

MINUTES OF THE REGULAR MEETING OF THE
YREKA PLANNING COMMISSION HELD IN
THE YREKA CITY COUNCIL CHAMBER IN SAID CITY
ON THE 16th DAY OF SEPTEMBER 2009

On the 16th day of September 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 – PRODUCE MARKET & DELI
FRANCIS & KENDRA GILL – 113 & 115 E MINER ST **APPROVED**

The Commission reviewed the application submitted by Francis and Kendra Gill for a use permit to establish and operate a fresh produce market and deli in conjunction with the existing fuel service and convenience store business on the property located at 113 and 115 E. Miner Street. This being the time and date set for a public hearing for an application for a use permit Chair Knitter opened the public hearing to the audience.

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

- In the event a barbeque (BBQ) is operated, Permittee shall dispose of grease only through an approved grease disposal system.

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

Commissioner Ohlund expressed concern regarding smoke from the BBQ creating a

problem for adjacent businesses.

Following Commission discussion, Commissioner Rolzinski made a motion to approve the application for a use permit to establish and operate a fresh produce market and deli in conjunction with the existing fuel service and convenience store business on the property located at 113 and 115 E. Miner Street, Assessor's Parcel No. 054-031-340, CT zone, GC General Plan designation with the following additional conditions:

1. In the event a barbeque (BBQ) is operated, Permittee shall dispose of grease only through an approved grease disposal system.
2. A chimney, or similar device, shall be installed on the barbeque to place any smoke created by the barbeque above the roof of the building located at 113 and 115 E. Miner Street.

Approval is with the determination that the project is exempt from the environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) 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 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 fresh produce market and deli in conjunction with the existing fuel service and convenience store 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 café, fast food restaurant, and food sales have occurred at this site in the past and there are existing restaurant uses adjacent to the project site.
 - 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 reasons stated in a) above.
 - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because there is adequate on-site parking available for the proposed use and the use will not alter the existing traffic patterns.
 - 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 reasons stated in c) above.

2. The use is compatible with the policies and objectives of the zoning ordinance for a CT (Commercial Tourist) zone.
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 fresh produce market and deli in conjunction with the existing fuel service and convenience store 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 and parking plan as approved shall be complied with.
3. Permittee shall install a grease trap if required by the Plumbing Code as determined and verified by the Building Official. In the event a Barbeque (BBQ) is operated, Permittee shall dispose of grease only through an approved grease disposal system.
4. A chimney, or similar device, shall be installed on the barbeque to place any smoke created by the barbeque above the roof of the building located at 113 and 115 E. Miner Street.
5. Permittee shall obtain Health Department approval and provide evidence of the approval to the Planning Department prior to occupancy.
6. Adequate off-street parking facilities shall be provided as follows: one space for each 3 seats plus 1 space for each employee of the maximum working shift, and one space for each two hundred square feet of floor area as set forth in Sections 16.54.020 (2-b) and (5-a) of the Yreka Municipal Code. Total parking required for the combined uses is 36 spaces.
7. The modified off-street parking plan and facilities dated August 31, 2009 and 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.
8. Parking required for disabled persons shall be marked, posted, and maintained in accord with provisions of the Motor Vehicle 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 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.

10. All landscaping shall be maintained and replaced as necessary as depicted on the previously approved site plan.

11. 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.

12. 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.

13. 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 market and deli.

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

15. Permittee shall secure an annual City business license to carry on the business of a fresh produce market and deli.

16. 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.

17. 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 Ohlund 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 AUGUST 19, 2009 MEETING

The Commission, having received a copy of the minutes of the regular meeting held August 19, 2009, approved the minutes on a motion made by Commissioner Leal and seconded by Commissioner Ohlund.

COMMISSIONER TRAINING

Mary Frances McHugh, City Attorney and Pam Hayden, Planning Director presented a review of procedures and practices relative to the use permit application process, California Environmental Quality Act process, Brown Act, Conflict of Interest – 1090 Conflicts, and ExParte Contacts. Discussion of the processes followed the presentations.

COMMISSIONER'S STATEMENTS & COMMENTS

None.

There being no further business before the Commission, the meeting was adjourned at 7:25 p.m.

Pamela J. Hayden, Planning Director