

MINUTES OF THE REGULAR MEETING OF THE
YREKA PLANNING COMMISSION HELD
ON THE 20th DAY OF JANUARY 2021

On the 20TH day of January 2021 at 6:30 p.m., the Planning Commission of the City of Yreka met in regular session, and upon roll call, the following were present: Catherine Gilbert, Peter O'Brien, Barry Ohlund, Matt Osborn and Richard Rolzinski.

Absent: None

Planning Commission Chair Barry Ohlund announced that this meeting has been agendized to allow Planning Commissioners, staff, and the public to participate in the meeting via teleconference, pursuant to the Governor's Executive order, there will be no public access to the Council Chambers. Members of the public may remote listen to and participate in the meeting via teleconference ONLY. If you wish to listen or participate in this meeting through teleconference, simply dial into the conference number and enter the ID number on the agenda. During the call you may press *9 to "raise your hand" to ask to speak during the meeting. Speakers will be asked to identify themselves.

Conflict of Interest Declaration – Commissioner Ohlund & City Manager Steven Baker declared conflict of interest on Appeal of the Administrative Decision to Deny Business License for 204 South Broadway.

PUBLIC COMMENTS – None

Election of Chair:

City Manager Baker opened the nominations for Chair.
Commissioner Gilbert nominated Commissioner Osborn.
Commissioner Ohlund nominated himself.
Commissioner Rolzinski nominated Commissioner Gilbert.

There being no further nominations, City Manager Baker called for a vote.

Those in favor of Commissioner Ohlund: Gilbert, O'Brien, Ohlund, Osborn, & Rolzinski.

City Manager Baker thereupon declared Commissioner Ohlund as Chair.

Election of Vice Chair:

Commissioner Ohlund opened the nominations for Vice Chair.
Commissioner Osborn nominated Commissioner Gilbert.
Commissioner Gilbert nominated Commissioner Osborn.

There being no further nominations, Commissioner Ohlund called for a vote.

Those in favor of Osborn: Gilbert

Those in favor of Gilbert: O'Brien, Ohlund, Osborn & Rolzinski

Commissioner Ohlund thereupon declared Commissioner Gilbert as Vice Chair.

Discussion/Possible Action – Appeal of the Administrative Decision to Deny Business License application from John & Lisa Nixon for 204 South Broadway.

Planning Commissioner Ohlund & City Manager Steven Baker announced their recusal, stating that they both had a conflict of interest and therefore recused themselves from this discussion.

Staff Report - The City received a Business License Application from John & Lisa Nixon for the use of an existing building at 204 South Broadway (located in the C-2 Commercial Downtown Zone) to be used for “retail sales of general merchandise, including, without limitation, office supplies: office services, including without limitation, general storage and document retrieval and delivery”.

The applicants, John and Lisa Nixon are in the process of purchasing the property at 204 South Broadway (currently owned by Eric and Sandra Harms) contingent on the approval of a Business License. City staff denied the Business License Application on the grounds that the use violates the permitted use provisions of the C-2 Zone, citing that the proposed use is “storage” based rather than office/retail. Pursuant to Yreka Municipal Code (YMC) Section 16.34.050, storage is not a permitted use in the C-2 Commercial Downtown Zone.

On December 11, 2020, the applicants were advised by City Counsel Dohn Henion to seek a formal determination regarding the zoning code from the Planning Commission pursuant to the appeal process. On December 28, 2020, the City received an application to appeal the decision of City staff to deny the Business License.

Summary of Appeal Contentions:

The Appellants assert that the City’s denial was based on one primary finding: 1) project inconsistency with the use provisions allowed in the C-2 zone district. The Appellants contend that the finding is erroneous and unsupported by substantial evidence. The Appellants request that the Planning Commission determine that the use(s) described in the License Application do not violate the permitted use provisions of the C-2 Zone.

Appeals from Administrative Action:

YMC Appeals Process: Section 16.14.020 - Appeals from Administrative Action.

A. All interpretations and decisions of the administrative staff authorized by this title are subject to appeal. Appeals of any administrative interpretation or decision, shall be made by filing a written appeal with the City Clerk. The Planning Commission shall hear and decide on the appeal within forty-five (45) days of filing the appeal, and shall make findings supporting their decision on the matter. The decision of the Planning Commission on such matters can be appealed to the City Council as provided in Section 16.14.030.

Pursuant to YMC Section 16.14.020, the Planning Commission shall hear and decide on the appeal and make findings supporting their decision.

Included in the appeal application is a letter to the Planning Commission outlining details of the proposed business plan:

"The services would include retail office supply sales in a portion of the front windows, initial document and general item storage in the basement, and possibly in the mezzanine later if the market dictates, with document retrieval and delivery services, and a small office likely on the first floor for administration of our small business. The "storage" portion of the business would include secure lockers approximately 1' wide, 1' high, and 2' deep (similar to a medium-sized safe deposit box at a bank), and secure spaces almost ceiling-high (the walls will be movable partitions not permanently affixed to the building) ranging in size from 5' by 5' (the majority) and 5' by 10', with possibly a few 10' by 10' and 10' by 20'. We can retrieve stored items for a fee, or our customers can do so themselves at designated times."

YMC Section 16.34.050 lists permitted uses within the C-2 Zone District subject to issuance of a building permit, business license or other required permit(s):

A. Retail business establishments within a building with sales of the following, or activities listed:

35. Office supply

B. Personal service establishments including:

23. Office services

The YMC provides no formal definition of the term "office services" or the allowed uses that fall under the term.

Storage is not explicitly listed as a permitted or conditional use within the C-2 Zone, however it is a conditionally permitted use in the C-H (Commercial Highway) Zone. The applicant has applied for a Business License under the premise that the business would conduct storage related services as an ancillary use and that document storage and retrieval, and the renting of space is a business service provided by an office supply store/use.

City staff has reviewed the proposed project pursuant to the requirements of the California Environmental Quality Act (CEQA) and determined the project to be categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301(a) – Existing Facilities, because the proposed project involves only minor physical modifications or alterations to the interior of an existing facility. Staff has determined that this project meets the requirements for this exemption and is recommending a determination of such to the Planning Commission.

Action(s) Required:

The applicant/appellant requests that the Planning Commission make the following determination: Does the Planning Commission uphold or overturn the decision of city staff to deny the business license.

Following the decision, the Planning Commission must make findings to support their decision.

1. If the Planning Commission overturns the decision to deny the business license on the grounds that the proposed use violates the permitted use provisions of the C-2 Commercial

Downtown Zone the Planning Commission shall make and specify the findings as to why the decision of city staff was overturned.

2. If the Planning Commission upholds the decision to deny the business license on the grounds that the proposed use violates the permitted use provisions of the C-2 Commercial Downtown Zone, the Planning Commission shall make and specify the findings as to why the decision of city staff was upheld.

To assist staff in the future implementation of the Zoning Code, staff requests that the Planning Commission provide input and direction clarifying and amplifying what uses are to permitted under the term "office services", and, providing parameters to use when evaluating future uses described as "office services". Example actions and direction could include:

- a) Direction to staff to amend the YMC to include definitions and/or language clarifying for the terms "office services".
- b) Direction to staff to amend the YMC to include storage as a permissible use in C-2 zones and introduce guidelines as to the permissible size of storage units.
- c) Provide guidelines to staff on how to review future applications having the same use. Such guidelines could include considerations to include scale, access, function or operating parameters.
- d) Take no further action.

Written correspondence received – Letter in support for this project from Eric & Sandy Harms.

John & Lisa Nixon, applicants were present to answer commissioners questions.

Following Commission discussion, Commissioner Gilbert moved to overturn the decision to deny the business license based on the grounds that the proposed business plan submitted by John and Lisa Nixon is determined by the Planning Commission to be a permitted use that falls under the term "office services" under the provisions of the C-2 Commercial Downtown Zone.

Commissioner Osborn seconded the motion, and upon roll call, the following voted. YEA: Gilbert, O'Brien, Osborn and Rolzinski.

Chair Ohlund thereupon declared the motion carried.

Discussion/Possible Action – Consideration of proposed categorical exemption and Sign Use Permit to install three (3) illuminated wall signs (34 sq. ft. total) in addition to the existing 172 sq. ft. of wall and canopy signs approved by Sign Use Permit # 2019-39. Property location 1801 Fort Jones Road, Yreka, California, CT (Commercial Tourist) Zone and GC (General Commercial) General Plan designation. Assessor's Parcel No. 062-161-070.

The Planning Commission reviewed Resolution No. 2021-1, Consideration of proposed categorical exemption and Sign Use Permit # 2020-48. Applicant McHale Sign Company, of behalf of SK Yreka Chevron. Location – 1801 Fort Jones Road, Yreka, California, CT (Commercial Tourist) Zone, GC (General Commercial) General Plan Designation. Assessor's Parcel Number 062-161-070.

Staff Report - The City has received an application for a Sign Use Permit for granting exception to the maximum total square feet of advertising surface, to install three illuminated walls signs (34 sq.

ft. total) in addition to the existing 172 sq. ft. of wall and canopy signs approved by Sign Use Permit # 2019-39.

Yreka Municipal Code (YMC) Section 13.08.040 (b) states that Sign Use Permit requests are discretionary applications and shall require planning commission approval pursuant to the requirements of Chapter 16.44 of the Zoning Ordinance. YMC 13.08.050 gives the following additional criteria for sign approval applicable only to use permits.

- (a) In addition to other provisions of this title, the planning commission shall consider the following when reviewing sign use permit requests:
1. Signs shall serve to identify the business, the establishment or the type of activity conducted on the same premises, or the product, service, or interest being exhibited or offered for sale, rent, or lease thereon.
 2. Signs shall be harmonious with the materials, color, texture, size, shape, height, location and design of the building, property or neighborhood of which it is a part.
 3. Sign designs shall be consistent with general graphic standards. "Graphics" shall mean all lettering, logos, pictures, symbols, pattern and description, including color.
 4. Sign illumination, where allowed by provisions of this title shall be at the lowest level consistent with adequate identification and readability.
 5. In exercise of the use permit process regarding signs, the planning commission shall impose such conditions upon such use permits as in its judgment may be necessary to assure that the spirit and purpose of this title will be observed, public health, safety and welfare secured, and substantial justice provided.

Notification of the public hearing was mailed to property owners/occupants located within 300 feet of the proposed project on December 31, 2020 and a Notice of Public Hearing was published in the Siskiyou Daily News on January 6, 2021.

City staff recommends approval subject to the proposed findings and conditions of approval, which includes a determination that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) and grant approval of the Sign Use Permit subject to the proposed findings and conditions.

Public Hearing – This being the time and date set for the public hearing. Chair Ohlund opened the hearing.

Pat Corey, representative of McHale Sign Company, was on Zoom to answer commissioners questions.

There being no further statements or comments received, Chair Ohlund closed the public hearing and discussion was opened to the Commission.

Following Commission discussion, Commissioner Gilbert moved to adopt Planning Commission Resolution PC 2021-1 determining that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15311 (a), of the CEQA Guidelines; making the Findings and Conditions of Approval and approve Sign Use Permit # 2020-48 subject to the conditions of approval, on the property located at 1801 Fort Jones Road, Assessor's Parcel No 062-161-070.

1. The installation of the proposed signs in accordance with the application submitted will not:
 - a. be contrary to the public's interest, safety, health, and welfare
 - b. be detrimental to property or improvements in the neighborhood.
2. The subject property is located within the freeway interchange properties designated by resolution of the City Council and is a vehicle fueling service, meeting the criteria for a Sign Use Permit as depicted in Yreka Municipal Code Section (YMC) 13.68.030 (A) (1), granting exceptions to the maximum overall height of any sign above natural ground level or as to the maximum square feet of advertising surface, and will therefore not be contrary to the intent of YMC Chapter 13 or the public interest, safety, health and welfare.
3. The Planning Commission made a determination that this project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15311(a) (On-Premises Signs) of the CEQA Guidelines.

The following conditions shall be complied with at all times that the sign use permit is in effect:

1. The installation of three illuminated wall signs (34 sq. ft. total) in addition to the existing 172 sq. ft. of wall & canopy signs approved by Sign Use Permit 2019-39 shall comply with the specifications and plans approved by the Planning Commission on January 20, 2021 and shall serve only to identify the business carried on said premises as stated in Yreka Municipal Code Section 13.12.050.
2. The signs shall be erected in accordance with the specifications and plans submitted for SK Yreka Chevron by McHale Signs approved by the Planning Commission on January 20, 2021, and shall not be deviated from without prior review and approval of the Planning Commission.
3. The signs shall be erected in accordance with the California Building Standards Code and Title 13, Signs, of the Yreka Municipal Code. Including Section 13.080.050 (4) that provides sign illumination, where allowed by provisions of Title 13 shall be at the lowest level consistent with adequate identification and readability.
4. Permittee shall obtain a building permit and shall pay the necessary fees therefore prior to installing three illuminated wall signs.
5. The signs shall harmonize with the materials, colors, textures, sizes, shape, heights, locations, and designs of the buildings, properties, or neighborhood of which they are a part, and as approved by the Planning Commission.

6. The signs shall be removed within thirty days after the business closes and is no longer in operation on the property upon which the sign is located.
7. The sign use permit shall expire and terminate if not used within one (1) year from the date of approval. Approval may be extended upon written application to the Planning Commission before expiration of the first approval.

Commissioner Osborn seconded the motion, and upon roll call, the following voted. YEA: Gilbert, O'Brien, Ohlund, Osborn and Rolzinski.

Chair Ohlund thereupon declared the motion carried.

The foregoing Resolution 2021-1 was adopted by the Planning Commission on the 20th day of January by the following vote: Ayes: 5, Nays: 0

Consent Calendar - Chair Ohlund 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:

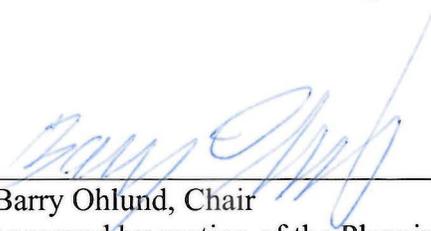
- a. Approval of Minutes of the regular meeting held on August 19, 2020.

Following Commission discussion, Commissioner Rolzinski moved to approve the minutes of the regular meeting held on August 19, 2020 as submitted.

Commissioner O'Brien seconded the motion, and upon roll call, the following voted. YEA: Gilbert, O'Brien, Ohlund, Osborn and Rolzinski.

Chair Ohlund thereupon declared the motion carried.

There being no further business before the Commission, the meeting was adjourned.



Barry Ohlund, Chair
Approved by motion of the Planning
Commission on February 17, 2021