

Mt. Shasta Planning Commission Regular Meeting Agenda

Tuesday, August 15, 2023; 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
	<p>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.</p>
Page	PLANNING COMMISSION BUSINESS
Page 3-10	<p>4. Consent Agenda 1. Approval of Minutes: February 21, 2023 Regular Meeting, May 16, 2023 Regular Meeting, September 27, 2022 Special Meeting, and October 18, 2022 Regular Meeting</p>
Page 11-24	<p>5. Recommendation of an ordinance amending chapters 18.08, 18.16, and 18.98 of the Mt. Shasta Municipal Code (MSMC) to comply with emergency shelter regulations in State law (Sections 65582 and 65583 of the California Government Code).</p> <p>Background: In 2007 State housing element law, Government Code (Gov't Code) Sections 65583 and 65589.5, were amended to add specificity as to how cities and counties are to regulate emergency shelters, including limiting the denial of emergency shelters by requiring specific findings. The Planning Commission will review and consider recommendation of an ordinance to the City Council amending chapters 18.08, 18.16, and 18.98 of the Mt. Shasta Municipal Code (MSMC) to comply with emergency shelter regulations in State law (Sections 65582 and 65583 of the California Government Code).</p> <p>Report By: Todd Juhasz, City Manager, Vanessa Blodgett, Principal Planner – Owner, Planwest Partners Inc., Michelle Nielsen, Senior Planner, Planwest Partners Inc.</p> <p>Recommended Action: Staff respectfully recommends that the Planning Commission:</p> <ol style="list-style-type: none"> I. Receive the staff report on the text amendments to Land Development Code for emergency shelters to comply with State law,

	<ol style="list-style-type: none"> 2. Receive and consider comments from the public, and 3. Provide staff direction and recommend that the City Council make the required findings and adopt the amendments to the Mt. Shasta land Development Code.
	<p>6. Commission and Staff Comments</p>
	<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 Minutes

Tuesday, September 27, 2022; 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: Higuera, Boyenger, Beck, McDowell, Findling, Pardee Absent: Saryon
3.	Review of the Draft Walk Bike Ride Mobility Plan <u>Jeff Knowles, Alta Planning</u> – Review of public draft Walk, Bike, Ride Mobility Plan. Review of each chapter, community engagement, workshop, analyses. Clarifying questions from Commissioners and discussion, recommendations from Commissioners. <u>Frances Mangels</u> – Comments in opposition to one-way streets and parking meters; in support of on-call shuttle. <u>Geri Metz</u> – Concern about lack of public transportation; in support of shuttle service and the senior community; opposed to one-way streets and parking meters. <u>Mary Saint-Marie</u> – Comments regarding bike lanes; opposed to parking meters. Comments regarding the need for cars for families. <u>Jeff Rangerly</u> – Comments regarding Mt. Shasta many years ago. <u>Johanna Altorfer</u> – Comments regarding safety, buses, accommodating seniors, speed limits, traffic calming, bike lanes, snow plowing. <u>Betty Kreeger</u> – Comments regarding the Highway 89/Interstate 5 interchange; in opposition to bicycle repair tools at the library, roundabouts, and one-way streets. Commissioner discussion and input.
4.	Adjourn – Adjourned at 7:58 PM

Mt. Shasta Planning Commission Regular Meeting Minutes

Tuesday, October 18, 2022; 6:00 p.m.

City Park Upper Lodge 1315 Nixon Rd.

This meeting allowed for remote participate via ZOOM

Item	STANDING AGENDA ITEMS
	<p>1. Call to Order and Flag Salute – Vice Chair Saryon called the meeting to order at 6:00 PM and led the audience in the flag salute.</p>
	<p>2. Roll call Present: Higuera, Boyenger, Beck, McDowell, Saryon, Pardee Absent: Findling</p>
	<p>3. Public Comment: <u>Raven Stevens</u> – Comments regarding Planning Commission review of water usage for projects.</p>
	<p>4. General Plan Amendment for Zoning Correction <u>Kyle Rathbone, Contract Planner</u> – Review of amendment of General Plan and rezoning; history and background of previous amendment approval but not implemented. Clarifying questions from Commissioners. No public comment. <u>Commission Action:</u> Approve amendment to the General Plan and Zoning Code to update the land use designation and Zoning Code to reflect the prior City approved General Plan amendment and rezoning at the subject parcel. <u>Motion:</u> Pardee <u>Second:</u> Higuera Ayes: Higuera, Boyenger, Beck, Pardee, Saryon Nays: None Absent: Findling Abstain: McDowell</p>
	<p>5. Pacific Power Architectural Design Application <u>Kyle Rathbone, Contract Planner</u> – Review of item, replacement and installation of new power poles for fire hardening, review of work locations. Clarifying questions from Commissioners. <u>Kevin Shielder, Pacific Power</u> – Review of poles to be utilized for the project. <u>Raven Stevens</u> – Comments regarding undergrounding requirements. Clarifying questions from Commissioners. <u>Kevin Shielder, Pacific Power</u> – Response to questions, review of process required for undergrounding, cost involved. Clarifying questions. <u>Commission Action:</u> Approve Pacific Power’s architectural design application as submitted with conditions and uses as stated. <u>Motion:</u> Higuera <u>Second:</u> Pardee</p>

Ayes: Higuera, Pardee, Saryon, McDowell, Beck
Nays: None
Absent: Findling
Abstain: Boyenger

6. Veluswami Bed and Breakfast Conditional Use Permit Application

Vice Chair Saryon recused himself from the discussion and left the dais.

Kyle Rathbone, Contract Planner – Review of Conditional Use Permit for conversation and operation of a bed and breakfast. Review of parking, breakfast plan, application.

Clarifying questions from Commissioners.

Sandra Haugen, Property Manager – Response to Commission questions regarding site and floor plans. Discussion.

Johanna Altorfer – Comments regarding the project, concern about short term rental use of the property.

Discussion, clarifying questions to property manager.

Commissioner Pardee made a motion to approve the project as submitted. After extensive discussion, the motion was seconded by Commissioner McDowell.

Ayes: Higuera, Pardee

Nays: McDowell, Beck, Boyenger

Absent: Findling

Abstain: Saryon

Motion failed; no further action taken.

7. Mountainside Cannabis Architectural Design Application

Kyle Rathbone, Contract Planner – Review of application, facility landscaping, parking, design characteristics, location. Previous review by Planning Commission, changes made, site plan. Clarifying questions from Commissioners and discussion.

Scott Lassen, Applicant – Comments regarding soil, landscaping, types of trees, plants, and shrubs to be utilized, drainage, parking, sewer.

Discussion with Planning Commission regarding parking issues, lack of grading and site plan, other missing information.

Johanna Altorfer – Comments expressing concern about lighting, mountain view, plants, neighboring property owners, environmental law, odor.

Vicki Gold – Comments expressing concern about trees, parking, site plan, community, notification, design and aesthetics, chemicals, sewer connection.

Raven Stevens – Comments regarding water use and the need to hook up to City water when it becomes available; concern about water usage and need to monitor. Concern about lack of information about the State Water Board standards.

Scott Lassen, Applicant – Response to comments-project recap, process undergone with various Planners, licenses, food-based manufacturing.

Commission discussion.

Commission Action: Request that the applicant present a site plan for review at the next meeting.

Motion: Boyenger

Second: Pardee

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

Nays: None

Absent: Findling

Abstain: None

8. Commission and Staff Comments

Commissioner Pardee expressed concern about the pruning of pear trees downtown.
Commissioner Beck requested information about 'The Nest' property; expressed concern about banner signs that have not been replaced or removed.
Contract Planner Rathbone stated that he had spoken to the Code Enforcement Officer about the banner signs.

9. 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.

10. Adjourn – Adjourned at 8:25 PM

Mt. Shasta Planning Commission Regular Meeting Minutes

Tuesday, February 21, 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, Beck, McDowell, Pardee Absent: Saryon
3.	Public Comment: None
4.	Variance and CEQA exemption adoption 25 Ski Village Drive <u>Kyle Rathbone, Contract Planner</u> – Review of the item, proposed variance. Review of history of the property, zoning, code requirements, parcel size. Recommended approval. Clarifying questions from Commissioners. <u>Sam Dawson, Project Proponent</u> – Review of residence to be built, parking areas, garage, curb, gutter and sidewalk. Clarifying questions from Commissioners. <u>Unknown Speaker</u> – Questions about access. Comments about snow removal, ingress and egress, parking. Concerns about Air B ‘n’ B’s. <u>Manny Mason</u> – Comments regarding existing fence and property lines. <u>Tom Merkle</u> – Concerns about traffic congestion and in opposition to a short-term rental. <u>Johanna Altorfer</u> – Comments regarding plans, concern about parking and short term rentals, setbacks, building height, CEQA requirements, and neighbor concerns. Clarifying questions from Commissioners and Commission discussion. <u>Commission Action:</u> Approve the two variances and amend the original language to reflect the reasoning for the reduced setback on Ski Village. <u>Motion:</u> Pardee <u>Second:</u> Higuera Ayes: Findling, Higuera, Boyenger, Beck, McDowell, Pardee Nays: None Absent: Saryon Abstain: None <u>Commission Action:</u> Accept the categorical CEQA exemption <u>Motion:</u> Higuera <u>Second:</u> Boyenger Ayes: Findling, Higuera, Boyenger, Beck, McDowell, Pardee Nays: None Absent: Saryon Abstain: None

5. Commission and Staff Comments

Commissioner Beck – Comments requesting new business notifications.

Kyle Rathbone, Contract Planner – Review of DANCO Mountain Townhomes, items reviewed by the Planner.

Commissioner Boyenger – Comments regarding signs on Mt. Shasta Boulevard.

Commissioner Beck – Comments regarding signs on Maple Street.

Commissioner Higuera – Request for copies of agendas for members of the public.

Commissioner Boyenger – Comments regarding snow berms.

Commissioner McDowell – Questions regarding parcel zoning.

Commissioner Findling – Comments about Planning Commissioner training, questions regarding the Mountain Townhomes project.

6. 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.

- DANCO Mountain Townhomes IS/MND, Architectural Review, and Conditional Use Permit – 2/28/2023

7. Adjourn – Adjourned at 7:30 PM

Mt. Shasta Planning Commission Regular Meeting Minutes

Tuesday, May 16, 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, Beck Absent: McDowell, Saryon, Pardee
3.	Public Comment: None
4.	Consent Agenda a. Approval of Minutes: <ul style="list-style-type: none">• April 18, 2023 Regular Meeting• March 21, 2023 Regular Meeting• February 28, 2023 Special Meeting
5.	Mt. Shasta 2023-2031 Housing Element Public Review Draft <u>Todd Juhasz, City Manager</u> – Review of the Housing Element draft process, State law requirements, Housing and Community Development (HCD) deadline. <u>Vanessa Blodgett, PlanWest, Principal Planner</u> – Review of response to comments, tracked changes and proposed revisions, HCD process, future final adoption. <u>Michelle Nielsen, Planwest</u> – Review of chapters, changes, and corrections, other steps in the HCD approval and adoption process. Clarifying questions from Commissioners. <u>Johanna Altorfer</u> – Comments regarding typos, parcels, concern about wetlands. Commission Action: Receive the staff report on the 2023-2031 Housing Element Update Public Review of May 2023, receive and consider comments from the public, and provide staff direction and recommend that the City Council authorize that the 2023-2031 Housing Element Update Public Review Draft be submitted to the Department of Housing and Community Development (HCD) for review pursuant to Government Code Section 65585(b). Motion: Higuera Second: Beck Ayes: Findling, Higuera, Boyenger, Beck Nays: None Absent: McDowell, Pardee, Saryon Abstain: None

6. Commission and Staff Comments

Commissioner Higuera – Questions about the Roseburg property.

Todd Juhasz, City Manager – Review of fuel reduction project, library expansion grants, and drainage project grants.

Commissioner Beck – Questions about the Summit Lofts downstairs businesses.

Todd Juhasz, City Manager – Review of business interested into moving into the space.

Commissioner Higuera – Questions about the laundromat.

Commissioner Boyenger – Questions about Summit Lofts patio, staff to look into.

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 6:55 PM

Agenda Item # 5

Staff Report

Meeting Date: August 15, 2023

To: Planning Commission

From: Todd Juhasz, City Manager

Subject: Recommendation of an ordinance amending chapters 18.08, 18.16, and 18.98 of the Mt. Shasta Municipal Code (MSMC) to comply with emergency shelter regulations in State law (Sections 65582 and 65583 of the California Government Code).

Project Summary: Review and provide comments and recommendations to the City Council on the 2023-2031 Draft Housing Element Update to reflect new legislation, development trends, and City goals and programs.

Location: The High Density Residential (R-3), Downtown Commercial (C-1), and General Commercial (C-2) zones

Background

In 2007 State housing element law, Government Code (Gov't Code) Sections 65583 and 65589.5, were amended to add specificity as to how cities and counties are to regulate emergency shelters, including limiting the denial of emergency shelters by requiring specific findings.¹ Below are the highlights of the 2007 SB 2 amendments:

- Cities and counties shall identify at least one zone to permit emergency shelters without a conditional use permit or other discretionary action.
- Sufficient capacity must be identified to accommodate the need for emergency shelters and at least one year-round emergency shelter.
- Existing or proposed permit procedures, development and management standards must be objective and encourage and facilitate the development of or conversion to emergency shelters.²
- Emergency shelters shall only be subject to development and management standards that apply to residential or commercial uses within the same zone.
- Written and objective standards may be applied as specified in statute, including maximum number of beds, provision of onsite management, length of stay and security.

HCD's May 2008 technical assistance memo advises how local governments can comply with SB 2's

¹ These amendments are often referred to as SB 2 (2007).

² Objective standards are those that involve no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official. [Government Code Section 65589.5, subdivision (f)]

requirement that the zoning permits emergency shelters in a non-discretionary manner.³ The local government's zoning regulation, development standards and procedures for emergency shelters must include:

- Objective development standards that encourage and facilitate the approval of emergency shelters.
- Decision-making criteria such as standards that do not require discretionary judgment.
- Standards that do not render emergency shelters infeasible, and only address the use as an emergency shelter, not the perceived characteristics of potential occupants.

Requiring a variance, minor use permit, special use permit or any other discretionary process does not constitute a non-discretionary process. Local governments may apply non-discretionary design review standards, however.

In 2010 the City Council adopted Ordinance CCO-10-03 amending Mt. Shasta's Land Development Code, i.e., Title 18 of Mt. Shasta Municipal Code, to meet the requirements of SB 2 (2007). While Ordinance CCO-10-03 meets some of the requirements of State law, some provisions are inconsistent (discussed further below). Consequently, the housing elements for both the 2014-2019 and 2023-2031 planning periods (5th cycle and 6th cycle, respectively) identify the existing inconsistencies with State as a regulatory constraint and include programs that commit the City to zoning code updates to address the inconsistencies with State law.⁴ Although Program HO-2.5.2 was adopted at part of the City's 5th cycle housing element, the City has been unable to implement the Program and prepare the necessary amendments to the Land Development Code due to resource and staffing constraints.

The California Department of Housing and Community Development (HCD) recently updated their housing element review procedures and will no longer certify housing elements of cities and counties that do not have zoning regulations for emergency shelters that comply with SB 2 (2007).⁵ Mt. Shasta is in the process of updating its housing element, with the draft housing element undergoing HCD review for compliance State law (see step 4 of the Housing Element Update Process flowchart in Figure 1). This change in HCD housing element review procedures accelerates the importance of amending the emergency shelter provisions of the Land Development Code because the City's housing element update cannot be found to be compliant with State housing law. To offset the cost for preparing the amendments, in June 2023 the City Council adopted Resolution CCR-23-15 authorizing the reprogramming of HCD planning grant funds for the purpose of amending the Land Development Code.⁶

³ <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb-2-combined-update-mc-a11y.pdf>, accessed July 31, 2023.

⁴ For the City's 5th cycle housing element, Program HO-2.5.2, was adopted. The 6th cycle draft housing element proposes a similar program, Program HO-4.2.1, to address the State law inconsistencies.

⁵ <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/zoning-variety-of-housing-types>, accessed July 31, 2023.

⁶ Resolution CCR-23-15 of the Mt. Shasta City Council, regular meeting agenda of June 12, 2023. Agenda item # 8, pages 36-48. HCD approved the reprogramming of funding on June 22, 2023.

Figure 1: Housing Element Update Process



Analysis

There are no emergency shelters currently proposed, nor is an emergency shelter currently operating in the City of Mt. Shasta. The amendments to the Land Development Code propose to modify the following three chapters of the Land Development Code:

1. Definitions, Chapter 18.08
2. District Regulations, Chapter 18.16
3. Emergency Shelter regulations, Chapter 18.98

The amendments propose to update the definition of emergency shelter in chapter 18.08.352 to be consistent with Gov’t Code Sections 65582 and 65583. Police Chief Gibson reviewed the draft amendments and commented about the definition’s vagueness regarding how time is measured for the length of stay. Chief Gibson makes a good point and Planwest Partners researched this further. Unfortunately, this research did not yield further guidance clarifying how time may be measured. The document Local Zoning Best Practices for Shelter and Transitional and Supportive Housing (October 2017) does caution local governments about narrowing the definition as it may conflict with State law.⁷

The Mt. Shasta Land Development Code currently permits emergency shelters in the High Density Residential (R-3), Downtown Commercial (C-1), and General Commercial (C-2) zones. However, the present language of the Land Development Code only expressly states the allowance for emergency shelters for the R-3 zone, and this allowance can only be found in chapter 18.98. Emergency shelters are a permitted use in the C-1 and C-2 zones because all residential uses permitted in R-3 are also permitted in the C-1 and C-2, see 8.5(B) and 9.5(A) of chapter 18.16.020, respectively. The amendments propose to update the zoning district tables in chapter 18.16.020 for the R-3, C-1, and C-2 zones to enumerate emergency shelters as a permitted use. The proposed amendment ensures consistency with State law while also improving the transparency and usability of the Land Development Code for all users. The amendments do not propose to change or expand the zones where

⁷ <https://homeless.lacounty.gov/wp-content/uploads/2019/02/Public-Counsel-SB-2-Best-Practices-Guide.pdf>, page 7.

emergency shelters are a permitted use.

The amendments proposed to remove the existing language regarding for consistency with the Mt. Shasta Architectural Guidelines. While new and renovated buildings for other residential and commercial uses in the R-3, C-1, and C-2 zones may be subject to the design review, the Architectural Guidelines as currently adopted do not contain objective standards and do not provide a ministerial approval pathway for emergency shelters. The amendments propose to strike this language in order for the City to meet the legal requirement that the zoning regulations permit emergency shelters in a non-discretionary manner. It may be possible to reinsert a similar requirement in the future should the City establish objective design standards and provide a ministerial approval pathway for emergency shelters.

The amendments propose to revise some of the physical standards to be consistent with State law limits on local zoning regulations and provide standards that are objective. Like other residential and commercial uses in the R-3, C-1, and C-2 zones, emergency shelters must meet the site development and lot design standards of the applicable zone. The amendments propose to decrease the existing 1,000 foot minimum separation requirement to 300 feet to be consistent with Gov't Code Section 65583(a)(4)(B).

An emergency shelter must also meet California and local building and fire code requirements. Like other residential and commercial uses and structures, a building's occupancy load is dictated by the building's use and size, and other physical features. The amendments propose to retain the existing limit bed limit of 60 beds per emergency shelter facility. If the occupancy standards of the building and fire code dictate a smaller number of beds, the limits of those codes shall prevail. Should the building and fire code permit more than 60 beds, the more restrictive zoning standard shall prevail.

Onsite parking shall be determined by the city manager, or their designee, based on a shelter's demonstrated need (e.g., number of employees onsite employees during peak shift) but no more than the parking required for other residential or commercial uses in the same zone, consistent with Gov't Code Section 65583(a)(4)(B). The Planning Commission could direct the staff to prepare an onsite parking standard with greater specificity than currently drafted.

Additionally, chapter 18.98 is proposed to be amended to include requirements:

- That shelter operators provide onsite security and onsite management during hours of operation.
- Exterior lighting be installed and the lighting be cut-off downward facing hooded lighting and directed away from adjacent properties and public rights-of-way.
- That shelters provide secure areas for person property of shelter residents.
- Shelters that perform client intake onsite are to provide an enclosed or screened waiting and intake area.

Staff Recommendation

Staff respectfully recommends that the Planning Commission:

1. Receive the staff report on the text amendments to Land Development Code for emergency shelters to comply with State law,
2. Receive and consider comments from the public, and
3. Provide staff direction and recommend that the City Council make the required findings and adopt the amendments to the Mt. Shasta land Development Code.

Attachments (I)

1. DRAFT An ordinance of the City of Mt. Shasta Amending Title 18 of the Mt. Shasta Municipal Code for the Regulation of Emergency Shelters

Attachment 1

DRAFT EMERGENCY SHELTER ORDINANCE

August 2, 2023

Language that is proposed to be added is denoted by underline.

Language that is proposed to be removed is denoted by ~~striketrough~~.

Usage of “. . . .” indicates entire paragraphs that have been omitted because the language in the omitted paragraphs is not being amended.

ORDINANCE CCO-23-XX

**AN ORDINANCE OF THE CITY OF MT. SHASTA
AMENDING TITLE 18 OF THE MT. SHASTA MUNICIPAL CODE
FOR THE REGULATION OF EMERGENCY SHELTERS**

WHEREAS, Senate Bill 2 (SB 2) became law on January 1, 2008 and Assembly Bill 2339 (AB 2339) became law on January 1, 2023, amending Section 65583 of the California Government Code mandating certain approaches to the local regulation of emergency shelter for persons experiencing homelessness; and

WHEREAS, State Housing Element law requires local planning and zoning regulations facilitate emergency shelters, and in particular, SB 2 requires all cities and counties to provide at least one zone in which emergency shelters can be located without discretionary approval from the local government; and

WHEREAS, the City of Mt. Shasta's adopted Housing Element for the period of 2014-2019 has a program, HO-2.5.2, that calls for amending the zoning code to ensure consistency with State and law and internal consistency related to regulations for specific residential uses, including...emergency shelters; and

WHEREAS, it is the intent of the City to implement federal and state housing laws and policies contained in the City of Mt. Shasta's General Plan, including the Housing Element, in a manner that is consistent with applicable laws, including affirmatively furthering fair housing, and the City of Mt. Shasta seeks to be in compliance with the State of California mandated regulations for the local regulation of emergency shelter for persons experiencing homelessness; and

WHEREAS, on August 18, 2023, the Planning Commission of the City of Mt. Shasta held a duly noticed public hearing as prescribed by law to consider the proposed zoning text amendments. After consideration of all applicable staff reports and all public testimony and evidence presented at the public hearing, the PC recommended that the City Council adopt the proposed amendments to chapters 18.08, 18.16, and 18.98 of Title 18 of the Mt. Shasta Municipal Code, also cited as the Land Development Code; and

WHEREAS, on _____, 2023, the City Council of the City of Mt. Shasta held a duly noticed public hearing as prescribed by law to consider the proposed text amendments to the Land Development Code, and heard testimony regarding the proposed amendments. After consideration of all applicable staff reports and all public testimony and evidence presented at the public hearing; and

WHEREAS, the City Council does hereby make the following findings regarding the amendments to chapters 18.08, 18.16, and 18.98 of the Land Development Code as set forth in this ordinance; and

WHEREAS, the City Council finds and determines the adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) per the State CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The proposed zoning text amendments will not have an impact on the environment because they do not directly facilitate new development, or changes in the type and intensity of land use.

WHEREAS, the proposed amendments are consistent with the Mt. Shasta General Plan; and

WHEREAS, the proposed amendments are internally consistent with other applicable provisions of the Mt. Shasta Land Development Code; and

WHEREAS, the City Council has determined that the public health, safety and welfare of the residents of the City will be promoted and improved through compliance with State law regarding the regulation of emergency shelters; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY MT. SHASTA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Municipal Code Amendments

That chapters 18.08, 18.16, and 18.98 of Title 18 of the Mt. Shasta Municipal Code (MSMC) are hereby amended with language that is added denoted by underline, and language that is removed denoted by ~~striketrough~~. Usage of four ellipses, , indicates entire paragraphs have been omitted because the language in the omitted paragraphs is not being amended.

Chapter 18.08

DEFINITIONS

• • • •

18.08.352 Emergency shelter.

“Emergency shelter” means temporary housing with minimal supportive services for persons experiencing homelessness, which that is limited to occupancy of up to six (6) months or less, and is operated by a government agency or private non-profit organization. Emergency shelters may be in the form of dormitory or congregate housing, or individual shelters. Operations may be seasonal or year-round and client services may be offered, including but not limited to, counseling, medical evaluation, and job/life skills training in addition to food, and showers. Emergency shelters shall include interim housing interventions including but not limited to a navigation center, bridge housing, and respite or recuperative care. No individual or household may be denied housing and shelter because of inability to pay. Emergency shelters are intended to be used by homeless persons, victims of domestic violence, persons requiring temporary housing, and other individuals and households made temporarily homeless due to natural disasters (e.g., fires, earthquakes, etc.)

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Chapter 18.16

DISTRICT REGULATIONS

• • • •

18.16.020 Establishment of regulations.

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Table 7 – High Density Residential (R-3)

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7.5 Permitted Uses

The following uses are permitted in the R-3 district upon issuance of a building permit, business license, or other required permit:

- A. Single-family dwelling (attached or detached), one per each 4,500 square feet of gross land area.
- B. Duplex, one two-unit structure per 6,000 square feet of lot area.
- C. Triplex, one three-unit structure per 8,000 square feet of lot area.
- D. Multiple-family dwellings (no more than four units), one unit per each 2,000 square feet of lot area.
- E. Model home, including a sales office.
- F. Professional office not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area.
- G. Supportive housing.
- H. Transitional housing.
- I. Emergency shelters.

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Table 8 – Downtown Commercial (C-1)

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8.5 Permitted Uses

The following uses are permitted in the C-1 district:

- A. A store, motel, office, bank, theater, restaurant or similar use, primarily conducted within a building, and 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.
- B. Residential uses consistent with the R-3 zone district.

- C. Residential uses within a commercial building.
- D. Outdoor sales consistent with Chapter 18.23 MSMC.
- E. Emergency shelters.

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Table 9 – General Commercial (C-2)

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9.5 Permitted Uses

The following uses are permitted in the C-2 district:

- A. All permitted uses in the C-1 zone.
- B. Retail business establishments within a building, conducting the following use: automobile body and paint shops, commercial recreation, creameries, dry cleaning plants, heavy equipment sales and service, laundry, locker plants, plumbing shops.
- C. Land uses which conform to the purpose of the district, and which in the judgment of the Planner are consistent with the purpose of the district.
- D. Emergency shelters.

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Chapter 18.98

EMERGENCY SHELTERS

18.98.010 Purpose.

~~The purpose of these standards is to ensure the development of emergency shelters does not adversely impact adjacent parcels or the surrounding neighborhood, and shall be developed in a manner which protects the health, safety, and general welfare of the nearby residents and businesses, while providing for the housing needs of people in need of shelter. The following performance standards shall apply to emergency shelters.~~ This section establishes standards for emergency shelters in order to comply with the requirements of State law under Cal. Gov't Code Sections 65582 and 65583.

18.98.020 Location of Emergency Shelters

Emergency shelters shall be a use permitted in the High Density Residential (R-3), Downtown Commercial (C-1), and General Commercial (C-2) zones without a conditional use or other discretionary permit and subject only to development and management standards that apply to residential or commercial development in the same zone.

18.98.020030 Standards for emergency shelters.

~~In addition to the standards set forth in here and below, emergency shelters shall also be required to comply with the California Building Code and California Fire Code in effect at the time of building permit application. (Ord. CCO 10 03 § 3, 2010)~~ In addition to the development standards in the underlying zoning district, emergency shelters shall comply with the standards set forth in this section. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this section shall apply.

(A) Physical Characteristics.

- (1) Compliance with applicable California and local Uniform Housing Code and Building Code, and California Fire Code requirements in effect at the time of the building permit application.
- (2) Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall be stationary, full cut-off downward facing hooded lighting and directed away from adjacent properties and public rights-of-way.
- (3) Facilities shall provide secure areas for residents' personal property. Outdoor storage facilities for residents' personal property shall be located outside yard setbacks and shall be screen from public view by a decorative wall or fence.
- (4) Separation. An emergency shelter may be located no closer than three hundred (300) from another emergency shelter.
- (5) Maximum number of beds per facility. Emergency shelters shall not have more than 60 beds per facility.

(B) Limited Terms of Stay. The maximum term of staying at an emergency shelter is six (6) months.

(C) The agency or organization operating the emergency shelters shall provide on-site security for residents, visitors, and employees during all hours when the shelter is in operation.

(D) Emergency Shelter Management. The agency or organization operating the emergency shelter shall provide on-site management during all hours when the shelter is in operation.

(E) Onsite parking. The emergency shelter shall provide on-site parking as determined by the Planning Director, or their designee, based on demonstrated need for onsite parking but not more than the parking required for other residential and commercial uses within the same zone.

18.98.040 Waiting and intake area.

If client intake occurs onsite, an enclosed or screened waiting and intake area must be provided on the property to prevent queuing in the public right-of-way. The area must be at least ten (10) percent of the total square footage of the shelter and be located outside of the yard setbacks.

18.98.030 Health and safety standards.

~~The shelter for the homeless must comply with all standards set forth in Cal. Health and Safety Code § 50800 et seq. (Ord. CCO 10-03 § 3, 2010)~~

18.98.040 Management plan.

~~Prior to commencing operation, the emergency shelter provider must have a written management plan, which shall be approved by the Planning Commission. The management plan must include, but is not limited to, provisions for staff training, resident identification process, neighborhood outreach, policies regarding pets, the timing and placement of outdoor activities, temporary storage of residents' personal belongings, safety and security, screening of residents to ensure compatibility with services provided at the facility, and training, counseling and social service programs for residents, as applicable. (Ord. CCO 10-03 § 3, 2010)~~

18.98.050 Occupancy load and bathroom facilities.

~~Each resident shall be provided a minimum of 50 gross square feet of personal living space per person, not including space for common areas. In no case shall occupancy exceed 60 residents at any one time. Bathing facilities shall be provided in quantity and location as required in the California Plumbing Code (Title 24, Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24, Part 2). (Ord. CCO 10-03 § 3, 2010)~~

18.98.06050 Common facilities and services.

The emergency shelter facility may provide one or more of the following specific facilities and services for clients, including but not limited to:

(A) Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

(B) Dining area;

- (C) Laundry;
- (D) Recreation room;
- (E) Support services (e.g., training, counseling);
- (F) Child care facilities. (Ord. CCO-10-03 § 3, 2010)

~~18.98.070 Lighting.~~

~~Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, full cut-off downward facing hooded lighting and directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood. (Ord. CCO-10-03 § 3, 2010)~~

~~18.98.080 Outdoor activities.~~

~~Outdoor activities, such as recreation, eating, and staging for drop-off, intake, and pick-up, may be conducted at the facility. Conducting such activities either at a back entrance or inner courtyard is encouraged. For the purposes of noise abatement in residential districts, outdoor activities may only be conducted between the hours of 8:00 a.m. to 10:00 p.m.~~

~~18.98.090 Shelter location, and concentration of uses.~~

~~Emergency shelters must be sited within the R-3 zone. No more than one emergency shelter is permitted within a radius of 1,000 feet from another emergency shelter.~~

~~18.98.100 Design standards.~~

~~To assure that new and renovated buildings are compatible with the existing character and scale of the surrounding commercial environment, new and infill buildings must be consistent with the Mt. Shasta Architectural Design Guidelines. (Ord. CCO-10-03 § 3, 2010)~~

~~18.98.110060 Emergency Shelter provider.~~

The agency or organization operating the shelter shall comply with the following requirements:

~~(A) Temporary shelter shall be available to residents for no more than 60 days. Extensions up to a total stay of 180 days may be provided if no alternative housing is available.~~

~~(B) Staff and services shall may be provided to assist residents to obtain permanent shelter and income. If such ~~Such~~ services ~~shall be~~ are available, they shall be provided at no cost to all residents of a provider's shelter or shelters.~~

~~(C) The provider shall not discriminate in any services provided.~~

~~(D) The provider shall not require participation by residents in any religious or philosophical ritual, service, meeting or rite as a condition of eligibility. (Ord. CCO-10-03 § 3, 2010)~~

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