



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

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

**B. ROLL CALL:**

**Commissioners: Barron  
Poisson  
Mesker  
Pendergraft  
Chairman: 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, however 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 August 17, 2021 Planning Commission Meeting with any necessary corrections:**

**E. PUBLIC HEARINGS AND MEETINGS:**

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

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

**F. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:**

**G. ADJOURNMENT!:**

**POSTED: FRIDAY, NOVEMBER 12, 2021**



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

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**Commissioners: Barron  
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**F. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:**

**G. ADJOURNMENT!:**

**POSTED: FRIDAY, NOVEMBER 12, 2021**



**CITY OF CORNING  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, AUGUST 17, 2021  
CITY COUNCIL CHAMBERS  
794 THIRD STREET  
CORNING, CA 96021**

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

**B. ROLL CALL:**

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

All members of the Commission were present except Commissioner Pendergraft.

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

**D. MINUTES:**

**1. Waive the reading and approve the Minutes of the April 20, 2021 Planning Commission Meeting with any necessary corrections:**

It was announced that the title states Agenda instead of Minutes. Motion was made by Commissioner Barron to approve the Minutes with the correction to the title; Commissioner Poisson seconded the motion. **Ayes: Robertson, Barron, Poisson, and Mesker. Absent: Pendergraft. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Pendergraft absent.**

**E. PUBLIC HEARINGS AND MEETINGS:**

**2. Approve Tentative Parcel Map 2021-0001 and Use Permit 2021-297 – Corning SC, LLC, Grocery Outlet. Applicant: Corning SC, LLC seeks Use Permit to construct an approximately 16,000 sq. ft. commercial building for sale of grocery store items and construct a 950 sq. ft. Drive Thru Coffee Shop on the same lot. The businesses are to be located along the east side of Edith Avenue approximately 424 feet north of the Solano St./Edith Ave. – Highway 99W Intersection. Address: 663 Edith Avenue, APN: 071-080-021.**

Public Hearing was opened at 6:35 p.m. Planner 1 Christina Meeds introduced this item and announced that applicant representatives Tim Bettencourt and Kathryn Kleinschmidt, PE, PTOE (Traffic Study), and Nick Wecker with Barghausen Consulting (for Dutch Bros.) were present. She stated that the proposed site is zoned properly for both proposed businesses. Ms. Meeds relayed some concerns that City Staff had regarding traffic issues and stated that, following receipt and review of the traffic study, Staff believes those concerns have adequately been addressed and mitigated.

Commissioner Mesker clarified the project boundaries and at the request of Commissioner Poisson the entry/exit to project traffic routes were clarified, it was stated that there will be two entry/exit sites off of Edith Avenue, one entry/exit on the south side; and another on the north side of the project. Information and projected traffic numbers were presented by the Project's Traffic Study Engineer.

Chetina College asked about the TRAX Bus Stop location, specifically if there is someone to contact about the location of the Edith Avenue Bus Stop to request that it not remain in front of a private residence? She was informed by the City Manager that the City cannot require the applicant to correct an existing problem, however the City will look into this.

An audience member, on behalf of the residential homeowners located close to the proposed project, stated their concerns relating to a buffer zone between the commercial businesses and

the residential homes. He was informed that there remains a vacant property between the proposed commercial project and that a masonry wall will be installed with the project as a sound barrier. Another audience member stated his belief that the project should be moved to another location.

With no further comments, at 7:10 p.m. Commissioner Poisson moved to close the Public Hearing; Commission Barron seconded the motion. **Ayes: Robertson, Barron, Poisson, and Mesker. Absent: Pendergraft. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Pendergraft absent.**

Commissioner Mesker moved that the Planning Commission approve Conditional Use Permit 2021-297 and Tentative Parcel Map 2021-0001 and:

1. Adopt the 5 Factual Subfindings and Legal Findings presented for Use Permit 2021-297; and
2. Approve Use Permit 2021-297 subject to the 29 Conditions of Approval as recommended by Staff. Commissioner Barron seconded the motion. **Ayes: Robertson, Barron, Poisson, and Mesker. Absent: Pendergraft. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Pendergraft absent.**

## **5 FACTUAL SUBFINDINGS AND LEGAL FINDINGS FOR USE PERMIT 2021-297**

### **Factual Sub finding #1**

The project proposes to construct a 16,000 sq. ft. building for the retail sales of grocery items, and a 950 sq. ft. drive – thru coffee, operation of the buildings will not involve the use of significant amounts of hazardous substances. The building is in an area zoned for commercial development. The project site has frontage along Edith Avenue where city water and sewer lines are available for use.

### **Legal Finding #1**

The granting of Use Permit 2021-297 will permit the construction and development of a retail business in an area established with, and zoned for, commercial development where all necessary public services and facilities are available, and therefore exempt from CEQA pursuant to Section 15332.

### **Factual Sub finding #2**

The site proposed for the development of a Grocery Outlet Store is located on a parcel that is zoned CH - CBDZ, Highway Service Commercial - Corning Business Development Zone.

### **Legal Finding #2**

The establishment of a Grocery Outlet Store for the retail sale of grocery items is an allowed use in a CH - CBDZ Zoning District pursuant to the granting of a Conditional Use Permit by the Planning Commission.

### **Factual Sub finding #3**

The parcel proposed for a Grocery Outlet Store is approximately 3.5 acres in size, has less than a 1% slope in topography from west to the east, and an appropriate shape for the retail sale of grocery items.

### **Legal Finding #3**

The parcel proposed for a Grocery Outlet Store is adequate in size, shape, and topography.

### **Factual Sub finding #4**

The parcel has approximately 190 feet of frontage and direct access to Edith Avenue.

### **Legal Finding #4**

The site has sufficient access to Edith Avenue and existing frontage improvements are present including curb, gutter, and sidewalk. Driveway modifications will be required for access to the commercial building.

### **Factual Finding #5**

Corning SC, LLC propose to construct a building (Grocery Outlet) for the retail sale of grocery items and a drive-thru coffee in an area established with existing retail businesses serving the City of Corning and surrounding area.

### **Legal Finding #5**

The establishment of a Grocery Outlet Store and Drive-Thru Coffee will not have an adverse effect upon the use, enjoyment, or valuation of adjacent or neighboring properties or upon the public welfare.

## 29 CONDITIONS OF APPROVAL FOR USE PERMIT 2021-297

### **CONDITION #1 – AGENCY COMPLIANCE:**

The development and continued operation of Grocery Outlet Store and Drive-Thru Coffee, permitted pursuant to Use Permit 2021-297, must comply with all applicable local, State, and Federal laws and regulations. Development of the site must be in substantial conformance with the site improvement plans submitted with the Use Permit application.

### **CONDITION #2 – HANDICAPPED PARKING:**

Prior to public opening for the Grocery Outlet Store and Drive-Thru Coffee the applicant must designate and appropriately mark handicapped parking spaces as approved by the Building Official.

### **CONDITION #3 SIGN REGULATIONS:**

All proposed signs must comply with the City of Corning sign regulations established by Ordinance 681.

### **CONDITION #4 – LANDSCAPING:**

Developer shall install permanent landscaping pursuant to the requirements set forth in the Hwy 99W Corridor Specific Plan in all areas outside building footprint or parking lot and including landscaping within the adjacent public right of way along Edith Avenue. Landscaping shall be in accordance with approved Landscaping Plan, except as modified by these Conditions of Approval.

### **CONDITION #5:**

Landscaping to be provided with permanent and automatic means of irrigation. Applicant's attention is specifically drawn to City Code Chapter 16.27, Ground Cover Standards, and the requirement to plant and maintain ground cover and trees.

### **CONDITION #6- REMOVE CONSTRUCTION DEBRIS:**

Prior to public opening for the Grocery Outlet Store and Drive-Thru Coffee all construction debris must be removed from the site.

### **CONDITION #7 - FUGITIVE DUST PERMIT:**

Prior to commencement of any type of construction activities the applicant must submit a construction emission dust/control plan and obtain a Fugitive Dust Control Permit from the Tehama County Air Pollution District and comply with the conditions of approval.

### **CONDITION #8 - OPEN BURNING:**

No open burning shall occur on this parcel unless a special land clearing permit is obtained from the Tehama County Air Pollution Control District.

### **CONDITION #9 - COVER EXPOSED SOILS:**

Areas denuded by construction activities and not scheduled for development for an indefinite period shall be seeded or covered by impervious materials to minimize water and wind erosion prior to the beginning of the rainy season (October 15<sup>th</sup>).

### **CONDITION #10 - GRADING PLANS:**

Complete grading plans shall be submitted for approval by the City Engineer.

### **CONDITION #11 - CULTURAL RESOURCES:**

If subsurface deposits believed to be cultural in origin are discovered during construction, then all work must halt, and the City of Corning notified. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find. Work cannot continue at the discovery location until the archaeologist conducts sufficient research and data collection to decide that the resource is either 1) not cultural in origin; or 2) not potentially significant. If a potentially eligible resource is encountered, then the archaeologist, lead agency, and project proponent shall arrange for either 1) total data recovery as a mitigation, or, preferably, 2) total avoidance of the resource, if possible. The determination shall be formally documented in writing and submitted to the lead agency as verification that the provisions in CEQA for managing unanticipated discoveries have been met.

### **CONDITION #12 - HUMAN REMAINS:**

If human remains, or remains that are potentially human, are discovered during project construction or implementation, all work must stop. The construction supervisor must notify the Corning Police Department immediately and take appropriate action to ensure that the discovery is protected from further disturbance or vandalism.

### **CONDITION #13 - STORMWATER POLLUTION PREVENTION PLAN:**

Prior to any site disturbance or earthmoving activities on or adjacent to the project site, applicant shall obtain a Construction Stormwater Permit from the Regional Water Quality Control Board. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and submitted to the Central Valley Regional Water Quality Control Board. A WDID # must be assigned and provided to the City of Corning.

**CONDITION #14 - SOILS INVESTIGATION:**

Prior to the issuance of a building permit for construction of the building the applicant shall submit a soils investigation by a registered engineering geologist or civil engineer to determine if expansive soils requiring special foundation design is necessary. The Developer shall provide: 1) certification assuring adequate compaction of filled lots in accordance with the Uniform Building Code; and 2) for those lots with expansive soils, certification that the engineered foundation plans comply with building code requirements.

**CONDITION #15 – DRAINAGE ANALYSIS:**

Applicant shall provide a Drainage Analysis prepared by a registered Civil Engineer or Certified Hydrologist. The Analysis shall quantify the increased runoff resulting from a 25-year storm for a duration of four hours that will result from the development.

**CONDITION #16 – STORM DRAIN RETENTION:**

Storm Drain and retention facilities shall be in accordance with the Drainage Analysis, constructed to City Standards and approved by the Public Works Director.

**CONDITION #17- SOILS INFORMATION:**

Soils information (Soil Log) must be submitted to verify adequacy of on-site storm water retention designs.

**CONDITION #18 - FINISHED GRADE:**

Finished grade must be graded to direct runoff to stormwater drain facilities within the public right-of way or established drainage facilities (detention basins) constructed on the parcel. No lot-to-lot runoff is permitted.

**CONDITION #19 - CONSTRUCTION HOURS:**

Excavation and construction work shall occur only between the hours of 7:00 AM to 7:00 PM, Monday through Friday, and between the hours of 8:00 AM to 6:00 PM on weekends and federally observed holidays.

**CONDITION #20 - CONSTRUCTION EQUIPMENT:**

The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained. When feasible, existing power sources, such as power poles, or clean fuel generators should be used, rather than temporary power generators. Minimize idling time to 10 minutes.

**CONDITION #21 - DEVELOPMENT IMPACT FEES:**

Development of the Grocery Outlet Store and Drive-Thru Coffee at this location are subject to imposed Development Impact Fees to lessen the new development's impacts on City facilities and services. These fees shall be assessed and payable prior to issuance of a Building Permit.

**CONDITION #22 – PUBLIC IMPROVEMENTS:**

All public improvements shall be constructed in accordance with the Subdivision Ordinance of the City of Corning and required Public Works Standards.

**CONDITION #23 - CURB, GUTTER, & SIDEWALK IMPROVEMENTS:**

Any damaged curb, gutter, or sidewalk along the frontage of the proposed project shall be replaced as part of this project. Existing residential driveways shall be removed, and new commercial driveways shall be constructed per City of Corning Standards

**CONDITION #24 - THERMOPLASTIC STRIPING:**

Install proposed striping and signage improvements on Edith Avenue per the Technical Memorandum: Traffic Impact Analysis Memorandum (TIAM) for Grocery Outlet Development in Corning, CA prepared by GHD dated July 21, 2021. Existing on street parking along the frontage of the project shall be removed and a dedicated right turn lane shall be striped accordingly terminating at the north most driveway.

**CONDITION #25 – BUS STOP:**

Developer shall coordinate with Tehama Rural Area Express (TRAX) regarding the relocation of the existing bus stop located on Edith Avenue adjacent to the proposed project. The outcome of the coordination shall be that the bus stop is relocated adjacent to the site or in the same general vicinity.

**CONDITION #26 - WATER & SEWER CONNECTIONS:**

Water and sewer connections shall be completed in accordance with Public Works Specifications. All water meters to be Sensus compound meters to register in gallons.

**CONDITION #27 – CONSTRUCTION OF FENCE:** The Applicant will be required to construct a durable land use barrier (6'-0" high masonry wall or equivalent) along the residential boundary to the north that will mitigate noise and land use impacts caused by and/or affecting the proposed development.

**CONDITIONS #28 –**

Paint curbs red on Edith Avenue along the full width of the parcel to allow for emergency response.

**CONDITION #29 –**

Final Map to show all easements.

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

**G. ADJOURNMENT!:** 7:20 p.m.

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**Lisa M. Linnet, City Clerk**

**ITEM NO: E-2  
USE PERMIT APPLICATION 2021-299.  
YAYA'S TACOS TO SELL BEER AND  
WINE WITHIN THE RESTAURANT  
LOCATED AT ADDRESS: 615 4<sup>TH</sup>  
STREET APN: 71-116-06**

**November 16, 2021**

**TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING**  
**FROM: CHRISSY MEEDS, PLANNER 1** *CM*

**PROJECT DESCRIPTION:**

Mrs. Rosie Flores, owner of Yaya's Tacos has applied for an on-sale license with the California Department of Alcoholic Beverage Control (ABC) to sell beer and wine within the Yaya's Tacos restaurant. 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. As required, the owner applied for a Use Permit that must be granted by the Planning Commission prior to ABC issuing the on-sale license located along the east side of 4<sup>th</sup> Street, approximately 60 feet north of the 4<sup>th</sup> St. / Yolo St. intersection.

Address: 615 4<sup>th</sup> St. APN: 71-116-06

In October of 2020, the Planning Commission approved Conditional Use Permit 2020-292, (see attached and Subfinding #2) to allow Mrs. Rosie Flores to establish a Restaurant in an M-1 Light Industrial Zoned District with 3 Conditions.

Staff recommends the Planning Commission revoke Use Permit 2020-292 and issue Use Permit 2021-299, allowing all uses and conditions within Use Permit 2020-292 and the sale of beer and wine. If the Planning Commission chooses to deny Conditional Use Permit 2021-299, then the previously approved Use Permit 2020-292 will stay active.

**GENERAL PLAN LAND USE DESIGNATION:**

I – Industrial – This classification includes all industrial uses of land as permitted in the City's Zoning Ordinance. These include zoning districts M-1, and M-2.

**ZONING:**

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

**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 an existing building where she owns a restaurant. Staff has determined this is a negligible expansion of a restaurant and therefore exempt from CEQA pursuant to Section 15301, Class 1.

**PARKING:**

Section 17.51.030 A of the Corning Municipal Code exempts uses and/or structures existing at the time the off-street parking requirements were adopted in 1989. The structure was existing prior to 1989 and therefore exempt from the off-street parking requirements.

**RECOMMENDATION:**

**STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT THE FOLLOWING, OR SIMILAR, FACTUAL SUBFINDINGS AND LEGAL FINDINGS FOR USE PERMIT 2021-299;**

**Factual Subfinding #1**

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

**Legal Finding #1**

The granting of Use Permit 2021-299 is a negligible expansion of a Restaurant that is permitted to serve food and beverages and therefore exempt from CEQA pursuant to Section 15301, Class 1.

**Factual Subfinding #2**

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

**Legal Finding #2**

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

**Factual Subfinding #3**

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

**Legal Finding #3**

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

**Factual Subfinding #4**

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

**Legal Finding #4**

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

**RECOMMEND CONDITIONS OF APPROVAL:**

**Condition #1**

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

**Condition #2**

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

**Condition #3**

Comply with the City of Corning Sign Regulations.

**Condition #4**

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

**Condition #5**

Mrs. Flores must supply one ADA parking space

**RECOMMENDED ACTION**

- 1. REVOKE CONDITIONAL USE PERMIT 2020-292; AND**
- 2. MOVE TO ADOPT THE 4 FACTUAL SUBFINDINGS AND LEGAL FINDINGS AS PRESENTED IN THE STAFF REPORT AND APPROVE CONDITIONAL USE PERMIT 2021-299 SUBJECT TO THE FIVE AFOREMENTIONED CONDITIONS OF APPROVAL.**

(Please note: Prior to adopting the recommended Subfindings & Legal Findings the Commission has the ability to modify or remove any of the Subfindings and Legal Findings, if deemed appropriate by a majority of the Commission)

**OR:**

- 3. Move to adopt findings and deny the issuance of Use Permit 2021-299.**

If the Planning Commission chooses to deny Conditional Use Permit 2021-299, then the previously approved Use Permit 2020-292 will stay active.

**ATTACHMENTS:**

**Exhibit "A": VICINITY MAP**

**Exhibit "B": 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

<b>PROJECT INFORMATION</b>	PROJECT ADDRESS <u>615 4th St.</u>		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) <u>ABC Lic</u>			
	<b>APPLICATION TYPE (Check All Applicable)</b>			
<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 _____				
<b>APPLICANT INFORMATION</b>	APPLICANT <u>Rosalba Rivera</u>	ADDRESS <u>615 4th St.</u>	DAY PHONE	
	REPRESENTATIVE (IF ANY) <u>r.rivera4311@gmail.com</u>	ADDRESS	DAY PHONE	
	PROPERTY OWNER	ADDRESS	DAY PHONE	
	CORRESPONDENCE TO BE SENT TO <input checked="" type="checkbox"/> APPLICANT <input type="checkbox"/> REPRESENTATIVE <input type="checkbox"/> PROP. OWNER			
	APPLICANT/REPRESENTATIVE: I have reviewed this application and the attached material. The information provided is correct. Signed: <u>[Signature]</u>		PROPERTY OWNER: I have read this application and consent to its filing. Signed: _____	
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.				

<b>SUBMITTAL INFO</b>	<b>FOR OFFICE USE ONLY</b>			
	APPLICATION NO. <u>2021-299</u>	RECEIVED BY: <u>CM</u>	DATE RECEIVED <u>10-22-21</u>	DATE APPL. DEEMED COMPLETE <u>10-22-21</u>
	FEEES RECEIVED/RECEIPT NO.	CEQA DETERMINATION <u>Exempt</u> MD MND EIR		DATE FILED

# Yaya's Restaurant

Write a description for your map.

## Legend

- 615 4th St
- House of Brews
- Untitled Path



100 ft

**ITEM NO: E-3  
USE PERMIT APPLICATION 2021-300;  
MARISCOS ALTAMAR LLC RESTAURANT,  
TO SELL BEER & WINE WITHIN AN  
EXISTING RESTAURANT LOCATED ALONG  
THE NORTH SIDE OF SOLANO ST. AT THE  
FAIRVIEW/SOLANO ST. INTERSECTION  
APN: 71-094-004; Address: 1728 Solano St.  
NOVEMBER 16, 2021E-3**

**TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING**  
**FROM: CHRISSY MEEDS; PLANNER 1** *CM*

**PROJECT DESCRIPTION:**

Mariscos Altamar LLC Restaurant is seeking an on-sale license with the California Department of Alcoholic Beverage Control (ABC) to sell beer and wine within their existing restaurant. 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. As required by code, the owners have applied for a Use Permit that must be granted by the Planning Commission prior to ABC issuing the on-sale license. The Mariscos Altamar LLC Restaurant is located along the north side of Solano St. at the Fairview/Solano St intersection.

APN: 71-094-004 Address: 1728 Solano St.

**GENERAL PLAN LAND USE DESIGNATION:**

C – Commercial

**ZONING:**

C-3 – General Business District. This district classification is intended to be applied where general commercial facilities are necessary for public service and convenience. The C-2, Central Business District, allows Catering shops, cafes, and restaurants as an allowed use pursuant to Section 17.20.020 (B) of the Corning Zoning Code. The C-3 District (Section 17.22.020 A) permits allowed uses in the C-1 and C-2 Zoning Districts. 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 must 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 owners to sell beer and wine in an existing building that has an established restaurant known as the Mariscos Altamar LLCC Restaurant. 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 FACTUAL SUBFINDINGS AND LEGAL FINDINGS FOR USE PERMIT 2021-300:**

**Factual Subfinding #1**

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

**Legal Finding #1**

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

**Factual Subfinding #2**

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

**Legal Finding #2**

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

**Factual Subfinding #3**

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

**Legal Finding #3**

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

**Factual Subfinding #4**

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

**Legal Finding #4**

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

**Factual Subfinding #5**

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

**Legal Finding #5**

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

**ACTION:**

**Move to adopt the five, or similar, Factual Subfindings and Legal Findings as presented in the staff report and approve Use Permit 2021-300 permitting the sale and serving of beer and wine in the Mariscos Altamar LLC Restaurant 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 of beer and wine at the business known as the Mariscos Altamar LLC Restaurant.

**Condition #2**

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

**Condition #3**

Comply with the City of Corning Outdoor Advertising Sign Regulations.

**Or;**

**Move to adopt findings and deny the issuance of Use Permit 2021-300.**

**ATTACHMENTS**

Exhibit "A": Use Permit Application & Location Map

RECEIVED

CITY OF CORNING  
PLANNING APPLICATION  
TYPE OR PRINT CLEARLY

OCT 29 2021

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

CITY OF CORNING

<b>PROJECT INFORMATION</b>	PROJECT ADDRESS 1728 Solano St Corning CA 96021		ASSESSOR'S PARCEL NUMBER 071-094-004	G.P. LAND USE DESIGNATION	
	ZONING DISTRICT C-3	FLOOD HAZARD ZONE	SITE ACREAGE	AIRPORT SAFETY ZONE?	
	PROJECT DESCRIPTION: (attach additional sheets if necessary) Use Permit for liquor license				
	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 _____			
<b>APPLICANT INFORMATION</b>	APPLICANT Mariscos Altamar LLC	ADDRESS 1728 Solano St Corning CA 96021	DAY PHONE 530 232 9112	+094.5-16@ hotmail. com	
	REPRESENTATIVE (IF ANY) Antonio Solano	ADDRESS 361 Stony Creek Dr Corning CA	DAY PHONE 530 519 9431		
	PROPERTY OWNER Ferdinand Guerra	ADDRESS 5545 Levinger Ave Corning CA 96021	DAY PHONE 530 514 1446		
	CORRESPONDENCE TO BE SENT TO				<input type="checkbox"/> APPLICANT <input checked="" type="checkbox"/> REPRESENTATIVE <input type="checkbox"/> PROP. OWNER
	APPLICANT/REPRESENTATIVE: I have reviewed this application and the attached material. The information provided is correct.		PROPERTY OWNER: I have read this application and consent to its filing.		
	Signed:		Signed:		
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.					

RECEIVED

<b>SUBMITTAL INFO</b>	<b>FOR OFFICE USE ONLY</b>			
	APPLICATION NO. 2021-09-29	RECEIVED BY 	DATE RECEIVED 10-29-21	DATE APPL. DEEMED COMPLETE
FEE RECEIVED/RECEIPT NO. \$ 500.00 ✓ 1271	CEQA DETERMINATION <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> NO MND EIR		DATE FILED	



