

REGULAR MEETING DUNSMUIR PLANNING COMMISSION
APRIL 10TH, 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**

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- 1. CALL TO ORDER**
 - 2. ROLL CALL**
 - 3. APPROVAL OF AGENDA**
 - 4. APPROVAL OF MINUTES** of February 14th, 2024

5. GENERAL 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 –

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. Housing Element Update and Adoption of PC Resolution 2024-05

B. Wallace Variance and Tentative Parcel Map to Facilitate a Two-Lot Subdivision for Existing Single Family Dwelling units and Variance to Allow Deviations from the Development Standards Contained in the Dunsmuir Zoning Code for the MU-3 zone district.

- **PC Resolution 2024-02 Approving Wallace Variance at 4210/4212 Willow St (APN: 058-082-010)**
- **PC Resolution 2024-03 Approving Wallace Tentative Parcel Map at 4210 / 4212 Willow St (APN: 058-082-010)**

C. Yackley Use Permit PC Resolution 2024-04 to Facilitate Development of a Drive-Through Food Service Establishment at 5621 Dunsmuir Ave (APNs: 058-082-090, 058-082-100)

7. **OLD BUSINESS - None**
8. **NEW BUSINESS - None**
9. **ANNOUNCEMENTS AND REPORTS FROM COMMISSION AND STAFF**
10. **ADJOURNMENT**

Copies of this agenda were posted at City Hall, City Website and Post Office 72 hours in advance of this meeting.

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

4/5/2024
Date

**REGULAR MEETING
DUNSMUIR PLANNING COMMISSION
February 14th, 2024
MINUTES**

1. CALL TO ORDER AND FLAG SALUTE

Meeting was called to order at 6:15 p.m. by Vice Chair Skalko

2. ROLL CALL

Commissioners present: Bailey, Skalko, Simon, Sanchez, Feasby

Commissioners Absent: Thomure, Kay

Staff present: Contract City Planner George, FD Michaelson

3. APPROVAL OF AGENDA

Motion to approve the agenda by Feasby second by Bailey

Roll Call Vote:

AYES: Bailey, Skalko, Sanchez, Simon, Feasby

NOES: None

ABSENT: Thomure, Kay

ABSTAIN: None

4. APPROVAL OF MINUTES – of November 8th, 2023

Motion to approve minutes of November 8th, 2023 by Feasby 2nd by Bailey

All in favor.

5. ANNOUNCEMENTS AND PUBLIC COMMENT - None

6. PUBLIC HEARINGS – Variance for Zane PC Resolution 2024-01

Contract Planner Kelsey George presents the staff report and recommends approval of the variance on set backs for removal of old garage structure and placement of new structure. At 5701 Shasta Ave.

Motion by Skalko 2nd by Sanchez to make the finding that the proposed project would not have a significant adverse effect on the environment, to adopt the recommended CEQA exemptions, and to adopt Resolution PC-2024-01 approving the Zane Variance at 5701 Shasta Avenue.

Roll Call Vote

AYES: Bailey, Skalko, Sanchez, Feasby, Simon

NOES: None

ABSENT: Thomure, Kay

ABSTAIN: None

7. OLD BUSINESS – None

8. NEW BUSINESS –

9. ANNOUNCEMENTS AND REPORTS FROM COMMISSION AND STAFF

10. ADJOURNMENT

Motion to adjourn the meeting at 6:45 p.m. by consensus.

ATTEST:

Chairperson Kay

Deputy City Clerk Perkins

Date



CITY OF DUNSMUIR

STAFF REPORT TO PLANNING COMMISSION

April 10, 2024

HOUSING ELEMENT UPDATE

- PROJECT SUMMARY:** This is a review of the revised draft 6th Cycle Housing Element (2023-2031), which was amended to respond to comments from the California Department of Housing and Community Development (HCD), comply with state housing law, and obtain state certification.
- ENVIRONMENTAL:** Exempt under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines
- ATTACHMENTS:**
- A. Draft Resolution PC-2024-05, A Resolution of the Planning Commission of the City of Dunsmuir Recommending the City Council Adopt the 2023 - 2031 6th Cycle Housing Element Update
 - B. California Department of Housing and Community Development (HCD) findings letter dated March 4, 2024, and City Response Matrix
 - C. Revised draft 6th Cycle Housing Element Update for the City of Dunsmuir: Available online at <https://www.siskiyou-housing.com/dunsmuir/>
 - D. Revised draft 2023-2031 6th Cycle Housing Element Chapter 2 – Goals, Policies and Housing Programs, and the revised draft AFFH Housing Action Plan (Table A-39) excerpted from Appendix A, section 7.0.

PROJECT OVERVIEW

This project consists of review and consideration of the revised draft 6th Cycle Housing Element (2023-2031), which was revised to respond to comments received from the California Department of Housing and Community Development (HCD), comply with state housing law, and obtain state certification. Specifically, the Planning Commission is being asked to review and consider the revised draft Housing Element and make a recommendation to the City Council relative to the proposed findings that the Housing Element substantially complies with state housing element law, the proposed CEQA exemption pursuant to Section 15061(b)(3), and adoption of the revised draft 6th Cycle Housing Element. The City is currently working toward a deadline of April 30, 2024 to submit the adopted Housing Element to HCD for 60-day review, as required by state law.

The Housing Element is a policy document used by the City to address its future housing needs, including affordable housing for lower-income households. The Housing Element describes housing needs and sets forth goals and implementation programs intended to address these needs. The document is an expression of local commitment to act in a progressive fashion to utilize the public and private resources of the City in response to the challenge of providing decent and affordable housing in a pleasant environment for all residents. Further, a housing element that is compliant with state law is essential for Community Development Block Grant (CDBG) funding eligibility. As such, this update is critically important to the City because the City regularly relies upon CDBG funding for infrastructure improvements and economic development.

The City's current Housing Element was adopted in May 2016. Of the seven required elements of the General Plan, this is the only element that must be updated on a regular basis (i.e., every eight years).

As such, the City has prepared a draft update of the Housing Element for the 2023-2031 planning period. The Planning Commission reviewed the draft Housing Element update at the Commission's regularly scheduled meeting of October 11, 2023 and determined the draft Housing Element update does not have the potential to cause a significant impact to the environment and is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines. After public hearings in October and November 2023, the City Council authorized the submission of the draft housing element to the California Department of Housing and Community Development (HCD) at its November 16, 2023 regular meeting. The Housing Element has been revised to address comments received from HCD on March 4, 2024.

Housing Element Content

The Housing Element describes the community's housing needs and includes an analysis of constraints to housing production. The revised draft 2023-2031 Housing Element is available online and can be downloaded at <https://www.siskiyou-housing.com/dunsmuir/>. Printed copies of the document are available for review at Dunsmuir City Hall (located at 5902 Dunsmuir Ave., Dunsmuir).

The Housing Element is organized as indicated below. Housing element sections that were revised in response to HCD comment letter of March 4, 2024 are noted, with revisions shown in strikethrough and underline. Additionally, red text indicates an addition or deletion and green text indicates that text was relocated from one location in the document to another.

The nature of the revisions are detailed in **Attachment B, City Response Matrix** and are summarized below (*Changes since last PC review*):

- **Chapter 1, Introduction.** The Introduction summarizes the process of preparing the Housing Element, the State requirements relating to Housing Elements, public participation, General Plan consistency, previous Housing Element analysis, looking ahead and key definitions.
Changes since last PC review: This chapter has been revised in response to HCD's comment to better explain how public comments were incorporated into the element.
- **Chapter 2, Housing Goals, Policies and Programs.** This chapter contains the Goals, Policies and Implementation Programs necessary to measurably address housing needs, constraints to housing production, and contributing factors to fair housing.
Changes since last PC review: Programs in Chapter 2 have been revised in response to HCD's comments related to quantified objectives, housing needs, resources, and constraints, land use controls, and facilitating development of affordable housing, including for extremely low income households. Headers were added to programs to improve readability and navigation.
- **Chapter 3, Previous Housing Element Analysis.** This chapter complies with California Government Code, Sec. 65588(a) requiring reporting on implementation and effectiveness of the previous Housing Element, particularly with respect to addressing housing demands of special needs populations.
Changes since last PC review: None.
- **Appendix A, Assessment of Housing Needs and Fair Housing.** This appendix includes the Housing Element's assessment of the community's housing needs.
Changes since last PC review: Appendix A has been revised in response to HCD comments regarding the need to incorporate local information and knowledge, including for housing conditions; additional analysis for contributing conditions to fair housing issues, specifically disparities in access to opportunity and disproportionate housing needs; estimation of number of extremely low income households, also additional housing needs and available housing resources, and governmental and nongovernmental constraints. Typos were corrected and other edits were made for clarification.

- **Appendix B, Housing Constraints.** This appendix complies with state housing element requirement for an analysis of governmental and non-governmental constraints that may constrain the ability of the private and public sectors to provide adequate housing that meets the needs of all economic segments of the community.

Changes since last PC review: Development standards details; existing and proposed provisions for nonconforming lots; provisions for housing for persons with disabilities, reasonable accommodation, supportive housing developments, emergency shelters, mobile homes/ manufactured Housing and mobile home parks; compliance with other state housing laws; local permit processing procedures, including CEQA and streamlining; and 2024 costs for installation of a manufactured home. Typos were corrected and other edits were made for clarification.

- **Appendix C, Analysis of Sites for RHNA and Emergency Shelters, and Opportunity Sites.** This appendix reports on progress on the 5th Cycle Regional Housing Needs Allocation, programmatic analysis of environmental constraints that may limit residential development, identification and analysis of site designated to meet Dunsmuir’s 6th cycle RHNA, lands available to meet Dunsmuir’s estimated need for emergency shelter, and land available and adequate to accommodate of housing types and for all income categories.

Changes since last PC review: The sections of Appendix C were reordered and some of the section headers retitled for clarification; further analysis and data points were added for identified RHNA site to address HCD comments; further analysis and data points were added for opportunity sites to address HCD comments. Some inventory sites were relabeled as “opportunity sites” to align with HCD’s nomenclature. Also corrected typos and other edits for clarification.

- **Appendix D.** Funding resources summary (no changes since last PC review).
- **Appendix E.** Glossary (no changes since last PC review).

ENVIRONMENTAL REVIEW

It is staff’s opinion that the draft Housing Element Update is exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states “The activity is covered by the general rule 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.”

Therefore, prior to adoption of the Housing Element Update, the City should make the finding that “it can be seen with certainty that there is no possibility that adoption of the Housing Element Update may have a significant effect on the environment”. As the Housing Element has been revised to address HCD’s comments, the Planning Commission is being asked to recommend that the City Council adopt the Housing Element.

In support of this finding, staff would suggest that even though the Housing Element establishes goals, policies, and programs that are intended to facilitate the development of housing in the city, there are no goals, policies, or programs that would result in increased residential densities, allow residential development to occur in areas not already designated and zoned for such, or diminish environmental oversight of future projects. Therefore, potential environmental impacts under the proposed Housing Element are no greater than potential environmental impacts under existing zoning and land use designations.

STAFF’S RECOMMENDATION

Staff recommends that the Planning Commission consider the totality of the record before it, including all comments presented at the public hearing, and should the Commission determine that the project as

proposed would not have a significant impact on the environment, staff recommends that the Planning Commission:

- **Make** the finding that the project, as proposed does not have the potential to result in a significant impact on the environment; and
- **Adopt** draft Resolution PC-2024-05, A Resolution of the Planning Commission of the City of Dunsmuir Recommending the City Council Adopt the 2023-2031 Housing Element Update.

SUGGESTED MOTIONS

- A. I move we make the finding that, on the basis of the entirety of the record before us, including comments received, the proposed project could not have a significant adverse effect on the environment and is exempt from CEQA pursuant to Sec. 15061(b)(3) of the CEQA Guidelines.
- B. I move that we adopt Resolution PC-2024-05 recommending the City Council adopt the 2023-2031 City of Dunsmuir Housing Element Update.

ATTACHMENTS

- A. Resolution PC-2024-05, A Resolution of the Planning Commission of the City of Dunsmuir Recommending the City Council Adopt the 2023-2031 Housing Element Update
- B. California Department of Housing and Community Development (HCD) findings letter dated March 4, 2024, and City Response Matrix
- C. Revised draft 6th Cycle 2023-2031 Housing Element Update for the City of Dunsmuir: Available online at <https://www.siskiyou-housing.com/dunsmuir/>
- D. Revised draft 6th Cycle 2023-2031 Housing Element Chapter 2 – Goals, Policies and Housing Programs, and the revised draft AFFH Housing Action Plan (Table A-39) excerpted from Appendix A, section 7.0.

ATTACHMENT A
DRAFT RESOLUTION PC-2024-05

RESOLUTION 2024-05
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNSMUIR
RECOMMENDING THE CITY COUNCIL ADOPT THE 2023-2031 HOUSING ELEMENT UPDATE
AS AMENDED TO ADDRESS HCD COMMENTS

WHEREAS, the City of Dunsmuir General Plan Housing Element for the 5th cycle planning period was adopted in 2014; and

WHEREAS, state housing element law (Government Code Sec. 65580 et seq.) requires that the City update the Housing Element every eight years; and

WHEREAS, the City prepared an update of the Housing Element for the 6th cycle planning period (2023-2031) that sets forth housing policies and programs to facilitate the preservation and development of housing; and

WHEREAS, Chapter 1 of the 6th cycle Housing Element update describes the public participation effort undertaken to update the Housing Element; and

WHEREAS, in accordance with Government Code Sec. 65585(b), the City posted the draft Housing Element online on September 18, 2023, and requested public comment for a 30-day review period, with the City subsequently extending the public review period and accepting written comments until November 17, 2023; and

WHEREAS, on October 18, 2023, the Planning Commission conducted a duly noticed hearing to accept public comment and consider the draft Housing Element, and by unanimous vote adopted Resolution 23-06 recommending the City Council adopt the draft Housing Element; and

WHEREAS, on November 2 and 16, 2023, the City Council conducted duly noticed hearings, accepted public comment, and consider the draft Housing Element. On November 16, 2023, the City Council authorized submittal of the 2023-2031 Housing Element to HCD; and

WHEREAS, following completion of the 10-business day period required by Government Code Sec. 65585(b)(1), the City's consultant Planwest Partners, Inc. transmitted the draft 6th Cycle Housing Element to the California Department of Housing and Community Development (HCD) for review on December 5, 2023; and

WHEREAS, on March 4, 2024, HCD issued a letter with the Department's findings regarding the adopted Housing Element, which noted that the City's 6th Cycle Housing Element addresses most of the requirements of state housing element law but that amendments are needed for HCD to consider the Housing Element for certification; and

WHEREAS, the City considered HCD's findings and recommended amendments, and has incorporated draft revisions into the Housing Element to respond to HCD's comments and ensure the Housing Element will substantially comply with state housing element law once readopted; and

WHEREAS, on April 5, 2024, the City's consultant Planwest Partners, Inc. published the revised draft Housing Element update online at <https://www.ci.dunsmuir.ca.us/planning-department/> and at <https://www.siskiyou-housing.com/dunsmuir/> and invited public comment; and

WHEREAS, on April 5, 2024, the City published the revised draft Housing Element update on its website and invited public comment; and

WHEREAS, on April 10, 2024, the Planning Commission conducted a duly noticed public hearing to accept public comment and consider the revised draft Housing Element update; and

WHEREAS, the Planning Commission determined the revised draft Housing Element updated housing policies and programs consistent with state law; and

WHEREAS, the Planning Commission further determined the revised draft Housing Element does not have the potential to cause a significant impact to the environment and is exempt from the CEQA pursuant to CEQA Guidelines Sec. 15061(b)(3), because it will not entitle, propose, or otherwise require the construction of new development or rehabilitation of existing development, nor will it result in: any direct or indirect physical changes to the environment; any changes to the General Plan Land Use Map; modifications to General Plan land use designations, densities, or intensities, nor any changes to intensities or densities beyond those permitted by the General Plan, Zoning Code, and/or state law; and

WHEREAS, the Planning Commission has found that the revised draft Housing Element, and the programs and housing action plan contained therein, take meaningful actions to combat discrimination, overcome patterns of segregation, and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics consistent with the City's obligation to affirmatively further fair housing pursuant to Government Code Sec. 8899.50; and

WHEREAS, the Planning Commission has found that the revised draft Housing Element is in the public interest because it provides the City with a mechanism to further social, economic, housing and other goals that have been adopted by the City Council and the State Legislature. The revised draft Housing Element will help the City achieve the following housing goals:

1. Provide adequate sites.
2. Ensure the availability of a variety of housing types and increase the affordability of housing.
3. Conserve, rehabilitate, and enhance the condition of the existing housing stock and residential neighborhoods.
4. Facilitate the provision of housing suited to persons with special needs.
5. Encourage and support the development of affordable housing.
6. Encourage sustainable housing development and energy conservation.
7. Promote equal and fair housing opportunities for all people.

WHEREAS, the Planning Commission has found that the revised draft Housing Element is consistent with a comprehensive view of the Dunsmuir General Plan, and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends the City Council of the City of Dunsmuir:

1. Hold a public hearing in the manner prescribed by law; and
2. Determine that the revised draft Housing Element is exempt from the CEQA pursuant to Sec. 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that it will not have a significant effect on the environment; and
3. As required by Government Code Sec. 65585(e), consider the findings made by HCD in the Department's letter to the City dated March 4, 2024, and find that the 6th Cycle Housing Element was amended to respond to HCD's findings, as set forth in Attachment C to the staff report dated April 10, 2024, and to substantially comply with the requirements of state housing element law as interpreted by HCD; and
4. Adopt the revised draft Housing Element; and
5. In accordance with Government Code Sec. 65585(b)(1), direct the City Clerk or their designee to publish the Housing Element on the City's website and email a link to all individuals and

- organizations that have previously requested notices regarding the Housing Element at least seven (7) days prior to the Housing Element being resubmitted to HCD; and
6. Authorize city staff and/ the City’s consultant Planwest Partners, Inc. to transmit the adopted Housing Element to HCD for review upon completion of the seven-day period prescribed by Government Code Section 65585(b)(1).

BE IT FURTHER RESOLVED that minor changes to the revised draft Housing Element that do not substantially change the goals, policies, programs, or objectives, that are reasonably based on credible information that is readily accessible to the public, to make the Housing Element internally consistent or to address any non-substantive changes or amendments suggested or requested by HCD, and that are published in accordance with Government Code Section 65585(b)(1) shall not be considered to be substantial changes requiring further review by the Planning Commission. However, should HCD require substantial modifications to the revised draft or adopted Housing Element not previously considered by the Planning Commission, city staff shall bring such modifications back to the Planning Commission for its review, consideration, and recommendation pursuant to Government Code Section 65356.

IT IS HEREBY CERTIFIED that the foregoing Resolution 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 10th day of April 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF DUNSMUIR PLANNING COMMISSION

Craig Kay, Chair

WITNESS, my hand and seal this 10th day of April 2024

Wendy Perkins, City Clerk

ATTACHMENT B

HCD FINDINGS LETTER AND CITY RESPONSE MATRIX

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



March 4, 2024

Dustin Reif, City Manager
City of Dunsmuir
5915 Dunsmuir Avenue
Dunsmuir, CA 96025

Dear Dustin Reif:

RE: City of Dunsmuir's 6th Cycle (2023-2031) Draft Housing Element

Thank you for submitting the City of Dunsmuir's (City) draft housing element received for review on December 6, 2023 along with revisions received on February 27, 2024. The revisions were made available to the public for seven days prior to review by the California Department of Housing and Community Development (HCD). HCD is reporting the results of its review pursuant to Government Code section 65585.

The draft element, including revisions, addresses many statutory requirements; however, revisions will be necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq), as follows:

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)

Local Data and Knowledge and Other Relevant Factors: With factors such as a smaller population and census tract extending well beyond the City limits, the state and federal data is influenced by demographic information beyond the City limits. For these and other reasons, the analysis of fair housing should particularly utilize local data and knowledge and other relevant factors to better understand any local patterns or differences or lack of differences from neighborhood to neighborhood. Local data and knowledge and other relevant factors should be used across all of the fair housing analysis components (e.g., segregation and integration, disparities in access to opportunity and

disproportionate housing needs). Examples of local data and knowledge include information from City officials (e.g., planners, code enforcement, civil engineers, local legislators), past surveys and assessments, infrastructure investments to inform capital improvement plans, data used for applications for funding, service providers, developers, school representatives, regional planners, service districts and other sources. For example, City officials and service providers could better inform any local patterns or differences in neighborhood conditions. Examples of other relevant factors include land use, zoning, development patterns, state and federal investment, physical or social barriers and access to schools (e.g., safe routes to school), community amenities, facilities and programs. For example, the element could discuss any differences between neighborhoods that might have been influenced by the highway. HCD will send an analysis guide to assist the City with this analysis.

Contributing Factors: Based on the outcome of a complete analysis, the element should reassess and prioritize contributing factors to fair housing issues and prioritize those factors and then formulate appropriate policies and programs.

Programs: As noted above, the element requires a complete affirmatively furthering fair housing (AFFH) analysis. Depending upon the results of that analysis, the City may need to revise or add programs. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have specific commitment, milestones, geographic targeting and metrics or numerical targets and, as appropriate, address housing mobility enhancement (housing choices and affordability across geographies), new housing choices and affordability in higher opportunity or income areas (throughout the City), place-based strategies for community preservation and revitalization, and displacement protection.

2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)

Extremely Low-Income (ELI) Households: While the element includes some basic information about ELI households, given the unique and disproportionate needs of ELI households, the element must include analysis to better formulate policies and programs. For example, the element could analyze trends, cost burden, overcrowding and other household characteristics then examine the effectiveness of policies and resources to determine gaps in housing needs. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/extremely-low-income-housing-needs>.

Housing Conditions: While the element includes an estimate of housing conditions based on the age of the housing stock, some older housing stock may be well maintained and in good condition. The element should expand on this estimate and utilize local knowledge (e.g., City officials) to estimate the number of units in need of rehabilitation and replacement and add or modify programs, as appropriate.

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities... (Gov. Code, § 65583, subd. (c)(1).)

Parcel Inventory: While the element identifies sites by various factors such as size, general plan designation, zoning and realistic capacity, it should also list sites by existing use and anticipated affordability (e.g., lower-income, moderate, above-moderate)

Availability of Infrastructure: The element generally discusses water and sewer capacity but should clarify whether sufficient total capacity is existing or planned to accommodate the regional housing need allocation (RHNA). Based on the outcomes of this analysis, the element should add or modify programs to address any identified constraints.

Environmental Constraints: While the element generally describes environmental conditions within the City, it should describe any other known constraints within the City that could impact housing development in the planning period. Examples of other conditions include shape, property conditions and easements.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements> for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Programs: As noted above, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis; the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

In addition, the element is not clear whether sites identified in prior planning periods are being utilized toward the lower income RHNA. The element should clarify whether sites were identified in one or two prior planning period. If sites were identified in prior planning periods, then the element should include a program to rezone and permit housing developments with 20 percent affordability by-right (without discretionary action) at appropriate densities pursuant to Government Code section 65583.2, subdivision (c).

4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls... ..and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities... (Gov. Code, § 65583, subd. (c)(3).)

Land Use Controls: The element must identify and analyze all relevant land use controls as potential constraints on housing cost, supply (number of units) and ability to achieve maximum densities. The element lists development standards but should also analyze those development standards. For example, the element could seek input from the development community or utilize a hypothetical project to demonstrate the appropriateness of land use controls. The analysis should specifically address heights for multifamily uses and clarify whether three story structures are allowed. Based on the outcomes of a complete analysis, the element should add or modify programs to mitigate or remove any identified constraints.

Local Processing and Permit Procedures: While the element includes information about processing times, it should also describe the procedures for a typical single family and multifamily development. The analysis should address the approval body, design review requirements, the number of public hearing if any, approval findings and any other relevant information. The analysis should address impacts on housing cost, supply, timing and approval certainty. For example, the element should identify and analyze approval findings for impacts on approval certainty, the presence of processes or guidelines to promote certainty and add or modify programs as appropriate.

Housing for Persons with Disabilities: The element briefly the new zoning ordinance describes the process for granting reasonable accommodation in zoning and land use. However, the element must describe its reasonable accommodation procedures, including the process and decision-making criteria such as approval findings and analyze any potential constraints on housing for persons with disabilities.

Program: As noted above, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

In addition, Program HE.4.2.2 (Group Homes) indicates that group homes for seven or more persons with state licensing will only be permitted in some residential zones and subject to a conditional use permit (CUP). The Program should address the CUP requirement as a constraint and clarify that group homes will be permitted in all zones (regardless of licensing) allowing residential uses similar to other residential uses of the same type in the same zone.

5. *The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

Program HE.2.1.1 (Outreach and Community Awareness): The Program should include proactive outreach to affordable housing developers to identify development opportunities at least every other year.

Program HE.2.3.1 (Density Bonus): The Program should include discrete timing for amending the density bonus ordinance. For example, the element could commit to amend the ordinance within six months of reporting needed amendments to the Planning Commission.

6. *Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)*

While the element includes quantified objectives for new construction and rehabilitation by income group for extremely low-, very low-, low-, moderate- and above-moderate income, it must also include quantified objectives for conservation by income group. Examples of activities include weatherization, code enforcement, energy conservation, mobile home park preservation and fair housing education and enforcement.

7. *Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)*

The element describes the public participation effort, including various comments and input but should also discuss how that input was incorporated into the element.

The element will meet the statutory requirements of State Housing Element Law once it has been revised, adopted, submitted, and reviewed by HCD to comply with the above requirements pursuant to Government Code section 65585.

As a reminder, the City's 6th cycle housing element was due February 15, 2023. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if the City does not adopt a compliant housing element within 120 days of the statutory deadline (February 15, 2023), then any rezoning to make prior identified sites available or accommodate the RHNA shall be completed no later than one year from the statutory deadline pursuant to Government Code sections 65583, subdivision (c) and 65583.2, subdivision (c). Please be aware, if rezoning is necessary to make prior identified sites available, as described above, the element cannot be found in compliance until rezoning is complete since its been passed one year from the statutory deadline.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Affordable Housing and Sustainable Communities program, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the commitment and responsiveness provided during the course of our review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Shawn Danino, of our staff, at Shawn.Danino@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Section of HCD Letter and Topic/ Specific HCD Comment	Dunsmuir Response
1. AFFH	
Local Data and Knowledge and Other Relevant Factors	Local data and knowledge and other relevant factors to better understand any local patterns or differences or lack of differences from neighborhood to neighborhood was accomplished by additional consultation with City representatives, representatives of two local non-profits, Habitat for Humanity and Great Northern Corp., locating and reviewing information from the local schools, the regional transportation plan, etc.
Contributing Factors to Fair Housing Issues	Table A-39 identifies the contributing factors
Programs: Depending upon the results of that analysis, the City may need to revise or add programs.	Table A-39, to the Action Plan's Programs C and E were amended in response to the updated analysis. Program C focuses on improving the existing housing and adding new housing. Program E focuses on improving local economic development opportunities.
2. Analysis of population and employment trends, documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households (ELI), and household characteristics.	
Given the unique and disproportionate needs of ELI households, the element must include analysis to better formulate policies and programs.	
Cost Burden	Appendix A, Section 6.4: information and analysis added.
Overcrowding	Appendix A, Section 3.2: information and analysis added
Effectiveness of policies and resources to determine gaps in housing needs	Analysis added to Appendix A
Housing Conditions: Include analysis of the condition of the existing housing stock and estimate the number of units in need of rehabilitation and replacement.	The requested analysis is provided in the aforementioned sections and pages of Appendix A.
3. Inventory of land available and suitable for residential development.	
<p><u>Note:</u> This content is contained in Appendix C, and the sections of this appendix have been reorganized as follows: Section 1.0 – Progress on the 5th Cycle Regional Housing Needs Allocation: 2014 – 2019 Section 2.0 – Environmental Constraints Section 3.0 – Etna's Identified Regional Housing Needs Allocation Site Section 4.0 – Sites identified to accommodate emergency shelters pursuant to AB 2339 (2022). Section 5.0 – Summary of Opportunity Sites</p> <p>The revisions to the content within the sections are shown in track changes but the reorganization is not because the scale of these track changes caused Microsoft Word to crash.</p>	

Section of HCD Letter and Topic/ Specific HCD Comment	Dunsmuir Response
<p>Parcel inventory: also list sites by anticipated affordability.</p> <p>Unclear whether sites identified in prior planning periods are being utilized toward the lower income RHNA. The element should clarify whether sites were identified in one or two prior planning period.</p>	<p>Section 3.0 of Appendix C identifies Dunsmuir’s <u>RHNA site</u> for the 6th cycle. The headers to both sections have been updated for clarification.</p> <p>Section 5.0 of Appendix C identifies Dunsmuir’s <u>opportunity sites</u>, and anticipated affordability has been added to Table C-4 which lists Dunsmuir’s opportunity sites.</p>
<p>Availability of infrastructure: clarify whether sufficient total capacity is existing or planned to accommodate the regional housing need allocation (RHNA).</p>	<p>Requested information added to Appendix C.</p>
<p>Environmental Constraints: While the element generally describes environmental conditions within the City, it should describe any other known constraints within the City that could impact housing development in the planning period. Examples of other conditions include shape, property conditions and easements.</p>	<p>Requested information added to Appendix C.</p>
<p>Electronic Sites Inventory</p>	<p>On December 5, 2023, the City submitted its electronic sites inventory form. On December 6, 2023, an HCD analyst acknowledged receipt of the e-inventory form, and indicated it had been uploaded to their system. The City will update the form if needed but will otherwise submit the form with the adopted Housing Element.</p>
<p>Programs: Based on the results of a complete sites inventory and analysis; the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.</p>	<p>The analysis in Appendix C, sections 3.0 and 5.0, demonstrates that Dunsmuir’s identified RHNA site meets the statutory requirements, and the City has an adequate supply of opportunity sites.</p>
<p>4. Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels. Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities.</p>	

Section of HCD Letter and Topic/ Specific HCD Comment	Dunsmuir Response
<p>Land Use Controls: The element must identify and analyze all relevant land use controls as potential constraints on housing cost, supply (number of units) and ability to achieve maximum densities. The element lists development standards but should also analyze those development standards.</p> <p>The analysis should specifically address heights for multifamily uses and clarify whether three story structures are allowed.</p>	<p>Appendix B has been revised.</p>
<p>Local Processing and Permit Procedures: Describe the procedures for a typical single family and multifamily development. The analysis should address the approval body, design review requirements, the number of public hearings, if any, approval findings and any other relevant information. The analysis should address impacts on housing cost, supply, timing and approval certainty. For example, the element should identify and analyze approval findings for impacts on approval certainty, the presence of processes or guidelines to promote certainty and add or modify programs as appropriate.</p>	<p>Appendix B has been revised.</p>
<p>Housing for Persons with Disabilities: The element must describe its reasonable accommodation procedures, including the process and decision-making criteria such as approval findings and analyze any potential constraints on housing for persons with disabilities.</p>	<p>Appendix B has been revised</p>

Section of HCD Letter and Topic/ Specific HCD Comment	Dunsmuir Response
<p>Program HE.4.2.2 (Group Homes) indicates that group homes for seven or more persons with state licensing will only be permitted in some residential zones and subject to a conditional use permit (CUP). The Program should address the CUP requirement as a constraint and clarify that group homes will be permitted in all zones (regardless of licensing) allowing residential uses similar to other residential uses of the same type in the same zone.</p>	<p>Program HE.4.2.2 in Chapter 2 revised, and additional analysis has been added to Appendix B.</p>
<p>5. The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households.</p>	
<p>Program HE.2.1.1 (Outreach and Community Awareness): The Program should include proactive outreach to affordable housing developers to identify development opportunities at least every other year.</p>	<p>Cited program in Chapter 2 revised as recommended</p>
<p>Program HE.2.3.1 (Density Bonus): The Program should include discrete timing for amending the density bonus ordinance. For example, the element could commit to amend the ordinance within six months of reporting needed amendments to the Planning Commission.</p>	<p>Cited program in Chapter 2 revised as recommended</p>
<p>6. Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved.</p>	
<p>Include quantified objectives for conservation by income group. Examples of activities include weatherization, code enforcement, energy conservation, mobile home park preservation.</p>	<p>Chapter 2, Table 2-2 (which is part of Policy 1.1) has been amended to included quantified objectives for conservation of housing by income group.</p>

Section of HCD Letter and Topic/ Specific HCD Comment	Dunsmuir Response
Include quantified objectives for conservation by income group... fair housing education and enforcement.	See Appendix A, Table A-39, City of Dunsmuir's AFFH Housing Action Plan, Action Plan Program A
7. Public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort.	
The element should discuss how that input was incorporated into the element.	Chapter 1 was amended to include this content.

ATTACHMENTS C AND D

- C. Revised draft 6th Cycle 2023-2031 Housing Element Update for the City of Dunsmuir: Available online at <https://www.siskiyou-housing.com/dunsmuir/>
- D. Revised draft 6th Cycle 2023-2031 Housing Element Chapter 2 – Goals, Policies and Housing Programs, and the revised draft AFFH Housing Action Plan (Table A-39) excerpted from Appendix A, section 7.0.

Chapter 2 – Goals, Policies, and Housing Programs

This chapter of the Housing Element contains the City’s housing goals and policies, as well as proposed strategies (or programs) to implement these goals and policies.

According to the State General Plan Guidelines (2017), a goal is an ideal future end related to the public health, safety, or general welfare. Because goals are general expressions of a community’s vision for itself, goals may be abstract in nature, and as a result, they are generally not quantifiable or time dependent. Therefore, to aid in reaching the goals, specific statements (i.e., policies) are adopted to guide decision-making and through the implementation of programs that commit the City to specific courses of action.

The objective of the Housing Element goals, policies, and programs is to address those housing needs, constraints to housing production, and contributing factors to fair housing identified in Appendix A. Available funding resources for housing are discussed in Appendix C and are integrated into programs as applicable. Each program contains a description of the intended action, identification of the responsible agency, possible funding sources (if available), the timeline for implementation, and anticipated results. Whenever possible, anticipated results are expressed in quantified terms.

Required Program Components

To address the housing needs of all income levels in compliance with State housing element law, a jurisdiction must, at a minimum, identify a suite of programs that do all of the following:

- Identify adequate sites, with appropriate zoning and development standards and services to accommodate the locality’s share of the regional housing needs for each income level.
- Assist in the development of adequate housing to meet the needs of extremely low-, very low-, low-, and moderate-income households.
- Address and, where possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for people at all income levels, as well as housing for people with disabilities.
- Conserve and improve the condition of the existing affordable-housing stock.
- Preserve assisted housing developments at-risk of conversion to market-rate.
- Promote equal housing opportunities for all people, regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.
- Explicitly address, combat, and relieve disparities resulting from past and current patterns of segregation to foster more inclusive communities, address disparities in housing needs and access to opportunity, and foster inclusive communities.

For each program, the jurisdiction must identify a schedule of actions during the planning period, the agencies and officials responsible for implementation, and identification of funding sources to implement the program. Appropriate grant programs that will be applied can be identified as a funding source. The goals of Dunsmuir’s 2023-2031 Housing Element are itemized below. Within each goal there are associated policies and programs. Implementation of the policies and programs will facilitate achieving the Goal.

GOAL HE.1 - Provide Adequate Sites

GOAL HE.2 - Ensure the Availability of a Variety of Housing Types

GOAL HE.3 - Conserve, Rehabilitate, and Enhance the Condition of the Existing Housing Stock and Residential Neighborhoods.

GOAL HE.4 - Facilitate the Provision of Housing Suited to Persons with Special Needs

GOAL HE.5 - Encourage and Support the Development of Affordable Housing

GOAL HE.6 - Encourage Sustainable Housing Development and Energy Conservation

GOAL HE.7 - Promote Equal and Fair Housing Opportunities for All People



Use of the California icon  below denotes Dunsmuir’s programs that fulfill a specific State housing law requirement. Table 2-1 below, lists the 12 programs that are intended to meet a State housing law mandate and is for quick reference. While there are programs that do not have the California icon, these programs are intended to meet one or more of the required program components discussed above. Also, some programs are included in response to public input received during meetings.

Table 2-1 Programs to Meet a Specific State Law Requirement			
HE-1.3.1	HE-2.1.1	HE-2.3.1	HE-4.2.2
HE-1.3.2	HE-2.2.1	HE-3.2.1	HE-7.1.1
HE-1.3.3	HE-2.2.2	HE-4.2.1	HE-7.1.2

To affirmatively further fair housing, jurisdictions must establish goals, policies, and actions based on the identified contributing factors, and the priority of those factors. Government Code Section 8899.50 requires “meaningful actions” well beyond combating discrimination to overcome patterns of segregation and foster inclusive communities. These actions, as a whole, must:

- Address significant disparities in housing needs and in access to opportunity;
- Replace segregated living patterns with truly integrated and balanced living patterns;
- Transform racially and ethnically concentrated areas of poverty into areas of opportunity; and
- Foster and maintain compliance with civil rights and fair housing laws, to address Dunsmuir’s fair housing issues and the contributing factors.

Contributing factors are prioritized in Table A-38 in Appendix A. Dunsmuir’s action plan that will address the identified contributing factors to overcome identified patterns of segregation and affirmatively further fair housing is also found in Appendix A, Section 7.1. Dunsmuir’s housing programs to affirmatively further housing are not confined to section x of Appendix A alone as Chapter 2 also includes programs that affirmatively address fair housing issues. Programs that further fair housing are identified by the fair housing icon: 

In June 2023, the City of Dunsmuir adopted a comprehensive update of the Dunsmuir Municipal Code, Title 17, Zoning. One objective of this update was to eliminate constraints to the maintenance, improvement, and development of housing pursuant to Government Code Section 65583(c)(3). The zoning code update addresses most of the previous barriers and constraints to housing, and inconsistencies with State housing law.

Goal HE.1 – Provide Adequate Sites

The City of Dunsmuir shall provide adequate sites to accommodate the City’s housing needs and regional housing needs by always ensuring there is an adequate supply of land for residential development.

Policy HE.1.1

The City shall encourage and facilitate the construction of housing to meet the City’s share of regional housing needs during the 2023-2031 Housing Element planning period of at least one (1) extremely low income unit and one (1) low income unit. In addition to Dunsmuir’s share of the regional housing needs, the City shall encourage and facilitate the rehabilitation and construction of the following number of housing units according to the following income levels:

**Table 2-2
Quantified Objectives, 2023-2031**

	Extremely Low Income	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
New Construction	<u>21</u>	<u>21</u>	<u>12</u>	1	<u>20</u>	<u>67</u>
Rehabilitation†	<u>12</u>	<u>12</u>	<u>12</u>	<u>02</u>	0	<u>38</u>
Conservation*	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>0</u>	<u>12</u>
Totals	<u>36</u>	<u>36</u>	<u>36</u>	<u>16</u>	<u>02</u>	<u>1026</u>

† Means major repair of housing that substandard to make the unit safe, decent, and sanitary for human habitation, including replacement.

* Conservation: as used herein means weatherization, code enforcement, energy conservation, mobilehome park preservation activities.

** The City has not established an objective for preservation of affordable housing as there are no assisted housing developments or units in the City; therefore, there is no risk of conversion during the planning period

Policy HE.1.2

Ensure Dunsmuir provides adequate sites with appropriate zoning and available public facilities and services to meet the City's share of regional housing needs for all income groups during the housing element planning period. These lands shall be available at any time with appropriate General Plan and Zoning regulations for residential development to reduce the impact that the lack of available land may have on the cost of single-family and multifamily development.

Policy HE.1.3

The City shall not place any condition of approval that lowers the proposed density of a residential project if the project otherwise conforms to the General Plan, zoning, and/or development policies in effect, unless the requisite findings required by Government Code Section 65589.5 et seq. are made.

Program HE.1.3.1 **Provide Adequate Sites and No Net Loss Compliance** 

To ensure at all times during the planning period the City has an adequate inventory to accommodate its designated regional housing need allocation, the City will evaluate and make written findings for entitlement and building permit applications seeking to develop designated inventory sites for decreases in density and affordability of housing units consistent with No Net Loss Law, Government Code Section 65863 et seq. If project approval will result in an inventory deficit, steps will be taken to replace the lost inventory sites by rezoning qualified properties in other areas as needed to meet the City’s remaining RHNA for lower-income households in accordance with Government Code Section 65863 et seq.

Administration: Planning Department, City Manager

Funding: Application fee, General Fund

Timing: On a project-by-project basis; the City shall conform with the provisions of Government Code Section 65863 et seq. if an inventory deficit is found

Program HE.1.3.2 **Monitor Availability of Sites**  **(was Program HE-1.3.1)**

Every year, as part of the annual Housing Element review, the City shall review the vacant land inventory with the objective of ensuring the City can accommodate a variety of housing types for all income levels. If a deficiency is projected to occur, the City shall take steps to change the General Plan and zoning as needed to increase the amount of available land. The City shall make the inventory available to the public, especially the development community, for their information and use.

Administration: Planning Department, City Manager

Funding: General Fund

Timing: Annually.

Policy HE.1.4

It shall be the policy of the city of Dunsmuir to grant priority for the provision of water and sewer services to proposed developments that include housing units affordable to lower income households, in compliance with State law, i.e., subparagraph (a) of Government Code Section 65589.7, at all times for the duration of the 2023-2031 housing element planning period.

Program HE.1.4.1 **Procedures for Water and Sewer Connections** 

In compliance with State law, i.e., subparagraph (b) of Government Code Section 65589.7, the City shall establish written policies and procedures that grant priority for water and sewer to proposed development that includes housing affordable to lower-income households.

Administration: Department of Public Works and City Manager

Funding: General Fund

Timing: Within one year from adoption of the Housing Element.

Policy HE.1.5

With all due consideration to financial constraints, and consistent with other General Plan policies, and State law, the City shall encourage, participate, and cooperate in the extension of City services to currently unserved and underserved areas, including direct financial participation when deemed appropriate by the City Council.

Program HE.1.5.1 **Monitor Availability of Public Infrastructure for Areas Outside Existing Service Area**

Subject to availability of funding, the City shall work with developers of housing outside of existing sewer and/or water service areas, and in areas where existing systems are at or near capacity, to develop or improve essential utility systems to facilitate housing development. City assistance may involve direct participation in improvements or cooperation in the formation of assessment districts or other means of financing necessary improvements.

Administration: City Manager

Funding: To be determined.

Timing: As opportunities are recognized.

Goal HE.2 – Ensure the Availability of a Variety of Housing Types

Dunsmuir shall remove governmental constraints on the development, maintenance, and improvement of housing to ensure a variety of housing types for all income levels can be developed throughout the City of Dunsmuir during the 2023-2031 Housing Element planning period.

Policy HE.2.1

The City will ensure that developers and City residents are made aware of key housing programs and development opportunities.

Program HE.2.1.1 **Promote the City's Housing Programs to Residents**

The City will improve community awareness and support for the City's housing programs citywide by publicly sharing information on the City's website about zoning ordinances, development standards, fees, exactions, surplus public lands, fair housing resources, reasonable accommodation procedures, and housing affordability requirements. The City will, proactively outreach to affordable housing developers in the region to identify development opportunities in the City, including opportunities for self-help housing (housing in which the eventual owner participates in its construction under the supervision of a building contractor). The City shall also encourage development of Accessory Dwelling Units (ADUs) and Junior ADUs (JADUs) by publishing information about ADUs and JADUs on the City's website. This program will be implemented consistent with the requirements of AB 1483 (2019). The City will perform proactive public outreach using a variety of methods that may include in-person or virtual participation and may occur outside City offices and regular business hours (e.g., community events, farmer's markets; real estate industry workshops, and direct contact with developers and property owners) to improve the dissemination of information about the City's housing programs including affordable housing programs.

Administration: City Manager and Planning Department

Funding: General Fund

Timing: Within one year from adoption of the Housing Element. To improve awareness of the City's affordable housing programs, the City will participate in an industry event, workshop, or similar public event/activity at least once a year beginning in 2025.

Policy HE.2.2

The City shall ensure that its land use regulations are consistent with State law, and that planning and building entitlement and permit processes and procedures do not unnecessarily constrain the production of housing. The

City shall continue its practice of prioritizing multifamily housing development applications. The City will encourage the development of affordable housing, in particular extremely low-income housing units, by maintaining low fee requirements and to ensure that City fees are not a constraint to the development of affordable housing.

Program HE.2.2.1 ADU Ordinance Update

1) The City shall amend the Dunsmuir Zoning Ordinance for Accessory Dwelling Units and Junior Accessory Dwelling Units (J/ADUs), and other sections as applicable, to be consistent with State law. J/ADUs shall continue to be permitted in any residential or mixed-use zone by-right, as a ministerial action without discretionary review or a hearing, subject to objective standards. Residential or mixed-use zones shall be construed broadly to mean any zone where residential uses are permitted by-right or by conditional use. All standards and regulations, including procedures, shall be amended to be consistent with State law, and any written findings issued by HCD in accordance with Government Code Section 65852.2(h)(1). Should the California Department of Housing and Community (HCD) issue written findings concerning the City Dunsmuir's regulations for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) pursuant to Government Code Section 65852.2(h)(1), the City of Dunsmuir shall amend the Dunsmuir Municipal Code to address inconsistencies with State law and written findings issued by HCD.

2) The City shall amend Chapter 17.116 of the Dunsmuir Zoning Code to expressly allow accessory dwelling units and junior accessory dwelling units to be developed on the same parcel that is improved with an existing dwelling unit and an existing second dwelling unit.

3) Additionally, section 17.116.030 of the Dunsmuir Zoning Code shall be amended to prohibit a Second Dwelling Unit (as provided by Dunsmuir Zoning Code section 17.92.040) that is converted to an Accessory Dwelling Unit in accordance with Chapter 17.116 to revert to a Second Dwelling Unit.

Administration: Planning Department, Planning Commission, and City ~~Manager~~Council

Funding: General Fund

Timing: Initiate amendments within one year from adoption of the 2023-2031 Housing Element, and adopt amendments within two years from adoption of the 2023-2031 Housing Element; this timing shall be superseded ~~should hold~~—HCD issue written findings pursuant to Government Code Section 65852.2(h)(1), then within one year from the date of the letter or as required by HCD.

Program HE.2.2.2 Monitor Existing Fees and Possible Fee Reductions for Housing that is Affordable or Targets Special Populations (was Program HE 1.1.2)

Encourage the development of affordable housing (in particular extremely low-income housing units) and housing for special populations by maintaining low fee requirements. When fee increases are deemed necessary, lower fees will be maintained, whenever feasible, to encourage housing projects with units affordable to extremely- and low-income households and special populations.

Administration: Building Department, Planning Department, and City Manager

Funding: General Fund

Timing: Prior to adoption of new ordinances and resolutions for residential development standards and fees.

Program HE.2.2.3 Prioritize Incentives for Housing that is Affordable and for Special Populations (was Program HE 1.2.2)

In order to help meet the needs of extremely low-income persons and households, prioritize incentives for housing developments with units that are affordable to lower income households, and special populations.

Administration: Planning Department, City Manager

Funding: Grants, General Fund

Timing: For the duration of the 2023-2031 planning period, coordinate with housing organizations and developers of prospective projects, and apply annually as NOFAs are released for the duration of the 2023-2031 housing element planning period, and as qualifying prospective projects are submitted.

Program HE.2.2.4 Provisions for Dwelling Groups

To encourage a variety of housing types, the City shall amend the Zoning Code to permit dwelling groups by right in the R-3 and MU-1, and MU-2 zones.

Administration: Planning Department, Planning Commission, and City Council

Funding: General Fund

Timing: Initiate amendments within one year from adoption of the 2023-2031 Housing Element, and adopt amendments within two years from adoption of the 2023-2031 Housing Element

Policy HE.2.3

The City will facilitate the development of workforce and affordable housing through supporting funding applications, expedited permit review, approval of requests for density bonuses or development incentives, the availability of ministerial streamlining for qualifying projects, and other incentives. The City will work with market rate and nonprofit housing developers, and community organizations to facilitate the development of workforce and affordable housing.

Program HE.2.3.1 Maintain and Promote Local Density Bonus Procedures

1) The City shall provide density bonuses to homebuilders proposing to include qualifying dwelling units and/or other qualifying project amenities within residential developments consistent with Government Code Section 65915 et seq.

2) The City will prepare and publish materials on the City's website informing property owners and housing developers of the City's density bonus program for qualified housing developments consistent with Government Code 65940.1.

3) To ensure ongoing compliance with State Density Bonus Law, the City shall continue to monitor for amendments to Government Codes Sections 65915 et seq., and amend Title 17, Zoning, as necessary.

Administration: City Council, Planning Commission, and Planning Department, ~~City Manager~~

Funding: General Fund

Timing: 1) As qualifying prospective projects are submitted; 2) within 30 days of adoption of amendments to the Title 17, of the Dunsmuir Municipal Code; and 3) As-as part of the City's annual housing element progress report, the City shall report to the Planning Commission any amendments to Government Codes Section 65915, and adopt amendments within six (6) months of reporting the needed amendments.

~~Program HE.2.3.2~~

~~The City shall amend Chapter 17.116 of the Dunsmuir Zoning Code to expressly allow accessory dwelling units and junior accessory dwelling units to be developed on the same parcel that is improved with an existing dwelling unit and an existing second dwelling unit.~~

~~Additionally, section 17.116.030 of the Dunsmuir Zoning Code shall be amended to prohibit a Second Dwelling Unit (as provided by Dunsmuir Zoning Code section 17.92.040) that is converted to an Accessory Dwelling Unit in accordance with Chapter 17.116 to revert to a Second Dwelling Unit.~~

~~Administration: Planning Department~~

~~Funding: General Fund~~

Program HE.2.3.2 Reduce Parking Requirements for One-Bedroom Units in Multifamily Developments

Amend the Zoning Ordinance to require a single parking space for each efficiency unit, studio apartment, one-bedroom unit in multifamily housing developments, and each single room occupancy unit.

Administration: City Council, Planning Commission, and Planning Department

Funding: General Fund

Timing: As part of the City’s Zoning Ordinance initiate amendments within one year from adoption of the 2023-2031 Housing Element and adopt amendments within two years from adoption of 2023-2031 Housing Element.

Goal HE.3 – Conserve, Rehabilitate, and Enhance the Condition of the Existing Housing Stock and Residential Neighborhoods.

The City shall initiate all reasonable efforts to preserve, conserve, and enhance the quality of existing dwelling units and residential neighborhoods to ensure full utilization of the City’s existing housing resources for as long as physically and economically feasible.

Policy HE.3.1

The City shall support housing rehabilitation and encourage housing maintenance to conserve the inventory of housing, and to avoid future need for significant rehabilitation or replacement.

Program HE.3.1.1 Use CDBG Housing Funds for Housing Conservation and Prioritize Funding for Residents with Special Needs 

- 1) The City shall continue to encourage the construction of new housing and/or the rehabilitation of existing housing for residents with special needs by granting these persons and/or households priority in the City’s CDBG housing rehabilitation program.
- 2) Continue to apply for CDBG funds, and as other appropriate funding becomes available, to assist homeowners with low interest loans and/or grants through the City’s Housing Rehabilitation Program. With a goal of assisting 3 households over the next eight years, strive to preserve low- and moderate-income housing through implementation of the Housing Rehabilitation Program. Rehabilitation, energy conservation, and weatherization program information will be periodically updated by staff and disseminated to the public

through annual mailings and handouts made available at City Hall, and the City's website. In order to reduce energy consumption in the City, require units to be rehabilitated with CDBG funds to include energy conservation features, such as dual-pane windows, insulation, caulking, and weather stripping. (was Program HE.4.1.2)

Administration: City Manager

Funding: CDGB/Revolving Loan Fund

Timing: 1) For the duration of the 2023-2031 housing element period. 2) Apply annually as NOFAs are released for the duration of the 2023-2031 housing element planning period.

Program HE.3.1.2 Promote and Encourage Housing Conservation

- 1) The City shall relaunch its owner-occupied rehabilitation (OOR) program for income-qualified households, and apply for funding. If the City has available program income and OOR is an eligible use of program income per the grantor, the City will consider amendments to the program income reuse plan to include an OOR activity, and establish a suballocation of the program income for the OOR activity.
- 2) The City shall provide free guidance and technical assistance through the Building Department to homeowners who wish to repair and improve the habitability and weatherization of existing housing. The availability of this service will be advertised as part of the City's proactive public outreach for housing to improve community awareness.
- 3) The City shall support third-party and non-profit organizations, such as Great Northern Corporation, that offer zero- and low-cost rehabilitation or weatherization programs, including but not limited to, facilitating notification of owners of homes in need of rehabilitation or weatherization about programs that could help meet rehabilitation needs.
- 4) The City will support and promote the activities of other governmental agencies and non-profits that promote homeowner maintenance and improvement of self-help skills. The City will advertise the availability of these programs and services using the its website, mailers with utility bills, and display of printed materials in City offices and the City library.
- 5) The City shall continue to perform proactive code enforcement and abatement of substandard residential structures in order to conserve the inventory of housing. Property owners will be allowed reasonable opportunities to correct deficiencies and offer incentives (such as financial assistance under the housing rehabilitation program for qualifying property owners) when available to encourage rehabilitation of substandard structures.
- 6) the City will implement affirmative marketing of the OOR and other housing programs. An affirmative marketing program will include:
 - Advertising the availability of programs in multiple languages, and advertise in various media outlets, such as newspapers, magazines, radio, or online platforms, that reach a wide and varied audience.
 - Provide information about the program to potential applicants in multiple languages
 - Offering reasonable accommodations to persons with disabilities to ensure equal opportunity to apply. This measure includes placing information relating to requests for reasonable accommodations at the main counter at City Hall and on meeting agendas
 - Creating materials that feature images and messages that appeal to a diverse range of potential applicants, including classes protected under fair housing laws.

Administration: City Manager, and Planning and Building Departments

Funding: General Fund

Timing:

- 1) No less than annually the City will review state funding calendars to identify programs that allow OOR as an eligible activity. As state and federal funding becomes available, the City will apply for funding for an owner-occupied program.
- 2) & 6) No less than annually
- 3) The City shall contact third-party and non-profit organizations no less than annually about availability of zero- and low-cost rehabilitation or weatherization programs.
- 4) The City shall contact agencies and non-profit organizations no less than annually about planned activities, and coordinate participation.
- 5) Transactionally during the planning period, and as substandard housing conditions are verified by the Building Department.

Policy HE.3.2

Implement Replacement Housing to Mitigate the Loss of Affordable Housing Units on Housing Element Inventory Sites. Upon City Council adoption of 6th Cycle Housing Element Update, the City shall immediately begin implementing replacement housing, when applicable, in accordance with Government Code Section 65583.2(g)(3). The replacement housing policy shall require new housing developments on the City’s designated Housing Element Inventory Sites to replace all affordable housing units lost due to new development. The City shall also prepare and adopt a local replacement housing policy.

Program HE.3.2.1 Establish a Local Replacement Housing Policy

To ensure the continued availability of housing for low- and very low income households, the City shall prepare and adopt a replacement housing policy consistent with Government Code Section 65583.2(g)(3). The City will adopt a policy and will require replacement housing units subject to the requirements of Government Code section 65915, subdivision (c)(3) on sites identified in the City’s site inventory when any new development (residential, mixed-use or nonresidential) occurs on a site that is identified in the inventory meeting the following conditions:

- currently has residential uses or within the past five years has had residential uses that have been vacated or demolished, and
- was subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low-income, or
- subject to any other form of rent or price control through a public entity’s valid exercise of its police power, or
- occupied by low or very low-income households.

The City’s policy will also consider how to provide disclosure for properties subject to replacement housing for future property owners.

Administration: Planning Department and City Manager

Funding: General Fund

Timeframes: The Replacement Housing requirement shall be implemented immediately and applied as applications on designated Housing Element Inventory Sites are received and processed, and local policy shall be adopted by December 31, 2024.

Goal HE.4 – Facilitate the Provision of Housing Suited to Persons with Special Needs

The City shall facilitate development of sites for special needs housing, including the housing needs of persons with disabilities and persons experiencing homelessness.

Policy HE.4.1 (WAS POLICY HO-5.3)

The City shall give high priority to the building permit processing and inspections for individuals with disabilities, including developmental disabilities.

Policy HE.4.2

The City shall amend Title 17, Dunsmuir Municipal Code, to ensure the Zoning Regulations comply with state law and are implemented consistent with state law. Specifically:

- Government Code Section 65582, subparagraphs (g) and (i) for the definitions of supportive housing and target population.
- Government Code Sections 65650-65656 for supportive housing developments. The amendments shall permit supportive housing developments by-right in zones that permit multifamily and mixed uses including nonresidential zones permitting multifamily uses when the statutory requirements are met.
- Government Code Sections 65660-65668 for low barrier navigation centers, a type of emergency shelter. The amendments shall permit low barrier navigation centers by-right in the same zones that permit emergency shelters as well as areas zoned for mixed use and nonresidential zones permitting multifamily uses when the statutory requirements are met.

The adopted development and performance standards of the Zoning Code amendments shall be consistent with State law and be objective and shall not have the effect of precluding transitional and supportive housing, supportive housing developments, and low barrier navigation centers.

Program HE.4.2.1 Supportive Housing, Low Barrier Navigation Centers, and Employee Housing, Including Farmworker Housing

- 1) For supportive housing developments that meet the requirements of Government Code Section 65650 et seq., the City shall amend the Dunsmuir Municipal Code 17.76.140 “Minimum off-street parking requirements” to be consistent with Government Code Section 65654.
- 2) Low barrier navigation centers are a type of emergency shelter and shall be permitted in the same zones that permit emergency shelters as well as any areas zoned for mixed use and nonresidential zones permitting multifamily uses. Consistent with Government Code 65583(c)(3), the City shall amend the MU-1, MU-2, MU-3, and T-C districts to allow ~~by-right~~ low barrier navigation centers as a by-right use and not subject to a conditional use permit or other discretionary approval for developments meeting the requirements of Government Code Section 65662.
- 3) Section 17.08.2200 Dunsmuir Municipal Code shall update the definition of supportive housing and the reference to target population as defined in subdivision (d) of Section 53260 of the CA Health and Safety Code that is embedded in the definition of supportive housing. The update shall reference the definition of target population contained in Government Code Section 65582(i).

- 4) Large employee housing. Employee housing of permanent construction consisting of no more than 36 beds in a group quarters, or 12 units or spaces designed for use by a single family or household, and shall be allowed by-right in zones that permit multifamily residential and mix use zones that permit multifamily residential.

Administration: Planning Department and City Manager

Funding: General Fund

Timing: Initiate amendments within one year from adoption of the 2023-2031 Housing Element and adopt amendments within two years from adoption of 2023-2031 Housing Element.

Program HE.4.2.2 **Group Homes**

The City shall amend Title 17 of the Dunsmuir Municipal Code for the following:

- 1) To avoid a constraint on housing choice for persons with disabilities, the City shall amend Title 17, sections 17.08.1960 and 17.08.1970, of the Dunsmuir Municipal Code to remove the requirement that residential care homes (RCH) and residential care facilities (RCF) be in a single family residence. RCH and RCF shall be permitted in the same manner as other residential development in the same zone.
- 2) Residential care facilities (RCF) providing services to seven (7) or more persons and requiring State license shall be continue to be conditionally permitted in the R-2, R-3, MU-1, MU-2, and MU-3 districts, however, the conditional use permit application requirements shall be non-discriminatory, the conditional use permit findings shall be objective and provide for approval certainty.

The amendments to Title 17 of the Dunsmuir Municipal Code shall continue to define residential care homes (RCH) and residential care facilities (RCF) as housing that provides a supportive living environment shared and used by unrelated persons with disabilities; that both RCH and RCF may serve children, the elderly or chronically ill, individuals with developmental disabilities, or adults recovering from or being treated for alcohol or drug addiction; that both RCH and RCF operated by a single operator or service provider (whether licensed or unlicensed) can include residential care facilities, supportive housing, transitional housing and other similar communal housing facilities but do not include boardinghouses; and that the City shall apply the same general building, fire and other health and safety codes, including occupancy limits, that apply to other residences, subject to State health and safety code provisions specific to certain types of licensed residential facilities, such as those serving persons with limited mobility.

The amendments to the Zoning Ordinance shall continue to allow residential care homes (RCH) by-right in the R-1, R-2, R-3, MU-1, MU-2, MU-3, and T-C districts, and to define RCH as a group home that does not require state licensing or does require state licensing but serves six (6) or fewer persons, is a residential use and is subject to only those restrictions that apply to other residential uses of the same type in the same zone.

In preparing the amendments, the City shall consult the Department of Housing and Community Development (HCD) Group Home Technical Advisory published December 2022.

Administration: Planning Department

Funding: General Fund

Timing: Initiate amendments within one year from adoption of the 2023-2031 Housing Element and adopt amendments within two years from adoption of 2023-2031 Housing Element.

Policy HE.4.3

The City shall encourage and support organizations and programs, including housing providers, to address the housing needs of special needs groups (seniors, female headed households, persons with disabilities, persons with

developmental disabilities, farmworkers, individuals experiencing homelessness, and persons with extremely low incomes). The City shall seek to assist in meeting these special housing needs through a combination of regulatory amendments and incentives, including those presented in Programs HE.3.1.1, HE.3.1.2 HE.3.2.1, HE.4.2.1, HE.4.2.2, and HE.4.3.1, and identifying and applying for funding with qualified housing developers to develop needed housing in the City.

Program HE.4.3.1 Inter-Jurisdictional Coordination and Planning to Address Homelessness

1) The City will support implementation of the Siskiyou County 10 Year Plan to End Homelessness, specifically goals for increasing the supply of permanent supportive housing and affordable housing, expanding the capacity for housing providers, and expanding options for low barrier emergency shelter and housing. The City will consult with the NorCal Continuum of Care Coordinator on strategies to provide services, shelter, and housing for those experiencing homelessness in the City.

2) The City shall assist appropriate public and/or non-profit entities as feasible to develop a shelter, navigation center, or other recognized type of emergency housing for persons experiencing homelessness in the city by pursuing grant opportunities and providing technical assistance in grant applications for State and Federal funding.

3) The City shall support agencies and organizations providing services to those experiencing homelessness by annually updating referral information.

4)The City will continue to support the efforts of the housing authorities in administering the Housing Choice Voucher program.

5) The City will meet with representatives from the Housing Authorities, the NorCal Continuum of Care, and other nonprofit organizations to provide information on potential sites and housing development proposals that would be appropriate for the use of housing vouchers in conjunction with state or federal new construction or rehabilitation subsidies.

6) The City shall partner with area social services agencies and non-profit organizations to assess the housing needs for seniors, people with disabilities (including developmental disabilities), and extremely low-income residents, and identify funding sources to develop needed services in the City.

7) The City shall maintain a list of non-profit organizations interested in the construction of affordable housing in the City and region, and meet with and assist organizations desiring to maintain affordable housing in the City.

Administration: City Manager and Planning Department

Funding: General Fund

Timing: Coordination will occur at least annually from 2024 to 2031; the City will apply for funding annually.

Goal HE.5 – Encourage and Support the Development of Affordable Housing

The City will encourage the construction of new or dedication of existing housing that is affordable to extremely low, very low, low, and moderate income households.

Policy HE.5.1

The City shall encourage and support the development of housing affordable to extremely low, very low, low, and moderate income households.

Program HE.5.1.1 Support the Development of Housing for Extremely Low Income

Households and Remove Barriers (was Program HE-1.1.3)

1) To support the development of housing affordable to extremely low-income households, the City shall continue to seek and pursue state and federal funds annually, or as funding becomes available; and grant priority to projects that include units affordable to extremely low-income households.

2) The City will proactively outreach to affordable housing developers in the region to identify development in the City. Outreach to include opportunities for self-help housing development (housing in which the eventual owner participates in its construction under the supervision of a building contractor) including homeowner conservation and rehabilitation.

3) The City shall encourage and support development plans that include extremely low, very low, and low income housing in R-3, MU-1, MU-2, MU-3, and T-C districts when located within a quarter mile of a transit stop and/or when the development is located within a distance that a person can reasonably access services (e.g., no greater than a quarter mile). The term “encourage and support”, as used herein, may include, but is not limited to:

- Site identification;
- Providing local, state, and federal permit assistance.
- Give priority to processing of affordable housing projects, such as taking the applications out of submittal sequence if necessary to receive an early hearing date;
- Allow phasing of infrastructure whenever possible at time of project review;
- Facilitate the provision of public transportation services to serve residential areas, including services for persons with disabilities, and the installation of bus stops at safe and convenient locations;
- Maintenance of relationships with funding and facilitating agencies and organizations; and
- Any other action on the part of the City that will reduce development costs.

Administration: City Manager, Planning Commission

Funding: General Fund

Timing: 1) Apply for funding annually to assist extremely low-income households for the duration of the 2023-2031 Housing Element’s planning period; 2) performing outreach to recruit affordable housing developers at least biennially; 3) for the duration of the 2023-2031 Housing Element’s planning period when As-residential project applications are considered.

~~Program HE.5.1.2~~

~~To support the development of housing affordable to extremely low income households, the City shall continue to seek and pursue state and federal funds annually, or as funding becomes available, and grant priority to projects that include units affordable to extremely low income households.~~

~~**Administration:** City Manager~~

~~**Funding:** General Fund~~

~~**Timing:** Apply for funding annually to assist extremely low-income households.~~

Program HE.5.1.7Program HE.5.1.2 **Promote the City’s Housing Programs to Affordable Housing Developers**

The City will improve awareness and support for the City’s workforce and affordable housing programs by preparing, publishing, and distributing an affordable housing information brochure/newsletter that will be a local resource for persons interested in developing low-cost housing, which will be implemented consistent with AB 1483 (2019). The City will encourage the participation of agencies and organizations that operate rental and mortgage subsidy and self-help housing programs. ~~This program will be implemented consistent with the requirements of AB 1483 (2019)~~. To improve the dissemination of the City’s affordable housing programs, the City will provide information, printed and as web content. The City will perform proactive public outreach using a variety of methods that may include in-person or virtual participation, e.g., development industry events or workshops, and direct contact with developers and property owners to improve the dissemination of information about the City’s affordable housing programs. The City will refer persons interested in developing low-cost housing to appropriate government and non-profit organizations for assistance.

Administration: Planning and Building Department, City Manager

Funding: General Fund

Timing: Performing proactive outreach to recruit affordable housing developers, including self-help housing, within two years from adoption of the Housing Element, and at least biennially for the 2023-2031 planning period. To improve awareness of the City’s affordable housing programs, the City will participate in an industry event, workshop, or similar public event/activity at least once a year beginning in 2025.

Program HE.5.1.8Program HE.5.1.3 **Support Lower-Cost Alternative Homeownership**

Models 

The City will support the formation and/or use of community land trusts and other non-traditional forms of ownership and tenancy that provide for workforce and affordable housing (by design and/or through subsidy), senior housing, intergenerational housing, housing for persons with disabilities, etc.

Administration: City Manager and Planning Department

Funding: General Fund

Timing: For the duration of the 6th cycle planning period.

Goal HE.6 – Encourage Sustainable Housing Development and Energy Conservation
Dunsmuir will encourage sustainable housing development and energy conservation shall pursue sustainable development for the new development and existing housing stock in the City.

Policy HE.6.1

The City shall promote the use of energy conservation measures in all housing through the use of public and private weatherization programs. The City will be receptive to encouraging new alternative energy systems, such as solar and wind, and water conservation measures.

Program HE.6.1.1 Promote Energy Efficiency and Conservation via Weatherization

Promote the use of energy conservation measures in all housing through the use of public and private weatherization programs. Provide information on currently available weatherization and energy conservation programs to residents. The City will have information available for the public at the front counter of City Hall and will distribute information through an annual mailing. The City will provide referrals and participate in informing households that would potentially benefit from these programs as appropriate. The City shall facilitate the weatherization of an average of 2 homes per year during the 6th cycle planning period by publishing weatherization information on the City’s website and at public counters.

Administration: City Manager and Building Department

Funding: Private, and government funds. The City will apply for funds to assist residents with energy conservation retrofits and weatherization resources.

Timing: Initiate no later than December 2025.

Program HE.6.1.2 Title 24 for Energy Efficiency and Conservation

The City shall continue to enforce State requirements, including Title 24 of the California Code of Regulations, for energy conservation in new residential projects and encourage residential developers to employ additional energy conservation measures for the siting of buildings, landscaping, and solar access through development standards contained in the Zoning Ordinance, Building Code, and Specific Plans, as appropriate.

Administration: Building Department

Funding: Private and government funds

Timing: Because this is a current building code requirement, the City will implement it as part of the building permit application and review process.

Goal HE.7 – Promote Equal and Fair Housing Opportunities for All People

The City shall promote opportunities for persons from all economic segments of the community regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.

Policy HE.7.1

Eliminate housing discrimination based on race, color, religion, sex, national origin, ancestry, marital status, age, household composition or size, disability, or any other arbitrary factor by removing constraints within control of the City.

Program HE.7.1.1 Disseminate Fair Housing Information and Respond to Fair Housing

Complaints  

- 1) The City shall support public and private fair housing and legal aid organizations in the prevention and correction of any reported discrimination in housing.
- 2) City staff shall refer all complaints regarding housing discrimination of any kind to the State Department of Fair Employment and Housing. The City shall monitor such complaints by checking with the affected agency and the complainant, and consider the need for future action if a trend develops, or if the complaint is not resolved.

- 3) The City shall provide information concerning discrimination compliant procedures to the public at social service centers, the senior center, City Hall, the library, housing projects participating in HUD Section 8 Programs, and other semi- public places. The information will provide locations and phone numbers of agencies to contact for assistance. This outreach effort will be made to include groups likely to experience discrimination in housing including minority, elderly, disabilities, and lower-income households. The City will support and participate in efforts by local government and non-profits to develop a renters’ resource program.
 - A) The information and content of this program shall be incorporated into the community awareness improvement program, Program HE.2.1.1 herein, sharing information on the City's website, and by performing proactive public outreach using a variety of methods that may include in-person or virtual participation and may occur outside City offices and regular business hours.
- 4) Conduct at least ~~biennial~~ ~~bi-annual~~ training for the Planning Commission and City Council on fair housing, affirmatively furthering fair housing, and the Housing Accountability Act.

Administration: City Manager

Funding: General fund

Timing:

1)–3) At all times during the 2023-2031 Housing Element cycle.

4) The City shall provide training at least ~~bi-annual~~biennially, with the first training held by 12/31/24.

Program HE.7.1.2 Implementation of the AFFH Action Plan  

Appendix A analyzes fair housing conditions in the City of Dunsmuir, and provides a regional comparison. Table A-38 of Appendix A enumerates the City’s fair housing issues and contributing factors, and the contributing factors are prioritized.

The City’s Affirmatively Furthering Fair Housing action plan is identified as Table A-38, section 7.0, Appendix A, and hereby incorporated by reference. The City’s AFFH Action Plan addresses the identified fair housing issue and contributing factors.

The City shall implement the Affirmatively Furthering Fair Housing action plan and take meaningful actions citywide to address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming areas of concentrated poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair-housing laws for all persons in accordance with state and federal law.

Administration: City Council

Funding: General fund

Timing: At all times for the duration of the 2023-2031 Housing Element planning period. As part of the housing element annual progress report (APR) process the City will review progress made towards achieving the desired outcomes of its AFFH Action Plan, and to make adjustments as needed to increase goal obtainment. The first AFFH progress review will be conducted in 2025 for the calendar year 2024.

~~Table A-38~~ **Table A-39**
City of Dunsmuir’s AFFH Housing Action Plan

HE Program/Other Action	Specific Action(s)	Timeline	2023-2031 Outcomes
Strategy A: Fair Housing Outreach and Dissemination of Fair Housing Information (medium priority)			
<u>Contributing Factors:</u> Lack of housing information on City website Lack of variety in the media forms and venues where fair housing information can be found		<u>Geographic Target:</u> <u>Citywide</u>	
<p>Action Plan Program A:</p> <p>Improve community awareness and knowledge about fair housing.</p>	The City will make information on <u>reasonable accommodation and</u> fair housing available to the public, through the posting of fair housing information in City Hall and in other public buildings, on the City’s website, distribution to existing and new apartment complexes, and inserting information in the City’s newsletter.	The City will update the website by December 2024. Beginning in Q4 2024 or Q1 2025, publish an announcement as part of the City’s current newsletter annually.	<u>Increase awareness of reasonable accommodation procedures for building or zoning regulations by two inquiries annually.</u> Increase fair housing awareness by increasing inquiries by two inquiries annually.
	In the preparation and distribution of the City’s fair housing materials, the City will employ affirmative marketing best practices, such as depiction of members of protected classes under fair housing laws.		
	The City will provide fair housing materials, in both printed and electronic media, in prevalent spoken languages in the community.		
	Provide training for staff, elected officials, and appointees on issues of fair housing.	City Council meetings will include a fair housing presentation biennially beginning <u>in the</u> calendar year 2025.	Consistent implementation of Gov’t Code § 8899.50 for affirmatively furthering fair housing as part the City’s activities and programs relating to housing and community development.

HE Program/Other Action	Specific Action(s)	Timeline	2023-2031 Outcomes
Strategy B, C, and D: Improve access and the supply of affordable ownership and long term rental housing (high priority)			
<u>Contributing Factors:</u>		<u>Geographic Target:</u>	
<ul style="list-style-type: none"> • Low median incomes • High vacancy rate of existing housing stock 		<ul style="list-style-type: none"> • Cost burdened households • Low production of housing 	
<p>Action Plan Program Strategy B:</p> <p>Local Long Term Rental Housing Program</p>	<p>The City will meet with the housing authority of Shasta County and other established housing authorities at least twice per year to discuss Housing Choice Voucher needs, Project-Based Voucher opportunities, affirmative marketing and outreach activities, and methods of increasing the number of vouchers allocated to the City, emphasizing households who are at or below the Federal poverty line.</p> <p>The City shall publish information and resources about Housing Choice Vouchers on the City website and at public counters to increase awareness for renter households and landlords.</p>	<p>Convene first meeting within 12 months of adoption of housing element, and meet with organizations at least biannually thereafter during the 2023-2031 planning period.</p>	<p>Facilitate new construction, or conversion, of two housing units affordable to very low and extremely low income households.</p> <p>Increase the number of Dunsmuir applicants for vouchers by at least 5 percent by 2031.</p>
	<p>Develop a program administered by the City or by partnering with a qualified organization, to connect lower-income households and individuals, including extremely-income residents, with affordable rental and homeownership opportunities in the City. Features of the program would include:</p> <ul style="list-style-type: none"> • Landlord recruitment and mentoring, including fair housing training. • Develop and maintain a list of affordable housing units that are available for rent or purchase in the City. • A system for verifying the eligibility of applicants. • A system for matching eligible applicants with available units. • Employ affirmative marketing best practices. 	<p>Launch program by 2025</p>	<p>Assist with the placement of four lower income individuals or households in housing that is affordable by 2031.</p>

HE Program/Other Action	Specific Action(s)	Timeline	2023-2031 Outcomes
<p>StrategyAction Plan Program C:</p> <p>Increase Access to Housing and the Supply of Housing</p>	<p>Develop and launch a funding program and/or partnering with qualified non-profit organizations to provide bridge loans and other financial assistance to qualified households, or units assured to available to income qualified households, to increase access and afford private-market homes for:</p> <ul style="list-style-type: none"> • <u>New construction or conversion for J/ADUs</u> <ul style="list-style-type: none"> ○ <u>Adopt and promote Siskiyou county's pre-approved ADU plans.</u> ○ <u>Offer participating property owners/developers expedited permit processing and reduced City permit fees.</u> ○ <u>Apply for funding that allows awarded funds to be used for J/ADU construction and conversion, e.g., CalHOME.</u> • First time homebuyer • <u>Weatherization of existing housing units</u> • <u>Regularly compiling and distributing information about manufactured homes as a housing type option.</u> <p>The City will actively seek appropriate state and federal funding programs to capitalize the program, or utilize or reprogram program income as eligible.</p> <p>Program development and implementation will incorporate affirmative marketing best practices, such as depiction of members of protected classes under fair housing laws.</p>	<p>Beginning in calendar year 2024, the City will apply annually for appropriate state and federal funding programs to capitalize the program. Beginning with the housing element APR that is due April 1, 2025, the City will provide summaries progress of program to the City Council.</p> <p><u>Apply for appropriate funding annually.</u></p>	<p>Facilitate the purchase of a home for two households by 2031.</p> <p>Facilitate the construction or conversion of 2 J/ADUs by 2031.</p> <p>Facilitate the weatherization 4 homes by 2031</p>
	<p>Continue the City’s proactive <u>inspection and</u> code enforcement program coupled with a rehabilitation program, with program implementation resulting in repairs and retention of housing while mitigating displacement of affected residents. The rehabilitation program will provide financial assistance to reduce cost for income qualified property owners. The program will prioritize neighborhoods having concentrated rehabilitation needs as determined by the Dunsmuir building inspector.</p>	<p>Beginning in <u>the</u> calendar year 2025, and provide summaries to the City Council no less than annually as part of the HE APR.</p>	<p>Facilitate the conservation/rehabilitation of two housing units during the planning period of 2023 to 2031 with no-net displacement of residents.</p>

HE Program/Other Action	Specific Action(s)	Timeline	2023-2031 Outcomes
	<p><u>Partner with non-profit housing organizations to provide self-help housing development, including homeowner repair. Incentive implementation of self-help housing by identifying potential sites for self-help projects; applying for grant funding and supporting grant applications; providing expedited permit processing; and reducing or waiving City permit fees for self-help projects.</u></p>	<p><u>Beginning in the calendar year 2024 will conduct outreach to self-help housing organizations to develop a program. Activities include identifying appropriate funding sources (private and government), and applying for funding or supporting applications; identifying candidate sites, etc.</u></p>	<p><u>Facilitate the construction of homes for three households by 2031.</u></p>

HE Program/Other Action	Specific Action(s)	Timeline	2023-2031 Outcomes
<p>StrategyAction Plan Program D</p> <p>Develop a Strategy to Reduce the Vacancy of Existing Housing Units</p>	<p>Develop a strategy to decrease the vacancy rate of housing units that will include the following actions:</p> <p>1) <u>To improve local data,</u> the City shall conduct a survey and catalogue the number and types of housing units being used for STR <u>and second homes</u> and determine the number <u>and housing type</u> of second units, <u>e.g., second units</u>, duplexes, and multifamily units being used for STRs. The City shall survey registered STRs, <u>and</u> The survey shall include a point in time count of unregistered STRs indicated to be inside City limits. The unregistered STR point in time count shall be conducted during the tourism season.</p> <p>2) The City shall survey property owners with vacant housing units and housing units used for STR to understand why a property is held vacant, typical length of vacancy, and if there are possible incentives to make vacant housing available for long-term rent or purchase.</p>	<p>Complete 1) and 2) by December 2025.</p>	<p>Adoption of a strategy to reduce the vacancy rate and increase the availability of existing housing for long-term rental and owner-occupy purchase.</p>
	<p>3) Conduct at least one public workshop seeking community input on strategies to decrease the vacancy rate. The publicity of the workshop shall employ affirmative marketing best practices.</p>	<p>3) By December 2025</p>	
	<p>4) Draft a strategy containing options and recommendations for decreasing the vacancy rate. Options may include a combination of regulatory and financial incentives to reduce the vacancy rate and increase the availability of existing units for long-term rental and purchase.</p> <p>5) Hold public meetings/hearings on the draft, and take action on the draft strategy.</p>	<p>4) Release public review draft by June 2026.</p> <p>5) Public meetings/hearings by December 2026</p>	

HE Program/Other Action	Specific Action(s)	Timeline	2023-2031 Outcomes
<p>Strategy E: Improve opportunity by supporting economic development (high priority)</p>			
<p>Contributing Factors: Lack of economic development</p>		<p>Geographic Target: Citywide</p>	
<p>StrategyAction Plan Program E:</p> <p>Local economic development for business and workforce development to improve economic opportunities.</p>	<p><u>1) The City shall continue to collaborate and partner with local and regional economic development non-profit organizations and agencies to apply for economic development funding that improves the economic opportunities for residents through programs for workforce development; small business assistance and development; recruitment and/or retention of businesses that provide living-wage jobs.</u></p> <p><u>2) The City shall continue partnership and coalition building with other socioeconomically similar rural cities and counties to work with state and federal legislators to recruit economic development opportunity and funding for residents and businesses in the City and region.</u></p> <p><u>3) Support high school and College of the Siskiyou building trades development programs, including apprenticeships and workforce development. Promote programs using affirmative marketing best practices.</u></p> <p><u>4) Using affirmative marking best practices, the City will promote the existing zoning regulations for live/work spaces, cottage food operations, and home occupations as microbusiness development options. In order to increase resident awareness and access to these provisions, the City will partner with an existing non-profit to develop technical assistance materials to improve resident access and implementation</u></p> <p><u>5) In order to improve access to programs for investing in community amenities and infrastructure improvement programs, continue participation in regional planning efforts, such as the Active Transportation Plan.</u></p>	<p><u>1) & 2) The City will continue to meet and collaborate with local and regional economic development agencies and organizations at least twice per year to discuss existing economic development projects and prospective projects that are available for residents in order to provide referrals.</u></p> <p>The City will refer two residents to the Siskiyou Economic Development Council, USDA Rural Development, or Small Business Development Center for services annually.</p> <p><u>3) The City will continue to meet and collaborate with the local schools at least twice a year to discuss curriculum opportunities for building trades skills development.</u></p>	<p><u>1), 2), & 3) The City will provide letters of support for economic development grant applications that are consistent with this program.</u></p> <p><u>4) Increase inquires by four resident inquires annually.</u></p> <p><u>5) Complete two community amenity programs during the 2023-2031 planning cycle, which could include partnerships with local schools, transportation agencies (e.g., Caltrans and STAGE), etc. Examples include park improvements; safe routes to schools; pedestrian and bicyclist stripping, signage, etc.; installation of ADA curb ramps; water and/or sewer infrastructure improvements, etc.</u></p>

HE Program/Other Action	Specific Action(s)	Timeline	2023-2031 Outcomes
			<p><u>4) Initiate within two years of adoption of the 2023-2031 Housing Element</u></p> <p><u>5) The City will continue to meet and collaborate with regional organizations at least twice year, and will support and participate in regional planning efforts.</u></p>



CITY OF DUNSMUIR
STAFF REPORT TO PLANNING COMMISSION
APRIL 10, 2024

WALLACE VARIANCE AND TENTATIVE PARCEL MAP

APPLICANT:	John Fryer 1215 South Old Stage Road Mt. Shasta, CA 96067
PROPERTY OWNER:	Kathryn Wallace 4210 Willow Street Dunsmuir, CA 96025
PROJECT SUMMARY:	The project is a proposed variance and tentative parcel map to facilitate a two-lot subdivision for the existing single family dwelling units located at 4210/4212 Willow Street (APN 058-082-010-000). The property is zoned MU-3 and permits single family residential but requires a tentative parcel map to subdivide the existing parcel and a variance to allow deviations from the development standards contained in the Dunsmuir Zoning Code for the MU-3 zone district.
PROJECT LOCATION:	The project site is located at 4210 and 4212 Willow Street (APN 058-082-010)
GENERAL PLAN:	Mixed Use (MU)
ZONING:	Central Mixed Use (MU-3)
EXISTING USE:	Two detached single-family residences
ENVIRONMENTAL	The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301(Existing Facilities) and 15315 (Minor Land Divisions) of the CEQA Guidelines.
RECOMMENDATION:	Approval
ATTACHMENTS:	A. Draft Resolution PC-2024-02, A Resolution of the Planning Commission of the City of Dunsmuir Approving the Wallace Variance at 4210 and 4212 Willow Street; B. Draft Resolution PC-2024-03, A Resolution of the Planning Commission of the City of Dunsmuir Approving the Wallace Tentative Parcel Map at 4210 and 4212 Willow Street; C. Tentative Parcel Map Exhibit D. Summary Vacation Exhibit E. Project Description

OVERVIEW

Kathryn Wallace is the owner of 4210 and 4212 Willow Street, which is identified by Siskiyou County Assessor's Parcel Number 058-082-010. The parcel is currently developed with two detached single-family residential units. John Fryer, on behalf of Ms. Wallace, has filed a variance and tentative parcel map application to facilitate the subdivision for the existing parcel. Ultimately, these requests would result in each existing dwelling unit to be on its own legal parcel. The variance request would allow for the deviation from several lot requirements and development standards as identified in the Dunsmuir Municipal Code (DMC); and the tentative parcel map would subdivide the existing parcel into two separate and legal lots. There is no physical development being proposed as part of these requests.

Figure 1. Project Location



Figure 2. Project Site View from Willow Street facing south.



Figure 3. Project Site View from Shasta Avenue facing east.



ANALYSIS

General Plan

The subject property (APN 058-082-010) is designated in the City of Dunsmuir General Plan Land Use Element as Mixed Use (MU). No change in land use designation is proposed. Per the General Plan Land Use Element, typical uses for Mixed Use includes a compatible mixture of residential and nonresidential uses adjacent to and in close proximity to primary roadways and public transit.

Zoning

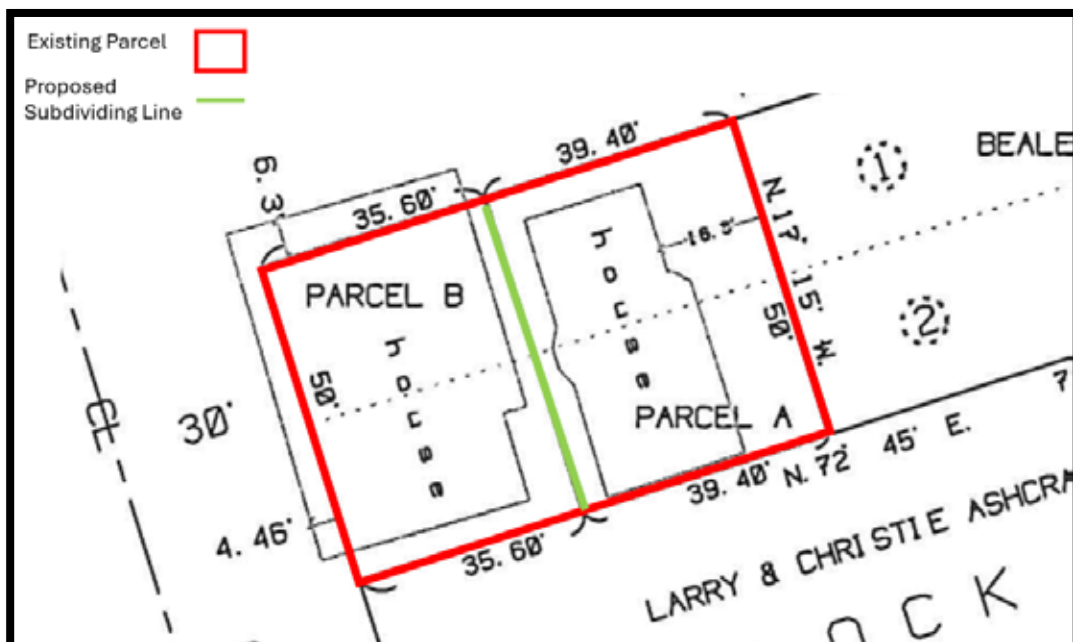
The subject property (APN 058-082-010) is currently zoned Central Mixed Use (MU-3). No proposed changes to the zoning designation is proposed. Within the MU-3 zoning district, a diverse range of commercial and residential activities is permitted. According to the Dunsmuir Municipal Code (DMC) Section 17.36, which governs land use and development standards, the MU-3 zoning district is primarily designated for centrally located areas outside of the Historic District. These areas are deemed suitable for a balanced mix of densely developed residential and non-residential uses, with accessibility to public transit.

The MU-3 zoning district aligns with the Mixed-Use land use designation. Within this zoning district, single-family residential use is a permitted use, provided it adheres to the lot requirements and development standards outlined in Chapter 17.36.050 and 17.36.060 of the DMC.

Tentative Parcel Map

The proposed project involves subdividing the current parcel into two separate lots, generally following the dimensions depicted in **Figure 4** below. The submitted tentative parcel map is provided as **Attachment C**. Currently, there are two existing houses on the property with no additional development proposed. However, to legally divide the existing parcel into two separate lots, a tentative parcel map is necessary. As illustrated in **Figure 4**, there are two residential dwelling units on the existing parcel. The request for a tentative parcel map will result in each existing dwelling unit being situated on its own separate and legally recognized lot.

Figure 4 – Existing and Proposed Parcel Lines



Variance

According to the Dunsmuir Municipal Code (DMC), a variance allows for flexibility from the strict application of development standards outlined in the code. Chapter 17.36 of the DMC specifically regulates land usage, lot specifications, and development standards within the MU-3 zoning district. While single-family residential use is allowed in this zoning district, it must comply with the standards laid out in the DMC.

Although there are no plans for physical development, a variance is necessary because the existing structures do not meet the requirements outlined in Chapter 17.36 of the DMC. Despite not meeting these standards, it is assumed that the structures are legally existing but nonconforming. This means that if the buildings were legally constructed at the time, they can continue their original use even if they do not meet current zoning standards. However, the proposal to subdivide the property was not part of the original use and is not protected under the legally existing, nonconforming use. Therefore, to proceed with the subdivision, the structures must obtain an approved variance for all deviations resulting from the proposed subdivision.

The lot specifications and development standards detailed in Chapter 17.36 of the DMC are outlined in **Table 1** below. Proposed Parcel A and Proposed Parcel B are identified in **Figure 4** above, as well as in **Attachment C**.

Table 1: MU-3 Lot Requirements and Development Standards

Lot Requirements	DMC	Proposed Parcel A	Proposed Parcel B
Minimum parcel size	5,000 SF	1,970 SF	1,780 SF
Minimum lot width	50 feet	39.4'	35.6'
Minimum lot depth	75 feet	50'	50'
Development Standards	DMC	Proposed Parcel A	Proposed Parcel B
Maximum lot coverage	75%	46%	80%
Minimum front yard setback	10 feet	5.1'	0'
Minimum rear yard setback	10 feet	1.1'	4.2'
Minimum side yard setback	5 feet	3.9' on west side; 13.2' on the east side	0' on the west side; 3.0' on the east side

The proposed subdivision necessitates a variance to depart from the seven standards outlined in Table 1, including minimum parcel size, minimum lot width, minimum lot depth, maximum lot coverage, and front, rear, and side yard setbacks. As depicted in **Figure 4**, the existing residential structure on Proposed Parcel B extends beyond the property line and into the public right-of-way. It is important to note that this encroachment is not a proposed development but rather an existing condition. To address this issue, a concurrent vacation application has been initiated to rectify the encroachment, resulting in both the front and west side setbacks being adjusted to 0' and the City vacating that portion of right-of-way. **Attachment D** illustrates the portion of right-of-way to be vacated. A condition of approval has been included in Resolution PC-2024-03 to ensure the public right-of-way is formally vacated prior to the recordation of the final map.

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 considered a special circumstance due to the non-compliance of the existing residential structures with the current Zoning Code. The property owner seeks to subdivide the existing parcel into two legal lots, each accommodating one of the structures in their current state, which necessitates the variance. The conditions of approval will guarantee that no further variances or deviations from the Code will be allowed, except those essential for facilitating the two-lot subdivision. Additionally, the subsequent use of two single-family residential structures is a permissible within the underlying zone district.

Staff believes that the existing site constraints, combined with the presence of the existing residential buildings, make it impractical to subdivide the lot into two legal lots. However, granting the variance would allow the property owner to preserve their existing structures while proceeding with the formal process of subdividing the lot into two separate parcels.

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 were the literal enforcement and strict application of the zoning ordinance to be applied. The proposed project does not include any physical development, but rather seeks to rectify through a variance the deviations of the existing structures.

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 lot requirements and development standards would not grant special privileges inconsistent with other properties in the vicinity and zone district. The requests for a variance is a discretionary permit to be reviewed and approved on its own merit and the facts associated with the application. Action on the subject variance would not preclude or prohibit properties in the vicinity and zone to exercise the right to submit a variance application for review.

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 lot requirements and development standards would not authorize a use or activity not permitted in the MU-3 zone district. Single-family residential uses are permitted in the MU-3 zone district and therefore would not result in a use that would not otherwise existing or permitted.

ENVIRONMENTAL RECOMMENDATION

Staff recommends that the project is categorically exempt from environmental review under Section 15301 (Existing Facilities) for the variance, and Section 15315 (Minor Land Divisions) for the tentative parcel map, of the California Environmental Quality Act (CEQA) Guidelines.

Section 15301 “Existing Facilities” consists of “the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use”. Since no physical development is proposed and the variance only applies to existing buildings that are out of conformance with the existing Zoning Code, a Class 1 exemption can be applied.

Section 15315 “Minor Land Divisions” applies to “the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels”. Since no physical development is being proposed and the resulting density conforms with the General Plan and zoning, a Class 15 exemption can be applied.

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, Zoning, and Building Codes;
- **Adopt** the recommended findings for approval of the variance;
- **Adopt** the recommended CEQA findings and CEQA Exemptions; and
- **Adopt** Resolutions:
 - PC-2024-02 A Resolution of the Planning Commission of the City of Dunsmuir Approving the Wallace Variance 4210 and 4212 Willow Street.
 - PC-2024-03, A Resolution of the Planning Commission of the City of Dunsmuir Approving the Wallace Tentative Parcel Map at 4210 and 4212 Willow Street.

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 Resolutions PC-2024-02 and PC-2024-03 approving the Wallace Variance and Tentative Parcel Map at 4210 and 4212 Willow Street.

ATTACHMENTS

- A. Draft Resolution PC-2024-02, A Resolution of the Planning Commission of the City of Dunsmuir Approving the Wallace Variance at 4210 and 4212 Willow Street.

- B. Draft Resolution PC-2024-03, A Resolution of the Planning Commission of the City of Dunsmuir Approving the Wallace Tentative Parcel Map 4210 and 4212 Willow Street.
- C. Tentative Parcel Map Exhibit
- D. Summary Vacation Exhibit
- E. Project Description

ATTACHMENT A
RESOLUTION PC-2024-02
WALLACE VARIANCE

RESOLUTION PC-2024-02
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNSMUIR
APPROVING THE VARIANCE AT 4210 AND 4212 WILLOW STREET

WHEREAS, John Fryer, on behalf of Kathryn Wallace, applied for a variance to deviate from the required lot requirements and development standards of the MU-3 zone district in order to facilitate a 2-lot subdivision of property located at 4210 and 4212 Willow Street (APN 058-082-010); and

WHEREAS, the Wallace Variance and Tentative Parcel Map 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 strict adherence to the lot requirements and development standards 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 Wallace Variance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities, because no physical development is proposed and the requested deviations pertain to existing structures; and

WHEREAS, staff presented oral and written staff reports on the Wallace Variance at a regular meeting of the Planning Commission on April 10, 2024; and

WHEREAS, staff recommended that the Planning Commission approve the Wallace Variance subject to the findings included in the staff report dated April 10, 2024, and incorporated herein above; and

WHEREAS, a Notice of Public Hearing was published in the Dunsmuir News on March 27, 2024; and

WHEREAS, public hearing notices were posted, advertised, and mailed pursuant to Sec. 17.24.060(B) of the Dunsmuir Municipal Code and California Government Code Sec. 65090 et seq.; and

WHEREAS, on April 10, 2024, the Chair of the Dunsmuir Planning Commission opened the duly noticed public hearing on the Wallace 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 and tentative parcel map application prior to reaching its decision.

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 April 10, 2024, and incorporated herein above, approves the Wallace Variance subject to the following conditions:

1. Setback dimensions are applicable and contingent on the vacation of City right-of-way identified in Attachment D of the Staff Report dated April 10, 2024.
2. Setbacks for Proposed Parcel A shall be no less than the following:

- a. Minimum parcel size: 1,970 square foot minimum
- b. Minimum lot width: 39.4-feet minimum
- c. Minimum lot depth: 50-feet minimum
- d. Maximum lot coverage: 75%
- e. Minimum front yard setback: 5.1-feet
- f. Minimum rear yard setback: 1.1-feet
- g. Minimum side yard setback: 3.9-feet on the west side; 5 feet on the east side

3. Setbacks for Proposed Parcel B shall be no less than the following:

- a. Minimum parcel size: 1,780 square foot minimum
- b. Minimum lot width: 35.6-feet minimum
- c. Minimum lot depth: 50-feet minimum
- d. Maximum lot coverage: 80%
- e. Minimum front yard setback: 0-feet
- f. Minimum rear yard setback: 4.2-feet
- g. Minimum side yard setback: 0-feet on the west side, 3-feet on the east side

IT IS HEREBY CERTIFIED that the foregoing Resolution PC-2024-02 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 10th day of April 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF DUNSMUIR PLANNING COMMISSION

Craig Kay, Chair

WITNESS, my hand and seal this 10th day of April 2024

Wendy Perkins, Deputy City Clerk

ATTACHMENT B
RESOLUTION PC-2024-03
WALLACE TENTATIVE PARCEL MAP

RESOLUTION PC-2024-03
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNSMUIR
APPROVING THE WALLACE TENTATIVE PARCEL MAP AT 4210 AND 4212 WILLOW STREET
(APN: 058-082-010)

WHEREAS, John Fryer, on behalf of Kathryn Wallace, applied for a tentative parcel map to facilitate the 2-lot subdivision of property located at 4210 and 4212 Willow Street (APN 058-082-010); and

WHEREAS, the Wallace Tentative Parcel Map is consistent with zoning designations and the applicable policies of the City of Dunsmuir General Plan; and

WHEREAS, the Wallace Tentative Parcel Map 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 Wallace Tentative Parcel Map is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Minor Land Divisions, because the project consists of subdividing a parcel with existing buildings into less than four parcels in conformance with the General Plan and zoning; and

WHEREAS, staff presented oral and written staff reports on the Wallace Tentative Parcel Map at a regular meeting of the Planning Commission on April 10, 2024; and

WHEREAS, staff recommended that the Planning Commission approve the Wallace Tentative Parcel Map subject to the findings included in the staff report dated April 10, 2024, and incorporated herein above; and

WHEREAS, a Notice of Public Hearing was published in the Dunsmuir News on March 27, 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 April 10, 2024, the Chair of the Dunsmuir Planning Commission opened the duly noticed public hearing on the Wallace Tentative Parcel Map application to receive public testimony, following which the Chair of the Planning Commission closed the public hearing and the Planning Commission discussed the conditional use permit 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 April 10, 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 April 10, 2024, and incorporated herein above, approves the Wallace Tentative Parcel Map, a request to subdivide the parcel located at APN 058-082-010 into two, subject to the following conditions:

1. The applicant shall submit, and the Dunsmuir City Council shall approve, a final map in accordance with the approved tentative parcel map and the provisions of the State of California Government Code Sections §66410 – §66499.58 of the Subdivision Map Act and Title 16 (Subdivisions) of the Dunsmuir Municipal Code.

2. Approval of the final map shall be contingent on the vacation of City right-of-way identified on Attachment D of the staff report dated April 10, 2024.
3. Both subsequent lots resulting from the subdivision shall be served by public water and sewer. Separate water meters for each structure shall be in place within six months of approval of Resolution PC-2024-03 and prior to final map recordation.

IT IS HEREBY CERTIFIED that the foregoing Resolution PC-2024-03 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 10th day of April 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF DUNSMUIR PLANNING COMMISSION

Craig Kay, Chair

WITNESS, my hand and seal this 10th day of April 2024

Wendy Perkins, Deputy City Clerk

ATTACHMENT C
TENTATIVE PARCEL MAP EXHIBIT

EXHIBIT A

TENTATIVE PARCEL MAP
FOR
KATHRYN WALLACE

BEING A SURVEY OF THE W 1/2
OF LOTS 1 & 2, BLOCK 23 OF THE
CITY OF DUNSMUIR, SI SKI YOU CO.,
CALIFORNIA

PREPARED BY: JOHN FRYER LAND SURVEYING
MT. SHASTA, CA

JANUARY 10, 2024

SCALE: 1" = 50 FEET

OWNER:

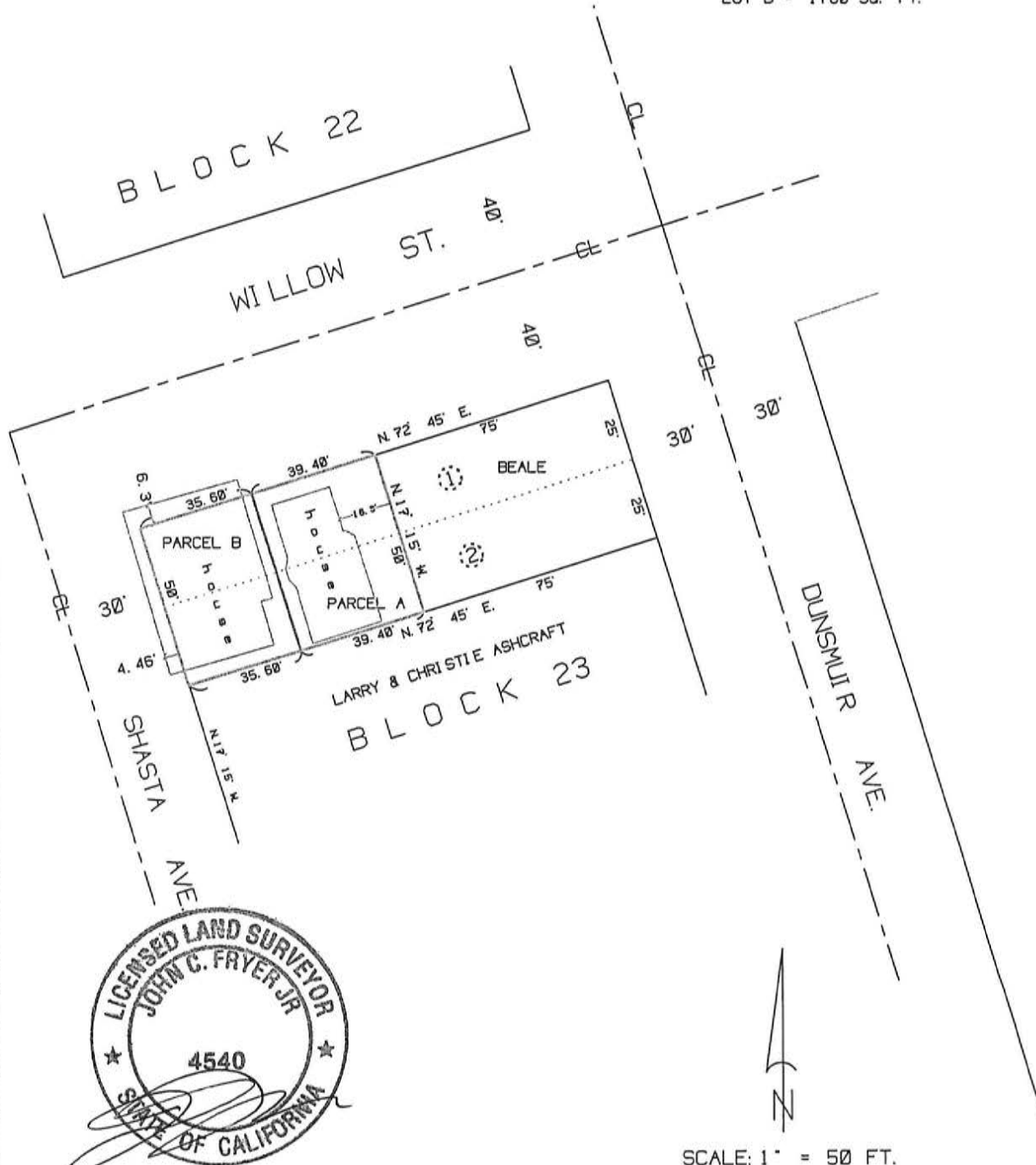
KATHERINE WALLACE
421 0/421 2 WILLOW ST.
DUNSMUIR, CA

APN 058-082-010

NOTE:

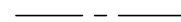



INTENT IS TO CREATE TWO PARCELS
FRONTING ON WILLOW ST. IN THE
DIMENSIONS SHOWN HEREON.

LOT A = 1970 SQ. FT.
LOT B = 1780 SQ. FT.



ATTACHMENT D
SUMMARY VACATION EXHIBIT

LEGEND

-  CENTERLINE OF ROAD
-  EXISTING PROPERTY LINE
-  ORIGINAL PROPERTY LINE
-  PROPOSED VACATION

WILLOW AVENUE

DUNSMUIR AVENUE

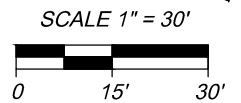
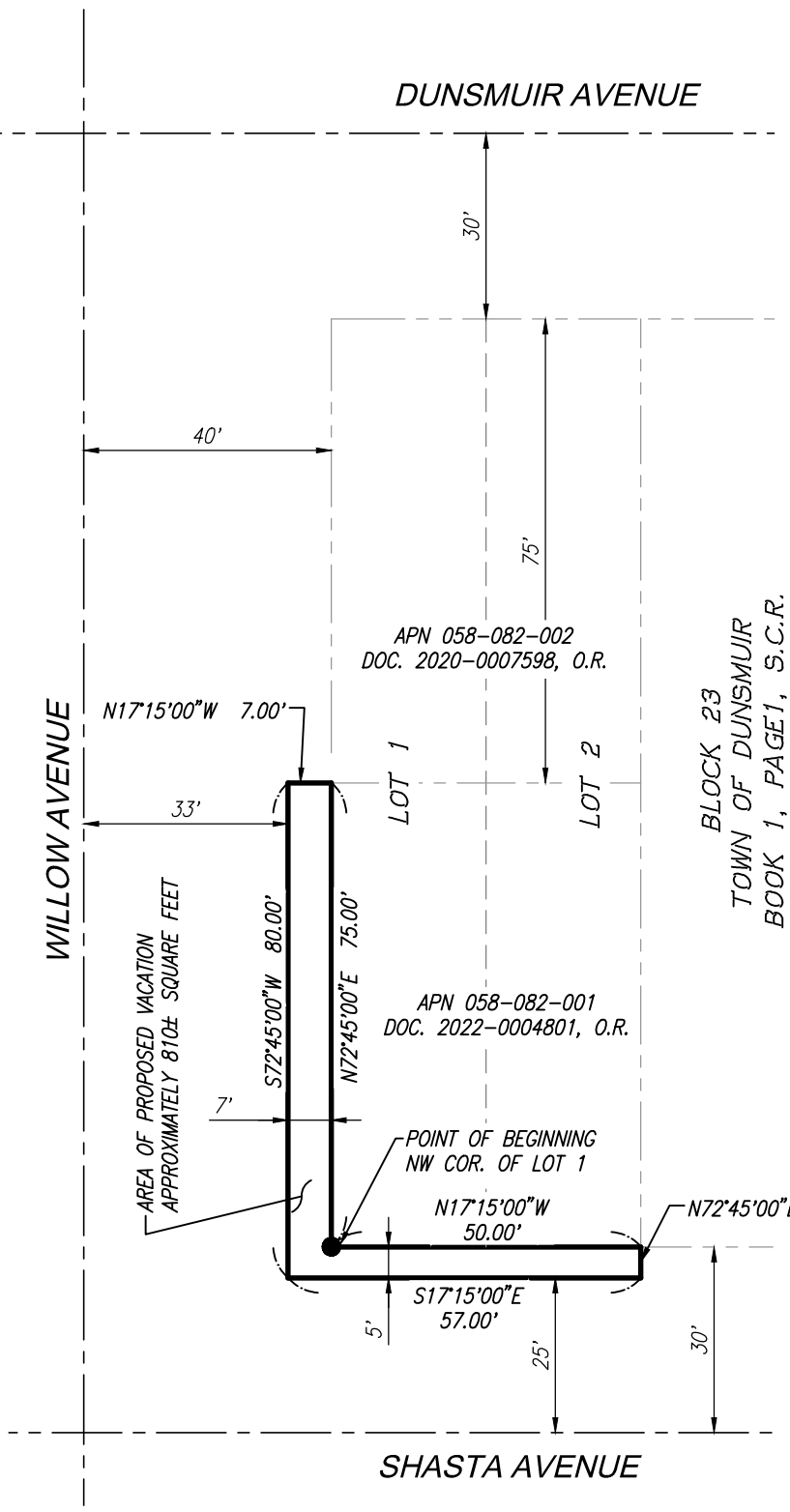
APN 058-082-002
DOC. 2020-0007598, O.R.

APN 058-082-001
DOC. 2022-0004801, O.R.

BLOCK 23
TOWN OF DUNSMUIR
BOOK 1, PAGE 1, S.C.R.

AREA OF PROPOSED VACATION
APPROXIMATELY 810± SQUARE FEET

SHASTA AVENUE



P:\CIVIL 3D PROJECTS\2023\23-397\SURVEY AND MAPPING\SURVEY EXHIBITS\23-397.VACATION EXHIBIT.DWG 3/21/2024 9:21:34 PM



EXHIBIT B
DESCRIPTION:
PORTION OF SHASTA AVENUE
AND WILLOW AVENUE

PROJECT NAME:
SUMMARY VACATION
03/21/2024 23-397.2

SHEET
1 OF 1

ATTACHMENT E
PROJECT DESCRIPTION

PROJECT DESCRIPTION

Kathryn Wallace Application: Parcel Map/Variance Request
Property Location: 4210/4212 Willow St.

This project is best defined as a non-conforming situation on several fronts as further explained in this document.

Kathryn Wallace is seeking to create two parcels fronting on Willow St. in Dunsmuir. Exhibit B shows the house on Parcel B encroaching on Shasta Ave. and Willow St. We believe this house was constructed in the 1960's, whereas the house shown on Parcel A was built around 1909. The boundary shown between these two houses represents an effort to balance the spacing between the two existing residences.

With this application we are requesting a variance on the current permitted front lot width to allow for a 35.60 foot frontage (see Exhibit B) and a 39.40 foot frontage on two parcels fronting on Willow St.

Further, we request a variance on lot depth from the current permitted 75 foot minimum to allow for a 50 lot depth (see Exhibit B).

Further, we request a variance on lot area to allow the creation of two lots: Parcel A containing 1970 square feet and Parcel B comprising 1780 square feet. Parcel A fronts on Willow St. and Parcel B is located at the corner of Willow St. and Shasta Ave.

Further, we request the adoption of a zoning text amendment to allow for 35 foot lot frontage relating to Parcel B described above.



CITY OF DUNSMUIR

STAFF REPORT TO PLANNING COMMISSION

April 10, 2024

YACKLEY USE PERMIT

APPLICANT:	Reba and John Yackley 5621 Dunsmuir Avenue Dunsmuir, CA 96025
PROPERTY OWNER:	Reba and John Yackley 5621 Dunsmuir Avenue Dunsmuir, CA 96025
PROJECT SUMMARY:	The project is a proposed conditional use permit to facilitate the development of a drive-through food services establishment with ten (10) on-site parking stalls.
PROJECT LOCATION:	The project site is located at 5621 Dunsmuir Avenue (APNs: 058-082-090-000 and 058-082-100-000)
GENERAL PLAN:	Mixed Use
ZONING:	Central Mixed Use (MU-1)
EXISTING USE:	Retail - Auto
ENVIRONMENTAL	The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15303 and 15332
RECOMMENDATION:	Approval
ATTACHMENTS:	A. Draft Resolution PC-2024-04, A Resolution of the Planning Commission of the City of Dunsmuir Approving the Yackley Use Permit at 5621 Dunsmuir Avenue B. Site Development Plan

OVERVIEW

Applicants Reba and John Yackley have requested approval of a conditional use permit (CUP) for the property located at 5621 Dunsmuir Avenue. The purpose of the CUP is to facilitate the development of a drive-through food services establishment with ten (10) on-site parking stalls. The subject property is zoned MU-3 which permits drive-through food service establishments subject to an approved CUP in accordance with Section 17.36.040 of the Dunsmuir Municipal Code (DMC). An aerial of the project site, proposed site plan, proposed floor plan, and proposed elevations are shown in **Figure 1** through **Figure 4** below.

Figure 1. Aerial Image of Subject Property

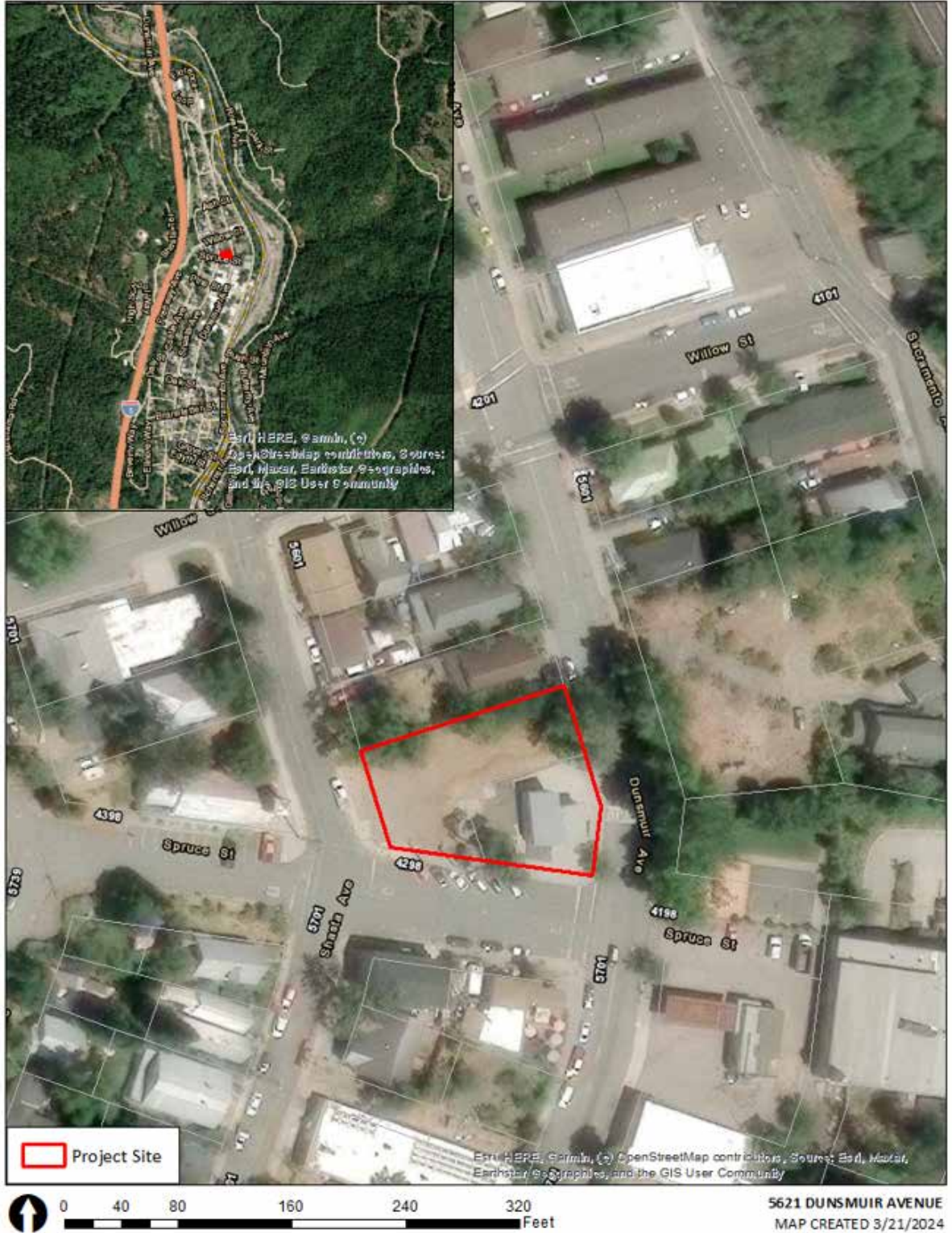
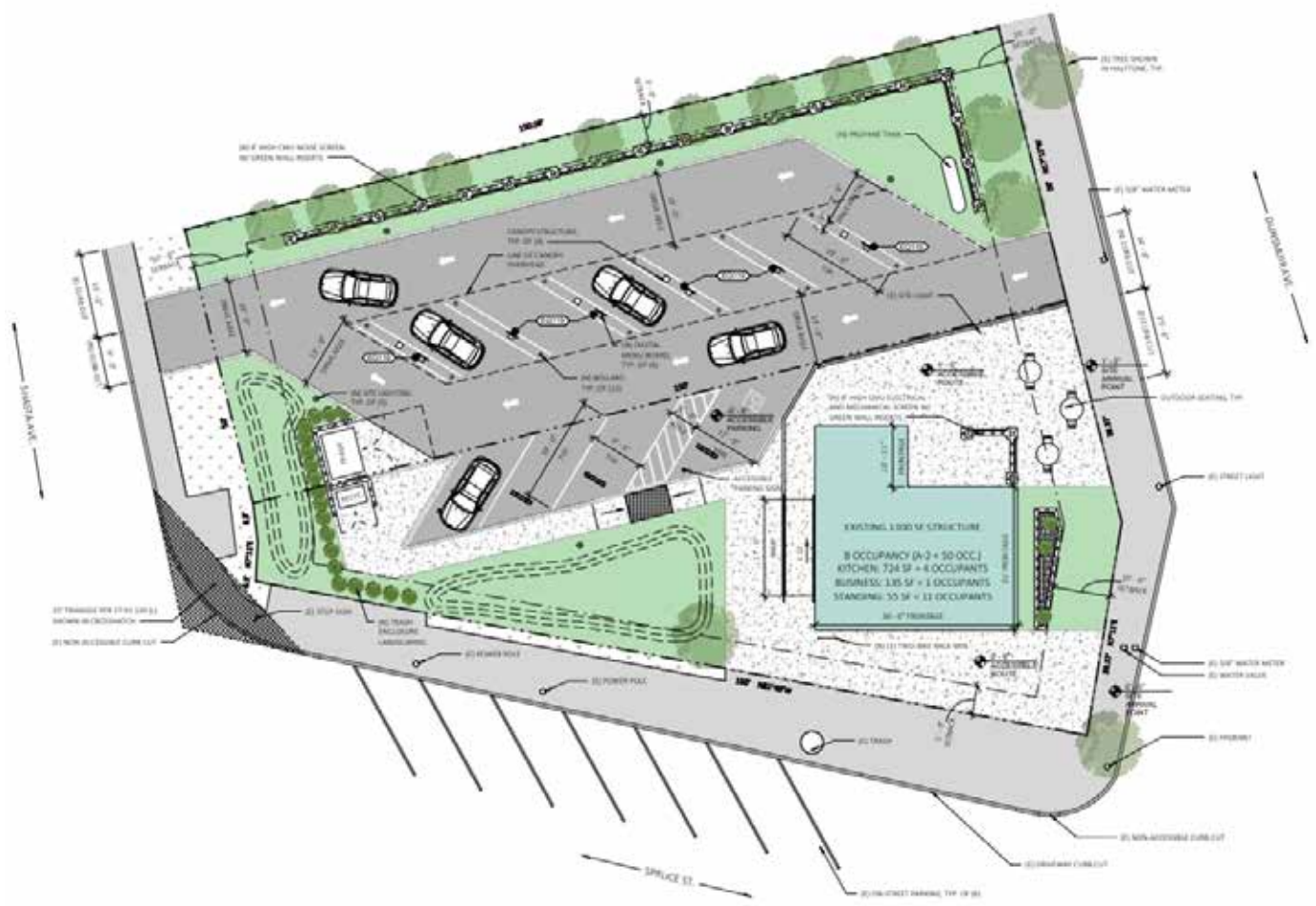


Figure 2. Proposed Site Plan



1 SITE DEVELOPMENT PROPOSAL
Scale: 1" = 40'

Figure 3. Proposed Floor Plan

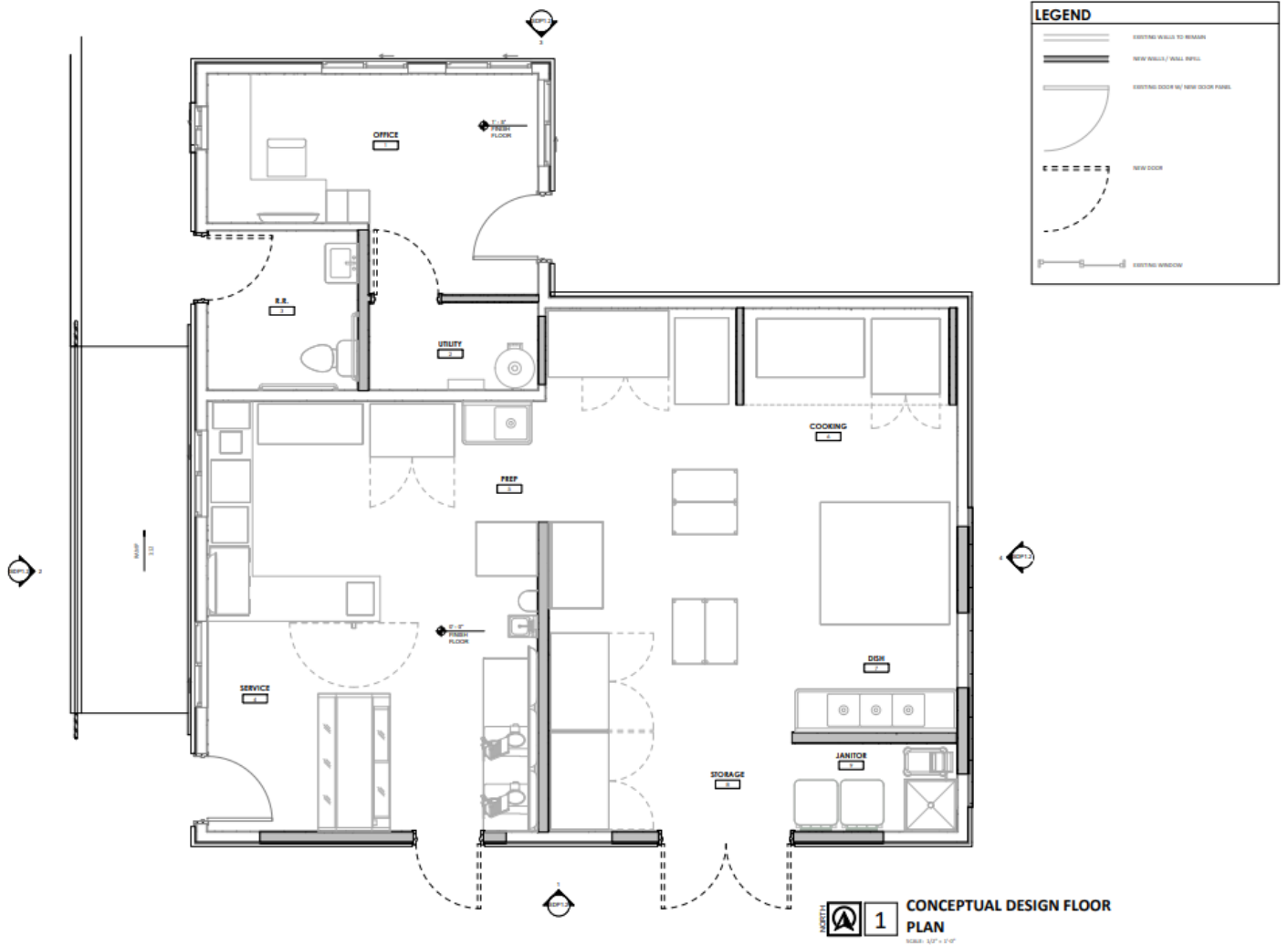


Figure 4. Proposed Elevations

EXISTING PERSPECTIVES



4 EAST ELEVATION
SCALE: 1/8" = 1'-0"



2 WEST ELEVATION
SCALE: 1/8" = 1'-0"



3 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

ANALYSIS

General Plan

The subject 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, the Mixed Use Land Use Designation allows for a compatible mixture of residential and nonresidential uses adjacent to and in close proximity to primary roadways and public transit.

Zoning

The subject property (APNs 058-082-090-00 and 058-082-100-000) zoned Central Mixed Use (MU-3). There would be no change in zoning or zoning irregularities as a result of the proposed project. Pursuant to Chapter 17.36 of the DMC, the MU-3 zoning district is intended to be applied primarily to centrally located areas outside of the Historic District that are suitable for a compatible mixture of more densely developed residential and nonresidential uses that can be served by public transit. The MU-3 zone district is consistent with the Mixed Use land use designation.

Pursuant to the DMC Chapter 17.36.040, drive-in and drive-through sales and services are permitted in the MU-3 zone district subject to an approved conditional use permit. Furthermore, Chapter 17.08.820 defines drive-in and drive-through sales and services as “facilities where food, products, or services may be purchased by motorists without leaving their vehicles, including but not limited to drive-thru restaurants and coffee shops, pharmacies, and other businesses with drive-up windows and automated car washes”.

The proposed project is a drive-in style restaurant serving customers in their vehicles or to-go with outdoor seating only; there will be no indoor dining. The project as proposed meets the definition of drive-in sales and services and would thereby be permitted subject to an approved conditional use permit.

Dunsmuir Municipal Code and Development Standards

Pursuant to the DMC, all property development standards of the Chapter 17.36 (Central Mixed Use) and 17.76 (Off-Street Parking) shall apply to the proposed project.

Lot Requirements

Pursuant to Chapter 17.36.050 of the DMC, the minimum parcel size in the MU-3 zone district is required to be 5,000 square feet with a minimum width of 50-feet and a minimum lot depth of 75-feet. The subject property is approximately 14,636 square feet with a lot width of approximately 64-feet and a lot depth of approximately 150-feet; therefore the subject property meets the lot requirements of the MU-3 zone district.

Development Standards

Pursuant to Chapter 17.36.060 of the DMC, the maximum lot coverage for the MU-3 zone district is 75%. As proposed, the lot coverage for the proposed project is 7.5% for the building footprint only.

Additionally, the minimum front, rear, and side yard setbacks in the MU-3 are 10 feet, 10 feet, and 5 feet respectively. As shown in **Figure 2**, the building envelope for the proposed project is completely outside of the required setbacks.

The building height will not exceed 50-feet in accordance with the maximum height for the MU-3 zone district.

Parking

Pursuant to the DMC Chapter 17.76.140, the required parking for drive-in/fast food retail food establishments is one (1) parking space per two (2) persons (or 0.5 spaces per person) plus one (1) space per two (2) employees at a maximum shift (or 0.5 spaces per person). The total number of business visitors or patrons at any one time is 16 and the maximum number of employees per shift is two (2). This results in a total of nine (9) parking spaces required. The project as proposed provides ten (10) parking stalls which exceeds the minimum requirement. There is an additional six (6) parking stalls located on Spruce Street, adjacent to the subject property, that could serve as overflow parking should it be necessary. The proposed parking stalls are 19-feet in length and 9-feet in width at a 90 degree angle, which meets the minimum dimension requirements for standard parking stalls.

Other Site Features

Ingress and Egress

The proposed development would provide two points of access. A drive approach off of Dunsmuir Avenue would provide one-way access into the site and a drive approach off of Shasta Avenue would provide one-way access out of the site. The diagonal layout of the parking stalls would allow for vehicular traffic to pull into a parking stall situated on the south side of the site to park and walk up to order or pull into a parking stall situated on the north side of the site and order from a digital menu board and have the order delivered to the vehicle.

Drainage

Pursuant to Chapter 17.76.090 (Paving and Drainage) all parking facilities are required to be graded and provided with permanent storm drainage facilities. All drainage improvements shall be sufficient to preclude free flow of water onto adjacent properties or streets and to provide adequate drainage within the facility. The proposed project provides two areas of landscaped permanent stormwater retention areas to retain all runoff from the site.

Signage

Signage will be permitted in the MU-3 zone district in compliance with Chapter 17.80 of the Dunsmuir Municipal Code. A separate sign permit will be required for all proposed signage and no signage is approved with this conditional use permit.

USE PERMIT FINDINGS

Pursuant to the DMC Chapter 17.88.060 (action by the planning commission on a use permit), in order to grant a conditional use permit, the planning commission shall make certain findings regarding the establishment, maintenance, and operation of the use or building applied for:

1. Be materially detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be materially detrimental to property or improvements in the neighborhood or to the general welfare of the city:

The proposed drive-through food services establishment will not have a negative impact on either the subject site or neighboring properties given the conditions of approval and approval of any other applicable permits such as building permits, public works permits, and Siskiyou County Environmental Health permits. Approval of the conditional use permit would be in accordance with applicable provisions of the DMC, including the determination that the required findings have been made relative to the issuance of a conditional use permit for the proposed project.

ENVIRONMENTAL RECOMMENDATION

Staff recommends that the project is categorically exempt from environmental review under Section 15303, New Construction or Conversion of Small Structures, and Section 15332, In-fill Development Projects, of the California Environmental Quality Act (CEQA) Guidelines.

The “New Construction or Conversion of Small Structures” applies to “the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.”

The “In-fill Development Projects” applies to “project characterized as in-fill development meeting the conditions described....” Conditions include:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c) The project site has no value as habitat for endangered, rare or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e) The site can be adequately served by all required utilities and public services.

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 conditional use permit;
- **Adopt** the recommended CEQA findings and CEQA Exemptions; and
- **Adopt** Resolution PC-2024-04, A Resolution of the Planning Commission of the City of Dunsmuir Approving the Yackley Use Permit at 5621 Dunsmuir 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-2024-04 approving the Yackley Use Permit at 5621 Dunsmuir Avenue.

ATTACHMENTS

- A. Draft Resolution PC-2024-04, A Resolution of the Planning Commission of the City of Dunsmuir Approving the Yackley Use Permit at 5621 Dunsmuir Avenue.

ATTACHMENT A
RESOLUTION PC-2024-04
YACKLEY USE PERMIT

RESOLUTION PC-2024-04
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNSMUIR
APPROVING THE YACKLEY USE PERMIT AT 5621 DUNSMUIR AVENUE

WHEREAS, Reba and John Yackley applied for a conditional use permit to facilitate the development of a drive-through food services establishment with ten (10) on-site parking stalls at 5621 Dunsmuir Avenue; and

WHEREAS, the Yackley Use Permit is consistent with zoning designations and the applicable policies of the City of Dunsmuir General Plan; and

WHEREAS, the Yackley Use Permit as proposed meets the definition of drive-in sales and services and would thereby be permitted subject to an approved conditional use permit pursuant to the Dunsmuir Zoning Code Chapter 17.36.040; and

WHEREAS, the Yackley Use Permit 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 Yackley Use Permit is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures, and Section 15332, In-fill Development Projects, because the project consists of conversion of an existing small structure from one use to another where only minor modifications are made in the exterior of the structure, and the project can be characterized as infill development meeting the conditions described in Guidelines Section 15332; and

WHEREAS, staff presented oral and written staff reports on the Yackley Use Permit at a regular meeting of the Planning Commission on April 10, 2024; and

WHEREAS, staff recommended that the Planning Commission approve the Yackley Use Permit subject to the findings included in the staff report dated April 10, 2024, and incorporated herein above; and

WHEREAS, a Notice of Public Hearing was published in the Dunsmuir News on March 27, 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 April 10, 2024, the Chair of the Dunsmuir Planning Commission opened the duly noticed public hearing on the Yackley Use Permit application to receive public testimony, following which the Chair of the Planning Commission closed the public hearing and the Planning Commission discussed the conditional use permit 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 April 10, 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 April 10, 2024, and incorporated herein above, approves the Yackley Use Permit which permits a 1,100 square-foot drive-through food service establishment with ten (10) on-site parking stalls subject to the following conditions:

1. The proposed use is subject to the issuance of a City of Dunsmuir Business License.
2. A Building Permit from the City shall be obtained for any structural modifications to the building required to meet the needs of the business.
3. The use will be subject to permit and inspection by the Siskiyou County Health Department.
4. All outdoor lighting shall be shielded and no amplification of noise outside of the building shall be allowed.
5. The business shall maintain hours of operation consistent with the normal business hours of other commercial businesses in the downtown area.
6. All outdoor signage shall be consistent with Section 17.28.140 of the Municipal Code.

IT IS HEREBY CERTIFIED that the foregoing Resolution PC-2024-04 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 10th day of April 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF DUNSMUIR PLANNING COMMISSION

Craig Kay, Chair

WITNESS, my hand and seal this 10th day of April 2024

Wendy Perkins, Deputy City Clerk

ATTACHMENT B
SITE DEVELOPMENT PLAN

