

MINUTES OF THE REGULAR MEETING OF THE
YREKA PLANNING COMMISSION HELD
ON THE 18th DAY OF AUGUST 2021

On the 18th day of August 2021 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 Ohlund.

Commissioners: Catherine Gilbert, Peter O'Brien, Barry Ohlund, Matt Osborn, and Richard Rolzinski.

Absent: None

Conflict of Interest Declaration – Peter O'Brien for the 311 W. Miner Street Project

PUBLIC COMMENTS – None

Discussion/Possible Action – Consideration of proposed categorical exemption and Conditional Use Permit to allow the building of the business of a fuel island and liquor store addition. Property location 100 Montague Road, Yreka, California, CT (Commercial Tourist) Zone and GC (General Commercial) General Plan designation. Assessor's Parcel Nos. 053-473-240, 053-473-210, 053-597-380.

Deputy Planning Director Liz Casson presented the commissioners with the following background. The applicant Monte Sidhu submitted an application for approval of Conditional Use Permit #2021-06 to allow for the building and operation of a liquor/convenience store with fast food service and fuel island. The Project site is located at 100 Montague Road, Yreka, CA 96097 (APN# 053-473-240, 053-473-210, 053-597-380). The Project site is designated *GC (General Commercial)* by the Yreka General Plan and is in the *CT-Commercial Tourist* zoning district. The Project proposes a construction of a new 6,450 square foot liquor/convenience store, with fast food service and a 6-pump gasoline fuel canopy.

Public Hearing – This being the time and date set for the public hearing. Chair Ohlund opened the hearing to the audience.

Monte Sidhu, applicant, was present to answer commissioner's questions.

There being no additional statements or comments received, Chair Ohlund closed the public hearing and discussion was opened to the Commission.

Commissioner Osborne made the following motion:

I move that the Planning Commission determine the project to be Categorically Exempt pursuant to CEQA Guidelines Section 15332, In-Fill Development Projects, and adopt Resolution No. 2021-09 approving Conditional Use Permit #2021-06 as presented herein.

Commissioner Rolzinski seconded the motion, and upon roll call, the following voted.
YEA: Gilbert, O'Brien, Ohlund, Osborn, and Rolzinski.

Chair Ohlund thereupon declared the motion carried.

Said Resolution being in the words as follows:

**CITY OF YREKA
PLANNING COMMISSION RESOLUTION PC 2021-09
APPROVING CONDITIONAL USE PERMIT # 2021-06
OPERATION OF A LIQUOR/CONVENIENCE STORE, WITH FAST FOOD SERVICE
AND FUEL ISLAND AT 100 MONTAGUE ROAD AND 814 N MAIN ST, YREKA,
ASSESSOR'S PARCEL NOS. 053-473-240, 053-473-210 & 053-591-380**

WHEREAS, Monte Sidhu submitted applications for the construction and operation of a liquor/convenience store, with fast food service and gas station on a 2.16 acre parcel zoned Commercial Tourist at 100 Montague Rd and 814 N Main St, Yreka, CA 96097 (APN's 053-473-240, 053-473-210 & 053-591-380); and

WHEREAS, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the Project on August 18th, 2021; and

WHEREAS, the Planning Commission has determined that the Proposed Project is consistent with the Yreka General Plan and the standards of the Yreka Municipal Code with the approval of a conditional use permit; and

WHEREAS, the Planning Commission finds that the Proposed Project is categorically exempt pursuant to CEQA Guidelines Section 15332, In-Fill Development Projects, of the State CEQA Guidelines; and

WHEREAS, the Planning Commission has made the following findings with respect to the requested conditional use permit:

1. The construction, establishment, and operation of the convenience store, with fast food service and gas station will not:
 - a. The proposal will not be materially detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of the proposed use.

The proposal to establish and operate a convenience store and gas station 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.

- b. 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 uses and adjacent streets.

- c. The proposal will not 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 an area which is sufficient to accommodate commercial use.

- d. The use is compatible with the policies and objectives of the CT zoning and the City of Yreka General Plan.

The use is compatible with the policies and objectives of the zoning ordinance for a CT, Commercial Tourist zone which allows a convenience store and gas station use upon approval and validation of a Conditional Use Permit as set forth in Section 16.44.040 (A) of the Yreka Municipal Code. The commercial business keeps with the character of the surrounding area and is found to be consistent with the General Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Yreka does hereby recommend approval of the proposed project subject to the following conditions:

1. The use shall be conducted in accordance with the site plan as submitted and no alterations shall be made of the building location(s) and parking 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. Note that minor changes to the site plan may be required as part of the building permit process.
2. If signage is desired, the applicant shall submit a separate *Sign Permit Application* for each sign proposed on the site project. The proposed sign(s) must meet the height limitations and design requirements specified in the Sign Permit Application Guidelines and YMC Title 13-Sign Ordinance. No signs shall be placed on the premises without prior approval of the Planning Department.

3. No proposed building shall exceed 35 feet in height, pursuant to YMC §16.38.040.
4. Landscaping shall comply with §16.52.030 - *Landscapes Standards* of the Yreka Municipal Code.
5. All landscaping shall be installed, maintained, and replaced as necessary as depicted on the site plan.
6. Comply with the California Model Water Efficient Landscape Ordinance (MWEL0) standards per the planting plan and the irrigation plan provided.
7. ADA parking spaces shall be marked, posted, and maintained in accordance with provisions of the Motor Vehicles Code and any other law or regulation now or hereinafter enacted.
8. Trash disposal area(s) shall be designed to consider the following structural or treatment control BMPs:
 - Design trash container areas so that drainage from adjoining roofs and pavement is diverted around the area(s) to avoid run-on. This might include berming or grading the waste handling area to prevent run-on of stormwater. Wastewater drainage shall be designed to meet the specifications of the Public Works Director.
 - Make sure trash container areas are screened or walled to prevent off-site transport of trash.
 - Use lined bins or dumpsters to reduce leaking of liquid waste.
 - Provide roofs, awnings, or attached lids on all trash containers to minimize direct precipitation and prevent rainfall from entering containers.
 - Pave trash storage areas with an impervious surface to mitigate spills.
 - Do not locate storm drains in immediate vicinity of the trash storage area.
 - Post signs on all dumpsters informing users that hazardous materials are not to be disposed of therein.
9. All outdoor lighting on the Project site shall be directed away from the adjacent uses and shall be shielded so that, at a minimum, no light is emitted above a horizontal plane (parallel to the ground) from the base of the fixture. All exterior lighting shall be configured to prevent glare and light trespass onto neighboring properties.
10. At no time shall ambient noise generated by the use exceed 65 dB.
11. Pursuant to Yreka Municipal Code Section 16.34.070, a Conditional Use Permit shall be required for any restaurant, delicatessen or snack bar having a seating capacity of twenty-one (21) or more.
12. Any food service shall be to-go only and the food service hours of operation shall not exceed the hours of operation of the convenience store.

13. Pursuant to YMC Section 12.50.230: A grease interceptor shall be required and shall be maintained in efficient operating condition by periodic removal of their full content, including wastewater, fats, oils, grease (FOG), floating materials, sludge and solids. No FOG that has accumulated in a grease interceptor shall be allowed to pass into any sewer lateral, sewer system, storm drain, or public right of way during maintenance activities.
14. Permittee shall obtain a building permit and shall pay the necessary fees prior to commencing the construction process.
15. All grading and construction work on the Project site will incorporate the following dust control measures:
 - All active construction areas will be watered at least twice daily or as required by the Building Official.
 - Soil stabilizers will be applied to inactivate construction areas as needed.
 - If visible soil material is carried onto adjacent public streets, such streets will be cleaned of the debris.
 - Dust-producing activities will be suspended when high winds create construction induced visible dust plumes moving beyond the Project site, in spite of dust control measures.
16. Should any previously unidentified archaeological and/or paleontological resources be revealed during the excavation or construction activity, work will cease in the immediate vicinity of the discovery, and all reasonable measures will be taken to avoid or minimize harm to discovered resources until consultation with the State Historic Officer, as required by Section 106 of the NHPA is concluded.
17. Should any human remains be found during the Project construction, construction in the area shall stop immediately and be reported to the County Coroner. Construction shall not proceed until the County Coroner has determined such construction would not impact further human remains.
18. All internal combustion engines used in conjunction with construction activities will be muffled in accordance with equipment manufacturer requirements as required in the Noise Element of the General Plan. The Project will be monitored for noise levels if complaints are received and operation will be restricted if the noise exceeds the limits of the General Plan Noise Element as required by the City Planning Department.
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. The use permit may be 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.

Agency & Department Conditions of Approval:

Public Works

1. Site development and grading shall be designed to provide access to all entrances and exterior ground-floor exits and to normal paths of travel and shall incorporate pedestrian ramps, curb ramps, etc. Access shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, passenger-loading zones if provided, and public streets or sidewalks. When more than 1 building or facility is located on a site, accessible routes of travel shall be provided between buildings and accessible site facilities, accessible element, and accessible spaces that are on the same site. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible site facilities, and the accessible entrance to the site.
2. Sewer lines, waterlines, electric-service facilities, and other utilities; drainage facilities; necessary electric- and public-service easements; and street dedications are to be provided in accordance with the Yreka Municipal Code and as specified by the Engineering Division.
3. The developer shall extend sewer and water lines and electric substructures and conduits as necessary to serve the property and provide logical extensions of service through the property boundaries to adjacent properties.
4. New utilities within the project, including, but not limited to, electric, cable television, and phone, shall be installed underground.
5. All commercial developments shall have backflow prevention devices on domestic and fire services as required by the City of Yreka Construction Standards.
6. Applicant shall note that the California Green Building Code Section 5.304.2 requires a separate water meter and water service for irrigation of landscape areas when a commercial project includes more than 1,000 square feet of irrigated landscape. All utility and landscape plans shall depict the proposed location of the water meter and identify the total area of landscape proposed with the project.
7. On-site and street-side fire hydrants are to be installed in accordance with the California Fire Code in locations approved by the City Fire Marshal. Fire hydrants shall have a fire flow meeting Appendix III-B of the California Fire Code. In no case shall the water mains be less than 6 inches in diameter. If a hydrant is located on private property, adequate access shall be provided to and around the hydrant as determined by the Fire Marshal.
8. Storm-drain facilities shall be designed consistent with the requirements of City Construction Standards. Project design shall incorporate Best Management Practices (BMPs) to satisfy Phase II MS4 permit requirements, both during construction and long-term. Should the maintenance costs of the long-term pollution control measures exceed typical storm-drain-system costs, such costs shall be borne by the project by way of a landscape maintenance district, escrow account, or other such financing mechanism

9. Prior to improvement-plan approval, the developer must obtain approval for proper management of stormwater peak flows in accordance with Technical Memorandum Storm drain system design & Evaluation Criteria for City of Yreka, dated July 14, 2006 and the specifications of the City Engineer. Such measures shall address impacts from the 10-, 25-, and 100-year-storm events. Projects shall address peak flows to maintain predevelopment levels at all locations downstream of the project. A drainage report shall be prepared to the format outlined by the Engineering Division, stamped and signed by a qualified engineer, and provided to the Engineering Division with submittal of project improvement plans.
10. The developer shall install streetlights on all public-street frontages as required by the Engineering Division in accordance with the City Construction Standards. Streetlights shall be provided in accordance with applicable City Construction Standards.
11. Curb, gutter, and sidewalk shall be constructed at the time of development along the frontage of the new parcels.
12. A minimum 5-foot-wide public-utility easement is to be provided adjacent to all public-road right-of-way.
13. An encroachment permit is required from Caltrans for any work done in the State right-of-way, including connections to storm drain facilities in the State right-of-way.
14. Monuments shall be referenced or reset in accordance with Business and Profession Code Section 8771.

Caltrans

15. Permittee shall construct driveway approach and sidewalk to meet current ADA standards. An encroachment permit shall be obtained from Caltrans prior to any work, including curb, gutter, sidewalk, driveway approach, and utility connections.
16. Project shall submit a Project Drainage Report meeting Caltrans standard accurately analyzing the proposed drainage conditions and shall include detailed drainage calculations for anticipated rainfall intensities, time of concentration, composite runoff coefficient(s), runoff discharge at any discharge location, the capacity of any retention basin, basin overflow locations etcetera. The analysis should be provided for both the pre- and post-construction site conditions to show the post construction runoff discharges do not exceed pre-construction runoff discharges. Caltrans must review and approve the Project Drainage Report before a building permit for the project is issued.
17. Coordinate curb/gutter and sidewalk design with the Yreka Rehab Project (1H520).

Siskiyou County Environmental Health

18. The storage of hazardous materials exceeding 55 gallons of a liquid, 500 pounds of a solid or 200 cubic feet of a compressed gas requires the submittal of a Hazardous Materials Business Plan. A facility may be subject to annual hazardous materials inspections and all applicable laws and regulations regarding hazardous materials handling and storage. Any

amount of hazardous waste generated in association with an existing or proposed business is subject to a Business Plan and approval from the County Environmental Health Department. The discharge of hazardous waste on-site is prohibited.

19. The proposed facility will be required to complete the plan check process through Siskiyou County Health Department prior to any construction.
20. After construction and finish, the facility owner is required to obtain a pre-opening inspection by Siskiyou County Health Department prior to applying for a food facility operating permit.

The following findings of fact have been determined by the Planning Department for the construction and operation of a liquor/convenience store, with fast food service and fuel island canopy with 6 fuel dispensers located at 100 Montague Road. APN's: 053-473-240, 053-473-210, 053-591-380. The following conditions shall be met prior to the issuance of a Conditional Use Permit except as otherwise specified in the conditions:

1. The use shall be conducted in accordance with the site plan as submitted and no alterations shall be made of the building location(s) and parking 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. Note that minor changes to the site plan may be required as part of the building permit process.
2. If signage is desired, the applicant shall submit a separate *Sign Permit Application* for each sign proposed on the site project. The proposed sign(s) must meet the height limitations and design requirements specified in the Sign Permit Application Guidelines and YMC Title 13-Sign Ordinance. No signs shall be placed on the premises without prior approval of the Planning Department.
3. No proposed building shall exceed 35 feet in height, pursuant to YMC §16.38.040.
4. Landscaping shall comply with §16.52.030 - *Landscapes Standards* of the Yreka Municipal Code.
5. All landscaping shall be installed, maintained, and replaced as necessary as depicted on the site plan.
6. Comply with the California Model Water Efficient Landscape Ordinance (MWEL0) standards per the planting plan and the irrigation plan provided.
7. ADA parking spaces shall be marked, posted, and maintained in accordance with provisions of the Motor Vehicles Code and any other law or regulation now or hereinafter enacted.
8. Trash disposal area(s) shall be designed to consider the following structural or treatment control BMPs:
 - Design trash container areas so that drainage from adjoining roofs and pavement is diverted around the area(s) to avoid run-on. This might include berming or grading the

waste handling area to prevent run-on of stormwater. Wastewater drainage shall be designed to meet the specifications of the Public Works Director.

- Make sure trash container areas are screened or walled to prevent off-site transport of trash.
 - Use lined bins or dumpsters to reduce leaking of liquid waste.
 - Provide roofs, awnings, or attached lids on all trash containers to minimize direct precipitation and prevent rainfall from entering containers.
 - Pave trash storage areas with an impervious surface to mitigate spills.
 - Do not locate storm drains in immediate vicinity of the trash storage area.
 - Post signs on all dumpsters informing users that hazardous materials are not to be disposed of therein.
9. All outdoor lighting on the Project site shall be directed away from the adjacent uses and shall be shielded so that, at a minimum, no light is emitted above a horizontal plane (parallel to the ground) from the base of the fixture. All exterior lighting shall be configured to prevent glare and light trespass onto neighboring properties.
10. Permittee shall obtain a building permit and shall pay the necessary fees prior to commencing the construction process.
11. All grading and construction work on the Project site will incorporate the following dust control measures:
- All active construction areas will be watered at least twice daily or as required by the Building Official.
 - Soil stabilizers will be applied to inactivate construction areas as needed.
 - If visible soil material is carried onto adjacent public streets, such streets will be cleaned of the debris.
 - Dust-producing activities will be suspended when high winds create construction induced visible dust plumes moving beyond the Project site, in spite of dust control measures.
12. Should any previously unidentified archaeological and/or paleontological resources be revealed during the excavation or construction activity, work will cease in the immediate vicinity of the discovery, and all reasonable measures will be taken to avoid or minimize harm to discovered resources until consultation with the State Historic Officer, as required by Section 106 of the NHPA is concluded.
13. Should any human remains be found during the Project construction, construction in the area shall stop immediately and be reported to the County Coroner. Construction shall not proceed until the County Coroner has determined such construction would not impact further human remains.

14. All internal combustion engines used in conjunction with construction activities will be muffled in accordance with equipment manufacturer requirements as required in the Noise Element of the General Plan. The Project will be monitored for noise levels if complaints are received and operation will be restricted if the noise exceeds the limits of the General Plan Noise Element as required by the City Planning Department.
15. 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.
16. The use permit may be 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.

Agency & Department Conditions of Approval:

Public Works

17. Site development and grading shall be designed to provide access to all entrances and exterior ground-floor exits and to normal paths of travel and shall incorporate pedestrian ramps, curb ramps, etc. Access shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, passenger-loading zones if provided, and public streets or sidewalks. When more than 1 building or facility is located on a site, accessible routes of travel shall be provided between buildings and accessible site facilities, accessible element, and accessible spaces that are on the same site. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible site facilities, and the accessible entrance to the site.
18. Sewer lines, waterlines, electric-service facilities, and other utilities; drainage facilities; necessary electric- and public-service easements; and street dedications are to be provided in accordance with the Yreka Municipal Code and as specified by the Engineering Division.
19. The developer shall extend sewer and water lines and electric substructures and conduits as necessary to serve the property and provide logical extensions of service through the property boundaries to adjacent properties.
20. New utilities within the project, including, but not limited to, electric, cable television, and phone, shall be installed underground.
21. All commercial developments shall have backflow prevention devices on domestic and fire services as required by the City of Yreka Construction Standards.
22. Applicant shall note that the California Green Building Code Section 5.304.2 requires a separate water meter and water service for irrigation of landscape areas when a commercial project includes more than 1,000 square feet of irrigated landscape. All utility and landscape

plans shall depict the proposed location of the water meter and identify the total area of landscape proposed with the project.

23. On-site and street-side fire hydrants are to be installed in accordance with the California Fire Code in locations approved by the City Fire Marshal. Fire hydrants shall have a fire flow meeting Appendix III-B of the California Fire Code. In no case shall the water mains be less than 6 inches in diameter. If a hydrant is located on private property, adequate access shall be provided to and around the hydrant as determined by the Fire Marshal.
24. Storm-drain facilities shall be designed consistent with the requirements of City Construction Standards. Project design shall incorporate Best Management Practices (BMPs) to satisfy Phase II MS4 permit requirements, both during construction and long-term. Should the maintenance costs of the long-term pollution control measures exceed typical storm-drain-system costs, such costs shall be borne by the project by way of a landscape maintenance district, escrow account, or other such financing mechanism
25. Prior to improvement-plan approval, the developer must obtain approval for proper management of stormwater peak flows in accordance with Technical Memorandum Storm drain system design & Evaluation Criteria for City of Yreka, dated July 14, 2006 and the specifications of the City Engineer. Such measures shall address impacts from the 10-, 25-, and 100-year-storm events. Projects shall address peak flows to maintain predevelopment levels at all locations downstream of the project. A drainage report shall be prepared to the format outlined by the Engineering Division, stamped and signed by a qualified engineer, and provided to the Engineering Division with submittal of project improvement plans.
26. The developer shall install streetlights on all public-street frontages as required by the Engineering Division in accordance with the City Construction Standards. Streetlights shall be provided in accordance with applicable City Construction Standards.
27. Curb, gutter, and sidewalk shall be constructed at the time of development along the frontage of the new parcels.
28. A minimum 5-foot-wide public-utility easement is to be provided adjacent to all public-road right-of-way.
29. An encroachment permit is required from Caltrans for any work done in the State right-of-way, including connections to storm drain facilities in the State right-of-way.
30. Monuments shall be referenced or reset in accordance with Business and Profession Code Section 8771.

Caltrans

31. Permittee shall construct driveway approach and sidewalk to meet current ADA standards. An encroachment permit shall be obtained from Caltrans prior to any work, including curb, gutter, sidewalk, driveway approach, and utility connections.

32. Project shall submit a Project Drainage Report meeting Caltrans standard accurately analyzing the proposed drainage conditions and shall include detailed drainage calculations for anticipated rainfall intensities, time of concentration, composite runoff coefficient(s), runoff discharge at any discharge location, the capacity of any retention basin, basin overflow locations etcetera. The analysis should be provided for both the pre- and post-construction site conditions to show the post construction runoff discharges do not exceed pre-construction runoff discharges. Caltrans must review and approve the Project Drainage Report before a building permit for the project is issued.
33. Coordinate curb/gutter and sidewalk design with the Yreka Rehab Project (1H520).

Siskiyou County Environmental Health

34. The storage of hazardous materials exceeding 55 gallons of a liquid, 500 pounds of a solid or 200 cubic feet of a compressed gas requires the submittal of a Hazardous Materials Business Plan. A facility may be subject to annual hazardous materials inspections and all applicable laws and regulations regarding hazardous materials handling and storage. Any amount of hazardous waste generated in association with an existing or proposed business is subject to a Business Plan and approval from the County Environmental Health Department. The discharge of hazardous waste on-site is prohibited.

Discussion/Possible Action – Consideration of proposed categorical exemption and Conditional Use Permit to allow the operation of the business of a restaurant with seating capacity of up to fifty (50). Property location 311 West Miner Street, Yreka, California, C-2 (Commercial Downtown) Zone and HD (Historical District) General Plan designation. Assessor's Parcel No. 054-051-100.

Planning Commissioner O'Brien announced his recusal, stating he has a conflict of interest and therefore recused himself from the building.

Deputy Planning Director Liz Casson presented the commissioners with the following background. The applicant Victor Rodriguez submitted an application for approval of Conditional Use Permit #2021-36 to allow the operation of the business of a restaurant with seating capacity of up to fifty (50). The Project site is located at 311 W. Miner Street, Yreka, CA 96097 (APN# 054-051-100). The Project site is designated *HD (Historical District)* by the Yreka General Plan and is in the *C-2 - Commercial Downtown* zoning district. The Project proposes an establishment and operation of a Mexican Restaurant, with the seating capacity of up to 50 seats, to be located in an existing facility located at 311 W. Miner Street.

Public Hearing – This being the time and date set for the public hearing. Chair Ohlund opened the hearing to the audience.

There being no statements or comments received, Chair Ohlund closed the public hearing and discussion was opened to the Commission.

Commissioner Rolzinski made the following motion:

I move that the Planning Commission determine the project to be Categorical Exempt to CEQA Guidelines Section 15301, Existing Facilities, and adopt Planning Commission Resolution PC# 2021-10 approving Conditional Use Permit #2021-36 as presented herein.

Commissioner Osborn seconded the motion, and upon roll call, the following voted.
YEA: Gilbert, Ohlund, Osborn, and Rolzinski.

Chair Ohlund thereupon declared the motion carried.

Said Resolution being in the words as follows:

**CITY OF YREKA
PLANNING COMMISSION RESOLUTION PC 2021-10
APPROVING CONDITIONAL USE PERMIT # 2021-36
TO ALLOW THE OPERATION OF A
MEXICAN RESTAURANT AT 311 W. MINER STREET, YREKA,
ASSESSOR'S PARCEL NUMBER 054-051-100
AND FINDING THE PROJECT TO BE EXEMPT FROM CEQA**

WHEREAS, Victor Rodriguez submitted an application for the establishment and operation of a Mexican Restaurant, to be located at 311 W. Miner Street; and

WHEREAS, the Planning Commission held a Public Hearing to review and consider the Project on August 18, 2021; and

WHEREAS, the Planning Commission has determined that the Proposed Project is consistent with the Yreka General Plan and the standards of the Yreka Municipal Code; and

WHEREAS, the Planning Commission finds that the Proposed Project is categorically exempt pursuant to CEQA Guidelines Section 15301, Existing Facilities and the "Common Sense" Exemption, of the State CEQA Guidelines, as it can be seen with certainty that there is no possibility that the project would have a significant effect on the environment; and

WHEREAS, the Planning Commission has made the following findings:

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 restaurant with seating capacity of up to fifty (50) seats 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 restaurant with seating capacity of twenty-one (21) or more upon approval and validation of a conditional use permit as set forth in Section 16.34.070 (J) 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 is granted a permit to establish and operate a restaurant at 311 W. Miner Street, Yreka, CA with a seating capacity of up to fifty (50) as set forth in the application, subject to full compliance with applicable city and state codes. Permittee shall submit professional building plans to the City of Yreka Building Department showing seating capacity. 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 (Commercial Downtown) 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 311 W. Miner Street, as approved by the Planning Commission on August 18, 2021.
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. Historic District (HD) General Plan designation.
5. There shall be no storage or display of merchandise outside the building.
6. Permittee shall submit plans drawn and wet stamped by a California Professional Engineer/Architect to the City of Yreka Building Department to obtain a building permit to establish a restaurant and shall pay the necessary fees prior to making any building, electrical, mechanical, or plumbing installations and/or improvements to the structure.

7. Installation of grease traps/interceptor shall be required for food businesses as determined by the Building Official and Department of Public Works in accordance with the California Plumbing Code and shall comply at all times with the requirements for the Fats, Oils and Grease (FOG) Source Control Program.
 8. Permittee shall provide the City with verification of compliance with Siskiyou County Public Health Department approval to establish and operate a restaurant.
 9. Permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that the structure meets the building standards and fire regulations of the California Building Code, California Fire Codes and the California Historical Building Code standards prior to commercial use.
 10. 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 & Title 17, Historic District.
 11. Permittee shall maintain an annual City business license to carry on the business of a restaurant.
 12. 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.
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 restaurant with seating capacity of up to fifty (50) seats 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 restaurant with seating capacity of twenty-one (21) or more upon approval and validation of a conditional use permit as set forth in Section 16.34.070 (J) 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 is granted a permit to establish and operate a restaurant at 311 W. Miner Street, Yreka, CA with a seating capacity of up to fifty (50) as set forth in the application, subject to full compliance with applicable city and state codes. Permittee shall submit professional building plans to the City of Yreka Building Department showing seating capacity. **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 (Commercial Downtown) zone and can be served by existing municipal parking facilities.
4. Use shall be conducted in accordance with the application as submitted for the property located at 311 W. Miner Street, as approved by the Planning Commission on August 18, 2021.
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. Historic District (HD) General Plan designation.
5. There shall be no storage or display of merchandise outside the building.
6. Permittee shall submit plans drawn and wet stamped by a California Professional Engineer/Architect to the City of Yreka Building Department to obtain a building permit to establish a restaurant and shall pay the necessary fees prior to making any building, electrical, mechanical, or plumbing installations and/or improvements to the structure.
7. Installation of grease traps/interceptor shall be required for food businesses as determined by the Building Official and Department of Public Works in accordance with the California Plumbing Code and shall comply at all times with the requirements for the Fats, Oils and Grease (FOG) Source Control Program.
8. Permittee shall provide the City with verification of compliance with Siskiyou County Public

Health Department approval to establish and operate a restaurant.

9. Permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that the structure meets the building standards and fire regulations of the California Building Code, California Fire Codes and the California Historical Building Code standards prior to commercial use.

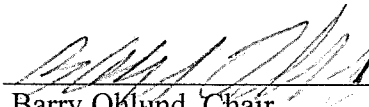
10. No signs shall be placed on the premises without first obtaining a sign permit. Signs shall be installed in accordance with Title 13, Signs of Yreka Municipal Code & Title 17, Historic District.

11. Permittee shall maintain an annual City business license to carry on the business of a restaurant.

12. 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.

Commissioner O'Brien returned to his seat at the diaz.

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



Barry Ohlund, Chair

Approved by motion of the Planning
Commission on September 15, 2021