



**CITY OF CORNING
PLANNING COMMISSION AGENDA**

**TUESDAY, AUGUST 19, 2014
CITY COUNCIL CHAMBERS
794 THIRD STREET
CORNING, CA 96021**

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

B. ROLL CALL:

**Commissioners: Reilly
Barron
Poisson
Mesker
Chairman: Robertson**

C. MINUTES:

1. Waive the reading and approve the Minutes of the July 15, 2014 Planning Commission Meeting 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.

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 Agenda order changed, please come to the podium and explain the reason you are asking for the change.

2. Approve recommendation, pursuant to Government Code Section 65402, to submit report to City Council confirming conformity with the General Plan for the sale of City owned property at 939 6th Street, APN: 71-171-02.

G. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

H. ADJOURNMENT:

POSTED: FRIDAY, AUGUST 15, 2014



**CITY OF CORNING
PLANNING COMMISSION MINUTES**

**TUESDAY, JULY 15, 2014
CITY COUNCIL CHAMBERS
794 THIRD STREET
CORNING, CA 96021**

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

B. ROLL CALL:

**Commissioners: Reilly
Barron
Poisson
Mesker
Chairman: Robertson**

All Commissioners were present except Commissioner Barron.

C. MINUTES:

- 1. Waive the reading and approve the Minutes of the June 17, 2014 Planning Commission Meeting with any necessary corrections.**

Commissioner Poisson moved to approve the Minutes as written and Commissioner Mesker seconded the motion. **Ayes: Robertson, Reilly, Poisson and Mesker. Opposed/Abstain: None. Absent: Barron. Motion was approved by a 4-0 vote with Barron 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 No. 2014-272: Consider Condor Marka Peruvian Restaurant's Use Permit Application to obtain an "On-Sale License" with the California Department of Alcoholic Beverage Control (ABC) to sell beer and wine within their existing restaurant pursuant to Section 17.54.020 (1) of the Corning Municipal Code. Address: 1312 Solano Street, APN # 71-131-06.**

Chairperson Robertson opened the Public Hearing at 6:32 p.m. City Planning Consultant John Stoufer announced that there was a typo on the motion listed in the Staff Report and presented the Commissioners with a corrected copy. Mr. Stoufer stated that all businesses, etc. within 500 ft. had been notified of the proposed permit and the City has not received any protests. He stated that the applicant is not present tonight, however he could answer any questions the Commissioners might have.

Having no questions, Commissioner Poisson moved to adopt the five Factual Subfindings and Legal Findings as presented in the Staff Report and approve Use Permit 2014-272 permitting the sale and serving of beer and wine in a newly established business known as the Condor Marka Peruvian Restaurant subject to the three (3) Conditions as recommended by Staff. Commissioner Mesker seconded the motion. **Ayes: Robertson, Reilly, Poisson and Mesker. Opposed/Abstain: None. Absent: Barron. Motion was approved by a 4-0 vote with Barron absent.**

- 3. Use Permit No. 2008-250: Consider application to amend Use Permit 2008-250 which allowed the establishment of the AAA Truck Wash. This proposed amendment would allow establishment of a restaurant and auto mechanic shop within the existing building adjacent to the truck wash facility. Address: 3525 Highway 99-W, APN# 87-100-80.**

Chairperson Robertson introduced the item and Planning Consultant John Stoufer briefed the Commissioners on the proposal. He explained that Mr. Nelson (Project Engineer) is present tonight to address any questions. Mr. Stoufer explained that Mr. Nelson has been working with City Building Official Terry Hoofard and the City's Engineer. The Public Hearing was then opened at 7:40 p.m.

Commissioner Reilly asked for clarification on the name of the owner and the Use Permit Applicant. He also asked about the two buildings in the back, whether they were to be unoccupied or used for storage. Mr. Nelson stated that one of the buildings is currently used as a lube shop, and the other is a polishing shop. Commissioner Reilly then asked what type of food they would be selling; Mr. Nelson stated it would be Indian food. Mr. Reilly clarified that Mr. Nelson works for both the owner and applicant. With no further questions, the Public Hearing was closed at 6:43 p.m.

Commissioner Reilly moved to adopt the 4 Factual Subfindings and Legal Findings as presented in the Staff Report and approve an Amendment to Use Permit 2008-250, subject to the 3 additional Conditions of Approval, for the establishment of an Auto Repair Shop and Restaurant adjacent to the existing Truck Wash Facility. Commissioner Poisson seconded the motion. **Ayes: Robertson, Reilly, Poisson and Mesker. Opposed/Abstain: None. Absent: Barron. Motion was approved by a 4-0 vote with Barron absent.**

Mr. Stoufer clarified that these three Conditions are in addition to the original Conditions on the Use Permit, the original Conditions still apply.

F. REGULAR AGENDA: None.

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

H. ADJOURNMENT: 6:44 p.m.

Lisa M. Linnet, City Clerk

**ITEM NO: F-2
APPROVE RECOMMENDATION, PURSUANT TO
GOVERNMENT CODE SECTION 65402, TO SUBMIT
REPORT TO CITY COUNCIL CONFIRMING CONFORMITY
WITH THE GENERAL PLAN FOR THE SALE OF CITY
OWNED PROPERTY AT 939 6TH ST. APN: 71-171-02**

AUGUST 19, 2014

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING

FROM: JOHN STOUFER; PLANNING CONSULTANT

PROJECT DESCRIPTION / BACKGROUND:

On July 20, 1999 a Grant Deed was recorded pursuant to Resolution Number 11-24-92-1, conveying the following described land from the Betty Jo Hall, Successor Trustee of the Hall Family Trust to the City of Corning as a gift:

The South 55 feet of Lots 10, 11, and 12, Block 41 of the Town of Corning, as the same are shown on the map filed in the Tehama County Recorder's Office, August 3, 1888, in Book A of Maps at page 47.

The parcel is undeveloped and 4,125 sq. ft. in size, the current General Plan Land Use Designation is R-Residential and Zoning is R-2, Multiple Family Residential Duplex/Triplex. The City has determined that maintaining ownership of the parcel is not in the public's interest and would like to sell the parcel. Juan Loza, owner the parcel just north of the City owned parcel (APN 71-171-01) has made an offer to purchase the property. Mr. Loza's parcel has the same General Plan and Zoning designations.

Pursuant to the requirement of California Government Code Section 65402, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such building or structure have been submitted to and reported upon by the Planning Commission as to the conformity with the City's adopted General Plan. The Planning Commission shall render its report as to conformity within Forty (40) days after the matter is submitted to it, or such longer period of time as may be designated by the City Council.

ACTION:

Move to:

- A. Find that the sale of the undeveloped City owned property, referenced as APN: 71-171-02, to the property owner north of the parcel, and the continued residential use of the parcels conforms with the Residential Land Use Designation of the Corning General Plan; and**
- B. Direct Staff to submit a report to the City Council pursuant to CA Government Code Section 65402.**

ATTACHMENTS:

Exhibit "A"	Aerial Photo / Location Map
Exhibit "B"	General Plan Map
Exhibit "C"	Zoning Map
Exhibit "D"	Assessor's Map
Exhibit "E"	Ca Gov. Code 65402
Exhibit "F"	Letter from City Manager to potential buyer



EXHIBIT "A"

SITE



LINK AVENUE

6TH AVENUE

SOUTH STREET

6TH STREET

MAYN STREET

6TH AVENUE

7TH STREET



LINK AVENUE



6TH AVENUE



SOUTH STREET

5TH AVENUE

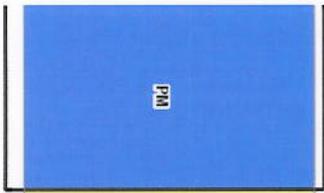
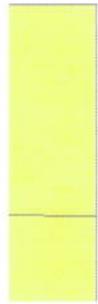
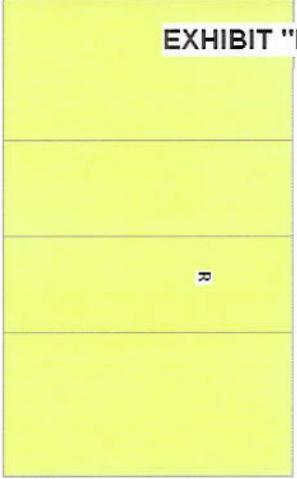


EXHIBIT "B"



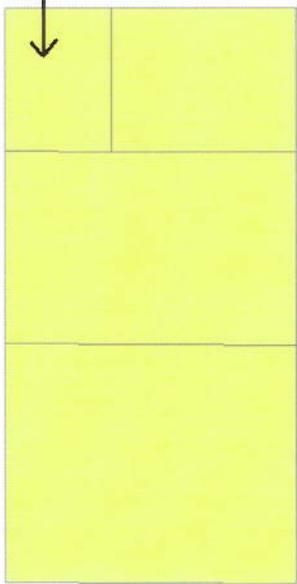
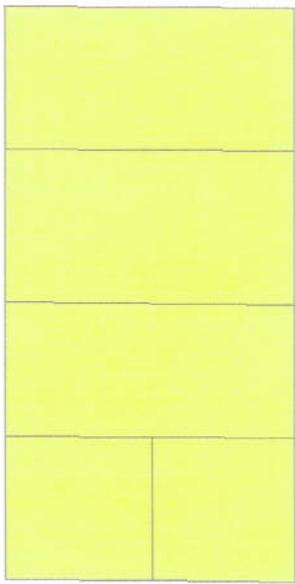
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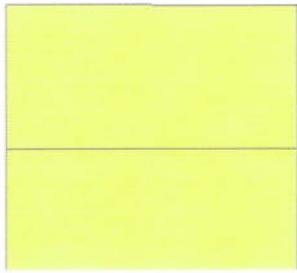
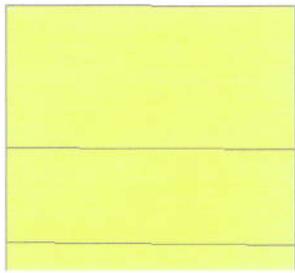
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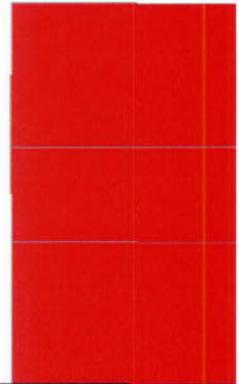
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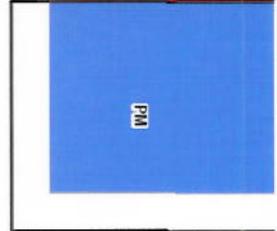
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G



MARIN STREET





LINK AVENUE



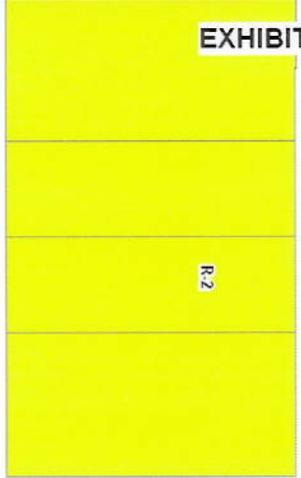
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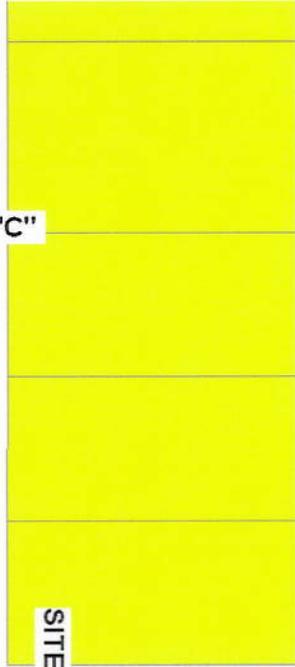
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EXHIBIT "C"



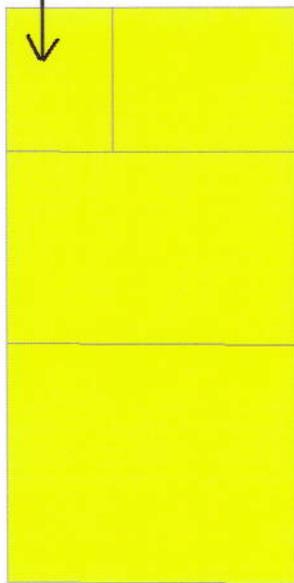
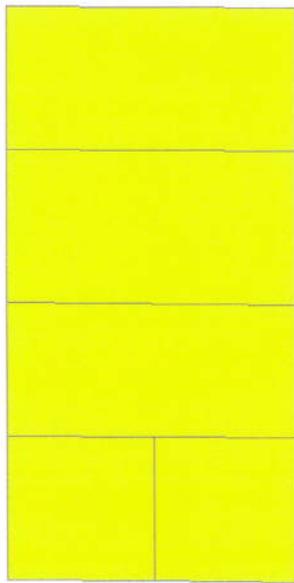
R-2



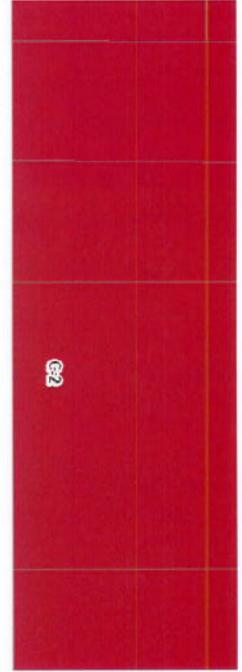
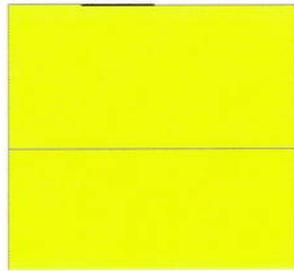
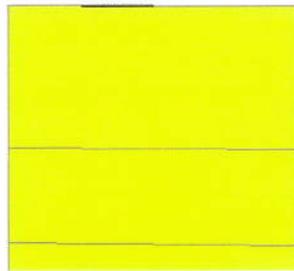
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6TH STREET

SOUTH STREET



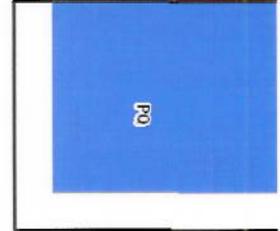
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G-2



MARIN STREET



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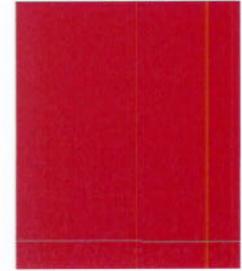


Exhibit "E"



California

LEGISLATIVE INFORMATION

 Code: Section:
[Up^](#) [<< Previous](#) [Next >>](#)
[cross-reference chaptered bills](#)
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GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.*)

DIVISION 1. PLANNING AND ZONING [65000 - 66103] (*Heading of Division 1 added by Stats. 1974, Ch. 1536.*)

CHAPTER 3. Local Planning [65100 - 65763] (*Chapter 3 repealed and added by Stats. 1965, Ch. 1880.*)

ARTICLE 7. Administration of General Plan [65400 - 65404]

 (*Article 7 added by Stats. 1965, Ch. 1880.*)

65402. (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

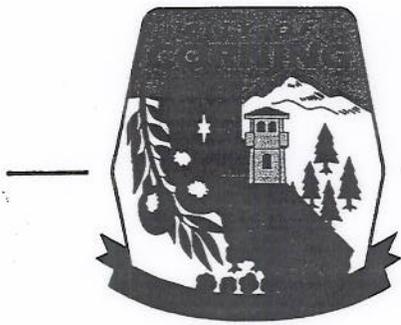
If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency.

Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.

(Amended by Stats. 1974, Ch. 700.)



City of Corning

794 Third St. Corning, CA 96021 (530) 824-7020 Fax (530) 824-2489

Exhibit "F"

Mr. Juan Lopez
907 6th Street
Corning, CA 96021

July 30, 2014

Re: City Property at 939 6th Street—Assessor's Parcel No. 71-171-02

Dear Mr. Lopez,

This responds to your offer to purchase the City property that adjoins yours at 907 6th Street. Thank you for the offer. At this time the City has no plans to develop the property in question. However, before the City can convey property there are certain steps we must take that ensure that any conveyance is in the City's best interest. Toward that end, the City Council must consider its potential future need for the property.

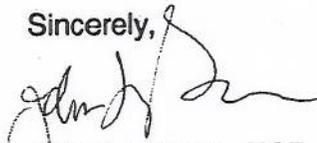
There is also a requirement that the City Planning Commission weigh-in regarding conformity with the City's General Plan. We will schedule the Planning Commission's review/report of the property at their August 19th meeting.

At the meeting staff will tell the Planning Commission that the General Plan designation for the site is "Residential". The Commission will then pass those findings to the City Council which would then consider whether the property should be determined to be "excess" property that could be sold. We expect the City Council would hear the matter on August 26th or September 9th.

Staff believes that should the parcel be determined excess property, due to the limited property area, that it would be most appropriately conveyed to you as the adjoining owner. Your intended use of the site as expansion of your residential yard/use is certainly consistent with the residential General Plan designation.

We will be in touch with you after the City Council considers the issue. In the meantime, you are welcome to attend the Planning Commission or City Council meetings. If you have any additional question regarding this matter please feel free to contact either John Stoufer, the City's Planning Director, or me here at City Hall.

Sincerely,



John L. Brewer, AICP
City Manager

BUILDING 824-7027 • PLANNING 824-7036 • CITY MANAGER 824-7034 • CITY CLERK 824-7033 • FINANCE 824-7020

PUBLIC WORKS 824-7025 • POLICE DEPARTMENT 824-7000 • FIRE DEPARTMENT 824-7044

"THE CITY OF CORNING IS AN AFFIRMATIVE ACTION-EQUAL OPPORTUNITY EMPLOYER"