



**CITY OF CORNING
PLANNING COMMISSION MEETING AGENDA**

**TUESDAY, NOVEMBER 21, 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
Smith
Chairman: Robertson**

C. BUSINESS FROM THE FLOOR:

D. MINUTES:

1. Waive the reading and approve the Minutes of the October 17, 2023 Planning Commission Meeting with any necessary corrections:

E. PUBLIC HEARINGS AND MEETINGS:

2. Use Permit No. 2023-319 – Raphiely Anya, Taco El Dorado is seeking a Use Permit to establish a Mobile Vending Business to be located along the west side of Highway 99-W approximately 896 feet south on the Solano Street and Highway 99-W intersection. Address: 998 Hwy. 99W APN: 069-210-015
3. Tentative Parcel Map. 2023-03 – Margaret Oliveira proposes to divide an approximately 16.7-acre lot into two (2) separate parcels; Parcel 1 located within the city limits and zoned C-3 General Business District (CBDZ) into 10.6 acres, and Parcel 2 located on the west side of Interstate 5 into 6.1 acres. This project is located on the west side of Highway 99-W just north of the Highway 99-W/Loleta Avenue Intersection. APN: 069-205-015.
4. General Plan Amendment 2023-01 to change land use from C- Commercial to PM – Public/Municipal; Rezone 2023-01 – to change zoning of affected properties from C-2, Central Business District Commercial to P-Q, Public or Quasi-Public District; Conditional Use Permit 2023-320 to permit the use of the affected parcels for the purposes of a recreation center and/or municipal parking lot (071-134-008 only); and Parcel Merger 2023-03 to merge 11 existing lots/parcels into one (1) pursuant to Corning Municipal Code Chapter 16.36 – City of Corning for the City of Corning Recreation Center Project. Address: 1101 Solano St.; APN's: 071-136-001 – 071-136-011 only.

F. REGULAR AGENDA:

G. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

H. ADJOURNMENT:

POSTED: FRIDAY, NOVEMBER 17, 2023



**CITY OF CORNING
PLANNING COMMISSION MEETING MINUTES
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**

Chairperson: Robertson

All members of the Commission were present, Commissioner Barron came into the meeting a few minutes late.

C. BUSINESS FROM THE FLOOR: None.

D. MINUTES:

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

Commissioner Lamb moved to approve the minutes as written; Commissioner Poisson seconded the motion. **Ayes: Robertson, Poisson, Barron, and Lamb. Absent/Abstain/Opposed: None. Motion was approved by a 4-0 vote with one vacancy on the Commission.**

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.

Presented by Recreation Coordinator/Planner II Christina Meeds.

Following discussion, Commissioner Poisson moved 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 newly established business owned by Jaime Lopez subject to the three (3) Conditions of Approval as recommended by Staff. Commissioner Lamb seconded the motion. **Ayes: Robertson, Poisson, Barron, and Lamb. Absent/Abstain/Opposed: None. Motion was approved by a 4-0 vote with one vacancy on the Commission.**

Factual Subfindings & Legal Findings:

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.

Conditions of Approval:

Condition #1

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

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 a 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.**

Presented by Planner II/Recreation Coordinator Christina Meeds.

Following discussion, Commissioner Lamb moved to adopt Findings and deny the issuance of Use Permit 2023-317. With no second on this motion the motion failed.

Commissioner Poisson then moved 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, plus an additional 4th Condition stating that the Vendor location be at the back of the parking lot behind Liquor Warehouse II for a total of four (4) Conditions of Approval.

Commissioner Barron seconded the motion. **Ayes: Robertson, Poisson, and Barron. Opposed: Lamb. Absent/Abstain: None. Motion was approved by a 3-1 vote with Lamb opposing and one vacancy on the Commission.**

Legal Findings & Factual Subfindings:

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.

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.

CONDITION #4 VENDOR LOCATION:

Vendor location be at the back of the parking lot behind Liquor Warehouse II for a total of four (4) Conditions of Approval.

F. **REGULAR AGENDA:** None.

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

H. **ADJOURNMENT:** 6:54 p.m.

Lisa M. Linnet, City Clerk

ITEM NO: E-2
USE PERMIT APPLICATION 2023-319;
TO ESTABLISH A MOBILE VENDING
BUSINESS. APN: 069-210-015;
ADDRESS: 998 HWY 99-W

November 21, 2023

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

PROJECT DESCRIPTION:

Raphiely Anaya has applied to establish a mobile vending business located in the parking lot of 7 Inn Motel, 998 HWY 99W. 7 Inn Motel is located along the west side of Highway 99-W approximately 896 feet south of the Solano Street and Highway 99-W intersection. APN: 069-210-015; Address: 998 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.

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 2023-319.

Legal Finding #1

The granting of Use Permit 2023-319, permitting the owner of Taco El Dorado to open and operate a mobile food truck in an existing parking lot located at 998 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 Taco El Dorado mobile food vending to establish a business in the existing parking lot of 7 Inn Motel.

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 is an existing public road 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. 99-W.

ACTION:

Move to adopt the four (4) Factual Subfindings and Legal Findings as presented in the staff report and approve Use Permit 2023-319 permitting the establishment of a Mobile Food Vendor in the parking lot located at 998 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 2023-319. 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.

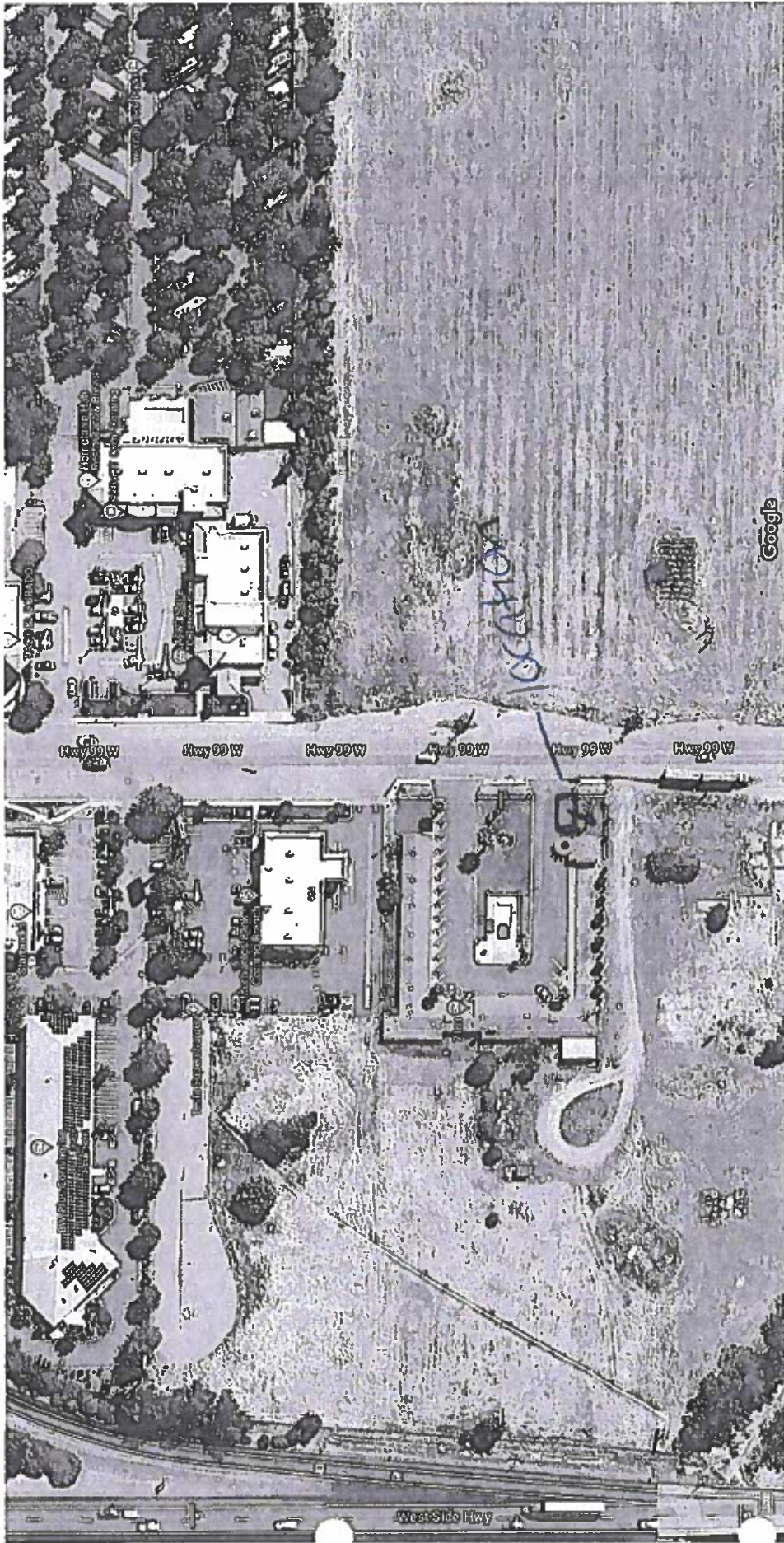
ATTACHMENTS

Exhibit "A": Location Map

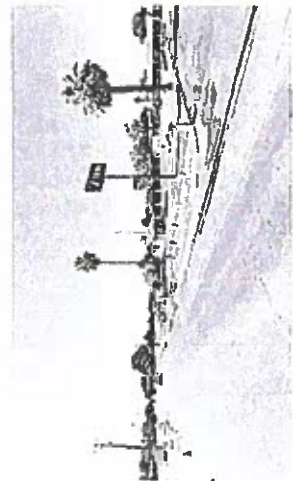
Exhibit "A"

998 Hwy 99 W - Google Maps

Go gle Maps 998 Hwy 99 W



Imagery © 2023 Airbus, CNES / Airbus, Maxar Technologies, Map data © 2023 50 ft



998 Hwy 99 W Building

ITEM NO: E-3
TENTATIVE PARCEL MAP 2023-03, MARGARET OLIVEIRA; LOT SPLIT OF AN APPROXIMATELY 16.7 ACRE PARCEL TO CREATE A 10.6 ACRE LOT, AND A 6.1 ACRE LOT. APN: 069-205-015
November 21, 2023

TO: PLANNING COMMISSION OF THE CITY OF CORNING
FROM: BRANT MESKER, CITY MANAGER
CHRISSE MEEDS, PLANNER II *DM*
SCOTT FRIEND, PLANNING CONSULTANT *6*

PROJECT DESCRIPTION & LOCATION:

Tentative Parcel Map 2023-03; applicant Margaret Oliveira proposes to divide an approximately 16.7-acre lot, into two (2) separate parcels: Parcel 1 – 10.6 acres, and within the city limits, zoned C-3 General Business District CBDZ Parcel 2 – 6.1 acres; would be remaining land that lies on the west side of Interstate 5. The project is located on the west side of Highway 99W just north of the Highway 99 W/Loleta Ave. intersection.

APN: 069-205-015

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.

CONSISTENCY WITH GENERAL PLAN & ZONING:

The Site is designated C, Commercial on the General Plan Land Use Map. The 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 undeveloped.

Staff recommends the following Factual Subfindings & 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 23-03 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 2023-03, 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 23-1003 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 2023-03 proposes to subdivide the approximately 16.7 acres of land into two (2) separate parcels.

Legal Finding #2

Subdividing the approximately 16.7 acres, as proposed by Tentative Parcel Map 2023-03, 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 2023-03 is subject to no conditions of approval.

Legal Finding #3

That the design 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 2023-03 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 2023-03 is located adjacent to Highway 99W and has terrain that is physically suitable for the establishment of commercial development.

Factual Sub Finding #5

The subdivider will be required to extend city water and sewer to serve the parcel and will be required to dedicate and improve the lot(s) frontage upon the future application for the development of the lot or lots in the City. No request for development has been submitted with this action at this time.

Legal Finding #5

No request for development has been made along with this action. As a direct result of the fact that no development is being proposed or approved with this action, no requirement exists for the immediate extension of utilities to the site nor for the dedication of the adjacent roadway on Highway 99W.

Factual Sub Finding #6

Tentative Parcel Map 2023-03 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 parcel 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 Highway 99W.

Legal Finding #7

No development is being proposed with this action and no development is being approved with this action. As a result, no access conflicts exist, and no access easements or street dedications are required at this time. The parcel being created (Parcel 1) has legal access to an existing public street and there is no need for access easements or dedications to secure public access to either property.

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 2023-03**

OR

**2. MAKE A MOTION TO RECOMMEND THAT THE CORNING CITY COUNCIL DENY
TENTATIVE PARCEL MAP 2023-03**

ATTACHMENTS:

EXHIBIT "A": Copy of Tentative Map

