

MINUTES OF THE REGULAR MEETING OF THE
YREKA PLANNING COMMISSION HELD IN
THE YREKA CITY COUNCIL CHAMBER IN SAID CITY
ON THE 19th DAY OF JANUARY 2011

On the 19th day of January, 2011 at 6:30 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 Knitter and present were:

Commissioners: Deborah Baird
 Diane Knitter
 Steve Leal
 Mark McAllister
 Barry Ohlund
 Richard Rolzinski

Absent: Matt Osborn

**USE PERMIT – SALE OF USED MERCHANDISE
ROBERT WARNER – 199 S MAIN ST.**

APPROVED

The Commission reviewed the application submitted by Robert Warner, for a conditional use permit to establish and operate the business of the sale of used vintage clothing, collectable items and media items such as VHS, books, vinyl records, DVD's, audio CD's and tapes, on the property located at 199 S. Main Street, Assessor's Parcel No. 054-042-080, C2 (Downtown Commercial) zone, GC (General Commercial) General Plan designation.

This being the time and date set for a public hearing on an application for a conditional use permit for the sale of used merchandise, Chair Knitter opened the hearing to the public.

Staff recommended approval subject to the conditions presented with the following clarification of Condition No. 4:

The business will go into an existing facility in the C2 (Downtown Commercial) zone and can be served by existing municipal parking facilities.

Staff also recommended that the Planning Commission make the determination that the 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.

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

Following Commission discussion, Commissioner Ohlund made a motion to approve the application for a conditional use permit to establish and operate the business of the sale of used vintage clothing, collectable items and media items such as VHS, books, vinyl records, DVD's, audio CD's and tapes, on the property located at 199 S. Main Street, Assessor's Parcel No. 054-042-080, C2 (Downtown Commercial) zone, GC (General Commercial) General Plan designation with the clarification of Condition No. 4 as follows:

4. The business will go into an existing facility in the C2 (Downtown Commercial) zone and can be served by existing municipal parking facilities.

The approval is based on Staff's recommendations, with the determination that 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.

The approval is 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 the business of the sale of used vintage clothing, collectible items, and media items such as VHS, books, vinyl records, DVD's, audio CD's, and tapes, 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 the use is located in an area where there are other commercial and retail sales uses.

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 for the reason stated above.

c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because there are two City parking lots located within one and a half blocks in addition to street parking that are adequate to accommodate the proposed 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 because the building currently exists in the commercial zone, the proposed use will not alter traffic on the existing streets.

2. The use is compatible with the policies and objectives of the zoning ordinance by obtaining a Use Permit approval.
3. The 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 establish and operate of the business of the sale of used vintage clothing, collectable items, and media items such as VHS, books, vinyl records, DVD's, audio CD's and tapes 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. There shall be no storage or display of merchandise outside the building.
3. This permit shall not be effective unless and until applicant has obtained the necessary permits through the State Department of Justice and Yreka Police Department pursuant to the Business and Professions Code Section 21640 if required.
4. The business will go into an existing facility in the C2 (Downtown Commercial) zone and can be served by existing municipal parking facilities.
5. Permittee shall comply at all times with the zoning district regulations for a C2 zone as set forth in section 16.38 of the Yreka Municipal Code.
6. 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 California Title 24 Codes prior to use of property for the sale of used merchandise.
7. Permittee shall obtain a building permit and shall pay the necessary fees therefore prior to making any building, electrical, mechanical, or plumbing installations and/or improvements.
8. No signs shall be placed on the premises without prior approval of the Planning Department.
9. Permittee shall secure annual City business licenses to carry on the sale of used merchandise.

10. 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.

11. The use permit 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 or in the event the use permitted is abandoned or not utilized for a period of one year. Approval may be extended upon written application to the Planning Commission before expiration of the first approval.

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

AYES: Baird, Knitter, Leal, McAllister, Ohlund, Rolzinski
NOES: None

PUBLIC COMMENTS

None.

APPROVAL OF THE MINUTES OF THE DECEMBER 15, 2010 MEETING

The Commission, having received a copy of the minutes of the regular meeting of the Planning Commission held December 15, 2010, approved the minutes unanimously on a motion made by Commissioner Leal and seconded by Commissioner Baird.

ELECTION OF OFFICERS

Chair Knitter relinquished the role of Chair to the City Attorney, Mary Frances McHugh, and she assumed the position of Chair for election of officers and opened the nominations for Chair.

Commissioner Knitter nominated Commissioner Baird for Chair. Commissioner Ohlund made a motion to close the nominations. Commissioner Rolzinski seconded the motion, all voting aye the motion carried. There being no contest, City Attorney McHugh declared the election of Debbie Baird for Chair by acclamation.

City Attorney McHugh opened the nominations for Vice Chair. Commissioner Rolzinski nominated Commissioner Leal for Vice Chair, there being no further nominations for Vice Chair. Commissioner Knitter made a motion to closed nominations, Commissioner McAllister seconded the motion, all voting aye the motion carried.

There being no contest, City Attorney McHugh declared the election of Steve Leal for Vice Chair by acclamation.

The Chair was relinquished back to Chair Knitter.

COMMISSIONER'S STATEMENTS & COMMENTS

Staff reported that the crosswalks at S. Main and Broadway, S. Main and 829 S. Main, and at the Bruce and Main Street intersections have been upgraded with "piano key" and "shark teeth" crosswalk markings by Caltrans as they said they would do. It was recommended that a letter of thanks be written to Caltrans.

Staff reported on the status of plans for the Planners Institute.

Commissioner Rolzinski asked if the Goodwill relocation needed a permit. Staff reported that they did not need a use permit to relocate and take over the existing facility.

There being no further business before the Commission, the meeting was adjourned at 6:47 p.m.

Pamela J. Hayden, Planning Director