

MINUTES OF THE REGULAR MEETING OF THE
YREKA PLANNING COMMISSION HELD IN
THE YREKA CITY COUNCIL CHAMBER IN SAID CITY
ON THE 15th DAY OF DECEMBER 2010

On the 15th day of December, 2010 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 – TEMPORARY STORAGE YARD
T & S CONSTRUCTION CO – CORNER MAIN & BLAKE STREETS TABLED**

The Commission reviewed the application submitted by Art Spinella for T & S Construction Company, Inc. for a conditional use permit for a temporary storage yard to store construction equipment and materials including pipe and gravel for the Fall Creek project from March 2011 through May 2011, on the property located at the northeast corner of N. Main Street and E. Blake Street, Assessor's Parcel No. 053-473-070, 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 conditional use permit for a temporary storage yard to store construction equipment and materials, Chair Knitter opened the hearing to the public.

Staff recommended approval subject to the conditions presented. Staff also recommended that the Planning Commission make the determination that 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.

A letter received from Terry Alderson after the Planning Commission packets went out was read. The letter expressed concern about street damage that may be created by the trucks using Blake Street.

Staff suggested the following additional condition could be added in response to the letter:

Permittee shall repair and/or replace damaged asphalt concrete pavement or any other damages in the site area caused as a result of the subject use. Repair and/or replacement shall be installed upon completion of the use of the property as determined by the Director of Public Works.

Terry Alderson spoke and reiterated the concerns expressed in his letter.

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

Following Commission discussion, Commissioner Ohlund made a motion that the applicant find an alternate site that is further from residential uses for a temporary storage yard to store equipment and materials for the Fall Creek project.

Commissioner Leal made a motion to deny the permit request for a temporary storage yard at the Main and Blake Street location.

Following further discussion Commissioner Ohlund modified his motion and moved to table making a decision on this project until further search by the applicant for an alternate location for the temporary storage yard to store construction equipment and materials including pipe and gravel for the Fall Creek project from March 2011 through May 2011 at a less populated location. Possible locations suggested by the Commission included lots adjacent to Deer Creek Road.

Commissioner Leal withdrew his motion to deny the permit.

Commissioner Baird seconded Commissioner Ohlund's motion as modified. The motion carried by the following vote:

AYES: Baird, Knitter, Leal, Ohlund, Osborn, Rolzinski
NOES: McAllister

**USE PERMIT – SHOE REPAIR & BOOT SALES
GERALD REISE – 115 MONTAGUE ROAD**

APPROVED

The Commission reviewed the application submitted by Gerald R. Reise for Gerry's Shoe Service for a conditional use permit to establish and operate a shoe repair and boot sales business on the property located at 115 Montague Road, Assessor's Parcel No. 053-473-160, 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 conditional use

permit to establish and operate a shoe repair and boot sales business on the property located at 115 Montague Road, Chair Knitter opened the hearing to the public.

Staff recommended approval of the project subject to conditions presented. Staff also recommended that the Planning Commission make the determination that 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.

Terry Alderson reported that the applicant is living on the premises at 115 Montague Road.

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

Following Commission discussion, Commission Rolzinski made a motion to approve the application for a conditional use permit to establish and operate a shoe repair and boot sales business on the property located at 115 Montague Road, Assessor's Parcel No. 053-473-160, CT (Commercial Tourist) zone, GC (General Commercial) General Plan designation provided the applicant is not using the location as his place of living. The 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 the 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 establishment and operation of a shoe repair and boot sales 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 the use is located within a shopping center that consists of multiple uses.
 - 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 above.
 - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because the existing parking lot is large enough to accommodate the proposed use.

- d. adversely affect matters regarding police protection, crime prevention, and security because the business will occupy an existing space within the shopping center.
 - e. adversely affect circulation or traffic patterns in the neighborhood or constitute a nuisance because the parking lot currently exists and the new business will not alter the parking lot, the proposed use will not alter traffic on the existing streets.
2. The use is compatible with the policies and objectives of the zoning ordinance by obtaining a Use Permit approval.
 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.

CONDITIONS:

1. Permittee granted a permit to establish and operate a shoe repair and boot sales business on the property located at 115 Montague Road as 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 shall be complied with.
3. Adequate off-street parking facilities shall be provided as follows: one (1) space for each 200 hundred square feet of floor area as set forth in Section 16.54.020 (A.2.b).
4. The off-street parking plan and facilities approved by the Planning Commission shall not be deviated from unless prior approval of the Planning Commission is secured, and all loading, customer, and employee parking areas, access drives and aisles shall be paved and striped and bumper rails or other barriers shall be provided, as determined by the Director of Public Works and in accordance with Section 16.54.090 of the Yreka Municipal Code.
5. 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.
6. 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.

7. All landscaping shall be maintained and replaced as necessary as depicted on the site plan.

8. 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.

9. 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.

10. 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 shoe repair and boot sales.

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

12. Permittee shall secure an annual City business license to carry on the business of shoe repair and boot sales.

13. 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.

14. The use permit 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 or in the event the use permitted is abandoned or not utilized for a period of one year. Approval may be extended upon written application to the Planning Commission before expiration of the first approval.

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

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

USE PERMIT – CONSIGNMENT SALES**DANNY FONTAINE – 109 & 123 MONTAGUE RD****APPROVED**

The Commission reviewed the application submitted by Danny Fontaine for a conditional use permit to establish and operate the business of a consignment store selling new and used furniture, gifts, and household items; plus the business of real estate sales on the property located at 109 and 123 Montague Road, Assessor's Parcel No. 053-473-160, 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 conditional use permit to establish and operate the business of a consignment store selling new and used furniture, gifts, and household items; plus the business of real estate sales, Chair Knitter opened the hearing to the public.

Staff recommended approval of the project subject to conditions presented. Staff also recommended that the Planning Commission make the determination that 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.

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

Following Commission discussion, Commission Ohlund made a motion to approve the application for a conditional use permit to establish and operate the business of a consignment store selling new and used furniture, gifts, and household items; plus the business of real estate sales on the property located at 109 and 123 Montague Road, Assessor's Parcel No. 053-473-160, CT (Commercial Tourist) zone, GC (General Commercial) General Plan designation. The 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 the 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 establishment and operation of the business of a consignment store selling new and used furniture, gifts, and household items; plus the business of real estate sales will not:

- a. be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, and will not be detrimental to the harmonious and orderly growth of the City of Yreka because the use is located within a shopping center that consists of multiple uses.
 - b. be detrimental to property or improvements in the neighborhood and the residential use will not impair the desirability of investment or occupation in the vicinity for the reason stated above.
 - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because the existing parking lot is large enough to accommodate the proposed use.
 - d. adversely affect matters regarding police protection, crime prevention, and security because the business will occupy an existing space within the shopping center.
 - e. adversely affect circulation or traffic patterns in the neighborhood or constitute a nuisance because the parking lot currently exists and the new business will not alter the parking lot, the proposed use will not alter traffic on the existing streets.
2. The use is compatible with the policies and objectives of the zoning ordinance by obtaining a Use Permit approval.
 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 of the business of a consignment store selling new and used furniture, gifts, and household items; plus the business of real estate sales 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. There shall be no storage or display of merchandise outside the building.
3. 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.

4. Adequate off-street parking facilities shall be provided as follows: one (1) space for each two hundred square feet of floor area as set forth in Section 16.54.020(2-b) of the Yreka Municipal Code.
5. The off-street parking plan and facilities approved by the Planning Commission shall not be deviated from unless prior approval of the Planning Commission is secured, and all loading, customer, and employee parking areas, access drives and aisles shall be paved and striped and bumper rails or other barriers shall be provided, as determined by the Director of Public Works and in accordance with Section 16.54.090 of the Yreka Municipal Code.
6. Parking required for disabled persons shall be marked, posted, and maintained in accord with provisions of the Motor Vehicles Code and any other law or regulation now or hereinafter enacted relating to parking for disabled persons.
7. Use shall be conducted in accordance with the site plan as submitted and no alterations shall be made of the building location(s) parking and landscaping without prior approval of the Planning Commission; provided, however, upon request of the Permittee and showing of good cause, the City Manager is authorized to permit minor modifications of the site plan without resubmission to the Planning Commission.
8. 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.
9. 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 consignment and real estate sales business.
10. Permittee shall obtain a building permit and shall pay the necessary fees therefor prior to building construction.
11. No signs shall be placed on the premises without prior approval of the Planning Department.
12. Permittee shall secure annual City business licenses to carry on consignment and real estate sales businesses.
13. 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.
- 14. The use permit 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 or in the event the use permitted is abandoned or not utilized for a period of one year. Approval may be extended upon written application to the Planning Commission before expiration of the first approval.

Commissioner McAllister 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 NOVEMBER 17, 2010 MEETING

The Commission, having received a copy of the minutes of the regular meeting of the Planning Commission held November 17, 2010, approved the minutes unanimously on a motion made by Commissioner Leal and seconded by Commissioner Rolzinski subject to the correction on page 2 omitting Ohlund and adding Knitter on the AYE vote.

COMMISSIONER'S STATEMENTS & COMMENTS

An Advise Memo from Mary Frances McHugh, City Attorney, was provided to the Commissioners regarding their obligations under state and federal ethics laws. Commissioners asked questions regarding the obligation and the memo. The City Attorney responded to their questions.

There being no further business before the Commission, the meeting was adjourned at 7:40 p.m.

Pamela J. Hayden, Planning Director