



**CITY OF CORNING
PLANNING COMMISSION AGENDA
TUESDAY, FEBRUARY 19, 2008
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. THE JANUARY 15, 2008 PLANNING COMMISSION MINUTES WILL BE PRESENTED FOR APPROVAL AT THE NEXT SCHEDULED PLANNING COMMISSION MEETING.

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. BUSINESS 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 No. 2008-247; to establish & operate a Tire Shop, Vehicle Rental Yard and Metal Shop in a CH-CBDZ Zoning District. Located at 1080 Hwy 99W; APN 69-210-89; Linnet's Tire and Michael Ray.

2. Use Permit No. 2008-248 to establish a residence within an M-1 Zoning District. Located at 811 Fourth St., Vinette Conway-Applicant; APN 71-136-11.

F. BUSINESS 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 Parcel Map 05-66-Ramon Calvillo; located between Grant and Taft Avenues and about 180 feet east of Toomes Ave; APN 71-191-03; approximately 0.47 acres

G. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

H. ADJOURNMENT:

POSTED: FEBRUARY 15, 2008

The City of Corning is an Equal Opportunity Employer

**ITEM NO. E-1
USE PERMIT NO. 2008-247; TO ESTABLISH
AND OPERATE A TIRE SHOP, RENTAL
VEHICLE YARD AND METAL SHOP IN A
CH-CBDZ ZONING DISTRICT. LOCATED AT
1080 HIGHWAY 99-W; APN 69-210-89;
LINNET'S TIRE AND MICHAEL RAY**

February 19, 2008

TO: PLANNING COMMISSION OF THE CITY OF CORNING

FROM: JOHN L. BREWER, AICP; PLANNING DIRECTOR

JB

SUMMARY:

This Planning Application seeks to authorize a tire shop and metal shop on property within the Specific Plan Area. Dave Linnet and Michael Ray submitted their joint application on January 8, 2008. Mr. Ray moved his metal shop business to this location several months earlier. Mr. Linnet currently operates a tire shop and "U-Haul" rental yard at 2920 Highway 99-W, but is losing his lease at that location.

The project site totals 4.94 acres and is located at 1080 Highway 99-W and within the CH-CBDZ (Highway Commercial-Corning Business Development zoning district. See the copy of the Zoning Map (Exhibit "D") and the Site Plan (Exhibit "A"). The property is owned by Mr. Kuldip Khinda of Red Bluff, who has also signed the application.

DISCRETION:

The Planning Commission's\City Council's authority regarding this Use Permit application stems from Chapter 17.54 of Title 17 (Zoning Code) of the Corning Municipal Code (Exhibit "K"), and the State Planning and Zoning Law (Government Code Section 65000 et. seq.)

A Use Permit is appropriate for the intended uses in accordance with Corning Municipal Code Sections 17.47.040.C (Exhibit "I") and 17.48.030 (Exhibit "H"). In a nutshell, these sections authorize a multitude of commercial and light industrial uses upon approval of a use permit. This is described in more detail under the "Zoning" section of the body of the staff report.

STAFF RECOMMENDATION:

PLANNING COMMISSIONERS APPROVE USE NO. 2008-247, SUBJECT TO THE FOLLOWING:

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

2. **ADOPT SIX (6) CONDITIONS OF APPROVAL ON USE PERMIT NO. 2008-247.**

RECOMMENDED FINDINGS:

1. *This project is exempt from CEQA in accordance with Guidelines Section 15301, since it amounts to the reoccupation of an existing building and previously used commercial property*
2. *The site for the proposed use is adequate in size, shape, topography and circumstances.*
3. *The site 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 adopted in the General Plan for the City of Corning.*
6. *Tire shops and Rental Vehicle Yards are "Highway Service type commercial uses and may be permitted in CH zoning districts with a use permit pursuant to Corning Municipal Code Section 17.48.030.A.*

RECOMMENDED CONDITIONS:

1. **ACCESS AND FENCING.** To limit truck impacts to Carona Avenue, abandon the Carona Avenue driveway in favor of Highway 99-W access. Obtain an Encroachment Permit for a new Highway 99-W driveway. Remove the existing fence along the Highway 99-W frontage and install fencing along the Carona Avenue frontage.
2. **SCREENED OUTDOOR WORK AREA.** Install four foot high (min.) cyclone type fencing with vinyl privacy slats, or other material approved by the Planning Director, along east side of concrete slab work area to screen outdoor work area from Highway 99-W motorists.
3. **DISPLAYED VEHICLES.** Vehicles displayed for sale shall not be within 100 feet of the Highway 99-W right of way.
4. **WELDING AND METAL SHOP.** All welding and metal shop operations shall be conducted within a building, or within an appropriately screened

area approved by the Planning Director.

5. **TIRE STORAGE.** All new and used tires shall be stored inside a building or a screened storage area approved by the Planning Director.
6. **FLOOD HAZARD (Advisory Only).** Applicants are advised the property lies within FEMA Flood Hazard Zone "X" and may be subject to shallow (<1'-0" depth) surface flooding during 100-year flood events.

GENERAL PLAN:

LAND USE DESIGNATION & PROJECT DETAILS:

This application seeks to authorize a tire shop, "U-Haul" rental yard and a metal/welding shop on the property at 1080 Highway 99-W.

This site is within the Highway 99-W Specific Plan Area. The Specific Plan is equivalent to a General Plan Land Use Designation. The property is improved with an existing shop building that will be occupied by the two applicants, and a residence that is rented to another person. Please refer to the Site Plan (Exhibit "B"), the Aerial Photo (Exhibit "G"), and the Site Photos (Exhibit "H"). Mr. Linnet plans to change tires on an existing concrete slab located between the building and the street. He also operates a mobile tire service truck, so much of his work will merely be dispatched from the site. Additionally, he plans to rent U-haul trucks and trailers from the site.

The site was previously used as a recycling center and a muffler/auto repair shop. Earlier, the site had been a propane station. In fact, the concrete supports for the large propane tanks are still onsite.

The two uses are consistent with the land use objectives of the Highway 99-W Specific Plan that envisions highway-related commercial and light industrial uses.

SPECIFIC PLAN DESIGN GUIDELINES:

The Specific Plan also has guidelines that suggest building aesthetics, landscaping and parking lot design. Requiring complete compliance with these standards could make the reoccupation of existing commercial buildings cost prohibitive, and could virtually assure that such buildings remained vacant and unproductive. Vacant buildings soon deteriorate and contribute to the appearance of "blight". For that reason, staff believes it's in the public interest to pursue a less aggressive approach in terms of Specific Plan compliance in the case of reoccupation of existing buildings and properties.

Postponing compliance will allow the existing building to be reoccupied in the interim, until the right combination of market need and property values combine to warrant demolition of the building and replacement. Such a policy also provides

site locations for certain "service" type uses that otherwise might not be economically feasible.

Recommended Condition No. 2 requires that a four-foot high (min.) screen be provided to shield the tire change area from passing motorists.

ZONING:

Please refer to the attached copy of the zoning map. The site is zoned CH-CBDZ. These districts are consistent with the Highway 99-W Specific Plan, which seeks development of mixed uses including commercial, and light industrial uses.

The "CH"; Highway Commercial Zoning district regulations are contained within Corning Municipal Code Chapter (CMC) 17.48 (Exhibit "H"). Section 17.48.020 permits no uses except those permitted with a use permit. Then CMC Section 17.48.030 lists those permitted with a use permit. They include "Highway Service types of commercial uses". Staff believes that a tire shop and U-Haul rental business would both qualify as a "Highway service type uses" and recommends the Planning Commission make that in the form of a "finding" (Finding No. 6). Staff does recommend Condition No. 5 to make sure the tires are stored within a building or appropriate screened enclosure.

In addition to the CH Zoning designation, the CBDZ; Corning Business Development Zone combing district permits additional uses in accordance with CMC Chapter 17.47 (Exhibit "I"). Specifically, 17.47.040.C authorizes uses permitted in both the CH and SPMU Zones. Use permitted in CH zones are addressed in the preceding paragraph. The SPMU; Specific Plan Mixed Use Zone, permits a multitude of uses as described in CMC Chapter 17.49 (Exhibit "J") upon approval of a use permit. CMC Section 17.49.050.J.3 permits "Sheet metal shops and welding shops" provided the uses are conducted within a building or enclosed area. MR Metal Works will occupy half of the existing commercial building. Recommended Condition No. 4 requires the metal/welding shop operations to be conducted within the building or an appropriately screened area.

CIRCULATION ELEMENT:

Please refer to the copy of the Circulation Element Map. The site fronts old Highway 99-W and Carona Avenue. Highway 99-W is designated an Arterial Street on the map. Carona Avenue is a "Local Street"(See Site Photo M-3) that was initially constructed by the County Road Department. It has little, if any substructure, and a chip-sealed (vs. more durable asphalt) surface.

A good share of Mr. Linnet's tire business is with trucks and other larger, heavier vehicles including his U-Haul rental business. Adding large vehicles to Carona Avenue will quickly destroy the substandard street. For that reason, staff recommends removing the existing highway fronting fence (See Site Photos M-2

& M-5) and establishing primary access from the old highway, and constructing a fence along the Carona Avenue frontage to discourage its use by truckers.

SAFETY ELEMENT:

Please refer to the attached copy of the Flood Hazard Map (Exhibit "F"). The site is within a Flood Hazard Zone "X". That means the property may be subject to shallow (<1'-0") flooding during a 100-year flood event. Proposed Condition 6 merely advises the business owners of this condition and that shallow flooding could occur. No new buildings are proposed-so no "Base Flood Elevation" related conditions are recommended.

HOUSING ELEMENT:

The project is not residential in nature. There is an existing residence onsite that could be negatively affected by the proposed uses. However, it should be noted that the residential use is in fact a "Non-conforming use", since new residences are not be permitted within the Specific Plan area. The use can continue and probably will until the owner determines the property is more valuable without the residence.

So, while there may eventually be a loss of this one dwelling, the loss is insignificant when viewed in terms of the overall City housing stock and will more conform to the commercial & light industrial objectives of the Specific Plan.

CEQA:

Staff found this project to be exempt from the California Environmental Quality Act (CEQA) in accordance with Guidelines Section 15301 (Exhibit "L"), since it is the reoccupation of an existing commercial building.

SIGNAGE:

The Site Plan indicates the proposed locations of two signs. The Sign regulations permit one free-standing sign and a freeway oriented sign, as well as wall signage. Mr. Linnet and Mr. Ray will have to decide how to deal with that limit. There is currently a non-conforming "Off-premises" sign advertising Reilly's Mufflers that is also onsite (see Site Photo M-2) that dates back to when that use occupied the property.

PUBLIC COMMENTS:

Staff notified all property owners within 300/500 feet of the project site by mail. A copy of the map showing the properties within that radius is attached as Exhibit "N". The notice (Exhibit "O") 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
- Exhibit "B".....Site Plan
- Exhibit "C".....Assessor's Map
- Exhibit "D"..... Zoning Map
- Exhibit "E"..... Circulation Element Map
- Exhibit "F"..... Flood Hazard Map
- Exhibit "G".....Aerial Photo
- Exhibit "H".....Corning Municipal Code Chapter 17.48 (CH Regs.)
- Exhibit "I".....Corning Municipal Code Chapter 17.47 (CBDZ Regs.)
- Exhibit "J".....Corning Municipal Code Chapter 17.49 (SPMU Regs.)
- Exhibit "K".....Corning Municipal Code Chapter 17.54 (Use Permits)
- Exhibit "L"..... CEQA Guidelines Section 15301
- Exhibit "M".....Site Photos
- Exhibit "N".....Notice Map (500' Radius)
- Exhibit "O".....Public Hearing Notice

STAFF REPORT SUMMARY SHEET

Application Information

Application Type: Use Permit Applicant: Linnet's Tire/Michael Ray
Assessor's Parcel No. 69-210-89 Acreage: 4.94
Submittal Date: 1/8/08 Contact Person: Dave Linnet
Project Description: Tire & Metal/Welding Shop in SP area.
PC Action: 2/19/08
CC Action: _____

Land Use Information

Current Zoning: CH-CBD2 Proposed Zoning: N/A
Current GPLU Designation: SP Proposed GPLU Designation: SP
Floodplain Zone?: X Airport Safety Zone: N/A
Maximum Density Permitted: N/A Compliant? Yes

CEQA Information

Application Complete: 1/8/08 Exempt?\Section 15301
MND Filed w\County: N/A With Clearinghouse: N/A
Adjoiners determined: 1/16/08 PC Notice sent to AO's 1/18/08
PC Notice to Agencies: N/A Review Ends: _____
PC Notice Published: 2/6/08 PC Hearing: 2/19/08
CC Hearing Date _____ Notices Mailed: _____
CC Notice Published: _____ NoD Filed: _____

LIST OF EXHIBITS

- Exhibit "A"Project Application
- Exhibit "B"Site Plan
- Exhibit "C"Assessor's Map
- Exhibit "D" Zoning Map
- Exhibit "E" Circulation Element Map
- Exhibit "F" Flood Hazard Map
- Exhibit "G"Aerial Photo
- Exhibit "H"Corning Municipal Code Chapter 17.48 (CH Regs.)
- Exhibit "I"Corning Municipal Code Chapter 17.47 (CBDZ Regs.)
- Exhibit "J"Corning Municipal Code Chapter 17.49 (SPMU Regs.)
- Exhibit "K"Corning Municipal Code Chapter 17.54 (Use Permits)
- Exhibit "L" CEQA Guidelines Section 15301
- Exhibit "M"Site Photos

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

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

PROJECT INFORMATION	PROJECT ADDRESS <i>1080 Hwy 99W</i>		ASSESSOR'S PARCEL NUMBER <i>69-210-89</i>	G.P. LAND USE DESIGNATION <i>99W Specific Plan</i>
	ZONING DISTRICT <i>CH-CDB2</i>	FLOOD HAZARD ZONE	SITE ACREAGE	AIRPORT SAFETY ZONE? <i>N/A</i>
	PROJECT DESCRIPTION: (attach additional sheets if necessary) <i>Move fire shop to new location 1/2 of Building M-R Medrel works other 1/2</i>			
	APPLICATION TYPE (Check All Applicable)			
<input type="checkbox"/> Annexation/Detachment <input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Lot Line Adjustment <input type="checkbox"/> Merge Lots <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 checked="" type="checkbox"/> Use Permit				
APPLICANT INFORMATION	APPLICANT <i>Linnets fire</i>		ADDRESS <i>2920 Hwy 99W</i>	DAY PHONE <i>530-824-5489</i>
	REPRESENTATIVE (IF ANY) <i>Dave Linnet</i>		ADDRESS <i>474 First St</i>	DAY PHONE <i>824-5489</i>
	PROPERTY OWNER		ADDRESS	DAY PHONE
	CORRESPONDENCE TO BE SENT TO <input checked="" 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: <i>Dave Linnet</i> <i>Machael A Ray</i>		PROPERTY OWNER: I have read this application and consent to its filing. Signed: <i>Kuldip S Khurda</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.				

SUBMITTAL INFO	FOR OFFICE USE ONLY			
	APPLICATION NO. <i>UP 2008-247</i>	RECEIVED BY: <i>JIS</i>	DATE RECEIVED <i>1/8/08</i>	DATE APPL. DEEMED COMPLETE <i>1/08/08</i>
	FEE RECEIVED/RECEIPT NO. <i>1/8/08</i>	CEQA DETERMINATION <input checked="" type="radio"/> Exempt <input type="radio"/> ND <input type="radio"/> MND <input type="radio"/> EIR		DATE FILED

EXH. "A"



CITY OF CORNING

ENVIRONMENTAL INFORMATION FORM (To be completed by Applicant)

DATE FILED _____

General Information

1. Project Title: Move fire shop & u haul

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:

Additional Project Information

3. For non-residential projects, indicate total proposed building floor area: 900 sq. ft. in 1 floor(s).

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

5. Proposed scheduling/development.

6. Associated project(s).
Remodel add 900 foot storage metal building for display and storage if needed

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.)

A-2

**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.

fire shop & outlet

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

two employees hour 8-5 7 Days week

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

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

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

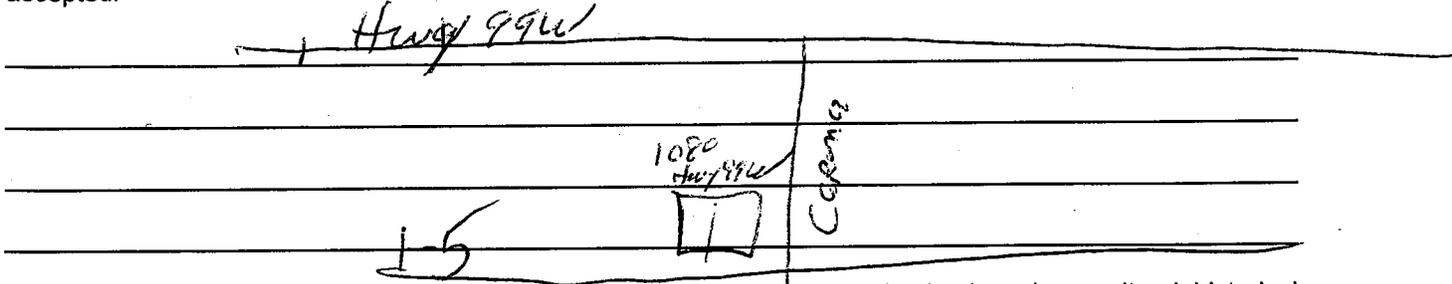
- | | YES | NO |
|---|--------------------------|-------------------------------------|
| 12. Change in existing topographic features, or substantial alteration of ground contours? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 13. Change in scenic views or vistas from existing 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"/> |

A-3

**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.



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.

Motel on north side muffler shop on south side

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 _____ Signature *[Handwritten Signature]*

For: _____

A-4

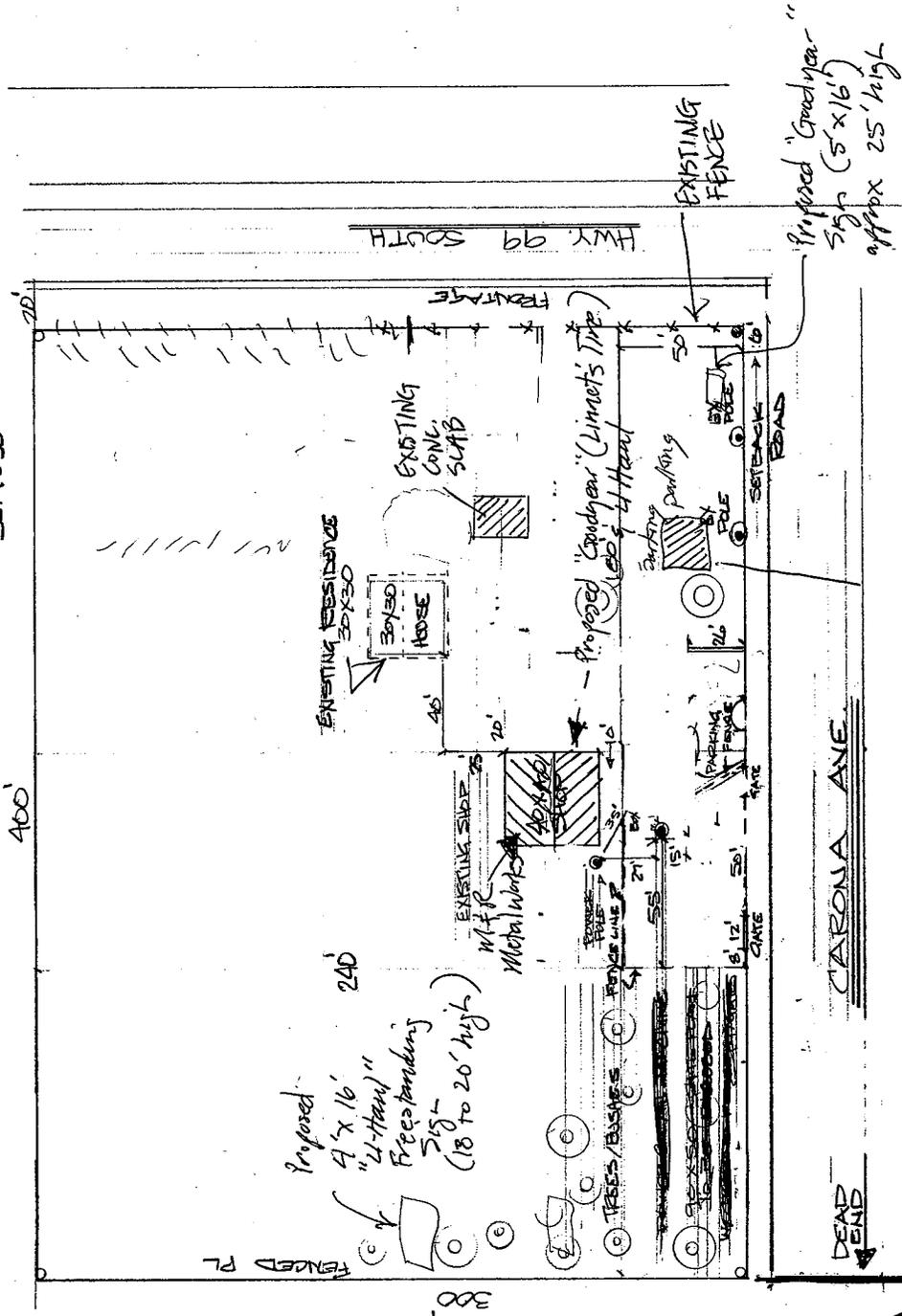
PLANNING DEPARTMENT
BUILDING DEPARTMENT
ENVIRONMENTAL HEALTH DEPT.
FIRE DEPARTMENT



CITY OF COENING
 COUNTY OF ISHAM A
 STATE OF CALIFORNIA

PLOT PLAN
 SC. 1"=50'

PROPERTY ADDRESS: 1090 HWY 99
 PHONE # 057-2017
 ASSESSOR'S PARCEL # BK17KATHY FLORENZO
 5045 16 50



SITE PLAN
EXH. "B"

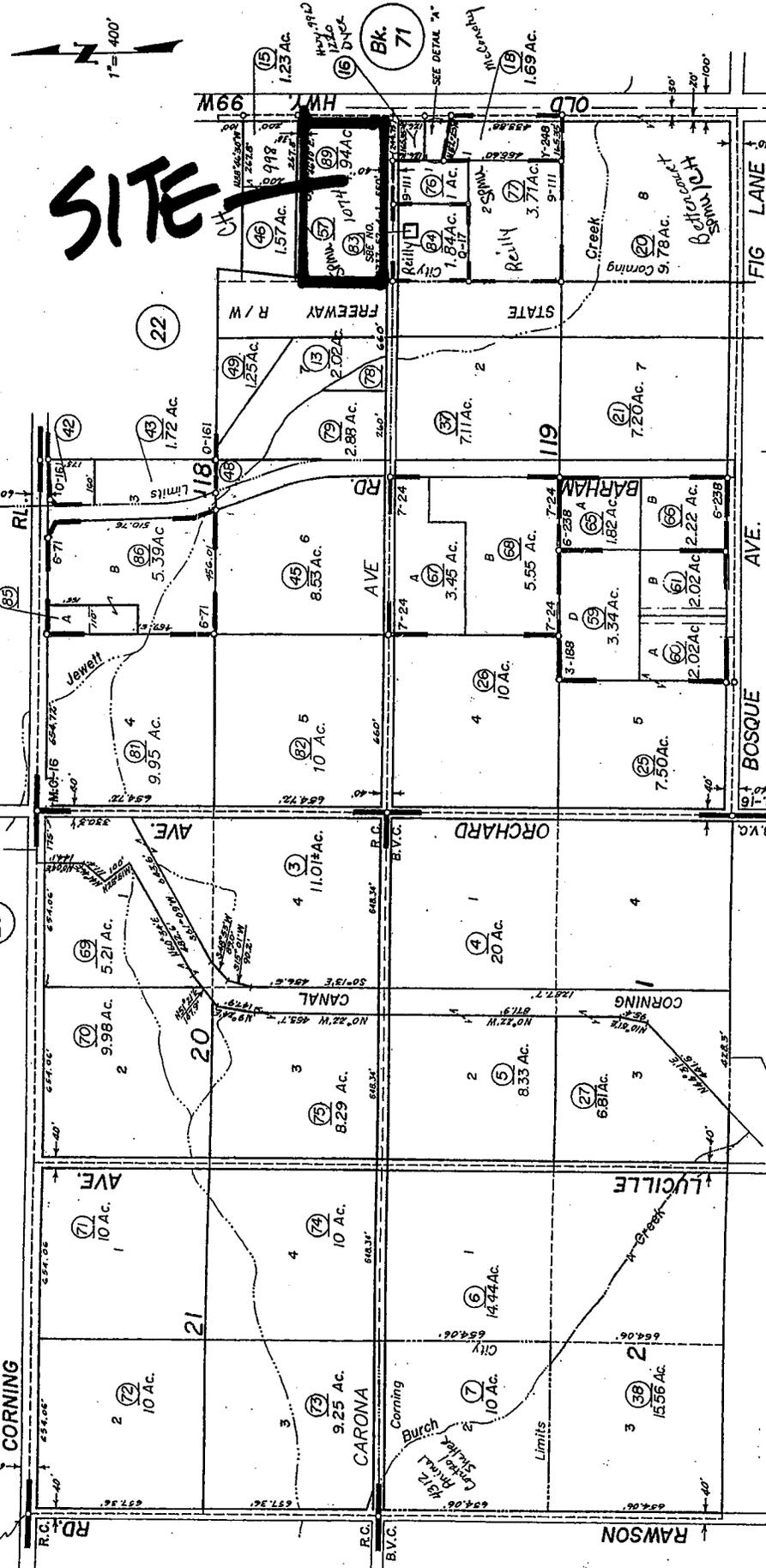
I-5

5/14/04
Tax Area Code
69-21

11-TC

POR. N1/2 SEC. 21 T.24N. R.3W., M.D.B.&M.

OPY 1/7/16 20/21



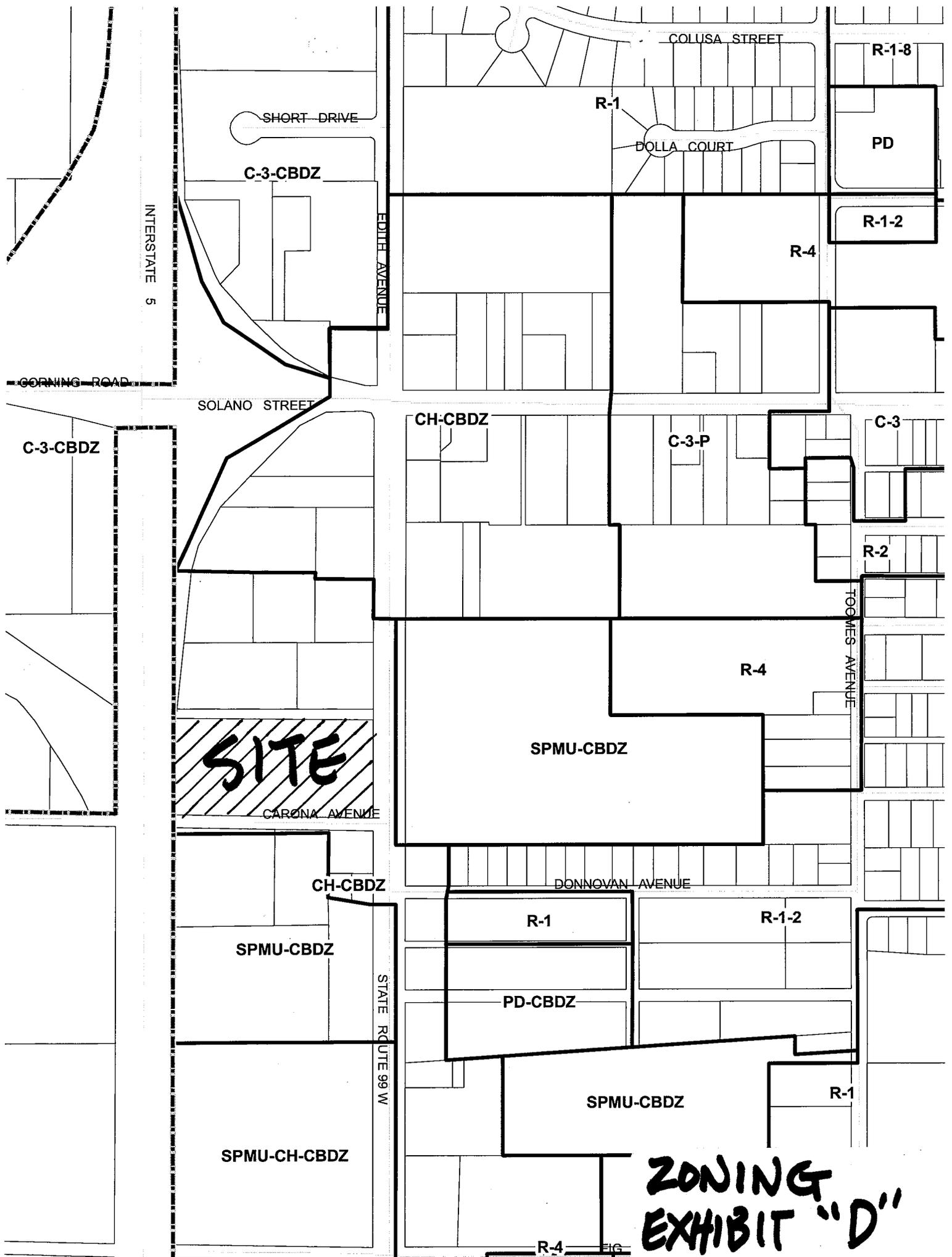
SITE

EXHIBIT

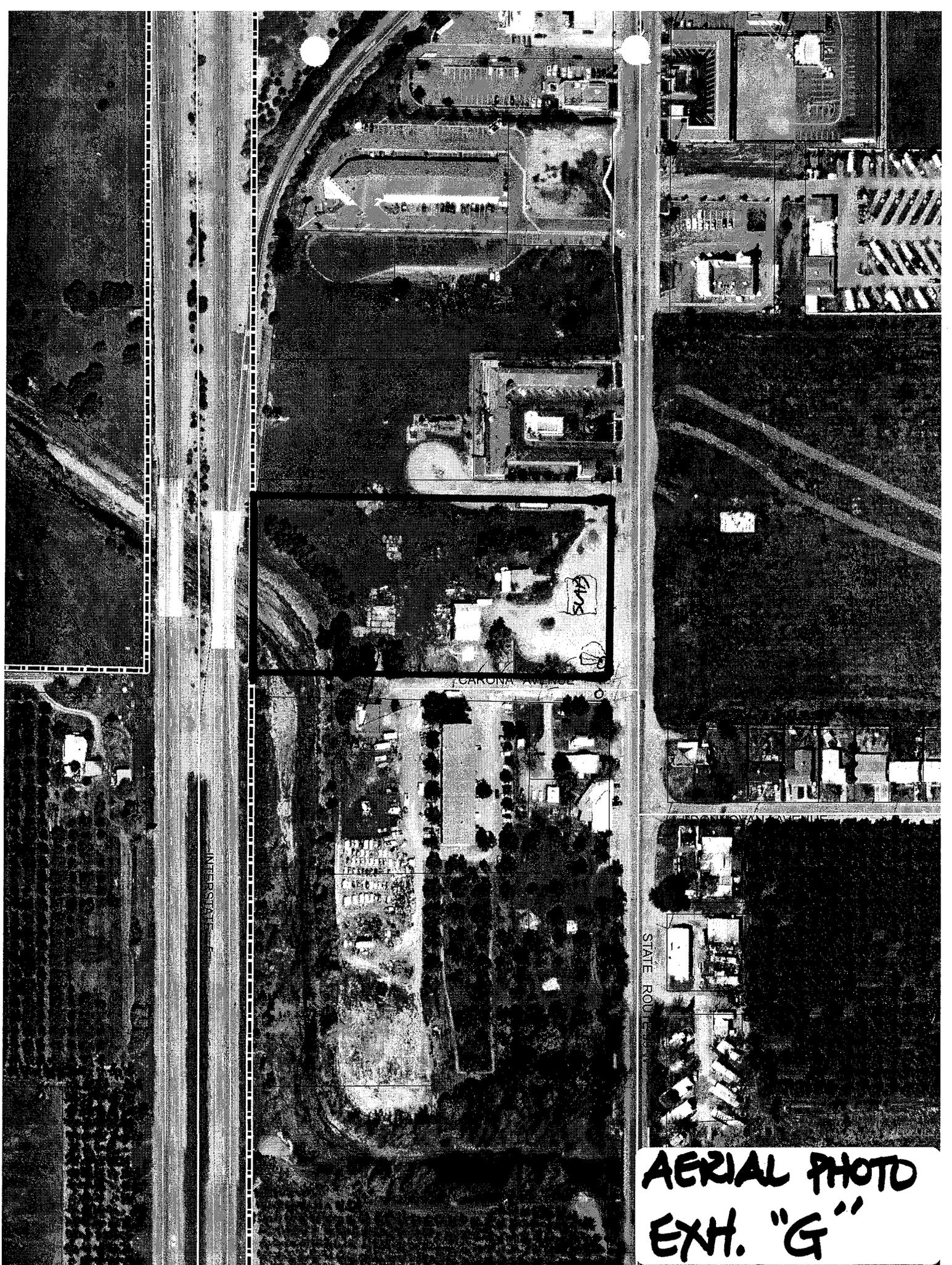
- R.M. Bk. B, Pg. 38-Maywood Colony No. 16
- R.M. Bk. B, Pg. 54-Richfield Colony
- R.M. Bk. B, Pg. 56-Belle View Colony
- R.S. Bk. O, Pg. 161
- R.M. Bk. Q, Pg. 17-P.M. No. 124
- R.S. Bk. Y, Pg. 248
- P.M. Bk. 3, Pg. 188-P.M. No. 838
- P.M. Bk. 6, Pg. 71-P.M. No. 79-73
- P.M. Bk. 6, Pg. 238-P.M. No. 79-152
- P.M. Bk. 7, Pg. 24-P.M. No. 78-170
- P.M. Bk. 9, Pg. 111-P.M. No. 89-4

Assessor's Map Bk. 69 -Pg. 21
County of Tehama, Calif.

NOTE-Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles



**ZONING
EXHIBIT "D"**



**AERIAL PHOTO
EXT. "G"**

Chapter 17.48

CH HIGHWAY SERVICE COMMERCIAL OVERLAY DISTRICT

Sections:

- 17.48.010** **Generally.**
- 17.48.020** **Permitted uses.**
- 17.48.030** **Uses requiring use permits.**
- 17.48.040** **General requirements.**

Section 17.48.010 **Generally.**

This overlay district classification is intended to be applied along main road and highway frontages at proper intervals and locations to provide necessary services for the traveling public in developments designed for safety, convenience and fitting appearance. 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 CH districts. This overlay district is to be utilized only within the boundaries of the Highway 99W corridor specific plan. This district provides for the continuation and development of freeway-oriented commercial activities. (Ord. 573 (part), 1997).

Section 17.48.020 **Permitted uses.**

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

Section 17.48.030 **Uses requiring use permits.**

In CH districts, the following uses shall require use permits:

- A. Highway service types of commercial uses, which in the opinion of the planning commission, are of a character similar to the following: gasoline service stations, restaurants, motels and recreational vehicle services; and incidental uses on the same lot which are 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 shall be permitted;
- B. Outdoor advertising signs and structures which are located on or immediately adjacent to permitted commercial uses, and which pertain directly to the commercial use of the property. (Ord. 589 §12, 2001; Ord. 573 (part), 1997).

Section 17.48.040 **General requirements.**

In CH overlay districts land use regulations shall include the following regulations:

- A. In any district with which is combined the CH 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. Any development within the CH overlay district shall apply applicable design criteria established in the visual design guidelines of the Highway 99W corridor specific plan;C. Those established in Chapter 17.47 CBDZ Corning business development zone. (Ord. 573 (part), 1997).



EXHIBIT "H"

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 "I"

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 "J"

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 la and lb.

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 "K"

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

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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

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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).

15301. Existing Facilities

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

Examples include but are not limited to:

- (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- (b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;
- ✓ (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety).
- (d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;
- (e) Additions to existing structures provided that the addition will not result in an increase of more than:
 - (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or
 - (2) 10,000 square feet if:
 - (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and
 - (B) The area in which the project is located is not environmentally sensitive.
- (f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;
- (g) New copy on existing on and off-premise signs;
- (h) Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of pesticides, as defined in Section 12753, Division 7, Chapter 2, Food and Agricultural Code);
- (i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;
- (j) Fish stocking by the California Department of Fish and Game;
- (k) Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt;
- (l) Demolition and removal of individual small structures listed in this subsection;
- (1) One single-family residence. In urbanized areas, up to three single-family residences may be

EXH. "L"

demolished under this exemption.

(2) A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where not more than six dwelling units will be demolished.

(3) A store, motel, office, restaurant, or similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use.

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

(m) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.

(n) Conversion of a single family residence to office use.

(o) Installation, in an existing facility occupied by a medical waste generator, of a steam sterilization unit for the treatment of medical waste generated by that facility 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.

(p) Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code; References: Sections 21084 and 21084.2, Public Resources Code; *Bloom v. McGurk* (1994) 26 Cal.App.4th 1307.

Discussion: This section describes the class of projects wherein the proposed activity will involve negligible or no expansion of the use existing at the time the exemption is granted. Application of this exemption, as all categorical exemptions, is limited by the factors described in section 15300.2. Accordingly, a project with significant cumulative impacts or which otherwise has a reasonable possibility of resulting in a significant effect does not qualify for a Class 1 exemption.

15302. Replacement or Reconstruction

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

(a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50 percent.

(b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.

(c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

(d) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.

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

15303. New Construction or Conversion of Small Structures

"L-2"

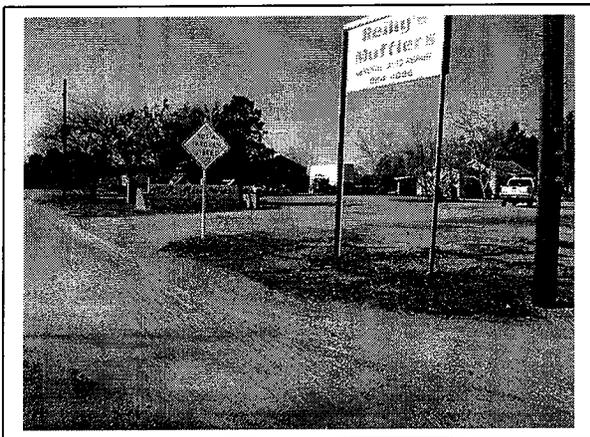
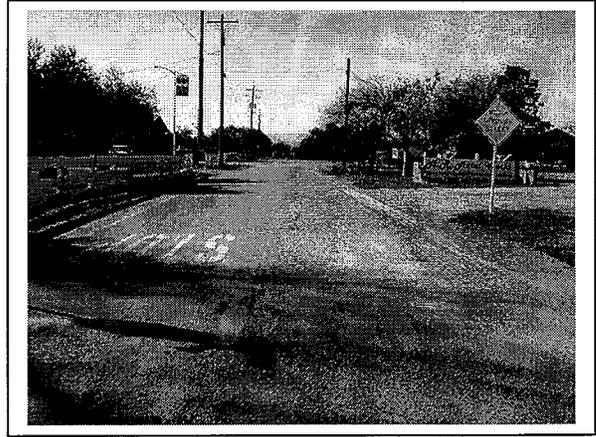
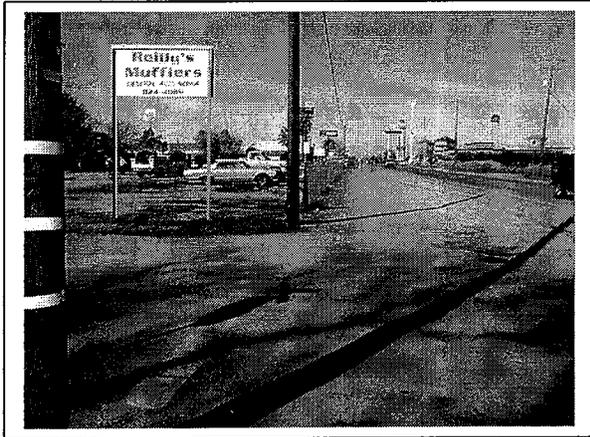


Exhibit "M"



M-2



M-3



M-4



M-5

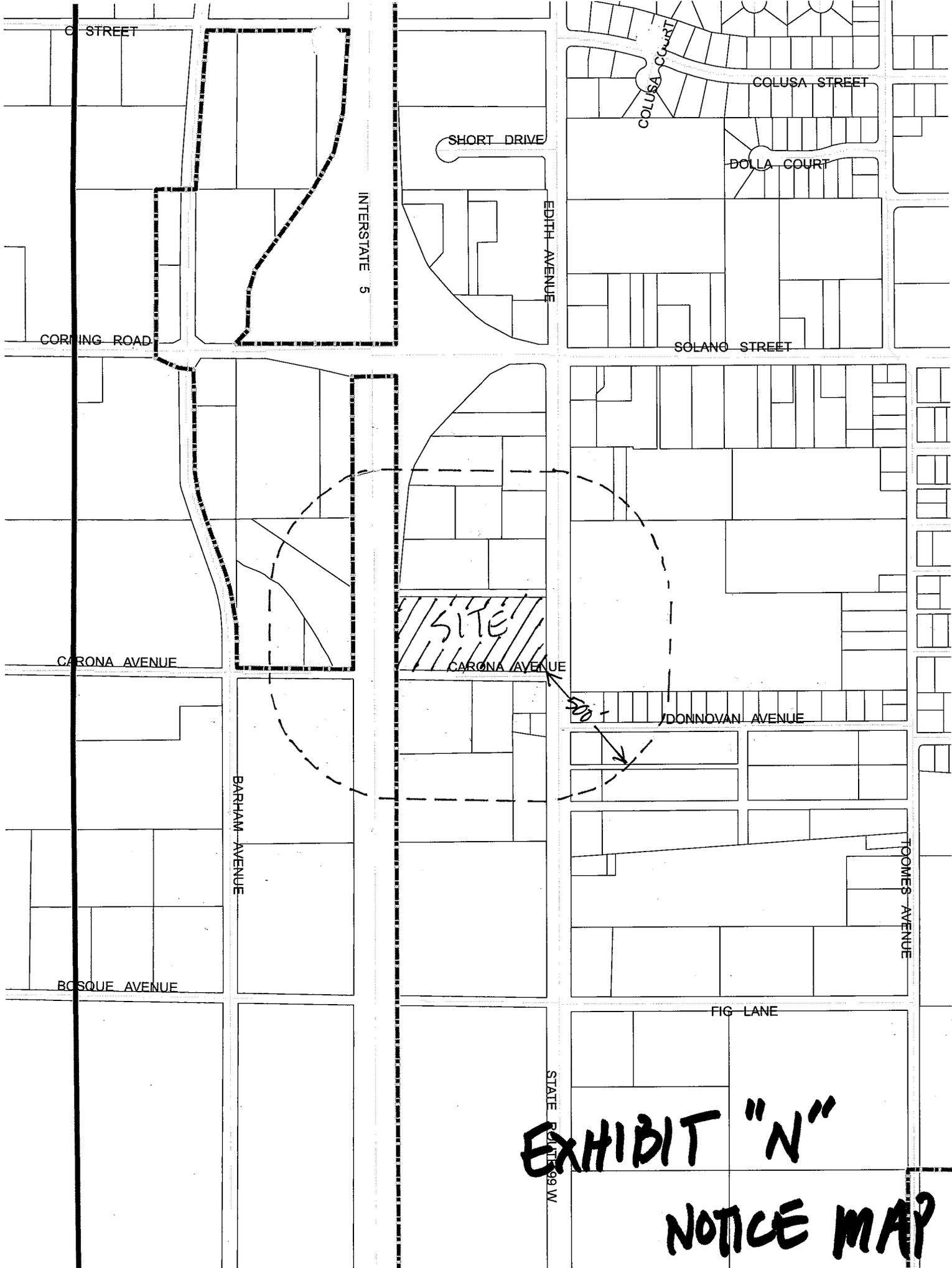


EXHIBIT "N"
NOTICE MAP

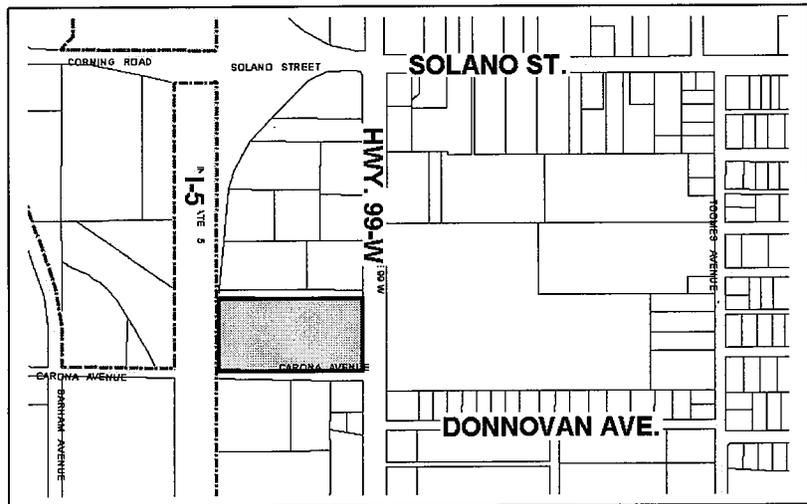
STATE PLATE 99 W

**PUBLIC NOTICE-PUBLIC HEARING
USE PERMIT NO. 2008-247; LINNET'S TIRE SERVICE AND M & R
METAL WORKS**

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

**WHAT IS BEING
PLANNED:**

Dave Linnet and Michael Ray propose to operate both Linnet's Tire Service and M & R Metal Works within the existing building at 1080 Old Highway 99-W. The subject property is zoned CH-CBDZ; Highway Commercial-Corning Business Development Zone. That zone permits a multitude of commercial and light industrial uses upon approval of a use permit. Assessor's Parcel Number 69-210-89.



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, February 19, 2008. 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 "D"

**ADOPTED CONDITIONS OF APPROVAL
USE PERMIT 2008-247; LINNET'S TIRE & MICHAEL RAYE
1080 HWY. 99-W**

1. **ACCESS AND FENCING.** To limit truck impacts to Carona Avenue, abandon the Carona Avenue driveway in favor of Highway 99-W access. Obtain an Encroachment Permit for a new Highway 99-W driveway. Remove the existing fence along the Highway 99-W frontage and install fencing along the eastern 130 feet of the Carona Avenue frontage.
2. **SCREENED OUTDOOR WORK AREA.** Install ~~four~~ six¹ foot high (min.) cyclone type fencing with vinyl privacy slats, or other material approved by the Planning Director, along east side of concrete slab work area to screen outdoor work area from Highway 99-W motorists.
3. **DISPLAYED VEHICLES.** Vehicles displayed for sale shall not be within 100 feet of the Highway 99-W right of way.
4. **WELDING AND METAL SHOP.** All welding and metal shop operations shall be conducted within a building, or within an appropriately screened area approved by the Planning Director.
5. **TIRE STORAGE.** All new and used tires shall be stored inside a building or a screened storage area approved by the Planning Director.
6. **FLOOD HAZARD (Advisory Only).** Applicants are advised the property lies within FEMA Flood Hazard Zone "X" and may be subject to shallow (<1'-0" depth) surface flooding during 100-year flood events.
7. **DEFERRED IMPROVEMENTS AGREEMENT.** Property owner shall enter into a Deferred Improvement Agreement for the west half width of Highway 99-W in accordance with the approved cross section. The Deferred Improvement Agreement shall be timed so that half width improvements occur concurrently with improvements along the frontage of the property to the north (Seven-Inn Motel).
8. **HIGHWAY 99-W ACCESS LIMITATION.** Highway access shall be limited to not more than two driveways. The remaining highway frontage shall be fenced with commercial grade wrought iron fencing or other equivalent barrier approved by the Planning Director and the Public Works Director and installed within 120 days of the approval date of this use permit.
9. **PLANNING COMMISSION REVIEW.** This use permit shall be subject to review by the Planning Commission in 10 years (February, 2018). At that time the Planning Commission shall consider whether additional conditions of approval or immediate activation of street frontage improvements to Highway 99-W are necessary.

¹ Amended by Planning Commission at their 2/19/087 meeting to "six" foot high (min.)

ITEM NO. E-2
USE PERMIT NO. 2008-248; TO
ESTABLISH A RESIDENCE WITHIN
AN M-1 ZONING DISTRICT.
LOCATED AT 811 FOURTH STREET;
VINETTE CONWAY-APPLICANT; APN
71-136-11.
February 19, 2008

TO: PLANNING COMMISSION OF THE CITY OF CORNING

FROM: JOHN L. BREWER, AICP; PLANNING DIRECTOR



SUMMARY:

Vinette Conway owns the building at 811 Fourth Street. According to her application (Exhibit "A"), she wishes to provide a "Caretaker" dwelling within the second story of the commercial building. The caretaker would provide security for several classic automobiles that she stores on the first floor of the building. See the attached copies of the photos showing the vehicles that are stored in the building. Also see the copy of the Aerial Photo (Exhibit "K") showing the site and the neighborhood development.

The project site totals 10,500 sq. ft. (0.24 acres) and is located within the M-1; Light Industrial zoning district.

DISCRETION:

The Planning Commission's authority regarding this Use Permit application stems from Chapter 17.54 of Title 17 (Zoning Code) of the Corning Municipal Code, and the State Planning and Zoning Law (Government Code Section 65000 et. seq.). In this case, the applicant seeks to establish a dwelling unit in an M-1 zoning district.

One residence may be permitted in accordance with Corning Municipal Code Section 17.26.020.A (attached as Exhibit "I"). You'll note the section limits the size of the residence to a maximum of "1/3 the area of the active business". According to the Floor Plan (Exhibit "C"), this application seeks to develop a 2,000 sq. ft. (approx.) dwelling in the loft of the overall 8,000 sq. ft. building.

STAFF RECOMMENDATION:

PLANNING COMMISSIONERS APPROVE USE NO. 2008-248, SUBJECT TO THE FOLLOWING:

- 1. *ADOPT THE FIVE (5) FINDINGS.***
- 2. *ADOPT THREE (3) CONDITIONS OF APPROVAL ON USE PERMIT NO. 2008-248.***

FINDINGS:

1. Staff completed a CEQA Initial Study to determine the potential environmental effects of this project. The Initial Study identified some effects that could be considered significant. However, staff also determined that these effects could be lessened or "mitigated" to a less than significant threshold by the imposition of certain mitigation measures. For that reason, a CEQA Mitigated Negative Declaration was prepared, filed and distributed to all Responsible and Trustee agencies. All comments received regarding the Mitigated Negative Declaration have been adequately addressed. All identified significant effects of the project will be lessened or mitigated with the imposition of the Mitigation Measures recommended in the Mitigated Negative Declaration, and the project will not have a significant effect on the environment.
2. The site for the proposed use is adequate in size, shape, topography and circumstances.
3. The site 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 Industrial Land Use Designation and the goals and objectives adopted in the General Plan for the City of Corning.

CONDITIONS:

1. **OCCUPANT LIMITATION.** The occupant of this residence shall be either the owner, the proprietor, or the owner's agent who shall provide security for the ongoing storage or other approved industrial or commercial use occurring within the building.
2. **RESIDENCE AREA.** The total area of the residence shall not exceed that (approx.) 2,000 sq. ft. area shown on the floor plan submitted as part of this application.
3. **POTENTIAL NUISANCE DISCLOSURE.** Resident is advised that the dwelling unit is located within a mixed industrial and commercial neighborhood, and may be subject to noise, dust, fume, light, and other effects in excess of that customarily associated with a residential neighborhood.

**GENERAL PLAN:
LAND USE DESIGNATION:**

Please refer to the attached copy of the General Plan Land Use Diagram (Exhibit "D"). The Site is currently designated "I"; Industrial. This application seeks to authorize a dwelling unit as a caretaker residence. If a use permit is first approved, the development proposal is consistent with the Industrial General Plan Land Use Designation.

ZONING:

Please refer to the attached copy of the zoning map. The site is zoned M-1; Light Industrial. The M-1 Zone is consistent with the Industrial Land Use designation of the General Plan.

Please refer to the Site Plan (Exhibit "B"). The site is improved with two buildings; the primary and a 440 sq. ft. storage building. In this case, the primary building totals about 6,000 sq. ft. on the first floor. The Floor Plan (Exhibit "C") indicates the desire to develop about 2,000 sq. ft. of loft area on the second floor as a Caretaker residence, for an overall building floor area total of about 8,000 sq. ft.

As stated before, the building is currently used to store a number of "collector cars". "Warehousing" is a permitted use in the M-1 zoning district per CMC 17.26.020.B.1.a. (Exh. "I") That use would seem to qualify as an "active business". The cars are stored on the first floor.

The applicant proposes to convert the loft area of the second floor to a dwelling unit. Section 17.26.020.A (Exh. "I") permits one residence on properties zoned M-1 provided that residence is occupied by the owner/proprietor or an authorized agent and so long as the residence does not exceed "one third the square footage of an active business establishment", upon approval of a use permit. This application seeks approval of a 2,000 s. ft. dwelling in a building totaling 8,000 sq. ft., for a residential ration of about 25%, less than the 33: permitted in the Zoning Code.

The proposed use would appear to comply with the zoning code standards specified in Corning Municipal Code Section 17.26.020.A. Staff does recommend the imposition of conditions No. 1 & 2 to disclose the limitations and ensure compliance for future users.

CIRCULATION ELEMENT:

Please refer to the copy of the Circulation Element Map. The site fronts Fourth Street. Fourth Street is designated a Local street on the circulation Element Map.

Refer to the Site Plan (Exhibit "B"). Note the area east of the primary building labeled "Off-Street" parking. There is ample area there to accommodate two parked caretaker vehicles. Note that City Code Section 17.26.020.A prohibits the development of a residential "garage". This proposal envisions uncovered caretaker parking.

The project presents no conflicts with the Circulation element of the General Plan.

NOISE ELEMENT:

Refer to the copy of the City's Noise Element Map (Exhibit J). The property does lie within the 60 dB Noise Contour. The residence will regularly be exposed to noise in excess of 60 dB. This level of noise exposure slightly exceeds the Noise Element "Normally Acceptable Range" for low density housing of 60 dB. To mitigate, a resident advisory condition is recommended as Condition No. 3. The proposed condition discloses not just potential noise, but dust, fume, light and activity nuisances as well.

SAFETY ELEMENT:

Please refer to the attached copy of the Flood Hazard Map (Exhibit "G"). The site is/is not within Flood Hazard Zone 'A'; the 100-year Floodplain.

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. No 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 proposes to add one housing unit within an existing non-residential building. The project will not conflict with the Housing Element.

CEQA:

Since this project will add but one dwelling unit, it is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303 (Exhibit "M").

PUBLIC COMMENTS:

Staff notified all property owners within 500 feet of the project site. A copy of the map showing the properties within that radius is attached as Exhibit "N". The notice (Exhibit "O") was also published in the Corning Observer.

As of this writing, no written comments regarding this application have been received.

LIST OF EXHIBITS

- Exhibit "A".....Site Plan
- Exhibit "B"..... Project Application
- Exhibit "C".....Floor Plan
- Exhibit "D".....General Plan Land Use Diagram
- Exhibit "E".....Zoning Map
- Exhibit "F".....Circulation Element Map
- Exhibit "G".....Flood Hazard Map
- Exhibit "H"..... Assessor's Map
- Exhibit "I".....Corning Municipal Code Section 17.26.020
- Exhibit "J".....Noise Map
- Exhibit "K".....Classic Car Photos Aerial Photo
- Exhibit "L".....Aerial Photo
- Exhibit "M".....CEQA Guidelines Section 15303 (Exemption)
- Exhibit "N".....Notification Map-500' radius
- Exhibit "O".....Public Hearing Notice

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

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

PROJECT INFORMATION	PROJECT ADDRESS	ASSESSOR'S PARCEL NUMBER	G.P. LAND USE DESIGNATION
	811-4th Street, Corning	071-136-11-1	Industrial
	ZONING DISTRICT	FLOOD HAZARD ZONE	SITE ACREAGE
	M-1	NO	10,500 ft ²
AIRPORT SAFETY ZONE? N/A			
PROJECT DESCRIPTION: (attach additional sheets if necessary) Remodel to add a 2000 sq. ft. dwelling unit in an M-1 zone, as a "Caretaker" residence			
APPLICATION TYPE (Check All Applicable)			
<input type="checkbox"/> Annexation/Detachment <input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Lot Line Adjustment <input type="checkbox"/> Merge Lots <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 checked="" type="checkbox"/> Use Permit			
APPLICANT INFORMATION	APPLICANT	ADDRESS	DAY PHONE
	VINETTE CONWAY	4455 CASA SIERRALISTA	530-876-9400
	REPRESENTATIVE (IF ANY)	ADDRESS	DAY PHONE
		PARADISE, CA 95969	
	PROPERTY OWNER	ADDRESS	DAY PHONE
SAME	SAME	SAME	
CORRESPONDENCE TO BE SENT TO <input type="checkbox"/> APPLICANT <input type="checkbox"/> REPRESENTATIVE <input checked="" type="checkbox"/> PROP. OWNER			
APPLICANT/REPRESENTATIVE: I have reviewed this application and the attached material. The information provided is correct.		PROPERTY OWNER: I have read this application and consent to its filing.	
Signed: <u>X</u>		Signed: <u>X Vinette Conway</u>	
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.			

SUBMITTAL INFO	FOR OFFICE USE ONLY			
	APPLICATION NO.	RECEIVED BY:	DATE RECEIVED	DATE APPL. DEEMED COMPLETE
	UP #248	JIS	1/15/00	
FEES RECEIVED/RECEIPT NO.		CEQA DETERMINATION	DATE FILED	
		Exempt ND MND EIR		

EXHIBIT "A"



CITY OF CORNING

ENVIRONMENTAL INFORMATION FORM (To be completed by Applicant)

DATE FILED _____

General Information

1. Project Title: Use Permit for dwelling unit
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:
Building Permit issued in 2006

Additional Project Information

3. For non-residential projects, indicate total proposed building floor area: N/A sq. ft. in _____ floor(s).
4. Amount of off-street parking to be provided. _____ parking stalls. (Attach plans)
5. Proposed scheduling/development. Under construction
6. Associated project(s). None
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.)
One unit,

A-2

**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.



~~XXXXXXXXXX~~

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.

Use permit required by City Code Section 17.26.020A.

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.

see existing attached photo

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.

Downtown commercial area - see photo

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.

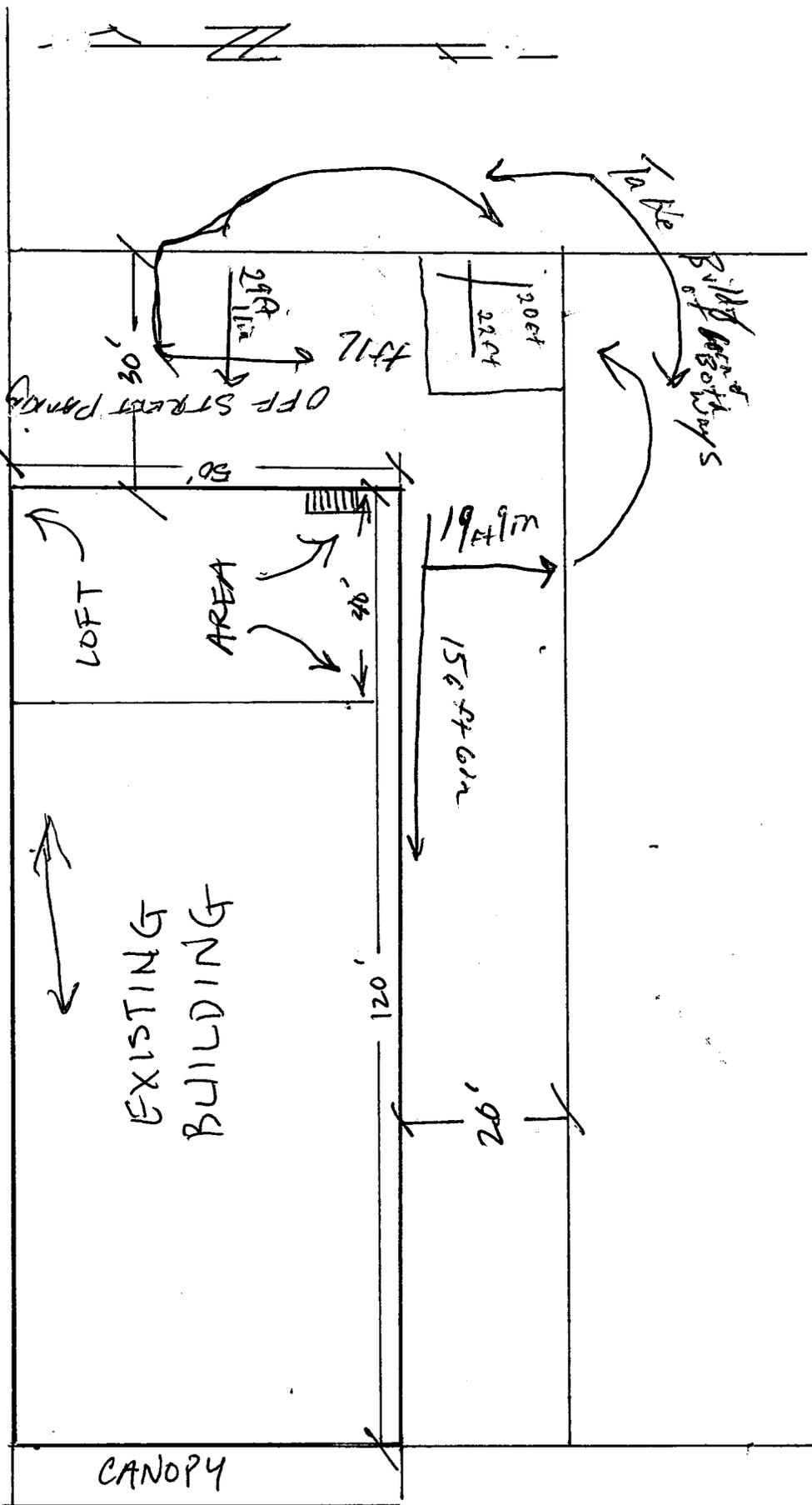
Date X

Signature Vinette Conway

For: _____

A-4

1" = 20'



ALLEY
126 ft out side
to pris no to 921

EXISTING
BUILDING

LOFT

AREA

CANOPY

Take
Billboard
Booths

ST.

EXHIBIT "B"

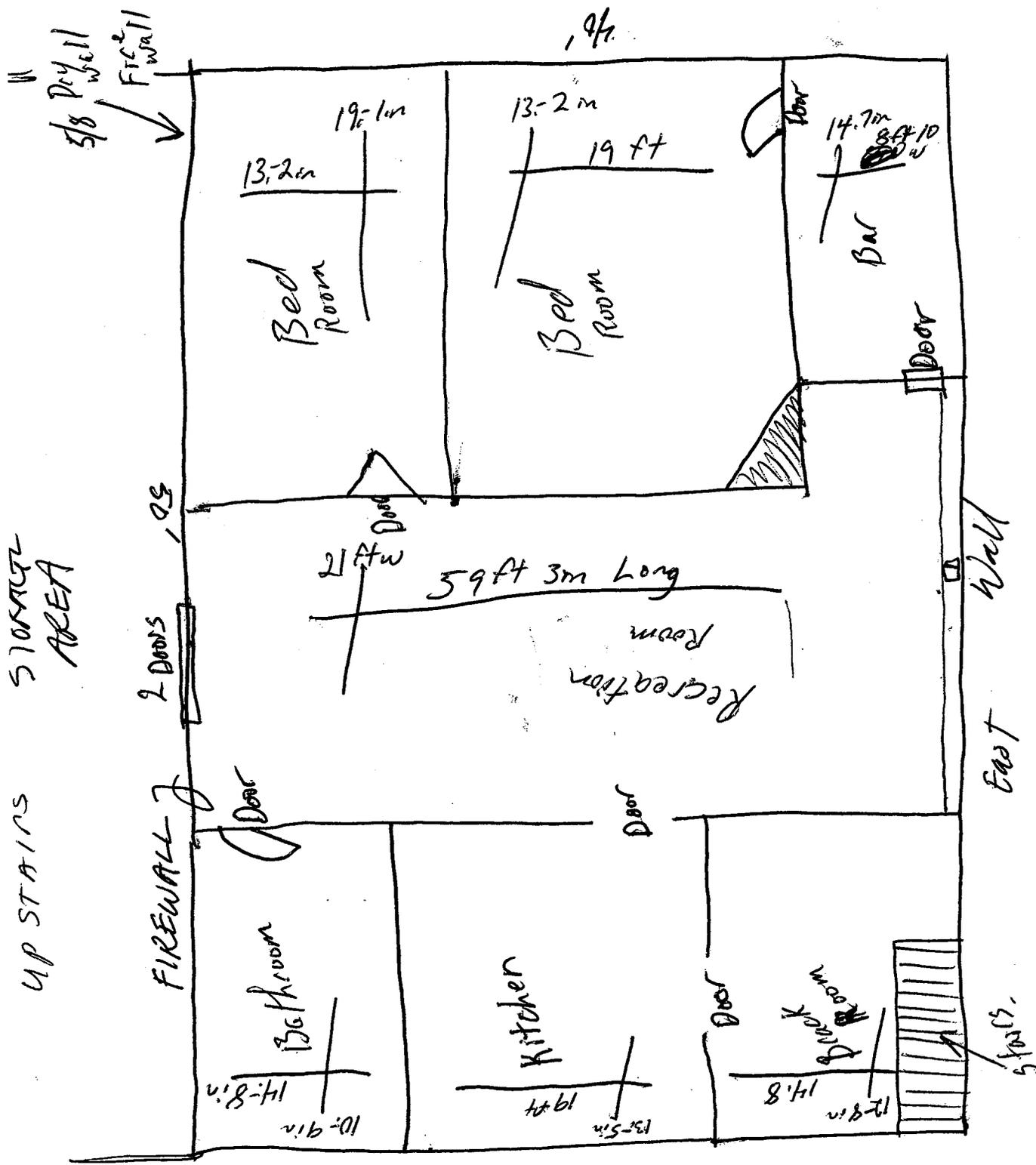
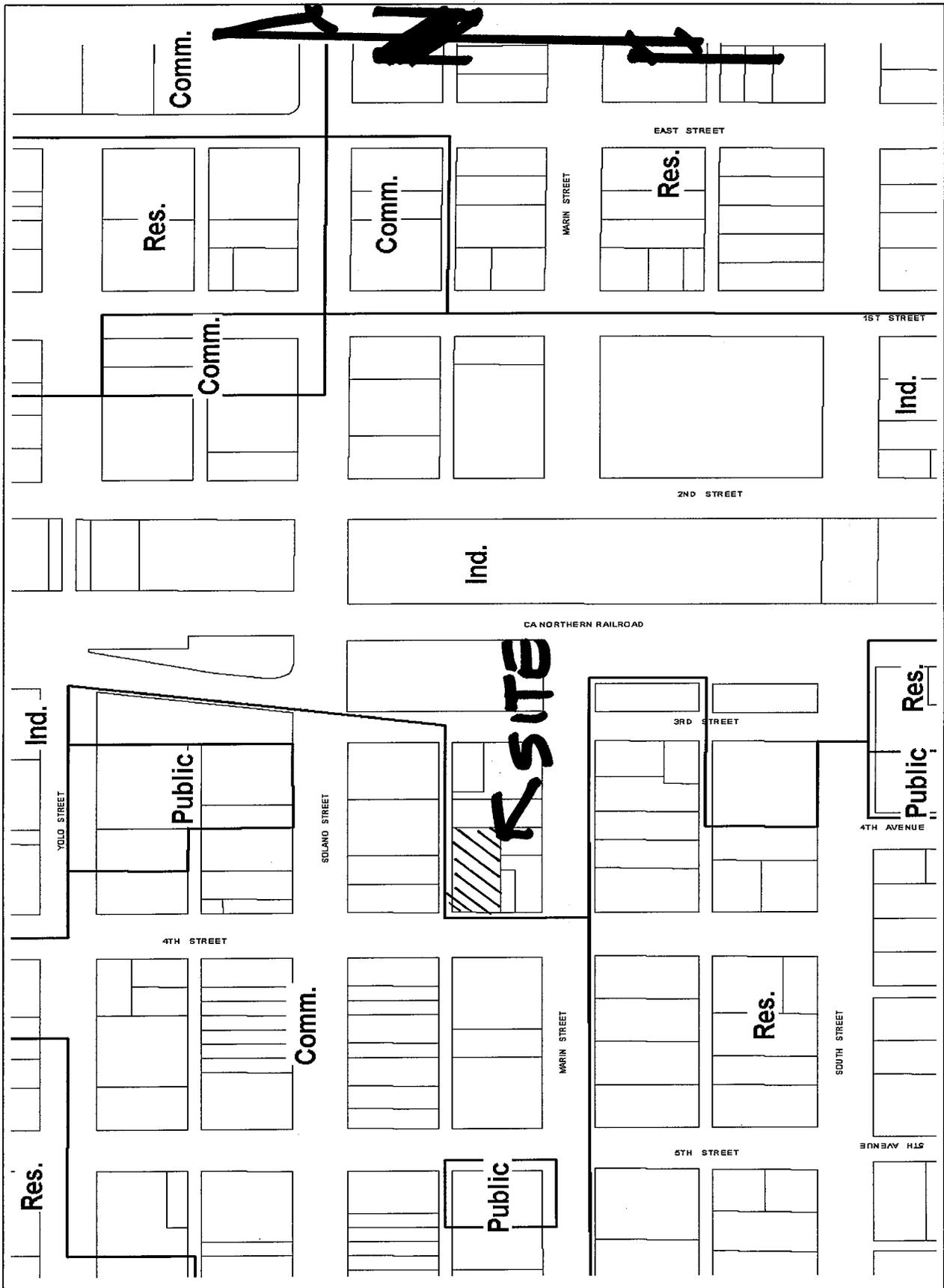


EXHIBIT "C"



GP LAND USE
DIAGRAM

EXHIBIT "D"

R-1

PQ

BUTTE STREET

R-2

YOLO STREET

4TH STREET

PQ

SITE

C-2

SOLANO STREET

M-1

PQ

MARIN STREET

CAN NORTHERN RAILROAD

2ND STREET

5TH STREET

3RD STREET

R-2

SOUTH STREET

PQ

CHICAGO 7

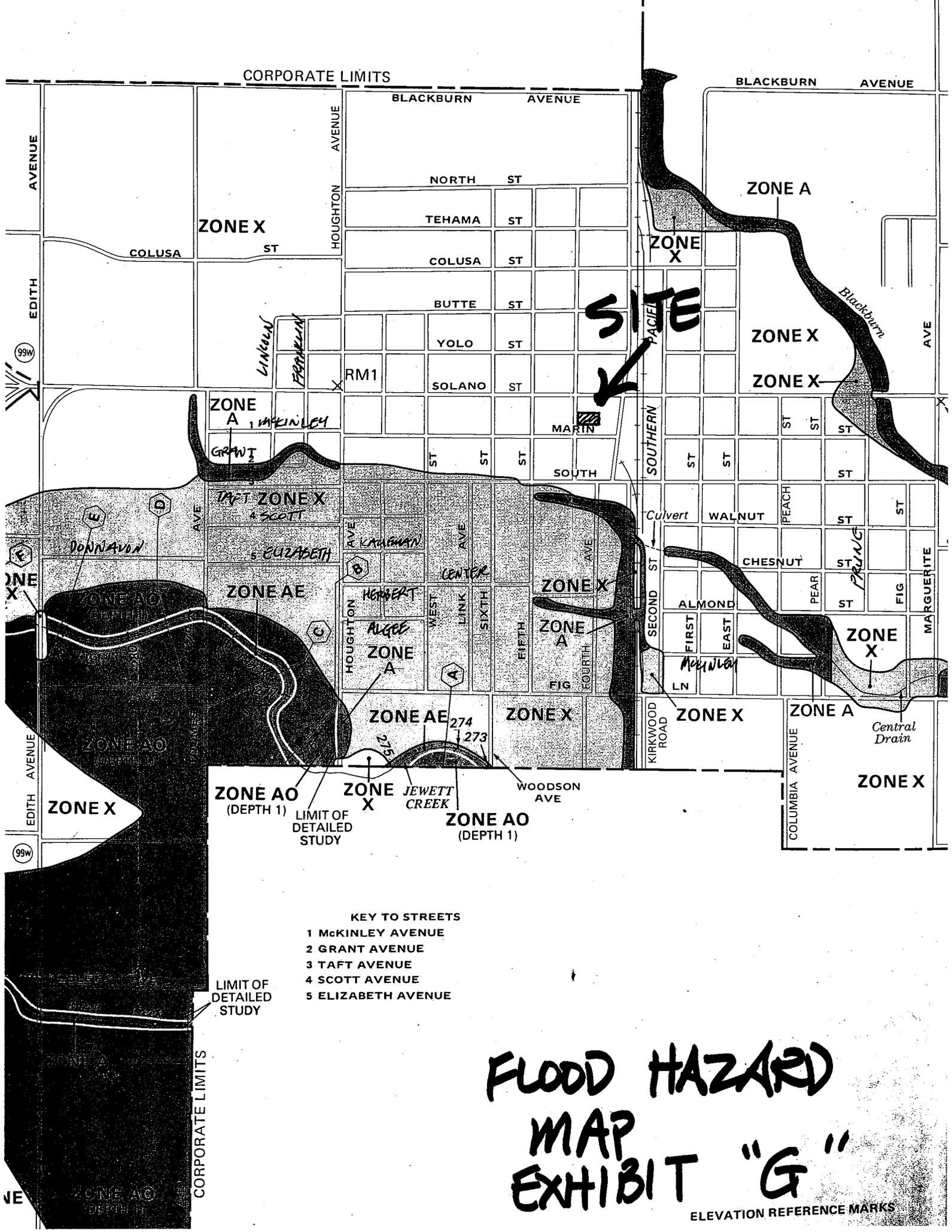
4TH AVENUE

5TH AVENUE

R-1-2

**ZONING
UP 2008-248
EXHIBIT "E"**





CORPORATE LIMITS

BLACKBURN AVENUE

ZONE X

ZONE A

SITE

ZONE A

ZONE X

ZONE X

PART ZONE X

ZONE X

ZONE AE

ZONE A

ZONE AE

ZONE X

ZONE AO (DEPTH 1)

ZONE X

ZONE AO (DEPTH 1)

KEY TO STREETS

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

LIMIT OF DETAILED STUDY

CORPORATE LIMITS

**FLOOD HAZARD
MAP
EXHIBIT "G"**

ELEVATION REFERENCE MARKS

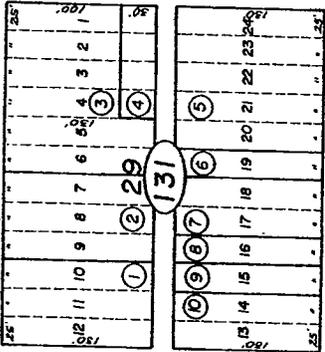
SUBDIVIDED LAND IN SE1/4 SEC. 15. & NE1/4 SEC. 22, T.24N., R.3W., M.D.B.&M.

71-13

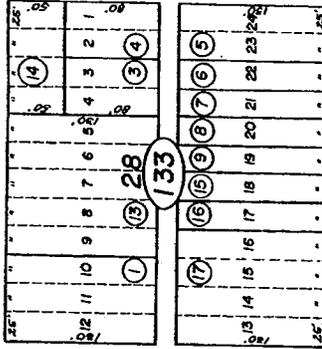
Tax Area Code



YOLO

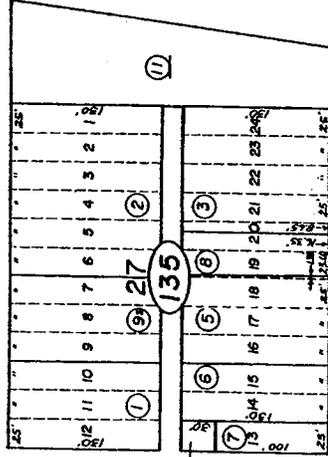


ST. 8



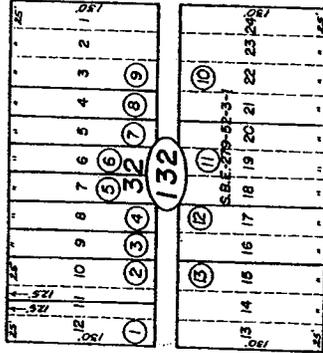
ST. 8

ST. 8

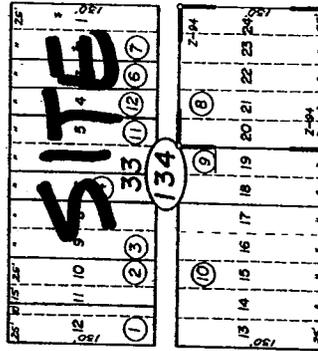


PACIFIC R.R.

SOLANO



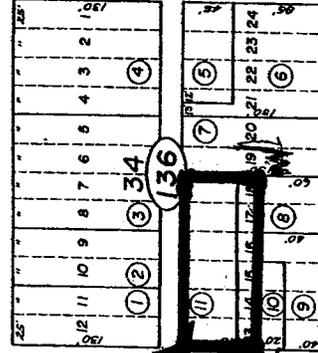
ST. 8



ST. 8

Bk. 73

ST. 8



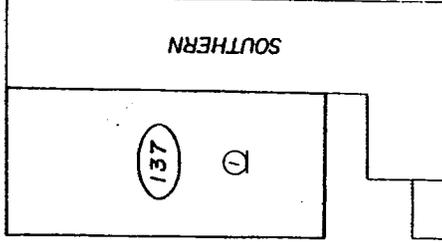
ST. 8

MARIN



17

ST. 8



SOUTHERN

R.S. Bk. Z, Pg. 94

Assessor's Map Bk. 71 -Pg. 13
County of Tehama, Calif.

NOTE-Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

M-1-2-07-08

ASSESSOR'S MAP
EXHIBIT "H"

17.24.020 Permitted uses. There are no uses permitted without use permits. (Ord. 558 (part), 1996: Ord. 153 §12.02, 1959).

17.24.030 Uses requiring use permits. In CH districts, the following uses shall require use permits:

A. Highway service types of commercial uses, which in the opinion of the planning commission are of a character similar to the following: gasoline service stations, restaurants, motels and trailer courts;

B. Outdoor advertising signs and structures which are located on or immediately adjacent to permitted commercial uses, and which pertain directly to the commercial use of the property.

C. The occupancy of an on-site residence not to exceed one third the square footage of an active business establishment 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 shall be permitted (Ord. 589 §8, 2001; Ord. 153 §12.03, 1959).

Chapter 17.26

M-1 LIGHT INDUSTRIAL DISTRICTS

Sections:

- 17.26.010 Generally.
- 17.26.020 Permitted uses.
- 17.26.030 Minimum height, bulk and space requirements.

17.26.010 Generally. 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 M-1 districts. (Ord. 153 §13.01, 1959).

17.26.020 Permitted uses. In M-1 districts, permitted uses shall be as follows:

A. Uses permitted in the C-3 district may be permitted upon the securing of a conditional use permit. An on-site residence may be permitted, upon securing a conditional use permit, provided the occupation of such residence will not exceed one third of 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 industrial enterprise. No residential garage shall be permitted;

B. The following uses of land and buildings, which shall be permitted only in M-1 and M-2 districts:

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. Dyeing and dry-cleaning plants,
 - b. Rug cleaning plants,
 - c. Laundries,
 - d. Veterinary hospitals,
 - e. Cabinet shops,
 - f. Construction and material yards, except gravel, rock and cement material yards;
 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, auto painting shops,
 - b. Cooperage and bottling works,
 - c. Sheet metal shops, welding shops,
 - d. Truck terminals,
 - e. Retail lumber yards. (Ord. 589 §9, 2001; Ord. 558 (part), 1996; Ord. 153 §13.02, 1959).

17.26.030 Minimum height, bulk and space requirements. In M-1 districts, the minimum height, bulk and space requirements shall be as follows:

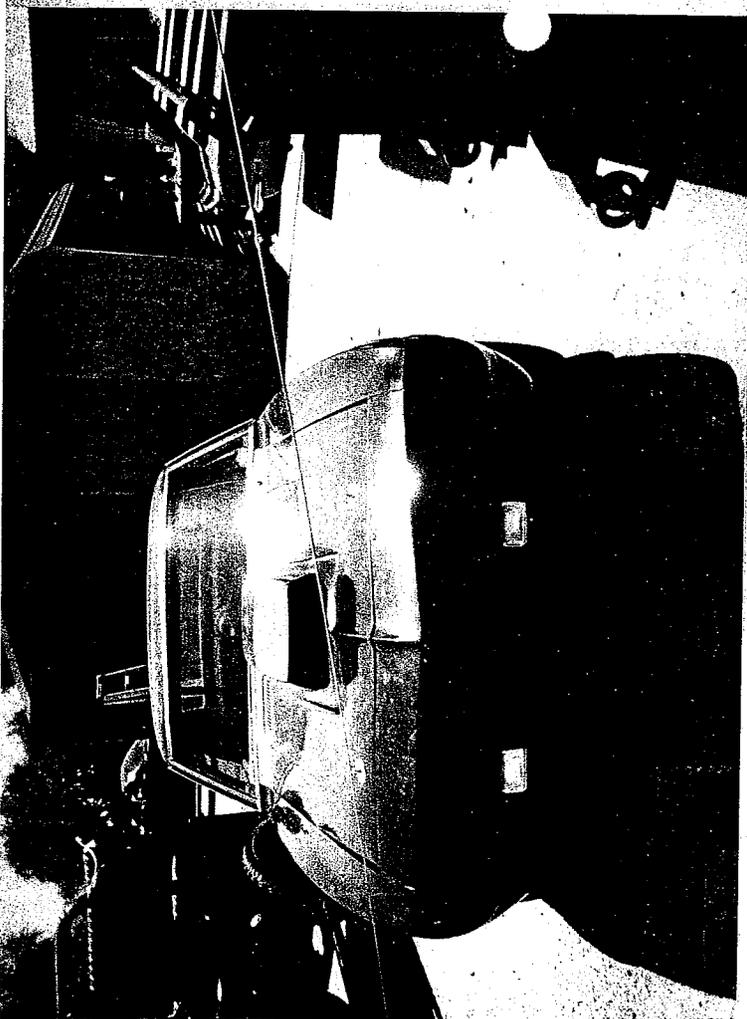
- A. Lot area, width, coverage and front yard, none;
- B. Side yards, none, except as required by the Building Code or other regulations;
- C. Rear yard, same as specified for C-2 districts;
- D. Automobile parking, to accommodate all customer and employee parking, parking requirement to meet Chapter 17.51;
- E. Loading area, private off-street space for the handling of all materials and equipment;
- F. Building height limit, same as specified for C-2 districts. (Ord. 524 §14, 1992; Ord. 153 §13.02, 1959).

Chanter 17.28

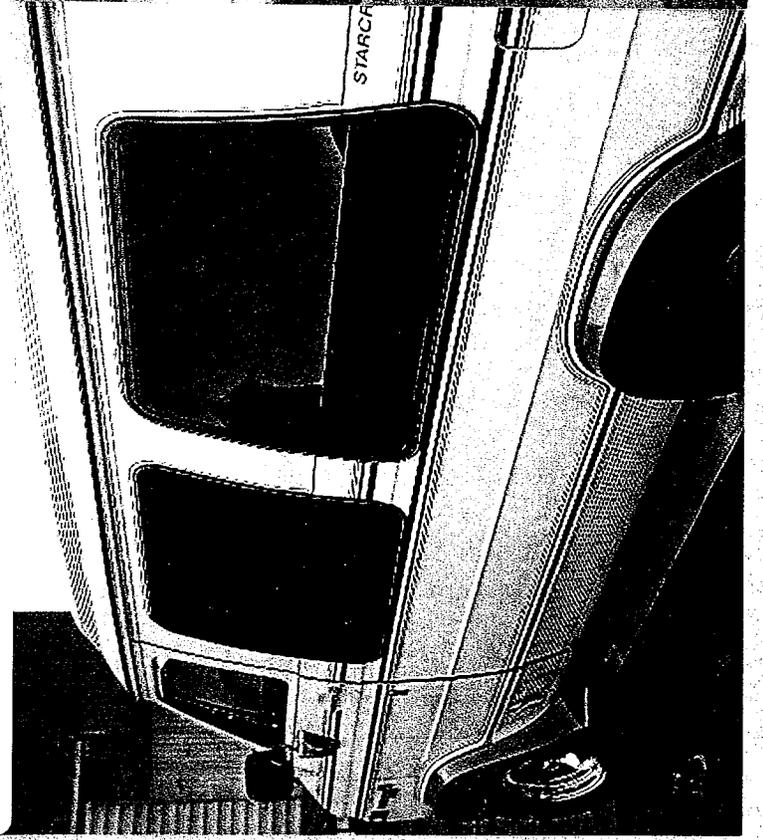
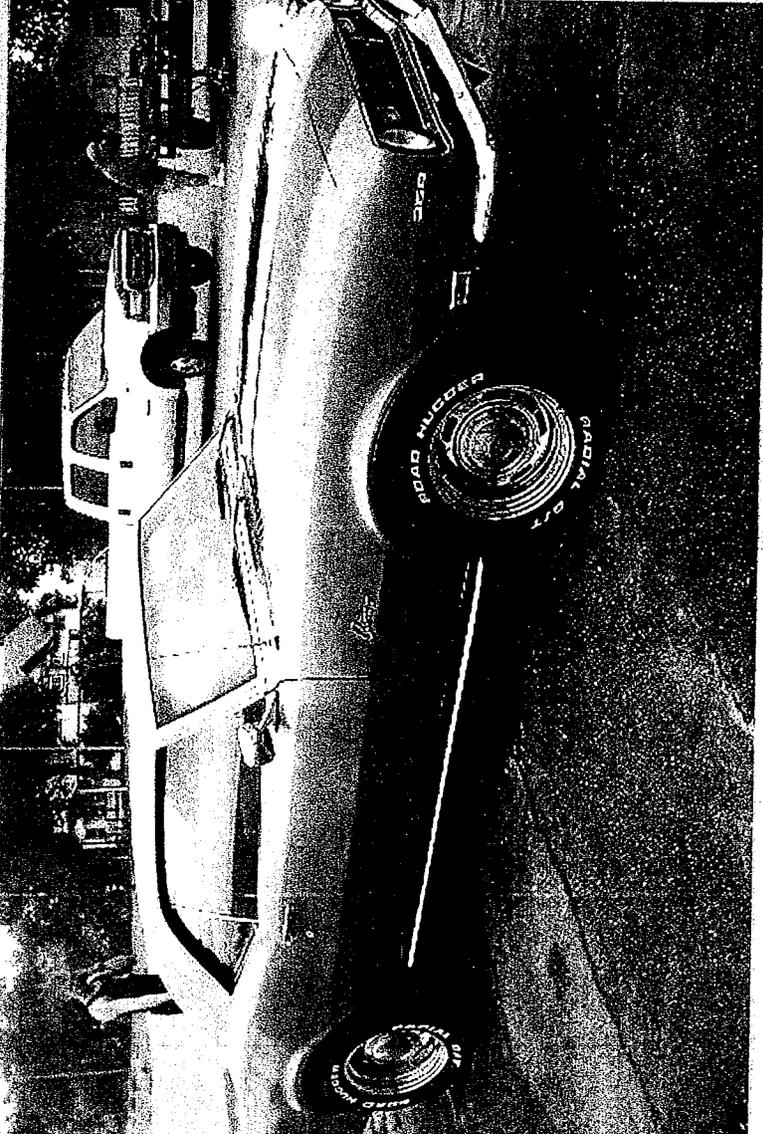
M-2 GENERAL INDUSTRIAL DISTRICT

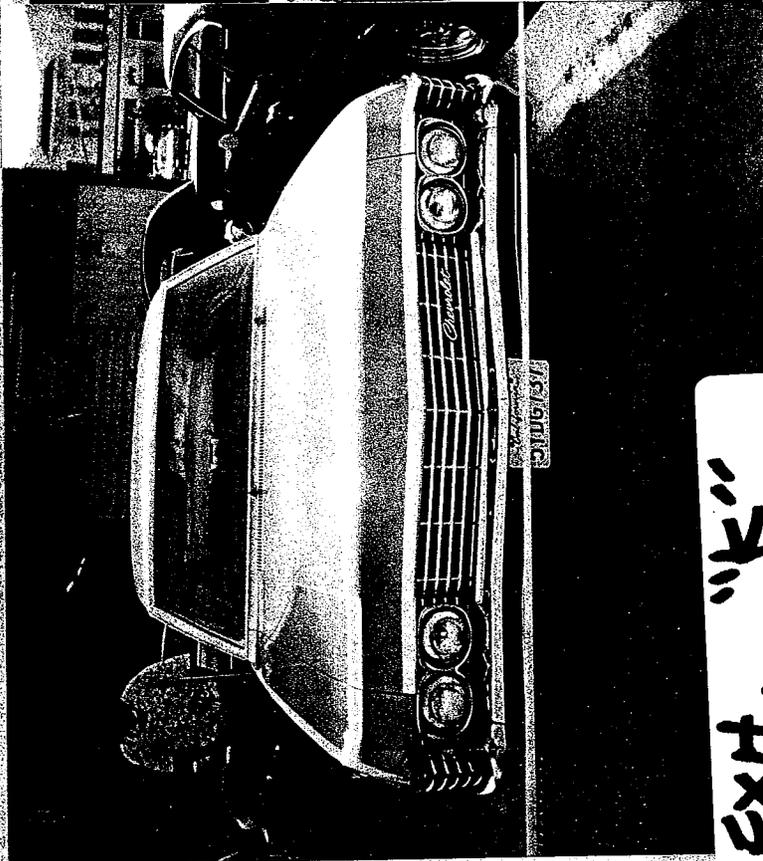
Sections:

- 17.28.010 Generally.
17.28.020 Permitted uses.

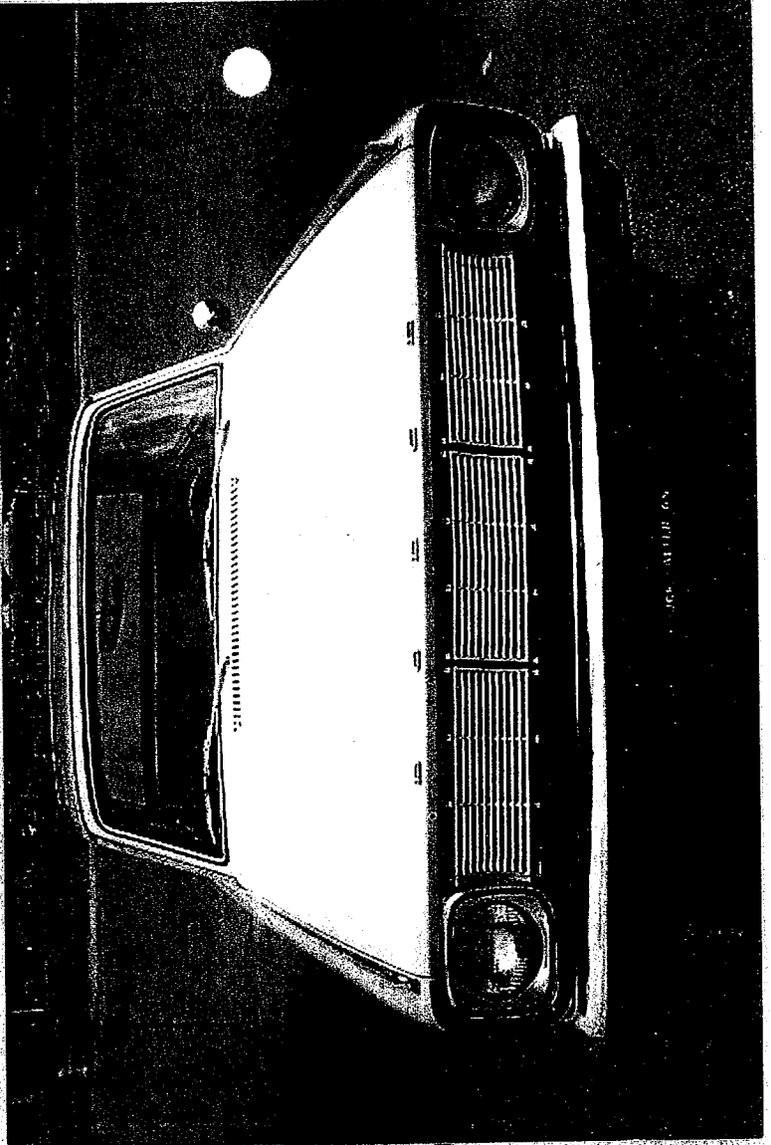
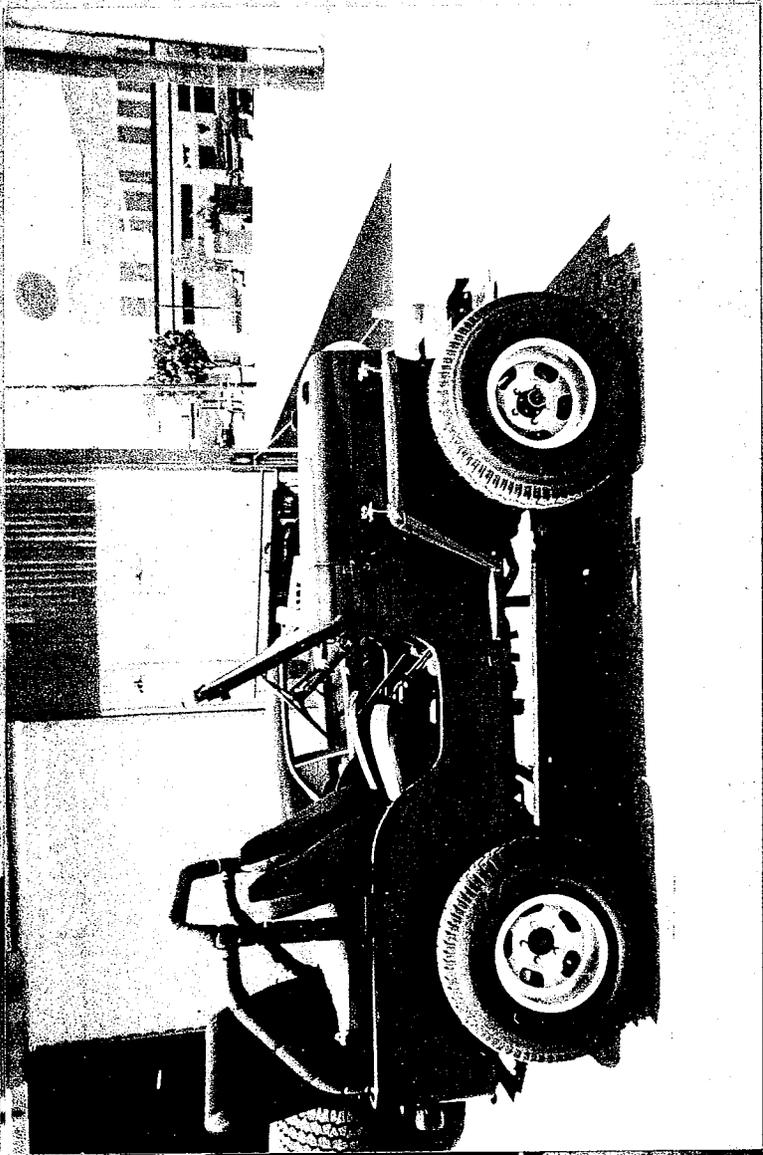


EXH. "K"
10F2





Ext. "K"
20F2





PQ

C-2

SOLEANO STREET

M-1

SITE

MARIN STREET

4TH STREET

R-2

TERESITA STREET

CANORTHERN RAIL ROAD

EXHIBIT "L"
AERIAL PHOTO

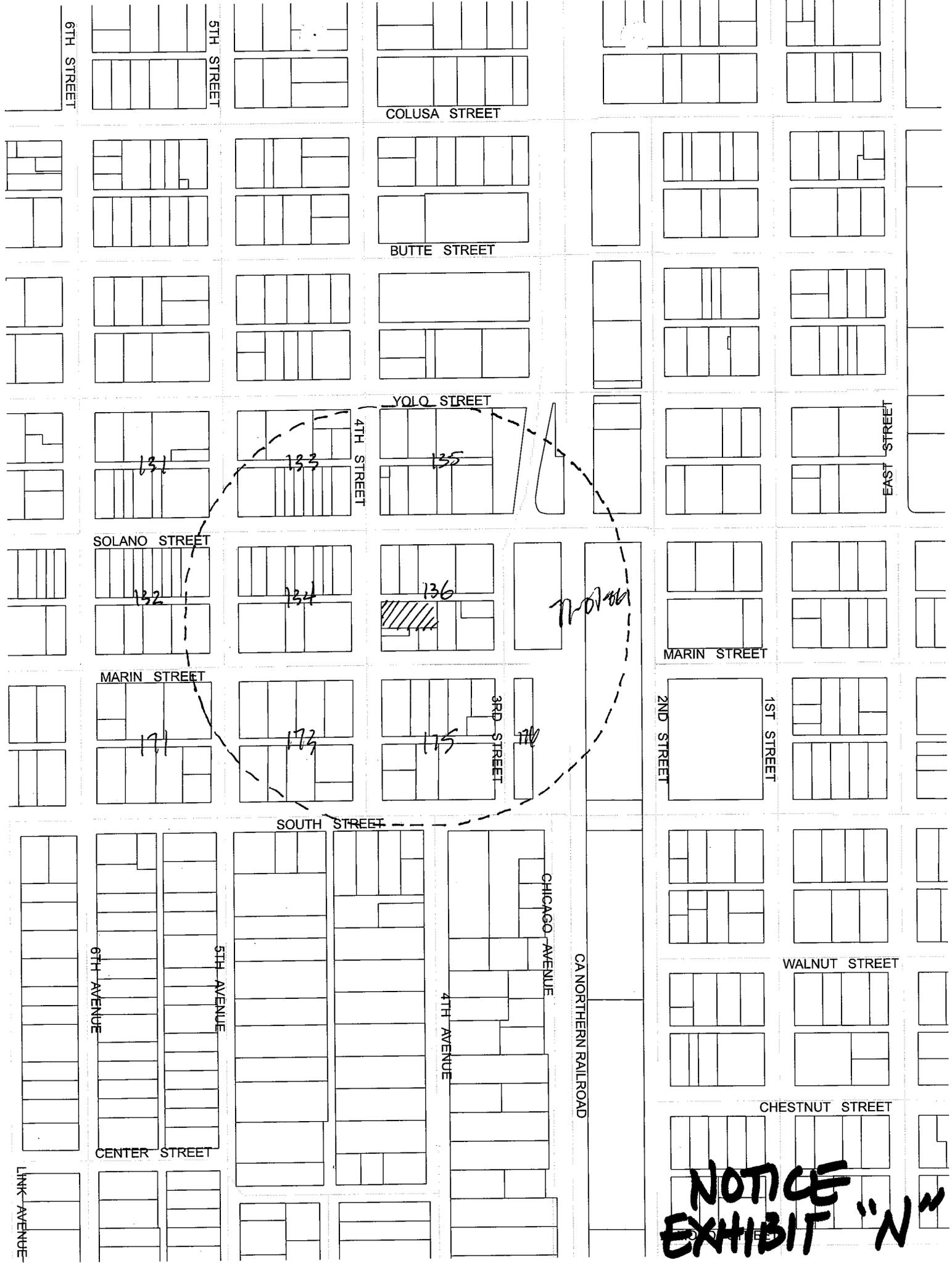
15303. New Construction or Conversion of Small Structures

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: Section 21083, Public Resources Code; Reference: Sections 21084 and 21084.2, Public Resources Code.

EXHIBIT "M"



6TH STREET

5TH STREET

COLUSA STREET

BUTTE STREET

YOLO STREET

4TH STREET

EAST STREET

SOLANO STREET

MARIN STREET

MARIN STREET

2ND STREET

1ST STREET

SOUTH STREET

CHICAGO AVENUE

CA NORTHERN RAILROAD

4TH AVENUE

WALNUT STREET

6TH AVENUE

5TH AVENUE

CHESTNUT STREET

CENTER STREET

LINK AVENUE

131

133

135

132

134

136

MORAN

171

173

175

176

2ND STREET

1ST STREET

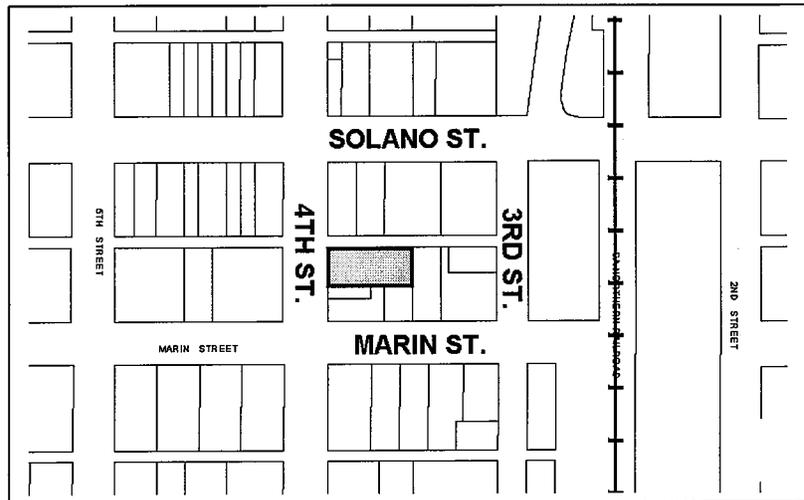
NOTICE EXHIBIT "N"

**PUBLIC NOTICE-PUBLIC HEARING
USE PERMIT NO. 2008-248; VINETTE CONWAY**

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

**WHAT IS BEING
PLANNED:**

Vinette Conway proposes to construct a residence within the existing building at 811 Fourth Street. The purpose of the dwelling unit is to provide housing for an onsite caretaker. The subject property is zoned M-1; Light Industrial. The Corning City Code permits a residence within an industrial or commercial building upon approval of a use permit in an M-1 zone. Assessor's Parcel Number 71-136-11.



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, February 19, 2008. 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 YOU CAN 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 "D"

ITEM NO: F-1 3
EXTENSION REQUEST; TENTATIVE PARCEL
MAP 05-66-RAMON CALVILLO; LOCATED
BETWEEN GRANT AND TAFT AVENUES AND
ABOUT 180 FEET EAST OF TOOMES AVENUE;
APN 71-191-03; APPROXIMATELY 0.47 ACRES.

FEBRUARY 19, 2008

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 Parcel Map that was approved by the Corning City Council on January 10, 2006 with 12 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 (including parcel map) 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 was due to expire on January 10, 2008. However, the applicant submitted a timely request for this extension on January 9, 2008. That action automatically extended the approval for 60 days pursuant to Government Code Section 66452.6(e).

Subsection "C" of CMC 16.18.010 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 R-1-2; Single-Family Residential. The approved tentative map complies with the Residential Land Use Designation and the 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 Tentative Parcel Map 05-66, initially approved on January 10, 2006 Ramon Calvillo as requested in the extension request submitted January 9, 2008.**

**EXTENSION REQUEST-TENTATIVE PARCEL MAP 05-66
RAMON CALVILLO**

LIST OF ATTACHMENTS:

1. Approved Tentative Map (reduced Scale)
2. Extension Request
3. Conditions of Approval adopted January 10, 2006
4. General Plan Land Use Diagram
5. Zoning Map
6. Corning Municipal Code Section 16.18.010
7. Government Code 66452.6 (e) (timely filing auto extension)

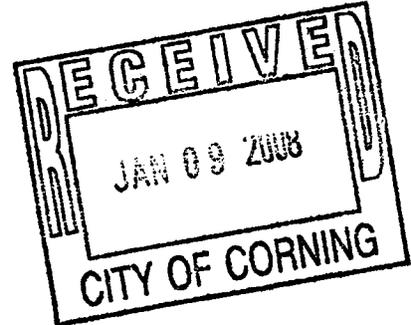
cc: Herb Votaw
Rolls Anderson & Rolls
115 Yellowstone Dr.
Chico, CA 95973-5811

115 YELLOWSTONE DRIVE • CHICO, CALIFORNIA 95973-5811 • TELEPHONE 530-895-1422 • FAX 530-895-1409



January 9, 2008

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



**SUBJECT: TENTATIVE PARCEL MAP 05-66
RAMON CALVILLO**

Dear John:

The above-referenced Tentative Parcel Map will expire on January 10, 2008. We are hereby requesting a two year extension of the Tentative Map in order to complete the project.

Please respond to this request and provide us with the new expiration date.

Sincerely,

ROLLS, ANDERSON & ROLLS

Herb Votaw

cc: Ramon Calvillo
Erick Calderon

RAMON CALVILLO

and Trustee agencies. The project will not have a significant effect on the environment.

2. Approval of the proposed Tentative Parcel Map is consistent with the residential land use designation and the goals and objectives adopted in the General Plan for the City of Corning.
3. Approval of the proposed Tentative Parcel Map will not adversely impact Corning's ability to meet regional housing needs.
4. The design and improvements of the proposed Parcel Map allow, to the extent feasible, for the future passive solar heating and cooling opportunities.
5. Pursuant to Government Code Section 66411.1(b), the improvements imposed in the following recommended conditions are a necessary prerequisite to orderly development of the area and shall be completed prior to recording the final parcel map.

RECOMMENDED CONDITIONS OF APPROVAL:

1. PRIVATE DRAINAGE EASEMENT. Final Map shall show a Reciprocal Flowage and Drainage Easement for Parcels 1 & 2.
2. RIGHT OF ENTRY. Obtain a Right of Entry from adjacent property owner (John Eller) to regrade existing drainage swale to accommodate realignment.
3. SEWER & WATER LATERALS. Install sewer & water laterals to serve Parcel 2 prior to completing sidewalk construction.
4. DEFERRED IMPROVEMENT AGREEMENT. Enter into a Deferred Improvement Agreement for Grant Avenue frontage improvements.
5. GRANT AVE. R/W. Dedicate 5 additional feet for Grant Avenue R/W.
6. TAFT AVE. R/W. Dedicate 5 additional feet for Taft Avenue R/W.
7. DRAINAGE ANALYSIS. Provide Drainage Analysis to verify adequacy of realigned drainage swale to accommodate storm flows.
8. GRADING PLAN. Provide a Final Grading Plan detailing the plans for the relocation of the drainage swale for City approval. Grading Plan shall include an Erosion Control component to limit erosion of excavated soils.

9. COMPLETE GRADING. Prior to recording the final map, complete relocation of the drainage swale, in accordance with the approved Grading Plan.
10. EROSION CONTROL. Upon completion of Grading, no substantial areas of excavated soils shall remain uncovered. Apply straw and grass seed to excavated soils to limit erosion. Irrigate to insure germination of grass seed.
11. TAFT AVENUE SIDEWALK. Prior to recording the final map, install 5'-0" wide concrete sidewalk along the Taft Avenue frontage in accordance with Standard Drawing No. S-1.
12. NON-ACCESS STRIP. Final Map shall dedicate a 1'-0" non-access strip along Grant Avenue to the City of Corning.

BACKGROUND:

The applicant is Ramon Calvillo. The applicant plans to create two residential parcels. See the copy of the Tentative Parcel Map attached as Exhibit "A". The site is within an existing residential neighborhood and is essentially regarded as an "infill project". There is an existing dwelling that will occupy Parcel 1. Proposed Parcel 2 is currently unimproved.

GENERAL PLAN AND ZONING

The General Plan Land Use designation is "Residential" as indicated on the copy of the Land Use Diagram (Exhibit "B").

See the attached copy of the Zoning Map (Exh. "C"). The Site is zoned R-1-2; Single Family Residential.

ENVIRONMENTAL:

Staff completed a CEQA Initial Study for the project. The Initial Study did not identify any significant effects that would result from this minor property division. A "Negative Declaration" (Exhibit "E"-copy without 14 page Initial Study) regarding the environmental effects was filed with the Tehama County Clerk & Recorder and provided to all Responsible and Trustee agencies. Copies of the Responsible Agency Notice and the Responsible Agency mailing list are attached as Exhibits "G", & "H", respectively.

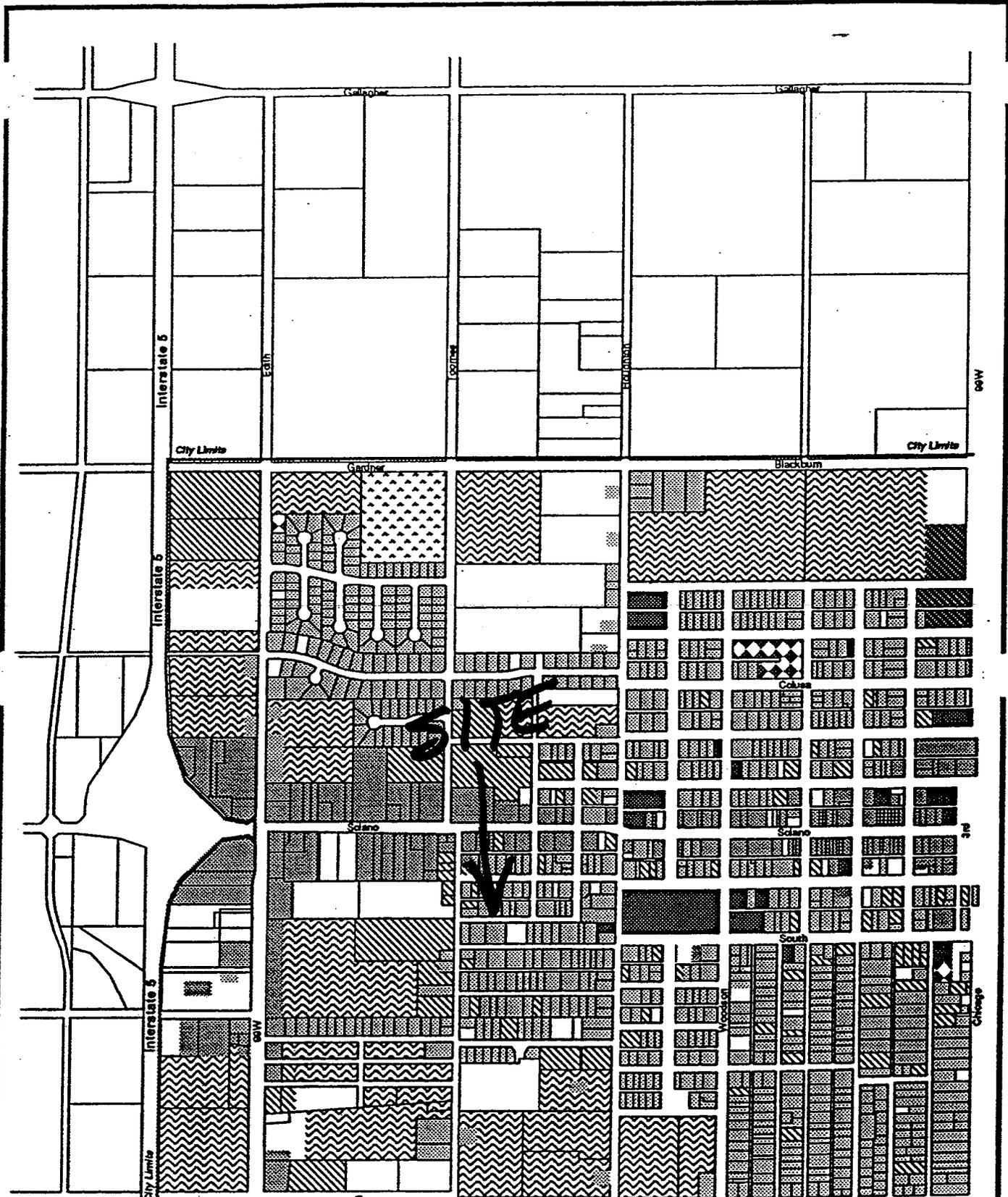
In addition to the agency notice, staff sent notice of this proposed project and public hearing to all adjoining property owners within 300 feet of the project boundaries. That notice was also published in the Corning Observer. A copy of the notice is attached as Exhibit "I". A copy of the map used to determine the 300' notification radius is attached as Exhibit "F".

DRAINAGE SWALE RELOCATION:

Please refer to the copy of the tentative map. Please note the thin dashed lines that represent one-foot contour lines. There is a shallow ephemeral swale that crosses

Tentative Parcel Map 05-66 (Ramon Calvillo)
Mayor and Council Members
January 10, 2006

Figure 4



**Present Land Use
Northwest Quad**



- | | | | |
|--|--------------|--|-----------------------|
| | Residential | | Public/Municipal |
| | Multi-Family | | Park |
| | Commercial | | Agriculture |
| | Industrial | | Abandoned Agriculture |

GEN. PLAN

4

DOLLA COURT

R-1

PD

R-1-8

R-1

R-1

BUTTE STREET

R-1-2

R-4

R-2

YOLO STREET

PQ

CH-CBDZ SOLANO STREET

C-3-P

C-3

R-2

MARIN STREET

MCKINLEY AVENUE

PQ

GRANT AVENUE

R-4

TAFT AVENUE

↑ SITE

R-2

RICE AVENUE

SCOTT AVENUE

R-1-2

KAUFMAN AVENUE

SPMU-CBDZ

DONNOVAN AVENUE

SEVILAND CT

ELIZABETH AVENUE

R-4

HERBERT AVENUE

R-1

-PD-CBDZ-

ALGER AVENUE

SPMU-CBDZ

CH-CBDZ

PD

ZONING 5

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).

Government Code 66452.6 (e). ...Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.