



**CITY OF CORNING
PLANNING COMMISSION MEETING MINUTES
TUESDAY, NOVEMBER 16, 2021
CITY COUNCIL CHAMBERS
794 THIRD STREET
CORNING, CA 96021**

A. CALL TO ORDER: 6:31 p.m.

B. ROLL CALL:

**Commissioners: Barron
Poisson
Mesker
Pendergraft
Chairman: Robertson**

All members of the Commission were present except Commissioners Poisson and Mesker.

C. BUSINESS FROM THE FLOOR: None

D. MINUTES:

- 1. Waive the reading and approve the Minutes of the August 17, 2021 Planning Commission Meeting with any necessary corrections:**

Commissioner Barron moved to approve the Minutes of the August 17, 2021 Planning Commission Meeting; Commissioner Pendergraft seconded the motion. **Ayes: Barron, Pendergraft, and Robertson. Absent: Poisson and Mesker. Abstain/Opposed: None. Motion was approved by a 3-0 vote with Poisson and Mesker absent.**

E. PUBLIC HEARINGS AND MEETINGS:

- 2. Conditional Use Permit No. 2021-299 – Yaya’s Tacos; Yaya’s Tacos has applied for a Use Permit to allow for on-site consumption of alcohol in a restaurant established in the City of Corning. Location: Approximately 60 feet north of the 4th St./Yolo St. intersection; address: 615 4th Street; APN: 71-116-06.**

This was presented by Planner 1 Christina Meeds. The Public Hearing was opened; with no comments, the Public Hearing was closed.

Commissioner Pendergraft moved to revoke Conditional Use Permit 2020-292 and adopt the 4 Factual Subfindings and Legal Findings as presented and approve Conditional Use Permit 2021-299 subject to the five (5) Conditions of Approval. Commissioner Barron seconded the motion. **Ayes: Barron, Pendergraft, and Robertson. Absent: Poisson and Mesker. Abstain/Opposed: None. Motion was approved by a 3-0 vote with Poisson and Mesker absent.**

Factual and Legal Subfindings and Findings:

Factual Subfinding #1

Yaya’s Tacos is proposing to sell beer and wine in the established Restaurant. Beer and wine are commonly served with meals in restaurants throughout the City of Corning. Obtaining an on-sale license from the ABC will not change the nature of the operation.

Legal Finding #1

The granting of Use Permit 2021-299 is a negligible expansion of a Restaurant that is permitted to serve food and beverages and therefore exempt from CEQA pursuant to Section 15301, Class

Factual Subfinding #2

The parcel where Yaya’s Tacos is located is zoned M-1 – Light Industrial Zoning District, Section 17.26.020 (A) states that uses permitted in the C-3; General Commercial District are permitted in an M-1 Zone upon the securing of a Conditional Use Permit. The C-3 Zoning District allows uses permitted in C-2 zones which specifically allow cafes and restaurants.

Legal Finding #2

The sale and consumption of beer and wine within a business is a permitted use in the C-2 Zoning District upon the granting of a Use Permit pursuant to Section 17.54.020 (1) of the City of Corning Zoning Code.

Factual Subfinding #3

The applicants propose to serve beer and wine in a business known as Yaya's Tacos.

Legal Finding #3

The existing building is adequate in size, shape, and topography to allow for the serving of beer and wine in the Yaya's Tacos Restaurant.

Factual Subfinding #4

The existing building is located along the east side of Fourth St.

Legal Finding #4

Fourth Street is an existing public road adequate in width and pavement to carry the amount of traffic generated by the expanded use at Yaya's Tacos.

CONDITIONS OF APPROVAL:

Condition #1

The Applicant must comply with the requirements of the Alcoholic Beverage Control (ABC) and be issued a license prior to the sale or serving beer and wine at the business known as Yaya's Taco restaurant.

Condition #2

The Applicant must comply with all local, state, and federal regulations especially those imposed by the City of Corning's Building and Fire Departments as well as the Tehama County Environmental Health Department.

Condition #3

Comply with the City of Corning Sign Regulations.

Condition #4

The Applicant must comply with the requirements of the Tehama County Environmental Health Department.

Condition #5

Mrs. Flores must supply one ADA parking space

- 3. Conditional Use Permit No. 2021-300 – Mariscos La Hacienda Restaurant has applied for a Use Permit to allow for on-site consumption of alcohol in a restaurant established in the City of Corning. Location: Northeast corner of Fairview and Solano St. intersection; Address: 1728 Solano St.; APN: 71-094-004.**

This was presented by Planner 1 Christina Meeds. The Public Hearing was opened; with no comments, the Public Hearing was closed.

Commissioner Pendergraft moved to adopt the five (5) Factual Subfindings and Legal Findings as presented and approve Conditional Use Permit 2021-300 subject to the three (3) Conditions of Approval. Commissioner Barron seconded the motion. **Ayes: Barron, Pendergraft, and Robertson. Absent: Poisson and Mesker. Abstain/Opposed: None. Motion was approved by a 3-0 vote with Poisson and Mesker absent.**

Factual Subfindings and Legal Findings (5):

Factual Subfinding #1:

The Mariscos Altamar LLC Restaurant is an established restaurant that currently serves food and non-alcoholic beverages. Beer and wine are commonly served with meals in restaurants throughout the City of Corning. Obtaining an on-sale license from the ABC will not change the nature of the existing operation.

Legal Finding #1: The granting of Use Permit 2021-300 is a negligible expansion of the previous exiting use of this building and therefore exempt from CEQA pursuant to Section 15301, Class 1.

Factual Subfinding #2:

The parcel where the Mariscos Altamar LLC Restaurant is established is zoned C-3-General Business District.

Legal Finding #2:

The sale and consumption of beer and wine within a business is a permitted use in the C-3 Zoning District upon the granting of a Use Permit pursuant to Section 17.54.020(1) of the City of Corning Zoning Code.

Factual Finding #3:

The applicants propose to serve beer and wine in an established business know as Mariscos Altamar LLC Restaurant.

Legal Finding #3:

The existing building is adequate in size, shape, and topography to allow for the serving of beer and wine in the Mariscos Altamar LLC Restaurant.

Factual Finding #4:

The existing building used as Mariscos Altamar LLC Restaurant is located along the north side of Solano St.

Legal Finding #4:

Solano Street is an existing public road adequate in width and pavement to carry the amount of traffic generated by the expanded use at Mariscos Altamar LLC Restaurant.

Factual Finding #5:

The existing building where the Mariscos Altamar LLC Restaurant is established is located in an area that is developed with commercial businesses in the downtown area of Corning.

Legal Finding #5:

Providing for the sale and serving of beer and wine at the building located at 1728 Solano St. within the City of Corning will not have an adverse effect upon the use, enjoyment, or valuation of adjacent or neighboring properties or upon the public welfare.

Conditions of Approval:

Condition #1:

The applicant must comply with the requirements of the Alcoholic Beverage Control (ABC) and be issued a license prior to the sale or serving beer and wine at the business know as the Mariscos Altamar LLC Restaurant.

Condition #2:

The applicant must comply with all local, state, and federal regulations especially those imposed by the City of Corning's Building and Fire Departments as well as the Tehama County Environmental Health Department.

Condition #3:

Comply with the City of Corning Outdoor Advertising Sign Regulations.

F. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR: None

G. ADJOURNMENT!: 6:43 p.m.

Lisa M. Linnet, City Clerk