

MINUTES OF THE SPECIAL MEETING OF THE
YREKA PLANNING COMMISSION HELD
ON THE 28TH DAY OF NOVEMBER, 2012

On the 28th day of November, 2012 at 6:00 p.m., the Planning Commission of the City of Yreka met in the City Council Chamber in said city in special session. The meeting was called to order by Chair Leal and present were:

Commissioners: Deborah Baird, Diane Knitter, Steve Leal, Paul McCoy, Barry Ohlund, Matt Osborn and Richard Rolzinski. Absent: None

PUBLIC COMMENTS - None.

Consent Calendar: Chair Leal announced that all matters listed under the consent calendar are considered routine and will be enacted by one motion unless any member of the Planning Commission wishes to remove an item for discussion or a member of the audience wishes to comment on an item:

- a. Approval of the Minutes of the regular meeting held October 17, 2012.
- b. Approval of a one year extension of Permit # # 3818 for a site, landscape and parking plan for construction of a 6,160 sq. ft. office building.
Applicant: Rizzo Real Estate, Inc. by Glenn Rizzo, Location: 608 & 610 S. Main St.

Following Commission discussion, Commissioner Ohlund moved to approve the items on the consent calendar as submitted.

Commissioner Knitter seconded the motion, and upon roll call, the following voted YEA: Baird, Knitter, Leal, McCoy, Ohlund, Osborn, and Rolzinski.

Chair Leal thereupon declared the motion carried.

USE PERMIT – TO ALLOW THE USE OF LIVING QUARTERS IN A COMMERCIAL BUILDING BY GARY NELSON 306-316 W. MINER ST APPROVED

Commissioner's Ohlund and Knitter announced their recusal stating that they both have a conflict of interest due to owning property within 300 foot of the proposed project, and therefore recused themselves and left the Council Chamber.

The Commission reviewed the application submitted by Gary Nelson for a Use Permit to allow the use of living quarters on the second floor in a commercial building. Assessor's Parcel No. 053-361-120, C-2 (Commercial Downtown) zone, HD (Historical District) General Plan designation.

City Manager Baker presented the Commission with the staff report which included a recommendation to approve the application as submitted subject to the findings and conditions proposed by Staff and that the Planning Commission make a determination that the project is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061 (b) (3) of the CEQA Guidelines.

City Manager Baker reported that notification of the public hearing was mailed to property owners/occupants located within 300 feet of the project on November 9, 2012 and a Notice of Public Hearing was published in the Siskiyou Daily News on November 8, 2012.

PUBLIC HEARING – To receive public comments regarding allowing the use of living quarters in a commercial building. Chair Leal opened the hearing to the public.

There being no comments from the public, the public hearing was closed and discussion was opened to the Commission. Applicant was present for questions.

Motion: Following discussion, it was moved by Commissioner McCoy, seconded by Commissioner Baird, we make the findings that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act, and that we grant approval of the use of living quarters in a commercial building by Gary Nelson (Use Permit # 4162) subject to the Findings and Conditions of Approval, as submitted.

Upon roll call, the following voted YEA: Baird, Leal, McCoy, Osborn, and Rolzinski.

Chair Leal thereupon declared the motion carried.

The project approval is based on Staff's recommendation 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. To allow the use of living quarters on the second floor in a commercial building or use on the property located at 306 – 316 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 because there are many residential uses in the area.
 - b. be detrimental to property or improvements in the neighborhood and the residential use will not impair the desirability of investment or occupation in the vicinity due to the fact there are many existing residential uses in the vicinity of the project.
 - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because the residential use will likely create no more traffic than the commercial use.
 - 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 for the reason in (c) above.
2. The use is compatible with the policies and objectives of the zoning ordinance which

allows living quarters in any commercial building or use in the C-2 (Downtown Commercial) zone subject to obtaining a use permit authorization (YMC Section 16.34.070.T).

3. This project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines in that it is not a project which has the potential for causing a significant effect on the environment.

CONDITIONS:

1. Permittee granted a permit to allow the use of living quarters on the second floor in a commercial building or use on the parcel, 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. Permittee shall comply at all times with the zoning district regulations for a C-2 zone as set forth in section 16.34 of the Yreka Municipal Code.

3. The living quarters will be located on the second floor in an existing facility in the C2 (Downtown Commercial) zone and can be served by existing on-site and existing municipal parking facilities.

4. 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.

5. Permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that the structure meets the building standards and fire regulations of the California Building Code, California Fire Codes and the California Historical Building Code standards prior to residential/commercial use.

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. Use permit approval shall expire and terminate if not used within one (1) year from the date of approval unless, prior to the expiration of one year, a building permit is issued and construction is commenced. Approval may be extended upon written application to the Planning Commission before expiration of the first approval.

Commissioner's Ohlund and Knitter returned to their seats at the Commissioners table.

**SIGN USE PERMIT – TO INSTALL A DOUBLE SIDED POLE SIGN
BY PATS’ BBQ EXPRESS 1421 S. MAIN ST.**

APPROVED

The Commission reviewed the application submitted by Pats’ LLC dba: Pats’ BBQ Express for a Sign Use Permit to install a double sided pole sign 6’ x 8’ = 48 sq. ft. per side with a removable double sided hanging open sign 12” x 33” = 2.75 sq. ft. (101.50 sq. ft. total), the sign will be 11’ high, copy to read “Pats’ BBQ Express...”. Assessor’s Parcel No. 062-011-190, CH (Commercial Highway) zone, GC (General Commercial) General Plan designation.

City Manager Baker presented the Commission with the staff report which included a recommendation to approve the application subject to the conditions presented. Actual sign location shall be 10 ft. from the back of the sidewalk according to the site plan submitted and approved by the Chief of Police and the Building Official. Staff recommended that Planning Commission make a determination that the project is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15311 (a) (on-premise signs) of the CEAQ Guidelines.

City Manager Baker reported that notification of the public hearing was mailed to property owners/occupants located within 300 feet of the project on November 9, 2012 and a Notice of Public Hearing was published in the Siskiyou Daily News on November 13, 2012.

PUBLIC HEARING – To allow a Sign Use Permit to install a double sided pole sign 6’ x 8’ = 48 sq. ft. per side with a removable double sided hanging open sign 12” x 33” = 2.75 sq. ft. (101.50 sq. ft. total), the sign will be 11’ high, copy to read “Pats’ BBQ Express...”. Chair Leal opened the hearing to the public.

There being no comments from the public, the public hearing was closed and discussion was opened to the Commission. Paul Fardum of W-P Capital National Distributors was present for questions.

Motion: Following discussion, it was moved by Commissioner Rolzinski, seconded by Commissioner Knitter, we make the findings that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act, and that we grant approval to install a double sided pole sign by Pats’ BBQ Express (Sign Use Permit # 4163) subject to the Findings and Conditions of Approval, as submitted.

Upon roll call, the following voted YEA: Baird, Knitter, Leal, McCoy, Ohlunds, Osborn, and Rolzinski.

Chair Leal thereupon declared the motion carried.

The project approval is based on Staff’s recommendation 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 installation of double sided pole sign 48 sq. ft. per side with a removable double sided hanging open sign 12" x 33" = 2.75 sq. ft. (101.50 sq. ft. total), 11 feet high, copy to read "Pats' BBQ Express..." will not:
 - a. be contrary to the public's interest, safety, health, and welfare because the proposed sign is in compliance with the City's sign regulations.
 - b. be detrimental to property or improvements in the neighborhood for the reason stated in (a) above.
2. The subject property is located on Main Street between Oberlin Road and 4-H Way as provided in Section 13.68.030(A)(4) of the Yreka Municipal Code and will therefore not be contrary to the intent of Chapter 13 or the public interest, safety, health and welfare.
3. The Planning Commission made 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.

CONDITIONS:

1. The installation of a double sided pole sign 48 sq. ft. per side with a removable double sided hanging open sign (101.50 sq. ft. total), 11 feet high, copy to read "Pats' BBQ Express..." shall comply with the specifications and plans approved by the Planning Commission on November 28, 2012, and shall serve only to identify the business carried on said premises as stated in Yreka Municipal Code Section 13.12.050.
2. The sign shall be erected in accordance with the specifications and plans submitted for Pats LLC dba: Pats' BBQ Express approved by the Planning Commission on November 28, 2012, and shall not be deviated from without prior review and approval of the Planning Commission.
3. The sign shall be erected in accordance with Title 13, Signs, of the Yreka Municipal Code. Actual sign location shall be 10 ft. from the back of the sidewalk according to the site plan submitted by Pats' BBQ Express and approved by the Chief of Police and the Building Official.
4. The sign shall harmonize with the materials, textures, sizes, shape, heights, locations, and designs of the buildings, properties, or neighborhood of which they are a part, and as approved by the Planning Commission.
5. Permittee shall obtain a building permit and shall pay the necessary fees therefore prior to installing a pole sign.
6. The signs shall be removed within thirty days after the business closes and is no longer in operation on the property upon which the sign is located.

7. The sign use permit shall expire and terminate if not used within one (1) year from the date of approval. Approval may be extended upon written application to the Planning Commission before expiration of the first approval.

CITY MANAGER REPORT

City Manager Baker provided the Commission with a list of the Business License and Administrative Planning Permits issued for the month of October 2012.

COMMISSIONER'S STATEMENTS & COMMENTS

There being no further business before the Commission, the meeting was adjourned.

Steve Leal, Chair
Approved by motion of the
Planning Commission on December 19, 2012