

AGENDA
YREKA PLANNING COMMISSION
Yreka City Council Chamber – 701 Fourth Street, Yreka, Ca.
April 20, 2016 at 6:30 P.M.

Call to Order

Pledge of allegiance

Conflict of Interest Declaration – Planning Commissioners

PUBLIC COMMENTS: This is the time for public comments. Commissioners may ask questions but may take no action during the public comment section of the meeting, except to direct staff to prepare a report or place an item on a future agenda. If you are here to make comments on a specific agenda item, please speak at that time. If not, this is the time. Please limit your remarks to 5 minutes.

SPEAKERS: Please state your name and mailing address so that City Staff can respond to you in regard to your comments, or provide you with information, if appropriate. You are not required to state your name and address if you do not desire to do so.

1. Consent Calendar - Discussion/Possible Action – 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. The City Manager recommends approval of the following consent calendar item:
 - a. Approval of Minutes of the meeting held March 16, 2016.
2. Discussion/Possible Action – Consideration of proposed categorical exemption and Conditional Use Permit for the establishment and operation of a Secondhand /Consignment Clothing Store. Property Location – 115 & 117 S. Main Street, Yreka, California, C2 (Commercial Downtown) Zone & GC (General Commercial) General Plan Designation. Assessor’s Parcel Number 054-042-050.

Project applicant is Nancy Archuleta

Project Number: Conditional Use Permit # 2016-27

- a. Staff Report
- b. Public Hearing
- c. Decision
 - Categorical Exemption
 - Adopt Planning Commission Resolution No. 2016-8 Approval of Conditional Use Permit # 2016-27 at 115 & 117 S. Main Street (054-042-050).

City Manager Report

Commissioner’s Statements and Comments

Adjournment

Decisions of the Planning Commission may be appealed to the City Council by filing a written notice of appeal within 10 calendar days of the decision. Appeal must be submitted to the City Clerk's office together with the appeal fee of \$150.00 plus publication fee if required.

If you challenge any action taken pursuant to the California Environmental Quality Act, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Department at, or prior to, the public hearing. (Public Resources Code Section 21177)

All documents produced by the City which are related to an open session agenda item and distributed to the Planning Commission are made available for public inspection in the City Clerk's office during normal business hours.

In compliance with the requirements of the Brown Act, notice of this meeting has been posted in a public accessible place, 72 hours in advance of the meeting.

In compliance with the Americans with Disabilities Act, those requiring accommodations for this meeting should notify the City Clerk 48 hours prior to the meeting at (530) 841-2324 or by notifying the Clerk at casson@ci.yreka.ca.us.

NOTICE CONCERNING YOUR LEGAL RIGHTS: If you object to a decision by the City Council/Planning Commission to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

MINUTES OF THE REGULAR MEETING OF THE
YREKA PLANNING COMMISSION HELD
ON THE 16TH DAY OF MARCH, 2016

On the 16th day of March, 2016 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 Osborn and present were:

Commissioners: Duane Kegg, Diane Knitter, Steve Leal, Paul McCoy, Barry Ohlund, Matt Osborn and Richard Rolzinski.

PUBLIC COMMENTS – None

Consent Calendar: Chair Osborn 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 Minutes of the regular meeting held on February 17, 2016.
- b. Acknowledge receipt of General Plan Housing Element 2015 Annual Report.

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

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

Chair Osborn thereupon declared the motion carried.

City Manager's Report – Steve Baker reported on the Cultivation of Medical Marijuana workshop held March 10, 2016 for City Council members in regards to Medical Marijuana regulations for the City of Yreka. Three council members attended along with approximate 10 members from the community. Additional workshops will be scheduled, field trips will be planned to visit other cities and research done on medical marijuana distribution facilities.

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

Matt Osborn, Chair
Approved by motion of the Planning
Commission on April 20, 2016



**CITY OF YREKA
PLANNING COMMISSION AGENDA MEMORANDUM**

To: Yreka Planning Commission
Prepared by: Steve Baker, City Manager
Agenda Title: Discussion/Possible Action – Consideration of proposed categorical exemption and Conditional Use Permit for the establishment and operation of secondhand/consignment clothing store to be located at 115 & 117 S. Main St.
Meeting date: April 20, 2016

Discussion:

The City has received an application for a Conditional Use Permit from Nancy Archuleta to establish and operate a secondhand consignment-clothing store in conjunction with retail sales of collectibles and antiques, to be located in an existing facility.

Upon review of the application, staff finds that the proposed use is in conformance with the applicable policies of the City of Yreka General Plan and is consistent with the applicable zoning provisions. With the conditions of approval, attached as Attachment “C”, the proposed use meets with the intent and requirements of the C-2 Downtown Commercial zoning district, and staff is recommending approval.

Background:

The subject property is located at 115 & 117 S. Main Street and is zoned C-2 Downtown Commercial. Pursuant to Yreka Municipal Code (YMC) Section 16.34.070, a Conditional Use Permit is required to allow the use of a “secondhand” store. The sales of antiques and retail sales of other new items such as “collectibles” are a permitted use by right in the C-2 Downtown Commercial District.

California Business and Professions Code Section 21626 defines a “secondhand dealer” as any person, co-partnership firm, or corporation whose business includes buying, selling trading taking in pawn, *accepting for sale on consignment*, accepting for auctioning or auctioning, or auctioning secondhand tangible personal property.

Parking:

The business will be located in an existing facility and can be served by existing municipal parking facilities.

Analysis:

The purpose of the Downtown Commercial (C-2) zoning district is ‘intended to provide for a specialized commercial zone for the downtown commercial district’ and provides for a variety of commercial uses, including various “retail business establishments within a building”, which are permitted by right. The use permit is only required for the “secondhand” sales component of the project.

YMC Section 16.44.040 states that a conditional use permit can be granted by the Planning Commission if the use is found to not be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood; if the use is found not to be materially detrimental to property or improvements in the neighborhood; and, if the use is found not to be materially detrimental to the general welfare of the city.

The proposal will not generate significant noise or lighting. The proposal will not increase traffic beyond the capacity of existing infrastructure in the area, which is sufficient to accommodate commercial uses. With the conditions of approval, attached as Attachment "C", the proposal to sell secondhand - consignment clothing meets with the intent of the C-2 zoning district.

Environmental Determination:

The Planning Department believes that the proposed project meets the requirements for an exemption from further review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities. Class 1 exemptions consist of the operation, maintenance, permitting, or licensing of existing public or private structures or facilities involving negligible or no expansion of the use beyond what existed at the time of the lead agency's determination.

The Planning Commission must consider the proposed CEQA exemption together with any comments received during the public review process. Further, the exemption can only be approved if the Commission finds, based on the whole record before it, that there is not substantial evidence that the project will have a significant effect on the environment.

Staff Recommendation:

Staff recommends that the Planning Commission utilize the following process for the consideration of this matter:

1. Accept a presentation of the project by staff.
2. Open the public hearing and take public testimony.
3. Close the public hearing and initiate consideration of the project by the Planning Commission; and
4. Motion and vote by the Planning Commission.

Recommended Motion:

If the Planning Commission determines that it intends to approve the proposed project as requested in the application for CUP #2016-27, staff presents the following motions for consideration:

1. Categorical exemption:

I move that the Planning Commission determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities of the CEQA Guideline.

2. Conditional Use Permit #2016-27:

I move that the Planning Commission adopt Planning Commission Resolution #PC 2016-8 making the findings and subject to the Conditions of Approval presented as Attachment C, and approve Conditional Use Permit #2016-27, to allow the establishment and operation of a secondhand/ clothing consignment store.

Attachments: Attachment A - Conditional Use Permit Application
Attachment B – Site Plan
Attachment C – Findings and Conditions of Approval for CUP #2016-27
Attachment D – Planning Commission Resolution # PC 2016-8

Approved by: _____



Steven Baker, City Manager

COPY

March 29, 2016

ACE ANTIQUES, COLLECTIBLES AND CONSIGNMENT CLOTHING

My name is Nancy Archuleta. I am looking forward to opening Ace Antiques, Collectibles and Consignment Clothing at 115 and 117 Main Street in Yreka. My shop would be situated on the west side of Main Street between Miner and Center Streets.

This business will be combining the sale of antiques (furniture, signs, dishes and porcelains), with upscale consignment clothing.

I have partnered with Everett Lynn, one of the original owners of Ace Antiques, which was in operation in early 2000 at this same location.

My mother and I were partners in Twice as Nice, a consignment clothing shop which was located on Miner Street in early 2000 as well.

Both businesses thrived for a few years until the deaths of our partners gave way to each store closing and had great reputations.

At this time there are no antique shops in town. There is one other clothing consignment shop, Sister Chic, on Broadway. Also, there are various Thrift stores, scattered throughout the downtown area.

With Mr. Lynn's beautiful collection of antiques and collectibles and my experience and knowledge of the clothing business, we will be an upscale Antique and consignment clothing store.

I am excited to the responses we have received at the thought of opening this business. We have created quite the buzz in town with the anticipation of combining two reputable and lucrative businesses.

Thank-You for your consideration in this matter.

Nancy Archuleta

CITY OF YREKA
PLANNING DEPARTMENT APPLICATION

RECEIVED

MAR 31 2016

CK #124
4250-

CITY FEES:

- Use Permit - Administrative approval.....\$ 75.00
- Minor Conditional Use Permit - P.C. approval..... \$150.00
- Moderate Conditional Use Permit - P.C. approval.....\$200.00
Plus site Plan Review if applicable
- Major Conditional Use Permit - P.C. approval...\$500.00 deposit/cost
- Public Hearing.....\$ 75.00 (Minimum fee) deposit/cost
- P.H. - Project notice circulation, 1-20 notices.....\$ 25.00
- P.H. - 21 or more notices.....\$25.00 plus 1.00/parcel over 20
- E.R. - Preliminary review.....\$ 50.00
- E.R. - Negative Declaration.....\$ 200.00 deposit/cost
- E.R. - Mitigated Negative Declaration..... Actual cost
- Environmental Impact Report..... Actual cost
- Site Plan Review - (No Use permit required)...\$ 200.00 deposit/cost
- Site Plan Review - (Use permit required).....\$ 200.00 deposit/cost
- Lot Line Adjustment (BLA) - Administrative approval.....\$ 200.00
See separate application form for Lot Line Adjustment (BLA)

- Annexation.....\$ 750.00 deposit/cost
- Appeals - Planning Commission.....\$ 100.00
- Appeals - City Council.....\$ 150.00 plus publication
- Certificates of Compliance.....\$250.00 deposit/cost
- Reversion to Acreage.....\$ 500.00 deposit/cost
- General Plan Amendment..... \$ 750.00 deposit/cost
- Rezone..... \$ 750.00 deposit/cost
- Planned Unit Development\$ 750.00 deposit/ cost
- Variance.....\$250.00 deposit/cost
- Other \$ _____

STATE FISH AND WILDLIFE FEES*:

- County Clerk Processing Fee\$ 50.00 actual cost
- Fish and Wildlife fee * \$ _____
- Other \$ _____

DATE: 3-30-16 ASSESSOR'S PARCEL NUMBER: 054-042 050

APPLICANT: Nancy Lynn Archuleta TELEPHONE NUMBER: 530-643-0107

APPLICANT ADDRESS: 508 Knapp Yreka Ca. 96097

IF OTHER THAN APPLICANT, NAME OF PROPERTY OWNER: Nancy Archuleta

PROPERTY OWNER ADDRESS: Nancy 508 Knapp St Yreka

PROJECT LOCATION: 115 + 117 Main St Yreka

DESCRIPTION OF PROPOSED PROJECT: Antiques + Clothing

Tues. - Friday - 8:30 - 5:30 no employees - owner only
Saturday 10:00 - 4:00

I agree to abide by all of the ordinances of the City of Yreka, state law, and federal law; and I authorize city representatives to enter upon the above mentioned property for inspection purposes, and to record any notice of code violation pursuant to Y.M.C. Ch. 11.40 and/or Ch. 16.08 with the office of the Siskiyou County Recorder.

I certify that I have read this application and state that the above information is correct. I agree to comply with any terms or conditions of any entitlement issued or permitted by the City pursuant to this application.

*In the event the project's effect on natural resources or wildlife is other than negligible, State Fish and Wildlife requires an additional fee of \$3,070.00 if an Environmental Impact Report is prepared or \$2,210.25 for a Negative Declaration. These fees are subject to change and the applicant is responsible for payment of the fees in full. If required, the permit cannot be issued until such time as the fee is paid. A project that is Statutorily or Categorically exempt requires no further fees.

APPLICANT SIGNATURE: Nancy Archuleta

PROPERTY OWNER'S SIGNATURE: (REQUIRED) Nancy Archuleta

Property Owner's Acknowledgement of application submittal

*** TO BE COMPLETED BY CITY STAFF: *** DATE APPLICATION RECEIVED AS COMPLETE: 3-31-16
*** ZONE: C-2 *** GENERAL PLAN DESIGNATION: GC *** PERMIT NUMBER: 2016-27

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Attachment B Site Plan

115 & 117 S. Main Street



ATTACHMENT C

CONDITIONAL USE PERMIT No. 2016- 27 CUP FINDINGS AND CONDITIONS OF APPROVAL

The following findings of fact have been determined by the Planning Department for the establishment and operation of the business of a Secondhand/Consignment Clothing Store located at 115-117 S. Main Street. APN: 054-042-050:

Findings of Approval:

1. The proposal will not be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use.

The proposal to establish and operate a Secondhand/Consignment Clothing Store would not be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood. Subject to the issuance of a Conditional Use Permit by the Planning Commission and subject to the Conditions of Approval, use of the site would remain consistent with the intent of the General Plan designation and zone district. As such, the project will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood.

2. The proposal will not be materially detrimental to property or improvements in the neighborhood.

The proposal will not be materially detrimental to property or improvements in the neighborhood. Conditions of Approval will provide for commercial use compatibility between the proposed commercial use and the existing commercial neighborhood and adjacent streets.

3. The proposal will not be materially detrimental to the general welfare of the city.

The use is compatible with the policies and objectives of the zoning ordinance for a C2, Commercial Downtown zone which allows a Secondhand/Consignment Clothing Store upon approval and validation of a conditional use permit as set forth in Section 16.34.070 (M) of the Yreka Municipal Code. This commercial business keeps with the character of the surrounding area, and is found to be consistent with the General Plan. The proposal will not generate significant noise or lighting. The proposal will not increase traffic beyond the capacity of existing infrastructure in an area which is sufficient to accommodate commercial uses.

4. The Planning Commission has determined that the project is exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) Section 15301 Existing Facilities of the CEQA Guidelines.

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

1. Permittee granted a permit to establish and operate a Secondhand/Consignment Clothing 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. The business will be located in an existing facility in the C2 (Downtown Commercial) zone and can be served by existing municipal parking facilities.
3. Use shall be conducted in accordance with the application as submitted for the property located at 115-117 S. Main Street, as approved by the Planning Commission on April 20, 2016.
4. Permittee shall comply at all times with the zoning district regulations for a C2, *Commercial Downtown* zone, as set forth in section 16.34 of the Yreka Municipal Code. General Commercial (GC) General Plan designation.
5. There shall be no storage or display of merchandise outside the building.
6. 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.
7. Permittee shall obtain a building permit and shall pay the necessary fees prior to making any building, electrical, mechanical, or plumbing installations and/or improvements to the structure.
8. No signs shall be placed on the premises without first obtaining a sign permit. Signs shall be installed in accordance with Title 13, Signs of Yreka Municipal Code.
9. Permittee shall maintain an annual City business license to carry on the business of a Secondhand/Consignment Clothing Store.
10. The 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.

Date: April 20, 2016

Attachment D

**PLANNING COMMISSION RESOLUTION PC 2016-8
APPROVING CONDITIONAL USE PERMIT # 2016-27 CUP
AT 115 & 117 S. MAIN STREET – ASSESSOR’S PARCEL NO. 054-042-050
APPLICANT: NANCY ARCHULETA**

WHEREAS, Nancy Archuleta (applicant) has requested a Conditional Use Permit for the establishment and operation of a secondhand consignment clothing store at 115 & 117 S. Main Street, Yreka California, APN 054-042-050; and

WHEREAS, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the application on April 20, 2016; and

WHEREAS, the Planning Commission has determined that, subject to approval of the Conditional Use Permit and the project Conditions of Approval, the request is consistent with the Yreka General Plan and the standards of Yreka Municipal Code; and

WHEREAS, the Planning finds that the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities. Class 1 exemptions consist of the operation, maintenance, permitting, or licensing of existing public or private structures or facilities involving negligible or no expansion of the use beyond what existed at the time of the lead agency’s determination; and

WHEREAS, the Planning Commission has made the following findings with respect to the requested Conditional Use Permit:

1. The proposal will not be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use.

The proposal to establish and operate a Secondhand/Consignment Clothing Store would not be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood. Subject to the issuance of a Conditional Use Permit by the Planning Commission and subject to the Conditions of Approval, use of the site would remain consistent with the intent of the General Plan designation and zone district. As such, the project will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood.

2. The proposal will not be materially detrimental to property or improvements in the neighborhood.

The proposal will not be materially detrimental to property or improvements in the neighborhood. Conditions of Approval will provide for commercial use compatibility

between the proposed commercial use and the existing commercial neighborhood and adjacent streets.

3. The proposal will not be materially detrimental to the general welfare of the city.

The use is compatible with the policies and objectives of the zoning ordinance for a C2, Commercial Downtown zone which allows a Secondhand/Consignment Clothing Store upon approval and validation of a conditional use permit as set forth in Section 16.34.070 (M) of the Yreka Municipal Code. This commercial business keeps with the character of the surrounding area, and is found to be consistent with the General Plan. The proposal will not generate significant noise or lighting. The proposal will not increase traffic beyond the capacity of existing infrastructure in an area which is sufficient to accommodate commercial uses.

4. The Planning Commission has determined that the project is exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) Section 15301 Existing Facilities of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Yreka does hereby approve Conditional Use Permit #2016-27 CUP, subject to the following conditions:

1. Permittee is granted a permit to establish and operate a Secondhand/Consignment Clothing Store at 115 & 117 S. Main Street, Yreka, California, 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. The business will be located in an existing facility in the C2 (Downtown Commercial) zone and can be served by existing municipal parking facilities.
3. Use shall be conducted in accordance with the application as submitted for the property located at 115-117 S. Main Street, as approved by the Planning Commission on April 20, 2016.
4. Permittee shall comply at all times with the zoning district regulations for a C2, *Commercial Downtown* zone, as set forth in section 16.34 of the Yreka Municipal Code. General Commercial (GC) General Plan designation.
5. There shall be no storage or display of merchandise outside the building.
6. 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.

7. Permittee shall obtain a building permit and shall pay the necessary fees prior to making any building, electrical, mechanical, or plumbing installations and/or improvements to the structure.
8. No signs shall be placed on the premises without first obtaining a sign permit. Signs shall be installed in accordance with Title 13, Signs of Yreka Municipal Code.
9. Permittee shall maintain an annual City business license to carry on the business of a Secondhand/Consignment Clothing Store.
10. The 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.

The foregoing Resolution was adopted by the Planning Commission on the 20th day of April 2016 by the following vote:

Ayes:

Nays:

Absent:

Matt Osborn, Chair

Attest:

Elizabeth Casson, City Clerk