

MINUTES OF THE REGULAR MEETING OF THE
YREKA PLANNING COMMISSION HELD IN
THE YREKA CITY COUNCIL CHAMBER IN SAID CITY
ON THE 21ST DAY OF FEBRUARY 2007

On the 21ST day of February 2007, at 7:30 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 Rolzinski and present were:

Commissioners: Peggy Amaral
 Rollie Elsea
 Mark McAllister
 Richard Rolzinski
 Joe Schettino

Absent: Diane Knitter
 Judi Rowland

**USE PERMIT – COMMERCIAL STRIP MALL
TIM WILLIS – 1805 FT. JONES ROAD**

APPROVED

City Attorney McHugh asked Commissioner Rolzinski if his business was located within 500 feet of the proposed project. He reported it was not within 500 feet.

The Commission reviewed the application submitted by Tim Willis for a use permit to construct, establish, and operate a commercial strip mall with three tenant occupancy, including a drive thru coffee shop, fast food restaurant, and retail sales on the property located at 1805 Ft. Jones Road, Chair Rolzinski opened the hearing to the public.

This being the time and date set for a public hearing on an application for a use permit to construct, establish and operate a commercial strip mall on the property located at 1805 Ft. Jones Road, Chair Rolzinski opened the hearing to the public.

Staff reported the Technical Committee recommended approval subject to the following site plan and landscape plan modifications:

- Site plan modification allowing an island for power and a parking lot light near the rear parking lot.
- Relocate the red maple tree it is in conflict with the sewer line and assure it will not block driveway access visibility.
- Replace the pennisetum setaceum ‘cupreum’ – Fountain Grass as it is a noxious

weed with *Muhlenbergia rigens* – deer grass (a California native plant, easily propagated).

It was recommended by staff to process the application with an addendum to the Negative Declaration that was filed for Use Permit No. 3476 on April 22, 2005.

The proposed project is a modification to Use Permit No. 3476 approved April 20, 2005, which was a permit to construct, establish, and operate a service station, mini-mart, and fast food restaurant with a drive-up window. It was modified March 15, 2006, to delete the fast food restaurant, add a small car wash, relocate the fuel tanks, and modify the site plan.

The project approved with Use Permit No. 3476 was approved with a Negative Declaration that was circulated through the State Clearinghouse and was subject to Mitigation Measures. Use Permit No. 3476 project of construction, establishment, and operation of a service station, mini-mart, and fast food restaurant with a drive-up window is not substantially different from the proposed project of construction, establishment, and operation of a commercial strip mall with three tenant occupancy, including a drive thru coffee shop, fast food restaurant, and retail sales.

Substantial changes will not occur with respect to the circumstances under which the revised project is undertaken which will require major revisions of the previous Negative Declaration due to the involvement of new significant environmental effects. The revised project proposes adequate parking and landscaping, the accesses off Ft. Jones Road have been installed subject to Cal Trans specifications.

All previously approved Mitigation Measures will be a requirement of the revised project.

It was recommended that minor modifications to the landscape plan be allowed subject to City Manager approval.

Tim Willis, applicant, was in the audience and available for questions.

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

There was discussion regarding turn restrictions at the Ft. Jones Road ingress and egress.

Following Commission discussion, Commissioner Schettino made a motion to approve the application for a use permit to construct, establish and operate a commercial strip mall with a three tenant occupancy, including a drive thru coffee shop, fast food restaurant, and retail sales, plus a site, landscape and parking plan on the property located at 1805 Ft. Jones Road, Assessor's Parcel No. 62-161-230, M-1 zone, I General Plan designation subject to the following additional conditions:

- Site plan modification allowing an island for power and a parking lot light near the rear parking lot.

- Relocate the red maple tree if it is in conflict with the sewer line and assure it will not block driveway access visibility.
- Replace the pennisetum setaceum 'cupreum' – Fountain Grass as it is a noxious weed with Muhlenbergia rigens – deer grass (a California native plant, easily propagated).

The approvals were based on the Technical Committee's recommendations 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 construction, establishment and operation of a commercial strip mall with a three tenant occupancy including a drive thru coffee shop, fast food restaurant, and retail sales plus a site, landscape, and parking plan 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 as the use is in conformance with the General Plan and Zoning for the project location.
 - 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 use is in an area improved with fast food restaurants and retail sales businesses.
 - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because there is onsite parking consistent with the requirements of the Zoning Ordinance.
 - d. adversely affect matters regarding police protection, crime prevention, and security because the project is adjacent to similar uses.
 - e. adversely affect circulation or traffic patterns in the neighborhood or constitute a nuisance.
2. The use is compatible with the policies and objectives of the zoning ordinance.

CONDITIONS:

1. Permittee granted a permit to construct, establish and operate a commercial strip mall with three tenant occupancy, including a drive thru coffee shop, fast food restaurant,

and retail sales businesses 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. All elements of the project description shall be complied with.
3. Installation of grease traps shall be required for the food businesses as determined by the Building Official.
4. Project approval subject to compliance with the approved Mitigated Negative Declaration, Mitigation Measures and adopted Mitigation Monitoring Program.
5. An encroachment permit shall be obtained from Cal Trans for any work done in their right of way, including but not limited to the landscaping and irrigation as proposed.
6. Adequate off-street parking facilities shall be provided as follows: one (1) space for each 200 square feet of floor area and one space for each three seats plus one space for each employee of the maximum working shift as set forth in Sections 16.54.020(A)(2)(b) and 16.54.020(A)(5)(a) of the Yreka Municipal Code. For the project as submitted 51 parking spaces are required.
7. 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.
8. 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.
9. Use shall be conducted in accordance with the site plan as submitted and modified on February 20, 2007 and no alterations shall be made of the building location(s) parking and landscaping 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 and landscape plan without resubmission to the Planning Commission.
10. All landscaping shall be installed, maintained, and replaced as necessary as depicted on the site plan as modified including the additional conditions that the red maple tree be relocated if it is in conflict with the sewer line and assure it will not block driveway access visibility and replace the pennisetum setaceum 'cupreum' – Fountain Grass as it is a noxious weed with Muhlenbergia rigens – deer grass (a California native plant, easily

propagated).

11. Permittee shall comply at all times with the zoning district regulations for an M-1 zone as set forth in section 16.40 of the Yreka Municipal Code.
12. Outdoor lighting shall be directed only onto the property where the light source is located. Indirect illumination of adjacent properties shall not exceed one foot-candle in intensity.
13. Permittee shall comply with Policy Numbers 10 and 11 of the Noise Element of the General Plan which limit construction hours to between 7 a.m. and 5 p.m., and all internal combustion engines used in conjunction with construction activities shall be muffled in accord with equipment manufacture requirements.
14. Permittee shall submit storm water drainage plan subject to Director of Public Works and/or Building Official approval prior to start of construction or any on-site grading for potential installation of onsite storm water detention. Storm water permits will be obtained if required.
15. 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.
16. Prior to issuance of a certificate of occupancy the owner, applicant, or successor in interest shall pay to the City of Yreka \$2,760 for a pro rata share of the cost of improvements required as a cumulative condition of increased development at the Moonlit Oaks/ST3 intersection including the modification of the signal phasing to change to an 8-phase signal as determined by the City of Yreka.
17. 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 use of a commercial strip mall.
18. Permittee shall provide the city with verification of compliance with Siskiyou County Public Health Department requirements.
19. No signs shall be placed on the premises without prior approval of the Planning Department.
20. Permittee shall inform occupants of the need to secure an annual City business license to carry on a business within the City of Yreka.

21. 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.

22. The use permit shall be automatically 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.

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

AYES: Amaral, Elsea, McAllister, Rolzinski, Schettino
NOES: None

SIGN USE PERMIT – POLE, MONUMENT, AND WALL SIGNS
MCHALE SIGN CO BY BEN STORMS – 148 MOONLIT OAKS APPROVED

The Commission reviewed the application submitted by Ben Storms for McHale Sign Co. for a sign use permit to replace the existing 13' x 20' triangular (154 sq. ft. per side) pole sign with a 10'8" x 14'4" rectangular (154 sq. ft. per side) pole sign, the height will remain 165 feet; replace existing 5' x 8' (40 sq. ft. per side) monument sign with a 3'11" x 5'3" (20 sq. ft. per side) monument sign; and replace the existing 4'1" x 6'6" (26 sq. ft.) wall sign with a 3'11" x 5'3" (20 sq. ft.) wall sign, sign copy to read "Baymont Inn & Suites" on the property located at 148 Moonlit Oaks Avenue.

This being the time and date set for a public hearing for an application for a sign use permit to replace existing pole sign, monument sign, and wall sign Chair Rolzinski opened the hearing to the public.

Staff reported that the Technical Committee recommended approval.

Staff 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 15311(a) (On Premises Signs) of the CEQA Guidelines.

Sandra Palmer, Amerihost Manager, requested the Planning Commission approve the project.

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

Following discussion, Commissioner Elsea made a motion to approve the application for a sign use permit to replace the existing 13' x 20' triangular (154 sq. ft. per side) pole sign

with a 10'8" x 14'4" rectangular (154 sq. ft. per side) pole sign, the height will remain 165 feet; replace existing 5' x 8' (40 sq. ft. per side) monument sign with a 3'11" x 5'3" (20 sq. ft. per side) monument sign; and replace the existing 4'1" x 6'6" (26 sq. ft.) wall sign with a 3'11" x 5'3" (20 sq. ft.) wall sign, sign copy to read "Baymont Inn & Suites" on the property located at 148 Moonlit Oaks Avenue, Assessor's Parcel No. 62-161-200, CT (Commercial Tourist) zone, GC (General Commercial) General Plan designation, with the determination that the project is exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15311(a) (On Premises Signs) of the CEQA Guidelines. The approval is based on the Technical Committee's recommendations 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 replacement of existing signage will not:
 - a. be contrary to the public's interest, safety, health, and welfare.
 - b. be detrimental to property or improvements in the neighborhood.
2. The subject property is located at 148 Moonlit Oaks Ave. within the South Yreka Interchange as provided in Section 13.68.030 of the Yreka Municipal Code.

CONDITIONS:

1. The replacement of signs shall comply with the specifications and plans approved by the Planning Commission on February 21, 2007 and shall serve only to identify the business carried on said premises.
2. The permit does not constitute approval from the Department of Transportation of the State of California; the Permittee shall comply with any and all statutes, rules, and regulations of the State of California if applicable.
3. The signs shall be erected in accordance with the specifications and plans submitted by McHale Sign Co. for DRD Hospitality, Inc. and approved by the Planning Commission on February 21, 2007 and shall not be deviated from without the prior review and approval of the Planning Commission.
4. The signs shall harmonize with the materials, textures, sizes, shapes, 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 signs approved by the Planning Commission at its meeting held on
7. The signs shall be removed within thirty days after the businesses close and are no longer in operation on the property upon which the signs are located.
8. The sign use permit shall be automatically revoked and terminated if not used within one year from date of approval.

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

AYES: Amaral, Elsea, McAllister, Rolzinski, Schettino
NOES: None

**USE PERMIT – CHARTER SCHOOL RESOURCE LIBRARY
SHASTA PACIFIC DEV LLC 1515 S. OREGON ST**

APPROVED

The Commission reviewed the application submitted by Clayton M. Hayes for Shasta Pacific Development LLC for a use permit to establish and operate a resource library for Golden Eagle Charter School as a location to pick up books and materials, provide a meeting place for students and teacher, plus provide space for a resource teacher and a speech therapist to meet with their North County clientele on the property located at 1515 S. Oregon Street.

This being the time and date set for a public hearing for an application for a use permit to establish and operate a resource library for a charter school, Chair Rolzinski opened the hearing to the public.

Staff reported that the Technical Committee recommended approval subject to modification of the Findings and Conditions as recommended by the City Attorney. The Findings and Conditions included in the Planning Commissioner's packets contained the modifications recommended by the City Attorney.

Staff also recommended that the Planning Commission make the determination that the project is exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 Infill Development of the CEQA Guidelines.

Jan Pickens representing the Charter School requested that the Planning Commission approve the relocation of their Charter School resource library from Miner Street to the proposed location.

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

Following Commission discussion, Commissioner Amaral made a motion to approve the application for a use permit to establish and operate a resource library for Golden Eagle Charter School as a location to pick up books and materials, provide a meeting place for students and teachers, plus provide space for a resource teacher and a speech therapist to meet with their North County clientele on the property located at 1515 S. Oregon Street, Assessor's Parcel No. 61-341-050, RPO zone, MDR General Plan designation with the determination that the project is exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 Infill Development of the CEQA Guidelines. The approval is based on the Technical Committee's recommendations 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 establishment and operation of a resource library for Golden Eagle Charter School as a location to pick up books and materials, provide a meeting place for students and teachers, plus provide space for a resource teacher and speech therapist to meet with their North County clientele 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. The school will be located in a portion of a building previously used as a skilled nursing facility.
 - b. be detrimental to property or improvements in the neighborhood and the resource library use will not impair the desirability of investment or occupation in the vicinity because there are office and professional office uses on three sides of the project location and residential apartments use on the other.
 - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors as the parking plan was previously approved for the whole building.
 - d. adversely affect matters regarding police protection, crime prevention, and security as the students will be at the facility only during business hours.
 - e. adversely affect circulation or traffic patterns in the neighborhood or constitute a nuisance, because the circulation and traffic patterns will not be changed with this project.
2. The use is compatible with the policies and objectives of the zoning ordinance.
3. The proposed use for the Permit is for a Charter School, which the Legislature has found is part of the Public School System, as defined in Article IX of the California Constitution, California Education Code Section 47605. A charter school is subject to the provisions of Education Code Section 47605, et seq.

4. Pursuant to Section 47610 of the California Education Code, the provisions of the California Building Code as adopted and enforced by the local building enforcement agency are applicable to this use.

CONDITIONS:

1. Permittee granted a use permit approval to establish and operate a charter school resource library for Golden Eagle Charter School (with no more than four adults and 12 students on site at any given time) as a location to pick up books and materials, provide a meeting place for students and teachers, plus provide space for a Resource Teacher and Speech therapist to meet with their North County Clientele at the location and as 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. To confirm compliance with Education Code Section 47605 and in the interests of protecting the health, safety and welfare of students who will be on the premises for the use as a charter school, the following conditions are required for any use associated with a charter school at the premises, and Permittee shall provide proof of the following for compliance with Education Code Section 47605 prior to issuance of a Certificate of Occupancy in connection with this use or any other charter school use:

- a. A certification from the sponsoring school district confirming its sponsorship of the Charter School;
- b. The consent of Yreka Union High School District and Yreka Union School District to the location of this charter school within their jurisdiction;
- c. Proof of the corporate status, including certified copies of articles of incorporation; current proof of good standing certificate from the Secretary of State of the State of California; and a listing of all members of the Board of Directors of the charter school, and a copy of the school's charter.

3. Adequate off-street parking facilities shall be provided as follows: one (1) space for each employee including teachers, administrators, and custodians plus sufficient space for safe and convenient bus loading and unloading students as set forth in Section 16.54.020.A.3 of the Yreka Municipal Code; or as determined by the Planning Commission as set forth in Section 16.54.020.A.9. A variance was granted to the parking requirement for the entire existing building located at 1515 S. Oregon pursuant to Permit No. 3591 subject to the application submitted plus findings and conditions of approval. This permit does not modify the variance. Any expansion of use beyond the parking allotment granted in the variance would require Planning Commission review of the variance.

4. Permittee shall comply at all times with the zoning district regulations for a RPO zone as set forth in Section 16.26 of the Yreka Municipal Code.

5. Permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that the structure meets building standards and fire regulations of California Building Code and Fire Codes prior to use of subject structure as a resource library for Golden Eagle Charter School.

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

7. 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.

8. The use permit shall be automatically 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.

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

AYES: Amaral, Elsea, McAllister, Rolzinski
NOES: Schettino

**USE PERMIT – ARCADE & NIGHT CLUB FOR TEENS
PAULA RODRIGUEZ – 328 W. MINER ST**

APPROVED

The Commission reviewed the application submitted by Paula Rodriguez for a use permit to establish and operate an arcade and night club for teens on the property located at 328 W. Miner Street.

This being the time and date set for a public hearing for an application for a use permit to establish and operate an arcade and night club for teens, Chair Rolzinski opened the hearing to the public.

Staff reported that the Technical Committee recommended approval subject to the modification and addition of the following conditions:

Modify –

Permittee shall comply at all times with the zoning district regulations for a C2 zone as set forth in section 16.34 and Historic District regulations set forth in Title 17 of the Yreka Municipal Code *and Permittee is advised to facilitate compliance with Yreka curfew ordinances as they exist from time to time.*

Add –

Permittee shall provide the city with verification of compliance with Siskiyou County Public Health Department requirements.

The Committee also requested that the applicant be informed that the basement must meet building code requirements including that there must be two means of egress; therefore it may not be possible to utilize the basement as planned.

Staff also recommended that the Planning Commission make the determination that the project is exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 Infill Development of the CEQA Guidelines.

Paula Rodriguez, the applicant, offered to answer questions. She was asked what the hours of operation would be, she stated that weekdays it would be open during the day and on Friday and Saturday it would be open 8:00 p.m. to 11:30 p.m.

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

Commissioner's questioned if there was a problem in having a teen night club/arcade next door to a business serving alcohol and across the street from the sale of firearms. The City Attorney responded that the sale of firearms was specific to schools and that she would look in to the matter of on-site sale of alcohol adjacent to a teen night club/arcade.

Concern was also expressed regarding how dark it is at the back door and if patrons will be using the back door there should be additional lighting installed.

Following Commission discussion, Commissioner Amaral made a motion to approve the application for a use permit to establish and operate an arcade and night club for teens on the property located at 328 W. Miner Street, Assessor's Parcel #53-361-060, C-2 zone, HD General Plan designation with the following additional conditions:

Modify –

Permittee shall comply at all times with the zoning district regulations for a C2 zone as set forth in section 16.34 and Historic District regulations set forth in Title 17 of the Yreka Municipal Code *and Permittee is advised to facilitate compliance with Yreka curfew ordinances as they exist from time to time.*

Add –

Permittee shall provide the city with verification of compliance with Siskiyou County Public Health Department requirements.

Add-

Permittee shall install additional lighting at the rear entrance subject to approval by City staff.

And with the determination that the project is exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 Infill Development of the CEQA Guidelines. The approval is based on the Technical Committee's recommendations 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 establishment and operation of an arcade and night club for teens on the property located at 328 W. Miner 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.
 - 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.
 - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors.
 - 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.
2. The use is compatible with the policies and objectives of the zoning ordinance.

CONDITIONS:

1. Permittee granted a permit to establish and operate an arcade and night club for teens as 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. Noise or vibration shall not be offensive to adjacent businesses. If complaints are received the City will be obligated to initiate revocation procedures if appropriate.
3. Vehicle traffic and safety of pedestrians will be monitored and use permit may be modified if public safety is endangered by the teen night club operation at this location.
4. Adequate off-street parking facilities shall be provided as follows: one (1) space for each three fixed seats or one space for each fifty square feet of area available for public

use, whichever is greater, 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 as set forth in Section 16.54.020.A.5.c of the Yreka Municipal Code. Parking required at one space for each fifty square feet would be 56 and at one space per three fixed seats plus one space per employee would be 19.

5. Permittee shall comply at all times with the zoning district regulations for a C2 zone as set forth in section 16.34 and Historic District regulations set forth in Title 17 of the Yreka Municipal Code and Permittee is advised to facilitate compliance with Yreka curfew ordinances as they exist from time to time.

6. Permittee shall secure a Certificate of Occupancy and approval of the building and fire departments that structure meets building standards and fire regulations of the Uniform Building and Fire Codes prior to use of subject arcade and night club for teens.

7. Permittee shall install additional lighting at the rear entrance subject to approval by City staff.

8. Permittee shall obtain a building permit and shall pay the necessary fees therefor prior to making any building, electrical, mechanical, or plumbing alterations/improvements to the structures.

9. Permittee shall provide the city with verification of compliance with Siskiyou County Public Health Department requirements.

10. Permittee shall secure an annual City business license to carry on the business of an arcade and night club for teens.

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

12. 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.

13. The use permit shall be automatically 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.

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

AYES: Amaral, Elsea, McAllister, Rolzinski, Schettino
NOES: None

AUDIENCE STATEMENTS & COMMENTS

None.

APPROVAL OF THE MINUTES OF THE JANUARY 17, 2007 MEETING

The Commission, having received a copy of the minutes of the regular meeting held January 17, 2007 the minutes were approved on a motion made by Commissioner Amaral and seconded by Commissioner Elsea.

TEMPORARY USE PERMIT – NURSERY PLANT SALES**G & G HARDWARE BY JEFF BOURKE – 600 S. BROADWAY****APPROVED**

The Commission reviewed the application submitted by Jeff Bourke for G & G Hardware Ace Home Center for a Temporary Use Permit to establish and operate a temporary business of live nursery plant sales for the months of April 1, 2007 through June 30, 2007 in conjunction with the existing flooring sales business at 600 S. Broadway and in conjunction with the hardware business located across the street at 729 S. Broadway Street. Assessor's Parcel No. 54-301-040, C2 (Downtown Commercial) zone, GC (General Commercial) General Plan designation.

Staff reported that the Technical Committee recommended approval subject to the conditions presented.

Staff also recommended that the Planning Commission make the determination that the project is exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 Infill Development of the CEQA Guidelines.

Following Commission discussion, Commissioner Amaral made a motion to approve the application for a Temporary Use Permit to establish and operate a temporary business of live nursery plant sales for the months of April 1, 2007 through June 30, 2007 in conjunction with the existing flooring sales business at 600 S. Broadway and in conjunction with the hardware business located across the street at 729 S. Broadway Street, Assessor's Parcel No. 54-301-040, C2 (Downtown Commercial) zone, GC (General Commercial) General Plan designation, with the determination that the project is exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 Infill Development of the CEQA Guidelines. The approval is based on the Technical Committee's recommendations 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 establishment and operation of a temporary business of live nursery plant sales 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.
 - 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.
 - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors.
 - 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.
2. The use is compatible with the policies and objectives of the zoning ordinance.

CONDITIONS:

1. Permittee granted a temporary use permit terminating June 30, 2007 to establish and operate a landscaping materials yard and landscaping business 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. The requirement that adequate off-street parking facilities be provided as follows: one (1) space for each 2,000 square feet of floor area as set forth in Section 16.54.020 (A.2.d) of the Yreka Municipal Code shall be waived for this 3 month permit only, provided all parking spaces at the primary business located across the street at 729 Broadway Street remain open without merchandise to allow for maximum parking.
3. All existing on-site paved parking spaces at 600 S. Broadway shall remain unobstructed and usable for parking.
4. Use shall be conducted in accordance with the site plan as previously submitted and no alterations shall be made 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.
5. Permittee shall comply at all times with the zoning district regulations for a C2 zone

as set forth in section 16.34 of the Yreka Municipal Code.

6. 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, 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.
7. No signs shall be placed on the premises without prior approval of the Planning Department.
8. Permittee shall secure an annual City business license to carry on the temporary business of live nursery plant sales.
9. 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.
- 10. The use permit shall be automatically 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.**

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

AYES: Amaral, Elsea, McAllister, Rolzinski, Schettino
 NOES: None

USE PERMIT EXTENSION – 81 UNIT APARTMENT COMPLEX

RICKEY TORRES FOR GLOBAL PREMIER

ADJACENT TO 510 N. FOOTHILL DRIVE

APPROVED

The Commission reviewed the application submitted by Rickey Torres for Global Premier for extension of Use Permit No. 3457 to construct, establish, and operate an 81 unit family apartment community on a project site of approximately 6.75 acres. The project will consist of 10 two story wood frame structures on the property located north of and adjacent to 510 N. Foothill Drive.

Staff reported the Technical Committee recommended a one year extension subject to the conditions previously approved with the following modifications:

Modify:

4. A project specific water delivery study that evaluates the adequacy of water *supply and water* distribution to the project shall be conducted prior to building permit issuance.

The study shall take into consideration all other approved projects in the area. Whatever determination and recommendations are made *pursuant to that study* and approved by the Director of Public Works shall be complied with.

6. On-site fire truck access shall be designed to meet the requirements of *Article 9* of the California Uniform Fire Code.

A Negative Declaration was filed for Use Permit No. 3457 on February 18, 2005.

Staff administratively authorized a one year extension of this project on February 24, 2006 pursuant Y.M.C. Section 16.44.050. Extensions beyond that must be by Planning Commission approval.

Jeff Alardy, Construction Manager for the applicant requested support of the extension.

Following Commission discussion, Commissioner Schettino moved to approve a one year extension of Use Permit #3457 to construct, establish, and operate an 81 unit family apartment community on a project site of approximately 6.75 acres, on the property located north of and adjacent to 510 N. Foothill Drive, Assessor's Parcel Nos. 53-651-620 and 53-642-410, M-1 zone, I General Plan designation. The project will consist of 10 two story wood frame structures. Approval based on the Technical Committee's recommendations including the modification of Conditions 4 and 6 as follows:

4. A project specific water delivery study that evaluates the adequacy of water *supply and water* distribution to the project shall be conducted prior to building permit issuance. The study shall take into consideration all other approved projects in the area. Whatever determination and recommendations are made *pursuant to that study* and approved by the Director of Public Works shall be complied with.

6. On-site fire truck access shall be designed to meet the requirements of *Article 9* of the California Uniform Fire Code.

And subject to full compliance with all applicable city, state, and federal laws and regulations and the findings and conditions of approval as approved on February 16, 2005 and modified as follows:

FINDINGS:

1. The construction, establishment and operation of an 81 unit family apartment community on a project site of approximately 6.75 acres 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.

b. be detrimental to property or improvements in the neighborhood and the use will not impair the desirability of investment or occupation in the vicinity.

- c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors.
 - 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.
2. The use is compatible with the policies and objectives of the zoning ordinance.

CONDITIONS:

1. Permittee granted a permit to construct, establish and operate an 81 unit family apartment community on a project site of approximately 6.79 acres 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. All elements of the project description shall be complied with.
3. The City of Yreka is currently establishing development fees. The project shall be subject to development fees at time of building permit issuance.
4. A project specific water delivery study that evaluates the adequacy of water *supply and water* distribution to the project shall be conducted prior to building permit issuance. The study shall take into consideration all other approved projects in the area. Whatever determination and recommendations are made *pursuant to that study* and approved by the Director of Public Works shall be complied with.
5. Adequate off-street parking facilities shall be provided as follows: one and one half (1½) spaces for each dwelling unit as set forth in Section 16.22.040(D) of the Yreka Municipal Code. The parking spaces shall be 9' x 20' as set forth in Section 16.54.090.
6. On-site fire truck access shall be designed to meet the requirements of *Article 9* of the California Uniform Fire Code.
7. Street lights shall be installed on Foothill Drive pursuant to the Public Works standards.
8. Addresses shall be assigned in accordance with City of Yreka policy.
9. Fence heights shall be installed in accordance with Yreka Municipal Code Section 16.46.050.

10. 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.
11. 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.
12. Use shall be conducted in accordance with the site plan as submitted and no alterations shall be made of the building location(s) parking and landscaping 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.
13. All landscaping shall be installed, maintained, and replaced as necessary as depicted on a revised detailed landscape plan to be resubmitted for Planning Commission approval prior to building permit issuance. The revised plan shall include a plan for water efficient irrigation in accord with City policy.
14. Permittee shall comply at all times with the zoning district regulations for an M-1 zone as set forth in section 16.40 of the Yreka Municipal Code.
15. Permittee shall submit a soils analysis to the Building Official at time of building plan submittal.
16. Permittee shall submit a grading plan and storm water detention analysis for review and approval of the Director of Public Works and/or Building Official prior to start of construction or any on-site grading.
17. Sewer, water, and storm drain lines will be extended to accommodate the project.
18. All outdoor lighting will be designed to prevent unreasonable glare to adjoining properties and controlled by such reasonable means as are practical to prevent sky-reflected glare. Directional prismatic lenses and hooding devices will be utilized where possible.
19. Should any previously unidentified archaeological resources be revealed during excavation and construction activity, work will cease in the immediate vicinity of the discovery, and all reasonable measures will be taken to avoid or minimize harm to discovered resources until consultation with the State Historic Officer, as required by Section 106 of the NHPA is concluded.

20. Construction activities shall be limited to the hours of 7:00 a.m. to 5:00 p.m. as indicated in Policy No. 10 of the Noise Element of the City of Yreka General Plan.
21. All grading and construction work on the project site will incorporate the following dust control measures:
- All active construction areas will be watered at least twice daily or as required by the Building Official.
 - Soil stabilizers will be applied to inactivate construction areas as needed.
 - If visible soil material is carried onto adjacent public streets, such streets will be cleaned of the debris.
 - Dust-producing activities will be suspended when high winds create construction-induced visible dust plumes moving beyond the project site, in spite of dust control measures.
22. All graded slopes will be seeded with native grasses and covered with mulch upon completion of the grading. During construction, in those areas where storm water may run off exposed earth surfaces, straw bales will be used where necessary as a means to control silt run off in drainage areas.
23. Project noise levels shall not exceed those standards set forth in the Noise Element of the General Plan of the City of Yreka.
24. 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, 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.
25. 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 use of subject 81 unit family apartment community.
26. No signs shall be placed on the premises without prior approval of the Planning Department.
27. 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.

28. The use permit shall be automatically 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.

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

AYES: Amaral, Elsea, McAllister, Rolzinski, Schettino
NOES: None

COMMISSIONER'S STATEMENTS & COMMENTS

Commissioner's asked about the possibility of obtaining grant funding to install an additional water tank. The City Manager explained that the City of Yreka does not have a large enough targeted income base to qualify for most grants that are affordable due to the large City contribution required for other grants. A portion of the Development Impact Fees will be utilized for a new tank at some point in time.

Commissioner's indicated the new owner of Jolley's Club expressed interest in allowing the City to install landscaping, plaque, etc. out at the V near the intersection. The City Attorney responded that we have received no such offer but the City would entertain an offer. The ownership of that land is in question and would have to be surveyed before any specific activity occurs on that property.

Daily vendors at the Jolley's Club lot do obtain daily business licenses.

The status of planting trees on Main Street was addressed by Commissioner Schettino, he stated that the Downtown Revitalization Committee has discussed and is looking into a plan for planting trees not only on Main Street but also Broadway.

There being no further business before the Commission, the meeting was adjourned at 8:16 p.m.

Pamela J. Hayden, Planning Director