

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 OCTOBER, 2011

On the 19TH day of October, 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 Baird and present were:

Commissioners: Deborah Baird
 Richard Rolzinski
 Matt Osborn
 Steve Leal

Absent: Diane Knitter
 Barry Ohlund

**USE PERMIT – PERMIT TO REBUILD
JOHN ELLIS – 211-215 THIRD STREET** **APPROVED**

The Commission reviewed the application submitted by John Ellis for a use permit to rebuild the existing duplex and single family residence to the current footprint in the event of fire or other casualty. The duplex is non-conforming because there is a 10 foot rear setback required and the current setback ranges from 2 feet to 4.2 feet (YMC 16.34.040), the duplex is non-conforming because 4 parking spaces are required and only three are existing (YMC 16.20.040.D.1), the house is non-conforming because a two car garage is required and there is no garage (YMC 16.18.040.D). Assessor’s Parcel No. 053-282-100, C2 (Downtown Commercial) zone, HD (Historic District) General Plan designation.

This being the time and date set for a public hearing on an application to rebuild the existing duplex and single family residence to the current footprint in the event of fire or other casualty as stated above, on the property located at 211-215 Third Street, Chair Baird opened the hearing to the public.

Staff recommended approval subject to the conditions presented.

Staff also 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 15061(b)(3) of the CEQA Guidelines in that it is not a project which has potential for causing a significant effect on the environment.

John Ellis, applicant, stated he had received a letter from the Planning Director explaining the zoning allows the continued use of the property as a single family

residence and a two unit apartment. For refinancing purposes he needs a "burn letter" to allow the structures to be rebuilt to the original footprint if damaged by fire or other casualty. John offered to answer questions and expressed his gratitude for the help received from staff in the application process.

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

Following Commission discussion, Commissioner Rolzinski made a motion to approve the application for a Use Permit to rebuild the existing duplex and single family residence to the current footprint in the event of fire or other casualty on the property located at 211-215 Third Street. The duplex is non-conforming because there is a 10 foot rear setback required and the current setback ranges from 2 feet to 4.2 feet (YMC 16.34.040), the duplex is non-conforming because 4 parking spaces are required and only three are existing (YMC 16.20.040.D.1), the house is non-conforming because a two car garage is required and there is no garage (YMC 16.18.040.D). Assessor's Parcel No. 053-282-100, C2 (Downtown Commercial) zone, HD (Historic District) General Plan designation.

The project 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 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 structure is a multifamily dwelling as described in California Government Code Section 65852.25.
2. The City records do not contain information sufficient to determine when these structures were constructed nor if building permits were obtained for the construction. Under the zoning regulations in effect today the duplex is non-conforming because there is a 10 foot rear setback required and the current setback ranges from 2 feet to 4.2 feet (YMC 16.34.040) and because 4 parking spaces are required and only three are existing (YMC 16.20. 040.D.1); the house is non-conforming because a two car garage or carport is required and there is no garage or carport, there are two off street parking spaces located within the front setback (YMC 16.18.040.D).
3. Pursuant to the provisions of California Government Code Section 65852.25(b), the Planning Commission finds that rebuilding the existing structures to the current footprints in the event of involuntary destruction by fire, or other catastrophic event, or by the public enemy will not:

a. be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood, because the duplex and single family residence are located in a block that has other multifamily residential units and there will not be unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because the use will not change from the existing use; and there would be no change in the circulation or traffic patterns in the neighborhood.

b. be detrimental or injurious to property or improvements in the neighborhood because the current use would not change, the subject property is zoned C-2 (Downtown Commercial) which allows residential uses subject to a conditional use permit. The surrounding property uses are also multi-family residential. The surrounding property is zoned C-2 (Downtown Commercial) and RPO (Residential Professional Office).

4. The dwelling units may be reconstructed, restored, or rebuilt up to their pre-damaged size and number of dwelling units, if the rebuilding and the use conform to the requirements set forth hereafter.

5. Pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) this action is determined to be exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

CONDITIONS:

Based on the foregoing findings, the Planning Commission approves the reconstruction of the existing duplex and the single family residence to the current footprint in the event of involuntary destruction by fire, or other catastrophic event, or the public enemy. The duplex is non-conforming because there is a 10 foot rear setback required and the current setback ranges from 2 feet to 4.2 feet (YMC 16.34.040), the duplex is non-conforming because 4 parking spaces are required and only three are existing (YMC 16.20.040.D.1), the house is non-conforming because a two car garage is required and there is no garage (YMC 16.18.040.D)

The buildings shall not be enlarged or increased, nor be extended to occupy a greater area than that occupied by the current building. Approval is subject to compliance with the following conditions at all times that the use permitted by this permit occupies the premises. Any reconstruction, restoration, or rebuilding undertaken pursuant to Government Code Section 65852.25 shall conform to all of the following:

a. The California Building Standards Code as that code is in effect at the time of reconstruction, restoration, or rebuilding.

b. Any more restrictive local building standards authorized pursuant to

Sections 13869.7, 17958.7, and 18941.5 of the Health and Safety Code, as those standards are in effect at the time of reconstruction, restoration, or rebuilding.

c. The State Historical Building Code (Part 2.7 (commencing with Section 18950) of Division 13 of the Health and Safety Code) for work on qualified historical buildings or structures.

d. Local zoning ordinances, including the Historic District regulations set forth in Title 17 of the Yreka Municipal Code, so long as the predamage size and number of dwelling units are maintained with the exceptions approved with this Permit.

e. Architectural regulations and standards, as long as the predamage size and number of dwelling units are maintained.

f. Building permit shall be obtained within two years after the date of the damage or destruction and diligently continued to completion.

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

AYES: Baird, Osborn, Leal, Rolzinski
NOES: None

**USE PERMIT – DRIVE THROUGH COFFEE SHOP
MARY STIDHAM – 1801 FT. JONES RD.**

APPROVED

The Commission reviewed the application submitted by Mary Stidham for a use permit to construct, establish, and operate the business of a drive thru coffee shop, Assessor's Parcel No. 062-161-070, CT (Commercial Tourist) zone, GC (General Commercial) General Plan designation.

This being the time and date set for a public hearing on an application for a use permit to construct, establish, and operate the business of a drive thru coffee shop on the property located at 1801 Ft. Jones Road, Chair Baird opened the hearing to the public.

Staff recommended approval subject to applicant providing staff additional information on path of travel for all vehicles using the parking lot with the following additional conditions:

- Construct sidewalk on Moonlit Oaks frontage from the west property line to the east side of the easterly exit.
- Extend the directional curb at the east side of the easterly exit to channelize vehicles to the east driveway exit.

- Construct concrete driveway approach along the frontage of the easterly exit.
- Directional signage and arrows on pavement shall be installed throughout the entire parking lot as approved on the site plan approved in January 1985.
- New directional signage shall be installed as approved with this permit.
- Four vehicle stacking spaces in the drive through lane are required in addition to the vehicle being served.

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.

The proposed drive thru coffee shop will be located in the parking lot of the former "Boston Shaft" restaurant, which has common parking and common ingress and egress with the Burger King restaurant. The original approval for the two uses required 121 parking spaces.

The most recent use permit approval for the "Boston Shaft" building was a retail use (liquor store). Retail store parking requirement is calculated by square foot of floor area, as shown on the project site plan 30 parking spaces are required for a retail store use.

According to the site plan submitted there will be 44 parking spaces on the parcel of the proposed project and there are 48 spaces on the Burger King parcel for a total of 92 parking spaces. Parking required for the proposed project is 4 spaces, parking required for retail use is 30, and parking required for Burger King is 37 for a total of 71 parking spaces.

Approval of this use permit will impact the "Boston Shaft" building. It will have use limitations due to the reduced number of parking spaces remaining. For example another restaurant use could be limited to only 117 seats, where the original approval was for 280 seats.

Nick Sinnott, representative for the applicant, met with city staff prior to the planning meeting & presented the planning commission with two additional site plans. After Nick's presentation to the Planning Commission he recommended site plan Alternate B (aka: # 2).

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

Following Commission discussion, Commissioner Leal made a motion to approve the

use permit to construct, establish, and operate the business of a drive thru coffee shop on the property located at 1801 Ft. Jones Road, Assessor's Parcel No. 062-161-070, CT zone, GC General Plan designation subject to the following additional conditions, modified conditions, and modified site plan:

- Construct sidewalk on Moonlit Oaks frontage from the west property line to the east side of the easterly exit.
- Construct concrete driveway approach along the frontage of the easterly exit.
- Directional signage and arrows on pavement shall be installed throughout the entire parking lot as approved on the site plan approved in January 1985.
- New directional signage shall be installed as approved with this permit.

Delete proposed condition number 5.

~~5. Permittee shall extend the directional curb at the east side of the easterly exit to channelize vehicles to the east driveway exit.~~

Approval of Overall Site Plan (Alternate "B") dated 10/18/11.

Project approval is with the 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.

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 construction, establishment and operation of a drive-thru coffee shop business 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 it will be located in an existing parking lot and there are existing restaurants, motels and office uses adjacent to the proposed use.
- 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).

c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because there is adequate parking available for the existing and proposed uses on the site.

d. adversely affect matters regarding police protection, crime prevention, and security because there are existing businesses adjacent to the site.

e. adversely affect circulation or traffic patterns in the neighborhood or constitute a nuisance because the project will be located in an existing parking lot with existing restaurants and motels adjacent to the site.

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

3. 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.

The foregoing findings are based upon the following:

The design of the project and its proposed improvements will not cause serious public health problems or significant environment damage since the proposed project is for a commercial use within an existing commercial neighborhood.

Conditions of approval will provide maximum land use compatibility between the proposed commercial development and the existing commercial neighborhood. None of the findings necessary for denial of this proposal can be found in the affirmative.

The following conditions shall be complied with at all times that the use permitted by this permit occupies the premises:

1. Permittee granted a permit to construct, establish and operate a drive-thru coffee shop 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. All elements of the project application including site, landscape, and parking plan as approved shall be complied with.

3. Permittee shall repair or remove broken parking lot curbing adjacent to the proposed coffee shop location.

4. Permittee shall construct sidewalk on Moonlit Oaks frontage from the west property line to the east side of the easterly exit.
5. Permittee shall construct concrete driveway approach along the frontage of the easterly exit.
6. Permittee shall install directional signage and arrows on pavement throughout the entire parking lot as approved on the site plan approved in January 1985.
7. Permittee shall install new directional signage as approved with this permit.
8. Electrical power shall be installed underground to the new building.
9. Permittee shall obtain Health Department approval prior to occupancy.
10. Adequate off-street parking shall be provided for the existing and proposed uses as follows: One (1) space for each three seats, plus one space for each employee of the maximum working shift, plus the number of additional spaces prescribed by the Planning Commission for the drive thru coffee shop (YMC 16.54.020.5), four (4) parking spaces required; a minimum of four vehicle stacking spaces in the drive thru lane are required in addition to the vehicle being served (4 plus one at the window); one space for each 200 square feet of floor area for the existing building (5,940 sq. ft. @ 1 stall/200 sq. ft. = 30 parking spaces for current approved retail use) (YMC 16.54.020.2.b).
11. Use shall be conducted in accordance with the site plan for the property located at 1801 Ft. Jones Road, as approved by the Planning Commission on October 19, 2011, and the site plan shall not be changed or deviated from without 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.
12. The design and location of the off-street parking facilities as shown on the site plan as approved by the Planning Commission on October 19, 2011 shall not be deviated from unless prior approval of the Planning Commission (with the exception as stated in Condition No. 11) is secured, and all loading, employee, and customer parking areas, access drives and aisles 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 Building Official and in accordance with Section 16.54.090 of the Yreka Municipal Code.
13. 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.

14. All landscaping shall be installed, maintained, and replaced as necessary as depicted on the site plan, Overall Site Plan (Alternate "B"), dated 10-18-11.

15. 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.

16. 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.

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 subject business of a drive-thru coffee shop.

18. Permittee shall secure an annual City business license to carry on the drive-thru coffee shop business.

19. 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.

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

21. The site plan 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 Rolzinski seconded the motion. The motion carried by the following vote:

AYES: Baird, Osborn, Leal, Rolzinski
NOES: None

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE SEPTEMBER 21, 2011 MEETING

The Commission, having received a copy of the minutes of the regular meeting of the Planning Commission held September 21, 2011, approved the minutes unanimously on a motion made by Commissioner Rolzinski and seconded by Commissioner Leal.

**TEMPORARY USE PERMIT EXTENSION – TEMPORARY STRUCTURE
LACO ASSOCIATIONS– 1240 S. MAIN ST. APPROVED**

The Commission reviewed the request submitted for LACO Association by Bryan Dussell for a one year extension of Permit # 4019 for installation of an 8' x 10' temporary structure, located within the rear and side yard setbacks, to house monitoring equipment for a State-mandated clean-up of petroleum hydrocarbon contamination associated with the former Yreka Texaco. Assessor's Parcel No. 61-352-030, CH (Commercial Highway) zone, GC (General Commercial) General Plan designation, on the property at 1240 S. Main Street.

Staff recommended approval of a one year extension. Staff also 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 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.

Following Commission discussion, Commissioner Leal made a motion to approve the request to grant a one year extension of Permit # 4019 for installation of an 8' x 10' temporary structure, located within the rear and side yard setbacks, to house monitoring equipment for a State-mandated clean-up of petroleum hydrocarbon contamination associated with the former Yreka Texaco on the property located at 1240 S. Main Street. Assessor's Parcel No. 061-352-030, CH (Commercial Highway) zone, GC (General Commercial) General Plan designation.

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 findings and conditions as approved on 10/28/2009.

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

AYES: Baird, Leal, Osborn, Rolzinski

NOES: None

**USE PERMIT – TEMPORARY STORAGE YARD EXTENSION
JONATHAN ANDRUS – WEST SIDE OF WENDY DR.****APPROVED**

Commissioner Baird recused herself from participating in this agenda item to prevent a possible conflict of interest due to having a financial relationship with the applicant. However City Attorney Mary Frances McHugh explained there being an insufficient number of commissioners to make a quorum, legally she is required to participate to maintain a quorum and for that reason she will participate.

The Commission reviewed the request submitted for Fairchild Professional Group, LLC by Jonathan Andrus for a ratification of extension of Use Permit No. 4042 for temporary storage yard to store construction equipment and building materials, job shacks and contractor employee parking for the Fairchild Medical Plaza Clinic Addition Project located at 475 Bruce Street. Extension authorized through February 1, 2012. Assessor's Parcel No. 061-221-490, 300, 200, and 220, PUD (Planned Unit Development) zone, HDR (High Density Residential) General Plan designation.

Staff recommended approval subject to the conditions previously approved. The request for extension relates to activities consistent with the Use Permit and an administrative extension was granted to accommodate that use without disruption. It is requested that the Planning Commission ratify the extension of Use Permit No. 4042 through February 1, 2012. The project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15304(e) of the CEQA Guidelines, as a minor temporary use of land having negligible or no permanent effects on the environment.

Following Commission discussion, Commissioner Rolzinski made a motion to approve the ratification of extension of Use Permit No. 4042 for temporary storage yard to store construction equipment and building materials, job shacks and contractor employee parking for the Fairchild Medical Plaza Clinic Addition Project located at 475 Bruce Street. Extension authorized through February 1, 2012. Assessor's Parcel No. 061-221-490, 300, 200, and 220, PUD (Planned Unit Development) zone, HDR (High Density Residential) General Plan designation.

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 findings and conditions as approved on April 21, 2010.

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

AYES: Baird, Leal, Osborn, Rolzinski

NOES: None

COMMISSIONER'S STATEMENTS & COMMENTS

City Manager Steve Baker announced to the Planning Commission that the City Council approved an uncodified ordinance to transfer duties of the Historic District and Landmarks Commission to the Planning Commission and staff as requested for a trial period of 1 year, without dissolving the Historic District and Landmark Commission. Reasons for restructuring are due to budget considerations and the upcoming retirement of the Planning Director (at this time the Planning Director will not be replaced).

City Manager Baker further reported that recently, the vast majority of actions by the Historic Commission have to do with the approval of signs, which would be delegated to staff under this proposal. A few items have dealt with alterations to buildings in the Historic District, which would be handled by the Planning Commission under this proposal. Changing the process will help streamline the sign permit process and lower cost associated with most items currently before the Historic Commission.

There being no further business before the Commission, the meeting was adjourned at 8:13 p.m.

Pamela J. Hayden, Planning Director