

MINUTES OF THE ADJOURNED JUNE 17, 2009 AND REGULAR JULY 15, 2009  
MEETINGS OF THE  
YREKA PLANNING COMMISSION HELD IN  
THE YREKA CITY COUNCIL CHAMBER IN SAID CITY  
ON THE 15<sup>th</sup> DAY OF JULY 2009

On the 15<sup>th</sup> day of July at 6:30 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 Knitter and present were:

Commissioners:           Deborah Baird  
                                  Diane Knitter  
                                  Steve Leal  
                                  Barry Ohlund  
                                  Matt Osborn  
                                  Richard Rolzinski

Absent:                     Mark McAllister

Agenda Items from the meeting of June 17, 2009 that was adjourned due to lack of a quorum were heard first and are as follows.

**USE PERMIT – SHAVED ICE SALES**

**RON AND JUDY PETERS – 1409 S. MAIN ST.**

**APPROVED**

The Commission reviewed the application submitted by Ron and Judy Peters for a use permit to establish and operate a shaved ice sales business using a 6' x 10' self contained trailer for walk-up service in the parking lot at 1409 S. Main Street during the months of May through October. This being the time and date set for a public hearing for an application for a use permit Chair Knitter opened the public hearing to the audience.

Staff reported the Technical Committee recommended approval.

Staff also recommended that the Planning Commission make a determination that this project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment, Section 15061(b)(3) of the CEQA Guidelines. The project of using a self contained trailer for the sale of shaved ice with walk-up service will not have a significant effect on the environment and is therefore not subject to CEQA.

Staff reported that the shaved ice business had been in operation at this location on a daily basis pending authorization from the Planning Commission for the permit to operate.

There being no comments from the public, the public hearing was closed and discussion

was opened to the Commission.

Following Commission discussion, Commissioner Rolzinski made a motion to approve the application for a use permit to establish and operate a shaved ice sales business using a 6' x 10' self contained trailer for walk-up service in the parking lot at 1409 S. Main Street during the months of May through October, Assessor's Parcel No. 62-011-410, CH zone, GC General Plan designation. Approval is with the determination that the project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment, Section 15061(b)(3) of the CEQA Guidelines. The project of using a self contained trailer for the sale of shaved ice with walk-up service will not have a significant effect on the environment and is therefore not subject to CEQA. The approval is based on Staff's and the Technical Committee's recommendations 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 a mobile food preparation and sales business:
  - a. 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.
  - b. will not 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. will not cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors.
  - d. will not adversely affect matters regarding police protection, crime prevention, and security.
  - e. will not 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 shaved ice sales business using a 6' x 10' self contained trailer for walk up service 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. The site plan submitted with the application and approved by the Planning Commission on July 15, 2009 shall not be deviated from without prior approval of the Planning Commission. No additional portable structures shall be built or placed, no open space, off-street parking facilities, public access areas, or landscaping shall be altered without the prior approval of the Planning Commission.
3. 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.
4. Permittee shall provide the city with a certificate of insurance for liability coverage for the business.
5. Permittee shall provide the city with verification of compliance with Siskiyou County Public Health Department requirements.
6. The mobile unit shall be totally self contained or shall be a permanent structure with permanent connection to all utilities, no hose or electrical connections permitted.
7. Permittee shall secure an annual City business license to carry on the business of a shaved ice sales business.
8. 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.
- 9. 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 Ohlund seconded the motion. The motion carried by the following vote:

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

**SIGN USE PERMIT – POLE SIGN AND SIGN PROGRAM  
 TODD WHIPPLE – 1400 FAIRLANE ROAD**

**APPROVED**

The Commission reviewed the application submitted by Todd Whipple for a sign use permit to (1) install a double sided pole sign 84 sq. ft. per side, 168 sq. ft. total, sign will be 16 ft. high with 4 ft. between the ground & bottom of the sign, copy will list each business located in the complex. (2) Establish a commercial sign program for a commercial center that has the potential of 8 separate businesses located at 1400 Fairlane Rd.: Suite A – 2.66 ft. x 5 ft. (13.3 sq. ft.) wall sign and a 3.33 ft. X 1.83 ft. (6.09 sq. ft.) canopy sign, Suite B – one 1 ft. x

4 ft. (4 sq. ft.) hanging sign, Suite C – one 1 ft. x 8 ft. (8 sq. ft.) wall sign, Suite D – one 1 ft. x 4 ft. (4 sq. ft.) wall sign, Suite E & F – one 1 ft x 4 ft. hanging sign for each Suite (8 sq. ft.), Suite G & H one 1 ft. x 4 ft. hanging sign for each Suite (8 sq. ft.), and one wall sign 4 ft. x 8 ft. (32 sq. ft.) at the west end of the building. The hanging signs will be 7 ft. above the ground. Total commercial sign program signage will be 83.39 sq. feet. (3) Install one wall sign (13.3 sq. ft.) and one canopy sign 6.09 sq. ft. Suite A, copy to read “Whipple’s Muffler & Welding”, and install one hanging sign 4 sq. ft. Suite G, copy to read “E-Clips Hair & Nails”. Project is located on the property at 1400 Fairlane Road. This being the time and date set for a public hearing for an application for a sign use permit Chair Knitter opened the public hearing to the audience.

Staff reported the Technical Committee recommended approval.

Staff also recommended that the Planning Commission make a determination that the project is exempt from the environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15311(a) on- premise signs of the CEQA Guidelines.

Staff reported that the following portion of the application was administratively approved due to the delayed Planning Commission meeting to minimize the impact of the delay to the applicant.

(3) Install one wall sign (13.3 sq. ft.) and one canopy sign 6.09 sq. ft. Suite A, copy to read “Whipple’s Muffler & Welding”.

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

Following Commission discussion, Commissioner Leal made a motion to approve the application for a sign use permit to (1) install a double sided pole sign 84 sq. ft. per side, 168 sq. ft. total, sign will be 16 ft. high with 4 ft. between the ground & bottom of the sign, copy will list each business located in the complex. (2) Establish a commercial sign program for a commercial center that has the potential of 8 separate businesses located at 1400 Fairlane Rd.: Suite A – 2.66 ft. x 5 ft. (13.3 sq. ft.) wall sign and a 3.33 ft. X 1.83 ft. (6.09 sq. ft.) canopy sign, Suite B – one 1 ft. x 4 ft. (4 sq. ft.) hanging sign, Suite C – one 1 ft. x 8 ft. (8 sq. ft.) wall sign, Suite D – one 1 ft. x 4 ft. (4 sq. ft.) wall sign, Suite E & F – one 1 ft x 4 ft. hanging sign for each Suite (8 sq. ft.), Suite G & H one 1 ft. x 4 ft. hanging sign for each Suite (8 sq. ft.), and one wall sign 4 ft. x 8 ft. (32 sq. ft.) at the west end of the building. The hanging signs will be 7 ft. above the ground. Total commercial sign program signage will be 83.39 sq. feet. (3) Install one hanging sign 4 sq. ft. Suite G, copy to read “E-Clips Hair & Nails”. Assessor’s Parcel No. 062-051-540, M-1 (Light Industrial) zone, I (Industrial) General Plan designation. Approval is with the determination that the project is exempt from the environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15311(a) on- premise signs of the CEQA Guidelines. The approval is based on Staff’s and the Technical Committee’s recommendations 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 installation of double sided pole sign 84 sq. ft. per side, 168 sq. ft. total and 16' high; establishment of a commercial sign program establishing the sign standards for the whole complex as provided in the application, and one canopy sign 6.09 sq. ft. on Suite A and installation of one hanging sign 4 sq. ft. on Suite G 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 on Fairlane Road between Oberlin Rd. & Sharps Rd. as provided in Section 13.68.030 (A)(4) of the Yreka Municipal Code which allows exceptions as to the size of pole signs, size not to exceed 100 sq. ft. per side.
3. The subject property has a commercial center with three or more independent businesses as defined in Section 13.04.100 of the Yreka Municipal Code, with a potential of at least 8 independent businesses.
4. The sign program allows for 4 wall signs, 1 canopy sign, and 5 hanging signs ranging in size from 32 sq. ft. to 4 sq. ft. for a maximum of 83.39 sq. ft. for the building. Building signs of 83.39 sq. ft. plus the pole sign of 168 sq. ft. equals 251.39 sq. ft. of signage for the parcel.
5. The total advertising surface for the parcel does not exceed 300 square feet as provided in Yreka Municipal Code Section 13.10.010
6. The sign program deviates from Title 13 in that the hanging signs are 7 feet above the ground not 8 feet above a covered pedestrian walkway.
7. The project is exempt from the provisions of the California Environmental Quality Act as a Categorical Exemption pursuant to Section 15311(a) (on-premise signs) of the CEQA Guidelines.

**CONDITIONS:**

1. The installation of a double sided pole sign 84 sq. ft. per side, 168 sq. ft. total and 16' high shall comply with the specifications and plans approved by the Planning Commission on July 15, 2009 and shall serve only to identify the businesses carried on said premises.
2. The permit does not constitute approval from the Department of Transportation of the State of California; the Permittee shall comply with any and all statutes, rules, and regulations of the State of California if applicable.

3. The pole sign shall be erected in accordance with the specifications and plans submitted by Todd Whipple and approved by the Planning Commission on July 15, 2009 and shall not be deviated from without the prior review and approval of the Planning Commission.
4. Permittee shall obtain a building permit and shall pay the necessary fees therefore prior to installing the pole sign.
5. The commercial sign program for the property located at 1400 Fairlane Road shall be administered by the Planning Director in conjunction with the Building Official.
6. All signage shall comply with the standards set forth in Title 13, Signs, of the Yreka Municipal Code with the exceptions as set forth in the commercial sign program.
7. Signs erected in accord and complying with the commercial sign program shall not require additional sign use permits; however, an administratively approved sign permit is still required and building permit, if applicable.
8. The installation of all signs considered in the commercial sign program shall serve only to identify the businesses carried on said premises.
9. The commercial sign program signs shall be erected in accordance with the specifications and plans submitted and shall not be deviated from without the prior review and approval of the Planning Director.
10. The signs shall harmonize with the materials, textures, sizes, shapes, heights, locations, and designs of the buildings, properties, or neighborhood of which they are a part, and as approved by the Planning Commission or Planning Director.
11. Permittee shall obtain a building permit and shall pay the necessary fees therefore prior to installing electrical signs.
12. 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.
13. The sign use permit shall be automatically revoked and terminated if not used within one year from date of approval.

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

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

**USE PERMIT – PARKING AND STORAGE**

**MATTHEW H. ROKES – 115 ROSE LANE**

**CONTINUED TO AUGUST MEETING**

The City Attorney, Mary Frances McHugh, reported that Chair Knitter has a disqualifying interest in property located within 500 feet of this project, however, due to applicant's request for a continuance the Chair is not required to step down.

Staff reported that pursuant to the letter dated June 17, 2009, applicant Matthew Rokes requested that the agenda item for consideration of an application for a use permit to establish and operate a recreational vehicle and miscellaneous vehicle storage area, and an employee parking lot for the business located at 1101 S. Main Street, on the property located at 115 Rose Lane be continued to the August 19<sup>th</sup> meeting because he had a scheduling conflict.

This being the time and date scheduled for a public hearing Chair Knitter opened the public hearing to the audience to allow anyone to comment at this meeting.

There being no public comment, at applicant's request the agenda item was continued to the August 19, 2009 Planning Commission meeting.

#### **APPROVAL OF THE MINUTES OF THE MAY 20, 2009 MEETING**

The Commission, having received a copy of the minutes of the regular meeting held May 20, 2009, approved the minutes on a motion made by Commissioner Rolzinski and seconded by Commissioner Ohlund.

#### **SITE, LANDSCAPE, AND PARKING PLAN – EXTENSION**

#### **AKKERMAN & WILLIAMS – 787 MONTAGUE ROAD**

**APPROVED**

The Commission reviewed the application submitted by Roger Akkerman and Jason & Kari Williams for a one year extension to Site Plan Permit #3927 which was a modification of Permit #3906 for a site, landscape, and parking plan for construction of approximately 7,500 sq. ft. convenience/liquor store and service station on the property located at 787 Montague Road.

Staff reported the Technical Committee recommended approval of a one year extension.

A Negative Declaration was filed for this use on May 29, 1998.

Following Commission discussion, Commissioner Rolzinski made a motion to approve the application for a one year extension to Site Plan Permit #3927 which was a modification of Permit #3906 for a site, landscape, and parking plan for construction of approximately 7,500 sq. ft. convenience/liquor store and service station on the property located at 787 Montague Road. Assessor's Parcel No. 53-642-560, PUD (Planned Unit Development) zone, GC (General Commercial) General Plan designation. Approval is subject to the Findings and Conditions of Approval previously approved on August 20, 2008 for Site Plan Permit #3927.

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

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

The following are agenda items for the July 15, 2009 Planning Commission meeting.

**SIGN USE PERMIT – POLE AND WALL SIGNS**

**MCHALE SIGN CO. FOR LES SCHWAB TIRE - 1508 FAIRLANE RD APPROVED**

The Commission reviewed the application submitted by Ben Storms of McHale Sign Company for Les Schwab Tire Center for a sign use permit to relocate a double sided internally illuminated 83.5 sq. ft. per side (167 sq. ft. total), 30' high pole sign; and install 3 wall signs: one 20 sq. ft. (1'2" x 17'2"), one 60 sq. ft. (1'10" x 32'10"), and one 51 sq. ft. (27'11" x 1'10") for a total wall signage of 131 sq. ft. and total signage on the parcel of 298 sq. ft. on the property located at 1508 Fairlane Road. Sign copy to read "Les Schwab Tire Center" and "Alignment Brakes Shocks". This being the time and date set for a public hearing for an application for a sign use permit Chair Knitter opened the public hearing to the audience.

Staff reported the Technical Committee recommended approval.

Staff also recommended that the Planning Commission make a determination that the project is exempt from the environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15311(a) on-premise signs of the CEQA Guidelines.

Yreka Municipal Code Section 13.68.030.A.4 allows the Planning Commission to grant exceptions as to the size of pole signs, not to exceed 100 sq. ft. per side.

Yreka Municipal Code Section 13.68.020.A allows the Planning Commission to allow additional sign area by up to 50 percent (150 sq. ft. maximum for wall signs).

The maximum total exterior advertising surface permitted for any one lot or parcel is 300 sq. ft., the total proposed signage is 298 sq. ft.

Brian Hudspeth representing Les Schwab Tire Center reported he was available to answer questions.

There being no further comment 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 sign use permit to relocate a double sided internally illuminated 83.5 sq. ft. per side (167 sq. ft. total), 30' high pole sign; and install 3 wall signs: one 20 sq. ft. (1'2" x 17'2"), one 60 sq. ft. (1'10" x 32'10"), and one 51 sq. ft. (27'11" x 1'10") for a total wall signage of 131 sq. ft.

and total signage on the parcel of 298 sq. ft. on the property located at 1508 Fairlane Road. Sign copy to read "Les Schwab Tire Center" and "Alignment Brakes Shocks". Assessor's Parcel No. 062-051-190 and 062-051-200, M-1 (Light Industrial) zone, I (Industrial) General Plan designation. Approval is with the determination that the project is exempt from the environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15311(a) on- premise signs of the CEQA Guidelines. The approval is based on Staff's and the Technical Committee's recommendations 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 relocation of a double sided pole sign 83.5 sq. ft. per side, 167 sq. ft. total and 30' high; and installation of 3 wall signs: one 20 sq. ft. (1'2" x 17'2"), one 60 sq. ft. (1'10" x 32'10"), and one 51 sq. ft. (27'11" x 1'10") for a total wall signage of 131 sq. ft. and total signage on the parcel of 298 sq. ft. 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 on Fairlane Road between Oberlin Rd. & Sharps Rd. as provided in Section 13.68.030 (A)(4) of the Yreka Municipal Code which allows exceptions as to the size of pole signs, size not to exceed 100 sq. ft. per side.
3. The total advertising surface for the parcel does not exceed 300 square feet as provided in Yreka Municipal Code Section 13.10.010
4. The subject property is a large parcel that, upon recordation of the approved Boundary Line Adjustment, will be approximately 2.75 acres and will have two large buildings (approximately 9,500 sq. ft. and 3,000 sq. ft.). As provided in Section 13.68.020 of the Yreka Municipal Code granting authorization to install 131 square feet of wall signs will, therefore not be contrary to the intent of Chapter 13 or the public interest, safety, health and welfare.
5. The project is exempt from the provisions of the California Environmental Quality Act as a Categorical Exemption pursuant to Section 15311(a) (on-premise signs) of the CEQA Guidelines.

#### CONDITIONS:

1. The relocation of an existing internally illuminated 83.5 sq. ft. per side (167 sq. ft. total) 30' high double sided pole sign; and installation of 3 wall signs: one 20 sq. ft., one 60 sq. ft., and one 51 sq. ft. for a total wall signage of 131 sq. ft. and total signage on the parcel of 298 sq. ft. shall comply with the specifications and plans approved by the Planning Commission on July 15, 2009 and shall serve only to identify the business carried on said

premises.

2. The permit does not constitute approval from the Department of Transportation of the State of California; the Permittee shall comply with any and all statutes, rules, and regulations of the State of California if applicable.
3. The signs shall be erected in accordance with the specifications and plans submitted by Ben Storms of McHale Sign Company for Les Schwab Tire Center and approved by the Planning Commission on July 15, 2009 and shall not be deviated from without the prior review and approval of the Planning Commission.
4. All signage shall comply with the standards set forth in Title 13, Signs, of the Yreka Municipal Code.
5. The signs shall harmonize with the materials, textures, sizes, shapes, heights, locations, and designs of the buildings, properties, or neighborhood of which they are a part, and as approved by the Planning Commission.
6. Permittee shall obtain a building permit and shall pay the necessary fees therefore prior to installing electrical signs.
7. 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.
8. The sign use permit shall be automatically revoked and terminated if not used within one year from date of approval.

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

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

**USE PERMIT – CHARTER SCHOOL**

**MATTOLE VALLEY CHARTER SCHOOL – 423 S. BROADWAY                      APPROVED**

Commissioner Barry Ohlund left the room to prevent a possible conflict of interest in this matter.

The Commission reviewed the application submitted by Barbara Giacomelli for Mattole Valley Charter School for a use permit to establish and operate a charter school resource center/special education office with four teachers. Hours of operation will be 10:00 a.m. to 3:00 p.m., Monday through Thursday on the property located at 423 S. Broadway. This being the time and date set for a public hearing for an application for a use permit Chair Knitter opened the public hearing to the audience.

Staff reported the Technical Committee recommended approval subject to the conditions

proposed and the following additional condition:

Permittee shall install a "Do Not Enter" sign at the westerly end of the north parking lot to prohibit vehicles from proceeding the wrong way on the one-way parking that has its access from Broadway Street.

Staff 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 (In-Fill Development) of the CEQA Guidelines.

Debra Davis representing Mattole Valley Charter School explained that the school is an established school currently located within the City of Yreka.

Applicants questioned the condition requiring proof of consent of Yreka Union High School District or the Yreka Union School District to this location. The City Attorney stated she would review the law to determine if the law changed.

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

Following Commission discussion, Commissioner Rolzinski made a motion to approve the use permit to establish and operate a charter school resource center/special education office with four teachers. Hours of operation will be 10:00 a.m. to 3:00 p.m., Monday through Thursday on the property located at 423 S. Broadway. Assessor's Parcel No. 054-185-120, C2 (Downtown Commercial) zone, GC (General Commercial) General Plan designation. Approval is with the following additional condition: Permittee shall install a "Do Not Enter" sign at the westerly end of the north parking lot to prohibit vehicles from proceeding the wrong way on the one-way parking that has its access from Broadway Street. Approval is also with the determination that the project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15332 (In-Fill Development) of the CEQA Guidelines. The approval is based on Staff's and the Technical Committee's recommendations 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 a school site for a charter school resource center/special education office with four teachers and hours of operation of 10:00 a.m. to 3:00 p.m. 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.
  3. Pursuant to Section 101.17 of the California Building Code, the provisions of the California Building Code shall be enforced by the appropriate enforcing agency, but only to the extent of authority granted to such agency by the State Legislature. The following state agencies adopt building standards: Division of the State Architect – Structural Safety: Public elementary and secondary schools; Office of the State Fire Marshal: Any building or structure used or intended for use as a school.
  4. Pursuant to the California Education Code Section 47615 the Legislature finds and declares Charter schools are part of the Public School System, as defined in Article IX of the California Constitution. Charter schools are under the jurisdiction of the Public School System and the exclusive control of the officers of the public schools.
  5. 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 a charter school resource center/special education office with four teachers, hours of operation will be 10:00 a.m. to 3:00 p.m., 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 employee including teachers, administrators, and custodians plus sufficient space for safe and convenient bus loading and unloading students as set forth in Section 16.54.020.A.6 of the Yreka Municipal Code or as determined by the Planning Commission as set forth in Section 16.54.020.A.9.
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 and 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 site plan previously approved.

7. Permittee shall install a "Do Not Enter" sign at the westerly end of the north parking lot to prohibit vehicles from proceeding the wrong way on the one-way parking that has its access from Broadway Street.

8. Permittee shall comply at all times with the zoning district regulations for a C2 zone as set forth in section 16.34 of the Yreka Municipal Code.

9. Permittee shall submit a copy of the School's Charter to the City Attorney prior to occupying the premises.

10. Permittee shall provide proof of sponsoring school district subject to City Attorney review and approval.

11. Permittee shall provide proof of consent of Yreka Union High School District or the Yreka Union School District consent to this location subject to City Attorney review and approval.

12. Permittee shall provide proof of corporate status, listing all members of the Board of Directors of Permittee and certified copies of articles of incorporation and current proof of good standing certificate from the Secretary of State of the State of California subject to City Attorney review and approval.

13. Permittee shall comply with the provisions of the California Education Code regarding charter schools and do so immediately upon any notice from the City for compliance.

14. Permittee shall secure a Certificate of Occupancy from the Division of State

Architect and State Fire Marshall that the structure meets building standards and fire regulations of California Building Code and Fire Codes prior to use of subject structure as a school site for a charter school with four teachers.

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

16. 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.

**17. 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 Leal seconded the motion. The motion carried by the following vote:

AYES: Baird, Knitter, Leal, Osborn, Rolzinski  
NOES: None

Commissioner Ohlund returned to the Commissioner's table.

#### **VARIANCE – POLE AND ROOF SIGNS**

#### **MCHALE SIGN CO. FOR CHASE – 825 S. MAIN ST.**

**APPROVED IN PART**

The Commission reviewed the application submitted by Ben Storms of McHale Sign Company for Chase for a variance to Yreka Municipal Code Section 13.44 (Pole Signs) to allow an existing non-conforming 57 sq. ft. per side 29 ft. high pole sign to be replaced with a smaller and shorter 36 sq. ft. (3'4 ¾" x 11') per side 17 ft. high non-conforming pole sign; and variance to Yreka Municipal Code Section 13.52 (Roof Signs) allowing an existing 26 sq. ft. (2' x 13') non-conforming roof sign to be replaced with a 49.5 sq. ft. (4.5' x 11') non-conforming roof sign on the property located at 825 S. Main Street, copy on all signs to read "Chase". This being the time and date set for a public hearing for an application for a use permit Chair Knitter opened the public hearing to the audience.

Staff reported the Technical Committee recommended approval of modification by reducing the height and size of the non-conforming pole sign and denial of the modification by expansion of the non-conforming roof sign, for the reasons stated in the proposed Findings and Conditions of Approval/Denial.

Staff recommended that the Planning Commission 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 15311(a) on-premise signs of the CEQA Guidelines.

The project site has an existing pole sign that was installed prior to the creation of the existing parcel. The pole originally had signs that advertised for both Thrifty (where Sears is currently located) and a bank. The pole can no longer advertise for Sears because it would be a sign not pertinent to the land use pursuant to YMC Section 13.12.050.

Pursuant to YMC Section 13.44.020 pole signs are not permitted on a parcel with less than 100 feet of front footage. The subject parcel has 25 feet of front footage on S. Main; therefore, the existing sign was legally constructed and is now non-conforming.

Pursuant to YMC Section 13.12.010 existing signs which were in compliance with all signage requirements when erected, but no longer comply with the provisions of Title 13 shall not be substantially altered or reconstructed unless the sign, when so reconstructed or altered, complies with the applicable requirements of Title 13 (Signs).

It was recommended that granting of a variance to allow construction of a shorter and smaller pole sign would not be detrimental to the health, safety, peace, morals, and comfort of persons residing or working in the neighborhood and would not be detrimental to the harmonious and orderly growth of the City because the pole sign already exists and the proposed sign will be shorter and smaller and will reduce the impact of the non-conforming sign.

It was recommended to deny the request for a variance to replace an existing 26 sq. ft. non-conforming roof sign with a 49.5 sq. ft. roof sign because in 2004 the Sign Ordinance was modified to prohibit roof signs that are greater than the height of the ridge top or highest point of the coping on a flat roof. The existing sign is non-conforming and can remain pursuant to YMC Section 13.12.010 by re-facing the sign. The proposed sign would be expanding a non-conforming use because it would be extending above the roof more than it currently does. There are other areas on the building where signage can be located.

Applicant, Ben Storms, was available for questions.

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

Following Commission discussion, Commissioner Leal made a motion to approve the variance to Yreka Municipal Code Section 13.44 (Pole Signs) to allow an existing non-conforming 57 sq. ft. per side 29 ft. high pole sign to be replaced with a smaller and shorter 36 sq. ft. (3'4 ¾" x 11') per side 17 ft. high non-conforming pole sign; and denial of a variance to Yreka Municipal Code Section 13.52 (Roof Signs) allowing an existing 26 sq. ft. (2' x 13') non-conforming roof sign to be replaced with a 49.5 sq. ft. (4.5' x 11') non-conforming roof sign on the property located at 825 S. Main Street, copy on all signs to read "Chase". Assessor's Parcel No. 054-292-200, C-2 (Downtown Commercial) zone, GC (General Commercial) General Plan designation. Approval is 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 15311(a) on-premise signs of the

CEQA Guidelines. The approval is based on Staff's and the Technical Committee's recommendations and is subject to full compliance with all applicable city, state, and federal laws and regulations and the following findings and conditions of approval.

Applicant, Ben Storms, requested that the pole sign be allowed to be 18 feet high, to allow for required space at the footings.

Commissioner Leal modified his motion to allow the pole sign to be 18 feet high instead of 17 feet high.

#### FINDINGS:

1. The project site is located at 825 S. Main Street, Assessor's Parcel No. 54-292-200, and is located upon a 5,925+/- square foot parcel of land, within a C2 (Downtown Commercial) zoning district, having 25 feet of frontage on S. Main Street.
2. The project site has an existing pole sign that was installed prior to the creation of the existing parcel. The pole originally had signs that advertised for both Thrifty (where Sears is currently located) and a bank. The pole can no longer advertise for Sears because it would be a sign not pertinent to the land use pursuant to YMC Section 13.12.050.
3. Pursuant to YMC Section 13.44.020 pole signs are not permitted on a parcel with less than 100 feet of front footage. The subject parcel has 25 feet of front footage on S. Main; therefore, the existing sign was legally constructed and is now non-conforming.
4. Pursuant to YMC Section 13.12.010 existing signs which were in compliance with all signage requirements when erected, but no longer complies with the provisions of Title 13 shall not be substantially altered or reconstructed unless the sign, when so reconstructed or altered, complies with the applicable requirements of Title 13 (Signs).
5. Granting of a variance to allow construction of a shorter and smaller pole sign will not be detrimental to the health, safety, peace, morals, and comfort of persons residing or working in the neighborhood and will not be detrimental to the harmonious and orderly growth of the City because the pole sign already exists and the proposed sign will be shorter and smaller and will reduce the impact of the non-conforming sign.
6. Granting of the variance will not be detrimental to property or improvements in the neighborhood or to the general welfare of the City for the same reasons stated in Number 5 above.
7. Granting of the variance will not adversely affect matters regarding police protection, crime prevention, and security because the project will not change the existing conditions other than make the sign smaller and shorter.
8. Granting of the variance will not be contrary to the spirit of the City's zoning and sign ordinances.

9. There are special circumstances of the applicant's land which cause literal enforcement of the requirements for a pole sign to be a hardship for the applicant because the parcel, with only 25 feet of front footage, was created after the pole sign was installed.
10. There will not be a diminution in value of surrounding property as a result of the granting of said variance as the pole sign already exists.
11. The project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15311 (a) (On-premise signs) of the CEQA Guidelines.
12. Denial of the request for a variance to replace an existing 26 sq. ft. non-conforming roof sign with a 49.5 sq. ft. roof sign because in 2004 the Sign Ordinance was modified to prohibit roof signs that are greater than the height of the ridge top or highest point of the coping on a flat roof. The existing sign is non-conforming and can remain as stated in Number 4 above by replacing the copy. The proposed sign would be expanding a non-conforming use because it would be extending above the roof more than it currently does. There are other areas on the building where signage can be located.

#### CONDITIONS:

1. The variance shall be automatically revoked and terminated if sign construction has not commenced within one year from the date of approval, or in the event the variance is abandoned or not utilized for a period of one year.

Commissioner Baird seconded the motion and agreed to the modification. The motion carried by the following vote:

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

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

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None.

#### **USE PERMIT – REBUILD NON-CONFORMING CARPORT MIKE WHIPPLE – 650 W LENNOX ST**

**APPROVED**

The Commission reviewed the application submitted by Mike Whipple for a use permit to rebuild a non-conforming carport structure to current footprint. The structure is non-conforming because it is one foot from the side property line, not the required five feet. Remove and replace the current carport due to its current unsafe and dilapidated condition on the property located at 650 W. Lennox Street. This being the time and date set for a public hearing for an application for a use permit Chair Knitter opened the public hearing to the audience.

Staff reported that at the May 20, 2009 meeting the Commissioner's took action to table the application until the applicant or a representative could attend the meeting to explore options to relocate the structure. Applicant was not able to attend the June meeting so the application was tabled until July.

Applicant submitted the plan dated June 5, 2009, as a possibility of locating the carport in front of the house; however at that location it would require a variance to front setbacks because it would not meet the required 20 foot setback. It was staff's opinion that the structure could be attached to the house and meet setbacks and therefore staff could not support approval of a variance.

Applicant requested that the Planning Commission approve the original proposal.

Staff reported the Technical Committee recommended denial unless applicant could demonstrate why the structure could not be constructed somewhere else on the lot and comply with the current setbacks.

Staff also recommended that the Planning Commission make a determination that this project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment, Section 15061(b)(3) of the CEQA Guidelines. The project of rebuilding a structure to its previous footprint will not have a significant effect on the environment and is therefore not subject to CEQA.

Applicant provided a letter of explanation and additional pictures of the site showing extensive landscaping including large trees that would need to be removed to locate the carport in back yard.

At the May 20<sup>th</sup> Planning Commission meeting Allen McWilliams, 644 W. Lennox Street, asked questions about the project. He was provided the information he requested.

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

Following Commission discussion, Commissioner Leal made a motion to approve the application for a use permit to rebuild a non-conforming carport structure to current footprint on the property located at 650 W. Lennox Street. The structure is non-conforming because it is one foot from the side property line, not the required five feet. Remove and replace the current carport due to its current unsafe and dilapidated condition. Assessor's Parcel No. 053-111-140, R-1 (Single Family Residential) zone, LDR (Low Density Residential) General Plan designation. Approval is with the determination that this project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment, Section 15061(b)(3) of the CEQA Guidelines. The project of rebuilding a structure to its previous footprint will not have a significant effect on the environment and is therefore not subject to CEQA. The approval is made against the Technical Committee's recommendations 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 structure is a carport for a single family dwelling.
2. Removing and replacing an existing unsafe and dilapidated carport that is non-conforming because it intrudes into the side yard setback - having a one foot setback not the required 5 foot setback 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 project is located in an older area of the City, there are other buildings in the neighborhood that have non-conforming setbacks, and it will not expand the current non-conforming building.
  - b. be detrimental to property or improvements in the neighborhood and the residential use will not impair the desirability of investment or occupation in the vicinity for the reasons stated in (a).
  - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because replacement of the carport is an existing structure that will be replaced at its current setback and will not create additional traffic except for a short period during the construction.
  - d. adversely affect matters regarding police protection, crime prevention, and security as the use will be the same as before the building was replaced.
  - e. adversely affect circulation or traffic patterns in the neighborhood nor constitute a nuisance because the driveway will be the same one currently used.
3. The use is compatible with the policies and objectives of the zoning ordinance.
4. The carport is non-conforming because it intrudes into the side yard setback having a one foot setback not a five foot setback as currently required. Yreka Municipal Code Section 16.46.130.D gives the Planning Commission authority to allow reconstruction or replacement of any building or structure in the event such building or structure has deteriorated to the extent that continued occupancy or utilization of building or structure is a threat to the comfort and safety of the occupants of the property. Building Official, Mark Schmitt, has determined that the structure is dilapidated and a potential threat to the safety of the occupants of the residents.
5. The project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment, Section 15061(b)(3) of the CEQA Guidelines. The project of rebuilding

a structure to its previous footprint will not have a significant effect on the environment and is therefore not subject to CEQA.

#### CONDITIONS:

Based on the foregoing findings, the Planning Commission approves the reconstruction or replacement of the unsafe and dilapidated carport to the existing footprint and allows the continued use of a carport that is non-conforming because it has a one foot side yard setback not the required five foot side yard setback (YMC 16.18.040.3)

The building shall not be enlarged or increased, nor be extended to occupy a greater area than that occupied by the current building. Approval is subject to compliance with the following conditions at all times that the use permitted by this permit occupies the premises.

- a. Compliance with the California Building Standards Code as that code is in effect at the time of reconstruction or replacement.
- b. Building permit shall be obtained within six months after the date of the removal of the non-conforming structure and diligently continued to completion.

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

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

#### **HOUSING ELEMENT OF THE GENERAL PLAN CITY OF YREKA**

#### **RECOMMEND SUBMITTAL**

The Commission reviewed the Draft 2008 Housing Element of the City of Yreka for recommendation to City Council for submittal to the State of California Department of Housing and Community Development (HCD) for State preliminary review and comment.

Staff reported that General Plan Housing Elements are required by the State to be updated every 5 years. The current Housing Element will expire at the end of August. A current Housing Element is required to apply for certain grants such as CDBG grants.

The City contracted with Pacific Municipal Consultants to prepare the updated document. Once the draft document is completed to our satisfaction they will send it to the State Department of Housing and Community Development (HUD) for initial review and comment. The State returns the document to the City to make requested/required changes. The revised document is then returned to the Planning Commission for final recommendation and to City Council for adoption by resolution. The document is then returned to HUD for final approval.

The Draft 2008 Housing Element Update was reviewed by staff and was presented to the Planning Commission for review, comment, and recommendation to City Council before

sending it to the State for their initial review.

Following Commission discussion, Commissioner Leal made a motion to recommend that Yreka City Council authorize submittal of the Draft 2008 Housing Element for the City of Yreka to the State of California Department of Housing and Community Development (HCD) for preliminary review and comment.

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

AYES: Baird, Knitter, Leal, Ohlund, Osborn, Rolzinski

NOES: None

### **COMMISSIONER'S STATEMENTS & COMMENTS**

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New Commissioner Matt Osborn was welcomed to the Planning Commission.

Commissioner Ohlund announced a pre-opening walk-through of the College of the Siskiyous' new Rural Health Sciences building, Wednesday, July 22<sup>nd</sup>. Anyone interested in attending was to notify him so lunch could be arranged.

There being no further business before the Commission, the meeting was adjourned at 8:10 p.m.

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Pamela J. Hayden, Planning Director