

City of Corning 2024-2029 Housing Element Update CEQA Exemption Technical Memorandum

City of Corning

Prepared for:

The City of Corning

Contact: Christinia Meeds, Planner II
Planning Department
794 Third Street
Corning, California 96021

Prepared by:

PlaceWorks

Contact: Mark Teague, AICP, Managing Principal
101 Parkshore Drive, Suite 200
Folsom, California 95630
info@placeworks.com

December 2024

Table of Contents

Table of Contents

Section	Page
1. INTRODUCTION	1
1.1 PURPOSE	1
1.2 STATUTORY AUTHORITY AND REQUIREMENTS	1
2. PROJECT DESCRIPTION	2
2.1 REGIONAL LOCATION	2
2.2 PROPOSED PROJECT	2
3. FINDINGS CONCERNING CEQA EXEMPTION.....	6
3.1 SECTION 15061(B)(3): COMMON SENSE EXEMPTION	6
3.2 ANALYSIS IN SUPPORT OF FINDINGS.....	6
FIGURES	
Figure 2-1: Corning's Sites Inventory Map.....	4
TABLES	
Table 2-1 Corning’s RHNA Summary	3
Table 3-1 PROGRAM RC 1.1 REMOVAL OF CONSTRAINTS AND CEQA DETERMINATION	8

1. Introduction

1.1 PURPOSE

This Technical Memorandum shall serve as an evaluation of the City of Corning 2024-2029 Housing Element Update (proposed project) concerning California Environmental Quality Act (CEQA) compliance. This Technical Memorandum was prepared to present: (1) the findings from the CEQA compliance review, as described below; and (2) the recommendations concerning the appropriate CEQA compliance documentation.

1.2 STATUTORY AUTHORITY AND REQUIREMENTS

Once it is determined that an activity is a project subject to CEQA, it is then determined whether the project is exempt from CEQA. CEQA Guidelines Section 15061(b) outlines how a project may be exempt as follows:

A project is exempt from CEQA if:

- 1) The project is exempt by statute (see, e.g., Article 18, commencing with CEQA Guidelines Section 15260).
- 2) The project is exempt pursuant to a categorical exemption (see Article 19, commencing with CEQA Guidelines Section 15300), and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2.
- 3) The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
- 4) The project will be rejected or disapproved by a public agency. (See CEQA Guidelines Section 15270(b)).
- 5) The project is exempt pursuant to the provisions of Article 12.5 of Chapter 3.

The proposed project would be exempt as a “common sense” exemption under CEQA Guidelines Section 15061(b)(3) because the implementation of the proposed project would not have the potential to cause a significant effect on the environment, as further discussed in Section 3, *Findings Concerning CEQA Exemption*.

2. Project Description

2.1 REGIONAL LOCATION

The City of Corning is in the southern central portion of Tehama County in the central Sacramento Valley. Corning is bisected by Interstate 5 to the west which trends north to south through most of the valley. Other incorporated cities near Corning include Orland (13 miles to the south), Willows (30 miles to the south), Chico (26 miles to the southeast). Unincorporated areas and agricultural land uses surround Corning.

2.2 PROPOSED PROJECT

The Housing Element is a State-mandated policy document that is a component of the City of Corning's General Plan. The overall purpose of the proposed project is to identify current and projected housing needs; show locations where housing can be built; and set goals, policies, and programs to meet the community's housing needs.

The foundation of the Housing Element is the Regional Housing Needs Allocation (RHNA), which begins with a determination of housing needs issued by the California Department of Housing and Community Development (HCD). For the 7th Cycle Housing Element, the city must plan to accommodate a total of 186 housing units, including 25 extremely low-income, 25 very low-income, 24 low-income, 30 moderate-income, and 82 above moderate-income units.

State law requires that the Housing Element identify adequate sites for housing by including an inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, including analysis of the development capacity that can realistically be achieved for each site. The land use potential for all the sites in the inventory comes from the Land Use Element of the General Plan. The purpose of the site's inventory is to evaluate whether there are sufficient sites with appropriate zoning to meet the RHNA. The inventory must identify adequate sites that will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of housing types for households of all income levels. The development capacity of each of the identified housing sites is based on land use designation and zoning districts currently in place in the Land Use Element and Zoning Code, respectively.

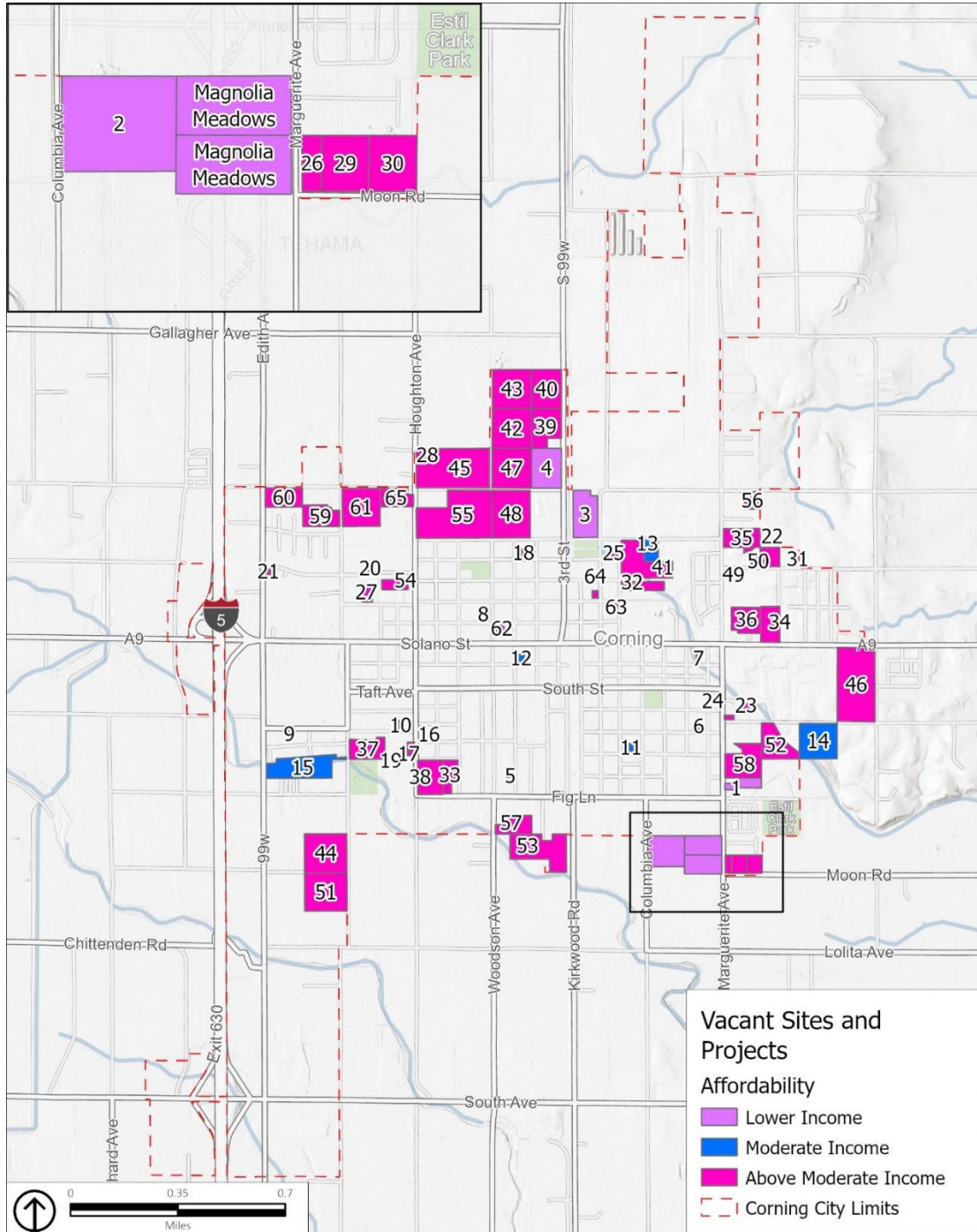
Table 2-1, *Corning's RHNA Summary*, provides a summary of Corning's ability to meet the 2024-2029 RHNA. After accounting for a pipeline project, capacity on vacant sites, and projected accessory dwelling units (ADU), Corning has an existing surplus capacity of 271 units, which exceeds the City's 7th Cycle RHNA. Figure 2-1, *Corning's Sites Inventory Map*, shows where each site is in the City, there are no zoning redesignations needed to meet the city's RHNA. The development capacity of each identified housing site is based on existing land use and zoning densities currently designated by the City's General Plan and Zoning Code.

TABLE 2-1 CORNING’S RHNA SUMMARY

Income Category	RHNA	Pipeline Projects	Vacant Site Capacity	Projected ADUs	Total Capacity	Surplus Capacity
Extremely Low	25	21	116	3	140	66
Very Low	25					
Low	24					
Moderate	30	0	38	3	41	11
Above Moderate	82	0	272	4	276	194
Total	186	21	426	10	457	271

Source: Corning 2024

Figure 2-1 Corning's Sites Inventory Map



Source: Corning 2024

2.2.1 Proposed Housing Element Programs

CEQA requires the City to evaluate the environmental impacts associated with direct and reasonably foreseeable indirect physical changes to the environment. The City provides several programs in the proposed project to encourage housing production and outline steps for implementing certain actions. The proposed programs would help to facilitate housing development based on each program's implementation. The programs are either inform the public or landowner of the emphasis on housing, or would result in no physical change to the environment as the program includes definitions or recognizes existing state regulations. Several of the programs were modified to comply with State law, combined to consolidate programs with similar intent to aid in implementation, or eliminated where the City already completed the identified task. This analysis is followed in Section 3.2, *Analysis in Support of Findings*.

- **RC-1.1. Removal of Constraints.** The City will take the following actions:
 - **Residential care facilities.** Residential care facilities or group home facilities that serve six or fewer residents will be permitted subject to the same requirements as single-family homes, and residential care facilities or group home facilities that serve seven or more residents will be permitted in residential zones without a conditional use permit and subject only to objective standards.
 - **Emergency shelter.** The City will amend its definition of emergency shelter in the zoning to include other interim interventions including but not limited to, navigation centers, bridge housing, and respite or recuperative care, pursuant to Government Code Section 65583, subdivision (a)(4). Additionally, the City will revise parking requirements for emergency shelters to require the provision of sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.
 - **Clarifying Reasonable Accommodations Text.** Review Section 17.63.080 and amend to correct the current reference to "Section X", which should refer to Section 17.54.050.
 - **Reviewing Reasonable Accommodations Appeal Procedure.** Review the appeals procedure as it applies to reasonable accommodations requests to identify any potential constraints and if constraints are found, remove them.
 - **Employee and Farmworker Housing.** Amend the zoning code to clarify that farmworker and employee housing up to 12 units or 36 beds is considered an agricultural use that is permitted Agricultural Combining District without a conditional use permit, zoning variance, or other zoning clearance that is not required of any other agricultural activity in the zone.
 - **Conditional Use Permit Findings.** Evaluate the required findings for conditional use permits and ensure that only objective standards are applied to residential uses by revising the zoning if needed. In particular the following finding will be evaluated:
 - That the proposed use will not have an adverse effect upon the use, enjoyment or valuation of adjacent or neighboring properties or upon the public welfare.

3. Findings Concerning CEQA Exemption

3.1 CEQA GUIDELINES SECTION 15061(B)(3): COMMON SENSE EXEMPTION

The proposed project is exempt as a “common sense” exemption under CEQA Guidelines Section 15061(b)(3) because the project involves policies, programs, and actions to meet the City’s RHNA allocation that would not have the potential to cause a significant physical effect on the environment. Because the City does not have to rezone any sites or make any physical improvements to meet the 7th Cycle RHNA, it can be seen with certainty that there is no possibility that the proposed project would have a significant effect on the environment. Thus, the proposed project is exempt from CEQA under the common-sense exemption.

3.2 ANALYSIS IN SUPPORT OF FINDINGS

The proposed project is strictly a policy document that does not provide entitlements to any specific development projects and would not result in any direct or indirect physical changes to the environment. As discussed in Section 2.2.1, *Proposed Housing Element Programs*, the Housing Sites Inventory uses existing land use and zoning; therefore, would not require redesignation or rezoning to meet the City’s 7th Cycle RHNA. Although future programs would include amendments to the City’s Municipal Code, these changes are made to reflect with existing requirements contained in State law.

For example, Program RC 1.1 Removal of Constraints, would amend the City’s Municipal Code to address development standards and barriers to support a variety of housing types, which includes amending the emergency shelters, employee and farmworker housing, residential care facilities, reasonable accommodations text, the reasonable accommodations appeal procedure, and the conditional use permit findings. The definitions are contained in state law and already apply to projects, inclusion in the municipal code is at the request of the California Department of Housing and Community Development to ensure consistency between state and local regulations. Similarly, the modification to the Conditional Use Permit process is to reflect the reliance on objective design standards that is already required by state law. The proposed amendments to the Municipal Code would not result in significant environmental impacts, as future development and facilities would still comply with the City’s General Plan and its zoning and land use designations.

Changes to these programs would not result in significant physical changes to the environment, would comply with State law, and not result in substantial new changes. Table 3-1, *Program RC 1.1 Removal of Constraints and CEQA Determination*, shows that each major action in the program intends to update

policies to comply with State law. New development would occur on land currently designated to allow residential uses to occur under the City's General Plan.

The proposed project does not include specific amendments to any land use regulations. Subsequent amendments to the City's land use or zoning regulations would be subject to separate CEQA review at the time those amendments are prepared if required. In addition, future by-right development would still be subject to federal, state, and local regulations related to land use, such as the Migratory Bird Treaty Act, wetland conservation, and construction air quality permitting. Therefore, it can be seen with certainty that the City of Corning's proposed project would not have a significant effect on the environment and is therefore exempt from CEQA review.

TABLE 3-1 PROGRAM RC 1.1 REMOVAL OF CONSTRAINTS AND CEQA DETERMINATION

Program RC 1.1 Actions	California State Code Sections	CEQA Determinations
Residential care facilities. Residential care facilities or group home facilities that serve six or fewer residents will be permitted subject to the same requirements as single-family homes, and residential care facilities or group home facilities that serve seven or more residents will be permitted in residential zones without a conditional use permit and subject only to objective standards.	California Code, Health and Safety Code - Sections 1267.8, 1566.3, and 1568.08	No impact as this policy would be compliant with existing State law and can be implemented without a zone change.
Emergency shelter. The City will amend its definition of emergency shelter in the zoning to include other interim interventions including but not limited to, navigation centers, bridge housing, and respite or recuperative care, pursuant to Government Code Section 65583, subdivision (a)(4). Additionally, the City will revise parking requirements for emergency shelters to require the provision of sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.	California Code, Government Code Sections 65583(a)(4)	No impact as this policy would be compliant with existing State law and can be implemented without a zone change.
Clarifying Reasonable Accommodations Text. Review Section 17.63.080 and amend to correct the current reference to “Section X”, which should refer to Section 17.54.050.	N/A	No impact as this policy would change the current reference and can be implemented without a zone change.
Reviewing Reasonable Accommodations Appeal Procedure. Review the appeals procedure as it applies to reasonable accommodations requests to identify any potential constraints and if constraints are found, remove them.	N/A	No impact as this policy would review potential constraints and can be implemented without a zone change.
Employee and Farmworker Housing. Amend the zoning code to clarify that farmworker and employee housing up to 12 units or 36 beds is considered an agricultural use that is permitted Agricultural Combining District without a conditional use permit, zoning variance, or other zoning clearance that is not required of any other agricultural activity in the zone.	California Code, Health and Safety Code - Sections 17021.5, and 17021.6	No impact as this policy would be compliant with existing State law and can be implemented without a zone change.
Conditional Use Permit Findings. Evaluate the required findings for conditional use permits and ensure that only objective standards are applied to residential uses by revising the zoning if needed. In particular the following finding will be evaluated:	N/A	No impact as this policy would evaluate required findings and can be implemented without a zone change.

Program RC 1.1 Actions	California State Code Sections	CEQA Determinations
<ul style="list-style-type: none">▪ That the proposed use will not have an adverse effect upon the use, enjoyment or valuation of adjacent or neighboring properties or upon the public welfare.		

3.3 REFERENCES

Corning, City of. 2024. City of Corning 2024-2029 Housing Element Update.