



**CITY OF CORNING
PLANNING COMMISSION SPECIAL MEETING AGENDA
THURSDAY, AUGUST 24, 2023
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:

D. MINUTES:

1. Waive the reading and approve the Minutes of the July 18, 2023 Planning Commission Meeting with any necessary corrections:

E. PUBLIC HEARINGS AND MEETINGS:

2. Parcel Merger 2023-02 - Tentative Parcel Map 2023-1002, Mark Engstrom; Lot Split of a 4.45-acre (approximately) Parcel to create a 3.66-acre lot, and a 0.79-acre lot, both rezoned to C-3-CBDZ.
3. Use Permit No. 2023-315 - Kullar Sukwinder, Liquor Cabinet !; to establish a Kitchen inside an existing business. Zoning: C-3 General Business District CBDZ; Location: 2185 Solano Street; APN: 071-140-042.

F. REGULAR AGENDA:

G. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

H. ADJOURNMENT:

POSTED: MONDAY, AUGUST 21, 2023



**CITY OF CORNING
PLANNING COMMISSION MEETING MINUTES
TUESDAY, JULY 18, 2023
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 members of the Commission were present except Commissioner Lamb.

C. BUSINESS FROM THE FLOOR: None.

D. MINUTES:

1. Waive the reading and approve the Minutes of the May 16, 2023 Planning Commission Meeting with any necessary corrections:

Commissioner Poisson moved to approve the Minutes; Commissioner Barron seconded the motion. **Ayes: Robertson, Barron, Poisson, and Mesker. Absent: Lamb. Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

E. PUBLIC HEARINGS AND MEETINGS:

2. Use Permit No. 2023-316; Inderveer Singh, to establish a Mobile Vending Food Business known as 2 Guys and a Grill. Zoning: C-3 Business District CBDZ; Location: 3525 S. Hwy. 99W; APN: 087-100-080.

Planner II Christina Meeds acknowledged that the applicant was not present and introduced this item stating the location Hwy. 99W is actually the address for Triple A Truck Wash. She stated that the Staff Report was written by Scott Friend and stated that the Conditions proposed may be different from previous Conditions presented to the Commission (Conditions related to trash and noise). The Public Hearing was opened at 5:35pm; with no comments it was closed at 5:35pm. Commission Barron stated the location footage from adjacent trucks/businesses. Commission Mesker asked if there was electricity adjacent to the proposed location; Planner II Christina Meeds specified that Code requires that the Trucks be self-sufficient. Commissioner Mesker stated that some are not which is why he requested the Ordinance update that was passed to ensure that all regulations were upheld. All currently in the City do comply. She stated that three of the existing Food Trucks are moving into a brick-and-mortar business. She also stated that the State does not allow us to limit the number of Food Trucks allowed.

Commissioner Barron moved to adopt the five (5) Factual Subfindings and Legal Findings as presented in the Staff Report and approve Use Permit 2023-316 permitting the establishment of a Mobile Food Vendor in the lot located at 3525 Hwy. 99W subject to the four (4) Conditions of Approval as recommended by Staff. Commissioner Poisson seconded the motion.

Ayes: Robertson, Barron, Poisson, and Mesker. Absent: Lamb. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Lamb.

F. REGULAR AGENDA: None.

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

H. ADJOURNMENT: 6:48pm

Lisa M. Linnet, City Clerk

ITEM NO: E-2

Parcel Merger 2023-02, Tentative Parcel Map 2023-1002 Mark Engstrom; Lot Split of an approximately 4.45-acre parcel to create a 3.66-acre lot and a 0.79-acre lot; both zoned C-3-CBDZ.

August 24, 2023

TO: PLANNING COMMISSION OF THE CITY OF CORNING

**FROM: CHRISSY MEEDS, PLANNER II *CM*
SCOTT FRIEND, PLANNING CONSULTANT**

PROJECT DESCRIPTION & LOCATION:

Parcel Merger 2023-02, Tentative Parcel Map 2023- 1002, Mark Engstrom (Berryessa II, LLC) proposes to subdivide an approximately 4.45-acre lot, zoned C-3-CBDZ (General Business District CBDZ), into two (2) separate parcels: Lot 1 – 3.66 acres, and Lot 2 – 0.79 acres; with a common paved parking lot in the eastern portion of Lot 1 and western portion of Lot 2. The project is located on the east side of Edith Avenue just north of the Solano Street/Highway 99 West intersection and directly east of the Safeway Grocery Store and is currently under development as a future Grocery Outlet Store (Lot 1) and a Dutch Brother's Coffee Shop (Lot 2). APN: 071-080-021

GENERAL PLAN LAND USE DESIGNATION:

Highway 99W Specific Plan

ZONING DESIGNATION:

C-3-CBDZ, General Business District CBDZ

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Staff has reviewed the project to determine the required level of review under the California Environmental Quality Act (CEQA) and has determined that the proposed Tentative Parcel Map be categorically exempt pursuant to CEQA Guidelines Section 15315 (Minor Land Division, Class 15).

Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning. No variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

DISCUSSION:

Pursuant to Section 16.09.010 (E) of the Corning Municipal Code (CMC) “the Planning Commission of the City shall act as the advisory agency to the City Council. It is charged with making investigations and reports on the design and improvements of proposed divisions of land. The Planning Commission shall make investigations and conduct hearings regarding the approval of tentative maps and make its written report on the Tentative Map directly to the City Council.” Final approval, including establishing design standards for public improvements of a Tentative Parcel Map is the responsibility of the City Council pursuant to Section 16.09.010 (F) of the CMC.

As required by the Corning Municipal Code, utilities to serve the uses proposed on both parcels have been, or are currently, being installed per City Standards and shall be available prior to the occupancy of either building currently under construction. In addition to the utilities, driveways, frontage improvements, parking, landscaping, and full site improvements are being installed with the current project and will be available on site prior to the recordation of the final map.

CONSISTENCY WITH GENERAL PLAN & ZONING:

The Site is designated C, Commercial on the General Plan Land Use Map. Current zoning is C-3-CBDZ, General Business District CBDZ. In the General Plan, there does not exist a maximum density for the parcel but does list categories of commercial uses including Neighborhood and Central Business Districts, General and Highway Service Districts. The existing parcel is currently under development and includes a Grocery Outlet and a Dutch Bro's Coffee Shop, both proposing to be split onto separate parcels as proposed in this action. Both uses are general commercial uses and therefore the projects are consistent with the General Plan land use designation of C and the commercial uses are consistent with the current C-3-CBDZ Zoning.

Staff recommends the following Factual Sub Findings & Legal Findings for consideration by the Commission, pursuant to the California Environmental Quality Act (CEQA), and Section 66474 (A thru G) of the California Government Code.

Factual Sub Finding #1

Staff has reviewed the project to determine the required level of review under the California Environmental Quality Act (CEQA) and has determined that the proposed Tentative Parcel Map 23-1001 be categorically exempt pursuant to CEQA Guidelines Section 15315 (Minor Land Division, Class 15).

Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning. No variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. A Notice of Exemption was filed with the Tehama County Clerk & Recorder.

Legal Finding #1

For Tentative Parcel Map 2023-02, the City of Corning Planning Commission is acting as an advisory body to the Corning City Council. The Planning Commission finds that the environmental impacts associated with the project have undergone the required level of review under the California Environmental Quality Act (CEQA). Tentative Parcel Map 2023-1002 proposes to create two (2) separate parcels and there is no substantial evidence in the light of the whole record of any changes in the project that would require additional environmental analysis, therefore Tentative Parcel Map 23-1002 is exempt from CEQA pursuant to Section 15315 (Minor Land Division, Class 15) and Section 15061(b)(3) (the "Common Sense" exemption).

Factual Sub Finding #2

Tentative Parcel Map 2023-02 proposes to subdivide the approximately 4.45 acres of land into two (2) separate parcels: Lot1 – 3.66 acres and Lot2 – 0.79 acres. This would create a density of approximately 0.45 parcels per acre.

Legal Finding #2

Subdividing the approximately 4.45 acres, as proposed by Tentative Parcel Map 2023-02, into two (2) separate parcels does not exceed the maximum densities of parcels per acre as depicted in the Land Use Element of the General Plan, the project is consistent with the General Plan.

Factual Sub Finding #3

Tentative Parcel Map 2023-02 is subject to mitigation measures from previous environmental analysis of this site and Conditions of Approval that direct the design and improvements of the project to meet the requirements of adopted mitigation measures and applicable municipal codes adopted by the City of Corning.

Legal Finding #3

That the design and improvements associated with the creation of two (2) separate parcels are consistent with the Land Use Element of the 2014-2034 Corning General Plan.

Factual Sub Finding #4

The site and location of Tentative Parcel Map 2023-02 is in an area that is relatively flat and where the construction of roads and building pads will not present any physical difficulties for development.

Legal Finding #4

The site of Tentative Parcel Map 2023-02 is located adjacent to Edith Avenue and has terrain that is physically suitable for the establishment of commercial development.

Factual Sub Finding #5

The Subdivider will be required to either extend City water and sewer to serve the parcels or validate that the extension actions have previously occurred and will be required to either dedicate or validate that dedication has occurred for the full half-width of Edith Avenue along with all necessary improvements (curb, gutter, sidewalk).

Legal Finding #5

The City of Corning Municipal water and sewer service has sufficient capacity to serve the proposed commercial development along the east side of Edith Avenue. Road improvements to Edith Avenue, and the construction of interior parking areas to serve the parcels will provide adequate upgrades to the existing transportation system for additional traffic generated by the project.

Factual Sub Finding #6

Tentative Parcel Map 2023-02 proposes to create two (2) separate parcels in an area of the City designated for commercial development and which has accessibility to City water and sewer.

Legal Finding #6

The requirement to improve existing roads and construct new roads as well as provide City water and sewer to the parcels will not cause any serious public health problems to the existing and future residences of the City.

Factual Sub Finding #7

Access to the site and commercial parcels will be by Edith Ave. and interior drive aisles constructed by the developer. Public easements for access to the parcels will be created by recording a Final Map.

Legal Finding #7

That the design of Tentative Parcel Map 2023-02, or type of improvements associated with the commercial development of the parcels, will not conflict with easements acquired by the public at large, for access through or use of, property within the subdivision.

ACTION

1. **MAKE A MOTION TO RECOMMEND THAT THE CORNING CITY COUNCIL ADOPT THE 7 FACTUAL SUBFINDINGS AND LEGAL FINDINGS AS PRESENTED IN THE STAFF REPORT AND APPROVE TENTATIVE PARCEL MAP 2023-02 SUBJECT TO THE 45 CONDITIONS AS PRESENTED IN THE STAFF REPORT.**

OR

2. **MAKE A MOTION TO RECOMMEND THAT THE CORNING CITY COUNCIL DENY TENTATIVE PARCEL MAP 2023-02**

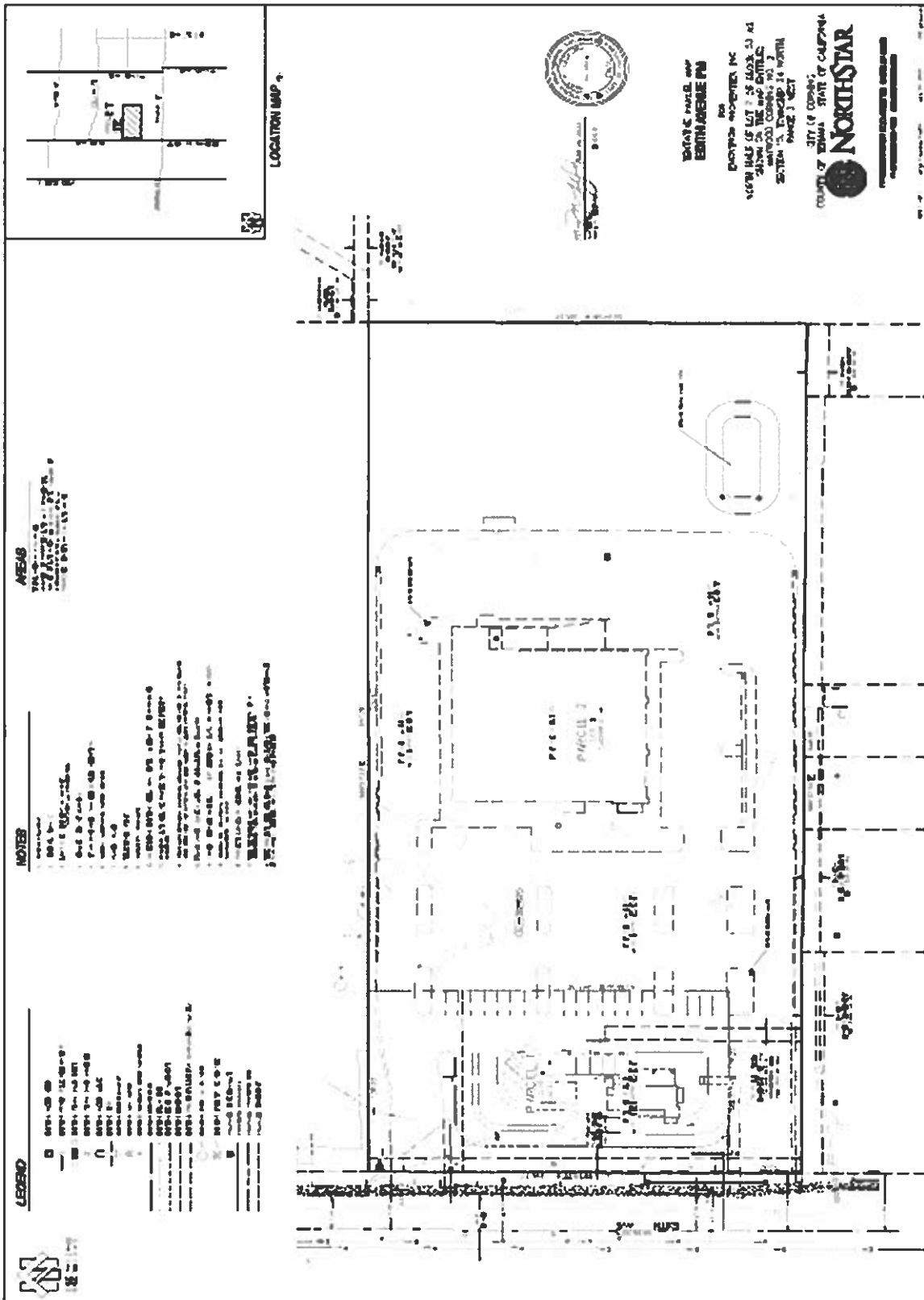
ATTACHMENTS:

- | | |
|--------------------|---|
| EXHIBIT "A" | RECOMMENDED CONDITIONS OF APPROVAL |
| EXHIBIT "B" | COPY OF TENTATIVE MAP |

Exhibit "A"
Recommended Conditions of Approval

1. **SUBDIVISION STANDARDS.** Development of Tentative Parcel 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. **PARCEL LANDSCAPING.** Parcel landscaping, 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. A permanent method of irrigation for this landscaping shall be installed. All landscaping and irrigation must comply with the Water Efficient Landscape Regulations as detailed in Section 15.08.055 of the Corning Municipal Code.
4. **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.
5. **FUGITIVE DUST.** Prior to commencing Grading the applicant shall obtain a Fugitive Dust Control Permit from the Tehama County Air Pollution District.
6. **SPRINKLE EXPOSED SOILS.** During construction, unprotected soils shall be sprinkled to minimize wind erosion.
7. **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.
8. **FINISHED SURFACES.** Upon completion of development, no substantial area shall remain where soils are completely uncovered.
9. **STORMWATER FACILITIES.** Stormwater retention and conveyance facilities shall be constructed in accordance with Public Works Standards.
10. **DRIVEWAY APPROACHES AND FRONTAGE IMPROVMENTS.** Prior to recordation of the Final Mapp, all driveway approaches and frontage improvements along Edith Avenue must be completed.
11. **CROSS ACCESS AGREEMENT.** Prior to the recordation of the Final Map, the Subdivider shall provide the City with a signed copy of a Cross-Access Agreement between the owners of parcels 1 and 2 allowing for the joint-use of parking and the joint-use of drive access points for both of the involved parcels.
12. **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.

EXHIBIT "B"



LEGEND

- 011-03-01
- 011-03-02
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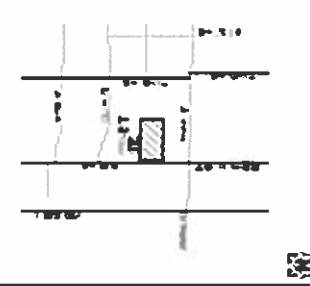
NOTES

1. SEE SHEET 011-03-01 FOR GENERAL NOTES.
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- 31. SEE SHEET 011-03-31 FOR AREAS.

LOCATION MAP



EDGAR & PEARCE, INC.
 10000 W. CENTRAL EXPRESSWAY
 SUITE 100
 NORTH HAVEN, CT 06460
 (203) 393-1000
 FAX (203) 393-1001
 WWW.EDGARPERCE.COM



**ITEM NO: E-3
USE PERMIT APPLICATION 2023-315;
TO ESTABLISH A KITCHEN INSIDE
AN EXISTING BUSINESS
APN: 071-140-042**

August 24, 2023

**TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING
FROM: CHRISSE MEEDS, PLANNER II
TIM POTANOVIC, INTERIM CITY MANAGER**

PROJECT DESCRIPTION:

Kullar Sukwinder has applied to establish a kitchen within his established commercial business (Liquor Cabinet 1). The property is operated and owned by Mr. Sukwinder. He is proposing to add a kitchen inside the Liquor Cabinet 1 to allow him to offer food to his customers. The proposed kitchen will include a new hood, new fryer, a 3-compartment sink, a hand washing sink, a prep table and warmer. Mr. Sukwinder has turned in his engineered plans and is in conversations with the City's Building Official.

The proposed site is located on the south side of Solano Street approximately 213 feet east of the Solano Street / Highway 99 W intersection. **APN: 071-140-042; Address: 2185 Solano Street.**

GENERAL PLAN LAND USE DESIGNATION:

Highway 99 W Specific Plan / Commercial.

ZONING:

C-3 General Business District CBDZ.

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.

15303. NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

C. A Store, Motel, Office, Restaurant, or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the following, or similar, Factual Subfindings and Legal Findings for Use Permit 2023-315.

Legal Finding #1

The granting of Use Permit 2023-315, permitting the owner of Liquor Cabinet 1 to open and operate a kitchen in an existing commercial business located at 2185 Solano Street. This is a negligible conversion and therefore exempt from CEQA pursuant to Section 15303.

Factual Subfinding #1

This project will allow the owner/operator of Liquor Cabinet 1 to establish a kitchen in the existing established commercial business.

Legal Finding #2

The establishment of a kitchen 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 kitchen will be established is appropriately zoned C-3 CBDZ.

Legal Finding #3

The existing lot/business is adequate in size, shape, and topography, and zoned appropriately to allow the establishment of a kitchen for the proposed businesses.

Factual Subfinding #3

The applicant proposes to establish a kitchen within an existing established business.

Legal Finding #4

Solano Street is an existing public road adequate in width and pavement to carry the traffic generated by the establishment of a Kitchen.

Factual Subfinding #4

The existing public roads at the proposed location are adequate in width and pavement to carry traffic associated with the establishment of a kitchen within an established business along the south side of Solano Street.

ACTION:

MOVE TO ADOPT THE FOUR (4) FACTUAL SUBFINDINGS AND LEGAL FINDINGS AS PRESENTED IN THE STAFF REPORT AND APPROVE USE PERMIT 2023-315 PERMITTING THE ESTABLISHMENT OF A KITCHEN WITHIN AN ESTABLISHED BUSINESS LOCATED AT 2185 SOLANO STREET SUBJECT TO THE TWO (2) CONDITIONS OF APPROVAL AS RECOMMENDED BY STAFF.

or;

MOVE TO ADOPT FINDINGS AND DENY THE ISSUANCE OF USE PERMIT 2023-315. IF DENIED, STAFF WILL TURN THE MATTER OVER TO THE CITY MANAGER AND CITY ATTORNEY.

RECOMMENDED CONDITIONS OF APPROVAL

CONDITION #1 SIGN REGULATIONS:

The Business must comply with the City of Corning sign regulations established by Resolution 10-25-05-01 and Corning Municipal Code section 5.50.050.C.

Condition #2 COMPLIANCE:

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.

ATTACHMENTS:

Exhibit "A": Site Plan (1 & 2)

Exhibit "B": Site Photo

Exhibit "C": AP Map

Exhibit "A" (1 of 2)

Use Permit 2023-315: K. Sukhwinder

2185 Solano Street

Existing Site Plan

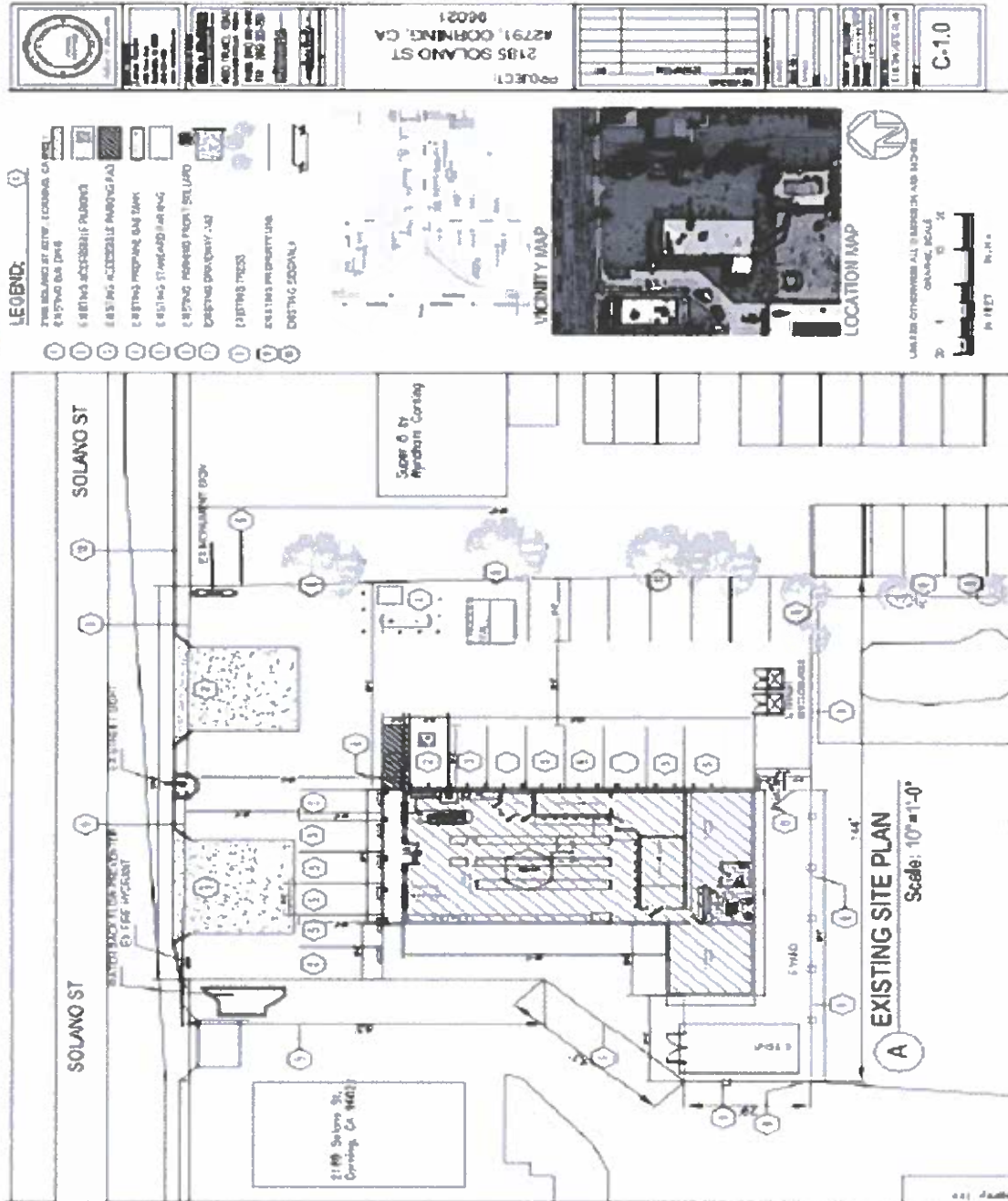


Exhibit "A" - Site Plan

Exhibit "A" (2 of 2)

Existing / Proposed
Floor Plans

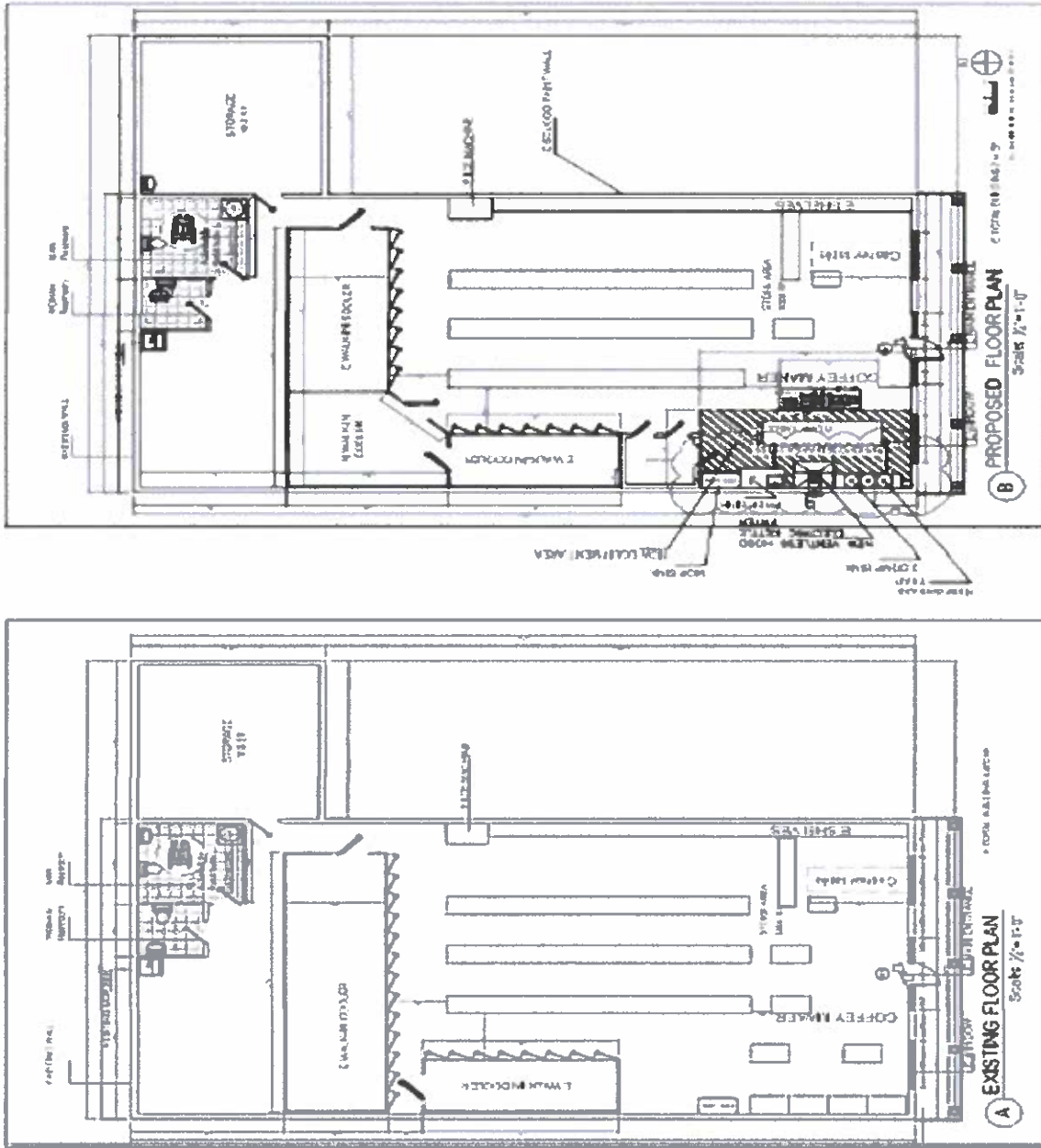


Exhibit "A" - Site Plan

Use Permit 2023-315: K. Sukhwinder
2185 Solano Street



Aerial Plan View

Front View



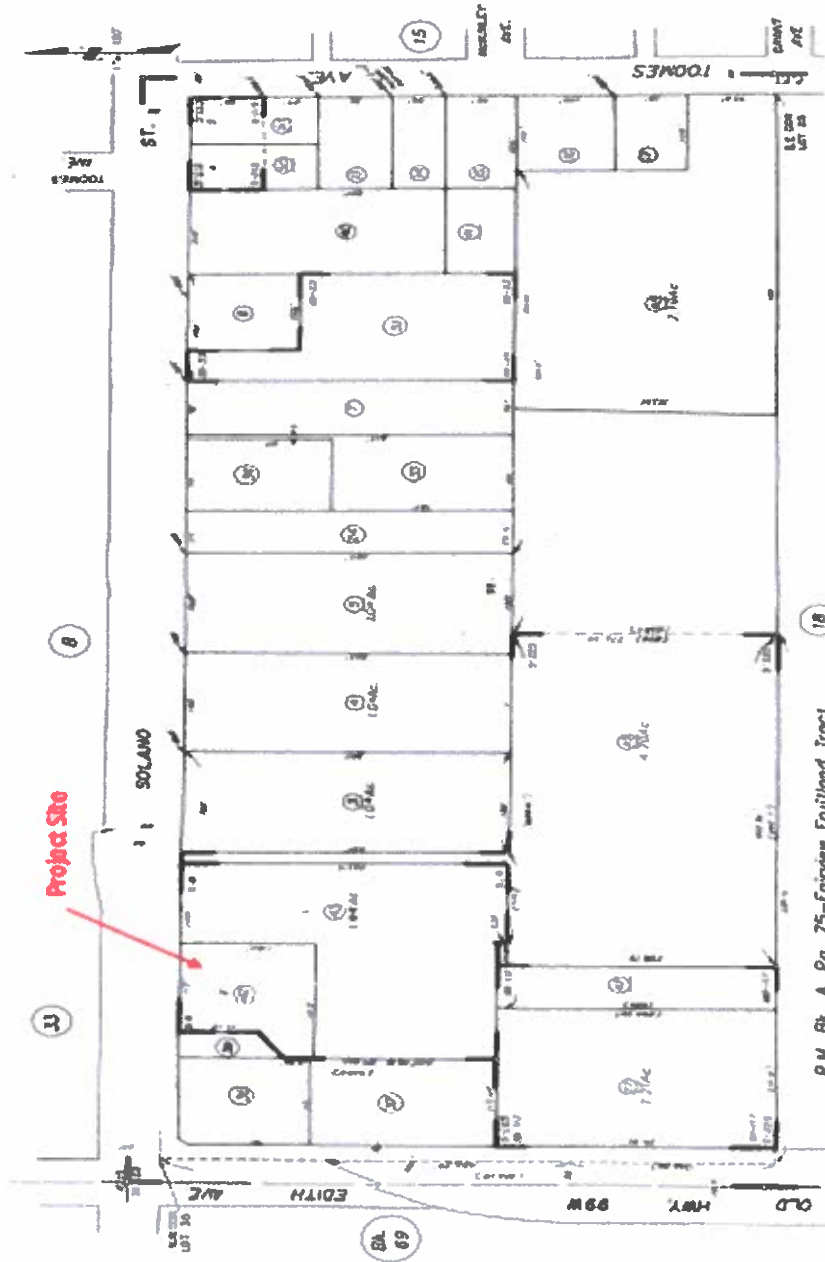
Exhibit "B" – Site Photo

Use Permit 2023-315: K. Sukhwinder

2185 Solano Street

SUBDIVIDED LAND IN NW1/4 SEC. 22, T.24N., R.3W., M.O.B.&M.

71-14



R.M. Bl. A, Pg. 75-Fairview Fruitland Tract
R.M. Bl. L, Pg. 2-Southwestern pln. City of Corning
R.S. Bl. 5, Pg. 225
P.M. Bl. 3, Pg. 9-P.M. No. 721
P.M. Bl. 5, Pg. 213-P.M. No. 78-238
R.S. Bl. 88, Pg. 23
P.C. Bl. RR, Pn. 117

Assessor's Map Bl. 71 -Pg. 14
County of Tehama, Calif.

NOTE: Assessor's sheet numbers shown in circles
Assessor's Parcel Numbers Shown in Colors

Exhibit "C"

Exhibit "C" - AP Map