

AGENDA  
YREKA PLANNING COMMISSION  
Yreka City Council Chamber – 701 Fourth Street, Yreka, Ca.  
**March 20, 2013 at 6:30 P.M.**

Call to Order

Pledge of allegiance

Conflict of Interest Declaration – Planning Commissions

**PUBLIC COMMENTS**

This is an opportunity for members of the public to address the Commission on subjects within its jurisdiction, whether or not on the agenda for this meeting. The Commission reserves the right to reasonably limit the length of individual comments. For items that are on this agenda, speakers may request that their comments be heard instead at the time the item is to be acted upon by the Commission. The Commission may ask questions, but may take no action during the Public Comment portion of the meeting, except to direct staff to prepare a report, or to place them on a future agenda.

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

1. Consent Calendar - Discussion/Possible Action – All matters listed under the consent calendar are considered routine and will be enacted by one motion unless any member of the Planning Commission wishes to remove an item for discussion or a member of the audience wishes to comment on an item. The City Manager recommends approval of the following consent calendar items:
  - a. Approval of the minutes of the meeting held on February 20, 2013.
  - b. Acknowledge receipt of General Plan Housing Element 2011 Annual Report.
  
2. Discussion/Possible Action – Consideration of a proposed Conditional Use Permit to rebuild the existing duplex and three single family dwellings to the current footprint in the event of fire or other casualty. Applicant: Larry & Patty Dunning, Location: 734 A, 734 B, 736, 738 & 740 W. Lennox Street, Assessor’s Parcel No. 053-111-240 & 270, R-1 (Single Family Residential) Zone, LDR (Low Density Residential) General Plan designation.
  - a. Staff Report
  - b. Decision
  
3. Discussion/Possible Action – Consideration of a proposed Conditional Use Permit to construct, establish and operate a 3468 sq. ft. restaurant (2268 sq. ft. addition to existing 1200 sq. ft. building) with a seating capacity of 80 and a maximum of 7 employees per working shift with 34 parking spaces on a +/- 1.17 acre parcel. Applicant: John & Lauren Kennedy, Location : 1281 S. Main Street, Assessor’s Parcel No. 061-351-240, CH (Commercial Highway) Zone, GC (General Commercial) General Plan designation.
  - a. Public Hearing
  - b. Staff Report
  - c. Decision

City Manager’s Report.

Commissioner’s Statements and Comments

## Adjournment

Decisions of the Planning Commission relating to CEQA compliance, use permits, variances, and signs may be appealed to the City Council by filing a written notice of appeal within 10 calendar days of the decision with the City Clerk. Appeals relating to tentative subdivision maps must be filed within 10 days. There is a \$150.00 filing fee for any such appeal plus publication fee if required.

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

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

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

MINUTES OF THE REGULAR MEETING OF THE  
YREKA PLANNING COMMISSION HELD  
ON THE 20<sup>TH</sup> DAY OF FEBRUARY, 2013

On the 20<sup>th</sup> day of February, 2013 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 Leal and present were:

Commissioners: Deborah Baird, Diane Knitter, Steve Leal, Barry Ohlund, Matt Osborn and Richard Rolzinski. Absent: Paul McCoy

**PUBLIC COMMENTS** - None.

Consent Calendar: Chair Leal 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 16, 2013.
- b. Approval of a one year extension of 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.  
Applicant: MK & A, LLC dba Casa Ramos by Marco Ramos  
Location: 1515 S. Main Street/175 Greenhorn Road - Assessor's Parcel # 062-041-050

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

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

Chair Leal thereupon declared the motion carried.

Discussion/Possible Action – Interpretation of Yreka Municipal Code 16.34.050 to allow the use of Taxidermy as a permitted use in C-2 Zone under the subtitle of Art Studios.

Planning Commissioner Ohlund announced his recusal. Ohlund stating that he has a conflict of interest by reason of property ownership within 500 feet of the proposed project, and therefore recused himself.

City Manager Steve Baker reported that the City has received a request from Kevin McCanna to operate a Taxidermy Studio at 208 W. Miner Street. Mr. McCanna currently operates his Taxidermy Business in the County and wants to move this business to the Miner Street location.

City Staff reviewed the application with the following considerations:

Is Taxidermy a permitted use in the C-2 zone district: Yes we believe it is. Taxidermy could be considered an artist's studio with dead animals. Artist Studios and Galleries are a permitted use in the C-2 zone district.

- Is this a "Commercial" use as defined by the City's Zoning Code: Yes;
- Is the Use (taxidermy) specifically prohibited or identified as a use in another zone district of the City: No;
- Is the Use similar to a listed use in a more intense zone district: No;
- Is the Use otherwise regulated by another agency; Yes (Dept. of Fish and Wildlife requires permits for taxidermists and the County Health Dept. may also require a permit);
- Are there any potential negative attributes associated with the use
  - Noise: No (animals are dead);
  - Odor: Maybe, however, the animals are generally already preserved.
  - Light/Glare: No
  - Parking/Traffic: Probably not
  - Use of Controlled Substances: No

The Planning Commission is the body whose duty it is to manage, apply and interpret the City Zoning Code. Based on the lack of specificity in the Yreka Municipal Code for this type of use, staff is seeking an interpretation of the Yreka Municipal Code .

Recommendation: Staff recommends that the Planning Commission make an interpretation of Yreka Municipal Code Section 16.34.050 Permitted Uses in the C-2 Zone District, that the use of "taxidermy" is a use similar to those listed as permitted uses in the C-2 Zone, specifically Artist Studio, and therefore is a permitted use subject to the issuance of a building permit (if applicable), business license, and any other County, State, or Federal permit that may be required to conduct said use.

Kevin McCanna, Applicant, was presented to answer questions from the commissioner's.

Following Commission discussion, Commissioner Knitter moved to approve the interpretation that the use of "taxidermy" is a use similar to those listed as permitted uses in the C-2 Zone, specifically Artist Studio, and therefore is a permitted use subject to the issuance of a building permit (if applicable), business license, and any other County, State, or Federal permit that may be required to conduct said use the allowed use of a Taxidermy as a permitted use in C-2 Zone under the subtitle of Art Studios.

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

Chair Leal thereupon declared the motion carried.

Commissioner Ohlund returned to his seat at the table.

City Manager Report

City Manager Baker reported on the installation of solar systems on existing roofs installed in the Historic District. The Solar Right Act of 1979 put a limit on the ability of public agencies and Homeowners Associations to prevent the installation of solar systems and required that public agencies use an administrative, nondiscretionary review process for on-site solar systems. The Act also limits the ability of a public agency to enforce or apply restrictions addressing visual or aesthetic concerns.

Steve Mathews, 403 Third Street, was presented to let the commissioners know that he has applied for a building permit to install solar at his residents.

Commissioner's Statements & Comments

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

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Steve Leal, Chair  
Approved by motion of the Planning  
Commission on March 20, 2013



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**CITY OF YREKA**  
**PLANNING COMMISSION AGENDA MEMORANDUM**

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To: Yreka Planning Commission  
Prepared by: Steve Baker, City Manager  
Agenda title: Consideration of a Conditional Use Permit to rebuild the existing duplex and three single family dwellings to the current footprint in the event of fire or other casualty.  
Meeting date: March 20, 2013

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Discussion:

Yreka Municipal Code Section 16.46.130 (a) – Nonconforming Buildings provides that nonconforming buildings or structures damaged or destroyed by fire, explosion, earthquake, flooding, or other act to an extent of more than fifty percent (50%) of their reasonable value, may be restored only if made to conform to all the regulations of the district in which it is located.

Yreka Municipal Code Section 16.46.130 (C) & (D) – provides that the owner of any nonconforming building or buildings may file an application with the Planning Commission for a conditional use permit to reconstruct any building in the event such building or buildings may be damaged to the extent greater than fifty percent (50%) of its reasonable value either before or within six (6) months after any such destruction, or deteriorated to the extent that continued occupancy or utilization of building or structure is a threat to the comfort and safety of the occupants of the occupants of the property. The Planning Commission may grant a conditional use permit for the reconstruction of such building or buildings if it finds that such reconstruction would not be contrary to the public health, safety, comfort, and general welfare and that such reconstruction would be compatible with the properties in the same general area within the same zone.

City staff reviewed the application with the following considerations:

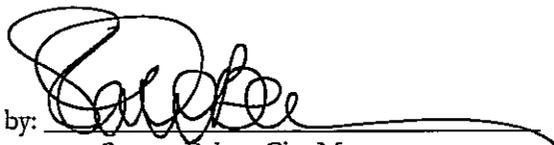
- Lot size does not meet the requirements for one family unit per seven thousand square feet of lot area (YMC 16.18.030.C).
- Lot does not meet the requirements for a duplex in R-1 Zone. Duplex is a permitted use on a corner lot that meets the standards (YMC 16.18.050).
- The duplex (738 & 740 W. Lennox) does not meet the 20 ft. rear setback requirement. The current setback ranges from 11 ft. to 14 ft. (YMC 16.18.040).
- Duplex does not meet the requirement of a two car garage/carport for each family unit. Currently there are no garages (YMC 16.18.040.D.1).
- House (734 B W. Lennox Street) does not meet the 20 ft. rear setback requirement. The current setback is 6 ft. (YMC 16.34.040).
- All three single family dwellings are nonconforming because they do not meet the requirement of a two car garage/carport for each family dwelling. Currently there are no garages on the property located at 734 – 740 W. Lennox Street (YMC 16.18.040.D.1).

A public hearing regarding this proposed use permit was held on December 19, 2012 and no public comments were received. The decision on the conditional use permit was continued until such time as the applicant could submit an application for a boundary line adjustment to merge the two (2) lots into one (1).

Recommendation:

The Boundary Line Adjustment has been approved and sent to Mt. Shasta Title Co. for recordation; therefore, it is staff's recommendation that the Planning Commission approve Use Permit No. 4161, subject to the proposed findings and conditions as submitted.

Approved by: \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'S. Baker', written over a horizontal line. The signature is stylized and cursive.

Steven Baker, City Manager

October 11, 2012

City of Yreka

701 Fourth Street

Yreka, CA 96097

Attn: Liz Casson: [casson@ci.yreka.ca.us](mailto:casson@ci.yreka.ca.us)

I am hereby applying for a Conditional Use Permit, necessary to reconstruct all ~~SET-BACKS~~  
**AND**) non-conforming conditions for buildings located at:

734A, 734B, 736, 738 and 740 West Lennox Street

Yreka, CA 96097

These buildings are currently used as rentals.

Sincerely,



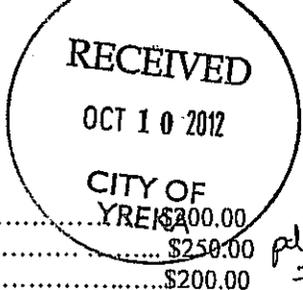
Larry Dunning

5740 Schulmeyer Gulch Road

Yreka, CA 96097

(530) 340-1026

**CITY OF YREKA  
Planning Department  
APPLICATION**



DATE RECEIVED AS COMPLETE: .....

4161

**CITY FEES:**

- Animal Permit-Administrative approval.....\$125.00
- Lot Merger – Administrative approval .....\$200.00
- Animal Permit-Additional fee if contested.....\$125.00
- Annexation.....\$750.00 deposit/cost
- Appeals – Planning Commission.....\$100.00
- Appeals –City Council.....\$150.00 plus publication
- E.R.-Preliminary review.....\$25.00
- E.R.-Negative Declaration.....\$200.00 deposit/cost
- E.R.-Mitigated Negative Declaration.....Actual cost
- Environmental Impact Report.....Actual cost
- General Plan Amendment.....\$750.00 deposit/cost
- Historic Exterior Alteration Permit..... \$75.00
- Planned Unit Development.....\$750.00 deposit/cost
- Public Hearing.....\$ 60.00
- P.H. - Project notice circulation, 1-20 notices.....\$25.00
- P.H. – 21 or more notices.....\$25.00 plus 1.00/parcel over 20
- Rezone..... \$750.00 deposit/cost
- Site Plan Review – (No Use permit required)...\$100.00 deposit/cost
- County Map Check – 4 or less lots ..... \$300.00 + additional as required by County
- County Map Check- 5 or more lots.....\$600.00 + additional as required by County

- Lot Line Adjustments.....\$200.00
- Lot Merger – P.C. approval .....\$250.00
- Reversion to Acreage.....\$200.00
- Parcel Map – 4 or less..... \$250.00 deposit /cost
- Tentative Subd. Map 5 or more...\$500.00 deposit/cost
- Final Parcel Map .....\$150.00 deposit/cost
- Final Subdivision Map..... \$200.00 deposit/cost
- Time Extensions.....\$60.00
- Use Permit- Administrative approvals..... \$ 75.00
- Use Permit – P.C. approvals ..... \$150.00
- Variance.....\$250.00 deposit /cost
- Other.....

pl ck # 2410

**STATE FISH AND GAME FEES\*:**

- County Processing Fee .....\$ 50.00
- Other.....

DATE: 10-10-12 A.P. #: 053-111-240+270 TELEPHONE: 530 340-1026

ZONE: \_\_\_\_\_ GENERAL PLAN DESIGNATION: \_\_\_\_\_

APPLICANT: Larry & patty Dunning

APPLICANT ADDRESS: 5740 Schulmeyer RD Yreka

IF OTHER THAN APPLICANT,  
NAME OF PROPERTY OWNER: \_\_\_\_\_

PROPERTY OWNER ADDRESS: \_\_\_\_\_

PROJECT LOCATION: 734A 734B 736 738 740 <sup>W.</sup> Lennox

DESCRIPTION OF PROPOSED PROJECT: conditional use permit to reconstruct nonconforming buildings

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

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

\*In the event the project's effect on natural resources or wildlife is other than negligible, State Fish and Game requires an additional fee of \$2,919.00 if an Environmental Impact Report is prepared or \$2,101.50 for a Negative Declaration. These fees are subject to change and the applicant is responsible for payment of the fees in full. If required, the permit cannot be issued until such time as the fee is paid. A project that is Statutorily or Categorically exempt requires no further fees.

APPLICANT SIGNATURE: Larry Dunning

PROPERTY OWNER'S SIGNATURE: (REQUIRED) same as applicant

**CITY OF YREKA**  
**Planning Department**  
**PERMIT**

APPLICANT: Larry & Patty Dunning TELEPHONE: (530) 340-1026

APPLICANT ADDRESS: 5740 Schulmeyer Rd., Yreka, CA 96097

IF OTHER THAN APPLICANT,  
NAME OF PROPERTY OWNER: Larry & Patty Dunning

PROPERTY OWNER ADDRESS: 5740 Schulmeyer Rd., Yreka, CA 96097

PROJECT LOCATION: 734 A, 734 B, 736, 738, & 740 W. Lennox Street, Yreka, CA 96097

A.P. #: 053-111-240 & 270 GENERAL PLAN DESIGNATION: LDR ZONE: R-1

DESCRIPTION OF PROPOSED PROJECT: Requesting authorization to rebuild the existing duplex and the three single family dwellings to the current footprint in the event of fire or other casualty. Structures are non-conforming because the lot size does not meet the requirements for one family unit per seven thousand square feet of lot area (YMC 16.18.030.C), lot also does not meet the requirements for a duplex (YMC 16.18.050). The duplex (738 & 740 W. Lennox) is non-conforming because there is a 20 ft. rear setback required and the current setback ranges from 11 ft. to 14 ft. (YMC 16.18.040), the duplex is also nonconforming because a two car garage/carport is required for each family unit and there are no garages (YMC 16.18.040.D.1), the house (734 B W. Lennox Street) is non-conforming because there is a 20 ft. rear setback required and the current setback is 6 ft. (YMC 16.34.040), all three single family dwellings are also nonconforming because a two car garage/carport is required for each family dwelling and there are no garages (YMC 16.18.040.D.1).

ENVIRONMENTAL REVIEW:

- No Impact 15061 (b) (3)     Environmental Impact Report     Negative Declaration
- Categorical Exempt                       Statutorily Exempt

NOTICE OF DETERMINATION FILED (DATE): \_\_\_\_\_

**PLANNING COMMISSION**

APPROVED, (Date of approval): \_\_\_\_\_  DENIED, (Date of denial): \_\_\_\_\_

FINDINGS/CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE ISSUED: \_\_\_\_\_ BY: \_\_\_\_\_

(City of Yreka Authorized Signature)

CITY OF YREKA

USE PERMIT NO. 4161

FINDINGS & CONDITIONS OF APPROVAL

The following findings of fact have been determined by the Planning Commission.

1. The duplex structure is a multifamily dwelling as described in California Government Code Section 65852.25.

2. The City records do not contain information sufficient to determine when these structures were constructed nor if building permits were obtained for the construction. Under the zoning regulations in effect today the structures are non-conforming because the lot size does not meet the requirements for one family unit per seven thousand square feet of lot area (YMC 16.18.030.C), lot also does not meet the requirements for a duplex (YMC 16.18.050). The duplex (738 & 740 W. Lennox) is non-conforming because there is a 20 ft. rear setback required and the current setback ranges from 11 ft. to 14 ft. (YMC 16.18.040), the duplex is also nonconforming because a two car garage/carport is required for each family unit and there are no garages (YMC 16.18.040.D.1), the house (734 B W. Lennox Street) is non-conforming because there is a 20 ft. rear setback required and the current setback is 6 ft. (YMC 16.34.040), all three single family dwellings are also nonconforming because a two car garage/carport is required for each family dwelling and there are no garages (YMC 16.18.040.D.1).

3. Pursuant to the provisions of California Government Code Section 65852.25(b), the Planning Commission finds that rebuilding the existing structures to the current footprints in the event of involuntary destruction by fire, or other catastrophic event, or by the public enemy will not:

a. be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood, because the duplex and single family residence are located in a block that has other multifamily residential units and there will not be unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because the use will not change from the existing use; and there would be no change in the circulation or traffic patterns in the neighborhood.

b. be detrimental or injurious to property or improvements in the neighborhood because the current use would not change, the subject property is zoned R-1 (Single Family Residential) which allows residential uses. The surrounding property uses are also multi-family residential.

4. The dwelling units may be reconstructed, restored, or rebuilt up to their pre-damaged size and number of dwelling units, if the rebuilding and the use conform to the requirements set forth hereafter.

5. Pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) this action is determined to be exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

## CONDITIONS:

Based on the foregoing findings, the Planning Commission approves the reconstruction of the existing duplex and the three single family residence to the current footprint in the event of involuntary destruction by fire, or other catastrophic event, or the public enemy. The structures are non-conforming because the lot size does not meet the requirements for one family unit per seven thousand square feet of lot area (YMC 16.18.030.C), lot also does not meet the requirements for a duplex (YMC 16.18.050). The duplex (738 & 740 W. Lennox) is non-conforming because there is a 20 ft. rear setback required and the current setback ranges from 11 ft. to 14 ft. (YMC 16.18.040), the duplex is also nonconforming because a two car garage/carport is required for each family unit and there are no garages (YMC 16.18.040.D.1), the house (734 B W. Lennox Street) is non-conforming because there is a 20 ft. rear setback required and the current setback is 6 ft. (YMC 16.34.040), all three single family dwellings are also nonconforming because a two car garage/carport is required for each family dwelling and there are no garages (YMC 16.18.040.D.1).

The buildings shall not be enlarged or increased, nor be extended to occupy a greater area than that occupied by the current building. Approval is subject to compliance with the following conditions at all times that the use permitted by this permit occupies the premises. Any reconstruction, restoration, or rebuilding undertaken pursuant to Government Code Section 65852.25 shall conform to all of the following:

- a. The California Building Standards Code as that code is in effect at the time of reconstruction, restoration, or rebuilding.
- b. Any more restrictive local building standards authorized pursuant to Sections 13869.7, 17958.7, and 18941.5 of the Health and Safety Code, as those standards are in effect at the time of reconstruction, restoration, or rebuilding.
- c. The State Historical Building Code (Part 2.7 (commencing with Section 18950) of Division 13 of the Health and Safety Code) for work on qualified historical buildings or structures.
- d. Local zoning ordinances, including the Historic District regulations set forth in Title 17 of the Yreka Municipal Code, so long as the predamage size and number of dwelling units are maintained with the exceptions approved with this Permit.
- e. Architectural regulations and standards, as long as the predamage size and number of dwelling units are maintained.
- f. Building permit shall be obtained within two years after the date of the damage or destruction and diligently continued to completion.

Date:

## onecle

Search

## Court Opinions

US Supreme Court  
US Tax Court  
Board of Patent Appeals

## State Laws

Alabama  
Arizona  
California  
Florida  
Georgia  
Illinois  
Indiana  
Massachusetts  
Michigan  
Nevada  
New Jersey  
New York  
North Carolina  
Oregon  
Pennsylvania  
Texas  
Virginia  
Washington

## US Code

1 USC - General Provisions  
2 USC - The Congress  
3 USC - The President  
4 USC - Flag and Seal  
5 USC - Gov't Organization  
6 USC - Domestic Security  
7 USC - Agriculture  
8 USC - Aliens and Nationality  
9 USC - Arbitration  
10 USC - Armed Forces  
11 USC - Bankruptcy  
12 USC - Banks and Banking  
13 USC - Census  
14 USC - Coast Guard  
15 USC - Commerce and Trade  
16 USC - Conservation  
17 USC - Copyrights  
18 USC - Crimes  
19 USC - Customs Duties  
20 USC - Education  
21 USC - Food and Drugs  
22 USC - Foreign Relations  
23 USC - Highways  
24 USC - Hospitals  
25 USC - Indians  
26 USC - Internal Revenue Code  
27 USC - Intoxicating Liquors  
28 USC - Judiciary  
29 USC - Labor  
30 USC - Mineral Lands  
31 USC - Money and Finance  
32 USC - National Guard  
33 USC - Navigation  
34 USC - Navy (repealed)  
35 USC - Patents  
36 USC - Patriotic Societies  
37 USC - Uniformed Services  
38 USC - Veterans' Benefits  
39 USC - Postal Service  
40 USC - Public Property  
41 USC - Public Contracts  
42 USC - Public Health  
43 USC - Public Lands  
44 USC - Public Printing  
45 USC - Railroads

## California Government Code Section 65852.25

[Legal Research Home](#) > [California Laws](#) > [Government Code](#) > [California Government Code Section 65852.25](#)

(a) No local agency shall enact or enforce any ordinance, regulation, or resolution that would prohibit the reconstruction, restoration, or rebuilding of a multifamily dwelling that is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy.

(b) Notwithstanding subdivision (a), a local agency may prohibit the reconstruction, restoration, or rebuilding of a multifamily dwelling that is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy, if the local agency determines that:

(1) The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood.

(2) The existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted, or that there no longer exists a zone in which the existing nonconforming use is permitted.

(c) The dwelling may be reconstructed, restored, or rebuilt up to its predamaged size and number of dwelling units, and its nonconforming use, if any, may be resumed.

(d) Any reconstruction, restoration, or rebuilding undertaken pursuant to this section shall conform to all of the following:

(1) The California Building Standards Code as that code was in effect at the time of reconstruction, restoration, or rebuilding.

(2) Any more restrictive local building standards authorized pursuant to Sections 13869.7, 17958.7, and 18941.5 of the Health and Safety Code, as those standards were in effect at the time of reconstruction, restoration, or rebuilding.

(3) The State Historical Building Code (Part 2.7 (commencing with Section 18950) of Division 13 of the Health and Safety Code) for work on qualified historical buildings or structures.

(4) Local zoning ordinances, so long as the predamage size and number of dwelling units are maintained.

(5) Architectural regulations and standards, so long as the predamage size and number of dwelling units are maintained.

(6) A building permit which shall be obtained within two years after the date of the damage or destruction.

(e) A local agency may enact or enforce an ordinance, regulation, or resolution that grants greater or more permissive rights to restore, reconstruct, or rebuild a multifamily dwelling.

(f) Notwithstanding subdivision (a), a local agency may prohibit the reconstruction, restoration, or rebuilding of a multifamily dwelling that is involuntarily damaged or destroyed by fire, other catastrophic event, or by the public enemy, if the building is located in an industrial zone.

(g) For purposes of this section, "multifamily dwelling" is defined as any structure designed for human habitation that is divided into two or more independent living quarters.

Section: [Previous 65850.5](#) [65850.6](#) [65851](#) [65852](#) [65852.1](#) [65852.150](#) [65852.2](#) [65852.25](#) [65852.3](#) [65852.4](#) [65852.5](#) [65852.6](#) [65852.7](#) [65852.9](#) [65852.11](#) [Next](#)

Last modified: February 13, 2012

- 46 USC - Shipping
- 47 USC - Telecom
- 48 USC - Territories
- 49 USC - Transportation
- 50 USC - War

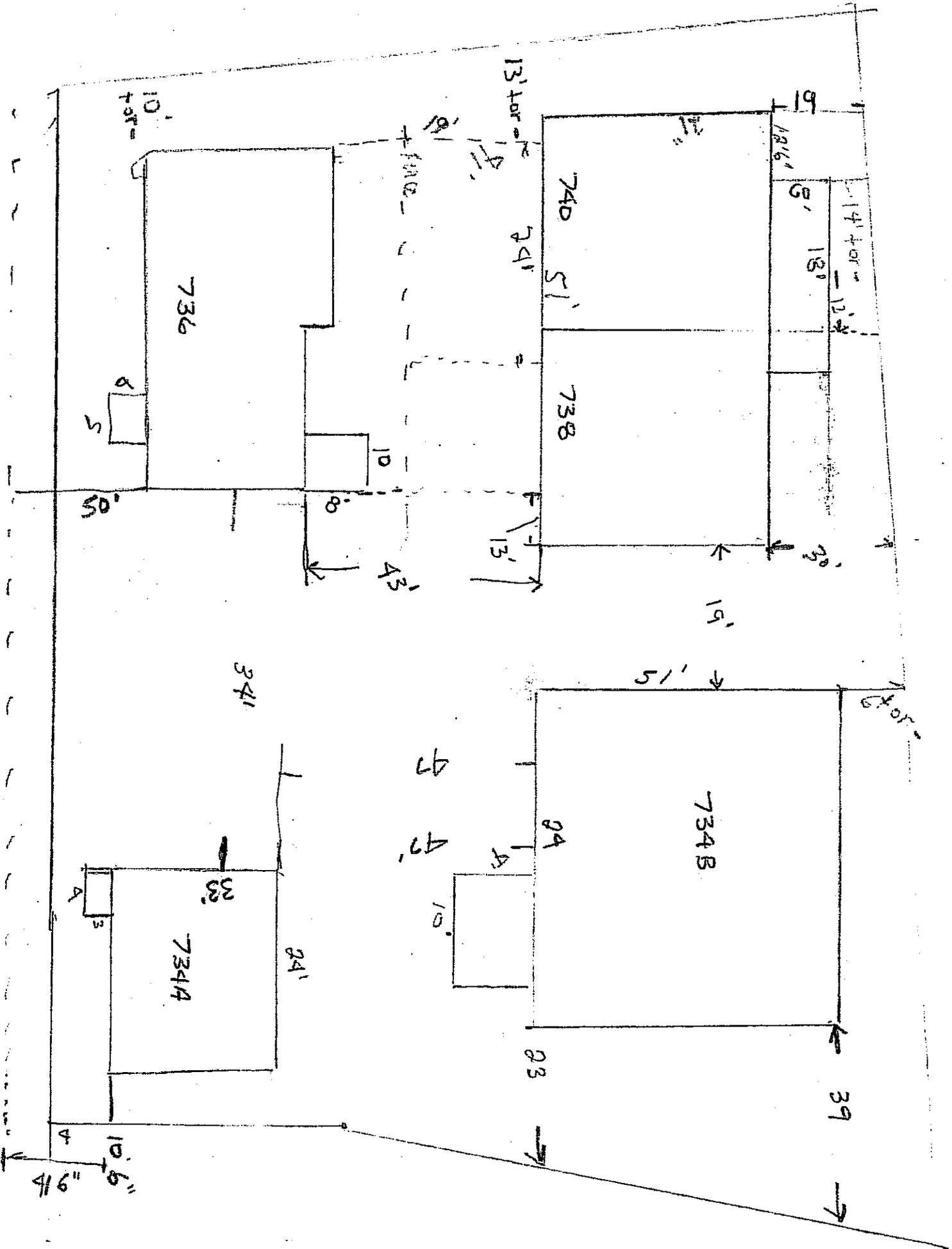
## US Constitution

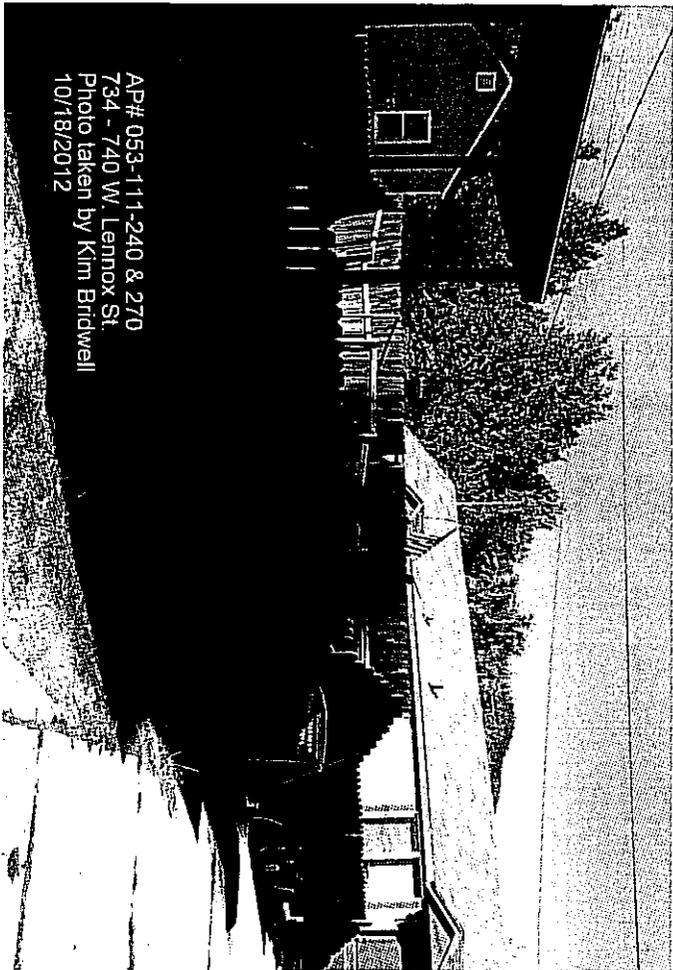
- Preamble
- Art. I - Legislative
- Art. II - Executive
- Art. III - Judicial
- Art. IV - States' Relations
- Art. V - Mode of Amendment
- Art. VI - Prior Debts
- Art VII - Ratification

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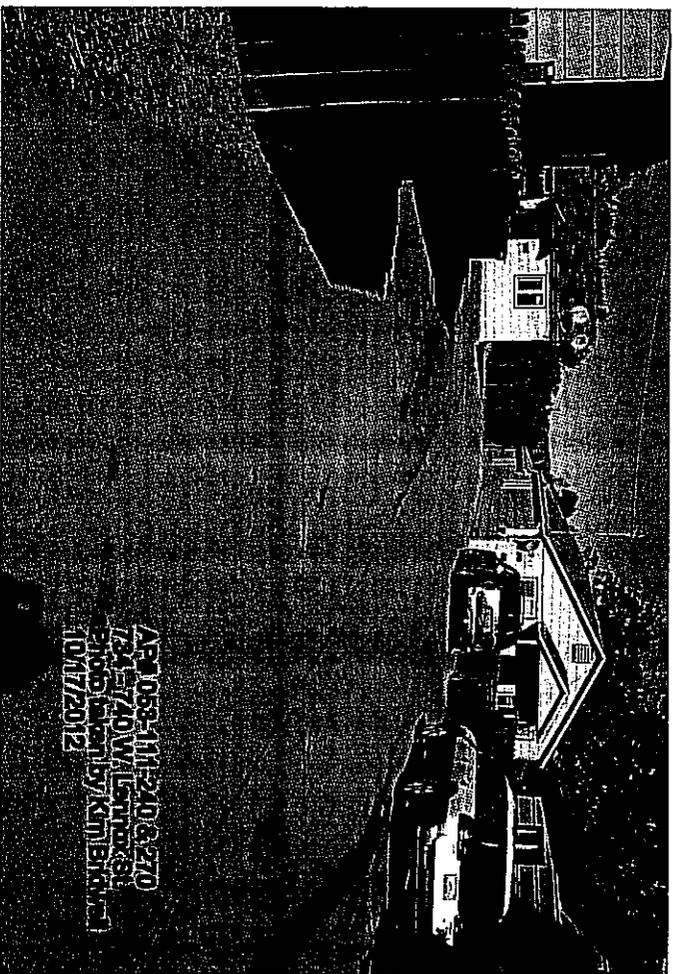
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LENNOX

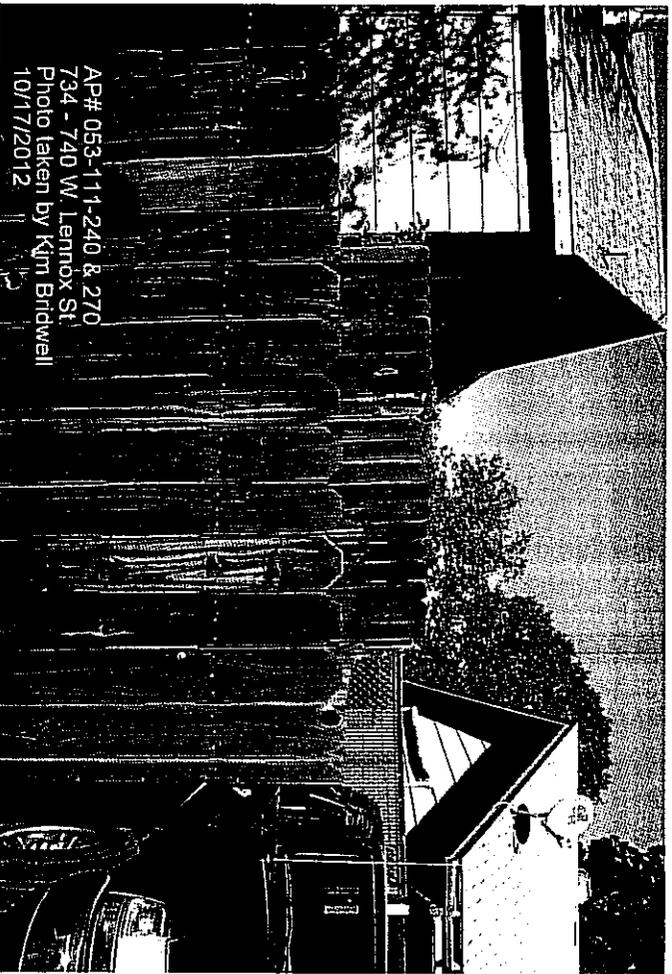




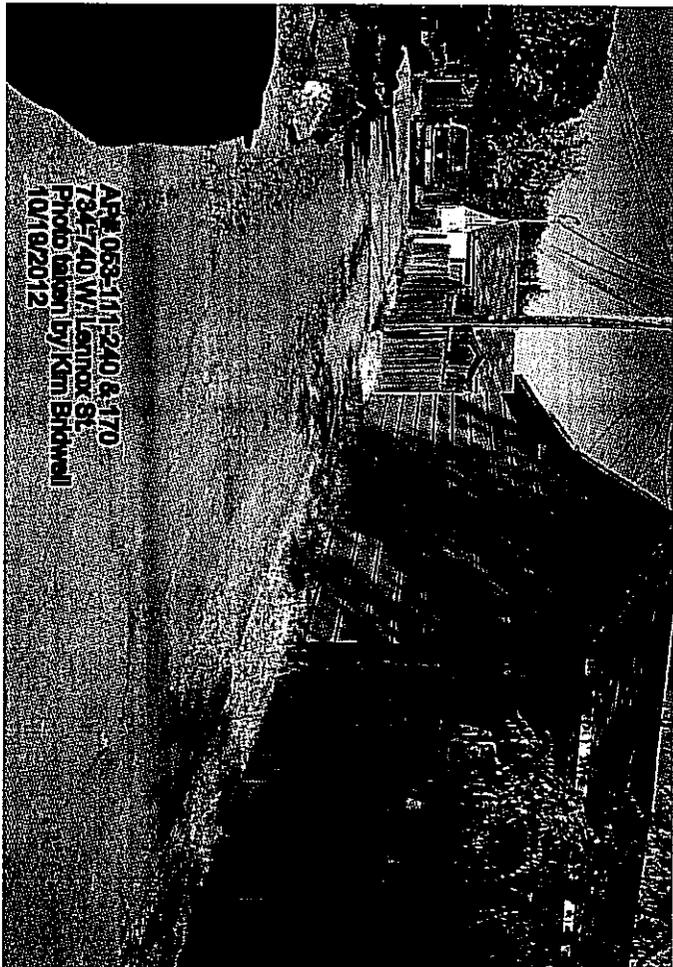
AP# 053-111-240 & 270  
734 - 740 W. Lennox St.  
Photo taken by Kim Bridwell  
10/18/2012



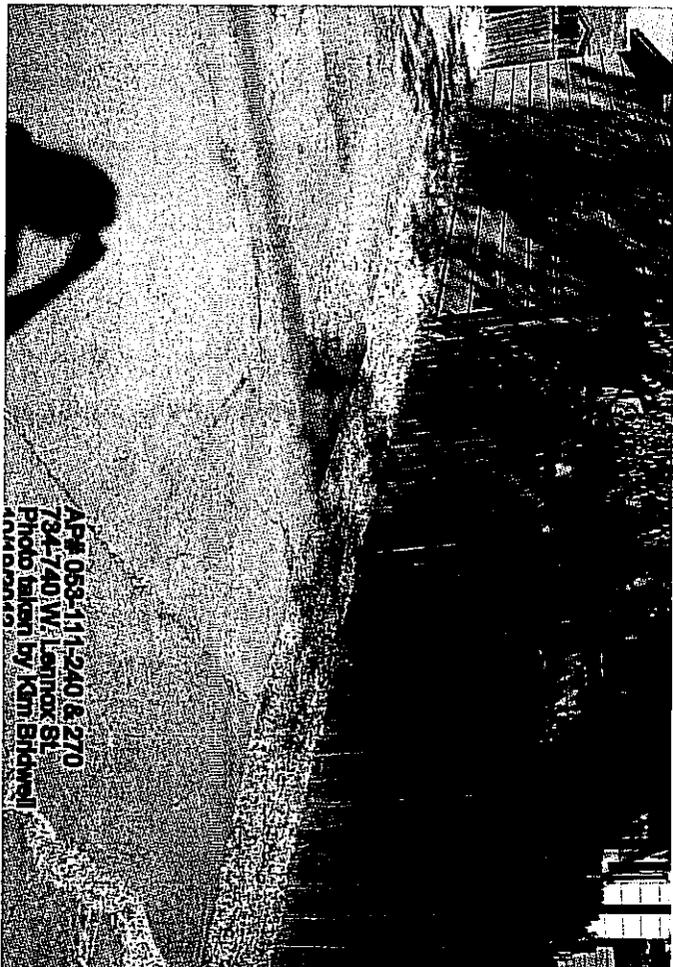
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734 - 740 W. Lennox St.  
Photo taken by Kim Bridwell  
10/17/2012



AP# 053-111-240 & 270  
734 - 740 W. Lennox St.  
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10/17/2012



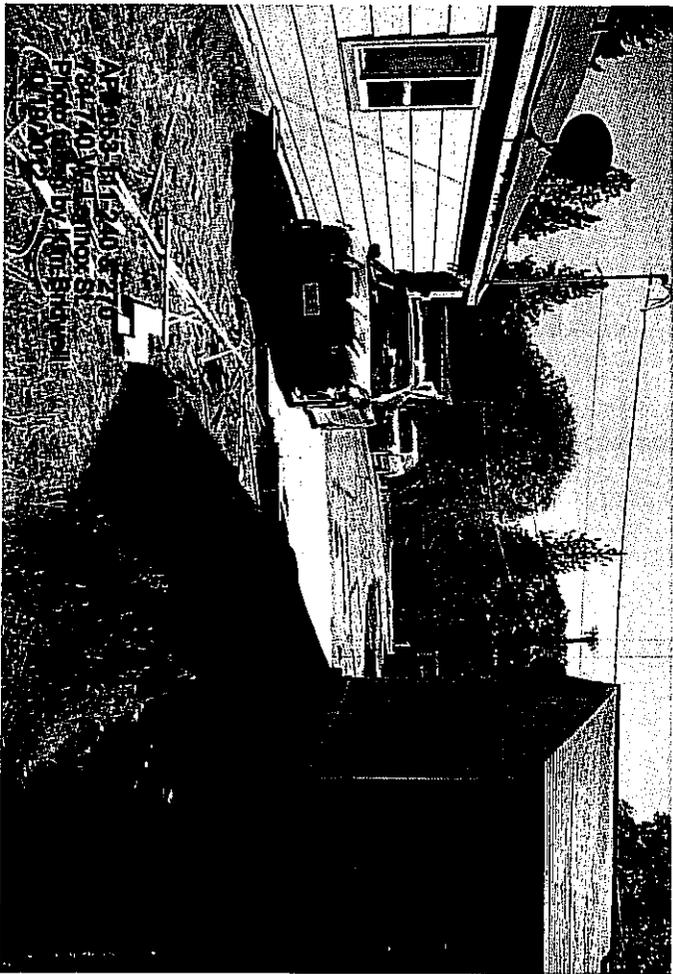
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Photo taken by Kim Birkwell  
10/19/2012



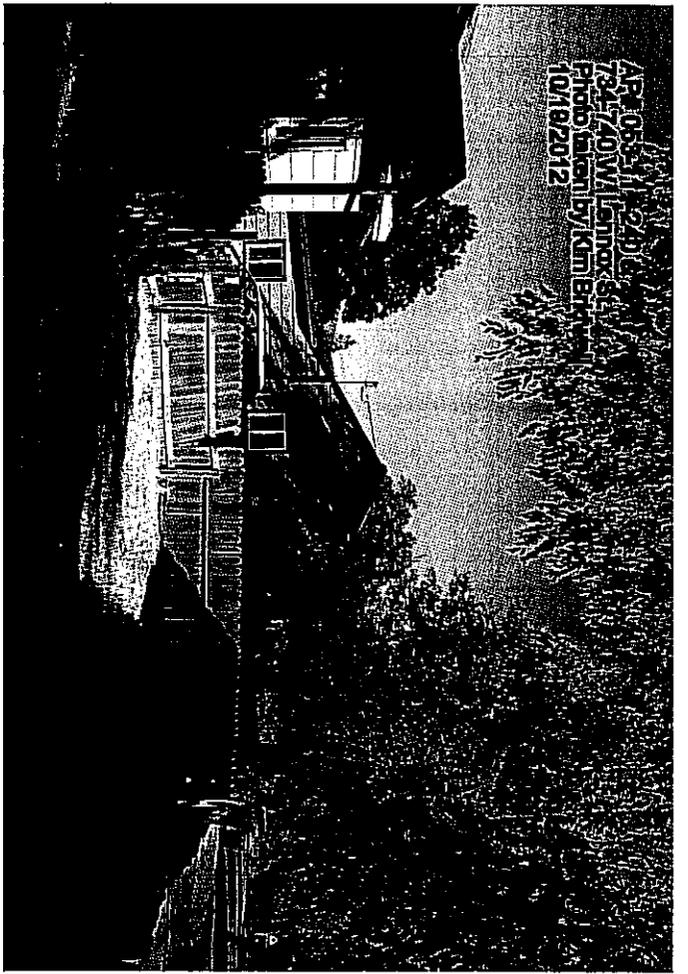
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734-740 W. Lennox St.  
Photo taken by Kim Birkwell  
10/19/2012



AP# 063-111-240 & 270  
734-740 W. Lennox St.  
Photo taken by Kim Birkwell  
10/19/2012



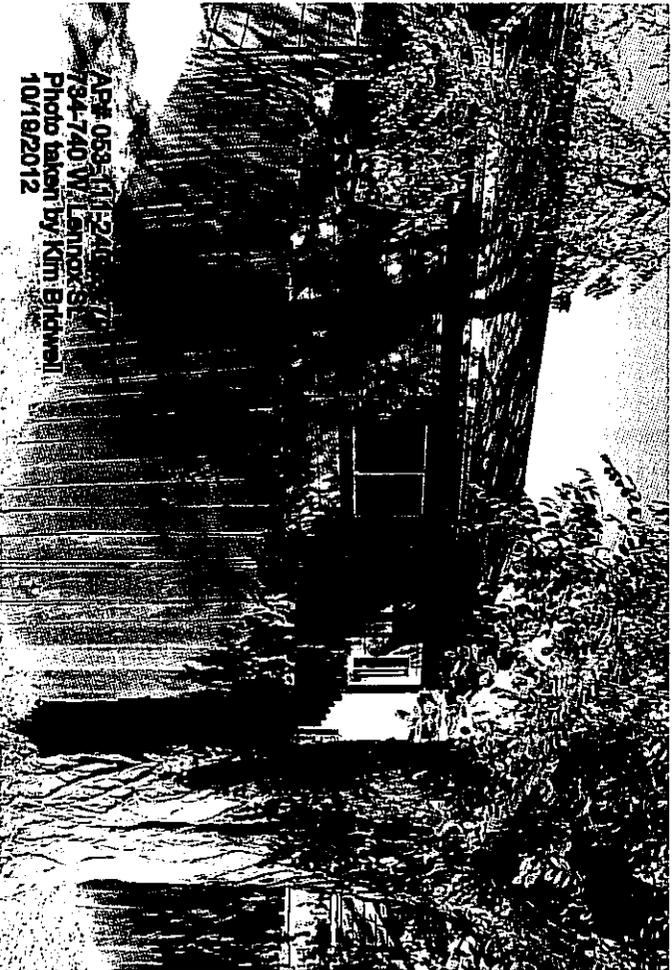
AP# 063-111-240 & 270  
734-740 W. Lennox St.  
Photo taken by Kim Birkwell  
10/19/2012



AP# 083-111-240 &  
734-740 W. Lennox St.  
Photo taken by Kim Britnell  
10/18/2012



AP# 083-111-240 & 270  
734-740 W. Lennox St.  
Photo taken by Kim Britnell  
10/19/2012



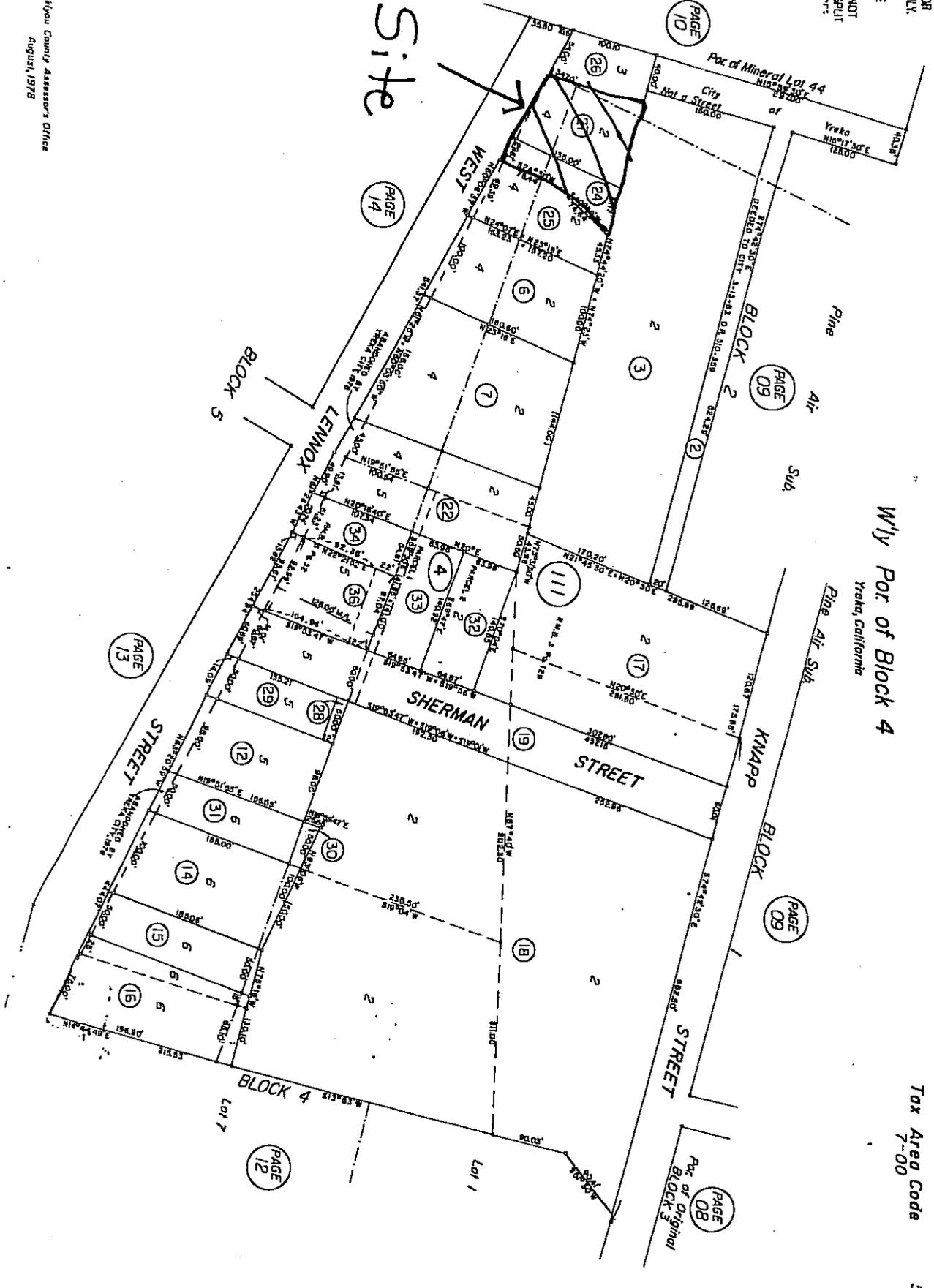
AP# 083-111-240 & 270  
734-740 W. Lennox St.  
Photo taken by Kim Britnell  
10/18/2012

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSIGNED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT CORRELATE WITH LOCAL LOT-SPLIT RECORDS.

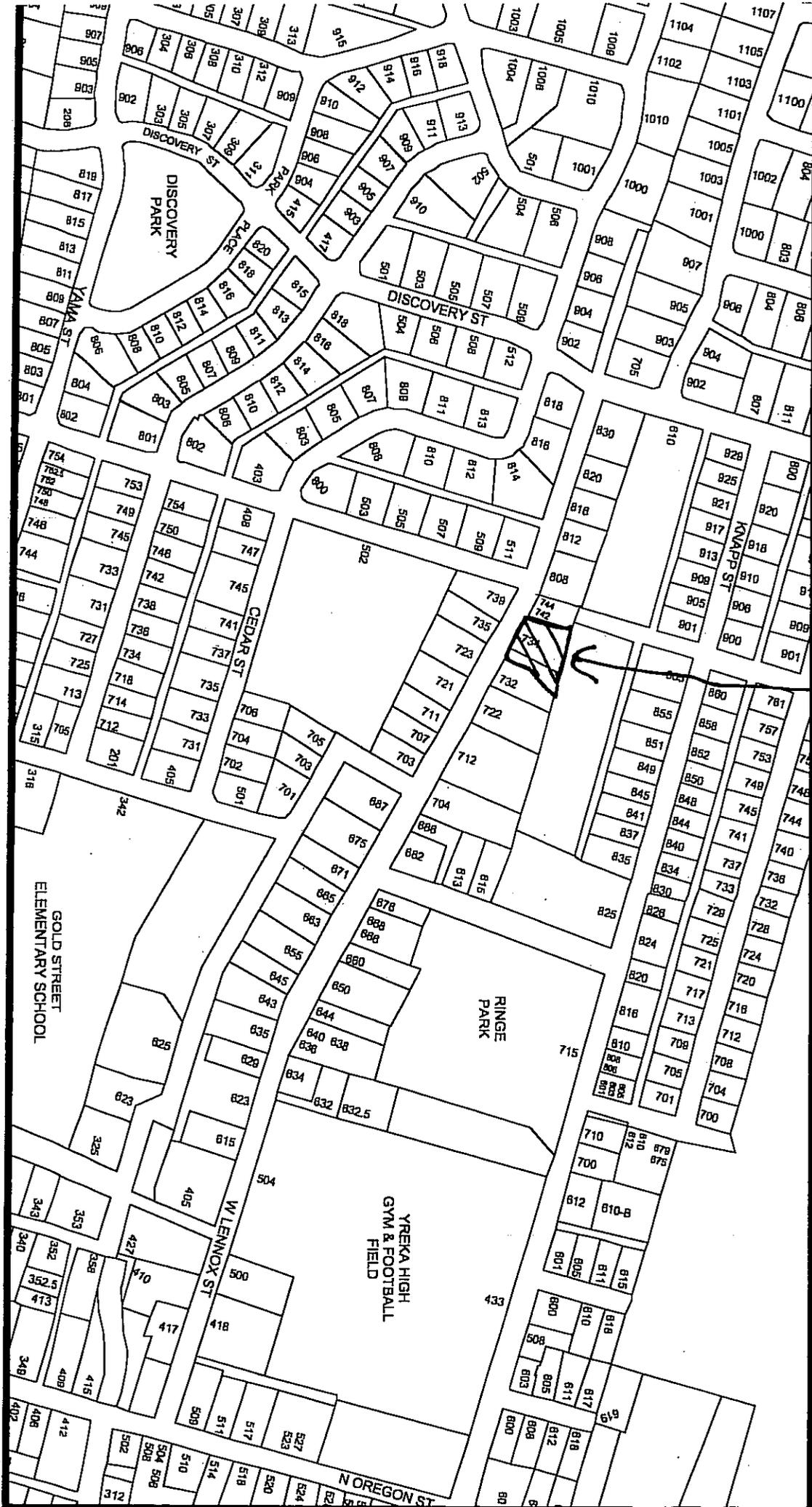
Tax Area Code 7-00

53-11

Wily Por of Block 4  
Yreka, California



Stanislaus County Assessor's Office  
August, 1978



Site

GOLD STREET  
ELEMENTARY SCHOOL

DISCOVERY  
PARK

RINGE  
PARK

YREKA HIGH  
GYM & FOOTBALL  
FIELD

N OREGON ST

DISCOVERY  
PARK

DISCOVERY ST

CEDAR ST

W LENNOX ST

YAMA ST

KNAUER ST



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**CITY OF YREKA**  
**PLANNING COMMISSION AGENDA MEMORANDUM**

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To: Yreka Planning Commission

Prepared by: Steve Baker, City Manager

Agenda Title: Consideration of a proposed Conditional Use Permit to construct, establish and operate a 3468 sq. ft. restaurant (2268 sq. ft. addition to existing 1200 sq. ft. building) with a seating capacity of 80 and a maximum of 7 employees per working shift with 34 parking spaces on a +/- 1.17 acre parcel. Applicant: John & Lauren Kennedy, Location : 1281 S. Main Street, Assessor's Parcel No. 061-351-240, CH (Commercial Highway) Zone, GC (General Commercial) General Plan designation.

Meeting date: March 20, 2013

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Discussion:

The City has received the attached application from John Kennedy to construct and operate a restaurant at 1281 S. Main Street. City staff has reviewed the application and recommends approval subject to the attached findings and conditions for the conditional use as a restaurant.

Background:

A Conditional Use Permit was issued to Mr. Kennedy in 2005 for the operation of a landscape business. The Use Permit incorporated 2 separate parcels, one fronting on S. Main St. and an adjacent parcel to the west which fronts on Bruce Street. Mr. Kennedy has indicated that he plans to downsize the landscape business and move it entirely to the parcel known as 113 Bruce Street. Mr. Kennedy has been advised of the necessity to submit a new site plan and business license application for the relocation of his landscape business.

Recommendation:

That the Planning Commission approve Conditional Use Permit No. 4171 with the determination that this project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 Infill Development of the CEQA Guidelines, and subject to the findings and conditions attached.

Approved by: \_\_\_\_\_

Steven Baker, City Manager

CITY OF YREKA  
PLANNING DEPARTMENT  
APPLICATION

PAID  
FEB 28 2013

# 4171

CITY OF YREKA  
pd # 235 CK# 13189  
KFB

CITY FEES:

- Annexation.....\$750.00 deposit/cost
- Appeals – Planning Commission.....\$100.00
- Appeals –City Council.....\$150.00 plus publication
- E.R.-Preliminary review.....\$25.00
- E.R.-Negative Declaration.....\$200.00 deposit/cost
- E.R.-Mitigated Negative Declaration.....Actual cost
- Environmental Impact Report.....Actual cost
- General Plan Amendment.....\$750.00 deposit/cost
- Historic Exterior Alteration Permit..... \$75.00
- Public Hearing.....\$ 60.00
- P.H. - Project notice circulation, 1-20 notices.....\$ 25.00
- P.H. – 21 or more notices.....\$25.00 plus 1.00/parcel over 20
- Rezone..... \$750.00 deposit/cost
- Site Plan Review – (No Use permit required)...\$100.00 deposit/cost

- Lot Merger – Administrative approval.....\$200.00
- Lot Merger – P.C. approval ..... \$250.00
- Reversion to Acreage.....\$200.00
- Use Permit- Administrative approvals..... \$ 75.00
- Use Permit – P.C. approvals ..... \$150.00
- Planned Unit Development .....\$750.00 deposit cost
- Variance.....\$250.00 deposit /cost
- Other.....

STATE FISH AND GAME FEES\*:

- County Processing Fee .....\$ 50.00
- Other.....

- County Map Check - 4 or less lots ..... \$300.00 + additional as required by County
- County Map Check - 5 or more lots.....\$600.00 + additional as required by County

DATE: 2/26/13 ASSESSOR'S PARCEL NUMBER: (7-00) 61-351-240

APPLICANT: John & Lauren Kennedy TELEPHONE NUMBER: 530 842-0230

APPLICANT ADDRESS: 1281 S. Main St. Yreka, CA 96097

IF OTHER THAN APPLICANT,  
NAME OF PROPERTY OWNER: Same

PROPERTY OWNER ADDRESS: \_\_\_\_\_

PROJECT LOCATION: 1281 S. Main St. Yreka, CA 96097

DESCRIPTION OF PROPOSED PROJECT: Restaurant.

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

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

\*In the event the project's effect on natural resources or wildlife is other than negligible, State Fish and Game requires an additional fee of \$2,995.25 if an Environmental Impact Report is prepared or \$2,156.25 for a Negative Declaration. These fees are subject to change and the applicant is responsible for payment of the fees in full. If required, the permit cannot be issued until such time as the fee is paid. A project that is Statutorily or Categorically exempt requires no further fees.

APPLICANT SIGNATURE: Lauren G. Kennedy, John Kennedy

PROPERTY OWNER'S SIGNATURE: (REQUIRED) Lauren G. Kennedy, John Kennedy

\*\*\*\*\*TO BE COMPLETED BY CITY STAFF: DATE APPLICATION RECEIVED AS COMPLETE: \_\_\_\_\_

ZONE: ct GENERAL PLAN DESIGNATION: GC

**CITY OF YREKA  
Planning Department**

**PERMIT**

APPLICANT: John & Lauren Kennedy TELEPHONE: (530) 842-0230

APPLICANT ADDRESS: 1281 S. Main Street, Yreka, CA 96097

IF OTHER THAN APPLICANT,  
NAME OF PROPERTY OWNER: John & Lauren Kennedy

PROPERTY OWNER ADDRESS: 1281 S. Main Street, Yreka, CA 96097

PROJECT LOCATION: 1281 S. Main Street, Yreka, CA 96097

A.P. #: 061-351-240 GENERAL PLAN DESIGNATION: GC ZONE: CH

DESCRIPTION OF PROPOSED PROJECT: Use Permit to construct, establish & operate a 3468 sq. ft. restaurant (2268 sq. ft. addition to existing 1200 sq. ft. building) with a seating capacity of 80 and a maximum of 7 employees per working shift with 34 parking spaces on a +/- 1.17 acre parcel located at 1281 S. Main Street.

**ENVIRONMENTAL REVIEW:**

- No Impact
- Environmental Impact Report
- Negative Declaration
- Categorical Exempt # 15332
- Statutorily Exempt

NOTICE OF DETERMINATION FILED (DATE): N/A

**PLANNING COMMISSION APPROVED**

APPROVED, (Date of approval): \_\_\_\_\_  DENIED, (Date of denial): \_\_\_\_\_

FINDINGS/CONDITIONS: Permit granted in accordance with the application submitted by John & Lauren Kennedy, dated February 28, 2013, contingent upon full compliance with the findings and conditions of approval attached hereto and made a part hereof, and subject to full compliance with all other applicable city, state, and federal laws and regulations.

DATE ISSUED: \_\_\_\_\_ BY: \_\_\_\_\_

(City of Yreka Authorized Signature)

CITY OF YREKA  
USE PERMIT NO. 4171  
FINDINGS & CONDITIONS OF APPROVAL

The following findings of fact have been determined by the Planning Department.

1. The construction, establishment and operation of a 3468 sq. ft. restaurant (2268 sq. ft. addition to existing 1200 sq. ft. building) with a seating capacity of 80 and a maximum of 7 employees per working shift with 34 parking spaces on a +/- 1.17 acre parcel located at 1281 S. Main Street 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 it will be located in an area where there are other commercial 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 in (a).

c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because there is adequate parking available for the proposed use on the site.

d. adversely affect matters regarding police protection, crime prevention, and security because there are existing businesses adjacent to the site.

e. adversely affect circulation or traffic patterns in the neighborhood or constitute a nuisance because the proposed use will not change the existing traffic patterns or circulation.

2. The use is compatible with the policies and objectives of the zoning ordinance for a CH (Commercial Highway) zone which allows a restaurant having a seating capacity of twenty-one (21) or more upon approval and validation of a conditional use permit as set forth in Section 16.34.070 (J) of the Yreka Municipal Code in addition to any other permits or licenses.

3. The Planning Commission has determined that the project is exempt from the environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 Infill Development of the CEQA Guidelines.

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.

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 to construct, establish and operate a 3468 sq. ft. restaurant (2268 sq. ft. addition to existing 1200 sq. ft. building) with a seating capacity of 80 and a maximum of 7 employees per working shift with 34 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. All elements of the project application including site, landscape, and parking plan as approved shall be complied with.
3. 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 as set forth in Sections 16.54.020.A.5(a) of the Yreka Municipal Code. As submitted the project requires 34 parking spaces.
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 City Building Official, 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, California Building Code and any other law or regulation now or hereinafter enacted relating to parking for disabled persons. A minimum of 2 accessible parking spaces are required for a parking lot or garage with 26 to 50 parking spaces.
6. Use shall be conducted in accordance with the site plan as submitted for the property located at 1281 S. Main Street, as approved by the Planning Commission on March 20, 2013, 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.

7. A landscape plan shall be submitted to the City Manager for approval. Installation shall be completed prior to commencement of business with accordance to Yreka Municipal Code 16.52.030.
8. All landscaping shall be installed, maintained, and replaced as necessary as depicted on the approved landscape plan. Water efficient irrigation system shall be installed for the landscaping per Yreka Municipal Code Section 16.52.030 (E).
9. Prior to issuance of the use permit and operation of the new use, the property owner shall provide a copy of the Caltrans encroachment permit to the City of Yreka Building and Planning Department demonstrating that a valid encroachment permit has been obtained from Caltrans.
10. 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.
11. Permittee shall submit a grading plan for review and approval by the Building Official prior to construction or any on-site grading.
12. Pursuant to Section 16.54.090 of the Yreka Municipal Code the on-site 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.
13. 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 or any on-site grading. On-site detention or storm drain extension may be required.
14. 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.
15. 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 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.

16. Permittee shall install a grease interceptor in accordance with the California Plumbing Code and shall comply at all times with the requirements for the Fats, Oils and Grease (FOG) Source Control Program.
17. 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 California Building and Fire Codes prior to use of a subject business for a restaurant.
18. Permittee shall pave all driveway accesses from the project site onto South Main a minimum of 20 feet back from the back of the sidewalk.
19. No signs shall be placed on the premises without first obtaining a sign permit.
20. Permittee shall secure an annual City business license to carry on the business of a restaurant.
21. 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.
22. 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.

Date: March 20, 2013

2-28-13

USE: RESTAURANT

TYPE OF OPERATION:

LUNCH & DINNER RESTAURANT

TRAFFIC:

APPROX 30 CARS & PEAK HOURS

RESTAURANT WILL SEAT APPROX 100 PEOPLE

BENEFITS: JOB OPPORTUNITIES 18-20 EMPLOYEES

BRINGING BUSINESS INTO YREKA

MAIN ST WITH FULL SERVICE

RESTAURANT, & PARK LIKE SETTINGS

MAY EMPLOYEES AT ANY ONE TIME 7-8

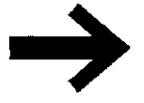
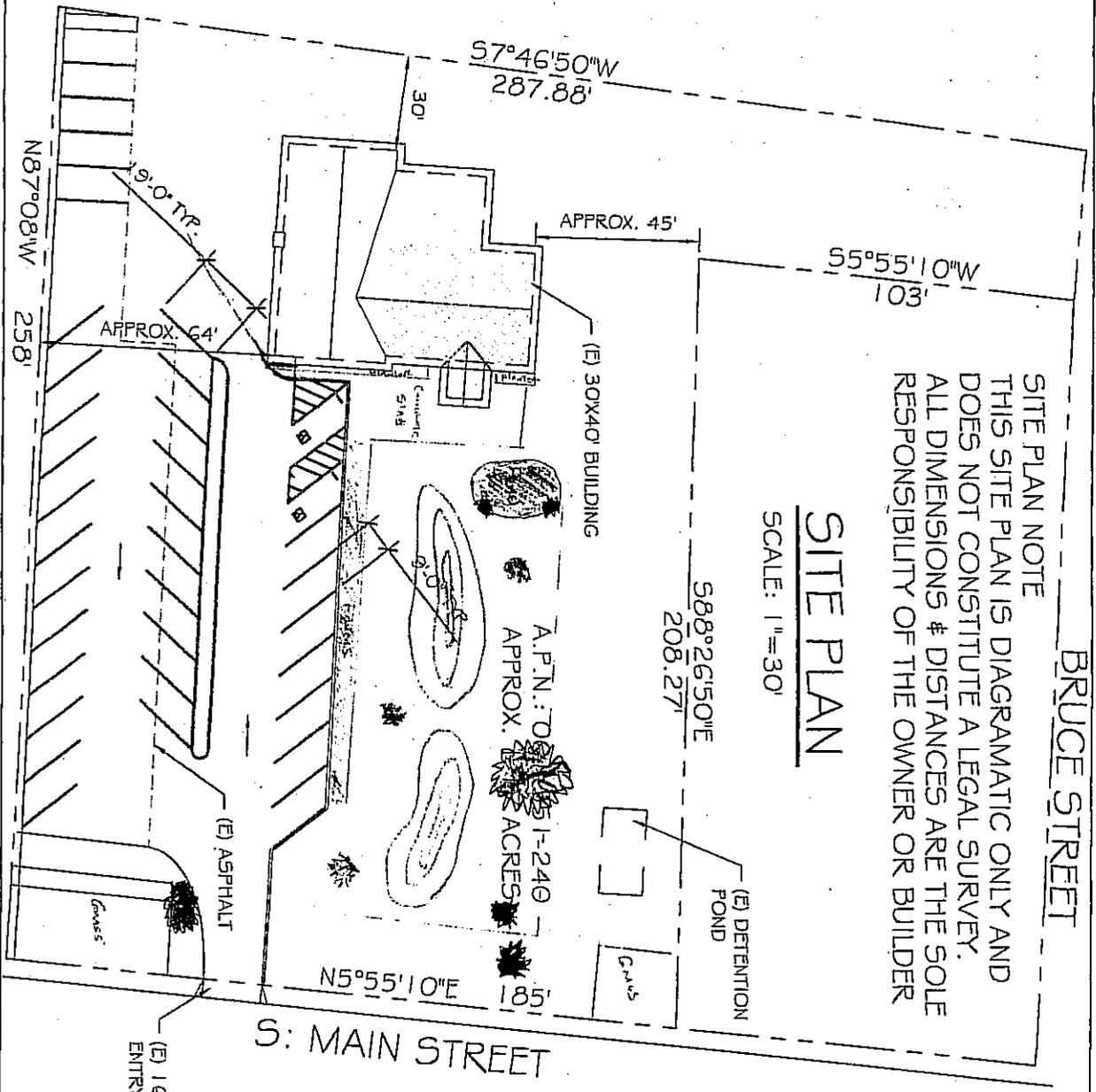
John Kenney

**BRUCE STREET**

**SITE PLAN NOTE**  
 THIS SITE PLAN IS DIAGRAMATIC ONLY AND DOES NOT CONSTITUTE A LEGAL SURVEY. ALL DIMENSIONS & DISTANCES ARE THE SOLE RESPONSIBILITY OF THE OWNER OR BUILDER

**SITE PLAN**

SCALE: 1"=30'



**NORTH**

**VICINITY MAP**

SCALE: N.T.S.





