



**CITY OF CORNING
PLANNING COMMISSION MEETING AGENDA
TUESDAY, SEPTEMBER 20, 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 August 16, 2022 Planning Commission Meeting with any necessary corrections.

E. PUBLIC HEARINGS AND MEETINGS:

2. Public Hearing: Use Permit 2022-306; Adriana Valdovinos to establish a Mobile Vending Business in parking lot of Liquor Warehouse at 3070 Hwy. 99W approximately 433 feet north of the South Avenue/Highway 99W Intersection. APN: 087-040-057.
3. Public Hearing: Adopt Resolution 09-20-2022-01, a Resolution recommending City Council adopt Ordinance 702 amending Title 17 to add Chapters 17.70 and 17.71 establishing regulations regarding Urban Dwelling Units and Urban Lot Splits in Single Family Residential Zones.
4. Public Hearing: Adopt Resolution 09-20-2022-02, a Resolution recommending City Council adopt Ordinance 703, an Ordinance deleting Chapter 17.24 and amending Chapters 17.22, 17.47 and 17.48 of the Corning Municipal Code to permit all Commercial Uses within the CH Highway Service Commercial Overlay District.

F. REGULAR AGENDA:

G. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

H. ADJOURNMENT!:

POSTED: FRIDAY, SEPTEMBER 16, 2022



**CITY OF CORNING
PLANNING COMMISSION MEETING MINUTES**

**TUESDAY, AUGUST 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
Lamb
Chairman: Robertson**

All Commissioners were present except Commissioner Poisson.

C. BUSINESS FROM THE FLOOR: None.

D. MINUTES:

1. **Waive the reading and approve the following Planning Commission Meeting Minutes with any necessary corrections.**
 - a. **June 21, 2022 Planning Commission Meeting; and**
 - b. **July 19, 2022 Planning Commission Meeting.**

Commissioner Mesker moved to approve the Minutes of the June 21, 2022 Planning Commission Meeting as written; Commissioner Barron seconded the motion. **Ayes: Robertson, Barron, Mesker, and Lamb. Absent: Poisson. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Poisson absent.**

Commissioner Barron moved to approve the Minutes of the July 19, 2022 Planning Commission Meeting as written; Commissioner Mesker seconded the motion. **Ayes: Robertson, Barron, Mesker, and Lamb. Absent: Poisson. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Poisson absent.**

E. PUBLIC HEARINGS AND MEETINGS:

2. **Public Hearing: Request approval of Tentative Parcel Map 2022-0008 allowing Salvador Magana to split his existing parcel located at 820 Chestnut Street and know as Assessor's Parcel Number 073-134-006-000 to create an additional new parcel.**

The Public Hearing was opened at 6:31 p.m. City Planner II Christina Meeds presented the information relating to Tentative Parcel Map 2022-0008. She stated that Staff has proposed no Conditions for this map as there is currently separate water and sewer lines to both properties.

Commissioner Mesker asked if the current garage will remain, or will it be made into another apartment. Ms. Meeds stated she believes it is planned to be made into an ADU (Accessory Dwelling Unit). Commissioner Lamb asked if they will be required to install curb, gutter, and sidewalk, and will they be required to provide off-street parking? Ms. Meeds stated she will talk with the City's Public Works Consultant/Engineer regarding the off-street parking and the curb, gutter, and sidewalk requirements.

Commissioner Mesker then moved to close the Public Hearing at 6:40 p.m.; Commission Barron seconded the motion. **Ayes: Robertson, Barron, Mesker, and Lamb. Absent: Poisson. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Poisson absent.**

Commissioner Barron then moved to recommend that the Corning City Council adopt the 3 Factual Subfindings and Legal Findings as presented in the Staff Report and approve Tentative Parcel Map 2022-008; Commissioner Mesker seconded the motion. **Ayes: Robertson, Barron, Mesker, and Lamb. Absent: Poisson. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Poisson absent.**

F. **REGULAR AGENDA**: None.

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

H. **ADJOURNMENT!**: 6:41 p.m.

Lisa M. Linnet, City Clerk

**ITEM NO: E-2
USE PERMIT APPLICATION 2022-306;
ESTABLISH A MOBILE VENDING
BUSINESS APN:087-040-057
ADDRESS: 3070 HWY 99W BESIDE
THE LIQUOR WAREHOUSE
SEPTEMBER 20, 2022**

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING
FROM: KRISTINA MILLER, CITY MANAGER 
CHRISSE MEEDS, PLANNER II

PROJECT DESCRIPTION:

Adriana Valdovinos has applied to establish a Mobile Vending Business located in the parking lot of Liquor Warehouse, 3070 HWY 99W. Liquor Warehouse is located along the west side of Highway 99W approximately 433 feet north of the South Avenue / Highway 99 W intersection. APN: 087-040-057. Address: 3070 HWY 99W. Please see attached map for placement of the Mobile Vender. Placing a Mobile Vendor at this location will allow locals and travelers a diverse dining experience.

GENERAL PLAN LAND USE DESIGNATION:

Highway 99 W Specific Plan

ZONING:

C-3 General Business District CBDZ

DISCUSSION:

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.

15332. IN-FILL DEVELOPMENT PROJECTS:

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare, or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the following, or similar, Factual Subfindings and Legal Findings for Use Permit 2022-306.

Legal Finding #1

The granting of Use Permit 2022-306, permitting the owner of Pinchi's Tacos to open and operate a mobile food truck in an existing parking lot located at 3070 HWY 99W and establish a business for herself, is a negligible expansion of the existing use of this parking lot and therefore exempt from CEQA pursuant to Section 15332, Class 32.

Factual Subfinding #1

This project will allow the owner of Pinchi's Tacos mobile food vending to establish a business in the existing parking lot of Liquor Warehouse.

Legal Finding #2

The establishment of a mobile vendor business is a permitted use in the C-3 Zoning District upon the granting of a Use Permit pursuant to Section 17.47.020 (D) of the Corning Municipal Code.

Factual Subfinding #2

The parcel where the proposed mobile vendor will be established is zoned C-3 CBDZ.

Legal Finding #3

The existing parking lot is adequate in size, shape, and topography to allow the establishment of a mobile vendor for the proposed businesses

Factual Subfinding #3

The applicant proposes to establish a mobile vending business in the existing parking lot of an established business.

Legal Finding #4

Highway 99 W and South Ave. are existing public roads adequate in width and pavement to carry the traffic generated by the establishment of a mobile vending food truck at an existing parking lot.

Factual Subfinding #4

The existing proposed location for the establishment of a mobile vendor located along the west side of HWY 99W.

ACTION:

Move to adopt the four (4) Factual Subfindings and Legal Findings as presented in the staff report and approve Use Permit 2022-306 permitting the establishment of a mobile food vendor in the parking lot located at 3070 HWY 99W subject to the three (3) conditions of approval as recommended by staff.

Or;

Move to adopt findings and deny the issuance of Use Permit 2022-306. If denied staff will turn the matter over to the City Manager and City Attorney.

RECOMMENDED CONDITIONS OF APPROVAL

CONDITION #1 - ANNUAL INSPECTIONS:

Must comply with all annual inspections by the Planning, Building, and Fire Departments.

CONDITION #2 SIGN REGULATIONS:

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

CONDITION #3 WILL NEED TO COMPLY WITH ORDINANCE 699.

Owner must comply with the new City of Corning Ordinance 699 that will take effect on October 13th. Owner will have 90 days to comply.

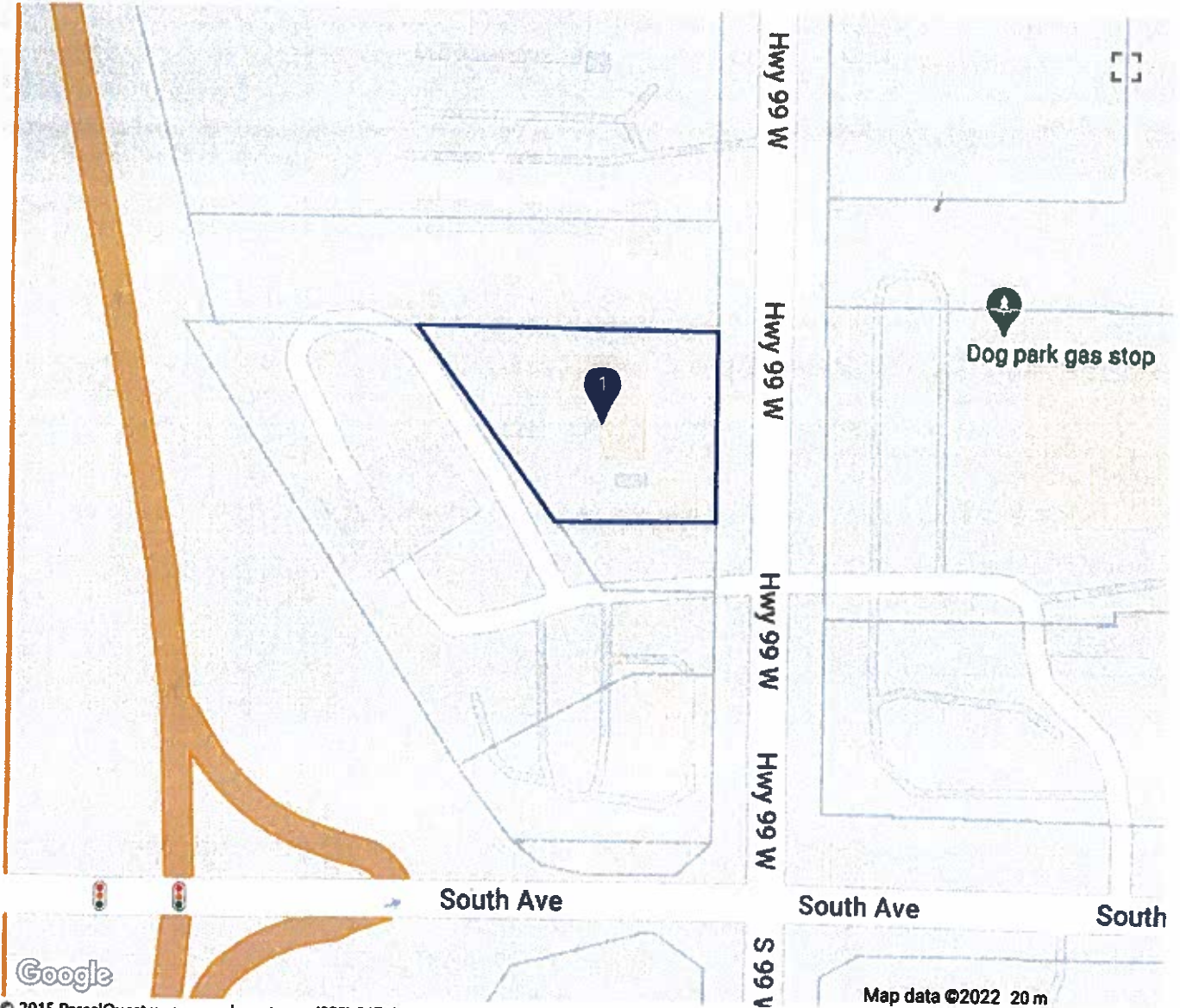
ATTACHMENTS:

Exhibit "A": Location Map

Exhibit "B": Application

Exhibit "C": Public Hearing Notice

Exhibit "A"



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LIST 0
DETAIL

<input checked="" type="checkbox"/>		APN	Owner	S Street Address	S City State Zip	Sale1 Doc Type
<input checked="" type="checkbox"/>	1	087-040-057-000	SIDHU KULDEEP	3070 HWY 99W	CORNING CA 96021	

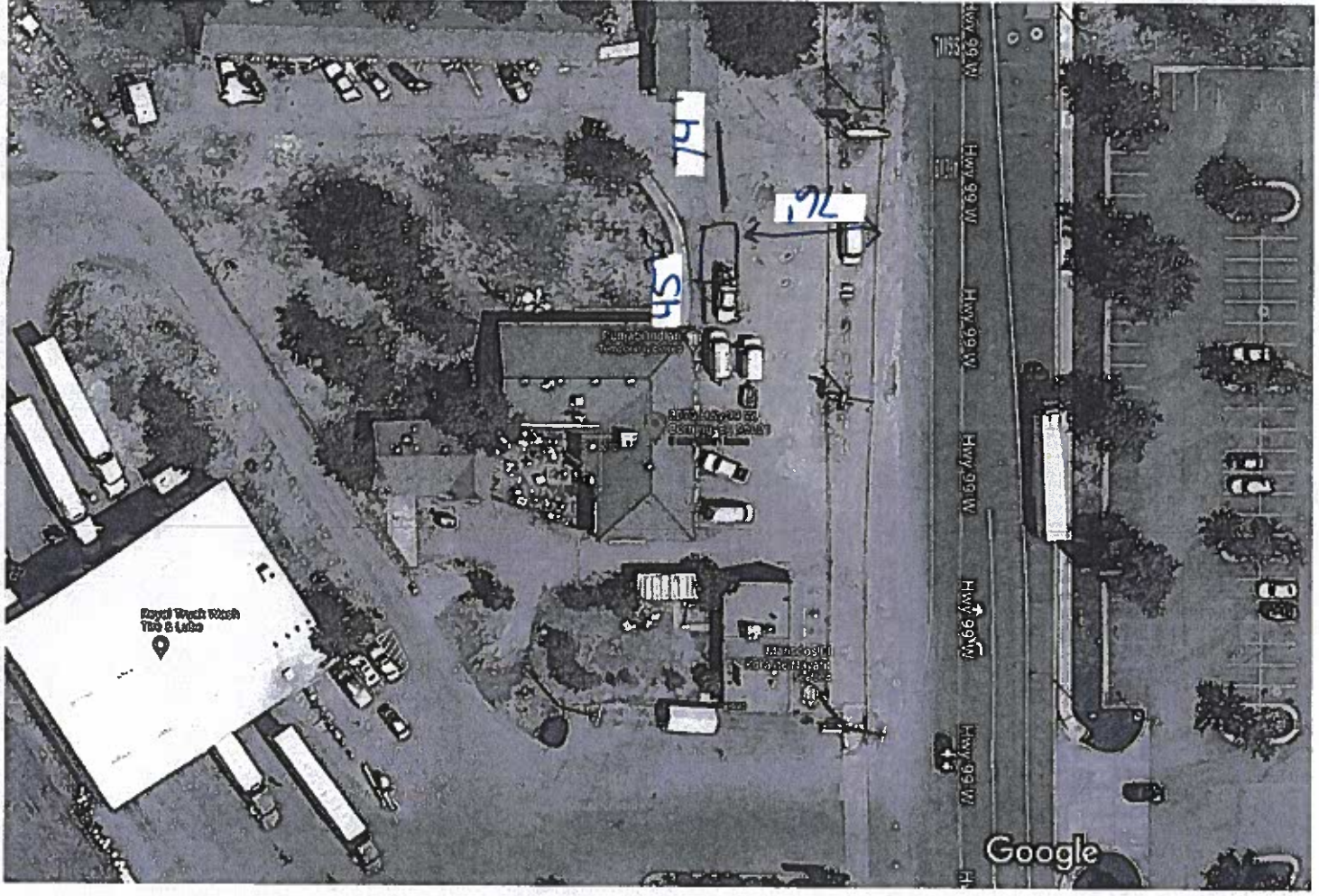
**CITY OF CORNING
PLANNING APPLICATION**
TYPE OR PRINT CLEARLY

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

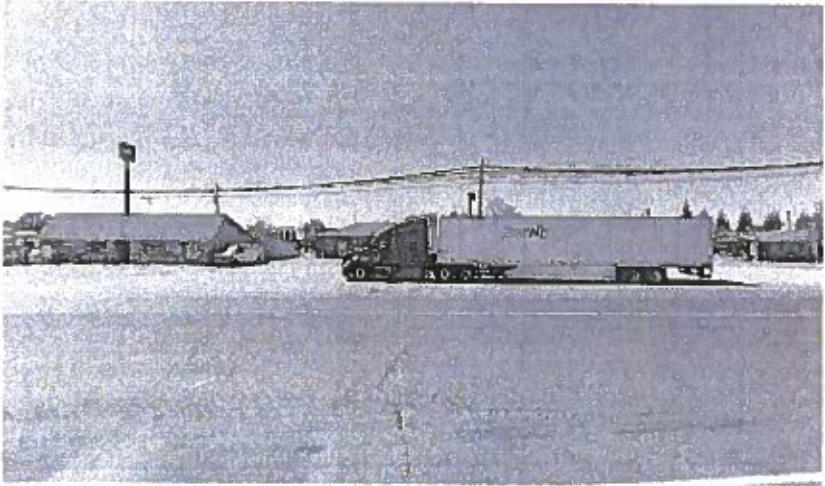
PROJECT INFORMATION	PROJECT ADDRESS 3070 Hwy 99W		ASSESSOR'S PARCEL NUMBER 087-040-057	G.P. LAND USE DESIGNATION
	ZONING DISTRICT	FLOOD HAZARD ZONE	SITE ACREAGE	AIRPORT SAFETY ZONE?
	PROJECT DESCRIPTION: (attach additional sheets if necessary) Open a taco truck next to the liquor warehouse			
	APPLICATION TYPE (Check All Applicable)			
<input type="checkbox"/> Annexation/Detachment <input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Lot Line Adjustment <input type="checkbox"/> Merge Lots <input type="checkbox"/> Planned Dev. Use Permit <input type="checkbox"/> Parcel Map <input type="checkbox"/> Preliminary Plan Review <input type="checkbox"/> Rezone <input type="checkbox"/> Street Abandonment <input type="checkbox"/> Subdivision <input type="checkbox"/> Time Extension <input checked="" type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Other _____				
APPLICANT INFORMATION	APPLICANT Adriana Valdivinos	ADDRESS 5101 Toomes Ave		DAY PHONE (530) 209-7475
	REPRESENTATIVE (IF ANY)	ADDRESS		DAY PHONE
	PROPERTY OWNER Kartar Singh	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: <i>Adriana Valdivinos</i>		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.			

SUBMITTAL INFO	FOR OFFICE USE ONLY			
	APPLICATION NO. 2022-306	RECEIVED BY: Chrissy	DATE RECEIVED 8-18-22	DATE APPL. DEEMED COMPLETE
	FEES RECEIVED/RECEIPT NO. \$500.00	CEQA DETERMINATION <u>Exempt</u> ND MND EIR		DATE FILED

Google Maps 3070 Hwy 99 W



Map data ©2022, Map data ©2022 20 ft



3070 Hwy 99 W

Building



Directions



Save



Nearby



Share

Exhibit "C"

**PUBLIC NOTICE-PUBLIC HEARING
USE PERMIT NO. 2022-306.
ADRIANA VALDOVINOS**

The City of Corning hereby notifies you of a project proposed for the property described below.

WHAT IS BEING PLANNED:

Adriana Valdovinos has applied for a Conditional Use permit to operate a Mobile Vending Food Trailer a property located in an C-3-CBDZ Zone. Address of the property is 3070 Highway 99W. Corning CA. Pursuant to section 17.47.020 (D) of the City of Corning Zoning Code the proposed would require the issuance of a use permit by the Planning Commission.

The address is to an established business Liquor Warehouse and Adriana purposes to park her mobile vending business within that parking lot. 3070 Highway 99W is located along the west side of Highway 99W approximately 433 feet north of the South Ave and Highway 99W intersection. APN: 087-040-057

WHY THIS NOTICE:

The City wants you to be aware that information on this project is available for your review at City Hall, 794 Third Street in Corning. You are invited to attend a Public Hearing to be conducted by the Planning Commission in the City Council Chambers in City Hall at 794 Third Street at **6:30 p.m. on Tuesday, September 20, 2022**. Please note if this project is challenged in court, you may be limited to raising only those issues that were raised at the Public Hearing or in writing delivered to the Planning Commission at or prior to the Public Hearing.

WHAT CAN YOU DO:

Please call or stop by City Hall if you have any questions or want to review the project information. You are welcome to attend the Public Hearing to ask questions or to comment. Your written comments may be given to the Planning Commission at the Hearing. If mailed, comments must be received by the City Clerk prior to the meeting. We are sorry but City staff cannot forward your verbal comments or questions to the City Planning Commission. Verbal comments or questions must come from you during the Public Hearing.

FOR MORE INFORMATION REGARDING THIS PROJECT PLEASE CONTACT:

Christina Meeds, PlannerII
794 Third Street
Corning, CA 96021
(530) 824-7036

**ITEM NO.: E-3
ADOPT RESOLUTION 09-20-2022-01, A
RESOLUTION RECOMMENDING THE
CITY COUNCIL ADOPT ORDINANCE 702
AMENDING TITLE 17 TO ADD CHAPTERS
17.70 AND 17.71 ESTABLISHING
REGULATIONS REGARDING URBAN
DWELLING UNITS AND URBAN LOT
SPLITS IN SINGLE FAMILY
RESIDENTIAL ZONES.**

September 20, 2022

TO: HONORABLE MAYOR AND COUNCIL MEMBERS
FROM: KRISTINA MILLER; CITY MANAGER
COLLIN BOGENER, CITY ATTORNEY
CHRISTINA MEEDS, PLANNER

BACKGROUND:

On September 16, 2021, Senate Bill (SB) 9 was signed into law by Governor Newsom, taking effect on January 1, 2022. SB 9 allows all properties within a "single-family residential zone" to be developed with two units and be subdivided into two parcels, irrespective of local development standards. There are two new types of development that must be reviewed ministerially under SB 9:

- Two Unit Development – Allows a single-family residential parcel to be developed with two primary dwelling units instead of just one, including an Accessory Dwelling Unit (ADU) and a Junior Accessory Dwelling Unit (JADU), for a total of four dwelling units.
- Urban Lot Split – Allows a single-family residential parcel to be subdivided into two parcels and for each parcel to be developed with two primary dwelling units. Local jurisdictions are not required to approved ADU's or JADU's on lots created by an Urban Lot Split.

SB 9 does allow a local jurisdiction to impose objective zoning, design, and subdivision standards, but is prohibited from applying any standard(s) that would preclude the construction of two units of less than 800 square feet on any single-family zoned property.

No setbacks are required for an existing structure or for new construction in the same location and having the same dimensions as an existing structure. Additionally, a local jurisdiction is also precluded from applying side or rear setbacks greater than four feet or requiring onsite parking for properties within one-half mile walking distance of either a high-quality transit corridor or a major bus stop, or within one-block of a car share vehicle.

A local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project (1) would have a specific, adverse impact upon public health and safety or the physical environment; and (2) there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

The proposed ordinance seeks to add two new chapters to the Corning Municipal Code to address SB 9, rather than combine the two. Chapter 17.70 will pertain to urban lot splits and Chapter 17.71 will focus on two-unit development on the same lot.

For both the lot splits and two-unit development, the parcel cannot be (1) prime farmland, (2) wetlands, (3) within a high fire severity zone, (4) a hazardous waste site, (5) within a delineated earthquake fault zone, (6) within a special flood hazard zone, (7) within a regulatory floodway, (8)

lands identified for conservation in adopted natural community conservation plan, (9) a habitat for a protected species, and (10) lands under a conservation easement.

Further, under both chapters, the owner must sign a declaration/affidavit, which will be recorded on the property stating that the property will remain residential before the building permit will be issued.

ENVIRONMENTAL DETERMINATION:

The City of Corning finds that this Ordinance would be exempt from the California Environmental Quality Act (CEQA). Senate Bill 9 (Atkins) states that an ordinance adopted to implement this incorporation of Senate Bill 9 shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

PUBLIC NOTICE:

A 10-day public hearing notice of the proposed amendment was published in the Red Bluff Daily News. No public comments on the project have been received at the Planning Department at the time of this report.

RECOMMENDED ACTION:

1. Review the staff report and environmental determination.
2. Open the public hearing and consider public testimony.
3. Approve Resolution 09-20-2022-01.
4. Recommend Adoption of Draft Ordinance 702

ATTACHMENTS:

- A. Planning Commission Resolution No 09-20-2022-01
- B. Draft Ordinance 702

RESOLUTION NO. 09-20-2022-01

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORNING,
CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN
ORDINANCE AMENDING TITLE 17 TO ADD CHAPTERS 17.70 AND 17.71
ESTABLISHING REGULATIONS REGARDING URBAN DWELLING UNITS AND
URBAN LOT SPLITS IN SINGLE FAMILY RESIDENTIAL ZONES**

WHEREAS, in September 2021, Governor Newsom signed Senate Bill 9 (SB 9), a new state law effective January 1, 2022. SB 9 requires ministerial approval of Urban Dwelling Units and Urban Lot Splits in single family residential zones, in accordance with certain statutory criteria; and

WHEREAS, pursuant to Government Code Sections 65854 and 65855, the Planning Commission has the authority to review and make recommendations regarding any amendments to the Corning Municipal Code to the City Council; and

WHEREAS, on September 20, 2022, the City of Corning Planning Commission held a duly noticed public hearing and considered all testimony, information, evidence and recommended that the Corning City Council adopt the proposed Ordinance amending Title 17, to add Chapters 17.70 and 17.71 in compliance with SB 9; and

WHEREAS, the City of Corning finds that this Ordinance is exempt from the California Environmental Quality Act (CEQA). Senate Bill 9 (Atkins) states that an ordinance adopted to implement this incorporation of Senate Bill 9 shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CORNING DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The recitals in this Resolution are true and correct and incorporated herein.

SECTION 2. Recommended Approval of the proposed Ordinance based on the entire record before the Planning Commission, all written and oral evidence presented to the Planning Commission, and the findings made in the staff reports and this Resolution, the Planning Commission of the City of Corning hereby recommends that the City Council adopt the attached Ordinance entitled: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING AMENDING TITLE 17 (ZONING) TO ADD CHAPTER 17.70- URBAN LOT SPLITS AND CHAPTER 17.71- TWO-UNIT DEVELOPMENTS.**

APPROVED AND ADOPTED by the members of the Planning Commission 20th day of September 2022, but the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**_____
Diana Robertson, Chairperson**

ATTEST:

**_____
LISA M. LINNET, City Clerk**

ORDINANCE 702

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING AMENDING TITLE 17 (ZONING) TO ADD CHAPTER 17.70- URBAN LOT SPLITS AND CHAPTER 17.71- TWO-UNIT DEVELOPMENTS.

WHEREAS, in September 2021, Governor Newsom signed Senate Bill 9 (SB 9), a new state law effective January 1, 2022. SB 9 requires ministerial approval of Urban Dwelling Units and Urban Lot Splits in single family residential zones, in accordance with certain statutory criteria; and

WHEREAS, through this ordinance, the City Council seeks to amend Chapter 17- Zoning to add Chapters 17.70 and 17.71 the Corning Municipal Code to ensure compliance with the requirements of SB 9.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CORNING DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 17.70 "URBAN LOT SPLITS" of Title 17 "Zoning" be added to the Corning Municipal Code to read as follows:

17.70.010 Purpose & Intent.

- A.** The purpose of this Chapter is to establish objective zoning standards and regulations to govern the development of qualified Senate Bill 9 (SB 9) subdivisions and development projects in residential zoned properties within the City of Corning. The establishment of these regulations will result in the orderly subdivision and development of qualified Senate Bill projects while ensuring that the new units are consistent with the City's character and do not create any significant impacts with regards to public infrastructure or public safety. The regulations are established to implement the requirements under as reflected in Government Code Section 65852.21 and 66411. 7.
- B.** The provisions of this Chapter shall be the primary regulations for the subdivisions of land for SB 9 dwelling units. To the extent that an aspect of the subdivision of land for SB 9 dwelling units is not addressed by the Chapter, other provisions of the Municipal Code shall apply. In the event of a conflict between this Chapter and another provision of the Municipal Code, as it applies to the subdivision of land for 9 units, this Chapter shall prevail.

17.70.020 Definitions. For purposes of this Chapter and Chapter 17.71, the following definitions apply:

- A.** "A person acting in concert with the owner" means a person that has a common ownership or control of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided.
- B.** "Adjacent parcel" means any parcel of land that is (1) touching the parcel at any point; (2) separated from the parcel at any point only by a public right of way, private street or way, or public or private utility, service, or access easement; or (3) separated from another parcel only by other real property which is in common ownership or control of the applicant.

- C. "Car share vehicle" means a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization and provides hourly or daily service.
- D. Common ownership or control" means property owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or a family member of an investor if the entity owns 10 percent or more of the interest in the property.
- E. "Director" means the City of Corning City Manager or their designee.
- F. "Very low-income households" has the meaning set forth in Health & Safety Code Section 50105.
- G. "Lower income household" - has the meaning set forth in Health and Safety Code Section 50079. 5.
- H. "Moderate income household" has the meaning set forth in Health and Safety Code Section 50093.
- I. "Sufficient for separate conveyance" means that each attached or adjacent dwelling unit is constructed in a manner adequate to allow for the separate sale of each unit in a common interest development as defined in Civil Code Section 1351 (including a residential condominium, planned development, stock cooperative, or community apartment project) or into any other ownership type in which the dwelling units may be sold individually.
- J. "Two-Unit Development" means a development that proposes no more than two units or proposes to add one new unit to one existing unit and that meets all the criteria and standards set forth in Chapter 17.71.
- K. "Urban Lot Split" means a subdivision of an existing parcel into no more than two separate parcels that meets all the criteria and standards set forth in this Chapter.

17.70.30 Permit Application and Procedures - Urban Lot Splits.

- A. Application and Review Authority. An application for an Urban Lot Split shall be made by the property owner and filed with the Planning Department on a form prescribed by the Director, containing such information as reasonably requested by the Director, and accompanied by the appropriate fee.
- B. Ministerial Review. For applications that satisfy the requirements of this Chapter, the Director shall approve a parcel map as a ministerial permit, without discretionary review, public hearing, or Design Review. The decision shall be final and shall state in writing the reasons for approval or denial, consistent with qualifying criteria listed in 17.70.040.
- C. Review Timing. The City shall act upon an application for an Urban Lot Split within the time limits provided by the Subdivision Map Act.

17.70 .040 Qualifying Criteria for Urban Lot Splits. Applications for Urban Lot Splits must meet the following requirements. No exceptions to the standards in this section shall be requested or granted.

- A. The parcel is located within a single-family residential zone.

B. The parcel being subdivided is not located on a site that is any of the following:

- 1. Either prime farmland or farmland of statewide importance as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by local ballot measure that was approved by the voters of that jurisdiction.**
- 2. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).**
- 3. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by the City of Corning, pursuant to subdivision(b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.**
- 4. A hazardous waste site but that is listed pursuant to Section 65962.5 of the Government Code, or a hazardous waste site designated by the department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.**
- 5. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, Element complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health & Safety Code), And by the building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.**
- 6. Within a special flood hazard area subject to inundation by the 1 % annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent can satisfy all applicable federal qualifying criteria to provide that the site satisfies this subparagraph, the City of Corning shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standards or action adopted by the City of Corning that is applicable to that site. The development may be located on a site described in this subparagraph if either of the following are met (1) the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the City of Corning; or (2) the site meets Federal Emergency Management Agency requirements necessary to meet minimum floodplain management criteria of the National Flood Insurance Program Pursuant to Part 59 commencing with Section 59.1) and Part 60 (commencing with**

Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

7. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency unless, the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent can satisfy all applicable federal qualifying criteria to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the City shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the City of Corning that is applicable to that site.
 8. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the Federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
 9. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
 10. Lands under conservation easement.
- C. The lot split shall result in no more than two parcels (one net new parcel) of approximately equal lot area, provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision and in no instance shall any resulting lot be smaller than 1,200 square feet in area.
 - D. The resulting parcels shall comply, with the lot size, frontage, width, and front & rear requirements of Title 17 -Zoning, except that the Director will grant the minimum necessary exceptions to any requirement that would physically preclude the original parcel from being subdivided into two parcels that are not smaller than 1,200 square feet, so long as one of the parcels is no smaller than 40 percent of the lot area of the parcel proposed for subdivision.
 - E. The proposed Urban Lot Split would not require demolition or alteration of any of the following types of housing:
 1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low- or very low income.
 2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

3. A parcel or parcels on which an owner of residential real property has exercised the owner's rights to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
 4. Housing that has been occupied by a tenant in the last three years.
- F. The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a City of Corning landmark or historic property or historic district pursuant to a City of Corning ordinance or as indicated in the City of Corning General Plan.
- G. The parcel being subdivided was not created by an Urban Lot Split as provided in this section.
- H. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an Urban Lot Split as provided in this section.
- I. The development proposed on the parcels complies with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel as provided in the zoning district in which the parcel is located; provided, however, that:
1. The application of such standards shall be modified by the Director if the standards would have the effect of physically precluding the construction of two units on either of the resulting parcels created pursuant to this chapter or would result in a unit size of less than 800 square feet. Any modifications of development standards shall be the minimum modifications necessary to avoid physically precluding two units of 800 square feet on each parcel.
 2. Required rear and side yard setbacks shall equal four feet, except that no setback shall be required for an existing legally created structure, or a structure constructed in the same location and to the same dimensions as an existing legally created structure.
- J. Each resulting parcel shall have access to, provide access to or adjoin the public right-of way. Each resulting parcel shall be required to meet the design standards of the Corning Municipal Code for subdivisions. Additionally, lot lines shall be:
1. Straight lines unless there is a conflict with existing improvements or the natural environment;
 2. Generally parallel to the street when facing a street OR be at right angles perpendicular to the street on the straight streets, or radial to the street on curved streets;
 3. Within appropriate physical locations (e.g., does not bisect buildings);
 4. Contiguous with existing zoning boundaries.
 5. Lot lines shall not result in an accessory building or accessory use on a lot without a main building on the same lot.
- K. Proposed adjacent or connected dwelling units shall be permitted if they meet building and safety standards and are designed sufficient to allow separate

conveyance. The proposed dwellings shall provide a separate gas, electric and water utility connection directly between each dwelling unit and the utility.

- L. No more than two (2) units may be located on any lot created through an Urban Lot Split, including primary dwelling units, accessory dwelling units, junior accessory dwelling units, density bonus units, and units created as a Two-Unit Development.
- M. Parking. One parking space shall be required per unit constructed on parcel created through an Urban Lot Split, except that no parking may be required when:
 - 1. The parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or
 - 2. There is a designated parking area for one or more car-share vehicles within one block of the parcel.
- N. Compliance with Subdivision Map Act. The Urban Lot Split shall conform to all applicable objective requirements of the Subdivision Map Act (Government Code Section 66410 et seq.), except as otherwise expressly provided in Government Code Section 66411.7. Notwithstanding Government Code Section 66411.1, no dedications of rights of way or the construction of off-site improvements may be required as a condition of approval for an urban lot split, although easements may be required for the provision of public services and facilities.
- O. The correction of non-conforming zoning conditions may not be required as a condition of approval.
- P. Parcels created by an urban lot split may be used for residential uses only and may not be used for rentals of less than 30 days.
- Q. If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300 (d).
- R. Urban Lot Splits shall be subject to all impact and other development fees imposed on the approval of a parcel map.
- S. Specific Adverse Impacts. In addition to the criteria listed in this section, a proposed Urban Lot Split may be denied if the building official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A "specific adverse impact" is a significant, quantifiable, direct, and unavoidable impact, based on objective identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.
- T. A building permit application for SB 9 dwelling units must be submitted concurrently with the parcel map application to demonstrate compliance with SB 9 development standards and this chapter for newly created lots.

Section 17.70 .050 Additional Required Documentation.

- A. Owner-Occupancy Affidavit.** The applicant for an Urban Lot Split shall sign an affidavit, in the form approved by the City Attorney, stating that the applicant intends to occupy one of the housing units on the newly created lots as its principal residence for a minimum of three (3) years from the date of the approval of the Urban Lot Split. This subsection shall not apply to an applicant that is a community Land Trust as defined in clause (ii) of subparagraph (11) of subdivision (a) of Section 402.1 of the Revenue & Taxation Code or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue & Taxation Code.
- B. Additional Affidavit.** If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an Urban Lot Split shall sign an affidavit, in the form approved by the City Attorney, stating that none of the conditions listed in Section 17.70 .040(F) above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three (3) years (five (5) years if an existing unit is to be demolished). The owner and applicant shall also sign an affidavit stating that neither the owner nor applicant, nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using an Urban Lot Split.
- C. Recorded Covenant.** Prior to the approval and recordation of the parcel map, the applicant shall record a restrictive covenant in the form prescribed by the City of Corning City Attorney which shall run with the land and provide the following:
 - 1. A prohibition against further subdivision of the parcel using the Urban Lot Split procedures as provided for in this section; and
 - 2. A prohibition on nonresidential uses of any units developed or constructed on either resulting parcel, including a prohibition against renting, or leasing the units for fewer than 30 consecutive calendar days.
 - 3. A decision to approve or deny an Urban Lot Split shall be final.

Section 2. Chapter 17.71 "TWO-UNIT DEVELOPMENT" of Title 17 "Zoning" be added to the Corning Municipal Code to read as follows:

17.71.010 Purpose. The purpose of this Chapter is to provide objective zoning standards for Two-Unit Developments within single family residential zones, to implement the provisions of state law as reflected in Government Code Section 65852.21, to facilitate the development of new residential housing units consistent with the City of Corning's General Plan, and to ensure sound standards of public health and safety.

17.71.020 Definitions. For purposes of this Chapter, the definitions contained in Section 17.70.020 shall apply.

17.71.30 Permit Application and Procedures.

- A. Application and Review Authority.** An application for Two-Unit Development shall be made by the property owner and filed with the Planning Department on a form prescribed by the Director, containing such information as reasonably requested by the Director, and accompanied by the appropriate fee.
- B. Ministerial Review.** For applications that satisfy the requirements of this Chapter, the Director or designee shall approve a parcel map as a ministerial permit, without

discretionary review, public hearing, or Design Review. The decision shall be final and shall state in writing the reasons for approval or denial.

C. Review Timing. The City shall act upon an application for a Two-Unit Development within the time limits provided by the Permit Streamlining Act.

17.71.040 Qualifying Criteria for Two-Unit Developments.

Applications for Two-Unit Developments must meet all the following requirements. No exceptions to the standards in this section shall be requested or granted.

A. The parcel is in a single-family residential zone.

B. The Two-Unit Development is not located on a site that is any of the following:

1. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.
2. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
3. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by the City of Corning (County of Shasta), pursuant to subdivision (b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
4. A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
5. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 1890 I) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division I of Title 2 of the Government Code.
6. Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent can satisfy all applicable federal

qualifying criteria in order to provide that the site satisfies this subparagraph, the City shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the City of Corning that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

- (1)** the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the City; or
 - (2)** the site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter 1 of Title 44 of the Code of Federal Regulations.
- 7.** Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent can satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the City shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the City that is applicable to that site.
 - 8.** Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
 - 9.** Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
 - 10.** Lands under conservation easement.
- C.** Notwithstanding any provision of this section or any local law, the proposed Two-Unit Development would not require the demolition or alteration of any of the following types of housing:
- 1.** Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low- or very low-income.
 - 2.** Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

3. A parcel or parcels on which an owner of residential real property has exercised the owner's rights to withdraw accommodations from rent or lease within 15 years before the date that the development proponent applies for a Two-Unit Development.
 4. Housing that has been occupied by a tenant in the last three years.
- D. The proposed Two-Unit Development does not include the demolition of more than 25 percent of the existing exterior structural walls of any structure on the site unless the site has not been occupied by a tenant in the last three years.
 - E. The proposed Two-Unit Development is not located within a historic district or property on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site designated or listed as a City of Corning landmark or historic property or historic district pursuant to a City of Corning Ordinance.
 - F. The parcel is not located within a High Sensitivity area as shown on the General Plan Prehistoric Sensitivity Maps found in the Technical Appendix of the General Plan, which parcels are City of Corning historic properties.
 - G. The proposed Two-Unit Development complies with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel as provided in the zoning district in which the parcel is located; provided, however, that:
 1. The application of such standards shall be modified by the Director if the standards would have the effect of physically precluding the construction of two units on a parcel subject to this chapter or would result in a unit size of less than 800 square feet. Any modifications of development standards shall be the minimum modification necessary to avoid physically precluding two units of 800 square feet each on a parcel.
 2. Notwithstanding subsection (F)(I) above, required rear and side yard setbacks shall equal four feet, except that no setback shall be required for an existing legally created structure, or a structure constructed in the same location and to the same dimensions as an existing legally created structure.
 - H. Proposed adjacent or connected dwelling units shall be permitted if they meet building code safety standards and are designed to allow separate conveyance. The proposed Two-Unit Development shall provide a separate gas, electric and water utility connection directly between each dwelling unit and the utility.
 - I. One of the units in a Two-Unit Development shall be the principal place of residence of the property owner and the other unit may be leased or rented to a separate household.
 - J. Units created as part of a Two-Unit Development may be used for residential uses only and may not be used for rentals of less than 30 days.
 - K. Parking. One parking space shall be required per unit constructed via the procedures set forth in this section, except that the City shall not require any parking where:
 1. The parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section

21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or

2. There is a designated parking area for one or more car-share vehicles within one block of the parcel.
- L. All units constructed as part of a Two-Unit Development shall be subject to all impact and other development fees imposed on the development of a new dwelling unit
- M. **Specific Adverse Impacts.** In addition to the criteria listed in this section, a proposed Urban Lot Split may be denied if the building official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A "specific adverse impact" is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.

17.71.050 Objective Design Standards for Two-Unit Developments -The following objective standards apply to Two-Unit Developments:

- A. The following development is permitted on the parcel:
1. Two primary dwelling units, either a duplex or two single-family homes.
 2. If the parcel was not created using an Urban Lot Split, then additionally:
 - a. If a duplex is constructed, then two detached ADUs or one ADU created from existing non-livable space.
 - b. If one or two single-family homes are constructed, one ADU and one JADU.
- B. The maximum floor area of a unit in a Two-Unit Development shall be 800 square feet if the unit does not meet all development standards contained in the underlying zoning district.
- C. The maximum height shall be 16' from existing grade as defined by the Corning Municipal Code if the unit does not meet all development standards contained in the underlying zoning district.
- D. A solid (no-openings) one-hour fire rated wall is required between adjacent or connected units constructed as part of a Two-Unit Development.
- E. Driveway access shall be compliant with Corning Fire Protection District Standards.
- F. All newly created dwelling units shall be connected to a public sewer or provide a private wastewater system that is fully contained within the parcel's boundaries.
- G. Newly constructed units shall be of the same architectural style, detail, color and building material as the primary dwelling unit.
- H. Any new window that faces an adjoining residential property shall be either made of opaque glass and/or have a sill height above eye level. Any new doors that face an

adjoining residential property shall either not include windows, or all windows must be of opaque glass.

- I. All exterior lighting shall be shielded and directed downward.
- J. Where visible from off-site locations, skylights shall not have white or light opaque colored exterior lenses and no lights shall be installed inside the wells of the skylights.
- K. Fencing shall be consistent with the fencing requirements of Chapter 16.29 of the Corning Municipal Code.
- L. Landscaping materials shall include following: (1) Shrubs, of at least one-gallon size, and limited to a maximum height of 8' on the sides and rear of the property. (2) Trees, of at least 15-gallon size and that grow to a maximum height of 12'. (2) Ground cover instead of grass/turf; and (3) Decorative nonliving landscaping materials including, but not limited to sand, stone, gravel, wood, or water may be used to satisfy a maximum of 25 percent of the parcel.

Section 17.71.060 Additional Required Documentation.

- A. Declaration of Prior Tenancies. If any existing housing is proposed to be altered or demolished, the owner of the property proposed for a Two-Unit Development shall sign an affidavit, in the form approved by the City Attorney, stating that none of the conditions listed in Section 17.71.040(F) above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished).
- B. Recorded Covenant. Prior to the issuance of a building permit, the applicant shall record a restrictive covenant in the form prescribed by the City Attorney, which shall run with the land and provide for:
 - 1. A prohibition on non-residential use of any units developed or constructed through the Two-Unit Development, including a prohibition against renting, or leasing the units for fewer than 30 consecutive calendar days.
 - 2. A requirement that one of the units on the site be the principal residence of the owner.

Section 3. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any person or circumstance. The City Council of the City of Corning hereby declares that it would have adopted each section, subsection subdivision paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections subdivisions paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 4. CEQA

The proposed ordinance would be exempt from the California Environmental Quality Act (CEQA). Senate Bill 9 (Atkins) states that an ordinance adopted to implement this

incorporation of Senate Bill 9 shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

I HEREBY CERTIFY that the foregoing ordinance was introduced and read by the City Council of the City of Corning at a regular meeting on the 11th day of October, 2022, and was duly read and adopted at a regular meeting on the 25th day of October, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ROBERT SNOW, Mayor

ATTEST:

LISA M. LINNET, City Clerk

ITEM NO.: E-4
ADOPT RESOLUTION 09-20-2022-02 A
RESOLUTION RECOMMENDING THE
ADOPTION OF ORDINANCE 703, AN
ORDINANCE DELETING CHAPTER 17.24
AND AMENDING CHAPTERS 17.22, 17.47,
AND 17.48 OF THE CORNING MUNICIPAL
CODE TO PERMIT ALL COMMERCIAL
USES WITHIN THE CH HIGHWAY
SERVICE COMMERCIAL OVERLAY
DISTRICT.

September 20, 2022

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: KRISTINA MILLER; CITY MANAGER
COLLIN BOGENER, CITY ATTORNEY
CHRISTINA MEEDS, PLANNER

BACKGROUND:

In 1997, the City of Corning City Council enacted multiple zoning ordinances which each carried out specific purposes prescribed by the Highway 99W corridor specific plan. The intent was to create freeway oriented commercial development within the specific zones. These overlay districts included the CH Highway Service Commercial Overlay District (Chapter 17.48), which was part of the CBDZ Corning Development Zone (Chapter 17.47.) The development zone sets forth the design guidelines and intent of the development, while the development zone sets forth the zoning requirements.

Pursuant to the CH Highway Service Commercial Overlay District, only the following types of commercial businesses are allowed:

Highway service types of commercial uses, which in the opinion of the planning commission, are of a character similar to the following: gasoline service stations, restaurants, motels, and recreational vehicle services; and incidental uses on the same lot which are necessary for the operation of any permitted use; an on-site residence not to exceed one-third the square footage of an active business establishment and occupied by the owner/proprietor or their agent. Such residence is to be a secondary use to an active commercial enterprise, either upstairs or in the rear with the storefront remaining commercial. No residential garage shall be permitted.

Additionally, any uses within the CH Highway Service Overlay District require a conditional permit before they can operate. In effect, there are no uses within this area that can operate as a matter of right.

Over time, it has become clear that providing a very narrow type of use for the properties and requiring a conditional use permit is not only substantial but may discourage development in the area. The conditional use permit itself already allows the City to approve the development and condition the project as needed.

The proposed ordinance seeks to remove the requirement that the use is a "gasoline service station, restaurant, motels and recreational vehicle services; and incidental use", and instead, require only that the use is commercial as permitted in C-1, C-2, or C-3. This opens up the potential use to many other types of commercial development, but still requires a conditional use permit.

Chapter 17.22 is proposed to be amended to correct an incorrect reference to Chapter 17.24. The reference to M-1 and M-2 zoning districts should be Chapters 17.26 and 17.28, respectively.

The redline version of the pertinent sections of the Corning Municipal Code is attached. The resolution and draft ordinance will be presented at the September 20, 2022 Planning Commission meeting.

ENVIRONMENTAL DETERMINATION:

The City of Corning finds that this Ordinance is not a "project" according to the definition set forth in the California Environmental Quality Act ("CEQA"), and, pursuant to CEQA Guidelines sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment), the adoption of this ordinance is therefore not subject to the provisions requiring environmental review.

PUBLIC NOTICE:

A 10-day public hearing notice of the proposed amendment was published in the Red Bluff Daily News. No public comments on the project have been received at the Planning Department at the time of this report.

RECOMMENDED ACTION:

1. Review the staff report and environmental determination.
2. Open the public hearing and consider public testimony.
3. Adopt Resolution 09-20-2022-02 a Resolution Recommending the City Council approve an Ordinance to delete Chapter 17.24 and amend Chapters 17.22, 17.47, and 17.48 to the Corning Municipal Code to permit all commercial uses within the CH Highway Service Commercial Overlay District.

Chapter 17.22 - C-3 GENERAL COMMERCIAL DISTRICT

17.22.010 - Generally.

This district classification is intended to be applied where general commercial facilities are necessary for public service and convenience. The following specific regulations and the general rules set forth in Sections 17.04.060 and 17.04.070 and Chapter 17.50 of this code shall apply in all C-3 districts.

17.22.020 - Permitted uses.

In C-3 districts, permitted uses shall be as follows:

A. Uses permitted in the C-1 and C-2 districts;

B. The following and other uses which, in the opinion of the planning commission, are of a similar character:

1. Gasoline service stations; provided, that all operations except the servicing with gasoline, oil, air and water are carried on within a building,
2. Commercial repair garages, and incidental service uses,
3. Automobile sales and service, used car lots,
4. Wholesale distribution uses, warehouses,
5. Laundry and dry cleaning businesses using non-inflammable cleaning solvents,
6. Veterinary hospitals, animals to be kept in an enclosed structure,
7. Carwash;

C. All other commercial uses except those uses which are specified in Chapter 17.24 Chapters 17.26 and 17.28 of this title as being permitted only in M-1 and M-2 districts;

D. Incidental storage and accessory uses, including repair operations and services, provided such uses shall be clearly incidental to the sale of products at retail on the premises, and shall be so placed and constructed as not to be offensive or objectionable because of odor, dust, smoke, noise or vibration.

E.

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Upon securing a conditional use permit, an on-site residence not to exceed one third the square footage of an active business establishment and occupied by the owner/proprietor or their agent, such residences are to be a secondary use to an active commercial enterprise, either upstairs or in the rear, with the storefront remaining commercial. No residential garages shall be permitted.

• 17.22.030 - Minimum height, bulk and space requirements.

In C-3 districts, the minimum height, bulk and space requirements shall be as follows:

A. Lot area, width and coverage, none;

B. Side yard and front yard shall be as follows:

1. Side yard, none; except as required by the building code or other regulation, or where the side of a lot abuts an R district, the side yard shall not be less than ten feet.

2. Front yard, none; except where the frontage in a block is partially within an R district, the same setback shall be required as in the R district.

C. Rear yard, twelve feet where accessible from street, alley or parking lot for loading purposes. Building may project over rear yard area, providing fourteen feet clear vertical distance from ground level is maintained. Building Code and other regulations shall apply;

D. Building height limit, four stories, but not to exceed fifty feet; and provided, that buildings shall be confined within inclined planes sloping inward at a ratio of one foot horizontally to two feet vertically, such planes beginning directly above property lines at an elevation of thirty feet above average ground grade;

E. Loading area, twenty-foot alleys for loading and delivery purposes shall be provided adjacent to all lots to be used for commercial purposes. Ten feet of the required yard may be included in such alleys;

F. Parking requirements as required by Chapter 17.51;

G. Corner lots, side yard setback ten feet.

• 17.22.040 - Uses permitted with a use permit.

In C-3 districts, uses requiring use permits are as follows:

A. RV facilities, provided that:

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1. An RV facility shall mean any use which derives income directly from providing an area or place in which to park mobile living and/or sleeping units specifically for the purpose of occupation and use of such mobile units.

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2. RV facilities shall provide some landscaped exterior yard area for the use of guests.

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B. Commercial communication towers and associated facilities.

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Chapter 17.24 – CH HIGHWAY SERVICE COMMERCIAL DISTRICT

17.24.010 – Generally.

~~This district classification is intended to be applied along main road and highway frontages at proper intervals and locations to provide necessary services for the traveling public in developments designed for safety, convenience and fitting appearance. The following specific regulations and the general rules set forth in Sections 17.04.060 and 17.04.070 and Chapter 17.50 of this code shall apply in all CH districts.~~

17.24.020 – Permitted uses.

~~There are no uses permitted without use permits.~~

17.24.030 – Uses requiring use permits.

~~In CH districts, all uses permitted in the C-3 districts shall require a use permit.~~

~~A. Highway service types of commercial uses, which in the opinion of the planning commission are of a character similar to the following: gasoline service stations, restaurants, motels and trailer courts;~~

~~B. The occupancy of an on-site residence not to exceed one-third the square footage of an active business establishment occupied by the owner/proprietor or their agent. Such residence is to be a secondary use to an active commercial enterprise, either upstairs or in the rear, with the storefront remaining commercial. No residential garage shall be permitted.~~

Chapter 17.47 - CBDZ CORNING BUSINESS DEVELOPMENT ZONE

17.47.010 - Generally.

The CBDZ Corning business development zone is to be utilized only within the boundaries delineated by the Highway 99W corridor specific plan. It is recognized that there is a need for job-generating land uses near the freeway and that the most suitable location for future

commercial development is along Highway 99W. This unique environment was determined to be an appropriate location for freeway-oriented commercial development and general commercial, industrial and manufacturing businesses. The following specific regulations and the general rules set forth in Section 17.04.060 and 17.04.070 and Chapter 17.50 of this title shall apply in the CBD zone. All uses within the CBDZ Corning Business Development Zone require a conditional use permit. Uses discussed in this section do not necessarily include uses in Chapter 17.54 of this title.

17.47.020 - Purpose.

The CBDZ Corning Business Development Zone has been established to achieve the following purposes:

- A. To protect the public health, safety and welfare by enhancing quality of life and improving the appearance of the city;
- B. To provide protection against haphazard and traditional strip commercial development by implementing visual design guidelines established in the Highway 99W corridor specific plan;
- C. To allow site development flexibility in return for well-conceived and efficient site planning and quality design;
- D. To establish overlay districts that carry out specific purposes prescribed by the Highway 99W corridor specific plan addressing specific subjects, such as freeway-oriented commercial development and mixed-use commercial development. The overlay districts that apply to the CBDZ are Chapters 17.48 and 17.49 of this title.

17.47.030 - Applicability.

The regulations of this chapter provide for the quality development within the Highway 99W corridor by (1) reviewing all development permits to determine that the permit requirements of this title have been satisfied; and (2) reviewing all permits to determine that the site has met applicable design criteria established in the visual design guidelines of the Highway 99W corridor specific plan.

17.47.040 - General provisions.

- A. Any development within the CBD zone shall apply applicable design criteria established in the visual design guidelines of the Highway 99W corridor specific plan.
- B. Any development within the CBD zone shall comply with all conditions of approval applied to the development.

C. Any development within the CBD zone shall comply with the regulations and standards established in the corresponding overlay zones (1) CH highway service commercial district and (2) SPMU specific plan mixed-use district.

Chapter 17.48 - CH HIGHWAY SERVICE COMMERCIAL OVERLAY DISTRICT

17.48.010 - Generally.

This overlay district classification is intended to be applied along main road and highway frontages at proper intervals and locations to provide necessary services for the traveling public in developments designed for safety, convenience and fitting appearance. The following specific regulations and the general rules set forth in Sections 17.04.060 and 17.04.070 and Chapter 17.50 of this code shall apply in all CH districts. This overlay district is to be utilized only within the boundaries of the Highway 99W corridor specific plan. This district provides for the continuation and development of freeway-oriented commercial activities.

17.48.020 - Permitted uses.

There are no uses permitted without use permits.

17.48.030 - Uses requiring use permits.

~~In CH district, all uses permitted in the C-3 districts shall require a use permit.~~

~~In CH districts only C-3 uses are permitted and a use permit shall be required.~~

~~In CH districts, the following uses shall require use permits:~~

~~A. Highway service types of commercial uses, which in the opinion of the planning commission, are of a character similar to the following: gasoline service stations, restaurants, motels and recreational vehicle services; and incidental uses on the same lot which are necessary for the operation of any permitted use; an on-site residence not to exceed one-third the square footage of an active business establishment and occupied by the owner/proprietor or their agent. Such residence is to be a secondary use to an active commercial enterprise, either upstairs or in the rear with the storefront remaining commercial. No residential garage shall be permitted.~~

17.48.040 - General requirements.

In CH overlay districts land use regulations shall include the following regulations:

A. In any district with which is combined the CH overlay district, the regulations of this chapter shall apply in addition to those specified in this title; provided, that if conflict in regulations occurs, the regulations of this chapter shall govern;

B. Any development within the CH overlay district shall apply applicable design criteria established in the visual design guidelines of the Highway 99W corridor specific plan;

C. Those established in Chapter 17.47 CBDZ Corning business development zone.

Chapter 17.49 - SPMU SPECIFIC PLAN MIXED-USE OVERLAY DISTRICT

17.49.010 - Generally.

This overlay district classification is intended to encourage mixed-use development and is to be applied to the larger parcels located between the primary intersections of the Highway 99W corridor specific plan area. As such, this overlay zone is to be utilized only within the boundaries delineated by the Highway 99W corridor specific plan. The SPMU overlay zone allows for a combination of land uses that have been determined to be compatible for development. The following specific regulations and the general rules set forth in Sections 17.04.060 and 17.04.070 and Chapter 17.50 of this code shall apply in the SPMU overlay district.

17.49.020 - Purpose.

The purpose of the SPMU overlay district is to allow development to consist of a combination of land uses. The combination of such uses is found to be compatible if noise, smoke, dust, odors, and other offensive features are confined to the premises of such use.

17.49.030 - General requirements.

The regulations of this chapter provide for mixed-use development within the Highway 99W corridor specific plan area which has been designated the Corning Business Development Zone. In SPMU overlay district land use regulations shall include the following requirements:

A. In any district with which is combined the SPMU overlay district, the regulations of this chapter shall apply in addition to those specified in this title; provided, that if conflict in regulations occurs, the regulations of this chapter shall govern;

B. The permitted uses established in each district and being combined in the SPMU overlay district are allowed; provided that in the opinion of the planning commission, the proposed sites are of a similar character;

C. Any development within the SPMU overlay district shall apply applicable design criteria established in the visual design guidelines of the Highway 99W corridor specific plan;

D. Those provisions established in Chapter 17.47 CBDZ Corning business development zone.

17.49.040 - Permitted uses.

There are no uses permitted without use permits.

17.49.050 - Uses requiring use permits.

In any district with which is combined an SPMU district, the following districts may be combined and shall require use permits. The SPMU overlay district allows for the combination of the permitted uses from the following districts which in the opinion of the planning commission the uses are of a similar and compatible character: C-1 neighborhood business district, C-2 central business district, C-3 general commercial district, M-1 light industrial districts, and M-L limited manufacturing district.

A. From C-1, C-2 and C-3 districts, the following uses of land and buildings which, in the opinion of the planning commission, are of a similar character shall be permitted:

1. Retail stores and business or service enterprises which, in the opinion of the planning department are of a character similar to the following:

- a. Foodstores, dairy products and bakery goods stores,
- b. Bookstores, rental libraries and video rental stores,
- c. Drugstores, including soda fountain food service,
- d. Florist, variety, hardware and clothing stores,
- e. Athletic facilities, banks, business offices, bowling alleys, food, drug and clothing stores and retail outlet stores,
- f. Business colleges, music, dancing and martial arts studios,
- g. Blueprinting shops, photographic stores,
- h. Catering shops, cafes and restaurants, and bars and taverns,
- i. Art and antiques shops and pawnshops,
- j. Hotels, motels, theaters, auditoriums, lodge halls and social clubs,
- k. Newspapers and commercial printing shops,
- l. Mortuaries,
- m. Bakeries,
- n. Other retail business uses which, in the opinion of the planning commission, are similar to the foregoing;

B. The following agencies and services:

1. Laundry and dry cleaning businesses using noninflammable cleaning solvents,
2. Barbershops, beauty parlors and cosmetic shops,
3. Repair shops for domestic appliances and goods,
4. Professional and medical offices, studios and clinics,
5. Gasoline service stations, including auto repairs; provided, that all operations except the service with gasoline, oil, air and water be conducted within an enclosed building,
6. Self-operated laundries,
7. Gasoline service stations; provided, that all operations except the servicing with gasoline, oil, air and water are carried on within a building,
8. Commercial repair garages, and incidental service uses,
9. Automobile sales and service and used car lots,
10. Wholesale distribution uses and warehouses,
11. Veterinary hospitals, animals to be kept in an enclosed structure,
12. Carwash,
13. Other services and agencies which, in the opinion of the planning department, are similar to the above;

C. Public buildings and public utility substations and offices;

D. Commercial parking lots and parking garages;

E. Incidental and accessory buildings and uses on the same lot with and necessary for the operation of any permitted use; an on-site residence not to exceed one third the square footage of an active business establishment and occupied by the owner/proprietor or their agent. Such residence is to be a secondary use to an active commercial enterprise, either upstairs or in the rear, with the storefront remaining commercial. No residential garage is permitted;

F. Incidental storage and accessory uses, including repair operation and services; provided, that such is clearly incidental to the sale of products at retail on the premises and shall be so placed and constructed as not to be offensive or objectionable because of odor, dust, smoke, noise, vibration, fire or safety;

G. All other commercial uses except those uses which are specified in Chapter 17.24 of this title as being permitted only in M-2 districts;

H. Incidental storage and accessory uses, including repair operating and services, provided such uses shall be clearly incidental to the sale of products at retail on the premises, and shall be so placed and constructed as not to be offensive or objectionable because of odor, dust, smoke, noise or vibration;

I. From M-1 districts, the following uses of land and buildings which, in the opinion of the planning commission, are of a similar character shall be permitted:

1. Assembly and storage of goods, materials, liquids and equipment, except storage of flammable or explosive matter or materials which create dust, odors or fumes.

Permitted uses include:

a. Wholesale and storage warehouses,

b. Feed and fuel yards,

2. Manufacturing, processing, fabricating, refining, repairing, packaging or treatment of goods, material or produce by electric power, oil or gas, except operations involving fish fats and oils, bones and meat products, or similar substances commonly recognized as creating offensive conditions in the handling thereof. Permitted uses include:

a. Dye and dry-cleaning plants,

b. Rug cleaning plants,

c. Laundries,

d. Veterinary hospitals,

e. Cabinet shops,

3. The following when conducted within a building or enclosed within a solid wall or fence of a type approved by the planning commission, not less than six feet in height:

a. Body and fender repair shops and auto painting shops,

b. Cooperage and bottling works,

c. Sheet metal shops and welding shops,

d. Truck terminals,

e. Retail lumber yards;

J. From M-L districts, the following uses of land and buildings which, in the opinion of the planning commission, are of a similar character shall be permitted:

1. Commercial and professional offices,
2. The following and similar uses from which noise, smoke, dust, odors and other such offensive features are confined to the premises of each such use:
 - a. Research institutes and laboratories,
 - b. Small electronic and plastics products manufacturing,
 - c. Electrical products and instrument manufacturing,
 - d. Bookbinding, printing and lithography,
 - e. Cartography, surveying and engineering,
 - f. Editorial, architecture and designing,
 - g. Garment manufacturing, paper products manufacturing,
3. Underground utility installations and above-ground utility installation for local service, except that substations generating plants and gas holders must be approved by the planning commission prior to construction; and the route of any proposed transmission line shall be discussed with the planning commission prior to acquisition.

17.49.060 - Minimum height, bulk and space requirements.

In SPMU overlay districts, the minimum height, bulk and space requirements shall be as follows:

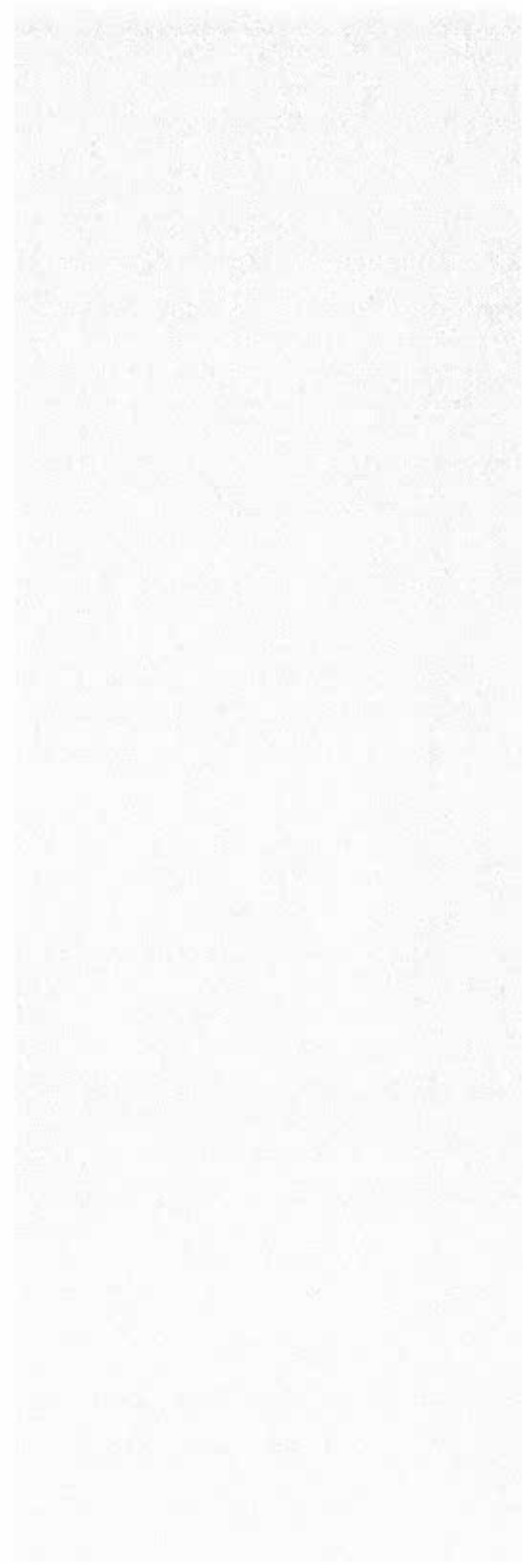
- A. Where conflict occurs between the regulations of this chapter and any building code or other regulations effective within the city, the more restrictive of any such regulations shall apply;
- B. Lot area, lot width, building coverage regulations, none;
- C. Front yard, fifteen feet;
- D. Side yard, none, except as required by the building code or other regulations;
- E. Rear yard, twelve feet where accessible from street, alley or parking lot for loading purposes. Building code and other regulations shall apply;
- F. Building height limit, four stories, but not to exceed fifty feet; and provided, that buildings shall be confined within inclined planes sloping inward at a ratio of one foot horizontally to two

feet vertically, such planes beginning directly above property lines at an elevation of thirty feet above average ground grade;

G. Loading area, twenty-foot alleys for loading and delivery purposes shall be provided adjacent to all lots to be used for commercial purposes. Ten feet of the required yard may be included in such alleys;

H. Parking requirements as required by Chapter 17.51;

I. Corner lots, side yard setback ten feet.



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