

RESOLUTION NUMBER PC 20-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHASTA LAKE APPROVING USE PERMIT NUMBER 20-01 FILED BY ADK PROPERTIES, LLC. TO ALLOW CONSTRUCTION OF A 60,500SF AFFORDABLE HOUSING MIXED USE DEVELOPMENT, OFF-SITE PARKING, AND ASSOCIATED DENSITY BONUS AND INCENTIVES

WHEREAS, the Planning Commission of the City of Shasta Lake considered Use Permit Number 20-01 filed by ADK Properties (Developer) for the property identified as Assessor's Parcel Numbers 005-250-059, 005-250-007, 005-250-008, 005-250-063, 007-010-008, 007-010-096 and 007-010-009, 4601, 4617, 4633, 4645, 4650, 4657, Shasta Dam Boulevard, in accordance with Section 17.92.020 of the Shasta Lake Municipal Code (SLMC); and,

WHEREAS, Developer requests to construct affordable housing mixed-use development within the City Center Commercial Zone District; and,

WHEREAS, Developer requests off-site parking and exceptions to tree planting standards; and,

WHEREAS, City Staff used the following information as dated: Planning Application (1-21-20), Environmental Information Form (1-13-20), Site Plan (1-19-20); and,

WHEREAS, Developer proposes a floor area ratio of .85; and,

WHEREAS, Developer requests incentives for increased structural height, decreased property line setbacks, and reduced parking standards; and,

WHEREAS, said Use Permit application and materials were referred to City departments and responsible agencies for review and comment; and,

WHEREAS, conditions from the City departments and responsible agencies have been incorporated into this resolution; and,

WHEREAS, the proposal was legally noticed in the Record Searchlight and notices given to surrounding property owners; and

WHEREAS, on January 29, 2020, the Planning Commission held a duly noticed public hearing to obtain testimony regarding the proposed use,

NOW, THEREFORE, the City of Shasta Lake Planning Commission:

A. Makes the following findings:

1. State Planning and Zoning Act

Approval of the Use Permit is consistent with both the General Plan and Zoning Ordinance as required by the State Planning and Zoning Act.

As conditioned, the use is consistent with the purposes, intent, and provisions of the General Plan and Zoning Code, including proposed uses and design standards. This property is designated by the Zoning Code as City Center Commercial and by the General Plan as City Center Commercial. In addition, the project is consistent with SLMC Chapter 17.81 (Affordable Housing).

2. **California Environmental Quality Act (Public Resources Code and California Code of Regulations)**

The project qualifies as a Categorical Exemption: Class 32 (In-Fill Development Projects); per Section 15332 of the California Environmental Quality Act Guidelines (CCR Title 14, Chapter 3, Article 19, Section 15332).

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- a) The project is consistent with the applicable general plan designation, general plan policies, and 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.

3. **National Environmental Policy Act (NEPA) -**

The City of Shasta Lake has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required.

The Environmental Assessment produced by R.L. Hastings & Associates concludes the proposed project would not result in an impact to biological resources, and there is no presence or likely presence of any hazardous substances or petroleum products on the property that indicates an existing release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater or surface water of the property. The property is not located within a 100-year flood hazard zone, and drainage improvements will be completed to ensure there is no impact from increased run-off to downstream property owners.

4. **The establishment, operation and maintenance of the subject use, buildings or facilities will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the area or be detrimental or injurious to property or improvements in the area or to the general welfare of the City.**

The establishment of the project will not be detrimental and will bring added safety and stability to the area. The Boomtown Center will serve as a center for the provision of affordable housing and commercial services as envisioned in the City's General Plan. As such, it's compliance with, and support for, the implementation of the General Plan ensure that it will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the area. Neither will it be detrimental or injurious to property or improvements in the area or the general welfare of the City. In addition, the project must comply with all local and state health and safety codes including the Uniform Building and Fire Safety codes.

Due to the nature of the project, impacts from noise and traffic are anticipated to be less than significant. The project is subject to the City's design standards and is designed to be

compatible with the surrounding neighborhood.

As development occurs on this property updated development plans will be submitted to verify compliance with all standards of the City of Shasta Lake General Plan, Municipal Code, and the California Code of Regulations Title 24 (Building Code), and responsible agencies.

B. Approves Use Permit 20-01 for the following listed uses and structures that are to be located as shown on the approved site plan (Exhibit A). The Development Services Director may approve minor modifications. Any substantial revisions will require either an amendment to this permit or a new use permit.

1. Construction and operation of a 60,500 square foot affordable housing/mixed use development including:
 - a. On and off-site parking
 - b. Alternative tree planting standards
 - c. An increased floor area ratio of .85
 - d. Reduced property line setbacks
 - e. Increased building height
 - f. Reduced parking standards
 - g. Bicycle cooling station
 - h. Open/green space

C. The use is subject to the following conditions of approval, which shall be satisfied prior to commencement of the use unless otherwise noted. The Applicant shall remain in compliance with all conditions of approval throughout the life of the use.

1. The requirements of all concerned governmental agencies having jurisdiction by law, including but not limited to the issuance of appropriate permits, shall be met.
2. All required information required for construction or compliance with required permits, such as a geotechnical report or drainage and hydrology report shall be provided at the time a building permit.
3. The property owner, or the assigned agent, agrees to defend, indemnify, and hold harmless the City of Shasta Lake ("City"), its agents, officers and employees from any claim, action, or proceeding to attack, set aside, void, or annul the approval of this Use Permit recorded hereunder. The City shall have sole discretion in selecting its defense counsel (unless there is a conflict, the City will use the City Attorney as its defense counsel). The City shall promptly notify the property owner, or the assigned agent, of any claim, action, or proceeding and shall cooperate fully in the defense.
4. Prior to issuance of a building permit, the Developer shall submit a final development plan pursuant to SLMC Section 17.41.060(K) for design review and approval by the City engineer or his designee, City electric department representative, the director of the development services department, the associate or senior planner, and one member of the Planning Commission. The Development Plan shall indicate how the required development standards will be met and shall clearly indicate any development standards for which a Density Bonus, incentive, or concession applies.

Construction

5. Prior to issuance of a building permit, the Developer shall submit an application for a property line adjustment/merger. The property line adjustment/merger shall be approved by the City and recorded in the Office of the Shasta County Recorder to consolidate the individual lots into a single parcel.
6. The Developer shall obtain an encroachment permit from the City and Caltrans for construction of new improvements or connection to established facilities located within the existing public right-of-way. All requirements of the encroachment permits shall be followed and completed as prescribed.
7. A minimum of two working days before the initial commencement of any permitted grading, digging, or mass land clearing work, Underground Service Alert (USA) and the Public Works Department shall be notified. This will allow sufficient lead-time to ensure that the locations are identified of all existing public underground utilities that could be affected, and arrangements can be confirmed for all necessary inspections.
8. The project is a "Regulated Project" pursuant to the City's Phase II Municipal Separate Storm Water Sewer System (MS4) Permit. Prior to issuance of a grading permit or building permit, the applicant shall complete a SWPPP and submit a Post-Construction Worksheet and application package pursuant to the City's Post-Construction Standards Plan. Information includes, but is not limited to, identification of Drainage Management Areas (DMAs); Best Management Practices/source controls pursuant to the California Storm Water Quality Association's (CASQA) Storm Water BMP Handbook (www.CASQA.org); Low Impact Development (LID) design standards; and hydromodification management measures as necessary.
9. As a control against increasing concentrations and/or other changes in subsurface conditions, new construction at the Site shall include installing a vapor barrier between the soil subgrade and the building floors to reduce the potential for soil-vapor migration into interior spaces.
10. The Applicant shall implement the following measures related to construction activities associated with the proposed project:
 - a. Materials needed for clean-up of spills shall be on-site at all times. This could include absorbent materials, dilution materials, catchment containers and other materials.
 - b. Absorbent materials shall be used on small spills rather than hosing down or burying the spill. The absorbent material shall be promptly removed and disposed of properly.
 - c. The fueling of construction equipment shall be done at a fixed fueling station to reduce the area exposed to fuel spills from overtopping fuel tanks.
 - d. On-site vehicles and equipment shall be regularly inspected for leaks and repaired immediately.
 - e. If vehicle and equipment maintenance must occur on-site, it shall be done in designated areas, located away from drainage courses, to prevent the run-on of storm water and the runoff of spills.

- f. All fuels, lubricants, oil containers and other hazardous materials shall be stored in suitable containers and kept inside a catchment basin. All used engine oils shall be recycled or disposed of properly.
 - g. No equipment wash-down, refueling, or re-greasing can be done in or proximate to drainages, street gutters, or other water conveyance features.
11. If, in the course of development, any signs of residual petroleum or other contamination from past land use activity are uncovered, discovered, or otherwise detected or observed, construction activities in the affected area shall cease and the Shasta County Environmental Health Department (EHD) shall be immediately contacted to advise the contractor and the City of the appropriate measures required in order to mitigate impacts to a level of insignificance as required by law. Construction work in the affected area shall not resume until the Development Services Director or his/her designee has determined, in consultation with EHD, that all required corrective measures have been completed.
 12. Prior to any land clearing or grading work, the applicant shall obtain a grading permit from the City and submit a drainage and erosion control plan for approval in accordance with the City's Grading Ordinance.
 13. During construction or completion of any improvements that are anticipated to produce an excessive amount of noise (e.g., removal of concrete, paving activities), the Developer or Contractor shall comply with the following time periods established for construction activities. Construction activities shall not occur outside of the following established limits unless approved by the City under special circumstances:

Monday through Friday:	7:00 A.M. – 7:00 P.M.
Saturday:	8:00 A.M. – 5:00 P.M.
Sunday:	No construction activities allowed.

Special circumstances include the health or safety of workers or the need to complete construction along public roadways or within public utilities to ensure continued services. Such exceptions shall be approved prior to commencement of the work.

Archaeological Resources

14. If, during the course of development, any archeological, historical, or paleontological resources are uncovered, discovered, or otherwise detected or observed, construction activities in the affected area shall cease and a qualified archeologist shall be contacted to review the site and advise the City of the site's significance. If the Development Services Director deems the findings significant, appropriate mitigation shall be required prior to any resumption of work on the project.
15. Should any human remains be found during the construction project, construction in the area shall stop immediately and shall be reported to the County Coroner. Construction shall not proceed until the County Coroner has determined such construction will not further impact human remains.

Air Quality

16. The Developer shall implement Standard and Best Available Mitigation Measures from the

City's Air Quality Element as follows:

- a. Suspend all grading operations when winds, as instantaneous gusts exceed 20 miles per hour or as directed by the Shasta County Air Quality Management District (AQMD).
- b. Water active construction sites at least twice daily, or as needed to control fugitive dust as directed by the Public Services Department.
- c. Apply non-toxic soil stabilizers according to the manufacturer's specification to all graded areas, which will be inactive for 10 days or more.
- d. Provide temporary traffic control (flag person), as appropriate, during all phases of construction to improve traffic flow.
- e. When construction activity occurs during wet weather, install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off trucks and any equipment leaving the site each trip. Locations of wheel washers shall be identified and approved by the City Public Works Division prior to the issuance of any clearing or grading permits.
- f. Sweep streets at the end of the day if visible soil materials are carried onto adjacent paved roads.
- g. Cover trucks hauling dirt, sand, soil or other loose materials or maintain at least 2 feet of freeboard (minimum vertical distance between the top of the load and the top of the trailer), in accordance with the requirements of California Vehicle Code 23114.
- h. Re-establish ground cover on the construction site through seeding and watering prior to final occupancy.
- i. Provide energy-efficient process systems, such as water heaters, furnaces, and boiler units.
- j. Install an electrical outlet at the front and back of all buildings (for electric yard equipment).

Development Standards

17. The project shall meet the following Development Standards (Shasta Lake Municipal Code [SLMC] Section 17.41.060 and Chapter 17.84) **unless such standard is identified in the final Development Plan as an incentive/concession pursuant to State Density Bonus Law (Government Code Section 65915 et seq.):**
 - a. **Lighting:** Appropriate lighting shall be provided in all parking areas and walkways to ensure the safety of individuals using the facilities. All buildings, parking areas, driveways, and walkways shall meet the requirements specified in SLMC Section 17.84.050: *"All lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. No lighting shall be of the type or in a location such that constitutes a hazard to vehicular traffic, either on private property or on abutting streets"*

In addition, all new exterior lighting shall meet the requirements of the California Energy Commission and shall be verified through the building permit process.

- b. **Waste / Trash Enclosures:** Trash enclosures of a maximum height of one foot above the trash container and of sufficient size shall be provided to accommodate all trash and waste stored on the premises. All free-standing trash enclosures shall be constructed of solid masonry material or concrete tilt-up with decorative exterior surface finish compatible with the main structure. Split-face concrete block, stucco, or similar finish is recommended.

Trash and recycling receptacles shall be located on the property in a manner that does not hinder access to any required off-street parking spaces. Plans for screening shall be included in the Development Plan. Receptacles shall be approved and in place prior to occupancy of the building.

- c. **Landscaping:** Landscaping shall meet the requirements of SLMC Section 17.84.040 (General Development Standards – Landscaping); Section 12.36070 (Tree Conservation – Tree Planting Standards); and SLMC Chapter 15.10 (Water Efficient Landscaping) if applicable.
- d. **Signage:** All signage shall meet the requirements of SLMC Section 17.41.060(H).

Improvement Plans

- 18. Improvement plans for all required grading, drainage, utilities, curb, gutter and sidewalk, and other public improvements, shall be prepared and sealed by a registered civil engineer, and shall be submitted to and approved by the City Engineer prior to commencement of construction.
- 19. A plan checking and inspection fee deposit will be required at the time the improvement plans are first submitted. The fees shall be those in effect at the time of submittal.

Public Utilities

- 20. Sanitary sewer, water, electric, natural gas, and cable television distribution lines, including main lines and service laterals, shall be installed by the Developer at the Developer's cost in accordance with the capacity, construction and testing standards of the Public Works Department or other operating entity, and applicable fire flow safety standards. All required utilities shall be inspected and approved by the City or other operating entity prior to backfilling trench(s).
- 21. The Developer shall provide any and all required easements for main utility lines (water, sewer, electric) and allow unrestricted ingress and egress by the City for the purposes of installation, removal, maintenance, operation, inspection or any other required use of its facilities.
- 22. Required public utility easements shall not be fenced or otherwise barricaded in a manner that hinders access to the City for utility installation, removal, maintenance, operation, inspection or any other required use.
- 23. Eave lines of any proposed structure shall be outside of, or at a maximum, coincidental with, the limits of any public utility easement extending through the property.

24. No building or structures shall be allowed within any public utility easement.
25. No trees or shrubs exceeding a mature height of 15 feet shall be allowed within the limits of any electric easement.
26. The Developer shall not reduce the vertical clearance between the conductors of the City's overhead transmission, distribution, or service lines and the ground of improved surfaces thereunder as set forth under General Order 95 of the Public Utilities Commission of the State of California as determined by the City's Electric Utility Director or his/her designee.
27. The Developer shall provide adequate protection of the City's overhead and underground, transmission, distribution and service facilities (poles, towers, boxes, equipment, and the like) from vehicular damage by means of installing protective barriers, as determined by the Public Works and Electric Departments.
28. Prior to issuance of a Certificate of Occupancy, the Developer shall provide as-built plans, a certificate of completion, and, if necessary, operations and maintenance manuals, to the Public Works Department, and any other public agencies or utilities responsible for the constructed improvements. The as-built Plans shall be submitted in a digital form prescribed by the City Engineer in addition to three (1) paper copy of all such plans.
29. Any conflicts with existing overhead electric primary resulting from this project will require undergrounding of said facilities.

Shasta Lake Fire Protection District

30. All development shall be designed and built according to the current laws and codes. At this time this would be the 2019 California Code of Regulations Title 24, all parts and any others relevant and in effect as of the date of complete project submittal.
31. Requirements specific to each building site will be applied at the time of building permit application(s). All lots/parcels will be required to provide at minimum a water service tap, valves, and all service piping of sufficient size to accommodate a fire sprinkler system in addition to the domestic needs of the project.
32. All roads, driveways, and other areas emergency apparatus are expected or required to drive to provide fire, ems, or other emergency services shall AT ALL TIMES (including during construction) provide for a 20 foot wide driving surface capable of supporting fire apparatus loads per current California law (80,000 pounds). In addition a minimum vertical clearance of 15 feet to any and all obstructions shall be maintained at all times.

Affordable Housing

33. A regulatory agreement shall be recorded securing all of the Developer's obligations to maintain this development as affordable housing concurrently with the deed transferring the property to the Developer. The agreement shall be recorded prior to receiving a building permit for any of the structures in the development. The affordability clauses in the agreement shall follow the applicable California Code sections governing the density bonus.
34. This Project is eligible for a density bonus and incentives/concessions pursuant to Government Code Section 65915. At the time of approval of the Use Permit, the density bonus and incentives/concessions include a FAR of .85, an increase in allowable

building height; reduced number of parking spaces, and reduced property line setbacks. Detailed descriptions of the incentives/concessions shall be provided by the Developer as part of the required Development Plan.

Planning

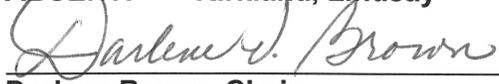
35. The development shall be maintained in a clean and safe condition. All required landscaping shall be maintained. There shall be no storage of wrecked or dismantled vehicles or parts thereof, accumulation of trash, wastepaper, discarded items, junk, inoperable machinery, or similar debris. At no time shall vehicle maintenance occur on site.
36. The development shall be supervised 24 hours-a-day by a responsible manager who resides on the site.
37. The Developer shall improve the alley directly south of the site, between Deer Creek Avenue and Stanton Drive, to City standards. The alley shall allow traffic in one direction, from east to west, and provide as many parallel parking stalls as permissible.
38. The Developer shall construct all parking areas indicated on the attached site plan. The proposed parking lot at the northeast corner of Stanton Drive and Meade Street shall be constructed as represented in the attached parking site plan, and will include curb, gutter, and sidewalk along said streets.
39. All outside trash storage and collection facilities shall be enclosed by a solid masonry wall or view-obscuring fence at least one foot higher than the trash container.
40. Any roof-mounted equipment shall be architecturally screened from view prior to final building inspection.
41. Tree planting and replacement standards will be those outlined in SLMC Chapter 12.36. If such standards are not practical the Applicant may plant required trees off-site or pay an in-lieu fee to the City or other appropriate agency. All trees planted as a part of the urban greening aspect of the project shall be credited toward any tree planting and replacement requirements.
42. The Developer shall construct a bicycle cooling station to include drinking fountains, secured bike storage, bike repair station, shading, and area amenity/bus route signage.
43. The Developer shall construct a greenspace on site to include lighting, walking trails sitting areas, and amenities as necessary for resident children.
44. All ground-mounted solar shall be architecturally compatible with the development.
45. The final design of the project shall include additional building articulation, modulation, and height variation to comply with SLMC Chapter 17.84 – General Development Standards.
46. Pursuant to Shasta Lake Zoning Code Section 17.92.040(E), the use permit expires and is automatically null and void without further action by the City if the activity or use for which the use permit was granted has not been actively and substantially commenced within two years of the date of its approval, unless extended by the Development Services Director.
47. If at any time, the Development Services Director finds that one or more grounds exist for revocation, revocation proceedings will be initiated pursuant to Zoning Code Section 17.92.040.

DULY PASSED AND ADOPTED this 29th day of January, 2020 by the following vote:

AYES: Cota, Walfoord, Brown

NOES: None

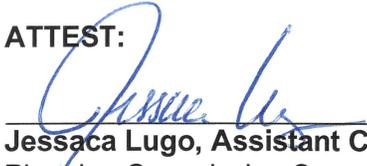
ABSENT: Kirkland, Lindsay



Darlene Brown, Chair

Planning Commission,
City of Shasta Lake, State of California

ATTEST:



Jessaca Lugo, Assistant City Manager

Planning Commission Secretary

Exhibit A: Site Plan

Exhibit B: Southern Parking Design

Exhibit A: Site Plan

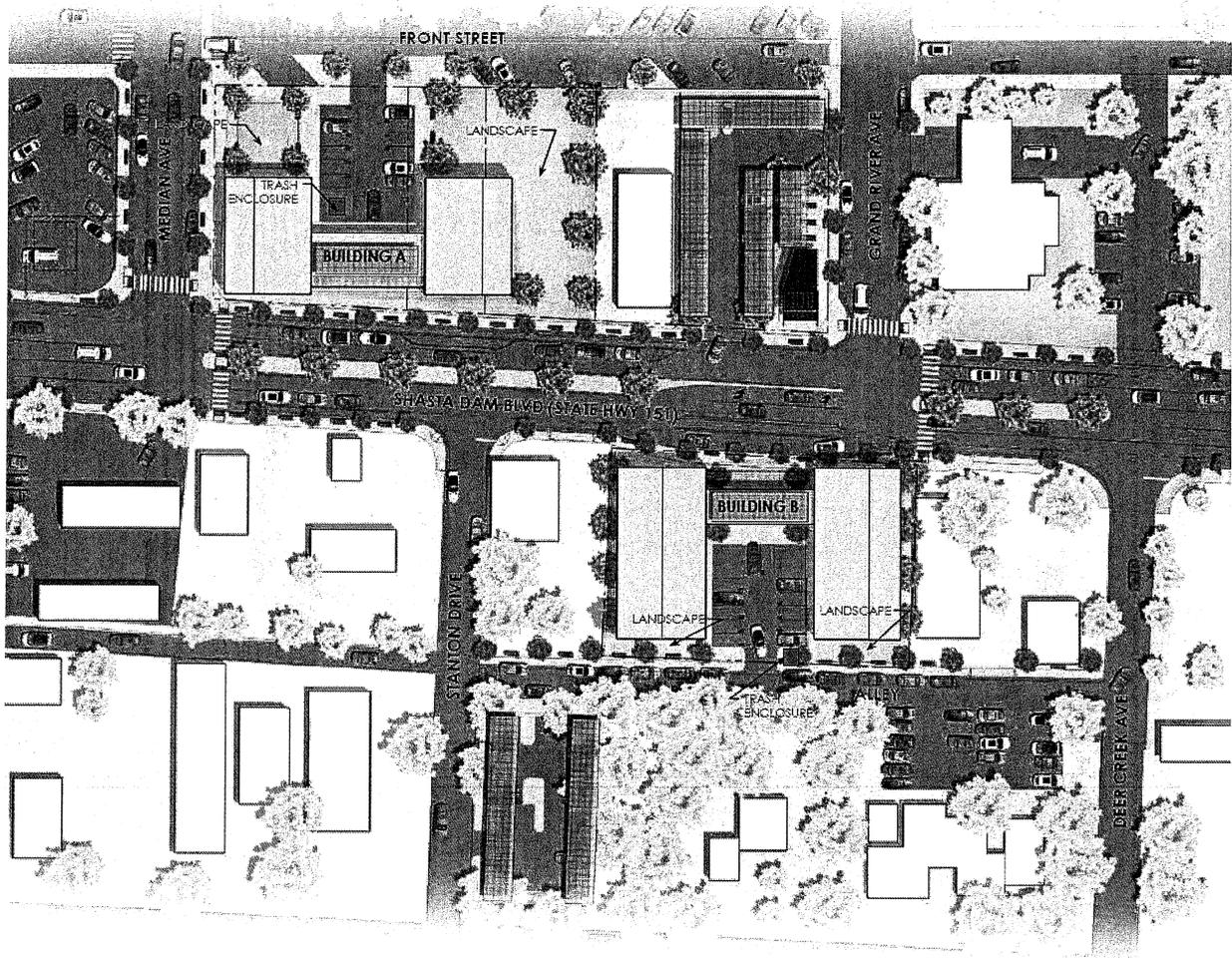


Exhibit B: Southern Parking Design

