

Appendix E, Volume 2 – Public Outreach and Community Engagement

September 5, 2023, HCD issued a letter with written findings regarding the Draft 2023-2031 Housing Element update. This letter states that while the Draft Housing Element addresses most of the statutory requirements certain portions needed additional information in order for HCD to consider the Housing Element for certification. The City has considered HCD’s recommended modifications and incorporated revisions into the document and produced the Final 2023-2031 Housing Element as needed in order to respond to HCD’s specific requirements to ensure the Housing Element substantially complies with Housing Element law.

On November 28, 2023, the Planning Commission of the City of Mt. Shasta held a duly noticed public hearing. Prior to the hearing, the City receive the following letters commenting on the Final 2023-2031 Housing Element. All letters received were transmitted to the Planning Commissioners prior to the hearing. The Planning Commission hearing was followed by a noticed public hearing of the Mt. Shasta City Council on January 8 2024. Three additional letters from the public were submitted prior to the public hearing. Table E-1 below contains a roster of the organizations and individuals who submitted written comments.

Letter ID	Commenting Organization, Person, or Public Agency	Public Comment Date(s)
A	Dale La Forest/Mt. Shasta Tomorrow	11/28/2023
B	Johanna Windswept/Altorfer	11/28/2023
C	Barbara Ulbrich	11/28/2023
D	Peggy Risch	11/28/2023
E	Vicki Gold	11/28/2023
F	Beverly Harlan	11/28/2023
G	Peggy Risch	1/1/2024
H	Annalysa Hartwell	1/8/2024
I	Karen Rogers	1/8/2024

Mt. Shasta Tomorrow
101 E. Alma Street, Suite 100-A, Mt. Shasta, CA 96067
E-Mail: [REDACTED]

Planning Commission, City of Mt. Shasta planningcommission@mtshastaca.gov
Mt. Shasta, CA 96067 and Planning Director Jeff Mitchem <jmitchem@mtshastaca.gov

Public Comments on 2023-2031 HOUSING ELEMENT UPDATE Draft

Dear Planning Commissioners: November 28, 2023

These public comments question the City’s proposed approval of its Housing Element Update without first preparing CEQA review of the proposed harmful changes the Update could undoubtedly create in the community and local environment. This proposed Housing Element Update is not exempt from CEQA requirements as we have previously informed the City.¹

HOUSING ELEMENT UPDATE POSES POTENTIALLY SIGNIFICANT VISUAL IMPACTS

The Housing Element Update would compel the City to change zoning requirements and Design Guidelines. Those changes would exempt multi-family housing projects from the Planning Commission’s discretionary approval process. Instead, the City is proposing to entirely allow City staff to make those decisions by a ministerial process without any public oversight or Planning Commission review. The Update proposes exempting large multi-family housing projects from the City’s Architectural Review ordinance, Large Scale Building ordinance, and the Design Guidelines. Such changes may lead to significant aesthetic impacts if developers are no longer subject to local standards pertaining to aesthetic appearance or public review. For example, a very inappropriate 5-story apartment building could be permitted on Lake Street without compliance with our Architectural Design Guidelines or Planning Commission approval:



¹ See Mt. Shasta Tomorrow’s April 17, 2023 letter: “Public Comments. . .” attached below as **Exhibit 1**.

Under the proposed Housing Element Update, a low-income apartment building in an R-3 zone² made from incompatible-appearing recycled shipping containers stacked up as shown in the following illustration could be approved solely by City staff without any public notice beforehand, or Planning Commission approval or environmental review:



The Staff Report proudly describes how much public involvement the City has provided for over a year leading up to this Housing Element Update. But what is not revealed is that the City is making significantly harmful, last minute changes to it with little public notice or review opportunity. For example, the current Staff Report for the first time now describes that the Update would amend the City's *Large Scale Building ordinance*³ to exclude all residential development, including multifamily residences, from its protections for buildings greater than 20,000 square feet in floor area. Such protections up to now have included architectural and site plan design review, landscaping requirements, and lighting standards. Now all those protections would be thrown away if the Housing Element Update is approved as currently proposed.

Hiding these changes from the public to almost the last minute like this is comparable to the despicable practice of "bait and switch." It is clearly fraudulent for the City to claim that the public has participated thoroughly in the draft Housing Element Update when such dramatic changes that threaten the scenic beauty of our community are introduced for the first time during the Thanksgiving weekend with little time or public notice to allow informed public review and comment.

² In Mt. Shasta's R-3 zones, multi-family apartment buildings can be up to 45 feet high, allowing even five stories.

³ The Large Scale Building ordinance is found at Municipal Code § 18.70.

HOUSING ELEMENT UPDATE WOULD ELIMINATE ARCHITECTURAL REVIEW OF MULTIFAMILY RESIDENTIAL PROJECTS

Similarly, the Housing Element Update would eliminate all the protections offered by the City's Architectural Ordinance and Design Guidelines that pertain to multifamily residential projects. Instead of Planning Commission approvals for such projects that are currently required, the change would provide a *ministerial nondiscretionary design review* process for multifamily development that would occur behind closed doors with the City Manager or Planning Director, but no public involvement.⁴ Yet no design review standards that may be used by City Staff in their nondiscretionary design review process have yet been revealed to the public. Some of these draconian changes triggered by the Housing Element Update have never been disclosed to the public before, appearing now for the first time in the current Staff Report. Contrary to the Staff Report's claims, such significant non-discretionary changes are not mandatory in order to comply with State law, as described below. Yet these new significant changes in the Housing Element Update that literally eliminate our City's Design Guidelines that we've relied upon for decades, via a newly announced Program HO-2.3.7, are shown for the first time in the current Staff Report without any reasonable opportunity for public review.

For example, a five-story version of the following multi-family apartment building design made from shipping containers could be permitted by City Staff without any Planning Commission or public review or environmental review:

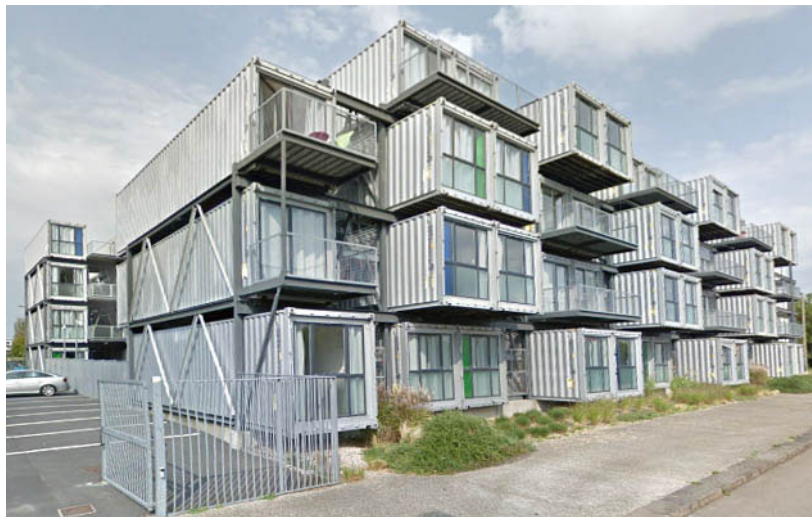


Our Design Guidelines are meant to protect the City against such architecturally incompatible development. But the City is now proposing with the proposed Update, in unexplained zeal to blindly develop multifamily housing at any cost, to eliminate such protective Design Guidelines.

⁴ See Housing Element Update, page 2-9, Program HO-2.3.7, which intends to eliminate design review and zoning ordinance design standards for multifamily developments.

The City is adding other new programs to the Housing Element Update that were never shown before the current Staff Report. Those new programs pertain to affordable housing and other housing including any types of multifamily developments, even those for average-income or affluent residents. (Programs HO-2.4.1 and HO-2.4.2) The City is revoking the authority of the Planning Commission for reviewing some of these projects and delegating instead that authority solely to the City Manager or Planning Director.

If a developer approaches the City with a scheme to use shipping containers for a low-income multifamily development project, can the public trust that such an unsightly project approved behind closed doors solely by City staff will not be needlessly harmful to our community and the surrounding scenic resources and mountain vistas we so strongly value?



HOUSING ELEMENT UPDATE IS NOT REQUIRED TO ELIMINATE DESIGN REVIEW, BUT THE CITY’S PLANNING CONSULTANTS ARE RECOMMENDING IT ANYWAY.

The City Staff is simply going too far in recommending removing design review and CEQA review for multifamily developments under these Housing Element Update changes. This appears to be an attempt to make their jobs easier, removing pesky citizen involvement, but with great risk to the public and our City’s appearance.

For example, the State Housing and Community Development agency (HCD) in its letter wants the City to remove (where “appropriate”) constraints to development of housing.⁵ Yet the City is ignoring altogether the word “appropriate” and instead proposes to remove all constraints, even those that would be *inappropriate* to delete. So, you might ask did the Staff Report evaluate what it means for the removal of architectural review to be “appropriate?” The answer is “No.” Nowhere does the Staff Report discuss the reasons the City adopted Architectural Design Guidelines in the first place, obviously enacted to protect some special character vital to our City’s viability and financial sustainability in a setting that promotes tourism amidst great scenic

⁵ See the Staff Report, PDF p. 14, where the HCD instructs the City to: “Address and, **where appropriate** and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing . . . “ (emphasis added)

beauty. Some kinds of design guidelines are actually quite appropriate as the City has used for several decades. Their removal is what is not "appropriate" if the lack of constraint harms our local scenic environment. We're not a typical California urban city. We depend upon tourism and an architectural theme to guide the design of our buildings, and to prevent inappropriate monstrosities from scaring the beauty of our surrounding scenic landscape. It should be no surprise that a developer of low-income housing will want to cut costs in every possible way, including potentially using the cheapest and possibly the least attractive materials possible.



Moreover some other cities in California have had their housing elements approved even though they retained discretionary design guidelines and standards. Yet the current Staff Report does not mention that fact. For example, the City of Winters in 2022 updated its Housing Element while at the same time retaining its Design Review requirements. The City of Winters states that its “*design review requirements have not posed a constraint to development.*” It states that: “*The use of design review has created minimal cost impact on single-family and multi-family development because the types of architectural styles and embellishments required by the City do not, by themselves, cost significantly more to construct than other types of architectural styles.*”⁶

⁶ See City of Winters' 2022 Housing Element Update, page 71, available online at:

https://www.cityofwinters.org/wp-content/uploads/2023/03/6th-Cycle-Housing-Element-Update_Final.pdf

Winters Design Guidelines

“The City Residential Design Guidelines were created in a joint effort by the Winter Planning Commission and Winters Economic Development Commission in November 1999. The design guidelines were developed with the specific objectives of facilitating economic and residential development in the City and ensuring that the small-town character of the City was preserved.

“The Winters Residential Design Guidelines impose development standards that are not contained in the City’s Zoning Ordinance, including neighborhood design, circulation design, residential site design, and duplex design standards. Besides the obvious aesthetic issues, one of the goals, or perhaps the focus, of design review is to ensure that the City’s small-town character is preserved and enhanced. Thus, the standards are subjective. To ensure the guidelines are consistently applied to each residential project, a list of design elements or qualities that could be incorporated into the design of projects is included below each standard to identify how to meet the applicable design standards. For example, the residential site design standards identify that “roof designs in residential neighborhoods should add variety to the overall streetscape.” To achieve this, the guidelines identify the use of gables, hips, and dormers for roofs; the use of architectural asphalt shingles, concrete or clay tile, and slate or similar visual materials for roofs; and the use of roof structures and embellishments such as louvers, vents, lanterns, pinnacles, cupolas, finials, compounded fascias, parapets and eve moldings.” (Excerpt from City of Winters 2022 Housing Element Update, as finally approved by Winters City Council on September 7, 2023)

One aspect of the removal of constraints to new housing development would be the financial cost that constrains some kinds of development. So the public has the right to know in advance if removal of architectural design features would actually make housing any cheaper to build? The Staff Report does not examine this issue.

For example, it costs the same to paint an apartment building with ugly and inappropriate colors as it does to paint it with attractive colors, so why should the City remove its requirement that building colors adhere to the City's recommended color chart for new projects?

For another example, it might not cost any more to install alpine-shaped roof features to the face of a building than it would cost to install the same sized features made with an industrial motif more appropriate for an urban area found in a less scenic location. Again, that issue is not considered by the City's consultants who have written this Housing Element Update.



The City is blindly seeking to remove all constraints from multifamily developments without any showing or evidence that in doing so, the developers will make that housing more affordable. Some developers simply have bad taste, or their architects may care little for our community's priorities if they can make a bold statement to feed their egos and attract attention for their client.

HCD writes that "the [housing] element requires a complete analysis of potential governmental and nongovernmental constraints." But is there such a "complete analysis" of those constraints?

The Staff Report, without citing any specific law that mandates it, states: "*The element must include or modify programs committing to permit multifamily projects with objectivity and certainty and addressing or removing the CUP requirements for multifamily housing in zones intended to permit multifamily housing.*" If there was such a law, why did the HCD state that the Winters' H.E. Update substantially complied with State law with the discretionary Design

Guidelines discussed in and allowed by the City of Winter's 2022 Housing Element Update that was approved in 2023? Clearly the Mt. Shasta consultants do not understand State law.

The Housing Element Update would exempt all multi-family projects from design review and environmental review, not just those where 10% or more of the units are made to be affordable. That makes no sense if the objective of State law is to make more affordable housing. It's an unwarranted gift to developers of average or expensive multi-family housing. It's a threat to the community from potentially unattractive large scale projects as well as smaller multifamily developments.

Currently, the City requires architectural design approval by the Planning Commission for multifamily (R-3) housing projects. It also imposes some size restrictions for "large scale building" multifamily projects; i.e. those with gross floor areas greater than 20,000 square feet.⁷

By definition and long-established precedence, the City has included these restrictions on the design of new multifamily housing projects to protect our local environment. So removing these restrictions with the Update and subsequent Municipal Code revisions will remove protections for the community.

The purpose of such restrictions (in [Municipal Code § 18.70](#)) is "*To break up the apparent mass and scale of "large scale" . . . multifamily residential structures and development in order to ensure that such structures and development are compatible with Mt. Shasta's mountain theme design principles, scale, and sense of place.*" The City proposes to eliminate these protections.

THIS HOUSING ELEMENT UPDATE IS NOT EXEMPT FROM CEQA REVIEW

The photographic examples above illustrate how unfettered multifamily projects that may no longer be held to our architectural design guidelines could create significant aesthetic impacts to our community. But inexplicably the consultants that the City hired have stated the Housing Element Update is exempt from CEQA (under CEQA Guidelines Section 15061(b)(3)) as Housing Element adoption will not have a significant effect on the environment. Are they blind? Have they no "common sense," a term used in the exemption they cite to?

The exemption that the City is claiming, CEQA Guidelines Section 15061(b)(3), states:

"The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where 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 activity is not subject to CEQA."

How in the world could it be seen with certainty that there is no possibility that exempting multi-family projects from our City's design review will have no effect on the environment?

⁷ City of Mt. Shasta Municipal Code § 18.70.070(E): "Where any building exceeds a GFA of 20,000 square feet, the minimum spacing between such building and any other building on the site shall be 20 feet. This spacing requirement shall be enforced regardless of building configuration or arrangement. The intent of this minimum spacing requirement is that the outdoor spaces created between the buildings should have pleasant proportions which achieve a human scale. Arranging multiple structures around courtyards is encouraged."

§ 18.70.080(C): The architectural style of new construction shall be the "mountain village theme" pursuant to Chapter 18.60 MSMC.



The City's statement that the Update will not have a significant effect is entirely unsupported with any facts or analysis. One would think the City's consultants would provide at least a little explanation, but they don't. When closely reading what the City now proposes in the Update, the exact opposite is clearly evident if the cheapest form of multifamily developments is permissible with no design review by the Planning Commission or CEQA environmental review.

Enactment of this proposed Housing Element Update will, with reasonable certainty, negatively impact the environment. That's because this Update is one of a series of linked actions that can potentially harm the community, and CEQA review is required when such a series of actions begins. If the Update is approved, it will nullify inconsistent zoning regulations about multi-family housing like pertinent and discretionary sections of Municipal Code 18.70 (Large Scale Building Ordinance) and Architectural Review. Under California law, the General Plan takes precedence over other local zoning and design regulations.⁸ That means the City would later have to modify those other sections of law to make them consistent with the new change to the General Plan, but immediately this Housing Element Update would exempt Multi-family Projects from public and Planning Commission discretionary review. Thus, CEQA review is required now before the Commission considers and approves or recommends approval of the Housing Element Update.

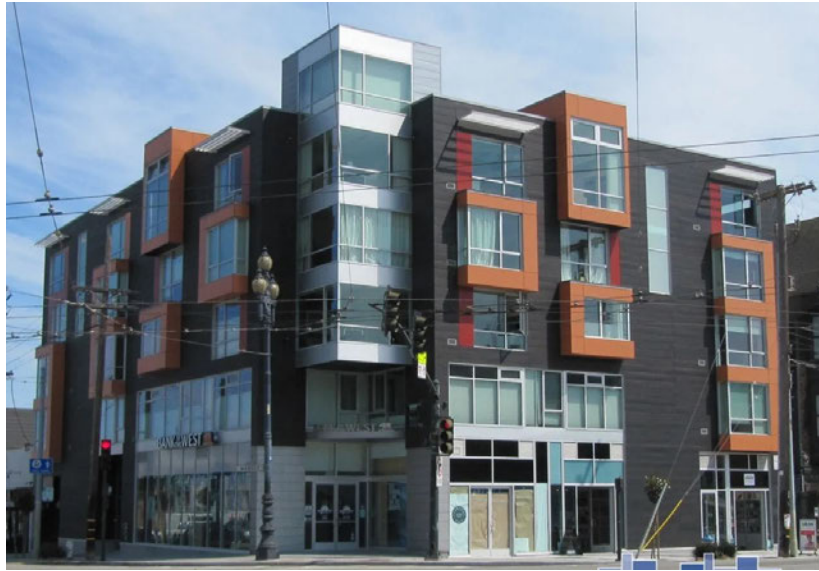
For example, Sacramento County updated its Housing Element and held its Update require CEQA review.⁹ That Housing Element Update considered aesthetic impacts the Update might create, asking if the Update would:

- Substantially alter existing viewsheds such as scenic highways, corridors, or vistas?
- In non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings?
- If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?
- Create a new source of substantial light, glare, or shadow that would result in safety hazards or adversely affect day or nighttime views in the area?

⁸ See *Leshner v. City of Walnut Creek* https://scholar.google.com/scholar_case?case=16049048215243896167

⁹ See Sacramento County Housing Element Update <https://planning.saccounty.gov/applicants/Pages/HousingElement.aspx>

In Mt. Shasta's situation, all of these above-listed types of aesthetic impacts could be caused without environmental mitigation if the Housing Element Update is approved and inappropriate building designs are approved solely by a City Manager with no expertise in architectural design.



Many cities prepare Environmental Impact Reports (EIRs) and Negative Declarations (Neg Decl) when they update their Housing Elements because the changes do in fact potentially affect the environment:

The following cities prepared CEQA reviews for their housing element updates:

[Town of Ross Housing Element Update 2023 - EIR](#)

[Town of Danville 2023-2031 Housing Element Update](#) - Program EIR (This programmatic EIR will address the environmental impacts associated with the adoption and implementation of the 2023-2031 Housing Element Update.)

[City of Berkeley Housing Element Update 2022 EIR](#)

[City of Burbank Housing Element Update 2022 EIR](#)

[City of West Hollywood Housing Element Update 2021 EIR](#)

[City of Whittier General Plan Update and 2021-2029 Housing Element Update 2021 EIR](#)

[City of Del Mar Housing Element Update and Program EIR 2020](#)

[City of Buellton General Plan Housing Element Update EIR 2020](#)

[City of Santa Maria Housing Element Update 2022 IS-ND \(Neg Decl.\)](#)

[City of Hercules Housing Element Update 2022 Neg Decl.](#)

[City of Arcadia Housing Element Update \(2021-2029\) Neg Decl.](#)

[City of Santa Clarita Housing Element Update 2021 Neg Decl.](#)

[City of Glendora Housing Element Update 2021 Neg Decl.](#)

[City of San Gabriel Housing Element Update 2021 Neg Decl.](#)

[City of Torrance General Plan Housing Element Update 2021 Neg Decl.](#)

[City of Laguna Woods Housing Element Update 2021 Neg Decl.](#)

[City Norco Housing Element Update 2021-2029 IS-ND Neg Decl.](#)

[City of Azusa Housing Element Update 2021-2029 Neg Decl.](#)

[City of Galt Housing Element Update 2021-2029 Neg Decl.](#)

[City of Camarillo Housing Element Update 2021 IS-ND Neg Decl.](#)

[City of Bishop Housing Element Update 2021 Neg Decl.](#)

[City of Oceanside Housing Element Update 2021 Neg Decl.](#)

[City of Santee Housing Element Update](#) 2021 Neg Decl.

[City of San Luis Obispo Housing Element Update](#) 2021 Neg Decl.

[City of Shasta Lake Housing Element Update](#) 2020 Neg Decl.

[City of Canyon Lake Housing Element Update](#) 2020 Neg Decl.

[City of Needles Housing Element Update](#) 2019 Neg Decl.

[City of Rio Dell Housing Element Update](#) 2019 Neg Decl.

Those agencies went to the trouble to prepare CEQA review because their proposed housing element changes would have environmental impacts.

HOUSING ELEMENT UPDATE IS NOT CONSISTENT WITH GENERAL PLAN

The City claims the Housing Element Update is consistent with the General Plan. Yet that claim in the Staff Report is simply not true. The General Plan protects scenic views for many good reasons.¹⁰ The General Plan states that: “*Architectural guidelines and other provisions to address the visual impacts of development in the City are considered elsewhere in this General Plan.*” Yet the proposed Housing Element Update would allow large scale housing projects without any Architectural Design Review or compliance with the City’s Large Scale Building ordinance.¹¹ These local regulations are meant to help protect against adverse scenic impacts from large housing projects. But the Housing Element Update would entirely exempt such large housing projects from these specific protective design standards and guidelines.

Some of those City ordinance protections that would be erased by the Housing Element Update and currently exist are meant to “*ensure that large scale . . . multifamily developments are harmoniously integrated with their surroundings.*” And “*To promote and facilitate a safe and comfortable pedestrian scale environment.*” Also “*To encourage excellence in urban design and improvement in overall City appearance.*” As well “*To encourage quality of development.*”

Logically, if such protections are entirely removed as the Staff and their out-of-town planning consultants now recommend, it becomes obvious that the changes would allow the City Manager or Planning Director to secretly approve housing projects that are not “harmoniously integrated with their surroundings,” are not “excellent” in design, that do not improve the overall City appearance, and are not considered a “quality development.” This is strong evidence that the Housing Element Update’s provisions may cause significant aesthetic impacts. For that reason alone, this Housing Element Update is not exempt from CEQA review.

The City of course is allowed to change its Architectural Ordinance and its Large Scale Building Ordinance (Muni. Code § 18.70) if it goes through the proper procedures. But it is not allowed to make such dramatic changes via a Housing Element Update that will compel ordinance

¹⁰ See for example Mt. Shasta General Plan’s Open Space and Conservation Element, p. 5-28, where development of housing in sensitive viewshed areas may create one of the biggest threats to the loss of scenic quality. The General Plan seeks to protect such views, as stated in the General Plan, p. 5-25: “*Not only are the mountains and forested ridges around the City of Mt. Shasta very scenic, there are valuable picturesque resources in and around the City on a smaller scale. The pastoral setting of Strawberry Valley and other areas, even though largely intermixed with low-density residential and other development, provides a visually pleasing environment.*” The General Plan states that: “*Architectural guidelines and other provisions to address the visual impacts of development in the City are considered elsewhere in this General Plan.*” <https://mtshastaca.gov/wp-content/uploads/2016/01/5OpenSpaceandConservationElement.pdf>

¹¹ See the Housing Element Update’s **Program HO-2.3.4 (2)**, including its newly-disclosed provisions that the public has never before been shown now exempting multifamily development from the Municipal Code’s Chapter 18.70, the Large Scale Building ordinance.

changes and architectural design guidelines changes and that will potentially harm the community's design and appearance without CEQA review.

CONCLUSION

As discussed above, the draft Housing Element Update would lead to potentially significant environmental harm including serious aesthetic impacts. This draft Housing Element Update must be revised and subjected to CEQA review to protect our community and local environment.

Please notify our organization Mt. Shasta Tomorrow about any further opportunity to review this draft Housing Element Update.

Sincerely,



Dale La Forest
Director of Mt. Shasta Tomorrow

cc: State Of California - Business, Consumer Services And Housing Agency
Department Of Housing And Community Development
Division Of Housing Policy Development
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
www.hcd.ca.gov



Michelle Nielsen <michellen@planwestpartners.com>

11.28.23 AGENDA Item 5: Review of the 2023-2031 Housing Element Update

1 me age

Johanna Windswept <[redacted]> Tue, Nov 28, 2023 at 11:42 AM
To: planningcommission@mtshastaca.gov, Jeff Mitchem <jmitchem@mtshastaca.gov>
Cc Michelle Nielsen <michellen@planwestpartners.com>, tristan lanza@hcd.ca.gov, Vanessa Blodgett <vanessab@planwestpartners.com>, Kathryn Joyce <kjoyce@mtshastaca.gov>

Dear Planning Commission,

RE Agenda Item 5 Review of the 2023 2031 Housing Element Update and recommendation for City Council to make findings of CEQA Exemption and Adoption with findings that it substantially complies with State Housing Element Law, and direct staff to submit to the California Department of Housing and Community Development (HCD) for certification

Dear Planning Commission,
Regarding the Agenda Item 5 for the Housing Element (HE) I would like to ask you to postpone this review at the Planning Commission level so that the public can have enough time to review this. I only received this just before Thanksgiving and have not had an opportunity to properly review this important document.

Some of my concerns are:

- please do not remove CEQA review and Design review for multi family projects.
• not having public input for the e large project like thi for our small mountain community i not a good idea Why is the public and Planning Commission being left out of this important step?
• CEQA is very important as it impacts our viewsheds to Mt. Shasta, the Eddies, Black Butte etc. It impacts our water and drainage runoff from properties.
• not having Design Review when we have always had thi doe not even make sense We need our project to fit in with our mountain theme - the lighting, the materials etc.
• Is this HE consistent with the General Plan which is the overall guide?
• It seems we have included some items the public was not in agreement with in an earlier version. Please consider all comment from the public in the recent year concerning thi subject
• CEQA impacts our water quality and Mt. Shasta is the source for many water supplies in the State of CA. What we do impacts the many other communities downstream

I have not heard really anything much on this HE until it just came up for this special agenda. I would ask you to please postpone this important matter to December or January when the public has time to review properly. It feels like this is being rushed through. Yes, Mt Shasta is late in submitting the HE, but so are many other cities. I do not believe there will be significant ramifications if this does not get approved tonight. Please get more input from the community for which this entire plan is for. The community lives here and cares but it is difficult to squeeze this last minute HE review into all the holiday activities and out of town guests.

Thank you for your consideration of the above,

Johanna Altorfer
Mt Shasta

From: [Kathryn Joyce](#)
To: [Melanie Findling](#); ["PC Chair, Belinda Higuera"](#); [Touson S.](#); ["Alan Pardee"](#); [beck paul](#); [Von Boyenger](#); [David McDowell](#)
Cc: [Jeff Mitchem](#); michellen@planwestpartners.com; [Vanessa Blodgett](#)
Subject: FW: Letter
Date: Tuesday, November 28, 2023 1:12:59 PM

Good afternoon,

Please see public comment below pertaining to tonight's discussion.

Thank you,

Kathy Joyce, CMC
 Deputy City Clerk/Administrative Assistant

305 N. Mt. Shasta Blvd
 Mt. Shasta, CA 96067
 (530) 926-7516

-----Original Message-----

From: barbara ulbrich [REDACTED]
Sent: Tuesday, November 28, 2023 12:16 PM
To: Kathryn Joyce <kjoyce@mtshastaca.gov>
Subject: Letter

Kathryn,

Could you please deliver and read allowed the following letter: thank you so much.

November 28, 2023

Dear Planning Commissioner, and Planning Director, It appears we are revisiting an already in-depth discussion the community had regarding the Housing Element. It also appears the commissioners and city staff are ignoring those concerns voiced regarding the harmful changes this Update would create for our entire environment.

I would like to suggest our new Planning Director review the letters, comments, and suggestions made by the community and city staff about this very issue and impacts this Update would pose.

Those of us who lived here for nearly a half a century live here for the very reasons you are trying to eliminate and destroy.

City staff addressed the major issues multi-family housing would impose on our already inadequate infrastructure in the city proper. What you are proposing is in direct violation of your own General Plan. There are proper procedures to make changes to ordinances which must be adhered to and not up to the city manager or planner to make changes upon their own discretion.

Again, this is a situation the city has tried to push through and ignore previously and was informed by a loud community voice that the guidelines, procedures, rules you have established must be followed and the community kept informed. This Updated Draft as stated would have an enormous detrimental impact on our community. A CEQA review is essential and mandatory.

Sincerely,
 Barbara Ulbrich



Michelle Nielsen <michellen@planwestpartners.com>

Revised Draft Housing Element comments for Nov 28 Planning Commission meeting

3 months ago

Peggy Risch [redacted] Tue, Nov 28, 2023 at 7:59 AM

To: Kathryn Joyce <kjoyce@mtshastaca.gov>

Cc Michelle Nielsen <michellen@planwestpartners.com>, Vanessa Blodgett <vaneab@planwestpartners.com>, Jeff Mitchem <jmitchem@mtshastaca.gov>, tristan.lanza@hcd.ca.gov

Please forward these comments to the Planning Commissioners and send me a confirmation of that action. Thank you!

Dear Planning Commissioner,
 Thank you for receiving these timely submitted comments on the revised Draft Housing Element. Like you, I received the Agenda packet just a few days before the Thanksgiving holiday last week. The Housing Element would govern the City for the next 8 years from 2024 to 2031, it is the template for what Mt Shasta will look like and how it will grow in the future based on regulation and policy, and most importantly, who will be making those decisions.

In the current version, many of those decisions would by-pass not only the public, but also you as the Planning Commissioners. This is because the City Manager and City Planner have been delegated as the decision-makers. This seems contrary to a transparent process for the scenic small town we love. I would ask you look very closely at each of these new revisions where you as Planning Commissioners and the public have been excluded from the process. There are many. Please know that these new revisions of who decides behind closed doors step way beyond what the State requires in a Housing Element. For example, the Planning Commission could still be involved in discretionary design review without violating State law.

As you may also recall, it was not that long ago that there was a very large public outcry to the proposed 2045 General Plan that was abandoned, but now many of those proposals have been inserted into the *revised* Draft Housing Element at the last minute. It's unfortunate that there hasn't been very little time to review the *revised* Draft Housing Element, but also so very little outreach to the community in this *revised* Draft.

In closing, I would ask you to *make a Motion to Continue the Planning Commission review of this revised Draft Housing Element* before making any recommendation to the City Council. This would give more time for a transparent process, public review, and public input. It would also give the City the opportunity to properly notice that future Planning Commission meeting about the proposed CEQA exemption.

Please notify me of any future opportunity to comment.
 Sincerely,
 Peggy Risch, Mt Shasta resident

Cc
 Jeff Mitchem, Planning Director
 Michelle Nielsen, Planwest Partners
 Vanessa Blodgett, Planwest Partners
 Kathy Joyce, City Clerk
 Tristan Lanza, HCD

Note: As you know, there are 5 Appendixes (A-E), the Cover & TOC & Chapters 1-3 in addition to the Staff Report, and the full Housing Element.

The link to the November 28, 2023 Planning Commission agenda can be found at: <https://www.siskiyou-housing.com/mt-shasta/>

Planning Commission Staff Report
 Cover & TOC & Chapters 1-3
 Appendix A
 Appendix B
 Appendix C
 Appendix D
 Appendix E
 Housing Element (FULL)
 Adopted

Kathryn Joyce <kjoyce@mtshastaca.gov>

Tue, Nov 28, 2023 at 8:27 AM

To Peggy Ri ch [REDACTED]

Cc: Michelle Nielsen <michellen@planwestpartners.com>, Vanessa Blodgett <vanessab@planwestpartners.com>, Jeff Mitchem <jmitchem@mtshastaca.gov>, "tristan.lanza@hcd.ca.gov" <tristan.lanza@hcd.ca.gov>

Hi Peggy,

Your comments have been forwarded to the Planning Commissioners for consideration.

Kindest regards,

[Kathy Joyce, CMC](#)

[Deputy City Clerk/Administrative Assistant](#)



[305 N Mt Sha ta Blvd](#)

[Mt Sha ta, CA 96067](#)

[\(530\) 926 7516](#)

[Quoted text hidden]

Jeff Mitchem <jmitchem@mtshastaca.gov>

Tue, Nov 28, 2023 at 8:48 AM

To: Michelle Nielsen <michellen@planwestpartners.com>, "vanessab@planwestpartners.com" vane ab@planwe tpartner com

FYI Public Comment for the record Already forwarded to the PC

[Jeff Mitchem](#)

[Planning Director](#)



[305 N. Mt. Shasta Blvd](#)

[Mt. Shasta, CA 96067](#)

[C: \(971\)400-1840](#)

Adopted

E2-16

August 12, 2024

From: Peggy Risch <[REDACTED]>
Sent: Tuesday, November 28, 2023 7:59 AM
To: Kathryn Joyce <kjoyce@mtshastaca.gov>
Cc: Michelle Nielsen <michellen@planwestpartners.com>; Vanessa Blodgett <vanessab@planwestpartners.com>; Jeff Mitchem <jmitchem@mtshastaca.gov>; tristan.lanza@hcd.ca.gov
Subject: Revised Draft Housing Element comments for Nov 28 Planning Commission meeting

Please forward these comments to the Planning Commissioners and send me a confirmation of that action. Thank you!

[Quoted text hidden]

From: [Jeff Mitchem](#)
To: [Jeff Mitchem](#)
Cc: [Michelle Nielsen](#); vanessab@planwestpartners.com
Subject: FW: Brief Letter of Comment on Housing Element of General Plan 11/28/23 PC agenda 5
Date: Tuesday, November 28, 2023 11:53:35 AM

Good Morning, Planning Commissioners!

Please see the forwarded Public Comment on tonight's public hearing item: the 2023-31 Housing Element Adoption.

Best,

Jeff Mitchem
Planning Director



305 N. Mt. Shasta Blvd
Mt. Shasta, CA 96067
C: (971)400-1840

From: Vicki Gold [REDACTED]
Sent: Tuesday, November 28, 2023 11:05 AM
To: Jeff Mitchem <jmitchem@mtshastaca.gov>; Teresa Spade <tspade@mtshastaca.gov>
Cc: michellen@planwestpartners.com; vanessab@planwestpartners.com; Kathryn Joyce <kjoyce@mtshastaca.gov>
Subject: Brief Letter of Comment on Housing Element of General Plan 11/28/23 PC agenda 5

Dear Planning Commissioners, Staff and Consultants,

In reviewing the Staff Recommendation to approve the Final Draft Housing Element (HE) of the General Plan I am again reminded of the City's mission statement present on all City Council Agendas:

“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.”

This HE is an important document and it deserves the full attention of the Community, transparency and adherence to CEQA guidelines. There are changes in the HE that are in conflict with both the mission statement and the General Plan. Few are likely to catch the nuances unless they, like you,

have invested great time and effort in exploring City Codes, Guidelines and Ordinances and the General Plan. However we know that the community cares deeply about protection of the environment, natural beauty and vistas unique to Mt. Shasta.

This plan as written goes far beyond the State mandates or recommendations. Why are all multifamily projects exempted from discretionary review and architectural and design review? This removes a significant piece of the Planning Commission's responsibility. This should be very concerning to you and to all. Although I have read the document because I receive agendas, I doubt that most of the community is aware of the importance of recommendation to exempt the HE from CEQA. The community needs more time to evaluate and comprehend the contents and the direction this would inevitably lead in future development of Mt Shasta.

Often those attending and submitting comments feel their concerns are dismissed. I hope this time letters received will encourage you to postpone any decision until the perhaps unintended consequences of the action of approval are explored fully.

While affordable housing is desirable, the DANCO and Carmen projects substantially comply with the State requirements. The multifamily projects approval By Right and with no hearings required allowing public input on aesthetics and design is a grave mistake for our beautiful community. There is potential for significant visual impact and update of the HE should not be exempt from CEQA, especially here in Mt Shasta. These proposed changes will be in effect for 8 years until 2031. What motivates the City to bow so low to the State? Compliance with what is required is one thing. All Cities and Counties must comply with CHD mandates. But this is a step too far.

Thank you for considering the potential for adverse effects on our quality of life.

Respectfully,

Vicki Gold


Mt Shasta CA 96067



Michelle Nielsen <michellen@planwestpartners.com>

Comment on Housing Element of General Plan 11/28/23 PC agenda 5

2 me age

Beverly Harlan [redacted] Tue, Nov 28, 2023 at 1:10 PM
To: Jeff Mitchem <jmitchem@mtshastaca.gov>, Teresa Spade <tspade@mtshastaca.gov>, michellen@planwestpartners.com, vane ab@planwe tpartner com, Kathryn Joyce <kjoyce@mt ha taca gov
Cc: Beverly Harlan [redacted]

Dear People,

I have read several of the emails to you from Dale LaForest, Vicki Gold, and others, and I am in full agreement with what they have all said on this subject.

I hope that you take all of their concerns into your full consideration.

Sincerely yours,

Beverly Harlan

Beverly Jean Harlan
1020 Kingston Road, Apt. 3K
Mt Shasta, CA 96067 2265

Jeff Mitchem <jmitchem@mtshastaca.gov> Tue, Nov 28, 2023 at 3:20 PM
To: Jeff Mitchem <jmitchem@mtshastaca.gov>
Cc: Kathryn Joyce <kjoyce@mtshastaca.gov>, Michelle Nielsen <michellen@planwestpartners.com>, "vane ab@planwe tpartner com" vane ab@planwe tpartner com

Good Afternoon, Planning Commi ioner !

Plea e ee the forwarded Public Comment on tonight' public hearing item the 2023 31 Hou ing Element Adoption

Be t,

Jeff Mitchem

Planning Director
Adopted

To: City Mayor and City Council members
Jeff Mitchem, Mt Shasta City Planning Director,
Michelle Nielsen, Planwest Partners
Vanessa Blodgett, Planwest Partners

Re: Mt Shasta Revised Draft 6th Cycle Housing Element

January 1, 2024

Dear City Council Mayor and Council members,
Subsequent to the Planning Commission November 28, 2023 meeting, I received a Notice for the City Council January 8, 2024 Agenda Item for the Mt. Shasta Revised Draft 6th Cycle Housing Element (HE). A link was provided at that time and the Planning Commission's requested revisions appeared a few days later, indicated in yellow. Revisions in red are those that were made after your approved Draft HE was submitted to the California Department of Housing and Community Development (HCD). As you will note, there are many *substantial* changes highlighted in red, such as the new Program HO. 2.3.4 (2). A Substantial change is not about a spelling correction or adding a comma, substantial means 'more than a minor or trivial' change.

Like you, I am a member of the community who cares about how Mt. Shasta City will grow and who will be making the decisions. Hopefully in the most transparent public process still allowed as many of the new State housing laws have removed local control. I encourage the City to maintain discretionary local control of housing decisions wherever it still exists.

With that above-stated intention, these comments focus on the unnecessary and unwarranted Program HO 2.3.4 (2), which states:
“(2) The City shall amend Chapter 18.70 of the Mt. Shasta Municipal Code *to expressly exclude all* residential development, *including multifamily residential* facilities, from the provisions of Chapter 18.70. The amendments to Chapter 18.70 shall apply also to qualifying mix use developments utilizing the provisions of SB 35 or State Density Bonus Law.” [Emphasis added] See: Dec 2023 Housing Element Chapter 2 page 2-8

Please note that HO. 2.3.4 (1) is not the focus. I am specifying HO 2.3.4 (2). As currently written this program HO 2.3.4 (2) would expressly exclude ALL residential development, including multi-family residential developments from the provisions of Chapter 18.70 – including those that are ‘market rate’ multi-family housing projects. Market rate housing projects are those that do *not* having one single affordable housing unit. This means that the rent or purchase price will be *whatever* the market will bear. There is not any State housing law that requires Mt. Shasta to enact HO 2.3.4 (2), so I recommend removing Program HO 2.3.4 (2) from the 6th Cycle Housing Element.

And what is Chapter 18.70? This chapter of our Municipal Code applies *to large- scale* commercial, industrial and *multifamily residential development*, in which any individual buildings exceed 20,000 Gross Floor Area (GFA). Such large- scale development shall proceed only in the event of *discretionary* approval of a provisional permit, namely a

Conditional Use Permit (CUP). That CUP involves a transparent public process, it is *not* a ministerial process decided by the City Planning Department. See: Chapter 18.70 at www.codepublishing.com/CA/MtShasta/#!/MtShasta18/MtShasta1870.html#18.70 I was present when this Chapter 18.70 was thoughtfully enacted, with the stated goals ‘to encourage quality of development and enhance the *wholeness* of the City’s economic base.’

Let’s return to the issue of Chapter 18.70 and the Revised Draft Housing Element’s new program that would now exclude **ALL** residential development, including multi-family housing projects and their commercial mixed uses as described in Program HO 2.3.4 (2). The wording **All** means *both* affordable and market rate. Whereas the Planning Director told the Planning Commissioners at the November 2023 meeting that this was ‘cleaning up redundancy’ in our Municipal Code, it is not. The provisions of Chapter 18.16 District Regulations do *not* contain the *specificity* of the provisions of Chapter 18.70 nor does any other of our City’s Municipal Codes. The District Regulations of Chapter 18.16 essentially outlines very basic development standards (such as setbacks) and permitted uses. See <https://www.codepublishing.com/CA/MtShasta/#!/MtShasta18/MtShasta1816.html#18.16>

When you review these provisions of Chapter 18.70, it is clear that you will *not* find these provisions contained in Chapter 18.16 or elsewhere in our City’s Municipal Codes and therefore *are not* “*redundant*” as the City Planning Director told the Planning Commission. For your convenience, I have included sections of Chapter 18.70 provisions in these comments that you can read and compare with Chapter 18.16 and other parts of our Municipal Code.

Whereas the Planning Director said Program HO 2.3.4 (2) would ‘effectively have no impact’, it would. Essentially removing it is taking the guardrails off ALL large-scale residential developments, including multi-family units and those with mixed uses—regardless of zoning, regardless of market-rate housing. Subsequent paragraphs will provide you with the list of those objective provisions contained in Chapter 18.70.

Eliminating Chapter 18.70 and its provisions for large-scale residential and multifamily housing projects and mixed uses most certainly would result in impacts. The purposes of those provisions are expressly codified in 18.70 such as ‘ensuring that large scale...multi-family developments are harmoniously integrated with their surroundings, promoting a safe pedestrian environment, to preserve and enhance the night sky, to encourage quality of developments and enhance the wholeness of the City’s economic base.’ Do we really want to throw Chapter 18.70 in the trash can when there is not a State law that requires it for market rate large- scale multifamily housing and mixed uses? I hope not.

If the City Council wants to proceed with this proposed Program HO 2.3.4 (2) in the 6th Cycle Housing Element, then this *significant substantial change* in the City’s Municipal Code would trigger CEQA review of the Housing Element. The ‘common sense’ CEQA exemption currently claimed would no longer apply to the 6th Cycle Housing Element.

Chapter 18.70 was explicitly adopted by the City of Mt. Shasta, as described in its “Purpose and intent” section 18.70.020, to ensure that large structures are compatible with the City’s design principles and are harmoniously integrated with their surroundings, among other reasons. Accordingly, any reasonable use of common sense would find that Program HO. 2.3.4 (2) – that would exclude ALL large residential developments and multi-family housing projects from Chapter 18.70’s provisions as is now being proposed – could result in significant impacts. Such potentially harmful large scale residential developments, including multi-family building designs could damage the City’s neighborhoods, the public’s values, and the appearance of the community and its scenic views beyond that supports the City’s economic base.

For your convenience, I’ve pasted in verbatim the following provisions of Chapter 18.70 whose purpose and intent is to “encourage excellence in urban design and improvement in overall City appearance.” You will find that these provisions are *not* contained in Chapter 18.16 or elsewhere and therefore are *not* “redundant” as the Planning Director told the Planning Commission. There would not be a Conditional Use Permit (CUP) for market rate large scale residential housing including multifamily and mixed use projects.

18.70.080 Standards for commercial and industrial structures and for “large scale” development.

(A) The architectural design and site planning standards established by this section shall be mandatory for:

(1) All new construction of commercial and industrial structures requiring a provisional permit under MSMC 18.70.030.

(2) New “large scale” construction or development within any zoning district. For the purpose of this section, large scale construction or development is new construction of any building or buildings, including residential or special use buildings, which are located on a single parcel and which building(s), individually or cumulatively, exceed(s) 20,000 square feet of gross floor area.

(B) As used in this section, the term “new construction” includes the design or construction of new buildings or additions to existing structures.

(C) The architectural style of new construction shall be the “mountain village theme” pursuant to Chapter 18.60 MSMC.

(D) Facades of buildings shall be visually broken up with mature landscaping, recesses, portolas, courtyards or other design features which add texture and humanize the scale of the structure(s).

(E) Mechanical equipment shall be screened to mitigate noise and views from all sides. If roof-mounted, the screen shall be designed to conform architecturally to the design of the building either with varying roof planes or with parapet walls. A wood fence or similar treatment is not acceptable.

(F) A human scale shall be achieved near ground level on larger buildings and along street facades and entryways through the use of elements such as portolas, windows, doors, columns and beams. Portolas should provide a transition between the outside street and the building interior.

(G) All sites shall have at least five percent landscaping in addition to any required buffer zones discussed in subsection (J) of this section. Landscaping shall be dispersed throughout the parking lot as well as other required locations.

(H) In parking lots, such landscaping should consist of the proper mixture of trees and shrubs so that all of the landscaped areas will be covered in five years by a ground cover or by shrubs and shaded by the trees.

(I) A minimum of 10 feet in width of landscaping should be placed for screening from public rights-of-way and shall be planted with a combination of trees, shrubs and groundcovers. One street tree per 30 feet of street frontage shall be required on all projects.

(J) In addition to other required landscaping, a landscape buffer 30 feet in width shall be provided adjacent to the site property line where it adjoins residential zones. The landscape buffer shall include canopy trees of at least 30-foot intervals to provide noise, light, and visual screening. No other uses, such as, but not limited to, parking or storage, are permitted within the landscape buffer area, except for snow storage.

(K) If planters are used for trees, minimum planter size shall be 50 square feet, with a minimum dimension of six feet for one side.

(L) All landscaped areas shall be irrigated or shall be certified that they can be maintained and survive without artificial irrigation. If the plantings fail to survive, the property owner shall replace them. All landscaping will be maintained throughout the site. (Ord. CCO-05-01, 2005)

18.70.100 Glare.

Reflected glare onto nearby buildings, streets or pedestrian areas is prohibited. Lighting shall be full cut-off fixtures and downward facing and no direct light shall bleed onto adjacent properties. (Ord. CCO-05-01, 2005)

18.70.110 Traffic impacts.

The applicant shall have a traffic impact analysis prepared by a licensed traffic engineer. In addition to the general standards of the methodology, the traffic impact analysis shall include weekend traffic generation and impact analysis and recommendations for mitigating potential impacts to the circulation system. (Ord. CCO-05-01, 2005)

18.70.120 Outdoor lighting.

Lighting shall be full cut-off fixtures and downward facing and no direct light shall bleed onto adjacent properties. The applicant must provide an outdoor lighting report which provides information on how outdoor lighting will be accomplished to minimize impacts on adjacent properties or roadways.

To minimize any indirect overflow of light on adjacent properties, the height of any proposed parking lot light standard should be as short as possible and should stair step down to a lower height when close to residential uses or residentially used properties.

The applicant shall submit to the Planning Department sufficient information, in the form of an overall exterior lighting plan, to enable the City to determine that the applicable provisions will be satisfied. The exterior lighting plan shall include at least the following:

- (A) Manufacturer specification sheets, cut-sheets or other manufacturer provided information for all proposed lighting fixtures.
- (B) The proposed location, mounting height, and aiming point of all exterior lighting fixtures.
- (C) If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance levels of the elevations, and the aiming point for any remote light fixture.
- (D) To review proposed exterior lighting installations, the applicant shall supply the following information:
 - (1) A brief written narrative, with accompanying plan or sketch, which demonstrates the objectives of the lighting.
 - (2) Photometric data, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures, and, if applicable or required, designation as Illuminating Engineering Society of North America (IESNA) “cut-off” fixtures.
 - (3) Computer generated photometric grid showing footcandle readings every 10 feet within the property or site, and 10 feet beyond the property lines at a scale specified by the Planning Department. Iso-footcandle contour line style plans are also acceptable.
 - (4) Relative landscaping information that indicates mature tree size, shrubbery and other vegetation in order to evaluate the long-term and seasonal effectiveness of lighting or screening of lighting. (Ord. CCO-05-01, 2005)

18.70.130 Additional architectural and site design standards.

All new construction within the coverage of MSMC 18.70.030 et seq. shall comply with the following additional architectural and site design standards:

- (A) Architectural Unity. All buildings on the same site shall be architecturally unified. This provision shall apply to new construction, additions and remodeling. “Architectural unity” means that buildings shall be related in architectural style, color scheme, and building materials.
- (B) Site and Contextual Planning. All projects shall comply with the following site design requirements:
- (1) Integration into the Street Network.
 - (a) Vehicular access to the site shall be from streets other than an arterial wherever possible. However, if it is determined that vehicular access will be from an arterial, limitation of ingress and egress to the site by right turns only may also be considered.
 - (b) Delivery vehicles shall not access the site from subcollector or smaller streets serving residential neighborhoods.
 - (c) Internal and new streets shall connect to existing streets or be designed to facilitate future connections to the maximum extent possible.
 - (2) Pedestrian Circulation and Amenities.
 - (a) A safe pedestrian circulation system shall be provided on site which connects to public streets and neighborhoods, where possible.
 - (b) Pedestrian walkways within the development shall be differentiated from driving surfaces through a change in materials.
 - (3) Parking and Vehicular Circulation.
 - (a) Large scale development should recognize parking facilities as transitional spaces where users change modes of travel from car, bus, or bicycle to pedestrian. The design of those spaces shall therefore safely and attractively serve all modes, especially the pedestrian.
 - (b) Parking requirements shall meet the standards of Chapter 15.44 MSMC.
 - (4) Outdoor Storage, Trash Collection, Loading and Service Areas.
 - (a) Except for plant nurseries, building supply yards, automobile and mobile home sales lots and similar uses or as specified in the outdoor merchandise display ordinance (Chapter 18.23 MSMC), outdoor storage of products and goods is prohibited.
 - (b) Trash collection, service and loading areas shall not be located adjacent to residential property. Such areas as may impact residential areas shall include a solid acoustic buffer.

(c) Areas for trash collection, service and loading shall be incorporated into the primary building design and construction for these areas shall be of materials of comparable quality and appearance as that of the primary building. Visual and acoustic impacts of these functions shall be mitigated to the greatest extent possible.

(5) Public Street Frontage. Along any public street frontage the building design should include windows, arcades, awnings or other acceptable features along at least 60 percent of the building length. Arcades and other weather protection features shall be of sufficient depth and height to provide a light-filled and open space along the building frontage. Architectural treatment, similar to that provided to the front facade, shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site.

(6) Delivery and Loading Spaces. Delivery and loading operations shall be designed and located to mitigate visual and noise impacts to adjoining residential neighborhoods. If there is a residential use or residentially zoned property adjacent to the site, such operations shall not be permitted between 10:00 p.m. and 7:00 a.m. For good cause shown, the Planning Commission may permit deliveries at additional times provided the applicant submits evidence that sound barriers between all areas for such operations effectively reduce emissions to a level of 55 dB or less as measured at the lot line of any adjoining property. Delivery and loading areas shall be substantially set back from a residential use or residentially zoned property that is adjacent to that site. A landscape buffer of at least 30 feet in width shall be provided adjacent to the delivery and loading area where it adjoins residential uses or zones. The landscape buffer shall include evergreen shrubs and/or trees plus deciduous canopy trees at regular intervals to provide noise, light, and visual screening.

If the delivery and loading spaces are located within an enclosed building or underground, no such setback and buffer area shall be required.

(7) Ancillary Uses. The applicant must demonstrate that any ancillary uses such as tire shops or snack bars will not have negative impacts on adjacent residential uses, residentially zoned properties, or adjacent properties. Any ancillary use must be oriented to face away from any residential use or residentially zoned property that is adjacent to the site. (Ord. CCO-11-05 § 81, 2011; Ord. CCO-05-01, 2005)

Chapter 18.70 is found here online:

www.codepublishing.com/CA/MtShasta/#!/MtShasta18/MtShasta1870.html#18.70

Two recently approved State Housing Laws

There is a new State law **SB 684**, effective July 2024 that would streamline certain housing projects meeting certain criteria. But that new law specifically did not apply to 20,000 Gross Floor Area, which is exactly what our Chapter 18.70 does and what **Program HO 2.3.4 (2)** would eliminate. Gross Floor Area is defined as the sum in square feet of all floors of the building measured from the exterior face of the exterior walls. To be clear, SB 684 requires CEQA-exempt ministerial approval for *up to 10 units of*

housing on multi-family infill sites of no more than 5 acres and meets numerous other criteria, mostly designed to capture "infill" sites with water and sewer supply that are not environmentally sensitive. It does not require developers to commit to below market housing requirements. In addition, it only applies to only those sites zoned for multi-family housing.

In October 2023 **SB 423** housing bill passed. But like SB 684, it did not authorize blanket approval of all multifamily units and it specifically did not mandate ministerial approval of ‘market rate multifamily housing.’ Instead, a project must provide a minimum percentage of below market rate housing subject to recorded restrictions or covenants for at least 55 years for rental units and 45 years for ownership units.”

Summary

What is now being proposed in Program HO 2.3.4 (2) is overboard. It goes beyond ‘intent’ and beyond the legal State requirements. This proposed new change is beyond anything that the California legislature contemplated in seeking to create more affordable housing or even those smaller “market- rate” (up to 10 units) multi-family housing for the ‘missing middle’. Program HO 2.3.4 (2) is a very vast pre-emptive strike at what state housing laws *may* pass in the future, but don’t exist *now*. The City’s already has another Program HO-2.4.2 that will cover those future State housing laws and any needed modifications, we don’t need to jump the gun.

There is no doubt that Program HO 2.3.4 (2) is extreme, unwarranted, and unnecessary to meet State housing laws. It is not redundant of other parts of our Municipal Code. It has specific requirements that can reduce impacts from these large projects. It requires transparency and public process.

I thank you for your attention and discernment. The written language contained in Program HO 2.3.4 (2) is explicit in that it would *eliminate* our current Chapter 18.70 Municipal Code provisions pertaining to all large-scale residential developments, including multi-family and mixed use housing, even those that are market rate. It is unnecessary and thus I ask you to eliminate HO 2.3.4 (2) from the Revised Draft Housing Element.

Recommendations:

1. Eliminate Program HO 2.3.4 (2)

As currently proposed:

(2) The City shall amend Chapter 18.70 of the Mt. Shasta Municipal Code to expressly exclude all residential development, including multifamily residential facilities, from the provisions of Chapter 18.70. The amendments to Chapter 18.70 shall apply also to qualifying mix use developments utilizing the provisions of SB 35 or State Density Bonus Law.

See: Dec 2023 Housing Element Chapter 2 page 2-8
Red indicates changes made to the original Draft HE

Please don't hesitate to contact me if you have any questions.

Respectfully submitted,
Peggy Risch Mt. Shasta resident

Cc Kathy Joyce



Michelle Nielsen <michellen@planwestpartners.com>

FW: Public Comments on Housing Element Update

1 message

Jeff Mitchem <jmitchem@mtshastaca.gov>
To: Michelle Nielsen <michellen@planwestpartners.com>

Mon, Jan 8, 2024 at 4:38 PM

FYI...

[Jeff Mitchem](#)

[Planning Director](#)



[305 N. Mt. Shasta Blvd](#)

[Mt. Shasta, CA 96067](#)

[C: \(971\)400-1840](#)

From: Kathryn Joyce <kjoyce@mtshastaca.gov>
Sent: Monday, January 8, 2024 4:11 PM
To: Tessa Clure <tclure@mtshastaca.gov>; John Redmond <jredmond@mtshastaca.gov>; John Stackfleth <jstackfleth@mtshastaca.gov>; Jeffery Collings <jcollings@mtshastaca.gov>; Tim Stearns <tstearns@mtshastaca.gov>
Cc: Jeff Mitchem <jmitchem@mtshastaca.gov>
Subject: FW: Public Comments on Housing Element Update

FYI

[Kathy Joyce, CMC](#)

[Deputy City Clerk/Administrative Assistant](#)



[305 N. Mt. Shasta Blvd](#)

[Mt. Shasta, CA 96067](#)

Adopted

E2-30

August 12, 2024

From: Annalysa Hartwell <[REDACTED]>
Sent: Monday, January 8, 2024 3:41 PM
To: Kathryn Joyce <kjoyce@mtshastaca.gov>
Subject: Public Comments on Housing Element Update

Hi Kathryn,

Please forward these comments to the city council, planning commission, and Planner.

I am quoting from Dale LaForest's excellent research and comments about this Update, which I have reviewed and am in total agreement with.

"The draft Housing Element Update would lead to potentially significant environmental harm including serious aesthetic impacts. This draft Housing Element Update must be revised and subjected to CEQA review to protect our community and local environment.

"These public comments (in his letters) question the City's proposed approval of its Housing Element Update. Without first preparing CEQA review, there are potentially harmful changes this Update could create in the community and local environment. This proposed Housing Element Update is not exempt from CEQA requirements as we have previously informed the City.

"The agencies(in many similarly sized California cities) went to the trouble to prepare CEQA review because their proposed housing element changes would have environmental impacts. This is strong evidence that the City of Mt. Shasta has no legitimate grounds for claiming that our Housing Element Update is exempt from CEQA review."

Please return this Update for further changes to protect our precious and beautiful city! It is one on our main resources - especially financial.

Sincerely,

Annalysa Hartwell



Michelle Nielsen <michellen@planwestpartners.com>

FW: Public Comment - Mt. Shasta City Housing Element Update 2.4.7

1 message

Jeff Mitchem <jmitchem@mtshastaca.gov>
To: Michelle Nielsen <michellen@planwestpartners.com>

Mon, Jan 8, 2024 at 4:38 PM

FYI...

[Jeff Mitchem](#)

[Planning Director](#)



[305 N. Mt. Shasta Blvd](#)

[Mt. Shasta, CA 96067](#)

C: (971)400-1840

From: Karen Rogers <[REDACTED]>
Sent: Monday, January 8, 2024 4:22 PM
To: Kathryn Joyce <kjoyce@mtshastaca.gov>; Jeffery Collings <jcollings@mtshastaca.gov>; John Stackfleth <jstackfleth@mtshastaca.gov>; John Redmond <jredmond@mtshastaca.gov>; Tessa Clure <tclure@mtshastaca.gov>; Tim Stearns <tstearns@mtshastaca.gov>; Jeff Mitchem <jmitchem@mtshastaca.gov>; Todd Juhasz <tjuhasz@mtshastaca.gov>
Cc: Jeff Mitchem <jmitchem@mtshastaca.gov>
Subject: Public Comment - Mt. Shasta City Housing Element Update 2.4.7

Please see public comments attached, as well as copied into the body of this email below.

Thank you,

Karen Rogers

emailed to (citycouncilmembers) @mtshastaca.gov
Kathryn Joyce <kjoyce@mtshastaca.gov>
cc: [planningcommission@mtshastaca.gov](#)

January 8, 2024

To: Mt. Shasta City Council
Re: Comments on City Housing Element PROGRAM HO-2.3.7

Dear City Council Members and City Staff,

I am in support of our city requiring full CEQA review before approving a Housing Element, as well as including Architectural Design Review for this proposed Housing Element Update.

This Housing Update is flawed, and needs to go back for appropriate revisions that include aesthetic protections as required by our General Plan, and by CEQA.

I am a resident of south Siskiyou County for nearly 40 years, and have three generations of family that call Mt. Shasta home. I also have business and property interests in Mt. Shasta and environs. I have decades of professional experience in environmental protection, and have a strong interest in ensuring that the Mt. Shasta area's unique beauty be protected and preserved.

A primary appeal of Mt. Shasta is our outstanding scenic vistas, and rural character. These should absolutely be protected to the full extent possible when considering any new construction and development.

Our city leaders should not compromise these aesthetic values with hastily produced housing projects, that fail to consider these important values.

The current HO-2.3.7 needs to go back to the drawing board for appropriate and legally required revisions that protect the area's natural beauty. I request that you approve a Housing Element Update that serves the residents and visitors to this community, and not developers.

Respectfully submitted,

Karen Rogers
PO Box 1352
Mt. Shasta, CA 96067

Sent from Finest Planet WebMail.

 **Public Comment - Mt. Shasta City Housing Element Update 1-8-23.pdf**
350K