



property of privileges enjoyed by the other property in the vicinity and under identical zoning classification. (YMC 16.58.010). The rear 18 feet of the subject property has a steep slope that raises about 14 feet above the ground level of the residence. The subdivision where the subject residence is located has many parcels with similar topography, including the parcels adjacent to the one at 805 Campbell Avenue.

It has not been demonstrated that there are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, that cause strict application of Title 16 (Zoning) to deprive the property of privileges enjoyed by the other property in the vicinity and under identical zoning classification. Therefore granting a variance would constitute a special privilege inconsistent with the limitations upon adjacent properties.

There being no comments from the public, the public hearing was closed and discussion was opened to the Commission. Applicant was not in attendance.

Following Commission discussion, Commissioner Ohlund made a motion to deny the request for a variance that would have allowed a 7,420 square foot lot to qualify for a garage conversion on the property located at 805 Campbell Avenue, Assessor's Parcel No. 062-071-130, because it was not demonstrated that there are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, that cause strict application of Title 16 (Zoning) to deprive the property of privileges enjoyed by the other property in the vicinity and under identical zoning classification. Therefore granting a variance would constitute a special privilege inconsistent with the limitations upon adjacent properties.

The project denial is based on Staff's recommendation with the following findings of denial:

#### FINDINGS:

1. The project site is located at 805 Campbell Avenue, Assessor's Parcel No. 62-071-130, and is located upon a 7,420 square foot parcel of land, within an R-1 (Single Family Residential) zoning district. The lot is approximately 70 feet wide and 106 feet deep. The rear 18 feet of the lot is a steep hillside. The difference in grade elevation from the lawn area to the top of the hill is approximately 13 to 14 feet. The rear building setback for the R-1 zone is 20 feet. Only accessory structures are allowed within the rear setback.
2. Single family residences are required to have a two car garage or carport per Yreka Municipal Code (YMC) section 16.18.040.D.1. YMC section 16.54.050 authorizes residential garage conversions into area for other residential purposes upon applying for and obtaining a permit if certain conditions occur. The conditions are: 1. The lot or parcel upon which the dwelling is located is less than seven thousand (7,000) square feet. 2. The dwelling was constructed prior to February 19, 2004.

The parcel upon which the dwelling is located is not less than 7,000 square feet. It is 7,420

+/- square feet.

The dwelling was constructed prior to 2004.

3. Variances from the terms of Title 16, Zoning Ordinance, may be approved only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the title deprives such property of privileges enjoyed by the other property in the vicinity and under identical zoning classification. (YMC 16.58.010). The rear 18 feet of the subject property has a steep slope that raises about 14 feet above the ground level of the residence. The subdivision where the subject residence is located has many parcels with similar topography, including the parcels adjacent to the one at 805 Campbell Avenue.

4. There is adequate room on the property to expand the residence and maintain a garage or carport.

5. Granting a variance cannot authorize a use or activity that is not otherwise expressly authorized by the zone regulation governing the parcel. YMC 16.58.040.A.3.

6. It has not been demonstrated that there are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, that cause strict application of Title 16 (Zoning) to deprive the property of privileges enjoyed by the other property in the vicinity and under identical zoning classification. Therefore granting a variance would constitute a special privilege inconsistent with the limitations upon adjacent properties.

Variance is denied for the reasons stated above.

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

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

Chair Baird returned to the Commissioners table and resumed the duties of Chair.

**PUBLIC COMMENTS**

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None.

**APPROVAL OF THE MINUTES OF THE FEBRUARY 16, 2011 MEETING**

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The Commission, having received a copy of the minutes of the regular meeting of the Planning Commission held February 16, 2011, approved the minutes unanimously on a motion made by Commissioner Rolzinski and seconded by Commissioner Leal.

**TEMPORARY USE PERMIT – PLANT SALES**  
**G & G HARDWARE ACE HOME CENTER by JEFF BOURKE 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 April 1, 2011 through July 31, 2011 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 recommended approval subject to the conditions presented.

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 15332 (Infill Development) of the CEQA Guidelines.

Following Commission discussion, Commissioner Knitter 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 April 1, 2011 through July 31, 2011 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 recommendation 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 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 to establish and operate a landscaping materials yard and landscaping business for the months of April 1, 2011 through July 31, 2011 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 3 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. Permittee shall place any temporary structures installed a minimum of 5 feet from the front and side property lines.
5. 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.
6. 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.
7. 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, 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.

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

9. Permittee shall secure an annual City business license to carry on the temporary business of live nursery plant sales.

10. 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.

**11. The use permit shall expire and terminate if not used within one (1) year from the date of approval, unless prior to the expiration of one year, a building permit is issued and construction is commenced or in the event the use permitted is abandoned or not utilized for a period of one year. 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, Knitter, Leal, McAllister, Ohlund, Rolzinski

NOES: None

**USE PERMIT – TEMPORARY STORAGE YARD**  
**T & S CONSTRUCTION CO by ART SPINELLA – Main & Blake St. APPROVED**

This agenda item was heard at the December 15, 2010 meeting. The public hearing was conducted and closed. The Planning Commission tabled taking action on the item pending research on alternate site locations. The applicant provided additional information stating that they were unsuccessful in finding a lot what would fit the needs of the project and again request that the Commission authorize use of the originally proposed lot.

The Commission again reviewed the application submitted by Art Spinella for T & S Construction Company, Inc. for a conditional use permit for a temporary storage yard to store construction equipment and materials including pipe and gravel for the Fall Creek project from March 2011 through May 2011, on the property located at the northeast corner of N. Main Street and E. Blake Street, Assessor’s Parcel No. 053-473-070, CT (Commercial Tourist) zone, GC (General Commercial) General Plan designation.

Staff recommended approval of the project subject to conditions previously presented with

the following additional conditions:

1. Permittee shall repair and/or replace damaged asphalt concrete pavement or any other damages in the site area caused as a result of the subject use. Repair and/or replacement shall be installed by applicant upon completion of the use of the property as determined by the Director of Public Works and no use permit shall be effective until applicant signs an undertaking with the City for that purpose.
2. Permittee shall install a temporary chain link fence along Blake Street with one forty foot wide gate/access at the intersection with Spring Street.

Staff also recommends that the Planning 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.

Terry Alderson was in attendance and asked questions about possible access to Main Street instead of Blake Street and dust control. Staff explained the conditions provide dust control requirements and the access to Main Street referred to was across private property.

Following Commission discussion, Commissioner Leal made a motion to approve the application submitted by Art Spinella for T & S Construction Company, Inc. for a conditional use permit for a temporary storage yard to store construction equipment and materials including pipe and gravel for the Fall Creek project from March 2011 through May 2011, on the property located at the northeast corner of N. Main Street and E. Blake Street, Assessor's Parcel No. 053-473-070, CT (Commercial Tourist) zone, GC (General Commercial) General Plan designation subject to the following additional conditions:

1. Permittee shall repair and/or replace damaged asphalt concrete pavement or any other damages in the site area caused as a result of the subject use. Repair and/or replacement shall be installed by applicant upon completion of the use of the property as determined by the Director of Public Works and no use permit shall be effective until applicant signs an undertaking with the City for that purpose.
2. Permittee shall install a temporary chain link fence along Blake Street with one forty foot wide gate/access at the intersection with Spring Street.

And 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 project approval is based on Staff's recommendation 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 temporary storage yard to store construction equipment and materials including pipe and gravel for the Fall Creek project from March 2011 through May 2011 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 Alteration to Land of the CEQA Guidelines.

## CONDITIONS:

1. Permittee granted a temporary permit for a storage yard to store construction equipment and materials including pipe and gravel for the Fall Creek 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 March 2011 through May 2011. Approval may be extended upon written application to the Planning Commission before expiration of the approval.
3. Permittee shall repair and/or replace damaged asphalt concrete pavement or any other damages in the site area caused as a result of the subject use. Repair and/or replacement shall be installed by applicant upon completion of the use of the property as determined by the Director of Public Works and no use permit shall be effective until



applicant signs an undertaking with the City for that purpose.

4. Permittee shall install a temporary chain link fence along Blake Street with one forty foot wide gate/access at the intersection with Spring Street.
5. Construction related 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.
6. 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.
7. All weeds shall be removed from the construction equipment and materials storage project site.
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 CT zone as set forth in section 16.38 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. There shall be no on-site residential use, no on-site camping.
14. 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.

**15. The use permit shall expire and terminate if not used within one (1) year from the date of approval, or in the event the use permitted is abandoned or not utilized for a period of one year. Approval may be extended upon written application to the Planning Commission before expiration of the first approval.**

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

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

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

Commissioners reported on the 2011 Planner's Institute. They reported it was very informative and interesting with classes that included Ethics Training and Medical Marijuana issues. They also expressed gratitude to the City Council for authorizing the training.

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