

MINUTES OF THE SPECIAL MEETING OF THE  
YREKA PLANNING COMMISSION HELD IN  
THE YREKA CITY COUNCIL CHAMBER IN SAID CITY  
ON THE 27<sup>th</sup> DAY OF NOVEMBER 2007

On the 27<sup>th</sup> day of November, at 7:30 p.m., the Planning Commission of the City of Yreka met in the City Council Chamber in said city in special session. The meeting was called to order by Vice Chair Knitter and present were:

Commissioners:           Peggy Amaral  
                                  Jason Darrow  
                                  Diane Knitter  
                                  Richard Rolzinski  
                                  Judi Rowland  
                                  Joe Schettino

Absent:                     Mark McAllister

**NEGATIVE DECLARATION – TENTATIVE PARCEL MAP  
MICHELLE HILL BY DAN WALLACE – 1619 SANDPIPER COURT**

The Commission reviewed the application submitted by Dan Wallace for Michelle Hill for environmental review for a Negative Declaration for a tentative parcel map for a minor subdivision creating three (3) parcels, 9,755, 9,670, and 9,670 s. ft. from a .67 acre lot. The Commission also reviewed the application for a tentative parcel map for a minor subdivision creating three (3) parcels, 9,755, 9,670, and 9,670 s. ft. from a .67 acre lot. The project is located at 1619 Sandpiper Court.

This being the time and date set for public hearings on an application for environmental review for a Negative Declaration for a tentative parcel map and an application for a tentative parcel map creating three parcels, Chair Rolzinski stated that the request for the Negative Declaration and tentative parcel map would be discussed and considered concurrently. Chair Rolzinski opened the public hearings to the audience.

Staff reported the Technical Committee recommended approval of the Negative Declaration and approval of the tentative parcel map subject to the following additional and modified conditions:

Additional Condition:

Permittee shall install a fire hydrant if required pursuant to the California Fire Code.

Modified Conditions:

4. The following statement shall be placed on the Parcel Map: "Prior to occupancy of the first house constructed the following improvements shall be constructed: street light, curb, gutter and street repair and/or construction between pavement and gutter lip along the street frontage of all three parcels created, including curb, gutter and street repair and/or construction along the radius of the southwest corner of the intersection and north along the west side of Sandpiper Court to a point where the curb and gutter will drain into the existing roadside ditch. Sidewalks and driveway approaches shall be constructed at time of development of each lot. All construction shall be in accord with City standards."

5. Storm water drainage plan shall be submitted for approval by the Director of Public Works prior to start of construction or any on-site grading. Measures shall be taken to assure water runoff will not affect adjacent parcels to a greater extent than it currently does by construction of an appropriately designed detention facility for each parcel. Storm water permits will be obtained if required.

9. Improvement plans shall be submitted and approved by the Director of Public Works prior to improvement construction, for all public improvements including but not limited to water, sewer, storm drain, street light, curb, gutter, sidewalk, and street construction (based on "R" values with a minimum section of 6" base rock and 2" asphalt concrete) and other public improvements pursuant to Chapter 15.32 of the Yreka Municipal Code. Improvement plans for the public improvements along the frontage of all three lots and transitions on each end shall be submitted and approved prior to recordation of the final map.

Applicant's representative, John DeBenedetti, was in attendance and asked for clarification of some of the conditions and offered to answer questions.

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

Following Commission discussion, Commissioner Schettino made a motion to approve the application for an environmental review for a Negative Declaration for a tentative parcel map for a minor subdivision creating three (3) parcels, 9,755, 9,670, and 9,670 s. ft. from a .67 acre lot, and approve the application for a tentative parcel map for a minor subdivision creating three (3) parcels, 9,755, 9,670, and 9,670 s. ft. from a .67 acre lot. The project is located at 1619 Sandpiper Court, Assessor's Parcel No. 62-151-410, R-1 zone, LDR General Plan designation.

The approvals are 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:

**NEGATIVE DECLARATION**

**APPROVED**

A) The project of creating three parcels of 9,670 square feet or more from a .67 acre lot

does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

The City is not aware of or in possession of information contrary to the finding.

B) The project of creating three parcels of 9,670 square feet or more from a .67 acre lot as presented does not have the potential to achieve short-term, to the disadvantage of long-term, environmental goals. (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)

The City is not aware of or in possession of information contrary to the finding.

C) The project of creating three parcels of 9,670 square feet or more from a .67 acre lot as presented does not have impacts which are individually limited, but cumulatively considerable. (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)

The City is not aware of or in possession of information contrary to the finding.

D) The project of creating three parcels of 9,670 square feet or more from a .67 acre lot as presented does not have environmental effects which cause substantial adverse effects on human beings, either directly or indirectly.

The City is not aware of or in possession of information contrary to the finding.

E) All environmental issues have been reviewed and considered prior to approval of the project and the Planning Commission finds that there are no significant impacts which will not be mitigated.

The City is not aware of or in possession of information contrary to the finding.

F) Initial study has been conducted by the Planning Department and Technical Committee so as to evaluate the potential for an adverse environmental impact. The Planning Commission finds that there is no evidence before the Planning Commission that the proposed project will have any potential adverse affect on wildlife resources. A Negative Declaration has been prepared pursuant to Section 21080(c) of the Public Resources Code; therefore, a fee of \$1,800.00 shall be paid pursuant to Section 711.4(d) of the Fish and Game Code.

G) All elements of the project description shall be complied with.

**TENTATIVE PARCEL MAP  
FINDINGS:****APPROVED**

1. The proposed map complies with the requirements of Title 15, Subdivisions, of the Yreka Municipal Code, the Subdivisions Map Act, and zoning laws of the City, and all applicable state laws.
2. The tentative parcel map is consistent with the applicable general and specific plans of the City of Yreka.
3. The design and improvements of the proposed subdivision are consistent with the applicable general and specific plans of the City of Yreka.
4. The site is physically suitable for the proposed density of development.
5. The site is physically suitable for the type of development.
6. The design of the subdivision and the potential improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
7. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

The foregoing findings are based upon the following:

The design of the subdivision and its proposed improvements will not cause serious public health problems or significant environment damage since the proposed project is for a residential subdivision within an existing residential neighborhood. There will be adequate street access and traffic circulation for the newly created lots in that the subject property has a cul-de-sac with sufficient turning radius.

Conditions of approval will provide maximum land use compatibility between the proposed residential development and the existing residential neighborhood. None of the findings necessary for denial of this proposal can be found in the affirmative.

**CONDITIONS:**

The following conditions shall be met prior to the recordation of the final subdivision map except as otherwise specified in the conditions:

1. Parcels to conform to the minimum lot sizes and improvements required in an R-1 zone as set forth in Chapter 16.18 of the Yreka Municipal Code.

2. Extension of water mains and sewer mains along the frontage of each parcel created as determined by the Director of Public Works.
3. Construction of sewer laterals and water services to each parcel created.
4. The following statement shall be placed on the Parcel Map: "Prior to occupancy of the first house constructed the following improvements shall be constructed: street light, curb, gutter and street repair and/or construction between pavement and gutter lip along the street frontage of all three parcels created, including curb, gutter and street repair and/or construction along the radius of the southwest corner of the intersection and north along the west side of Sandpiper Court to a point where the curb and gutter will drain into the existing roadside ditch. Sidewalks and driveway approaches shall be constructed at time of development of each lot. All construction shall be in accord with City standards."
5. Storm water drainage plan shall be submitted for approval by the Director of Public Works prior to start of construction or any on-site grading. Measures shall be taken to assure water runoff will not affect adjacent parcels to a greater extent than it currently does by construction of an appropriately designed detention facility for each parcel. Storm water permits will be obtained if required.
6. A ten (10) foot utility easement shall be required along all property frontages for public utilities provided that easements of lesser width may be allowed with concurrence of the director of public works as set forth in Section 15.32.210 of the Yreka Municipal Code.
7. A final grading plan for proposed subdivision shall be submitted to the Building Official for approval by Building Official prior to developer being issued a grading permit by the Yreka Building Department.
8. Payment of parkland in-lieu fees for each parcel created as set forth in Chapter 15.42 of the Yreka Municipal Code.
9. Improvement plans shall be submitted and approved by the Director of Public Works prior to improvement construction, for all public improvements including but not limited to water, sewer, storm drain, street light, curb, gutter, sidewalk, and street construction (based on "R" values with a minimum section of 6" base rock and 2" asphalt concrete) and other public improvements pursuant to Chapter 15.32 of the Yreka Municipal Code. Improvement plans for the public improvements along the frontage of all three lots and transitions on each end shall be submitted and approved prior to recordation of the final map.
10. Permittee shall install a fire hydrant if required pursuant to the California Fire Code.
11. Construction/installation of all other necessary improvements pursuant to Yreka Municipal Code and the City's Public Works Standards.
12. Full compliance with the Subdivision Map Act and Title 15, Subdivisions, of the Yreka

Municipal Code, and all other applicable city, state, and federal codes.

13. Filing of final subdivision map within twenty-four months from date of Planning Commission approval, with a copy to the Planning Department.

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

AYES: Amaral, Darrow, Knitter, Rolzinski, Rowland, Schettino  
NOES: None

**USE PERMIT – OFFICE CONSTRUCTION**  
**TODD WHIPPLE – 1400 FAIRLANE ROAD**

**APPROVED**

The Commission reviewed the application for a Use Permit submitted by Todd Whipple to construct, establish, and operate 8,832 sq. ft. of office space; 1,600 sq. ft. of that space will be used for medical offices on the property located at 1400 Fairlane Road.

This being the time and date set for a public hearing on an application for a Use Permit to construct, establish and operate 8,832 sq. ft. of office space, 1,600 sq. ft. of that space will be used for medical offices on the property located at 1400 Fairlane Road, Chair Rolzinski opened the hearing to the public.

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

Permittee shall install street lights consistent with City standards.

Staff recommended that the Planning Commission make a 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 existing grandfathered freeway billboard sign will remain on the project site.

Applicant, Todd Whipple, asked questions about location of the fire hydrant. That is up to the Director of Public Works and Fire Chief.

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

Following Commission discussion, Commissioner Knitter made a motion to approve the application for a Use Permit to construct, establish and operate 8,832 sq. ft. of office space, 1,600 sq. ft. of that space will be used for medical offices, on the property located at 1400 Fairlane Road, Assessor's Parcel No. 62-051-540, M-1 zone, I General Plan designation subject to the following additional condition:

Permittee shall install street lights consistent with City standards.

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

FINDINGS:

1. The construction, establishment and operation of approximately 8,832 sq. ft. of office space, 1,600 sq. ft. of that space to be used for medical offices 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 large enough to accommodate the building and parking within the required setbacks. The site is zoned properly for the proposed office use.

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. 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 by developing an undeveloped parcel of land with offices.

e. adversely affect circulation or traffic patterns in the neighborhood or constitute a nuisance because no new streets are proposed with the project.

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 construct, establish and operate approximately 8,832 sq. ft. of office space; 1,600 sq. ft. of that space will be used for medical offices 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: one space for each doctor, dentist, or practitioner, plus one space for each employee, plus two spaces for each examining room as set forth in Section 16.54.020.A.4.a of the Yreka Municipal Code for the doctor office use and one space for each two hundred sq. ft. of floor area as set forth in Section 16.54.020.A.2.a for office use. 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 38 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 16.40.080 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. A final detailed landscape plan including size, quantity, botanical and common names shall be submitted for approval by City staff at time of building permit issuance.
8. All landscaping shall be installed, maintained, and replaced as necessary as depicted on the site plan.
9. Permittee shall submit an in ground automated irrigation system design with specifications; the plan shall meet the requirements of Section 11.38.050 of the Yreka Municipal Code prior to building permit issuance, for approval by the City Manager or Building Official.
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, 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. Permittee shall install street lights consistent with City standards.
12. Permittee shall install Fire hydrants if required pursuant to the California Fire Code.
13. Permittee shall submit storm water drainage plan subject to Director of Public Works approval prior to grading permit and/or building permit issuance for potential installation of onsite storm water detention. If an open detention basin is the chosen method for stormwater detention then a separate landscape design for the basin shall be submitted for approval by City staff.
14. Permittee shall comply at all times with the zoning district regulations for an M-1 zone as set forth in Section 16.40 of the Yreka Municipal Code.
15. Permittee shall 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.
16. Permittee shall provide evidence of Health Department approval for the medical office, submitted to the Planning Department prior to issuance of business license.
17. No signs shall be placed on the premises without prior approval of the Planning Department.
18. Permittee shall secure, or inform occupants of the requirement to obtain, an annual City business license to carry on business at the project site.
19. 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.
- 20. 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 Amaral seconded the motion. The motion carried by the following vote:

AYES: Amaral, Darrow, Knitter, Rolzinski, Rowland, Schettino  
NOES: None

**USE PERMIT – DOG KENNEL****SMOKE OAKLEY – 300 SHARPS ROAD****APPROVED**

The Commission reviewed the application for a Use Permit submitted by Smoke Oakley to establish and operate a portable dog kennel for 7 dogs for private use only, not open to the public on the property located at 300 Sharps Road.

This being the time and date set for a public hearing on an application for a Use Permit to establish and operate a portable dog kennel on the property located at 300 Sharps Road, Chair Rolzinski opened the hearing to the public.

Staff reported the Technical Committee recommended approval subject to the findings and conditions as 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 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.

The project is located on the same site of an existing truck repair shop and with other industrial uses across the road. It is in excess of 1,500 feet from any residential uses.

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

Following Commission discussion, Commissioner Schettino made a motion to approve the application for a Use Permit to establish and operate a portable dog kennel for 7 dogs for private use only, not open to the public on the property located at 300 Sharps Road, Assessor's Parcel No. 62-051-530, M-1 zone, I General Plan designation. The approval is based on Staff's and the Technical Committee's recommendations and subject to full compliance with all applicable city, state, and federal laws and regulations and the following findings and conditions of approval:

**FINDINGS:**

1. The establishment and operation of a portable dog kennel for 7 (seven) dogs for private use only, not open to the public will not:
  - a. be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, and will not be detrimental to the harmonious and orderly growth of the City of Yreka because it is

located on the same site of an existing truck repair shop and with other industrial uses across the road. It is in excess of 1,500 feet from any residential uses.

- b. be detrimental to property or improvements in the neighborhood and the industrial use will not impair the desirability of investment or occupation in the vicinity that is zoned for industrial uses.
  - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because the project is for private use only.
  - 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 because the applicant currently uses the facility for his trucking business and the kennel is for his personal use only.
2. The use is compatible with the policies and objectives of the zoning ordinance, Yreka Municipal Code Section 16.40.070 requires approval of a conditional use permit for a kennel. A kennel is defined as "a land use where four (4) or more dogs four (4) months or older and/or six (6) cats six (6) weeks or older are kept, bred, raised, trained, or boarded."
3. The project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment, Section 15061(b)(3) of the CEQA Guidelines. The project of establishing and operating a private dog kennel will not have a significant effect on the environment and is therefore not subject to CEQA.

#### CONDITIONS:

1. Permittee granted a permit to establish and operate a portable dog kennel for 7 (seven) dogs for private use only, kennel not open to the public, at the location set forth in the application, subject to full compliance with applicable city and state codes. **The premises shall not be occupied until all conditions hereinafter set forth have been complied with by the Permittee.**
2. Use shall be conducted in accordance with the site plan as submitted.
3. Permittee shall comply with all provisions of the Yreka Municipal Code including the provisions regarding licensing and vaccination of dogs.
4. Permittee shall comply with California law particularly any law regarding the health and safety of animals.
5. The project site shall be subject to periodic unannounced inspection by the Animal

Control Officer.

6. 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.

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, 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.

8. Permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that structure meets building standards and fire regulations of the Uniform Building and Fire Codes prior to use of subject dog kennel.

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

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 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 Knitter seconded the motion. The motion carried by the following vote:

AYES: Amaral, Darrow, Knitter, Rolzinski, Rowland, Schettino  
NOES: None

**USE PERMIT – LARGE FAMILY DAY CARE  
CARMEN DELGADO – 727 JACKSON STREET**

**APPROVED**

Commissioner Schettino 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 this project and he left the room.

The Commission reviewed the application to expand an existing small family day care home, maximum of 8 children, to a large family day care home for a maximum of 14 children on the property located at 727 Jackson Street.

This being the time and date set for a public hearing on an application to expand an existing small family day care home to a large family day care home on the property located at 727 Jackson Street, Chair Rolzinski opened the hearing to the public.

Staff reported the Technical Committee made no recommendation regarding the large family day care home use. In the event the Planning Commission approves the Use Permit, the Technical Committee recommended implementing the conditions as presented.

Notice of the current application was forwarded to all real property owners within a 100 foot radius of the applicant's residence for comment. The Planning Department received four letters of response, all of which had common complaints of concern for the impact of additional traffic and noise that may be generated by the proposed large family day care home. Two of the respondents requested a hearing regarding the project and therefore the project is being heard by the Planning Commission.

State law requires the City to permit small family day care homes (8 or less children) to be allowed within any residential district. Large family day care homes (up to 14 children) are again mandated by State law to be considered a residential use within residential zones. Large family day care homes do require an applicant to secure a permit. The permit is required to be granted if it complies with local ordinances, if any, prescribing reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control relating to such homes in addition to complying to any regulations adopted by the State Fire Marshal.

The City currently has no law in effect that provides any special traffic control standards to family day care homes.

Noise was another concern expressed in the letters. Staff is recommending the following be made of condition of approval of the Day Care:

In order to mitigate potential increase in noise outside the home, during hours of operation children shall not be outside more than two hours per day; or Permittee may stagger the time they are outside by allowing not more than 6 children outside at one time. This condition shall not apply to hours when no client children are present. "Client children" are those who are present for the purpose of receiving Permittee's services as family day care provider.

Concern was expressed regarding the adequacy of the size of the home for the day care. It was recommended there be a condition of approval that the Permittee shall obtain a license from the State Department of Community Care Licensing which includes a determination of the appropriateness of the size of the facility and play area.

Concern was also expressed that the large family day care would reduce the value of the neighboring property. No evidence was presented in support of a claim that a large family

day care will have adverse financial effects by reducing the market value of properties.

Harold Leal expressed concern regarding noise generated by the children, school bus blocking their driveway while dropping children off, noise generated by vehicles when children are dropped off, and noise generated by toys the children play with.

Joyce Collis expressed concern regarding the excessive speed of vehicles (not necessarily vehicles related to the day care) on their section of Jackson Street; she asked if speed bumps could be installed.

Staff reported the Yreka Police Department did a traffic survey. The posted speed limit is 25 mph, the average speed of the vehicles for the 8 day period was 23.32 mph, the maximum speed was 41 mph and minimum speed was 20 mph.

Applicant Carmen Delgado was present and answered questions of the Commission.

There being no further 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 expand an existing small family day care home, maximum of 8 children, to a large family day care home for a maximum of 14 children on the property located at 727 Jackson Street, Assessor's Parcel No. 54-153-030, R-1 zone, LDR General Plan designation. The approval is based on Staff's and the Technical Committee's recommendations and subject to full compliance with all applicable city, state, and federal laws and regulations and the following findings and conditions of approval:

#### FINDINGS:

1. The expansion of an existing small family day care home, maximum of 8 children, to a large family day care for a maximum of 14 children will not:

a. Create a concentration of large family day care homes because there are no additional large family day care homes within at least 500 feet.

b. Although the City has no law in effect that provides any special traffic control standards to family day care homes, the City has, however, adopted a Noise Element of the City General Plan with the stated goal of providing guidelines so that noise may be effectively considered in the land use planning process. Pursuant to traffic count conducted by the Yreka Police Department from November 1, 2007 through November 7, 2007 there was an average of 349 vehicles traveling the 600 block of Jackson Street between the hours of 6:00 a.m. and 5:00 p.m. The addition of a potential 12 vehicle trips per day is not significant. Requiring a condition of limiting the number of hours the children will be outside will likewise mitigate noise concerns.

c. The driveway on the proposed site has room to accommodate five vehicles parked in tandem.

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

3. Large family day care homes (up to 14 children), because of State policy promoting family based child care, are mandated by State law to be considered a residential use within residential zones. Large family day care homes do require an applicant to secure a permit. The permit is required to be granted if it complies with local ordinances, if any, prescribing reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control relating to such homes in addition to complying to any regulations adopted by the State Fire Marshal.

4. Pursuant to Section 15274(a) of the California Environmental Quality Act, CEQA does not apply to establishment or operation of a large family day care home, which provides in-home care for up to twelve children, as defined in Section 1596.78 of the Health and Safety Code.

#### CONDITIONS:

1. Permittee is granted a permit to expand an existing small family day care home, maximum of 8 children, to a large family day care for a maximum of 14 children at the location set forth in the application, subject to full compliance with applicable city codes and state law. **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. In order to mitigate potential increase in noise outside the home, during hours of operation children shall not be outside more than two hours per day or Permittee may stagger the time they are outside by allowing not more than 6 children outside at one time. This condition shall not apply to hours when no client children are present. "Client children" are those who are present for the purpose of receiving Permittee's services as family day care provider.

3. The expansion to a large family day care shall not occur until the garage conversion that was done without building permits is in compliance with building code and zoning ordinance.

4. Permittee shall obtain a license from the State Department of Community Care Licensing which includes a determination of the appropriateness of the size of the facility and play area.

5. The off-street parking plan and facilities approved by the Planning Commission shall not be deviated from unless prior approval of the Planning Director is secured.

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 without prior approval of the Planning Director.
7. Permittee shall comply at all times with the zoning district regulations for an R-1 zone as set forth in section 16.18 of the Yreka Municipal Code.
8. Permittee shall obtain a building permit and shall pay the necessary fees therefor prior to making any building, electrical, mechanical, or plumbing installations and/or improvements. Public infrastructure improvements such as curb, gutter, sidewalk, street lights, wheel chair ramps, driveway approaches and asphalt concrete street pavement may be required upon issuance of a building permit in accordance with Yreka Municipal Code Section 11.24.030.
9. Permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that structure meets building standards and fire regulations of the Uniform Building and Fire Codes prior to use of subject large family day care.
10. No signs shall be placed on the premises without prior approval of the Planning Department.
11. Permittee shall secure an annual City business license to carry on the business of a large family day care home.
12. 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.
- 13. 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 Rowland seconded the motion. The motion carried by the following vote:

AYES: Amaral, Darrow, Knitter, Rolzinski, Rowland  
NOES: None

Commissioner Schettino returned to the Commissioners table.

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

None.

**APPROVAL OF THE MINUTES OF THE OCTOBER 17, 2007 MEETING**

The Commission, having received a copy of the minutes of the regular meeting held October 17, 2007 approved the minutes as presented on a motion made by Commissioner Amaral and seconded by Commissioner Rowland.

**SITE, LANDSCAPE, PARKING PLAN – DRIVE THROUGH COFFEE  
DB FRANCHISING USA, LLC BY ALAN HARPER **APPROVED****

Commissioner Darrow recused himself from participating in this agenda item to prevent a possible conflict of interest because he had a financial in a business on the project site within the past 12 months. He will exercise his right to comment as a member of the public but will not participate in the Commission discussion or decision.

The Commission reviewed the application for a site, landscape, and parking plan for construction of a Dutch Brothers Coffee Drive through building on the property located at 205 N. Main Street.

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

An encroachment permit shall be obtained from Cal Trans prior to any work in Main Street (State Route 3) public right-of-way and an encroachment permit from the City of Yreka Public Works Department prior to any work in the public right-of-way of North Street.

Permittee shall submit a drainage plan for review and approval by the Building Official and Public Works Director.

Applicant, Alan Harper, gave a background of the Dutch Brothers Coffee Company and responded to questions asked.

Jason Darrow expressed concern regarding the proposed ingress and egress locations as indicated on the site plan for the project. He stated new construction requires driveway access to be located 25 feet from a corner on a corner lot. He also expressed concern regarding the ingress from North Street because it does not allow enough stacking of vehicles.

Ginger Darrow expressed concern regarding loss of local jobs and revenue going to Medford.

Leanne Colson also expressed concern regarding loss of jobs.

Mr. Harper stated that the manager would probably be hired from out of the area but the other employees would be hired locally.

There being no further comments from the public, public comment was closed, Commissioner Darrow was asked to leave the room and discussion was opened to the Commission.

Following Commission discussion, Commissioner Amaral made a motion to approve the application for a site, landscape, and parking plan for construction of a Dutch Brothers Coffee Drive through building on the property located at 205 N. Main Street, Assessor's Parcel No. 53-272-030, CH zone, GC General Plan designation subject to the following additional conditions:

An encroachment permit shall be obtained from Cal Trans prior to any work in Main Street (State Route 3) public right-of-way and an encroachment permit from the City of Yreka Public Works Department prior to any work in the public right-of-way of North Street.

Permittee shall submit a drainage plan for review and approval by the Building Official and Public Works Director.

and the following modified condition:

As determined by the Director of Public Works if the Technical Committee recommended site plan as it relates to driveway accesses meets with law the plan is approved, otherwise the applicant can move the corner egress north on Main Street if feasible or rotate the building for egress only onto North Street and allow a double drive through.

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 conditions of approval:

**CONDITIONS:**

1. All conditions hereinafter set forth shall be complied with by the Permittee prior to issuance of a certificate of occupancy unless otherwise stated.
2. An encroachment permit shall be obtained from Cal Trans prior to any work in Main Street (State Route 3) public right-of-way and an encroachment permit from the City of Yreka Public Works Department prior to any work in the public right-of-way of North Street.
3. Permittee shall submit a drainage plan for review and approval by the Building Official and Public Works Director.

4. As determined by the Director of Public Works if the Technical Committee recommended site plan as it relates to driveway accesses meets with law the plan is approved, otherwise the applicant can move the corner egress north on Main Street if feasible and rotate the building for egress only onto North Street and allow a double drive through.
5. The site, landscape, and parking plan submitted by Alan Harper for DB Franchising USA, LLC received October 31, 2007 and approved or as modified pursuant to Condition No. 4, subject to conditions approved by the Planning Commission on November 27, 2007 shall not be changed or deviated from without approval of the Planning Commission. After construction of improvements, no changes in use of the existing structures and no additional structures shall be built, and no open space, off-street parking facilities and public access areas shall be altered without prior approval of the Planning Commission; provided, however, upon request of the Permittee and showing of good cause, the City Manager is authorized to permit minor modifications of the site plan without resubmission to the Planning Commission.
6. Adequate off-street parking shall be provided as follows: one space for each three seats plus one space for each employee of the maximum working shift as set forth in Section 16.54.020.A.5.a of the Yreka Municipal Code.
7. The design and location of the off-street parking facilities as shown on the site plan received October 31, 2007 and approved or as modified pursuant to Condition No. 4, subject to conditions approved by the Planning Commission on November 27, 2007, shall not be deviated from unless prior approval of the Planning Commission (with the exception as stated in Condition #5) is secured, and all loading, employee, and customer parking areas shall be paved and striped. Bumper rails or other barriers shall be provided where needed for safety or to protect property, as determined by the Director of Public Works and in accordance with Section 16.54.090 of the Yreka Municipal Code.
8. 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.
9. A final detailed landscape plan including size, quantity, botanical and common names shall be submitted for approval by City staff at time of building permit issuance.
10. All landscaping shall be installed, maintained, and replaced as necessary as depicted on the approved landscape plan, and shall be completed prior to issuance of a certificate of occupancy or until security is posted in the amount of one hundred fifty percent to cover the costs of the unfinished work.
11. Permittee shall submit an in ground automated irrigation system design with

specifications; the plan shall meet the requirements of Section 11.38.050 of the Yreka Municipal Code prior to building permit issuance, for approval by the City Manager or Building Official.

12. Permittee shall comply at all times with the zoning district regulations for a CH (Commercial Highway) zone as set forth in Section 16.36 of the Yreka Municipal Code.

13. Lighting will be directed inward toward the development and as low as possible. Appropriately designed light fixtures will be installed to prevent glare to adjoining properties.

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

15. Permittee shall obtain a building permit and shall pay the necessary fees therefore prior to starting construction of the office building.

**16. The site plan approval shall be automatically revoked and terminated if not used within one year from the date of approval unless, prior to the expiration of one year, a building permit is issued and construction is commenced. Approval may be extended upon written application to the Planning Commission before expiration of the first approval.**

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

AYES: Amaral, Knitter, Rolzinski, Rowland, Schettino  
NOES: None

Commissioner Darrow returned to the Commissioner's table.

**USE PERMIT – POSSIBLE REVOCATION  
PAULA RODRIGUEZ – 328 W. MINER STREET**

**REVOKED**

Commissioner Diane Knitter recused herself from participating in this agenda item to prevent a possible conflict of interest due to the fact she has ownership in property located within 500 feet of the project site.

Commissioner Rolzinski disclosed that he is a member of the Board of Trustees of the Elks Club which is within 500 feet of the project site. He has no financial interest in the Club therefore there is no conflict.

Further review of the matter of the revocation of Use Permit number 3785 came before the Commission at its special meeting on Tuesday, November 27, 2007.

A Use Permit, numbered 3785, to establish and operate an arcade and night club for teens

was approved by the Planning Commission on February 21, 2007 subject to certain Findings and Conditions. At a hearing before the Planning Commission on October 17, 2007, the Planning Commission imposed certain conditions in lieu of immediate revocation of the Use Permit. A true copy of the Use Permit, with its conditions, and the minutes of the Planning Commission of October 17, 2007, were included in the Planning Commission packet of information.

Conditions imposed at the October 17, 2007 hearing were:

In lieu of immediate revocation the permit shall be extended on additional conditions effective immediately, for review and possible revocation on November 27, 2007. If these additional conditions are not complied with, or if additional complaints have been received by November 27, 2007, then on that date the Planning Commission may take action to revoke the permit. The additional conditions are:

- In addition to those previously established, the Permittee shall have no more incidents at the premises of the Permit;
- Permittee shall develop and submit a plan to show how she will address the safety of the invitees to the Teen Center/Arcade, including how she will provide chaperones and monitor public safety issues immediately outside of the building, that plan shall be submitted for Planning Commission review and approval by not later than November 5, 2007;
- Permittee shall take immediate steps to conform all signs to the Yreka Sign Ordinances;
- For the safety of patrons, Permittee shall not cause the window in the front of the building to be covered or blocked, unless the interior lighting poses a distraction to motorists and pedestrians;
- Permittee shall maintain lighting at the rear of the building from dusk to dawn; no alcohol shall be permitted on the premises;
- The hours of operation for the arcade are established as noon to 9:00 PM during summer months; the hours of operation of the Teen Center are established as Fridays from 7PM to 11:45 PM and Saturdays from 6PM to 11:45 PM. Families are allowed to be present during regular hours of operation. The premises will be closed Sundays. No other hours of operation shall be allowed except upon approval of the Planning Commission;
- During the hours of operation Yreka Police Department shall have permission from Permittee to enter the premises and observe the activities on the premises.
- If no further complaints are made, other than those raised at the hearing on October 17, 2007, regarding the operation of the Teen Center the Planning Commission will consider making these conditions permanent on November 27, 2007.

On October 31, 2007, Planning Director, Pam Hayden, had a telephone conversation with Ms. Paula Rodriguez, in which they discussed the conditions which had been established

by the Planning Commission. Ms. Rodriguez told her that she was intending to temporarily close the business during the winter season and asked that further action on the Use Permit be deferred until she reopened the business. The signs were not discussed.

STAFF RECOMMENDED: So long as the signs are brought into compliance with Yreka Municipal Code, then continue the matter until the Planning Commission meeting in March 2008, for further review consistent with the terms imposed on October 17, 2007. If the signs have not been removed within 10 days, schedule this matter for revocation of permit on December 19, 2007, and vacate the continued hearing.

Applicant, Paula Rodriguez, was mailed a copy of the agenda for this meeting. Applicant was not in attendance at this meeting.

Commissioner's discussed the possible revocation of Use Permit No. 3785 to establish and operate an arcade and night club for teens and the fact that there had been no attempt to comply with the required conditions set forth at the October 17, 2007 meeting, specifically the following:

- Permittee shall develop and submit a plan to show how she will address the safety of the invitees to the Teen Center/Arcade, including how she will provide chaperones and monitor public safety issues immediately outside of the building, that plan shall be submitted for Planning Commission review and approval by not later than November 5, 2007;
- Permittee shall take immediate steps to conform all signs to the Yreka Sign Ordinances;
- For the safety of patrons, Permittee shall not cause the window in the front of the building to be covered or blocked, unless the interior lighting poses a distraction to motorists and pedestrians;

Therefore, Commissioner Schettino made a motion to revoke Use Permit No. 3785 to establish and operate an arcade and night club for teens issued to Paula Rodriguez for the property located at 328 W. Miner Street, Assessor's Parcel No. 53-361-060, and if the Permittee wants to reopen the business a new Use Permit Application must be submitted for review and possible approval by the Planning Commission, and allow application to be re-submitted without payment of application fees.

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

AYES: Amaral, Darrow, Rolzinski, Rowland, Schettino

NOES: None

Commissioner Knitter returned to the Commissioner's table.

**COMMISSIONER'S STATEMENTS & COMMENTS**

Commissioner Amaral asked if landscaping was proposed in front of the retaining wall at the Holiday Inn Express project. Staff will research and notify the Commission.

Commissioner Schettino asked why the \$2.00 landfill charge is still being collected from City residents when the City is no longer owner of the Landfill. City Attorney, McHugh, explained that the City still has debt on the Landfill and that fee makes a contribution to that debt.

Commissioner Rolzinski asked about the City's practice of requiring new auto read water meters for Commercial businesses. City Attorney, McHugh, explained that the new meters are to reduce the employee time required to read the meters.

There being no further business before the Commission, the meeting was adjourned at 9:30 p.m.

---

Pamela J. Hayden, Planning Director