



**CITY OF CORNING
PLANNING COMMISSION MEETING AGENDA**

**TUESDAY, MAY 21, 2024
CITY COUNCIL CHAMBERS
794 THIRD STREET
CORNING, CA 96021**

In compliance with the Americans with Disabilities Act, the City of Corning will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office (530/824-7033) to make such a request. Notification at least 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

This is an Equal Opportunity Program. Discrimination is prohibited by Federal Law. Complaints of discrimination may be filed with the Secretary of Agriculture, Washington, D.C. 20250.

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

B. ROLL CALL:

**Commissioners: Barron
Poisson
Lamb
Smith**

Chairperson: Robertson

C. 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 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.

D. MINUTES:

1. **Waive the reading and approve the Minutes of the April 16, 2024 Joint City Council and Planning Commission Meeting with any necessary corrections.**

E. PUBLIC HEARINGS AND MEETINGS:

2. **Use Permit No. 2024-326; Susan Harms & Raging Bull Vineyard, Applicants. To allow tastings and sale of wine within an existing building located on the south side of Solano Street at the southwest corner of the Solano Street/5th Street intersection. APN: 071-13-009; Address: 1301 Solano Street.**
3. **Use Permit No. 2024-327, Angel Mason, Applicant. To sell beer and wine within an existing building located along the south side of Solano Street at the corner of the Solano Street/3rd Street intersection. APN: 071-137-001; Address: 1081 Solano St., Suite A.**
4. **Use Permit No. 2024-329; Aktiv Fit Gym Expansion, Savage (aka Juan Carlos Rodriguez), Applicant. To allow a 3,000 square foot expansion to the south of the existing business to create an outdoor workout area and basketball hoops. APN: 71-140-027 & 047; Address: 955 Hwy. 99W, Ste. 119**

5. Use Permit No. 2024-328; MyKayla Sanders, Applicant. To establish a Tattoo business (Parlor) in an existing building located on the north side of Solano Street at the corner of Solano Street/4th Street Intersection. APN: 71-135-05; Address: 1202 Solano Street.

F. REGULAR AGENDA:

G. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

H. ADJOURNMENT:

POSTED: THURSDAY, MAY 16, 2024



**CITY OF CORNING
JOINT MEETING MINUTES
of the
PLANNING COMMISSION AND CITY COUNCIL
TUESDAY, APRIL 16, 2024
CITY COUNCIL CHAMBERS
794 THIRD STREET
CORNING, CA 96021**

A. CALL TO ORDER: 6:41 p.m.

B. ROLL CALL:

CITY COUNCIL:

**Robert Snow., Mayor
Dave Demo
Jose "Chuy" Valerio
Shelly Hargens
Lisa Lomeli**

PLANNING COMMISSION:

**Diana Robertson, Chairperson
Frank Barron
Melodie Poisson
Cody Lamb
Brooke Smith**

Present from the City Council were Mayor Snow and Councilors Demo and Hargens; absent were Councilors Valerio and Lomeli.

Present from Planning Commission were Chairperson Robertson, Commissioners Poisson, Lamb, and Smith; absent was Commissioner Barron.

C. BUSINESS FROM THE FLOOR: None

D. MINUTES:

- 1. Waive the reading and approve the Minutes of the March 19, 2024 Planning Commission Meeting with any necessary corrections.**

Commissioner Lamb moved to approve the Minutes as written; Commissioner Poisson seconded the motion. **Ayes: Robertson, Poisson, Lamb, and Smith. Absent: Barron. Abstain/Opposed: None. The motion was approved by a 4-0 vote with Barron absent.**

E. PUBLIC MEETINGS:

- 2. Joint Study Session of the Planning Commission and City Council to discuss the 2024-2029 Housing Element Presentation and Staff Direction.**

Mayor Snow and Planning Commission Chairperson Robertson opened the Joint Study Session at 6:48pm. Planner II Christina Meeds stated that this public hearing is to discuss the 2024-2023 7th Cycle Housing Element. She explained that State law requires local governments to make a diligent effort to achieve public participation of all economic segments of the community and consider input from diverse voices in the development of the Housing Element. She introduced Nicole West of PlaceWorks who then provided a presentation of the 2024-2029 Housing Element Update and timeline. Ms. West stated to date the City has received 33 public responses obtained at the recent Tuesday Night Market and via online response to the outreach. Following the presentation the floor was opened to receive public comments. Receiving no comments the public hearing was closed at 7:06pm. Mayor Snow and Chairperson Robertson closed the Joint Study Session to discuss the 2024-2029 Housing Element Presentation at 7:06pm with no action taken. Mayor Snow and members of the City Council retired from the meeting and Planning Commission Chairperson Robertson resumed the regularly scheduled Planning Commission Meeting at 7:06pm.

F. PUBLIC HEARINGS AND MEETINGS:

- 3. Conditional Use Permit 2024-322 Johnny Boy's Taco ABC License.**

Introduced by Planner II Christina Meeds who noted a typo on the address and clarified the correct address of the business. She stated that Rosa Gonzalez of Johnny Boy's Restaurant located at 1944 Solano St. is seeking an on-sale license to sell beer and wine at the Restaurant. The business is located within the C-Commercial General Plan Land Use Designation, and the C-2 Central Business Zoning District; as such, the City's Zoning Code requires that a Conditional Use

Permit be obtained prior to the onsite serving or consumption of alcohol within a bar or restaurant. The project has been determined not to have a significant effect on the environment and therefore declared to be categorically exempt from the provisions of CEQA and requirement of preparation of environmental documents.

The Public Hearing was opened at 7:08pm; with no comments the Public Hearing was closed at 7:08pm.

Commissioner Poisson moved to adopt the five (5) Factual Subfindings and Legal Findings as presented in the Staff Report and approve Use Permit 2024-322 permitting the sale and serving of beer and wine in a newly established business owned by Rosa Gonzalez subject to the three (3) Conditions of Approval as recommend by Staff. Commissioner Smith seconded the motion. **Ayes: Robertson, Poisson, Lamb, and Smith. Absent: Barron. Abstain/Opposed: None. The motion was approved by a 4-0 vote with Barron absent.**

Factual Subfinding #1:

The location for Rosa Gonzalez is an existing building and is currently being used as a restaurant, Johnny Boy's, an establishment that Rosa currently owns. Obtaining a license from ABC to sell beer and wine at this location will not change the nature of the previously established use.

Legal Finding #1:

The granting of Use Permit 2024-322 is a negligible expansion of the previous existing use of this building and therefore exempt from CEQA pursuant to Section 15301, Class 1.

Factual Subfinding #2:

The parcel where the applicant is proposing to serve beer and wine is zoned C-2 – Central Business District.

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 building and location where the applicants propose to serve beer and wine was previously established as a restaurant known as "Corning Chinese".

Legal Finding #3:

The existing building is adequate in size, shape, and topography to allow for the reopening of a business that will serve beer and wine.

Factual Subfinding #4:

The existing building is located along the north side of Solano St. at the corner of the Solano St. and Toomes Ave. intersection.

Legal Finding #4:

Toomes Ave. and Solano Street are existing public streets adequate in width and pavement to carry the amount of traffic that the proposed business will generate.

Factual Subfinding #5:

The existing building where the business will be established is located in an area that is developed with commercial businesses in the downtown area of the City of Corning.

Legal Finding #5:

Providing for the sale and serving of beer and wine at the building located at 1944 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 located at 1944 Solano St.

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.

4. Conditional Use Permit 2024-323 T-Mobile 400 sq. ft. Fenced facility at Clark Park.

Introduced by Planner II Christina Meeds who stated that T-Mobile West LLC has applied to establish an unmanned telecommunications facility on City owned property at Estil Clark Park. The facility will include a 400 square foot CMU equipment enclosure that will house a generator for emergency backup power, new electrical and telecommunication associated equipment. The equipment will be placed within a 400 square foot lease area along the north side of the Verizon equipment facility and surrounded by a 6 ft. high chain link fence. The City Council authorized the City Manager to sign a land lease agreement contingent upon the approval of the Use Permit on April 9, 2024.

The project location falls within the P-Park General Plan Land Use Designation and falls within the P-Q, Public or Quasi-Public Use Zoning District. Although within this zoning designation permitted uses are reserved and uses permitted by Use Permits does not list communication facilities such as cell towers and auxiliary facilities, Section 17.33.040 of the City Code allows determination of appropriate use by the Planning Commission. The project has been determined not to have a significant effect on the environment and therefore declared to be categorically exempt from the provisions of CEQA and requirement of preparation of environmental documents. The Public Hearing was opened at 7:13pm; receiving no public comments. the Public Hearing was closed at 7:13pm.

Commissioner Poisson: Questioned the CEQA exemption and stated she has the following concerns related to the issuance of the Use Permit:

1. Noise generated from the equipment affecting neighboring properties;
2. Encroachment onto useable park space; and
3. When reviewing the plans, she was unable to find where any cooling fan(s) or air conditioning unit(s) were located within the proposed structure.

Commissioner Lamb: Noted his concerns which were:

1. Asked if funds received from the Lease Agreement would be placed into a maintenance fund for the Park; he was informed that Staff would check, however it was stated that should not affect the issuance of the Use Permit as that is not something that the Commission has control over.
2. Concerns regarding reduced parking due during events at the Park due to Lessee's equipment/maintenance vehicles. He was informed that an additional Condition of Approval could be included to require prior notification and approval be required for parking of such vehicles.

Commissioner Lamb moved to adopt the four (4) Factual Subfindings and Legal Findings as presented in the Staff Report for Use Permit 2024-323. Commissioner Smith seconded the motion. **Ayes: Robertson, Lamb, and Smith. Absent: Baroon. Abstain: None. Opposed: Poisson. Motion was approved by a 3-1 vote with Poisson opposing and Barron absent.**

Commissioner Lamb moved to approve Use Permit 2024-323 subject to the following four (4) Conditions of Approval as recommended by Staff plus an additional Condition, **Condition #5:** Coordinate any maintenance parking (additional parking of maintenance vehicles within the Easement) with the City's Public Works Department prior to commencement of maintenance work. Commissioner Smith seconded the motion. **Ayes: Robertson, Lamb, and Smith. Absent: Baroon. Abstain: None. Opposed: Poisson. Motion was approved by a 3-1 vote with Poisson opposing and Barron absent.**

Factual Subfinding #1:

CEQA, Section 15301, Existing Class 1 provides exemptions for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration 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 key consideration is whether the project involves negligible or no expansion of an existing use.

Legal Finding #1:

The establishment of a 400 square foot equipment shelter will take place in an existing City Park that is not an environmentally sensitive area and is only a minor modification to the existing facilities and is therefore exempt from CEQA pursuant to Section 15301, Class 1.

Factual Subfinding #2:

The existing 10-acre parcel is owned by the City of Corning and established as a City Park known as Estil Clark Park that has lighted ball fields and an arena used for a variety of recreational activities by community members.

Legal Finding #2:

The site is adequate in size, shape, and topography for the establishment of an equipment shelter and will not be incompatible with the existing uses and permitted uses at the Park.

Factual Subfinding #3:

Estil Clark Park, where the unmanned telecommunications facility will be located has frontage and direct access to Fig Lane.

Legal Finding #3:

The site has existing access to Fig Lane that is constructed with adequate width, pavement, and capacity for the proposed and existing use. Adding an additional equipment storage facility by T-Mobile to broadcast cellular phone signals will not be detrimental to the continued use of the Park.

Factual Subfinding #4:

The unmanned telecommunications facility will be located at a 10-acre City Park pursuant to a Lease Agreement between the City of Corning and T-Mobile.

Legal Finding #4

The establishment of an unmanned telecommunications facility in Estil Clark Park will not have an adverse effect upon the use, enjoyment, or valuation of adjacent or neighboring properties or upon the public welfare and is consistent with existing uses established in the Park and permitted by the P-Q Zoning District.

Conditions of Approval:

CONDITION #1 – AGENCY COMPLIANCE / ENCROACHMENT PERMIT:

The applicant must comply with all local, State, and Federal agencies regulations, especially those imposed by the City of Corning Building & Fire Departments. The applicant must also obtain an Encroachment Permit from the Director of Public Works prior to commencement of construction within the park property.

CONDITION #2 – SITE PLAN COMPLIANCE AND NET COVER:

The site must be developed in conformance with the overall site plan submitted with the application. Additionally, the fenced area around the equipment shelter must be covered with netting approved by the Director of Public Works to prevent balls from entering the area.

CONDITION #3 – PLAYGROUND GATE:

Since the new 400 sq foot facility will impede the flow of foot traffic to and from the playground, the City has asked T-Mobile to move the access gate to the south side of the playground prior to the start of construction.

CONDITION #4 – LANDSCAPING:

It will be the responsibility of T-Mobile to keep the are free of weeds and debris.

CONDITION #5 – MAINTENANCE PARKING:

Coordinate any maintenance parking (additional parking of maintenance vehicles within the Easement) with the City's Public Works Department prior to commencement of maintenance work.

5. Conditional Use Permit 2024-324 Flower Massage and Spa Business.

Introduced by Planner II Christina Meeds who announced that applicant Anthony Kelley was present to respond to any questions and stated that Mr. Kelley, a business partner for Flower Massage and Spa has applied for a Use Permit to establish a business that provides certified

massage therapy in an existing building located in Heritage Square at 965 Hwy, 99W. Pursuant to section 17.54.020 (A) (8), a "massage parlor" is only permitted upon the issuance of a Use Permit. The General Plan Land Use Designation is C-Commercial, and the location is within the C-3 – CBDZ General Business District Zoning. A certified massage therapy business, or "Massage Parlor" would be classified as a clinic and therefore permitted within the C-zoning designation. This project will permit a business that would provide massage therapy within an existing hair salon business, a commercial use permitted in a C-2, Central Business District. The leasing of an area to conduct massage therapy is negligible and therefore exempt from CEQA pursuant to Section 15301, Class 1.

The Public Hearing was opened at 7:31pm; receiving no comments the Public Hearing was closed at 7:40pm.

The meeting was adjourned for 3 minutes (7:40pm to 7:43pm). The meeting was reconvened at 7:43pm.

Commissioner Smith moved to adopt the five (5) Factual Subfindings and Legal Findings as presented in the Staff Report and approve Use Permit 2024-324 subject to the three (3) Conditions of Approval as recommend by Staff. Commissioner Poisson seconded the motion. **Ayes: Robertson, Poisson, Lamb, and Smith. Absent: Barron. Abstain/Opposed: None. The motion was approved by a 4-0 vote with Barron absent.**

Factual Subfinding #1:

Use Permit 2024-324 will permit a business that would provide massage therapy within an existing building, which is a permitted use in a C-3 – CBDZ General Business District.

Legal Finding #1:

The granting of Use Permit 2024-324 would permit a massage therapy business as a use which will not require any improvements other than interior partitions, therefore exempt from CEQA pursuant to Section 15301, Class 1.

Factual Subfinding #2:

Flower Massage and Spa will house two Certified Massage Practitioners and will be conducting a message therapy business in a building located on a parcel that is zoned C-3 – CBDZ General Business District.

Legal Finding #2:

Professional offices, studios, and clinics are an allowed use in a C-2 Zoning District. Massage therapy would be classified as a professional clinic. All C-1 & C-2 uses are allowed in a C-3.

Factual Subfinding #3:

Anthony Kelley will establish a massage therapy business in an existing commercial building that has historically been used for commercial uses within the area of the City of Corning.

Legal Finding #3:

The building is adequate in size, shape, and topography to allow for the establishment of a massage therapy business.

Factual Subfinding #4:

The commercial building where the massage therapy business will be located has direct access to a community parking lot with adequate off-street parking for customers.

Legal Finding #4:

Highway 99W is a major arterial road in the vicinity where the massage therapy business will be located and is adequate in width and pavement to carry the amount of traffic that the business will generate.

Factual Subfinding #5:

The massage therapy business will be located in a building that is currently empty located in the Heritage Square.

Legal Finding #5:

Establishing a massage therapy business within the commercial building located at 965 Highway 99W 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 – ADULT-ORIENTED BUSINESS:

Issuance of Use Permit 2024-324 in **no way** implies that an adult-oriented business, as regulated by Chapter 8.09 and Chapter 17.60 of the Corning Municipal Code, is permitted.

CONDITION #2 – AGENCY COMPLIANCE & CERTIFICATE OF OCCUPANCY:

The massage therapy business must comply with all local, State, and Federal regulations, and obtain a Certificate of Occupancy from the City of Corning.

CONDITION #3 SIGN REGULATIONS:

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

6. Conditional Use Permit 2024-325 L & T Towing 10-foot Electrified Fencing.

This item was introduced by Planner II Christina Meeds who stated that Amarok LLC, on behalf of L & T Towing, has applied for an amendment to Use Permit 2008-249 issued on April 28, 2017. The amendment is to allow installation of a 10-foot-high electrified fence along the perimeter of L & T Towing's property. She further stated that in the Planning Department's continuing effort of cleaning up the Use Permit Files, Staff is requesting to revoke the prior Use Permit 2009-249 and issue a new Use Permit (2024-325) listing the current business owner.

- The site is located along the east side of Hwy. 99W approximately 1,300 feet north of the Hwy. 99W/South Avenue intersection at 271 Hwy. 99W.
- The General Plan Land Use Designation is Hwy. 99W – Highway 99W Corridor Specific Plan.
- Zoning is M1-CBDZ, Light Industrial District – Corning Business Development Zone.
- This project will allow the establishment of a towing business on a site previously used for the retail sale of landscape rock and concrete. Reuse of the site for commercial purposes, that are less intense than previous commercial use, is considered a negligible expansion of commercial use and therefore exempt from CEQA pursuant to Section 15301, Class 1.

She stated that City Code 17.50.150 (C) states that the Corning Technical Advisory Committee (TAC) may authorize the height exception (City Code requires fencing to be 6-feet in height). She informed the Commission that the Planning Department passed the project to TAC on April 1, 2024 and received it back with no comments, so the height exception is to be allowed. She also provided the terms/conditions outlined under section (D) of the same Code Chapter that would allow construction of electrical changed fencing with a Use Permit. She informed the Commission that through discussion with property/business owner Zack Thornton staff discovered his reasoning for pursuing this type of fence is to keep unauthorized persons from entering his property and stealing. He has tried several other methods of deterrence without success.

The Public Hearing was opened at 7:50pm; receiving no comments the Public Hearing was closed at 7:50pm.

Concerns were voiced by Commissioner Poisson relating to public safety, possibility of fire starts from electrical sparks, and the setting of a precedent with other businesses wishing to install electrical fencing.

Commissioner Smith moved to:

- Revoke Use Permit 2008-249;
- Approve Use Permit 2024-325 replacing former Use Permit 2008-249;
- Adopt the four (4) Factual Subfindings and Legal Findings as presented and approve the original nine (9) Conditions of Approval listed in Use Permit 2008-259 plus the two (2) new Conditions recommend by Staff for a total of eleven (1) Conditions of Approval; and
- Approve a Variance for L&T Towing to vary from the Highway 99W Specific Plan.

Commissioner Robertson seconded the motion. **Ayes: Robertson, Lamb, and Smith. Absent: Barron. Abstain: None. Opposed: Poisson** The motion was approved by a 3-1 vote with Poisson opposing and Barron absent.

Legal Finding #1:

The site where L&T Towing is proposing to establish a 10-foot-high electrified fence has previously been used for the towing business. It is also located in an area established with a variety of commercial uses.

Legal Finding #1:

The proposed Use Permit 2024-325, permitting the 10-foot-high electrified fence in addition to the 6-foot chain link fence is a negligible change of previous commercial and retail businesses and therefore exempt from CEQA pursuant to Section 15301, Class 1.

Factual Subfinding #2:

The site where L&T Towing is proposing to establish a 10-foot-high electrified fence is located on a parcel that is zoned M-1 - CBDZ, Light Industrial District - Corning Business Development Zone.

Legal Finding #2:

The proposed 10-foot-high electrified fence around a towing business will provide a secure yard for the storage/service use to trucks and vehicles traveling in the Corning area and determined to be a permitted use in an M-1 -CBDZ Zoning District pursuant to the granting of a conditional Use Permit by the Planning Commission.

Factual Subfinding #3:

The site where L&T Towing will establish a 10-foot-high electrified fence fronts along Hwy 99W is over 1 acre in size and has no topographical features that would prohibit use of the entire parcel.

Legal Finding #3:

The parcel proposed for establishment of a 10-foot-high electrified fence is adequate in size, shape, and topography.

Factual Subfinding #4:

The parcel has frontage and direct access to Highway 99W.

Legal Finding #4:

The site has sufficient access to Hwy 99W that is constructed with adequate width, pavement, and capacity for the proposed use.

CONDITIONS OF APPROVAL:

CONDITION #1 – HANDICAPPED PARKING: Prior to opening the business to the public, the applicant must designate and appropriately mark, as approved by the Building Official, a handicapped parking space.

CONDITION #2 SIGN REGULATIONS: The business must comply with the City of Corning sign regulations established by Resolution 10-25-05-01.

CONDITION #3 LANDSCAPE SCREENING: Prior to the issuance of a Certificate of Occupancy for the towing business, a landscape plan that provides screening around the area where towed vehicles will be stored on site must be submitted and approved by City staff.

CONDITION #4 LANDSCAPE INSTALLATION AND MAINTENANCE: Landscaping of the site must be completed and installed with an automatic irrigation system within two (2) months of when the City issues a Business License and Certificate of Occupancy for the towing business. All landscaping must be permanently maintained in an appropriate manner in order to screen the stored vehicles from neighboring parcels.

CONDITION #5: No dismantling of stored vehicles is permitted at this location.

CONDITION #6: No stacking of stored vehicles is permitted.

CONDITION #7 SPECIFIC PLAN DESIGN GUIDELINES: Future site improvements, including any structures, shall comply with the Highway 99W Corridor Specific Plan Design Guidelines and approved by staff prior whether a building permit is required or not.

CONDITION #8 DEFERRED IMPROVEMENT AGREEMENT: The property owner shall enter into a Deferred Improvement Agreement for the half width improvements to Highway 99W to City standards.

CONDITION #9 TIN FENCING: No tin or metal fencing will be permitted on the site.

***2 NEW CONDITIONS*:**

CONDITION #10 ELECTRIFIED MATERIAL: May not, under any circumstances, be used within three (3) feet of any public right-of-way.

CONDITION #11 VARIANCE: A Variance is approved to vary from the undesired fencing listed in the Highway 99W Specific Plan.

7. Variance for L & T Towing to vary from the Highway 99W Specific Plan. **(Removed from Agenda - See item 6 above.)**

G. **REGULAR AGENDA:** None.

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

E. **ADJOURNMENT:** 8:04pm

Lisa M. Linnet, City Clerk

**ITEM NO: E-2
USE PERMIT 2024-326, SUSAN HARMS &
RAGING BULL VINEYARD; TO ALLOW
TASTINGS AND SALE OF WINE WITHIN AN
EXISTING BUILDING LOCATED ON THE
SOUTH SIDE OF SOLANO ST. AT THE
SOUTHWEST CORNER OF THE SOLANO
ST. / 5TH ST. INTERSECTION.
APN: 071-132-009, Address: 1301 Solano St.
MAY 21, 2024**

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING
FROM: CHRISTINA MEEDS, PLANNER II 
BRANT MESKER, CITY MANAGER

PROJECT DESCRIPTION:

Susan Harms, owner of Shabby Sisterhood located at 1301 Solano Street, and Raging Bull Vineyard are seeking a 02 Winegrower License which will allow for the tasting and sale of the Raging Bull Wine within the Shabby Sisterhood establishment. The 02 License with the California Department of Alcoholic Beverage Control (ABC) allows a vineyard to have an offsite location for the use of a tasting room and sale of their wine. City of Corning Municipal Code, Section 17.54.020 (1) requires that a Conditional Use Permit be obtained prior to the onsite serving or consumption of alcohol.

The existing building is located along the south side of Solano St. at the southwest corner of the 5th Street / Solano Street intersection.
APN: 71-132-09; Address: 1301 Solano Street.

GENERAL PLAN LAND USE DESIGNATION:

C – Commercial.

ZONING:

C-2 – Central Business District: This district classification is intended to be applied in areas suitable for complete retail business and service use to serve a residential community. The C-2, Central Business District allows retail stores, businesses, or service enterprises which, in the opinion of the Planning Department, are of a character similar to specified uses as set out in section 17.20.020 (B) of the Corning Zoning Code.

As previously explained in the project description, Section 17.54.020 (1) of the City of Corning Zoning Code requires that a Conditional Use Permit be obtained prior to the onsite serving or consumption of alcohol within a bar or restaurant.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Section 21084 of the Public Resources Code requires a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. The Secretary of Resources has classified projects that do not have a significant effect on the environment and are declared to be categorically exempt from the requirement for the preparation of environmental documents.

CEQA, Section 15301, Existing Facilities, Class 1 provides exemptions for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration 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 key consideration is whether the project involves negligible or no expansion of an existing use.

This project will allow the owner of Shabby Sisterhood to hold wine tastings and sell Raging Bull Vineyards Wine to the local community in a section of an existing building, formerly a bar known as "True Brew" that not only sold beer and wine, but also has an ABC License to sell hard alcohol drinks. No other use has been established at this location. Staff feels that this is a negligible expansion of the previous existing use and therefore exempt from CEQA pursuant to Section 15301, Class 1.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the following, or similar, Five (5) Factual Subfindings and Legal Findings for Use Permit 2024-326.

Factual Subfinding #1

The location is an existing building that was previously used as a bar known as "True Brew". Shabby Sisterhood is the only other use that has been established at this location since the closure of this business. Obtaining a 02-type License from ABC at this location will not change the nature of the previously established use.

Legal Finding #1

Granting of Use Permit 2024-326 is a negligible expansion of the previous existing use of this building and therefore exempt from CEQA pursuant to Section 15301, Class 1.

Factual Subfinding #2

The parcel where the applicant is proposing to establish this business and proposes to have wine tasting and wine sales is zoned C-2 – Central Business District.

Legal Finding #2

The sale and consumption of beer and wine within a business is 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 building and location where the applicants propose to establish a business that will offer wine tasting and sales was previously established as a bar known as "True Brew".

Legal Finding #3

The existing building is adequate in size, shape, and topography to allow for a business that will offer wine tasting and sales.

Factual Subfinding #4

The existing building is located along the south side of Solano Street at the southwest corner of the 5th Street / Solano Street intersection.

Legal Finding #4

5th Street and Solano Streets are existing public streets adequate in width and pavement to carry the amount of traffic that the proposed business will generate.

Factual Subfinding #5

The existing building where the business will be established is located in an area that is developed with commercial businesses in the downtown area of the City of Corning.

Legal Finding #5

A business that will offer wine tasting and sales at the building located at 1301 Solano Street 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.

ACTION:

Move to adopt the five (5), or similar, Factual Subfindings and Legal Findings as presented in the staff report and approve Use Permit 2024-326 permitting the tasting and sale of wine in a newly established business owned by Susan Harms subject to the three (3) Conditions as recommended by staff.

Condition #1

The applicant must comply with the requirements of the Alcoholic Beverage Control (ABC) and be issued a License prior to the tastings and sale of wine at the business located at 1301 Solano Street.

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.

Or;

Move to adopt findings and deny the issuance of Use Permit 2024-326.

ATTACHMENTS:

EXHIBIT A: APPLICATION FROM ABC

Department of Alcoholic Beverage Control

State of California

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control
 1900 CHURN CREEK RD
 STE 215
 REDDING, CA 96002
 (530) 224-4830

File Number: 658094
Receipt Number: 2883127
Geographical Code: 5201
Copies Mailed Date: April 10, 2024
Issued Date:

DISTRICT SERVING LOCATION: REDDING

First Owner: SULLIVAN, CHARLES PERTIS

Name of Business: RAGING BULL VINEYARD

Location of Business: 1301 SOLANO ST
 CORNING, CA 96021-3052

County: TEHAMA

Is Premises inside city limits: Yes **Census Tract:** 0011.02

Mailing Address:(If different from premises address)
 18850 NEWVILLE RD
 ORLAND, CA 95963

Type of license(s): 02 **Dropping Partner:** Yes No

Transferor's license/name:

<u>License Type</u>	<u>Transaction Type</u>	<u>Master</u>	<u>Secondary LT And Count</u>		
02 - Winegrower	DOR	N			
<u>License Type</u>	<u>Transaction Description</u>	<u>Fee Code</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
Application Fee	ADD PRIMARY LICENSE TYPE	NA	0	04/10/24	\$520.00
02 - Winegrower	ANNUAL FEE	NA	1	04/10/24	\$205.00
Total					\$725.00

Have you ever been convicted of a felony? **No**

Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**

STATE OF CALIFORNIA County of TEHAMA

Date: April 10, 2024

Applicant Name(s)

SULLIVAN, CHARLES PERTIS

**ITEM NO: E-3
USE PERMIT 2024-327, ANGEL MASON, TO SELL
BEER & WINE WITHIN AN EXISTING BUILDING
LOCATED ALONG THE SOUTH SIDE OF SOLANO
ST. AT THE CORNER OF THE SOLANO ST. / THIRD
STREET INTERSECTION.**

APN: 071-137-001; Address: 1081 Solano St., Ste. A

MAY 21, 2024

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING

**FROM: CHRISTINA MEEDS, PLANNER II 
BRANT MESKER, CITY MANAGER **

PROJECT DESCRIPTION:

Angel Mason is seeking an on-sale license with the California Department of Alcoholic Beverage Control (ABC) to sell beer and wine within an existing building located at 1081 Solano St. Suite A. The existing building is where Angel currently operates Hometown Cafe, Section 17.54.020 (1) of the City of Corning Zoning Code requires that a conditional use permit must be obtained prior to the onsite serving or consumption of alcohol within a bar or restaurant.

The existing building is located along the south side of Solano St. at the corner of the Solano St. and Third St. intersection.

APN: 71-137-001; Address: 1081 Solano St. Suite A.

GENERAL PLAN LAND USE DESIGNATION:

C – Commercial.

ZONING:

C-2 – Central Business District: This district classification is intended to be applied in areas suitable for complete retail business and service use to serve a residential community. The C-2, Central Business District allows retail stores, businesses, or service enterprises which, in the opinion of the Planning Department, are of a character similar to specified uses as set out in section 17.20.020 (B) of the Corning Zoning Code.

As previously explained in the project description, Section 17.54.020 (1) of the City of Corning Zoning Code requires that a Conditional Use Permit be obtained prior to the onsite serving or consumption of alcohol within a bar or restaurant.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Section 21084 of the Public Resources Code requires a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. The Secretary of Resources has classified projects that do not have a significant effect on the environment and are declared to be categorically exempt from the requirement for the preparation of environmental documents.

CEQA, Section 15301, Existing Facilities, Class 1 provides exemptions for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration 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 key consideration is whether the project involves negligible or no expansion of an existing use.

This project will allow the owner to sell beer and wine in a section of an existing building where there is currently a café. Staff feel that this is a negligible expansion and therefore exempt from CEQA pursuant to Section 15301, Class 1.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the following, or similar, Five (5) Factual Subfindings and Legal Findings for Use Permit 2024-327.

Factual Subfinding #1

The location is in an existing building owned by the City, a portion of which is currently leased by Mrs. Mason and currently being used as a Restaurant, otherwise known as McBrayer's Hometown Cafe, a business that Mrs. Mason currently owns. Obtaining a License from ABC to sell beer and wine at this location will not change the nature of the previously established use.

Legal Finding #1

Granting of Use Permit 2024-327 is a negligible expansion of the use of this building and therefore exempt from CEQA pursuant to Section 15301, Class 1.

Factual Subfinding #2

The parcel where the applicant is proposing to serve beer and wine is zoned C-2 – Central Business District.

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 building and location where the applicant proposes to serve beer and wine is an established restaurant known as "McBrayer's Hometown Cafe".

Legal Finding #3

The existing building is adequate in size, shape, and topography to allow for the use of a business that will serve beer and wine.

Factual Subfinding #4

The existing building is located along the south side of Solano St. at the corner of the Solano St. and Third St. intersection.

Legal Finding #4

Third Street and Solano Street are existing public streets adequate in width and pavement to carry the amount of traffic that the proposed business will generate.

Factual Subfinding #5

The existing building where the business is established is located in an area that is developed with commercial businesses in the downtown area of the City of Corning.

Legal Finding #5

Providing for the sell and serving of beer and wine at the building located at 1081 Solano St., Suite A 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.

ACTION:

Move to adopt the five (5), or similar, Factual Subfindings and Legal Findings as presented in the staff report and approve Use Permit 2024-327 permitting the sale and serving of beer and wine in an established business owned by Angel Mason subject to the three (3) Conditions as recommended by staff.

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 located at 1301 Solano Street, Suite A.

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.

Or;

Move to adopt findings and deny the issuance of Use Permit 2024-327.

Notice of Exemption

Appendix E

To: Office of Planning and Research
 P.O. Box 3044, Room 113
 Sacramento, CA 95812-3044

 County Clerk
 County of: Tehama
633 Washington St
Red Bluff CA 96080

From: (Public Agency): City of Corning
794 Third St
Corning CA 96021
 (Address)

Project Title: Use Permit 2024-327 - ABC License - Hometown Cafe

Project Applicant: City of Corning

Project Location - Specific:
1081 Solano Street, Suite A Corning, CA 96021

Project Location - City: Corning Project Location - County: Tehama

Description of Nature, Purpose and Beneficiaries of Project:
on-sale license with the California Department of Alcoholic Beverage Control (ABC) to sell beer and wine within an existing

Name of Public Agency Approving Project: City of Corning

Name of Person or Agency Carrying Out Project: City of Corning - Christina Meeds

- Exempt Status: (check one):
- Ministerial (Sec. 21080(b)(1); 15268);
 - Declared Emergency (Sec. 21080(b)(3); 15269(a));
 - Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
 - Categorical Exemption. State type and section number: 15301. EXISTING FACILITIES.
 - Statutory Exemptions. State code number: _____

Reasons why project is exempt:
 Class 1 provides exemptions for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration 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 key consideration is whether the project involves negligible or no expansion of an existing use.

Lead Agency
 Contact Person: Christina Meeds Area Code/Telephone/Extension: 530-824-7036

- If filed by applicant:**
1. Attach certified document of exemption finding.
 2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Christina Meeds Date: 05/03/24 Title: Planner II

• Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR: _____
 Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

**ITEM NO.: E-4
USE PERMIT NO. 2024-329; AKTIV FIT
EXPANSION; LOCATED IN HERITAGE
SQUARE ON THE EAST SIDE OF HIGHWAY 99-
W, APPROX. 340 FEET SOUTH OF THE
SOLANO ST./HWY. 99-W INTERSECTION.
APN 71-140-027 & 047; Address: 955 Hwy.
99W, Ste. 119
MAY 21, 2024**

**TO: PLANNING COMMISSION OF THE CITY OF CORNING
FROM: CHRISTINA MEEDS, PLANNER II 
BRANT MESKER, CITY MANAGER**

PROJECT DESCRIPTION:

Savage, aka Juan Carlos Rodriguez, the current owner of The Aktiv Fit Gym has applied for a Use Permit to expand his gym to the south, approximately 3,000 square feet to create an outdoor workout area and basketball hoops.

Victor Szanto, owner of the property, has agreed to amend the lease to allow for this use. (See attachment A)

The area to the south (See attachment B, google map) is currently designated as an employee parking lot for the complex, but it is said that it is not currently being used at all. Savage is looking to fence off this parking lot with a coded gate, for emergency access for ingress and egress.

ZONING:

The subject property is within the Highway 99-W Specific Plan Area and is zoned CH-CBDZ; Highway Commercial-Corning Business Development Zone. Retail and office commercial uses are permitted in this Zoning District upon approval of a Use Permit. The property, APN 071-140-027 & 047 currently has a Conditional Use Permit (CUP) 2006-238 that also has a recorded Mitigated Negative Declaration. The CUP has a section on parking, it states under Condition #18 that the south driveway and parking lot shall be signed "Employee Parking" at its entrance along with MM.XIV.a. stating: "The project includes a small parking lot located along the southern part of the property". This parking area is segregated from the lion's share of the parking area. Access to, and from this area is via a driveway that is too narrow to accommodate two-traffic lanes. To minimize conflicts on the narrow driveway, it should be designated primarily for employee parking, who will become accustomed to dealing with the narrow driveway width. Additionally, to provide secure storage for employee or customer bike parking.

The Corning Municipal Code Chapter 17.51 (Off-Street Parking Requirements), Section 17.51.030 (Exceptions from off-street parking requirements), Subsection B states expansion of existing structures shall be exempt, unless and until such time as that expansion exceeds, for any nonresidential use, a total of 1,000 square feet (including storage areas). The expansion that Savage purposes is approximately 3,000 square feet.

There are currently 55 parking spaces, not including the parking lot to the south which holds a total of 8 spaces. The Heritage Square retail space is of max occupancy currently, and the parking spaces currently available appear to be enough to accommodate the uses.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Section 21084 of the Public Resources Code requires a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. The Secretary of Resources has classified projects that do not have a significant effect on the environment and are declared to be categorically exempt from the requirement for the preparation of environmental documents.

CEQA, Section 15301, Existing Facilities, Class 1 provides exemptions for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration 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 key consideration is whether the project involves negligible or no expansion of an existing use.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the following, or similar, four (4) Factual Subfindings and Legal Findings for approving Use Permit 2024-329:

Factual Subfinding #1

The site where Aktiv Fit is proposing to establish an outdoor gym has previously been designated for employee parking but has never been used for anything.

Legal Finding #1

The proposed Use Permit 2024-329 permitting the use is adjacent to the gym in the southeast corner of the lot and therefore exempt from CEQA pursuant to Section 15301, Class 1. As this would be a negligible expansion.

Factual Subfinding #2

The site where Aktiv Fit is proposing to establish an outdoor gym is located on a parcel that is zoned C-3 General Business District CBDZ - Corning Business Development Zone.

Legal Finding #2

The proposed outdoor gym is proposed to have a secure fence with a locked gate around the perimeter. The proposed gate will have either a Knox System or be a coded gate for emergency personnel and is determined to be permitted use in a C-3 -CBDZ Zoning District pursuant to the granting of a Conditional Use Permit by the Planning Commission.

Factual Subfinding #3

The site where Aktiv Fit proposes the outdoor gym is 3000 square feet and has no topographical features that would prohibit use of the area.

Legal Finding #3

The parcel proposed for establishing an outdoor gym is adequate in size, shape, and topography.

Factual Subfinding #4

The parcel has direct access to Highway 99W.

Legal Finding #4

The site has sufficient access to Hwy 99W that is constructed with adequate width, pavement, and capacity for the proposed use.

ACTION:

Move to adopt the four (4), or similar Factual Subfindings and Legal Findings as presented in the staff report, and approve Use Permit 2024-329 permitting Savage, (aka Juan Carlos Rodriguez), current owner of the Aktiv Fit Gym business, to expand his gym south approximately 3,000 square feet to create an outdoor workout area and basketball hoops subject to the 3 Conditions of Approval as recommended by staff.

CONDITIONS OF APPROVAL:

Condition #1: Emergency Access: A coded gate or Knox system shall be installed to allow for emergency access.

Condition #2: ADA Access: Cannot block the ADA sidewalk.

Condition #3: Regulations: The gym business must comply with the City of Corning Sign Regulations.

ATTACHMENTS:

- **Exhibit A:** Property owner statement of agreement to amend Lease to allow for this use.
- **Exhibit B:** Site Map (Goggle).
- **Exhibit C:** Use Permit Application.

Exhibit "A"

Third Amendment to Lease Agreement

This is the **Third Amendment** to the lease agreement (this "Amendment") is made as of September 10, 2023, by and between between **Juan Carlos Rodriguez and Marvick Gutierrez** (hereby referred to as "Tenant") and **Daha Investments** (hereby referred to as "Landlord").

Recitals:

Juan Carlos Rodriguez and Marvick Gutierrez (hereby referred to as "Tenant") and **Daha Investments** (hereby referred to as "Landlord"), entered into a lease agreement dated October 14, 2019, together with Lease Addendum 1 dated December 27, 2019, and Lease Addendum Two dated June 6, 2020.

Landlord and Tenant hereby agree to modify the lease as follows:

- 1. Assignment:** All interest in the Lease is assigned to Juan Carlos Rodriguez All instances of "Tenant" shall refer to Juan Carlos Rodriguez.
- 2. Contingent on Possession:** In the event that the Landlord takes back possession of the premises located at 955 Hwy 99W Suite 119, Corning, CA 96021, the Landlord hereby agrees to lease the premises to the Tenant, subject to the terms and conditions outlined in this amendment. If Landlord is unable to provide the space, Tenant may terminate lease before December 31, 2023. Once Tenant takes possession of the Premises, the Lease may no longer be terminated.
- 3. Additional Space:** Landlord grants the tenant additional space of approximately 2,910 sq ft located at 955 Hwy 99W Suite 119, Corning, CA 96021. The tenant's- total square footage will become 6,048 sq ft.
- 4. Term:** Landlord and Tenant agree to extend the term for a period of 120 months from date of delivery.
- 5. Free Rent:** Tenant shall receive a free rent period on the Additional Space of 6 months. During that time Tenant will remain obligated to pay base rent and CAM on the original "Premises".
- 6. Rent Schedule**

Months	Base Rent *
Months 1 – 6	\$2,705.88
Months 6 – 12	\$5,208.48
Months 13 -24	\$5,364.73
Months 25 – 36	\$5,525.68
Months 37 – 48	\$5,691.45
Months 49 – 60	\$5,862.19
Months 61 – 72	\$6,038.06
Months 73 – 84	\$6,219.20
Months 85 - 96	\$6,405.77
Months 97 - 108	\$6,597.55
Months 109 – 120	\$6,795.89

Verified ok
via phone call
with Victor
Szanto 4-19-24
2:30P.M.

Exhibit "A" continued

7. **Common Area Maintenance, Taxes and Insurance:** During the term of the lease, the Tenant will continue to be responsible for payment of Tenant's pro rata share of Common Area Maintenance, Taxes, and Insurance costs.
8. **Landlord's Work:** Landlord agrees to remove all commercial restaurant equipment and machinery from the space.
9. **Delivery:** Subject to the completion of Landlord's Work, Tenant acknowledges that Tenant accepts the Premises "AS-IS", and Premises is suitable for Tenant's intended use.
10. **Outdoor Space:** Tenant shall have the exclusive use of outdoor space directly south of the building, from 955 Hwy 99W south of the property to the property boundary line, approximately 3,000 sq ft. Tenant shall leave roof access ladder accessible.
11. **HVAC:** Landlord shall warranty the HVAC system on "Additional Space" for a period of 24 months.
12. **Entire Agreement.** This Amendment, together with the Lease, represents the entire understanding between Landlord and Tenant concerning the subject matter hereof, and there are no understandings or agreements between them relating to the Lease or the Premises not set forth in writing and signed by the parties hereto. No party hereto has relied upon any representation, warranty or understanding not set forth herein, either oral or written, as an inducement to enter into this Amendment.
13. **Continuing Obligations.** Except as expressly set forth to the contrary in this Amendment, the Lease remains unmodified and in full force and effect. To the extent of any conflict between the terms of this Amendment and the terms of the Lease, the terms of this Amendment shall control.

Landlord: _____

Tennant: _____

Untitled Map

Write a description for your map.

Legend

 Heritage RV Park

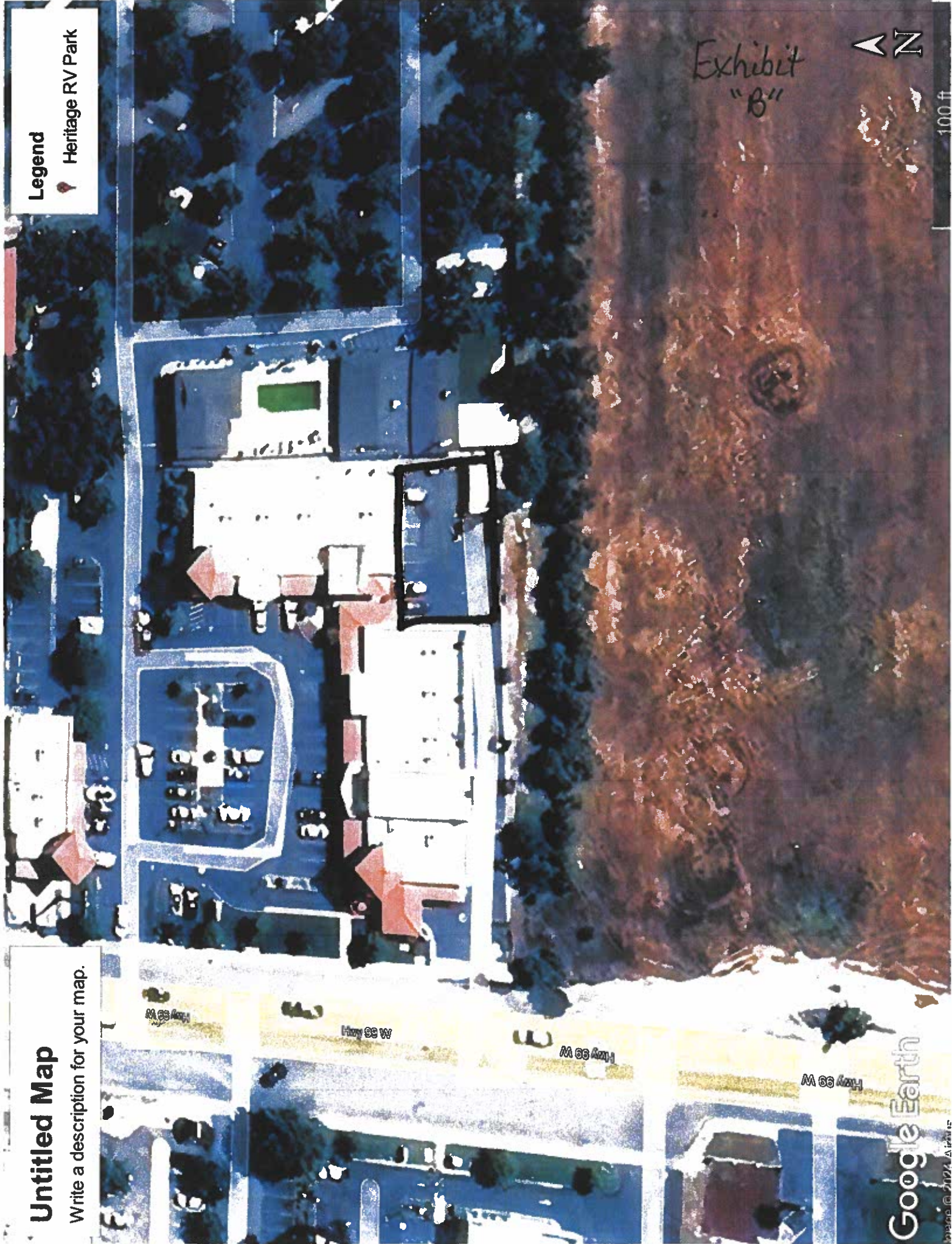
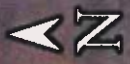


Exhibit
"B"



100 ft

Google Earth

Image © 2024

Exhibit "c"

CITY OF CORNING
PLANNING APPLICATION
 TYPE OR PRINT CLEARLY

Submit Completed Applications to
 City of Corning
 Planning Dept.
 794 Third Street
 Corning, CA 96021

PROJECT INFORMATION	PROJECT ADDRESS 955 Hwy. 99W Ste. 119		ASSESSOR'S PARCEL NUMBER 071-140-027	G.P. LAND USE DESIGNATION Commercial
	ZONING DISTRICT C-3	FLOOD HAZARD ZONE —	SITE ACREAGE —	AIRPORT SAFETY ZONE? —
	PROJECT DESCRIPTION: (attach additional sheets if necessary) Adding the South parking lot to be used by Akhiv Fit			
	APPLICATION TYPE (Check All Applicable)			
<input type="checkbox"/> Annexation/Detachment <input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Lot Line Adjustment <input type="checkbox"/> Merge Lots <input type="checkbox"/> Planned Dev. Use Permit <input type="checkbox"/> Parcel Map <input type="checkbox"/> Preliminary Plan Review <input type="checkbox"/> Rezone <input type="checkbox"/> Street Abandonment <input type="checkbox"/> Subdivision <input type="checkbox"/> Time Extension <input checked="" type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Other _____				
APPLICANT INFORMATION	APPLICANT Savage		ADDRESS 6378 county Rd 14 Orland	DAY PHONE _____
	REPRESENTATIVE (IF ANY)		ADDRESS	DAY PHONE
	PROPERTY OWNER Daba Investments		ADDRESS PO Box 11274 Zephyr Cove No.	DAY PHONE
	CORRESPONDENCE TO BE SENT TO <input type="checkbox"/> APPLICANT <input type="checkbox"/> REPRESENTATIVE <input type="checkbox"/> PROP. OWNER			
	By signing this application the applicant/property owner agrees to defend, indemnify, and hold the City of Corning harmless from any claim, action, or proceeding brought to attack, set aside, void or annul the City's approval of this application, and any Environmental Review associated with the proposed project.			
APPLICANT/REPRESENTATIVE I have reviewed this application and the attached material. The information provided is correct. Signed: [Signature]		PROPERTY OWNER I have read this application and consent to its filing Signed: Victor Szanto / Phone Call on 4-19-04 @ 2:30 PM		

SUBMITTAL INFO	FOR OFFICE USE ONLY			
	APPLICATION NO.	RECEIVED BY	DATE RECEIVED	DATE APPL. DEEMED COMPLETE
	FEES RECEIVED/RECEIPT NO. \$500.00	CEQA DETERMINATION Exempt ND MND EIR		DATE FILED

ITEM NO: E-5
USE PERMIT 2024-328; MYKAYLA SANDERS; ESTABLISH A TATTOO BUSINESS (PARLOR) IN AN EXISTING BUILDING LOCATED ALONG THE NORTH SIDE OF SOLANO ST., SOLANO ST./FOURTH ST. INTERSECTION.
APN: 71-133-05; Address: 1202 Solano St.
MAY 21, 2024

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING
FROM: CHRISTINA MEEDS, PLANNER II
BRANT MESKER, CITY MANAGER

PROJECT DESCRIPTION:

To establish a tattoo parlor in an existing salon. The site proposed for the establishment of the tattoo business is zoned C-2, Central Business District. Pursuant to Section 17.54.020 (9) of the Corning Municipal Code, a tattoo business (parlor) in this Zoning District shall only be permitted upon the securing of a Conditional Use Permit.

This project will allow the establishment of a tattoo parlor in an existing salon known as Red Door Salon. A tattoo parlor at this location will allow for another use within an existing business. The tattoo business will be operated within a room inside the existing salon.

APN: 71-133-005; Address: 1202 Solano Street.

GENERAL PLAN LAND USE DESIGNATION:

C – Commercial – This classification includes all commercial uses of land as permitted in the City's Zoning Ordinance. These include Zoning Districts C-1, C-2, C-3, C-3-P, CD, and CH.

ZONING:

C-2 – Central Business District – It is intended that this district classification be applied in areas suitable for complete retail business and service use to serve a residential community.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Section 21084 of the Public Resources Code requires a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. The Secretary of Resources has classified projects that do not have a significant effect on the environment and are declared to be categorically exempt from the requirement for the preparation of environmental documents.

CEQA, Section 15301, Existing Facilities, Class 1 provides exemptions for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration 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 key consideration is whether the project involves negligible or no expansion of an existing use.

This project will allow the establishment of a tattoo parlor in an existing salon known as Redd Door Salon. The establishment of a tattoo parlor, an additional commercial use of this building, is considered a negligible expansion and exempt from CEQA pursuant to Section 15301, Class 1.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the following, or similar, three (3) Factual Subfindings and Legal Findings for Use Permit 2024-328:

Factual Subfinding #1

This project will allow for the establishment of a tattoo service in an existing salon.

Legal Finding #1

Granting of Use Permit 2024-328 is a negligible expansion at this site and therefore exempt from CEQA pursuant to Section 15301, Class 1.

Factual Subfinding #2

The parcel has frontage and direct access to Solano Street.

Legal Finding #2

The site has existing access to Solano Street that is constructed with adequate width, pavement, and capacity for the proposed use.

Factual Subfinding #3

The establishment of a tattoo business to be located in an existing building currently used as a salon but has a long history of being used for commercial uses. The parcel is currently zoned for commercial use.

Legal Finding #3

The establishment of a tattoo business at this site will not have an adverse effect upon the use, enjoyment, or valuation of adjacent or neighboring properties or upon the public welfare.

ACTION

MOVE TO ADOPT THE 3 FACTUAL SUBFINDINGS AND LEGAL FINDINGS AS PRESENTED IN THE STAFF REPORT AND APPROVE USE PERMIT 2024-328 SUBJECT TO THE THREE (3) CONDITIONS AS RECOMMENDED BY STAFF

Condition #1

The applicant must comply with the requirements of the City of Corning.

Condition #2

Comply with the permitting requirements of the Tehama County Environmental Health Department.

Condition #3

The tattoo business must comply with the City of Corning Sign Regulations

OR:

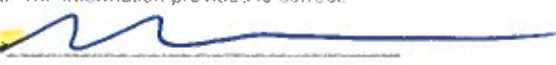
Failing to make findings in support of the project, recommend findings in denial of the project for consideration by the Commission.

Adopt findings in denial of the project and deny Use Permit 2024-328.

ATTACHMENTS: Use Permit Application.

**CITY OF CORNING
PLANNING APPLICATION**
TYPE OR PRINT CLEARLY

Submit Completed Applications to
City of Corning
Planning Dept.
794 Third Street
Corning CA 96021

PROJECT INFORMATION	PROJECT ADDRESS 1202 Solano St.		ASSESSOR'S PARCEL NUMBER	G.P. LAND USE DESIGNATION
	ZONING DISTRICT	FLOOD HAZARD ZONE	SITE ACREAGE	AIRPORT SAFETY ZONE?
	PROJECT DESCRIPTION: (attach additional sheets if necessary) body ART PRACTICINOR			
	APPLICATION TYPE (Check All Applicable)			
<input type="checkbox"/> Annexation/Detachment <input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Lot Line Adjustment <input type="checkbox"/> Merge Lots <input type="checkbox"/> Planned Dev. Use Permit <input type="checkbox"/> Parcel Map <input type="checkbox"/> Preliminary Plan Review <input type="checkbox"/> Rezone <input type="checkbox"/> Street Abandonment <input type="checkbox"/> Subdivision <input type="checkbox"/> Time Extension <input checked="" type="checkbox"/> Use Permit - TATTOO <input type="checkbox"/> Variance <input type="checkbox"/> Other _____				
APPLICANT INFORMATION	APPLICANT MYKATA SANDERS		ADDRESS 1202 SOLANO ST	DAY PHONE
	REPRESENTATIVE (IF ANY)		ADDRESS	DAY PHONE
	PROPERTY OWNER MYKATA SANDERS		ADDRESS	DAY PHONE
	CORRESPONDENCE TO BE SENT TO <input type="checkbox"/> APPLICANT <input type="checkbox"/> REPRESENTATIVE <input type="checkbox"/> PROP OWNER			
	<p>By signing this application the applicant/property owner agrees to defend, indemnify, and hold the City of Corning harmless from any claim, action, or proceeding brought to attack, set aside, void or annul the City's approval of this application, and any Environmental Review associated with the proposed project.</p>			
APPLICANT/REPRESENTATIVE I have reviewed this application and the attached material. The information provided is correct. Signed: 			PROPERTY OWNER I have read this application and consent to its filing. Signed: _____	

SUBMITTAL INFO	FOR OFFICE USE ONLY			
	APPLICATION NO	RECEIVED BY:	DATE RECEIVED	DATE APPL. DEEMED COMPLETE
	FEES RECEIVED/RECEIPT NO. \$ 500.00		CEQA DETERMINATION Exempt ND MND EIR	