

MINUTES OF THE REGULAR MEETING OF THE
YREKA PLANNING COMMISSION HELD IN
THE YREKA CITY COUNCIL CHAMBER IN SAID CITY
ON THE 18th DAY OF MAY 2011

On the 18th day of May, 2011 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 Baird and present were:

Commissioners: Deborah Baird
 Steve Leal
 Mark McAllister
 Barry Ohlund
 Matt Osborn
 Richard Rolzinski

Absent: Diane Knitter

USE PERMIT – CARGO CONTAINER
JIM FREEZE – 201 E. OBERLIN RD

APPROVED

The Commission reviewed the application submitted by Jim Freeze for a conditional use permit to use one metal cargo container for use as storage on the property located at 201 E. Oberlin Road, Assessor’s Parcel No. 062-051-030, M-1 (Light Industrial) zone, I (Industrial) General Plan designation.

This being the time and date set for a public hearing on an application for a use permit to use one metal cargo container for use as storage on the property located at 201 E. Oberlin Road, Chair Baird opened the hearing to the public.

Staff recommended approval subject to the conditions presented with the following additional condition:

- Cargo container shall not encroach upon any easement.

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 15061(b)(3) of the CEQA Guidelines in that it is not a project which has the potential for causing a significant effect on the environment.

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

Following Commission discussion, Commissioner McAllister made a motion to approve the application for a conditional use permit to use one metal cargo container for use as storage on the property located at 201 E. Oberlin Road, Assessor's Parcel No. 062-051-030, M-1 (Light Industrial) zone, I (Industrial) General Plan designation with the additional condition that the cargo container shall not encroach upon any easement and with the determination that the project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines in that it is not a project which has the potential for causing a significant effect on the environment.

The project approval is based on Staff's recommendation 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 use of one metal cargo container for use as storage 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 site is zoned properly for the proposed use subject to use permit approval.
 - 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 because the surrounding uses are also light industrial.
 - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because the use of a cargo container for storage will not impact traffic or parking because of the proposed location of the containers.
 - 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 because no new streets are proposed with the project.
2. The use is compatible with the policies and objectives of the zoning ordinance subject to Yreka Municipal Code section 16.46.140.
3. The use of cargo a container is an accessory to the primary permitted use of a general contractor business.
4. Pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) this action is determined to be exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a

significant effect on the environment.

CONDITIONS:

1. Permittee granted a permit to use one metal cargo container for use as storage at the location set forth in the application with the modification that the structure must meet setback requirements, subject to full compliance with applicable city and state codes.
2. Permittee shall only use the storage container for storage of merchandise, inventory, shelving displays, or other incidental items related to the operation of the business.
3. There shall be no business or sale of merchandise conducted from the storage container, nor shall the storage container be used as a habitable space, office, or meeting area, and shall be kept closed and secured at all times other than when items are being moved to or from the storage container.
4. The storage containers shall be oriented to minimize the view from the public right-of-way. In no case shall the storage containers be placed so as to cover, block, or otherwise impact required parking, or impact circulation and emergency access.
5. The storage containers shall be painted in a single color matching or similar to the field color of the primary structure and/or properly screened with screening walls and/or landscaping. Graffiti shall be removed within twenty-four (24) hours from any storage container or screening.
6. Cargo containers shall be located above the base flood elevation or suitably anchored as approved by the Building Official.
7. The placement of any signs, advertising copy, banners, or similar item is prohibited on storage containers.
8. Storage container shall not exceed a height of ten (10) feet.
9. Storage container location:
 - (a) Front setback: Storage container shall be no closer to the front lot line than the front-most wall of the building nearest the front lot line, or fifty (50) feet, whichever distance is greater. In no case shall a storage container be located closer than fifty (50) feet to any front lot line.
 - (b) Side and rear setbacks: Side and rear setbacks shall be the same as those for the underlying zone.
 - (c) Cargo container shall not encroach upon any easement.
10. 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.

11. The use permit 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 or in the event the use permitted is abandoned or not utilized for a period of one year. Approval may be extended upon written application to the Planning Commission before expiration of the first approval.

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

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

**USE PERMIT – CONVERT RESIDENTIAL USE TO COMMERCIAL USE
MARILYN BRAWMAN HALLER – 210 LANE ST. APPROVED**

The Commission reviewed the application submitted by Marilyn Brawman Haller for a conditional use permit to convert one residential unit to commercial/office use, leaving one residential unit to remain as residential use, in conjunction with the existing commercial uses on the parcel. Assessor’s Parcel No. 054-062-040, the project site is zoned C-2 (Downtown Commercial), 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 convert a residential unit to commercial/office use on the property located at 210 Lane Street, Chair Baird opened the hearing to the public.

Staff recommended approval subject to the conditions presented with the following additional condition:

Remove existing dropped curb and sidewalk and replace with standard curb, gutter, and sidewalk near the west side of the subject building.

Staff recommended that the Planning Commission make a determination that the project is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061 (b)(3) of the CEQA Guidelines in that it is not a project which has the potential for causing a significant effect on the environment.

There being no 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 application for a conditional use permit to convert one residential unit to commercial/office use, leaving one residential unit to remain as residential use, in conjunction with the existing commercial uses on the parcel at 210 Lane Street, Assessor's Parcel No. 054-062-040, the project site is zoned C-2 (Downtown Commercial), GC (General Commercial) General Plan designation, with the following additional condition:

Remove existing dropped curb and sidewalk and replace with standard curb, gutter, and sidewalk near the west side of the subject building.

The approval is with the determination that the project is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061 (b)(3) of the CEQA Guidelines in that it is not a project which has the potential for causing a significant effect on the environment.

The project approval is based on Staff's recommendation 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 change of a residential use to commercial/office use on the property located at 210 Lane Street 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 there are many commercial uses in the area.
 - 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 due to the fact there are many existing commercial uses in the vicinity of the project.
 - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because the commercial will likely create no more traffic than the residential use.
 - 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 for the reason in (c) above.
2. The use is compatible with the policies and objectives of the zoning ordinance which

allows commercial and residential use in the C-2 (Downtown Commercial) zone subject to obtaining a use permit authorization (YMC Section 16.34.070.S).

3. This project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines in that it is not a project which has the potential for causing a significant effect on the environment.

CONDITIONS:

1. Permittee granted a permit to change the residential unit to commercial/office use, leaving one residential unit to remain as a residential use, in conjunction with the existing commercial uses on the parcel, 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. Permittee shall comply at all times with the zoning district regulations for a C-2 zone as set forth in section 16.34 of the Yreka Municipal Code.

3. The change of use will be located in an existing facility in the C2 (Downtown Commercial) zone and can be served by existing on-site and existing municipal parking facilities.

4. Permittee shall remove existing dropped curb and sidewalk and replace with standard curb, gutter, and sidewalk near the west side of the subject building.

5. 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.

6. 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 subject commercial use.

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

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

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

NOES: None

SIGN USE PERMIT – WALL SIGN

KJL CONSULTANTS BY LUKE WALSH – 829 S. MAIN ST.

APPROVED

The Commission reviewed the application submitted by Luke Walsh for KJL Consultants for a sign use permit to install a 32 square foot (2' x 16') wall sign in addition to the existing 90 square feet of wall signs, for a total of 122 square feet of wall signage on the parcel, copy to read "Luke's Yreka Drug...", Assessor's Parcel No. 054-292-210, C-2 (Downtown Commercial) zone, GC (General Commercial) General Plan designation.

This being the time and date set for a public hearing on an application for a sign use permit to install a new wall sign on the property located at 829 S. Main Street, Chair Baird opened the hearing to the public.

Staff recommended approval subject to the conditions presented.

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

Applicant was in the audience and offered to answer questions as needed.

There being no additional 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 sign use permit to install a 32 square foot (2' x 16') wall sign in addition to the existing 90 square feet of wall signs, for a total of 122 square feet of wall signage on the parcel, copy to read "Luke's Yreka Drug...", Assessor's Parcel No. 054-292-210, C-2 (Downtown Commercial) zone, GC (General Commercial) General Plan designation with the determination that that the project is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15311(a) (on-premise signs) of the CEQA Guidelines.

The project approval is based on Staff's recommendation 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 installation of a 32 square foot (2' x 16') wall sign in addition to the existing 90 square feet of wall signs, for a total of 122 square feet of wall signage on the parcel, copy to read "Luke's Yreka Drug" will not:
 - a. be contrary to the public's interest, safety, health, and welfare because the proposed signs are in compliance with the City's sign regulations..
 - b. be detrimental to property or improvements in the neighborhood for the reason stated in a) above.
2. The subject property is a large parcel and has a large building in excess of 13,000 sq. ft. as provided in Section 13.68.020 of the Yreka Municipal Code and will therefore not be contrary to the intent of 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.

CONDITIONS:

1. The installation of a 32 square foot (2' x 16') wall sign in addition to the existing 90 square feet of wall signs, for a total of 122 square feet of wall signage on the parcel, copy to read "Luke's Yreka Drug" shall comply with the specifications and plans approved by the Planning Commission on May 18, 2011, 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 KJL Consultants by Luke Walsh approved by the Planning Commission on May 18, 2011, and shall not be deviated from without prior review and approval of the Planning Commission.
3. The signs shall be erected in accordance with 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. The signs shall harmonize with the materials, 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.

- 5. The signs shall be erected in accordance with Title 13, Signs, of the Yreka Municipal Code.
- 6. Permittee shall obtain a building permit and shall pay the necessary fees therefore prior to installing the electrical sign.
- 7. 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.
- 8. 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 McAllister seconded the motion. The motion carried by the following vote:

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

PUBLIC COMMENTS

None.

APPROVAL OF THE MINUTES OF THE APRIL 20, 2011 MEETING

The Commission, having received a copy of the minutes of the regular meeting of the Planning Commission held April 20, 2011, approved the minutes unanimously on a motion made by Commissioner Leal and seconded by Commissioner McAllister.

**USE PERMIT EXTENSION – HEALTH CLUB/FITNESS CENTER
DOSOMTHIN ATHLETICS BY RANDY DAVIS**

APPROVED

The Commission reviewed the application submitted by Randy Davis for Dosomthin Athletics for an extension of a use permit to operate a health club/fitness center including some retail sales at 614 S. Main Street. Assessor’s Parcel No. 054-231-080, CH (Commercial Highway) zone, GC (General Commercial) General Plan designation.

Staff recommended approval subject to the conditions presented.

Staff also recommended that the Planning Commission make a 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 Planning Commission previously authorized a six month temporary use permit for the

health club/fitness center use in June 2010, allowing time to assess possible parking impacts. Staff reported there had been no complaints about the parking and that use had mainly been operated in the evening when the adjacent businesses are closed.

Following Commission discussion, Commissioner Ohlund made a motion to approve the application to extend the use permit to operate a health club/fitness center including some retail sales at 614 S. Main Street. Assessor's Parcel No. 054-231-080, CH (Commercial Highway) zone, GC (General Commercial) General Plan designation. The 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 Staff's recommendation 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 Commission finds sufficient evidence by applicant that applicant will have access to use of at least 25 parking spaces during hours of operation.
2. The establishment and operation of a health club/fitness center facility including some retail sales using limited parking of 25 spaces 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 this use has been operating for the past 9 months and the City is not aware of conflicts on the use and no complaints have been received by 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 for the reason stated above (a).
 - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because the existing parking lot is large enough to accommodate the proposed use for the reason stated above (a).
 - 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 for the reason stated above (a).
3. 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.

4. The use is compatible with the policies and objectives of the zoning ordinance by obtaining a Use Permit approval.

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 conditional use permit to establish and operate a health club/fitness center facility including some retail sales 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 required parking for this application is 25 parking spaces.

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 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. 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.

7. 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, 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.

8. The change of occupancy under the building code will need to comply with applicable building code requirements. 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 California Title 24 Codes prior to use of a health/fitness facility.

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

10. Permittee shall secure an annual City business license to carry on the business of a health club/fitness center facility.

11. 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.

12. The use permit 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 or in the event the use permitted is abandoned or not utilized for a period of one year. Approval may be extended upon written application to the Planning Commission before expiration of the first approval.

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

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

COMMISSIONER’S STATEMENTS & COMMENTS

None.

There being no further business before the Commission, the meeting was adjourned at 6:55 p.m.

Pamela J. Hayden, Planning Director