



**CITY OF CORNING
PLANNING COMMISSION MEETING AGENDA
TUESDAY, SEPTEMBER 19, 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 August 24 Special Planning Commission Meeting with any necessary corrections:

E. PUBLIC HEARINGS AND MEETINGS:

2. Use Permit No. 2023-314 – Kulbir Kaur, Wood-Fired Pizza and Indian Foods; to operate a Mobile Vending Food Trailer within an established truck wash, tire, and lube business parking lot. Zoning: C-3 General Business District CBDZ. Address: 3525 Highway 99W. APN: 087-100-080.

F. REGULAR AGENDA:

G. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

H. ADJOURNMENT:

POSTED: FRIDAY, SEPTEMBER 15, 2023



**CITY OF CORNING
PLANNING COMMISSION SPECIAL MEETING MINUTES
THURSDAY, AUGUST 24, 2023
CITY COUNCIL CHAMBERS
794 THIRD STREET
CORNING, CA 96021**

A. CALL TO ORDER: 6:31 p.m.

B. ROLL CALL:

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

All members of the Planning Commission were present except Robertson and Barron.

C. BUSINESS FROM THE FLOOR: None.

D. MINUTES:

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

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

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.**

Presented by City contracted Planner, Scott Friend who stated that this is a Lot Split creating two separate stand-alone parcels. He directed the Commission to Condition of Approval number 11 and explained that in detail. Staff received no public comments. It was confirmed that there are only 12 Conditions of Approval.

Public Hearing was opened at 6:48pm. It was asked why this was done after the Project was started; Mr. Friend responded stating that this is fairly common. Public hearing was closed at 6:49p.m

Commissioner Lamb moved 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 12 conditions as presented in the Staff Report. Commissioner Mesker seconded the motion. **Ayes: Poisson, Mesker, and Lamb. Absent/Abstain/Opposed: None. Motion was approved by a 3-0 vote with Robertson and Barron absent.**

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 IMPROVEMENTS.** Prior to recordation of the Final Map, 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.

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.

Presented by City contracted Planner, Scott Friend.

Public Hearing was opened at 6:52pm, with no comments the Public Hearing was closed at 6:52pm.

Commissioner Lamb moved 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. Commissioner Mesker seconded the motion.

Ayes: Poisson, Mesker, and Lamb. Absent/Abstain/Opposed: None. Motion was approved by a 3-0 vote with Robertson and Barron.

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.

F. REGULAR AGENDA: None.

G. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

Moved to before the Public Hearings by unanimous vote of the Commissioners present. Planner II Christina Meeds introduced Planning Consultant Scott Friend and stated that he has been assisting Christina for some time and will be taking on a more prominent role in the Planning Commission while Christina concentrates more on her Recreation role.

She also mentioned that a Public Meeting will be held next Tuesday at 6pm on the new Park Design.

H. ADJOURNMENT: 6:53pm

Lisa M. Linnet, City Clerk

ITEM NO:
USE PERMIT APPLICATION 2023-314;
TO ESTABLISH A MOBILE VENDING
BUSINESS AT 3525 S. HWY. 99W
APN: 087-100-080

September 19, 2023

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING

FROM: CHRISSY MEEDS, PLANNER II
TIM POTANOVIC, *INTERIM* CITY MANAGER

PROJECT DESCRIPTION:

Kulbir Kaur, applicant, has submitted an application to establish a Mobile Food Vending Business (food truck) called "Wood-Fired Pizza and Indian Foods" in the parking lot area of an established commercial use (AAA truck wash). The property is approximately 3.5 acres in size and is owned by Mr. Tirath Singh. As proposed, Mr. Kaur, applicant is proposing to park his food truck within the side setback area approximately 65 feet from the roadway right-of-way of S 99W and immediately south of the Econo Lodge Inn and Suites hotel. No detailed information concerning hours or days of operation therefore staff has assumed that the proposed food truck would operate in full compliance with the City Code (7:00am to 10:00pm).

The proposed site is located on the east side of Highway 99W approximately 1000 feet south of the South Avenue / Highway 99 W intersection. **APN:** 087-100-080; **Address:** 3525 S HWY 99W. Please see the attached map (**Exhibit "A"**) for placement of the Mobile Vender.

GENERAL PLAN LAND USE DESIGNATION:

Highway 99 W Specific Plan / Commercial.

ZONING:

C-3 General Business District CBDZ.

DISCUSSION/ANALYSIS:

The proposed use involves the placement of a food truck on the subject property. The property is currently utilized as a truck wash / tire / lubrication facility (AAA truck wash). Corning Municipal Code (CMC) section 17.47.010 establishes that all uses within the CBDZ zoning district overlay require the issuance of a conditional use permit by the Planning Commission. CMC section 5.50.030 Required permits and licenses establishes that all operators of street vending facilities in the City received approval from the Tehama County Department of Health, obtain and maintain a valid City Business License, and, obtain and maintain a City vendor permit. CMC sections 17.54.040 - .044 establish the process and procedures by which the CUP shall be pursued and approved.

Corning Municipal Code section 5.50, *Street Vending* establishes the standards and conditions for street vending activities. The applicant has provided a diagram/exhibit, attached as **exhibit 'A'**, indicating that the proposed use would be located approximately 75' from the front of the existing building, approximately 145' from the hotel use to the north, approximately 80' from the southerly property line and the Speedco truck service center, and approximately 65' from the street right-of-way of S 99W. As proposed, the

food truck would not be located within two hundred feet of an established permanent food facility (CMC section 5.50.040 – Location requirements).

Two driveways provide access to the parcel along the northern and southern property lines. As proposed, the use would not obstruct the two drive aisles entering and exiting the property and would not block or otherwise obstruct access to the parking spaces established for the existing use. The proposed use would not require connection to the public utility system (water/sewer/storm drainage) nor would the use impact on-site drainage.

No information has been provided by the applicant detailing information about hours or days of operation, noise or refuse collection. As a result, conditions of approval have been made a part of this staff report addressing these issues.

The owner of the property, Mr. Tirath Singh, has provided authorization for the use of the parcel for the purposes of locating the food truck in this location. No information has been provided to the City documenting the availability of restrooms for the proposed use however it is noted that the property owner has consented to the use of the parcel by the proposed use and restrooms meeting the requirements of CMC section 5.50.030 are present inside of the building on the site. It is noted that the restrooms inside of the existing building would only be available for use during the normal business hours of the AAA truck wash use.

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 2023-314.

Legal Finding #1

The granting of Use Permit 2023-314, permitting the owner of Wood-Fired Pizza and Indian Foods food truck to open and operate a Mobile Food Truck in an existing parking lot located at 3525 HWY 99W. This is a negligible expansion of the existing use of this lot and therefore exempt from CEQA pursuant to Section 15332, Class 32.

Factual Subfinding #1

This project will allow the owner/operator of Wood-Fired Pizza and Indian Foods Mobile Food Vending to establish a business in the existing parking lot of an established commercial use.

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 appropriately zoned C-3 CBDZ.

Legal Finding #3

The existing lot is adequate in size, shape, and topography, and zoned appropriately 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 lot of an established business.

Legal Finding #4

Highway 99W is an existing public road adequate in width and pavement to carry the traffic generated by the establishment of a Mobile Vending Food Truck.

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 Mobile Vendor located along the east 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 2023-314 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.

or;

Move to adopt findings and deny the issuance of Use Permit 2023-314. If denied staff will turn the matter over to the City Manager and City Attorney.

RECOMMENDED CONDITIONS OF APPROVAL

CONDITION #1 - ANNUAL INSPECTIONS:

The Planning & Building Officials and/or the Fire Chief for the City of Corning has the discretion to set up annual inspections to assure that the Mobile Vendor follows applicable Codes and Conditions of the Use Permit.

CONDITION #2 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 #3 COMPLIANCE WITH ORDINANCE #699:

The Owner must comply with all provisions of City of Corning Ordinance 699 amending Chapter 5.50 of the Corning Municipal Code.

CONDITION #4 Trash/Refuse:

The Business must comply with Corning Municipal Code section 5.50.050 – Operation requirements related to trash, refuse and blight.

CONDITION #5 Noise:

No amplified music shall be utilized on the site.

ATTACHMENTS

Exhibit “A”: Location Map

cc: Kulbir Kaur and Tirath Singh (Property owner)



Wood Fired Pizza

Home Edge Inn & Suites

AAA Truck Wash Tire & More

Vanguard Truck Wash & More

W 66 S Hwy 66 S Hwy 66 S

