



**CITY OF CORNING  
PLANNING COMMISSION MEETING AGENDA  
TUESDAY, FEBRUARY 20, 2024  
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 January 16, 2024 Planning Commission Meeting with any necessary corrections.

**E. PUBLIC HEARINGS AND MEETINGS:**

2. Tentative Tract Map 08-1000 Extension - Corning Crossroads: Applicant requests a two-year extension to Tentative Tract Map 08-1000. Project location is on the west side of I-5 approximately 200 feet southeast of the Corning Road/Barham Avenue Intersection. APN: 069-210-043 & 049, and 69-220-001 & 008
3. Use Permit 2024-321 – Francisco Madrigal (El-Taco Asada Restaurant). Applicant proposes to establish a commercial kitchen and restaurant in an existing building. Address: 1515 Highway 99W; APN: 071-250-018-000.

**F. REGULAR AGENDA:**

**G. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:**

**H. ADJOURNMENT:**

**POSTED: THURSDAY, FEBRUARY 15, 2024**



**City of Corning**  
**TUESDAY, JANUARY 16, 2024**  
**Minutes of the Joint Meeting**  
**of the**  
**PLANNING COMMISSION and CITY COUNCIL**  
**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

City Council: All members were present except Mayor Snow.

Planning Commission: All members were present except Commissioner Poisson.

C. **BUSINESS FROM THE FLOOR:** None.

D. **MINUTES:**

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

Commissioner Barron moved to approve the Minutes as written; Commissioner Lamb seconded the motion. **Ayes: Robertson, Barron, Lamb, and Smith. Absent: Poisson. Abstain: None.** Motion was approved by a 4-0 vote with Poisson absent.

E. **REGULAR AGENDA:**

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

City Manager Brant Mesker introduced this item.

- Planner II Chrissy Meeds reported on a recent discussion with the League of California Cities.
- To recap, the City Council and Planning Commission discussed existing City Ordinance 699 (An Ordinance of the City Council of the City of Corning amending Chapter 5.50 of the Corning Municipal Code Pertaining to Street Vending).
- Discussed definition of Motorized and Non-Motorized Food Trucks/Carts and restrictions within existing Ordinance and any changes thought to be needed.
- Announcement that a new law will be enacted at the end of 2025 requiring “Push Carts” to obtain a Cottage License.
- Discussed corrections, deletions, and additions to the Ordinance such as:
  - Council Valerio does not want to cap the number of trucks allowed;
  - All trucks must be 300’ from an existing brick & mortar restaurant or existing food trucks.
  - Increase fee from \$300 to \$500 for renewal.

E. **ADJOURNMENT!:** 7:45 p.m.

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Lisa M. Linnet, City Clerk

**THE CITY OF CORNING IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER**

**ITEM NO: E-2**  
**CORNING CROSSROADS: APPLICANT**  
**REQUESTS A TWO YEAR EXTENTION TO**  
**TRACT MAP 08-1000. PROJECT LOCATION**  
**IS ON THE WEST SIDE OF I-5 APPROX 200**  
**FEET SOUTHEAST OF THE CORNING**  
**ROAD/BARHAM AVE. INTERSECTION.**  
**APN's:69-210-43, 49 & 69-220-01 & 08**  
**February 20, 2024**

**TO: PLANNING COMMISSION OF THE CITY OF CORNING**  
**FROM: BRANT MESKER, CITY MANAGER**   
**CHRISTINA MEEDS, PLANNER II** 

**PROJECT DESCRIPTION & BACKGROUND:**

Pursuant to Section 66452.6 of the Subdivision Map Act, and Section 16.18.010 (C) of the Corning Municipal Code (CMC), a request for a 2-year time extension for Tentative Tract Map 08-1000, approved on March 13, 2018 by the Corning City Council has been submitted. The approved Tentative Map proposed to subdivide approximately 9.07 acres to create 7 commercial parcels ranging from 0.75 acres to 1.32 acres with a 1.08 common parcel that will be used as a drainage detention basin in a C-3 – CBDZ, General Business District – Corning Business Development Zone, Zoning District. An entrance court intersecting with Barham Avenue will be constructed to serve the parcels.

Tentative Subdivision Maps are approved for an initial two (2) year period with the ability to be extended for an additional six (6) years as explained by discussion below referencing the Corning Subdivision Ordinance. If approved, this would be the third and final extension request allowed for Tract Map 18-1000. Typically, the City has extended maps for two-year periods. If this extension is approved, the Map will be valid until March 13, 2026.

**CORNING SUBDIVISION ORDINANCE:**

The Corning Subdivision Ordinance (CMC Title 16) is the local Ordinance that implements the provisions of the State Subdivision Map Act. The Ordinance describes the process for consideration and approval, or denial of Subdivision applications. On April 14, 2009 the Corning City Council adopted Ordinance 634 that amended Section 16.18.010 (C) of the CMC to read as follows:

Upon application of the Subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for an initial period of two years. Additional extensions, upon application of the Subdivider, are available for a period or periods not to exceed the limits established by Section 66452.6 (e), or any amendments thereto, of the California Government Code. If the advisory agency denies a subdivider's application for extension, the Subdivider may appeal to the legislative body within fifteen days after the advisory agency denied the extension.

**EXISTING CONDITIONS:**

On March 13, 2018 the City Council approved and adopted 68 Conditions of Approval applicable to the development of the site; staff is still recommending these Conditions with no modifications.

**DENIAL CRITERIA:**

Tentative Map time extensions are not automatic; the City has discretion to deny the requests. However, denials should not be capricious. The City should have a legitimate reason to deny an extension and must make appropriate supporting findings. An example of a legitimate reason might be if the City had amended its General Plan and designated the project site for non-residential use (commercial or industrial). In that case, the changing land use objectives of the community would be sufficient grounds for denial.

In this case, there have been no Land Use Element revisions to this site. The site remains designated for residential use and zoned R-1; Single-Family Residential. The approved Tentative Map complies with the General Plan and Zoning Code; therefore, staff recommends approval of the final two-year extension subject to the modification of Conditions of Approval as previously discussed.

**ACTION:**

**Move to recommend that the City Council approve a two-year time extension for Tentative Tract Map 18-1000 subject to the original 68 Conditions of Approval adopted by the City Council on March 13, 2018.**

**OR;**

**Direct staff to prepare findings for denial and recommend that the City Council deny a two-year time extension for Tentative Tract Map 18-1000.**

**ATTACHMENTS**

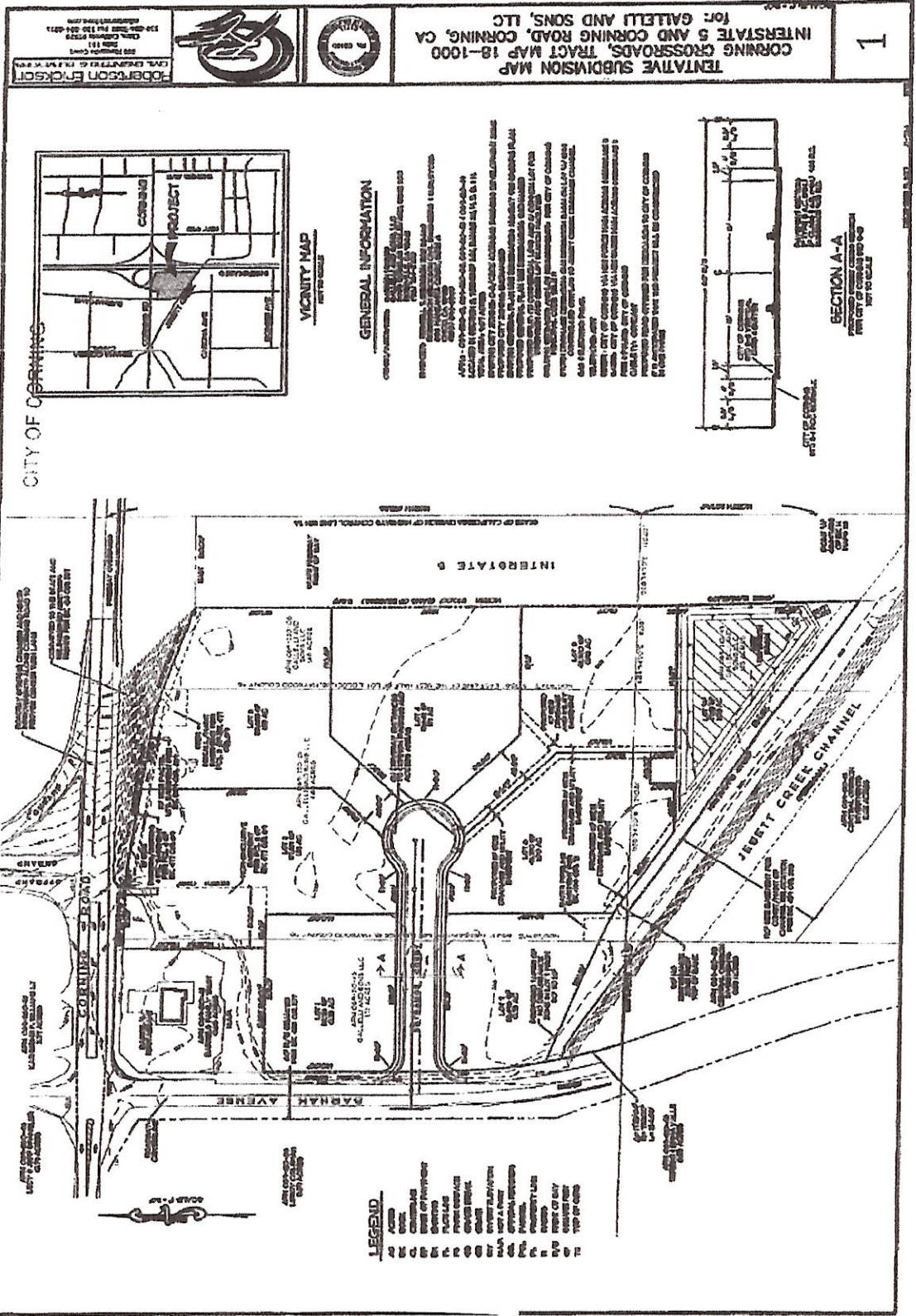
- **EXHIBIT “A”-Reduced copy of Tentative Map.**
- **EXHIBIT “B” Conditions of Approval approved by City Council on May 13, 2018**

# EXHIBIT "A"

## TENTATIVE TRACK MAP 08-1000

RECEIVED

JAN 1 1988



**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**ADOPTED BY CITY COUNCIL ON 03/13/2018**

**1. UNDERGROUND UTILITIES.** All new and existing public utilities serving the development or adjacent to the development shall be undergrounded. Additionally, no overhead facilities shall cross any on site or adjacent streets.

**2. REMOVE CONSTRUCTION DEBRIS.** Prior to the recordation of a Final Map all construction debris shall be removed from the site.

**3. Mitigation Measure I. C. 1**

**LANDSCAPING PLANS.** Prior to commencing construction activities associated with the creation of the parcels, the applicant or his engineer shall submit landscaping and signage plans for the entrance at Barham Ave. and the entrance road as depicted on the tentative map. The landscaping plan must also include landscaping within the right-of-ways of Barham Ave, Corning Rd. and the entrance road. These plans must comply with the landscaping design guidelines and sign design guidelines of the Highway 99W Corridor Specific Plan and approved by the Planning Director.

**4. Mitigation Measure I. C. 2**

**LANDSCAPING.** The landscaped areas within the right-of-ways of Barham Ave., Corning Rd. and the entrance road must be provided with permanent and automatic means of irrigation and all landscaping of these areas, along with the placement of the entrance sign, must be constructed pursuant to the landscaping standards of the Highway 99W Corridor Specific Plan, and completed prior to recordation of a Final Map.

**5. Mitigation Measure II. C. 1**

**DISCLOSURE OF AGRICULTURAL OPERATIONS.** The following disclosure statement must be shown as a note on the Final Map:

The City of Corning permits operation of properly conducted agricultural operations within the City Limits, including those that utilize chemical fertilizers and pesticides. You are hereby notified that property you are purchasing, leasing or renting may be located close to agricultural lands and operations. You may be subject to inconvenience or discomfort arising from the lawful and proper use of agricultural chemicals and pesticides and other agricultural activities, including without limitation, cultivation, plowing, spraying, irrigation, pruning, harvesting, burning of agricultural waste products, protection of crop and animals from depredation, and other activities which occasionally generate dust, smoke, noise, and odor. Consequently, depending on the location of your structures, it may be necessary that you be prepared to accept much inconveniences or discomfort as a normal and necessary aspect of conducting a business in an agriculturally active region.

**6. GRADING PLANS.** Complete grading plans shall be submitted for approval by the City Engineer.

**7. STREET CLEANING.** Paved City roadways leading to or from the project area shall be swept or washed at the end of each day as necessary to remove excessive accumulations of silt and/or mud, which may have accumulated as the result of construction activities.

**8. Mitigation Measure III. B. 1**

**FUGITIVE DUST PERMIT**

Prior to commencement of any type of construction activities the applicant must submit a construction emission dust/control plan and obtain a Fugitive Dust Control Permit from the Tehama County Air Pollution District and comply with the conditions of approval.

**9. Mitigation Measure III. B. 2**

**OPEN BURNING**

No opening burning shall occur on this parcel unless a special land clearing permit is obtained from the Tehama County Air Pollution Control District.

**10. Mitigation Measure III. C. 1**

**SPRINKLE EXPOSED SOILS.**

During construction, unprotected or bare soils, including inactive storage piles, shall be watered a minimum of 2 times per day to minimize wind erosion. Frequency should be based upon the type of operation, soil, and wind exposure.

**11. Mitigation Measure III. C. 2**

**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 prior to the beginning of the rainy season (October 15<sup>th</sup>).

**12. Mitigation Measure IV. A. 1**

**PRE-CONSTRUCTION SURVEY:** Pre-construction surveys for nesting raptors should be conducted for construction activities between March 1 and September 30 pursuant to California Department of Fish & Game requirements. These surveys should be accomplished no later than 7 days prior to the commencement of grading activities. If a legally-protected species nest is located in a tree designated for removal, the removal shall be deferred until after September 30<sup>th</sup> or until the adults and young are no longer dependent on the nest as determined by a qualified biologist.

**13. Mitigation Measure IV. B. 1**

**JEWETT CREEK PROTECTION:** The Final Map shall indicate a 50' no disturbance zone from the top of the north bank of Jewett Creek on lots 6 & 7 with a taper down to 20' on Lot 7 as depicted on the tentative map. Prior to recordation of the Final Map this no disturbance zone, along with the site proposed for a sewage pumping station and detention basin must be fenced with 6' high earthtone colored plastic dipped chain link or wrought iron material. The location and widths of gates for access to the sewage pumping station and detention basin must be approved by the Public Works Director prior to construction of the fence.

**14. Mitigation Measure IV. B. 2**

**UTILITY CASING:** Water and sewer lines that are placed beneath the streambed of Jewett Creek must be encased in steel pipe in a size to be determined by the City Engineer.

**15. Mitigation Measure IV. B. 3**

**DRY SEASON BORING:** Work, including all activity associated with boring, in the stream channel, defined as the 100-year flood plain, shall be limited to the period July 1 to October 15, of any year. If water is present during this period no construction activity may commence until the streambed is dry.

**16. Mitigation Measure IV. B. 4**

**EQUIPMENT STORAGE & MAINTENANCE:** Staging, storage, and re-fueling areas for machinery, equipment and materials shall be located outside the stream channel. Any equipment or vehicles driven and/or operated within or adjacent to the stream channel shall be checked daily to prevent leaks of materials that, if introduced to water, could be deleterious to aquatic life, wildlife, or riparian habitat.

**17. Mitigation Measure IV. B. 5**

**SPILL CLEANUP:** The clean-up of all petroleum and/or chemical spills shall begin immediately. The Responsible Party shall notify the Tehama County Department of Environmental Health and comply with all applicable regulations associated with spill cleanup.

**18. Mitigation Measure IV. B. 6**

**SITE CLEANUP:** No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or washings thereof, asphalt, paint or other coating material, oil or petroleum products or other organic or earthen material from any construction activity of whatever nature shall be allowed to enter into, or placed where it may be washed by rainfall or runoff into Jewett Creek. When operations are completed, any excess materials or debris must be removed from the site.

**19. Mitigation Measure IV. B. 7**

**EROSION CONTROL:** Soils exposed by construction shall be mulched to prevent sediment runoff and transport. Mulches shall be applied so that not less than 90% of the disturbed areas are covered. All mulches (except hydro-mulches) shall be applied in a layer not less than two inches deep. All mulches shall be kneaded or tracked-in with track marks parallel to the contour, and tackified as necessary to prevent excessive movement. All exposed soils shall be reseeded, by November 1 of each year, with a mix of grasses free from seeds of noxious or invasive weed species, and applied at a rate which will ensure establishment.

**20. Mitigation Measure IV. B. 8**

**SOIL STABILIZATION:** Soils adjacent to the stream channel that are exposed by construction activities shall be adequately stabilized when rainfall is reasonably expected and immediately upon completion of construction, to prevent the mobilization of sediment into Jewett Creek.

**21. Mitigation Measure IV. B. 9**

**REMOVAL OF RIPARIAN VEGETATION:** The disturbance or removal of riparian vegetation will not exceed the minimum necessary to complete the installation of the extended water and sewer lines.

**22. Mitigation Measure IV. B. 10**

**STREAMBED DISTURBANCE:** If any portions of the stream channel are disturbed during or after the placement of the water and sewer lines under Jewett Creek the disturbed portions of the stream channel within the high water mark of the stream shall be restored as near to the original natural condition as possible.

**23. Mitigation Measure V. 1**

**CULTURAL RESOURCES.** If subsurface deposits believed to be cultural in origin are discovered during construction, then all work must halt within a 100-foot radius of the discovery, and the City of Corning notified. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for



prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find. Work cannot continue at the discovery location until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant. If a potentially-eligible resource is encountered, then the archaeologist, lead agency, and project proponent shall arrange for either 1) total data recovery as a mitigation, or, preferably, 2) total avoidance of the resource, if possible. The determination shall be formally documented in writing and submitted to the lead agency as verification that the provisions in CEQA for managing unanticipated discoveries have been met.

**24. Mitigation Measure V. D. 1**

**HUMAN REMAINS.** If human remains, or remains that are potentially human, are discovered during project construction or implementation, all work must stop within a 100-foot radius of the find. The construction supervisor must notify the Corning Police Department immediately and take appropriate action to ensure that the discovery is protected from further disturbance or vandalism.

**25. Mitigation Measure VI. B. 1**

**STORMWATER PERMIT.** Applicant shall apply for and obtain a "Construction Activities Storm Water General Permit" from the State Water Resources Control Board, Central Valley Regional Water Quality Control Board.

**26. Mitigation Measure VI. B. 2**

**STORMWATER POLLUTION PREVENTION PLAN.** Prior to any site disturbance or earthmoving activities on or adjacent to the site, a construction period and post-construction period Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and presented to the Central Valley Regional Water Quality Control Board and approved by the City of Corning. The objective of the plan shall be no net loss of soil (above an undisturbed natural, stable background state) from the site due to erosion. All requirements of the post construction period SWPPP shall be completed as part of the required improvement plans and shall be maintained in the same manner.

**27. DETENTION PLANS.** Prior to recording a final map the developer shall present improvement plans for detention of the net increase in runoff resulting from the development project during a 25-year storm for a duration of four hours.

**28. SOILS INFORMATION.** Soils information (Soils Log) must be submitted to verify adequacy of on-site storm water detention design.

**29. Mitigation Measure VIII. A. 1**

**WASTE DISCHARGE REQUIREMENTS.** The developer must apply for, receive and comply with waste discharge requirements from the California Regional Water Quality Control Board for the release of storm water from the detention basin into Jewett Creek.

**30. Mitigation Measure VIII. C. 1**

**LOT GRADING.** Lots must be graded to direct runoff to storm drain facilities within the public right-of-way or into the drainage easements as depicted on the tentative map. No lot to lot or offsite runoff shall be permitted.

**31. Mitigation Measure VIII. E. 1**

**STORMWATER ANALYSIS.** Applicant shall provide a Drainage Analysis prepared by a registered Civil Engineer or Certified Hydrologist. The analysis shall quantify the increased runoff resulting from a 25-year storm for a duration of four hours that will result from the creation of the parcels and potential commercial development.

**32. Mitigation Measure VIII. E. 2**

**STORMWATER DETENTION.** Storm Drain and detention facilities shall be installed in accordance with the Drainage Analysis and constructed to City Standards as approved by the Public Works Director.

**33. Mitigation Measure XI. A.1**

The following statement must be noted on the Final Map prior to recordation: "A noise impact study must be submitted with each application for a Conditional Use Permit to develop the parcels."

**34. Mitigation Measure XI. D. 1**

**CONSTRUCTION HOURS.** Excavation and construction work shall occur only between the hours of 7:00 AM to 7:00 PM, Monday through Friday, and between the hours of 8:00 AM to 6:00 PM on weekends and federally observed holidays.

**35. Mitigation Measure XI. D. 2**

**CONSTRUCTION EQUIPMENT.** The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained. When feasible, existing power sources, such as power poles, or clean fuel generators should be used, rather than temporary power generators. Minimize idling time to 10 minutes.

**36. FIRE HYDRANT REPAIR KIT:** The developer must provide the City of Corning Fire Department with 1 Fire Hydrant Repair Kit.

**37. WELL & SEPTIC ABANDONMENT.** Prior to recording a final map, the applicant shall properly abandon any water wells or septic systems occurring on the property in accordance with the requirements of the Tehama County Environmental Health Department.

**38. Mitigation Measure XIII. A. 1**

**LANDSCAPE & LIGHTING DISTRICT.** Prior to recording a final map for the project, the developer shall establish a Landscaping and Lighting District, or annex to an existing district if one exists, to fund the annual operation and maintenance of the landscaping, including automatic irrigation systems, and electrification of the streetlights placed within the right-of ways of Barham Ave., Corning Rd. the entrance road and the continued maintenance of common facilities, including the stormwater detention system and appurtenant facilities. The developer must submit an engineer's cost estimate for the annual cost to fund the Landscape and Lighting District. This cost estimate must be approved by the city engineer prior to formation of the district. Any costs associated with the formation of the district shall be borne by the developer.

**39. Mitigation Measure XIII. A. 2**

**FIRE HYDRANT INSTALLATION.** Prior to the submittal of improvement plans for the subdivision the developer must consult with the City of Corning Fire Chief to determine the location of a minimum of 3 fire hydrants to serve the parcels. These hydrants with valves shall be installed, to Public Works standards, as required by the Fire Chief.

**40. PUBLIC IMPROVEMENTS.** All public improvements shall be constructed in accordance with the Subdivision Ordinance of the City of Corning and required Public Works Standards.

**41. ROAD DEDICATION.** Dedicate a 60' wide right-of-way for the entrance road. Provide an additional 10' public service easement along each side of the right of way.

**42. CURB, GUTTER, SIDEWALK.** Install curb, gutter, and sidewalks, with approved handicap ramps at the intersection of the entrance road and Barham Ave.

**43. ENTRANCE ROAD STANDARD.** Proposed "Entrance Road" shall be constructed in accordance with Standard Drawing S-18 (40' 2 Lane Street).

**44. ENTRANCE ROAD CONSTRUCTION.** The entrance road shall be fully constructed with driveway entrances to each parcel with curb and gutter and 5' wide sidewalk adjacent to curb as per Standard Drawing No. S-18.

**45. STREET NAME SIGNS.** Applicant shall install street name signs, according to standards provided by the Director of Public Works at all intersections.

**46. STREET NAMES.** Final street names are subject to approval of City staff and shall appear on the final map.

**47. NON-ACCESS STRIP.** No new driveways shall be permitted direct access onto Corning Road. The Final Map shall offer "1 foot wide Non-Access" strips along Corning Road excepting the 12' wide utility easement as depicted on the tentative map.

**48. CURBSIDE PARKING.** Once commercial uses are established on a parcel curbside parking along the entrance road must be prohibited.

**49. BARHAM AVENUE IMPROVEMENTS.** Re-construct the adjacent (eastern) half width of Barham Avenue in accordance with Standard Drawing S-18 (40' Street) and complete an asphalt overlay on a 12 foot travel lane on the west half width from the south project boundary to Corning Road/Solano Street. If adequate structure section exists, the City Engineer may approve an alternative Barham Avenue improvement plan.

**50. CORNING RD./SOLANO ST. IMPROVEMENTS.** Reconstruct the adjacent (southern) half width, the median turn lane and a 12' wide travel lane on the north side of Corning Road/Solano Street along the frontage from I-5 overpass structure through the Barham Avenue intersection. Complete pavement markings in accordance with the recommendations in the Traffic Study. If adequate structure section exists, the City Engineer may approve an alternative Corning Road/Solano Street improvement plan.

**51. Mitigation Measure XV. A. 1**

**LEFT TURN LANES.** A westbound left turn lane at the intersection of Barham Ave./Corning Rd., and left turn lanes on Corning Rd. at the north bound and south bound I-5 on ramps must be constructed prior to the recordation of a final map.

**52. Mitigation Measure XV. D. 1**

**INTERSECTION SIGHT DISTANCE.** No shrubbery, fencing, entrance signs or trees exceeding 36 inches in height, and no tree branches shall extend lower than seven feet so as to limit a 200 ft. minimum sight distance at the proposed entrance road and Barham Ave. intersection.

**53. Mitigation Measure XV. D. 2**

**STOP SIGNS.** Install a stop sign and apply thermoplastic stop legend with bar where entrance road intersects with Barham Ave. Temporary signs must be in place during construction at the new intersection.

**54. UTILITY LOCATION.** Applicant shall ensure, prior to final street construction, that all water and sewer mains, utility and storm drains, and all access points are in the proper location for serving the proposed new lots. No street cutting nor excavation shall be allowed in the new street once completed.

**55. WATER & SEWER CONNECTIONS.** All water and sewer connections shall be completed in accordance with Public Works Specifications.

**56. WATER SERVICES.** All water services to the parcels are to be 1 inch, or larger, poly pipe iron pipe size.

**57. WATER METERS.** All water meters to be Sensus compound meters to register in gallons,  $\frac{3}{4}$  " meters are the minimum required, but the city recommends 1" meters for irrigation.

**58. MANHOLE INSTALLATION.** Install Manholes in Subdivision as per Public Works Specifications.

**59. STREET LIGHT INSTALLATION.** Street lights shall be set installed in accordance with Public Works Standards. Final location shall be shown on the plans for public improvements, and approved by the Director of Public Works.

**60. PUBLIC UTILITY EASEMENTS.** Public utility easements shall be dedicated and noted as required by the City Engineer on the Final Map.

**61. PUBLIC IMPROVEMENTS.** All public improvements shall be constructed in accordance with the Subdivision Ordinance of the City of Corning and required Public Works Standards.

**62. WATER LINE ENCROACHMENT PERMIT.** Obtain an encroachment permit from Caltrans and extend City water main line from east side of Interstate 5 to serve the project. Install water main lines within entrance road and reconstructed Barham Avenue along project frontage, as per Public Works Specifications and as directed by City Engineer. Minimum mainline pipe diameter shall be 8".

**63. SEWER LINE ENCROACHMENT PERMIT.** Obtain an encroachment permit from Caltrans and extend City sanitary sewer line from east side of Interstate 5 to serve project and adjacent properties. Install sanitary sewer trunklines in the entrance road and reconstructed Barham Avenue in accordance with City standards.

**64. SEWER LIFT STATION.** Prior to recording the final map, Developer shall install a sewer lift station on public property adjacent to the retention pond. Developer shall size lift station to accommodate commercial development on all current incorporated properties on the west side of I-5. Additionally, developer shall construct a building to house a generator with the capacity to power the lift station during power outages and construct a building to house the generator and fuel supply. Building size and materials shall be as directed by the City Engineer.

**65. POSTAL BOXES.** If requested by the Corning postmaster for commercial development, provide one or more "Cluster Box Units (CBUs) for postal service at locations approved by the Postmaster. CBU positions shall appear on the improvement plans for the subdivision.

**66. CABLE TELEVISION.** Developer shall ensure service by authorized cable provider to each lot at developer's expense.

**67. Mitigation Measure XVI. B. 1**

**PARCEL DEDICATION:** The Final Map shall offer for dedication to the City of Corning, Lot "A", as depicted on the Tentative Subdivision Map, and a minimum 16 foot wide drainage and utility easement to Lot "A". Prior to recordation of the Final Map the 16 foot wide easement must be improved with a minimum 8 foot wide all-weather access road.

**68. REGULATORY COMPLIANCE.** The developer must comply with all Local, State and Federal regulations and permit requirements applicable to the creation of the parcels, especially the Tehama County Air Pollution Control District and the California Regional Water Quality Control Board.

ITEM NO: E-3  
USE PERMIT 2024-321 - FRANCISCO  
MADRIGAL. APPLICANT PROPOSES TO  
ESTABLISH A COMMERCIAL KITCHEN AND  
RESTURANT IN AN EXISTING BUILDING.  
LOCATION: 1515 A HIGHWAY 99W;  
APN: 071-250-018  
FEBRUARY 20, 2024

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

**PROJECT DESCRIPTION:**

Francisco Madrigal proposed to establish a commercial kitchen and restaurant within an existing building located at 1515 Highway 99W. The property is currently zoned C-3-CBDZ, and a kitchen/restaurant would be allowed use of the parcel with a use permit. parking. Mr. Madrigal pulled Building Permits and created his kitchen up to code; he has also had Tehama County Environmental Health inspect his facility and they have approved the use.

**GENERAL PLAN LAND USE DESIGNATION:**

C – Commercial

**ZONING:**

C-3 – General Business District. This district classification is intended to be applied where general commercial facilities are necessary for public service and convenience. The C-2, Central Business District, allows Catering shops, Cafes, and restaurants as allowed use pursuant to Section 17.20.020 (B) of the Corning Zoning Code. The C-3 District (Section 17.22.020 A) permits allowed uses in the C-1 and C-2 Zoning Districts.

**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 therefore 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 create a sit-down restaurant where a Mobile Food Truck once was. Staff determined that this is a negligible expansion of the previous existing use and 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 2024-321.**

**Factual Subfinding #1**

The project will allow the establishment of a kitchen within an existing building where a Mobile Food Truck once was located.

**Legal Finding #1**

The granting of Use Permit 2024-321 is a negligible expansion of the existing use of this building and therefore exempt from CEQA pursuant to Section 15301, Class 1.

**Factual Subfinding #2**

The existing site and building proposed for the kitchen/restaurant are located in an area zoned C-3 General Business District CBDZ

**Legal Finding #2**

The proposed kitchen/restaurant is an established use and not recognized as creating offensive conditions therefore the proposed kitchen/restaurant is permitted upon approval of a Use Permit in the General Business District.

**Factual Subfinding #3**

The site and building for the proposed project have historically been used for commercial businesses.

**Legal Finding #3**

The existing building is adequate in size, shape, and topography to allow for the proposed project of a kitchen/restaurant.

**Factual Subfinding #4**

The existing building being used is located along the east side of Highway 99W.

**Legal Finding #4**

Highway 99W is an existing public road adequate in width and pavement to carry the amount of traffic generated by the kitchen/restaurant.

**ACTION:**

**Move to adopt the four (4), or similar, Factual Subfindings and Legal Findings as presented in the staff report and approve Use Permit 2024-321 permitting a kitchen/restaurant within the existing building subject to the two (2) Conditions of Approval as recommended by staff.**

**Condition #1**

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 #2**

Comply with the City of Corning Outdoor Advertising Sign Regulations.

**Or;**

**Move to adopt findings and deny the issuance of Use Permit 2024-321.**