

MINUTES OF THE SPECIAL MEETING OF THE  
YREKA PLANNING COMMISSION HELD IN  
THE YREKA CITY COUNCIL CHAMBER IN SAID CITY  
ON THE 14<sup>th</sup> DAY OF DECEMBER, 2011

On the 14<sup>th</sup> day of December, 2011 at 6:30 p.m., the Planning Commission of the City of Yreka met in the City Council Chamber in said city in special session. The meeting was called to order by Chair Baird and present were:

Commissioners:            Deborah Baird  
                                 Matt Osborn  
                                 Steve Leal  
                                 Diane Knitter  
                                 Barry Ohlund  
                                 Paul McCoy

Absent:                      Richard Rolzinski

**PUBLIC COMMENTS**

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None.

**CONSENT CALENDAR**

Chair Baird announced that all matters listed under the consent calendar are considered routine and will be enacted by one motion unless any member of the Planning Commission wishes to remove an item for discussion or a member of the audience wishes to comment on an item:

- a. Approval of Minutes of the meeting held November 16, 2011.

Commissioner Leal made a motion to approve the minutes from the November 16, 2011 meeting and seconded by Commissioner McCoy. The motion carried by the following vote:

AYES: Baird, Osborn, Leal, Knitter, Ohlund, McCoy  
NOES: None

**USE PERMIT – EXERCISE/FITNESS CENTER  
JOY NIXON – 329 PHILLIPE LANE**

**APPROVAL**

Commissioner Baird recused herself from participating in this agenda item due to a financial relationship with the applicant to prevent a possible conflict of interest in this matter and she left the room.

Vice Chair Leal assumed the position of Chair. The Commission reviewed the application submitted by Joy Nixon for a use permit to establish and operate the business of an exercise & fitness gym. Assessor's Parcel No. 053-473-160, CT (Commercial Tourist) zone, GC (General Commercial) General Plan designation.

This being the time and date set for a public hearing on an application for a use permit to establish and operate the business of an exercise & fitness gym at 123 Montague Road, Vice Chair Leal opened the hearing to the public.

Staff recommended approval with the following additional condition:

- Restroom facilities of the building located at 117/119 Montague Road shall be available for use by the exercise & fitness gym clients at all times the business located at 123 Montague Road is open to the public unless adequate restroom facilities are constructed at 123 Montague Road. In the event the restroom facilities at 117/119 Montague Road come unavailable for any reason, applicant shall close until appropriate restroom facilities are provided according to the Plumbing Code.

This project is located within the North Yreka Shopping Center, in a Commercial Tourist zone. All uses within the CT zone require a Use Permit authorization from the Planning Commission.

Staff also recommended that the Planning Commission make a determination that the project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15332 (Infill Development) of the CEQA Guidelines in that it is not a project which has potential for causing a significant effect on the environment.

Ami Ridling, Siskiyou Daily News, questioned the requirements for a public restroom at the above project. Staff explained that it is a building code requirement.

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

Following Commission discussion, Commissioner Ohlund made a motion to approve the application to establish and operate an exercise & fitness gym, located on the property at 123 Montague Road, Assessor's Parcel No. 053-473-160, CT (Commercial Tourist) zone, GC (General Commercial) General Plan designation with the additional condition that:

Restroom facilities of the building located at 117/119 Montague Road shall be available for use by the exercise & fitness gym clients at all times the business located at 123 Montague Road is open to the public unless adequate restroom facilities are constructed at 123 Montague Road. In the event the restroom facilities at 117/119 Montague Road come unavailable for any reason, applicant shall close until appropriate restroom facilities are provided according to the Plumbing Code.

Project approval is with the determination that this project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15332 (Infill Development) of the CEQA Guidelines.

The project approval is based on Staffs recommendation and is 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 an exercise & fitness gym 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 because the use is located within a shopping center and adjacent to a beauty salon.
  - 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 for the reason stated above.
  - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because the existing parking lot is large enough to accommodate the proposed use.
  - d. adversely affect matters regarding police protection, crime prevention, and security because the business will occupy an existing space within the shopping center.
  - e. adversely affect circulation or traffic patterns in the neighborhood or constitute a nuisance because the parking lot currently exists and the new business will not alter the parking lot.
2. Yreka Municipal Code Section 16.54.020 (A.5.c) directs that health clubs provide one space for each fifty square feet of area available for public use plus one space for each employee; provided however the Planning Commission may determine the number of spaces required taking into consideration the intensity of the proposed use.
3. The use is compatible with the policies and objectives of the zoning ordinance by obtaining a Use Permit approval.
4. The Planning Commission determined that the project is exempt from the environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 Infill Development of the CEQA Guidelines.

## CONDITIONS:

1. Permittee granted a permit to establish and operate an exercise & fitness gym 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 50 sq. ft. of area available for public use as set forth in Section 16.54.020 (A.5.c) of the Yreka Municipal Code. The subject parcel has joint use parking with the shopping center. The reduced number of twenty parking spaces shall be allowed for the proposed use as an exercise & fitness gym.
3. 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.
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 depicted on the previously approved site plan.
7. Permittee shall comply at all times with the zoning district regulations for a CT zone as set forth in section 16.38 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, 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 an exercise & fitness gym.

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

11. Restroom facilities of the building located at 117/119 Montague Road shall be available for use by the exercise & fitness gym clients at all times the business located at 123 Montague Road is open to the public unless adequate restroom facilities are constructed at 123 Montague Road. In the event the restroom facilities at 117/119 Montague Road come unavailable for any reason, applicant shall close until appropriate restroom facilities are provided according to the Plumbing Code.

12. Permittee shall secure an annual City business license to carry on the business of an exercise & fitness gym.

13. 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.

**14. The use permit approval shall expire and terminate if not used within one (1) year from the date of approval unless, prior to the expiration of one year, a building permit is issued and construction is commenced. Approval may be extended upon written application to the Planning Commission before expiration of the first approval.**

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

AYES: Osborn, Leal, Knitter, Ohlund, McCoy  
NOES: None

Chair Baird returned to the Commissioner’s table.

**NEGATIVE DECLARATION – PARCEL MAP – 2 PARCELS**  
**SHASTA FARM LLC BY MARK KLEVER – 329 PHILLIPE LANE NO ACTION**

Action postponed at applicant’s request for both the application for an Environmental Review/Initial Study for a Negative Declaration for a tentative parcel map and for a tentative parcel map for a minor subdivision creating two (2) parcels; one of 1.48 +/- acres and one of 8.0 +/- acres. The project is located at 329 Phillippe Lane, Assessor’s Parcel Nos. 053-681-170 & 190. The site is zoned M-2 (Heavy Industrial) and the land use designation is I (Industrial). Applicant is Shasta Farm LLC, submitted by Mark Klever.

**COMMISSIONER'S STATEMENTS & COMMENTS**

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Information regarding the 2012 Planner's Institute Conference was given to Commissioners. Planner's Institute Conference will be held in San Jose, dates are March 20 - 23, 2012.

The Commissioners congratulated Pam Hayden on her upcoming retirement and expressed their appreciation for her 18 years of service with the city.

There being no further business before the Commission, the meeting was adjourned at 6:50 p.m.

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Debbie Baird, Chair  
Approved by motion of the  
Planning Commission on April 18, 2012