

**CITY OF CORNING  
PLANNING COMMISSION AGENDA  
TUESDAY, DECEMBER 18, 2007  
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. **WAIVE THE READING AND APPROVE MINUTES OF THE NOVEMBER 20, 2007 PLANNING COMMISSION 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, give your name and address, 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.**

1. **Use Permit Application 2007-246; Luke Alexander; to construct a Duplex in an R-1-2 Zoning District. Site is located on the east side of Fifth Avenue, between Fig and Center Streets, APN 71-272-41.**
2. **Use Permit Application 2007-244; Richard Lipari; to operate a Restaurant serving alcohol along with an arcade, pool tables and live entertainment in a C-3-CBDZ Zoning District. Business is located at 3070 Highway 99-W, APN 87-040-57.**

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, state your name and address, and explain the reason you are asking for the order of the Agenda to be changed.

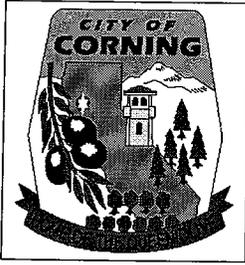
3. **Extension Request; Tentative Tract Map 05-1013 – Marguerite, LLC. Located on the south side of Carona Avenue and east of Marguerite Avenue, APN 73-120-16, 24 & 31; approximately 16 acres.**

4. Extension Request; Tentative Tract Map 05-1016 – Fig Lane Tract; Fig Lane LLC. Located at the southwest corner of Toomes Avenue and Fig Lane, APN 71-250-06; approximately 11.69 acres.

G. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

H. ADJOURNMENT:

POSTED: DECEMBER 14, 2007



**CITY OF CORNING  
PLANNING COMMISSION MINUTES**

**TUESDAY, NOVEMBER 20, 2007  
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 Commissioner Robertson.

**C. WAIVE THE READING AND APPROVE MINUTES OF THE OCTOBER 16, 2007 PLANNING COMMISSION MEETING WITH ANY NECESSARY CORRECTIONS.**

Commissioner Reilly stated a necessary correction to page 3 right before item G, correcting the vote on item F-3 of the Public Hearings regarding the Health Care District to state that Commissioner Robertson abstained from voting on this item due to possible conflict of interest. Commissioner Reilly motioned approval of the minutes with the correction stated above. Commissioner Hatley seconded the motion. Motion approved by a vote of 5-0.

**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.**

- 1. Tentative Parcel Map 07-20; Corning Healthcare District; to create four Parcels in a C-1; Neighborhood Commercial Zoning District. Located at the southwest corner of Marguerite Avenue and Solano Street. APN 73-120-04; Approximately 9.5 acres.**

Chairman Lopez introduced this item by title and stated that this matter was continued from the October 16, 2007 Planning Commission meeting. Mr. Brewer stated this item was held over to address some minor details relating to the Conditions of Approval. He stated that he had met with the Hospital District representative Gary Hunt of Ronald Greenwell & Associates and discussed the 17 conditions. Mr. Brewer stated that relocation of the streetlight has been added to Condition No. 10.

Chairman Lopez then opened the Public Hearing. The Health Care District representative Gary Hunt stated that the Health Care District was agreeable to the 17 Conditions of Approval listed for the project; he thanked Mr. Brewer and City Staff for their assistance and support and requested Commission approval of the Tentative Parcel Map.

With no further comments, Commissioner Armstrong motioned to close the Public Hearing. Commissioner Reilly seconded the motion. **Ayes: Lopez, Reilly, Armstrong and Hatley. Opposed: None. Absent: Robertson. Abstain: None. Motion was approved by a vote of 4-0 with Robertson absent.**

Commissioner Reilly motioned for the Commission to recommend City Council approval of Tentative Parcel Map 07-20 subject to adoption of the five findings and adoption of the 17 Conditions of Approval for Tentative Parcel Map 07-20. Commissioner Hatley seconded the

The City of Corning is an Equal Opportunity Employer

motion. **Ayes: Lopez, Reilly, Armstrong and Hatley. Opposed: None. Absent: Robertson. Abstain: None. Motion approved by a vote of 4-0 with Robertson absent.**

**F. REGULAR AGENDA:**

**2. Report regarding General Plan Consistency – Vacation of North Street between Third and Fourth Streets.**

Chairman Lopez introduced this item by title. Planning Director Brewer stated that State Law requires a finding of consistency with the General Plan and explained the reasons why. Mr. Brewer also explained the benefits of vacating North Street between Third and Fourth Street. He stated that he had met with a representative of Bell Carter Foods, Inc. who stated security concerns should this item not be approved.

Chairman Lopez asked if he is correct in stating that the City would be giving away a 40' right-of-way; Mr. Brewer stated yes. Mr. Brewer also stated that the City has a 15" storm drain pipe on the property so the City would need to maintain a public service easement for the utilities. Commissioner Armstrong asked should this be approved by the City Council, would the City have some control over the type of fencing used at Fourth and North Streets. Mr. Brewer stated Public Works would probably require a white painted barricade, however the Commission could suggest some other type of barricade. Mr. Brewer informed the Commission that Bell Carter has stated they would give the City right of way on Blackburn Avenue.

With no further discussion, Commissioner Reilly motioned to recommend City Council find that the abandonment of that segment of North Street between Third and Fourth Street is in accordance with Government Code Section 65402 and that the abandonment of the Street Segment does not conflict with the Corning General Plan. Commissioner Armstrong seconded the motion. **Ayes: Lopez, Reilly, Armstrong and Hatley. Opposed: None. Absent: Robertson. Abstain: None. Motion approved by a vote of 4-0 with Robertson absent.**

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

**H. ADJOURNMENT: Chairman Lopez announced that the next Planning Commission meeting is scheduled for December 18, 2007 and adjourned the meeting at 6:45 p.m.**

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**Lisa M. Linnet, City Clerk**

**ITEM NO: E-1  
USE PERMIT APPLICATION 2007-246; LUKE  
ALEXANDER; TO CONSTRUCT A DUPLEX IN  
AN R-1-2 ZONING DISTRICT, LOCATED ON  
THE EAST SIDE OF FIFTH AVENUE,  
BETWEEN FIG AND CENTER STREETS.  
APN 71-272-41.**

DECEMBER 18, 2007

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING

FROM: JOHN L. BREWER, AICP; PLANNING DIRECTOR

**PROJECT DESCRIPTION:**

Luke Alexander owns the property described as Assessor's Parcel Number 71-272-41. He wishes to construct a duplex on the site. His proposed Site Plan is attached.

The subject parcel is described as Parcel 2 of a Parcel Map 06-03 that Luke Alexander caused to record in 2006. A copy of a portion of the Parcel Map is attached. The subject property is zoned R-1-2; Single-Family Residential, and totals about 13,063 sq. ft. (0.30 acre). In accordance with Corning Municipal Code Section 17.10.050.A (text reprinted on page 5), the R-1-2 zone can permit one duplex per 6,000 sq. ft. of lot area if a use permit is first approved.

**ADJACENT DUPLEX PREVIOUSLY AUTHORIZED BUT UNCONSTRUCTED:**

Parcel Map 06-03 also created a second parcel; Parcel 1 in this case, that lies immediately north of the subject parcel. The Planning Commission has previously approved a use permit that entitles the development of one duplex on Parcel 1.

**RECOMMENDATION:**

**PLANNING COMMISSIONERS APPROVE USE PERMIT NO. 2007-246,  
SUBJECT TO THE FOLLOWING:**

- 1. ADOPT THE FINDINGS.**
- 2. ADOPT CONDITIONS OF APPROVAL ON USE PERMIT 2005-246.**

**FINDINGS:**

1. This Project is exempt from the California Environmental Quality Act requirements, under Section 15303 (attached), based upon the "Preliminary

Review" mandated by the State CEQA Guidelines, because the Project consists of the construction of a single duplex.

2. The site for the proposed use is adequate in size, shape, topography and circumstances.
3. The site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use.
4. The proposed use will not have an adverse effect upon the use, enjoyment or valuation of adjacent or neighboring properties or upon the public welfare.

**RECOMMENDED CONDITIONS OF APPROVAL:**

1. FLOOD HAZARD ZONE. Applicant is advised that the property is within FEMA Flood Hazard Zone "X", the area inundated during a 500-year flood event. Prior to construction, applicant should contact their lender regarding the need for flood hazard insurance.
2. FENCING. Prior to final building permit sign-off, install typical residential fencing along property boundaries in compliance with Corning Municipal Code Section 16.29.010.
3. DRIVEWAY SURFACING. Pave driveway and garage aprons.
4. SIDEWALK. Construct a sidewalk to City specifications along the Fifth Avenue frontage.
5. LANDSCAPE FRONT YARD. Prior to Occupancy approval, the applicant shall install landscaping within the front yard of the proposed duplex. Landscaping shall include a combination of groundcover, shrubs and not fewer than two street trees that shall be at least 15 gallon in size at time of planting, and a permanent irrigation system.

**ENVIRONMENTAL:**

The California Environmental Quality Act Guidelines provide for the exemption of certain minor projects. Those projects are specifically listed in Guidelines Section 15303 (attached). Subsection (b) exempts one duplex.

**LAND USE:**

The applicant plans to construct a duplex on his 13.063 sq. ft. property. Each unit will total about 1,200 sq. ft. of living area, with either a single car garage. Please refer to the site plan presented with the application.

The subject property is designated "Residential" on both the current and Future Land Use Maps. The application for expanded residential use is consistent with Land Use Designation and Element.

**ZONING:**

The site totals about 13,063 square feet and is within the R-1-2 zoning district. Please refer to the attached copy of Corning Municipal Code Section 17.10.050 on page 5. The R-1-2 zoning district permits single family dwellings and, upon approval of a use permit, duplexes at the rate of one per 6,000 sq. ft. of lot area. The lot exceeds the minimum lot area necessary to support a duplex once a use permit is acquired. The application therefore meets the density requirements of Corning Municipal Code Section 17.10.050.A (see page 5).

**CIRCULATION:**

The site fronts Fifth Avenue, a city street. There is currently no sidewalk along the street frontage. Proposed Condition No. 4 will require the sidewalk to be completed.

Fifth Avenue is about 40 feet in width within a 55' right of way-as shown on the copy of the Parcel Map. The street essentially meets the City's street width standard and is effectively functioning. The city standard for a local street right of way width is 60 feet. To satisfy this requirement an additional 5' of street right of way width would normally be required. However in this case, the site is amid a developed neighborhood, so acquisition of additional right of way from adjacent parcels to expand the right of way width is unlikely. Since acquiring right of way for only this short stretch of frontage would serve little purpose, staff does not recommend any additional right of way dedication.

The site plan indicates the duplex will provide two one car garages. City standards require two parking spaces per multi-family unit. One of those must be an "enclosed parking space"; i.e. within a garage. The second space may be on a driveway. The garages will each accommodate one car. Additional spaces will be available on the driveway portions between the garages and the street. The project will comply with the parking standards.

Upon implementation of the recommended sidewalk condition, the project will substantially conform to the Circulation Element.

**NOISE:**

There are no significant noise sources in the area. No conditions relating to noise mitigation are necessary.

**SAFETY:**

Compliance with the California Building Code will assure that the building addresses seismic (earthquake) standards.

Please refer to the copy of the Flood Insurance Rate Map (FIRM). The site is within Flood Hazard Zone "X"; the 500 year floodplain. Recommended Condition No. 1 is advisory only and suggests the owner contact their insurance agent regarding the potential need for flood insurance.

With the condition requiring sidewalk installation the project will not conflict with the Safety Element.

**HOUSING ELEMENT:**

The project will provide additional housing opportunities for the citizens of Corning.

**COMMENTS FROM SURROUNDING OWNERS:**

To date, no comments have been received regarding this application.

## **Corning Municipal Code Chapter 17 (Zoning)**

### **Section 17.10.050 Additional designation.**

Wherever the numeral "-2" is added to the R-1 district designation on the zoning map to establish an R-1-2 district, the following provisions shall apply:

- A. One two-family dwelling (duplex) may be permitted for each six thousand square feet of land area upon the securing of a use permit.
- B. All other provisions and regulations as specified for R-1 districts shall apply in R-1-2 districts. (Ord. 469 §4, 1988; Ord. 366 §1, 1981; Ord. 184 §1, 1963; Ord. 153 §5.19, 1959).

## **CEQA Guidelines**

### **15303. New Construction or Conversion of Small Structures**

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

(a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

(b) A duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes and similar structures designed for not more than six dwelling units.

(c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

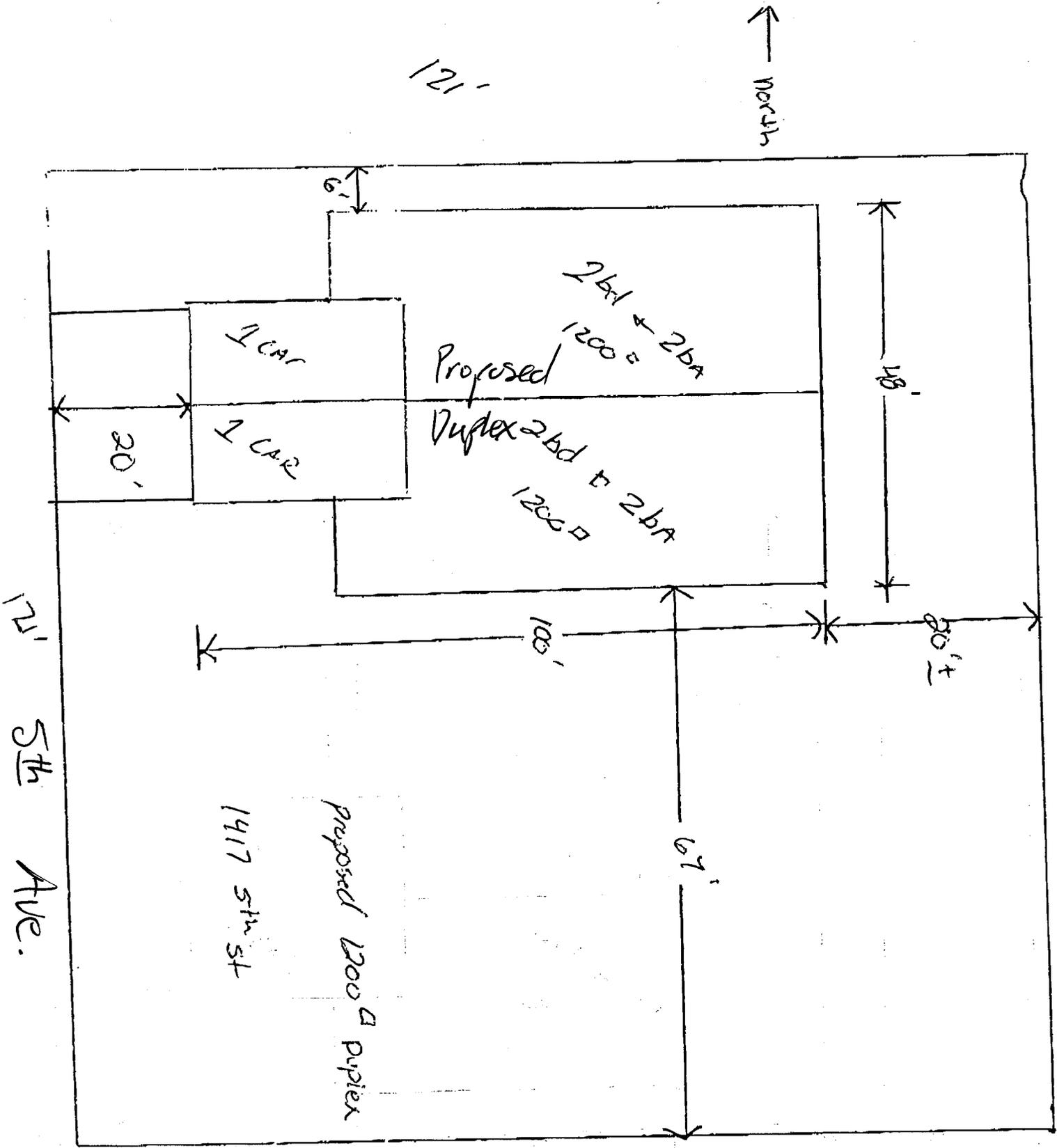
(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.

(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

(f) An accessory steam sterilization unit for the treatment of medical waste at a facility occupied by a medical waste generator, provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.

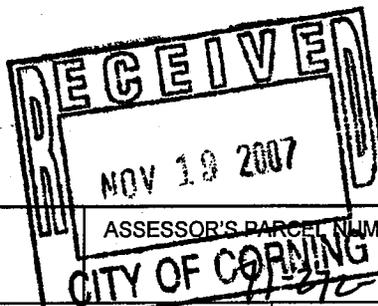
**Note:** Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Sections 21084 and 21084.2, Public Resources Code.

**Discussion:** This section describes the class of small projects involving new construction or conversion of existing small structures. The 1998 revisions to the section clarify the types of projects to which it applies. In order to simplify and standardize application of this section to commercial structures, the reference to occupant load of 30 persons or less contained in the prior guideline was replaced by a limit on square footage. Subsection (c) further limits the use of this exemption to those commercial projects which have available all necessary public services and facilities, and which are not located in an environmentally sensitive area.



USE PERMIT 2007-246  
 LUKE ALEXANDER  
 APN 71-272-41

**CITY OF CORNING  
PLANNING APPLICATION**  
TYPE OR PRINT CLEARLY



Submit Completed Applications to:  
City of Corning  
Planning Dept.  
794 Third Street  
Corning, CA 96021

<b>PROJECT INFORMATION</b>	PROJECT ADDRESS <i>1417 5th Ave</i>		ASSESSOR'S PARCEL NUMBER <i>112041</i>	G.P. LAND USE DESIGNATION <i>Residential</i>
	ZONING DISTRICT <i>R1-2</i>	FLOOD HAZARD ZONE	SITE ACREAGE <i>.31</i>	AIRPORT SAFETY ZONE?
	PROJECT DESCRIPTION: (attach additional sheets if necessary) <i>New Duplex</i>			
	<b>APPLICATION TYPE (Check All Applicable)</b>			
<input type="checkbox"/> Annexation/Detachment <input type="checkbox"/> Appeal <input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Lot Line Adjustment <input type="checkbox"/> Planned Dev. Use Permit <input type="checkbox"/> Parcel Map <input type="checkbox"/> Preliminary Plan Review <input type="checkbox"/> Rezone <input type="checkbox"/> Street Abandonment <input type="checkbox"/> Subdivision <input type="checkbox"/> Time Extension <input type="checkbox"/> Use Permit				
<b>APPLICANT INFORMATION</b>	APPLICANT <i>Luke Alexander</i>		ADDRESS <i>1920 First St</i>	DAY PHONE <i>520-5309</i>
	REPRESENTATIVE (IF ANY)		ADDRESS <i>Corning, CA 96001</i>	DAY PHONE
	PROPERTY OWNER		ADDRESS	DAY PHONE
	CORRESPONDENCE TO BE SENT TO <input type="checkbox"/> APPLICANT <input type="checkbox"/> REPRESENTATIVE <input type="checkbox"/> PROP. OWNER			
	APPLICANT/REPRESENTATIVE: I have reviewed this application and the attached material. The information provided is correct. Signed: _____		PROPERTY OWNER: I have read this application and consent to its filing. Signed: <i>[Signature]</i>	
	By signing this application, the applicant/property owner agrees to defend, indemnify, and hold the City of Corning harmless from any claim, action, or proceeding brought to attack, set aside, void or annul the City's approval of this application, and any Environmental Review associated with the proposed project.			

<b>SUBMITTAL INFO</b>	<b>FOR OFFICE USE ONLY</b>			
	APPLICATION NO. <i>118 #246</i>	RECEIVED BY: <i>JBS</i>	DATE RECEIVED <i>11/19/07</i>	DATE APPL. DEEMED COMPLETE
	FEES RECEIVED/RECEIPT NO.	CEQA DETERMINATION <i>Exempt</i> ND MND EIR		DATE FILED



# CITY OF CORNING

## ENVIRONMENTAL INFORMATION FORM (To be completed by Applicant)

DATE FILED 11-1-07

### General Information

1. Project Title: Alexander Duplex

2. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:

Use / Building Permits

### Additional Project Information

3. For non-residential projects, indicate total proposed building floor area: \_\_\_\_\_ sq. ft. in \_\_\_\_\_ floor(s).

4. Amount of off-street parking to be provided. 2 parking stalls. (Attach plans)

5. Proposed scheduling/development. 1-08

6. Associated project(s).

7. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected. (This information will help the City track compliance with the objectives of the Housing Element of the General Plan.)

2 - 1200<sup>sq</sup> 2bd 2BA w/ 1 car garage: Rents \$900

Family size 2-4 persons

**CITY OF CORNING  
PLANNING APPLICATION**

8. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities.

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9. If industrial, indicate type, estimated employment per shift, and loading facilities.

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10. If institutional, indicate the primary function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.

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11. If the project involves a variance, conditional use permit or rezoning application, state this and indicate clearly why the application is required.

*R1-2 zoning requires use permit for duplex const.*

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Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

- |   | YES                      | NO                                  |
|---|--------------------------|-------------------------------------|
| 12. Change in existing topographic features, or substantial alteration of ground contours?                            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 13. Change in scenic views or vistas from existing residential areas or public lands or roads?                        | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 14. Change in pattern, scale or character of general area of project?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 15. Significant amounts of solid waste or litter?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 16. Change in dust, ash, smoke, fumes or odors in vicinity?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 17. Change in lake, stream or ground water quality or quantity, or alteration of existing drainage patterns?          | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 18. Substantial change in existing noise or vibration levels in the vicinity?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 19. Is the site on filled land or on slopes of 10 percent or more?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 20. Use, storage, or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 21. Substantial change in demand for municipal services (police, fire, water, sewage, etc.)?                          | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 22. Substantially increase energy usage (electricity, oil, natural gas, etc.)?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 23. Relationship to a larger project or series of projects?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**CITY OF CORNING  
PLANNING APPLICATION**

**Environmental setting**

24. Describe the project site as it exists before the project, including information on topography, soil type and stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site, snapshots or Polaroid photos will be accepted.

Flat city lot had run down 1940's house we removed  
The lot is cleared of all buildings and has vegetation

25. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted.

It is a standard neighborhood for Corning w/ some  
new Shipp Home recently done as in fill.

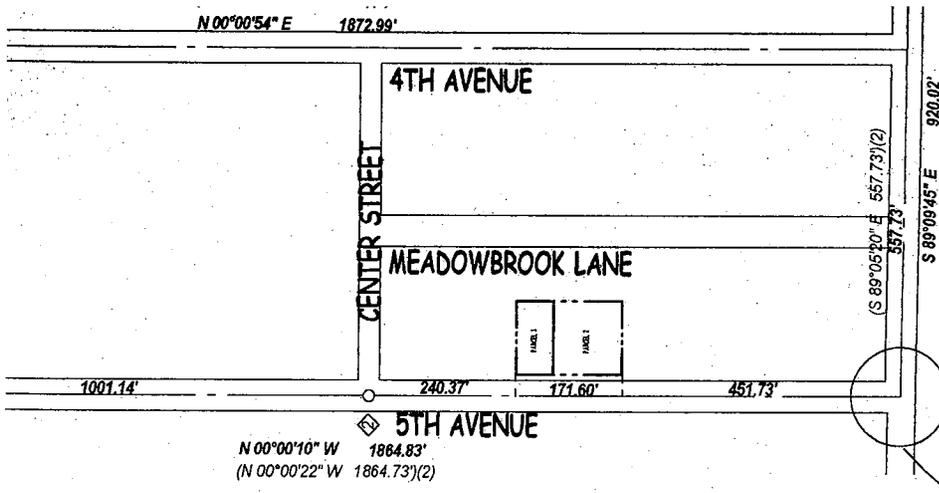
**Certification**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date 11-1-07

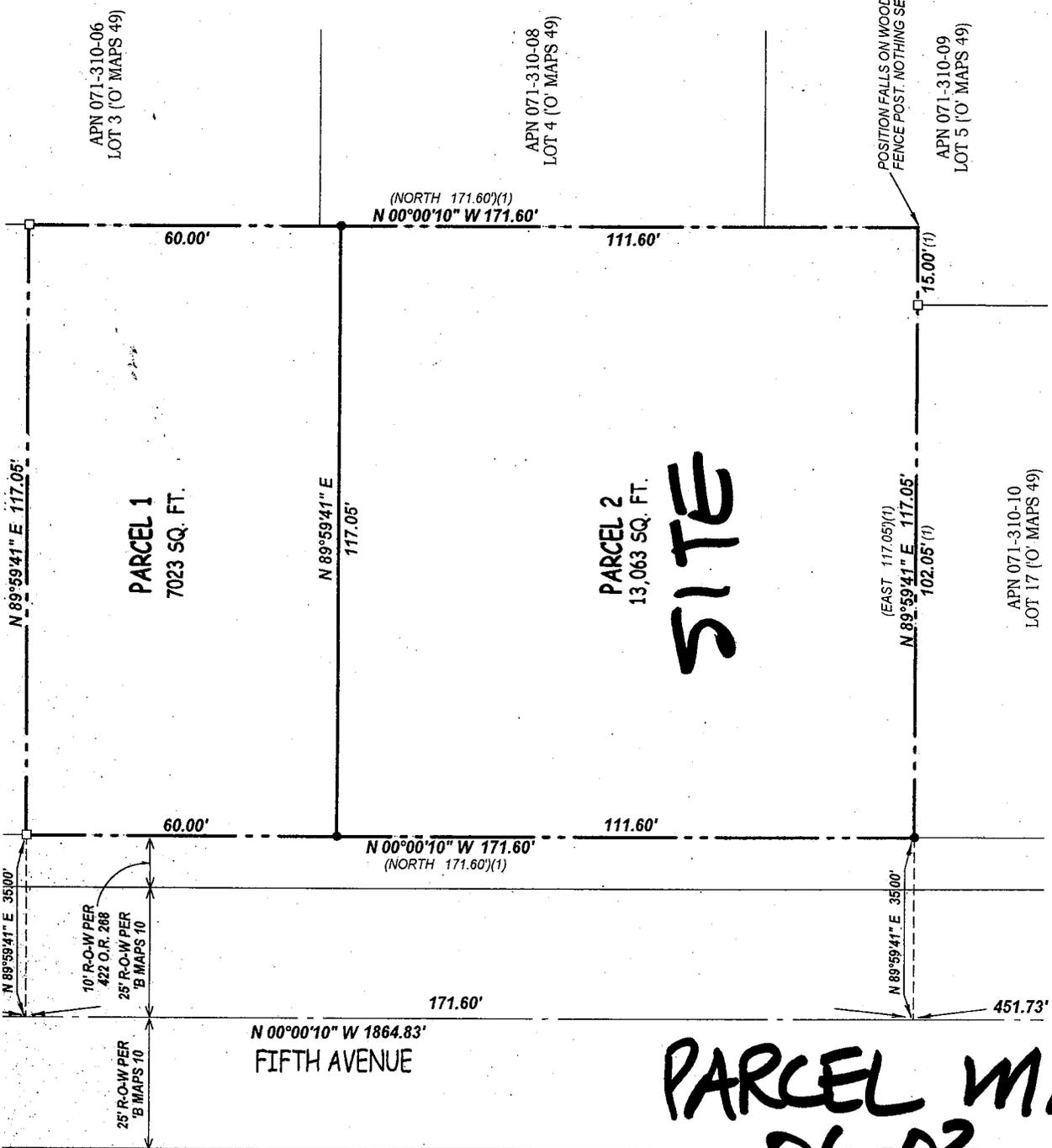
Signature 

For: \_\_\_\_\_

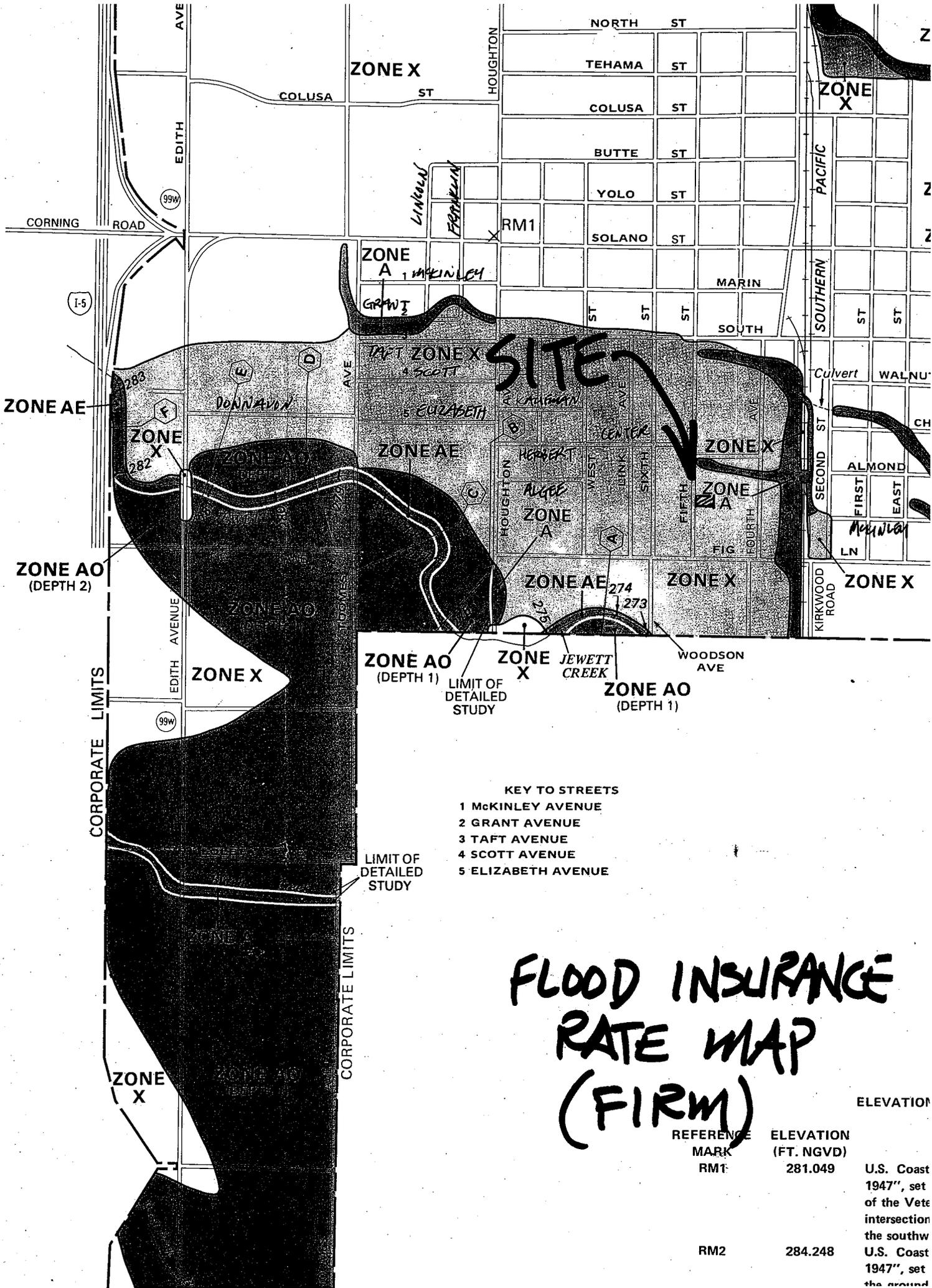


**BASIS OF BEARINGS**

THE CENTERLINE OF SOUTH STREET BETWEEN 4TH AVENUE AND 5TH AVENUE, SHOWN AS N 89°59'59" E ON 1 PM 82



**PARCEL MAP  
06-03**



- KEY TO STREETS**
- 1 MCKINLEY AVENUE
  - 2 GRANT AVENUE
  - 3 TAFT AVENUE
  - 4 SCOTT AVENUE
  - 5 ELIZABETH AVENUE

# FLOOD INSURANCE RATE MAP (FIRM)

REFERENCE MARK	ELEVATION (FT. NGVD)	ELEVATION
RM1	281.049	U.S. Coast 1947", set of the Vets intersection the southw
RM2	284.248	U.S. Coast 1947", set the ground

FILE COPY

SUBDIVIDED LAND IN NE1/4 SEC. 22, T.24N., R.3W., M.D.B.&M.

- P.M. Bk. 7, Pg. 166-P.M. No. 82-56
- P.M. Bk. 7, Pg. 241-P.M. No. 83-67
- P.M. Bk. 9, Pg. 154-P.M. No. 89-46
- P.M. Bk. 12, Pg. 86-P.M. No. 02-37
- P.M. Bk. 12, Pg. 119-P.M. No. 02-42
- P.M. Bk. 13, Pg. 121-P.M. No. 06-03

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
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	14979	14995	15011	15027	15043	15059	15075	15091	15107	15123	15139	15155	15171	15187	15203	15219	15235	15251	15267	15283	15299	15315	15331	15347	15363	15379	15395	15411	15427	15443	15459	15475	15491	15507	15523	15539	15555	15571	15587	15603	15619	15635	15651	15667	15683	15699	15715	15731	15747	15763	15779	15795	15811	15827	15843	15859	15875	15891	15907	15923	15939	15955	15971	15987	15403	15419	15435	15451	15467	15483	15499	15515	15531	15547	15563	15579	15595	15611	15627	15643	15659	15675	15691	15707	15723	15739	15755	15771	15787	15803	15819	15835	15851	15867	15883	15899	15915	15931	15947	15963	15979	15995	16011	16027	16043	16059	16075	16091	16107	16123	16139	16155	16171	16187	16203	16219	16235	16251	16267	16283	16299	16315	16331	16347	16363	16379	16395	16411	16427	16443	16459	16475	16491	16507	16523	16539	16555	16571	16587	16603	16619	16635	16651	16667	16683	16699	16715	16731	16747	16763	16779	16795	16811	16827	16843	16859	16875	16891	16907	16923	16939	16955	16971	16987	16403	16419	16435	16451	16467	16483	16499	16515	16531	16547	16563	16579	16595	16611	16627	16643	16659	16675	16691	16707	16723	16739	16755	16771	16787	16803	16819	16835	16851	16867	16883	16899	16915	16931	16947	16963	16979	16995	17011	17027	17043	17059	17075	17091	17107	17123	17139	17155	17171	17187	17203	17219	17235	17251	17267	17283	17299	17315	17331	17347	17363	17379	17395	17411	17427	17443	17459	17475	17491	17507	17523	17539	17555	17571	17587	17603	17619	17635	17651	17667	17683	17699	17715	17731	17747	17763	17779	17795	17811	17827	17843	17859	17875	17891	17907	17923	17939	17955	17971	17987	17403	17419	17435	17451	17467	17483	17499	17515	17531	17547	17563	17579	17595	17611	17627	17643	17659	17675	17691	17707	17723	17739	17755	



5TH AVENUE

CENTER STREET

**SITE**

MEADOWBROOK LANE

R-1-2

R-4

1ST AVENUE

CAN NORTHERN RAILROAD

R-1-2

M-1

2ND STREET

FIG LANE

R-1-A

PALM AVENUE

M-2

**ZONING  
MAP**

Mailed  
11-20-07

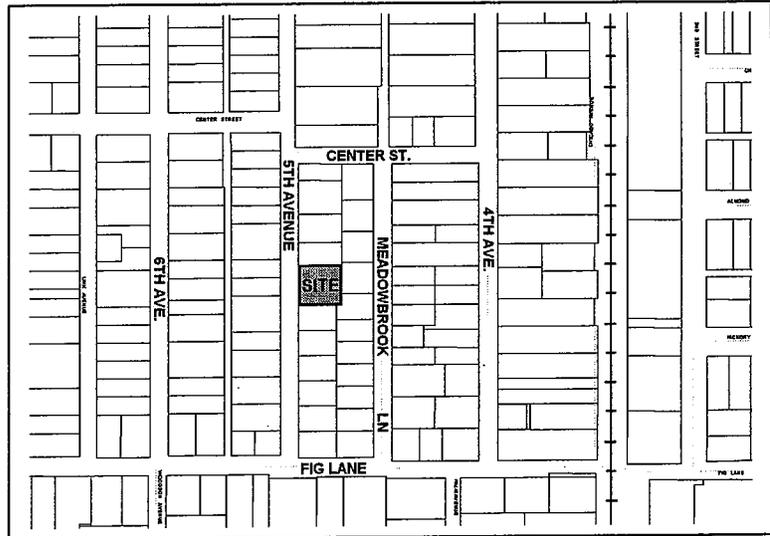
**PUBLIC NOTICE-PUBLIC HEARING  
USE PERMIT NO. 2007-246; LUKE ALEXANDER**

The City of Corning must inform you of a proposed project on the property highlighted on the inset map below.

**WHAT IS BEING PLANNED:**

Luke Alexander wishes to construct a duplex (two-family residence) on his vacant property identified on the inset map to the right.

The subject property is zoned R-1-2 and totals approximately 13,063 sq. ft. One duplex may be permitted in R-1-2 zoning districts for lots larger than 6,000 sq. ft. upon Planning Commission approval of a use permit. Assessor's Parcel Number 71-272-41.



Note: This application is not to be confused with Use Permit No. 2007-245 that entitles the construction of a duplex on the parcel immediately north of this site.

**WHY THIS NOTICE:**

The City wants you to be aware that the plans and other project information are available for your review at City Hall, 794 Third Street in Corning. You are invited to attend a Public Hearing to be conducted by the Planning Commission in the City Council Chambers in City Hall at 794 Third Street at 6:30 p.m. on Tuesday, December 18, 2007. Please note if this project is challenged in court, you may be limited to raising only those issues that were raised at the Public Hearing or in writing delivered to the Planning Commission at or prior to the Public Hearing.

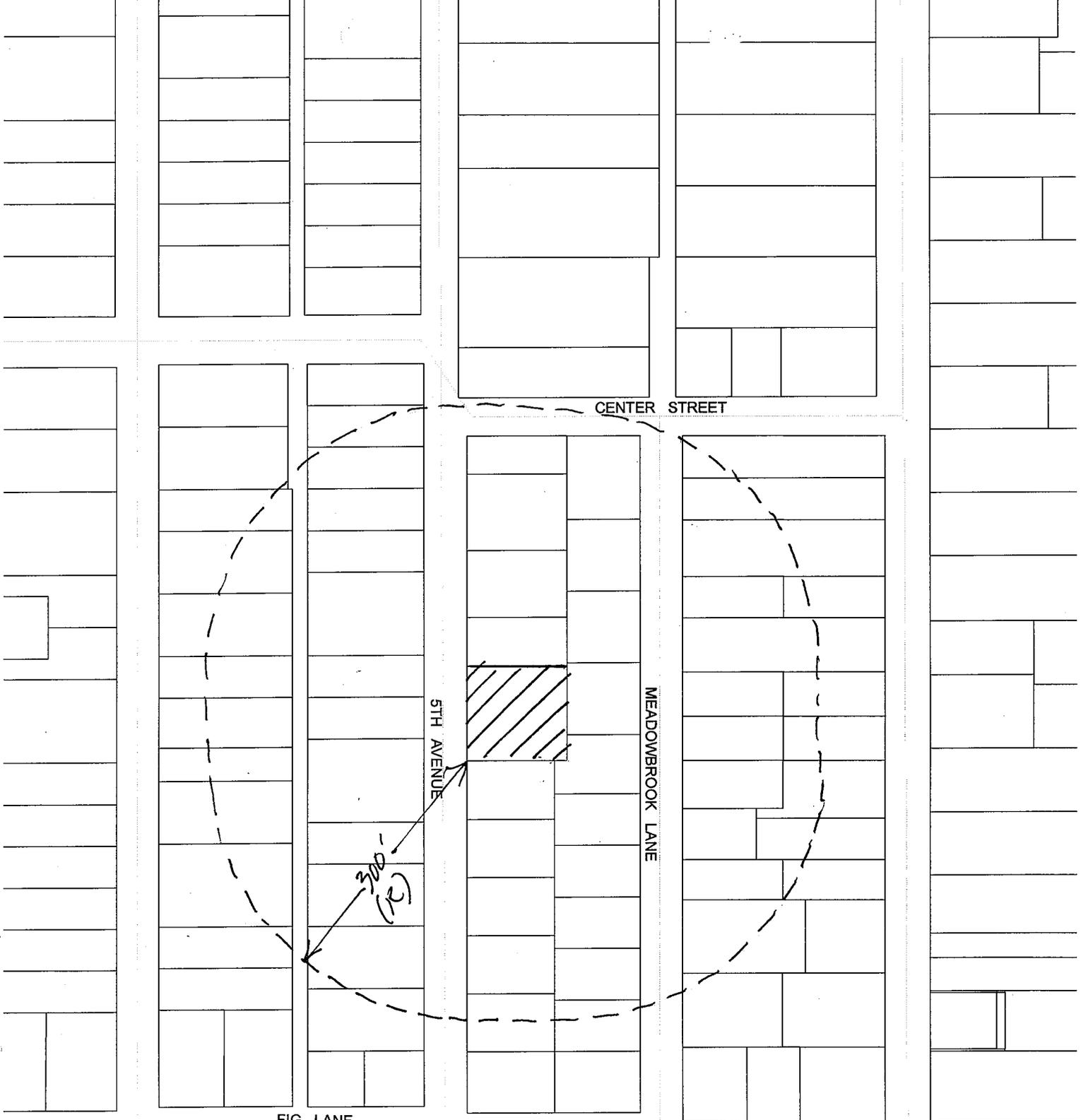
**WHAT CAN YOU DO:**

Please call or stop by City Hall if you have any questions or want to review the project information. You are welcome to attend the Public Hearing to ask questions or to comment. Your written comments may be given to the Planning Commission at the Hearing. If mailed, comments must be received by the City Clerk prior to the meeting. We are sorry but City staff cannot forward your verbal comments or questions to the City Planning Commission. Verbal comments or questions must come from you during the Public Hearing.

**FOR MORE INFORMATION REGARDING THIS PROJECT PLEASE CONTACT:**

John Brewer, Planning Director  
794 Third Street  
Corning, CA 96021  
(530) 824-7036

**NOTICE**



CENTER STREET

5TH AVENUE

MEADOWBROOK LANE

FIG LANE

300'  
(R)

ADJOINERS MAP  
(300' R)

**ITEM NO. E-2  
USE PERMIT NO. 2007-244; RICHARD J. LIPARI;  
TO OPERATE A RESTAURANT WITH  
ACCESSORY ALCOHOL SALES (ONSITE  
CONSUMPTION), ARCADE, POOL TABLES AND  
PERIODIC LIVE MUSIC PERFORMANCES AND/OR  
TALENT CONTESTS IN A C-3-CBDZ ZONE.  
LOCATED AT 3070 HIGHWAY 99-W. APN 87-040-  
57.**

**DECEMBER 18, 2007**

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

**FROM: JOHN L. BREWER, AICP; PLANNING DIRECTOR**

*JB*

**SUMMARY:**

This Planning Application (Exhibit "A") seeks to operate several various uses within the existing building at 3070 Highway 99-W. The intended uses include:

1. Onsite alcohol sales and consumption as an accessory use to a restaurant,
2. Game Room including arcade, pinball and/or video games, and pool tables,
3. Periodic live music and/or talent contest events.

The proposed uses may be permitted within C-3-CBDZ; General Commercial-Corning Business Development Zones upon approval of a use permit pursuant to Corning Municipal Code Sections 17.47.040.C, 17.49.040 and 17.49.050.A.9 and 17.54.020. These sections are attached for your review within Exhibits "E", "F" and "G".

**DISCRETION:**

The Planning Commission's authority regarding this use permit application stems from Chapter 17.54 (Exhibit "G") of Title 17 (Zoning Code) of the Corning Municipal Code, and the State Planning and Zoning Law (Government Code Section 65000 et. seq.).

**STAFF RECOMMENDATION:**

***PLANNING COMMISSIONERS APPROVE USE PERMIT NO. 2007-244,  
SUBJECT TO THE FOLLOWING:***

1. ***ADOPT THE FIVE (5) FINDINGS.***

**2. ADOPT SIX (6) CONDITIONS OF APPROVAL ON USE PERMIT NO. 2007-244.**

**FINDINGS:**

1. *This Project is exempt from the California Environmental Quality Act requirements, under Section 15301 (attached as Exhibit "G"), based upon the "Preliminary Review" mandated by the State CEQA Guidelines, because the Project consists of the reuse of an existing building with negligible expansion of the previously entitled use.*
2. *The site for the proposed use is adequate in size, shape, topography and circumstances.*
3. *The site has or will have sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use.*
4. *The proposed use will not have an adverse effect upon the use, enjoyment or valuation of adjacent or neighboring properties or upon the public welfare.*
5. *Approval of this Use Permit is consistent with the Highway 99-W Specific Plan and the goals and objectives of the General Plan for the City of Corning.*

**RECOMMENDED CONDITIONS OF APPROVAL:**

1. **PARKING LOT DELINEATION AND CIRCULATION.** Applicant shall stripe the parking spaces and drive aisle within the parking lot. Spaces shall be marked for diagonal access from a one-way internal traffic aisle. The north driveway shall be marked as the lot entrance and the south driveway marked as the lot exit.
2. **REMOVE METAL FENCEPOSTS AND APPLIANCES.** Applicant shall remove the existing fenceposts positioned at the perimeter of the parking lot and any external appliances and debris.
3. **LIVE EVENT FREQUENCY.** Not more than six (6) live events shall be conducted in any one calendar month.
4. **ALCOHOL LICENSE.** Upon suspension or termination of the state issued Alcohol License, staff shall schedule Planning Commission consideration of revocation of this use permit.
5. **ADULT ORIENTED BUSINESS PROHIBITED.** This use permit does not entitle any "Adult-Oriented Businesses" or uses as defined in CMC Chapter 8.09. Such uses are not permitted in C-3-CBDZ Zones.

6. COMPLIANCE WITH CITY SIGN REGULATIONS. Signage shall comply with the City's Sign Regulations adopted October 25, 2005, as amended.

**BACKGROUND:**

The building has a history of operation as a bar and/or restaurant. Most recently, it was operated as the "Crossroads Lounge", a restaurant with accessory alcohol sales license (Type 47). That particular type of alcohol license permits alcohol sales and onsite consumption (of spirits, beer and wine) only in conjunction with an operating restaurant use.

In 2005, due to non-payment of utility bills, the City terminated water service to the property. That "shut-off" caused the Tehama County Environmental Health Department to withdraw its "Food Service Permit", since dishes and food service equipment could not be properly cleansed. Once the Food Service Permit was withdrawn, the California Department of Alcoholic Beverage Control (ABC) license was suspended, since the restaurant component of the alcohol sales license was no longer operable.

Most recently, Mr. Lipari has made his utility bill current, and water service has been reinstated. The County Food Service and state Alcohol licenses have also been restored.

**GENERAL PLAN:**

The site is within the Highway 99-W Specific Plan Area. The City adopted the Specific Plan in 1997. The plan recognized the unique commercial value of the properties located along the old highway and between the South Avenue and Corning Road interchanges. To implement the objectives of the Specific Plan, the City wrote and adopted three separate zoning designations; CH, Highway Commercial; SPMU, Specific Plan Mixed Use & CBDZ, Corning Business Development Zone. These zones permit no uses outright, but instead require the issuance of use permits. See Zoning below.

**ZONING AND RESTAURANT NON-CONFORMING USE:**

See the copy of the Zoning Map. The property is zoned C-3-CBDZ; General Commercial-Corning Business Development Zone. The C-3 component of the zoning is "General Commercial". C-3 properties normally permit a multitude of commercial uses as "a matter of right"<sup>1</sup>-see Chapter 17.22 of the Corning Municipal Code (Exhibit "D"), specifically Section 17.22.020.

However, the CBDZ component essentially "supersedes" the C-3 regulations. This district is one of the (three) zoning districts that implement the Highway 99-W Specific Plan. It essentially permits no use without first obtaining a use permit.

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<sup>1</sup> The term "as a matter of right" means that the use (or uses) is permitted without the acquisition of any "discretionary" permits such as a use permit or other entitlement. For example, a single-family residence is permitted in an R-1 zone as a matter of right. A property owner need only present compliant building plans and obtain a building permit to construct the dwelling.

Unfortunately, you'll have to follow the string of references here to arrive at that conclusion. Start with Corning Municipal Code (CMC) Section 17.47.040.C (Exhibit "E"). It requires development in the CBDZ zone to comply with the "regulations and standards" of the "CH" and "SPMU" zones. I've not bothered including the CH regulations because they offer no relevant information and merely redirect to other sections of the municipal code.

Now, go to the SPMU regs. within CMC Chapter 17.49 (Section 17.49.040 and 17.49.050.A.9-attached as Exhibit "F"). It's here that you'll note that no uses are permitted without use permits and "Catering shops, cafes and restaurants, and bars and taverns" can be permitted upon approval of a use permit. However, because the building has a long-established history of "restaurant" use, staff regards the reuse for food service as a legal, non-conforming use. That determination means the restaurant use can continue without the need for a new use permit. Staff believes the additional intended uses described in the narrative description submitted along with the use permit application on November 16, 2007, require the acquisition of a use permit to legally operate in accordance not only with CMC Section 17.49.050.A.9, but also CMC Section 17.54.020 (Exhibit "F") that appears within the "Conditional Use Permit" Chapter of the code.

This information was relayed to Mr. Lipari in an email dated October 11, 2007 (Exhibit "H"). However, Mr. Lipari claims the email was not received as his computer was being repaired at the time. In any event, Mr. Lipari subsequently submitted this use permit application on November 16, 2007. The submittal date made presentation to the Planning Commission impossible at the November 21<sup>st</sup> meeting due to the minimum 10-day public hearing notice requirement of the State Planning and Zoning Law and local ordinances.

In the narrative that was attached to the application (Exhibit "A-6"), Mr. Lipari sought to commence operations before the December Planning Commission meeting date. Staff considered his request and, based upon the history of the site and the circumstances, granted temporary occupancy that expires tonight at 8:00 p.m.-see Exhibit "L".

The site adjoins other properties designated for commercial use as shown on the zoning map. Adjacent uses include a liquor store, a truck wash and tire shop, a motel, the old highway, and the Flying J truckstop.

Proposed Condition No. 6 merely advises the applicant regarding the limitations of the City's Sign Regulations.

#### **CIRCULATION ELEMENT:**

Please refer to the copy of the Circulation Element Map (Exhibit "J"). The site fronts Highway 99-W. The highway is designated an Arterial street on the map. There is no existing curb, gutter or sidewalk along the property frontage. Since this application seeks little expansion of the previous use, and no additional building area, the Public

Works Department does not recommend street frontage improvements to the old highway.

See the attached copy of the aerial photograph (Exhibit "C") showing the site. There are essentially two driveways connecting the onsite parking area with the old highway. Condition No. 1 is recommended to better identify the parking spaces and desired circulation pattern (traffic flow) through the parking area.

Proposed Condition 2 is recommended to eliminate the existing metal fenceposts and appliances from the site in order to improve aesthetics and circulation.

**NOISE ELEMENT:**

The property does not lie within any heightened Noise Contour and is not a residential project. No measures to mitigate noise effects to the property are necessary.

The proposed "live entertainment" component of the project could subject the adjacent motel guests to nuisance music noise. For that reason, staff suggests the imposition of Condition No. 3 that limits the number of live entertainment events to a maximum of six per calendar month. That frequency is the maximum requested by the applicant (See Exhibit "A-6").

**SAFETY ELEMENT:**

Please refer to the attached copy of the Flood Hazard Map. The site is located in an "X" Zone, outside and not within the 100-year Floodplain. No measures to mitigate flood impacts are necessary or recommended.

Condition No. 4 is recommended to assure that the state-issued alcohol permit is maintained in good standing. If that condition is imposed, suspension of the alcohol permit would immediately trigger a use permit revocation hearing before the Planning Commission.

Condition No. 5 is advisory only. It specifically discloses that no "Adult-Oriented Businesses" or uses as defined in CMC Chapter 8.09 are permitted. Such uses are not permitted in C-3-CBDZ Zones.

**CONSERVATION ELEMENT:**

No sensitive riparian or wetland habitats are known to occur on the project site. No streambed will be modified, and no threatened or sensitive wildlife or plant species are known to occur. The project site is not a known source of aggregate resources such as sand or gravel, nor other valuable mineral resource. The project will not conflict with the objectives of the Conservation Element.

**OPEN SPACE ELEMENT:**

The project does not adjoin any riparian habitat areas. Neither wetlands nor lands with significant habitat value are known to occur on the site. The project will not conflict with

the Open Space Element.

**HOUSING ELEMENT:**

The project is not residential in nature. It will not conflict with the Housing Element.

**CEQA:**

Since this application proposes to reuse an existing building with negligible expansion of the previously entitled uses, it is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15301.

**PUBLIC COMMENTS:**

Staff notified all property owners within 500 feet of the project site of this application and public hearing. A copy of the map showing the properties within that radius is attached as Exhibit "N". The notice (Exhibit "M") was also published in the Corning Observer. As of this writing no written comments from the public have been forwarded.

## LIST OF EXHIBITS

Exhibit "A" .....Project Application-including narrative (A-7) received November 16, 2007.

Exhibit "B" ..... Zoning Map

Exhibit "C" ..... Aerial Photograph (circa 2001-before Flying J)

Exhibit "D" .....Corning Municipal Code Section 17.22 (C-3 Regulations)

Exhibit "E" ..... Corning Municipal Code Chapter 17.47 (CDBZ Regulations) including Section 17.47.040.C.

Exhibit "F" ..... Corning Municipal Code Chapter 17.49 (SPMU Regulations) including Section 17.49.050.A.9.

Exhibit "G" .....Corning Municipal Code Chapter 17.54 (Conditional Use Permits), including Sections 17.54.020 & 17.54.044

Exhibit "H" .....E-mail message to Richard Lipari from Planning Director

Exhibit "I" .....Assessor's Map

Exhibit "J" ..... Circulation Element Map

Exhibit "K" .....Flood Hazard Map

Exhibit "L" ..... Temporary Occupancy Agreement

Exhibit "M" .....Public Hearing Notice (published and mailed to adjoining owners)

Exhibit "N" .....Adjoining Owners Map

**CITY OF CORNING**  
**PLANNING APPLICATION**  
 TYPE OR PRINT CLEARLY

Submit Completed Applications to:  
 City of Corning  
 Planning Dept.  
 794 Third Street  
 Corning, CA 96021

<b>PROJECT INFORMATION</b>	PROJECT ADDRESS <b>3070 Hwy. 99-W</b>		ASSESSOR'S PARCEL NUMBER <b>87-040-57</b>	G.P. LAND USE DESIGNATION <b>Specific Plan</b>
	ZONING DISTRICT	FLOOD HAZARD ZONE	SITE ACREAGE	AIRPORT SAFETY ZONE?
	PROJECT DESCRIPTION: (attach additional sheets if necessary)			
	APPLICATION TYPE (Check All Applicable)			
	<input type="checkbox"/> Annexation/Detachment	<input type="checkbox"/> Appeal	<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Parcel Map
<input type="checkbox"/> Lot Line Adjustment	<input type="checkbox"/> Planned Dev. Use Permit	<input type="checkbox"/> Street Abandonment	<input checked="" type="checkbox"/> Use Permit	
<input type="checkbox"/> Preliminary Plan Review	<input type="checkbox"/> Rezone			
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Time Extension			
<b>APPLICANT INFORMATION</b>	APPLICANT <b>Richard L. Lippert Landlord</b>	ADDRESS <b>PO Box 1158</b>	DAY PHONE <b>824-5298</b>	
	<b>GRANTMA LOSES KITCHEN, INC</b>	<b>3070 Hwy 99 W</b>	<b>824-5298</b>	
	REPRESENTATIVE (IF ANY) <b>Kristine Burner of Rich Lippert</b>	ADDRESS <b>3070 Hwy 99 W</b>	DAY PHONE <b>230-7026</b>	
	PROPERTY OWNER <b>R. J. Lippert</b>	ADDRESS <b>1914 McKinley Ave</b>	DAY PHONE <b>824-5298</b>	
	CORRESPONDENCE TO BE SENT TO <input type="checkbox"/> APPLICANT <input type="checkbox"/> REPRESENTATIVE <input type="checkbox"/> PROP. OWNER			
APPLICANT/REPRESENTATIVE: I have reviewed this application and the attached material. The information provided is correct.  Signed: <b>[Signature]</b>		PROPERTY OWNER: I have read this application and consent to its filing.  Signed: <b>[Signature]</b>		
By signing this application, the applicant/property owner agrees to defend, indemnify, and hold the City of Corning harmless from any claim, action, or proceeding brought to attack, set aside, void or annul the City's approval of this application, and any Environmental Review associated with the proposed project.				



<b>SUBMITTAL INFO</b>	<b>FOR OFFICE USE ONLY</b>			
	APPLICATION NO. <b>UP # 244</b>	RECEIVED BY: <b>DG</b>	DATE RECEIVED <b>11/16/2007</b>	DATE APPL. DEEMED COMPLETE
	FEEES RECEIVED/RECEIPT NO.	CEQA DETERMINATION <b>Exempt ND MND EIR</b>	DATE FILED	

**EXHIBIT "A"**



# CITY OF CORNING

## ENVIRONMENTAL INFORMATION FORM (To be completed by Applicant)

DATE FILED \_\_\_\_\_

### General Information

1. Project Title:

Crossroads

2. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:

City Use Permit / Bus License; ABC Lic; Tehama Health Permit; Fed/State Taxes.

### Additional Project Information

3. For non-residential projects, indicate total proposed building floor area: 6045 sq. ft. in 1 floor(s).

Plus Patio  
Court Yard

4. Amount of off-street parking to be provided. 65 parking stalls. (Attach plans)

see attached

5. Proposed scheduling/development.

N/A

6. Associated project(s).

N/A

7. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected. (This information will help the City track compliance with the objectives of the Housing Element of the General Plan.)

N/A

**CITY OF CORNING  
PLANNING APPLICATION**

8. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities.

See Attached

9. If industrial, indicate type, estimated employment per shift, and loading facilities.

N/A

10. If institutional, indicate the primary function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.

N/A

11. If the project involves a variance, conditional use permit or rezoning application, state this and indicate clearly why the application is required.

See attached email (John Brewer) re: 4 items

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary):

- |   | YES                                 | NO                                  |
|---|-------------------------------------|-------------------------------------|
| 12. Change in existing topographic features, or substantial alteration of ground contours?                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 13. Change in scenic views or vistas from existing residential areas or public lands or roads?                        | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 14. Change in pattern, scale or character of general area of project? <u>See floor plan</u>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 15. Significant amounts of solid waste or litter?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 16. Change in dust, ash, smoke, fumes or odors in vicinity?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 17. Change in lake, stream or ground water quality or quantity, or alteration of existing drainage patterns?          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 18. Substantial change in existing noise or vibration levels in the vicinity?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 19. Is the site on filled land or on slopes of 10 percent or more?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 20. Use, storage, or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 21. Substantial change in demand for municipal services (police, fire, water, sewage, etc.)?                          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 22. Substantially increase energy usage (electricity, oil, natural gas, etc.)?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 23. Relationship to a larger project or series of projects?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**CITY OF CORNING  
PLANNING APPLICATION**

**Environmental setting**

24. Describe the project site as it exists before the project, including information on topography, soil type and stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site, snapshots or Polaroid photos will be accepted.

Same except it is now a restaurant  
for Family Service

25. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted.

Same liquor store is south neighbor  
Motel North neighbors. Truck  
wash behind

**Certification**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date Nov 16, 2007 Signature [Signature]  
Landlord

A-4

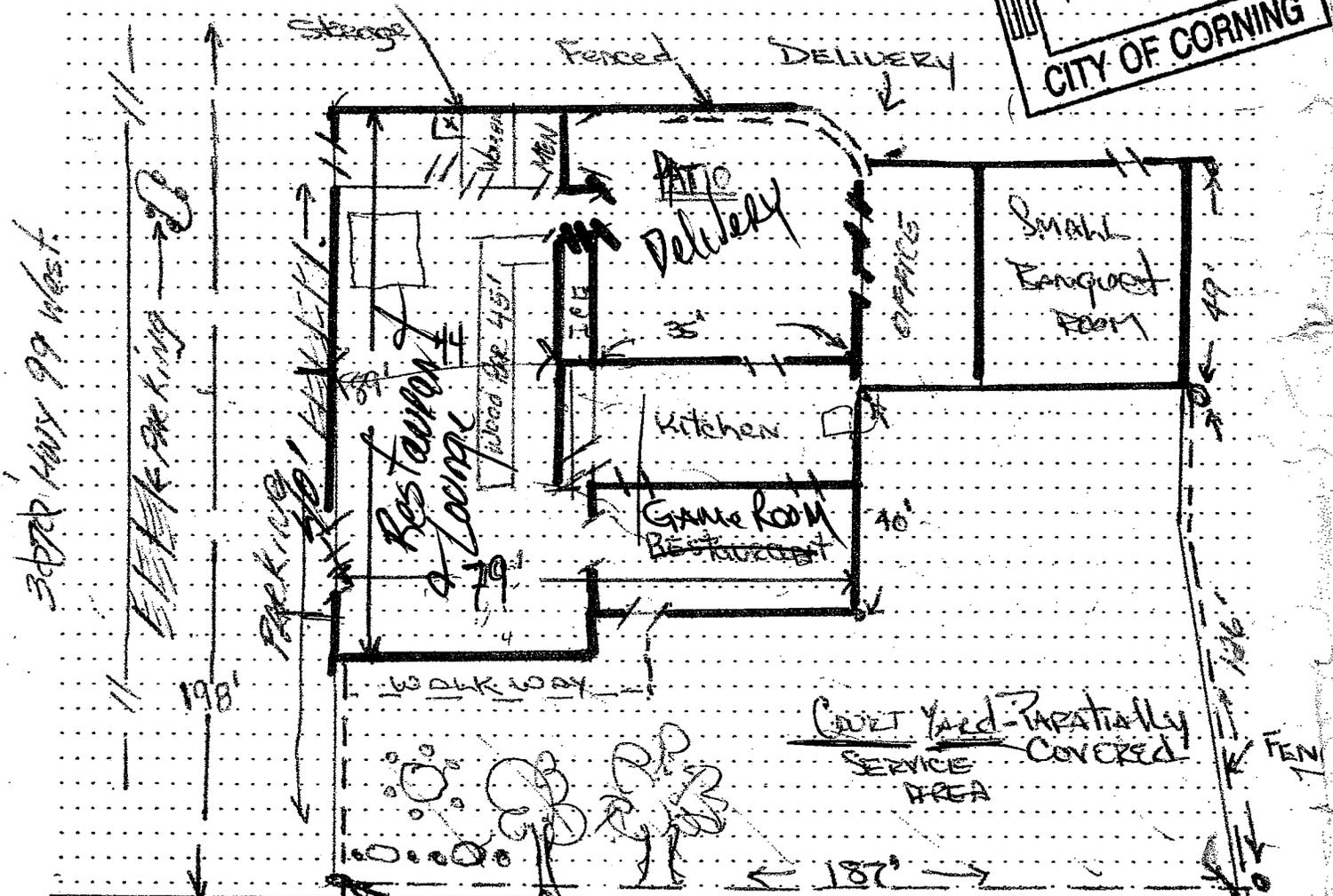
Department of Alcoholic Beverage Control  
**LICENSED PREMISES DIAGRAM (RETAIL)**

State of California  
 ARNOLD SCHWARZENEGGER, Governor

1. APPLICANT NAME (Last, first, middle) <b>LIPARI, RICHARD, JAMES (A single man)</b>	2. LICENSE TYPE <b>47</b>
3. PREMISES ADDRESS (Street number and name, city, zip code) <b>3070 Hwy 99-West, Corning, CA 96021</b>	4. NEAREST CROSS STREET <b>SOUTH AVE.</b>

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, *including dimensions*.

**DIAGRAM**



It is hereby declared that the above-described boundaries, entrances and planned operation as indicated on the reverse side, will not be changed without first notifying and securing prior written approval of the Department of Alcoholic Beverage Control. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required)	DATE SIGNED <b>4/20/04</b>
<b>FOR ABC USE ONLY</b>	
CERTIFIED CORRECT (Signature)	PRINTED NAME
	INSPECTION DATE

ABC-257 (12/03)

A  $79 \times 40 = 3160$   
 B  $49 \times 44 = 2156$   
 $5316 \times 125 = 6645$

**A-5**

Who's Who In  
California

Young President  
Club

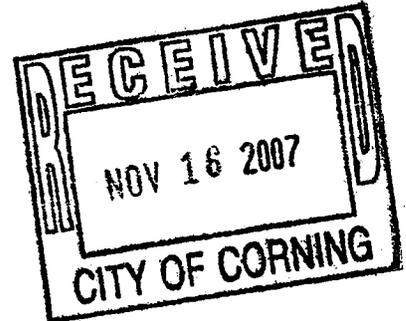
Assoc. Professor  
Of Accounting

1914 McKinley Ave.  
Mail: PO Box 1158  
Corning, CA 96021  
Phone: 530.824.5298  
Fax: 530.824.5353  
Cell 530-586-1570  
richbeg@sbcglobal.net

# R J. LIPARI, CPA RETIRED

November 16, 2007

John Brewer, AICP  
Planning Director  
City of Corning, CA



HAND DELIVERED

Subject: USE PERMIT

John;

This letter is a request for a Temporary Use Permit.

The use permit application with exhibits is attached herewith. The property use and business operations is for the following:

1. Restaurant serving Liquor
2. Game Room to include Video Arcade and Pool Tables,
3. Live Music and talent contest

I understand that the Planning Committee will review the Plans and provide approval at some future date. During the waiting period we require Temporary Use Permit to operate for which we apply herewith.

The use of the property is generally the same for the past 45 years except today the changes to the décor change the atmosphere to a family establishment and no longer a bar.

The facility has a dance floor and band stand for events that are family entertainment orientated and limited to 2 to six times a months if successful. The facilities has been offering the same to the public for the past 45 years.

Our objective is to provide an Italian/Sicilian Restaurant that will be the best around and provide the City residence and traveler a family establishment to enjoy good food. We intend to only offer liquor when the restaurant is open.

Respectfully,

  
Richard J. Lipari

encl.

*cc To Kristina*

*UP 244  
A-6*

RICHARD J LIPARI  
1914 MC KINLEY AVE  
CORNING, CA 96021-2819

90-2267/1211  
153458182117

134

DATE May 22 2007

PAY TO THE ORDER OF

Dept of Alcoholic Bev Control \$ 495.00

Four Hundred Ninety five 100 DOLLARS



usbank.com

MEMO 412779

⑆121122676⑆ 153458182117⑆0131

STATE OF CALIFORNIA

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

APPLICATION FOR RENEWAL OF ALCOHOLIC BEVERAGE LICENSE

ALCOHOLIC BEVERAGES TO MINORS (SECTION 25658(F) B & P CODE)

TYPE	QTY	DESCRIPTION	RENEWAL	LESS CREDIT	TOTAL DUE
47	M	ON-SALE GENERAL EATING PLACE	495.00	.00	495.00

OPERATING PERIOD: Jun 01, 2007 THRU May 31, 2008

GEO CODE 5201-31

LICENSE NO. 412779

LIPARI RICHARD JAMES

DBA-CROSSROADS NIGHT CLUB & CAFE ITALIANO L

3070 HWY 99 WEST  
CORNING, CA 96021

PAY THIS AMOUNT

\$495.00

RENEWAL FEES RECEIVED OR POSTMARKED AFTER  
May 31, 2007

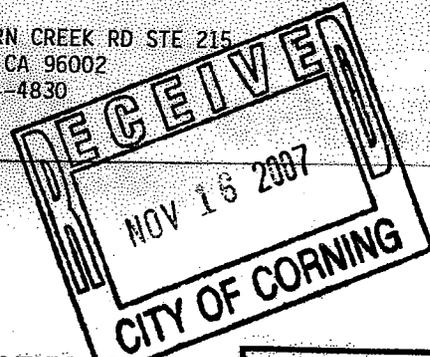
WILL REQUIRE A PENALTY FEE OF 238.00  
IN ADDITION TO THE RENEWAL FEE

LIPARI RICHARD JAMES  
P O BOX 1158  
CORNING, CA 96021

IF THERE HAVE BEEN ANY CHANGES IN OWNERSHIP OR CONTROL, SUCH AS ADDING OR DROPPING A PARTNER, OR ANY CHANGE IN CORPORATE STRUCTURE, PLEASE CONTACT YOUR LOCAL ABC OFFICE AT:

1900 CHURN CREEK RD STE 215  
REDDING, CA 96002  
(530) 224-4830

KEEP THIS PORTION FOR YOUR RECORDS



LICENSE NO. 412779

LIPARI RICHARD JAMES  
DBA-CROSSROADS NIGHT CLUB & CAFE ITALIANO L  
3070 HWY 99 WEST  
CORNING, CA 96021

PAY THIS AMOUNT

\$495.00

RETURN THIS PORTION WITH YOUR PAYMENT

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
3927 LENNANE DRIVE, SUITE 100  
SACRAMENTO, CA 95834

PAY BY: May 31, 2007

OPERATING PERIOD: Jun 01, 2007 THRU May 31, 2008

MAKE CHECK PAYABLE TO THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
TEAR HERE

A-7

**STATE  
COMPENSATION  
INSURANCE  
FUND**

P.O. BOX 7980  
SAN FRANCISCO, CA  
94120-7980

10509500006510607000101707350000000000000000000

AMOUNT ENCLOSED

10/17/07 3 B 5

CROSSROADS LOUNGE & NIGHT CLUB

GROUP 509 6  
POLICY/UNIT 000651 - 06 7

PO BOX 1158  
CORNING, CA 96021

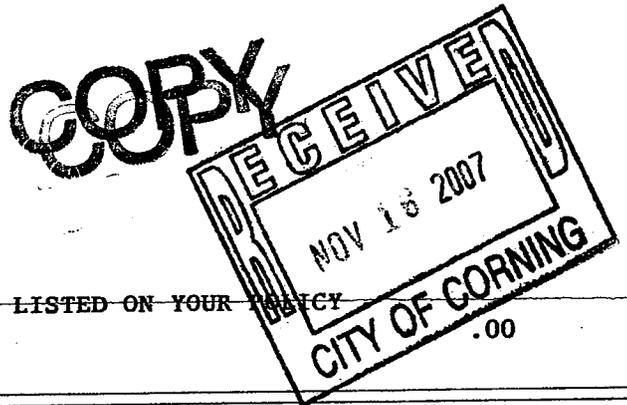
NJ R 1

CHECK BOX AT LEFT FOR ADDRESS CHANGE

ADDRESS	
CITY, STATE	ZIP

ENCLOSE PAYMENT WITH THIS PORTION OF BILL  
RETAIN LOWER PORTION FOR YOUR RECORDS

REPORT/AUDIT PERIOD	CODE	STANDARD CLASSIFICATION	PAYROLL	RATE	PREMIUM
FROM	TO				
8/01/06	8/01/07	9079-1 NO PAYROLL REPORTED	.00	7.80	.00
TOTAL BASE PREMIUM					.00
RATING PLAN MODIFIER APPLIED			.94000		.00
PREMIUM DISCOUNT MODIFIER APPLIED			1.00000		.00
TOTAL PREMIUM FOR 8/01/06 - 8/01/07					.00
MINIMUM PREMIUM					520.00
PAID THIS POLICY TERM					520.00CR



A COPY OF THIS BILL HAS BEEN SENT TO THE BROKER LISTED ON YOUR POLICY  
N/R

PREVIOUS BILLS NOT PAID

CIGA SURCHARGE 2.000% OF	520.00 LESS	10.40	=	.00
UEBT (.08120%) + SIBT (.03560%) =	.11680% OF	520.00 LESS	0.61 =	0.00
WCA (.39350%) + WCFA (.08440%) =	.47790% OF	520.00	=	0.00
LESS PREVIOUSLY PAID WCA/WCFA SURCHARGE		2.49	=	0.00

PLEASE DISREGARD IF PAYMENT HAS BEEN MADE.

3 520 509-0000651-06 →

\$ .00

**STATE**  
COMPENSATION  
INSURANCE  
**FUND**  
P.O. BOX 7980  
SAN FRANCISCO, CA 94120-7980

Terms: NET - 10 Days

DATE PAID \_\_\_\_\_ CHECK NO. \_\_\_\_\_

**A-8**



**TEHAMA COUNTY**  
**DEPARTMENT of ENVIRONMENTAL HEALTH**  
633 Washington Street, Room 36; Red Bluff, CA 96080  
**PERMIT TO OPERATE**  
**NON-TRANSFERABLE**

DATE ISSUED: 11-07

**PERMIT NUMBER**  
16F-2012-05

**BUSINESS TYPE**  
Prepared Food 2000 - 6000 Sq Ft

**FACILITY NAME AND ADDRESS**  
CROSSROADS LOUNGE &  
GRANDMA ROSE'S KITCHEN  
3070 HIGHWAY 99 W  
CORNING CA 96021

**SPECIAL USE CONDITIONS:**  
NO SMOKING !!

**MAILING NAME AND ADDRESS**  
CROSSROADS LOUNGE &  
GRANDMA ROSE'S KITCHEN  
P O BOX 1158  
CORNING CA 96021

  
\_\_\_\_\_  
HEALTH SPECIALIST, TEHAMA COUNTY

THIS PERMIT IS NON-TRANSFERABLE AND MAY BE REVOKED FOR CAUSE. THE DEPARTMENT OF ENVIRONMENTAL HEALTH SHALL BE NOTIFIED WITHIN 30 DAYS OF ANY CHANGE OF NAME, OWNERSHIP OR OPERATOR.

**POST IN A CONSPICUOUS PLACE**



**A-9**



# TEHAMA COUNTY HEALTH DEPARTMENT

PUBLIC HEALTH NURSING  
1860 WALNUT STREET  
RED BLUFF, CA 96080  
(916) 527-8824  
530

ENVIRONMENTAL HEALTH  
633 WASHINGTON STREET, RM. 36  
RED BLUFF, CA 96080  
(916) 527-8020  
530

## GENERAL INFORMATION QUESTIONNAIRE FOR ALL BUSINESSES

### SECTION 1: BUSINESS IDENTIFICATION DATA

Business Name: Grandma Rose's Kitchen, Inc

Location/Street Address: 3070 Hwy 99 W. Corning

City: Corning Business Phone: 824-5298

Owner: Grandma Rose's Kitchen, Inc Operator: owner

Mailing Address: P.O. Box 1158, Corning, CA

City: Corning Zip: 96021

Principle Business Activity: Restaurant/Lounge

### SECTION 2: OCCUPANCY DATA

A. Does your firm handle one or more Hazardous Materials? YES  NO  
1. If YES, are any of them Trade Secrets? YES NO

B. Does your business have outside features such as above or below ground tanks, or storage areas? YES  NO

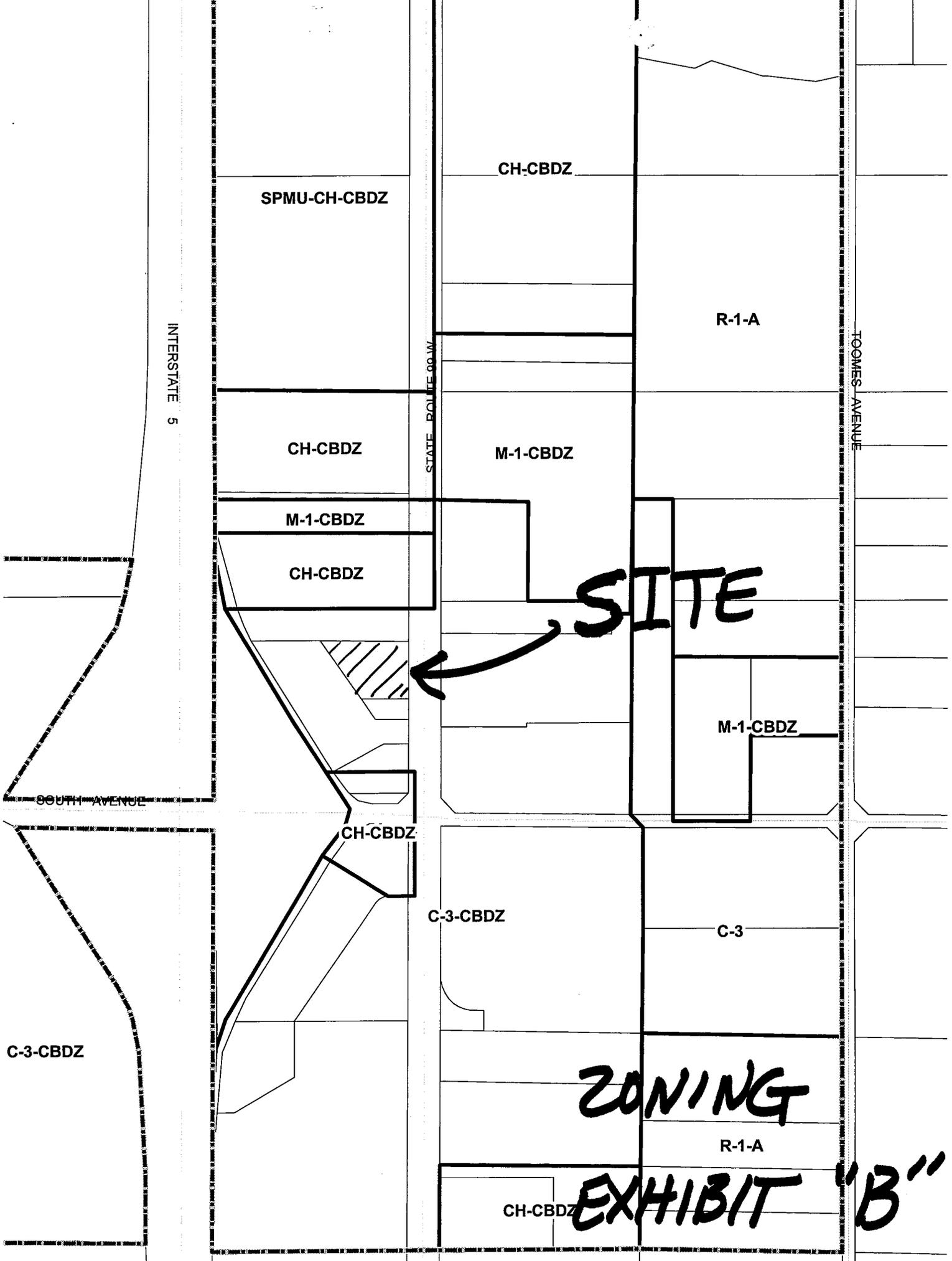
I declare that the above statement is accurate. I understand that this information will be used to determine my firm's status with regard to the California Health and Safety Code on hazardous materials (Division 20, Chapter 6.95, commencing with Section 25500).

[Signature]  
Signature

VP  
Title  
Pre.  
Date 6/10/07



A-10



SPMU-CH-CBDZ

CH-CBDZ

R-1-A

INTERSTATE 5

STATE ROUTE 60 W

TOOMES AVENUE

CH-CBDZ

M-1-CBDZ

M-1-CBDZ

**SITE**

CH-CBDZ

M-1-CBDZ

SOUTH AVENUE

CH-CBDZ

C-3-CBDZ

C-3

C-3-CBDZ

**ZONING**

R-1-A

CH-CBDZ

**EXHIBIT "B"**



SOUTH AVENUE

STATE ROUTE 99 W

EXHIBIT "C"

**Chapter 17.22**

**C-3 GENERAL COMMERCIAL DISTRICT**

**Sections:**

- 17.22.010**      **Generally.**
- 17.22.020**      **Permitted uses.**
- 17.22.030**      **Minimum height, bulk and space requirements.**
- 17.22.040**      **Uses permitted with a use permit.**

**Section 17.22.010**      **Generally.**

This district classification is intended to be applied where general commercial facilities are necessary for public service and convenience. The following specific regulations and the general rules set forth in Sections 17.04.060 and 17.04.070 and Chapter 17.50 of this code shall apply in all C-3 districts. (Ord. 153 §11.01, 1959).

**Section 17.22.020**      **Permitted uses.**

In C-3 districts, permitted uses shall be as follows:

- A.      Uses permitted in the C-1 and C-2 districts;
- B.      The following and other uses which, in the opinion of the planning commission, are of a similar character:
  - 1.      Gasoline service stations; provided, that all operations except the servicing with gasoline, oil, air and water are carried on within a building,
  - 2.      Commercial repair garages, and incidental service uses,
  - 3.      Automobile sales and service, used car lots,
  - 4.      Wholesale distribution uses, warehouses,
  - 5.      Laundry and dry cleaning businesses using non-inflammable cleaning solvents,
  - 6.      Veterinary hospitals, animals to be kept in an enclosed structure,
  - 7.      Carwash;
- C.      All other commercial uses except those uses which are specified in Chapter 17.24 of this title as being permitted only in M-1 and M-2 districts;
- D.      Incidental storage and accessory uses, including repair operations and services, provided such uses shall be clearly incidental to the sale of products at retail on the premises, and shall be so placed and constructed as not to be offensive or objectionable because of odor, dust, smoke, noise or vibration.
- E.      Upon securing a conditional use permit, an on-site residence not to exceed one third the square footage of an active business establishment and occupied by the owner/proprietor or their agent, such residences are to be a secondary use to an active commercial enterprise, either upstairs or in the rear, with the storefront remaining commercial. No residential garages shall be permitted. (Ord. 589 §7, 2001; Ord. 558 (part), 1996; Ord. 588 (part), 1996; Ord. 524 §§13, 13.1, 1992; Ord. 184 §1, 1962; Ord. 153 §11.02, 1959).

**Section 17.22.030**      **Minimum height, bulk and space requirements.**

In C-3 districts, the minimum height, bulk and space requirements shall be as follows:

- A.      Lot area, width and coverage, none;
- B.      Side yard and front yard shall be as follows:
  - 1.      Side yard, none; except as required by the building code or other regulation, or where the side of a lot abuts an R district, the side yard shall not be less than ten feet.

**EXHIBIT "D"**

2. Front yard, none; except where the frontage in a block is partially within an R district, the same setback shall be required as in the R district.
- C. Rear yard, twelve feet where accessible from street, alley or parking lot for loading purposes. Building may project over rear yard area, providing fourteen feet clear vertical distance from ground level is maintained. Building Code and other regulations shall apply;
- D. Building height limit, four stories, but not to exceed fifty feet; and provided, that buildings shall be confined within inclined planes sloping inward at a ratio of one foot horizontally to two feet vertically, such planes beginning directly above property lines at an elevation of thirty feet above average ground grade;
- E. Loading area, twenty-foot alleys for loading and delivery purposes shall be provided adjacent to all lots to be used for commercial purposes. Ten feet of the required yard may be included in such alleys;
- F. Parking requirements as required by Chapter 17.51;
- G. Corner lots, side yard setback ten feet. (Ord. 589 §3, 2001; Ord. 524 §13.2 1992; Ord. 153 §§11.10--11.14, 1959).

**Section 17.22.040 Uses permitted with a use permit.**

In C-3 districts, uses requiring use permits are as follows:

- A. RV facilities, provided that:
  1. An RV facility shall mean any use which derives income directly from providing an area or place in which to park mobile living and/or sleeping units specifically for the purpose of occupation and use of such mobile units.
  2. RV facilities shall provide some landscaped exterior yard area for the use of guests.
- B. Commercial communication towers and associated facilities. (Ord. 590 (part), 2001; Ord. 566, 1997; Ord. 487 §1, 1989).

**Chapter 17.47**

**CBDZ CORNING BUSINESS DEVELOPMENT ZONE**

**Sections:**

- 17.47.010**      **Generally.**
- 17.47.020**      **Purpose.**
- 17.47.030**      **Applicability.**
- 17.47.040**      **General provisions.**

**Section 17.47.010**      **Generally.**

The CBDZ Corning business development zone is to be utilized only within the boundaries delineated by the Highway 99W corridor specific plan. It is recognized that there is a need for job-generating land uses near the freeway and that the most suitable location for future commercial development is along Highway 99W. This unique environment was determined to be an appropriate location for freeway-oriented commercial development and general commercial, industrial and manufacturing businesses. The following specific regulations and the general rules set forth in Section 17.04.060 and 17.04.070 and Chapter 17.50 of this title shall apply in the CBD zone. Uses discussed in this section do not necessarily include uses in Chapter 17.54 of this title. (Ord. 573 (part), 1997).

**Section 17.47.020**      **Purpose.**

The CBDZ Corning Business Development Zone has been established to achieve the following purposes:

- A. To protect the public health, safety and welfare by enhancing quality of life and improving the appearance of the city;
- B. To provide protection against haphazard and traditional strip commercial development by implementing visual design guidelines established in the Highway 99W corridor specific plan;
- C. To allow site development flexibility in return for well-conceived and efficient site planning and quality design;
- D. To establish overlay districts that carry out specific purposes prescribed by the Highway 99W corridor specific plan addressing specific subjects, such as freeway-oriented commercial development and mixed-use commercial development. The overlay districts that apply to the CBDZ are Chapters 17.48 and 17.49 of this title. (Ord. 573 (part), 1997).

**Section 17.47.030**      **Applicability.**

The regulations of this chapter provide for the quality development within the Highway 99W corridor by (1) reviewing all development permits to determine that the permit requirements of this title have been satisfied; and (2) reviewing all permits to determine that the site has met applicable design criteria established in the visual design guidelines of the Highway 99W corridor specific plan. (Ord. 573 (part), 1997).

**Section 17.47.040**      **General provisions.**

- A. Any development within the CBD zone shall apply applicable design criteria established in the visual design guidelines of the Highway 99W corridor specific plan.
- B. Any development within the CBD zone shall comply with all conditions of approval applied to the development.
- C. Any development within the CBD zone shall comply with the regulations and standards established in the corresponding overlay zones (1) CH highway service commercial district and (2) SPMU specific plan mixed-use district. (Ord. 573 (part), 1997).

**EXHIBIT "E"**



**Chapter 17.49**

**SPMU SPECIFIC PLAN MIXED-USE OVERLAY DISTRICT**

**Sections:**

- 17.49.010**      **Generally.**
- 17.49.020**      **Purpose.**
- 17.49.030**      **General requirements.**
- 17.49.040**      **Permitted uses.**
- 17.49.050**      **Uses requiring use permits.**
- 17.49.060**      **Minimum height, bulk and space requirements.**

**Section 17.49.010**      **Generally.**

This overlay district classification is intended to encourage mixed-use development and is to be applied to the larger parcels located between the primary intersections of the Highway 99W corridor specific plan area. As such, this overlay zone is to be utilized only within the boundaries delineated by the Highway 99W corridor specific plan. The SPMU overlay zone allows for a combination of land uses that have been determined to be compatible for development. The following specific regulations and the general rules set forth in Sections 17.04.060 and 17.04.070 and Chapter 17.50 of this code shall apply in the SPMU overlay district. (Ord. 573 (part), 1997).

**Section 17.49.020**      **Purpose.**

The purpose of the SPMU overlay district is to allow development to consist of a combination of land uses. The combination of such uses are found to be compatible if noise, smoke, dust, odors, and other offensive features are confined to the premises of such use. (Ord. 573 (part), 1997).

**Section 17.49.030**      **General requirements.**

The regulations of this chapter provide for mixed-use development within the Highway 99W Corridor Specific Plan area which has been designated the Corning Business Development Zone. In SPMU overlay district land use regulations shall include the following requirements:

- A. In any district with which is combined the SPMU overlay district, the regulations of this chapter shall apply in addition to those specified in this title; provided, that if conflict in regulations occurs, the regulations of this chapter shall govern;
- B. The permitted uses established in each district and being combined in the SPMU overlay district are allowed; provided that in the opinion of the planning commission, the proposed sites are of a similar character;
- C. Any development within the SPMU overlay district shall apply applicable design criteria established in the visual design guidelines of the Highway 99W corridor specific plan;
- D. Those provisions established in Chapter 17.47 CBDZ Corning business development zone. (Ord. 573 (part), 1997).

**Section 17.49.040**      **Permitted uses.**

There are no uses permitted without use permits. (Ord. 573 (part), 1997).

**Section 17.49.050**      **Uses requiring use permits.**

In any district with which is combined an SPMU district, the following districts may be combined and shall require use permits. The SPMU overlay district allows for the combination of the permitted uses from the following districts which in the opinion of the planning commission the uses are of a similar and



**EXHIBIT "F"**

compatible character: C-1 neighborhood business district, C-2 central business district, C-3 general commercial district, M-1 light industrial districts, and M-L limited manufacturing district.

A. From C-1, C-2 and C-3 districts, the following uses of land and buildings which, in the opinion of the planning commission, are of a similar character shall be permitted:

1. Retail stores and business or service enterprises which, in the opinion of the planning department are of a character similar to the following:

2. Foodstores, dairy products and bakery goods stores,
3. Bookstores, rental libraries and video rental stores,
4. Drugstores, including soda fountain food service,
5. Florist, variety, hardware and clothing stores,
6. Athletic facilities, banks, business offices, bowling alleys, food, drug and clothing stores and retail outlet stores,

7. Business colleges, music, dancing and martial arts studios,
8. Blueprinting shops, photographic stores,
9. Catering shops, cafes and restaurants, and bars and taverns,
10. Art and antiques shops and pawnshops,
11. Hotels, motels, theaters, auditoriums, lodge halls and social clubs,
12. Newspapers and commercial printing shops,
13. Mortuaries,
14. Bakeries,

15. Outdoor advertising signs and structures, 16. Other retail business uses which, in the opinion of the planning commission, are similar to the foregoing;

B. The following agencies and services:

1. Laundry and dry cleaning businesses using non-inflammable cleaning solvents,
2. Barbershops, beauty parlors and cosmetic shops,
3. Repair shops for domestic appliances and goods,
4. Professional and medical offices, studios and clinics,
5. Gasoline service stations, including auto repairs; provided, that all operations except the service with gasoline, oil, air and water be conducted within an enclosed building,
6. Self-operated laundries,
7. Gasoline service stations; provided, that all operations except the servicing with gasoline, oil, air and water are carried on within a building,
8. Commercial repair garages, and incidental service uses,
9. Automobile sales and service and used car lots,
10. Wholesale distribution uses and warehouses,
11. Veterinary hospitals, animals to be kept in an enclosed structure,
12. Carwash,
13. Other services and agencies which, in the opinion of the planning department, are similar to the above;

C. Public buildings and public utility substations and offices;

D. Commercial parking lots and parking garages;

E. Incidental and accessory buildings and uses on the same lot with and necessary for the operation of any permitted use; an on-site residence not to exceed one third the square footage of an active business establishment and occupied by the owner/proprietor or their agent. Such residence is to be a secondary use to an active commercial enterprise, either upstairs or in the rear, with the storefront remaining commercial. No residential garage is permitted.

F. Incidental storage and accessory uses, including repair operation and services; provided, that such is clearly incidental to the sale of products at retail on the premises and shall be so placed and constructed as not to be offensive or objectionable because of odor, dust, smoke, noise, vibration, fire or safety;

G. Exterior signs pertaining to the business or use conducted on the premises, which signs shall be attached parallel to and not project more than two feet from a wall of a building. Any such sign shall be

eight feet or more above any sidewalk, and shall not project above the roof ridge line of the building on the site, and no sign shall exceed fifty square feet in area. Floodlights shall be directed inward and downward onto the property illuminated. Freestanding and general identification signs may be permitted upon the securing of a use permit in each particular case. Additional sign criteria are illustrated in the Highway 99W Corridor Specific Plan Visual Design Guidelines;

H. All other commercial uses except those uses which are specified in Chapter 17.24 of this title as being permitted only in M-2 districts;

I. Incidental storage and accessory uses, including repair operating and services, provided such uses shall be clearly incidental to the sale of products at retail on the premises, and shall be so placed and constructed as not to be offensive or objectionable because of odor, dust, smoke, noise or vibration;

J. From M-1 districts, the following uses of land and buildings which, in the opinion of the planning commission, are of a similar character shall be permitted:

1. Assembly and storage of goods, materials, liquids and equipment, except storage of flammable or explosive matter or materials which create dust, odors or fumes. Permitted uses include:

- a. Wholesale and storage warehouses,
- b. Feed and fuel yards,

2. Manufacturing, processing, fabricating, refining, repairing, packaging or treatment of goods, material or produce by electric power, oil or gas, except operations involving fish fats and oils, bones and meat products, or similar substances commonly recognized as creating offensive conditions in the handling thereof. Permitted uses include:

- a. Dye and dry-cleaning plants,
- b. Rug cleaning plants,
- c. Laundries,
- d. Veterinary hospitals,
- e. Cabinet shops,

3. The following when conducted within a building or enclosed within a solid wall or fence of a type approved by the planning commission, not less than six feet in height:

- a. Body and fender repair shops and auto painting shops,
- b. Cooperage and bottling works,
- c. Sheet metal shops and welding shops,
- d. Truck terminals,
- e. Retail lumber yards;

K. From M-L districts, the following uses of land and buildings which, in the opinion of the planning commission, are of a similar character shall be permitted:

1. Commercial and professional offices,

2. The following and similar uses from which noise, smoke, dust, odors and other such offensive features are confined to the premises of each such use:

- a. Research institutes and laboratories,
- b. Small electronic and plastics products manufacturing, c. Electrical products and instrument manufacturing,
- d. Bookbinding, printing and lithography,
- e. Cartography, surveying and engineering,
- f. Editorial, architecture and designing,
- g. Garment manufacturing, paper products manufacturing;

3. Underground utility installations and above-ground utility installation for local service, except that substations generating plants and gas holders must be approved by the planning commission prior to construction; and the route of any proposed transmission line shall be discussed with the planning commission prior to acquisition. (Ord. 589 §13, 2001; Ord. 573 (part), 1997).

**Section 17.49.060 Minimum height, bulk and space requirements.**

In SPMU overlay districts, the minimum height, bulk and space requirements shall be as follows:

- A. Where conflict occurs between the regulations of this chapter and any building code or other regulations effective within the city, the more restrictive of any such regulations shall apply;
- B. Lot area, lot width, building coverage regulations, none;
- C. Front yard, fifteen feet;
- D. Side yard, none, except as required by the building code or other regulations;
- E. Rear yard, twelve feet where accessible from street, alley or parking lot for loading purposes. Building code and other regulations shall apply;
- F. Building height limit, four stories, but not to exceed fifty feet; and provided, that buildings shall be confined within inclined planes sloping inward at a ratio of one foot horizontally to two feet vertically, such planes beginning directly above property lines at an elevation of thirty feet above average ground grade;
- G. Loading area, twenty-foot alleys for loading and delivery purposes shall be provided adjacent to all lots to be used for commercial purposes. Ten feet of the required yard may be included in such alleys;
- H. Parking requirements as required by Chapter 17.51;
- I. Corner lots, side yard setback ten feet. (Ord. 573 (part), 1997).

**Chapter 17.54**

**CONDITIONAL USE PERMITS**

**Sections:**

- 17.54.010** When required.
- 17.54.020** Uses.
- 17.54.030** Burden of proof.
- 17.54.040** Application for conditional use permit--Withdrawal thereof.
- 17.54.041** Filing fees.
- 17.54.042** Hearings.
- 17.54.043** Notices.
- 17.54.044** Planning commission action.
- 17.54.052** Notice of city council' s decision.
- 17.54.053** Failure to give notice.
- 17.54.060** Revocation of conditional use permits.
- 17.54.070** Expiration.

\*Prior ordinance history: Ord. 153, Sections 22.01, 22.02, 22.04, 22.05 and 22.06; Ord. 187, Section 1B; Ord. 340, Sections 1a and 1b.

**Section 17.54.010** When required.

The purpose of any conditional use permit shall be to insure that the proposed use will be rendered compatible with other existing, and permitted uses, located in the general area of the proposed use. Minor building alterations and/on small expansions to existing facilities, which are proposed for the sole purpose of meeting the requirements of the Americans with Disabilities Act (ADA), shall be waived from a conditional use permit requirement. Specific instances may require a public hearing if it is determined by the planning officer that the proposed building modifications involve more substantial work than mere compliance with ADA requirements. (Ord. 560 (part), 1996).

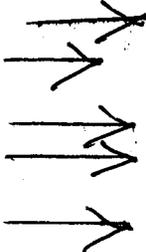
**Section 17.54.020.** Nontransferable.

A conditional use permit is nontransferable. When the owner of the use permitted transfers ownership to another, the new owner must apply for and receive a new conditional use permit. (Ord. 560 (part), 1996).

**Section 17.54.020** Uses.

A. The following uses, where permitted within a zone by the Corning zoning ordinance, shall only be permitted when a conditional use permit is first obtained:

1. Alcohol, on premises serving and consumption, whether a bar or a restaurant;
2. Live entertainment, as a primary use or as a secondary use associated with a commercial establishment;
3. Billiard parlor, pool hall and similar recreational uses;
4. Game arcades, including any business established with more than six arcade games as an incidental or accessory use;
5. Games, skill game business, including video and skill game arcades;
6. Lodges, meeting halls and social clubs;
7. Commercial recreation facilities open to the public;
8. Massage parlors;
9. Tattoo parlors. (Ord. 560 (part), 1996).



**EXHIBIT "G"**

**Section 17.54.030 Burden of proof.**

Before any conditional use permit is granted, the applicant shall show, to the satisfaction of the commission or the council, the existence of the following facts:

- A. That the site for the proposed use is adequate in size, shape, topography and circumstances; and
- B. That the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use; and
- C. That the proposed use will not have an adverse effect upon the use, enjoyment or valuation of adjacent or neighboring properties or upon the public welfare. (Ord. 560 (part), 1996).

**Section 17.54.040 Application for conditional use permit--Withdrawal thereof.**

Applications for a conditional use permit shall be filed with the planning department, on forms furnished by the city, setting forth fully the nature of the proposed use, and the facts deemed sufficient to justify the granting of the conditional use permit, in accordance with the provisions of this chapter.

Any applicant may withdraw his application prior to a decision thereon, by filing a written request to do so; norefund of the filing fee shall be permitted in case of withdrawal. (Ord. 560 (part), 1996).

**Section 17.54.041 Filing fees.**

Each such application shall be accompanied by a filing and processing fee, the fees for planning services shall be prescribed by resolution adopted from time to time. (Ord. 560 (part), 1996).

**Section 17.54.042 Hearings.**

Every application for a conditional use permit shall be set for a public hearing before the planning commission. If an appeal is taken from a planning commission decision in the manner hereinafter specified, the said matter shall be set for consideration by the city council by the city clerk, as soon as possible. Hearings may be continued from time to time, by the commission or council, as may be deemed necessary. (Ord. 560 (part), 1996).

**Section 17.54.043 Notices.**

Notices of the time and place of public hearings before the commission and the council, on conditional use permit applications, shall be given by United States mail, postage prepaid, addressed to the owners of property located within a radius of three hundred feet (five hundred feet in a "C" or "M" zone) from the external boundaries of the property to which the application relates, addressed to said owners as shown on the latest equalized assessment roll of the county of Tehama.

Notices shall contain a description of the subject property, a brief description of the proposed use, and the date, time and place of the hearing. (Ord. 560 (part), 1996).

**Section 17.54.044 Planning commission action.**

Three affirmative votes are required to approve, conditionally approve or deny the conditional use permit.

Planning commission action shall contain a statement of facts (findings) upon which the decision is based.

Within two days following the action by the commission, the city staff shall forward a copy thereof by United States mail, postage prepaid, addressed to the applicant and any other person requesting the same, at his last known address. The decision of the planning commission shall be final and conclusive at twelve p.m. of the tenth day following the date of action by the commission, or at twelve p.m. of the day following the next regularly scheduled council meeting, whichever date is the latest, in the absence of the filing of a written appeal, in the manner hereinafter specified. Upon the filing of an appeal in the manner herein set forth, the decision of the planning commission shall be suspended and of no force and effect.

(Ord. 560 (part), 1996).17.54.050 Appeals. The applicant, or any other person, who owns real property or resides within three hundred feet of the property lines of the property to which the conditional use permit application relates, and who is aggrieved by the decision of the planning commission in conjunction with action taken on a conditional use permit, may file a written letter of appeal with the city clerk together with a filing and processing fee in the sum of seventy dollars, prior to the commission's action becoming final, appealing the decision of the planning commission to the city council. Upon receipt of such a written letter of appeal, together with said fee, the city clerk shall place the matter upon the council agenda at the next regularly scheduled meeting of the council; at such time, the council shall determine whether or not a de novo hearing shall be held, as hereinafter provided. Notices of a de novo hearing shall be given by the clerk in the manner prescribed in Section 17.54.043.

The city council, by motion, carried by at least three votes, made at any time prior to effective date of the planning commission's action, may appeal to itself, any planning commission decision on a conditional use permit. A motion of the council to this effect shall be deemed an appeal from the decision of the commission for all purposes.

Where an appeal is pending before the city council from a decision of the planning commission, the council shall:

A. Review a summary of the evidence presented to the planning commission to determine whether a de novo public hearing should be held by it. If the council, by a majority vote of the members present, determines that a de novo public hearing shall be held, the city clerk shall give notice thereof in the same manner as the notice required for hearings before the planning commission; or

B. If the council determines, by a majority vote of the members present, that a de novo public hearing is not required, it shall, without taking any evidence, affirm, modify or reverse the planning commission's determination, based solely upon the staff and commission files relating to the case, unless the applicant or any other person interested in such matter, by affidavit, establishes, to the reasonable satisfaction of a majority of the council, the existence of new relevant evidence, in which event, the council shall conduct a de novo hearing.

The council shall have the authority, at any time prior to its final determination upon an appeal from a planning commission decision, to refer the said matter back to the planning commission for reconsideration. The council may instruct the planning commission to conduct an additional public hearing in order to accept new evidence relating to such matter. (Ord. 560 (part), 1996).17.54.051

Determination by city council. The council shall render its decision approving, conditionally approving, or denying the conditional use permit, within a reasonable time after conducting its deliberation. Its decision shall include findings, which shall contain the facts supporting the action. The decision of the council shall be final and conclusive. (Ord. 560 (part), 1996).

**Section 17.54.052 Notice of city council's decision.**

Within five days following action by the council, the city clerk shall mail a copy thereof to the applicant and any other person requesting the same, at his last known address. (Ord. 560 (part), 1996).

**Section 17.54.053 Failure to give notice.**

Failure to give notice in the manner hereinabove prescribed shall have no effect upon any proceeding before the planning commission or council. (Ord. 560 (part), 1996).

**Section 17.54.060 Revocation of conditional use permits.**

Upon recommendation by the city manager, the body which originally granted the conditional use permit, shall conduct a noticed public hearing to determine whether a conditional use permit, should be revoked. If the commission or council finds any one of the following facts to be present, it shall revoke the conditional use permit:

A. That the permit was obtained by fraud; or

B. That the use for which such approval was granted has ceased to exist, or has been suspended, for

a period of six months or more; or

C. That the permit granted is being, or has been, exercised contrary to the terms and conditions of such approval or in violation of any law; or

D. That the use for which the approval was granted is being exercised so as to be detrimental to the public health or safety, or as to constitute a nuisance.

If the commission conducts the hearing, the action taken by the commission shall be subject to an appeal in the manner prescribed in Section 17.54.050 et seq. hereof.

The action of the council shall be final and conclusive. (Ord. 560 (part), 1996).

**Section 17.54.070 Expiration.**

Any conditional use permit shall be null and void if the use permitted thereunder is not exercised within the time specified in the action approving such conditional use permit, or if no time is so specified, if the same is not exercised within one year from the date said permit is granted. (Ord. 560 (part), 1996).

**17.54.080 Modification.** Any condition imposed upon the granting of a conditional use permit may be modified or eliminated, or new conditions may be added, provided that the granting body shall first conduct public hearings thereon, in the same manner as required for the granting of the original conditional use permit. No such modification shall be made unless the commission or council finds that such modification is necessary to protect the public interest. (In case of deletion of such a condition, that such action is necessary to permit reasonable operation under the conditional use permit.)

All commission determinations regarding modification proceedings shall be subject to an appeal as set forth in Section 17.54.050 et seq., except the filing and processing fee shall be in the amount of twenty-five dollars. (Ord. 560 (part), 1996).

## John Brewer

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**From:** John Brewer [jbrewer@corning.org]  
**Sent:** Thursday, October 11, 2007 2:08 PM  
**To:** richtheg@sbcglobal.net  
**Cc:** Steve Kimbrough  
**Subject:** Use Permit Requirement

Mr. Lipari,

Please consider this a friendly reminder of the need to obtain Planning Commission approval of a use permit prior to operating any of the following uses:

1. Bar, tavern or restaurant serving alcohol.
2. Live entertainment
3. Game (or Video) arcade containing more than six games
4. Pool Hall

The use permit requirement stems from Section 17.54.015 of the Corning Municipal Code. You may get a Planning Application at City Hall, or you can print one online at the City's website ([www.corning.org](http://www.corning.org)). Use permits take some time to process, so please submit your application as soon as possible so that we may schedule the matter for consideration.

Also, City staff will consider reopening of the restaurant (exclusive of alcohol sales, games, live music, etc.) to be a legal continuation of your previous use-and permit it without the need of a use permit.

Thank You.  
John Brewer  
Planning Director



Figure 2

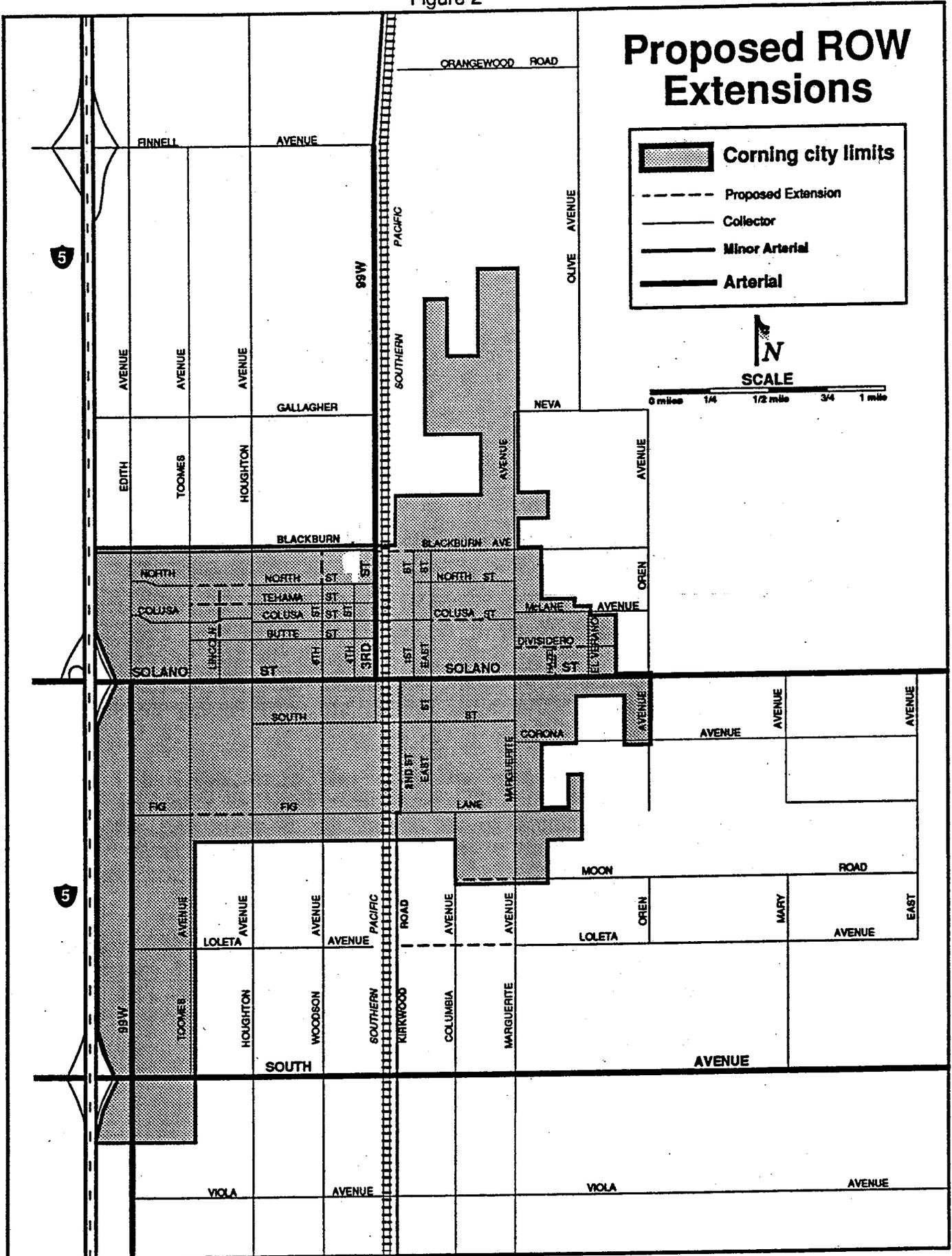
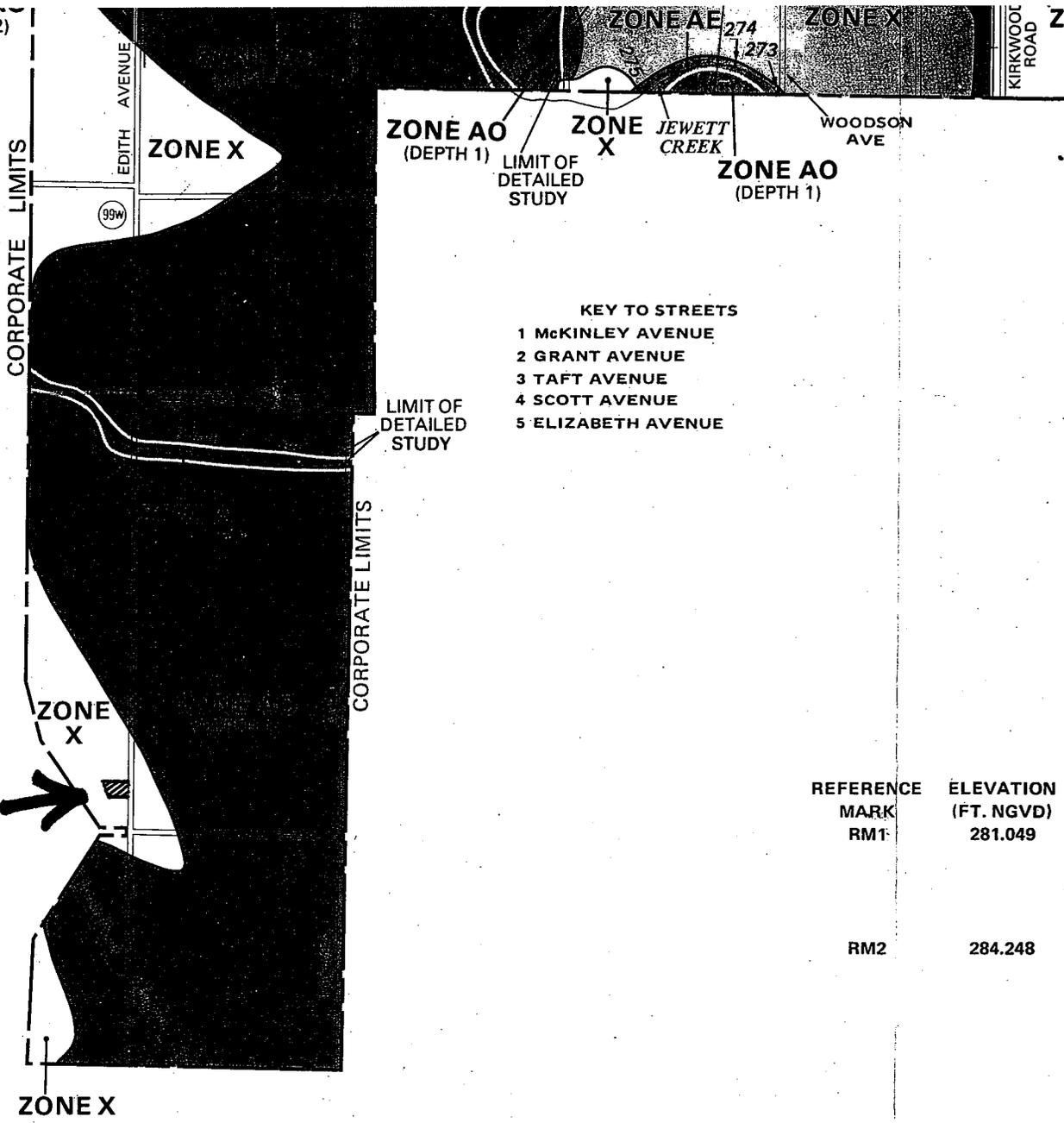


EXHIBIT "J"

4

(DEPTH 2)



5

SITE →

KEY TO STREETS

- 1 McKINLEY AVENUE
- 2 GRANT AVENUE
- 3 TAFT AVENUE
- 4 SCOTT AVENUE
- 5 ELIZABETH AVENUE

REFERENCE MARK	ELEVATION (FT. NGVD)
RM1	281.049
RM2	284.248

6

FIRM  
 (FLOOD MAP)  
 EXHIBIT "K"

**AGREEMENT AUTHORIZING TEMPORARY OCCUPANCY  
3070 HIGHWAY 99-W**

On November 16, 2007, Richard J. Lipari (hereafter "Applicant") submitted an application for a Conditional Use Permit that seeks to entitle accessory alcohol sales, live entertainment, and an arcade on the property identified as 3070 Highway 99-W, in the City of Corning California. Due to the noticing requirements of state law and local ordinances, the Use Permit application can not be considered by the Corning Planning Commission until December 18, 2007. The Applicant has submitted a letter (dated November 16, 2007) seeking temporary occupancy to authorize the use prior to obtaining the Conditional Use Permit.

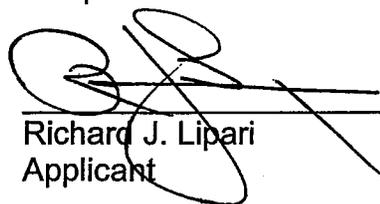
The City of Corning (City) has no statutory authority to permit temporary occupancy for a use that clearly requires Planning Commission approval of a Conditional Use Permit pursuant to Chapter 17.54 of the Corning Municipal Code. However, City staff does understand the fiscal and operational difficulties associated with the delay between the submittal and the December 18, 2007 Planning Commission meeting, and that the accessory alcohol sales use was previously conducted on the site.

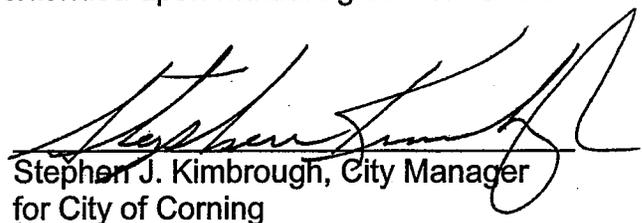
This agreement, dated Nov. 21, 2007, by and between the City and the Applicant, grants "temporary Occupancy" for the use described in the Conditional Use permit application submitted on November 16, 2007. Specifically, the Applicant may temporarily operate a restaurant use with accessory alcohol sales, and an arcade, and conduct live music events, between the dates of November 21, 2007 and December 18, 2007, the date the matter is scheduled for Planning Commission consideration.

The Applicant agrees to operate the temporary use in accordance with the description included in the Use Permit application submitted November 16, 2007, and in accordance with State and local laws and ordinances. Applicant further understands that the temporary occupancy authorized by this agreement shall expire on December 18, 2007 at 8:00 p.m.

Applicant acknowledges and understands that, should the Planning Commission deny the Use Permit, the operation of the alcohol sales, arcade and live entertainment shall be unlawful.

The duration of this agreement may be extended upon mutual agreement of the two parties.

  
Richard J. Lipari  
Applicant

  
Stephen J. Kimbrough, City Manager  
for City of Corning

**EXHIBIT "L"**

# CITY OF CORNING BUSINESS LICENSE

794 3rd Street  
Corning, CA 96021



TEMPORARY

**GRANDMA ROSE'S KITCHEN**

NAME OF BUSINESS

**3070 HIGHWAY 99W**

LOCATION

**RESTAURANT**

TYPE OF BUSINESS

PLEASE POST IN  
A CONSPICUOUS  
PLACE

**GRANDMA ROSE'S KITCHEN**

**1915 SOLANO ST. SUITE A  
CORNING, CA 96021**

**NOT TRANSFERABLE  
LICENSE VALID**

MAILING ADDRESS

FROM	TO
11/28/07	12/18/07

This receipt is issued without verification that the licensee is subject to or exempt from licensing by the State of California.

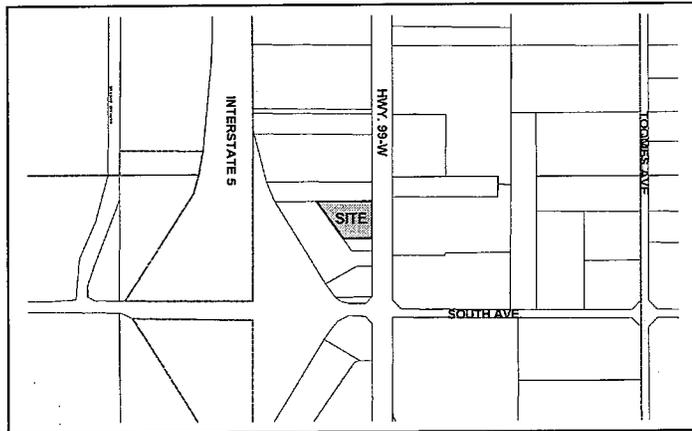
"L-1"

**PUBLIC NOTICE-PUBLIC HEARING  
USE PERMIT NO. 2007-244; RICHARD LIPARI**

The City of Corning must inform you of a proposed project within 500 feet of your property.

**WHAT IS BEING PLANNED:**

Richard Lipari proposes to operate a business called "Grandma Rose's Kitchen" as a restaurant that serves alcohol along with an arcade (Video games and pool tables). Additionally Mr. Lipari plans to offer occasional live music events and talent contests. The proposed business location is the former "Crossroads Lounge" at 3070 Highway 99-W, in a C-3-CBDZ Zoning District. Assessor's Parcel Number 87-040-57.



The Corning City Code requires approval of a Use Permit for bars, taverns or restaurants serving alcohol, arcades and live entertainment.

**WHY THIS NOTICE:**

The City wants you to be aware that the plans and other project information are available for your review at City Hall, 794 Third Street in Corning. You are invited to attend a Public Hearing to be conducted by the Planning Commission in the City Council Chambers in City Hall at 794 Third Street at 6:30 p.m. on Tuesday, December 18, 2007. Please note if this project is challenged in court, you may be limited to raising only those issues that were raised at the Public Hearing or in writing delivered to the Planning Commission at or prior to the Public Hearing.

**WHAT CAN YOU DO:**

Please call or stop by City Hall if you have any questions or want to review the project information. You are welcome to attend the Public Hearing to ask questions or to comment. Your written comments may be given to the Planning Commission at the Hearing. If mailed, comments must be received by the City Clerk prior to the meeting. We are sorry but City staff cannot forward your verbal comments or questions to the City Planning Commission. Verbal comments or questions must come from you during the Public Hearing.

**FOR MORE INFORMATION REGARDING THIS PROJECT PLEASE CONTACT:**

John Brewer, Planning Director  
794 Third Street  
Corning, CA 96021  
(530) 824-7036

EXHIBIT "M"

INTERSTATE 5

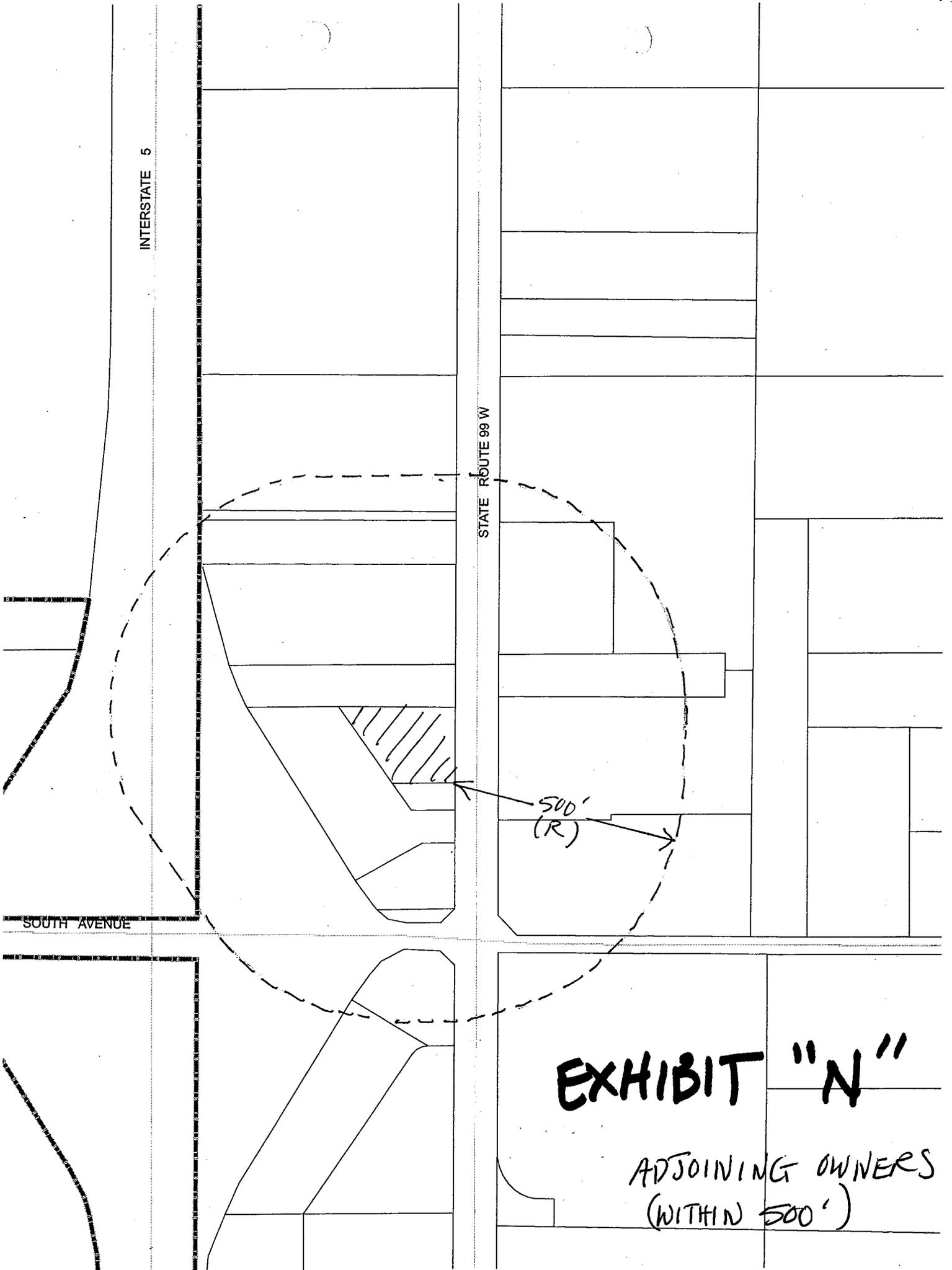
STATE ROUTE 99 W

SOUTH AVENUE

500'  
(R)

**EXHIBIT "N"**

ADJOINING OWNERS  
(WITHIN 500')



**ITEM NO: F-3**  
**EXTENSION REQUEST; TENTATIVE TRACT**  
**MAP 05-1013-MARGUERITE, LLC; LOCATED**  
**ON THE SOUTH SIDE OF CARONA AVENUE**  
**AND EAST OF MARGUERITE AVENUE, APN**  
**73-120-16, 24 & 31; APPROXIMATELY 16**  
**ACRES.**

DECEMBER 18, 2007

TO: PLANNING COMMISSION OF THE CITY OF CORNING

FROM: JOHN L. BREWER, AICP; PLANNING DIRECTOR



**PROJECT DESCRIPTION & BACKGROUND:**

This is an application to extend the approval period for the Tentative Tract Map that was approved by the Corning City Council on February 14, 2006 with 54 Conditions of Approval. A reduced scale copy of the tentative map and the Conditions of Approval are attached. The site location is shown on the attached copy of the Zoning Map.

**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. Title 16 includes time limit information. Please see the attached copy of Section 16.18.010. Subsection "A" limits the initial approval of the tentative map to 24 months (2 years). So, the tentative map is due to expire on February 14, 2008. Subsection "C" authorizes extensions of up to two years to the life of tentative maps.

**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. The site remains designated for residential use and zoned PD; Planned Development. The approved tentative map complies with the Residential Land Use Designation and the R-1 (& R-1-2) zoning. Staff recommends approval of a two-year extension.

**STAFF RECOMMENDATION:**

That the Planning Commission recommend that the City Council

- **Approve a two-year extension to the Tentative Map initially approved on February 14, 2006 for Marguerite, LLC as requested in the extension request submitted November 26, 2007.**

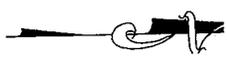
**EXTENSION REQUEST-TENTATIVE TRACT MAP 05-1016  
FIG LANE TRACT**

**LIST OF ATTACHMENTS:**

1. Approved Tentative Map 05-1-13 (reduced Scale)
2. Extension Request
3. Conditions of Approval adopted February 14, 2006
4. Composite County & City General Plan Land Use Diagram
5. Zoning Map
6. Corning Municipal Code Section 16.18.010

cc: Aaron Mount  
16 Bayview Ave.  
Belvedere, CA 94920-2368

EC Ross  
Robertson 7 Dominick  
434 Redcliff Dr.  
Redding, CA 96002



SCALE: 1" = 100'

CHESTNUT ST.

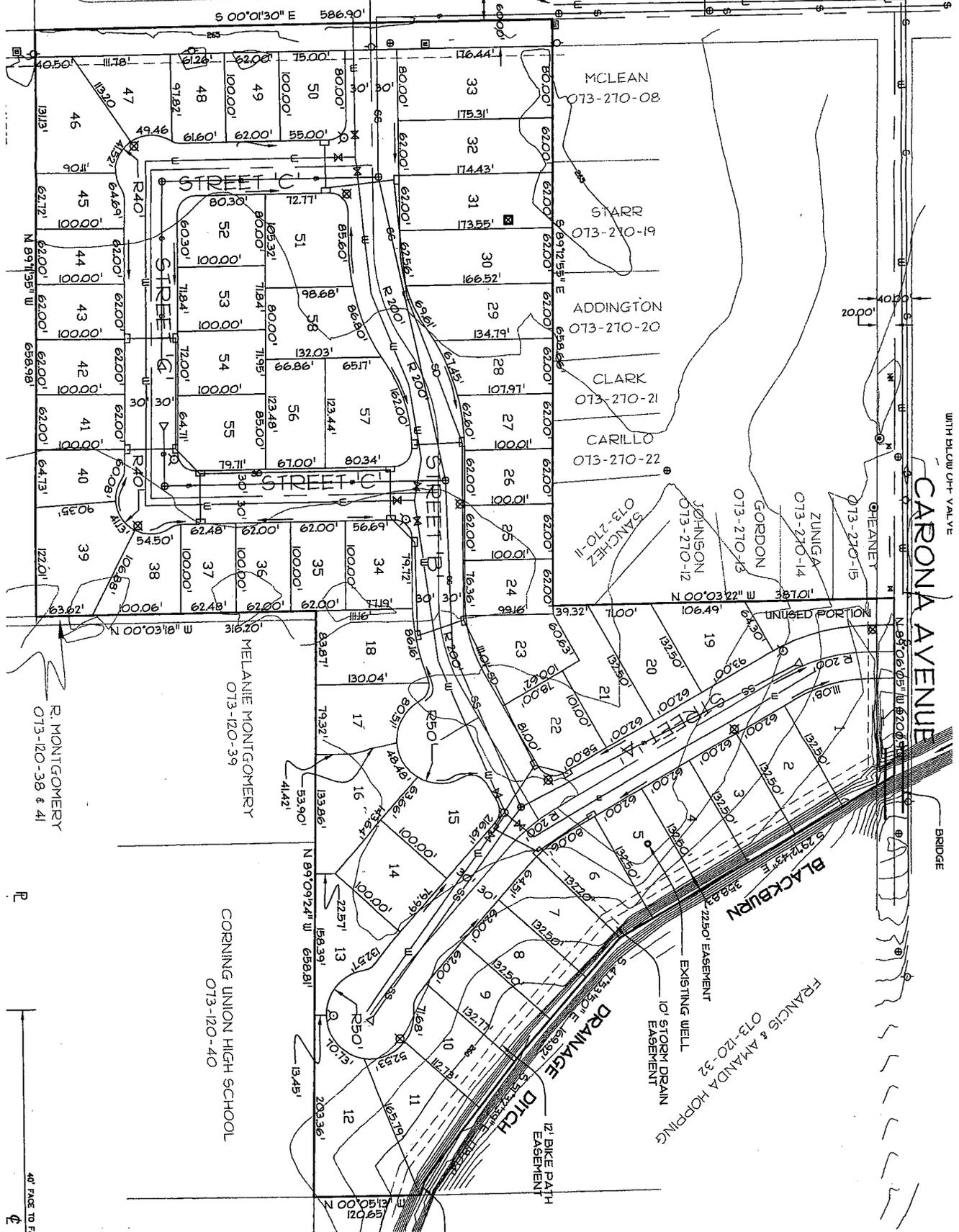
END OF SEWER LINE WITH ROD HOLE

END OF WATER LINE WITH BLOW OFF VALVE

ALMOND ST.

MARGUERITE AVENUE

HICKORY ST.



40' FACE TO F

R

R. MONTGOMERY  
073-120-38 & 41

MELANIE MONTGOMERY  
073-120-39

CORNING UNION HIGH SCHOOL  
073-120-40

12' BIKE PATH  
EASEMENT

EXISTING WELL  
10' STORM DRAIN  
EASEMENT

EXISTING WELL  
10' STORM DRAIN  
EASEMENT

FRANCIS & AMANDA HOPPING  
073-120-32

CARONA AVENUE

WITH BLOW OFF VALVE

BRIDGE

WITH BLOW OFF VALVE



Robertson & Dominick, Inc.

Civil Engineers and Surveyors

November 19, 2007



City of Corning  
Planning Director  
John Brewer  
794 Third Street  
Corning, CA. 96021

RE: Tract Map 05-1013 Marguerite Avenue  
Time Extension

Atten. Mr. Brewer

My client Brian Millar and Aaron Mount, d.b.a. Marguerite L.L.C. received approval for Tract Map 05-1013 on February 14, 2006. The map will expire after two years if there is not a time extension. This is our request for a time extension for the subject tract map.

Attached is a check of \$100.00 for the extension fee.

Please advise of the time and place for the Planning Commission to hear this item.

Sincerely,

E.C. Ross

Chico Red Bluff Redding

434 Redcliff Drive, Suite B Redding, CA 96002 530-222-5194 fax 222-3684

ADOPTED CONDITIONS OF APPROVAL  
TRACT MAP 05-1013; MARGUERITE LLC

- 1. Underground Utilities.** All existing and proposed utilities, within the development and along the Marguerite and Carona Avenue street frontages, including electricity, telephone, gas, and cable television, shall be undergrounded. (MM 1.1.)
- 2. Fencing.** Solid 6'-0" tall fencing shall be installed at side and rear property lines prior to final inspections on building permits. (MM 1.2)
- 3. Fencing along Marguerite and Carona Avenue.** Final Improvement plans shall include an upgraded, more durable fencing standard for the Marguerite Avenue frontage of Parcels 33 and 46 thru 50, and Carona Avenue frontage of Parcel 1. (MM 1.3)
- 4. Lot Landscaping.** Front and street-side yards, including that portion of the street right-of-way located behind the sidewalk, shall be landscaped prior to final building inspection permit sign-off. Landscaping may include any combination of grass, groundcover, shrubs and/or trees and is subject to Planning Department approval. Not fewer than two trees (minimum sizes of 15-gallon) shall be planted within each front yard. Each front and street side yard shall be provided with a permanent method of irrigation for this landscaping. (MM 1.4)
- 5. Residential Façade Standards.** The City of Corning has an ordinance/ policy (CMC 16.21.135) prohibiting the construction of identical homes within sight of each other. The developer shall vary building floor plans, facades, trim, siding material, building colors, roof types, etc., to comply with this standard. (MM 1.5)
- 6. Roof-Mounted Equipment Prohibition.** No heating, ventilation, air-conditioning or similar types of equipment shall be installed on the roof of any structure. (MM 1.6)
- 7. Carona Avenue Planter.** Prior to approving occupancy of Parcel 1, a combination of trees, shrubs and groundcover shall be installed, irrigated and maintained within that 4'-6" portion of the Carona Avenue right of way lying between the sidewalk and the fence along the north side of the lot. Plant species, groundcover and irrigation method shall be subject to approval by the City of Corning. Maintenance costs shall be the responsibility of the lot owners within the development through the annual payments to a Landscape and Lighting District, Homeowners Association or other such organization approved by the City of Corning. (MM 1.7)
- 8. Marguerite Avenue Planter.** Prior to approving occupancy of Parcels 33, or 46 thru 50, a combination of trees, shrubs and groundcover shall be installed, irrigated and maintained within that 4'-6" portion of the Marguerite Avenue right of way lying between the sidewalk and the fence along the north side of the lot. Plant species, groundcover and irrigation method shall be subject to approval by the City of Corning. Maintenance costs shall be the responsibility of the lot owners within the development through the annual payments to a Landscape and Lighting District, Homeowners Association or other such organization approved by the City of Corning. (MM 1.8)

ADOPTED CONDITIONS OF APPROVAL  
TRACT MAP 05-1013; MARGUERITE LLC

**9. Open Space Property.** The property marked "Unused Portion" on the tentative map shall be offered for dedication as Open Space to the City of Corning on the final map. The property shall be landscaped with a combination of street trees, groundcover, shrubs and lawn. A permanent automatic irrigation system shall be provided. (MM 1.9)

**10. Disclosure of Nearby Agricultural Operations.** A note shall be affixed to the front sheet of all recorded maps filed for this project. The note shall clearly state that the property is located near agricultural operations and that residents of the development may be adversely affected by dust, noise, odors and overspray of chemical fertilizers and pesticides, and that the City of Corning does not regard such operations as nuisances when conducted with proper and accepted standards. (MM 2.1).

**11. Fugitive Dust.** Prior to commencing grading operations, the developer shall obtain a Fugitive Dust Control Permit from the Tehama County Air Pollution Control District. (MM 3.1)

**12. Sprinkle Exposed Soils.** During construction, unprotected soils shall be sprinkled to minimize wind erosion. (MM 3.2)

**13. Grading Plans.** The developer shall complete grading plans for review and approval by the City Engineer. (MM 3.3)

**14. 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. (MM 3.4)

**15. Finished Surfaces.** Upon completion of development, no substantial area shall remain where soils are completely uncovered. (MM 3.5)

**16. Avoid Drainage Channel.** In order to ensure that construction activities do not inadvertently occur in potentially jurisdictional portions of the Drain, the channel and banks of the Blackburn-Moon Drain shall be shown as an avoidance area on the construction and grading plans for the project. The edge of the Drain shall be marked with high-visibility fencing, flagging or signage prior to the onset of construction activities. Contractors and work crews shall be briefed by the developer on the need to protect the established avoidance area. (MM 4.1)

**17. Olive Tree Removals.** In order to ensure that no potential impacts occur to white-tailed kite or other raptors, the removal of any trees with a diameter at breast-height (DBH) of six-inches or more should only occur during the non-breeding season (August 1 – March 15). If the removal of such trees must occur during the breeding season, a qualified biologist should perform a survey just prior to the onset of tree removal activities to ensure that no active raptor nests are present. If active nests are present, tree removal activities should be suspended until appropriate conservation measures

ADOPTED CONDITIONS OF APPROVAL  
TRACT MAP 05-1013; MARGUERITE LLC

can be determined, in consultation with the California Department of Fish and Game and the project biologist. (MM 4.2)

**18. Blackburn-Moon Drain Open Space Dedication.** Pursuant to the Tentative Map, the developer shall dedicate to the City the 22.5-foot wide easement that contains the western portion of the Blackburn-Moon Drain and additional adjacent area necessary to accommodate the 12'-0" wide pedestrian and bicycle path. (MM 4.3).

**19. Cultural Resources.** Should cultural or paleontological resources be unearthed during excavation, all work in the immediate vicinity shall cease and the City of Corning shall be notified. Upon notice, the City or its consultant shall inspect the site to determine what, if any, steps necessary to address and mitigate the discovery. (MM 5.1)

**20. Geological and Soils Conditions.** Prior to issuance of any grading or building permits, the developer shall comply with the recommendations of the Preliminary Geotechnical Investigation Report prepared on October 3, 2005 regarding final site development, including additional soils and engineering analyses relative to foundation development, compaction of soils and similar issues. (MM 6.1)

**21. Redistribute Topsoil.** Topsoil shall be stockpiled and redistributed over graded surfaces. (MM 6.2)

**22. Construction Stormwater Permit and SWPPP.** Prior to any site disturbance or earthmoving activities on or adjacent to the project site, applicant shall obtain a Construction Stormwater Permit from the Regional Water Quality Control Board. 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 presented to 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 SWPPP shall be completed as part of the required improvement plans and shall be maintained in the same manner. (modified MM 6.3)

**23. Grading Plan.** The developer shall provide a grading plan for the project, including the pedestrian/bicycle path by the Blackburn-Moon Drain, for City Engineer review and approval. The plans shall include measures to minimize excavation near the Drain. Prior to undertaking grading actions, the developer shall install protective fencing to ensure grading and soils movement/stockpiling does not encroach into the Drain channel. (MM 6.4)

**24. Underground Gasoline Tank.** Prior to recordation of the Final Map, the developer shall complete removal of the underground gasoline storage tank located on the property, and obtain all necessary governmental approvals for tank removal and, if necessary, soils remediation. (MM 7.1)

ADOPTED CONDITIONS OF APPROVAL  
TRACT MAP 05-1013; MARGUERITE LLC

**25. Abandon existing Irrigation Wells.** Prior to recording any final map, properly abandon the wells in accordance with the permit process administered by the Tehama County Environmental Health Department. *(MM 7.2)*

**26. Abandon existing structures.** Obtain a demolition permit from the City of Corning and demolish any onsite structures. Survey the structures for asbestos-containing building materials and lead paint and properly dispose of any such materials. *(MM 7.3)*

**27. Fire Hydrants.** Fire hydrants shall be installed at or near the locations shown on the tentative map and in accordance with City standards. The developer shall provide the City with one hydrant repair kit. *(MM 7.4)*

**28. Storm Water Drainage.** Prior to recordation of the Final Map, the developer shall present improvement plans for retention of the net increase in run-off resulting from the development during a 25-year storm for a duration of 4 hours. *(MM 8.1)*

**29. Storm Water Facilities.** Stormwater retention and conveyance facilities shall be constructed in accordance with City of Corning Public Works standards. *(MM 8.2)*

**30. Lot 1 Grading.** It is recommended that an open corridor over the north portion of Lot 1 (corridor width to be determined as a part of improvement plan preparation) be provided in a manner that will preserve a low-lying area adjacent to the south side of Carona Avenue. The purpose of this open corridor will be to allow any excess flow accumulated in Carona Avenue to re-enter the Blackburn Moon Drain during a major storm event, up to and including the 100-year storm event. The open corridor could be co-located with the planned pedestrian/bicycle pathway. As Lot 1 is developed, we recommend that the finished pad grade for the building site be set a minimum of 1 foot above the adjacent 100-year water surface elevation for the Blackburn Moon Drain. *(MM 8.3)*

**31. Minimum Lot Grades adjacent to Blackburn-Moon Drain.** The finished grades for the remaining lots that are subject to shallow inundation shall be raised to a minimum of 0.5 feet above the applicable 100-year water surface elevation for the Blackburn Moon Drain, with fill occurring to the west edge of the proposed bike path easement. Based on HEC-RAS modeling of this proposed condition, the fill of the applicable portions of these lots from the flood area will not produce any rise in water surface elevations and will not impact other properties. The City shall not allow encroachments into the flood area (fill, fences, etc.) beyond the edge of the proposed bike path easement. *(MM 8.4)*

**32. Minimum Floor Elevations.** Finished floor elevations for all subdivision units shall be a minimum of 1 foot above the most applicable 100-year base flood elevation (shown on Figure 4 (for both drains). The lowest finished floor elevation (base flood elevation plus one foot) shall be shown for each lot on an informational sheet of the recorded final map. *(MM 8.5)*

**33. Street "A" Grades.** Street "A" shall either have a continuous grade to the north from its southernmost point to Carona Avenue to prevent the creation of a low drainage collection point in the cul-de-sac at the south end of the property (or) shall contain a

ADOPTED CONDITIONS OF APPROVAL  
TRACT MAP 05-1013; MARGUERITE LLC

roadway crest that is elevated to roughly elevation 264 provided near the midway point in the street with a provision for excess flow to escape the subdivision at the south end of the cul-de-sac without causing flooding of any subdivision units. The City Engineer may approve alternative design measures that prevent inundation of Street "A". (MM 8.6)

**34. Street "C" Grades.** Street C should drain north and gravity drain to either Marguerite Avenue or Carona Avenue to prevent entrapment of overflow waters. (MM 8.7)

**35. Street Inundation.** The subdivision streets shall meet City standards with respect to allowable depths of flow occurring during the 100-year storm event. (MM 8.8)

**36. Construction Days and Hours.** Construction work shall occur only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 6:00 p.m. on weekends and federally observed holidays. (MM 11.1)

**37. Landscape and Lighting District.** Prior to recordation of the Final Map, the developer shall establish (or annex into an existing) a landscape and lighting district or other equivalent fund-collecting organization approved by the City of Corning to fund the operation and/or continued maintenance of street lighting, landscape strips in the public right-of-way, the landscape area alongside the entry road to the project off of Carona Avenue, and the bicycle/pedestrian path along the Blackburn-Moon Drain. The project engineer shall prepare an estimate of the annual maintenance costs for these facilities that shall be made part of the District formation procedure. (MM 13.1)

**38. Trail Construction and Dedication.** The Final Map shall dedicate sufficient right-of-way for a 12'-0" wide trail to the City of Corning. The developer shall construct a 12'-0" wide paved trail within the area dedicated for that purpose or pay a reasonable fee for trail construction prior to completion of a final inspection (occupancy) of the first residence within the project. The improvement plans shall include a cross-section of the trail showing a minimum 6-inch aggregate base and 2-inch asphalt surface. (MM 14.1)

**39. Traffic Signal Installation and Development Impact Fees.** Development of the project residences will require payment of City Development Impact Fees in order to lessen development impact on City transportation systems. These fees shall be paid prior to issuance of Certificates of Occupancy. (MM 15.1)

**40. Carona Avenue Sight Distance.** The intersection design at Carona Avenue and Street A shall ensure that the sight distance is in accordance with the American Association of Transportation Officials (AASHTO) standard.

**41. Carona and Marguerite Avenue Right-of-Way Dedications.** The Final Map shall offer additional right-of-way dedication to provide a 30' half-width (60' full width) for Carona and Marguerite Avenues along the project site frontages. (MM 15.3)

**42. Carona Avenue Improvements.** Prior to recordation of the Final Map, the developer shall improve the frontage sections of Carona Avenue to provide full south

ADOPTED CONDITIONS OF APPROVAL  
TRACT MAP 05-1013; MARGUERITE LLC

half-width improvements as shown on Drawing S-18 (40' 20-lane street), including one 12' wide travel lane an 8' wide parking lane, vertical curb, gutter and sidewalk, and complete an asphaltic concrete overlay for one lane width (12') on the southerly half-width. (MM 15.4)

**43. Marguerite Avenue Improvements.** Prior to recordation of the Final Map, the developer shall improve the frontage sections of Marguerite Avenue to provide full east half-width improvements as shown on Drawing S-18 (40' 20-lane street), including one 12' wide travel lane an 8' wide parking lane, vertical curb, gutter and sidewalk, and complete an asphaltic concrete overlay for one lane width (12') on the westerly half-width. (MM 15.5)

**44. Street Names.** Final street names are subject to City approval and shall appear on the Final Map. (MM 15.6).

**45. Street Lighting.** The developer shall provide street lighting that meets City standards. (MM 15.7)

**46. Interior Street Improvements.** Interior streets shall be within 60' right of ways and improved in accordance with City of Corning Standard S-18 (40' 2 lane street). (MM 15.8)

**47. Access Restrictions.** A 1'-0" "Non-access" strip shall be dedicated to the City along the lot frontages of Marguerite or Carona Avenues. No driveways from these lots may be placed onto Marguerite or Carona Avenues. (MM 15.9)

**48. Carona Avenue Pedestrian Walkway.** The developer shall install a pedestrian walkway on the south side of the Carona Avenue bridge over the Blackburn-Moon Drain. The walkway shall provide a 4'-0" wide path, designed by a registered civil engineer and be part of the improvement plans for the project. Final design is subject to approval by the City Engineer. The developer may be eligible for partial reimbursement for the costs of the design and construction when the adjoining lands to the east are developed. (MM 15.10)

**49. Water and Sewer Lines.** The developer shall install sewer and water lines within street rights of ways per City Public Works Standard S-11. (MM 16.1)

**50. Sewer Line Extension.** Extend sewer line south along Marguerite Avenue and connect to City sewer main at Fig Lane and install new manhole if applicable. (MM 16.2)

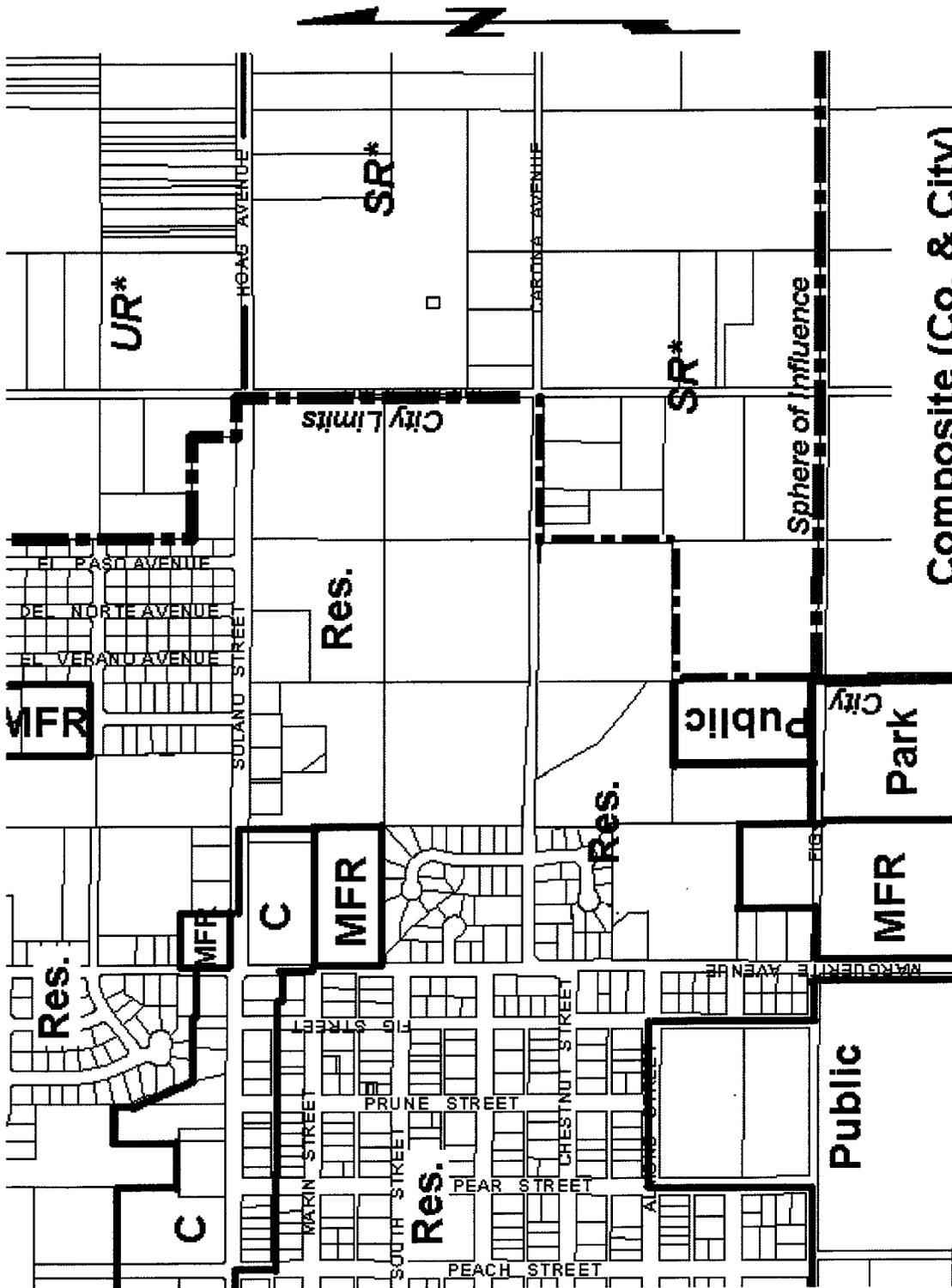
**51. Water Service.** The developer shall install water services and meters for each lot in accordance with Public Works Standard S-20. (MM 16.3)

**52. Sewer Service.** The developer shall install sewer services for each lot in accordance with Public Works Standard S-21. (MM 16.4)

ADOPTED CONDITIONS OF APPROVAL  
TRACT MAP 05-1013; MARGUERITE LLC

**53. Looped Water System.** The developer shall provide a "looped water system" connecting to existing City water facilities at locations as directed by the City Engineer (including Hickory St. at Marguerite Avenue, Almond Street at Marguerite Avenue and Carona Avenue at Street "A"). *(MM 16.5)*

**54. Community Postal Box(es).** Provide one or more "Cluster Box Units (CBUs) for postal service at locations approved by the Corning Postmaster. CBU positions shall appear on the improvement plans for the subdivision. *(MM 16.6)*



**Composite (Co. & City)  
Land Use Diagram**

\* Denotes County Land Use Designation



**Chapter 16.18**

**FINAL MAPS AND PARCEL MAPS**

**Sections:**

- 16.18.010 Filing final map.**
- 16.18.020 Fees.**
- 16.18.030 Data to accompany final map.**
- 16.18.040 Preparation of maps--Size, material and scale.**
- 16.18.050 Preparation of maps--Title.**
- 16.18.060 Preparation of maps--Adjacent lots.**
- 16.18.070 Preparation of maps--Subdivision boundary.**
- 16.18.080 Preparation of maps--Dimensions, bearing and curve data.**
- 16.18.090 Preparation of maps--Lots and blocks.**
- 16.18.100 Preparation of maps--Streets.**
- 16.18.110 Preparation of maps--Building setback line.**
- 16.18.120 Preparation of maps--Easements.**
- 16.18.130 Preparation of maps--High water line.**
- 16.18.140 Preparation of maps--Monuments.**
- 16.18.150 Preparation of maps--Certificates, acknowledgment and description.**
- 16.18.160 Preparation of maps--Description of property.**
- 16.18.170 Preparation of maps--Certificate regarding tax lien.**
- 16.18.180 Preparation of maps--Other documents.**
- 16.18.190 Action on final map by city engineer.**
- 16.18.200 Approval by city council.**
- 16.18.210 Public improvement agreement.**
- 16.18.220 Disapproval by city council.**
- 16.18.230 Recordation.**
- 16.18.240 Amending maps after recordation.**

**Section 16.18.010 Filing final map.**

A. An approved or conditionally approved tentative map shall expire twenty-four months after its approval or conditioned approval.

B. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map.

C. 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 a period or periods not exceeding a total of two years. 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 has denied the extension. (Ord. 550 (part), 1994).

**Section 16.18.020 Fees.**

At the time of filing of the final or parcel map, the subdivider shall pay a filing fee to the planning department. Said fee shall be prescribed by resolution of the city council. (Ord. 550 (part), 1994).

**ITEM NO:** F-4

**EXTENSION REQUEST; TENTATIVE TRACT  
MAP 05-1016-FIG LANE TRACT; FIG LANE  
LLC; LOCATED AT THE SOUTHWEST  
CORNER OF TOOMES AVENUE AND FIG  
LANE; APN 71-250-06; APPROXIMATELY  
11.69 ACRES.**

DECEMBER 18, 2007

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

**FROM:** JOHN L. BREWER, AICP; PLANNING DIRECTOR



**PROJECT DESCRIPTION & BACKGROUND:**

This is an application to extend the approval period for the Tentative Tract Map that was approved by the Corning City Council on April 11, 2006 with 42 Conditions of Approval. A reduced scale copy of the tentative map and the Conditions of Approval are attached. The site location is shown on the attached copy of the Zoning Map.

**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. Title 16 includes time limit information. Please see the attached copy of Section 16.18.010. Subsection "A" limits the initial approval of the tentative map to 24 months (2 years). So, the tentative map is due to expire on April 11, 2008. Subsection "C" authorizes extensions of up to two years to the life of tentative maps.

**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. The site remains designated for residential use and zoned PD; Planned Development. The approved tentative map complies with the Residential Land Use Designation and the R-1 zoning. Staff recommends approval of a two-year extension.

**STAFF RECOMMENDATION:**

That the Planning Commission recommend that the City Council

- **Approve a two-year extension to the Tentative Map initially approved on April 11, 2006 for Fig Lane, LLC as requested in the extension request submitted November 26, 2007.**

**EXTENSION REQUEST-TENTATIVE TRACT MAP 05-1016  
FIG LANE TRACT**

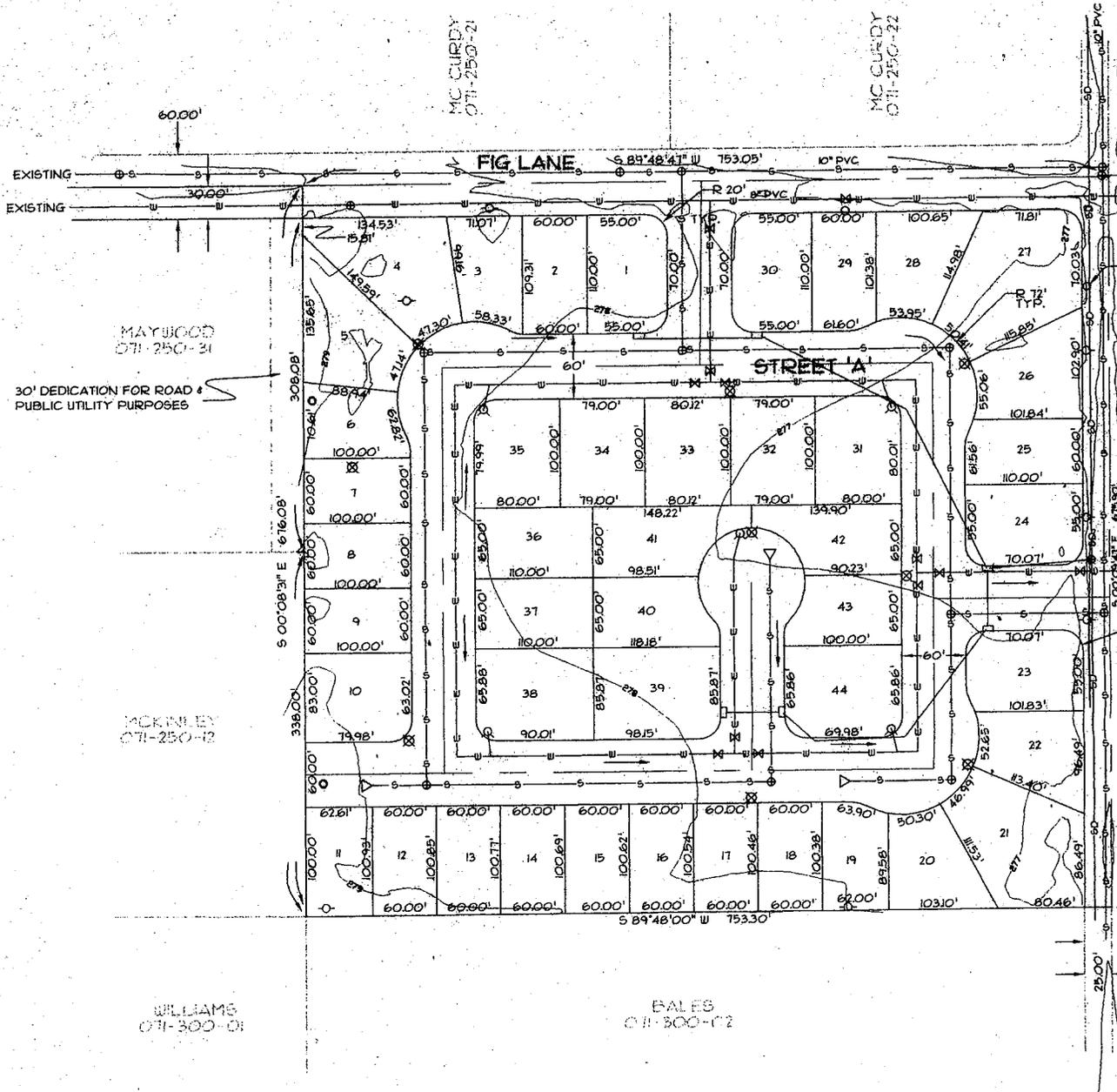
**LIST OF ATTACHMENTS:**

1. Approved Tentative Map (reduced Scale)
2. Extension Request
3. Conditions of Approval adopted April 11, 2006
4. General Plan Land Use Diagram
5. Zoning Map
6. Corning Municipal Code Section 16.18.010

cc: Aaron Mount  
16 Bayview Ave.  
Belvedere, CA 94920-2368

EC Ross  
Robertson 7 Dominick  
434 Redcliff Dr.  
Redding, CA 96002

# CITY OF CORNING VESTI



## LEGEND

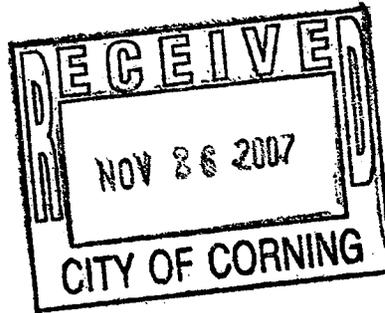
- s - SEWER LINE
- sd - STORM DRAIN LINE
- w - WATER LINE
- ⊗ STREET LIGHT
- ⋈ WATER VALVE
- EXISTING WELL
- ⊞ WATER METER
- ⊞ ELECTRICAL BOX
- ⊙ POWER POLE
- ⊙ FIRE HYDRANT
- ⊕ SANITARY SEWER MAN HOLE
- WATER FLOW DIRECTION
- ⌈ AREA DRAIN FOR STORM RUNOFF
- 325- CONTOUR ELEVATION

SIZE: 11.69 ACRES  
 ZONING: RESIDENTIAL (PROPOSED)  
 ZONING: RI  
 USE - OLIVE ORCHARD W/ SINGLE FAMILY RESIDENCE  
 USE - SINGLE FAMILY RESIDENTIAL  
 SERVICE - SBC  
 GENERALITY - FLAT  
 PROPOSAL - CITY OF CORNING  
 ELECTRICAL SERVICE - PG&E  
 WATER - CITY OF CORNING  
 WASTE MANAGEMENT  
 DENSITY - 3.68 UNITS PER ACRE



Robertson & Dominick, Inc.

Civil Engineers and Surveyors



November 19, 2007

City of Corning  
Planning Director  
John Brewer  
794 Third Street  
Corning, CA. 96021

RE: Tract Map 05-1016 Fig Lane  
Time Extension

Atten. Mr. Brewer

My client Brian Millar and Aaron Mount, d.b.a. Marguerite L.L.C. received approval for Tract Map 05-1016 on April 11, 2006. The map will expire after two years if there is not a time extension. This is our request for a time extension for the subject tract map.

Attached is a check of \$100.00 for the extension fee.

Please advise of the time and place for the Planning Commission to hear this item.

Sincerely,

E.C. Ross

Chico • Red Bluff • Redding

434 Redcliff Drive, Suite B • Redding, CA 96002 • 530-222-5194 • fax 222-3684

**TENTATIVE TRACT MAP 05-1016**

**FIG LANE TRACT**

**ADOPTED CONDITIONS OF APPROVAL:**

**1. Underground Utilities.** Underground Existing and Proposed Utilities. All utilities, including existing and proposed electricity, telephone, gas, and cable television, shall be provided to each lot and installed underground. *(MM 1.a.)*

**2. Fencing.** Solid 6'-0" tall fencing shall be installed at side and rear property lines prior to final inspections on building permits. *(MM 1.b)*

**3. Fencing along Fig Lane and Toomes Avenue.** Final Improvement plans shall include an upgraded, more durable fencing standard for the Fig Lane frontage of Parcels 1 thru 4 and 27 thru 30, and Toomes Avenue frontage of Parcels 21 thru 27. *(MM 1.c)*

**4. Lot Landscaping.** Front and street-side yards, including that portion of the street right-of-way located behind the sidewalk, shall be landscaped prior to final building inspection permit sign-off. Landscaping may include any combination of grass, groundcover, shrubs and/or trees and is subject to Planning Department approval. Not fewer than two trees (minimum sizes of 15-gallon) shall be planted within each front yard. Each lot shall be provided with a permanent method of irrigation for this landscaping. *(MM 1.d)*

**5. Residential Façade Standards.** The City of Corning has a policy prohibiting the construction of identical homes within sight of each other. The developer shall vary building floor plans, facades, trim, siding material, building colors, roof types, etc., to comply with this standard. *(MM 1.e)*

**6. Roof-Mounted Equipment Prohibition.** No heating, ventilation, air-conditioning or similar types of equipment may be installed on the roof of any structure. *(MM 1.f)*

**7. Fig Lane Planter.** Prior to approving occupancy of Parcels 1 through 4 or 27 through 30, a combination of trees, shrubs and groundcover shall be installed, irrigated and maintained within that 4'-6" portion of the Fig Lane right of way lying between the sidewalk and the fence along the north side of the lot. Plant species, groundcover and irrigation method shall be subject to approval by the City of Corning. Maintenance costs shall be the responsibility of the lot owners within the development through the annual payments to a Landscape and Lighting District, Homeowners Association or other such organization approved by the City of Corning. *(MM 1.g)*

**8. Toomes Avenue Planter.** Prior to approving occupancy of Parcels 21 through 27, a combination of trees, shrubs and groundcover shall be installed, irrigated and maintained within that 4'-6" portion of the Toomes Avenue right of way lying between the sidewalk and the fence along the north side of the lot. Plant species, groundcover and irrigation method shall be subject to approval by the City of Corning. Maintenance costs shall be

the responsibility of the lot owners within the development through the annual payments to a Landscape and Lighting District, Homeowners Association or other such organization approved by the City of Corning. (MM 1.h)

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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 presented to 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 SWPPP shall be completed as part of the required improvement plans and shall be maintained in the same manner. (MM 6.c)

**19. Grading Plan.** The developer shall provide a grading plan for the project, which shall be subject to approval by the City Engineer. (MM 6.d)

**20. Demolish structures-Asbestos and Lead based Paint.** Applicant shall demolish the existing residential structure and accessory structures on APN 71-250-06 prior to recording the final map. The applicant shall test the existing ~~residential~~ structures for asbestos containing materials and lead based paint. If found, the applicant shall incorporate measures for the safe demolition and disposal of the structures into the demolition permit application. The City of Corning shall not issue a Demolition Permit for the structures until the test results and, if necessary, a demolition and disposal plan have been provided. (modified MM 7.a)

**21. Fire Hydrants.** Fire hydrants shall be installed in accordance with City standards. The developer shall provide the City with one hydrant repair kit. (MM 7.b)

**22. Abandon existing Water Wells.** Prior to recording any final map, properly abandon the two water wells in accordance with the permit process administered by the Tehama County Environmental Health Department. (MM 7.c)

**23. Storm Water Drainage.** Prior to recordation of the Final Map, the developer shall present improvement plans for retention of the net increase in run-off resulting from the development during a 25-year storm for a duration of 4 hours. (MM 8.a)

**24. Storm Water Facilities.** Stormwater retention and conveyance facilities shall be constructed in accordance with City of Corning Public Works standards. (MM 8.b)

**25. Base Flood Elevations.** The Final Map shall plot not fewer than three approximate cross-sectional contour lines to indicate the Base Flood Elevation expected to occur during a 100-year flood event. (MM 8.c)

**26. Minimum Floor Elevations.** The lowest floor elevations for residences occurring in the tract shall be at least one foot (1'-0") above the Base Flood Elevation determined for Jewett Creek to the north as shown below:

Lots 3 through 13 (west portion).....Finished Floor Elev>281.0 feet  
Lots 20-28 (east portion)..... Finished Floor Elev>280.0 feet

Lots 1, 2, 14-19 & 29-44 (central portion) Finished Floor Elev> 280.5 feet

- Additionally, finished residential floors on all lots must be at least 2.0 feet above the adjacent grade of Toomes Avenue.
- Residential garages floors shall not be less than 6" (0.5') above the Base Flood Elevation. The final map shall include a note referencing these minimum floor elevations. (MM 8.d)

**27. Construction Days and Hours.** Construction work shall occur only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 6:00 p.m. on weekends and federally observed holidays. (MM 11.a)

**28. Landscape and Lighting District.** Prior to recordation of the Final Map, the developer shall establish a landscape and lighting district or other equivalent fund-collecting organization approved by the City of Corning to fund the operation and/or continued maintenance of street lighting and landscape strips in the public right-of-way. The project engineer shall prepare an estimate of the annual maintenance costs for these facilities that shall be made part of the District formation procedure. (MM 13.a)

**29. Development Impact Fees.** Development of the project residences will require payment of City Development Impact Fees. (MM 15.a)

**30. Fig Lane and Toomes Avenue Right-of-Way Dedications.** The Final Map shall offer additional right-of-way dedication to provide a 30' half-width (60' full width) for Fig Lane and Toomes Avenue along the project site frontages. (MM 15.b)

**31. Fig Lane Improvements.** Prior to recordation of the Final Map, the developer shall improve the frontage sections of Fig Lane to provide full south half-width improvements as shown on Drawing S-18 (40' 20-lane street), including one 12' wide travel lane an 8' wide parking lane, curb, gutter and sidewalk, and complete an asphaltic concrete overlay for one lane width (12') on the northerly half-width. (MM 15.c)

**32. Toomes Avenue Improvements.** Prior to recordation of the Final Map, the developer shall improve the frontage sections of Toomes Avenue to provide full west half-width improvements as shown on Drawing S-18 (40' 20-lane street), including one 12' wide travel lane an 8' wide parking lane, curb, gutter and sidewalk, and complete an asphaltic concrete overlay for one lane width (12') on the easterly half-width. (MM 15.d)

**33. Street Names.** Final street names are subject to City approval and shall appear on the Final Map. (MM 15.e)

**34. Street Lighting.** The developer shall provide street lighting that meets City standards. (MM 15.f)

**35. Interior Street Improvements.** Interior streets shall be improved in accordance with City of Corning Standard S-18 (40' 2 lane street). *(MM 15.g)*

**36. Access Restrictions.** Lots with frontage along Fig Lane and Toomes Avenue shall include a 1'-0" wide Non-Access strip along the street frontage. No driveways from these lots may be placed onto Fig Lane or Toomes Avenue. *(MM 15.h)*

**37. Water and Sewer Lines.** The developer shall install sewer and water lines per City Public Works Standard S-11. Trunk lines shall be extended along the entire Fig Lane and Toomes Ave. frontages of the property. *(MM 16.a)*

**38. Water Services.** The developer shall install water services and meters for each lot in accordance with Public Works Standard S-20. *(MM 16.b)*

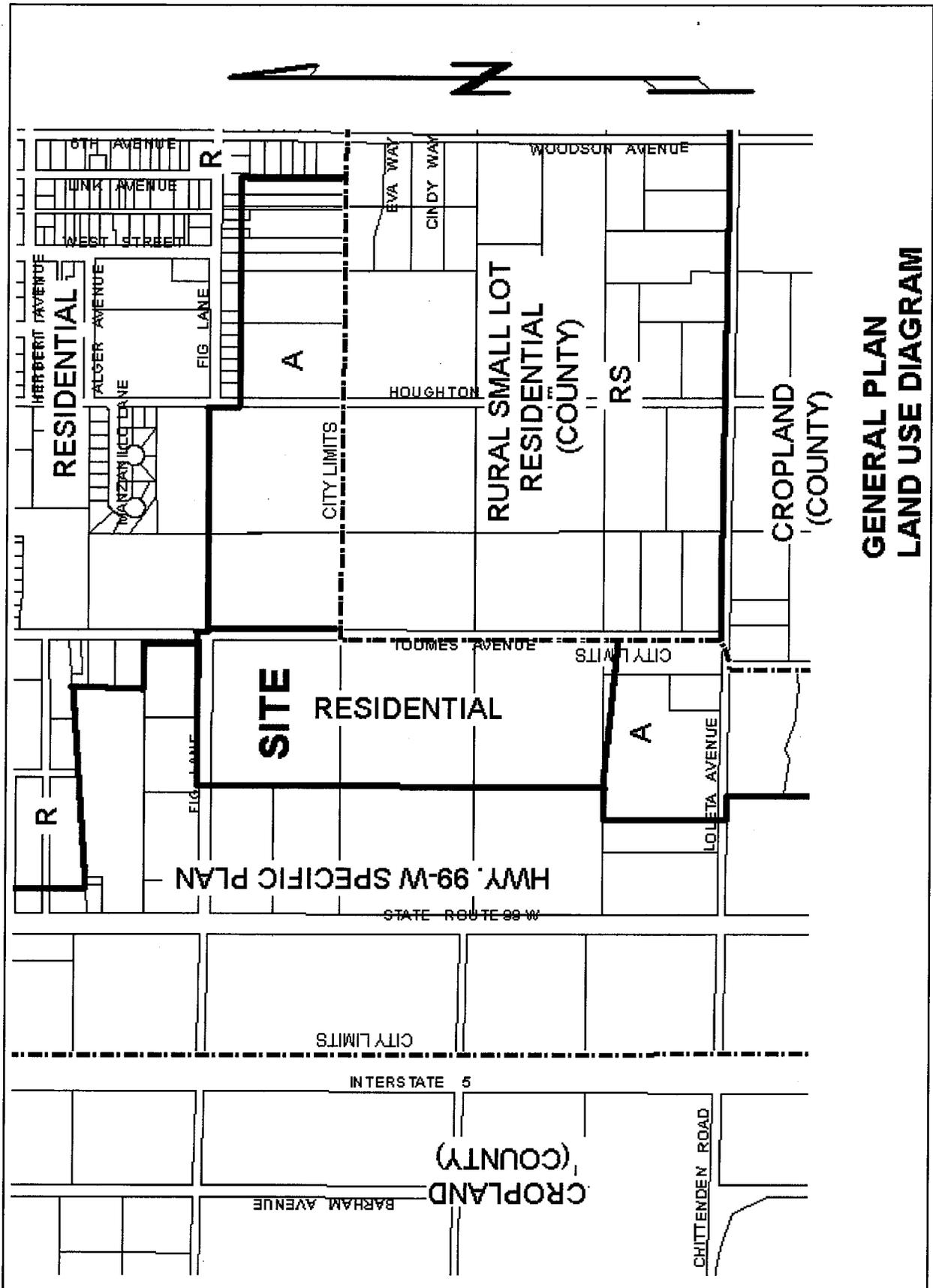
**39. Sewer Services.** The developer shall install sewer services for each lot in accordance with Public Works Standard S-21. *(MM 16.c)*

**40. Looped Water System.** Prior to recordation of the Final Map, the developer shall provide a "looped water system" connecting to City water facilities at two locations as determined by the City Engineer. *(MM 16.d)*

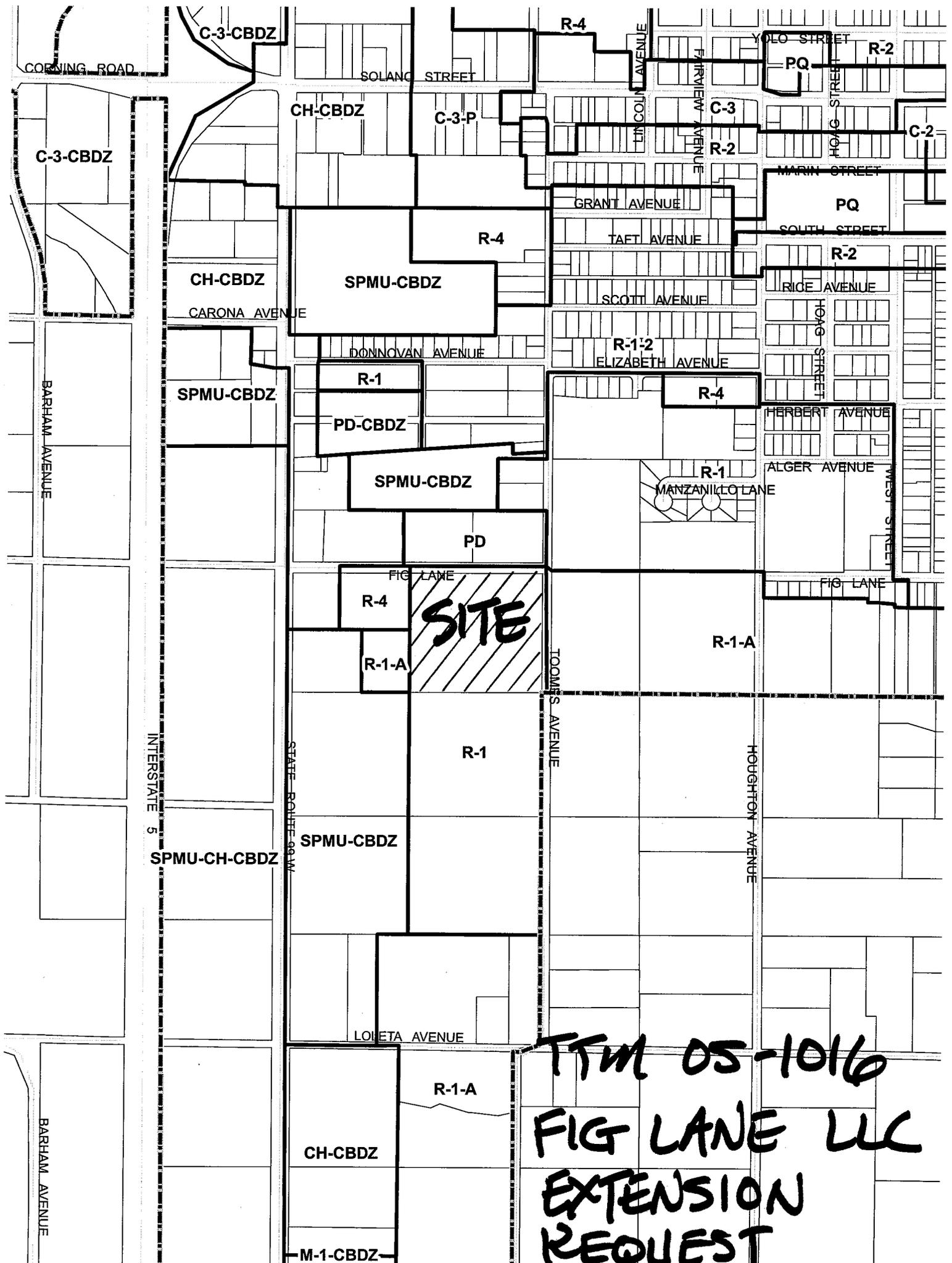
**41. Community Postal Box(es).** Provide and install one or more "Cluster Box Units" (CBUs) for postal service at locations approved by the Corning Postmaster. CBU positions shall appear on the improvement plans for the subdivision. *(MM 16.e)*

**42. Offsite Drainage Conveyance.** Property should be developed in a manner that offsite drainage may pass through the site and not be impeded or diverted during a major storm event that produces shallow overflow from Jewett Creek. Measures could include a combination of the following:

- Inclusion of openings along the base of fences and walls constructed along the west boundary of the project, with provision to drain from the rear to the front of applicable lots to the internal streets serving the subdivision.
- Provision for drainage conveyance along and adjacent to Fig Lane on the north side of the project.
- Provision to accept runoff into the subdivision street system at the Fig Lane entrance to be conveyed internally to the Toomes Avenue entrance for downstream release.
- Installation of a drainage collection and conveyance system along the west property line, with drainage entering internal streets serving the subdivision via drainage facilities and easements extending between lots at one or more locations.



**GENERAL PLAN  
LAND USE DIAGRAM**



TTM 05-1016  
FIG LANE LLC  
EXTENSION  
REQUEST

## Chapter 16.18

### FINAL MAPS AND PARCEL MAPS

#### Sections:

- 16.18.010 Filing final map.
- 16.18.020 Fees.
- 16.18.030 Data to accompany final map.
- 16.18.040 Preparation of maps--Size, material and scale.
- 16.18.050 Preparation of maps--Title.
- 16.18.060 Preparation of maps--Adjacent lots.
- 16.18.070 Preparation of maps--Subdivision boundary.
- 16.18.080 Preparation of maps--Dimensions, bearing and curve data.
- 16.18.090 Preparation of maps--Lots and blocks.
- 16.18.100 Preparation of maps--Streets.
- 16.18.110 Preparation of maps--Building setback line.
- 16.18.120 Preparation of maps--Easements.
- 16.18.130 Preparation of maps--High water line.
- 16.18.140 Preparation of maps--Monuments.
- 16.18.150 Preparation of maps--Certificates, acknowledgment and description.
- 16.18.160 Preparation of maps--Description of property.
- 16.18.170 Preparation of maps--Certificate regarding tax lien.
- 16.18.180 Preparation of maps--Other documents.
- 16.18.190 Action on final map by city engineer.
- 16.18.200 Approval by city council.
- 16.18.210 Public improvement agreement.
- 16.18.220 Disapproval by city council.
- 16.18.230 Recordation.
- 16.18.240 Amending maps after recordation.

#### Section 16.18.010 Filing final map.

A. An approved or conditionally approved tentative map shall expire twenty-four months after its approval or conditioned approval.

B. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map.

C. 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 a period or periods not exceeding a total of two years. 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 has denied the extension. (Ord. 550 (part), 1994).

#### Section 16.18.020 Fees.

At the time of filing of the final or parcel map, the subdivider shall pay a filing fee to the planning department. Said fee shall be prescribed by resolution of the city council. (Ord. 550 (part), 1994).