



**DEVELOPMENT REVIEW
COMMITTEE
STAFF REPORT
AUGUST 22, 2023**

Prepared by: Amy Wolfson, City Planner

DATA SUMMARY

Application Number: 23PLN-24
Subject: Development Review Permit for site landscaping, ±4,800 square feet of outdoor seating area, and farmer's market structures.
Location/APNs: 111, 117, 129 and 151 W McKnight Way/029-350-07 & 09
Applicant: Mesa Management
Representative: Jeff Fitzpatrick, Solutioneer
Zoning/General Plan: Central Business (C-2)/Commercial
Entitlement: Development Review Permit
Environmental Status: Categorical Exemption

RECOMMENDATION:

1. That the Development Review Committee approve the McKnight Crossing Development Review Permit for the Farmer's Market structures as presented, or as modified by the Development Review Committee, which includes the following actions:
 - a. Determine the project Categorical Exempt pursuant to Section 15301, Class 1, of the California Environmental Quality Act (CEQA) and Guidelines, as detailed in the staff report;
 - b. Adopt Findings of Fact for approval of the Development Review Permit as presented in the Staff Report; and,
 - c. Approve the Development Review Permit for the Farmer's Market structures in accordance with the Conditions of Approval, attached to the Staff Report.
2. That the Development Review Committee recommends that the planning commission approve the outdoor dining spaces and the Master Sign Program amendment at the McKnight Crossing shopping center as presented, or as modified by the Development Review Committee, which includes the following actions:
 - a. Recommend that the planning commission determine the project Categorical Exempt pursuant to Section 15301, Class 1, of the California Environmental Quality Act (CEQA) and Guidelines, as detailed in the staff report;

- b. Recommend that the planning commission adopt Findings of Fact for approval of the Development Review Permit as presented in the Staff Report; and,
- c. Recommend that the planning commission approve the Development Review Permit in accordance with the Conditions of Approval, as presented in this Staff Report.

BACKGROUND:

Kmart vacated the ±80,000 anchor tenant space at 111 West McKnight Road at the end of 2021, after which Target began occupying the space and Mesa Management began planning an extensive renovation of the center. The McKnight Crossing façade, perimeter and parking lot landscaping, material, building signage, color alterations, and a ±2,500 square foot outdoor seating area (the Mix space) were approved by the Development Review Committee in January 2022. A two-year limited term permit for the farmer's market was approved by the planning commission at their December 20, 2022 meeting subject to a condition of approval requiring that the final design be approved by the DRC.

PROJECT PROPOSAL:

This Development Review Permit is for site landscaping and structural elements associated with the outdoor dining spaces, as well as review of the proposed farmer's market structures based on comments received at the December 20, 2022 planning commission meeting. Since the prior approval of the single outdoor dining space, the applicant has identified two other locations suitable for outdoor dining spaces, the Grove and the Midway, and has also proposed changes to the approved Mix space.

Farmer's Market Structures: As part of the planning commission discussion on the farmer's market structure, they asked the applicant to consider a revised design that addresses concerns regarding potential transient gathering during hours of non-operation and also address the potential maintenance concerns associated with wood structures. The applicant is proposing several small, stand-alone structures that "fold" closed so that they do not entice loitering or shelter seeking. The base of each structure is to be concrete and double as a storage space for a fold-out display table. An aluminum shade canopy would unfold and cantilever over the display table, supported by steel posts. The rear and, when folded closed, the front of each structure would feature a 4-foot high letter in "Farmer's Market." Additional site and structural details are included in Attachment 6.



***Not in operation,
awning folded down.***



***Operational,
folding table stowed***

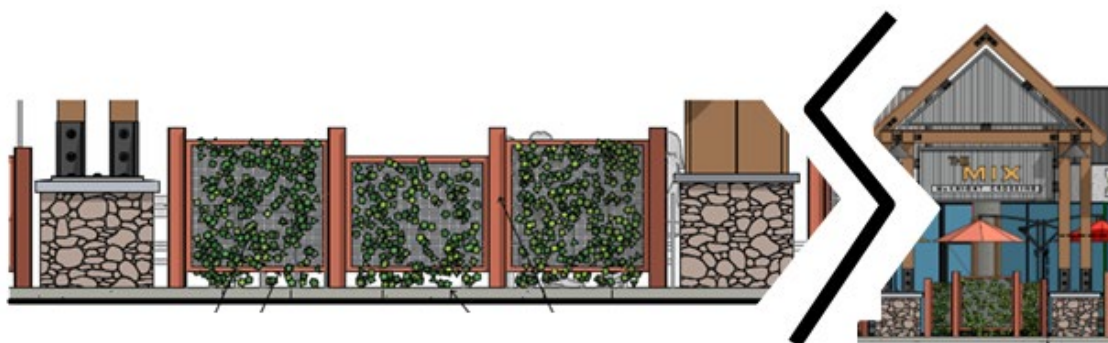


***Operational,
folding table out***

Regulatory Authority: Normally, limited term permits do not involve the erection of permanent structures. Because this proposal does include structures and physical improvements, the Development Review Committee is required to conduct a review pursuant to Section 17.72.030 (C) GVMC.

Outdoor Dining:

The Mix: The originally approved plans included a $\pm 2,500$ square foot outdoor dining space in the southwest corner of the shopping center, identified as “the Mix.”. The dimensions of the space are the same, but the architectural elements have changed, primarily with respect to the front barrier, which is now proposed to be a boardform wall instead of a Corten-framed mesh fence with climbing vine, and with respect to signage which was originally to be an overhead structure supported by a heavy timber frame, and is now a 12-foot high, stylized monument sign made of wood and metal (image in next section of this report). The Mix space will also feature two substantial steel-framed shade structures with corrugated steel roofing, which will support festoon lighting that spans the outdoor space. A sculpture garden is also proposed, featuring miners and a mule.



Previously approved Corten fencing and mesh with vine plantings, interspersed with stone columns.



Currently proposed boardform wall in front of “the Mix” and “the Midway” outdoor dining area

The Midway: This outdoor dining area is $\pm 1,300$ sq ft and is located just west of the Target shopping space, in front of Daily Donuts. It is similarly screened with a boardform wall, and features wheel barrel sculptures and festoon lighting supported by i-beam light posts.

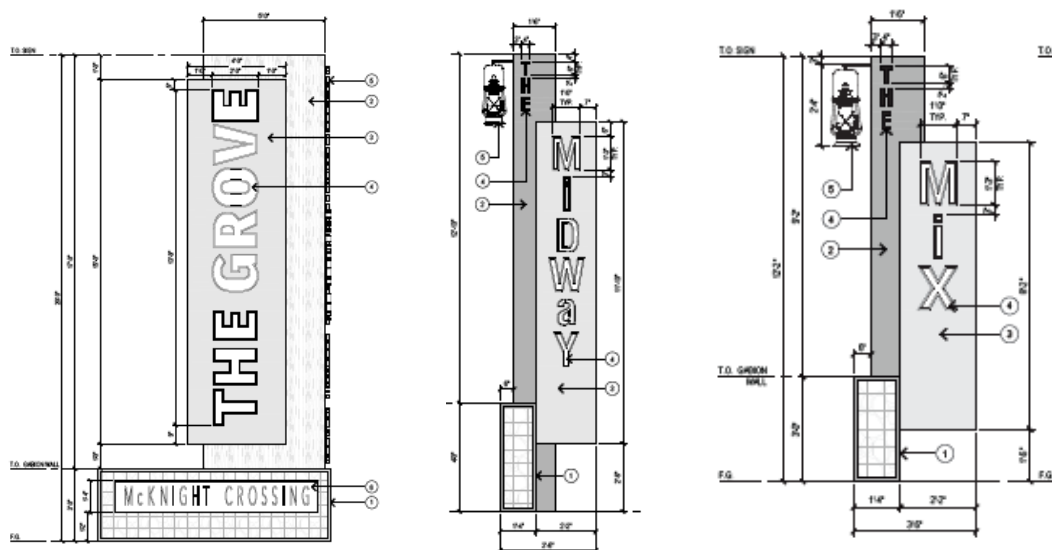
The Grove: The Grove outdoor dining area is located at the eastern-most building where Royal Dragon restaurant and Trkac are located. This area actually has two outdoor dining spaces including a new $\pm 1,500$ sq ft space next to Royal Dragon and a revamped existing ± 360 sq ft space serving Afternoon Deli. The new dining space is proposed to be buffered by a two-foot high, steel-framed gabion wall, with wire mesh-caged cobble rock. This space also features a deer sculpture garden and festoon lighting, supported by a steel post. The smaller space is enclosed by steel planters and rope.

Regulatory Authority: Pursuant to section 17.72.030 (D.3) GVMC, commercial projects in excess of 2,000 square feet, including outdoor use areas, require review by the Development Review Committee (DRC), and final action by the planning commission.

Several dining spaces feature festoon lighting, which is typically inconsistent with the city's standard to be "shielded or recessed" and several callouts on the plans indicate that particular lighting fixtures will be selected by a lighting consultant. Staff has included condition of approval no B.10, requiring that the applicant provide all lighting styles to the Planning Department for review prior to installation and that they may be approved so long as they are consistent with the standards outlined in section 17.30.060 GVMC, including shielding of festoon lighting.

Master Sign Program Amendment: At their December 20, 2022 meeting, the planning commission approved an amendment to the center's master sign program. The amendment was primarily intended to accommodate individual tenant signage, but also to accommodate the farmer's market signage, which was approved with individual letters not exceeding 15 inches in height. However, the revised design features lettering on both the back and front of the structures that is 2 feet and 4 feet in height, respectively.

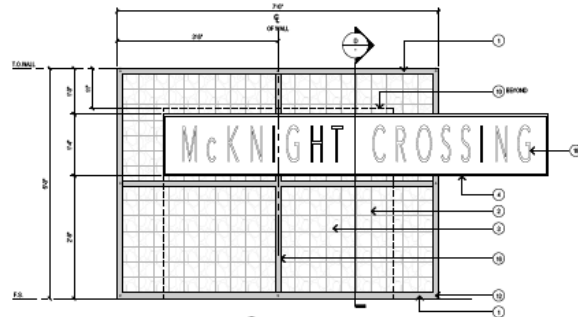
The applicant has also determined that branding for the Mix, the Midway, and the Grove will be useful to distinguish each of the outdoor dining spaces. To that end, they have proposed stylized monument signage with heights ranging from 12 to 20 feet at each of these locations. They have applied the same style of signage to a proposed "McKnight Crossing" entrance sign at the Taylorville Road entrance, which is a deviation from the style of signage already constructed at the two McKnight entrances. The stylized signs will bring cohesion to the center across the four parcels and may also serve as navigation markers for shoppers. The attached master sign program amendment includes language in support of each of the proposed signs, except for the Taylorville entrance sign which staff has conditioned to be amended to reflect the design as shown (condition B.9).



Outdoor Dining Signage



Signage style at McKnight entrances, and previously approved for Taylorville entrance



Currently proposed signage for Taylorville entrance.

Regulatory Authority: The Community Design Guidelines call for signs “to be compatible with other signs on the premises,” and to be “designed as an integral architectural element of the project.” The signage materials are consistent with materials throughout the project and harmonize the site components. Pursuant to Section 17.38.030 GVMC, a master sign program is to be reviewed and recommended by the development review committee (DRC) and approved by the commission for any site with two or more tenants or five or more total signs. An approval may include exceptions for typical signage height, area, and lighting styles.

GENERAL PLAN AND ZONING:

General Plan: The Grass Valley 2020 General Plan identifies the site as Commercial (COM). The intent of the Commercial General Plan designation includes all types of commercial retail and service establishments on the highway and along major streets.

Zoning: The C-2 Zoning designation applies to existing auto-oriented areas. The C-2 zone permits a full range of retail and restaurant uses.

SITE DESCRIPTION AND ENVIRONMENTAL SETTING:

The McKnight Shopping Center is divided into four parcels which include: 101 W McKnight Way (APN: 029-350-007), 115 W. McKnight Way (APN: 029-350-008), and 111 – 151 W McKnight Way (APNs: 029-350-009 & 010). These four parcels are covered by a Declaration of Restrictions and Grant of Reciprocal Easements, including parking.

The retail shopping center is anchored by Target, SPD, Big 5 and Banner Bank with subordinate tenants of Papa Murphy’s Pizza, Cash Advance, Baskin Robbins, Mountain Mike’s Pizza, AT&T, Gig Mart, Fish & Chips, Essential Salon, Laundromat, All Seasons Pools and Spas, and H&R Block. A separate building hosting Golden Dragon, Trkac, and Afternoon Deli, is located on the southeast side of the retail center.

ENVIRONMENTAL DETERMINATION:

The proposed project qualifies for a Categorical Exemption pursuant to Section 15301, Class 1, of the California Environmental Quality Act (CEQA) and Guidelines. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or

minor alternation of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The conversion of landscaped space to outdoor dining space is intended to serve business already operating and provide resting spots for shoppers. Therefore, the project is anticipated to result in a negligible or no expansion of the existing use.

FINDINGS:

1. The City received a complete application for Development Review Application 23PLN-24.
2. The Grass Valley Development Review Committee reviewed Development Review Application 23PLN-24 at their regular meeting on August 22, 2023.
3. The Development Review Committee reviewed the project in compliance with the California Environmental Quality Act and concluded that the project qualifies for a Class 1, Categorical Exemption in accordance with the California Environmental Quality Act and CEQA Guidelines.
4. This project is consistent with City's General Plan and any specific plan.
5. The project is consistent with the applicable sections and development standards in the Development Code.
6. The project, as conditioned, complies with the City of Grass Valley Community Design Guidelines.
7. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Development Code and the Municipal Code.
8. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.
9. The site is physically suitable in terms of design, location, shape, size, and operating characteristics. It ensures that the density, intensity, and type of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.

A. CONDITIONS (FARMER'S MARKET):

1. The approval date for DRC review of the farmer's market structures is August 22, 2023, with an effective date of Thursday, September 7, 2023, pursuant to Section 17.74.020 GVMC. This project is approved for a period of one year and shall expire on September 7, 2024, unless the project has been effectuated or the applicant requests a time extension that is approved by the Development Review Committee pursuant to the Development Code.

2. The final design shall be consistent with the Development Review application and plans provided by the applicant and approved by the Development Review Committee (23PLN-24). The project is approved subject to plans on file with the Community Development Department. The Community Development Director may approve minor changes as determined appropriate.
3. If storage of materials and equipment are to occur on site, the location of the storage areas shall be shown on the site plan. The approval of the storage areas shall be to the satisfaction of the Community Development and Public Works Directors. Storage areas shall be removed prior to Final Inspection.
4. Prior to any work occurring, building permits shall be obtained from the Community Development Department, Building Division.
5. The applicant agrees to defend, indemnify, and hold harmless the City of Grass Valley in any action or proceeding brought against the City of Grass Valley to void or annul this discretionary land use approval.

B. RECOMMENDED CONDITIONS (OUTDOOR DINING, SIGN PROGRAM AMENDMENT):

1. The approval date for planning commission review is <TBD> with an effective date of Thursday, <TBD>, pursuant to Section 17.74.020 GVMC. This project is approved for a period of one year and shall expire on <TBD> unless the project has been effectuated or the applicant requests a time extension that is approved by the Development Review Committee pursuant to the Development Code.
2. The final design shall be consistent with the Development Review application and plans provided by the applicant and approved by the planning commission (23PLN-24). The project is approved subject to plans on file with the Community Development Department. The Community Development Director may approve minor changes as determined appropriate.
3. If storage of materials and equipment are to occur on site, the location of the storage areas shall be shown on the site plan. The approval of the storage areas shall be to the satisfaction of the Community Development and Public Works Directors. Storage areas shall be removed prior to Final Inspection
4. Prior to any work occurring, building permits shall be obtained from the Community Development Department, Building Division.
5. Prior to review at the planning commission meeting the applicant shall submit preliminary landscaping plans that reflect the landscaping shown in the outdoor dining renderings and is also consistent with proposed master sign program amendment shall be updated with language that reflects the McKnight Crossing sign design, identified as sign no. 5.
6. The applicant's landscape architect shall submit a letter specifying that the landscaping and irrigation has been installed in accordance with the approved landscape plans.

7. The applicant's landscape architect or landscape contractor shall submit to the City for approval the "certificate of completion" form as required by MWELO.
8. The applicant shall conduct an irrigation audit pursuant to the requirements of the MWELO. This shall be conducted by a third-party certified landscape irrigation auditor that did not install or design the landscape and irrigation. Prior to the audit City must confirm the selected auditor complies with MWELO requirements.
9. Prior to review at the planning commission meeting the proposed master sign program amendment shall be updated with language that reflects the McKnight Crossing sign design, identified as sign no. 5.
10. Prior to installation, the applicant shall provide all lighting styles to the Planning Department to review for consistency with standards outlined in section 17.30.060 GVMC, including shielding of festoon lighting.
11. The applicant agrees to defend, indemnify, and hold harmless the City of Grass Valley in any action or proceeding brought against the City of Grass Valley to void or annul this discretionary land use approval.

ATTACHMENTS:

1. Aerial Map
2. Vicinity Map
3. Landscape Plans including Outdoor Dining Areas
4. Outdoor Dining Renderings
5. Mural Proposal (not reviewed by DRC)
6. Farmer's Market Structure Design
7. Master Sign Program Amendment