

MINUTES OF THE REGULAR MEETING OF THE  
YREKA PLANNING COMMISSION HELD IN  
THE YREKA CITY COUNCIL CHAMBER IN SAID CITY  
ON THE 17<sup>th</sup> DAY OF JANUARY 2007

On the 17<sup>th</sup> day of January 2007, at 7:30 p.m., the Planning Commission of the City of Yreka met in the City Council Chamber in said city in regular session. The meeting was called to order by Chair Amaral and present were:

Commissioners: Peggy Amaral  
Rollie Elsea  
Diane Knitter  
Mark McAllister  
Richard Rolzinski  
Joe Schettino

Absent: Judi Rowland

**NEGATIVE DECLARATION – GENERAL PLAN AMENDMENT, ZONE CHANGE & USE PERMIT**  
**JOHN LAPE, ARCHITECT– 324 PAYNE LANE & 351 BRUCE ST**

Chair Amaral presented the project to the Commission and audience. Following the presentation City Attorney, McHugh, requested that the Commission entertain an agenda correction to add: Consideration of an application for a General Plan Amendment to change the land use designation from LDR, Low Density Residential, to MDR, Medium Density Residential on the property located at 324 Payne Lane, Assessor's Parcel No. 61-361-040. This item was given public notice according to law but was omitted from the agenda.

Commissioner McAllister made a motion to amend the agenda by adding at this time: Public Hearing/Possible Action – Consideration of an application for a General Plan Amendment to change the land use designation from LDR, Low Density Residential, to MDR, Medium Density Residential on the property known as Assessor's Parcel No. 61-361-040, 324 Payne Lane. Commissioner Knitter seconded the motion. All voting aye, the motion carried.

The Commission reviewed the applications submitted by John Lape, Architect for environmental review for a Negative declaration for a General Plan Amendment to change the land use designation from LDR, Low Density Residential, to MDR, Medium Density Residential; zone change converting an R-1, Single Family Residential zone to RPO, Residential Professional Office zone; Conditional Use Permit for construction and operation of 30 assisted living units, 34 senior congregate housing units, and 7 units of senior cottage (duplex/triplex) units as an expansion of the existing 65 unit assisted and Alzheimer living

care facility; and processing a boundary line adjustment on Assessor's Parcel Nos. 61-361-040 and 61-341-170 to combine the existing two parcels of 2.5 and 2.1 acres into one 4.6 acre parcel. The projects are on the property located at 324 Payne Lane and 351 Bruce Street.

This being the time and date set for public hearings on applications for environmental review for a Negative Declaration, General Plan amendment, zone change, and use permit, Chair Amaral stated that the request for the Negative Declaration, General Plan amendment, zone change, and use permit would be discussed and considered concurrently. Chair Amaral opened the public hearing to the audience.

Staff reported the Technical Committee recommended approval of the Negative Declaration, General Plan amendment, zone change, and use permit.

Staff reported that the projects are an expansion of the existing Meadow Lark Community which was built in 2001 with an addition in 2004. The expansion will attach a new structure to the existing assisted and Alzheimer living care facility plus 7 cottage units detached from the main building.

A noise assessment was commissioned for this project due to its close proximity to two trucking businesses. It was determined that the noise generated by those facilities was predicted to be within compliance with the City of Yreka Noise Element standards. Nonetheless, a solid noise barrier 6 feet in height was recommended between the project site and the Fredricks facility to the east to provide an acoustic buffer between the two uses. It was determined that no other interior or exterior noise control measures appeared to be warranted for this project. The noise barrier is included as Condition No. 12.

A boundary line adjustment will be required to prevent building across property lines and is included as Condition No. 2. An application for the boundary line adjustment is on file with the City.

The General Plan Amendment from low density residential to medium density residential and Zone change from single family residential to residential professional office will make the expansion area the same as the property where the existing facility is located and would be consistent with other adjacent properties. The property to the east is zoned single family residential with an existing grandfathered non-conforming use of a trucking business.

Applicant, John Lape explained the new project and how it will combine with the existing project.

Paul Ryan asked how high the sound wall would be, he was told it is proposed to be 6'.

There being no additional comments from the public, the public hearings were closed and discussion was open to the Commission.

It was asked if there would be speed bumps. Mr. Lape stated speed bumps are not proposed at this time. If the need occurs they will be installed at a later time.

Following Commission discussion, Commissioner Schettino made a motion to approve the application for an environmental review for a **Negative Declaration** for a General Plan amendment to change the land use designation from LDR, Low Density Residential, to MDR, Medium Density Residential; zone change converting an R-1, Single Family Residential zone to RPO, Residential Professional Office zone; Conditional Use Permit for construction and operation of 30 assisted living units, 34 senior congregate housing units, and 7 units of senior cottage (duplex/triplex) units as an expansion of the existing 65 unit assisted and Alzheimer living care facility; and processing a boundary line adjustment on Assessor's Parcel Nos. 61-361-040 and 61-341-170 to combine the existing two parcels of 2.5 and 2.1 acres into one 4.6 acre parcel. Recommend approval of the application for a **General Plan Amendment** to change the land use designation from LDR, Low Density Residential, to MDR, Medium Density Residential on Assessor's Parcel No. 61-361-040. Recommend approval of an application for a **Zone Change** from R-1, Single Family Residential, to RPO, Residential Professional Office on Assessor's Parcel No. 61-361-040. And approval of an application for a **Use Permit** for construction and operation of 30 assisted living units, 34 senior congregate housing units, and 7 units of senior cottage (duplex/triplex) units as an expansion of the existing 65 unit assisted and Alzheimer living care facility subject to adoption of the General Plan Amendment and Zone Change by City Council.

The approvals are based on the Technical Committee's recommendations and subject to full compliance with all applicable city, state, and federal laws and regulations and the following findings and conditions of approval:

## **NEGATIVE DECLARATION**

## **APPROVED**

### **FINDINGS:**

A) The project of changing the General Plan land use designation, zone change and use permit for expansion of the existing assisted and Alzheimer living care facility does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory as determined in the Initial Study Section IV, Biological Resources.

The City is not aware of or in possession of information contrary to the finding.

B) The project of changing the General Plan land use designation, zone change, and use

permit for expansion of the existing assisted and Alzheimer living care facility does not have the potential to achieve short-term, to the disadvantage of long-term, environmental goals. (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.) The cumulative impacts from the project include an increase in effluent at the City's wastewater treatment facility. The increase in wastewater treatment at the plant from the new development is not significant as the City has the capacity to service the proposed project. Another cumulative impact is the increase in surface runoff from more impervious surfaces. Installation of a storm water detention facility, if required, would detain runoff from the site, and the City's storm drainage system can accommodate the extra runoff without the need for substantial alteration.

The City is not aware of or in possession of information contrary to the finding.

C) The project of changing the General Plan land use designation, zone change, and use permit for expansion of the existing assisted and Alzheimer living care facility does not have impacts which are individually limited, but cumulatively considerable. (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.) See B) above.

The City is not aware of or in possession of information contrary to the finding.

D) The project of changing the General Plan land use designation, zone change, and use permit for expansion of the existing assisted and Alzheimer living care facility does not have environmental effects which cause substantial adverse effects on human beings, either directly or indirectly.

The City is not aware of or in possession of information contrary to the finding.

E) All environmental issues have been reviewed and considered prior to approval of the project and City finds that there are no significant impacts which will not be mitigated.

The City is not aware of or in possession of information contrary to the finding.

F) Initial study has been conducted by the Planning Department and Technical Committee so as to evaluate the potential for an adverse environmental impact. There is no evidence before the Planning Department that the proposed project will have an adverse affect on wildlife resources. A Negative Declaration has been prepared pursuant to Section 21080(c) of the Public Resources Code; therefore, a fee of \$1,800.00 shall be paid pursuant to Section 711.4(d) of the Fish and Game Code.

**GENERAL PLAN AMENDMENT**

**RECOMMEND APPROVAL**

FINDINGS:

1. A Negative Declaration was completed in compliance with the California Environmental Quality Act.
2. The proposed General Plan Amendment will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working the neighborhood, and will not be detrimental to the harmonious and orderly growth of the City of Yreka because there is existing Medium Density Residential General Plan designation adjacent to the project site to the north, Low Density Residential to the west and east, and General Commercial adjacent to the project site to the south. The Low Density Residential property to the east has an existing legal non-conforming trucking business in addition to the residential use.
3. The proposed General Plan Amendment will not be detrimental to property or improvements in the neighborhood and the amendment will not impair the desirability of investment or occupation in the vicinity because there is existing Medium Density Residential designation adjacent to the project site to the north, General Commercial designation adjacent to the south, commercial use to the east, and church and school use to the west.
4. The proposed General Plan Amendment will not cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors. The General Plan amendment will not create a significant change from the existing Low Density Residential designation. Payne Lane is classified as a Local Street that connects to Oregon Street, a collector street that provides linkage between Local streets and Arterial streets and they carry light to moderate traffic volumes.
5. The proposed General Plan Amendment will not adversely affect matters regarding police protection, crime prevention, and security because the uses allowed with the Amendment would not be of greater intensity than currently are allowed.
6. The proposed General Plan Amendment will not adversely affect circulation or traffic patterns in the neighborhood or constitutes a nuisance for the same reasons stated in No. 4 above.
7. The proposed General Plan Amendment will be compatible with the policies and objectives of the zoning ordinance.

**ZONE CHANGE****RECOMMEND APPROVAL****FINDINGS:**

1. The zone change is in conformance with the General Plan of the City of Yreka as provided in Land Use Table I-4- General Plan Designation & Zone District Consistency.

2. A Negative Declaration was completed in compliance with the California Environmental Quality Act.
3. The zone change will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood, and will not be detrimental to the harmonious and orderly growth of the City of Yreka because there is existing Residential Professional Office (RPO) zoning and uses adjacent to the project site as well as High Density Residential (R-3-12) zoning and use to the north and Commercial Highway (CH) zoning and uses to the south.
4. The zone change will not be detrimental to property or improvements in the neighborhood and the zone change will not impair the desirability of investment or occupation in the vicinity because the existing uses surrounding the project site include multi-family apartments, assisted living and Alzheimer living care facility, trucking businesses to the south and east, and church and church school to the west. The RPO zone would allow for an expansion of the assisted living facility.
5. The zone change will not cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because adequate on-site parking will be required for any use proposed on the site.
6. The zone change will not adversely affect matters regarding police protection, crime prevention, and security because the uses allowed with the zone change would not be of greater intensity than currently are allowed.
7. The zone change will not adversely affect circulation or traffic patterns in the neighborhood or constitute a nuisance because adequate on-site parking will be required for any use proposed on site.
8. The zone change will be compatible with the policies and objectives of the zoning ordinance.

**CONDITIONS:**

1. All uses permitted on the property shall be in compliance with the zoning district regulations for RPO (Residential Professional Office) zoning as set forth in Section 16.26 of the Yreka Municipal Code.

**USE PERMIT****APPROVAL****FINDINGS:**

1. The construction, establishment, and operation of 30 assisted living units, 34 senior congregate housing units, and 7 units of senior cottage (duplex/triplex) units as an expansion of the existing 65 unit assisted and Alzheimer living care facility will not be:

- a. detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, and will not be detrimental to the harmonious and orderly growth of the City of Yreka.
  - b. detrimental to property or improvements in the neighborhood and the commercial use will not impair the desirability of investment or occupation in the vicinity.
  - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors.
  - d. adversely affect matters regarding police protection, crime prevention, and security.
  - e. adversely affect circulation or traffic patterns in the neighborhood or constitute a nuisance.
2. Subject to the proposed zone change the use is compatible with the policies and objectives of the zoning ordinance.

#### CONDITIONS:

1. Permittee granted a permit to construct, establish, and operate 30 assisted living units, 34 senior congregate housing units, and 7 units of senior cottage (duplex/triplex) units as an expansion of the existing 65 unit assisted and Alzheimer living care facility at the location set forth in the application, subject to full compliance with applicable city and state codes. **The premises shall not be occupied or opened to the public until all conditions hereinafter set forth have been complied with by the Permittee.**
2. This permit shall not be effective unless and until Permittee has completed a boundary line adjustment and recorded the same to prevent building within the setback limit and building across property lines.
3. All elements of the project description and project application shall be complied with.
4. As indicated in the project description, construction will be limited to the hours of 7:00 a.m. to 5:00 p.m., subject to exemption from the City to cover special circumstances as indicated in the Noise Element of the General Plan. Construction activities allowed 7 days per week; work on Sundays permitted subject to lack of complaints from neighbors.
5. Construction activities inside the enclosed building are limited to 7:00 a.m. to 7:00 p.m.
6. Adequate off-street parking facilities shall be provided as follows: one (1) space for each employee plus one space for each four beds for assisted living, one (1) space for

each congregate unit, and two spaces (one covered space and one not covered) for cottage units as set forth in Section 16.54.020.A.9 of the Yreka Municipal Code. Total parking spaces provided for entire project is 87, including the covered spaces.

7. The off-street parking plan and facilities approved by the Planning Commission shall not be deviated from unless prior approval of the Planning Commission is secured, and all loading, customer, and employee parking areas, access drives and aisles shall be paved and striped and bumper rails or other barriers shall be provided, as determined by the Director of Public Works and in accordance with Section 16.54.090 of the Yreka Municipal Code.

8. If the parking area is illuminated, the lighting shall be designed to prevent unreasonable glare to adjoining properties and controlled by such reasonable means as are practical to prevent sky-reflected glare.

9. Parking required for disabled persons shall be marked, posted, and maintained in accord with provisions of the Motor Vehicles Code and any other law or regulation now or hereinafter enacted relating to parking for disabled persons.

10. Use shall be conducted in accordance with the site plan as submitted and no alterations shall be made of the building location(s) parking and landscaping without prior approval of the Planning Commission; provided, however, upon request of the Permittee and showing of good cause, the City Manager is authorized to permit minor modifications of the site plan without resubmission to the Planning Commission.

11. All landscaping shall be installed, maintained, and replaced as necessary as depicted on the site plan.

12. A solid noise barrier 6 feet in height shall be installed between the project site and the Fredricks facility to provide an acoustic buffer between the two uses.

13. Permittee shall submit stormwater drainage plan subject to Director of Public Works approval prior to grading permit and/or building permit issuance for potential installation of onsite storm water detention.

14. Permittee shall submit estimated sewage calculations prior to issuance of a building permit.

15. Permittee shall comply at all times with the zoning district regulations for an RPO zone as set forth in section 16.26 of the Yreka Municipal Code.

16. Permittee shall obtain a building permit and shall pay the necessary fees therefore prior to making any building, electrical, mechanical, or plumbing installations and/or improvements. Public infrastructure improvements such as curb, gutter, sidewalk, street lights, wheel chair ramps, driveway approaches and asphalt concrete street pavement may

be required upon issuance of a building permit in accordance with Yreka Municipal Code Section 11.24.030.

17. Permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that structure meets building standards and fire regulations of the Uniform Building and Fire Codes prior to use of subject senior housing facility including assisted living units, congregate housing units, and cottage units.

18. Permittee shall secure an annual City business license to carry on the business of an assisted living facility.

19. No signs shall be placed on the premises without prior approval of the Planning Department.

20. Use permit granted in accordance with the terms of this title may be revoked if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith, or if the Planning Commission finds, with the concurrence of the City Council, that the continuance of the use permit will endanger the public health, safety, or welfare.

**21. The use permit shall be automatically revoked and terminated if not used within one year from the date of approval, or in the event the use permitted is abandoned or not utilized for a period of one year.**

Commissioner Rolzinski seconded the motion. The motion carried by the following vote:

AYES: Amaral, Elsea, Knitter, McAllister, Rolzinski, Schettino

NOES: None

**SIGN USE PERMIT – POLE SIGN**

**LANCE HUGGINS FOR SIGNS ETC. – 1301 S. MAIN ST.**

**DENIED**

The Commission reviewed the application submitted by Lance Huggins for Signs Etc. for a sign use permit on the property located at 1301 S. Main Street.

This being the time and date set for a public hearing on an application for a sign use permit to remove the existing pole sign of 270 sq. ft. (135 sq. ft. per side) 22 ft. high and install a pole sign 72 ½ ft. high, 656 sq. ft. (328 sq. ft. per side) copy to read “all Star Liquor” plus electronic reader board on the property located at 1301 S. Main Street, Chair Amaral opened the hearing to the public.

Pam Hayden, Planning Director, read a letter from John P. McNeil received January 16, 2007 urging the Commission to approve the sign use permit application.

Staff reported the Technical Committee recommended denial of the application with the following findings:

1. The installation of a pole sign 72 ½ ft. high, 328 sq. ft. per side would:
  - a. be contrary to the public's interest, safety, health, and welfare because it is not in compliance with the size and height limits set in Yreka Municipal Code Sections 13.44 and 13.68 which the City Council created to protect the public's interest, safety, health, and welfare.
  - b. be detrimental to property or improvements in the neighborhood by granting a special privilege to the applicant that other property in the vicinity has not been granted.
2. The subject property is located on S. Main Street between Oberlin Road and 4H Way and as provided in Section 13.68.010 (d) of the Yreka Municipal Code would allow a pole sign of 100 sq. ft. per side and 35 ft. high.
3. The maximum sign height and size for businesses not located within a freeway interchange and not between Oberlin Road and 4H Way is: height 35 ft., size 50 sq. ft. per side. An exception can be granted for up to 75 sq. ft. per side pursuant to Yreka Municipal Code Section 13.68.020. No request for exception has been made. No evidence has been presented that would justify a departure from the sign ordinance.
4. The sign would not be harmonious with the size and height of the other signs in the neighborhood of which it is a part. The existing signs in the neighborhood do comply with the limits created in the Sign Ordinance the proposed sign would not.

Applicant, Lance Huggins, stated his client believes in advertising, they want to pull business off the freeway and they want the sign to be visible before travelers reach the exits.

Staff reported that the applicant did not request a variance to the sign ordinance.

To prevent granting a special privilege to the subject property by approving the application for a sign contrary to Yreka Municipal Code Sections 13.44 and 13.68 an ordinance changing the current regulations would be needed with a determination as to the allowed location for such height and size of signs.

There being no further comments from the public, the public hearing was closed and discussion was opened to the Commission.

Following discussion, Commissioner Elsea made a motion to deny the application for a sign use permit to remove the existing pole sign of 270 sq. ft. (135 sq. ft. per side) 22 ft. high and install a pole sign 72 ½ ft. high, 656 sq. ft. (328 sq. ft. per side) copy to read "All Star Liquor" plus electronic reader board on the property located at 1301 S. Main Street, Assessor's Parcel No. 62-011-040, CH zone, GC General Plan designation. The denial is based on the Technical Committee's recommendations and subject to full compliance with

all applicable city, state, and federal laws and regulations and the following findings:

**FINDINGS:**

1. The installation of a pole sign 72 ½ ft. high, 328 sq. ft. per side would:
  - a. be contrary to the public's interest, safety, health, and welfare because it is not in compliance with the size and height limits set in Yreka Municipal Code Sections 13.44 and 13.68 which the City Council created to protect the public's interest, safety, health, and welfare.
  - b. be detrimental to property or improvements in the neighborhood by granting a special privilege to the applicant that other property in the vicinity has not been granted.
2. The subject property is located on S. Main Street between Oberlin Road and 4H Way and as provided in Section 13.68.010 (d) of the Yreka Municipal Code would allow a pole sign of 100 sq. ft. per side and 35 ft. high.
3. The maximum sign height and size for businesses not located within a freeway interchange and not between Oberlin Road and 4H Way is: height 35 ft., size 50 sq. ft. per side. An exception can be granted for up to 75 sq. ft. per side pursuant to Yreka Municipal Code Section 13.68.020. No request for exception has been made. No evidence has been presented that would justify a departure from the sign ordinance.
4. The sign would not be harmonious with the size and height of the other signs in the neighborhood of which it is a part. The existing signs in the neighborhood do comply with the limits created in the Sign Ordinance the proposed sign would not.

Commissioner Schettino seconded the motion. The motion carried by the following vote:

AYES: Amaral, Elsea, Knitter, McAllister, Rolzinski, Schettino  
 NOES: None

Applicant was informed that the Planning Commission decision could, within 10 calendar days after rendition of the decision, be appealed to City Council.

**USE PERMIT – MEDICAL OFFICE**

**RACHEL DUNN BLACK, MD – 1217 S. MAIN ST., SUITE C**

**APPROVED**

The Commission reviewed the application submitted by Suzanne Fernandes for Rachel Dunn Black, MD for a use permit to establish and operate a medical office facility with one physician and one employee on the property located at 1217 S. Main St., Suite C.

This being the time and date set for a public hearing for an application for a use permit to establish and operate a medical office facility Chair Amaral opened the hearing to the public.

Staff reported that the Technical Committee recommended approval subject to the additional condition that the parking plan be revised subject to Building Official review and approval, to assure driveway access is adequate, that there is adequate emergency vehicle access through the site, and the handicap parking meets code.

Staff also recommended that the Planning make a determination that the project is exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 Infill Development of the CEQA Guidelines.

There being no comments from the public, the public hearing was closed and discussion was opened to the Commission.

Following discussion, Commissioner Knitter made a motion to approve the application for a use permit to establish and operate a medical office facility with one physician and one employee on the property located at 1217 S. Main Street, Suite C, Assessor's Parcel No. 61-351-040, CH zone, GC General Plan designation with the following additional condition:

- The parking plan shall be revised subject to Building Official review and approval, to assure driveway access is adequate, that there is adequate emergency vehicle access through the site, and the handicap parking meets code.

and with the determination that the project is exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 Infill Development of the CEQA Guidelines. The approval is based on the Technical Committee's recommendations and subject to full compliance with all applicable city, state, and federal laws and regulations and the following findings and conditions of approval:

#### FINDINGS:

1. The establishment and operation of a medical office facility with one physician and one employee will not:
  - a. be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, and will not be detrimental to the harmonious and orderly growth of the City of Yreka.
  - b. be detrimental to property or improvements in the neighborhood and the commercial use will not impair the desirability of investment or occupation in the vicinity.
  - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors.
  - d. adversely affect matters regarding police protection, crime prevention, and security.

- e. adversely affect circulation or traffic patterns in the neighborhood or constitute a nuisance.
2. The use is compatible with the policies and objectives of the zoning ordinance.

CONDITIONS:

1. Permittee granted a permit to establish and operate a medical office facility with one physician and one employee at the location set forth in the application, subject to full compliance with applicable city and state codes. **The premises shall not be occupied or opened to the public until all conditions hereinafter set forth have been complied with by the Permittee.**
2. Adequate off-street parking facilities shall be provided as follows: one (1) space for each doctor, plus one (1) space for each employee, plus two (2) spaces for each examining room as set forth in Section 16.54.020.A.4.a of the Yreka Municipal Code, calculated as 8 parking spaces for the proposed use. The existing space of 1100 sq. ft. is grandfathered for retail use at 6 parking spaces. Pursuant to Yreka Municipal Code Section 16.54.040.B, because the change creates a need for an increase of two or less parking spaces no additional parking spaces are required.
3. The off-street parking plan shall be revised subject to Building Official review and approval, to assure driveway access is adequate, that there is adequate emergency vehicle access through the site, and the handicap parking meets code. Following Building Official approval the parking plan and facilities approved shall not be deviated from unless prior approval of the Planning Commission is secured, and all loading, customer, and employee parking areas, access drives and aisles shall be paved and striped and bumper rails or other barriers shall be provided, as determined by the Director of Public Works and in accordance with Section 16.54.090 of the Yreka Municipal Code.
4. Parking required for disabled persons shall be marked, posted, and maintained in accord with provisions of the Motor Vehicles Code and any other law or regulation now or hereinafter enacted relating to parking for disabled persons.
5. Use shall be conducted in accordance with the site plan as submitted and no alterations shall be made of the building location(s) parking and landscaping without prior approval of the Planning Commission; provided, however, upon request of the Permittee and showing of good cause, the City Manager is authorized to permit minor modifications of the site plan without resubmission to the Planning Commission.
6. All landscaping shall be maintained and replaced as necessary as previously approval.
7. Permittee shall comply at all times with the zoning district regulations for a CH zone

as set forth in section 16.36 of the Yreka Municipal Code.

8. Permittee shall obtain a building permit and shall pay the necessary fees therefor prior to making any building, electrical, mechanical, or plumbing installations and/or improvements. Public infrastructure improvements such as curb, gutter, sidewalk, street lights, wheel chair ramps, driveway approaches and asphalt concrete street pavement may be required upon issuance of a building permit in accordance with Yreka Municipal Code Section 11.24.030.

9. Permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that structure meets building standards and fire regulations of the Uniform Building and Fire Codes prior to use of subject medical office facility.

10. No signs shall be placed on the premises without prior approval of the Planning Department.

11. Permittee shall secure an annual City business license to carry on the business of a medical office facility.

12. Use permit granted in accordance with the terms of this title may be revoked if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith, or if the Planning Commission finds, with the concurrence of the City Council, that the continuance of the use permit will endanger the public health, safety, or welfare.

**13. The use permit shall be automatically revoked and terminated if not used within one year from the date of approval, or in the event the use permitted is abandoned or not utilized for a period of one year.**

Commissioner McAllister seconded the motion. The motion carried by the following vote:

AYES: Amaral, Elsea, Knitter, McAllister, Rolzinski, Schettino  
NOES: None

#### **AUDIENCE STATEMENTS & COMMENTS**

None.

#### **APPROVAL OF THE MINUTES OF THE NOVEMBER 15, 2006 MEETING**

The Commission, having received a copy of the minutes of the regular meeting held December 20, 2006 the minutes were approved on a motion made by Commissioner Elsea and seconded by Commissioner Rolzinski.

**USE PERMIT – MODIFY CONDITIONS****JOHN NIXON FOR A.J. McMURRY CO. – 509 Lane St & 935 Shasta Ave. APPROVED**

The Commission reviewed the request of John Nixon to modify the Conditions of Approval for Permit No. 3519 Dry Diggins' Plaza and Permit No. 3518 Governor's Plaza condominium conversions by eliminating the condition of approval that: "The Homeowner's Association shall maintain a deposit with the City of Yreka for one month's utilities (water, sewer, landfill, etc.) payments."

Staff reported the Technical Committee recommended approval of the request to remove the condition requiring a deposit for one month's utilities for both projects.

Following Commission discussion, Commissioner Elsea made a motion to modify the Conditions of Approval for Permit No. 3519 Dry Diggins' Plaza and Permit No. 3518 Governor's Plaza condominium conversions by eliminating the condition of approval that: "The Homeowner's Association shall maintain a deposit with the City of Yreka for one month's utilities (water, sewer, landfill, etc.) payments." The condition was a requirement prior to recordation of the final subdivision map for Assessor's Parcel Nos. 61-141-200 and 54-171-180 on the property located at 509 Lane Street and 935 Shasta Avenue. The deposit received for Governor's Plaza will be returned. The modification is based on the Technical Committee's recommendations and subject to full compliance with all applicable city, state, and federal laws and regulations.

Commissioner McAllister seconded the motion. The motion carried by the following vote:

AYES: Amaral, Elsea, Knitter, McAllister, Rolzinski, Schettino  
NOES: None

**ELECTION OF OFFICERS**

City Attorney, Mary Frances McHugh assumed the position of Chair for election of officers and opened the nominations for Chair. Commissioner's Rolzinski and Knitter were nominated for Chair; Commissioner McAllister made a motion to close the nominations. Commissioner Elsea seconded the motion, all voting aye motion carried. With a voice vote called for, Commissioner Rolzinski received 3 votes and Commissioner Knitter received 3 votes. Commissioner Knitter elected to decline the nomination.

With Commissioner Knitter's decline and there being no contest, City Attorney McHugh declared the election of Richard Rolzinski for Chair by acclamation.

City Attorney McHugh opened the nominations for Vice Chair. Commissioner Knitter was nominated Vice Chair, and there being no further nominations for Vice Chair nominations were closed on a motion made by Commissioner Elsea and seconded by Commissioner Schettino, all voting aye.

1/17/07

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There being no contest, City Attorney McHugh declared the election of Diane Knitter for Vice Chair by acclamation.

Outgoing Chair Amaral was thanked for her years of service as Chair.

**COMMISSIONER'S STATEMENTS & COMMENTS**

The Commissioner' asked for a status report of the Prescott Nuisance Abatement. An agreement was made and the tenant was to move out by January 31<sup>st</sup>.

There being no further business before the Commission, the meeting was adjourned at 8:25 p.m.

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Pamela J. Hayden, Planning Director