

MINUTES OF THE REGULAR MEETING OF THE  
YREKA PLANNING COMMISSION HELD IN  
THE YREKA CITY COUNCIL CHAMBER IN SAID CITY  
ON THE 16<sup>th</sup> DAY OF FEBRUARY 2011

On the 16<sup>th</sup> day of February, 2011 at 6:30 p.m., the Planning Commission of the City of Yreka met in the City Council Chamber in said city in regular session. The meeting was called to order by Chair Baird and present were:

Commissioners:            Deborah Baird  
                                 Diane Knitter  
                                 Steve Leal  
                                 Mark McAllister  
                                 Barry Ohlund  
                                 Matt Osborn  
                                 Richard Rolzinski

Absent:                        None

**USE PERMIT – RESTAURANT**  
**LAURA MAZZAGLIA – 106 RANCH LANE, SUITE D** **APPROVED**

---

The Commission reviewed the application submitted by Laura Mazzaglia, for a conditional use permit to establish and operate a restaurant (pizza & pasta) business for dine in with seating for 24, take out, and delivery, located on the property at 106 Ranch Lane, Assessor’s Parcel Nos. 062-041-310, 510, 580, 600, CH (Commercial Highway) 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 restaurant at 106 Ranch Lane, Chair Baird 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 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, Commissioner Knitter made a motion to approve the application for a conditional use permit to establish and operate a restaurant (pizza & Pasta) business for dine in with seating for 24, take out, and delivery, located on the property at 106 Ranch Lane, Suite D, Assessor's Parcel Nos. 062-041-310, 510, 580, 600, CH (Commercial Highway) 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 a restaurant (pizza and pasta) business for dine in with seating for 24, take out, and delivery on the property located at 106 Ranch Lane Suite D 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 restaurant will be located in an existing commercial structure with adequate parking available. The site is zoned properly for the proposed restaurant use subject to use permit approval.

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 because there are commercial uses adjacent to the project site.

c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because there will be adequate parking on the site to accommodate the proposed use for the following reasons:

Common parking facilities of 37 parking spaces were approved with Use Permit No. 3811 with the adjacent lot known as Assessor's Parcel Nos. 62-041-590 and 62-041-610. Common parking facilities can be allowed provided the total of such off-street parking spaces, when used together, are not less than the sum required for the various uses computed separately, pursuant to Yreka Municipal Code section 16.54.080. Also as provided in Yreka Municipal Code Section 16.54.080 where the uses utilizing a common parking facility require more than twenty (20) parking spaces, a ten (10) percent reduction in the total number of spaces may be permitted by the Planning Commission. Taking into consideration the common parking facilities and ten percent reduction, the total parking

requirement for the project approved by Use Permit No. 3811 as submitted was 37 spaces.

The parking plan approved by the Planning Commission June 20, 2007 for Use Permit No. 3811 had minor modifications as determined at the on-site inspection November 24, 2008. The modification relocated a few spaces with a result of one additional parking space for a total of 38 common parking spaces total between the two properties located at 160 Ranch Lane and 1573 S. Main Street.

When there is a change in use and the change creates a need for an increase in the number of off-street parking spaces, and if the change creates a need for an increase of two or less off-street parking spaces, no additional parking facilities shall be required. (YMC 16.54.040.B)

Based upon the foregoing adequate off-street parking will be provided for the existing and proposed uses as follows: One (1) space for each 200 square feet of office space (6 spaces for a proposed office use); one space for each doctor, dentist, or practitioner, plus one space for each employee, plus two spaces for each examining room (21 spaces for existing and proposed medical uses); one space for each three seats plus one space for each employee of the maximum working shift for restaurant use (12 spaces for a proposed restaurant use); and four spaces for the existing coffee shop on the adjacent parcel for a total of 43 spaces. Taking into consideration the common parking facilities, ten percent reduction, and change in use (YMC 16.54.040.B), the total parking requirement for the projects as proposed is 38. (Common spaces required – 43, minus ten percent reduction – 4 equals 39 spaces required, 38 spaces provided, change in use less than two – no additional spaces shall be required)

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 because no new streets are proposed with the project.

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

3. The project is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061 (b)(3) of the CEQA Guidelines in that it is not a project which has the potential for causing a significant effect on the environment.

The foregoing findings are based upon the following:

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

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

CONDITIONS:

1. Permittee granted a permit to establish and operate a restaurant (pizza & pasta) business for dine in with seating for 24, take out, and delivery 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. Permittee shall install a grease trap.
3. Adequate off-street parking shall be provided for the existing and proposed uses as follows: One (1) space for each 200 square feet of office space (6 spaces for a proposed office use); one space for each doctor, dentist, or practitioner, plus one space for each employee, plus two spaces for each examining room (21 spaces for existing and proposed medical uses); one space for each three seats plus one space for each employee of the maximum working shift for restaurant use (12 spaces for a proposed restaurant use); four (4) spaces for existing coffee shop, for a total of 43 spaces. Approval granted for 38 spaces subject to the reductions allowed pursuant to Yreka Municipal Code sections 16.54.040.B and 16.54.080.
4. The site plan for the property located at 106 Ranch Lane, as approved by the Planning Commission on June 20, 2007 and slightly modified November 24, 2008 adding one parking space shall not be changed or deviated from without approval of the Planning Commission. The parking plan shall not be altered 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.
5. The design and location of the off-street parking facilities as shown on the site plan as approved by the Planning Commission on June 20, 2007 shall not be deviated from unless prior approval of the Planning Commission (with the exception as stated in Condition #1) is secured, and all loading, employee, and customer parking areas, access drives and aisles shall be paved and striped. Bumper rails or other barriers shall be provided where needed for safety or to protect property, as determined by the Building Official and in accordance with Section 16.54.090 of the Yreka Municipal Code.
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. All landscaping shall be maintained and replaced as necessary as depicted on the landscape plan approved with Permit No. 3811 on June 20, 2007.

8. Permittee shall comply at all times with the zoning district regulations for a CH (Commercial Highway) zone as set forth in Section 16.36 of the Yreka Municipal Code.

9. Permittee shall obtain a building permit and shall pay the necessary fees therefore 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, driveways 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 a restaurant.

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 a restaurant.

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 site plan approval shall expire and terminate if not used within one (1) year from the date of approval unless, prior to the expiration of one year, a building permit is issued and construction is commenced. Approval may be extended upon written application to the Planning Commission before expiration of the first approval.**

Commissioner 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 JANUARY 19, 2011 MEETING**

The Commission, having received a copy of the minutes of the regular meeting of the Planning Commission held January 19, 2011, approved the minutes unanimously on a motion made by Commissioner Leal and seconded by Commissioner Ohlund.

**SITE PLAN REVIEW – MEDICAL OFFICE****RACHEL DUNN-BLACK MD 106 RANCH LANE****APPROVED**

The Commission reviewed the application submitted by Rachel Dunn-Black, M.D. for Siskiyou Clarity Medical Spa, for a site plan review to establish and operate a medical office in an unimproved portion of the building located at 106 Ranch Lane, Suite B (shown as Suites B & C on the initial 106 Ranch Lane project approval). The medical office will include four exam rooms, four practitioners, and one employee, Assessor's Parcel Nos. 062-041-310, 510, 580, 600, CH (Commercial Highway) zone, GC (General Commercial) General Plan designation.

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 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.

Rachel Dunn-Black, M.D. explained their expected hours and days of use as it related to the parking, and offered to answer questions as needed.

Staff also reported that the parking was calculated for full time occupancy in all suites and as determined in the proposed Findings there will be adequate on-site parking for all proposed uses.

Following Commission discussion, Commissioner Rolzinski made a motion to approve the application for a site plan review to establish and operate a medical office in an unimproved portion of the building located at 106 Ranch Lane, Suite B (shown as Suites B & C on the initial 106 Ranch Lane project approval). The medical office will include four exam rooms, four practitioners, and one employee, Assessor's Parcel Nos. 062-041-310, 510, 580, 600, CH (Commercial Highway) 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. A site plan review for establishment and operation of a medical office in an unimproved portion of the building located at 106 Ranch Lane 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. Suite B as proposed was shown as Suites B and C on the initial 106 Ranch Lane project approval by Use Permit No. 3811.

2. The project proposes to establish a medical office that will include four exam rooms, four practitioners, and one employee. The original use permit approval authorized 3,784 sq. ft. for medical offices with estimated parking requirements. The project as proposed will require 13 parking spaces.

3. Common parking facilities of 37 parking spaces were approved with Use Permit No. 3811 with the adjacent lot known as Assessor's Parcel Nos. 62-041-590 and 62-041-610. Common parking facilities can be allowed provided the total of such off-street parking spaces, when used together, are not less than the sum required for the various uses computed separately, pursuant to Yreka Municipal Code section 16.54.080. Also as provided in Yreka Municipal Code Section 16.54.080 where the uses utilizing a common parking facility require more than twenty (20) parking spaces, a ten (10) percent reduction in the total number of spaces may be permitted by the Planning Commission. Taking into consideration the common parking facilities and ten percent reduction, the total parking requirement for the project approved by Use Permit No. 3811 as submitted was 37 spaces.

The parking plan approved by the Planning Commission June 20, 2007 for Use Permit No. 3811 had minor modifications as determined at the on-site inspection November 24, 2008. The modification relocated a few spaces with a result of one additional parking space for a total of 38 common parking spaces total between the two properties located at 160 Ranch Lane and 1573 S. Main Street.

When there is a change in use and the change creates a need for an increase in the number of off-street parking spaces, and if the change creates a need for an increase of two or less off-street parking spaces, no additional parking facilities shall be required. (YMC 16.54.040.B)

Based upon the foregoing adequate off-street parking will be provided for the existing and proposed uses as follows: One (1) space for each 200 square feet of office space (6 spaces for a proposed office use); one space for each doctor, dentist, or practitioner, plus one space for each employee, plus two spaces for each examining room (21 spaces for existing and proposed medical uses); one space for each three seats plus one space for each employee of the maximum working shift for restaurant use (12 spaces for a proposed

restaurant use); and four spaces for the existing coffee shop on the adjacent parcel for a total of 43 spaces. Taking into consideration the common parking facilities, ten percent reduction, and change in use (YMC 16.54.040.B), the total parking requirement for the projects as proposed is 38. (Common spaces required – 43, minus ten percent reduction – 4 equals 39 spaces required, 38 spaces provided, change in use less than two – no additional spaces shall be required)

#### CONDITIONS:

The following conditions shall be complied with at all times that the use of the property located at 106 Ranch Lane, Suite B, is a medical office including four exam rooms, four practitioners, and one employee is authorized:

1. The site plan for the property located at 106 Ranch Lane, as approved by the Planning Commission on June 20, 2007 and slightly modified November 24, 2008 adding one parking space shall not be changed or deviated from without approval of the Planning Commission. The parking plan shall not be altered 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.
2. The design and location of the off-street parking facilities as shown on the site plan as approved by the Planning Commission on June 20, 2007 and slightly modified November 24, 2008 shall not be deviated from unless prior approval of the Planning Commission (with the exception as stated in Condition #1) is secured, and all loading, employee, and customer parking areas, access drives and aisles shall be paved and striped. Bumper rails or other barriers shall be provided where needed for safety or to protect property, as determined by the Building Official and in accordance with Section 16.54.090 of the Yreka Municipal Code.
3. 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.
4. All landscaping shall be maintained and replaced as necessary as depicted on the landscape plan approved with Permit No. 3811 on June 20, 2007.
5. Permittee shall comply at all times with the zoning district regulations for a CH (Commercial Highway) zone as set forth in Section 16.36 of the Yreka Municipal Code.
6. Permittee shall obtain a building permit and shall pay the necessary fees therefore 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, driveways and asphalt concrete street

pavement may be required upon issuance of a building permit in accordance with Yreka Municipal Code Section 11.24.030.

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

**8. The site plan approval shall expire and terminate if not used within one (1) year from the date of approval unless, prior to the expiration of one year, a building permit is issued and construction is commenced. Approval may be extended upon written application to the Planning Commission before expiration of the first approval.**

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

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

**USE PERMIT EXTENSION - RESTAURANT & RETAIL/OFFICE USE  
MK & A, LLC DBA CASA RAMOS BY MARCO RAMOS APPROVED**

Commissioners Baird and Ohlund recused themselves from participating in this agenda item due to a financial relationship with the applicant to prevent a possible conflict of interest in this matter and they left the room.

Vice Chair Leal assumed the duties of Chair. The Commission reviewed the application submitted by Marco Ramos of MK & A, LLC dba Casa Ramos for extension of Use Permit #3568 to construct, establish, and operate a 6,400 sq. ft. restaurant and a 4,125 sq. ft. retail/office building with 111 parking spaces on a project site of 1.7 acres on the property located at 1515 S. Main Street/175 Greenhorn Road.

Staff recommended approval of a one year extension subject to the modification of Conditions number 9, 14, and 19 as follows in italics and underlined:

9. Permittee shall obtain an encroachment permit from City of Yreka for any work done in the Greenhorn Road right of way and for construction of and/or connection to any City sewer, water, or stormdrain. Plans prepared by a registered civil engineer may be required for the Department of Public Works, in addition to the plans prepared for the Building Department, for any public infrastructure improvements that need to be constructed.

14. Permittee shall obtain a building permit and shall pay the necessary fees therefore 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. Plans prepared by a registered civil engineer may be required for the Department of Public Works, in addition to the plans prepared for the Building Department, for any public infrastructure improvements that need to be constructed.

~~19. 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.~~

**19. The site plan approval shall expire and terminate if not used within one (1) year from the date of approval unless, prior to the expiration of one year, a building permit is issued and construction is commenced. Approval may be extended upon written application to the Planning Commission before expiration of the first approval.**

Staff administratively authorized a one year extension of this project as provided in Y.M.C. Section 16.44.050 in 2007 and Planning Commission granted one year extensions in 2008, 2009, and 2010. The applicant is requesting an additional extension.

This project was approved with a Categorical Exception 15332 (Infill Development).

Following Commission discussion, Commissioner McAllister made a motion to approve the application for a one year extension of Use Permit #3568 to construct, establish, and operate a 6,400 sq. ft. restaurant and a 4,125 sq. ft. retail/office building with 111 parking spaces on a project site of 1.7 acres on the property located at 1515 S. Main/175 Greenhorn Road, Assessor's Parcel No. 62-041-050, CH zone, GC General Plan designation. Approval is subject to the modification of Conditions number 9, 14, and 19 as follows in italics and underlined:

9. Permittee shall obtain an encroachment permit from City of Yreka for any work done in the Greenhorn Road right of way and for construction of and/or connection to any City sewer, water, or stormdrain. Plans prepared by a registered civil engineer may be required for the Department of Public Works, in addition to the plans prepared for the Building Department, for any public infrastructure improvements that need to be constructed.

14. Permittee shall obtain a building permit and shall pay the necessary fees therefore 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. Plans prepared by a registered civil engineer may be required for the Department of Public Works, in addition to the plans prepared for the Building Department, for any public infrastructure improvements that need to be constructed.

~~19. 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.~~

**19. The site plan approval shall expire and terminate if not used within one (1) year from the date of approval unless, prior to the expiration of one year, a building permit is issued and construction is commenced. Approval may be extended upon written application to the Planning Commission before expiration of the first approval.**

The project approval is based on Staff's recommendations and subject to full compliance with all applicable city, state, and federal laws and regulations and the following findings and conditions of approval:

FINDINGS:

1. The construction, establishment and operation of a 6,400 sq. ft. restaurant and a 4,125 sq. ft. retail/office building with 111 parking spaces on a project site of 1.7 acres 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.
- 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.
- c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors.
- 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.

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

CONDITIONS:

1. Permittee granted a permit to construct, establish and operate a 6,400 sq. ft. restaurant and a 4,125 sq. ft. retail/office building with 111 parking spaces on a project site of 1.7 acres 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. Adequate off-street parking facilities shall be provided as follows: one (1) space for each three seats plus one space for each employee of the maximum working shift for the restaurant use and one space for each two hundred square feet of floor area for retail/office use as set forth in Sections 16.54.020.A.5(a) and 16.54.020.A.2(a) of the Yreka Municipal Code. As submitted the project requires 109 parking spaces.
3. 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.
4. 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.
5. 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.
6. Submittal of a revised landscape plan that complies with the City's landscape standards as set forth in Section 16.52.030 of the Yreka Municipal Code, and for modifications needed to assure adequate visibility at the project entrances plus other modifications as recommended for review at the next Technical Committee meeting. The City Manager is authorized to approve the modified plan following the Technical Committee review
7. All landscaping shall be installed, maintained, and replaced as necessary as depicted on the approved landscape plan.
8. Permittee shall obtain an encroachment permit from Caltrans for any work done within the State Route 3 right of way.
9. Permittee shall obtain an encroachment permit from City of Yreka for any work done in the Greenhorn Road right of way and for construction of and/or connection to any City sewer, water, or stormdrain. Plans prepared by a registered civil engineer may be required for the Department of Public Works, in addition to the plans prepared for the Building Department, for any public infrastructure improvements that need to be constructed.

10. Permittee shall install a backwater valve on the sewer lateral as required by the California Plumbing Code.
11. Pursuant to Section 16.54.090 of the Yreka Municipal Code the lighting shall be designed to prevent unreasonable glare to adjoining properties and controlled by such reasonable means as are practical to prevent sky-reflected glare.
12. Permittee shall submit a storm water detention analysis for review and approval of the Director of Public Works and/or Building Official prior to start of construction. On-site detention may be required.
13. Permittee shall comply at all times with the zoning district regulations for a CH zone as set forth in section 16.36 of the Yreka Municipal Code.
14. 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. Plans prepared by a registered civil engineer may be required for the Department of Public Works, in addition to the plans prepared for the Building Department, for any public infrastructure improvements that need to be constructed.
15. 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 restaurant or retail/office space.
16. No signs shall be placed on the premises without prior approval of the Planning Department.
17. Permittee shall secure an annual City business license to carry on the business of a restaurant and/or retail sales.
18. 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.
19. ~~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.~~

**19. The site plan approval shall expire and terminate if not used within one (1) year from the date of approval unless, prior to the expiration of one year, a building permit is issued and construction is commenced. Approval may be extended upon written application to the Planning Commission before expiration of the first approval.**

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

AYES: Knitter, Leal, McAllister, Osborn, Rolzinski

NOES: None

Commissioner's Baird and Ohlund returned to the Commissioner's table.

**USE PERMIT REVOCATION – APARTMENT COMMUNITY  
GLOBAL PREMIER – 520 N. FOOTHILL DRIVE REVOKED**

Commissioner Baird recused herself from participating in this agenda item due to a financial relationship with the applicant to prevent a possible conflict of interest in this matter and she left the room.

Vice Chair Leal assumed the duties of Chair. The matter of revocation of Use Permit Number 3457 of Global Premier by Wayne Deitz to construct, establish, and operate an 81 unit family apartment community on a project site of approximately 6.75 acres came before the Commission at its regularly scheduled meeting on Wednesday, February 16, 2011, and the Commission took evidence from City staff, the permit holder was not in attendance and did not contact the staff in this regard.

Staff waived reading of the staff report because there was no one in the audience.

This being the time and date for a hearing for possible revocation of Use Permit No. 3457 Vice Chair Leal opened the hearing to the public. The basis for the hearing is to deem Use Permit No. 3457 revoked by its own terms due to time elapsed from permit approval without commencement of construction. The proposed project location is 520 N. Foothill Drive, Assessor's Parcel Nos. 053-651-760 and 053-642-520, M-1 (Light Industrial) zone, I (Industrial) General Plan designation.

Staff submits on the filed contents provided to the Commissioners.

Following Commission discussion, Commissioner McAllister made a motion to adopt Resolution No. PC-31 a resolution of the Planning Commission of the City of Yreka making findings and orders revoking Conditional Use Permit regarding the certain property situated within the City of Yreka, State of California, located at 520 N. Foothill Drive, Assessor's Parcel Nos. 053-651-760 and 053-642-520, Yreka, California, based on Staff's recommendation as follows:

RESOLUTION NO. PC - 31

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF YREKA MAKING  
Findings And Orders Revoking Conditional Use Permit Regarding The Certain  
Property Situated Within The City Of Yreka, State Of California, Located At 520 N.  
Foothill Drive Assessor's Parcel Nos. 053-651-760 and 053-642-520, Yreka,  
California**

WHEREAS, the members of the Planning Commission have reviewed the provisions of Yreka Municipal Code Section 16.44.050 and held a public hearing to ascertain whether Conditional Use Permit No. 3457 issued February 16, 2005 is in compliance with the Conditions of Approval for a project proposed on vacant property situated within the City of Yreka, State of California, located at 520 N. Foothill Drive, Yreka, California and owned by Oakwood Investors, violates any of the provisions of the Conditional Use Permit as provided in Yreka Municipal Code Section 16.44.050(b); and,

At the time and place stated in the notice of public hearing the Planning Commission having heard and considered all relevant evidence, objections or protests and having received testimony for owners, witnesses, city personnel and interested persons relative to the conditional use permit finds as follows;

A conditional use permit, number 3457, was issued to Global Premier by Wayne Deitz on February 16, 2005;

The owner of the property is Oakwood Housing Investors;

Notice has been given as required by YMC Section 16.44.050;

The Planning Commission finds that the evidence demonstrates that pursuant to the conditions or terms of conditional use permit number 3457 granted to Global Premier on February 16, 2005, following five years of extensions applicant has failed to perform.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF YREKA DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The Planning Commission hereby finds and determines that the foregoing recitals are true and correct.

Section 2. The Planning Commission further orders:

- A. That the conditional use permit number 3457 is revoked forthwith, and all activities contemplated by that use permit shall forthwith cease and desist;
- B. The owner may appeal the Planning Commission's findings and orders to the City Council by filing an appeal satisfying the provisions of Yreka Municipal Code Section 16.14.030 with the City Clerk within ten calendar days after rendition of the decision thereon by the Planning Commission.

Passed and adopted this \_\_\_\_ day of February, 2011, by the following vote:

AYES:  
 NAYS:  
 ABSENT:  
 RECUSED:

\_\_\_\_\_  
 Debbie Baird, Chair

APPROVED AS TO FORM:

\_\_\_\_\_  
 Mary Frances McHugh, City Attorney

Attest:\_\_\_\_\_  
 Pam Hayden, Deputy City Clerk

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

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

Commissioner's Baird returned to the Commissioner's table.

**COMMISSIONER'S STATEMENTS & COMMENTS**

Commissioner Rolzinski reported that the tattoo parlor, Fat Cat, had closed its doors.

There being no further business before the Commission, the meeting was adjourned at 7:02 p.m.

\_\_\_\_\_  
 Pamela J. Hayden, Planning Director