

MINUTES OF THE REGULAR MEETING OF THE  
YREKA PLANNING COMMISSION HELD IN  
THE YREKA CITY COUNCIL CHAMBER IN SAID CITY  
ON THE 18<sup>th</sup> DAY OF NOVEMBER 2009

On the 18<sup>th</sup> day of November 2009 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  
  Matt Osborn  
  Richard Rolzinski

Absent:                                 None

**USE PERMIT – LIQUOR STORE**

**MICHELLE GREWAL – 1801 FT. JONES RD.**

**APPROVAL**

The Commission reviewed the application submitted by Michelle Grewal for a use permit to establish and operate a retail liquor store on the property located at 1801 Ft. Jones Road, Assessor's Parcel No. 062-161-070.

This being the time and date set for a public hearing for an application for a use permit to establish and operate a retail liquor store, Chair Knitter opened the public hearing to the audience.

Staff reported the Technical Committee recommended approval subject to the conditions presented with the following modifications and additional conditions:

- Permittee shall install interior security cameras prior to occupancy of the retail liquor store.
- No signs shall be placed on the premises without prior approval of the Planning Department. The existing roof sign must be removed and the roof restored to a weather resistant condition using similar materials as the existing roof.

- No tarps shall be allowed on the roof beyond 30 days as temporary use, and then for emergencies only.
- All landscaping shall be maintained and replaced as necessary as depicted on the site plan. Occupancy shall not be permitted until the weeds have been removed from the existing landscaped areas. Occupancy shall also not be permitted until the plants are replaced in the landscaped areas as provided in the landscape plan and an irrigation system compliant with Yreka Municipal Code Section 11.38.050 is installed to insure the survival of the plants; or, until an Improvement Agreement is completed and security is posted in the amount of one hundred fifty percent to cover the costs of installation if the Permittee does not comply with the Agreement and City must complete the work.
- Permittee shall install security lighting at the rear of the building and it shall 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 should be utilized when possible. (YMC 16.46.060) Lighting is subject to Building Official approval.
- The dilapidated cyclone fence located along Moonlit Oaks Avenue shall be removed.

Staff also recommended 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 in that it is not a project which has the potential for causing a significant effect on the environment.

Mr. Grewal, Michelle's father, reported that he was in agreement with the conditions as proposed.

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

Following Commission discussion, Commissioner McAllister made a motion to approve the application for a use permit to establish and operate a retail liquor store on the property located at 1801 Ft. Jones Road, Assessor's Parcel No. 062-161-070, CT zone, GC General Plan designation, 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 and subject to the conditions as recommended, with the following modifications and additional conditions:

- Permittee shall install interior security cameras prior to occupancy of the retail liquor store.

- No signs shall be placed on the premises without prior approval of the Planning Department. The existing roof sign must be removed and the roof restored to a weather resistant condition using similar materials as the existing roof.
- No tarps shall be allowed on the roof beyond 30 days as temporary use, and then for emergencies only.
- All landscaping shall be maintained and replaced as necessary as depicted on the site plan. Occupancy shall not be permitted until the weeds have been removed from the existing landscaped areas. Occupancy shall also not be permitted until the plants are replaced in the landscaped areas as provided in the landscape plan and an irrigation system compliant with Yreka Municipal Code Section 11.38.050 is installed to insure the survival of the plants; or, until an Improvement Agreement is completed and security is posted in the amount of one hundred fifty percent to cover the costs of installation if the Permittee does not comply with the Agreement and City must complete the work.
- Permittee shall install security lighting at the rear of the building and it shall 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 should be utilized when possible. (YMC 16.46.060) Lighting is subject to Building Official approval.
- The dilapidated cyclone fence located along Moonlit Oaks Avenue shall be removed.

The approval is based on Staff's and the Technical Committee's recommendations and 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 a retail liquor store 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 liquor store will be located in an existing structure that was previously occupied with a restaurant with adequate parking available.
  - 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 in (a) above.

c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors for the reason stated in (a) above.

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 stated in (a) above.

2. The use is compatible with the policies and objectives of the zoning ordinance.

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 a retail liquor store 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 application including site, landscape, and parking plan as approved shall be complied with.

3. Permittee shall install interior security cameras prior to occupancy of the retail liquor store.

4. Adequate off-street parking facilities shall be provided as follows: one (1) space for each two hundred square feet of floor area as set forth in Section 16.54.020.A.2.b of the Yreka Municipal Code.

5. 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 Building Official and City Engineer and in accordance with Section 16.54.090 of the Yreka Municipal Code.

6. 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.

7. Use shall be conducted in accordance with the site plan as submitted and previously

approved 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.

8. All landscaping shall be maintained and replaced as necessary as depicted on the site plan. Occupancy shall not be permitted until the weeds have been removed from the existing landscaped areas. Occupancy shall also not be permitted until the plants are replaced in the landscaped areas as provided in the landscape plan and an irrigation system compliant with Yreka Municipal Code Section 11.38.050 is installed to insure the survival of the plants; or, until an Improvement Agreement is completed and security is posted in the amount of one hundred fifty percent to cover the costs of installation if the Permittee does not comply with the Agreement and City must complete the work.

9. Permittee shall comply at all times with the zoning district regulations for a CT zone as set forth in section 16.38 of the Yreka Municipal Code.

10. 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.

11. 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 retail liquor store.

12. No signs shall be placed on the premises without prior approval of the Planning Department. The existing roof sign must be removed and the roof restored to a weather resistant condition using similar materials as the existing roof.

13. No tarps shall be allowed on the roof beyond 30 days as temporary use, and then for emergencies only.

14. Permittee shall install security lighting at the rear of the building and it shall 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 should be utilized when possible. (YMC 16.46.060) Lighting is subject to Building Official approval.

15. The dilapidated cyclone fence located along Moonlit Oaks Avenue shall be removed.

16. Permittee shall secure an annual City business license to carry on the business of a liquor store.

17. 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.

**18. 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 Baird seconded the motion. The motion carried by the following vote:

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

## **PUBLIC COMMENTS**

None.

## **APPROVAL OF THE MINUTES OF THE OCTOBER 28, 2009 MEETING**

The Commission, having received a copy of the minutes of the special meeting held October 28, 2009, approved the minutes on a motion made by Commissioner Leal and seconded by Commissioner McAllister.

## **SITE, LANDSCAPE, AND PARKING PLAN - EXTENSION**

**RIZZO REAL ESTATE BY GLENN RIZZO – 608 & 610 S. MAIN APPROVED**

Commissioner Baird recused herself from participating in this agenda item due to a financial relationship with the applicant to prevent a possible conflict of interest in this matter and she left the room.

Commissioner Ohlund recused himself from participating in this agenda item due to a financial relationship with the applicant to prevent a possible conflict of interest in this matter and he left the room.

The Commission reviewed the application submitted by Glenn Rizzo of Rizzo Real Estate, Inc. for extension of Permit No. 3818 for a site, landscape, and parking plan for construction of a 6,160 sq. ft. office building on the property located at 608 and 610 S. Main Street, Assessor's Parcel No. 54-231-300.

Staff reported that the Technical Committee recommended approval of a one year extension subject to the conditions previously approved with the following modifications and additions:

2. An encroachment permit shall be obtained from *Cal Trans* prior to any work in the Main Street right-of-way. *An encroachment permit shall be obtained from the City of Yreka prior to any work on City facilities.*

*Permittee shall remove and replace damaged sidewalk along the subject property Main Street frontage.*

Staff also reported that the project was previously processed as exempt from the provisions of the California Environmental Quality Act pursuant to Section 15332 (Infill Development) of the CEQA Guidelines.

Condition No. 12 required a boundary line adjustment (BLA) to be recorded prior to commencement of construction. A boundary line adjustment was approved and has been recorded. Permittee requested that Assessor's Parcel No. 54-231-080 not be included in this BLA and instead they will record a parking agreement, prior to issuance of a certificate of occupancy for the new structure, providing common parking with the businesses located on the adjacent parcels. The adjacent property is under the same ownership as this project and there would be sufficient parking available to do common parking for the office use proposed.

Following Commission discussion, Commissioner Rolzinski made a motion to approve the application for a one year extension of Permit No. 3818 for a site, landscape, and parking plan for construction of a 6,160 sq. ft. office building on the property located at 608 and 610 S. Main Street, Assessor's Parcel No. 54-231-300, CH zone, GC General Plan designation with the following modifications and additions:

2. An encroachment permit shall be obtained from *Cal Trans* prior to any work in the Main Street right-of-way. *An encroachment permit shall be obtained from the City of Yreka prior to any work on City facilities.*

*Permittee shall remove and replace damaged sidewalk along the subject property Main Street frontage.*

The approval is based on Staff's and the Technical Committee's recommendations and is subject to full compliance with all applicable city, state, and federal laws and regulations and the following conditions of approval as modified:

#### CONDITIONS:

1. All conditions hereinafter set forth shall be complied with by the Permittee prior to issuance of a certificate of occupancy.

2. An encroachment permit shall be obtained from *Cal Trans* prior to any work in the Main Street right-of-way. *An encroachment permit shall be obtained from the City of Yreka prior to any work on City facilities.*

3. Permittee shall offer to the City of Yreka for dedication a 15 foot utility easement for storm water drainage through the parking lot, the exact location to be determined by the Permittee and Director of Public Works.
4. The site, landscape and parking plans application as re-submitted by Robert Glenn Rizzo for Rizzo Real Estate Inc. dated May 29, 2007 as modified and approved by the Planning Commission on June 20, 2007 shall not be changed or deviated from without approval of the Planning Commission. After construction of improvements, no changes in use of the existing structures and no additional structures shall be built, and no open space, off-street parking facilities and public access areas, or landscaping shall be altered 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. Adequate off-street parking shall be provided as follows: One space for each 200 square feet of floor area for office use as set forth in Sections 16.54.020 (A.2.b) of the Yreka Municipal Code.
6. The design and location of the off-street parking facilities as shown on the site plan dated January 13, 2006, and approved by the Planning Commission on June 20, 2007 shall not be deviated from unless prior approval of the Planning Commission (with the exception as stated in Condition #4) is secured, and all loading, employee, and customer parking areas shall be paved and striped. Bumper rails or other barriers shall be provided where needed for safety or to protect property, as determined by the Director of Public Works and in accordance with Section 16.54.090 of the Yreka Municipal Code.
7. 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.
8. All landscaping shall be installed, maintained, and replaced as necessary as depicted on the approved landscape plan, and shall be completed prior to issuance of a certificate of occupancy or until security is posted in the amount of one hundred fifty percent to cover the costs of the unfinished work.
9. Permittee shall submit an irrigation design plan meeting the requirements of Section 11.38.050 of the Yreka Municipal Code prior to building permit issuance, for approval by the City Manager or Building Official.
10. A detention basin for storm water runoff is not required if adequate on-site facilities are installed to carry the flow from a 100 year storm to Yreka Creek as approved by the Director of Public Works. Permittee shall install the private storm drain and maintain it in perpetuity.
11. Permittee shall show compliance with FEMA (Federal Emergency Management

Agency) Flood Insurance Rate Map Flood Insurance Rate Map, dated November 18, 1981, prepared by the Federal Insurance Administration for the City of Yreka. Construction of buildings and structures at or above one foot above the base flood elevation may affect flood insurance rates.

12. Permittee shall submit application for boundary line adjustment (BLA) to combine Assessor's Parcel Nos. 54-231-160, 54-231-270, and portion of 54-231-080 to incorporate the project area into one parcel. Application shall be submitted to the Yreka Planning Department for approval, upon approval of the boundary line adjustment and any conditions imposed by the Planning Director, the lot line adjustment shall be reflected in a deed or record of survey which shall be recorded with the County Recorder prior to commencement of construction of the office building and parking lot. *BLA RECORDED 11/29/07 FOR A.P. # 54-231-160 & 54-231-270. AP# 54-231-080 WAS NOT INCLUDED IN THE BLA, SUBJECT TO THE CONDITION THAT PRIOR TO OCCUPANCY OF THE STRUCTURE A PARKING AGREEMENT MUST BE RECORDED PROVIDING COMMON PARKING WITH THE BUSINESSES LOCATED ON THE ADJACENT PARCELS.*

13. Permittee shall provide documentation as to the location of Yreka Creek in relation to the east property boundary lines and compliance with Yreka Municipal Code Section 16.56.030 that provides that no person shall alter, fill, excavate, divert, remove vegetation from, or place any obstruction in or upon any water channel (forty-five feet centered on the thread of Yreka Creek) within the city, or permit liquid waste to enter a water channel without prior approval.

14. Permittee shall comply at all times with the zoning district regulations for a CH (Commercial Highway) zone as set forth in Section 16.36 of the Yreka Municipal Code.

15. Permittee shall obtain a building permit and shall pay the necessary fees therefore prior to starting construction of the office building.

16. *Permittee shall remove and replace damaged sidewalk along the subject property Main Street frontage.*

**17. The site plan approval shall be automatically revoked and terminated if not used within one 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 Leal seconded the motion. The motion carried by the following vote:

AYES: Knitter, Leal, McAllister, Osborn, Rolzinski  
NOES: None

Commissioner's Baird and Ohlund returned to the Commissioner's table.

**INFORMATIONAL ITEM**  
**CITY OF YREKA**

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City Attorney McHugh reported on the status of a possible ban of medicinal marijuana dispensaries within the city limits of Yreka. A proposal will be presented to the City Council to establish a temporary moratorium to ban medicinal marijuana dispensaries and refer a possible ordinance to the Planning Commission for a zone text amendment for the ban.

**COMMISSIONER'S STATEMENTS & COMMENTS**

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Miscellaneous questions of the Commission were addressed.

There being no further business before the Commission, the meeting was adjourned at 7:10 p.m.

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Pamela J. Hayden, Planning Director