



**CITY OF CORNING
PLANNING COMMISSION MEETING AGENDA
TUESDAY, JUNE 21, 2022
CITY COUNCIL CHAMBERS
794 THIRD STREET
CORNING, CA 96021**

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

B. ROLL CALL:

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

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 Continued May 17, 2022 Planning Commission Meeting with any necessary corrections.**

E. PUBLIC HEARINGS AND MEETINGS:

- 2. Public Hearing: Requesting approval of a 2-year extension of Tentative Tract Map 20-1001 – Magnolia Meadows, Jason Abel Construction; allowing creation of 53 single family residential parcels. Location: West side of Marguerite Avenue just north of the Moon Road/Marguerite Avenue intersection and south of Maywood School. APN: 073-260-22 & 23.**

F. REGULAR AGENDA:

G. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

H. ADJOURNMENT!:

POSTED: FRIDAY, JUNE 17, 2022



CITY OF CORNING
PLANNING COMMISSION MEETING AGENDA
TUESDAY, MAY 17, 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

Present: Barron and Poisson. Meeting was opened, and continued to Thursday; May 19, 2022 due to lack of a quorum.

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 April 19, 2022 Planning Commission Meeting with any necessary corrections.

E. PUBLIC HEARINGS AND MEETINGS:

2. Public Hearing: Use Permit 2022-303 - Los Costenos Restaurant; an application to amend existing on-sale license to sell/serve alcohol within existing Restaurant located at 1510 Solano Street, APN: 071-123-007.

F. REGULAR AGENDA:

G. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

H. ADJOURNMENT!: 6:32 p.m. **MEETING CONTINUED TO MAY 19, 2022 AT 6:30 P.M.**



CITY OF CORNING
CONTINUED MAY 17, 2022
PLANNING COMMISSION MEETING AGENDA
TUESDAY, MAY 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

Present: Barron and Poisson, Meeting was opened and continued to Thursday, May 26, 2022 at 6:00 p.m. due to the lack of a quorum.

C. BUSINESS FROM THE FLOOR:

D. MINUTES:

2. Waive the reading and approve the Minutes of the April 19, 2022 Planning Commission Meeting with any necessary corrections.

E. PUBLIC HEARINGS AND MEETINGS:

3. Public Hearing: Use Permit 2022-303 - Los Costenos Restaurant; an application to amend existing on-sale license to sell/serve alcohol within existing Restaurant located at 1510 Solano Street, APN: 071-123-007.

F. REGULAR AGENDA:

G. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

H. ADJOURNMENT!: 6:32 p.m. **MEETING CONTINUED TO MAY 19, 2022 AT 6:30 P.M.**



**CITY OF CORNING
CONTINUED MAY 17, 2022
PLANNING COMMISSION MEETING AGENDA**

**TUESDAY, MAY 26, 2022
CITY COUNCIL CHAMBERS
794 THIRD STREET
CORNING, CA 96021**

A. CALL TO ORDER: 6:00 p.m.

B. ROLL CALL:

**Commissioners: Barron
Poisson
Mesker
Lamb**

Chairman: Robertson

Commissioners present were Robertson, Barron, and Poisson. Absent were Mesker and Lamb.

I. BUSINESS FROM THE FLOOR: None.

J. MINUTES:

3. Waive the reading and approve the Minutes of the April 19, 2022 Planning Commission Meeting with any necessary corrections.

Commissioner Poisson moved to approve the Minutes of the April 19, 2022 Planning Commission Meeting as written. Commissioner Barron seconded the motion. **Ayes: Robertson, Barron, Poisson. Absent: Mesker and Lamb. Abstain/Opposed: None. Motion was approved by a 3-0 vote with Mesker and Lamb absent.**

K. PUBLIC HEARINGS AND MEETINGS:

4. Public Hearing: Use Permit 2022-303 - Los Costenos Restaurant; an application to amend existing on-sale license to sell/serve alcohol within existing Restaurant located at 1510 Solano Street, APN: 071-123-007.

City Planner Christina Meeds presented this item. The Public Hearing was opened by Chairperson Robertson; with no comments, the Public Hearing was closed.

Commissioner Poisson moved to revoke the previous Use Permit No. 2015-280 which allowed for the sale and consumption of beer and wine only; adopt the following or similar 5 Factual Subfindings and Legal Findings for Use Permit No. 2022-303; and approve Use Permit No. 2022-303 Permitting the sale and serving of alcohol in the Los Costenos Restaurant subject to the four (4) Conditions of Approval as recommended by Staff. Commissioner Barron seconded the motion. **Ayes: Robertson, Barron, Poisson. Absent: Mesker and Lamb. Abstain/Opposed: None. Motion was approved by a 3-0 vote with Mesker and Lamb absent.**

L. REGULAR AGENDA: None.

M. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR: None.

N. ADJOURNMENT:

Lisa M. Linnet, City Clerk

5 FACTUAL SUBFINDINGS AND LEGAL FINDINGS:

Factual Subfinding #1

The Los Costenos Restaurant is an established Restaurant that currently serves food, beer, and wine beverages. All alcohol is commonly served with meals in restaurants throughout the City of Corning. Obtaining a Type 47 on-sale license from the ABC will not change the nature of the existing operation.

Legal Finding #1

The granting of Use Permit 2022-303 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 Los Costenos Restaurant is established is zoned C-3 – General Business District.

Legal Finding #2

The sale and consumption of alcohol 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 alcohol in an established business known as Los Costenos 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 Los Costenos Restaurant.

Factual Subfinding #4

The existing building used as Los Costenos 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 Los Costenos Restaurant.

Factual Subfinding #5

The existing building where the Los Costenos 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 alcohol at the building located at 1510 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.

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 of beer and wine at the business known as the Los Costenos 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.

Condition #4

The applicant must continue to serve food.

**ITEM NO: E-2
PUBLIC HEARING: EXTENSION REQUEST;
TENTATIVE TRACT MAP 20-1001; LOCATED
ON THE WEST SIDE OF MARGUERITE
AVENUE JUST NORTH OF THE MOON
ROAD/MARGUERITE AVENUE
INTERSECTION AND SOUTH OF MAYWOOD
SCHOOL. APN 073-260-022 & 023; APPROX.
9.95 ACRES; TO CREATE 53 SINGLE
FAMILY RESIDENTIAL LOTS**

June 21, 2022

TO: PLANNING COMMISSION OF THE CITY OF CORNING
FROM: CHRISSE MEEDS, PLANNER II *CM*

PROJECT DESCRIPTION & BACKGROUND:

Pursuant to Section 66452.6 of the Subdivision Map Act, and Section 16.18.010 (C) of the Corning Municipal Code (CMC), a request for a 2-year time extension for Tentative Tract Map 20-1001, originally approved on June 28, 2020, by the Corning City Council subject to 45 conditions of approval, has been submitted. The Tentative Map, as approved, would allow the creation of 53 single family residential parcels. Mr. Abel has submitted a final map; however, it cannot be approved until PG&E completes their work, currently the PG&E work is scheduled for late July 2022.

CORNING SUBDIVISION ORDINANCE:

The Corning Subdivision Ordinance (CMC Title 16) is the local Ordinance that implements the provisions of the State Subdivision Map Act. The Ordinance describes the process for consideration and approval or denial of subdivision applications. On April 14, 2009 the Corning City Council adopted Ordinance 634 that amended Section 16.18.010 (C) of the CMC to read as follows:

Upon application of the Subdivider filed prior to the expiration of the approved or conditionally approved Tentative Map, the time at which the map expires may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve Tentative Maps for an initial period of two years. Additional extensions, upon application of the Subdivider, are available for a period or periods not to exceed the limits established by Section 66452.6 (e), or any amendments thereto, of the California Government Code. If the advisory agency denies a Subdivider's application for extension, the Subdivider may appeal to the legislative body within fifteen days after the advisory agency denied the extension.

DENIAL CRITERIA:

Tentative Map time extensions are not automatic; the City has discretion to deny the requests. However, denials should not be capricious. The City should have a legitimate reason to deny an extension and must make appropriate supporting findings. An example of a legitimate reason might be if the City had amended its General Plan and designated the project site for non-residential use (commercial or industrial). In that case, the changing land use objectives of the community would be sufficient grounds for denial.

In this case there have been no Land Use Element revisions. The site remains designated for residential use and zoned R-1-4000, Small Lot Designation. The

approved Tentative Map complies with the General Plan and Zoning Code; therefore, staff recommends approval of a two-year extension.

STAFF RECOMMENDATION:

Move that the Planning Commission recommends the City Council

- **Approve a two-year time extension for Tentative Tract Map 20-1001 subject to the original 45 conditions as approved by the Corning City Council on June 28,2020.**

ATTACHMENTS

EXHIBIT "A" - Original Conditions of Approval

EXHIBIT "B" - Reduced copy of Tentative Map

EXHIBIT "A"

CONDITIONS OF APPROVAL JASON ABEL -- TENTATIVE TRACT MAP 20-1001 Recommended Conditions of Approval

- 1. Subdivision Standards.** Development of Subdivision Map shall be in conformance with the approved Tentative Map and Subdivision Ordinance of the City of Corning, Title 16 of the Corning Municipal Code. Additionally, development must comply with all Federal, State, and Local regulations especially the City of Corning Fire and Building Departments.
- 2. UNDERGROUND UTILITIES.** All new utilities, including electricity, telephone, gas, and cable television shall be provided to each lot and undergrounded.
- 3. FENCING.** Solid 6'-0" tall fencing shall be installed around and between parcels prior to issuance of a Certificate of Occupancy for any residence constructed within the Subdivision.
- 4. PARCEL LANDSCAPING.** Front and street-side yards, including that portion of the street right-of-way located behind the sidewalk, shall be landscaped prior to issuance of a Certificate of Occupancy. Landscaping may include any combination of grass, groundcover, shrubs and/or trees and is subject to Planning Department approval. Not fewer than two trees (minimum sizes of 15-gallon) shall be planted within each front yard. Each front and street side yard shall be provided with a permanent method of irrigation for this landscaping. All landscaping and irrigation must comply with the Water Efficient Landscape Regulations as detailed in Section 15.08.055 of the Corning Municipal Code.
- 5. RESIDENTIAL FAÇADE STANDARDS.** The City of Corning has an Ordinance/Policy (CMC 16.21.135) prohibiting the construction of identical homes within sight of each other. The Developer shall vary building floor plans, facades, trim, siding material, building colors, roof types, etc., to comply with this standard. (MM. 1.5).
- 6. ROOF-MOUNTED HVAC EQUIPMENT PROHIBITION.** No Heating, Ventilation, Air Conditioning equipment shall be installed on the roof of any structure.
- 7. CULTURAL RESOURCES.** Should cultural resources be unearthed during excavation all work in the immediate vicinity shall cease and the City of Corning shall be notified. Upon notice, the City or its Consultant shall inspect the site to determine what steps, if any, are necessary to address and mitigate the discovery.
- 8. STORMWATER POLLUTION PREVIENTION 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.
- 9. COMPACTION TESTS:** Prior to issuing any Building Permit for filled lots, the Developer shall provide: 1) A report confirming that the fill has been sufficiently compacted in accordance with the Uniform Building Code or, 2) Engineered foundation plans with a statement that the foundation design complies with building code requirement based on soil conditions on the site.

10. **TOPSOIL.** Topsoil shall be stockpiled and redistributed over graded surfaces.
11. **FUGITIVE DUST.** Prior to commencing Grading the applicant shall obtain a Fugitive Dust Control Permit from the Tehama County Air Pollution District.
12. **SPRINKLE EXPOSED SOILS.** During construction, unprotected soils shall be sprinkled to minimize wind erosion.
13. **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.
14. **IMPROVMENT PLANS.** Complete improvement plans and supporting calculations shall be submitted for approval by the City Engineer.
15. **FINISHED SURFACES.** Upon completion of Development, no substantial area shall remain where soils are completely uncovered.
16. **DRAINAGE ANALYSIS.** A registered Civil Engineer or Certified Hydrologist shall prepare a Drainage Analysis to determine the increased runoff resulting from the project and, if necessary, recommend improvements to public storm drainage facilities in accordance with City Standards.
17. **RAINFALL INTENSITY/DURATION CHART.** Engineer or Hydrologist shall utilize the Rainfall and Intensity Design Chart shown as Public Works Standard S-22 for design purposes.
18. **STORMWATER RETENTION.** Project applicant shall provide for on-site retention of the net increase in run-off resulting from the development during a 25-year storm for a duration of 4 hours. If onsite retention is proposed the retention facilities shall be sized to contain the run-off resulting from a 100-year storm event
19. **STORMWATER FACILITIES.** Stormwater retention and conveyance facilities shall be constructed in accordance with Public Works standards.
20. **LAND USE BARRIER.** The applicant will be required to construct a durable land use barrier (6'-0" high masonry wall or equivalent) along the Maywood Intermediate School boundary that will mitigate noise and land use impacts caused by and/or affecting the proposed Development.
21. **CONSTRUCTION HOURS.** Construction work shall occur only between the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. to 6:00 p.m. on weekends and federally observed holidays.
22. **WATER & SEWER LINES.** Install water and sewer pipes per public Works Standard S-11.
23. **WATER SERVICE.** Developer shall install water services and meters for each lot in accordance with Public Works Standard S-20.
24. **LOOPED WATER SYSTEM.** The Developer shall provide a "looped water system" connecting to existing City water facilities at the two street intersection locations with Marguerite Avenue.
25. **SEWER SERVICE.** Developer shall install sewer services for each lot in accordance with Public Works Standard S-21.
26. **STREET NAMES.** Final street names are subject to approval of City staff and shall appear on the final map.

27. **STREET LIGHTING.** The applicant shall provide street lighting that meets the City Standards.
28. **SEWER TRUNK LINE EXTENSION.** The applicant will be required to extend sewer services from Fig Lane or Moon Rd (which will require a permit from the County and City).
29. **FIRE HYDRANTS.** Fire Hydrants shall be installed in accordance with City Standards and the Uniform Fire Code as adopted by the City. The Developer shall provide the City of Corning with one hydrant repair kit.
30. **STREET DEDICATION.** Offer street right of way for public streets to reach ultimate 60' standard Right of Way width as required.
31. **MARGUERITE AVENUE IMPROVEMENTS.** The west half width of Marguerite Avenue shall be improved in accordance with Public Works standard S-18, including curb, gutter, and sidewalk and 20'-0" street (half width). Developer shall locate and raise any water valve boxes or sewer manholes that were installed during the initial project.
32. **INTERIOR STREET IMPROVEMENTS.** Interior streets shall be within 56' right of ways and improved in accordance with City of Corning Standard S-18 (40' 2 lane street modified with a reduction in parkway space behind the sidewalk).
33. **STOP SIGNS.** Stop signs shall be placed at both street intersections with Marguerite Avenue.
34. **CROSSWALKS.** Pedestrian crosswalks shall be delineated on all proposed streets intersecting Marguerite Avenue.
35. **NON-ACCESS STRIP.** No direct access onto Marguerite Avenue shall be permitted for Lots 1, 18, 21 or 53. A "Non-access strip" shall be dedicated to the City on the Final Tract Map for this purpose.
36. **DRIVEWAY APPROACHES.** Install driveway approaches per public Works Standard S-5.
37. **BARRICADE.** The applicant shall construct a barricade as per City Standard No. S-8 at the western terminus of Spruce Road.
38. **NO PARKING ZONE.** The curb along the Marguerite Avenue frontage of proposed parcels 1 and 6 shall be a "No Parking Zone".
39. **Open Burning.** No open burning shall occur on this property unless a Land-Clearing Permit is obtained from the Tehama County Air Pollution Control District.
40. **Wood Burning Stoves.** Wood Burning stoves shall meet the Only U.S. EPA Phase II certified wood-burning devices shall be installed in the subdivision. Total emissions shall not exceed 7.5 grams per hour from each dwelling.
41. **Exterior Electrical Outlets.** To promote the use of electrical landscape equipment, at least two electrical outlets shall be provided on the exterior walls of each residence.
42. **Disclosure of Nearby Agricultural Operations.** A note shall be affixed to the front sheet of all recorded maps filed for this project. The note shall clearly state that the property is located near agricultural operations and that residents of the Development may be adversely affected by dust, noise, odors and overspray of

chemical fertilizers and pesticides, and that the City of Corning does not regard such operations as nuisances when conducted with proper and accepted standards.

- 43. Landscape and Lighting District.** Prior to recordation of the Final Map, the Developer shall establish (or annex to an existing) a Landscape and Lighting District or other equivalent fund-collecting organization approved by the City of Corning to fund the operation and/or continued maintenance of street lighting, landscape strips in the public right-of-way, stormwater collection and detention facilities. The Project Engineer shall prepare an estimate of the annual maintenance costs for these facilities that shall be made part of the District formation procedure.
- 44. Development Impact Fees.** Development of the project residences will require payment of City Development Impact Fees in effect at the time of issuance of the individual building permits in order to lessen development impact on City transportation systems and other public facilities and utilities. These fees shall be paid prior to issuance of the Building Permit for each residence.
- 45. Postal Boxes.** Provide one or more "Cluster Box Units (CBUs) for postal service at locations approved by the Corning Postmaster. CBU positions shall appear on the improvement plans for the subdivision.

Abel's Conditions Modifications

- 4 PARCEL LANDSCAPING.** Front and street-side yards, including that portion of the street right-of-way located behind the sidewalk, shall be landscaped prior to issuance of a Certificate of Occupancy. Landscaping may include any combination of grass, groundcover, shrubs and/or trees and is subject to Planning Department approval. Not fewer than one tree (minimum sizes of 15-gallon) shall be planted within each front yard. Each front and street side yard shall be provided with a permanent method of irrigation for this landscaping. All landscaping and irrigation must comply with the Water Efficient Landscape Regulations as detailed in Section 15.08.055 of the Corning Municipal Code.

PW – I would find it acceptable to only require 1 tree per lot with the small lots.

- 31 MARGUERITE AVENUE IMPROVEMENTS.** The west half width of Marguerite Avenue shall be improved in accordance with Public Works standard S-18, including curb, gutter, and sidewalk and 20'-0" street (half width). Additionally, a 12'-0" asphalt overlay of the travel lane on the east half-width shall be completed.

PW – The roadway condition of Marguerite is good, a sawcut and expansion is acceptable. Please be aware that it is this projects responsibility to locate and raise any water valve box or sewer manhole that was already constructed during the initial project.