

MINUTES OF THE REGULAR MEETING OF THE  
YREKA PLANNING COMMISSION HELD IN  
THE YREKA CITY COUNCIL CHAMBER IN SAID CITY  
ON THE 15<sup>th</sup> DAY OF APRIL 2009

On the 15<sup>th</sup> day of April at 6:30 p.m., the Planning Commission of the City of Yreka met in the City Council Chamber in said city in regular session. The meeting was called to order by Chair Knitter and present were:

Commissioners:           Peggy Amaral  
                                  Deborah Baird  
                                  Diane Knitter  
                                  Steve Leal  
                                  Mark McAllister  
                                  Barry Ohlund  
                                  Richard Rolzinski

Absent:                     None

**USE PERMIT – TEMPORARY STORAGE YARD  
KNIFE RIVER MATERIALS – 115 ROSE LANE**

**APPROVED**

Commissioner Knitter recused herself from participating in this agenda item to prevent a possible conflict of interest because she has ownership of property within 500 feet of the project location and left the room. Vice Chair Baird assumed the responsibilities of Chair.

The Commission reviewed the application submitted by David Viscounty for Knife River Materials for a use permit for a temporary storage yard to store construction equipment and materials (including but not limited to pipe and connections, base rock and cold-mix asphalt, etc.) for the Fourth Street Water Main Replacement and Overlay project on the property located at 115 Rose Lane. The project is expected to last from April 2009 through September 2009. Hours of operation will be 7:00 a.m. to 5:00 p.m., Monday through Friday. This being the time and date set for a public hearing for an application for a use permit Vice Chair Baird 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 15304(e) of the CEQA Guidelines as a minor temporary use of land having negligible or no permanent effects on the environment.

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

Following Commission discussion, Commissioner Amaral made a motion to approve the application for a use permit for a temporary storage yard to store construction equipment and materials (including but not limited to pipe and connections, base rock and cold-mix asphalt, etc.) for the Fourth Street Water Main Replacement and Overlay project on the property located at 115 Rose Lane, Assessor's Parcel No. 61-272-360, CH (Commercial Highway) zone, GC (General Commercial) General Plan designation. The project is expected to last from April 2009 through September 2009. Hours of operation will be 7:00 a.m. to 5:00 p.m., Monday through Friday. Approval is with the determination that the project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15304(e) of the CEQA Guidelines as a minor temporary use of land having negligible or no permanent effects on the environment. 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 temporary storage yard to store construction equipment and materials (including but not limited to pipe and connections, base rock and cold-mix asphalt, etc.) for the Fourth Street Water Main Replacement and Overlay project 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 Planning Commission determined that the project is exempt from the environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15304(e) Minor Alterations to Land of the CEQA Guidelines.

#### CONDITIONS:

1. Permittee granted a temporary permit to store construction equipment and materials (including but not limited to pipe and connections, base rock and cold-mix asphalt, etc.) for the Fourth Street Water Main Replacement and Overlay project 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 temporary use permit is for the period April 2009 through September 2009. Approval may be extended upon written application to the Planning Commission before expiration of the approval.
3. Construction related activities shall be limited to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday as indicated in Policy No. 10 of the Noise Element of the City of Yreka General Plan.
4. All grading and construction related work on the project site will incorporate the following dust control measures:
  - All active areas will be watered at least twice daily or as required by the Building Official.
  - Soil stabilizers will be applied to inactivate areas as needed.
  - If visible gravel or other soil material is carried onto adjacent public streets, such streets will be cleaned of the debris by Permittee and at Permittee's expense.
  - Dust-producing activities shall be suspended when winds create visible dust plumes moving beyond the project site, in spite of dust control measures.
5. All weeds shall be removed from the construction equipment and materials storage project site.
6. Equipment, materials, and all project related items shall be placed behind security fencing.
7. Permittee shall keep city right of way (including dirt road west of project site) clear of equipment.
8. Use shall be conducted in accordance with the application as submitted.
9. 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.
10. Permittee shall obtain a building permit and shall pay the necessary fees therefore prior to making any building, electrical, mechanical, or plumbing installations and/or improvements. Public infrastructure improvements such as curb, gutter, sidewalk, street lights, wheel chair ramps, driveway approaches and asphalt concrete street pavement may be required upon issuance of a building permit in accordance with Yreka Municipal Code Section 11.24.030.
11. No signs shall be placed on the premises without prior approval of the Planning

Department.

12. Permittee shall secure an annual City business license to carry on the business of a construction company.

13. Use permit granted in accordance with the terms of this title may be revoked if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith, or if the Planning Commission finds, with the concurrence of the City Council, that the continuance of the use permit will endanger the public health, safety, or welfare.

**14. The use permit shall 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: Amaral, Baird, Leal, McAllister, Ohlund, Rolzinski  
 NOES: None

Commissioner Knitter returned to the Planning Commissioner's table.

### **VARIANCE - SETBACKS**

#### **BRUCE PEARCE – 904 LANE STREET**

**APPROVED**

The Commission reviewed the application submitted by Robert O’Gorman for Bruce Pearce for a variance to Section 16.18.040.A.1 of the Yreka Municipal Code (YMC) which requires a 20 foot front yard setback, allowing a 12½ foot front yard setback, for construction of an addition to the existing residence on the property located at 904 Lane Street. 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 Planning Commission make a determination that this project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines.

The project site has existing structures including residence, pool, and two garages. The DeWitt Way frontage (side yard) has no structures within approximately 70 feet of the property line. The 70 feet contains an orchard for the first 37+/- feet and large pine trees (29–33 ft. diameter) between the residence and the orchard.

The proposed addition will be approximately 100 feet from the intersection corner of the lot and will therefore not create a visual hazard by allowing a 12½ foot front yard setback. Because the proposed construction will be at an angle to the southern boundary line of the

property, the setback on the south side of the building ranges from 25 feet to the proposed 12½ foot front yard setback, and that 12½ foot setback does not exceed approximately 23 feet in width and is a minimal encroachment of the setback.

The Technical Committee considered there to be special circumstances of the applicant's land which cause literal enforcement of the requirements for front yard setbacks of 20 feet to be a hardship for the applicant due to constraints imposed by the shape of property and ordinance modifications that occurred after the residence was constructed. It would require removal of trees of significant size. When the house was constructed it was sited under prior ordinance regulations. The City regulations previously allowed side yard setbacks of 5 feet on the exterior side of a corner lot. The side yard is and was determined by the longer street frontage. The difference between the narrow side (front) which is 175 feet and the long side (side) which is 180 feet is not a significant amount.

Staff read a letter received from Nickie Meek on April 13, 2009 in opposition to approval of the variance due to her concern that it would reduce the value of her property by potentially blocking the view of Mt. Shasta from her property, especially if a two story structure were built on the Pearce property.

Frank Tallerico stated he could see no reason to deny the variance because it would not cause a visual hazard at the intersection.

Robert O'Gorman, applicant, reported that the addition will maintain the existing single story height of the residence. The Meek property is at a higher elevation than the Pearce property and currently the view is over the top of the roof, the addition will be the same and would not block the view of Mt. Shasta.

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

Following Commission discussion, Commissioner Amaral made a motion to approve the application for a variance to Section 16.18.040.A.1 of the Yreka Municipal Code (YMC) which requires a 20 foot front yard setback, allowing a 12½ foot front yard setback, for construction of an addition to the existing residence on the property located at 904 Lane Street. Assessor's Parcel No. 061-061-210, R-1 (Single Family Residential) zone, LDR (Low Density Residential) General Plan designation. Approval is subject to the following additional condition:

There shall be no structure extending into the 20 foot front yard setback that exceeds the roof height of the existing single story residence.

Approval is with the determination that the project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15305 (Minor Alterations in Land Use Limitations) 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 project site is located on a corner lot at 904 Lane Street, Assessor's Parcel No. 061-061-210, and is located upon a parcel of land exceeding 27,500 square feet, within an R-1 (Single Family Residential) zoning district, having approximately 180 feet of frontage on DeWitt Way and approximately 175 feet of frontage on Lane Street. Lane Street is considered the front of the parcel pursuant to Yreka Municipal Code (YMC) Section 16.12.370 because it is the narrower frontage. The project site has existing structures including residence, pool, and two garages. The DeWitt Way frontage (side yard) has no structures within approximately 70 feet of the property line. The 70 feet contains an orchard for the first 37+/- feet and large pine trees (29–33 ft. diameter) between the residence and the orchard.
2. Granting of the variance will not be detrimental to the health, safety, peace, morals, and comfort of persons residing or working in the neighborhood and will not be detrimental to the harmonious and orderly growth of the City due to the fact that the proposed addition will be approximately 100 feet from the intersection corner of the lot and will therefore not create a visual hazard by allowing a 12½ foot front yard setback. Because the proposed construction will be at an angle to the southern boundary line of the property, the setback on the south side of the building ranges from 25 feet to the proposed 12½ foot front yard setback, and that 12½ foot setback does not exceed approximately 23 feet in width and is a minimal encroachment of the setback.
3. Granting of the variance will not be detrimental to property or improvements in the neighborhood or to the general welfare of the City for the same reasons stated in Number 2 above.
4. Granting of the variance will not adversely affect matters regarding police protection, crime prevention, and security because the project will not change the existing conditions other than an addition to the existing residence.
5. Granting of the variance will not be contrary to the spirit of the City's zoning ordinance.
6. There are special circumstances of the applicant's land which cause literal enforcement of the requirements for front yard setbacks of 20 feet to be a hardship for the applicant due to constraints imposed by the shape of property and ordinance modifications that occurred after the residence was constructed. It would require removal of trees of significant size. When the house was constructed it was sited under prior ordinance regulations. The City regulations previously allowed side yard setbacks of 5 feet on the exterior side of a corner lot. The side yard is and was determined by the longer street frontage. The difference between the narrow side (front) which is 175 feet and the long side (side) which is 180 feet is not significant.

There are no hazards to vehicular or pedestrian traffic by the proposed project.

7. There will not be a diminution in value of surrounding property as a result of the

granting of said variance as there is a setback of approximately 70 feet from DeWitt Street which greatly exceeds what is required. The encroachment into the Lane Street setback will leave a 12½ foot setback, which exceeds what the previous ordinance would have allowed for side yards. The proposed addition to the residence will be consistent visually with surrounding properties.

8. The project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines.

**CONDITIONS:**

1. The variance shall be automatically revoked and terminated if building construction has not commenced within one year from the date of approval, or in the event the variance is abandoned or not utilized for a period of one year.
2. The Permittee shall maintain the 20 foot front and side yard setbacks except as shown on the Addition & Renovation for Bruce and Kathy Pearce exhibit included in the application.
3. There shall be no structure extending into the 20 foot front yard setback that exceeds the roof height of the existing single story residence.

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

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

**SIGN USE PERMIT – WALL SIGNS  
 WALMART – 1906 FT. JONES RD**

**APPROVED**

Commissioner Rolzinski recused himself from participating in this agenda item to prevent a possible conflict of interest because he has ownership of property within 500 feet of the project location and left the room.

The Commission reviewed the application submitted by Shade L. O’Quinn Architect for Walmart for a sign use permit to remove existing wall signage and install 5 wall signs for a total of 632 square feet (two at 213.86 sq. ft., one at 77.31 sq. ft., one at 97.53 sq. ft., and one at 29.18 sq. ft.), sign copy to read “Walmart”, “Outdoor Living”, “Home & Pharmacy”, and “Market”, on the property located at 1906 Ft. Jones Road. This being the time and date set for a public hearing for an application for a sign use permit Chair Knitter opened the public hearing to the audience.

Staff reported the Technical Committee recommended approval.

Staff also recommended that the Planning Commission make 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.

Staff also reported that on April 14<sup>th</sup> the City received a request for modification of the sign use permit application by the applicant. The following is the modification requested:

Remove existing wall signage and install 5 wall signs for a total of ~~632~~ 680.62 square feet (two at 213.86 sq. ft., one at 77.31 sq. ft., one at ~~97.53~~ 102.74 sq. ft., and one at ~~29.48~~ 72.59 sq. ft.), sign copy to read "Walmart", "Outdoor Living", "Home & ~~Pharmacy~~ Living", and "Market & Pharmacy".

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

Following Commission discussion, Commissioner Amaral made a motion to approve the application for a sign use permit as amended to remove existing wall signage and install 5 wall signs for a total of ~~632~~ 680.62 square feet (two at 213.86 sq. ft., one at 77.31 sq. ft., one at ~~97.53~~ 102.74 sq. ft., and one at ~~29.48~~ 72.59 sq. ft.), sign copy to read "Walmart", "Outdoor Living", "Home & ~~Pharmacy~~ Living", and "Market & Pharmacy", on the property located at 1906 Ft. Jones Road, Assessor's Parcel Nos. 62-131-140 & 62-191-070, CH (Commercial Highway) zone, GC (General Commercial) General Plan designation. Approval is 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 removal of exiting wall signage and installation of 5 new wall signs for a total of 680.62 sq. ft. (two at 213.86 sq. ft., one at 77.31 sq. ft., one at 102.74 sq. ft., and one at 72.59 sq. ft.), copy to read "Walmart", "Outdoor Living", "Home & Living", and "Market & Pharmacy" 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 located at 1906 Ft. Jones Road within the South Yreka Interchange as provided in Section 13.68.030 of the Yreka Municipal Code and is an individual business with a gross floor area exceeding fifty thousand (50,000) square feet.
3. The subject property is a large parcel of approximately 12.42 acres and has a large structure of approximately 92,174 sq. ft., the building is located approximately 640 feet from the adjacent street, therefore, it will not be contrary to the intent of Chapter 13 or the public interest, safety, health and welfare to allow wall signage in excess of the 150 sq. ft.



otherwise allowed.

4. 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 signs installed shall comply with the specifications and plans approved by the Planning Commission on April 15, 2009 and shall serve only to identify the business carried 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 modified specifications and plans submitted on April 14, 2009 by Shade L. O'Quinn Architect for Wall Mart and approved by the Planning Commission on April 15, 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. Permittee shall obtain a building permit and shall pay the necessary fees therefore prior to installing the signs approved by the Planning Commission at its meeting held on April 15, 2009.

7. The signs shall be removed within thirty days after the business closes and is no longer in operation on the property upon which the sign is located.

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

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

AYES: Amaral, Baird, Knitter, Leal, McAllister, Ohlund

NOES: None

The Commissioners requested that Staff write a letter to Walmart requesting that the dead and dying landscaping in the parking lot and entrance be replaced, the parking lot trees and shrubs that were not previously replaced be replaced, and all landscaping be appropriately

maintained.

Commissioner Rolzinski returned to the Commissioner's table.

**USE PERMIT – AUTHORIZATION TO REBUILD**

**CHARLES T. HARRISON - 620 - 630 BUTTE STREET**

**APPROVED**

The Commission reviewed the application submitted by Charles T. Harrison for a use permit to allow rebuilding the existing 4 unit apartment structure to the current footprint in the event of fire or other casualty. The apartment building is non-conforming because there are 4 units, 2 units are allowed pursuant to current R-2 zoning (YMC 16.20.030); the existing structure is non-conforming because it has a front setback of 18.5 ft. not 20 ft. and a rear setback of 17.5 ft. not 20 ft. (YMC 16.20.040.A); the apartments are non-conforming as it relates to on-site parking because there are 2 covered spaces and 2 uncovered spaces, the uncovered spaces are located within the front yard setback and are in tandem which are not currently allowed, 4 covered and 4 uncovered parking spaces are currently required (YMC 16.20.040.D). Assessor's Parcel No. 054-123-280, R-2 (Medium Density Residential) zone, MDR (Medium Density Residential) General Plan designation.

This being the time and date set for continuation of the public hearing on the application listed above, Chair Knitter opened the hearing to the public.

Staff reported that the Technical Committee recommended approval, allowing fourplex to be rebuilt to the current square footage (1,720 square feet per floor) subject to meeting all setback requirements and construction of 8 improved parking spaces including 2 covered spaces.

A survey of the Police Reports showed four service calls to the complex in a one year period. A survey of the 600 block of Butte Street showed 942 vehicle trips in a 4 day period which is 235 trips per day, 8.7 trips per family unit.

The Technical Committee recommended a finding that four Police service calls in a one year period does not constitute a significant problem that would be cured by reducing the number of units from four to two. The same is the case with the volume of traffic. The proposed condition requiring additional on-site parking would serve to help reduce traffic congestion.

Staff recommended that the Planning Commission make a determination that this project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines in that it is not a project which has 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 on March 6, 2009 and a Notice of Public Hearing was published in the Siskiyou Daily News on March 6, 2009. This project was tabled to the April meeting and the public hearing continued.

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 pre-damaged size.

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

Following Commission discussion Commissioner Amaral made a motion to approve the application for a use permit to allow rebuilding the existing 4 unit apartment structure to the current square footage of 1,720 square feet per floor subject to meeting all setback requirements and construction of 8 improved parking spaces including 2 covered spaces in the event it is damaged or destroyed by fire or other casualty. The apartment building is non-conforming because there are 4 units, 2 units are allowed pursuant to current R-2 zoning (YMC 16.20.030); the existing structure is non-conforming because it has a front setback of 18.5 ft. not 20 ft. and a rear setback of 17.5 ft. not 20 ft. (YMC 16.20.040.A); the apartments are non-conforming as it relates to on-site parking because there are 2 covered spaces and 2 uncovered spaces, the uncovered spaces are located within the front yard setback and are in tandem which are not currently allowed, 4 covered and 4 uncovered parking spaces are currently required (YMC 16.20.040.D). The project is located at 620 – 630 Butte Street, Assessor's Parcel No. 054-123-280, R-2 (Medium Density Residential) zone, MDR (Medium Density Residential) General Plan designation. Approval is subject to the additional findings as follows:

A survey of the Police Reports showed four service calls to the complex in a one year period. A survey of the 600 block of Butte Street showed 942 vehicle trips in a 4 day period which is 235 trips per day, 8.7 trips per family unit.

Four Police service calls in a one year period does not constitute a significant problem that would be cured by reducing the number of units from four to two. The same is the case with the volume of traffic. The proposed condition requiring additional on-site parking would serve to help reduce traffic congestion.

The approval is 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 following findings and conditions of approval:

#### 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 existing 4 unit apartment building is non-conforming because there are 4 units, 2 units are allowed pursuant to current R-2 zoning (YMC 16.20.030) that requires a minimum lot size of 13,332 sq. ft. for four units, the lot has 8,331 sq. ft.; the existing structure is non-conforming because it has a front setback of 18.5 ft. not 20 ft. and a rear setback of 17.5 ft. not 20 ft. (YMC 16.20.040.A); the apartments are non-conforming as it relates to on-site parking because there are 2 covered spaces and 2 uncovered spaces, the uncovered spaces are located within the front yard setback and are in tandem which are not currently allowed, 4 covered and 4 uncovered parking spaces are currently required (YMC 16.20.040.D). There is adequate room available on-site to meet current setbacks and construct required on-site parking spaces.

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 square footage 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 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 adequate unimproved on-site parking available; the use will not change from the existing use; and there would be no change in the circulation or traffic patterns in the neighborhood.

A survey of the Police Reports showed four service calls to the complex in a one year period. A survey of the 600 block of Butte Street showed 942 vehicle trips in a 4 day period which is 235 trips per day, 8.7 trips per family unit.

Four Police service calls in a one year period does not constitute a significant problem that would be cured by reducing the number of units from four to two. The same is the case with the volume of traffic. The proposed condition requiring additional on-site parking would serve to help reduce traffic congestion.

b. be detrimental or injurious to property or improvements in the neighborhood because the current use would not change, the subject property is zoned R-2 (Medium Density Residential) which allows duplex, triplex, fourplex units subject to meeting density and site development standards. The surrounding property is zoned R-2 and R-1 (Single Family Residential).

4. The dwelling units may be reconstructed, restored, or rebuilt up to their pre-damaged 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:

1. Based on the foregoing findings, the Planning Commission approves the reconstruction, restoration, or rebuilding of the existing structure to the current square footage of 1,720 square feet per floor for a two floor building in the event of involuntary destruction by fire, or other catastrophic event, or the public enemy, and allows the continued use of a four unit apartment structure that is non-conforming because there are 4 units, 2 units are allowed pursuant to current R-2 zoning (YMC 16.20.030) that requires a minimum lot size of 13,332 sq. ft. for four units, the lot has 8,331 sq. ft.; approval is subject to meeting current setback requirements and construction of 8 improved parking spaces including 2 covered spaces (4 covered spaces will not be required).

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. Compliance with current setback requirements and construction of 8 improved parking spaces including 2 covered spaces.

b. The California Building Standards Code as that code is in effect at the time of reconstruction, restoration, or rebuilding.

c. 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.

d. 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.

e. 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.

f. Architectural regulations and standards, as long as the pre-damage 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.

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

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

### **AUDIENCE STATEMENTS & COMMENTS**

Linda Kimball requested information on the Walmart signage approved.

### **APPROVAL OF THE MINUTES OF THE MARCH 18, 2009 MEETING**

The Commission, having received a copy of the minutes of the regular meeting held March 18, 2009, approved the minutes with the amendment striking the first paragraph on page 4 PC (~~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.~~), on a motion made by Commissioner Amaral and seconded by Commissioner Leal.

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

The Commissioner's that attended the Planner's Institute Conference reported that it was a very informative and educational conference. Chair Knitter will send a letter of appreciation for the opportunity to attend the conference to the Council, in addition to letters others already provided individually.

There being no further business before the Commission, the meeting was adjourned at 7:20 p.m.

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Pamela J. Hayden, Planning Director