



**CITY OF CORNING  
PLANNING COMMISSION AGENDA  
TUESDAY, APRIL 21, 2009  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

**B. ROLL CALL:**

**Commissioners:** Robertson  
Reilly  
Lopez  
Hatley  
Armstrong

**C. MINUTES:**

**1. Waive the Reading and Approve the Minutes of the March 17, 2009 meetings with any necessary corrections.**

**D. BUSINESS FROM THE FLOOR: If there is anyone in the audience wishing to speak on items not already set on the Agenda, please come to the podium, and briefly identify the matter you wish to have placed on the Agenda. The Commission will then determine if such matter will be placed on the Agenda for this meeting, scheduled for a subsequent meeting, or recommend other appropriate action. If the matter is placed on tonight's Agenda, you will have the opportunity later in the meeting to return to the podium to discuss the issue. The law prohibits the Commission from taking formal action on the issue, however, unless it is placed on the Agenda for a later meeting so that interested members of the public will have a chance to appear and speak on the subject.**

**E. PUBLIC HEARINGS AND MEETINGS: Any person may speak on items scheduled for hearing at the time the Chairman declares the Hearing open. ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.**

**2. 2008-2013 Housing Element Update: Informational meeting as an introductory session to review the Housing Element Update Work Program.**

**F. REGULAR AGENDA: All items listed below are in the order which we believe are of most interest to the public at this meeting. However, if anyone in the audience wishes to have the order of the Agenda changed, please come to the podium, and explain the reason you are asking for the order of the Agenda to be changed.**

**3. Study Matter: Draft Street Vending Ordinance – Review and Discuss a Draft Street Vending Ordinance.**

**G. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:**

**H. ADJOURNMENT:**

**POSTED: FRIDAY, APRIL 17, 2009**



**CITY OF CORNING  
PLANNING COMMISSION MINUTES**

**TUESDAY, MARCH 17, 2009  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

**B. ROLL CALL:**

**Commissioners:** Robertson  
Reilly  
Lopez  
Hatley  
Armstrong

All Commissioners were present except Commissioners Robertson and Hatley.

**C. MINUTES:**

- 1. Waive the Reading and Approve the Minutes of the January 20, 2009 and February 17, 2009 meetings with any necessary corrections.**

Commissioner Reilly moved to approved the Minutes of the February 17, 2009 Planning Commission meeting as written. Commissioner Armstrong seconded the motion. **Ayes: Lopez, Reilly and Armstrong. Opposed: None. Absent: Robertson and Hatley. Abstain: None. Motion was approved by a vote of 3-0 with Robertson and Hatley absent.**

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

**E. PUBLIC HEARINGS AND MEETINGS: Any person may speak on items scheduled for hearing at the time the Chairman declares the Hearing open. ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.**

- 2. USE PERMIT 2009-256: Busy Bee Daycare: Establish a Preschool/Daycare Center in an existing building that was previously occupied by the Lassen Medical Group. A maximum number of 95 children with 7-15 employees will occupy the building. The building is located along the north side of Solano Street at the northwest corner of the Solano Street/East Street intersection. Address: 740 Solano Street, APN No. 73-010-61.**

Chairman Lopez introduced this Item by title giving a brief description of the property location. He acknowledged the presense of the applicant. Planning Director John Stoufer stated that what is proposed is basically a reuse of the existing building. He stated that he and Public Works Director John Brewer had spoken with the City Engineer Ed Anderson and collectively they have concluded that they would like to add one more Condition to the Permit. This Condition (proposed Condition No. 9) would require Staff to monitor and review the Use Permit in six months to determine the need to install a left turn lane on Solano Street (should this additional Condition be approved, Staff would review the Use Permit at the September 9, 2009 Planning Commission Meeting).

Chairman Lopez suggested rewording Condition No. 2 to require the fencing to be 6-foot in height rather than the proposed 5-foot height. Planning Director Stoufer stated that the existing State requirement is 5-foot in height. With no further discussion from the Commission, Chairman Lopez then opened the Public Hearing at 6:41 p.m.

Busy Bee DayCare owner DeAnn Knowles stated that she had no problems with increasing the fence height to 6-feet. Applicant John Eller stated that the fencing would be a no-climb vinyl fencing. Angle Mason asked if the fencing requirement is sight-proof as was required in her Use Permit; she was informed that it was. The applicant asked if it would be okay if she purchased and installed retractable fencing (similar to tennis court netting) to use when taking children across the parking lot. The Commission stated that would be fine.

With no further discussion, Commissioner Reilly moved to close the public hearing. Commissioner Armstrong seconded the motion. **Ayes: Lopez, Reilly and Armstrong. Opposed: None.**

**Absent: Robertson and Hatley. Abstain: None. Motion was approved by a vote of 3-0 with Robertson and Hatley absent.**

Commissioner Reilly moved to adopt Subfindings and Findings 1-4 as presented in the Staff Report for Use Permit 2009-256. Commissioner Armstrong seconded the motion. **Ayes: Lopez, Reilly and Armstrong. Opposed: None. Absent: Robertson and Hatley. Abstain: None. Motion was approved by a vote of 3-0 with Robertson and Hatley absent.**

Commissioner Reilly moved to approve Use Permit 2009-256 Subject to Conditions 1-8 and adding Condition No. 9 requiring Staff to monitor and review the Use Permit in six months to determine the need to install a left turn lane on Solano Street. Commissioner Reilly clarified that this Condition would require the Planning Commission to review the Use Permit to assess the need for a left turn lane on Solano Street at the location of the Busy Bee DayCare at the September 9, 2009 Planning Commission. Commissioner Armstrong seconded the motion. **Ayes: Lopez, Reilly and Armstrong. Opposed: None. Absent: Robertson and Hatley. Abstain: None. Motion was approved by a vote of 3-0 with Robertson and Hatley absent.**

**3. REZONE 2009-1, ORDINANCE 634: An Ordinance of the City of Corning amending Sections 16.18.010 (C) and 17.51.015 of the Corning Municipal Code.**

Chairman Lopez introduced this Item by title and Planning Director John Stoufer briefly outlined the terms of the proposed Rezone (2009-1) and the requirements of Ordinance 634. Commissioner Reilly stated that he was happy with the current language.

Chairman Lopez opened the Public Hearing at 6:55 p.m. With no discussion, Commissioner Armstrong moved to close the Public Hearing and Commissioner Reilly seconded the motion. **Ayes: Lopez, Reilly and Armstrong. Opposed: None. Absent: Robertson and Hatley. Abstain: None. Motion was approved by a vote of 3-0 with Robertson and Hatley absent.**

Commissioner Reilly moved to recommend that the City Council adopt Subfindings and Findings 1-3 as presented in the Staff Report and approve and adopt Ordinance No. 634, the Ordinance to implement Rezone No. 2009-1. Commissioner Armstrong seconded the motion. **Ayes: Lopez, Reilly and Armstrong. Opposed: None. Absent: Robertson and Hatley. Abstain: None. Motion was approved by a vote of 3-0 with Robertson and Hatley absent.**

**F. REGULAR AGENDA:**

**4. Lot Line Adjustment 2009-1: Lisa & Ray Linnet/Sharon Leet:**

**Property owners, Lisa & Ray Linnet and Sharon Leet are proposing to adjust a common sideyard property line 8 feet to the east. The parcels are located along the south side of Taft Avenue approximately 200 feet east of the Taft Avenue/Toomes Avenue intersection. Addresses: 1913 & 1973 Tafe Avenue, APN #'s: 71-192-02 & 37.**

Chairman Lopez introduced this Item by title and briefly described the location and action requested. Planning Director Stoufer stated that the request does conform to City set-backs, requirements and Codes.

With no further discussion, Commissioner Armstrong moved to adopt Subfindings and Findings 1-4 as presented in the Staff Report and approve Lot Line Adjustment 2009-1 as provided for in the City of Corning Subdivision Code and the State Subdivision Map Act and Direct Staff to record the Map and Description with the Tehama County Clerk's Office. Commissioner Reilly seconded the motion. **Ayes: Lopez, Reilly and Armstrong. Opposed: None. Absent: Robertson and Hatley. Abstain: None. Motion was approved by a vote of 3-0 with Robertson and Hatley absent.**

**G. ITEMS PLACED ON THE AGENDA FROM THE FLOOR: None.**

**H. ADJOURNMENT: 7:01 p.m.**

**ITEM NO. E-2**

**INFORMATIONAL MEETING  
2008-2013 HOUSING ELEMENT UPDATE**

**April 21, 2009**

**TO: PLANNING COMMISSION OF THE CITY OF CORNING**

**FROM: JOHN STOUFER; PLANNING DIRECTOR**

**SUMMARY:**

The informational meeting is an introductory session to review the Housing Element Update work program. The meeting will provide an overview of State of California requirements, schedule and City commitments. Review of the existing April 2005 Housing Element will also be undertaken, in particular the Housing Element goals, quantified objectives, and actions.

California Government Code Section 65588 (b) states that a *"housing element shall be revised as appropriate, but not less than every five years."* Section 65588 (e) states: *"Notwithstanding subdivision (b) or the date of adoption of the housing elements previously in existence, each city, county, and city and county shall revise its housing element according to the following schedule."* The City of Corning, along with a majority of north state cities and counties fell under the schedule that required a revision by June 30, 2009. The State has extended this deadline by 60 days to accommodate the Department of Finance update of the State's population projections. Therefore to comply with current state law the City must revise the existing housing element by August 31, 2009.

Per State law (Gov. Code Sec.65583), the housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, and mobile-homes, and shall make adequate provisions for the existing and projected needs of all economic segments of the community.

**ACTION**

Discussion only. Eihnard Diaz with Diaz Associates will be conducting the informational presentation and discussing the goals, quantified objectives, etc. of the Housing Element, and fielding questions and comments from the Commission and general public in attendance.

**ITEM NO. F-3**

**STUDY MATTER NO. 2009-3;  
DISCUSS WITH STAFF A DRAFT STREET  
VENDING ORDINANCE.**

**April 21, 2009**

**TO: PLANNING COMMISSION OF THE CITY OF CORNING**

**FROM: JOHN STOUFER; PLANNING DIRECTOR**

**SUMMARY:**

Staff has prepared a Draft Street Vending Ordinance that defines Street Vending and places certain requirements applicable to the issuance of a business license. The language in the draft ordinance is a result of reviewing street vending ordinances from other cities and modifications as recommended by department review within the City.

A copy of the draft ordinance was presented to the Chamber of Commerce Board of Directors at their April monthly meeting. Staff has asked the Chamber's Board to review and comment on the draft ordinance. Staff will attend the May board meeting for further discussion.

**ACTION**

Discuss the Draft Street Vending Ordinance and recommended additional, or changes, to the language of the ordinance prior to conducting a public on a proposed ordinance before the Planning Commission

**ATTACHMENTS**

**EXHIBIT "A"      DRAFT STREET VENDING ORDINANCE**

## EXHIBIT "A"

# Draft Street Vending Ordinance

### Street Vending

"Street Vending" means the act of any person or persons engaged or employed, whether temporary or not, in the business of selling, exhibiting for sale, or taking orders from consumers on private property adjacent to City Streets for any type of food product, goods, wares or merchandise. This definition applies to a person or persons vending food or other merchandise from pushcarts, vehicles, trailers, temporary stands or other readily mobile sources to customers within the City limits.

### Business License Requirement

As specified in Title 5 of the Corning Municipal Code (CMC), any vending operation, except those that are part of a city recognized "Farmers Market" or found to be exempt as nonprofit organizations pursuant to Chapter 5.12 of the CMC, must obtain a business license from the City. In addition to a business license the sale of fireworks is governed by Section 8.18.040 of the CMC.

The business license must be posted and visible during hours of operation.

Prior to the City issuing a business license for street vending, the applicant must provide the following information:

- A) Completed application form, including a written description of the proposed vending activity.
- B) Proof of valid health permit(s), if required by applicable law or regulation as it applies to prepared or processed food products.
- C) Site plan (Sketch) identifying the property, type and location of the vending activity.
- D) The written approval of the property owner where such vending shall be conducted on private property.
- E) The location of available restrooms to be used by the vendor. The vending applicant shall provide rest room facilities as provided for in State Law and available within 100 feet of the vendor business site. If the vendor is proposing to use non-public restrooms, such as an adjacent business, the vendor must provide written approval from the business to use the restrooms.

### Location Requirements.

1. Right-of-way. Stationary site street vending shall not be permitted in a roadway median, parkway or within any other public right-of-way.
2. Mobile or stationary site street vending is not permitted to set up or sell on any City Property or City Parking Lot.

3. City parks. Street vending shall not be permitted in any city parks unless participating in a City approved Community activity such as a Chamber of Commerce event, and such vendor shall apply to and receive permission to participate in the Community activity from the Chamber of Commerce or other City recognized event organizer.
4. Residential zoning districts. Stationary site street vending shall not be permitted in a residential zone.
5. Food vendors in residential zone. In residential zones a food vendor shall not stop in any single location for more than a 10 minute period.
6. Traffic safety visibility. No street vending shall be located where it will obstruct the safe line-of-sight distance at any intersections as determined by the Public Works Director.
7. Proximity to other items. No vending shall occur within 10 feet of a fire hydrant, fire escape, building entrance, bus stop, loading zone, handicapped parking space, access ramp, or any type of driveway entrance. A greater distance or separation may be required in order to preserve line-of-sight, or for other safety reasons. The vending activity shall not damage any landscaped areas.

### **Operation Requirements**

1. Appearance and storage. The vendor shall maintain the area within which vending activities occur in a clean, safe, sanitary and dust-controlled condition. With the exception of fixed stands selling a food product grown on the site, the vendor must remove all evidence of vending and leave the site in a clean state at the close of each business day.
2. Obstructions and hazards. No vendor shall obstruct vehicular traffic, bicycle traffic, sidewalk pedestrian traffic, or accessibility to vehicles parked adjacent to the curb, and shall not create public health or safety hazards.
3. Signs. No more than one sign is allowed on the parcel in conjunction with the vendor. The sign shall not exceed 10 square feet and shall be affixed to the vehicles or devise from which the goods or merchandise are being sold.
4. Other applicable regulations. Each vendor must comply with other local, state and federal regulations pertaining to establishment and operation of a vending business.

**Additional location and operational requirements may be imposed by the City for street vending operations if deemed warranted by City staff.**