



**CITY OF CORNING  
PLANNING COMMISSION MEETING AGENDA  
TUESDAY, APRIL 19, 2022  
CITY COUNCIL CHAMBERS  
794 THIRD STREET  
CORNING, CA 96021**

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

**B. ROLL CALL:**

**Commissioners: Barron  
Poisson  
Mesker  
Vacant**

**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 March 15, 2021 and March 16, 2022 Continued Planning Commission Meeting with any necessary corrections.**

**E. PUBLIC HEARINGS AND MEETINGS:**

- 2. Public Hearing: Use Permit application 2022-302: Nancy Murray is seeking an on-sale beer and wine license with California Department of Alcoholic Beverage Control (ABC). APN: 071-132-009; Address: 1301 Solano Street.**

**F. REGULAR AGENDA:**

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

**H. ADJOURNMENT!:**

**POSTED: FRIDAY, APRIL 15, 2022**



**CITY OF CORNING  
PLANNING COMMISSION MEETING AGENDA  
TUESDAY, MARCH 15, 2022  
CITY COUNCIL CHAMBERS  
794 THIRD STREET  
CORNING, CA 96021**

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

**B. ROLL CALL:**

**Commissioners: Barron  
Poisson  
Mesker  
Vacant**

**Chairman: Robertson**

Councilors Barron and Poisson were present; Chairperson Robertson and Commissioner Mesker were absent. With a lack of quorum, Commissioner Barron opened the meeting and continued the meeting to tomorrow, March 16, 2022 at 6:30 p.m. at which time there will be a quorum and business can be conducted.

**Meeting adjourned at 6:35 p.m. to resume at 6:30 p.m. on Wednesday, March 16, 2022. Continuation Notice was posted on Council Chambers door.**

**CITY OF CORNING  
PLANNING COMMISSION MEETING AGENDA  
TUESDAY, MARCH 16, 2022  
CITY COUNCIL CHAMBERS  
794 THIRD STREET  
CORNING, CA 96021**

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

**B. ROLL CALL:**

**Commissioners: Barron  
Poisson  
Mesker  
Vacant**

**Chairman: Robertson**

All members of the Commission were present except Chairperson Robertson. One vacancy remains on the Commission.

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

**D. MINUTES:**

- 1. Waive the reading and approve the Minutes of the February 15, 2022 Planning Commission Meeting with any necessary corrections.**

Commissioner Poisson moved to approve the Minutes of the February 15, 2022 Planning Commission meeting as written. Commissioner Mesker seconded the motion. **Ayes: Barron, Poisson, and Mesker. Absent: Robertson. Abstain/Opposed: None. Motion was approved by a 3-0 vote with Robertson absent and one vacancy on the Commission.**

**E. PUBLIC HEARINGS AND MEETINGS:**

- 2. Public Hearing: Use Permit application 2022-301; to establish a residence in an industrial building where the Owner's business is being located. APN: 073-163-008; Address: 1577 Second Street.**

Introduced by Planner II Christina Meeds. Ms. Meeds announced that there have been problems with Code adherence at this address, Staff has closely monitored the situation and on numerous occasions provided the Mr. Telliz (owner) with information on the restrictions and what is allowed by City Code within this Zoning District. She then provided the Commission a history of Staff contacts with the landowners, and their wishes relating to business uses and residency at this site. Ms. Meeds then shared the complaints received by the City relating to this property. City Manager Kristina Miller clarified for the Commissioners that this proceeding is to determine only whether the residency within the Commercial Building should be allowed.

The Public Hearing was opened at 6:54 p.m. The Applicant addressed the Commission stating he would respond to questions from the Commissioners.

Commissioner Barron confirmed that the applicant understood all of the Conditions and Permits required. Commissioner Poisson suggested providing the Conditions of Approval (Use Permit Conditions) in Spanish; she was informed by Planner II Christina Meeds this would be done should the Use Permit be approved.

Commissioner Mesker asked Mr. Telliz if, when the property was purchased, it was his intention to have these businesses and residency at this site? The Owner responded stating not initially, he initially sought to have the tow yard business first. Then it was decided to add the food business and residency for convenience.

Commissioner Barron asked if they believe they can reduce the living space by the required 200 feet to meet the Code requirement; response was yes.

Commissioner Poisson asked Planner II Christina Meeds if she foresees any problems with the residence at the business. Yes, she stated her concerns regarding the conflict with the established industrial zoning.

Commissioner Barron asked if there are any other residences within a commercial business in an M-1 Zone; he was informed no, not at this time.

Commissioner Poisson asked, if approved, would this set a precedence within the City, or would these be considered on a case-by-case bases. She was informed that each application would be on a case-by-case basis, however, should this be approved, future applicants will reference this case stating it was allowed at this site.

Commissioner Mesker stated he doesn't believe it is a compatible use and is not in favor of the residence at this commercial business.

The applicant asked if the living space is reduced to meet Code why would they not be allowed to live there? It was explained that the allowance is discretionary based upon the decision of the Commission.

The Public Hearing was closed at 7:12 p.m.

Following discussion of the Commission the Public Hearing was reopened at 7:23 p.m. to ask the Mr. and Mrs. Telliz if they can meet the financial requirements outlined in the Conditions of Approval. Applicant responded stating that he understands the Conditions and agrees to them. They stated they are agreeable to the yearly inspections of the residence if approved. Applicant was asked, if approved, what is the timeline to comply with the conditions; they responded as long as progress is being made.

The Public Hearing was closed again at 7:34 p.m.

Commissioner Mesker moved to make the finding that the uses are not consistent and to deny. No second.

Commissioner Poisson moved to adopt the 5 Factual and Legal Findings and 18 Conditions of Approval to be completed by Staff with the addition of Condition (18) that all work listed within the

Conditions must be completed within 1 year. Commissioner Barron seconded the motion. Approve: Poisson and Barron. Opposed: Mesker, Motion approved by 2-1 vote with Robertson absent and one vacancy on the Commission.

**F. REGULAR AGENDA:**

**3. Report Staff Findings relating to Mobile Vending.**

Presented by Planner II Christina Meeds who stated that there are a number of stipulations the City can apply that we currently don't. She then presented some examples.

Staff recommends the following which will be the easiest to put into place:

- Pay Tax
- Mobile Vending Permit (Fee) License
- Define differences between carts/vehicles
- Require Indemnification of the City
- No vending within a certain distance of a permanent food business
- Mobile Vendor Permits are non-transferable
- City can revoke permits
- Do not contribute to visual blight
- Requirements for ADA Compliance, parking, and restrooms

It was stated that the City currently has no staffing to monitor on weekends or evenings for removal of pop-ups, tables, etc.

Commissioner Mesker suggested that maybe this is something that can be tabled at this time until such time as when Staff has time to draft an enforceable Code update and has staff to enforce. By consensus of the Commission, they directed staff put together a draft Ordinance to amend the Mobile Vending Code for consideration at the next Planning Commission Meeting with any suggestions for additions/deletions to Ms. Meeds within the next two weeks.

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

**H. ADJOURNMENT!: 8:08 p.m.**

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**Lisa M. Linnet, City Clerk**

**ITEM NO: E-3  
USE PERMIT APPLICATION 2022-302; NANCY  
MURRAY, TO SELL BEER & WINE WITHIN AN  
EXISTING BUILDING LOCATED ALONG THE SOUTH  
SIDE OF SOLANO ST. AT THE SOUTHWEST CORNER  
OF THE SOLANO ST. / 5<sup>TH</sup> ST. INTERSECTION.**

**APN: 71-132-09      ADDRESS: 1301 SOLANO ST**

**April 19, 2022**

**TO:      PLANNING COMMISSIONERS OF THE CITY OF CORNING**

**FROM: CHRISSY MEEDS, PLANNER II** *CM*

**PROJECT DESCRIPTION:**

Nancy Murray 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 1301 Solano St. 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, A Conditional Use Permit, Use Permit 2013-267, was issued for this same location in May of 2013 in the name of True Brew. The Owner/Operator of True Brew closed the business during the COVID 19 Pandemic and does not plan to reopen.

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

**DISCUSSION:**

Nancy Murray is the wife of John Murray, owner of the property located at 1301 Solano St. True Brew applied for an ABC License at this same location in 2013 under Use Permit 2013-267. During the COVID 19 Pandemic True Brew closed the doors and decided never to reopen. Staff is asking the Planning Commission to revoke Use Permit 2013-267 and approve Use Permit 2022-302 in its place.

**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 and 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 owners to sell beer and wine in a section of an existing building that was formerly a bar known as the “True Brew”, that not only sold beer and wine, but also has an ABC License to sell hard alcohol drinks and 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, Factual Subfindings and Legal Findings for Use Permit 2022-302;**

**Factual Subfinding #1:**

The location for Nancy Murray is an existing building that was previously used as a bar known as “True Brew” and no other use has been established at this location since the closure of this business. Obtaining a license from ABC for selling beer and wine at this location will not change the nature of the previously established use.

**Legal Finding #1:**

The granting of Use Permit 2022-302 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 applicants are proposing to establish a business, that will 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 establish a business that will serve beer and wine 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 the reopening 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 southwest corner of the 5<sup>th</sup> Street / Solano St. intersection.

**Legal Finding #4:**

5<sup>th</sup> 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 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 sell and serving of beer and wine at the building located at 1301 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 2022-302 permitting the sale and serving of beer and wine in a newly established business owned by Nancy Murray subject to the**

**three (3) Conditions as recommended by staff, and revoke Use Permit 2013-267 for non-use.**

**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 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.

**Or;**

**Move to adopt findings and deny the issuance of Use Permit 2022-302.**

**ATTACHMENTS**

**Exhibit "A": Vicinity Map**

**Exhibit "F": Use Permit Application**

# Exhibit "A"

PARCELQUEST  
IT Q  
TAR

	APN ^	Owner	S Street Address	S City State Zip	Sale/ Doc Type
1	071-132-009-000	MURRAY JOHN	1301 SOLANO ST	CORNING CA 96021-3052	

PARCELQUEST



Google

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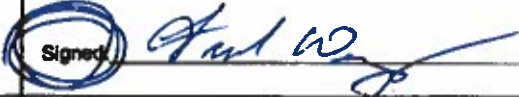
Map data ©2022



Exhibit "B"

**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 1301 Solano St.		ASSESSOR'S PARCEL NUMBER 071-132-009	G.P. LAND USE DESIGNATION Commercial
	ZONING DISTRICT C-2	FLOOD HAZARD ZONE	SITE ACREAGE	AIRPORT SAFETY ZONE? No
	PROJECT DESCRIPTION: (attach additional sheets if necessary) Conditional Use Permit Amendment for ABC Lic. #48			
	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 Nancy Murray	ADDRESS 15145 N.E. Rose Parkway Portland, OR. 97203	DAY PHONE 503 285-4407	
	REPRESENTATIVE (IF ANY)	ADDRESS	DAY PHONE	
	PROPERTY OWNER Same as above	ADDRESS	DAY PHONE	
	CORRESPONDENCE TO BE SENT TO <input 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: _____		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. 2022-302	RECEIVED BY:	DATE RECEIVED	DATE APPL. DEEMED COMPLETE
	FEE RECEIVED/RECEIPT NO. \$ 175.00	CEQA DETERMINATION Exempt ND MND EIR		DATE FILED



# CITY OF CORNING

## ENVIRONMENTAL INFORMATION FORM (To be completed by Applicant)

DATE FILED \_\_\_\_\_

### General Information

1. Project Title:

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2. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:

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### Additional Project Information

3. For non-residential projects, indicate total proposed building floor area: \_\_\_\_\_ sq. ft. in \_\_\_\_\_ floor(s).

4. Amount of off-street parking to be provided. \_\_\_\_\_ parking stalls. (Attach plans)

5. Proposed scheduling/development.

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6. Associated project(s).

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7. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected. (This information will help the City track compliance with the objectives of the Housing Element of the General Plan.)

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**CITY OF CORNING  
PLANNING APPLICATION**

8. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities.

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9. If industrial, indicate type, estimated employment per shift, and loading facilities.

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10. If institutional, indicate the primary function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.

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11. If the project involves a variance, conditional use permit or rezoning application, state this and indicate clearly why the application is required.

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Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

	YES	NO
12. Change in existing topographic features, or substantial alteration of ground contours?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Change in scenic views or vistas from existing residential areas or public lands or roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Change in pattern, scale or character of general area of project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Significant amounts of solid waste or litter?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Change in dust, ash, smoke, fumes or odors in vicinity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Change in lake, stream or ground water quality or quantity, or alteration of existing drainage patterns?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18. Substantial change in existing noise or vibration levels in the vicinity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Is the site on filled land or on slopes of 10 percent or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20. Use, storage, or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21. Substantial change in demand for municipal services (police, fire, water, sewage, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22. Substantially increase energy usage (electricity, oil, natural gas, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23. Relationship to a larger project or series of projects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>