate legislative body. The City of Mt. Shasta has designated the Planning Commission as the legislative body to review parcel maps. The state requires additional information for residential condominium conversions, but this application is exempt due to the commercial nature. There are no other requirements in the state code applicable to this application review.

There are several goals, policies, and implementation measures related to siting Employment Center land uses. The proposed parcel map would not change the land use designation; therefore, there is no conflict between the proposed parcel map and the General Plan. The lot design of the proposed parcels follows the zoning code development standards. Finally, the lot does have adequate access to the public street along Ream Avenue. There has been a condition added to the approval for the City to obtain ownership of the public street which was constructed on the Applicant’s property.

Planning Commission Discussion:

City Staff conducted an environmental review under CEQA and determined that the application is a project under CEQA. The project was also determined to be eligible for a Class 1 categorical exemption discussion in the “Environmental Review” section of this report. City Staff recommended adopting of the Class 1 Notice of Exemption for the parcel split and condo conversion.

Based on the information presented, City Staff recommended approval with the following conditions:

- The parking lot be repaved and painted to reflect the parking spaces as shown on the tentative parcel map, prior to August 1, 2020. Applicant shall submit a quote for the work and bond in the amount of the cost to repave and paint the parking lot to the City prior to January 1, 2020. The bond will be used for the proposed work if the applicant cannot meet the August 1, 2020 deadline. The bond will be released once the condition is achieved.

- The Applicant shall enter into and maintain the shared parking agreement to provide 10 to 12 parking spaces on 1023 Ream Avenue as per the presented agreement or similar future agreement for the use of Parcel “B”. The agreement shall be entered into prior to final recordation of the parcel map.

- All proposed easements for utilities be recorded at the time of the parcel split recording to Siskiyou County

- The Applicant deeds over the portion of the property which includes the developed City Street. The deeded portion of the property shall be noted on the final parcel map and include all necessary documentation to properly deed the City street to the City of Mt. Shasta.
• The Applicant install a minimum of two stationary objects for each parcel (for a total of 4 stationary objects) to accommodate a minimum of 4 adult bicycles. The stationary objects may also be placed in the shared parking area for use of both parcels for bike parking. The stationary objects may also be mounted inside the facility in a protect area designated for bike parking. This condition shall be completed prior to August 1, 2020 in tandem with the parking lot improvements.

• The Applicant shall install the new sewer and water service lines prior to August 1, 2020. A building permit and City Engineer approval of the line details and placement shall be obtained prior to construction of the lines.

• The Applicant shall obtain a building permit and install appropriate firewall and building measures to meet Building and Fire Code standards for building separation. This condition shall be completed prior to March 1, 2020.

The Planning Commission adopted the Notice of Exemption and approved the parcel map with conditions through a 4-2-0-1 vote. One Planning Commission excused themselves from the discussion due to a conflict of interest. The opposing commissioners were concerned with the potential use of the property as a cannabis industry facility.

**Government Posting Complaint**

The appeal begins by stating that a violation of the Ralph M. Brown Act occurred at the November 19, 2019 Planning Commission meeting. The appeal author lists a number of reasoning for the appeal beginning with the accusation that the agenda was not posted properly on the City’s webpage.

The City Staff have reviewed the City website and concluded that there is no violation of this section of the Government Code since the City uses an “integrated agenda management platform”. The City posts all Brown Act Committee agenda direct links on the “Agendas and Minutes” which serves as a “Integrated Agenda Management Platform”. This integrated agenda management platform meets all requirements of Gov. Code Section 54954.2(a)(2)(C).

Gov. Code Section 54954.2(a)(1) referenced in the appeal is incorrectly stated that CEQA must be in the title of the item being considered. The section states:

> At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency’s Internet Web site, if the local agency has one[...]

There is no state statue concerned with the listing of CEQA specifically in the title of an action; only that it is listed in the description and possible action to be taken.
The appeal continues with a citation of San Joaquin Raptor Rescue Ctr. V. County of Merced (2013) 216 Cal.App.4th 1167. The court case states that all action to be taken by a legislative body, including CEQA adoption, be stated on the agenda posted no less than 72 hours in advance. The Appeal states that this was not the case for the Planning Commission meeting held November 19, 2019.

The agenda posted for the regularly scheduled meeting stated the following:

5. 1119 Ream Avenue Parcel Map – Public Hearing

Background: An application for a Parcel Map was filed with the City of Mt. Shasta for the real property located at 1119 Ream Avenue (APN #057-621-080). The Applicant has filed a tentative parcel map to subdivide the parcel into two new parcels. The parcel map would separate the existing industrial building into two separate industrial condominiums.

Commission Action: Motion to adopt Notice of Exemption and approve parcel split with conditions.

The intent to adopt the Notice of Exemption was listed as a possible commission action. In addition to the agenda posting, Public notice was posted as per Government Code Sections 65090 and 65091, which requires specific posting requirements. The public notice must be placed in a public circulation for at least 10 days and a notice mailed to property owners within 300 feet of the proposed parcel split. Within the public notice posted in the newspaper, in front of City Hall, and mailed to property owners there was sufficient information related to the possible adoption of a Notice of Exemption (Attachment 7).

If the City Council feels the notice was insufficient or in violation of state standards, the regular course of action is to follow the “cure and correct” provisions in the Brown Act (Section 54960.7(e)).

The appeal authors continue with citation of Section 54954.2(a)(3) which states that a legislative body cannot take action on an item not on the agenda. Again, City Staff find that this is an incorrect application since the item was agendized.

City Council Recommendation

Chapter 18.32 outlines the process for appeals to zoning and planning topics. The City Council may take one of the following courses under Section 18.32.050: reverse decision, modify decision, or affirm the decision in whole or in part. The City Council may also refer the matter back to the Planning Commission for further action.

City Staff have reviewed the appeal basis and presented information in this staff report in response. City Staff recommend the City Council affirm the Planning Commission adoption of the Class 1 exemption from CEQA and approval with conditions for the tentative parcel map. The basis of affirmation being that the Planning Commission conducted the meeting in compliance with state regulations, the application of a Class 1 CEQA exemption was appropriately applied,
and that the tentative parcel map meets all required findings in Chapter 17.12 with the adopted conditions applied.

Attachments:

1. Copy of Appeal Basis
2. Tentative Parcel Map (Exhibit B)
3. Notice of Exemption
4. City Attorney Letter August 9, 2019
5. Proposed Shared Parking Agreement
6. City Attorney Letter November 14, 2019
7. Copy of Public Notice for Planning Commission Public Hearing
November 25, 2019

Re: Planning Commission Decision Appeal to Mt Shasta City Council

WHEREBY:

1. Mt Shasta Municipal Code, Title 18, Chapter 18.32 which designates the Council as the Appeals body for Planning Commission decisions; AND

2. Mt Shasta Municipal Code, Title 18, Section 18.32.030 requiring that all Appeals shall be submitted in writing, identifying the action being Appealed and specifically stating the basis of the Appeal; the filing of an Appeal stays the issuance of subsequent permit(s); AND

3. Mt Shasta Municipal Code, Title 18, Section 18.32.050 requires that each appeal shall be considered a de novo (new) and the appeal authority may reverse, modify or affirm the decision in whole or in part. AND

4. Mt Shasta Municipal Code, Title 18, Section 18.32.050 The City Council shall conduct the public hearing and hear testimony. The summary minutes shall be prepared and made part of the permanent file of the case. AND

5. Mt Shasta Municipal Code, Title 18, Section 18.32.040 appeal hearings should be conducted within 45 days from the date of appeal submittal.

DOES:

The “I AM” School, Inc, et al (and others) hereby appeal the decision made on 19 November 2019 by the City of Mt. Shasta Planning Commission in regard to their resolution to:

1. adopt a Class 1 Exemption from CEQA for the lot split subdivision at 1119 Ream Avenue

   AND

2. adopt the lot split subdivision application for real property located at 1119 Ream Avenue (APN #057-621-080)
Our reasons for appeal include:

1. The Planning Commission 19 November 2019 public meeting for the lot split subdivision application was made void and is required to be reheard due to irreparable violations of the Ralph M. Brown Act (Gov. Code, §54950 et seq.) in relation to public noticing and titling of meeting agenda items, specifically in relation to:

   I. Gov. Code, §54954.2 whereby the Planning Commission meeting agenda for the 19 November 2019 meeting was required to be posted and made accessible for 72 consecutive hours before the scheduled meeting in a consistent, visible location on Mt Shasta City’s primary Internet Web site homepage with a prominent, direct, one-click link to the agenda document in machine readable format so it can be indexed and searched. Similarly, the 19 November 2019 meeting agenda hardcopy was required to be posted and made accessible for 72 consecutive hours before the scheduled meeting in a visible, publically accessible physical location that allows the agenda to be read at all times for 72 consecutive hours by being adequately illumined during evening and night-time hours. This was not done.

   AND

   II. Gov. Code §54954.2(a)(1) Whereby each item of business to be "transacted or discussed," must be stated on the agenda with a "brief general description" and whereby a CEQA action must be included on agenda title, did the Planning Commission Meeting Agenda for the 19 November 2019 deficiently list the agenda item as item 5. **1119 Ream Avenue Parcel Map – Public Hearing.** (San Joaquin Raptor Rescue Ctr. V. County of Merced (2013) 216 Cal.App.4th 1167)

   AND

   III. Gov. Code, §54954.2(a)(3) Whereby no action or discussion shall be undertaken on any item appearing on deficiently posted meeting agenda including one presenting a deficiently titled agenda item as the Public is not required to guess or surmise or search out the actions that the Planning Commission would be taking on an item.
2. That the Planning Commission in considering the lot split subdivision application at its 19 November 2019 meeting erred in the application of law and in the conducting of administrative process:

I. in adopting the Class 1 Exemption for the lot split subdivision at 1119 Ream Ave. without properly considering or applying the relevant level of CEQA environmental reviews being the project does involve more than negligible or no expansion of use of the property in relation to its proposed intensified use relating to:

a. the significant effect on public services with special regard to the safety of children in neighbouring schools campuses and the ability to cause a substantial adverse impact related to schools.

and without due reference to:

the definition of school including to mean school campuses as set out in Section 28 (a)(7) of Article I of The California Constitution and Section 44276.1.(a) (1) California Education Code.

AND

II. in adopting the aforementioned Class 1 exemption without lawful and procedural regard to the interlocking evidential set of unusual circumstances and potential for cumulative impact placed on the record before the Planning Commission as a clearly indentified basis for exceptions to the Class 1 exemption as provided by section 15300.2, subdivision (b) & (c) of CEQA; whereby:

a. the unusual circumstance has been clearly identified through substantial evidence on the record of the agency that the project location lies within a state mandated 600ft sensitive use buffer zone of a school campus, where such location and circumstance distinguishes the project from others in the exempt class. (Berkeley Hillside Preservation v. City of Berkeley, 343 P. 3d 834 - Cal: Supreme Court 2015)

b. the project goal of the lot split has being clearly identified, acknowledged and specifically designed to cater for the establishment a new cannabis industry use within the 600ft buffer radius, as shown through substantial evidence on the record of the agency by the applicant’s previously submitted premises diagram for subdivided Unit # B of the proposed subdivided condominium within the cannabis industry license application for the use of the
property at this location, where such "future action related to" a proposed project necessitates environmental review under CEQA. (Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 393 [253 Cal.Rptr. 426, 764 P.2d 278] (Laurel Heights I))

c. to render the exception to the Class 1 exemption applicable (and therefore making the Class 1 exemption void), the appealing party need only show a reasonable possibility of a significant effect due to the substantially identified unusual circumstance; the significant effect having been shown by fair argument and substantial evidence to having the direct and indirect potential to change the physical environment by forcing the School to relocate, and with the indirect potential of the reduced buffer zone distance to the project location in this application having the potential, as provided on the evidential record by the Mt Shasta City planning department of cumulatively opening up a further minimum 25 lots to cannabis industry applications to also encroach upon the sensitive use. (No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 84-85 [118 Cal.Rptr. 34, 529 P.2d 66]

AND

III. in adopting a Class 1 exemption without first ascertaining to any reasonable level of defined certainty if the project location does fall within the state definition of a sensitive use buffer zone of a school campus, or not - when measured accurately and correctly using California state law being Section 11362.768 (c) of the Health and Safety Act, when exercising due regard to the definition of schools and school campuses afforded by aforementioned sections of the California Constitution and California Education Code.

AND

IV. in adopting a resolution of approval for a lot split without first performing an initial study as required by CEQA under section 21080 for subdivisions and/or without due and considered regard to previously submitted and acknowledged relevance of California Case law, being among others, the California Court of Appeal Case in relation to subdivisions as projects specifically requiring CEQA environmental review: (Rominger v. County of Colusa, 2014 Cal. App. LEXIS 813)

AND
V. in adopting a resolution of approval for a lot split application without first considering or conducting the relevant legal tests for assessing the whole of the project action in regard to environmental impact under CEQA (Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 393 [253 Cal.Rptr. 426, 764 P.2d 278] (Laurel Heights I)) whereby the assessment of the lot split subdivision project must include the use for which it has been specifically designed to cater for, being the already lodged application for a cannabis industry use of the property, as shown on the applicant’s submitted premises diagram for subdivided Unit # B of the subdivided condominium within the cannabis industry license application for the use of the property at this location.

AND

VI. in adopting a resolution of approval for a lot split subdivision to cater for a cannabis industry use by overriding the previous consented and permitted vested property rights of the “I AM” School, Inc. campus master plan for use and future development of its school campus approved by the City in 2002, thereby damaging its ability to maintain itself both operationally, spiritually and economically and attract domestic and foreign based teachers, students and families to its location, without regard to the Californian Constitutional right to a safe, secure and peaceable school campus for both public and private educated school children irrespective of religious views, the California Education Code declaration of the educational mission of schools and the protections afforded by United States Constitution First Amendment in confirming the unalienable religious rights of the “I AM” School, its teachers, students and board members and families both domestic and foreign to practice their religion within the confines of their school campus without among other things: undue interference, threat or coercion, the impeding of the observance of one’s religion, the misuse of secular governmental authority, unequal treatment, or penalizing or discriminating against an individual or a group of individuals because of their religious views. (Avco Community Developers, Inc. v. South Coast Regional Com., 17 Cal.3d 785, 791 (1976).)

AND

VII. in conducting a Planning Commission hearing and passing resolutions of adopting a Class1 exemption from CEQA and approval for a lot split subdivision whereby submitters, submissions and resulting decisions were irreparably compromised by the City planner and City attorney acting improperly as advocates for the applicant in providing reports, comments, opinions and directions to the Planning Commission before and during the
approval meetings that were misleading and disingenuous as to the known true, and correct facts of the lot split application and the relevant circumstances attached to the application that required due consideration by the Planning Commission without taking adequate measures to correct, clarify, and administer due process as per the approved protocols of Mt. Shasta City in order to maintain and protect the rights of all parties. Such misleading and disingenuous information being held on the record in the live stream videos and transcripts thereof of the Planning Commission hearings of October 15, 2019 and November 17, 2019 and noted especially in comments and directions being contained in:

a) the November 17, 2019 planner report statements that:

i. the perceived expansion of use ... predicated on the pending cannabis industry license ... is not an action item in front of the Planning Commission and therefore, does not have to analyzed under CEQA in relation to this application.

ii. comments incorrectly assert that there is evidence to support an "unusual circumstance" but do not provide the evidence or speculate on the potential environmental impacts.

iii. As previously discussed in the October 15, 2019 Planning Commission meeting use is not a factor in the approval or denial of a parcel map application. The discussion surrounding the potential use of the property and the application of the state sensitive use buffer is inappropriate for this application discussion.

iv. The result of the discussion and referendum is that there is no local buffer distance or method for measurement. The Planning Commission and City Council may not open discussion of a local buffer and measurement interpretation until May of 2020 due to the referendum process.

v. A letter from the City Attorney August 19, 2019 ... is the City's current position on the interpretation of the state buffer based on existing state regulations. It is not advisable for the Planning Commission to interpret state regulations. The state is the responsible legislative agency in this case and should correct the City if its interpretation is wrong.

b) the August 19, 2019 City Attorney letter statements that:

i. "A school campus is not a school." in direct contradiction to Section 28 (a)(7) of Article I of The California Constitution and Section 44276.1.(a) (1) California Education Code.
c) the November 14, 2019 City Attorney letter statements that:

i. “a categorical exemption applies to an in-fill project.” - a statement made in direct contradiction to the fact that any consideration of an in-fill exemption to CEQA is not allowed in cities with less than 100,000 population because these are not "urbanized areas" with which this section is solely intended to promote, being infill development within urbanized areas.”

ii. “the buffer zone... is an issue to be addressed when and if the applicant seeks a permit to operate a cannabis facility.” - a statement made in direct contradiction to the California Supreme Court’s holding that "future action related to" a proposed project necessitates environmental review under CEQA. (Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 393 [253 Cal.Rptr. 426, 764 P.2d 278] (Laurel Heights I))

City of Mount Shasta has the legal burden of demonstrating that the Ralph M. Brown Act (Gov. Code, §54950 et seq.) was not irreparably violated by the actions of deficiently posting and limiting accessibility to the Planning Commission agenda for November 19, 2019, including deficiently listing the title of the agenda item on the lot split subdivision at 1119 Ream Ave by excluding all reference to CEQA and that the hearing was not therefore made void and is required to be reheard.

City of Mount Shasta has the legal burden of demonstrating that the Class 1 Exemption using Section 15301(k) of CEQA applies and that the alternative of conducting an Initial study of Section 15063 of CEQA does not apply.

City of Mount Shasta has the legal burden of demonstrating that the lot split application can be approved without first identifying and exhaustively considering, among other points, the relevant provisions of CEQA, the Health and Safety Act, the California Education Code, the California Constitution, the First Amendment rights of the United States Constitution in regard to the freedom to the practice of religion, and relevant California Supreme Court case decisions in relation to the lot split subdivision project and its future intended use.

City of Mount Shasta has the legal burden of demonstrating that the approved protocols of Mt. Shasta City were not violated and circumvented by the actions of the City Planner, City Attorney and Planning Commissioners to the detriment of the rights of all parties in the hearing.

We require public notification of this appeal.

We reserve the right to provide further information, amending or adding issues to the appeal before, or during the appeal.
All of Which is Respectfully Submitted.

Dated: November 25, 2019

By: Annette Moriger, Board of Trustees

cc: ORD & NORMAN

Edward O. C. Ord, Esq.
233 Sansome Street, Suite 1111
San Francisco, CA 94104

By: Shelley Bloomberg, Administrator

cc: ORD & NORMAN

Date: November 25, 2019

All of which is respectfully submitted.
Notice of Exemption

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

From: (Public Agency): City of Mt. Shasta
305 N Mt. Shasta Blvd.
Mt. Shasta, CA 96067

County Clerk
County of: Siskiyou
519 N Main St.
Yreka, CA 96097

Project Title: 1119 Ream Avenue Lot Split and Condo Conversion

Project Applicant: Reny Townsend

Project Location - Specific:
1119 Ream Avenue, Mt. Shasta, CA 96067 APN # 057-621-080

Project Location - City: Mt. Shasta
Project Location - County: Siskiyou

Description of Nature, Purpose and Beneficiaries of Project:
Application by the Applicant to divide one parcel into two and divide the existing structure into two structures with a common wall.

Name of Public Agency Approving Project: City of Mt. Shasta

Name of Person or Agency Carrying Out Project: Reny Townsend

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: Class 1, Section 15301(k)
☐ Statutory Exemptions. State code number: ____________________________________

Reasons why project is exempt:
Project is a subdivision of a commercial property which would not result in physical changes subject to CEQA.

Lead Agency
Contact Person: Juliana Lucchesi
Area Code/Telephone/Extension: 5309267517

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: 11/20/2019 Title: City Planner

☐ 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: __________________

City Council Special Meeting Agenda December 16, 2019

Revised 2011
August 19, 2019

Via email

Juliana Lucchesi, City Planner
City of Mt. Shasta
305 N. Mt. Shasta Blvd.
Mt. Shasta, CA 96067

Re: "I AM" School Buffer Zone

Dear Ms. Lucchesi:

Russell Davis, an attorney for Pacific Justice Institute sent the City a copy of a letter addressed to Mr. Townsend who I assume is the applicant for a cannabis license for the Ream Avenue facility. Copies of the letter were given to various City recipients. The question has arisen as to whether the City should respond to this letter.

The letter was not addressed to the City and it is assumed that the letter was sent to the City as an informational item and as a courtesy. There is no requirement to respond to the letter. The letter does, however, contain an assertion regarding the calculation of the separation distance between a cannabis facility and a school. The City should be prepared to address this issue.

The author of the letter maintains that the 600-foot buffer required between the cannabis facility and the school is measured from the property line of the cannabis facility to the property line of the "I AM" School campus property. The author maintains that the school has a use permit that would allow other property to be used for school purposes. He equates the ability for the property to be used for school purposes with property already being used for school purposes. I believe this interpretation of the law is inaccurate. A "school campus" is not a "school".

The 600-foot buffer zone is set forth in Health and Safety Code section 26054 which incorporates the measurement of distance as set forth Health and Safety Code section 11362.768. This latter section measures the buffer zone as the "horizontal distance measured in a straight line from the property line of the school to the closest property line of the lot" where the cannabis use is permitted. It is noted that the reference is to the property line of the lot on which the school rests. Significantly, the school must be in existence at the time the license is issued. It is my understanding that the "school campus" includes a lot or lots on which no school presently exists. Section 26054 makes clear that the school must pre-date the issuance of the permit. Even if it is assumed that a school could be built on some other parcel included in the "school campus", if a school is not in existence at the time the license is issued, that lot would not be used as a point of measurement as set forth in section 26054.
When you have had an opportunity to consider this, please give me a call to discuss.

Very truly yours,

KENNY & NORINE

JOHN SULLIVAN KENNY

cc: Bruce Pope, City Manager

4814-7978-9473, v. 1
Shasta Properties Management, LLC
1119 Ream Ave.
Mount Shasta, CA 96067

November 4, 2019

Juliana Lucchesi
City Planner
305 N. Mt Shasta Blvd
Mount Shasta, CA 96067

Dear Juliana,

Chuck Ryan and I have reached a tentative shared parking agreement at 1023 Ream Ave. The shared parking agreement is contingent on the approval of our parcel split application. To our best knowledge there would be 10 to 12 full size parking spaces included in the agreement. These parking spaces would solely be for use by the tenant of 1119 Ream Ave., Parcel B.

The leased parking lot would receive a new seal coat and paint delineating the parking spaces. The parking lot would be maintained by Shasta Properties Management, LLC.

Sincerely,

Reny Townsend
Member
Shasta Properties Management, LLC

Sincerely,

Chuck Ryan
MEMORANDUM

TO: Juliana Lucchesi
   Planning Director
   City of Mt. Shasta

FROM: John S. Kenny, City Attorney

DATE: November 14, 2019

RE: Objections to Parcel Map

1. CATEGORICAL EXEMPTION

The Planning Commission will be considering a parcel map which will divide one parcel into two. There is a structure existing on the present parcel. The structure is used for commercial use and is divided to permit two uses in the existing building. The applicant’s proposal is to divide the parcel into two parcels and divide the existing structure into two structures with a common wall. The existing building is presently being leased for two commercial activities.

There are objections to the parcel split because it is believed that the purpose of the split is to allow one of the parcels to be used as a commercial cannabis operation. The property is presently zoned to permit a commercial cannabis business. The staff report recommends a categorical exemption pursuant to 14 CCR § 15301(k) which exempts from CEQA the subdivision of existing commercial buildings where no physical changes occur. The project is an appropriate subject for that categorical exemption. It could also be found to be exempt pursuant to 14 CCR § 15332 which exempts in full development projects. The categorical exemption applies to an in-fill project that is consistent with the General Plan and existing zoning regulations, is no greater than five acres, has no value as habitat for endangered or threatened species, will not result in any significant effects relating to traffic noise or air quality or water quality, and the site is adequately served by all required utilities and public services. It would appear that the Planning Commission could make these findings in this case.
The opponents maintain that categorical exemptions cannot 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. (14 CCR 15300.2(c).) The opponents correctly state the requirements of section 15300.2(c), but misapply it. Categorical exemptions express a finding that the changes typically associated with the projects in the classes of categorical exemptions are not significant under CEQA even though it might be argued that there are potentially significant effects. The plain language of the section requires more than potentially significant effects. It requires that there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. If there are no unusual circumstances, the categorical exemption applies (Berkeley Hillside Preservation v. City of Berkeley (2015), 60 Cal.4th 1086). In the case of this parcel split, there appears to be no unusual circumstances. The fact that a commercial cannabis operation may be used in one of the structures should not be an issue. The property is zoned for cannabis uses. The property would be available for any of the permitted uses. If one use is chosen initially, there is no certainty that that use could not change. The effect of the parcel map would be to create two buildings each of which are subject to the existing zoning requirements. The present zoning requirements have been subjected to CEQA review in the General Plan and zoning process.

2. APPEAL FROM A STAFF REPORT

As stated above, the Planning Director previously prepared a staff report recommending that the Planning Commission find the project eligible for a categorical exemption. The opponents to the parcel split have at various times suggested that the Planning Director's staff report is subject to appeal under the provisions of Public Resources Code section 21151(c) and 14 CCR § 15061(e). Even assuming the Planning Director is a "non-elected decision-maker" and the act of preparing a staff report was discretionary rather than ministerial, it is not a "determination that the project is not subject to CEQA". San Diegans for Open Government v. City of San Diego (2016) 6 CA 5th 995. Hence, it is not appealable.

3. BUFFER ZONE

The opponents believe the parcel map should not be approved because the present intent of the applicant is to use one parcel for a commercial cannabis facility. Opponents maintain the parcel is within the 600-foot buffer zone that separates schools from cannabis facilities. There is a dispute as to how the buffer zone should be measured. That is an issue to be addressed when or if the applicant seeks a permit to operate a cannabis facility. The parcel map will allow any use permitted by zoning. The zoning permits more than one use. The parcel map results in two parcels. These will remain. The uses for each parcel may change. If a particular permitted use is objectionable, it is a zoning or licensing matter, not a consideration for the parcel map.
CITY OF MT. SHASTA

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mt. Shasta Planning Commission will conduct a public hearing at their regularly scheduled meeting of Tuesday, November 19, 2019 at the hour of 6PM in the Upper Lodge of the City Park, 1315 Nixon Rd, Mt. Shasta, CA 96067.

2019.33 1119 Ream Avenue Parcel Map. An application for a Parcel Map was filed with the City of Mt. Shasta for the real property located at 1119 Ream Avenue (APN #057-621-080). The Applicant has filed a tentative parcel map to subdivide the parcel into two new parcels. The parcel map would separate the existing industrial building into two separate industrial condominiums. The separation of the existing building into two separate space will require minor physical changes to the building for fire safety purposes. This is a continuation of the parcel map presented at the Tuesday, October 15, 2019 Planning Commission Meeting.

This Project has been reviewed for compliance with the California Environmental Quality Act (CEQA). The project was found to be exempt from CEQA under a Class 1 Existing Facilities Section 15301(k). The Class 1 exemption applies to subdivision of existing commercial or industrial buildings, where no physical changes occur which are to otherwise exempt.

Should any person challenge the proposals in court, that person may be limited to raising only those issues raised during the public hearing or in written correspondence delivered to City Hall prior to the public hearing. For further information, or to deliver written comment, contact the City Clerk, 305 N. Mt. Shasta Blvd., Mt. Shasta, CA 96067, or telephone (530) 926-7510 between the hours of 9:00 a.m. and 4:00 p.m.

Legal Notice – Mt. Shasta Herald
Two (2) Postings

Wednesday, November 6, 2019
Wednesday, November 13, 2019