

REGULAR MEETING DUNSMUIR PLANNING COMMISSION
FEBRUARY 14TH, 2024, 6:00 PM

Participants can attend in person, online, and/or by telephone, as follows:

In-person at: **Dunsmuir City Council Chambers, 5902 Dunsmuir Ave, Dunsmuir, CA**

Online via Zoom at: <https://us02web.zoom.us/j/99204517515>

Telephone at: **1(669)900-6833** When prompted, enter **Meeting ID: 992 0451 7515**

***9 to Raise Hand *6 to unmute**

As a courtesy, please keep your phone or microphone on mute unless the Chairperson calls on you. Thank you.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA**
- 4. APPROVAL OF MINUTES** of November 8th, 2023
- 5. ANNOUNCEMENTS AND PUBLIC COMMENT**

Make your announcements or comments when the Chairperson calls upon you to do so. The Planning Commission Chairperson will recognize you and ask for your name and address so that City staff can follow up on any issues requiring City action. This time is set aside for citizens to address the Planning Commission on matters **not** included on the Regular Agenda. If your comments concern an item noted on the Regular Agenda, please address the Planning 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. The Planning Commission can only take action on matters that are on the Agenda but may place matters brought to their attention at this meeting on a future Agenda for consideration. If you have documents to present to members of the Planning Commission, please email them to adminasst@ci.dunsmuir.ca.us at least two days prior to the Planning Commission meeting. Alternatively, the documents can be mailed to the City of Dunsmuir Planning Commission, 5915 Dunsmuir Avenue, Dunsmuir, CA 96025. If submitting documents via mail, please allow adequate time for the documents to arrive, be distributed, and reviewed by the Planning Commission prior to the meeting. Further, if mailing, please provide a minimum of nine (9) copies.

- 6. PUBLIC HEARINGS – Zane Variance Application** a proposed variance of the corner yard setback to accommodate replacement of detached parking garage, allow drainage flow and avoid removal of an existing tree, raised garden beds, and patio at **5701 Shasta Ave.**

Public Hearing Protocol:

- a. Chairperson will describe the purpose of the Public Hearing
- b. City Staff will provide the Staff Report
- c. City Staff will respond to questions by the Planning Commission
- d. Chairperson will open the Public Hearing
- e. Citizens wanting to comment should wait until the Chairperson asks for public comments and provide the City Clerk with their name and address prior to commenting.

A. Draft Resolution PC-2024-01, A Resolution of the Planning Commission of the City of Dunsmuir Consideration of Approving the Zane Variance at 5701 Shasta Avenue

7. NEW BUSINESS

8. OLD BUSINESS - None

9. ANNOUNCEMENTS AND REPORTS FROM COMMISSION AND STAFF

A. Staff:

B. Commissioners:

10. ADJOURNMENT:

Copies of this agenda were posted at City Hall, the City's Website, Library and at the Post Office 72 hours prior to the meeting date.

The City of Dunsmuir does not discriminate on the basis of race, color, national origin, religion, age, gender, sexual orientation, disability or any other legally protected classes in employment or provision of services. Persons who need accommodations for a disability at a public meeting may call City Hall at (530) 235-4822 for assistance. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to accommodate participation in the meeting.

CERTIFICATION

This is the official Dunsmuir Planning Commission Agenda created and posted in accordance with the Dunsmuir City Protocols.

Wendy Perkins

Deputy City Clerk

2/09/2024
Date

**REGULAR MEETING
DUNSMUIR PLANNING COMMISSION
November 8th, 2023
MINUTES**

1. CALL TO ORDER AND FLAG SALUTE

Meeting was called to order at 6:02 p.m. by Chair Kay

2. ROLL CALL

Commissioners present: Bailey, Simon, Skalko, Thomure, Kay

Commissioners Absent: Sanchez, Feasby

Staff present: City Planner Tinsman, Deputy City Clerk Perkins

3. APPROVAL OF AGENDA

Motion to approve the agenda by Skalko second by Thomure

Voice Vote:

AYES: Bailey, Skalko, Feasby, Thomure, Kay

NOES: None

ABSENT: Sanchez, Feasby

ABSTAIN: None

4. APPROVAL OF MINUTES – of October 11th, 2023

Motion to approve minutes of October 11th, 2023 by Bailey 2nd by Skalko

Voice Vote

AYES: Bailey, Skalko, Feasby, Thomure, Kay

NOES: None

ABSENT: Sanchez, Feasby

ABSTAIN: None

5. ANNOUNCEMENTS AND PUBLIC COMMENT - open at 6:06 none

6. PUBLIC HEARINGS – None

7. OLD BUSINESS

A. Short Term Rentals- Review of Short-Term Rentals and Housing Supply

(continued from May 10th, 2023)

Planner Tinsman opens the item and goes over his staff report and general findings.

Contract City Planner Tinsman also goes over a brief history of the short-term rental ordinance development and enactment history. It was developed in August 2021, but not enforced until April 1, 2022 in order to give time to operators sample to come into compliance.

Public comment open at 7:15

Tim Holt asks some clarifying questions about the short -term rental housing metrics and counts presented in the staff report and poses his concern about the availability of low-income housing

units, specifically rentals to those wishing to live and work in Dunsmuir.

Public comment closed at 7:25

Discussion. Talk of a possible cap due to the upward trajectory and rate of short-term rental registrations increasing vs. Vacancy rates, availability of rental housing and affordable housing. Truckee did not have a cap when first implementing STR regulations when they first began, but today they have implemented a cap which amounts to about 9% of their housing stock. They also now require one year of ownership prior to being able to register the unit as short term rental until. Dunsmuir currently has approximately 9% of their housing units operating as short term rentals.

Discussion on next steps, possibly bring this item back to another meeting for further discussion and review. Plan to revisit the ordinance regulating short-term rentals in February or March, springtime 2024.

8. NEW BUSINESS – None

9. ANNOUNCEMENTS AND REPORTS FROM COMMISSION AND STAFF

City Planner Tinsman – Provides an update on the downtown revitalization planning meeting which occurred last night.

Bailey addresses some concerns regarding the Flamingo Room /Sengthongs sign which is being altered in preparation for a new business opening there (bar). Sengthongs has long ago been closed and the sign must be removed.

ADJOURNMENT

Motion to adjourn the meeting at 8:30 p.m. by consensus.

ATTEST:

Chairperson Kay

Deputy City Clerk Perkins

Date



CITY OF DUNSMUIR

STAFF REPORT TO PLANNING COMMISSION

FEBRUARY 14, 2024

ZANE VARIANCE

APPLICANT:	Neil and Nancy Zane 5701 Shasta Avenue Dunsmuir, CA 96025
PROPERTY OWNER:	Neil and Nancy Zane 5701 Shasta Avenue Dunsmuir, CA 96025
PROJECT SUMMARY:	The project is a proposed variance of the corner yard setback to accommodate drainage flow and avoid removal of an existing tree, raised garden beds, and patio.
PROJECT LOCATION:	The project site is located at 5701 Shasta Avenue (APN 058-083-130)
GENERAL PLAN:	Mixed Use
ZONING:	Residential Mixed Use (MU-1)
EXISTING USE:	Single Family Residential
ENVIRONMENTAL	The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302.
RECOMMENDATION:	Approval
ATTACHMENTS:	A. Draft Resolution PC-2024-01, A Resolution of the Planning Commission of the City of Dunsmuir Approving the Zane Variance at 5701 Shasta Avenue

OVERVIEW

Mr. and Mrs. Zane are the owners of 5701 Shasta Avenue which is a developed parcel consisting of a single-family residence and detached garage. The parcel sits at the southwest corner of Spruce Street and Shasta Avenue on approximately 0.16 acres. The parcel is approximately 150 feet long, approximately 26 feet wide.

The proposed variance is a request to demolish the existing garage with dimensions of 10'x20' and current setbacks of 14-feet from the exterior side property line and 0-feet from the rear property line. The garage would be replaced with a 2-foot wider garage with dimensions of 12'x20' and placed 3-feet from the rear property line and 14-feet from the exterior side property line. In order to replace the garage, the property owners are requesting a variance to the rear and exterior side yard setbacks in order to avoid removing an existing patio, raised garden beds and a tree.



Figure 1. Project Location



Figure 2-A. Detached Garage - View from Spruce Street facing south.



Figure 2-B. Detached Garage - View from back yard facing east.

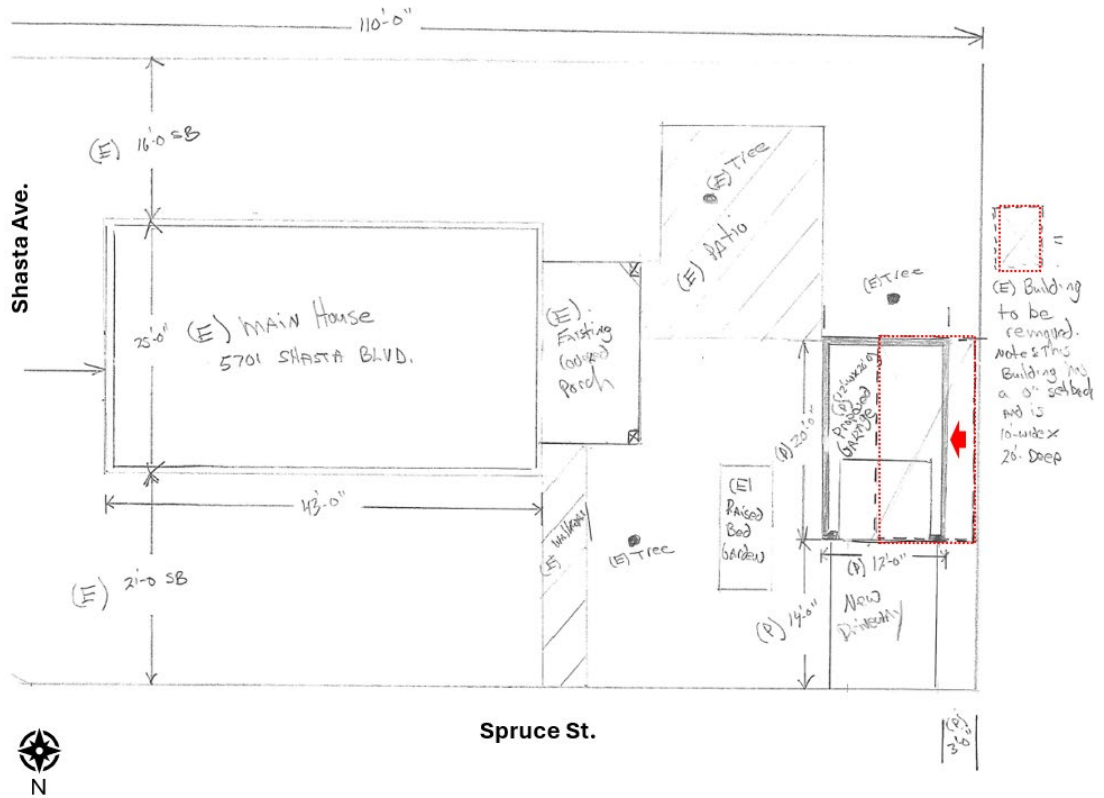


Figure 3. Proposed Replacement

ANALYSIS

General Plan

The Property is designated in the City of Dunsmuir General Plan Land Use Element as Mixed Use. No change in land use designation is proposed. Per the General Plan Land Use Element, typical uses for mixed use designated properties include: Artist studios Media production, Mixed-use developments, Professional offices and residential uses such as single-family residential dwellings, duplexes, supportive housing etc.” The General Plan is otherwise silent regarding the project. Accordingly, the proposed variance to allow the deviation from established setbacks set forth within the DMC is consistent with the General Plan.

Zoning

The parcel (APN 058-083-130) zoned Residential Mixed Use (MU-1). There would be no change in zoning or zoning irregularities as a result of the project. The MU-1 zoning district permits a mixture of residential and nonresidential uses which do not generate significant traffic consistent with the Mixed Use land use designation.

Pursuant to the Dunsmuir Municipal Code (DMC) Chapter 17.08.040 and accessory structure is defined as “a structure that is physically detached from, secondary, and incidental to, and commonly associated with the existing primary structure.” Therefore, for the purposes of this analysis the detached garage will be considered an accessory structure. The Dunsmuir Municipal Code (DMC) Section 17.28, which regulates land uses within the MU-1 zoning district, including required front, side, and rear yard setbacks. The required setbacks for accessory uses in the MU-1 district are as follows:

- Front Yard = 15 feet
- Side Yard (corner lot interior) = 5 feet
- Side Yard (corner lot exterior accessory structure) = 20 feet
- Rear Yard (accessory Structure) = 5 feet

Consequently, the 15-foot Front yard, five-foot interior side yard and, ten-foot exterior side yard setbacks would be met. As shown in **Table 1** below, the Dunsmuir Municipal Code requires a minimum 5-foot rear yard setback and 20-foot exterior yard setback. Although the requested variance provides an additional 3-foot setback to the rear property line and no change to the exterior side property line, both of these setbacks would not be in compliance with the existing development standards of the MU-1 zone district. Therefore, in order to bring the new accessory structure into compliance with the current Zoning Code, a variance is required. Approval of this variance would approve a 3-foot rear yard setback and a 14-foot exterior side yard setback.

Table 1 – Required, Existing, and Proposed Setbacks for Accessory Structures.

Required – DMC 17.28.060	Existing	Proposed	Difference
5-foot rear yard	0-foot rear yard	3-foot rear yard	2-feet less than required per DMC
20-foot exterior side yard	14-foot exterior side yard	14-foot exterior side yard	6-feet less than required per DMC

VARIANCE FINDINGS

Pursuant to Government Code Section 65906, “Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.”

In addition, pursuant to DMC Section 17.88.030 (Variances), the planning commission has the authority to approve variances from the Zoning Code because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this title deprives such property of privileges enjoyed by the other property in the vicinity and under identical zoning classification. Additionally, granting the variance would not result in privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. Finally, a variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise authorized by the zone district.

The proposed variance is a special circumstance because the existing detached garage predates the current Development Code and currently does not meet the required setback requirements. The property owners are replacing the garage and requesting a variance to deviate from the existing setback standards. Compliance with the existing setback standards would require the property owners to remove an existing patio, raised garden beds and mature tree. The conditions of approval will ensure that the garage is placed at the proposed setback locations and would not authorize a use that is not otherwise permitted.

It is staff's opinion that the combination of existing site constraints deprive the property of replacing a dilapidated garage. In order to replace the garage in compliance with existing development standards, the property owners would be required to remove the existing patio, garden beds, and mature tree. Granting the variance would enable the property owners to maintain their existing facilities and contribute to neighborhood preservation by avoiding unnecessary removal of native species and demolishing an outdated structure.

Accordingly, staff believes that the Planning Commission can make the following findings to approve the variance consistent with Government Code Section 65906 and DMC Sec. 17.88.070 and the findings have been incorporated into the draft resolution prepared for the Planning Commission's consideration:

1. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

There are special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, that would deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification, and which would result in unnecessary hardships, were the literal enforcement and strict application of the zoning ordinance to be applied.

2. That the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

The requested deviation from the rear and exterior side yard setbacks would not grant special privileges inconsistent with other properties in the vicinity and zone district and would further neighborhood preservation through demolition of an outdated building and preserving a mature tree.

3. The variance is not for and does not authorize a use or activity which is not otherwise permitted in the relevant zoning district.

The requested deviation from rear and exterior side yard setbacks would not authorize a use not otherwise permitted in the MU-1 zone district. Accessory structures are permitted in this zone district and therefore the replacement and relocation of said structure is an allowed use.

ENVIRONMENTAL RECOMMENDATION

Staff recommends that the project is categorically exempt from environmental review under Section 15302, Replacement or Reconstruction, of the California Environmental Quality Act (CEQA) Guidelines.

The “Replacement or Reconstruction” applies to “existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.”

If the Planning Commission concurs, it would need to make the finding that the project is exempt from CEQA prior to project approval. As such, a finding to this effect has been incorporated into the suggested motion below as well as the draft resolution prepared for the Planning Commission’s consideration.

STAFF RECOMMENDATION

Staff has reviewed the application materials and attempted to provide sufficient documentation of the site conditions herein. Based on the material in the record and the information provided in this staff report, staff recommends that the Planning Commission open the public hearing, consider any public testimony received, and provided no substantial issues are raised that cannot be resolved, close the public hearing and take the following actions:

- **Adopt** the findings of consistency with the General Plan and Zoning;
- **Adopt** the recommended findings for approval of the variance;
- **Adopt** the recommended CEQA findings and CEQA Exemptions; and
- **Adopt** Resolution PC-2024-01, A Resolution of the Planning Commission of the City of Dunsmuir Approving the Zane Variance at 5701 Shasta Avenue.

SUGGESTED MOTION

I move that we make the finding that the proposed project would not have a significant adverse effect on the environment, that we adopt the recommended CEQA exemptions, and that we adopt Resolution PC-2024-01 approving the Zane Variance at 5701 Shasta Avenue.

ATTACHMENTS

- A. Draft Resolution PC-2024-01, A Resolution of the Planning Commission of the City of Dunsmuir Approving the Zane Variance at 5701 Shasta Avenue.

RESOLUTION PC-2024-01
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNSMUIR
APPROVING THE VARIANCE AT 5701 SHASTA AVENUE

WHEREAS, Neil and Nancy Zane applied for a variance to reduce the rear yard setback at 5701 Shasta Avenue from five (5) feet to three (3) feet and the exterior side yard setback from twenty (20) feet to fourteen (14) feet in order to replace and relocate a 12'x20' detached garage without removing an existing patio, raised garden beds, and mature tree; and

WHEREAS, the Zane variance is consistent with zoning designations and the applicable policies of the City of Dunsmuir General Plan; and

WHEREAS, there are special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, that would deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification, and which would result in unnecessary hardships, were the literal enforcement and strict application of the zoning ordinance to be applied; and

WHEREAS, relief from the rear yard and exterior side yard setback would not be contrary to the intent of the Zoning Code, nor would it be detrimental to the public interest, safety, health and/or welfare; and

WHEREAS, the Zane variance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302, Replacement or Reconstruction, because the project consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; and

WHEREAS, staff presented oral and written staff reports on the Zane variance at a regular meeting of the Planning Commission on February 14, 2024; and

WHEREAS, staff recommended that the Planning Commission approve the Zane variance subject to the findings included in the staff report dated February 14, 2024, and incorporated herein above; and

WHEREAS, a Notice of Public Hearing was published in the Dunsmuir News on January 31st, 2024; and

WHEREAS, public hearing notices were advertised, and mailed pursuant to Sec. 17.140.010 of the Dunsmuir Municipal Code and California Government Code Sec. 65090 et seq.; and

WHEREAS, on February 14, 2024, the Chair of the Dunsmuir Planning Commission opened the duly noticed public hearing on the Zane variance application to receive public testimony, following which the Chair of the Planning Commission closed the public hearing and the Planning Commission discussed the variance application prior to reaching its decision.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission adopts the recommended findings set forth in the written staff report dated February 14, 2024, and incorporated herein above; and

BE IT FURTHER RESOLVED that the Planning Commission, based on the evidence in the record, including the findings set forth in the written staff report dated February 14, 2024, and incorporated herein

above, approves the Zane variance which permits a 3-foot rear yard setback and a 14-foot exterior side yard setback for the detached garage.

IT IS HEREBY CERTIFIED that the foregoing Resolution PC-2024-01 was duly adopted on a motion by Commissioner _____ and seconded by Commissioner _____ at a regular meeting of the City of Dunsmuir Planning Commission held on the 14th day of February 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF DUNSMUIR PLANNING COMMISSION

Craig Kay, Chair

WITNESS, my hand and seal this 14th day of February 2024

Wendy Perkins, Deputy City Clerk