

MINUTES OF THE REGULAR MEETING OF THE
YREKA PLANNING COMMISSION HELD
ON THE 17th OF FEBRUARY 2016

On the 17th of February 2016 at 6:30 p.m., the Planning Commission of the City of Yreka met in the City Council Chamber in said City in regular session. The meeting was called to order by Chair Osborn and present were:

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

PUBLIC COMMENTS:

Consent Calendar –Chair Osborn announced that all matters listed under the consent calendar are considered routine and will be enacted by one motion unless any member of the Planning Commission wishes to remove an item for discussion or a member of the audience wishes to comment on an item:

- a. Approval of Minutes of the regular meeting held on January 20, 2016.
- b. Approval of an application for a permit to discharge firearms under Section 9.06.040 of the Yreka Municipal Code. Applicant, Joseph Allison, Event Coordinator, Reenactors of the American Civil War, Inc. Date May 20-22, 2016.
Location – South of Westside Road.

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

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

Chair Osborn thereupon declared the motion carried.

Discussion/Possible Action – Consideration of proposed Categorical Exemption and Conditional Use Permit for construction establishment and operation of a fuel storage yard facility with two 30,000-gallon bulk propane storage tanks. Property Location – 1420 Mill Road, Yreka, California,

The Planning Commission reviewed Resolution No. PC 2016-6 Consideration of proposed categorical exemption and Conditional Use Permit for the construction, establishment and operation of a fuel storage yard facility with two 30,000-gallon bulk propane storage tanks.
Property Location – 1420 Mill Road, Yreka, California, M-1 (Light Industrial) Zone & GC (General Commercial) General Plan Designation. Assessor's Parcel Number 062-051-500.

Assistant City Manager Liz Casson presented commissioners with staff report and the following background. The City has received an application for a Conditional Use Permit for the construction, establishment and operation of a fuel storage yard with two (2) 30,000-gallon propane storage tanks on a vacant lot approximately 0.92 acres at 1420 Mill Road. A Conditional Use Permit is required in the M-1, Light Industrial zoning district to allow light industrial uses which may be objectionable by reason of noise, smoke, odor, dust, noxious gases, glare, heat, fire hazard, traffic, vibration, storage or handling of explosives or other dangerous material, or other nuisance factors. As a result of the potential use characteristics of the proposed project, staff has determined that a Conditional Use Permit is necessary for the proposed project.

Notification of the public hearing was mailed to property owners/occupants located within 300 feet of the proposed project on January 28, 2016 and a Notice of Public Hearing was published in the Siskiyou Daily News on February 2, 2016.

A Notice of Exemption has been prepared for the project. The proposed use is compatible with applicable General Plan and Zoning designations, is located in a developed industrial area, has no value as habitat for endangered, rare, or threatened species as it is adjacent commercial and industrial zoning, and will result in no significant effects related to traffic, noise, air quality, or water quality. No other special circumstances exist that would create a reasonable possibility that the proposed project will have a significant adverse effect on the environment.

City staff recommends approval subject to the proposed findings and conditions of approval, which includes a determination that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 In fill Development of the CEQA Guidelines.

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

Applicants for Campora Propane was present to answer commissioners questions along with Contractor Rick Bettis. Rick Bettis explained to the commissioners that inspections will be made by the City of Yreka's Building Department Official along with required inspections from the State of California.

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

Following Commission discussion, Commissioner McCoy moved to make the finding that the proposed project is categorically exempt from further environmental review pursuant to California Environmental Quality Act (CEQA) Section 15332 of the CEQA Guidelines and adopt the Notice of Exemption.

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

Chair Osborn thereupon declared the motion carried.

Commission McCoy moved to adopt Planning Commission Resolution #PC 2016-06 making the findings and subject to the Conditions of Approval and approve Conditional Use Permit 2016-9, to allow for the construction of a fuel storage yard located at 1420 Mill Road, Yreka, California (APN 062-051-500):

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 vicinity of the proposed use.

The proposal to construct, establish and operate a fuel storage yard facility with two 30,000 gallon propane storage tanks and one (1) 144 square foot storage building would not be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the vicinity. Implementation of the project would not generate significant noise, and lighting would utilize cut-off or hooded fixtures to prevent glare on adjacent properties. The proposed use of the site is 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 use is compatible with the policies and objectives of the zoning ordinance for the M-1, light industrial zone. The use is consistent with the existing uses of the surrounding area and is consistent with the City of Yreka General Plan.

3. The project meets the requirements for an Exemption from further review under the provisions of the California Environmental Quality Act pursuant to Section 15332, In-fill Development Projects, of the California Public Resources Code:

- The project is an allowable use pursuant to the City of Yreka General Plan and Zoning Ordinance.
- The proposed development occurs within the city limits on a project site of approximately 0.92 acres substantially surrounded by urban uses.
- The project site has no known value as habitat for endangered, rare or threatened species.
- The project is located on Mill Road, which is considered a Collector Street, designed to carry moderately heavy traffic volumes. The proposed project is not anticipated to create significant additional traffic or result in significant effects relating to noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

Conditions of Approval:

The Permit approving the site and landscape plan for a fuel storage yard facility with two 30,000 gallon propane storage tanks for the property located at 1420 Mill Road., Assessor's Parcel No. 062-051-500 is **subject to full compliance with the following conditions:**

1. All conditions hereinafter set forth shall be complied with by the Permittee prior to issuance of a certificate of occupancy. 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 comply with all elements of the project application including site and landscape plans as approved.
3. Minor changes may be approved by the City Manager, or his designee, upon receipt of a substantiated written request by the applicant, or their respected designee, with all required fees. Prior to such approval, verification shall be made by each Department that the modification is consistent with the application, fees paid, and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require an application for amendment for approval by the City of Yreka with all applicable fees paid by the applicant.
4. 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.
5. 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.
6. New utilities within the project, including, but not limited to, electric, cable television, and phone, shall be installed underground.
7. All commercial developments shall have backflow prevention devices on domestic and fire services as required by the City of Yreka Construction Standards.
8. 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.

9. Storm-drain facilities shall be designed consistent with the requirements of City Construction Standards. Project design shall incorporate Best Management Practices (BMPs) to minimize the polluting of storm water, 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.

10. Prior to improvement-plan approval, the developer must obtain approval for proper management of storm water 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.

11. Permittee shall obtain approval of all required public improvements through the Department of Public Works and its encroachment permit process for construction of and/or connection to any City sewer, water, or storm drain. 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. Site plan approval does not include approval of any public improvements.

12. An encroachment permit shall be obtained prior to any work, including curb, gutter, sidewalk, and driveway approach, in the public right-of-way, or affecting public improvements.

13. Permittee shall submit a grading plan for review and approval prior to construction or any on-site grading. The plans for public improvements and for grading are to be submitted to and approved by the Department of Public Works and the Building Official, respectively.

14. Permittee shall submit a stormwater detention analysis and drainage plan for review and approval by Director of Public Works and Building Official Works prior to start of construction or any on site grading specifically related to the needs of the proposed project. Onsite detention or storm drain extension may be required. Low Impact Development (LID) techniques and facilities shall be used to the maximum extent possible. A Storm Water Pollution & Prevention Plan (SWPPP) may be required to comply with California State Law.

15. The site and landscape plans submitted by Campora Propane and approved by the City shall not be deviated from unless prior written approval is secured. Landscaping must comply with

the standards established in YMC Section 16.52.030.

16. Landscaping shall be installed in accordance with the landscape plan submitted and approved by the Planning Commission, and shall be completed prior to issuance of a certificate of occupancy or until security is posted in the amount of one hundred fifty percent (150%) to cover the costs of the unfinished work.

17. The installation and maintenance of the landscaping shall be per the approved Landscape plan. As necessary, replacement of landscaping is required to match the approved plan. Water efficient irrigation systems shall be installed for the landscaping in accordance with Yreka Municipal Code Section 16.52.030 (E).

18. Permittee shall obtain a building permit and shall pay the necessary fees including Utility Services, Impact and Connection fees prior to starting construction. Public infrastructure improvements such as curb, gutter, sidewalk, streetlights, curb 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. If such improvements already exist, damaged public improvements shall be repaired and/or replaced to restore the improvements to a condition satisfactory to the Director of Public Works in accordance with Yreka Municipal Code Section 11.24.030.

19. Exterior lighting shall be directed inward to reduce off-site light impacts. Exterior lighting shall be limited to a maximum off-site light escape of one-foot candle at the property line.

20. Exterior Mechanical equipment and/or HVAC units must be screened. Trash enclosure must contain opaque gates to screen visibility of the trash dumpster.

21. Permittee shall comply at all times with the zoning district regulations for the *M1 Light Industrial zone* as set forth in section 16.40 of the Yreka Municipal Code.

22. Permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that proposed storage structure meets building standards and the fire regulations of the Uniform Building and Fire Codes prior to use.

23. Permittee shall comply with Yreka Municipal Code Section 11.01.075 - It shall be the responsibility of anyone engaging in construction or demolition work to restrict the hours of work activity on the site as follows: No construction equipment shall be operated nor any outdoor construction or repair work shall be permitted within five hundred feet from any occupied residence except during the hours of seven a.m. to seven p.m., Monday through Saturday, and eight a.m. to five p.m., on Sunday. Interior work which would not create noise or disturbance noticeable to a reasonable person of normal sensitivity in the surrounding neighborhood shall

not be subject to these restrictions.

24. All grading and construction work on the project site shall incorporate the following debris and dust control measures:

- The project shall apply for and receive approval of all necessary permits from the Siskiyou County Air Pollution Control District.
- If visible soil material is carried onto adjacent public streets, such streets will be cleaned of the debris.

25. Permittee shall obtain a Sign Permit from the Planning Department prior to placing signs on the premises.

26. The storage of hazardous materials exceeding 55 gallons of a liquid, 500 pounds of a solid, and/or 200 cubic feet of a compressed gas requires the submittal of a hazardous Materials Business Plan (HMBP). A facility which stores hazardous materials in excess of these minimum quantities noted or which generates hazardous waste is subject to periodic inspections, an annual fee and all applicable laws and regulations in regards to the storage of hazardous materials or the generation of hazardous waste. The business is required to submit to the Siskiyou County Community Development Department for review and approval a HMBP prior to the import and storage of hazardous materials on site and associated with this operation.

27. The approved site plan shall expire and the City may set hearings and take action to 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.

28. The applicant shall submit a signed copy of the Conditions of Approval to the City of Yreka Planning Division.

29. Applicant shall within one business day of initial project approval, submit to the Planning Department a check payable to the Siskiyou County Clerks Office in the amount of \$50.00 (or fee as may be modified by Fish and Game) to cover posting costs in order to allow the project's Notice of Exemption to be filed within the statutorily required timeframes. The applicant has the sole responsibility to ensure timely compliance with this condition.

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

The foregoing Resolution #2016-06 was adopted by the Planning Commission on the 18th day of February, 2016 by the following vote: Ayes: 7, Nays: 0

Discussion/Possible Action – Consideration of proposed Categorical Exemption and Conditional Use Permit for the establishment and operation of a mobile drive thru coffee kiosk. Location – 215 Montague Road, Assessor’s Parcel Number 053-642-110.

The Planning Commission reviewed Resolution No. PC 2016-7 Consideration of proposed Categorical Exemption and Conditional Use Permit for the establishment and operation of a mobile drive thru coffee kiosk. Location – 215 Montague Road, CT (Commercial Tourist) Zone & GC (General Commercial) General Plan Designation. Assessor’s Parcel Number 053-642-110.

Assistant City Manager Liz Casson presented commissioners with staff report and the following background. The City has received an application for a Conditional Use Permit for the establishment and operation of a mobile coffee kiosk at 215 Montague Road. The project will be located on a parcel with an existing business known as AmeriGas Propane. The applicant is proposing to install a mobile coffee kiosk with a designated drive-thru lane. The proposed project meets the site development standards of the CT zoning district.

Notification of the public hearing was mailed to property owners/occupants located within 300 feet of the proposed project on February 3, 2016 and a Notice of Public Hearing was published in the Siskiyou Daily News on February 5, 2016.

City staff recommends approval subject to the proposed findings and conditions of approval, which includes a determination that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities of the CEQA Guidelines. Class 1 exemptions consist of the operation, maintenance, permitting, or licensing of existing public or private structures or facilities involving negligible or no expansion of the use beyond what existed at the time of the lead agency’s determination.

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

Applicant John Nixon was present to explain this project further to the commissioners and had questions regarding condition # 4 & # 13. Mr. Nixon stated that the Mobile Unit will be connected to city utilities services and left on site.

Assistant City Manager - Liz Casson explained that condition # 4 is a requirement of Cal Trans & wording of condition # 13 is a standard required condition, applicable only to any new construction.

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

Following Commission discussion, Commissioner Ohlund moved to make the finding that the proposed project is exempt from an environmental review pursuant to California Environmental Quality Act (CEQA) Section 15301, Existing Facilities of the CEQA Guidelines.

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

Chair Osborn thereupon declared the motion carried.

Commissioner Ohlund moved that the Planning Commission adopt Planning Commission Resolution # PC 2016-7 making the findings and subject to the Conditions of Approval presented and approve Conditional Use Permit # 2016-12, to allow the establishment and operation of a mobile coffee kiosk.

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 for the establishment and operation of a mobile drive-thru coffee kiosk 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 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 CT, Commercial Tourist zone which allows a mobile drive-thru coffee kiosk with validation of a conditional use permit as set forth in Section 16.34.070 (W) 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 & Section 15061 (b) (3) in that it is not a project which has the potential for causing a significant effect on the environment of the CEQA Guidelines.

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

1. Permittee granted a permit for the establishment and operation of a mobile drive-thru coffee kiosk at the location set forth in the application, subject to full compliance with applicable city and

state codes. The premises shall not be occupied or opened to the public until all conditions hereinafter set forth have been complied with by the Permittee.

2. All elements of the project application including site plan as approved shall be complied with.
3. Permittee shall obtain approval of all required public improvements through the Department of Public Works and its encroachment permit process for construction of and/or connection to any City sewer, water, or storm drain. 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. Site plan approval does not include approval of any public improvements.
4. Permittee shall construct driveway approach and sidewalks 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, in the Montague Road (State Route) right-of-way.
5. New utilities within the project, including, but not limited to, electric, cable television, and phone, shall be installed underground.
6. All commercial developments shall have backflow prevention devices on domestic and fire services as required by the City of Yreka Construction Standards.
7. Use shall be conducted in accordance with the site plan for the property located at 215 Montague Road, as approved by the Planning Commission on February 17, 2016, and the site plan shall not be changed or deviated from without 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. Adequate off-street parking facilities shall be provided as follows: One (1) space for each employee of the maximum working shift as set forth in Sections 16.54.020(A)(9) of the Yreka Municipal Code. For this project as submitted (1-2 employees per shift) 2 parking spaces are required. Off-street parking spaces will be in conjunction with existing business located at 215 Montague Road.
9. 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.
10. 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.
11. All landscaping shall be installed, maintained, and replaced as necessary. Water efficient irrigation system shall be installed for the landscaping per Yreka Municipal Code Section 16.52.030 (E).
12. Permittee shall submit a grading plan for review and approval by the Building Official prior to construction or any on-site grading.

13. Permittee shall submit a stormwater detention analysis for review and approval of the Director of Public Works and/or Building Official prior to start of construction or any on-site grading. On-site detention or storm drain extension may be required. Low Impact Development (LID) techniques and facilities shall be used to the maximum extent possible. A Storm Water Pollution & Prevention Plan (SWPPP) may be required to comply with California State Law.

14. Permittee shall obtain a building permit and shall pay the necessary fees including Utility Services, Impact and Connection fees prior to making any building, electrical, mechanical, or plumbing installations and/or improvements to the structure. Public infrastructure improvements such as curb, gutter, sidewalk, curb ramps, driveway approaches, street lights and asphalt concrete street pavement may be required upon issuance of a building permit in accordance with Yreka Municipal Code Section 11.24.030. If such improvements already exist, damaged public improvements shall be repaired and/or replaced to restore the improvements to a condition satisfactory to the Director of Public Works in accordance with Yreka Municipal Code Section 11.24.030.

15. Exterior lighting shall be directed inward to reduce off-site light impacts. Exterior lighting shall be limited to a maximum off-site light escape of one-foot candle at the property line.

16. 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 business of mobile drive-thru coffee kiosk.

17. Permittee shall comply with Yreka Municipal Code Section 11.01.075 - It shall be the responsibility of anyone engaging in construction or demolition work to restrict the hours of work activity on the site as follows: No construction equipment shall be operated nor any outdoor construction or repair work shall be permitted within five hundred feet from any occupied residence except during the hours of seven a.m. to seven p.m., Monday through Saturday, and eight a.m. to five p.m., on Sunday. Interior work which would not create noise or disturbance noticeable to a reasonable person of normal sensitivity in the surrounding neighborhood shall not be subject to these restrictions.

18. Permittee shall secure and maintain an annual City business license to operate a mobile drive-thru coffee kiosk after securing a Certificate of Occupancy from the Building Department & approval from Siskiyou County Health Department.

19. Permittee shall pave all driveway accesses from the project site onto Montague Road a minimum of 20 feet back from the back of the sidewalk.

20. Permittee shall install directional signage and arrows on pavement throughout the entire parking lot as approved on the site plan.

21. Exterior Mechanical equipment and/or HVAC units must be screened. Trash enclosure must contain opaque gates to screen visibility of the trash dumpster.

22. No signs shall be placed on the premises without first obtaining a sign permit.

23. The applicant shall submit a signed copy of the Conditions of Approval to the City of Yreka Planning Department.

24. 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.

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

The foregoing Resolution #2016-7 was adopted by the Planning Commission on the 18th day of February 2016 by the following vote: Ayes: 7, Nays: 0

Discussion/Possible Action – Continued from January 20, 2016, Planning Commission Meeting - Consideration of proposed categorical exemption and Conditional Use Permit for the establishment and operation of an outside mobile food cart and seating in conjunction with the restaurant known as Serrano's Mexican Grill. Location – 1009 S. Main Street, Assessor's Parcel Number 061-282-020.

The Planning Commission reviewed Resolution No. PC 2016-1 Consideration of proposed Categorical Exemption and Conditional Use Permit for the establishment and operation of an outside mobile food cart and seating in conjunction with the restaurant known as Serrano's Mexican Grill. Location – 1009 S. Main Street, CH (Commercial Highway) Zone & GC (General Commercial) General Plan Designation. Assessor's Parcel Number 061-282-020.

The Planning Commission held a public hearing to review this application at their meeting scheduled January 20, 2016, at which time, Mr. and Mrs. John Nantz, owners of the adjacent property to the South located at 1015 S. Main Street, submitted a letter to the Planning Commission expressing their concerns over the parking. Since the applicant, Paula Rodriguez, was unable to attend the meeting, the Planning Commission moved to table this item to the this meeting. On January 21, 2016, the Planning Department received a letter from Donna Clair the owner of the adjacent property to the North located at 1001 S. Main Street, also expressing concerns over the parking.

Assistant City Manager Liz Casson presented commissioners with staff report and the following background. The City has received an application for a Conditional Use Permit for the establishment and operation of an outside food cart and additional outside seating, in conjunction with the existing Restaurant located at 1009 S. Main Street. The subject property is zoned CH Commercial Highway. YMC Section 16.36.070 provides that sales conducted outside of the building for a permitted use, requires a conditional use permit.

City staff recommends approval subject to the proposed findings and conditions of approval, which includes a determination the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities.

Applicant Paula Rodriguez was present to answer commissioners questions.

Following Commission discussion, Commissioner Leal moved to make the finding that the proposed project is exempt from an environmental review pursuant to California Environmental Quality Act (CEQA) Sections 15061 (b) (3) and 15301 Existing Facilities of the CEQA Guidelines.

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

Chair Osborn thereupon declared the motion carried.

Commissioner Leal moved that the Planning Commission adopt Planning Commission Resolution # PC 2016-1 making the findings and subject to the Conditions of Approval as amended and approve Conditional Use Permit # 2016-1, to allow the establishment and operation of an outside mobile food cart and seating in conjunction with the restaurant known as Serrano's Mexican Grill.

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 continue the operation of the business of a restaurant with residential use and the addition of sales conducted outside of the building (mobile taco food cart) 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 CH, Commercial Highway zone which allows a commercial use of sales conducted outside of the building for a permitted use upon approval and validation of a conditional use permit as set forth in Section 16.36.070 (U) of the Yreka Municipal Code. This commercial business keeps with the character of the surrounding area, and is found to be consistent with the General

Plan. The proposal will not generate significant noise or lighting. The proposal will not increase traffic beyond the capacity of existing infrastructure in an area which is sufficient to accommodate commercial uses.

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

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

1. Permittee granted a permit to continue the operation of the business of a restaurant with the seating capacity of 32 along with residential use and the addition of sales conducted outside of the building (mobile taco food cart) with the additional seating capacity of 4 - located at 1009 S. Main Street, APN: 061-282-020.
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, as set forth in Section 16.54.020 (A)(5)(a) of the Yreka Municipal Code. As submitted, the project requires a total of 15 parking spaces, 2 spaces for residential parking, 12 spaces for customer parking and 1 space for each employee of the maximum working shift. Site plans shows 16 parking spaces are available.
3. Permittee shall install two new parking directional signs:
 - Install one (1) sign on the front of the building directing customers to the designated parking area in the rear of the property.
 - Replace existing sign located at the entrance to the parking lot, with a new commercial grade sign (preferably a metal sign with reflective material) of approximately the same size with a large directional arrow depicting the designated parking area for the business, similar to the example as shown on Exhibit A.

_____ **Initials required – Applicants acknowledgement & verification of above requirements..**

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, access drives and aisles shall be paved and striped and bumper rails or other barriers shall be provided 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 accordance with provisions of the Motor Vehicles Code, California Building Code and any other law or regulation now or hereinafter enacted relating to parking for disabled persons. A minimum of one (1) accessible parking space is required for a parking lot with 1 to 25 parking spaces.
6. Use shall be conducted in accordance with the application as submitted for the property located at 1009 S. Main Street, as approved by the Planning Commission on January 20, 2016.

7. Improvements for Outdoor Sales. The outdoor sales areas shall be paved with a minimum six-inch (6") base and double chip sealed, dustless surface in accordance with Section 16.36.080 of the Yreka Municipal Code.
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 prior to making any building, electrical, mechanical, or plumbing installations and/or improvements to the structure. Public infrastructure improvements such as curb, gutter, sidewalk, curb ramps, driveway approaches, street lights and asphalt concrete street pavement may be required upon issuance of a building permit in accordance with Yreka Municipal Code Section 11.24.030. If such improvements already exist, damaged public improvements shall be repaired and/or replaced to restore the improvements to a condition satisfactory to the Director of Public Works in accordance with Yreka Municipal Code Section 11.24.030.
10. No signs shall be placed on the premises without first obtaining a sign permit.
11. No portable pop up canopy/gazebo quick shade accessory cover permitted in this outside sales area.
12. Permittee shall provide the city with verification of compliance with Siskiyou County Public Health Department requirements.
13. Permittee shall maintain an annual City business license to carry on the business of a restaurant.
14. 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 Knitter seconded the motion, and upon roll call, the following voted YEA: Kegg, Knitter, Leal, McCoy, Ohlund, Osborn and Rolzinski.

The foregoing Resolution #2016-01 was adopted by the Planning Commission on the 19th day of February, 2016 by the following vote: Ayes: 7, Nays: 0

City Manager's Report – Steve Baker reported that Governor Jerry Brown has signed AB 21, an urgency measure introduced by Rep. Jim Wood that repeals a March 1 deadline in the new state medical marijuana law that some have interpreted as requiring local jurisdictions to ban or regulate medical marijuana cultivation, or lose their licensing authority.

2/17/2016

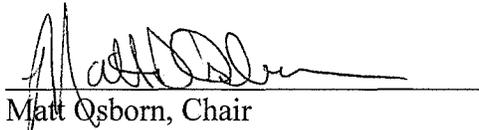
-16- PC

With the signing of AB 21, the city has more time to pass a city ordinance regarding medical marijuana cultivation. The city will be scheduling a date for a special meeting to be held for a workshop regarding a medical marijuana ordinance.

A medical marijuana ordinance will be presented to Commissioners at a future Planning Commission meeting.

Chair Osborn thereupon declared the motion carried.

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

A handwritten signature in black ink, appearing to read "Matt Osborn", is written over a horizontal line.

Matt Osborn, Chair

Approved by motion of the Planning
Commission on March 16, 2016