

Planning Commission Resolution PCR 2022 - 05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YREKA, CALIFORNIA, APPROVING THE CONDITIONAL USE PERMIT FOR THE GOLDEN EAGLE CHARTER SCHOOL AND ADOPTION OF CLASS 1 (EXISTING FACILITIES) EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AT ASSESSOR'S PARCEL NUMBER: 054-231-290

WHEREAS, Shelly Blakely, representative of the Golden Eagle Charter School, submitted an application for a conditional use permit to operate a charter school learning center at 520 S Main Street, Yreka CA 96097 (APN 054-231-290); 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 for Planning Commission to make necessary findings; and

WHEREAS, the Planning Commission held a duly noticed public hearing to accept public comments and to consider the Project on August 17, 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 August 17, 2022 are true and correct.

Section 2. For the foregoing reasons the Planning Commission determines that the Project is Categorically Exempt per Class 1, Existing Facilities, Section 15301 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.

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 use of the building as a charter school learning center would result in a change in operation to include a large influx of students and employees during the

early morning and evening times which differs from the original retail use. The proposed charter school use is not as intense as a typical public school due to the flexible scheduling of classes and tutoring. This means that the proposed use would not have the entire proposed 70 students onsite everyday and facilitate typical school pick-up and drop-off times. Therefore, the proposed use would not be so different from the original retail use or the retail use of the adjacent buildings as to cause other businesses to foreclose. This finding can be made without conditions.

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 use currently exists across the street in a smaller but similar commercial building. The neighborhood would continue to be served by the charter school at the 520 South Main Street location. The proposed use would not increase the square footage of the building or parking area which would not impact the function of the school. This finding can be made without conditions of approval.

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 use would occupy a building that already exists at the scale of the adjacent buildings. Any and all building modifications would be to bring the building into building code compliance for school facilities. Therefore this finding can be made with the condition that any and all improvements receive an approved building permit prior to changes being made.

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 use would utilize the existing building without modifications in size, shape, or arrangement. Therefore this finding can be made without conditions.

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 proposed use would require the use of the existing parking lot for employee and parent parking and pick-up/drop-off. The existing parking lot can accommodate 67 parking space and 2 ADA handicapped parking spaces. This exceeds the required number

of parking spaces by 37 spaces. The parking lot also has two driveways to allow for pick-up/drop-off of students. The circulation of the parking area should be signed and labeled for ease of use; therefore, a condition to install signage or sharrows indicating the flow of traffic in the parking area has been added as a condition of approval. With the proposed condition of approval this finding can be made for the proposed use.

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

FACT: The proposed use does not include the use of noxious or offensive emission such as noise, glare, dust, and odor. Therefore, this finding can be made without conditions.

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 proposed use would not require the installation of any new landscaping, screening, open spaces, parking and loading areas, services areas, lighting, or signage. The existing property has one pole sign that would be changed from "NAPA Auto Parts" to "Golden Eagle Charter School". A sign permit is required prior to the replacement of the sign. Therefore, a condition to apply for a sign permit prior to changing of the sign has been added to meet this finding.

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

FACT: The proposed use of the property does not have any reasonably foreseeable elements that could cause injury to property or the neighborhood. Therefore, this finding can be made without conditions.

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 use would not impact the implementation of the City's 2002 General Plan. To ensure the proposed conversion meets all applicable codes, a condition of approval is added to the conditional use permit. This finding can be made with the proposed condition that the residential use conform to all applicable federal, state, and local laws.

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 Highway zone, commercial development regulations, and performance standards. The proposed use is not

located on a property in a specific plan or planned unit development. This finding can be made with no conditions.

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 use 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 Commercial Highway allows for residential units as a conditional use as a second story unit. There is no second story to the existing building and there is no proposal to add a second story. The proposed use would not lead to the reduction or prevention of the expansion of the City's residential unit inventory. Therefore, this finding can be made without conditions.

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 conditional use permit application 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 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, state, and federal regulations which pertain to the use, operation, and permitting of this project.
3. The Applicant shall submit a separate sign permit application for each sign proposed. The proposed sign(s) must meet the height and design requirements specified in the sign permit 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.
5. Circulation of the parking lot and ADA parking spaces shall be marked, posted, and maintained in accordance with provisions of the Motor Vehicles Code and any other regulation now or hereinafter enacted. Student drop-off/pick-up shall only occur within the onsite parking lot.
6. 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.
7. 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.

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.

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 August 17, 2022, and was adopted by the following vote:

AYES: *Osborn, O'Brien, and Rolzinski*

NOES: *0*

ABSTAIN: *0*

ABSENT: *Fernandez and Devlin*



Matt Osborn, Planning Commission Chair

ATTEST:



Juliana Lucchesi, AICP
Planning Director