



**CITY OF CORNING  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, SEPTEMBER 20, 2022  
CITY COUNCIL CHAMBERS  
794 THIRD STREET  
CORNING, CA 96021**

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

**B. ROLL CALL:**

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

All members of the Commission were present.

**C. BUSINESS FROM THE FLOOR: None.**

**D. MINUTES:**

- 1. Waive the reading and approve the Minutes of the August 16, 2022 Planning Commission Meeting with any necessary corrections.**

Commissioner Barron moved to approve the Minutes; and Commissioner Poisson seconded the motion. **Ayes: Robertson, Barron, Mesker, Poisson, and Lamb. Motion was approved by a 5-0 vote.**

**E. PUBLIC HEARINGS AND MEETINGS:**

- 2. Public Hearing: Use Permit 2022-306; Adriana Valdovinos to establish a Mobile Vending Business in parking lot of Liquor Warehouse at 3070 Hwy. 99W approximately 433 feet north of the South Avenue/Highway 99W Intersection. APN: 087-040-057.**

City Planner II Christina Meeds presented this item stating that Adriana Valdovinos has applied to establish a Mobile Vending Business to be located in the parking lot of Liquor Warehouse located on the west side of Highway 99W approximately 433 feet north of the South Avenue/Hwy. 99 W intersection (3070 Hwy. 99W). This site is currently zoned C-3 General Business District CBDZ. The proposed project use has been determined not to have a significant effect of the environment and therefore exempt from the provisions of CEQA. She then provided the four Factual Subfindings and Legal Findings and the proposed three (3) Conditions of Approval. Chairperson Robertson then opened the Public Hearing.

Following comments and discussion, Commissioner Poisson moved to close the Public Hearing; Commissioner Barron seconded the motion. **Ayes: Robertson, Barron, Mesker, Poisson, and Lamb. Motion was approved by a 5-0 vote.**

Commissioner Barron moved to adopt the four (4) Factual Subfindings and Legal Findings as presented and approve Use Permit 2022-306 permitting the establishment of a Mobile Food Vendor in the parking lot located at 3070 Hwy. 99W subject to the three (3) Conditions of Approval as recommended by Staff. Commissioner Poisson seconded the motion. **Ayes: Robertson, Barron, Mesker, Poisson, and Lamb. Motion was approved by a 5-0 vote.**

**Factual Subfindings and Legal Findings:**

**Legal Finding #1:**

The granting of Use Permit 2022-306, permitting the owner of Pinchi's Tacos to open and operate a mobile food truck in an existing parking lot located at 3070 HWY 99W and. establish a business for herself, is a negligible expansion of the existing use of this parking lot and therefore exempt from CEQA pursuant to Section 15332, Class 32.

**Factual Subfinding #1:**

This project will allow the owner of Pinchi’s Tacos mobile food vending to establish a business in the existing parking lot of Liquor Warehouse.

**Legal Finding #2:**

The establishment of a mobile vendor business is a permitted use in the C-3 Zoning District upon the granting of a Use Permit pursuant to Section 17.47.020 (D) of the Corning Municipal Code.

**Factual Subfinding #2:**

The parcel where the proposed mobile vendor will be established is zoned C-3 CBDZ.

**Legal Finding #3:**

The existing parking lot is adequate in size, shape, and topography to allow the establishment of a mobile vendor for the proposed businesses

**Factual Subfinding #3:**

The applicant proposes to establish a mobile vending business in the existing parking lot of an established business.

**Legal Finding #4:**

Highway 99 W and South Ave. are existing public roads adequate in width and pavement to carry the traffic generated by the establishment of a mobile vending food truck at an existing parking lot.

**Factual Subfinding #4:**

The existing proposed location for the establishment of a mobile vendor located along the west side of HWY 99W.

**Conditions of Approval:**

**CONDITION #1 - ANNUAL INSPECTIONS:**

Must comply with all annual inspections by the Planning, Building, and Fire Departments.

**CONDITION #2 SIGN REGULATIONS:**

The business must comply with the City of Corning sign regulations established by Resolution 10-25-05-01

**CONDITION #3 WILL NEED TO COMPLY WITH ORDINANCE 699.**

Owner must comply with the new City of Corning Ordinance 699 that will take effect on October 13<sup>th</sup>. Owner will have 90 days to comply.

**3. Public Hearing: Adopt Resolution 09-20-2022-01, a Resolution recommending City Council adopt Ordinance 702 amending Title 17 to add Chapters 17.70 and 17.71 establishing regulations regarding Urban Dwelling Units and Urban Lot Splits in Single Family Residential Zones.**

City Planner II Christina Meeds presented this item confirming that the required 10-day Public Notice had been published with no comments received. She then explained that on September 16, 2021, Senate Bill (SB) 9 was signed into law by Governor Newsom, taking effect on January 1, 2022. SB 9 allows all properties within a “single-family residential zone” to be developed with two units and be subdivided into two parcels, irrespective of local development standards. There are two new types of development that must be reviewed ministerially under SB 9:

- Two Unit Development – Allows a single-family residential parcel to be developed with two primary dwelling units instead of just one, including an Accessory Dwelling Unit (ADU) and a Junior Accessory Dwelling Unit (JADU), for a total of four dwelling units.
- Urban Lot Split – Allows a single-family residential parcel to be subdivided into two parcels and for each parcel to be developed with two primary dwelling units. Local jurisdictions are not required to approved ADU’s or JADU’s on lots created by an Urban Lot Split.

SB 9 allows a local jurisdiction to impose objective zoning, design, and subdivision standards, but is prohibited from applying any standard(s) that would preclude the construction of two units of less than 800 square feet on any single-family zoned property. Also, no setbacks are required for an existing structure or for new construction in the same location and having the same dimensions as an existing structure. Additionally, a local jurisdiction is precluded from applying side or rear setbacks greater than four feet or requiring onsite parking for properties within one-half mile walking distance of either a high-quality transit corridor or a major bus stop, or within one-block of a car share vehicle.

A local agency may deny a proposed housing development project if the Building Official makes a written finding that based upon a preponderance of the evidence the proposed housing development project:

1. Would have a specific, adverse impact upon public health and safety or the physical environment; and
2. There is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

The proposed Ordinance seeks to add two new chapters to the Corning Municipal Code to address SB 9, rather than combine the two. Chapter 17.70 will pertain to urban lot splits and Chapter 17.71 will focus on two-unit development on the same lot. For both the lot splits and two-unit development, the parcel cannot be (1) prime farmland, (2) wetlands, (3) within a high fire severity zone, (4) a hazardous waste site, (5) within a delineated earthquake fault zone, (6) within a special flood hazard zone, (7) within a regulatory floodway, (8) lands identified for conservation in adopted natural community conservation plan, (9) a habitat for a protected species, and (10) lands under a conservation easement. Further, under both chapters, the owner must sign a declaration/affidavit, which will be recorded on the property stating that the property will remain residential before the building permit will be issued.

The Public Hearing was opened; with no comments Commissioner Mesker moved to close the Public Hearing; Commissioner Barron seconded the motion. **Ayes: Robertson, Barron, Mesker, Poisson, and Lamb. Motion was approved by a 5-0 vote.**

Commissioner Poisson moved to approve Resolution 09-20-2022-01 recommending the City Council adopt Ordinance 702; Commissioner Lamb seconded the motion. **Ayes: Robertson, Barron, Mesker, Poisson, and Lamb. Motion was approved by a 5-0 vote.**

4. **Public Hearing: Adopt Resolution 09-20-2022-02, a Resolution recommending City Council adopt Ordinance 703, an Ordinance deleting Chapter 17.24 and amending Chapters 17.22, 17.47 and 17.48 of the Corning Municipal Code to permit all Commercial Uses within the CH Highway Service Commercial Overlay District.**

Planner II Christina Meeds presented this item confirming that the required 10-day Public Notice had been published with no comments received. She then explained that In 1997, the Corning City Council enacted multiple zoning ordinances which each carried out specific purposes prescribed by the Highway 99W corridor specific plan. The intent was to create freeway oriented commercial development within the specific zones. These overlay districts included the CH Highway Service Commercial Overlay District (Chapter 17.48), which was part of the CBDZ Corning Development Zone (Chapter 17.47.). The development zone sets forth the design guidelines and intent of the Development, while the development zone sets forth the zoning requirements.

Pursuant to the CH Highway Service Commercial Overlay District, only the following types of commercial businesses are allowed:

Highway service types of commercial uses, which in the opinion of the Planning Commission, are of a character similar to the following: Gasoline service stations, restaurants, motels, and recreational vehicle services; and incidental uses on the same lot which are necessary for the operation of any permitted use; an on-site residence

not to exceed one-third the square footage of an active business establishment and occupied by the owner/proprietor or their agent. Such residence is to be a secondary use to an active commercial enterprise, either upstairs or in the rear with the storefront remaining commercial. No residential garage shall be permitted.

Additionally, any uses within the CH Highway Service Overlay District require a Conditional Use Permit before they can operate. In effect, there are no uses within this area that can operate as a matter of right.

Over time, it has become clear that providing a very narrow type of use for the properties and requiring a Conditional Use Permit is not only substantial but may discourage development in the area. The Conditional Use Permit itself already allows the City to approve the development and condition the project as needed.

The proposed Ordinance seeks to remove the requirement that the use is a “gasoline service station, restaurant, motels and recreational vehicle services; and incidental use”, and instead, require only that the use is commercial as permitted in C-1, C-2, or C-3. This opens up the potential use to many other types of commercial development, but still requires a Conditional Use Permit.

Chapter 17.22 is proposed to be amended to correct an incorrect reference to Chapter 17.24. The reference to M-1 and M-2 zoning districts should be Chapters 17.26 and 17.28, respectively.

The Public Hearing was opened; with no comments Commissioner Barron moved to close the Public Hearing; Commissioner Poisson seconded the motion. **Ayes: Robertson, Barron, Mesker, Poisson, and Lamb. Motion was approved by a 5-0 vote.**

Commissioner Mesker moved to approve Resolution 09-20-2022-02 recommending the City Council adopt Ordinance 703; Commissioner Lamb seconded the motion. **Ayes: Robertson, Barron, Mesker, Poisson, and Lamb. Motion was approved by a 5-0 vote.**

**F. REGULAR AGENDA: None.**

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

**H. ADJOURNMENT!: 7:18 p.m.**

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**Lisa M. Linnet, City Clerk**