

MINUTES OF THE REGULAR MEETING OF THE
YREKA PLANNING COMMISSION HELD IN
THE YREKA CITY COUNCIL CHAMBER IN SAID CITY
ON THE 21st DAY OF JANUARY 2009

On the 21st day of January at 7:30 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 and present were:

Commissioners: Peggy Amaral
Deborah Baird
Mark McAllister
Barry Ohlund
Richard Rolzinski
Judi Rowland

Absent: Diane Knitter

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

City Attorney, McHugh, explained that the applicant has six items on the agenda and the Commission can make a motion to combine them into one action.

Commissioner Amaral made a motion to combine Agenda Items one through six and hear them concurrently. Commissioner Ohlund seconded the motion, all voting aye the motion carried.

The Commission reviewed the following six applications submitted by Margery J. Harrison:

Agenda Item 1. Application for a 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 18 ft. not 20 ft. (YMC 16.20.040.A.2), the lot size is 6,576 sq. ft. not 8,000 sq. ft. (YMC 16.20.030.B), and the second parking space is in tandem which is not currently allowed (YMC 16.20.040.D). Project location is 205-207 Middle Street, Assessor's Parcel No. 061-165-010. The project's zoning is RPO (Residential Professional Office) and land use designation is MDR (Medium Density Residential).

Agenda Item 2. Application for a 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 1018-1020 S. Oregon Street, Assessor's Parcel No. 061-272-260. The project's zoning is RPO (Residential Professional Office) and land use designation is MDR (Medium Density Residential).

Agenda Item 3. Application for a 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).

Agenda Item 4. Application for a 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 side yard setback of 9.5 ft. not 10 ft. (YMC 16.20.040.A.3), a rear yard setback of 14 ft. not 20 ft. (YMC 16.20.040.A.2), 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 914-916 S. Oregon Street, Assessor's Parcel No. 061-165-020. The project's zoning is RPO (Residential Professional Office) and land use designation is MDR (Medium Density Residential).

Agenda Item 5. Application for a 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 side yard setback of 4.5 ft. not 10 ft. (YMC 16.20.040.A.3), 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 922-924 S. Oregon Street, Assessor's Parcel No. 061-272-010. The project's zoning is RPO (Residential Professional Office) and land use designation is MDR (Medium Density Residential).

Agenda Item 6. Application for a 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 side yard setback of 4.5 ft. not 10 ft. (YMC 16.20.040.A.3), 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 918-920 S. Oregon Street, Assessor's Parcel No. 061-165-030. The project's zoning is RPO (Residential Professional Office) and land use designation is MDR (Medium Density Residential).

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

Staff reported that the Technical Committee recommended approval of the six applications listed. Staff also recommended that the Planning Commission make a determination that all six 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.

Notification 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 Amaral made a motion to approve the following six applications, pursuant to the motion to combine. The approvals are based on Staff's and the Technical Committee's recommendations and 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 – 205-207 Middle 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 18 ft. not 20 ft. (YMC 16.20.040.A.2), the lot size is 6,576 sq. ft. not 8,000 sq. ft. (YMC 16.20.030.B), and the second parking space is in tandem which is not currently allowed (YMC 16.20.040.D). Project location is 205-207 Middle Street, Assessor's Parcel No. 061-165-010. 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 duplex at 205-207 Middle Street is nonconforming in that there is a rear yard setback of 18 feet and it is required to be 20 feet; the lot size is 6,576 square feet and is required to be 8,000 square feet for duplex use; it is also nonconforming as it relates to onsite parking requirements that prohibit the second onsite parking space from being in tandem (inline).

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 a duplex and the subject property is zoned RPO (Residential-Professional Office), the surrounding property is zoned RPO and R-2, which both allow 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 duplex that is nonconforming in the following particulars: there is a rear yard setback of 18 feet and it is required to be 20 feet (YMC 16.20.040.A.2); the lot size is 6,576 square feet and is required to be 8,000 square feet for duplex use (YMC 16.20.030.B); and the second parking space is in tandem which is not currently allowed (YMC 16.20.040.D). 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 – 1018-1020 S. Oregon 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 1018-1020 S. Oregon Street, Assessor's Parcel No. 061-272-260. 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 duplex at 1018-1020 S. Oregon Street is nonconforming in that there is a rear yard setback of 15 feet and it is required to be 20 feet; the lot size is 7,248 square feet and is required to be 8,000 square feet for duplex use; it is also nonconforming as it relates to onsite parking requirements that prohibit the second onsite parking space from being located in the front yard setback or parking in tandem (inline).

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 a duplex and the subject property is zoned RPO (Residential-Professional Office), the surrounding property is zoned RPO and R-2, which both allow 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 duplex that is nonconforming in the following particulars: there is a rear yard setback of 15 feet and it is required to be 20 feet (YMC 16.20.040.A.2); the lot size is 7,248 square feet and is required to be 8,000 square feet for duplex use (YMC 16.20.030.B); and the second parking space is located within the front yard setback and the parking space is in tandem neither are currently allowed (YMC 16.20.040.D). 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 – 1014-1016 S. Oregon 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 duplex at 1014-1016 S. Oregon Street is nonconforming in that there is a rear yard setback of 15 feet and it is required to be 20 feet; the lot size is 7,248 square feet and is required to be 8,000 square feet for duplex use; it is also nonconforming as it relates to onsite parking requirements that prohibit the second onsite parking space from being located in the front yard setback or parking in tandem (inline).

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 a duplex and the subject property is zoned RPO (Residential-Professional Office), the surrounding property is zoned RPO and R-2, which both allow 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 duplex that is nonconforming in the following particulars: there is a rear yard setback of 15 feet and it is required to be 20 feet (YMC 16.20.040.A.2); the lot size is 7,248 square feet and is required to be 8,000 square feet for duplex use (YMC 16.20.030.B); and the second parking space is located within the front yard setback and the parking space is in tandem neither are currently allowed (YMC 16.20.040.D). 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 914-916 S. Oregon 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 side yard setback of 9.5 ft. not 10 ft. (YMC 16.20.040.A.3), a rear yard setback of 14 ft. not 20 ft. (YMC 16.20.040.A.2), 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 914-916 S. Oregon Street, Assessor's Parcel No. 061-165-020. 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 duplex at 914-916 S. Oregon Street is nonconforming in that there is a side yard setback of 9.5 feet and it is required to be 10 feet; it has a rear yard setback of 14 feet and is required to be 20 feet; it is also nonconforming as it relates to onsite parking requirements that prohibit the second onsite parking space from being located in the front yard setback or parking in tandem (inline).

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 a duplex and the subject property is zoned RPO (Residential-

Professional Office), the surrounding property is zoned RPO and R-2, which both allow 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 duplex that is nonconforming in the following particulars: there is a side yard setback of 9.5 feet and it is required to be 10 feet (YMC 16.20.040.A.3); there is a rear yard setback of 14 feet and it is required to be 20 feet (YMC 16.20.040.A.2); and the second parking space is located within the front yard setback and the parking space is in tandem, neither are currently allowed (YMC 16.20.040.D). 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 – 922-924 S. Oregon 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 side yard setback of 4.5 ft. not 10 ft. (YMC 16.20.040.A.3), 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 922-924 S. Oregon Street, Assessor's Parcel No. 061-272-010. 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 duplex at 922-924 S. Oregon Street is nonconforming in that there is a side yard setback of 4.5 feet and it is required to be 10 feet; it is also nonconforming as it relates to onsite parking requirements that prohibit the second onsite parking space from being located in the front yard setback or parking in tandem (inline).

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 a duplex and the subject property is zoned RPO (Residential-Professional Office), the surrounding property is zoned RPO and R-2, which both allow 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 duplex that is nonconforming in the following particulars: there is a side yard setback of 4.5 feet and it is required to be 10 feet (YMC 16.20.040.A.3); and the second parking space is located within the front yard setback and the parking space is in tandem, neither are currently allowed (YMC 16.20.040.D). 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 – 918-920 S. Oregon 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

side yard setback of 4.5 ft. not 10 ft. (YMC 16.20.040.A.3), 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 918-920 S. Oregon Street, Assessor's Parcel No. 061-165-030. 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 duplex at 918-920 S. Oregon Street is nonconforming in that there is a side yard setback of 4.5 feet and it is required to be 10 feet; it is also nonconforming as it relates to onsite parking requirements that prohibit the second onsite parking space from being located in the front yard setback or parking in tandem (inline).
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 a duplex and the subject property is zoned RPO (Residential-Professional Office), the surrounding property is zoned RPO and R-2, which both allow 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 duplex that is nonconforming in the following particulars: there is a side yard setback of 4.5 feet and it is required to be 10 feet (YMC 16.20.040.A.3); and the second parking space is located within the front yard setback and the parking space is in tandem, neither are currently allowed (YMC 16.20.040.D). 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 McAllister seconded the motion. The motion carried by the following vote:

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

VARIANCE – SETBACKS

STAN & LINDA ELLISON BY JO PETERSON - 403 N. FAIRCHILD APPROVED

This being the time and date for a public hearing for an application submitted by Jo Peterson Design Works, Inc for Stan and Linda Ellison for a variance to Section 16.18.040.A.2.b of the Yreka Municipal Code which requires a 20' rear yard setback for an

attached garage, allowing a 5' rear yard setback, and variance to Section 16.18.040.A.3 of the YMC which requires a 20' exterior side yard setback on a corner lot, allowing a 17' exterior side yard setback, for construction of an addition to the existing residence and an attached garage to the south, converting the existing garage to living space and adding a second story bedroom above the converted garage on the property located at 403 N. Fairchild Street, Assessor's Parcel No. 53-402-230. The project's zoning is R-1 (Single Family Residential) and land use designation is LDR (Low Density Residential). Chair Rolzinski opened the public hearing to the audience.

Staff reported the Technical Committee recommended approval, based on the finding that there are special circumstances of the applicant's land which cause literal enforcement of the requirements for rear yard setbacks of 20' and exterior side yard setback of 20' to be a hardship for the applicant due to constraints imposed by the size and shape of property. The subject lot has an existing residence that faces Fairchild Street. There is a 9 to 12 foot difference in grade elevation from the uphill side at Cedar Street and the Public Alley 114 feet to the south. There are no hazards to vehicular or pedestrian traffic by the proposed project.

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 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines.

Notification of the public hearing was mailed to property owners/occupants located within 300 feet of the project on December 31, 2008 and a Notice of Public Hearing was published in the Siskiyou Daily News on January 2, 2009.

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

Following Commission discussion, Commissioner McAllister made a motion to approve the application for a variance to Section 16.18.040.A.2.b of the Yreka Municipal Code which requires a 20' rear yard setback for an attached garage, allowing a 5' rear yard setback, and variance to Section 16.18.040.A.3 of the YMC which requires a 20' exterior side yard setback on a corner lot, allowing a 17' exterior side yard setback, for construction of an addition to the existing residence and an attached garage to the south, converting the existing garage to living space and adding a second story bedroom above the converted garage on the property located at 403 N. Fairchild Street, Assessor's Parcel No. 53-402-230. The project's zoning is R-1 (Single Family Residential) and land use designation is LDR (Low Density Residential). Approval based on 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 site is located at 403 N. Fairchild Street, Assessor's Parcel No. 53-402-230, and is located upon a 12,486 square foot parcel of land, within an R-1 (Single Family

Residential) zoning district, having approximately 114 feet of frontage on Fairchild Street and approximately 77 feet of frontage on Cedar Street. The project site has a 9 to 12 foot difference in grade elevation from its north boundary to its south boundary.

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 there is a 20 foot public alley between the rear yard of the subject property and the property directly to the south. The variance will result in no structures within 25 feet of those neighboring properties. A detached structure could be constructed at the 5 foot setback line pursuant to Yreka Municipal Code Section 16.18.040.A.2. There is not room on the site to allow the garage addition to be a detached structure at the 5 foot setback line so allowing an attached structure at the 5 foot setback will not be detrimental to the neighborhood.

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 rear yard setbacks of 20' and exterior side yard setback of 20' to be a hardship for the applicant due to constraints imposed by the size and shape of property. The subject lot has a 9 to 12 foot difference in grade elevation from the uphill side at Cedar Street and the Public Alley 114 feet to the south. 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 will be a minimum of a 25 foot separation from the structure to the neighboring property because of a 20 foot public alley between the properties, and the proposed addition to the existing residence will be in conformity with the residential structures in the neighborhood.

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 existing fence as shown on the Exhibit – Proposed Garage Addition prepared by James Bray Civil Engineering, dated November, 2008 that extends into the public alley shall be relocated to be within the actual property line.

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

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

**USE PERMIT – MUFFLER SHOP, CONTRACTOR’S WAREHOUSE, DANCE STUDIO,
BEAUTY SALON, OFFICE
TODD WHIPPLE – 1400 FAIRLANE RD **APPROVED****

The Commission reviewed the application submitted by Todd Whipple for a use permit to establish and operate a muffler shop, contractor’s office and warehouse, dance studio, beauty salon, and office use on the property located at 1400 Fairlane Road.

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

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

Permittee shall submit a legal description prepared by a licensed land surveyor or registered civil engineer in the State of California for, and shall offer for dedication, a five foot pedestrian easement adjacent to the existing property line for the sole purpose of Americans with Disabilities Act (ADA) compliant sidewalk facilities for driveway approaches and curb ramps.

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 15332 (Infill Development) of the CEQA Guidelines.

Notification of the public hearing was mailed to property owners/occupants located within 300 feet of the project on January 9, 2009 and a Notice of Public Hearing was published in the Siskiyou Daily News on January 9, 2009.

The project proposes adequate parking for the requested uses. The existing grandfathered freeway billboard sign will remain on the project site.

Applicant, Todd Whipple expressed concern with timing in complying with the request for a legal description and offer of dedication for the Americans with Disabilities Act (ADA) compliant sidewalk facilities. He requested that this condition not prohibit his occupancy of the facility. He requested an additional 60 days to complete this condition.

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

Commissioner's Baird and Ohlund disclosed a business relationship with the applicant that did not exceed the Political Reform Act restraints.

Following Commission discussion, Commissioner Amaral made a motion to approve the application for a use permit to establish and operate a muffler shop, contractor's office and warehouse, dance studio, beauty salon, and office use on the property located at 1400 Fairlane Road, Assessor's Parcel No. 62-051-540, projects zoning is M-1 (Light Industrial) and land use designation is I (Industrial), subject to the modification of the condition recommended by the Technical Committee to allow the dedication to occur by the time of issuance of a Certificate of Occupancy or if not by then not later than 60 days after the Certificate of Occupancy is issued. Condition to read as follows:

Permittee shall submit a legal description prepared by a licensed land surveyor or registered civil engineer in the State of California for, and shall offer for dedication, a five foot pedestrian easement adjacent to the existing property line for the sole purpose of Americans with Disabilities Act (ADA) compliant sidewalk facilities for driveway approaches and curb ramps. The dedication to occur by the time of issuance of a Certificate of Occupancy or if not by then not later than 60 days after the Certificate of Occupancy is issued.

Approval based on Staff's 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 establishment and operation of a muffler shop, contractor's office and warehouse, dance studio, beauty salon, and office use on the property located on Assessor's Parcel No. 62-051-540 will not:

a. be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, and will not be detrimental to the harmonious and orderly growth of the City of Yreka because the site is zoned properly for the proposed uses subject to use permit approval.

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 because the surrounding uses are also commercial and light industrial.

c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because the project provides adequate on site parking for the project considering that the dance studio activity will occur after 5:00 p.m. Most of the neighboring businesses

close between 5 and 6 p.m. The project is located on Fairlane Road which is designated as a Collector Street and carries a moderately heavy traffic volume and Davis Road a local street that carries low traffic volume.

d. adversely affect matters regarding police protection, crime prevention, and security with the change in proposed uses as listed above.

e. adversely affect circulation or traffic patterns in the neighborhood or constitute a nuisance because no new streets are proposed with the project. The additional traffic created by the proposed uses of muffler shop, contractor warehouse, dance studio, beauty salon, and office use will not be a significant addition to existing streets.

2. The use is compatible with the policies and objectives of the M-1, Light Industrial zoning.

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

CONDITIONS:

1. Permittee granted a permit to establish and operate a muffler shop, contractor's office and warehouse, dance studio, beauty salon, and office use at the location set forth in the application, subject to full compliance with applicable city and state codes. **The premises shall not be occupied or opened to the public until all conditions hereinafter set forth have been complied with by the Permittee.**

2. All elements of the project application including site, landscape, and parking plan shall be complied with.

3. Adequate off-street parking facilities shall be provided as determined by the Planning Commission as follows: for the auto repair - one space for each six hundred square feet of floor area as set forth in Section 16.54.020.A.2.d of the Yreka Municipal Code; for the contractor office and warehouse – one space for each one thousand five hundred square feet of floor area as set forth in Section 16.54.020.A.2.i; for the dance studio – one space for each fifty square feet of area available for public use plus one space for each employee as set forth in Section 16.54.020.A.5.c; for the beauty salon – one space for each one hundred square feet of floor area plus one space for each employee as set forth in Section 16.54.020.A.2.c; and for the office use – one space for each two hundred square feet of floor area as set forth in Section 16.54.020.A.2.a.

As provided in Yreka Municipal Code Section 16.54.080 where the uses utilizing a common parking facility require more than twenty (20) parking spaces, a ten (10) percent reduction in the total number of spaces may be permitted by the Planning Commission. Taking in to consideration the common parking facilities and ten percent reduction, the total parking requirement for the project as submitted is 49 spaces; there are 45 spaces available on site.

The dance studio hours of operation will start at 5:00 p.m., which is after most of the adjacent businesses will be closed. The Planning Commission may determine the number of spaces required taking into consideration the intensity of the proposed use as set forth in Section 16.54.020A.5.c. The total requirement for parking for the proposed uses shall be 45 on site parking spaces.

4. The off-street parking plan and facilities approved by the Planning Commission shall not be deviated from unless prior approval of the Planning Commission is secured, and all loading, customer, and employee parking areas, access drives and aisles shall be paved and striped and bumper rails or other barriers shall be provided, as determined by the Director of Public Works and in accordance with Section 16.54.090 of the Yreka Municipal Code.

5. Parking required for disabled persons shall be marked, posted, and maintained in accord with provisions of the Motor Vehicles Code and any other law or regulation now or hereinafter enacted relating to parking for disabled persons.

6. 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.

7. All landscaping shall be maintained and replaced as necessary as previously approved on November 27, 2007 for Use Permit #3847 as depicted on that site plan.

8. 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, 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.

9. Permittee shall submit a legal description prepared by a licensed land surveyor or registered civil engineer in the State of California for, and shall offer for dedication, a five foot pedestrian easement adjacent to the existing property line for the sole purpose of Americans with Disabilities Act (ADA) compliant sidewalk facilities for driveway approaches and curb ramps. The dedication to occur by the time of issuance of a Certificate of Occupancy or if not by then not later than 60 days after the Certificate of Occupancy is issued.

10. 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. There shall be no storage on the premises not totally enclosed within the building.

11. Vehicles awaiting repair or removal in excess of 12 hours shall be restricted to a screened compound (compound shall be screened with a 6' cyclone fence with slats or equivalent) behind the repair shop.
12. Permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that structures meet building standards and fire regulations of the Uniform Building and Fire Codes prior to use of subject offices.
13. No signs shall be placed on the premises without prior approval of the Planning Department.
14. Permittee shall secure, or inform occupants of the requirement to obtain, an annual City business license to carry on business at the project site.
15. 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.
- 16. 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: Amaral, Baird, McAllister, Ohlund, Rolzinski, Rowland
NOES: None

AUDIENCE STATEMENTS & COMMENTS

None.

APPROVAL OF THE MINUTES OF THE DECEMBER 17, 2008 MEETING

The Commission, having received a copy of the minutes of the regular meeting held December 17, 2008, approved the minutes on a motion made by Commissioner Amaral and seconded by Commissioner McAllister.

SIGN ORDINANCE

City Attorney, McHugh, presented the most current draft revision of the Yreka Sign Code for review and possible recommendation to City Council by the Planning Commission. She reported a comment was received from Nancy O'Connor requesting clarification of use of the phrase "non-commercial". She provided clarification regarding "non-commercial", "civic event", and "commercial" signs.

Following Commission discussion, Commissioner Amaral made a motion to recommend that City Council approve the revisions of the Yreka Sign Code, Title 13 as presented in the draft.

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

AYES: Amaral, Baird, McAllister, Ohlund, Rolzinski, Rowland

NOES: None

ELECTION OF OFFICERS

Chair Rolzinski relinquished the role of Chair to the City Attorney, Mary Frances McHugh, and she assumed the position of Chair for election of officers and opened the nominations for Chair.

Commissioner Rolzinski nominated Commissioner Knitter for Chair, there being no additional nominations, Commissioner Ohlund made a motion to close the nominations. Commissioner Rowland seconded the motion, all voting aye the motion carried. There being no contest, City Attorney McHugh declared the election of Diane Knitter for Chair by acclamation.

City Attorney McHugh opened the nominations for Vice Chair. Commissioner McAllister was nominated by Commissioner Rowland. Commissioner McAllister declined the nomination because he may be moving out of the area before the end of the year. Commissioner Baird was nominated Vice Chair by Commissioner Rolzinski, and there being no further nominations for Vice Chair nominations were closed.

There being no contest, City Attorney McHugh declared the election of Debbie Baird for Vice Chair by acclamation.

The Chair was relinquished back to Chair Rolzinski.

COMMISSIONER'S STATEMENTS & COMMENTS

The League of California Cities Planner's Institute for 2009 was discussed.

Commissioner Rolzinski reported that Radio Shack is opening in one of his retail spaces on Ft. Jones Road, and a new tattoo parlor will be opening on North Main.

There being no further business before the Commission, the meeting was adjourned at 8:30 p.m.