

**Planning Commission Resolution PCR-22-01**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YREKA, CALIFORNIA, APPROVING THE CONDITIONAL USE PERMIT FOR THE SIDHU GAS STATION AND CONVENIENCE STORE PROJECT AND ADOPTION OF CLASS 1 (EXISTING FACILITIES) AND CLASS 2 (REPLACEMENT/RECONSTRUCTION) EXEMPTIONS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AT ASSESSOR'S PARCEL NUMBERS: 057-473-210 AND 057-473-240**

**WHEREAS**, Monte Sidhu submitted applications for a site plan and conditional use permit to construct and operate a convenience store and gas fueling station at 100 Montague Road and 814 N Main Street, Yreka CA 96097 (APN's 053-473-210 and 053-473-240); and

**WHEREAS**, Chapter 16.44 of the Yreka Municipal Code requires a conditional use permit application to be heard in a duly noticed public hearing and make necessary findings; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing to accept public comments and to consider the Project on February 16, 2022 at the Planning Commission regular meeting; and

**WHEREAS**, public notice was posted as per Government Code Sections 65090 and 65091, which requires specific posting requirements and noticing to property owners within 300 feet of the proposed development; and

**NOW THEREFORE BE IT RESOLVED**, the Planning Commission of the City of Yreka hereby determine the following:

Section 1. The factual data submitted by the Planning Department of the City of Yreka in the staff report dated February 16, 2022 are true and correct.

Section 2. For the foregoing reasons the Planning Commission determines that the Project is Categorically Exempt per Class 1, Section 15301 and Class 2, Section 15303 of the California Environmental Quality Act (CEQA) Guidelines.

Section 3. The Planning Commission finds that based upon the entire record, pursuant to Section 16.44.040 of the Yreka Municipal Code, all of the following findings can be made.

A. The proposed use is consistent with the General Plan and any applicable specific plan.  
*FACT: The proposed project meets the intent of the General Commercial and Commercial Tourist land use and zoning designations.*

B. The proposed project will not be materially detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of the proposed use.

*FACT: Subject to the issuance of a conditional use permit by the Planning Commission and subject to the Conditions of Approval, use of the site would remain consistent with the intent of the General Plan designation and zoning district. As such, the proposed project to construction and operate a convenience store and gas fueling island would not be materially detrimental to the health, safety, peace,*

*morals, comfort, and general welfare of persons residing or working in the neighborhood.*

- C. The proposal will not be materially detrimental to property or improvements in the neighborhood

*FACT: The proposal will not be materially detrimental to property or improvements in the neighborhood. Conditions of Approval and application of the City's municipal code will provide for commercial use compatible with the surrounding uses and adjacent streets.*

- D. The proposal will not be materially detrimental to the general welfare of the city.

*FACT: The proposed project will not generate significant noise or lighting. The proposed project will not increase traffic beyond the capacity of the existing infrastructure in the area and there is no proposed expansion of use to exceed the capacity of the existing infrastructure.*

Section 4. The Planning Commission recommends approval of the proposed project subject to the following conditions:

1. The use shall be conducted in accordance with the site plan as submitted and no alterations shall be made of the building location(s) and parking without prior approval of the Planning Commission; provided, however, upon request of the Applicant and showing of good cause, the Planning Director is authorized to permit minor modifications of the site plan without resubmission to the Planning Commission. Note that minor changes to the site plan may be required as part of the building permit process.
2. The use shall be conducted in accordance with all local, County, regional, state, and federal regulations which pertain to the demolition, construction, use, operation, and permitting of this project.
3. The Applicant shall submit a separate sign permit application for each sign proposed on the site project. The proposed sign(s) must meet the height and design requirements specified in the sign permit application guidelines and Yreka Municipal Title 13 – Sign Ordinance. No signs shall be placed on the premises without prior approval of the Planning Department.
4. All landscaping shall be installed, maintained, and replaced as necessary as depicted on this site plan.
5. Comply with the California Model Water Efficient Landscape Ordinance (MWELo) standards per the planting plan and the irrigation plan provided.
6. ADA parking spaces shall be marked, posted, and maintained in accordance with provisions of the Motor Vehicles Code and any other law or regulation now or hereinafter enacted.
7. Trash disposal area(s) shall be designed to consider the following structural or treatment control Best Management Practices (BMPs):
  - a. Design trash container areas so that drainage from adjoining roofs and pavement is diverted around the area(s) to avoid run-on. This may include berming or grading the waste handling area to prevent run-on stormwater.

Wastewater drainage shall be designed to meet the specifications of the Public Works Director.

- b. Make sure trash container areas are screened or walled to prevent off-site transport of trash.
  - c. Use lined bins or dumpsters to reduce leaking of liquid waste
  - d. Provide roofs, awnings, or attached lids on all trash containers to minimize direct precipitation and prevent rainfall from entering containers.
  - e. Pave trash storage areas with an impervious surface to mitigate spills.
  - f. Do not locate storm drains in immediate vicinity of the trash storage area.
  - g. Post signs on all dumpsters informing users that hazardous materials are not to be disposed of therein.
8. All outdoor lighting on the project site shall be directed away from the adjacent uses and shall be shielded so that, at a minimum, no light is emitted above a horizontal plane (parallel to the ground) from the base of the fixture. All exterior lighting shall be configured to prevent glare and light trespass onto neighboring properties.
  9. At no time shall ambient noise generated by the use exceed 65 decibels. Construction shall be confined to the hours of 7 AM to 7 PM Pacific Standard Time Monday through Saturday to eliminate nighttime noise generation. Exceptions may occur with the written approval of the Planning Director and not occur for more than three (3) consecutive days.
  10. Pursuant to Yreka Municipal Code Section 16.34.070, an amendment to this Conditional Use Permit shall be required for any change in use, size, or operation.
  11. All internal combustion engines used in conjunction with construction activities will be muffled in accordance with equipment manufacturer requirements as required in the Noise Element of the General Plan. The Project will be monitored for noise levels if complaints are received and operation will be restricted if the noise exceeds the limits of the General Plan Noise Element as required by the City Planning Department.
  12. The Conditional Use Permit may be 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. Extension of the conditional use permit outside of this time period shall only be granted by the Planning Commission.
  13. Use permit granted in accordance with the terms of this title may be revoked if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith, or if the Planning Commission finds, with the concurrence of the City Council, that the continuance of the use permit will endanger the public health, safety, or welfare.
  14. A letter from the California Department of Transportation (Caltrans) approving and certifying the proposed drainage report and ADA compliance of the sidewalk along the property shall be submitted to the Planning Department prior to issuance of the Certificate of Occupancy.

Section 4. The Planning Director shall certify to the adoption of this Resolution.

The forgoing resolution was introduced at the regular meeting of the Planning Commission of the City of Yreka on February 16, 2022, and was adopted by the following vote:

AYES: DEVLIN, FERNANDEZ, O'BRIEN, OSBORN, ROLZINSKI

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

  
Matt Osborn, Planning Commission Chair

ATTEST:

  
Juliana Lucchesi, AICP  
Planning Director