



CITY OF CORNING
PLANNING COMMISSION MEETING MINUTES
TUESDAY, AUGUST 17, 2021
CITY COUNCIL CHAMBERS
794 Third Street
Corning, CA 96021

A. CALL TO ORDER: 6:30 p.m.

B. ROLL CALL:

Commissioners: Barron
Poisson
Mesker
Pendergraft
Chairman: Robertson

All members of the Commission were present except Commissioner Pendergraft.

C. BUSINESS FROM THE FLOOR: None.

D. MINUTES:

- 1. Waive the reading and approve the Minutes of the April 20, 2021 Planning Commission Meeting with any necessary corrections:**

It was announced that the title states Agenda instead of Minutes. Motion was made by Commissioner Barron to approve the Minutes with the correction to the title; Commissioner Poisson seconded the motion. **Ayes: Robertson, Barron, Poisson, and Mesker. Absent: Pendergraft. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Pendergraft absent.**

E. PUBLIC HEARINGS AND MEETINGS:

- 2. Approve Tentative Parcel Map 2021-0001 and Use Permit 2021-297 – Corning SC, LLC, Grocery Outlet. Applicant: Corning SC, LLC seeks Use Permit to construct an approximately 16,000 sq. ft. commercial building for sale of grocery store items and construct a 950 sq. ft. Drive Thru Coffee Shop on the same lot. The businesses are to be located along the east side of Edith Avenue approximately 424 feet north of the Solano St./Edith Ave. – Highway 99W Intersection. Address: 663 Edith Avenue, APN: 071-080-021.**

Public Hearing was opened at 6:35 p.m. Planner 1 Christina Meeds introduced this item and announced that applicant representatives Tim Bettencourt and Kathryn Kleinschmidt, PE, PTOE (Traffic Study), and Nick Wecker with Barghausen Consulting (for Dutch Bros.) were present. She stated that the proposed site is zoned properly for both proposed businesses. Ms. Meeds relayed some concerns that City Staff had regarding traffic issues and stated that, following receipt and review of the traffic study, Staff believes those concerns have adequately been addressed and mitigated.

Commissioner Mesker clarified the project boundaries and at the request of Commissioner Poisson the entry/exit to project traffic routes were clarified, it was stated that there will be two entry/exit sites off of Edith Avenue, one entry/exit on the south side; and another on the north side of the project. Information and projected traffic numbers were presented by the Project's Traffic Study Engineer.

Chetina College asked about the TRAX Bus Stop location, specifically if there is someone to contact about the location of the Edith Avenue Bus Stop to request that it not remain in front of a private residence? She was informed by the City Manager that the City cannot require the applicant to correct an existing problem, however the City will look into this.

An audience member, on behalf of the residential homeowners located close to the proposed project, stated their concerns relating to a buffer zone between the commercial businesses and the

residential homes. He was informed that there remains a vacant property between the proposed commercial project and that a masonry wall will be installed with the project as a sound barrier. Another audience member stated his belief that the project should be moved to another location.

With no further comments, at 7:10 p.m. Commissioner Poisson moved to close the Public Hearing; Commission Barron seconded the motion. **Ayes: Robertson, Barron, Poisson, and Mesker. Absent: Pendergraft. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Pendergraft absent.**

Commissioner Mesker moved that the Planning Commission approve Conditional Use Permit 2021-297 and Tentative Parcel Map 2021-0001 and:

1. Adopt the 5 Factual Subfindings and Legal Findings presented for Use Permit 2021-297; and
2. Approve Use Permit 2021-297 subject to the 29 Conditions of Approval as recommended by Staff. Commissioner Barron seconded the motion. **Ayes: Robertson, Barron, Poisson, and Mesker. Absent: Pendergraft. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Pendergraft absent.**

5 FACTUAL SUBFINDINGS AND LEGAL FINDINGS FOR USE PERMIT 2021-297

Factual Sub finding #1

The project proposes to construct a 16,000 sq. ft. building for the retail sales of grocery items, and a 950 sq. ft. drive – thru coffee, operation of the buildings will not involve the use of significant amounts of hazardous substances. The building is in an area zoned for commercial development. The project site has frontage along Edith Avenue where city water and sewer lines are available for use.

Legal Finding #1

The granting of Use Permit 2021-297 will permit the construction and development of a retail business in an area established with, and zoned for, commercial development where all necessary public services and facilities are available, and therefore exempt from CEQA pursuant to Section 15332.

Factual Sub finding #2

The site proposed for the development of a Grocery Outlet Store is located on a parcel that is zoned CH - CBDZ, Highway Service Commercial - Corning Business Development Zone.

Legal Finding #2

The establishment of a Grocery Outlet Store for the retail sale of grocery items is an allowed use in a CH -CBDZ Zoning District pursuant to the granting of a Conditional Use Permit by the Planning Commission.

Factual Sub finding #3

The parcel proposed for a Grocery Outlet Store is approximately 3.5 acres in size, has less than a 1% slope in topography from west to the east, and an appropriate shape for the retail sale of grocery items.

Legal Finding #3

The parcel proposed for a Grocery Outlet Store is adequate in size, shape, and topography.

Factual Sub finding #4

The parcel has approximately 190 feet of frontage and direct access to Edith Avenue.

Legal Finding #4

The site has sufficient access to Edith Avenue and existing frontage improvements are present including curb, gutter, and sidewalk. Driveway modifications will be required for access to the commercial building.

Factual Finding #5

Corning SC, LLC propose to construct a building (Grocery Outlet) for the retail sale of grocery items and a drive-thru coffee in an area established with existing retail businesses serving the City of Corning and surrounding area.

Legal Finding #5

The establishment of a Grocery Outlet Store and Drive-Thru Coffee will not have an adverse effect upon the use, enjoyment, or valuation of adjacent or neighboring properties or upon the public welfare.

29 CONDITIONS OF APPROVAL FOR USE PERMIT 2021-297

CONDITION #1 – AGENCY COMPLIANCE:

The development and continued operation of Grocery Outlet Store and Drive-Thru Coffee, permitted pursuant to Use Permit 2021-297, must comply with all applicable local, State, and Federal laws and regulations. Development of the site must be in substantial conformance with the site improvement plans submitted with the Use Permit application.

CONDITION #2 – HANDICAPPED PARKING:

Prior to public opening for the Grocery Outlet Store and Drive-Thru Coffee the applicant must designate and appropriately mark handicapped parking spaces as approved by the Building Official.

CONDITION #3 SIGN REGULATIONS:

All proposed signs must comply with the City of Corning sign regulations established by Ordinance 681.

CONDITION #4 – LANDSCAPING:

Developer shall install permanent landscaping pursuant to the requirements set forth in the Hwy 99W Corridor Specific Plan in all areas outside building footprint or parking lot and including landscaping within the adjacent public right of way along Edith Avenue. Landscaping shall be in accordance with approved Landscaping Plan, except as modified by these Conditions of Approval.

CONDITION #5:

Landscaping to be provided with permanent and automatic means of irrigation. Applicant's attention is specifically drawn to City Code Chapter 16.27, Ground Cover Standards, and the requirement to plant and maintain ground cover and trees.

CONDITION #6- REMOVE CONSTRUCTION DEBRIS:

Prior to public opening for the Grocery Outlet Store and Drive-Thru Coffee all construction debris must be removed from the site.

CONDITION #7 - FUGITIVE DUST PERMIT:

Prior to commencement of any type of construction activities the applicant must submit a construction emission dust/control plan and obtain a Fugitive Dust Control Permit from the Tehama County Air Pollution District and comply with the conditions of approval.

CONDITION #8 - OPEN BURNING:

No open burning shall occur on this parcel unless a special land clearing permit is obtained from the Tehama County Air Pollution Control District.

CONDITION #9 - COVER EXPOSED SOILS:

Areas denuded by construction activities and not scheduled for development for an indefinite period shall be seeded or covered by impervious materials to minimize water and wind erosion prior to the beginning of the rainy season (October 15th).

CONDITION #10 - GRADING PLANS:

Complete grading plans shall be submitted for approval by the City Engineer.

CONDITION #11 - CULTURAL RESOURCES:

If subsurface deposits believed to be cultural in origin are discovered during construction, then all

work must halt, and the City of Corning notified. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find. Work cannot continue at the discovery location until the archaeologist conducts sufficient research and data collection to decide that the resource is either **1)** not cultural in origin; or **2)** not potentially significant. If a potentially eligible resource is encountered, then the archaeologist, lead agency, and project proponent shall arrange for either **1)** total data recovery as a mitigation, or, preferably, **2)** total avoidance of the resource, if possible. The determination shall be formally documented in writing and submitted to the lead agency as verification that the provisions in CEQA for managing unanticipated discoveries have been met.

CONDITION #12 - HUMAN REMAINS:

If human remains, or remains that are potentially human, are discovered during project construction or implementation, all work must stop. The construction supervisor must notify the Corning Police Department immediately and take appropriate action to ensure that the discovery is protected from further disturbance or vandalism.

CONDITION #13 - STORMWATER POLLUTION PREVENTION PLAN:

Prior to any site disturbance or earthmoving activities on or adjacent to the project site, applicant shall obtain a Construction Stormwater Permit from the Regional Water Quality Control Board. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and submitted to the Central Valley Regional Water Quality Control Board. A WDID # must be assigned and provided to the City of Corning.

CONDITION #14 - SOILS INVESTIGATION:

Prior to the issuance of a building permit for construction of the building the applicant shall submit a soils investigation by a registered engineering geologist or civil engineer to determine if expansive soils requiring special foundation design is necessary. The Developer shall provide: **1)** certification assuring adequate compaction of filled lots in accordance with the Uniform Building Code; and **2)** for those lots with expansive soils, certification that the engineered foundation plans comply with building code requirements.

CONDITION #15 – DRAINAGE ANALYSIS:

Applicant shall provide a Drainage Analysis prepared by a registered Civil Engineer or Certified Hydrologist. The Analysis shall quantify the increased runoff resulting from a 25-year storm for a duration of four hours that will result from the development.

CONDITION #16 – STORM DRAIN RETENTION:

Storm Drain and retention facilities shall be in accordance with the Drainage Analysis, constructed to City Standards and approved by the Public Works Director.

CONDITION #17- SOILS INFORMATION:

Soils information (Soil Log) must be submitted to verify adequacy of on-site storm water retention designs.

CONDITION #18 - FINISHED GRADE:

Finished grade must be graded to direct runoff to stormwater drain facilities within the public right-of way or established drainage facilities (detention basins) constructed on the parcel. No lot-to-lot runoff is permitted.

CONDITION #19 - CONSTRUCTION HOURS:

Excavation and construction work shall occur only between the hours of 7:00 AM to 7:00 PM, Monday through Friday, and between the hours of 8:00 AM to 6:00 PM on weekends and federally observed holidays.

CONDITION #20 - CONSTRUCTION EQUIPMENT:

The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained. When feasible, existing power sources, such as power poles, or clean fuel generators should be used, rather than temporary power generators. Minimize idling time to 10 minutes.

CONDITION #21 - DEVELOPMENT IMPACT FEES:

Development of the Grocery Outlet Store and Drive-Thru Coffee at this location are subject to imposed Development Impact Fees to lessen the new development's impacts on City facilities and services. These fees shall be assessed and payable prior to issuance of a Building Permit.

CONDITION #22 – PUBLIC IMPROVEMENTS:

All public improvements shall be constructed in accordance with the Subdivision Ordinance of the City of Corning and required Public Works Standards.

CONDITION #23 - CURB, GUTTER, & SIDEWALK IMPROVEMENTS:

Any damaged curb, gutter, or sidewalk along the frontage of the proposed project shall be replaced as part of this project. Existing residential driveways shall be removed, and new commercial driveways shall be constructed per City of Corning Standards

CONDITION #24 - THERMOPLASTIC STRIPING:

Install proposed striping and signage improvements on Edith Avenue per the Technical Memorandum: Traffic Impact Analysis Memorandum (TIAM) for Grocery Outlet Development in Corning, CA prepared by GHD dated July 21, 2021. Existing on street parking along the frontage of the project shall be removed and a dedicated right turn lane shall be striped accordingly terminating at the north most driveway.

CONDITION #25 – BUS STOP:

Developer shall coordinate with Tehama Rural Area Express (TRAX) regarding the relocation of the existing bus stop located on Edith Avenue adjacent to the proposed project. The outcome of the coordination shall be that the bus stop is relocated adjacent to the site or in the same general vicinity.

CONDITION #26 - WATER & SEWER CONNECTIONS:

Water and sewer connections shall be completed in accordance with Public Works Specifications. All water meters to be Sensus compound meters to register in gallons.

CONDITION #27 – CONSTRUCTION OF FENCE: The Applicant will be required to construct a durable land use barrier (6'-0" high masonry wall or equivalent) along the residential boundary to the north that will mitigate noise and land use impacts caused by and/or affecting the proposed development.

CONDITIONS #28 –

Paint curbs red on Edith Avenue along the full width of the parcel to allow for emergency response.

CONDITION #29 –

Final Map to show all easements.

F. **PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR**: None.

G. **ADJOURNMENT!**: 7:20 p.m.

Lisa M. Linnet, City Clerk