



JOINT MEETING
of the
PLANNING COMMISSION
and
CITY COUNCIL
OF THE
CITY OF CORNING

TUESDAY, JANUARY 16, 2024
LOCATION: City Hall Council Chambers
794 Third Street
Corning, CA

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

B. **ROLL CALL:**

City Council:

Robert Snow., Mayor
Dave Demo
Jose “Chuy” Valerio
Shelly Hargens
Lisa Lomeli

Planning Commission:

Diana Robertson, Chairperson
Frank Barron
Melodie Poisson
Cody Lamb
Brooke Smith

C. **BUSINESS FROM THE FLOOR:**

D. **MINUTES:**

1. Waive the reading and approve the Minutes of the November 21, 2023 Planning Commission Meeting with any necessary corrections.

E. **REGULAR AGENDA:**

2. Joint Study Session of the Planning Commission and City Council to discuss a proposed new City Mobile Vendor Ordinance(s).

E. **ADJOURNMENT!:**

POSTED: FRIDAY, JANUARY 12, 2024



**CITY OF CORNING
PLANNING COMMISSION MEETING MINUTES
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

All members of the Commission were present except Commissioners Poisson and Smith.

C. BUSINESS FROM THE FLOOR: None.

D. MINUTES:

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

Commissioner Lamb questioned whether Item No. 3, Condition #4 should also state only on Saturdays and Sundays. Commissioner Lamb moved to approve the Minutes; Commissioner Barron seconded the motion. **Ayes: Robertson, Barron, and Lamb. Absent: Poisson and Smith. Abstain/Opposed: None. Motion was approved by a 3-0 vote with Poisson and Smith absent.**

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**

Presented by Planning Consultant Scott Friend who introduced himself and provided a brief background. He stated that notices were mailed and published as required by law. He noted concerns discussed by staff, those being traffic, the red curb and hydrant in front of the location, as well as the amount of parking. The Public Hearing was then opened.

Commissioner Lamb asked if this applicant was associated with another Mobile Vender. Mr. Friend stated yes, they were associated with a shipping business located in Heritage Square and both businesses were closed due to legal action. Commissioner Barron confirmed that the Use Permit is tied to the site. With no further comments the Public Hearing was then closed.

Commissioner Barron moved to adopt the findings and deny the issuance of Use Permit 2023-319 and turn the matter over to the City Manager and City Attorney. Commissioner Lamb seconded the motion. **Ayes: Robertson, Barron, and Lamb. Absent: Poisson and Smith. Abstain/Oppose: None. Motion was approved by a 4-0 vote with Smith absent.**

LEGAL FINDINGS & FACTUAL SUBFINDINGS:

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.

- 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.**

Presented by Planning Consultant Scott Friend who stated that this is an unusual situation and one that he has never experienced. The Public Hearing was opened. Mr. Friend announced that this is a simple lot split creating a separate parcel. He stated he had confirmed with the County Assessor that this lot was never split when the Freeway was installed. He acknowledged that the applicant was present and stated that notices were sent and published as per legal requirements. With no further comments the Public Hearing was closed.

Commissioner Lamb moved to recommend that the Corning City Council adopt the 7 Factual Subfindings and Legal Finds as presented in the staff report and approve Tentative Parcel Map 2023-03. Commissioner Barron seconded the motion. **Ayes: Robertson, Barron, and Lamb. Absent: Poisson and Smith. Abstain/Oppose: None. Motion was approved by a 3-0 vote with Poisson and Smith absent.**

Factual Subfindings and Legal Findings:

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.

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.

Presented by Planning Consultant Scott Friend. Public Hearing was opened. Mr. Friend noted that notices were sent out and published as required by law. He explained all aspects of the actions proposed.

Commissioner Lamb moved to recommend that the Corning City Council:

1. Approve an amendment to the City's General Plan amending the land use designation on the affect parcels from the C-Commercial and MFR – Multiple Family Residential designations to the PQ-Public/Quasi-Public designation on affected parcels APN's 071-136-001 – 011, and 071-134-008;
2. Approve an amendment to the zoning districts on the affected parcels from the C-2-Central Business District Commercial and R-4-Genreal Multi-Family Residential Zoning Districts to the PM-Public/Quasi-Public Zoning District on affected parcels APN's 071-136-001 – 011, and 071-134-008;
3. Approve Conditional Use Permit 2023-320 to permit the use of the affected parcels for a Recreation Center and Civic Plaza on affected parcels APN 071-136-001 and public parking area APN 071-134-008;
4. Approve Tentative Parcel Map/Parcel Merger TPM/M 2023-01 merging parcels APN's 071-136-001 – 011 to facilitate the development of the site with a recreational center and civic center facility; and
5. Approve the abandonment of the existing alley between Solano Street and Marin Street to facilitate the development of the site with a recreational center and civic center facility.
6. Make a determination that the proposed actions have been fully analyzed in a prior CEQA document (SCH#:2019069102) and determined that the Notice of Completion (NOC) filed by the City for the project on June 26, 2019 is adequate to support the proposed action.

Commissioner Lamb did state his concerns about situations of the cart being put before the horse...per say. With no further comments the Public Hearing was closed. Commissioner Barron seconded the motion. **Ayes: Robertson, Barron, and Lamb. Absent: Poisson and Smith. Abstain/Oppose: None. Motion was approved by a 3-0 vote with Poisson and Smith absent.**

F. **REGULAR AGENDA:** None

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

H. **ADJOURNMENT:** 7:03 p.m.

Lisa M. Linnet, City Clerk

ITEM NO.: D-2
JOINT STUDY SESSION OF THE CITY
COUNCIL & PLANNING COMMISSION
TO DISCUSS A PROPOSED NEW
MOBILE VENDOR ORDINANCE

January 16, 2024

TO: PLANNING COMMISSION/CITY COUNCIL
FROM: BRANT MESKER, CITY MANAGER 
CHRISSE MEEDS, PLANNER II 

SUMMARY:

At the October 17, 2023 Planning Commission Meeting, staff was directed to research Street Vending Ordinances in other cities. On December 9, 2023 the City Council passed an emergency moratorium on the issuance of mobile vending permits to allow staff time to conduct research and draft new ordinances. This Interim Moratorium shall remain in effect for forty-five (45) days unless extended in accordance with California Government Code section 65858 or permanent regulations are adopted to address the public safety issues related to Mobile Food Trucks.

Since that date, City Staff has conducted research, and attended a roundtable discussion regarding issues/concerns associated with, or caused by, mobile vending businesses in many cities throughout California. There were more than 200 cities represented in the roundtable discussion that have either just recently updated their mobile vending ordinances or are in the middle of updating ordinances.

Staff put together a list of the most common ideas from other cities for the Planning Commission and City Council to pull from to revise the Mobile Vending Ordinance that will best address the needs we have as a City.

DISCUSSION:

A joint study session between the Planning Commission and the City Council was scheduled to obtain input in a timely fashion. On December 9, 2023 the City Council adopted Ordinance No. 706, and Interim Urgency Ordinance establishing a temporary moratorium on the approval/issuance of Permits for Mobile Food Trucks and adopted Findings of Urgency. This was done to allow staff time to write two separate ordinances regarding mobile vending. The two ordinances would address sidewalk vending (anything that is not motorized); and mobile food truck vending (anything with a motor).

Through Senate Bill 972 & 946, the State of California has heavily regulated sidewalk vending. In September of 2022, the City enacted Ordinance No. 699, an Ordinance that ties both the sidewalk vendors and the mobile food vendors under the same rules and regulations. In doing so staff implemented the Planning Commission's decision and looked at new rules and regulations for the mobile vendors.

Staff will be preparing a draft Mobile Vending Ordinance following tonight's study session that will be brought before the Planning Commission and City Council at a future date.