

CITY OF YREKA CITY COUNCIL RESOLUTION 2022-~~33~~

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF YREKA APPROVING TURRE STREET REZONING
AND ADOPT THE FINDING THAT THE PROJECT IS
EXEMPT FROM 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 Planning Commission passed Planning Commission Resolution 2022-04 in a 4-0-1 vote at the July 20, 2022 regular meeting; 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 City Council of the City of Yreka does hereby determine the following:

Section 1. The factual data submitted by the City Council of the City of Yreka in the staff report dated August 2, 2022 are true and correct.

Section 2. For the foregoing reasons the City Council 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 City Council finds that based on the entire record, pursuant to Government Code Section 65860 that the City Council 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.

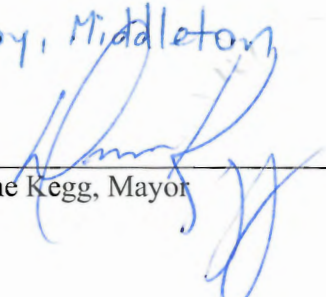
Section 4. Upon the affirmative vote of the City Council of the City of Yreka, the following properties will be rezoned from Commercial Highway (CH) to Commercial Professional Office (CO) 30-days after the vote:

Situs Address	Assessor's Parcel Number
922 4 th 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 th 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 7. The City Manager shall certify to the adoption of this Resolution.


The foregoing Resolution was adopted by the City Council on the 2nd day of August 2022 by the following vote:

AYES: Baird, Smith, Freeman, Kegg, McCoy, Middleton
 NOES:
 ABSENT:
 ABSTAIN:



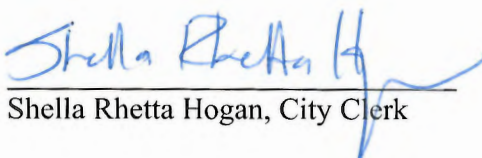
 Duane Kegg, Mayor

APPROVED AS TO FORM



 Dohn Henion, City Attorney

Attest:



 Shella Rhetta Hogan, City Clerk



**CITY OF YREKA
CITY COUNCIL AGENDA MEMORANDUM**

Prepared by: Juliana Lucchesi, AICP, Planning Director
Agenda Title: 2022-16 Turre Street Rezoning Application
Meeting date: August 2, 2022

Recommended Action:

Motion to approve CCR 2022-__ A Resolution of the City Council of the City of Yreka Approving Turre Street Rezoning and Adopt the Finding that the Project is Exempt From The California Environmental Quality Act

Background:

The Applicants, Frank and Lynda Hovanec, filed an application to rezone the properties at 107 and 109 Turre Street. The application was revised to rezone the properties and additional properties from Commercial Highway (CH) to Commercial Professional Office (CPO) for the purpose of selling the building as a residential home instead of a commercial space. The application was also revised to include a Conditional Use Permit to allow the building to be converted back to a residential use.

A letter was sent to all property owners that would have their zoning changed with this application. The Planning Department received two responses. One respondent wanted only additional information; Pacific Realty Associates LP requested that their properties (APN# 061-272-030, -070, and 061-281-010) remain CH zoning designation. The removal of the three parcels would not impact the ability of the Planning Commission or City Council from approving the proposed rezoning application.

Parcels Impacted:

Situs Address	Assessor's Parcel Number
922 4 th 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 th Street	061-272-350
Vacant	061-272-360
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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

Surrounding Conditions and Uses:

The properties to the north and east are zoned Commercial Highway with a General Plan designation of General Commercial. The properties to the west and south are zoned Residential Professional Office with a General Plan designation of Medium Density Residential.

The uses to the north and east are a collection of vacant properties, commercial businesses, and legally existing non-conforming residential homes. The properties to the west and south are mainly residential homes and commercial offices.

General Plan & City Code Consistency:

The 2002 City of Yreka General Plan Land Use Element contains land use designations for parcels within City Limits. The land use designation for the parcels is General Commercial. The purpose of the General Commercial designation is to provide land for larger commercial buildings and the historic district. The uses and buildings within the designation are oriented toward vehicle traffic rather than pedestrian traffic. Within the General Commercial designation, the following zoning code designations are allowed: Commercial Highway, Commercial Downtown, Commercial Neighborhood, Commercial Professional Office (Table 1). The requested Commercial Professional Office is a compatible zoning code designation with the General Plan land use designation.

	Land Use Designation		Possible Zone District
GC	General Commercial	C-1	Commercial Neighborhood
		C-2	Commercial Downtown
		CH	Commercial Highway
		CPO	Commercial Professional Office

Table 1-4 -General Plan Designation & Zone District Consistency (Source: 2022 City of Yreka General Plan)

The revised application to rezone the properties to CPO would be consistent with the 2002 General Plan and all other applicable city municipal codes.

Environmental Review:

The proposed application has been reviewed for environmental compliance with the California Environmental Quality Act (CEQA). The proposed zoning would not have any foreseeable direct or indirect impacts to the environment; therefore, the proposed amendments would not be considered a "project" under CEQA. This is called a General Rule exemption under CEQA Guidelines Section 15061(b)(3).

Review by Public & Outside Agencies:

The revised project sent interest letters to fifteen properties that could be rezoned to the CPO zoning designation to legitimize the residential uses and allow other CPO uses. The letters were sent to both the property owner and situs address to gauge interest of property owners. The Planning Department received three phone calls and one email asking for additional information.

The revised project was noticed to meet Government Code Section 65090 and 65091. These government codes require public noticing in the Siskiyou Daily news for a minimum of 10-days and letters sent to property owners within 300 feet of the proposed project. As referenced earlier in the "Background" section, the city received two comments that resulted in the removal of three parcels from the proposed rezoning.

Findings:

The City of Yreka did not have any adopted findings at the time of the rezoning application submission. The City shall rely on the state government code for guidance to approve, modify, or disapprove the proposed application.

California Government Code Section 65860 requires all zoning ordinances to be consistent with the goals, policies, and programs in the City's adopted General Plan. As discussed earlier, the proposed rezoning would be consistent with the City of Yreka 2002 General Plan. Therefore, the City Council may grant approval of the application base on that finding.

Planning Commission Review:

The Planning Commission held a duly noticed public hearing for the proposed rezoning and subsequent Conditional Use Permit at the May 18, 2022 and July 20, 2022, Regular Planning Commission meeting. The Commission unanimously approved with one member absent PCR 22-04 (Attachment 2). The Planning Commission addresses both the Conditional Use Permit and Rezoning. Conditional Use Permits do not need to be confirmed by the City Council unless appealed; therefore, the conditional use permit is not part of the application proposal to City Council.

Staff Recommendation:

City Staff recommend approving the revised rezoning application with no conditions of approval. The proposed CPO zoning is compatible with the existing General Plan designation and would not prevent the city from achieving the goals, policies, and programs in the 2002 General Plan.

City Staff recommend the City Council make the finding that the approval of the application for the rezoning would not result in impacts to the environment.

Attachments:

- 1. PCR 22-04 A Resolution of the Planning Commission of the City of Yreka Approving Turre Street Rezoning and Conditional Use Permit Application 2022-16 with Conditions and Adopt the Finding that the Project is Exempt From The California Environmental Quality Act.**
- 2. CCR 2022-__ A Resolution of the City Council of the City of Yreka Approving Turre Street Rezoning and Adopt the Finding that the Project is Exempt From The California Environmental Quality Act**