

MINUTES OF THE REGULAR MEETING OF THE  
YREKA PLANNING COMMISSION HELD IN  
THE YREKA CITY COUNCIL CHAMBER IN SAID CITY  
ON THE 18<sup>th</sup> DAY OF FEBRUARY 2009

On the 18<sup>th</sup> day of February 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 Rolzinski Knitter and present were:

Commissioners:           Deborah Baird  
                                  Diane Knitter  
                                  Mark McAllister  
                                  Barry Ohlund  
                                  Richard Rolzinski

Absent:                     Peggy Amaral

**SIGN USE PERMIT – WALL SIGNS**

**COLLEGE OF THE SISKIYOU – 2001 CAMPUS DR.**

**APPROVED**

Commissioner Ohlund recused himself from participating in this agenda item to prevent a possible conflict of interest because he is a member on the Board of Directors for the College of the Siskiyou and he left the room.

The Commission reviewed the application submitted by College of the Siskiyou for a sign use permit to allow installation of two wall signs 60 sq. ft. each (120 sq. ft. total), copy to read “College of the Siskiyou Rural Health Sciences Institute” on the property located at 2001 Campus Drive.

This being the time and date set for a public hearing for an application for a use permit Chair Knitter opened the public hearing to the audience.

Staff reported the Technical Committee recommended approval.

Staff also recommended that the Commission make the determination that the project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15311(a) (on-premises signs) of the CEQA Guidelines.

Following Commission discussion, Commissioner McAllister made a motion to approve the application for a sign use permit to allow installation of two wall signs 60 sq. ft. each (120 sq. ft. total), copy to read “College of the Siskiyou Rural Health Sciences Institute” on the property located at 2001 Campus Drive, Assessor’s Parcel No. 062-031-230, M-1 zone and I land use designation. With the determination that the project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15311 (a) (on-premises

signs) of the CEQA Guidelines. The approval is based on Staff's and the Technical Committee's recommendations and is subject to full compliance with all applicable city, state, and federal laws and regulations and the following findings and conditions of approval:

#### FINDINGS:

1. The installation of two wall signs 60 sq. ft. each (120 sq. ft. total) will not:
  - a. be contrary to the public's interest, safety, health, and welfare.
  - b. be detrimental to property or improvements in the neighborhood.
2. The subject property is a large parcel in excess of 190,357 sq. ft. and has approximately 600 feet of frontage, as provided in Section 13.68.020 of the Yreka Municipal Code, and will therefore not be contrary to the intent of Chapter 13 or the public interest, safety, health and welfare to allow two wall signs of 60 sq. ft. per sign, 120 sq. ft. total which is less than the maximum allowable of 150 sq. ft.
3. The Planning Commission made a determination that this project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15311(a) (On-Premises Signs) of the CEQA Guidelines.

#### CONDITIONS:

1. The installation of two wall signs 60 sq. ft. (120 sq. ft. total) shall comply with the specifications and plans approved by the Planning Commission on February 18, 2009 and shall serve only to identify the business conducted on said premises.
2. The permit does not constitute approval from the Department of Transportation of the State of California; the Permittee shall comply with any and all statutes, rules, and regulations of the State of California if applicable.
3. The signs shall be erected in accordance with the specifications and plans submitted by College of the Siskiyous and approved by the Planning Commission on February 18, 2009 and shall not be deviated from without the prior review and approval of the Planning Commission.
4. The signs shall harmonize with the materials, textures, sizes, shapes, heights, locations, and designs of the buildings, properties, or neighborhood of which they are a part, and as approved by the Planning Commission.
5. The signs shall be erected in accordance with Title 13, Signs, of the Yreka Municipal Code.
6. The signs shall be removed within thirty days after the business closes and is no

longer in operation on the property upon which the signs are located.

7. The sign use permit shall be automatically revoked and terminated if not used within one year from date of approval.

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

AYES: Baird, Knitter, McAllister, Rolzinski  
NOES: None

Commissioner Ohlund returned to the Planning Commissioner's table.

**USE PERMIT – AUTHORIZATION TO REBUILD  
CHARLES T. HARRISON & MARGERY J. HARRISON**

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City Attorney, McHugh, explained that the applicant has multiple items on the agenda and the Commission could make a motion to combine Items 3, 4, and 6 into one action.

Commissioner McAllister made a motion to hear and act on Agenda Items 3, 4, and 6 concurrently and out of order. Commissioner Ohlund seconded the motion, all voting aye the motion carried.

The Commission reviewed the following three applications submitted by Charles T. Harrison and Margery J. Harrison:

Agenda Item 3. Consideration of an application for a use permit to allow rebuilding of the existing 6 unit apartment structure to the current footprint in the event of fire or other casualty. The apartment building is non-conforming because it has a rear yard setback of 4 feet not 20 feet and a side yard setback of 4 feet not 10 feet as required (YMC 16.22.040); the apartments are also non-conforming as it relates to on-site parking because there are no covered parking spaces, six covered parking spaces are required, and there are parking spaces located in the front yard setback which is not currently allowed (YMC16.22.040.D.1). The project location is 815 W. Miner Street, Assessor's Parcel No. 061-021-270. The project's zoning is R 3-16 (High Density Residential – maximum 16 units per acre) and land use designation is HDR (High Density Residential). Project applicant is Charles T. Harrison Jr.

Agenda Item 4. Consideration of an application for a use permit to allow rebuilding of the existing duplex and two fourplex structures to the current footprint in the event of fire or other casualty. The two fourplex structures are non-conforming because they have side yard setbacks of 4 feet 5 inches not 5 feet as required (YMC 16.20.040.A.3); the fourplex structures are also nonconforming as it relates to on-site parking requirements because there are no covered parking spaces and 8 covered parking spaces are required (YMC 16.20.040.D). The project location is 302-306 Evergreen Lane, Assessor's Parcel No. 054-281-210. The project's zoning is RPO (Residential Professional Office) and land use designation is MDR (Medium Density Residential). Project applicant is Charles T. Harrison

Jr.

Agenda Item 6. Consideration of an application for a use permit to allow rebuilding of the existing fourplex structure to the current footprint in the event of fire or other casualty. The fourplex is non-conforming because there are 4 units only 2 units are allowed due to the size of the lot pursuant to current RPO zoning (YMC 16.26.050 and 16.20.030); the fourplex is non-conforming as it relates to on-site parking because the second parking space is in tandem and in the front yard setback which is not currently allowed (YMC 16.20.040.D); the fourplex structure is also non-conforming because it has a front setback of 19.5 feet not 20 feet and a rear setback of 12 feet not 20 feet (YMC 16.20.040). Project is located at 125-131 State Street, Assessor's Parcel No. 054-214-180. The project's zoning is RPO (Residential Professional Office) and land use designation is MDR (Medium Density Residential). Project applicant is Margery J. Harrison.

This being the time and date set for public hearings on the applications listed above, Chair Knitter opened the hearing to the public.

Staff reported that the Technical Committee recommended approval of the three applications listed. Staff also recommended that the Planning Commission make a determination that all three projects are exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines in that they are not projects that have potential for causing a significant effect on the environment.

Notifications of the public hearings were mailed to property owners/occupants located within 300 feet of the projects and a Notice of Public Hearing was published in the Siskiyou Daily News for each project.

Government Code Section 65852.25 authorizes the rebuilding of a multifamily dwelling that is involuntarily damaged or destroyed by fire, or other catastrophic event, or the public enemy, unless the local agency determines that the use is not compatible with surrounding properties in the same general area within the same zone or that it would be contrary to public health, safety, comfort and general welfare to allow the reconstruction to the current footprint.

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

Following Commission discussion Commissioner Rolzinski made a motion to approve the following three applications, pursuant to the motion to combine. The approvals are based on Staff's and the Technical Committee's recommendations, with the determination that the projects are exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines in that they are not projects that have potential for causing a significant effect on the environment, and the approvals are subject to full compliance with all applicable city, state, and federal laws and regulations and the findings and conditions of approval for each as follows:

**USE PERMIT – 815 W. MINER ST.****APPROVED**

Use permit to allow rebuilding of the existing 6 unit apartment structure to the current footprint in the event of fire or other casualty. The apartment building is non-conforming because it has a rear yard setback of 4 feet not 20 feet and a side yard setback of 4 feet not 10 feet as required (YMC 16.22.040); the apartments are also non-conforming as it relates to on-site parking because there are no covered parking spaces, six covered parking spaces are required, and there are parking spaces located in the front yard setback which is not currently allowed (YMC16.22.040.D.1). The project location is 815 W. Miner Street, Assessor's Parcel No. 061-021-270. The project's zoning is R 3-16 (High Density Residential – maximum 16 units per acre) and land use designation is HDR (High Density Residential). Project applicant is Charles T. Harrison Jr.

**FINDINGS:**

1. The 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 this structure was constructed nor if building permits were obtained for the construction. Under the zoning regulations in effect today the 6 unit apartment building located at 815 W. Miner Street is non-conforming because it has a rear yard setback of 4 feet not 20 feet and a side yard setback of 4 feet not 10 feet as required (YMC 16.22.040); the apartments are also non-conforming as it relates to on-site parking because there are no covered parking spaces, six covered parking spaces are required, and there are parking spaces located in the front yard setback which is not currently allowed (YMC16.22.040.D.1).
3. Pursuant to the provisions of California Government Code Section 65852.25(b), the Planning Commission finds that rebuilding the existing structure to the current building footprint 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 6 unit apartment structure is located adjacent to other multifamily residential units and there is no unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because there is adequate onsite parking and the use will not change from the existing use; and there is 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 use is a 6 unit apartment and the subject property is zoned R 3-16 (High Density Residential, Maximum 16 units per acre), the adjacent property to the east and west are zoned R 3-16, the property to the north and south is zoned R-1. The use is in compliance with the zone's density.
4. The dwelling may be reconstructed, restored, or rebuilt up to its predamage size and

number of dwelling units, and its non-conforming use may be resumed 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, restoration, or rebuilding of the existing structure to the current building footprint in the event of involuntary destruction by fire, or other catastrophic event or the public enemy, and allows the continued use of a 6 unit apartment building located at 815 W. Miner Street that is non-conforming because it has a rear yard setback of 4 feet not 20 feet and a side yard setback of 4 feet not 10 feet as required (YMC 16.22.040); the apartments are also non-conforming as it relates to on-site parking because there are no covered parking spaces, six covered parking spaces are required, and there are parking spaces located in the front yard setback which is not currently allowed (YMC16.22.040.D.1). The building 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, 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, so 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.

Use permit to allow rebuilding of the existing duplex and two fourplex structures to the current footprint in the event of fire or other casualty. The two fourplex structures are non-conforming because they have side yard setbacks of 4 feet 5 inches not 5 feet as required (YMC 16.20.040.A.3); the fourplex structures are also nonconforming as it relates to on-site parking requirements because there are no covered parking spaces and 8 covered parking spaces are required (YMC 16.20.040.D). The project location is 302-306 Evergreen Lane, Assessor's Parcel No. 054-281-210. The project's zoning is RPO (Residential Professional Office) and land use designation is MDR (Medium Density Residential). Project applicant is Charles T. Harrison Jr.

#### FINDINGS:

1. The 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 two of the structures at 302-306 Evergreen Lane are nonconforming because they have side yard setbacks of 4 feet 5 inches not 5 feet (YMC 16.20.040.A.3); the fourplex units are also nonconforming as it relates to onsite parking requirements because there are no covered parking spaces and 8 covered parking spaces are required (YMC 16.20.040.D).
3. Pursuant to the provisions of California Government Code Section 65852.25(b), the Planning Commission finds that rebuilding the existing structure to the current building footprint 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 is located adjacent to other multifamily residential units and there is no unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because there is adequate onsite parking and the use will not change from the existing use; and there is 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 use is duplex and fourplex and the subject property is zoned RPO (Residential- Professional Office), the surrounding property is zoned RPO and RSC, which allow duplex, triplex, fourplex units, and schools subject to meeting density and site development standards. The units comply with the density limitation.
4. The dwelling units may be reconstructed, restored, or rebuilt up to their predamaged size and number of dwelling units, and the non-conforming use may be resumed 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, restoration, or rebuilding of the existing structures to the current building footprints in the event of involuntary destruction by fire, or other catastrophic event or the public enemy, and allows the continued use of a duplex and two fourplex structures that are nonconforming in the following particulars: two of the structures at 302-306 Evergreen Lane are nonconforming because they have side yard setbacks of 4 feet 5 inches not 5 feet (YMC 16.20.040.A.3); the fourplex units are also nonconforming as it relates to onsite parking requirements because there are no covered parking spaces and 8 covered parking spaces are required (YMC 16.20.040.D). 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, 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, so 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.

**USE PERMIT – 125 – 131 State Street**

**APPROVED**

Use permit to allow rebuilding of the existing duplex structure to the current footprint in the event of fire or other casualty. The existing structure is non-conforming because it has a rear yard setback of 15 ft. not 20 ft. (YMC 16.20.040.A.2), the lot size is 7,248 sq. ft. not

8,000 sq. ft. (YMC 16.20.030.B), and the second parking space is located within the front yard setback and is in tandem which is not currently allowed (YMC 16.20.040.D). Project location is 1014-1016 S. Oregon Street, Assessor's Parcel No. 061-272-220. The project's zoning is RPO (Residential Professional Office) and land use designation is MDR (Medium Density Residential).

#### FINDINGS:

1. The 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 this structure was constructed nor if building permits were obtained for the construction. Under the zoning regulations in effect today the fourplex located at 125-131 State Street is non-conforming because there are 4 units and only 2 units are allowed due to the size of the lot pursuant to current RPO zoning (YMC 16.26.050 and 16.20.030); the fourplex is non-conforming as it relates to on-site parking because the second parking space is in tandem and in the front yard setback which is not currently allowed (YMC 16.20.040.D); the fourplex structure is also non-conforming because it has a front setback of 19.5 feet not 20 feet and a rear setback of 12 feet not 20 feet (YMC 16.20.040).
3. Pursuant to the provisions of California Government Code Section 65852.25(b), the Planning Commission finds that rebuilding the existing structure to the current building footprint 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 fourplex has been at its current location for an undetermined number of years and the City is not aware of problems created by vehicular traffic, parking congestion, noise, nuisance, or odors because there is adequate onsite parking and the use will not change from the existing use; and there is 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 use is a fourplex and the subject property is zoned RPO (Residential-Professional Office), the surrounding property is zoned RPO, which allows duplex, triplex, and fourplex units subject to meeting density and site development standards.
4. The dwelling may be reconstructed, restored, or rebuilt up to its predamaged size and number of dwelling units, and its non-conforming use may be resumed 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, restoration, or rebuilding of the existing structure to the current building footprint in the event of involuntary destruction by fire, or other catastrophic event or the public enemy, and allows the continued use of a fourplex that is non-conforming because there are 4 units and only 2 units are allowed due to the size of the lot pursuant to current RPO zoning (YMC 16.26.050 and 16.20.030); the fourplex is non-conforming as it relates to on-site parking because the second parking space is in tandem and in the front yard setback which is not currently allowed (YMC 16.20.040.D); the fourplex structure is also non-conforming because it has a front setback of 19.5 feet not 20 feet and a rear setback of 12 feet not 20 feet (YMC 16.20.040). The building 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, 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, so 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.

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

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

**USE PERMIT – AUTHORIZATION TO REBUILD**  
**CHARLES T. HARRISON - 320 – 338 North Street**

**APPROVED**

Commissioners Knitter and McAllister recused themselves from participating in this agenda item to prevent a possible conflict of interest due to property ownership within 500 feet of the project and left the room. Due to lack of a quorum without one of these Commissioners, by random selection (flip of coin) Commissioner Knitter returned to the Commissioner's table and Commissioner McAllister again left the room.

The Commission reviewed the application submitted by Charles T. Harrison Jr. for an application for a use permit to allow rebuilding of the existing 10 unit apartment structure to the current footprint in the event of fire or other casualty. The apartments are non-conforming because there are 10 units, 3 units are allowed pursuant to current RPO zoning (YMC 16.26 and 16.20.030), the apartments are non-conforming as it relates to on-site parking because there are 10 uncovered parking spaces and 20 spaces are required with 10 of those required to be covered parking (YMC 16.20.040.D.1); the apartment structure is also non-conforming because it has a front setback of 9.5 feet not 20 feet, and a 10.2 foot rear setback not 20 feet (YMC 16.20.040). Assessor's Parcel No. 053-281-060.

This being the time and date set for a public hearing on an application for a use permit to allow rebuilding the existing 10 unit apartment structure to the current footprint in the event of fire or other casualty Chair Knitter opened the hearing to the public.

Staff reported the Technical Committee recommended approval.

Staff also recommended that the Planning Commission make a determination that the project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines in that it is not a project that has potential for causing a significant effect on the environment.

Notification of the public hearing was mailed to property owners/occupants located within 300 feet of the project and a Notice of Public Hearing was published in the Siskiyou Daily News for the project.

Government Code Section 65852.25 authorizes the rebuilding of a multifamily dwelling that is involuntarily damaged or destroyed by fire, or other catastrophic event, or the public enemy, unless the local agency determines that the use is not compatible with surrounding properties in the same general area within the same zone or that it would be contrary to public health, safety, comfort and general welfare to allow the reconstruction to the current footprint.

Richard Rangel requested clarification on what was being requested by the applicant. Staff responded to his inquiry.

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

Following Commission discussion Commissioner Rolzinski made a motion to approve the application for a use permit to allow rebuilding of the existing 10 unit apartment structure to

the current footprint in the event of fire or other casualty. The apartments are non-conforming because there are 10 units, 3 units are allowed pursuant to current RPO zoning (YMC 16.26 and 16.20.030), the apartments are non-conforming as it relates to on-site parking because there are 10 uncovered parking spaces and 20 spaces are required with 10 of those required to be covered parking (YMC 16.20.040.D.1); the apartment structure is also non-conforming because it has a front setback of 9.5 feet not 20 feet, and a 10.2 foot rear setback not 20 feet (YMC 16.20.040). The project is located at 320 – 338 North Street, Assessor's Parcel No. 053-281-060. The project's zoning is RPO (Residential Professional Office) and land use designation is HD (Historic Downtown).

The approvals are based on Staff's and the Technical Committee's recommendations, with the determination that the project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines in that it is not a project that has potential for causing a significant effect on the environment, and the approval is subject to full compliance with all applicable city, state, and federal laws and regulations and the findings and conditions of approval as follows:

#### FINDINGS:

1. The 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 10 unit apartment building is non-conforming because there are 10 units, 3 units are allowed pursuant to current RPO zoning (YMC 16.26 and 16.20.030), the apartments are non-conforming as it relates to on-site parking because there are 10 uncovered spaces and 20 spaces are required with 10 of those required to be covered parking (YMC 16.20.040.D.1); the apartment structure is also non-conforming because it has a front setback of 9.5 feet not 20 feet, and a 10.2 foot rear setback not 20 feet (YMC 16.20.040).
3. Pursuant to the provisions of California Government Code Section 65852.25(b), the Planning Commission finds that rebuilding the existing structure to the current building footprint 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 10 unit apartment complex is located in a block that has other multifamily residential units and there is no unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because there is a City parking lot adjacent to the complex for overflow parking, 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 even though current zoning would not allow a

project of this density in this location, the subject property is zoned RPO (Residential-Professional Office) which allows duplex, triplex, fourplex units. The surrounding property is zoned RPO and C-2 (Downtown Commercial), the C-2 zoning allows residential uses subject to conditional use permit approval subject to meeting density and site development standards. The maximum density in the RPO zone is one unit per 3333 sq. ft., 3 units would be allowed with current zoning, the existing 10 units exceed the density limitation of the current zoning.

4. The dwelling units may be reconstructed, restored, or rebuilt up to their predamaged size and number of dwelling units, and the non-conforming use may be resumed 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, restoration, or rebuilding of the existing structure to the current building footprint in the event of involuntary destruction by fire, or other catastrophic event, or the public enemy, and allows the continued use of a 10 unit apartment structure that is nonconforming in the following particulars: the apartments are non-conforming because there are 10 units, 3 units are allowed pursuant to current RPO zoning (YMC 16.26 and 16.20.030), the apartments are non-conforming as it relates to on-site parking because there are 10 uncovered parking spaces and 20 spaces are required with 10 of those required to be covered parking (YMC 16.20.040.D.1); the apartment structure is also non-conforming because it has a front setback of 9.5 feet not 20 feet, and a 10.2 foot rear setback not 20 feet (YMC 16.20.040). The building 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, so 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.

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

AYES: Baird, Knitter, Ohlund, Rolzinski  
NOES: None

Commissioner McAllister returned to the Commissioner's table.

### **USE PERMIT – AUTHORIZATION TO REBUILD MARGERY J HARRISON**

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City Attorney, McHugh, explained that the applicant has multiple items on the agenda and the Commission could make a motion to combine Items 5, 7, and 8 into one action.

Chair Knitter recused herself from participating in these agenda items to prevent a possible conflict of interest due to ownership of property within 500 feet of the projects. Vice Chair Baird assumed duties of the Chair.

Commissioner Ohlund made a motion to hear and act on Agenda Items 5, 7, and 8 concurrently and out of order. Commissioner McAllister seconded the motion, all voting aye the motion carried.

The Commission reviewed the following three applications submitted by Charles T. Harrison and Margery J. Harrison:

Agenda Item 5. Consideration of an application for a use permit to allow rebuilding of the existing 10 unit apartment structure to the current footprint in the event of fire or other casualty. The apartment building is non-conforming because there are 10 units, 3 units are allowed pursuant to current RPO zoning (YMC 16.26.050 and 16.20.030); the apartments are non-conforming as it relates to on-site parking because there are 11 uncovered spaces and 20 spaces are required with 10 of those required to be covered parking and parking is located in the front setback (YMC 16.20.040.D.1); the apartment structure is also non-conforming because it has a front setback of 13 feet not 20 feet, a side setback of 4 feet not 5 feet, and a rear setback of 1 foot not 20 feet (YMC 16.20.040). Project is located at 420 – 438 W. Miner Street, Assessor's Parcel No. 053-352-150. The project's zoning is RPO (Residential Professional Office) and land use designation is MDR (Medium Density Residential). Project applicant is Margery J. Harrison.

Agenda Item 7. Consideration of an application for a use permit to allow rebuilding of the existing 6 unit apartment structure to the current footprint in the event of fire or other casualty. The apartment building is non-conforming because there are 6 units, 1 unit is allowed pursuant to current RPO zoning (YMC 16.26.050 and 16.20.030); the lot size is 6,477 square feet, not the minimum required 8,000; the apartments are non-conforming as it relates to on-site parking because there are 6 uncovered spaces and 12 spaces are required with 6 of those required to be covered parking and parking is located in the front setback which is currently not allowed (YMC 16.20.040.D.1); the apartment structure is also non-conforming because it has a front setback of 17 feet not 20 feet, side setbacks of 9.3 feet not 10 feet, 3.5 feet not 5 feet, and a rear setback of 5 feet not 20 feet (YMC 16.20.040). Project is located at 421 – 431 W. Miner Street, Assessor's Parcel No. 054-071-060. The project's zoning is RPO (Residential Professional Office) and land use designation is MDR (Medium Density Residential). Project applicant is Margery J. Harrison.

Agenda Item 8. Consideration of an application for a use permit to allow rebuilding of the existing 3 unit apartment structure to the current footprint in the event of fire or other casualty. The apartment building is non-conforming because there are 3 units, 1 unit is allowed pursuant to current RPO zoning (YMC 16.26.050 and 16.20.030); the lot size is 5,100 square feet, not the minimum required 8,000; the apartments are non-conforming as it relates to on-site parking because there are 4 uncovered spaces and 6 spaces are required with 3 of those required to be covered parking (YMC 16.20.040.D.1); the apartment structure is also non-conforming because it has a rear setback of 3.5 feet not 20 feet (YMC 16.20.040). Project is located at 413 W. Miner Street, Assessor's Parcel No. 054-071-420. The project's zoning is RPO (Residential Professional Office) and land use designation is MDR (Medium Density Residential). Project applicant is Margery J. Harrison.

This being the time and date set for public hearings on the applications listed above, Vice Chair Baird opened the hearing to the public.

Staff reported that the Technical Committee recommended approval of the three applications listed.

Staff recommended an additional condition regarding the project located at 420-438 W. Miner Street, providing that a second floor balcony shall not extend into the 4 foot westerly side yard setback nor shall a second floor balcony extend into the 5 foot easterly side yard setback.

Staff also recommended that the Planning Commission make a determination that all three projects are exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines in that they are not projects that have potential for causing a significant effect on the environment.

Notifications of the public hearings were mailed to property owners/occupants located within 300 feet of the projects and a Notice of Public Hearing was published in the Siskiyou Daily News for each project.

Government Code Section 65852.25 authorizes the rebuilding of a multifamily dwelling that is involuntarily damaged or destroyed by fire, or other catastrophic event, or the public enemy, unless the local agency determines that the use is not compatible with surrounding properties in the same general area within the same zone or that it would be contrary to public health, safety, comfort and general welfare to allow the reconstruction to the current footprint.

Staff reported two letters in opposition to approval of use permits to rebuild were received for the projects located at 420-438 W. Miner Street and 421-431 W. Miner Street.

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

Following Commission discussion Commissioner Ohlund made a motion to approve the following three applications, pursuant to the motion to combine. The approvals are based on Staff's and the Technical Committee's recommendations, with the additional condition for the project located at 420-438 W. Miner Street, a second floor balcony shall not extend into the 4 foot westerly side yard setback nor shall a second floor balcony extend into the 5 foot easterly side yard setback, also with the determination that the projects are exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines in that they are not projects that have potential for causing a significant effect on the environment, and the approvals are subject to full compliance with all applicable city, state, and federal laws and regulations and the findings and conditions of approval for each as follows:

**USE PERMIT – 420 – 438 W. Miner Street**

**APPROVED**

Use permit to allow rebuilding of the existing 10 unit apartment structure to the current footprint in the event of fire or other casualty. The apartment building is non-conforming because there are 10 units, 3 units are allowed pursuant to current RPO zoning (YMC 16.26.050 and 16.20.030); the apartments are non-conforming as it relates to on-site parking because there are 11 uncovered spaces and 20 spaces are required with 10 of those required to be covered parking and parking is located in the front setback (YMC 16.20.040.D.1); the apartment structure is also non-conforming because it has a front setback of 13 feet not 20 feet, a side setback of 4 feet not 5 feet, and a rear setback of 1 foot not 20 feet (YMC 16.20.040). Project is located at 420 – 438 W. Miner Street, Assessor's Parcel No. 053-352-150. The project's zoning is RPO (Residential Professional Office) and land use designation is MDR (Medium Density Residential). Project applicant is Margery J. Harrison.

**FINDINGS:**

1. The 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 10 unit apartment structure is non-conforming because there are 10 units, 3 units are allowed pursuant to current RPO zoning (YMC 16.26 and 16.20.030), the apartments are non-conforming as it relates to on-site parking because there are 11 uncovered spaces and 20 spaces are required with 10 of those required to be covered parking and there are parking spaces located in the front setback which is not currently allowed (YMC 16.20.040.D.1); the apartment structure is also non-conforming because it has a front setback of 13 feet not 20 feet, a side setback of 4 feet not 5 feet, and a rear setback of 1 foot not 20 feet (YMC 16.20.040).

3. Pursuant to the provisions of California Government Code Section 65852.25(b), the Planning Commission finds that rebuilding the existing structure to the current building footprint 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 10 unit apartment complex is located in a block that has other multifamily residential units and there is no unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because there is a City parking lot adjacent to the complex for overflow parking, 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 even though current zoning would not allow a project of this density in this location, the subject property is zoned RPO (Residential-Professional Office) which allows duplex, triplex, fourplex units. The surrounding property is also zoned RPO and allows residential uses subject to conditional use permit approval subject to meeting density and site development standards. The maximum density in the RPO zone is one unit per 3333 sq. ft., 3 units would be allowed with current zoning, the existing 10 units exceed the density limitation of the current zoning.

4. The dwelling units may be reconstructed, restored, or rebuilt up to their predamaged size and number of dwelling units, and the non-conforming use may be resumed 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, restoration, or rebuilding of the existing structure to the current building footprint in the event of involuntary destruction by fire, or other catastrophic event, or the public enemy,

and allows the continued use of a 10 unit apartment structure that is nonconforming in the following particulars: the 10 unit apartment structure is non-conforming because there are 10 units, 3 units are allowed pursuant to current RPO zoning (YMC 16.26 and 16.20.030), the apartments are non-conforming as it relates to on-site parking because there are 11 uncovered spaces and 20 spaces are required with 10 of those required to be covered parking and there are parking spaces located in the front setback which is not currently allowed (YMC 16.20.040.D.1); the apartment structure is also non-conforming because it has a front setback of 13 feet not 20 feet, a side setback of 4 feet not 5 feet, and a rear setback of 1 foot not 20 feet (YMC 16.20.040). The building 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 so long as the predamage size and number of dwelling units are maintained with the exceptions approved with this Permit.
- e. A second floor balcony (structure) shall not extend into the 4 foot westerly side yard setback nor shall a second floor balcony (structure) extend into the 5 foot easterly side yard setback.
- f. Architectural regulations and standards, so long as the predamage size and number of dwelling units are maintained.
- g. Building permit shall be obtained within two years after the date of the damage or destruction and diligently continued to completion.

**USE PERMIT – 421 – 431 W. Miner Street**

**APPROVED**

Use permit to allow rebuilding of the existing 6 unit apartment structure to the current footprint in the event of fire or other casualty. The apartment building is non-conforming because there are 6 units, 1 unit is allowed pursuant to current RPO zoning (YMC 16.26.050 and 16.20.030); the lot size is 6,477 square feet, not the minimum required 8,000; the apartments are non-conforming as it relates to on-site parking because there are

6 uncovered spaces and 12 spaces are required with 6 of those required to be covered parking and parking is located in the front setback which is currently not allowed (YMC 16.20.040.D.1); the apartment structure is also non-conforming because it has a front setback of 17 feet not 20 feet, side setbacks of 9.3 feet not 10 feet, 3.5 feet not 5 feet, and a rear setback of 5 feet not 20 feet (YMC 16.20.040). Project is located at 421 – 431 W. Miner Street, Assessor's Parcel No. 054-071-060. The project's zoning is RPO (Residential Professional Office) and land use designation is MDR (Medium Density Residential). Project applicant is Margery J. Harrison.

#### FINDINGS:

1. The 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 6 unit apartment structure is non-conforming because there are 6 units, 1 unit is allowed pursuant to current RPO zoning (YMC 16.26.050 and 16.20.030); the lot size is 6,477 square feet, not the minimum required 8,000; the apartments are non-conforming as it relates to on-site parking because there are 6 uncovered spaces and 12 spaces are required with 6 of those required to be covered parking and parking is located in the front setback which is currently not allowed (YMC 16.20.040.D.1); the apartment structure is also non-conforming because it has a front setback of 17 feet not 20 feet, side setbacks of 9.3 feet not 10 feet, 3.5 feet not 5 feet, and a rear setback of 5 feet not 20 feet (YMC 16.20.040).
3. Pursuant to the provisions of California Government Code Section 65852.25(b), the Planning Commission finds that rebuilding the existing structure to the current building footprint 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 6 unit apartment complex is located in an area that has other multifamily residential units and there is no unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors, 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 even though current zoning would not allow a project of this density in this location, the subject property is zoned RPO (Residential-Professional Office) which allows duplex, triplex, fourplex units. The surrounding property is also zoned RPO and allows residential uses subject to conditional use permit approval subject to meeting density and site development standards. The maximum density in the RPO zone is one unit per 3333 sq. ft., 1 unit would be allowed with current zoning, the existing 6 units exceed the density limitation of the current zoning.

4. The dwelling units may be reconstructed, restored, or rebuilt up to their predamaged size and number of dwelling units, and the non-conforming use may be resumed 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, restoration, or rebuilding of the existing structure to the current building footprint in the event of involuntary destruction by fire, or other catastrophic event, or the public enemy, and allows the continued use of a 6 unit apartment structure that is nonconforming in the following particulars: the 6 unit apartment structure is non-conforming because there are 6 units, 1 unit is allowed pursuant to current RPO zoning (YMC 16.26.050 and 16.20.030); the lot size is 6,477 square feet, not the minimum required 8,000; the apartments are non-conforming as it relates to on-site parking because there are 6 uncovered spaces and 12 spaces are required with 6 of those required to be covered parking and parking is located in the front setback which is currently not allowed (YMC 16.20.040.D.1); the apartment structure is also non-conforming because it has a front setback of 17 feet not 20 feet, side setbacks of 9.3 feet not 10 feet, 3.5 feet not 5 feet, and a rear setback of 5 feet not 20 feet (YMC 16.20.040). The building 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 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, so 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.

**USE PERMIT – 413 W. Miner Street****APPROVED**

Use permit to allow rebuilding of the existing 3 unit apartment structure to the current footprint in the event of fire or other casualty. The apartment building is non-conforming because there are 3 units, 1 unit is allowed pursuant to current RPO zoning (YMC 16.26.050 and 16.20.030); the lot size is 5,100 square feet, not the minimum required 8,000; the apartments are non-conforming as it relates to on-site parking because there are 4 uncovered spaces and 6 spaces are required with 3 of those required to be covered parking (YMC 16.20.040.D.1); the apartment structure is also non-conforming because it has a rear setback of 3.5 feet not 20 feet (YMC 16.20.040). Project is located at 413 W. Miner Street, Assessor's Parcel No. 054-071-420. The project's zoning is RPO (Residential Professional Office) and land use designation is MDR (Medium Density Residential). Project applicant is Margery J. Harrison.

**FINDINGS:**

1. The 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 3 unit apartment structure is non-conforming because there are 3 units, 1 unit is allowed pursuant to current RPO zoning (YMC 16.26.050 and 16.20.030); the lot size is 5,100 square feet, not the minimum required 8,000; the apartments are non-conforming as it relates to on-site parking because there are 4 uncovered spaces and 6 spaces are required with 3 of those required to be covered parking (YMC 16.20.040.D.1); the apartment structure is also non-conforming because it has a rear setback of 3.5 feet not 20 feet (YMC 16.20.040).

3 Pursuant to the provisions of California Government Code Section 65852.25(b), the Planning Commission finds that rebuilding the existing structure to the current building footprint 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 3 unit apartment complex is located in an area that has other multifamily residential units and there is no unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors, 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 even though current zoning would not allow a project of this density in this location, the subject property is zoned RPO (Residential-Professional Office) which allows duplex, triplex, fourplex units. The surrounding property is also zoned RPO and allows residential uses subject to conditional use permit approval subject to meeting density and site development standards. The maximum density in the RPO zone is one unit per 3333 sq. ft., 1 unit would be allowed with current zoning, the existing 3 units exceed the density limitation of the current zoning.

4. The dwelling units may be reconstructed, restored, or rebuilt up to their predamaged size and number of dwelling units, and the non-conforming use may be resumed 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, restoration, or rebuilding of the existing structure to the current building footprint in the event of involuntary destruction by fire, or other catastrophic event, or the public enemy, and allows the continued use of a 3 unit apartment structure that is nonconforming in the following particulars: the 3 unit apartment structure is non-conforming because there are 3 units, 1 unit is allowed pursuant to current RPO zoning (YMC 16.26.050 and 16.20.030); the lot size is 5,100 square feet, not the minimum required 8,000; the apartments are non-conforming as it relates to on-site parking because there are 4 uncovered spaces and 6 spaces are required with 3 of those required to be covered parking (YMC 16.20.040.D.1); the apartment structure is also non-conforming because it has a rear setback of 3.5 feet not 20 feet (YMC 16.20.040). The building 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 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, so 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.

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

AYES: Baird, McAllister, Ohlund, Rolzinski  
NOES: None

Chair Knitter returned to the Commissioners table and resumed responsibilities of Chair.

#### **AUDIENCE STATEMENTS & COMMENTS**

None.

#### **APPROVAL OF THE MINUTES OF THE JANUARY 21, 2009 MEETING**

The Commission, having received a copy of the minutes of the regular meeting held January 21, 2009, approved the minutes on a motion made by Commissioner McAllister and seconded by Commissioner Ohlund.

#### **SITE AND PARKING PLAN – YMCA EXPANSION**

**YMCA by JANET ZALEWSKI – 350 N FOOTHILL DR**

**APPROVED**

Commissioner Ohlund recused himself from participating in this agenda item because he had a disqualifying financial interest with the applicant and he left the room.

The Commission reviewed the application submitted by Janet Zalewski for Siskiyou Family YMCA for an application for a site and parking plan for construction of a 3,750 +/- sq. ft. addition to the YMCA facility for use as an activity center to include gymnastics, youth fitness center, and enclosure of the existing rock climbing tower. On the property located at 350 N. Foothill Drive.

Staff reported the Technical Committee recommended approval of the project subject to the conditions presented with the following additional condition:

Permittee shall submit a storm water detention analysis for review and approval of the Director of Public Works and/or Building Official prior to start of construction. On-site detention may be required.

Staff also recommended that the Planning Commission make the determination that this

project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15332 (Infill Development) of the CEQA Guidelines.

Following Commission discussion, Commissioner McAllister made a motion to approve the application for a site and parking plan for construction of a 3,750 +/- sq. ft. addition to the YMCA facility for use as an activity center to include gymnastics, youth fitness center, and enclosure of the existing rock climbing tower, on the property located at 350 N. Foothill Drive, Assessor's Parcel No. 53-651-160. The project's zoning is M-1 (Light Industrial) and land use designation is I (Industrial). Approval is subject to the following additional condition:

Permittee shall submit a storm water detention analysis for review and approval of the Director of Public Works and/or Building Official prior to start of construction. On-site detention may be required.

Approval is made with the determination that this project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15332 (Infill Development) of the CEQA Guidelines.

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

#### FINDINGS:

1. The project of a site and parking plan for construction of a 3,750 +/- square foot addition to the existing structure for use as an activity center including gymnastics, youth fitness center, and enclosure of the existing rock climbing tower is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15332 (Infill Development) of the CEQA Guidelines.

- The project is an allowable use pursuant to the City of Yreka General Plan and Zoning Ordinance.
- The project is located on a site of approximately 10 acres.
- The project site has an existing structure, the proposed addition will be an activity center for gymnastics and youth fitness activities, the new addition will be located adjacent to the existing structure on a portion of the existing lawn area. The site has no value as habitat for endangered, rare or threatened species.
- The project is located on Foothill Drive which is considered a collector street. 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:

The following conditions shall be complied with at all times that the site and parking plan for

the construction and use of a 3,750 +/- square foot addition to the existing YMCA structure for use as an activity center including gymnastics, youth fitness center, and enclosure of the existing rock climbing tower is permitted by this permit for the property located at 350 N. Foothill Drive, Assessor's Parcel No. 053-651-160:

1. All conditions hereinafter set forth shall be complied with by the Permittee prior to issuance of a certificate of occupancy except as otherwise specified in the conditions.
2. The project shall be as shown on the site plan submittals received January 30, 2009.
3. Adequate off-street parking shall be provided as follows: one space for each 900 sq. ft. of courts, and one space for each 50 sq. ft. of exercise/activity room, there are 208 parking spaces required, the project proposes 99 parking spaces. Pursuant to Yreka Municipal Code Section 16.54.020.A.5.c., the Planning Commission may determine the number of spaces required taking into consideration the intensity of the proposed use. The Planning Commission authorizes the use with the proposed 99 parking spaces subject to the condition that if it is determined by the City Manager and Chief of Police that there is insufficient parking and street parking becomes a regular occurrence additional on-site parking will be required to mitigate the deficiency. The City Manager is authorized to approve a modified parking plan without resubmission to the Planning Commission.
4. 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.
5. The site and parking plan submitted by Janet Zalewski for the YMCA dated January 25, 2009 as approved by the Planning Commission on February 18, 2009 shall not be changed or deviated from without approval of the Planning Commission. After construction of improvements, no changes in use of the existing structures and no additional structures shall be built, and no open space, off-street parking facilities and public access areas, or landscaping shall be altered without prior approval of the Planning Commission; provided, however, upon request of the Permittee and showing of good cause, the City Manager is authorized to permit minor modifications of the site plan without resubmission to the Planning Commission and as provided in Condition #3.
6. The design and location of the off-street parking facilities as shown on the site plan dated January 25, 2009, and received by the City of Yreka on January 30, 2009 as approved by the Planning Commission on February 18, 2009 shall not be deviated from unless prior approval of the Planning Commission (with the exception as stated in Condition #3) is secured, and all loading, employee, and customer parking areas, access drives and aisles shall be paved and striped. Bumper rails or other barriers shall be provided where needed for safety or to protect property, as determined by the Building Official and in accordance with Section 16.54.090 of the Yreka Municipal Code.
7. 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.

8. Permittee shall obtain a building permit and shall pay the necessary fees therefore prior to starting construction. Public infrastructure improvements such as curb, gutter, sidewalk, street lights, wheel chair ramps, driveway approaches, driveways and asphalt concrete street pavement may be required upon issuance of a building permit in accordance with Yreka Municipal Code Section 11.24.030.

9. Permittee shall submit a storm water detention analysis for review and approval of the Director of Public Works and/or Building Official prior to start of construction. On-site detention may be required.

**10. The site plan approval shall be automatically revoked and terminated if not used within one 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 Rolzinski seconded the motion. The motion carried by the following vote:

AYES: Baird, McAllister, Rolzinski, ~~Rowland~~ Knitter  
NOES: None

Commissioner Ohlund returned to the Commissioners table.

**USE PERMIT EXTENSION – 81 UNIT APARTMENT COMPLEX  
NATIONAL AFFORDABLE COMMUNITIES BY SCOTT BORLAND APPROVED**

Commissioner Ohlund recused himself from participating in this agenda item and left the room.

The Commission reviewed the application submitted by Scott Borland for National Affordable Communities, Inc. for an extension of Use Permit #3457 to construct, establish, and operate an 81 unit family apartment community on a project site of approximately 6.75 acres. The project will consist of 10 two story wood frame structures. Project is located at 520 N. Foothill Drive, Assessor's Parcel Nos. 53-651-760 and 53-642-520. The projects zoning is M-1 (Light Industrial) and land use designation is I (Industrial).

Staff reported the Technical Committee recommended approval of a one year extension subject to the conditions previously approved and modified with the additional modifications as follows, changes are shown by underline:

Findings:

- e. adversely affect circulation or traffic patterns in the neighborhood or constitute a nuisance if the public improvements in the following conditions are

constructed, street improvements are needed due to the deteriorated condition of that segment of Foothill Drive.

Conditions:

16. Permittee shall submit a grading plan and 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 may be required.

Permittee shall reconstruct half the width of the Foothill Drive Street along the project frontage including the necessary transitions.

Commissioners expressed concern regarding adequacy of the wastewater treatment plant.

Following Commission discussion, Commissioner Rolzinski made a motion to approve a one year extension of Use Permit #3457 to construct, establish, and operate an 81 unit family apartment community on a project site of approximately 6.75 acres. The project will consist of 10 two story wood frame structures. The project is located at 520 N. Foothill Drive, Assessor's Parcel Nos. 53-651-760 and 53-642-520. The projects zoning is M-1 (Light Industrial) and land use designation is I (Industrial). Approval is subject to the following additional findings and conditions, with the new changes shown in underline:

Findings:

e. adversely affect circulation or traffic patterns in the neighborhood or constitute a nuisance if the public improvements in the following conditions are constructed, street improvements are needed due to the deteriorated condition of that segment of Foothill Drive.

Conditions:

4. A project specific water delivery study that evaluates the adequacy of water *supply and water* distribution to the project shall be conducted prior to building permit issuance. The study shall take into consideration all other approved projects in the area. Plus a wastewater treatment plant needs study for the project also taking into consideration all other approved projects in the area. Whatever determination and recommendations are made *pursuant to those studies* and approved by the Director of Public Works shall be complied with.

16. Permittee shall submit a grading plan and 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 may be required.

Permittee shall reconstruct half the width of the Foothill Drive Street along the project frontage including the necessary transitions.

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

FINDINGS:

1. The construction, establishment and operation of an 81 unit family apartment community on a project site of approximately 6.75 acres will not:
  - a. be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, and will not be detrimental to the harmonious and orderly growth of the City of Yreka.
  - b. be detrimental to property or improvements in the neighborhood and the use will not impair the desirability of investment or occupation in the vicinity.
  - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors.
  - d. adversely affect matters regarding police protection, crime prevention, and security.
  - e. adversely affect circulation or traffic patterns in the neighborhood or constitute a nuisance if the public improvements in the following conditions are constructed, street improvements are needed due to the deteriorated condition of that segment of Foothill Drive.
2. The use is compatible with the policies and objectives of the zoning ordinance.

CONDITIONS:

1. Permittee granted a permit to construct, establish and operate an 81 unit family apartment community on a project site of approximately 6.79 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 description shall be complied with.
3. The City of Yreka ~~is currently establishing development fees~~ has established Municipal Utility Services, Impact, and Connection Fees. The project shall be subject to the ~~development fees~~ at time of building permit issuance.
4. A project specific water delivery study that evaluates the adequacy of water *supply and water* distribution to the project shall be conducted prior to building permit issuance. The study shall take into consideration all other approved projects in the area. Plus a

wastewater treatment plant needs study for the project also taking into consideration all other approved projects in the area. Whatever determination and recommendations are made *pursuant to those studies* and approved by the Director of Public Works shall be complied with.

5. Adequate off-street parking facilities shall be provided as follows: one and one half (1½) spaces for each dwelling unit as set forth in Section 16.22.040(D) of the Yreka Municipal Code. The parking spaces shall be 9' x 20' as set forth in Section 16.54.090.
6. On-site fire truck access shall be designed to meet the requirements of *Article 9* of the California Uniform Fire Code.
7. Street lights shall be installed on Foothill Drive pursuant to the Public Works standards.
8. Addresses shall be assigned in accordance with City of Yreka policy.
9. Fence heights shall be installed in accordance with Yreka Municipal Code Section 16.46.050.
10. The off-street parking plan and facilities approved by the Planning Commission shall not be deviated from unless prior approval of the Planning Commission is secured, and all loading, customer, and employee parking areas, access drives and aisles shall be paved and striped and bumper rails or other barriers shall be provided, as determined by the Director of Public Works and in accordance with Section 16.54.090 of the Yreka Municipal Code.
11. 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.
12. Use shall be conducted in accordance with the site plan as submitted and no alterations shall be made of the building location(s) parking and landscaping without prior approval of the Planning Commission; provided, however, upon request of the Permittee and showing of good cause, the City Manager is authorized to permit minor modifications of the site plan without resubmission to the Planning Commission.
13. All landscaping shall be installed, maintained, and replaced as necessary as depicted on a revised detailed landscape plan to be resubmitted for Planning Commission approval prior to building permit issuance. The revised plan shall include a plan for water efficient irrigation in accord with City policy.
14. Permittee shall comply at all times with the zoning district regulations for an M-1 zone as set forth in section 16.40 of the Yreka Municipal Code.
15. Permittee shall submit a soils analysis to the Building Official at time of building plan

submittal.

16. Permittee shall submit a grading plan and 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 may be required.

17. Sewer, water, and storm drain lines will be extended to accommodate the project.

18. All outdoor lighting will be designed to prevent unreasonable glare to adjoining properties and controlled by such reasonable means as are practical to prevent sky-reflected glare. Directional prismatic lenses and hooding devices will be utilized where possible.

19. Should any previously unidentified archaeological resources be revealed during excavation and construction activity, work will cease in the immediate vicinity of the discovery, and all reasonable measures will be taken to avoid or minimize harm to discovered resources until consultation with the State Historic Officer, as required by Section 106 of the NHPA is concluded.

20. Construction activities shall be limited to the hours of 7:00 a.m. to 5:00 p.m. as indicated in Policy No. 10 of the Noise Element of the City of Yreka General Plan.

21. All grading and construction work on the project site will incorporate the following dust control measures:

- All active construction areas will be watered at least twice daily or as required by the Building Official.
- Soil stabilizers will be applied to inactivate construction areas as needed.
- If visible soil material is carried onto adjacent public streets, such streets will be cleaned of the debris.
- Dust-producing activities will be suspended when high winds create construction-induced visible dust plumes moving beyond the project site, in spite of dust control measures.

22. All graded slopes will be seeded with native grasses and covered with mulch upon completion of the grading. During construction, in those areas where storm water may run off exposed earth surfaces, straw bales will be used where necessary as a means to control silt run off in drainage areas.

23. Project noise levels shall not exceed those standards set forth in the Noise Element of the General Plan of the City of Yreka.

24. Permittee shall obtain a building permit and shall pay the necessary fees therefore prior to making any building, electrical, mechanical, or plumbing installations and/or improvements. Public infrastructure improvements such as curb, gutter, sidewalk, 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.

25. Permittee shall reconstruct half the width of the Foothill Drive Street along the project frontage including the necessary transitions.

26. 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 81 unit family apartment community.

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

28. 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.

**29. The use permit shall be automatically revoked and terminated if not used within one year from the date of approval, or in the event the use permitted is abandoned or not utilized for a period of one year.**

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

AYES: Baird, McAllister, Rolzinski, Rowland Knitter

NOES: None

Commissioner Ohlund returned to the Commissioners table.

#### **USE PERMIT EXTENSION – RESTAURANT**

**MK & A LLC dba CASA RAMOS by MARCO RAMOS – 1515 S. Main St.**  
**APPROVED**

Commissioner's Ohlund and Baird recused themselves from participating in this agenda item to prevent a possible conflict of interest because they had a disqualifying financial interest with the applicant. Due to lack of a quorum without one of these Commissioners, by random selection (flip of coin) Commissioner Ohlund remained at the Commissioner's table and Commissioner Baird left the room.

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

Staff reported the Technical Committee recommended approval of a one year extension subject to the conditions previously approved with modification of Condition #9 as follows, changes shown by underline:

9. Permittee shall obtain an encroachment permit from City of Yreka for any work done in the Greenhorn Road right of way and for construction of and/or connection to any City sewer, water, or stormdrain.

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

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

9. Permittee shall obtain an encroachment permit from City of Yreka for any work done in the Greenhorn Road right of way and for construction of and/or connection to any City sewer, water, or stormdrain.

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

#### FINDINGS:

1. The construction, establishment and operation of a 6,400 sq. ft. restaurant and a 4,125 sq. ft. retail/office building with 111 parking spaces on a project site of 1.7 acres will not:

a. be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, and will not be detrimental to the harmonious and orderly growth of the City of Yreka.

b. be detrimental to property or improvements in the neighborhood and the commercial use will not impair the desirability of investment or occupation in the vicinity.

c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors.

d. adversely affect matters regarding police protection, crime prevention, and security.

- e. adversely affect circulation or traffic patterns in the neighborhood or constitute a nuisance.
2. The use is compatible with the policies and objectives of the zoning ordinance.

CONDITIONS:

1. Permittee granted a permit to construct, establish and operate a 6,400 sq. ft. restaurant and a 4,125 sq. ft. retail/office building with 111 parking spaces on a project site of 1.7 acres at the location set forth in the application, subject to full compliance with applicable city and state codes. **The premises shall not be occupied or opened to the public until all conditions hereinafter set forth have been complied with by the permittee.**
2. Adequate off-street parking facilities shall be provided as follows: one (1) space for each three seats plus one space for each employee of the maximum working shift for the restaurant use and one space for each two hundred square feet of floor area for retail/office use as set forth in Sections 16.54.020.A.5(a) and 16.54.020.A.2(a) of the Yreka Municipal Code. As submitted the project requires 109 parking spaces.
3. The off-street parking plan and facilities approved by the Planning Commission shall not be deviated from unless prior approval of the Planning Commission is secured, and all loading, customer, and employee parking areas, access drives and aisles shall be paved and striped and bumper rails or other barriers shall be provided, as determined by the Director of Public Works and in accordance with Section 16.54.090 of the Yreka Municipal Code.
4. Parking required for disabled persons shall be marked, posted, and maintained in accord with provisions of the Motor Vehicles Code and any other law or regulation now or hereinafter enacted relating to parking for disabled persons.
5. Use shall be conducted in accordance with the site plan as submitted and no alterations shall be made of the building location(s) parking and landscaping without prior approval of the Planning Commission; provided, however, upon request of the Permittee and showing of good cause, the City Manager is authorized to permit minor modifications of the site plan without resubmission to the Planning Commission.
6. Submittal of a revised landscape plan that complies with the City's landscape standards as set forth in Section 16.52.030 of the Yreka Municipal Code, and for modifications needed to assure adequate visibility at the project entrances plus other modifications as recommended for review at the next Technical Committee meeting. The City Manager is authorized to approve the modified plan following the Technical Committee review
7. All landscaping shall be installed, maintained, and replaced as necessary as

depicted on the approved landscape plan.

8. Permittee shall obtain an encroachment permit from Caltrans for any work done within the State Route 3 right of way.
9. Permittee shall obtain an encroachment permit from City of Yreka for any work done in the Greenhorn Road right of way and for construction of and/or connection to any City sewer, water, or stormdrain.
10. Permittee shall install a backwater valve on the sewer lateral as required by the California Plumbing Code.
11. Pursuant to Section 16.54.090 of the Yreka Municipal Code the lighting shall be designed to prevent unreasonable glare to adjoining properties and controlled by such reasonable means as are practical to prevent sky-reflected glare.
12. Permittee shall submit a storm water detention analysis for review and approval of the Director of Public Works and/or Building Official prior to start of construction. On-site detention may be required.
13. Permittee shall comply at all times with the zoning district regulations for a CH zone as set forth in section 16.36 of the Yreka Municipal Code.
14. Permittee shall obtain a building permit and shall pay the necessary fees therefor prior to making any building, electrical, mechanical, or plumbing installations and/or improvements. Public infrastructure improvements such as curb, gutter, sidewalk, street lights, wheel chair ramps, driveway approaches and asphalt concrete street pavement may be required upon issuance of a building permit in accordance with Yreka Municipal Code Section 11.24.030.
15. Permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that structure meets building standards and fire regulations of the Uniform Building and Fire Codes prior to use of subject restaurant or retail/office space.
16. No signs shall be placed on the premises without prior approval of the Planning Department.
17. Permittee shall secure an annual City business license to carry on the business of a restaurant and/or retail sales.
18. Use permit granted in accordance with the terms of this title may be revoked if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith, or if the Planning Commission finds, with the concurrence of the City Council, that the continuance of the use permit will endanger the public health, safety, or welfare.

**19. The use permit shall be automatically revoked and terminated if not used within one year from the date of approval, or in the event the use permitted is abandoned or not utilized for a period of one year.**

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

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

Commissioner Baird returned to the Commissioner's table.

**TEMPORARY USE PERMIT – PLANT SALES**  
**G & G HARDWARE BY JEFF BOURKE – 600 S. BROADWAY                      APPROVED**

The Commission reviewed the application for a temporary use permit submitted by Jeff Bourke for G & G Hardware Ace Home Center for a use permit to establish and operate a temporary business of live nursery plant sales for the months of March 31, 2009 through July 31, 2009 in conjunction with the existing flooring sales business at 600 S. Broadway and in conjunction with the hardware business located across the street at 729 S. Broadway Street.

Staff reported the Technical Committee recommended approval subject to the conditions presented.

Staff recommends that the Planning Commission make a determination that this project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15332 (Infill Development) of the CEQA Guidelines.

Following Commission discussion, Commissioner McAllister made a motion to approve the application for a temporary use permit to establish and operate a temporary business of live nursery plant sales for the months of March 31, 2009 through July 31, 2009 in conjunction with the existing flooring sales business at 600 S. Broadway and in conjunction with the hardware business located across the street at 729 S. Broadway Street, Assessor's Parcel No. 54-301-040, C2 zone, GC General Plan designation with the determination that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development) of the CEQA Guidelines.

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

1. The establishment and operation of a temporary business of live nursery plant sales will not:
  - a. be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, and will not be detrimental to

the harmonious and orderly growth of the City of Yreka.

- b. be detrimental to property or improvements in the neighborhood and the commercial use will not impair the desirability of investment or occupation in the vicinity.
- c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors.
- d. adversely affect matters regarding police protection, crime prevention, and security.
- e. adversely affect circulation or traffic patterns in the neighborhood or constitute a nuisance.

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

3. The project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15332 (Infill Development) 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 temporary use permit terminating July 31, 2008 to establish and operate a landscaping materials yard and landscaping business 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. The requirement that adequate off-street parking facilities be provided as follows: one (1) space for each 2,000 square feet of floor area as set forth in Section 16.54.020 (A.2.d) of the Yreka Municipal Code shall be waived for this 4 month permit only, provided all parking spaces at the primary business located across the street at 729 Broadway Street remain open without merchandise to allow for maximum parking.

3. All existing on-site paved parking spaces at 600 S. Broadway shall remain unobstructed and usable for parking.

4. Use shall be conducted in accordance with the site plan as previously submitted and no alterations shall be made without prior approval of the Planning Commission; provided, however, upon request of the Permittee and showing of good cause, the City Manager is authorized to permit minor modifications of the site plan without resubmission to the Planning Commission.

5. Permittee shall comply at all times with the zoning district regulations for a C2 zone as set forth in section 16.34 of the Yreka Municipal Code.

6. Permittee shall obtain a building permit and shall pay the necessary fees therefore prior to making any building, electrical, mechanical, or plumbing installations and/or improvements. Public infrastructure improvements such as curb, gutter, sidewalk, 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.
7. No signs shall be placed on the premises without prior approval of the Planning Department.
8. Permittee shall secure an annual City business license to carry on the temporary business of live nursery plant sales.
9. 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.
- 10. The use permit shall be automatically revoked and terminated if not used within one year from the date of approval, or in the event the use permitted is abandoned or not utilized for a period of one year.**

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

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

#### **COMMISSIONER'S STATEMENTS & COMMENTS**

Commissioner Rolzinski asked about the City's policy on cargo containers. Staff explained the restrictions in the zoning ordinance regarding cargo containers.

There being no further business before the Commission, the meeting was adjourned at 7:50 p.m.

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Pamela J. Hayden, Planning Director