

**CITY OF YREKA PLANNING COMMISSION RESOLUTION PC 2022-04**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF YREKA APPROVING TURRE STREET  
REZONING AND CONDITONAL USE PERMIT  
APPLICATION 2022-16 WITH CONDITIONS AND ADOPT  
THE FINDING THAT THE PROJECT IS EXEMPT FORM  
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, the Zoning Code is the guiding planning document for current and future development within the City of Yreka; and

**WHEREAS**, State law requires cities and counties to adopt a Zoning Code that is consistent with the goals, policies, and programs of the adopted General Plan for that jurisdiction; and

**WHEREAS**, Frank and Lynda Hovanec, Applicants, submitted an application to rezone a portion of the city from Commercial Highway (CH) to Commercial and Professional Office (CPO) and a conditional use permit application convert the commercial space at 107 Turre Street into a residence for the purpose of selling the property; and,

**WHEREAS**, the property owner(s) of the properties involved in the rezoning have been notified of their interest in the rezoning and have either agreed or not submitted protest to the rezoning; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing as per Sections 65090 and 65091 of the California Government Code to accept public comments and to review and consider the application on May 18, 2022 and July 20, 2022; and

**WHEREAS**, the proposed zoning change is consistent with the current 2002 General Plan and not eligible for approval pursuant Government Code Section 65860; and

**WHEREAS**, the proposed project was evaluated for compliance with the California Environmental Quality Act (“CEQA”) and found to be exempt pursuant a “General Rule” exemption, Section 15601(b)(3) of the CEQA Guidelines;

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

Section 1. The factual data submitted by the Planning Department of the City of Yreka in the staff report dated July 20, 2022 are true and correct.

Section 2. For the foregoing reasons the Planning Commission determines that the Project is Exemption per the General Rule exemption pursuant to Section 15601(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.

Section 3. The Panning finds that based on the entire record, pursuant to Government Code Section 65860 that the Planning Commission is able to make the finding that the proposed rezoning from

Commercial Highway (CH) to Commercial Professional Office (CPO) is consistent with the 2002 General Plan.

Section 4. Upon the affirmative vote of the City Council of the City of Yreka, the following properties will be rezoned from Commercial Highway to Commercial Professional Office 30-days after the vote:

Situs Address	Assessor's Parcel Number
922 4 <sup>th</sup> Street	061-272-100
106 Turre Street	061-272-150
108 Turre Street	061-272-140
107 Turre Street	061-272-250
109 Turre Street	061-272-240
1011 4 <sup>th</sup> Street	061-272-350
Vacant	061-272-360
931 S. Main Street	061-281-030
935 S Main Street	061-281-050
939 S Main Street	061-281-060
104 Turre Street	061-281-070
1108 S. Oregon	061-311-300

Section 5. 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.

1. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the transportation and service facilities, the neighborhood, and the community. The following shall be considered to make this finding:

A. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-servicing uses in the areas; and

*FACT: The proposed residential conversion would not result in the expansion of use of the existing building.*

B. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function; and

*FACT: The proposed commercial conversion would not result in the need for a larger lot or additional utility capacity.*

C. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

*FACT: The proposed project was originally a residential single-family home and has not been modified to the point where it could not maintain that use. The finding can be made that the existing structure meets California Residential Building standards and is scaled to adjacent properties.*

2. Such use of feature as proposed will not adversely impact the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

A. The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures, so that the subject site is physically suitable for the type, density, and intensity of the use and related structures being proposed;

*FACT: The proposed commercial conversion to residential would not require any changes to the physical nature of the property. The existing building was previously a residential single-family unit with a covered parking spaces which meets building and municipal code standards.*

B. The accessibility and traffic patterns for persons, non-motorized vehicular traffic, and vehicles, the type and volume of such traffic, the adequacy of proposed off-street parking and loading, and of proposed alternatives to off-street parking;

*FACT: The conversion of the commercial space to residential would decrease the overall traffic patterns of the area. The property also maintains at least one covered parking space which meets the municipal code standards. The property has a clear walkway onsite from the front entry to the public right-of-way and access to on street parking if needed.*

C. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust, and odor;

*FACT: The conversion from a commercial salon to a residential unit would decrease the possibility of noxious odors from the commercial operation. The change in use from commercial to residential would potentially reduce the possible noise levels since residential uses are typically quieter than commercial uses. All surfaces on the property are paved or landscaped which prevents any dust issues.*

D. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting, and signs; and

*FACT: The property has existing landscaping that would be adequate for the conversion from commercial to residential use. The property had adequate parking and lighting to meet the residential standards set in the building and municipal codes. The property does have an existing commercial sign that would need to be removed prior to change in use; therefore, this finding can be made with the conditions listed.*

E. Will not be injurious to property or improvement in the neighborhood.

*FACT: The proposed conversion would not result in injurious to the existing property and would not impact the surrounding neighborhood. The proposed project does not include any changes to the existing structure or landscaping that could impact the surrounding uses.*

3. Such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the implementation of the General Plan; and

*FACT: The proposed conversion from commercial to residential use would not impact the implementation of the City's 2002 General Plan.*

4. Such use or feature are not contrary to the stated purpose of the applicable zoning district, specific plan, development regulations, and performance standards as proposed and will provide development that is in conformity with the stated purpose of the applicable zoning district, specific plan, and planned unit development.

*FACT: The proposed use would meet the stated purpose of the Commercial Professional Office zone, residential development regulations, and performance standards. The proposed conversion is not located on a property in a specific plan or planned unit development.*

5. That adequate public facilities and services, such as public access, water, sanitation, and public utilities are available to serve the site or will be made available concurrent with the proposed development.

*FACT: The proposed conversion would not result in the need for additional city services. The property is adequately supplied water and wastewater on existing connections. This finding can be made with no conditions.*

6. Such use or feature as proposed will not reduce or prevent the expansion of the City's residential unit inventory.

*FACT: The proposed conversion would increase the amount of housing within the city by one unit.*

Section 6. The Planning Commission recommends the 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. Prior to resident occupancy, all commercial signage shall be removed from the property.

4. 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.

5. 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.

6. 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.

Section 7. The Planning Director shall certify to the adoption of this Resolution.

The foregoing Resolution was adopted by the Planning Commission on the 20th day of July 2022 by the following vote:

AYES: Osborn, Fernandez, Rolzinski, and O'Brient

NOES: None

ABSENT: Devlin

ABSTAIN: None

  
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Matt Osborn, Planning Commission Chair

ATTEST:

  
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Juliana Lucchesi, AICP, Planning Director