



**CITY OF CORNING
PLANNING COMMISSION AGENDA
TUESDAY, JUNE 16, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. **ROLL CALL:**

Commissioners: Robertson
Reilly
Lopez
Hatley
Armstrong

C. **MINUTES:**

1. **Waive the Reading and Approve the Minutes of the:**
 - a. **May 19, 2009 Planning Commission Meeting; and**
 - b. **June 2, 2009 Special Planning Commission meeting with any necessary corrections.**

D. **BUSINESS FROM THE FLOOR:** If there is anyone in the audience wishing to speak on items not already set on the Agenda, please come to the podium, and briefly identify the matter you wish to have placed on the Agenda. The Commission will then determine if such matter will be placed on the Agenda for this meeting, scheduled for a subsequent meeting, or recommend other appropriate action. If the matter is placed on tonight's Agenda, you will have the opportunity later in the meeting to return to the podium to discuss the issue. The law prohibits the Commission from taking formal action on the issue, however, unless it is placed on the Agenda for a later meeting so that interested members of the public will have a chance to appear and speak on the subject.

E. **PUBLIC HEARINGS AND MEETINGS:** Any person may speak on items scheduled for hearing at the time the Chairman declares the Hearing open. **ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.**

2. **Approve Ordinance 635 – An Ordinance of the City of Corning adding a Chapter to Title 5 of the Corning Municipal Code that would regulate street vending in the City.**

F. **REGULAR AGENDA:** All items listed below are in the order which we believe are of most interest to the public at this meeting. However, if anyone in the audience wishes to have the order of the Agenda changed, please come to the podium, and explain the reason you are asking for the order of the Agenda to be changed.

3. **Tentative Tract Map 06-1009: Pursuant to Section 66452.6 of the Subdivision Map Act and Section 16.18.010(C) of the Corning Municipal Code request consideration of a 2-year time extension.**

G. **ITEMS PLACED ON THE AGENDA FROM THE FLOOR:**

H. **ADJOURNMENT:**

POSTED: FRIDAY, JUNE 12, 2009



**CITY OF CORNING
PLANNING COMMISSION MINUTES**

**TUESDAY, MAY 19, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

A. CALL TO ORDER: at 6:32 p.m.

B. ROLL CALL:

Commissioners: Robertson
Reilly
Lopez
Hatley
Armstrong

All Commissioners were present except Commissioner Hatley.

C. MINUTES:

- 1. Waive the Reading and Approve the Minutes of the April 21, 2009 meeting with any necessary corrections.**

Commissioner Reilly moved to approve the Minutes of the April 21, 2009 Planning Commission Meeting as written. Commissioner Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly and Armstrong. Opposed: None. Absent: Hatley. Abstain: None. Motion was approved by a 4-0 vote with Commissioner Hatley absent.**

D. BUSINESS FROM THE FLOOR: None.

E. PUBLIC HEARINGS AND MEETINGS: Any person may speak on items scheduled for hearing at the time the Chairman declares the Hearing open. ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.

- 2. Amend Use Permit 2008-250; Applicant AAA Truck Wash has applied to convert existing second story storage area into a three (3) bedroom apartment of approximately 1,860 square feet to house employees of the Truck Wash.**

Chairman Lopez introduced this item by title with a brief description of the site location and intended use. Planning Director John Stoufer clarified that the actual square footage of the apartment unit would be 1,860 square feet. He informed the Commission that the application for the massage parlor at this location had been rescinded. Mr. Stoufer stated that the only issue would be the conversion of the upstairs storage unit to an apartment. Mr. Stoufer also stated that Mr. Nelson, Engineer for the applicant is present to address any questions. Commissioner Reilly clarified exactly what was currently upstairs.

Mr. Stoufer stated that Commissioner Hatley was unable to be present tonight, however he was in the office today and spoke with Mr. Stoufer stating some of his concerns in regards to enforcement of Conditions. He also clarified exactly what a Use Permit is and the limits of their enforcement. Mr. Stoufer informed the Commission that a letter had been received from the property owner on the east (Vera Chandler) requesting that a fence be erected (an eight foot high commercial chain-link fence would be ideal). Ms. Chandler stated that should this barrier be required and constructed she would have no objections to the proposed use.

Commissioner Reilly confirmed that the property in question has only one owner.

Chairman Lopez then opened the public hearing at 6:48 p.m. Mr. Nelson addressed the Commission stating that the property owner is of Indian culture and generally they live where they work. They have also experienced some vandalism which they are hoping to eliminate by living at the site. Mr. Nelson stated that they are considering installing a restaurant downstairs at some

future date. He stated that they might not start the apartment at this time, but rather approach the Commission at a later date for a Permit to install a restaurant and do the apartment at that time. Planning Director Stoufer informed the Commission that they are not considering a restaurant at this time, only the apartment. Mr. Nelson stated that the property owner works seven days a week and it would be more convenient for them to live at the site.

Mr. Stoufer emphasized that the Commission needs to consider the Conditions. At this time there is no Condition requiring the fencing. Commissioner Robertson stated she did not see any problem with adding the requirement for chain link fencing. Chairman Lopez stated that he didn't believe it made sense at this time to require the fencing since there is no fencing on the side. He also stated he was concerned with the enforcement issue. Commissioner Reilly stated that he has concerns with some of the statements Mr. Nelson made relating to others in the Community interested in doing the same (building an apartment above/adjacent to the business), and that they are waiting to see how this goes. Mr. Reilly stated that he likes to see residential in Residential Zones, and commercial businesses in Commercial Zones; he really doesn't like Mixed Use Zones. Commissioner Armstrong stated some of his concerns, and asked if this is intended to be an additional income property through residential rental fees.

With no other comment Commissioner Robertson moved to close the public hearing. Commissioner Armstrong seconded the motion. **Ayes: Lopez, Robertson, Reilly and Armstrong. Opposed: None. Absent: Hatley. Abstain: None. Motion was approved by a 4-0 vote with Commissioner Hatley absent.**

Commissioner Reilly moved to deny Use Permit 2008-250. Commissioner Armstrong seconded the motion. **Ayes: Lopez, Reilly and Armstrong. Opposed: Robertson. Absent: Hatley. Abstain: None. Motion to deny Use Permit 2008-250 was approved by a 3-1 vote with Commissioner Hatley absent.**

F. REGULAR AGENDA:

3. Study Matter: Draft Street Vending Ordinance – Continued discussion of a Draft Street Vending Ordinance.

Chairman Lopez asked Mr. Stoufer if he had attended the Chamber of Commerce meeting prior to the last meeting; Mr. Stoufer stated that he had and that the Chamber Board had agreed with the verbage, however they would like to see something requiring door to door vendors to carry proof of possessing a business license similar to what Chairman Lopez suggested. It was acknowledged that doing this would be difficult to police.

Mr. Stoufer stated that if the Commission would like additional language added, or changed, now would be the time to add it before the Public Hearing. Chairman Lopez suggested contacting the City of Williams to see if they have some type of verbage that we could use. Commissioner Reilly stated that the proposed Ordinance is written very well, especially the section on Operational Requirements and the highlighted sentence at the bottom of this section. Commissioner Reilly stated that he completely trusts City Staff in reference to what they feel would be warranted. Chairman Lopez stated that he believes it is very well written and that the Commission should move forward with this. **No Action Required.**

G. ITEMS PLACED ON THE AGENDA FROM THE FLOOR: None.

It was announced that a Special Meeting would be held on June 2, 2009 at 6:00 p.m. for the Housing Element. The regularly scheduled Recreation Meeting will follow at 7:30 p.m.

H. ADJOURNMENT: 7:33 p.m.

Lisa M. Linnet, City Clerk



**CITY OF CORNING
SPECIAL MEETING
PLANNING COMMISSION MINUTES**

**TUESDAY, JUNE 2, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

A. CALL TO ORDER: at 6:00 p.m.

B. ROLL CALL:

Commissioners: Robertson
Reilly
Lopez
Hatley
Armstrong

All Commissioners were present except Commissioner Hatley.

Commissioner Hatley entered the meeting at 6:24 p.m.

C. BUSINESS FROM THE FLOOR: None.

D. PUBLIC HEARINGS AND MEETINGS: Any person may speak on items scheduled for hearing at the time the Chairman declares the Hearing open. ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.

1. Housing Element Update: Consider preliminary approval of the Housing Element Draft Goals, Policies, and Objectives.

Chairman Lopez introduced this item by title, opened the public hearing. Planning Director Stoufer further briefed the Commission on the timeline for review and approval of the Housing Element and then introduced Mr. Diaz of Diaz Associates, the consultant assisting with the development of the Housing Element.

Mr. Diaz stated that he and John had toured the town and noticed that many of the homes had single pane windows and probably lacked insulation. He emphasized that these are items that the State will look at.

Mr. Diaz outlined some of the changes in wording (new headings of "Policies" and "Lead City Departments and Implementation Measures" replaced the previous headings of "Implementing Policies" and "Responsible Agencies & Implementing Actions"), and clarified some of the abbreviations prior to moving forward with his PowerPoint presentation. Mr. Stoufer stated that some of the projects such as the Salado Orchard Apartments and Blossom Avenue Development both count towards meeting our goal...at this point we are close to meeting the 2014 goals.

Mr. Diaz outlined the various HP Goals (HP-1 through HP-11) and stated that Goal HP was expanded to add "very low" income households and explained some of the requisites under this section. He talked about the Mixed-Use classification and whether to identify sites at this time or not. He explained that by setting up a Mixed-Use Classification, Conditions can be set-up on what can and can't take place, and what is required/not required within this district. Once a classification such as this is established, it cannot be modified under a Conditional Use Permit, therefore the policy must be established at the time the classification is established.

Mr. Diaz then outlined the HC Goals (HC-1 through HC-9). He informed the Commission of the possible tax break incentive (HC-8) for preserving historic or architectural significant residences (HC-7).

Mr. Diaz emphasized the removal of the word "physical" which was previously used to qualify "disabilities" under the EH Goals. He outlined the recommended changes for the goals in the EH section stating that no changes are recommended for EH-4 and 7, and very little change for EH-5.

When discussing the RC Goals (1-7) Mr. Diaz explained some of the recommended changes, noting that no change is recommended for RC-2 and 4.

In discussing the PH Goals (1-6) Mr. Diaz explained that one of the items addressed here is a policy to convert apartments to condominiums. No changes are recommended for PH 3 and 4.

Mr. Diaz outlined the EC Goals 1-5 (to "Promote the efficient use of energy and contribute to the improvement of the air quality of the region" instead of "Reduce residential energy use within the City"). EC-1 should state: up to 25% density bonus, not the provision of a 25% density bonus to residential development projects.

Commissioner Reilly stated that the only concern he has is the issue of the mixed-use. He also stated that he appreciated Mr. Diaz's hard work. Chairman Lopez stated his belief that setting Conditions at the onset is the only way to do it, by doing this we can have a hand in regulating it under mixed-use for transitional housing. Commission Reilly agreed that we are required to have transitional housing and that by setting Conditions it is a way to place some controls.

Mr. Stoufer re-emphasized to the Commission that this is a draft and now is the time to suggest changes.

Mr. Diaz informed the Commission that our schedule is working well and that the next step is to submit the Draft Housing Element to HCD by June 12th.

By consensus of the Commission, Chairman Lopez closed the Public Hearing.

Commissioner Reilly moved to move forward and send the Draft Housing Element to HCD. Commissioner Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly, Hatley and Armstrong. Opposed: None. Absent/Abstain: None. Motion was approved by a 5-0 vote.**

E. **ADJOURNMENT: 7:08 p.m.**

Lisa M. Linnet, City Clerk

**ITEM NO. E-2
ORDINANCE NO. 635; AN ORDINANCE OF THE
CITY OF CORNING ADDING A CHAPTER TO TITLE
5 OF THE CORNING MUNICIPAL CODE THAT
WOULD DEFINE AND REGULATE STREET
VENDING IN THE CITY OF CORNING.**

JUNE 16, 2009

TO: PLANNING COMMISSION OF THE CITY OF CORNING

FROM: JOHN STOUFER, PLANNING DIRECTOR

BACKGROUND:

Staff prepared a Draft Street Vending Ordinance that defines Street Vending and places certain requirements applicable to the issuance of a business license. The language in the draft ordinance was a result of reviewing street vending ordinances from other cities and modifications as recommended by department review within the City.

A copy of the draft ordinance was presented to the Chamber of Commerce Board of Directors at their April monthly meeting and discussed by the Planning Commission as a study matter at the April and May Commission meetings. The review by the Chamber Board and Planning Commission resulted in minor modifications to the ordinance being considered at this Public Hearing.

Ordinance No. 635 will define "Street Vending" and require a street vendor to obtain a business license and meet location and operational requirements as stated in the ordinance. Additional location and operational requirements, other than those required by the ordinance, may be imposed if deemed warranted by City staff.

If adopted by the City the regulations set forth in the ordinance will be enforced by staff and the police department who will check street vendors to assure that they have obtained a business license prior to commencing with a street vending operation. The requirements set forth in the ordinance will be printed in English & Spanish and be distributed to current and future street vending operations within the Corning City limits.

PROPOSED ORDINANCE:

**ORDINANCE NO. 635
AN ORDINANCE OF THE CITY OF CORNING ADDING A
CHAPTER TO TITLE 5 OF THE CORNING MUNICIPAL CODE**

Street Vending

“Street Vending” means the act of any person or persons engaged or employed, whether temporary or not, in the business of selling, exhibiting for sale, or taking orders from consumers on private property adjacent to City Streets for any type of food product, goods, wares or merchandise. This definition applies to a person or persons vending food or other merchandise from pushcarts, vehicles, trailers, temporary stands or other readily mobile sources to customers within the City limits.

Business License Requirement

As specified in Title 5 of the Corning Municipal Code (CMC) any vending operation, except those that are part of a city recognized “Farmers Market” or found to be exempt as nonprofit organizations pursuant to Chapter 5.12 of the CMC, must obtain a business license from the City. In addition to a business license the sale of fireworks is governed by Section 8.18.040 of the CMC.

The business license must be posted and visible during hours of operation.

Prior to the City issuing a business license for street vending, the applicant must provide the following information:

- A) Completed application form, including a written description of the proposed vending activity.
- B) Proof of valid health permit(s), if required by applicable law or regulation as it applies to prepared or processed food products.
- C) Site plan (Sketch) identifying the property, type and location of the vending activity.
- D) The written approval of the property owner where such vending shall be conducted on private property.
- E) The location of available restrooms to be used by the vendor. The vending applicant shall provide rest room facilities as provided for in State Law and available within 100 feet of the vendor business site. If the vendor is proposing to use non-public restrooms, such as an adjacent business, the vendor must provide written approval from the business to use the restrooms.

Location Requirements.

1. Right-of-way. Stationary site street vending shall not be permitted in a roadway median, parkway or within any other public right-of-way.
2. Mobile or stationary site street vending is not permitted to set up or sell on any City Property or City Parking Lot.
3. City parks. Street vending shall not be permitted in any city parks unless participating in a City approved Community activity such as a Chamber of Commerce event, and such vendor shall apply to and receive permission to participate in the Community activity from the Chamber of Commerce or other City recognized event organizer.
4. Residential zoning districts. Stationary site street vending shall not be permitted in a residential zone.
5. Food vendors in residential zone. In residential zones a food vendor shall not stop in any single location for more than a 10 minute period.
6. Traffic safety visibility. No street vending shall be located where it will obstruct the safe line-of-sight distance at any intersections as determined by the Public Works Director.
7. Proximity to other items. No vending shall occur within 10 feet of a fire hydrant, fire escape, building entrance, bus stop, loading zone, handicapped parking space, access ramp, or any type of driveway entrance. A greater distance or separation may be required in order to preserve line-of-sight, or for other safety reasons. The vending activity shall not damage any landscaped areas.

Operation Requirements

1. Appearance and storage. The vendor shall maintain the area within which vending activities occur in a clean, safe, sanitary and dust-controlled condition. With the exception of fixed stands selling a food product grown on the site, the vendor must remove all evidence of vending and leave the site in a clean state at the close of each business day.
2. Obstructions and hazards. No vendor shall obstruct vehicular traffic, bicycle traffic, sidewalk pedestrian traffic, or accessibility to vehicles parked adjacent to the curb, and shall not create public health or safety hazards.
3. Signs. No more than one sign is allowed on the parcel in conjunction with the vendor. The sign shall not exceed 10 square feet and shall be affixed to the vehicles or devise from which the goods or merchandise are being sold.
4. Other applicable regulations. Each vendor must comply with other local, state and federal regulations pertaining to establishment and operation of a vending business.

Additional location and operational requirements may be imposed by the City for street vending operations if deemed warranted by City staff.

* * * * *

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Corning, held on _____ and adopted at a regular meeting of the City Council of the City of Corning, held _____, by the following vote:

AYES:

NOES:

ABSENT:

Abstain:

It shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it or a summary of it, shall be published once, with the names of Council persons voting for and against the same, in a newspaper of general circulation in the County of Tehama.

Gary R. Strack, Mayor

ATTEST:

City Clerk

PUBLISH: _____

ENVIRONMENTAL:

The California Environmental Quality Act (CEQA) Section 15061 (b) (3) states: "a project is exempt from CEQA if: The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt from CEQA."

This section is based on the idea that CEQA applies jurisdictionally to activities which have the potential for causing environmental effects. Where an activity has no possibility of causing a significant effect, the activity will not be subject to CEQA. This approach has been noted with approval in a number of appellate court decisions including the State Supreme Court opinion in *No Oil, Inc. v. City of Los Angeles*.

STAFF RECOMMENDATION:

Staff recommends the following Subfindings, Findings and Action for consideration by the Planning Commission:

Subfinding #1

Ordinance No. 635 will add a chapter to Title 5 of the Corning Municipal Code that will define and regulate "Street Vending" within the City of Corning.

Finding #1

The addition of a "Street Vending Ordinance" to the Corning Municipal Code, as proposed in Ordinance No. 635, will not cause a significant effect on the environment and is therefore exempt from CEQA pursuant to Section 15061 (b) (3)

Subfinding #2

Street vending operations locate on private property throughout the City of Corning and there is no way for the city or general public to know if the property owner has given the vendor permission to locate and sell items from the property.

Finding #2

Ordinance No. 635 will require that, prior to the City issuing a Business License, the applicant for the business license must provide written approval from the property owner allowing the street vendor to operate on the property and will eliminate any trespass issues associated with the street vending operation.

Subfinding #3

Street vending operations provide a community benefit such as patron convenience, community ambiance, increased street activity, and low-overhead business opportunities. There are also concerns that accompany street vending operations such as unfair competition for traditional retail and commercial businesses, public health, public safety, and aesthetics.

Finding #3

The City of Corning recognizes street vending as a desirable and beneficial incidental use of certain public and private space and that adoption of Ordinance 635 will assure that street vending operations will not impede other primary uses, and does not interfere with the rights or access of adjoining property owners and the general public.

ACTION:

Move to recommend that the City Council adopt the Subfindings and Findings as presented in the staff report (or as modified by the Commission) and approve and adopt Ordinance No. 635.

Or;

Make a motion to recommend that the City Council deny approval of Ordinance No. 635.

**ITEM NO: F-3
EXTENSION REQUEST; TENTATIVE TRACT
MAP 06-1009; LOCATED ON THE WEST
SIDE OF TOOMES AVENUE, APPROX. 600
FEET NORTH OF LOLETA AVENUE.
APN 71-300-03; APPROX. 11.42 ACRES;
JUNIPER RIDGE, LLC, (FORMERLY
HAMPTON DEVELOPMENT GROUP)**

JUNE 16, 2009

TO: PLANNING COMMISSION OF THE CITY OF CORNING

FROM: JOHN STOUFER, PLANNING DIRECTOR

PROJECT DESCRIPTION & BACKGROUND:

Pursuant to Section 66452.6 of the Subdivision Map Act, and Section 16.18.010 (C) of the Corning Municipal Code (CMC), a request for a 2 year time extension for Tentative Tract Map 06-1009, originally approved on August 8, 2006 by the Corning City Council subject to 51 conditions of approval, has been submitted. The Tentative Map, as approved, would allow the creation of 52 single family residential parcels with an average parcel size of 6,366 sq. ft.

Section 66452.21 (a) of the Subdivision Map Act, added by SB 1185 reads as follows, *"The expiration date of any tentative or vesting tentative subdivision map or parcel map for which a tentative or vesting tentative map, as the case may be, has been approved that has not expired on the date that the act that added this section became effective and that will expire before January 1, 2011, shall be extended by 12 months."* Tract Map 06-1009 received this 12 month extension and is currently active until August 8, 2009.

The project was originally submitted by The Hampton Development Group. The company associated with the Hampton Development Group, same investors, has requested that the name on the Tentative Map be changed to Juniper Ridge, LLC.

CORNING SUBDIVISION ORDINANCE:

The Corning Subdivision Ordinance (CMC Title 16) is the local ordinance that implements the provisions of the state Subdivision Map Act. The ordinance describes the process for consideration and approval or denial of subdivision applications. On April 14, 2009 the Corning City Council adopted Ordinance 634 that amended Section 16.18.010 (C) of the CMC to read as follows:

Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for an initial period of two years. Additional extensions, upon application of the subdivider, are available for a period or periods not to exceed the limits established by Section 66452.6 (e), or any amendments thereto, of

the California Government Code. If the advisory agency denies a subdivider's application for extension, the subdivider may appeal to the legislative body within fifteen days after the advisory agency denied the extension.

DENIAL CRITERIA:

Tentative Map time extensions are not automatic; the City has discretion to deny the requests. However, denials should not be capricious. The City should have a legitimate reason to deny an extension, and must make appropriate supporting findings. An example of a legitimate reason might be if the City had amended its General Plan, and designated the project site for non-residential use (commercial or industrial). In that case, the changing land use objectives of the community would be sufficient grounds for denial.

In this case there have been no Land Use Element revisions. The site remains designated for residential use and zoned R-1; Single-Family Residential. The approved tentative map complies with the General Plan and Zoning Code, therefore, staff recommends approval of a two-year extension.

STAFF RECOMMENDATION:

Move that the Planning Commission recommends the City Council

- **Approve a two-year time extension for Tentative Tract Map 06-1009 subject to the original 51 conditions as approved by the Corning City Council on August 8, 2006.**

ATTACHMENTS

EXHIBIT "A"- Original conditions of approval

EXHIBIT "B" -Reduced copy of tentative map

EXHIBIT "A"
CONDITIONS OF APPROVAL

1. **Underground Existing and Proposed Utilities.** All utilities, including existing and proposed electricity, telephone, gas, and cable television, shall be provided to each lot and installed underground. (IS Condition 1.a.)
2. **Fencing.** Solid 6'-0" tall fencing shall be installed at side and rear property lines prior to final inspections on building permits. (IS Condition 1.b.)
3. **Land Use Barrier.** *Construct a six-foot tall (min.) masonry wall to serve as a land use barrier along the west boundary of the subdivision. (IS Condition 1.c.)*
4. **Lot Landscaping.** *Front and street-side yards, including that portion of the street right-of-way located behind the sidewalk, shall be landscaped prior to final building inspection permit sign-off. Landscaping may include any combination of grass, groundcover, shrubs and/or trees and is subject to Planning Department approval. Not fewer than two trees (minimum sizes of 15-gallon) shall be planted within each front yard. Each lot shall be provided with a permanent method of irrigation for this landscaping. (IS Condition 1.d.)*
5. **Residential Façade Standards.** In accordance with Corning Municipal Code Section 16.21.135, the developer shall vary building floor plans, facades, trim, siding material, building colors, roof types, etc., to assure that identical homes are not constructed on adjacent lots.
(IS Condition 1.e.)
6. **Roof-Mounted Equipment Prohibition.** *No heating, ventilation, air-conditioning or similar types of equipment may be installed on the roof of any structure. (IS MM 1.f.)*
7. **Toomes Avenue Planter.** *Prior to approving occupancy of Parcels 36 a combination of trees, shrubs and groundcover shall be installed, irrigated and maintained within that 4'-6" portion of the Toomes Avenue right of way lying between the sidewalk and the fence along the east side of the lot (street side yard). Plant species, groundcover and irrigation method shall be subject to approval by the City of Corning. Maintenance costs shall be the responsibility of the lot owners within the development through the annual payments to a Landscape and Lighting District, Homeowners Association or other such organization approved by the City of Corning. (IS MM 1.g.)*
8. **Construction Debris.** Prior to approving occupancy for any residence, all construction debris shall be removed from the affected lot. (IS Condition 1.h.)
9. **Streetlights.** Install streetlights throughout the tract in accordance with City standards (150' spacing). Streetlights shall provide 90-degree "cut-off" lenses. (IS Condition 1.i.)
10. **Disclosure of Nearby Agricultural Operations.** An note shall be affixed to the front sheet of all recorded maps filed for this project. The note shall clearly state that the property is located near agricultural operations and that residents of the development may be adversely affected by dust, noise, odors and overspray of chemical fertilizers and pesticides, and that the City of Corning does not regard such operations as nuisances when conducted with proper and accepted standards. (IS MM 2.a.)

11. **Compliance with Regulations.** Development of Subdivision Map shall be in conformance with the approved tentative map, the Subdivision Ordinance of the City of Corning, Title 16 of the Corning Municipal Code, and the Subdivision Map Act. (IS Condition 3.a.)

12. **Open Burning.** No open burning shall occur on this property unless a land-clearing permit is obtained from the Tehama County Air Pollution Control District. (IS MM 3.b.)

13. **Wood Burning Stoves.** Wood Burning stoves shall meet the Only U.S. EPA Phase II certified wood-burning devices shall be installed in the subdivision. Total emissions shall not exceed 7.5 grams per hour from each dwelling. (IS MM 3.c.)

14. **Fugitive Dust.** Prior to commencing grading operations, the developer shall obtain a Fugitive Dust Control Permit from the Tehama County Air Pollution Control District. (IS MM 3.d.)

15. **Sprinkle Exposed Soils.** During construction, unprotected soils shall be sprinkled to minimize wind erosion. (IS MM 3.e.)

16. **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. (IS MM 3.f.)

17. **Grading Plans.** The developer shall submit complete grading plans for review and approval by the City Engineer. (IS Condition 3.g.)

18. **Finished Surfaces.** Upon completion of development, no substantial area shall remain where soils are completely uncovered. (IS MM 3.h.)

19. **Migratory Bird Survey.** A pre-construction Migratory Bird Survey shall be conducted during the nesting season (February-September) by a qualified biologist, no more than 30 days prior to the onset of construction/excavation. If nests are found and considered to be active, construction activities should not occur within 500 feet of the nests until the young have fledged. (IS MM 4.a.)

20. **Cultural Resources.** Should cultural resources be unearthed during excavation, all work in the immediate vicinity shall cease and the City of Corning shall be notified. Upon notice, the City or its consultant shall inspect the site to determine what, if any, steps necessary to address and mitigate the discovery. (IS MM 5.a.)

21. **Geological and Soils Conditions.** Prior to issuance of any grading or building permits, the developer shall demonstrate compliance with the recommendations (pg. 9 through 19) of the Geotechnical Engineering Report dated April 11, 2006. (MM 6.a.)

22. **Certify Fill.** Prior to issuing building permits, 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. (MM 6.b.)

23. Remove or Redistribute Topsoil. Topsoil shall be stockpiled and removed from the site or redistributed over graded surfaces in the backyard areas, at least five feet from the building pads and moisture conditioned and compacted. (In accordance with the recommendations included in the Geotechnical Engineering Report on Page 10) (IS MM 6.c., modified by PC action 7/18/06)

24. Construction Stormwater Permit and SWPPP. 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 Construction Period and Post Construction Period Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and presented to the Central Valley Regional Water Quality Control Board and presented to and approved by the City of Corning. The objective of the plan shall be no net loss of soil (above an undisturbed natural, stable background state) from the site due to erosion. All requirements of the SWPPP shall be completed as part of the required improvement plans and shall be maintained in the same manner. (IS MM 6.d.)

25. Grading Plan. The developer shall provide a grading plan for the project, which shall incorporate the recommendations of the Geotechnical Report dated April 11, 2006. The Grading Plan shall be subject to approval by the City Engineer. (IS Condition 6.e.)

26. Fire Hydrants. Fire hydrants shall be installed in accordance with City standards. Final position of fire hydrants to be subject to the approval of the City Fire Chief. The developer shall provide the City with one hydrant repair kit. (IS Condition 7.a.)

27. 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. (IS Condition 8.a.)*

28. Drainage Facilities. Storm Drain and detention facilities shall be in accordance with the Drainage Analysis, constructed to City Standards and approved by the Public Works Director. (IS Condition 8.b.)

29. Storm Water Drainage. Prior to recordation of the Final Map, the developer shall present improvement plans for detention of the net increase in run-off resulting from the development during a 25-year storm for a duration of 4 hours. (IS Condition 8.c.)

30. Stormwater Discharge. Overflow from the proposed detention pond shall gravity flow to discharge as directed by the City Engineer. An Encroachment Permit may be required from the Tehama County Public Works Department for its installation. The storm drain outfall line shall be sized to drain a tributary area larger than the subdivision. The tributary area shall be determined by the Developer's Engineer at a later date during design, and the size of the outfall line shall be subject to approval by the City Engineer and the County Engineer. Permits to install the storm water discharge may be required by the California Department of Fish and Game and the Regional Water Quality Control Board. (IS MM 8.d.)

31. First Flush. First Flush Mitigation measures shall be incorporated into the discharge if all of the storm water runoff from the subdivision does not first discharge into the proposed detention pond. (IS MM 8.e.)

32. **Minimum Floor Elevations.** The lowest floor elevations for residences occurring in the tract shall be at least one foot (1'-0") above the determined Base Flood Elevation. Additionally, garage floors shall not be less than 6" (0.5') above the Base Flood Elevation. (IS MM 8.f.)

33. **Final Map Note.** The final map shall indicate the minimum residential floor elevation for each lot. It shall also include a note stating the lot elevations shown provide the minimum 1'-0" residential floor "freeboard" requirements above the determined Base Flood Elevation. (IS Condition No. 8.g.)

34. **Base Flood Elevations.** The Final Map shall plot not fewer than three approximate cross-sectional contour lines to indicate the Base Flood Elevation expected to occur during a 100-year flood event. (IS Condition 8.h.)

35. **Final Improvement Plans Flood Flow Conveyance.** Final Improvement Plans shall provide for conveyance of the 100-year flood through the subdivision and shall utilize measures as described in the letter from Reeve and Associates dated June 19, 2006. Final Improvement Plans shall be subject to approval by the City Engineer. (IS Condition 8.i.)

36. **Construction Days and Hours.** Construction work shall occur only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 6:00 p.m. on weekends and federally observed holidays. (IS MM 11.a.)

37. **Landscape and Lighting District.** Prior to recordation of the Final Map, the developer shall establish, or become part of an existing, landscape and lighting district or other equivalent fund-collecting organization approved by the City of Corning to fund the operation and/or continued maintenance of street lighting, landscape strips in the public right-of-way and parkland/detention basin. The project engineer shall prepare an estimate of the annual maintenance costs for these facilities that shall be made part of the District formation procedure. (IS MM 13.a.)

38. **Park & Equipment.** The final map shall offer the 0.66-acre detention basin/park to the City of Corning. The improvement plans for the development shall include equipment and facilities such as, one swing set, a slide, two park benches, a drinking fountain, and a half court basketball court with backboard and pole, or other such facilities as approved by the Public Works Director. Specification for the facilities and their locations shall be subject to the approval of the Parks and Recreation Commission and the Public Works Director. The parksite area shall be lighted. Lighting shall be on automatic timers set to shut off at 10:00 p.m. Expenditures for park equipment shall be a credit toward Recreational Development Impact Fees appurtenant to the project. (IS Condition 14.a., modified by PC action 7/18/06 and CC action 8-8-06)

39. **Development Impact Fees.** Development of the project residences will require payment of City Development Impact Fees. (IS MM 15.a.)

40. **Toomes Avenue Right-of-Way Dedications.** The Final Map shall offer additional right-of-way dedication to provide a 30' half-width (60' full width) for Toomes Avenue along the project site frontages. (IS MM 15.b.)

41. **Toomes Avenue Improvements.** Prior to recordation of the Final Map, the developer shall improve the frontage sections of Toomes Avenue to provide full west half-width improvements as shown on Drawing S-18 (40' 2-lane street), including one 12' wide travel lane an 8' wide parking lane, curb, gutter and sidewalk, and complete an asphaltic concrete overlay for one lane width and limited shoulder (16') on the easterly half-width. Additionally, developer shall complete a 1½" asphalt concrete overlay, and/or reconstruction of Toomes Avenue north of the project site to Fig Lane to provide a 36 foot-wide traveled roadway to insure that the structural integrity of the roadway between the project site and Fig Lane will accommodate the projected vehicular traffic. Reconstruction of Toomes Avenue north of the project site shall be a pro-rated reimbursable expense, if and when property to the north of the project site is developed. (IS MM 15.c. modified in response to County letter dated Aug. 1, 2006)

42. **Street Names.** Final street names are subject to City approval and shall appear on the Final Map. (IS MM 15.d.)

43. **Interior Street Improvements.** Interior streets shall be improved in accordance with City of Corning Standard S-18 (40' 2 lane street). (IS MM 15.e.)

44. **Access Restrictions.** Lot 36 shall include a 1'-0" wide Non-Access strip along the Toomes Avenue street frontage. No driveways from this lot may encroach onto Toomes Avenue. (IS MM 15.f.)

45. **Sewer Main Depth & Size.** Developer shall verify the depth of the sewer line at Fig Lane and Toomes Avenue (or at the south end of the 8' sewer installed as part of the Fig Lane Tract TTM 05-1016) to verify that the proposed subdivision can gravity flow to the north via the Toomes Avenue sewer main. Minimum sewer main size on Toomes Avenue shall be 8 inch, with 2 feet per second (fps) velocity. (IS Condition 16.a.)

46. **Looped Water Main.** Applicant shall provide a looped water main system to serve the development. Improvement plans for the project shall show how this looping will occur. Final approval of the looping plan is subject to approval by the City Engineer. (Modified IS Condition 16.b. per City Engineer)

47. **Water and Sewer Lines.** The developer shall install sewer and water lines per City Public Works Standard S-11. (IS Condition 16.c.)

48. **Water Service.** The developer shall install water services and meters for each lot in accordance with Public Works Standard S-20. (IS Condition 16.d.)

49. **Sewer Service.** The developer shall install sewer services for each lot in accordance with Public Works Standard S-21. (IS Condition 16.e.)

50. **Postal Service.** Provide and install one or more "Cluster Box Units" (CBUs) for postal service at locations approved by the Corning Postmaster. CBU positions shall appear on the improvement plans for the subdivision. (IS Condition 16.f.)

51. **Barricades.** Provide street barricades at the temporary ends of Streets "B" and "D" in accordance with City Standard Drawing S-8. The finished barricades shall be painted bright white.

