



**CITY OF CORNING
PLANNING COMMISSION MEETING AGENDA**

**TUESDAY, OCTOBER 17, 2023
CITY COUNCIL CHAMBERS
794 THIRD STREET
CORNING, CA 96021**

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

B. ROLL CALL:

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

C. BUSINESS FROM THE FLOOR:

D. MINUTES:

- 1. Waive the reading and approve the Minutes of the September 19, 2023 Planning Commission Meeting with any necessary corrections:**

E. PUBLIC HEARINGS AND MEETINGS:

- 2. Use Permit No. 2023-318 – Jaime Lopez is seeking an on-sale license with the California Department of Alcoholic Beverage Control (ABC) to sell beer and wine within an existing building. The existing building is located on the southeast corner of the 5th Street /Solano Street intersection. Address: 1223 Solano St. APN: 071-134-001.**
- 3. Use Permit No. 2023-317 – Jose Betancourt is seeking a Use Permit to operate a Mobile Vending Food Trailer on a property located in an C-3-CBDZ Zone in the Liquor Warehouse parking lot along the west side of Highway 99W approximately 433 feet north of the South Avenue and Highway 99W intersection. Address: 3070 Highway 99W. APN: 087-040-057.**

F. REGULAR AGENDA:

G. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

H. ADJOURNMENT:

POSTED: FRIDAY, OCTOBER 13, 2023



**CITY OF CORNING
PLANNING COMMISSION MEETING MINUTES
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

All members were present except Commissioner Lamb.

C. BUSINESS FROM THE FLOOR:

D. MINUTES:

1. **Waive the reading and approve the Minutes of the August 24, 2023 Special Planning Commission Meeting with any necessary corrections:**

Commissioner Mesker moved to approve the Minutes of the August 24, 2023 Planning Commission Meeting; Commissioner Poisson seconded the motion. **Ayes: Barron, Poisson, Mesker, and Robertson. Absent: Lamb. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Lamb absent.**

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.**

Chairperson Robertson opened the Public Hearing at 6:32pm. Planner II Christina Meeds briefed the Commission on the associated information and acknowledged that the applicant was not present. Chairperson Robertson stated her belief that operating hours should be provided when the application is provided. Through discussion it was stated that we really don't want to get into the business of micro-managing operating hours. The City's Municipal Code does outline the allowed operating hours. Commissioner Mesker stated his apprehension/hesitancy in approving this application due to the number of existing mobile vending food trucks, and more specifically having two on the same lot. He also stated his concerns regarding payment and tracking of associated sales tax revenues generated by the Mobile Vendors and ensuring these are paid to the City. The Public Hearing was closed at 6:53pm.

Commissioner Poisson moved 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. Commissioner Barron seconded the motion. **Ayes: Barron, Poisson, Mesker, and Robertson. Absent: Lamb. Abstain/Opposed: None. Motion was approved by a 4-0 vote with Lamb absent.**

LEGAL AND FACTUAL FINDINGS AND SUBFINDINGS:

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.

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.

The Planning Commission directed City Planner Christina Meeds to look into limiting the number of Mobile Food Vending Trucks on one lot. She stated that she will also confer with Legal Council on what limitations can be imposed. Possibly increasing the Use Permit Fees to assist with limiting numbers.

F. REGULAR AGENDA: None.

G. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

Commissioner Mesker announced that this would be his last meeting on the Commission as he has accepted a conditional offer for the City Manager position.

H. ADJOURNMENT: 7:07pm

Lisa M. Linnet, City Clerk

ITEM NO: E-2
PUBLIC HEARING: USE PERMIT APPLICATION
2023-318; JAIME LOPEZ, TO SELL BEER & WINE
WITHIN AN EXISTING BUILDING LOCATED ALONG
THE SOUTH SIDE OF SOLANO ST. AT THE
SOUTHWEST CORNER OF THE SOLANO ST. / 5TH
ST. INTERSECTION.
APN: 71-134-001; ADDRESS: 1223 SOLANO ST.
October 17, 2023

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING

FROM: CHRISSY MEEDS, PLANNER II *cm*
BRANT MESKER, CITY MANAGER *BM*

PROJECT DESCRIPTION:

Jaime Lopez is seeking an on-sale license with the California Department of Alcoholic Beverage Control (ABC) to sell beer and wine within an existing building located at 1223 Solano Street. Section 17.54.020 (1) of the City of Corning Zoning Code requires that a Conditional Use Permit must be obtained prior to the onsite serving or consumption of alcohol within a bar or restaurant.

The existing building is located along the south side of Solano St. at the southeast corner of the 5th Street / Solano St. intersection.

APN: 71-134-001; Address: 1223 Solano Street.

DISCUSSION:

Jaime Lopes is proposing to open a restaurant in this location called Antojitos, they will be serving Sea food and Michelada's.

GENERAL PLAN LAND USE DESIGNATION:

C – Commercial

ZONING:

C-2 – Central Business District. This District Classification is intended to be applied in areas suitable for complete retail business and service use to serve a residential community. The C-2, Central Business District, allows retail stores and businesses or service enterprises which, in the opinion of the Planning Department, are of a character similar to specified uses as set out in section 17.20.020 (B) of the Corning Zoning Code.

As previously explained in the project description Section 17.54.020 (1) of the City of Corning Zoning Code requires that a Conditional Use Permit must be obtained prior to the onsite serving or consumption of alcohol within a bar or restaurant.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Section 21084 of the Public Resources Code requires a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. The Secretary of Resources has classified projects that do not have a significant effect on the environment and are declared to be categorically exempt from the requirement for the preparation of environmental documents.

CEQA, Section 15301, Existing Facilities, Class 1 provides exemptions for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use.

This project will allow the owners to sell beer and wine in a proposed restaurant in downtown Corning. Staff feels that this is a negligible expansion therefore exempt from CEQA pursuant to Section 15301, Class 1.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the following, or similar, Factual Subfindings and Legal Findings for Use Permit 2023-318;

Factual Subfinding #1

The location for Jaime Lopez's proposed business is within an existing building that was previously used as an auto parts store. Beer and wine are commonly served with meals in restaurants throughout the City of Corning.

Legal Finding #1

The granting of Use Permit 2023-318 is a negligible use of a restaurant that is permitted to serve food and beverages and therefore exempt from CEQA pursuant to Section 15301, Class 1.

Factual Subfinding #2

The parcel where the applicant is proposing to establish a business that will serve beer and wine is zoned C-2 – Central Business District.

Legal Finding #2

The sale and consumption of beer and wine within a business is a permitted use in the C-2 Zoning District upon the granting of a Use Permit pursuant to Section 17.54.020 (1) of the City of Corning Zoning Code.

Factual Subfinding #3

The building and location where the applicant propose to establish a business that will serve beer and wine is located on Solano Street and zoned appropriately.

Legal Finding #3

The existing building is adequate in size, shape, and topography to allow for the opening of a business that will serve beer and wine.

Factual Subfinding #4

The existing building is located along the south side of Solano Street at the southeast corner of the 5th Street / Solano Street intersection.

Legal Finding #4

5th Street and Solano Street are existing public streets adequate in width and pavement to carry the amount of traffic that the proposed business will generate.

Factual Subfinding #5

The existing building where the business will be established is located in an area that is developed with commercial businesses in the downtown area of the City of Corning.

Legal Finding #5

Providing for the sale and serving of beer and wine at the building located at 1223 Solano Street within the City of Corning will not have an adverse effect upon the use, enjoyment, or valuation of adjacent or neighboring properties or upon the public welfare.

ACTION:

Move to adopt the five (5), or similar, Factual Subfindings and Legal Findings as presented in the staff report and approve Use Permit 2023-318 permitting the sale and serving of beer and wine in a newly established business owned by Jaime Lopez subject to the three (3) Conditions as recommended by staff.

Condition #1

The applicant must comply with the requirements of the Alcoholic Beverage Control (ABC) and be issued a license prior to the sale or serving of beer and wine at the business located at 1223 Solano Street.

Condition #2

The applicant must comply with all local, State, and Federal regulations, especially those imposed by the City of Corning's Building and Fire Departments as well as the Tehama County Environmental Health Department.

Condition #3

Comply with the City of Corning Outdoor Advertising Sign Regulations.

Or;

Move to adopt findings and deny the issuance of Use Permit 2023-318.

ITEM NO: E-3
PUBLIC HEARING: USE PERMIT
APPLICATION 2023-317; TO ESTABLISH A
MOBILE VENDING BUSINESS BEHIND THE
EXISTING LIQUOR WAREHOUSE.
APN:087-040-057; ADDRESS: 3040 HWY 99W
OCTOBER 17, 2023

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING
FROM: CHRISSE MEEDS, PLANNER II *cm*
BRANT MESKER, CITY MANAGER *BM*

PROJECT DESCRIPTION:

Jose Betancourt has applied to establish a mobile vending business located in the parking lot of the Liquor Warehouse at 3040 HWY 99W. The 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: 3040 HWY 99W.

Please see the attached map for placement of the mobile vender. Placing a mobile vendor at this location will allow locals and travelers a diverse dining experience. Mr. Betancourt plans to be open only on weekends, from Saturday through Sunday evenings.

GENERAL PLAN LAND USE DESIGNATION:

Highway 99 W Specific Plan

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.

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 2023-317.

Legal Finding #1

The granting of Use Permit 2023-317, permitting the owner of Betancourt Foods to open and operate a mobile food truck in an existing parking lot located at 3040 HWY 99W and establish a business for himself, 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 Betancourt Foods 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 is 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 2023-317 permitting the establishment of a mobile food vendor in the parking lot located at 3040 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 2023-317. 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

CONDITION #3 WILL NEED TO COMPLY WITH ORDINANCE 699.

The owner must comply with the City of Corning Ordinance 699. The owner will have 90 days to comply.

ATTACHMENTS

Exhibit "A": Location Map

EXHIBIT "A"

