



**CITY OF CORNING
PLANNING COMMISSION AGENDA
TUESDAY, FEBRUARY 20, 2007
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. **ROLL CALL:**

Commissioners: Robertson
Reilly
Lopez
Poisson
Chairman: Howell

C. **WAIVE THE READING AND APPROVE MINUTES OF THE DECEMBER 19, 2006 PLANNING COMMISSION MEETING WITH ANY NECESSARY CORRECTIONS.**

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

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

1. **Use Permit Application 2007-240; Erick Calderon; to Convert the Existing Dwelling into a Duplex in an R-1-2 Zoning District, Located at 706 Walnut Street, APN 73-101-15.**
2. **Use Permit Application 2007-241; Erick Calderon; to Construct a Duplex in an R-1-2 Zoning District, Located at 1020 Peach Street, APN 73-101-14.**
3. **Salado Orchard Apartment Project; Rezone 2006-3; Planned Development Use Permit 2006-231; To Rezone from R-1 to P-D, Planned Development and a Use Permit to Authorize the Construction and Operation of a 48 Unit Apartment Complex; Tentative Parcel Map 07-01; Pacific West Communities, Inc.; Located Southwest of the Toomes Avenue & Blackburn Avenue Intersection, APN 71-020-02; Approximately 10.28 Acres.**
4. **Rezone No. 2007-01; To Implement A Density Bonus and Affordable Housing Incentive Ordinance Pursuant to State Law; Ordinance No. 627.**

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

5. **Potential Vacation of Portions of Blossom and Orange Avenues Within and Adjacent to the Shasta View Tract and Report Regarding General Plan Consistency.**

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

H. **ADJOURNMENT:**

POSTED: FEBRUARY 16, 2007

The City of Corning is an Equal Opportunity Employer



**CITY OF CORNING
PLANNING COMMISSION MINUTES**

**TUESDAY, DECEMBER 19, 2006
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Commissioners: Robertson
Reilly
Lopez
Poisson
Chairman: Howell

Chairman Howell and Commissioner Poisson were both absent from the meeting.

C. WAIVE THE READING AND APPROVE MINUTES OF THE NOVEMBER 15, 2006 PLANNING COMMISSION MEETING WITH ANY NECESSARY CORRECTIONS.

Commissioner Lopez motioned approval of the minutes and Commissioner Reilly seconded the motion. **Ayes: Robertson, Reilly and Lopez. Opposed: None. Absent/Abstain: Howell and Poisson.** Motion was approved by a vote of 3 - 0 with Howell and Poisson absent.

D. BUSINESS FROM THE FLOOR: None.

E. PUBLIC HEARINGS AND MEETINGS:

- 1. Revision to Use Permit No. 2005-226; Spangler Construction, Inc. to Establish and Operate a Modular Barn Display and Sales Yard in a C-3-CBDZ Zone. Located northwest of the Corning Road/Barham Avenue Intersection. APN: 69-260-46.**

Acting Chairman Robertson introduced this item by title and Planning Director Brewer present a brief project overview and announced that Mr. Spangler was in attendance to answer any questions. Commissioner Robertson opened the public hearing and asked about parking for horse trailers. Mr. Spangler stated that they didn't expect to have an issue with horse trailers. Planning Director Brewer stated that the only condition was a paved driveway and parking space.

With no further discussion, Commissioner Reilly motioned to close the public hearing and Commissioner Lopez seconded the motion. Commissioner Lopez motioned to approve the revision to Use Permit No. 2005-226 and authorize Spangler Construction, Inc. to operate a modular barn display and sales yard subject to adoption of the four Findings, and to re-adopt the previous five Conditions of Approval on Use Permit 2005-226. Commissioner Reilly seconded the motion. **Ayes: Robertson, Reilly and Lopez. Opposed: None. Absent/Abstain: Howell and Poisson.** Motion was approved by a vote of 3 - 0 with Howell and Poisson absent.

- 2. Tentative Parcel Map 06-41 - George and Jacqueline Sousa; to create a 0.41 Acre Parcel and a 4.19 Acre Remaining Lands Parcel in an R-1 Zone. Located southwest of the Blackburn Avenue/Houghton Avenue Intersection, site address is 104 Houghton Avenue. APN: 71-020-04.**

Acting Chairman Robertson introduced this item by title and Planning Director Brewer gave a brief project overview and announced that a representative of the project was present to answer any questions. Mr. Brewer then presented the Commissioners with a copy of the Tentative Tract Map for review. Commissioner Robertson opened the public hearing. Mr. Brewer stated that the City had received a letter from Caltrans stating that this development would add to the cumulative

impacts to the transportation system and should pay their fair share towards the improvements needed to the State and Highway System to accommodate the increase in traffic. Mr. Brewer stated that this letter didn't really affect whether this project should be approved or denied.

With no further comments, Commissioner Lopez motioned to close the public hearing; Commissioner Reilly seconded the motion. Commissioner Reilly then made the motion to recommend the City Council approved Tentative Parcel Map 06-41 subject for adoption of the four Findings and the seven Conditions of Approval on the Sousa Tentative Parcel Map 06-41. Commissioner Lopez seconded the motion. **Ayes: Robertson, Reilly and Lopez. Opposed: None. Absent/Abstain: Howell and Poisson.** Motion was approved by a vote of 3 - 0 with Howell and Poisson absent.

3. Mitigated Negative Declaration, Use Permit No. 2006-238 – Heritage Square Expansion, Nato Investment Group. Located on the east side of Highway 99-W, approximately 340 feet south of the Solano Street/Highway 99-W Intersection. APN: 71-140-27 & 47; approximately 1.52 Acres.

Acting Chairman Robertson introduced this item by title and asked Planning Director Brewer to give a brief outline of the project. Mr. Brewer briefly explained the project and stated that Mr. Kyle Matti of Nichols, Melburg and Rossetto, the project architect was present to answer any questions and present a power point display. Mr. Brewer announced that there was a pop-out structure from the adjacent motel that expands over the property line approximately 2 feet into NATO Investment Group property. This encroachment would cause the project proponents to make some changes to their project plans. Mr. Patel's attorney stated that this has been in existence for over 20 years, and now falls under Adverse Possession (Adverse Possession has a three year statute of limitations...if someone encroaches on your property and you take no measures to remove them, after three years the property reverts to the encroachee). Mr. Brewer has presented a site plan modification to remedy this problem. The Attorney for Mr. Patel (Mr. McCarthy) has made some revisions and the revised document was presented to the Commission, Project Proponents, and Mr. McCarthy (attorney for Economy Inn Motel owner).

Commissioner Lopez stated concerns related to traffic congestion and driveways exiting on Highway 99 W. Commissioner Robertson asked questions about condition 15, relating to the Landscaping and a maintenance plan should it stand empty for a long period of time. Mr. Brewer stated that item 15 could be modified to include this should the Commission wish. After discussion the Commission decided to leave condition 15, as is it is currently written.

With no further discussion, Commission Reilly motioned to close the public hearing. Commission Lopez seconded the motion. Commissioner Lopez motioned to approve Use Permit No. 2006-238 and adopt the five Findings and the twenty-one Conditions of Approval and **adding Condition 22: Site Plan Modification: Final improvement plans shall modify the size and/or position of Building 3 so as to eliminate any potential interference with the "pop-out" from the Economy Inn Motel building. This condition shall be eliminated only if the "pop-out" is voluntarily demolished by the owner of the Economy Inn Motel or if a court of competent jurisdiction determines that the "pop-out" has no legal right to encroach across the common property line on Use Permit No. 2006-238.** Commissioner Reilly seconded the motion. **Ayes: Robertson, Reilly and Lopez. Opposed: None. Absent/Abstain: Howell and Poisson.** Motion was approved by a vote of 3 - 0 with Howell and Poisson absent.

F. REGULAR AGENDA:

4. Lot Line Adjustment 2006-3, To Adjust the Common Boundary Between APN's 71-204-08, 71-204-18 and 71-205-11; Self Help Home Improvement Project, Milagro Diaz and Abel and Alma Romero. Located on the west side of Toomes Avenue between Donovan Avenue and Jewett Creek in the R-1-2 Zoning District.

Acting Chairman Robertson introduced this item by title and Planning Director Brewer gave a brief explanation stating that this is a lot line adjustment between 3 separate parcels. He explained that SHHIP has acquired the property and is developing the Shasta View Tract. He stated that Mr. Stevens and Mr. Lowe were both in attendance. Mr. Brewer further explained the reasoning behind the lot line adjustment. He stated that doing this would eliminate the hazard of a development entrance/exit from Toomes Avenue so close to the Toomes Avenue Bridge. He informed the Commission that there would also be a dedication to the City for utility easement and SHHIP will be required to present a separate subdivision map for Phase II listed on Exhibit D. This area will be presented at a later date when other issues such as Density Bonuses could be discussed.

Mr. Turner asked about the creation of substandard size lots, is this in the Housing Element? Mr. Brewer stated that it was in the Housing Element for the City of Corning. One of the proponents of the Housing Elements is the "Fair Share Housing Limits". Mr. Karl Ory addressed the Commission stating that they plan to have the entire project before the Commission soon stating that it is a four-piece project.

With no further discussion, Commissioner Reilly motioned for the Commission to find:

- The Project is categorically exempt from the California Environmental Quality Act in accordance with Guidelines Section 15305; and
- The proposed Lot Line Adjustment conforms to the Corning General Plan and the Corning zoning Code; and
- There are no conflicts with City water and sewer services; and
- The City makes no attempt to certify neither title nor accuracy of the attached drawing or legal descriptions;

and approve Lot Line Adjustment 2006-3 as provided for in the City of Corning Subdivision Code and the State Subdivision Map Act and direct Staff to record the necessary documents with the Tehama County Clerk's Office. Commissioner Lopez seconded the motion. **Ayes: Robertson, Reilly and Lopez. Opposed: None. Absent/Abstain: Howell and Poisson.** Motion was approved by a vote of 3 - 0 with Howell and Poisson absent.

Carl Ory addressed the Commission stating that this is his last project with SHHIP; he will be leaving in spring. He gave a brief overview of the project. He stated that in relation to moving the road, the owner didn't give them the land they purchased it. He stated that on both ends of that Street were utility poles and it will cost approximately \$30,000 to \$40,000 to move these poles because they are special poles. He confirmed what Mr. Brewer stated relating to emergency access to this development from Highway 99-W.

Commissioner Robertson asked Mr. Ory if the homeowners have a resale limit (time spent in home before selling) and Mr. Brewer asked Mr. Ory about the City maintaining the High Density Bonus or affordable homes standard with second time buyers of these homes. Mr. Ory responded explaining the program stipulations/regulations relating to home resale limits and High Density Bonus and Affordable Home Standards for second time buyers of these homes.

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

H. **ADJOURNMENT: 7:45 p.m.**



Lisa M. Linnet, City Clerk

**ITEM NO: E-1
USE PERMIT APPLICATION 2007-240; ERICK
CALDERON; TO CONVERT THE EXISTING
DWELLING INTO A DUPLEX IN AN R-1-2
ZONING DISTRICT, LOCATED AT 706
WALNUT STREET, APN 73-101-15**

FEBRUARY 20, 2007

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING

FROM: JOHN L. BREWER, AICP; PLANNING DIRECTOR

PROJECT DESCRIPTION:

Erick Calderon and Ramon Calvillo own the property at 706 Walnut Street and described as Assessor's Parcel Number 73-101-14. Please refer to the attached copy of the Assessor's Map. Mr. Calderon has submitted a use permit application that seeks to convert (remodel and add on to) the existing dwelling into a two-family residence, or a duplex. A reduced scale copy of both the existing floor plan and the proposed Site Plan are attached.

This site was recently divided into two separate parcels through recordation of Parcel Map 05-65. This use permit seeks authorization to develop a single story duplex on the southern parcel created by that parcel map.

The subject property is zoned R-1-2; Single-Family Residential, and totals about 7,600 sq. ft. (0.175 acre). The R-1-2 zone can permit a duplex on lots larger than 6,000 sq. ft. if a use permit is first approved.

RECOMMENDATION:

**PLANNING COMMISSIONERS APPROVE USE PERMIT NO. 2007-240,
SUBJECT TO THE FOLLOWING:**

- 1. ADOPT THE FINDINGS.**
- 2. ADOPT CONDITIONS OF APPROVAL ON USE PERMIT 2007-240.**

FINDINGS:

1. This Project is exempt from the California Environmental Quality Act requirements, under Section 15303 (attached), based upon the "Preliminary Review" mandated by the State CEQA Guidelines, because the Project consists of the construction of a single duplex.

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

RECOMMENDED CONDITIONS OF APPROVAL:

1. FENCING. Install typical residential fencing along side and rear property boundaries in compliance with Corning Municipal Code Section 16.29.010.
2. DRIVEWAY SURFACING. Pave driveway and garage aprons with asphalt concrete or concrete.
3. PROTECT EXISTING MATURE TREES. Applicant shall install temporary fencing around the drip zone of mature trees to protect them from equipment damage and soil compaction during project construction.
4. REPLACE DAMAGED LAWN AND RESTORE AUTOMATIC IRRIGATION SYSTEM. Prior to Occupancy approval, the applicant shall replace any damaged front and street side yard lawns and restore the permanent irrigation system to irrigate the lawn and trees in the front and street side yards.
5. CONSTRUCTION PERMITS. Prior to commencing construction, present building plans for plan check and obtain the necessary construction permits from the City of Corning Building Department. Applicant is advised of the minimum one-hour firewall that is required between the residences.

ENVIRONMENTAL:

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

LAND USE:

The applicants plan to convert the existing single-family dwelling at 706 Walnut Street into a duplex. To accomplish this the applicant proposes both a remodel and structural additions. Please refer to the existing floor plan and the site plan presented with the application.

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

ZONING:

See the zoning map. The site totals about 7,600 square feet and is within the R-1-2 zoning district. Please refer to the attached copy of Corning Municipal Code Section 17.10.050. The R-1-2 zoning district permits single family dwellings and, upon approval of a use permit, duplexes at the rate of one per 6,000 sq. ft. of lot area. The lot exceeds the minimum lot area necessary to construct a duplex once a use permit is acquired. The application therefore meets the density requirements of Corning Municipal Code Section 17.10.050.

The proposed off-street parking, front, rear and sideyard setbacks comply with the standards of the Zoning Code.

See the copy of the aerial photo. The Site Plan indicates where the minor structural additions; a bedroom and a garage, will be added to the existing building. Care should be taken to protect the existing landscaping on the site. You'll note some Proposed Conditions Nos. 3 & 4 are proposed to ensure that the existing lawn and irrigation system are restored after construction and to protect the existing mature trees.

CIRCULATION:

The site fronts both Peach and Walnut Streets, each of which are city streets, and identified as "Local Streets" in the Circulation Element of the General Plan. There is currently one driveway leading from the existing garage to Walnut Street. A second driveway will be constructed to connect the proposed garage to Peach Street as shown on the Site Plan.

SAFETY:

Compliance with the California Building Code will assure that the building addresses seismic (earthquake) standards. The Corning Building Official will assure compliance prior to issuing the construction permits for the duplex.

Please refer to the copy of the Flood Insurance Rate Map (FIRM). The site is not within any Flood Hazard Zone. No action to mitigate flood impacts is required.

HOUSING ELEMENT:

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

COMMENTS FROM SURROUNDING OWNERS:

None have been received prior to the meeting.

Corning Municipal Code Chapter 17 (Zoning)

Section 17.10.050 Additional designation.

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

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

CEQA Guidelines

15303. New Construction or Conversion of Small Structures

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

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

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

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

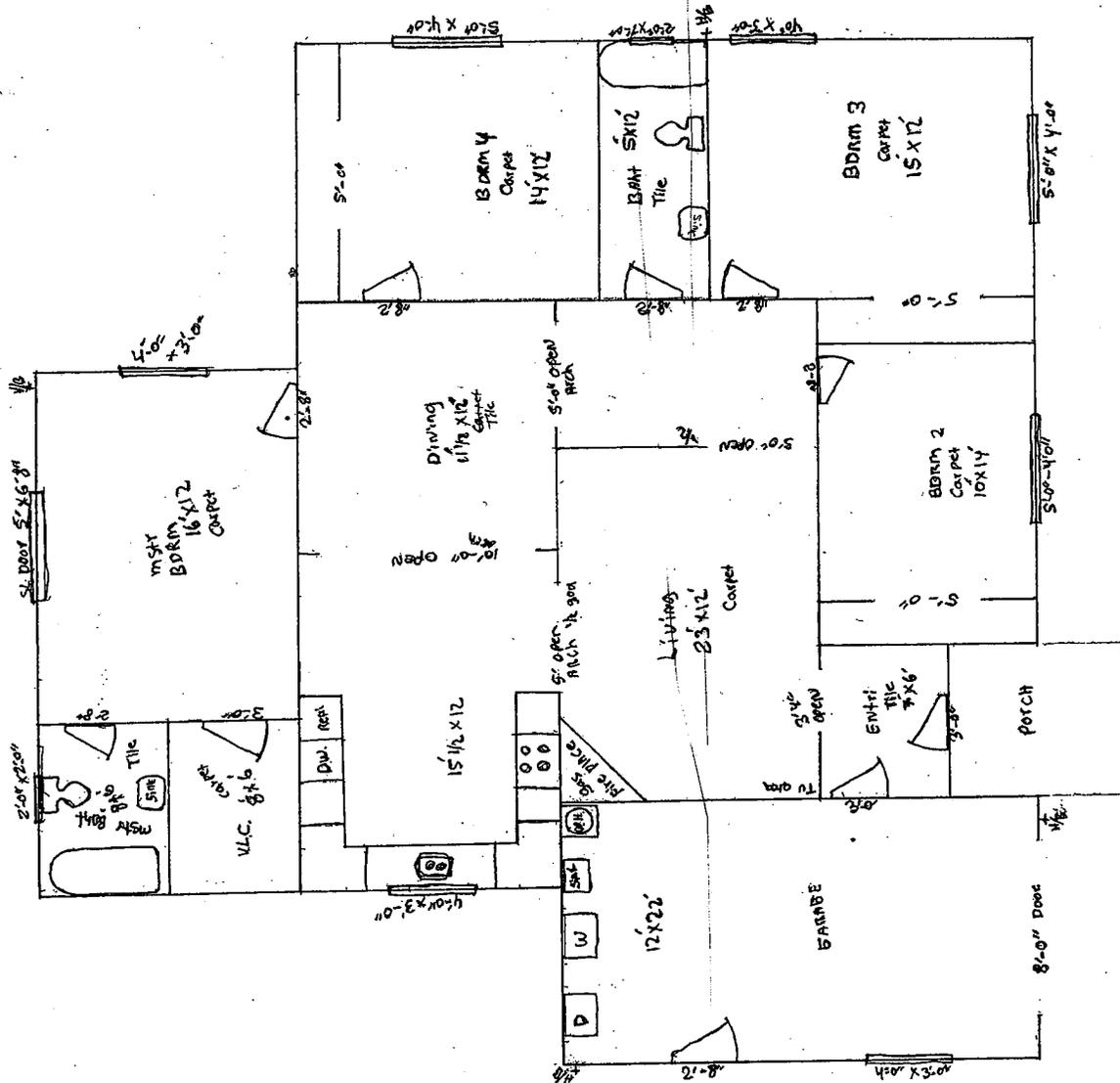
(d) Water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.

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

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

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

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



EXISTING BUILDING
(20. REMAIN)

FLOOR PLAN
SC. 1/4" = 1'-0"
1498 SQ. FT.

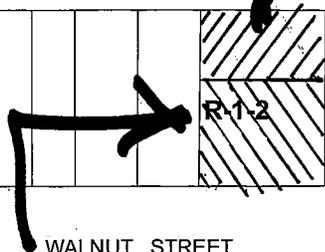
SCALE	DATE	APPROVED BY:	DRAWN BY:
		ERICK CALDSTON	
706 WALNUT ST.			CARDINA C.P.

EXISTING HOUSE

1ST STREET

MARIN STREET

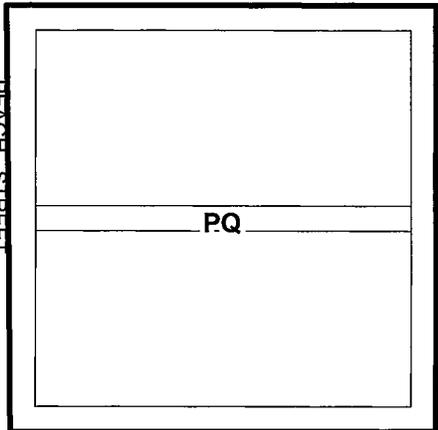
U.P. 2007-241
SITE 7



WALNUT STREET

U.P. 2007-240
SITE

PEACH STREET



PEAR STREET

CHESTNUT STREET

EAST STREET

ZONING



APPROXIMATE SCALE IN FEET
1000 0 1000

NATIONAL FLOOD INSURANCE PROGRAM

FIRM FLOOD INSURANCE RATE MAP

CITY OF
CORNING, CALIFORNIA
TEHAMA COUNTY

ONLY PANEL PRINTED

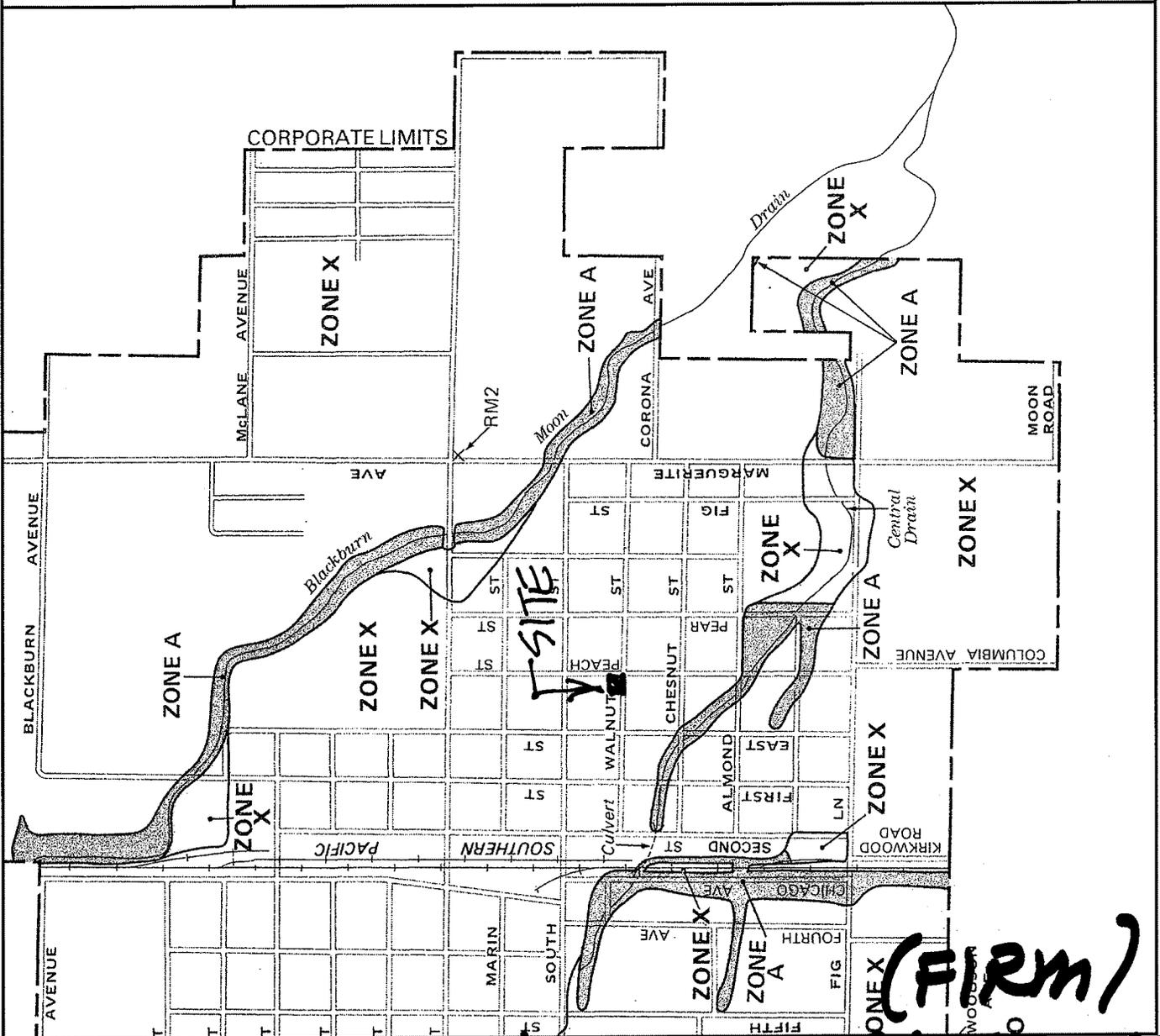
COMMUNITY-PANEL NUMBER
060398 0005 C

MAP REVISED:
SEPTEMBER 27, 1991



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



FLOOD INSURANCE RATE MAP (FIRM)



PEACH STREET

WALNUT STREET

SITE

AERIAL PHOTO

**ITEM NO: E-2
USE PERMIT APPLICATION 2007-241; ERICK
CALDERON; TO CONSTRUCT A DUPLEX IN
AN R-1-2 ZONING DISTRICT, LOCATED AT
1020 PEACH STREET, APN 73-101-14**

FEBRUARY 20, 2007

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING

FROM: JOHN L. BREWER, AICP; PLANNING DIRECTOR



PROJECT DESCRIPTION:

This application affects the property immediately north of the site proposed for Use Permit No. 2007-240.

Erick Calderon and Ramon Calvillo own the property at 1020 Peach Street and described as Assessor's Parcel Number 73-101-14. Please refer to the attached copy of the Assessor's Map. Mr. Calderon has submitted a use permit application that seeks to authorize a duplex on the property. A reduced scale copy of the Site Plan showing the proposed duplex is attached. That drawing also includes floor plans and a front elevation drawing of the proposed two-story duplex.

You might recall previously approving a Tentative Parcel Map (TPM 05-65) that divided the property into two separate parcels. This use permit seeks authorization to construct a two-story duplex on the northerly of the two parcels created by that parcel map.

The subject property is zoned R-1-2; Single-Family Residential, and totals about 6,400 sq. ft. (0.147 acre). The R-1-2 zone can permit a duplex on lots larger than 6,000 sq. ft. if a use permit is first approved.

RECOMMENDATION:

**PLANNING COMMISSIONERS APPROVE USE PERMIT NO. 2007-241,
SUBJECT TO THE FOLLOWING:**

- 1. ADOPT THE FINDINGS.**
- 2. ADOPT CONDITIONS OF APPROVAL ON USE PERMIT 2007-241.**

FINDINGS:

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

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

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

RECOMMENDED CONDITIONS OF APPROVAL:

1. FENCING. Install typical residential fencing along side and rear property boundaries in compliance with Corning Municipal Code Section 16.29.010.
2. DRIVEWAY SURFACING. Pave driveway and garage aprons with asphalt concrete or concrete.
3. OUTBUILDINGS. Demolish outbuildings prior to issuance of Certificate of Occupancy.
4. LANDSCAPE FRONT YARD. Prior to Occupancy approval, the applicant shall install landscaping within the front yard. Landscaping shall include a combination of groundcover, shrubs and not fewer than two street trees that shall be at least 15 gallon in size at time of planting, and a permanent irrigation system.
5. SOUTH SIDE SECOND STORY WINDOWS. Any windows installed in the second story of the south wall shall be obscure.
6. CONSTRUCTION PERMITS. Prior to commencing construction, present building plans for plan check and obtain the necessary construction permits from the City of Corning Building Department. Applicant is advised of the minimum one-hour firewall that is required between the residences.

ENVIRONMENTAL:

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

LAND USE:

The applicants plan to construct a duplex on their property at 1020 Peach Street. Please refer to the site plan presented with the application and the aerial photograph showing development in the neighborhood.

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

The application proposes to construct a two-story duplex on the site. Second-story windows on the south side of the duplex could interrupt the privacy of the neighboring parcel to the south. Note that the second story floor plan does not propose any south facing windows. Proposed Condition No. 5 will require that any second story windows be obscure to prevent direct view of the property to the south.

ZONING:

See the zoning map. The site totals about 6,400 square feet and is within the R-1-2 zoning district. Please refer to the attached copy of Corning Municipal Code Section 17.10.050. The R-1-2 zoning district permits single family dwellings and, upon approval of a use permit, duplexes at the rate of one per 6,000 sq. ft. of lot area. The lot exceeds the minimum lot area necessary to construct a duplex once a use permit is acquired. The application therefore meets the density requirements of Corning Municipal Code Section 17.10.050.

The proposed off-street parking, front, rear and sideyard setbacks comply with the standards of the Zoning Code.

CIRCULATION:

The site fronts both Peach Street and an alley, each of which are city streets. There is currently a sidewalk along the Peach Street frontage. The proposed duplex would utilize a shared or "common" driveway on Peach Street. Proposed Condition No. 2 requires the driveway to be paved. The alley is currently unpaved. There are no plans to utilize the alley for access to the duplex.

SAFETY:

Compliance with the California Building Code will assure that the building addresses seismic (earthquake) standards. The Corning Building Official will assure compliance prior to issuing the construction permits for the duplex.

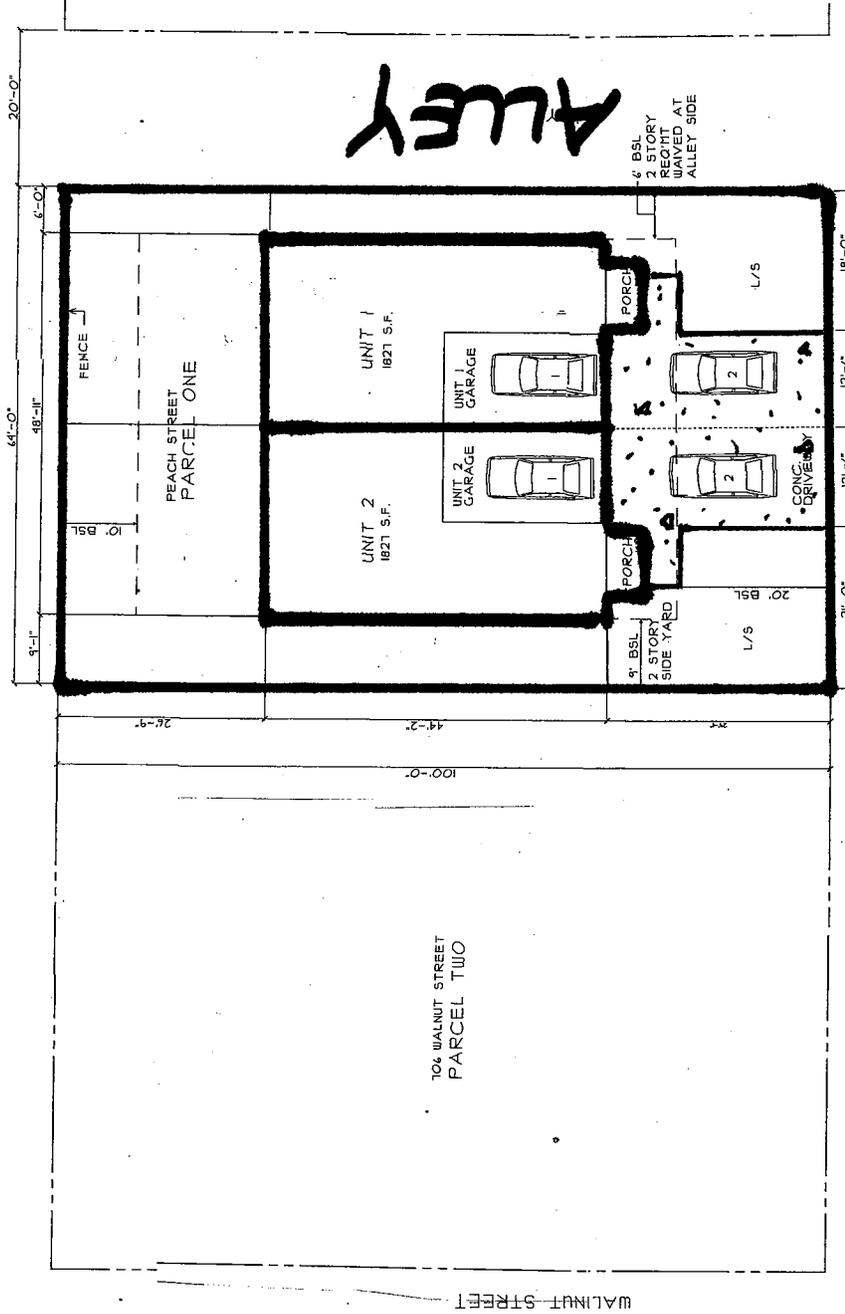
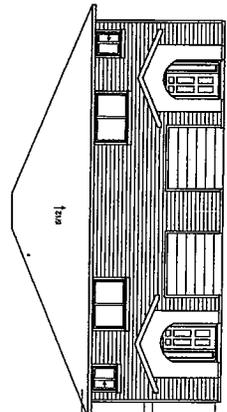
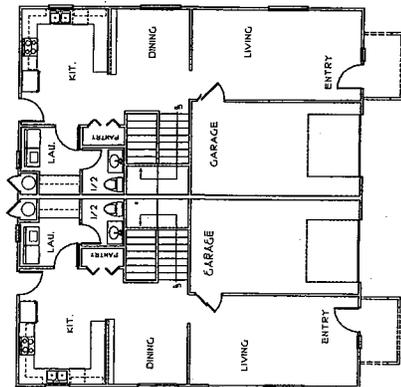
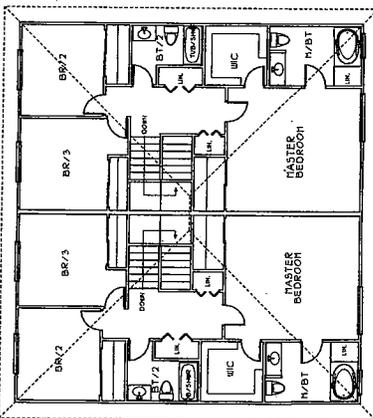
Please refer to the copy of the Flood Insurance Rate Map (FIRM). The site is not within any Flood Hazard Zone. No action to mitigate flood impacts is required.

HOUSING ELEMENT:

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

COMMENTS FROM SURROUNDING OWNERS:

None have been received prior to the meeting.



PEACH ST. PRELIMINARY SITE PLAN

SCALE: 1/8" = 1'-0"



LOT COVERAGE:
BLD. FOOT PRINT = 2254
LOT SIZE = 6400 S.F.
2254/6400 = 35%

PARKING:
2 UNITS = 4 SPACES
2 GARAGE/2 DRIVEWAY
REQ'D
TOTAL 4 SPACES ACTUAL

SITE PLAN

Revisions:

Crete
Timothy J. Crete
design
Architect
2540 Esplanade, Suite 12
Chico, CA 95913
TEL: 530.345.6676 FAX: 530.918.0587

Revisions:

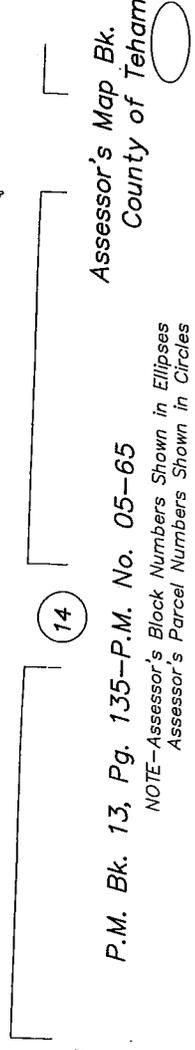
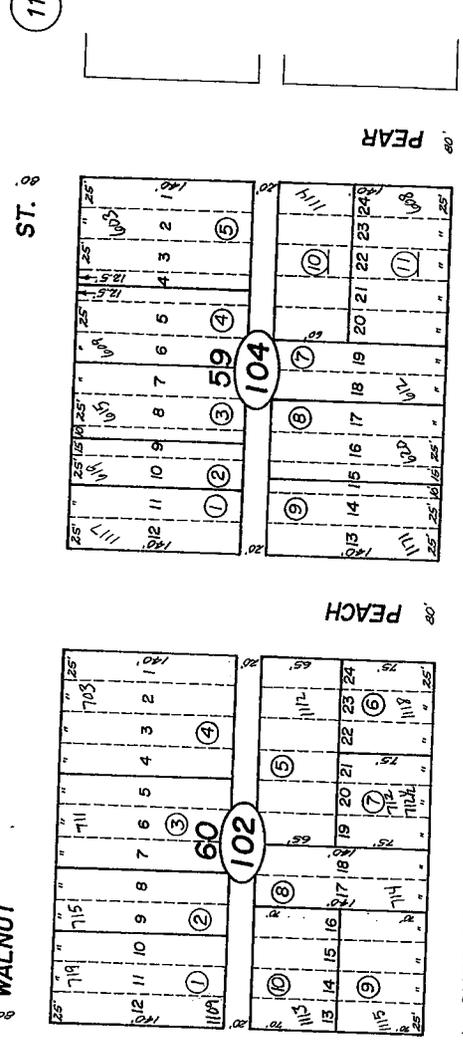
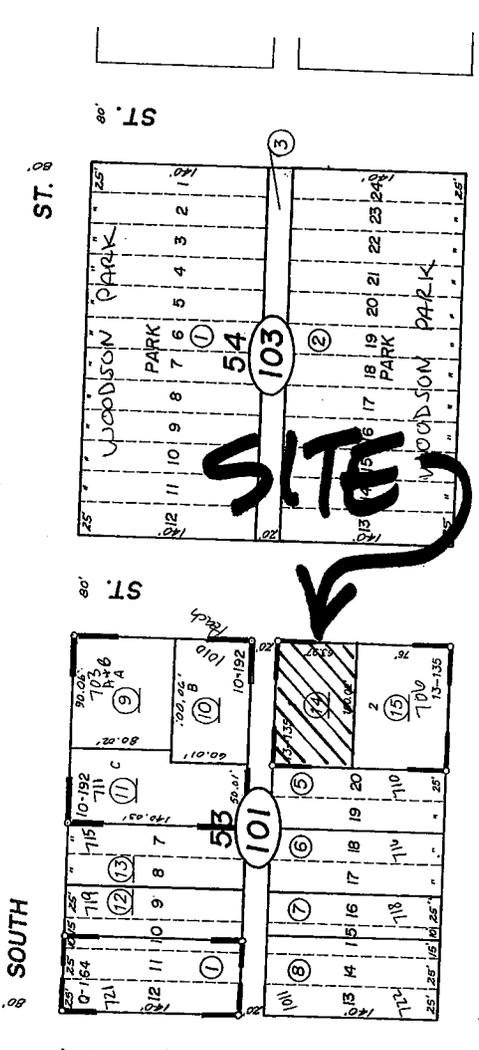
DUPLEX PROJECT
PARCEL ONE, PEACH STREET
CORNING, CA
ERICK CALDERON - OWNER

Drawn by: MLB
Date:
Sheet:
Of:
RECEIVED
JAN 24, 2007
CITY OF CORNING

PRELIMINARY



Tax Area Code



P.M. Bk. 10, Pg. 192-P.M. No. 91-51
 R.S. Bk. Q, Pg. 164
 R.M. Bk. B, Pg. 5-Maywood Addition

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

P.M. Bk. 13, Pg. 135-P.M. No. 05-65

Assessor's Map Bk. 73 -Pg. 10
 County of Tehama, Calif.

ASSESSOR'S MAP



APPROXIMATE SCALE IN FEET
1000 0 1000

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

CITY OF
CORNING, CALIFORNIA
TEHAMA COUNTY

ONLY PANEL PRINTED

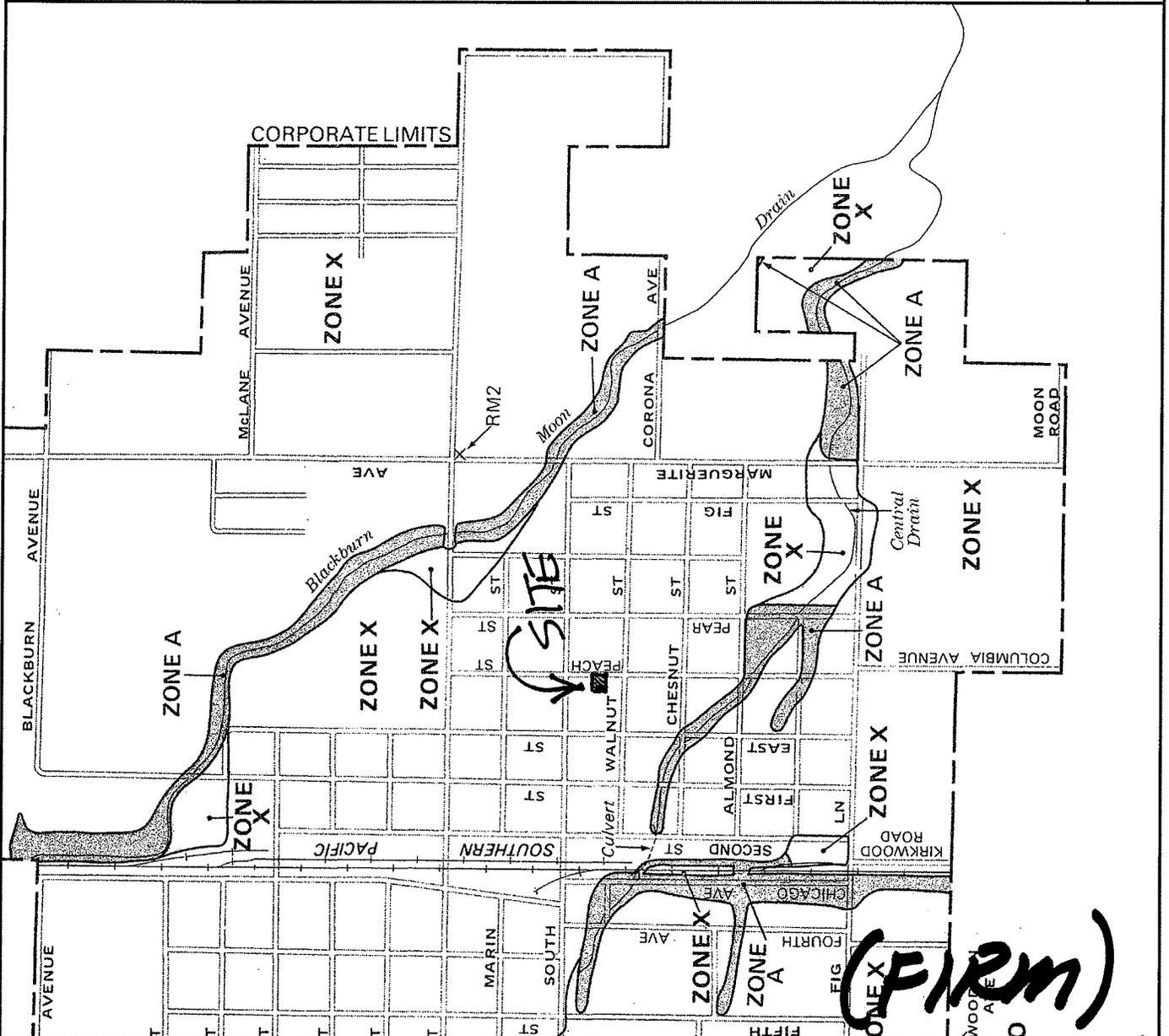
COMMUNITY-PANEL NUMBER
060398 0005 C

MAP REVISED:
SEPTEMBER 27, 1991



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



(FIRM)
FLOOD INSURANCE RATE MAP

Corning Municipal Code Chapter 17 (Zoning)

Section 17.10.050 Additional designation.

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

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

CEQA Guidelines

15303. New Construction or Conversion of Small Structures

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

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

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

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

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

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

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

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

Discussion: This section describes the class of small projects involving new construction or conversion of existing small structures. The 1998 revisions to the section clarify the types of projects to which it applies. In order to simplify and standardize application of this section to commercial structures, the reference to occupant load of 30 persons or less contained in the prior guideline was replaced by a limit on square footage. Subsection (c) further limits the use of this exemption to those commercial projects which have

1ST STREET

MARIN STREET

U.P. 2007-241
SITE 7

SUNNY STREET

PEACH STREET

PQ

R-1.2

WALNUT STREET

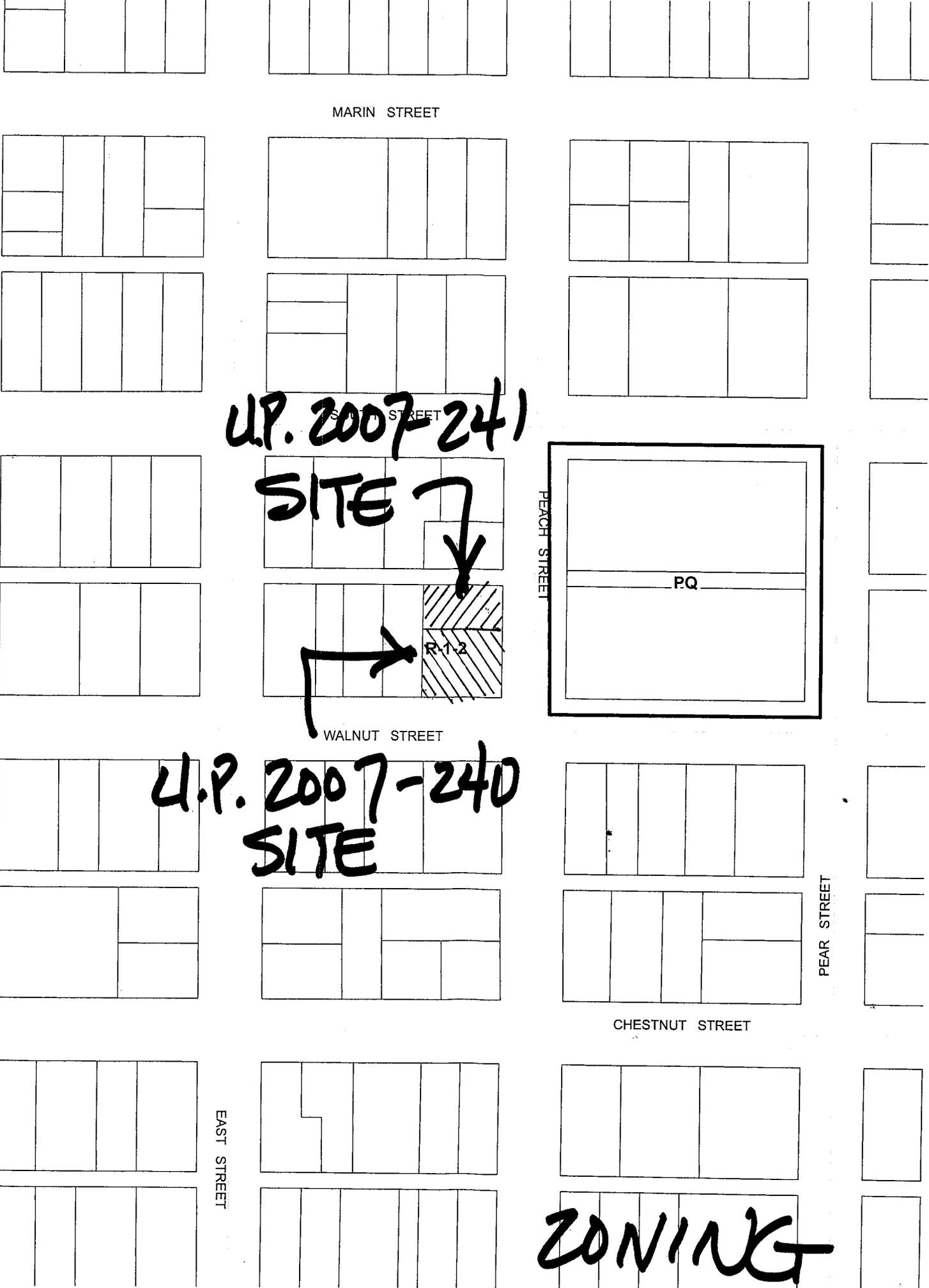
U.P. 2007-240
SITE

PEAR STREET

CHESTNUT STREET

EAST STREET

ZONING





PEACH STREET

WALNUT STREET



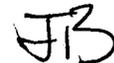
AERIAL
PHOTO

**ITEM NO: E-3
SALADO ORCHARD APARTMENT PROJECT;
REZONE 2006-3; PLANNED DEVELOPMENT USE
PERMIT 2006-231; TO REZONE FROM R-1 TO P-D,
PLANNED DEVELOPMENT AND A USE PERMIT TO
AUTHORIZE THE CONSTRUCTION AND
OPERATION OF A 48 UNIT APARTMENT
COMPLEX; TENTATIVE PARCEL MAP 07-01;
PACIFIC WEST COMMUNITIES, INC.; LOCATED
SOUTHWEST OF THE TOOMES AVENUE &
BLACKBURN AVENUE INTERSECTION, APN 71-
020-02; APPROXIMATELY 10.28 ACRES**

FEBRUARY 20, 2007

TO: PLANNING COMMISSION OF THE CITY OF CORNING

FROM: JOHN L. BREWER, AICP; PLANNING DIRECTOR



PROJECT DESCRIPTION:

Pacific West Communities, Inc. has submitted an application for three separate land use entitlements affecting Assessor's Parcel Number 71-020-02. See the attached copy of the Assessor's Map (Exhibit "E"). The site is across Blackburn Avenue from Woodson School.

First, they seek to rezone (Rez. No. 2006-03) the 10.28 acre property at the southwest corner of Toomes and Blackburn Avenue from R-1, Single-Family Residential to P-D; Planned Development. The P-D Zoning District can permit a number of different land uses, however all uses require approval of a Planned Development Use Permit. So, the second application seeks a PD Use Permit (PDUP No. 2006-231) to entitle a 48-unit apartment complex on the northerly portion of the same property. Please refer to the reduced scale Site Plan Sheets (Exhibits "A") and Building and Elevation Sheets and photographs marked Exhibits "B" showing the proposed residential complex. Full sized copies of the plans will be provided at the public hearing.

The third entitlement is a two-parcel Parcel Map (TPM 07-01) that would separate the property proposed for the apartment project from the remainder of the site. A reduced scale copy of the Tentative Parcel Map is attached as Exhibit "C". At this point, no plans for Parcel 2 have been forwarded, although the applicant has mentioned the possibility of a future senior citizens housing complex. In any event, if the rezone to P-D is approved, another use permit would be required for any development of Parcel 2.

The site is currently owned by Manuel Salado. Pacific West Communities currently has a purchase option on this property. You will note that Mr. Salado has co-signed the Planning application (Exhibit "D").

STAFF RECOMMENDATION:

PLANNING COMMISSIONERS RECOMMEND THE CITY COUNCIL:

- 1. ADOPT THE SEVEN (7) RECOMMENDED FINDINGS.**
- 2. APPROVE REZONE NO. 2006-3 TO REVISE THE ZONING FOR ALL OF ASSESSOR'S PARCEL NO. 71-020-02 FROM "R-1"; SINGLE-FAMILY RESIDENTIAL, TO "P-D"; PLANNED DEVELOPMENT, AND,**
- 3. APPROVE TENTATIVE PARCEL MAP NO. 07-01, AND,**
- 4. APPROVE PLANNED DEVELOPMENT USE PERMIT NO. 2007-231, SUBJECT TO THE 43 RECOMMENDED CONDITIONS NOTED BELOW.**

FINDINGS:

1. A CEQA Mitigated Negative Declaration was prepared, filed and distributed to all Responsible and Trustee agencies. 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. Approval of Rezone No. 2006-03, rezoning the property to P-D; Planned Development, for the purpose of providing housing as proposed in the application, is consistent with the Residential General Plan Land Use Designation.
3. Approval of Rezone 2006-03 and Use Permit 2006-231 is consistent with Housing Element Goal HP-1 to *"Provide adequate housing by location, price type and tenure, especially for those of low and moderate income and households with special needs"* and Implementing Policies HP-1 and HP-12.
4. In accordance with the approved site plan and with the imposition of the recommended Conditions of Approval, Planned Development Use Permit Application No. 2006-231 is consistent with the Corning Zoning Code.
5. 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.
6. None of the conditions listed in Government Code Section 65589.5(d) 1 through 5 ("denial findings") will occur as a result of this project.

7. Approval of the proposed Rezone, Use Permit and Tentative Parcel Map will facilitate Corning's ability to meet regional housing needs.

RECOMMENDED CONDITIONS OF APPROVAL:

1. COMPLIANCE WITH APPROVED PLAN. Final Improvement Plans shall substantially conform to the approved Site Plan received on December 13, 2006. (IS CONDITION I.a.)
2. LANDSCAPING. Front and street side yards and all areas not proposed for buildings, structures or parking areas shall be landscaped and provided with permanent and automatic means of irrigation. Applicant's attention is specifically drawn to Subdivision Code Chapter 16.27, Ground Cover Standards, and the requirement to plant and maintain ground cover and trees for the life of the project. (IS CONDITION I.b.)
3. LANDSCAPING PLANS. Prior to commencing construction, applicant shall submit Landscaping Plans for the site and adjacent areas within the Right of way but outside the travel lanes. Landscape Plans shall be prepared by a Registered Landscape Architect and shall be subject to the approval of the Planning Director. Plans shall include irrigation plans and substantially conform to the Site Plan submitted December 13, 2006. (IS CONDITION I.c.)
4. SCREEN HVAC. Except for vent pipes through the roof, heating, venting or air conditioning equipment shall not be located on the roof of any structure, unless screened from view in a manner approved by the Planning Director. (IS CONDITION I.d.)
5. UNDERGROUND UTILITIES. All public utilities serving the Development shall be underground with no overhead facilities crossing any streets. (IS CONDITION I.e.)
6. BUILDING SETBACKS. All buildings shall be setback not less than 20 feet from the finished street right of ways. (IS CONDITION I.f.)
7. REMOVE CONSTRUCTION DEBRIS. Prior to approving occupancy for any buildings, all construction debris shall be removed from the site. (IS CONDITION I.g.)
8. DISCLOSURE OF NEARBY AGRICULTURAL OPERATIONS. A note shall be affixed to all rental agreements affecting the project. The note shall clearly state that the apartment complex is located near agricultural operations and that residents of the apartment project may be adversely affected by dust, noise, odors and overspray of chemical fertilizers and pesticides, and that the City of Corning does not regard such

operations as nuisances when conducted with proper and accepted standards. (MM. II.a.)

9. FUGITIVE DUST. Prior to commencing Grading the applicant shall obtain a Fugitive Dust Control Permit from the Tehama County Air Pollution District and comply with the conditions of approval. (MM. III.a.)

10. SPRINKLE EXPOSED SOILS. During construction, unprotected soils shall be sprinkled to minimize wind erosion. (MM.III.b.)

11. COVER EXPOSED SOILS. Areas denuded by construction activities and not scheduled for development for an indefinite period shall be seeded or covered by impervious materials to minimize water and wind erosion. (MM.III.c.)

12. GRADING PLANS. Complete grading plans shall be submitted for approval by the City Engineer. (IS Condition III.d.)

13. STREAMBED ALTERATION AGREEMENT. Prior to commencing excavation for the retention pond or grading for Lots 65 through 69, obtain a Streambed Alteration Agreement with the California Department of Fish and Game if one is required. (MM. IV.a.)

14. SECTION 404 PERMIT. Prior to discharging any fill material into waters of the United States, the applicant shall obtain a Clean Water Act Section 404 permit from the US Army Corps of Engineers if one is necessary. (MM. IV.b.)

15. SECTION 401 PERMIT. If a Section 404 permit is required, or if the project will deposit fill into isolated wetlands, water quality certification pursuant to Section 401 of the Clean Water Act is also required. (Contact Scott Zaitz at the Regional Water Quality Control Board for details of this certification process). (MM. IV.c.)

16. CULTURAL RESOURCES. Should cultural resources be unearthed during excavation all work in the immediate vicinity shall cease and the City of Corning shall be notified. Upon notice, the City or its consultant shall inspect the site to determine what steps, if any, are necessary to address and mitigate the discovery. (MM V.a.)

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

18. STORMWATER POLLUTION PREVENTION PLAN. Prior to any site disturbance or earthmoving activities on or adjacent to the site, a construction period and post-construction period Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and presented to the Central Valley Regional Water Quality Control Board and approved by the City of Corning. The objective of the plan shall be no net loss of soil

(above an undisturbed natural, stable background state) from the site due to erosion. All requirements of the post construction period SWPPP shall be completed as part of the required improvement plans and shall be maintained in the same manner. (MM.VI.b.)

19. SOILS INVESTIGATION. Prior to commencing construction the applicant shall initiate a soils investigation by a registered engineering geologist or civil engineer to determine if expansive soils requiring special structural foundation design is necessary. (MM.VI.c.)

20. STORMWATER RETENTION. Project applicant shall provide for on-site retention of increased stormwater runoff (for a twenty-five year storm of four hours duration) which may be expected to result from the future development of the properties created by this subdivision. Retention facilities shall be based on a runoff analysis provided by a Civil Engineer or Hydrologist. (IS CONDITION VII.a.)

21. PIPE BLACKBURN-MOON DITCH. Prior to issuing a certificate of Occupancy, obtain the necessary permits and underground (pipe) the Blackburn-Moon Ditch along the project frontage. Size, dimensions and grade of the pipe or pipes shall be based on an analysis of the flows necessary to convey the runoff emanating from the drainage basin. Details of the pipe or pipes shall appear on the final Improvement Plans. (MM. VII.b.)

22. AFFORDABLE HOUSING. Project shall provide affordable housing for a period of not less than 30 years from the date of project approval as per the letter provided by the applicant dated September 6, 2006. (IS CONDITION IX.a.)

23. PLANNED DEVELOPMENT USE PERMIT ACTIVATION. Final approval of this Planned Development Use Permit shall not occur until the effective date of the ordinance rezoning the site to "P-D"; Planned Development Zoning District. (IS CONDITION IX.b.)

24. LAND USE BARRIER. A six foot-high masonry wall shall be constructed along the western boundary of proposed Parcel 1. The masonry wall shall be of decorative split faced block or other similar material approved by the Planning Director. A detail drawing of the proposed masonry wall shall be included on the Improvement Plans prepared for the project. (IS CONDITION IX.c.)

25. CONSTRUCTION HOURS. Construction work shall occur only between the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. to 6:00 p.m. on weekends and federally observed holidays. (MM. XI.a.)

26. LANDSCAPE & LIGHTING DISTRICT. Prior to issuance of the Certificate of Occupancy for the project, the developer shall establish a Landscape and Lighting

District or annex to an existing district if one exists, to fund the irrigation and continued maintenance and irrigation of all landscape and lighting facilities within the Blackburn Avenue median planter strip. Estimates of the annual costs to maintain, irrigate and electrify the facilities shall be prepared by a registered Civil Engineer and submitted to the City. Any costs associated with the district formation or annexation shall be borne by the developer. (MM. XIII.a.)

27. MAINTAIN LANDSCAPING ALONG STREET FRONTAGES. Applicant shall irrigate and maintain all landscaping installed within the public right of way of Blackburn Avenue and Toomes Avenue. (IS CONDITION XIII.b.)

28. ONSITE FIRE HYDRANT. One onsite fire hydrant with valve shall be installed, to Public Works standards within the planter located northeast of the Community Building. (IS CONDITION XIII.c.)

29. FIRE HYDRANT REPAIR KIT. Developer shall provide City with one Fire Hydrant Repair Kits. (IS CONDITION XIII.d.)

30. BLACKBURN AVENUE RIGHT OF WAY DEDICATION. Final Parcel Map shall offer additional right of way along the Blackburn Avenue frontage to achieve a 39-foot half width or another width approved by the City Engineer. (IS CONDITION XV.a.)

31. BLACKBURN AVENUE IMPROVEMENTS. Prior to issuance of the Certificate of Occupancy, applicant shall improve Blackburn Avenue along the parcel frontage, including traveled way, curb, gutter and meandering sidewalk. Improvements shall extend the full length of the parcel frontage with appropriate transitions to existing street beyond as approved by the City Engineer and Public Works Director. The finished cross section shall conform to the "Blackburn Roadway Section" drawing shown on Sheet A1.1 submitted December 13, 2006. (IS CONDITION XV.b.)

32. LANDSCAPED MEDIAN STRIP. Applicant shall provide a landscaped median strip within Blackburn Avenue. The strip shall be within concrete curbs constructed in accordance with City standards and the "Blackburn Roadway Section" drawing shown on Sheet A1.1 submitted December 13, 2006.. Final Landscaping and Irrigation Plans for the median strip shall accompany the Improvement Plans for the site and are subject to approval by the Planning Director. Landscaping plans shall be prepared by a licensed Landscape Architect and shall include trees planted on an average of 30' centers, interspersed with evergreen shrubs and a combination of low- maintenance groundcover species and decorative hardscape. (IS CONDITION XV.c.)

33. MEDIAN STREETLIGHTS. Dual headed Streetlights shall be installed within the Blackburn Avenue landscaped median. Streetlight type, position, height and luminare specifications are subject to the approval by the City Engineer. Spacing shall not be greater than 200 feet on-center. Streetlight locations shall also appear on the

Landscaping Plans to avoid conflicts with mature street trees. (IS CONDITION XV.d.)

34. BLACKBURN AVENUE TRANSITION TO ONE WAY. Upon completion of the street frontage improvements, Blackburn Avenue shall become two way along the parcel frontage. Appropriate signage and pavement marking shall be placed advising motorists that Blackburn Avenue is a One-way (westbound only) street west of the site. (IS CONDITION XV.e.)

35. TOOMES AVENUE RIGHT OF WAY. Final Parcel Map shall offer an additional 5-foot of right-of-way along property frontage on Toomes Avenue to meet 30' half width right-of-way standard per City of Corning Standard S-18 (40' 2 Lane Street). (IS CONDITION XV.f.)

36. TOOMES AVENUE FRONTAGE IMPROVEMENTS. Prior to issuance of the Certificate of Occupancy, applicant shall complete full west side half width improvements and a 12'-0" wide asphalt concrete overlay on the east side of the centerline as directed by the Public Works Director. The finished west side half width shall conform with the "Toomes Roadway Section" drawing shown on Sheet A1.1 submitted December 13, 2006 and City Standard Drawing S-18 (40' 2 Lane Street). Improvements shall extend the full length of the parcel frontage with appropriate transitions to existing street beyond as approved by the City Engineer and Public Works Director. (IS CONDITION XV.g.)

37. TOOMES AVENUE STREETLIGHTS. Streetlights shall be installed along the Toomes Avenue frontage in accordance with Public Works Standards. Final location shall be shown on the Improvement Plans and be approved by the Director of Public Works. (IS CONDITION XV.h.)

38. PUBLIC IMPROVEMENTS TO CITY STANDARDS. All public improvements shall be constructed in accordance with the Subdivision Ordinance of the City of Corning and required Public Works Standards. (IS CONDITION XV.i.)

39. TRAFFIC SIGNAGE AND PAVEMENT MARKINGS. Install or replace stop signs and apply thermoplastic stop legend with bar at all street and driveway intersections (IS CONDITION XV.j.)

40. ABANDON EXISTING IRRIGATION WELL. Prior to issuing the Certificate of Occupancy, obtain a permit from the Tehama County Environmental Health Department and abandon the existing irrigation well in accordance with the permit conditions.

41. BLACKBURN AVENUE NO PARKING ZONE. The frontage along Blackburn Avenue shall be marked a "NO PARKING-ZONE".

42. TOOMES AVENUE NO PARKING ZONE. The frontage along Toomes Avenue shall be marked a "NO PARKING-ZONE".

43. BLACKBURN AVENUE DRIVEWAY. The Blackburn Avenue final improvement plans, and the Salado Apts. site plan, shall depict the entrance driveway on Blackburn Avenue to be directly across from the existing Woodson School driveway. The proposed Landscape, left turn median, shall be designed so as to provide a left turn into the apartment complex and create an intersection at the two opposing driveways. This will require that the driveway, as shown on the existing site plan, be shifted approximately 37-feet to the east in order to line up opposite the Woodson School driveway. It will also necessitate the re-configuration of the parking/driveway areas and minor adjustment of the location of one apartment building.

The relocation of the driveway will insure a more orderly flow of traffic in and out of the apartment complex and likewise from the school.

I. BACKGROUND:

Please refer to the attached copy of the Assessor's Map (Exhibit "E"). The 10.28-acre property is located south and west of the Blackburn Avenue-Toomes Avenue intersection. Applicant Pacific West Communities, Inc. wishes to develop a 48-unit apartment complex on the northern portion of the site. The project would provide affordable housing for lower income residents of the City. Providing homes for lower income citizens is an objective of the City's Housing Element. (See the discussion under Housing Element in Section V. below.) Their letter dated September 6, 2006 (Exhibit "F"), assures the city that the project will provide affordable rental units for a period of at least 30 years. To fund the project, Pacific West Communities has requested and received a \$4,000,000 "HOME" grant for this project from the State of California Housing and Community Development Department (H & CD).

The applicant seeks three separate entitlements;

- 1). Rezone the 10.28-acre parcel from R-1 to Planned Development,
- 2). A Planned Development Use Permit for the north portion of the site to develop a 48 unit apartment complex shown on the Site Plan (Exhibit "A"), and Building Elevations/Plan Sheets marked as Exhibit "B"; and,
- 3). A Tentative Parcel Map (Exhibit "C") to create two parcels that would separate the proposed apartment complex from the remainder of the property.

No specific use is proposed for the southern portion of the property (Parcel 2) at this time. If Rezone 2006-3 is approved, another Planned Development Use Permit would need to be approved before Parcel 2 development could occur.

II. ENVIRONMENTAL:

Chairperson and Planning Commissioners
Rezone No. 2006-03; PD Use Permit 2006-231; TPM 07-01
Salado Orchard Apartment Project

Staff completed a CEQA Initial Study that identified certain potentially significant effects that could be attributable to the development of this project. Staff determined that those effects could be substantially lessened by the imposition of thirty-nine (39) mitigation measures and conditions.

MITIGATION MEASURES VS. CONDITIONS. The CEQA Mitigated Negative Declaration/Initial Study recommends both “Mitigation Measures” and “Conditions”. “Mitigation Measures” are those measures recommended to mitigate or avoid specific environmental effects. “Initial Study Conditions” are measures to ensure compliance with City standards. The recommended “Conditions of Approval” in this staff report include both types of measures (Mitigation Measures and Conditions).

Please refer to the Mitigated Negative Declaration/Initial Study (Exhibit “G”) for identification of the potential significant environmental effects and the discussion regarding appropriate mitigation and compliance with City standards.

Staff completed the Initial Study on January 2, 2007 and provided copies of the draft Mitigation Measures and Conditions. On January 5, 2007, Pacific West Communities concurred with the staff recommendations. The Mitigated Negative Declaration was prepared, filed with the Tehama County Clerk and State Clearinghouse, and mailed to the Responsible and Trustee agencies listed on Exhibit “S”.

The Mitigated Negative Declaration included 39 proposed Mitigation Measures and Conditions. It did not however, address the existing irrigation well that is present along the north side of proposed Parcel 2. The well should be abandoned to eliminate the possibility of groundwater contamination through vandalism. For that reason, staff recommends Condition No. 40.

Similarly, the Mitigated Neg. Dec. did not address the matter of “on-street” parking along the City street frontages. Staff had previously discussed making the frontages of both Toomes and Blackburn Avenues “No Parking Zones” with the applicant. This was recommended out of necessity for Blackburn Avenue (See discussion of Minor Arterial Street standard under “Circulation Element” below) and for public safety reasons for Toomes Avenue. It should be noted that the Site Plan includes wrought iron fencing along both street frontages, so on-street parking would not be convenient. Additionally, there is plenty of off-street parking provided within the development (two covered parking spaces provided for each apartment plus 47 uncovered spaces for visitors), so on street parking should not be necessary.

Condition No. 43 is recommended to align the project’s Blackburn Avenue driveway with the Woodson school driveway to the north. The landscaped median will not be provided here so that left turn movements in and out of the project and the school can be accommodated. The position of the North-Central apartment building will need to be similarly shifted, as will some parking facilities to fit the realigned driveway.

Staff believes that with the imposition of the Recommended 43 Conditions, all significant environmental effects of the project will be lessened below the threshold of "significance" and the project will not have a significant negative effect on the environment.

Staff mailed notices of this public hearing (Exhibit "H") to owners of properties lying within 300 feet of the project site and published the notice in the local newspaper.

As of this writing we've received two comment letters (Exhibit "I") from Caltrans-dated January 17, 2007 and Exhibit "X" from the Regional Water Quality Control Board.

The Caltrans letter (Exhibit "I") recommends that the development project be conditioned to contribute funds to mitigate the cumulative effects on the state highway system, i.e. I-5 and State Route 99 (E). Our response follows:

Staff has seen the Caltrans projections for future traffic conditions on the interstate and understands the need for mainline capacity expansion. However, as you know, in order to substantiate development impact fees for those improvements, rough proportionality (a "nexus") must be established between the impacts and the necessary infrastructure improvements. Caltrans District 2 staff and the Cities and Counties have recently formed the "Fix 5" Committee to explore methods to fund increased capacities on State Highway facilities. However, that process has only just begun and appropriate and equitable mitigation has not been determined.

Staff believes this issue is too large and complex to be resolved in time to affect this relatively minor project. However, City Staff is on record as willing to participate with County, regional and state agencies to commence work to establish and implement an equitable set of fees to fund mainline improvements to the state highway system.

Staff believes the issues presented in the Regional Water Quality Control Board letter (Exhibit "X") have been adequately addressed by the imposition of recommended Conditions No. 14, 15, 17 & 18.

III. GENERAL PLAN LAND USE ELEMENT:

The City of Corning adopted its current General Plan Land Use Element and Land Use Diagram in 1994. See the attached copy of the Land Use Diagram that designates the subject property for "Residential" development. The "Residential" Land Use designation can permit residential density of up to 14 dwelling units per acre. With that density, the 10.28-acre site could accommodate up to 143 dwelling units and remain consistent with the residential Land Use Designation.

The 48 dwelling units proposed on about 4.67 acres (per TPM 07-01) amounts to a density of approximately 10.3 dwelling units per acre. Since it will not exceed the 14 d.u./acre density, Planned Development Use Permit No. 2006-231 will be consistent with the General Plan Residential Land Use Designation. To meet this consistency requirement, future applications on the vacant proposed Parcel 2 would similarly be limited to a maximum of 14 dwelling units per acre.

IV. ZONING:

Please refer to the copy of the Zoning Map attached as Exhibit "K". You'll note the site is currently zoned R-1; Single-Family Residential. The R-1 zone does not permit apartments. For that reason, Rezone Application No. 2006-3 proposes to rezone the site to "P-D"; Planned Development.

The Planned Development Zone regulations are contained in Chapter 17.35 of the Zoning Code, and attached as Exhibit "L". In accordance with Corning Municipal Code Section 17.35.040, the PD zone can permit a multitude of uses, and exceptions (called "variances" at Section 17.35.060) to normal development standards, upon approval of a use permit. In addition to the rezoning application, the applicants have requested approval of a Use Permit to authorize the construction and operation of the 48 unit apartment shown on Exhibits "A" & "B". So long as both the Rezone and Use Permit are approved, the project will comply with the City's Zoning Code.

As you know, the Planning Commission has the authority to approve use permits. But rezones must be approved by the City Council. Since this project requires both a rezone and a use permit, the Commission's action on the use permit would normally occur prior to the Council's action on the Rezoning. This "timing" issue could conceivably authorize the use permit prior to the necessary (P-D) rezoning. For that reason staff recommends Condition No. 23, which effectively coordinates the activation date of the use permit with that of the PD zoning. That condition would also address a denial of the rezone, since a denied zoning is never "activated".

While no development is currently planned for proposed Parcel 2, staff recommends that it also be zoned P-D so that subsequent uses can be considered and approved via the City's Use Permit process. This affords the City the discretion to thoroughly review any subsequent development plan for the southern portion of the property.

California State law requires consistency between the General Plan Land Use Designation and zoning. This project, and the PD zoning to facilitate it, are consistent with the Residential Land Use designation of the Corning General Plan.

Tentative Parcel Map 07-01, if approved, would create two parcels totaling 4.67 and 4.78 acres, respectively. Both parcels would exceed the 6,000 sq. ft. minimum parcel size requirement of the P-D Zoning District (Section 17.35.050.B-Exhibit "L").

V. HOUSING ELEMENT:

“QUANTIFIED HOUSING OBJECTIVES”

The Housing Element of the General Plan examines the City’s housing needs today as well as the future needs as the City grows. Corning’s Housing Element, adopted in 2005, but addressing the 2003-2008 Planning Period, set out certain quantitative goals for housing production. The Element projected that 290 new dwelling units would be necessary to meet the housing needs of the Community for the five-year (2003-2008) Planning Period. Of those 290 units, the element projected that 114 of those needed to be available to “Very Low” or “Low” Income category residents.

The City keeps records of the total number of residential building permits issued. For the four-year period between January 1, 2003 through December 31, 2006, the City issued building permits for a total of 189 dwelling units. Of that total, only 60 units have been constructed for “Low” and “Very Low Income” residents; 54 units short of the Housing Element Goal of 114. So, in summary, the City has not achieved its Housing Element “Quantified Objectives” for “Very Low” and “Low” quantity goal for the Planning Period.

The purpose of this project is to develop 48 units of affordable housing in an area with a need for affordable housing, especially for low- and very low-income residents. This project consists of 16 two-bedroom and 32 three-bedroom units, including one manager’s unit, and will primarily serve the City of Corning’s existing population base of “very low” and “extremely low” income residents.

Once complete and fully occupied, the 48-unit project will meet a significant portion of the City’s remaining unfulfilled Quantified Objectives for housing units affordable to low- and very-low income residents for the 2003-2008 Planning Period.

Approval of Rezone 2006-03 and Use Permit 2006-231 is consistent with Housing Element Goal HP-1; and Implementing Policies HP-1 and HP-12 (Exhibit “W”) which read::

Goal HP-1: “Provide adequate housing by location, price type and tenure, especially for those of low and moderate income and households with special needs”.

Implementing Policy HP-1. “Encourage the production of housing that meets the needs of all economic segments, including lower, moderate and above moderate income households, farmworkers, and special needs housing to achieve a balanced community”.

Implementing Policy HP-12. “Rezone R-1 and R-2 parcels to multi-family to increase supply of land suitable for development of affordable housing”.

The project is therefore consistent with the Housing Element. See also Section XI (Planning and Zoning Law below).

VI. COMPATIBILITY:

A lead agency should always consider how a rezoning will impact a neighborhood. Please see the drawing marked "Existing Area Land Uses" that's attached as Exhibit "M". The CEQA Mitigated Negative Declaration describes the surrounding uses and recommends several mitigation measures and conditions to improve compatibility with the current and future neighbors. Please refer to recommended Conditions No. 8, that requires disclosure of nearby Agricultural operations to tenants and No. 24 that requires the installation of a masonry land use barrier along the proposed western boundary of the apartment complex, where the apartment project (property is currently a five-acre orchard) interfaces with the R-1 zone.

A Land Use Barrier is not recommended along the south line of the apartment complex (Parcel 1), since it is not to be a zoning district boundary as both Parcels 1 & 2 are to be zoned P-D. Parcel 2 will remain vacant for the time being. When Parcel 2 develops, a masonry Land Use Barrier along its south and west boundaries may be required, depending on what use is proposed. For the time being a standard residential cedar fence will likely be developed along the south boundary of Parcel 1 (the apartment project).

Staff believes, in light of the design characteristics of the project and the imposition of the recommended Conditions, the project will be compatible with the neighborhood.

VII. SAFETY ELEMENT:

FLOOD POTENTIAL.

Please refer to the copy of the FIRM (Flood Insurance Rate Map-Exhibit "O"). None of the property is within the 100 Year Flood Zone.

BLACKBURN-MOON DRAIN.

The Blackburn-Moon Drain forms the northern boundary of the site. At this time, the drain "straddles" the southern edge of the Blackburn Avenue right of way. The drain; just as the name implies, conveys stormwater runoff during period of precipitation. When full of water, the drain can pose a risk of drowning, particularly to small children. For that reason, staff recommends Condition No. 21 be incorporated into the project approval, requiring the drain to be piped. Additionally, Condition No. 30 will require sufficient additional Blackburn Avenue dedication to include the undergrounded drain within the public right of way.

VIII. CIRCULATION ELEMENT:

Please refer to the copy of the City's Circulation Element Map (Exhibit "P"). You'll note that Blackburn Avenue is intended to be a "Minor Arterial" Street. Toomes Avenue is shown as a Collector Street.

The City standard for a Minor Arterial street is described in CMC Section 16.21.040.B.6.b. (attached as Exhibit "Q"). There is a line of high voltage (60 KV) utility poles along the south side of Blackburn Avenue. The City Engineer contacted PG & E about undergrounding these powerlines and eliminating the poles. What he found was that Public Utility Commission action was required to underground this line and that the cost to underground the line would be in the neighborhood of \$250,000.00 for the powerlines between Toomes and Edith Avenues. Additionally, the PUC approval process is expected to take between 12 and 18 months. For those reasons, the City Engineer recommends a modification to the Minor Arterial standard along this stretch of Blackburn Avenue. The modification includes leaving the utility poles, eliminating the south side "parking lane", and reducing the landscaped median width. The City Engineer's recommended modified Blackburn Avenue cross section appears on page 2 of the Site Plan (Exhibit "B").

Blackburn Avenue is currently configured as a one-way (westbound) street from Toomes to Edith Avenues. This is necessary due to insufficient Blackburn Avenue right of way width west of the site and the position of the Blackburn Moon Drain. While not desirable, this one-way condition must remain until additional Blackburn Avenue right of way is dedicated along the properties to the west of the site. Staff recommends that street frontage improvements along the site be completed to make Blackburn Avenue a two-way street along the project frontage and that the Blackburn Avenue driveway be shifted about 37 feet to the east to align with the Woodson School driveway. The transition from a two-way to a one way street will be shifted about 660 feet west. Conditions No. 30, 31, 32, 34 and 43 are recommended to accomplish this.

You will note that the Site Plan shows the median landscape strip ending well east of the west end of the site so that motorists may make a U-turn to access the northern entrance to the site, instead of being forced to the one-way portion and on to Edith Avenue.

Recommended Conditions 35 through 37 require additional right of way and improvements to Toomes Avenue. The street standard is the typical 40' wide City Street.

With the completion of the street frontage improvements to both Blackburn and Toomes Avenues, in accordance with the recommended Conditions, the project will comply with the Circulation Element.

IX. SUBDIVISION MAP ACT

In addition to the Rezone and Use Permit applications, Pacific West Communities seeks to divide the property into two separate parcels. To accomplish this, they have

Chairperson and Planning Commissioners
Rezone No. 2006-03; PD Use Permit 2006-231; TPM 07-01
Salado Orchard Apartment Project

submitted Tentative Parcel Map No. 07-01 (Exhibit "C"). If approved and recorded, the map would create one 4.67 and one 4.78 acre parcel. This will facilitate separate financing and development of the two "halves" of the property.

Tentative subdivision map applications may be denied only if certain conditions occur. In those cases, the Planning Commission would recommend denial to the City Council based on the "Denial Findings" of Government Code Section 66474 (Exhibit "N"). None of those denial findings are applicable in this case, so staff recommends approval of the tentative parcel map that will divide the property into two separate parcels.

XI. PLANNING AND ZONING LAW (RELATIVE TO AFFORDABLE HOUSING PROJECTS)

Cities are generally prohibited from denying "affordable" housing projects, except when certain "findings" are made. The complete text of those "denial findings" are listed in Government Code Section 65589.5, which is attached in its entirety as Exhibit "U". A short summary of the possible findings and staff responses follows:

65589.5(d)(1) City has met or exceeded its share of the "Regional Housing Need allocation" (term is synonymous with "Quantified Housing Objectives" in City Housing Element.

Response: Refer to Section V-Housing Element above. Can not be supported to justify denial since City has not yet met its "Quantified Objectives" for the Planning period (2003-2005).

65589.5(d)(2). The project would have a specific, adverse impact on public health or safety...

Response: Some would contend that multi-family residents generate a disproportionate share of criminal activity and appurtenant police responses. According to the Corning Police Department that tracks police call/response statistics, when viewed on a "per dwelling" basis, there is no significant difference between conventional single-family neighborhoods and apartment projects. There is no evidence that the project, with the proposed conditions of approval, will have an adverse impact of public health or safety.

65589.6(d)(3). The project conflicts with state or federal law and there is no financially feasible method to mitigate the conflict.

Response. There are no anticipated conflicts with state or federal law.

65589.5(d)(4). The project site is zoned for Agriculture or Resource preservation or does not have adequate water or wastewater facilities to serve the project.

Response. The site is currently zoned residential. Water and sewer trunklines with adequate capacity are adjacent to the site.

65589.5(d)(5). The development is inconsistent with both the zoning and general plan when the application was submitted.

Response. The project is currently zoned R-1-Single Family Residential and was when the application was submitted. The R-1 zone is not consistent with multi-family housing and the applicants propose to rezone the site to Planned Development-P-D. However, the proposed project is consistent with the existing "Residential" General Plan Land Use Designation. See the discussion under General Plan Land Use above (Section III).

Since none of the "denial findings" can be justified, staff recommends that the rezoning, use permit and tentative map be approved. See recommended Finding No. 6 and also Section V. (Housing Element) above.

XII. PARKING:

The City Zoning Code contains two separate off-street parking standards that could apply to this project. Furthermore, since the proposal seeks a P-D Zoning, the Planning Commission has the ability to approve another parking standard.

Under the P-D district standards, Section 17.35.050.D.1 (Exhibit "L") requires "one automobile parking space for each dwelling unit in (a) residential building". Staff believes this section should have been deleted when Chapter 17.51 (Parking Standards) was adopted in 1989, but it wasn't.

Section 17.51.040.D (Exhibit "R") requires two parking spaces for each multi-family dwelling unit; one of which is required to be an "enclosed space", i.e. within a garage.

Staff began reviewing this project in May of 2006. Several different site plans were submitted and scrutinized by City staff. The earliest plans showed multiple garage structures that grouped four separate single car garages, each with 9' wide doors positioned adjacent and at 90 degrees to the drive aisles. Twelve of those "four-garage" structures and 48 "uncovered" parking spaces were proposed to satisfy the parking standard of Section 17.51.040(D). However, after careful consideration, staff determined that enclosed garage structures would present more problems than they would solve. Specifically, staff determined that the grouped garages:

1. Would be difficult to maneuver an automobile in and out of due to the narrow single car garage doors, the separation between opposing garage structures (25 feet) and the typical turning radius of an auto,

2. From an aesthetic standpoint, would obstruct views of the apartment buildings from the drive aisles,
3. From a Public Safety standpoint, would create a “hiding place” area between the garage structures and the apartments that could pose a safety hazard.
4. Would be inconvenient to use. Remote control operated doors would not be practical due to the closeness of the opener receivers. So, access would require stopping, exiting the vehicle, manually opening a garage door and then driving into the garage.
5. Would be difficult to get kids in and out of carseats due to the narrowness of the garages (perhaps 11’ or 12’ wide) less the width of an automobile. Typical lower income families often have young children.
6. Would pose a safety hazard as autos were backing from the garage since the garage side walls would limit vision left and right.
7. Could become a location for illegal activities.

For those reasons, staff believes the garages would be under utilized, thereby increasing the use/competition for the uncovered and on-street spaces. It should be noted here that staff was also recommending no adjacent “on-street” parking along either Blackburn or Toomes Avenues (See the discussion under Section II- Environmental above). At that point staff suggested that the project provide carport covers for all 96 required parking spaces. The applicant agreed to that as a compromise solution. So the Site plan shows 96 covered parking spaces and 47 “uncovered” visitor spaces. Staff supports this parking solution for the project and believes it is consistent with the development flexibility provided in the P-D district regulations (Exhibit “L”-CMC Sec. 17.35.060).

XIII. UTILITIES:

City sewer and water services are within Toomes Avenue. A city water line is also within Blackburn Avenue. The applicant will be required to make the necessary sewer extension in Blackburn Avenue and complete the lateral placements to serve the project.

XIV. PROJECT DETAILS AND AMENITIES:

Please refer to Sheet 2 of the Site Plan (Exhibit “A-2”) for the details of the project, and Exhibits B-4, B-5 & B-6 for typical photographs of similar apartment buildings constructed by Pacific West Communities.

In addition to the six separate apartment buildings containing 16 two-bedroom and 32 three-bedroom units, the project includes a 2,463 sq. ft. Community Building, a

swimming pool a playground and barbeque facilities. Elevation drawings of the proposed buildings are attached as Exhibit "B".

Condition No. 43 requires shifting the Blackburn Avenue driveway about 37 feet to the east to align with the Woodson School driveway. Moving the driveway will force a similar shift of the north central apartment building, one parking canopy and perhaps a few uncovered parking spaces.

XV. COMMENTS FROM SURROUNDING OWNERS:

As of the writing of this staff report, none have been received.

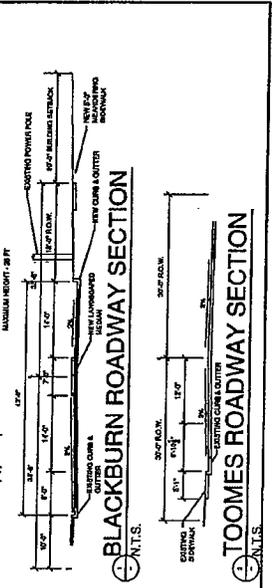
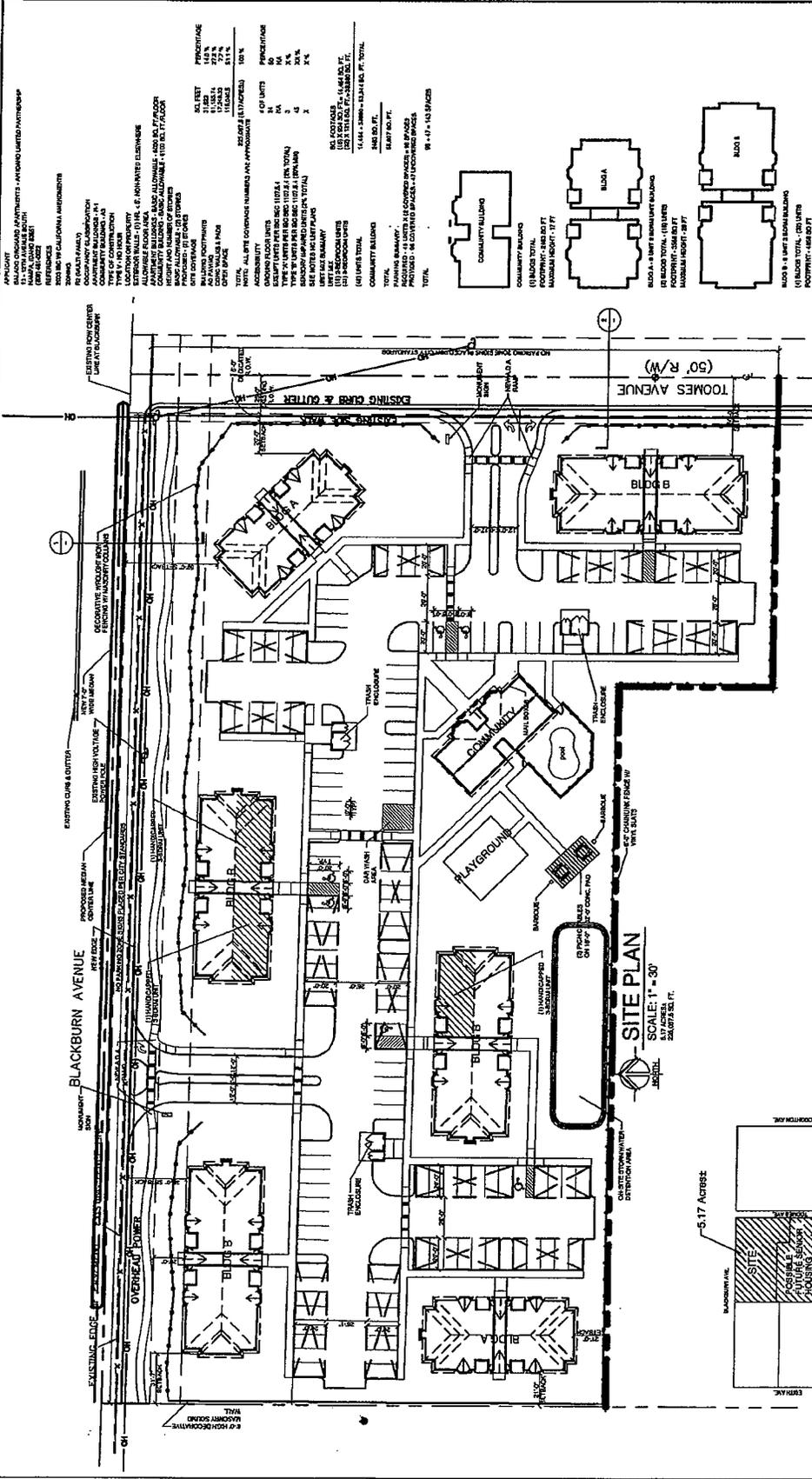
LIST OF ATTACHMENTS-REZONE 2006-03; PD USE PERMIT 2006-231;
TENTATIVE PARCEL MAP 07-01
SALADO ORCHARD APARTMENTS

- A. Site Plan
- B. Proposed Building Elevations, Floor Plans & Photographs
- C. Tentative Parcel Map 07-01
- D. Planning Application and Environmental Question Form
- E. Assessor's Map
- F. Letter from Pacific West Communities, Inc.-30 year commitment
- G. CEQA Mitigated Negative Declaration and Initial Study
- H. Public Hearing Notice
- I. Letter from Caltrans regarding CEQA Document
- J. Land Use Diagram
- K. Zoning Map
- L. P-D Zoning Regulations (Corning Muni Code Chapter 17.35)
- M. Existing Land Uses in Area Diagram
- N. Subdivision Map Act Denial Findings (Government Code Sec. 66474)
- O. Flood Insurance Rate Map
- P. Circulation Element Map
- Q. Minor Arterial Street Standard (Corning Muni Code Section 16.21.040.B.6.b)
- R. Typical Off-Street Parking Requirements (Corning Muni Code Sec. 17.51.040.D)
- S. Responsible Agencies Notification List
- T. Aerial Photo
- U. Findings for Denial of Affordable Housing Projects (Government Code Section 65589.5(d))
- V. Draft Sectional District Map to effectuate P-D Zoning
- W. Housing Element Goal HP-1 and Implementing Policies.
- X. Letter from Regional Water Quality Control Board regarding CEQA document

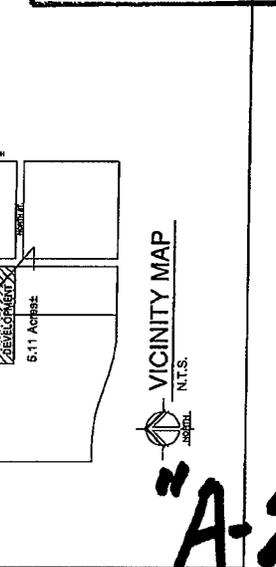
APPLICANT: SALADO ORCHARD APARTMENTS - ANVARD LIMITED PARTNERSHIP
 PROJECT: SALADO ORCHARD APARTMENTS
 ADDRESS: 1312 ANVARD STREET, LOS ANGELES, CA 90015
 ARCHITECT: PACWEST ARCHITECTURE, 1312 ANVARD STREET, LOS ANGELES, CA 90015
 DATE: 02/01/2006

PROJECT: SALADO ORCHARD APARTMENTS - ANVARD LIMITED PARTNERSHIP
 ADDRESS: 1312 ANVARD STREET, LOS ANGELES, CA 90015
 ARCHITECT: PACWEST ARCHITECTURE, 1312 ANVARD STREET, LOS ANGELES, CA 90015
 DATE: 02/01/2006

SALADO ORCHARD APARTMENTS
 A1.1



RECEIVE
 DEC 13 2006
 CITY OF CORNING

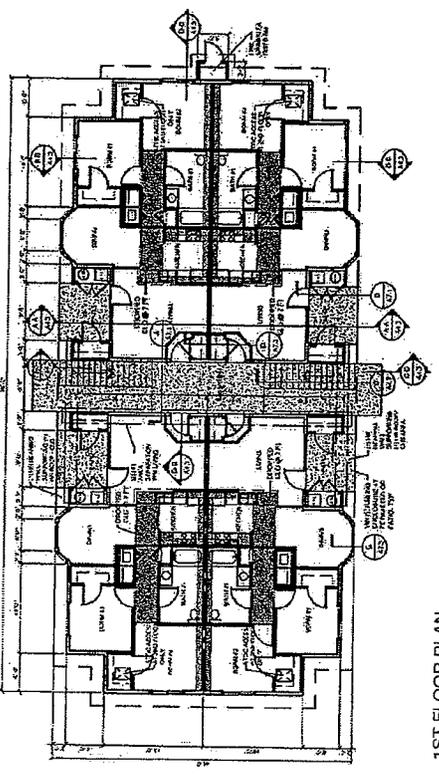
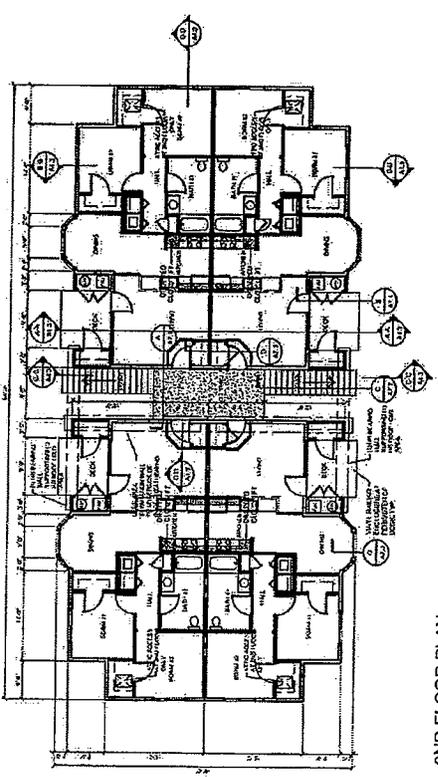


SITE PLAN
 SCALE: 1" = 30'
 24,000 S.F. TOTAL AREA
 2,400 S.F. COVERED AREAS

"A-2"

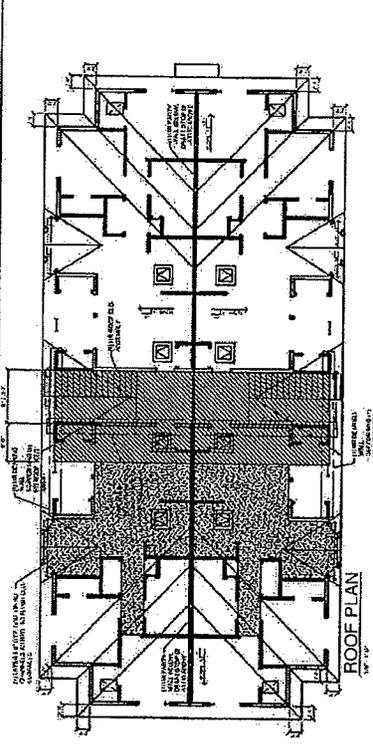
PacWest Architecture
 1525 KENNEDY BLVD
 SAN FRANCISCO, CA 94116
 PHONE: 415.774.1234
 FAX: 415.774.1235
 PROJECT NO: 05-001-0001
 DATE: 05/15/05

OWNER: PacWest Architecture
 ARCHITECT: PacWest Architecture
 CONTRACT NO: 05-001-0001
 DATE: 05/15/05

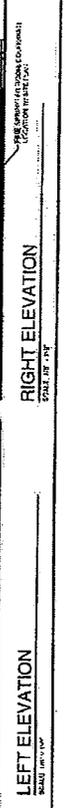
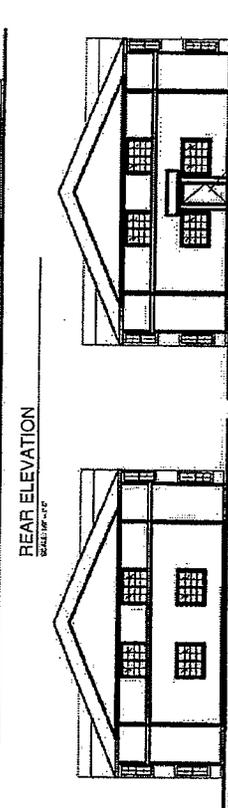
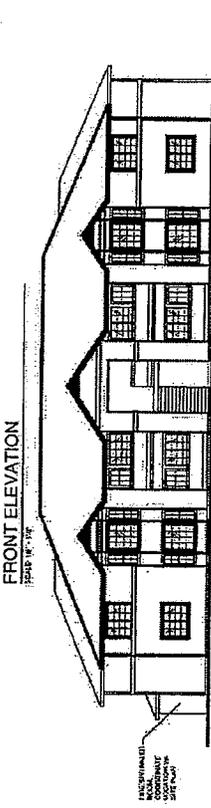
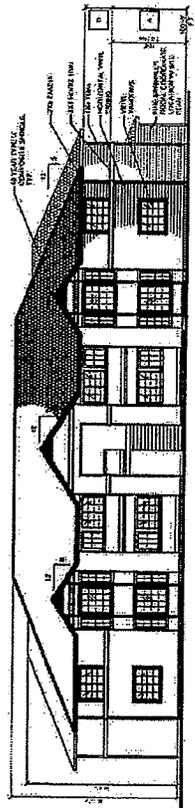


NOTES:
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. ALL WALLS ARE 12" THICK UNLESS NOTED OTHERWISE.
 3. ALL FLOORS ARE 4" THICK UNLESS NOTED OTHERWISE.
 4. ALL CEILING ARE 8" THICK UNLESS NOTED OTHERWISE.
 5. ALL ROOFS ARE 6" THICK UNLESS NOTED OTHERWISE.
 6. ALL STAIRS ARE 6" THICK UNLESS NOTED OTHERWISE.
 7. ALL DOORS ARE 2" THICK UNLESS NOTED OTHERWISE.
 8. ALL WINDOWS ARE 2" THICK UNLESS NOTED OTHERWISE.
 9. ALL PARTITIONS ARE 1/2" THICK UNLESS NOTED OTHERWISE.
 10. ALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.

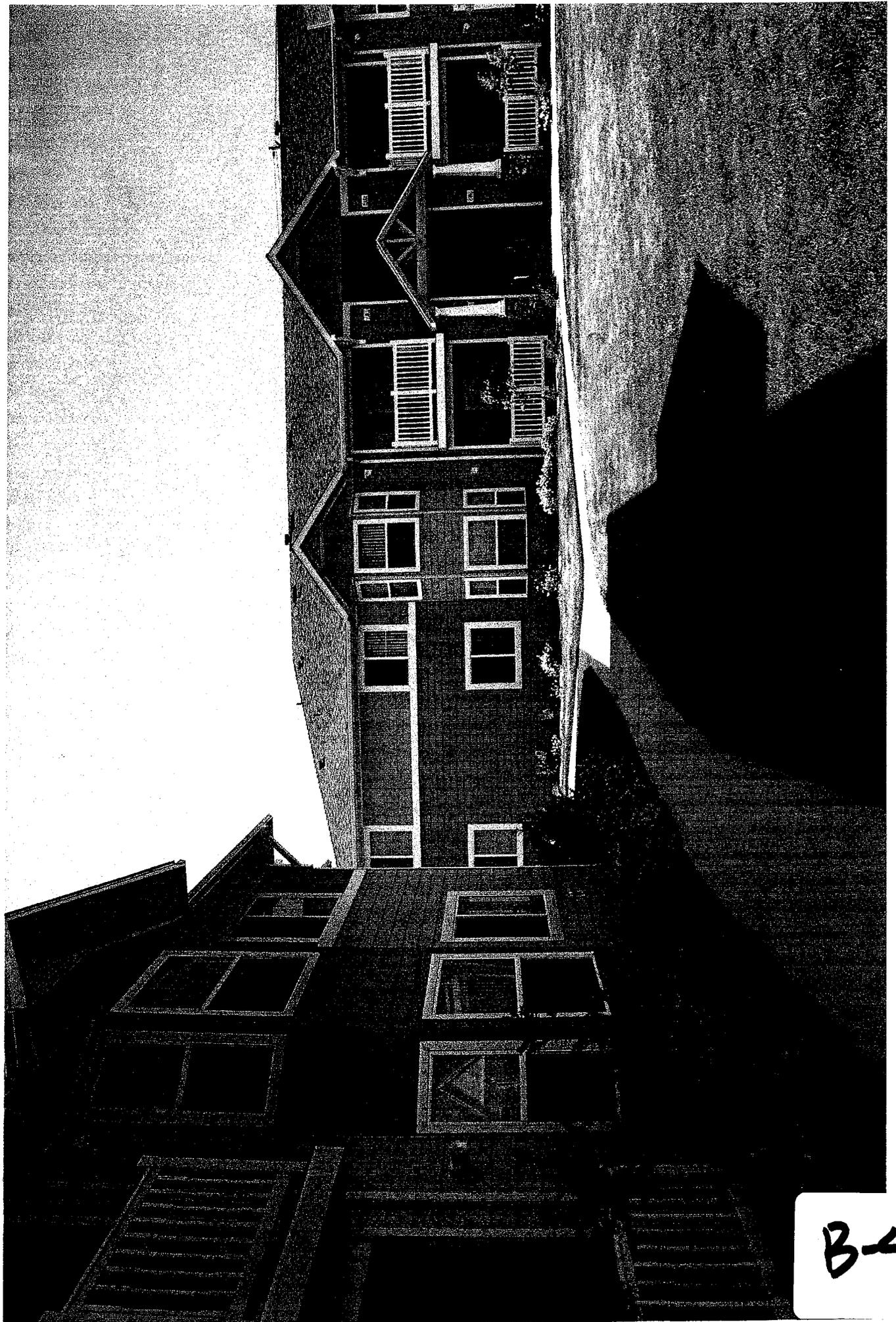
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 9. ALL PARTITIONS ARE 1/2" THICK UNLESS NOTED OTHERWISE.
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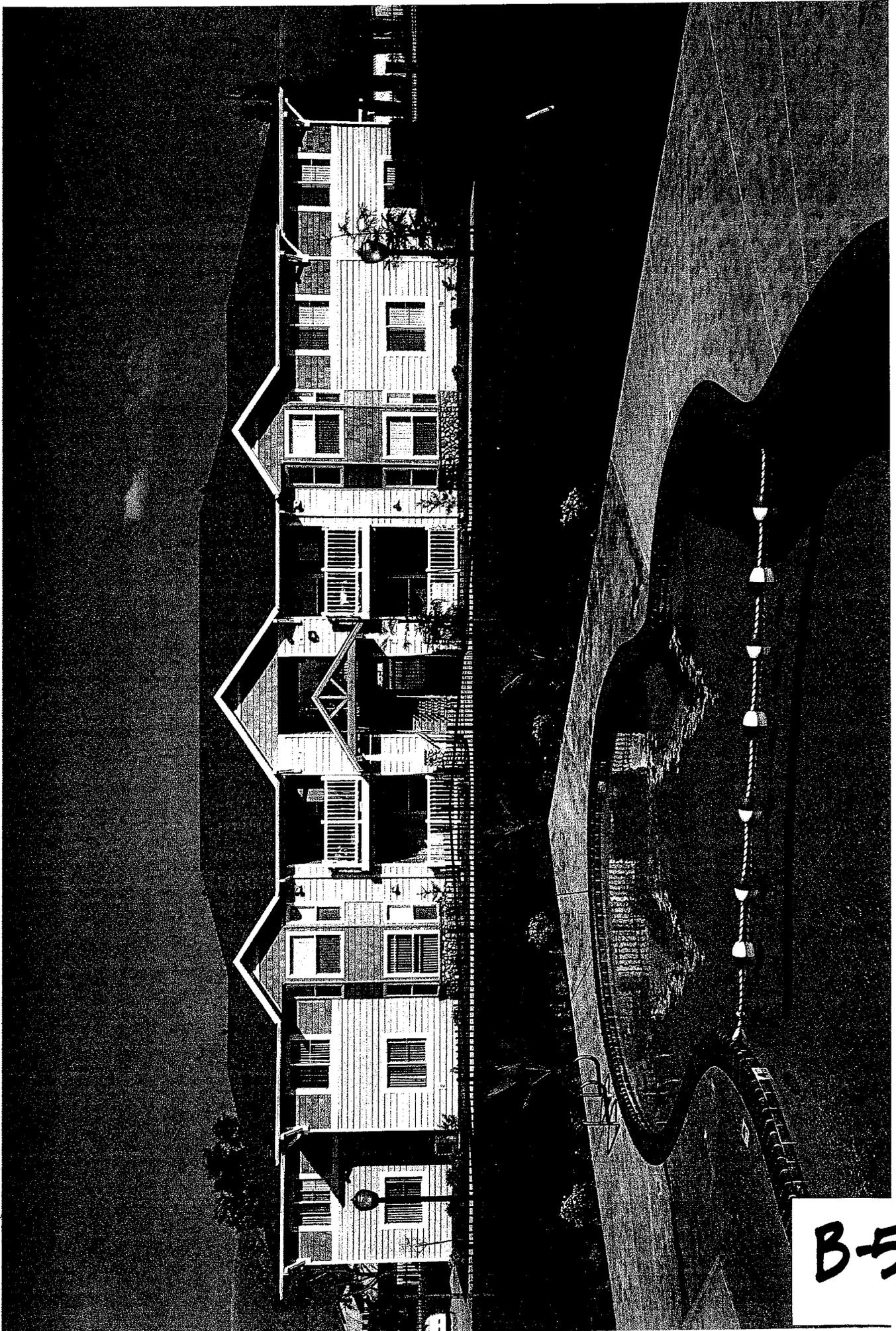
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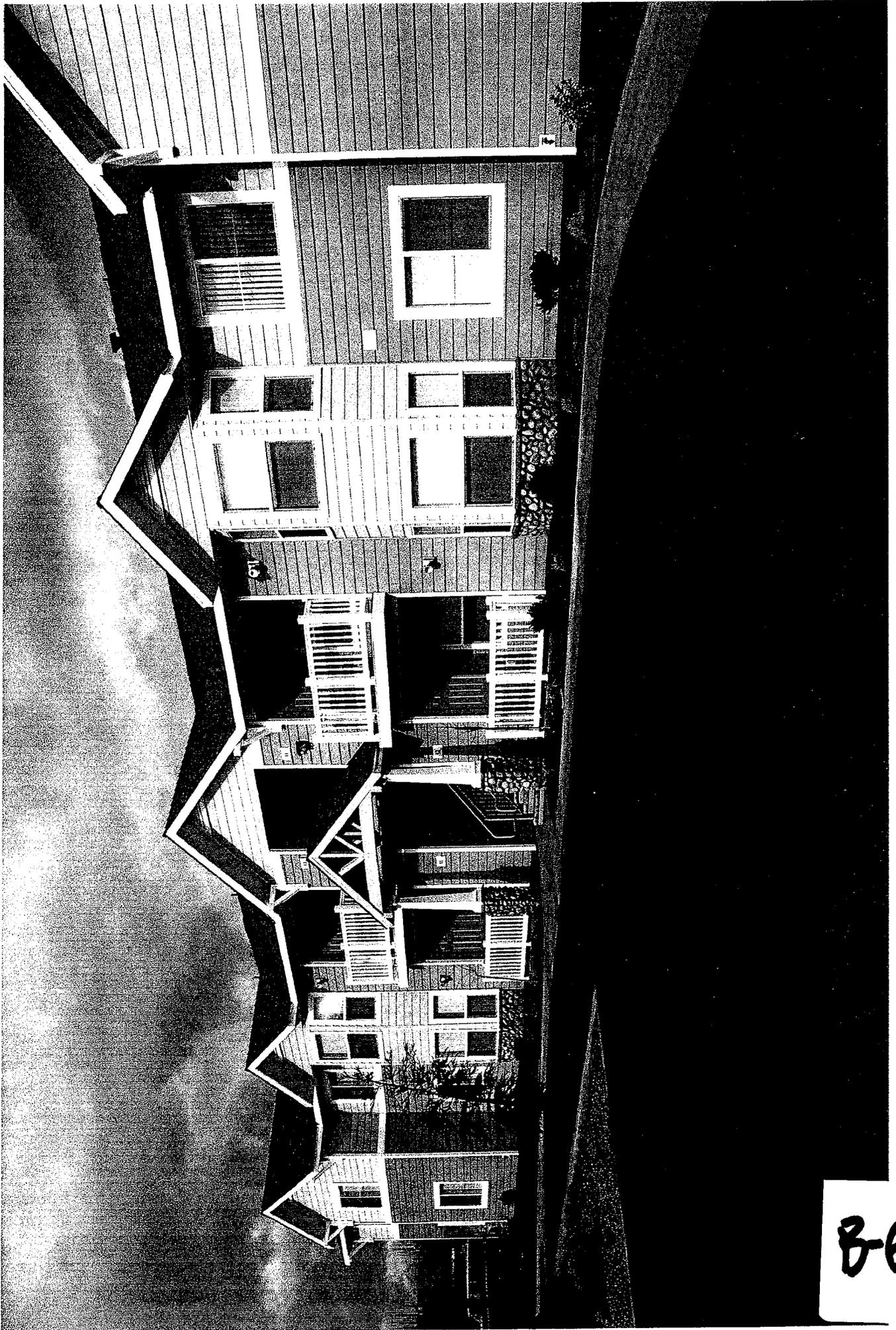
"B-2"



B-4



B-5



B-6

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

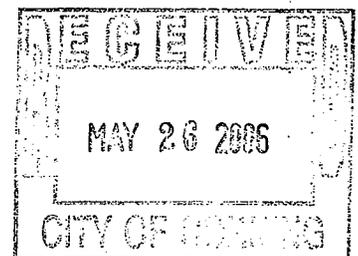
Submit Completed Applications to:
City of Corning
Planning Dept.
794 Third Street
Corning, CA 96021

PROJECT INFORMATION	PROJECT ADDRESS 220 Toomes Avenue		ASSESSOR'S PARCEL NUMBER 71-02-02	G.P. LAND USE DESIGNATION 8.75 units per acre w/density bonus
	ZONING DISTRICT R-1	FLOOD HAZARD ZONE N/A	SITE ACREAGE 6.4	AIRPORT SAFETY ZONE? NO
	PROJECT DESCRIPTION: (attach additional sheets if necessary) 48-unit affordable housing apartment community with community center.			
	APPLICATION TYPE (Check All Applicable)			
<input type="checkbox"/> Annexation/Detachment <input type="checkbox"/> Appeal <input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Lot Line Adjustment <input checked="" type="checkbox"/> Planned Dev. Use Permit <input checked="" type="checkbox"/> Parcel Map <input checked="" type="checkbox"/> Preliminary Plan Review <input checked="" type="checkbox"/> Rezone <input type="checkbox"/> Street Abandonment <input type="checkbox"/> Subdivision <input type="checkbox"/> Time Extension <input type="checkbox"/> Use Permit				
APPLICANT INFORMATION	APPLICANT Pacific West Communities, Inc.		ADDRESS 13-12th Avenue South Nampa, ID 83651	DAY PHONE (208)461-0022
	REPRESENTATIVE (IF ANY) Don Slattery		ADDRESS 13-12th Avenue South Nampa, ID 83651	DAY PHONE (208) 461-0022 ext: 3023
	PROPERTY OWNER Manuel Salado		ADDRESS 3403 Kingmont Dr. Loomis, CA 95650	DAY PHONE (916)663-3755
	CORRESPONDENCE TO BE SENT TO <input type="checkbox"/> APPLICANT <input checked="" 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: <u><i>Don Slattery</i></u>		PROPERTY OWNER: I have read this application and consent to its filing. Signed: <u><i>Manuel A. Salado Jr.</i></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. REG-06-03 47-2006-221 EPA	RECEIVED BY: JB	DATE RECEIVED 5/30/06	DATE APPL. DEEMED COMPLETE
	FEE RECEIVED/RECEIPT NO.	CEQA DETERMINATION Exempt <input checked="" type="checkbox"/> MND <input type="checkbox"/> EIR		DATE FILED

C:\PlanningApps\PLANNING APPFORM.doc

EXHIBIT "D"





CITY OF CORNING

ENVIRONMENTAL INFORMATION FORM (To be completed by Applicant)

General Information

DATE FILED _____

1. Project Title:

Salado Orchard Apartments

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:

Preliminary Plan Review, Planned Dev. Use Permit, Rezone, Parcel Map

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 122 parking stalls. (Attach plans)

5. Proposed scheduling/development.
Spring/Summer of 2007

6. Associated project(s).
N/A

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

48-units, 16-2 bedroom units at 877 sq. ft. per unit, 32-3 bedroom units at 1,125 sq. ft. per unit,

and 1 community building at 2,463 sq. ft.

The rents have not yet been determined.

"D-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.

N/A

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.

Rezoning application will be to allow us the flexibility for design and building setbacks.

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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| 15. Significant amounts of solid waste or litter? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 16. Change in dust, ash, smoke, fumes or odors in vicinity? | <input checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| 22. Substantially increase energy usage (electricity, oil, natural gas, etc.)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 23. Relationship to a larger project or series of projects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

"D-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.

Project site is currently vacant with no existing plants, animals or any cultural, historical or scenic aspects to our knowledge.

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.

North: Public or Quasi Public, Public school

South: Residential, Single family sub-division

East: Agricultural, Orchard

West: Agricultural/Residential, Orchard on North half, Single family residential on South half.

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.

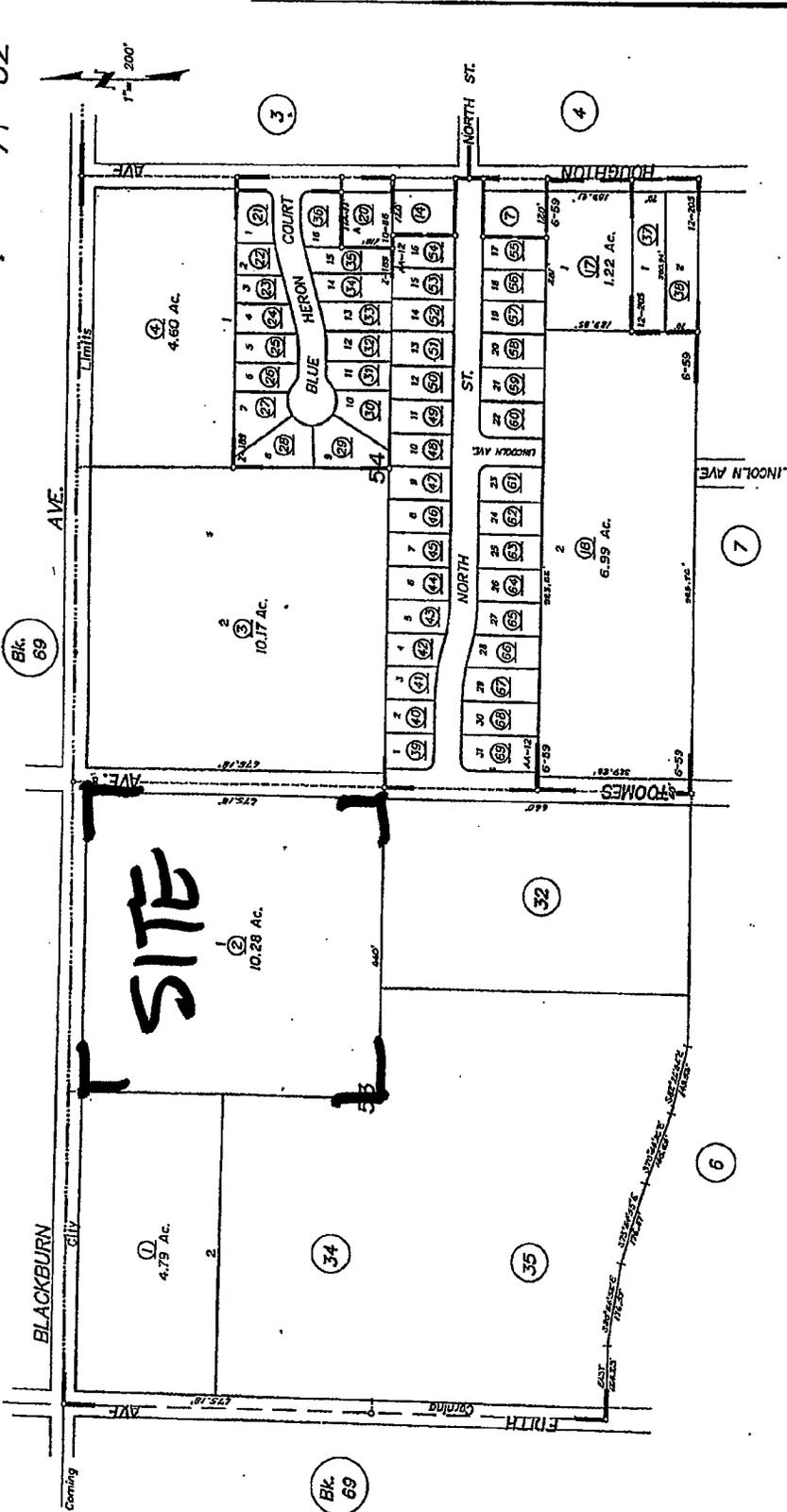
Date _____ Signature _____

For: _____

"D-4"

SUBDIVIDED LAND IN SW1/4 SEC. 15, T.24N., R.3W., M.D.B.&M.

71-02



- R.M. Bk. AA, Pg. 12-North Olive Sub., Tract No. 03-02
- R.M. Bk. Z, Pg. 189-Casa Nueva Subdivision, Tract No. 02-1008
- R.M. Bk. B, Pg. 1-Maywood Colony No. 2
- P.M. Bk. 6, Pg. 59-P.M. No. 79-61
- P.M. Bk. 10, Pg. 86-P.M. No. 91-53
- P.M. Bk. 12, Pg. 205-P.M. No. 03-37

Assessor's Map Bk. 71 -Pg. 02
County of Tehama, Calif.

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

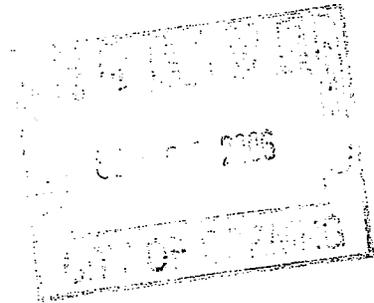
"This map may or may not be a survey of the land depicted hereon. You should not rely upon it for any purpose other than orientation to the general location of the parcel or parcels depicted. PLACER TITLE COMPANY, expressly disclaims any liability for alleged loss or damage which may result from reliance on this map."

EXHIBIT "E"



26302 Table Meadow Road
Auburn, California 95602

Office: (530) 269-3744
Fax: (530) 269-3749



September 6, 2006

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

Re: Salado Orchard Apartments

Dear John,

Please accept this letter as our request for a density bonus for the benefit of developing the above referenced affordable rental housing project. As a requirement of California Government Code Section 65915 the project shall provide affordable rental units to family households with incomes at 60% of the area's median income for a period of not less than 30 years. In addition 20% of the project's units will be made affordable to families with incomes at 50% of the area's median income.

Sincerely,

A handwritten signature in black ink, appearing to read "William R. Spann".

William R. Spann
Principal

EXHIBIT "F"

CITY OF CORNING
CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE
DECLARATION

DATE: January 8, 2007

SUBJECT: CEQA MITIGATED NEGATIVE DECLARATION:

Pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970", as amended to date, a Draft Negative Declaration is hereby made on the project listed below:

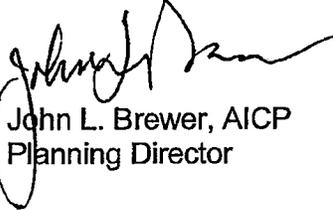
Rezone No. 2006-03; Planned Development Use Permit No. 2006-231; Tentative Parcel Map; Salado Orchard Apartment Project

The reason for the determination that a Mitigated Negative Declaration is appropriate:

The "Initial Study" has found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in the attached Initial Study have been added to the project and therefore a Negative Declaration has been prepared.

The Initial Study prepared for the Project is available for review at City Hall. **Written comments on the proposed Negative Declaration will be accepted until 5:00 PM Tuesday, February 20, 2007.**

The Planning Commission Public Hearing for a recommendation regarding the adequacy of the Mitigated Negative Declaration of Environmental Impact and project approval is scheduled for Tuesday, February 20, 2007 at 6:30 PM in the City Council Chambers, City of Corning, 794 Third Street, Corning, California 96021.


John L. Brewer, AICP
Planning Director

January 8, 2007

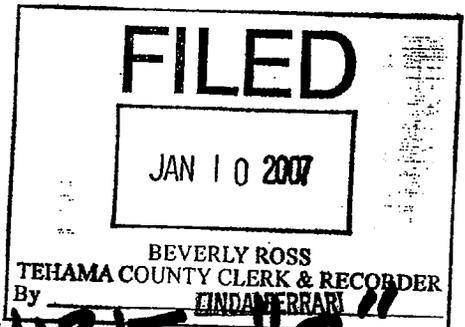
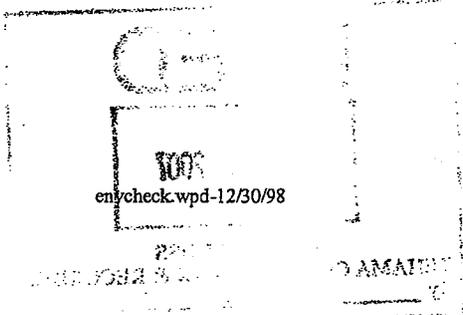


EXHIBIT "G"

CITY OF CORNING

Initial Study Environmental Checklist Form

1. Project title: Rezone No. 2006-03; Planned Development Use Permit No. 2006-231; Tentative Parcel Map; Salado Orchard Apartment Project.
2. Lead agency name and address:
City of Corning
794 Third St.
Corning, CA 96021
3. Contact person and phone number: John Brewer; (530) 824-7036
4. Project location: At the southwest corner of Toomes Avenue and Blackburn Avenue, in the City of Corning. Assessor's Parcel No. 71-020-02.
5. Project sponsor's name and address: Pacific West Communities, Inc. 13 12th Avenue South, Nampa, ID 83651
6. General plan designation: Residential
7. Zoning: Currently R-1; Proposed P-D
8. Description of project: To rezone from R-1; Single Family Residential, to "P D"; Planned Development. Also a Planned Development use permit application to entitle a 48-unit apartment complex and appurtenant facilities, and a Tentative Parcel Map (submitted January 5, 2007) proposing to divide the property into two separate parcels. See copies of proposed development plan (Page 29) and Tentative Map (Page 30).
9. Surrounding land uses and setting: Briefly describe the project's surroundings: Surrounding uses include an elementary school to the north, single family residential to the south, southeast and southwest, olive orchard to the east, northeast and west, one rural residence to the northwest.
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
The project seeks "HOME" grant funding administered by the California Department of Housing and Community Development (H & CD).



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

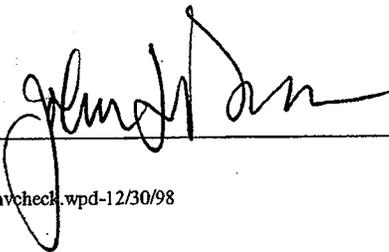
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



1/8/2007

Signature

Date

Signature

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

Issues:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?
- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- d) Expose sensitive receptors to substantial pollutant concentrations?
- e) Create objectionable odors affecting a

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?	<input type="checkbox"/> π	<input checked="" type="checkbox"/> π	<input type="checkbox"/> π	<input type="checkbox"/> π
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

for the disposal of wastewater?

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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VIII. HYDROLOGY AND WATER QUALITY
 -- Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IX. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. NOISE Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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XV. TRANSPORTATION/TRAFFIC -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVI. UTILITIES AND SERVICE SYSTEMS				
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

g) Comply with federal, state, and local statutes and regulations related to solid waste?

XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

RESPONSES TO ISSUES IDENTIFIED ON CHECKLIST

I. AESTHETICS.

The site is currently vacant. A previous dwelling has been demolished. The site is not particularly attractive or "scenic". There are no scenic resources on the site.

The project proposes to construct a 48-unit apartment complex. The complex will include six separate "eight-plexes", several detached carport structures, a community center building and a playground and swimming pool. The development will occur on vacant property, so it will certainly alter the existing visual character of the site. However, the following conditions are recommended to make the project conform to the City's urban standards and make the project more aesthetically desirable.

CONDITION I.a. COMPLIANCE WITH APPROVED PLAN. Final Improvement Plans shall substantially conform to the approved Site Plan received on December 13, 2006.

CONDITION I.b. LANDSCAPING. Front and street side yards and all areas not proposed for buildings, structures or parking areas shall be landscaped and provided with permanent and automatic means of irrigation. Applicant's attention is specifically drawn to Subdivision Code Chapter 16.27, Ground Cover Standards, and the requirement to plant and maintain ground cover and trees for the life of the project.

CONDITION I.c. LANDSCAPING PLANS. Prior to commencing construction, applicant shall submit Landscaping Plans for the site and adjacent areas within the Right of way but outside the travel lanes. Landscape Plans shall be prepared by a Registered Landscape Architect and shall be subject to the approval of the Planning Director. Plans shall include irrigation plans and substantially conform to the Site Plan submitted December 13, 2006.

CONDITION I.d. SCREEN HVAC. Except for vent pipes through the roof, heating, venting or air conditioning equipment shall not be located on the roof of any structure., unless screened from view in a manner approved by the Planning Director.

CONDITION I.e. UNDERGROUND UTILITIES. All public utilities serving the Development shall be underground with no overhead facilities crossing any streets.

CONDITION I.f. BUILDING SETBACKS. All buildings shall be setback not less than 20 feet from the finished street right of ways.

CONDITION I.g. REMOVE CONSTRUCTION DEBRIS. Prior to approving occupancy for any buildings, all construction debris shall be removed from the site.

Light and Glare impacts will result from the development, but are not expected to exceed the normal effects of urban development.

II. AGRICULTURAL RESOURCES.

The site is currently vacant. No agricultural use is occurring. The site is not shown as Prime, Unique or Farmland of Statewide Importance.

There are existing olive orchard uses in the vicinity of the project site. These orchards are occasionally sprayed with pesticides and herbicides, disked, irrigated, cultivated, and harvested. These processes could bother residents of the proposed apartments. The prospective residents should be advised of the potential nuisances associated with nearby agricultural operations. The following Mitigation Measure is recommended:

MM. II.a. DISCLOSURE OF NEARBY AGRICULTURAL OPERATIONS. A note shall be affixed to all rental agreements affecting the project. The note shall clearly state that the apartment complex is located near agricultural operations and that residents of the apartment project may be adversely affected by dust, noise, odors and overspray of chemical fertilizers and pesticides, and that the City of Corning does not regard such operations as nuisances when conducted with proper and accepted standards.

III. AIR QUALITY

The site will be graded as part of the construction process. Grading could generate fugitive dust; i.e. dust that traverses the parcel boundaries. This could negatively affect residents in the area as well as students and employees at nearby Woodson School. To mitigate, the following measures are recommended:

MM. III.a. FUGITIVE DUST. Prior to commencing Grading the applicant shall obtain a Fugitive Dust Control Permit from the Tehama County Air Pollution District and comply with the conditions of approval.

MM.III.b. SPRINKLE EXPOSED SOILS. During construction, unprotected soils shall be sprinkled to minimize wind erosion.

MM.III.c. COVER EXPOSED SOILS. Areas denuded by construction activities and not scheduled for development for an indefinite period shall be seeded or covered by impervious materials to minimize water and wind erosion.

Condition III.d.. GRADING PLANS. Complete grading plans shall be submitted for approval by the City Engineer.

IV. BIOLOGICAL RESOURCES

Because the property was previously graded and farmed, the project site itself is not particularly valuable for wildlife. However the site adjoins the Blackburn-Moon Drain, a man-made drainage ditch. The Army Corps of Engineers has determined the drain to be "jurisdictional" waters of the United States where it adjoins another property some 1320 feet to the east. Wetlands and "Jurisdictional" waters of the US can often be the habitat of threatened or endangered species. While no specific survey has verified the presence of rare, threatened or endangered species, they could occur. Their destruction, whether direct or indirect could be a significant environmental effect without mitigation..

For public safety purposes, the City will require the drain to be undergrounded. Prior to completing this work the applicant will need to obtain the necessary permits to authorize the "fill" of "waters of the US". The following mitigation measures are recommended: Compliance with these measures will ensure that there is no significant effect to biological resources.

MM. IV.a. STREAMBED ALTERATION AGREEMENT. Prior to commencing excavation for the

retention pond or grading for Lots 65 through 69, obtain a Streambed Alteration Agreement with the California Department of Fish and Game if one is required.

MM. IV.b. SECTION 404 PERMIT. Prior to discharging any fill material into waters of the United States, the applicant shall obtain a Clean Water Act Section 404 permit from the US Army Corps of Engineers if one is necessary.

MM. IV.c. SECTION 401 PERMIT. If a Section 404 permit is required, or if the project will deposit fill into isolated wetlands, water quality certification pursuant to Section 401 of the Clean Water Act is also required. (Contact Scott Zaitz at the Regional Water Quality Control Board for details of this certification process).

V. CULTURAL RESOURCES

The project will not disturb any human remains, including those interred outside of formal cemeteries. The site of the proposed development is not located on known historical or existing burial grounds; therefore the project will have no impact. However, should human be unearthed during excavation all work in the immediate vicinity shall cease and the City of Corning shall be notified. The following mitigation measure should be implemented:

M.M.V.a. CULTURAL RESOURCES. Should cultural resources be unearthed during excavation all work in the immediate vicinity shall cease and the City of Corning shall be notified. Upon notice, the City or its consultant shall inspect the site to determine what steps, if any, are necessary to address and mitigate the discovery.

VI. GEOLOGY AND SOILS

There are no known active faults affecting the site. The site is not within any Alquist-Priolo Earthquake Fault Zone. Regarding seismic activity, the Corning General Plan Safety Element states:

"The present geologic knowledge of the Corning area indicates that little threat of a potentially damaging earthquake currently exists".

However, the project will have to comply with the earthquake protection standards of the California Building Code.

The site is relatively level. There is no risk of landslide. The Safety Element of the General Plan also states that the likelihood of liquefaction is small.

The site will be graded and re-leveled for the apartment project. If the excavated soils are left uncovered and exposed to wind and rain, both wind and water erosion could occur. This could be a significant effect, particularly the siltation that could occur downstream, which could reduce the flood carrying capacity of the Blackburn Moon Drain. To mitigate the following measures are recommended:

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

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

MM.VI.c. SOILS INVESTIGATION. Prior to commencing construction the applicant shall initiate a soils investigation by a registered engineering geologist or civil engineer to determine if expansive soils requiring special structural foundation design is necessary.

The project will utilize City water and sewer services. Onsite septic systems will not be used.

VII. HAZARDS AND HAZARDOUS MATERIALS.

No effects to Hazards and Hazardous Materials are expected from this project.

VIII. HYDROLOGY AND WATER QUALITY

Water quality standards could be violated if water erosion resulting in siltation moving off the site. However, compliance with the requirement for the Stormwater Permit, including the preparation and conformance with the Stormwater Pollution Prevention Plan will assure that this does not occur.

The City of Corning provides domestic and fire flow water to residents and businesses within the City. This project will utilize City Water. The City extracts water from the Sacramento valley Groundwater Basin. The basin is not currently in danger of depletion. The additional of 48 dwelling units and ancillary facilities will not cause substantial additional extraction of groundwater, or depletion of the groundwater basin.

The project will add sizeable roof area and pervious surfaces that will increase runoff from the site. The increased runoff could increase flood flows and therefore have negative affects on properties downstream in the drainage basin. The City of Corning requires new development to retain their increased runoff onsite, to reduce the runoff effects. The following condition will be appended to the project:

CONDITION. VII.a. STORMWATER RETENTION. Project applicant shall provide for on-site retention of increased stormwater runoff (for a twenty-five year storm of four hours duration) which may be expected to result from the future development of the properties created by this subdivision. Retention facilities shall be based on a runoff analysis provided by a Civil Engineer or Hydrologist.

According to the FEMA Flood Insurance rate Map (FIRM), the site is not within the 100-year flood plain.

The Blackburn-Moon Drain, an unlined drainage channel lies between the site and Blackburn Avenue. During rainy periods this ditch transports water to the east, eventually emptying into Jewett Creek and the Sacramento River. During rain events the ditch is nearly full of runoff water and at depths nearing three feet. There is a danger of drowning in the ditch. Introducing families to the area will increase the potential of a drowning. To mitigate, the ditch should be piped. The following Mitigation Measure is recommended:

MM. VII.b. PIPE BLACKBURN-MOON DITCH. Prior to issuing a certificate of Occupancy, obtain the necessary permits and underground (pipe) the Blackburn-Moon Ditch along the project frontage. Size, dimensions and grade of the pipe or pipes shall be based on an analysis of the flows necessary to convey the runoff emanating from the drainage basin. Details of the pipe or pipes shall appear on the final Improvement Plans.

IX. LAND USE AND PLANNING.

The site is currently zoned R-1, with a Residential Land Use designation. The applicant seeks to divide the property into two separate parcels, rezone the site to "P-D": Planned Development, and to obtain a use permit to entitle a 48 unit apartment complex. The P-D zone can permit apartment use as proposed with the approval of a use permit per Corning Municipal Code Section 17.35.040.

The Residential Land Use Classification envisions residential use and can permit up to 14 dwelling units per acre. The proposed 48 units positioned on about 5.17 acres, would amount to about 9.28 dwelling units/acre and would not exceed that maximum density. The multi-family residential project proposed would therefore be consistent with the General Plan "Residential" Land Use Designation. No General Plan Amendment would be required.

The City's General Plan Housing Element encourages the development of housing stock for all socio-economic groups, including those lower income families. The applicant, in a letter dated September 6, 2006, certifies that the proposed apartments will be made available to lower income families for a period of not less than 30 years. So, the project is consistent with the objectives of the Housing Element. To assure that the project will continue to provide affordable housing, the following condition is recommended:

CONDITION IX.a. AFFORDABLE HOUSING. Project shall provide affordable housing for a period of not less than 30 years from the date of project approval as per the letter provided by the applicant dated September 6, 2006.

The proposed parcels will exceed the minimum parcel size, lot dimensions of the City Land Division standards and zoning code.

The project will require three separate entitlements; a rezone to "PD"; Planned Development, a tentative parcel map and a Planned Development Use Permit. In the City of Corning, the Planning Commission is authorized to approve use permits, while City Council approval is required for rezones and maps. Since the Planning Commission will review this project before the Council acts on the rezoning or Parcel Map applications, a condition addressing the timing of the Use Permit is necessary.

CONDITION IX.b. PLANNED DEVELOPMENT USE PERMIT ACTIVATION. Final approval of this Planned Development Use Permit shall not occur until the effective date of the ordinance rezoning the site to "P-D"; Planned Development Zoning District.

The zoning code does encourage the construction of a "land use barrier" when dis-similar land uses adjoin. In this case, the apartment complex would adjoin R-1 property to the west. For that reason, the following condition is recommended:

CONDITION IX.c. LAND USE BARRIER. A six foot-high masonry wall shall be constructed along the western boundary of proposed Parcel 1. The masonry wall shall be of decorative split faced block or other similar material approved by the Planning Director. A detail drawing of the proposed masonry wall shall be included on the Improvement Plans prepared for the project.

No significant effects to Land Use or Planning are anticipated.

X. MINERAL RESOURCES.

No effects to Mineral Resources are expected from the project.

XI. NOISE

The residential project is not expected to have long-term noise effects above that generated by urban residential use. Additionally, the site is not in an area of elevated ambient noise. There are no long term noise effects expected for or from the project.

However, short-term construction related noise could be bothersome to residents of the area. For that reason, the following Mitigation Measure is recommended.

MM. XI.a CONSTRUCTION HOURS. Construction work shall occur only between the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. to 6:00 p.m. on weekends and federally observed holidays.

XII. POPULATION AND HOUSING

The housing project will provide new housing opportunities for Corning residents. The 48 units are expected to add about 133 residents to the City. But this increase is not considered significant, as the City currently is adding about 180 residents per year. No significant effect.

XIII. PUBLIC SERVICES

The project will add residents to the City of Corning. These residents will cumulatively have a negative affect on schools, parks and other City facilities and services. To mitigate these effects, the school districts and City have adopted and implemented Development Impact Fees. These fees are due and payable when development occurs. Payment of these fees will mitigate the impacts to these services.

The project will improve Blackburn Avenue, a minor arterial street that contains a median strip. The median strip must be landscaped and, once landscaped, irrigated and maintained. Additionally, streetlights must be installed in the median and electrified. The following Mitigation Measure and Condition are recommended so that the costs to maintain, irrigate and electrify these facilities are not borne by the taxpayers of the City.

MM. XIII.a. LANDSCAPE & LIGHTING DISTRICT. Prior to issuance of the Certificate of Occupancy for the project, the developer shall establish a Landscape and Lighting District or annex to an existing district if one exists, to fund the irrigation and continued maintenance and irrigation of all landscape and lighting facilities within the Blackburn Avenue median planter strip. Estimates of the annual costs to maintain, irrigate and electrify the facilities shall be prepared by a registered Civil Engineer and submitted to the City. Any costs associated with the district formation or annexation shall be borne by the developer.

CONDITION XIII.b. MAINTAIN LANDSCAPING ALONG STREET FRONTAGES.

Applicant shall irrigate and maintain all landscaping installed within the public right of way of Blackburn Avenue and Toomes Avenue.

The City of Corning requires the installation of fire hydrants when development occurs. To comply, the following conditions are recommended:

CONDITION XIII.c. FIRE HYDRANT. One onsite fire hydrants with valve shall be installed, to Public Works standards within the planter located northeast of the Community Building.

CONDITION XIII.d. FIRE HYDRANT REPAIR KIT. Developer shall provide City with one Fire Hydrant Repair Kits.

XIV. RECREATION

The 48 new families will incrementally, or cumulatively affect recreational services and facilities. To mitigate, the City has adopted Development Impact Fees to fund the acquisition and development of additional parklands.

XV. TRANSPORTATION

The site fronts both Blackburn Avenue and Toomes Avenue, both are City streets. Compliance with City standards will require street frontage improvements for both streets.

Blackburn Avenue is designated a "Minor Arterial Street" in the City's Circulation Element. The standard for Minor Arterial Streets includes a center median that is landscaped. The specifics of the standard cross-section of Minor Arterial Streets are detailed in Section 16.21.040.B.6.b of the Corning Municipal Code. However, that standard is essentially unachievable due to the location of the high voltage powerlines along the south side of Blackburn Avenue. For that reason, a modification to the cross section will be necessary.

The following conditions will assure street frontage improvements in accordance with City standards, albeit modified to accommodate the powerpoles and lines along Blackburn Avenue, and Toomes Avenue:

CONDITION XV.a. BLACKBURN AVENUE RIGHT OF WAY DEDICATION. Final Parcel Map shall offer additional right of way along the Blackburn Avenue frontage to achieve a 39-foot half width or another width approved by the City Engineer.

CONDITION XV.b. BLACKBURN AVENUE IMPROVEMENTS. Prior to issuance of the Certificate of Occupancy, applicant shall improve Blackburn Avenue along the parcel frontage, including traveled way, curb, gutter and meandering sidewalk. Improvements shall extend the full length of the parcel frontage with appropriate transitions to existing street beyond as approved by the City Engineer and Public Works Director. The finished cross section shall conform to the "Blackburn Roadway Section" drawing shown on Sheet A1.1 submitted December 13, 2006.

CONDITION XV.c. LANDSCAPED MEDIAN STRIP. Applicant shall provide a landscaped median strip within Blackburn Avenue. The strip shall be within concrete curbs constructed in accordance with City standards and the "Blackburn Roadway Section" drawing shown on Sheet A1.1 submitted December 13, 2006.. Final Landscaping and Irrigation Plans for the median strip shall accompany the Improvement Plans for the site and are subject to approval by the Planning Director. Landscaping plans shall be prepared by a licensed Landscape Architect and shall include trees planted on an average of 30' centers, interspersed with evergreen shrubs and a combination of low-maintenance groundcover species and decorative hardscape

CONDITION XV.d. MEDIAN STREETLIGHTS. Dual headed Streetlights shall be installed within the Blackburn Avenue landscaped median. Streetlight type, position, height and luminare specifications are subject to the approval by the City Engineer. Spacing shall not be greater than 200 feet on-center. Streetlights locations shall also appear on the Landscaping Plans to avoid conflicts with mature street trees.

CONDITION XV.e BLACKBURN AVENUE TRANSITION TO ONE WAY. Upon completion of the street frontage improvements, Blackburn Avenue shall become two way along the parcel frontage. Appropriate signage and pavement marking shall be placed advising motorists that Blackburn Avenue is a One-way (westbound only) street west of the site.

CONDITION XV.f TOOMES AVENUE RIGHT OF WAY. Final Parcel Map shall offer an additional 5-foot of right-of-way along property frontage on Toomes Avenue to meet 30' half width right-of-way standard per City of Corning Standard S-18 (40' 2 Lane Street).

CONDITION XV.g. TOOMES AVENUE FRONTAGE IMPROVEMENTS. Prior to issuance of the Certificate of Occupancy, applicant shall complete full west side half width improvements and a 12'-0" wide asphalt concrete overlay on the east side of the centerline as directed by the Public Works Director. The finished west side half width shall conform with the "Toomes Roadway Section" drawing shown on Sheet A1.1 submitted December 13, 2006 and City Standard Drawing S-18 (40' 2 Lane Street). Improvements shall extend the full length of the parcel frontage with appropriate transitions to existing street beyond as approved by the City Engineer and Public Works Director.

CONDITION XV.h. TOOMES AVENUE STREETLIGHTS. Streetlights shall be installed along the Toomes Avenue frontage in accordance with Public Works Standards. Final location shall be shown on the Improvement Plans and be approved by the Director of Public Works.

CONDITION XV.i PUBLIC IMPROVEMENTS TO CITY STANDARDS. All public improvements shall be constructed in accordance with the Subdivision Ordinance of the City of Corning and required Public Works Standards.

CONDITION XV.j. TRAFFIC SIGNAGE AND PAVEMENT MARKINGS. Install or replace stop signs and apply thermoplastic stop legend with bar at all street and driveway intersections

XVI. UTILITIES AND SERVICE SYSTEMS

The project will connect to the City of Corning sewer and water system facilities. Both services have ample capacity to serve the additional 48 residences proposed by this development.

The project will develop onsite stormwater retention facilities to comply with City Standards. See proposed Condition No. VII.a. Additionally, the Blackburn-Moon Drain will be piped along the project frontage as per Mitigation Measure VII.b.

The Tehama County Landfill has sufficient capacity to serve the residents of the project.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

a, b, & c) No impacts are expected from this project.

BIBLIOGRAPHY

Source:

Applicant Documents:

Planning Application Submitted May 26, 2006
Site Plan and Complex Summary Sheets (L.1.1 and A1.1) Submitted Dec. 13, 2006
Letter Dated September 6, 2006 regarding 30-year commitment to affordable housing
Tentative Parcel Map submitted January 5, 2007

City of Corning General Plan

Land Use Element
Circulation Element
Open Space Element
Housing Element
Safety Element
Noise Element
Conservation Element
Public Facilities Element
Economic Development Element

City of Corning Municipal Code

Zoning Code
Subdivision Ordinance
Building & Construction Ordinance

State of California Regulations

Subdivision Map Act
California Environmental Quality Act
Planning and Zoning Law

Persons/Agencies Contacted

Gary Bovee-Tehama County Air Resources Board
Tom Russ-Corning Public Works Director
Jack Alexander-Corning Building Official
Bob Pryatel-Corning Fire Chief
Tony Cardenas-Corning Police Chief
Steve Kimbrough-Corning City Manager
Ed Anderson-Corning City Engineer

Principal Author:

John L. Brewer, AICP-Planning Director, City of Corning

REZONE NO. 2006-03; PLANNED DEVELOPMENT USE PERMIT NO. 2006-231; SALADO ORCHARD APARTMENTS

SUMMARY OF MITIGATION MEASURES & CONDITIONS:

CONDITION I.a. COMPLIANCE WITH APPROVED PLAN. Final Improvement Plans shall substantially conform to the approved Site Plan received on December 13, 2006.

CONDITION I.b. LANDSCAPING. Front and street side yards and all areas not proposed for buildings, structures or parking areas shall be landscaped and provided with permanent and automatic means of irrigation. Applicant's attention is specifically drawn to Subdivision Code Chapter 16.27, Ground Cover Standards, and the requirement to plant and maintain ground cover and trees for the life of the project.

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Condition III.d.. GRADING PLANS. Complete grading plans shall be submitted for approval by the City Engineer.

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MM. IV.b. SECTION 404 PERMIT. Prior to discharging any fill material into waters of the United States, the applicant shall obtain a Clean Water Act Section 404 permit from the US Army Corps of Engineers if one is necessary.

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MM.VI.c. SOILS INVESTIGATION. Prior to commencing construction the applicant shall initiate a soils investigation by a registered engineering geologist or civil engineer to determine if expansive soils requiring special structural foundation design is necessary.

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CONDITION IX.a. AFFORDABLE HOUSING. Project shall provide affordable housing for a period of not less than 30 years from the date of project approval as per the letter provided by the applicant dated September 6, 2006.

CONDITION IX.b. PLANNED DEVELOPMENT USE PERMIT ACTIVATION. Final approval of this Planned Development Use Permit shall not occur until the effective date of the ordinance rezoning the site to "P-D"; Planned Development Zoning District.

CONDITION IX.c. LAND USE BARRIER. A six foot-high masonry wall shall be constructed along the western boundary of proposed Parcel 1. The masonry wall shall be of decorative split faced block or other similar material approved by the Planning Director. A detail drawing of the proposed masonry wall shall be included on the Improvement Plans prepared for the project.

MM. XI.a CONSTRUCTION HOURS. Construction work shall occur only between the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. to 6:00 p.m. on weekends and federally observed holidays.

MM. XIII.a. LANDSCAPE & LIGHTING DISTRICT. Prior to issuance of the Certificate of Occupancy for the project, the developer shall establish a Landscape and Lighting District or annex to an existing district if one exists, to fund the irrigation and continued maintenance and irrigation of all landscape and lighting facilities within the Blackburn Avenue median planter strip. Estimates of the annual costs to maintain, irrigate and electrify the facilities shall be prepared by a registered Civil Engineer and submitted to the City. Any costs associated with the district formation or annexation shall be borne by the developer.

CONDITION XIII.b. MAINTAIN LANDSCAPING ALONG STREET FRONTAGES. Applicant shall irrigate and maintain all landscaping installed within the public right of way of Blackburn Avenue and Toomes Avenue.

CONDITION XIII.c. ONSITE FIRE HYDRANT. One onsite fire hydrant with valve shall be installed, to Public Works standards within the planter located northeast of the Community Building.

CONDITION XIII.d. FIRE HYDRANT REPAIR KIT. Developer shall provide City with one Fire Hydrant Repair Kits.

CONDITION XV.a. BLACKBURN AVENUE RIGHT OF WAY DEDICATION. Final Parcel Map shall offer additional right of way along the Blackburn Avenue frontage to achieve a 39-foot half width or another width approved by the City Engineer.

CONDITION XV.b. BLACKBURN AVENUE IMPROVEMENTS. Prior to issuance of the Certificate of Occupancy, applicant shall improve Blackburn Avenue along the parcel frontage, including traveled way, curb, gutter and meandering sidewalk. Improvements shall extend the full length of the parcel frontage with appropriate transitions to existing street beyond as approved by the City Engineer and Public Works Director. The finished cross section shall conform to the "Blackburn Roadway Section" drawing shown on Sheet A1.1 submitted December 13, 2006.

CONDITION XV.c. LANDSCAPED MEDIAN STRIP. Applicant shall provide a landscaped median strip within Blackburn Avenue. The strip shall be within concrete curbs constructed in accordance with City standards and the "Blackburn Roadway Section" drawing shown on Sheet A1.1 submitted December

13, 2006.. Final Landscaping and Irrigation Plans for the median strip shall accompany the Improvement Plans for the site and are subject to approval by the Planning Director. Landscaping plans shall be prepared by a licensed Landscape Architect and shall include trees planted on an average of 30' centers, interspersed with evergreen shrubs and a combination of low- maintenance groundcover species and decorative hardscape

CONDITION XV.d. MEDIAN STREETLIGHTS. Dual headed Streetlights shall be installed within the Blackburn Avenue landscaped median. Streetlight type, position, height and luminaire specifications are subject to the approval by the City Engineer. Spacing shall not be greater than 200 feet on-center. Streetlights locations shall also appear on the Landscaping Plans to avoid conflicts with mature street trees.

CONDITION XV.e. BLACKBURN AVENUE TRANSITION TO ONE WAY. Upon completion of the street frontage improvements, Blackburn Avenue shall become two way along the parcel frontage. Appropriate signage and pavement marking shall be placed advising motorists that Blackburn Avenue is a One-way (westbound only) street west of the site.

CONDITION XV.f. TOOMES AVENUE RIGHT OF WAY. Final Parcel Map shall offer an additional 5-foot of right-of-way along property frontage on Toomes Avenue to meet 30' half width right-of-way standard per City of Corning Standard S-18 (40' 2 Lane Street).

CONDITION XV.g. TOOMES AVENUE FRONTAGE IMPROVEMENTS. Prior to issuance of the Certificate of Occupancy, applicant shall complete full west side half width improvements and a 12'-0" wide asphalt concrete overlay on the east side of the centerline as directed by the Public Works Director. The finished west side half width shall conform with the "Toomes Roadway Section" drawing shown on Sheet A1.1 submitted December 13, 2006 and City Standard Drawing S-18 (40' 2 Lane Street). Improvements shall extend the full length of the parcel frontage with appropriate transitions to existing street beyond as approved by the City Engineer and Public Works Director.

CONDITION XV.h. TOOMES AVENUE STREETLIGHTS. Streetlights shall be installed along the Toomes Avenue frontage in accordance with Public Works Standards. Final location shall be shown on the Improvement Plans and be approved by the Director of Public Works.

CONDITION XV.i. PUBLIC IMPROVEMENTS TO CITY STANDARDS. All public improvements shall be constructed in accordance with the Subdivision Ordinance of the City of Corning and required Public Works Standards.

CONDITION XV.j. TRAFFIC SIGNAGE AND PAVEMENT MARKINGS. Install or replace stop signs and apply thermoplastic stop legend with bar at all street and driveway intersections

DEPARTMENT OF TRANSPORTATION
OFFICE OF COMMUNITY PLANNING
1657 RIVERSIDE DRIVE
P. O. BOX 496073
REDDING, CA 96049-6073
PHONE (530) 229-0517
FAX (530) 225-3578
TTY (530) 225-2019



IGR/CEQA Review
Teh-5-8.975
Salado Orchard Apartment Project
NOA ND or MND
APN# 71-020-02

January 17, 2007

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

Dear Mr. Brewer:

Thank you for the opportunity to review and comment on the planned development use permit, Mitigated Negative Declaration, and tentative parcel map submitted on behalf of Pacific West Communities, Inc., for a 48-unit apartment complex on 5.17 acres with a 5.11-acre remainder parcel. The project is located on the southwest corner of Blackburn and Toomes Avenues, approximately 1,000 feet west of Interstate 5 (I-5). The Corning Road interchange is within less one mile of the project site and would be most likely access point for the future residents of this project.

Measures are identified to mitigate the project impacts to the local transportation system (page 20). However, an analysis regarding the impacts to the State highway system was not done.

As identified in the Mountain View Estates DEIR, 1,275 units are proposed for development in the Corning area. We do not believe that the addition of 48 residential units will have a direct impact to the State transportation system, but it will contribute to cumulative negative impacts. Therefore, we believe that this project should be required to mitigate their proportionate share of cumulative impacts. Mitigation of cumulative impacts caused by development is the responsibility of the developer – not the State (and the State taxpayers) to fund per CEQA.

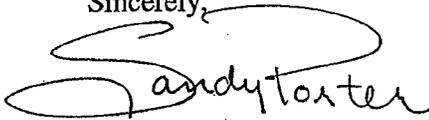
The government entities along the I-5 corridor in Shasta and Tehama counties have agreed to participate in the Fix Five Partnership study. The Fix Five study will determine the impacts to the I-5 corridor as a result of development, identify mitigation measures, and set up a funding mechanism to pay for the identified mitigation projects. We anticipate that the study will result in a fair and legal method to assess development projects for direct and cumulative impacts to the I-5 corridor. It will also be a savings to the developers in that a detailed traffic study most likely will not need to be conducted for each individual development proposal.

Teh-5-8.975
Salado Orchard Apartment Project
NOA ND or MND
January 17, 2007
Page 2

The Fix Five partnership effort will begin soon. Prior to release and adoption of the final plan, we request that the City of Corning collect interim fees from this development to pay towards their share of cumulative mitigation to I-5.

Again, thank you for the opportunity to review this project. Prior to the public hearing, please provide our office with a copy of the Notice of Public Hearing, as well as copies of the staff report, recommended conditions of approval, and the final environmental document. If the scope of this project changes, we would like to opportunity to review and provide comments. If you have questions or concerns, please call Michelle Millette, Senior Transportation Planner, at (530) 229-0517.

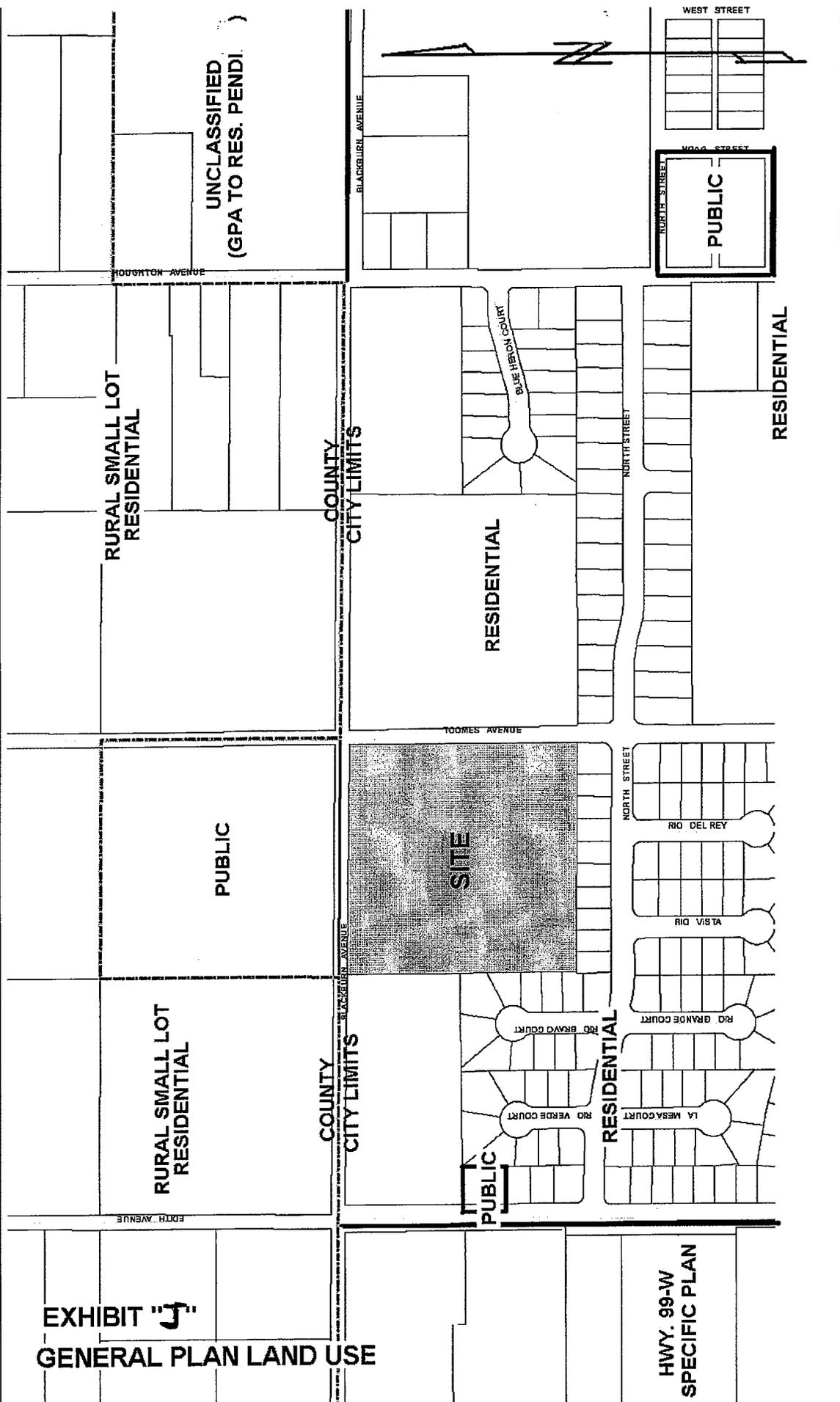
Sincerely,

A handwritten signature in cursive script that reads "Sandy Porter". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

SANDY PORTER
Local Development Review
Office of Community Planning

c: D. Little, Shasta MPO
B. O'Keefe, Tehama TCTC
D. Ginn, Caltrans Regional Planner

EXHIBIT "J"
GENERAL PLAN LAND USE



HWY. 99-W
SPECIFIC PLAN

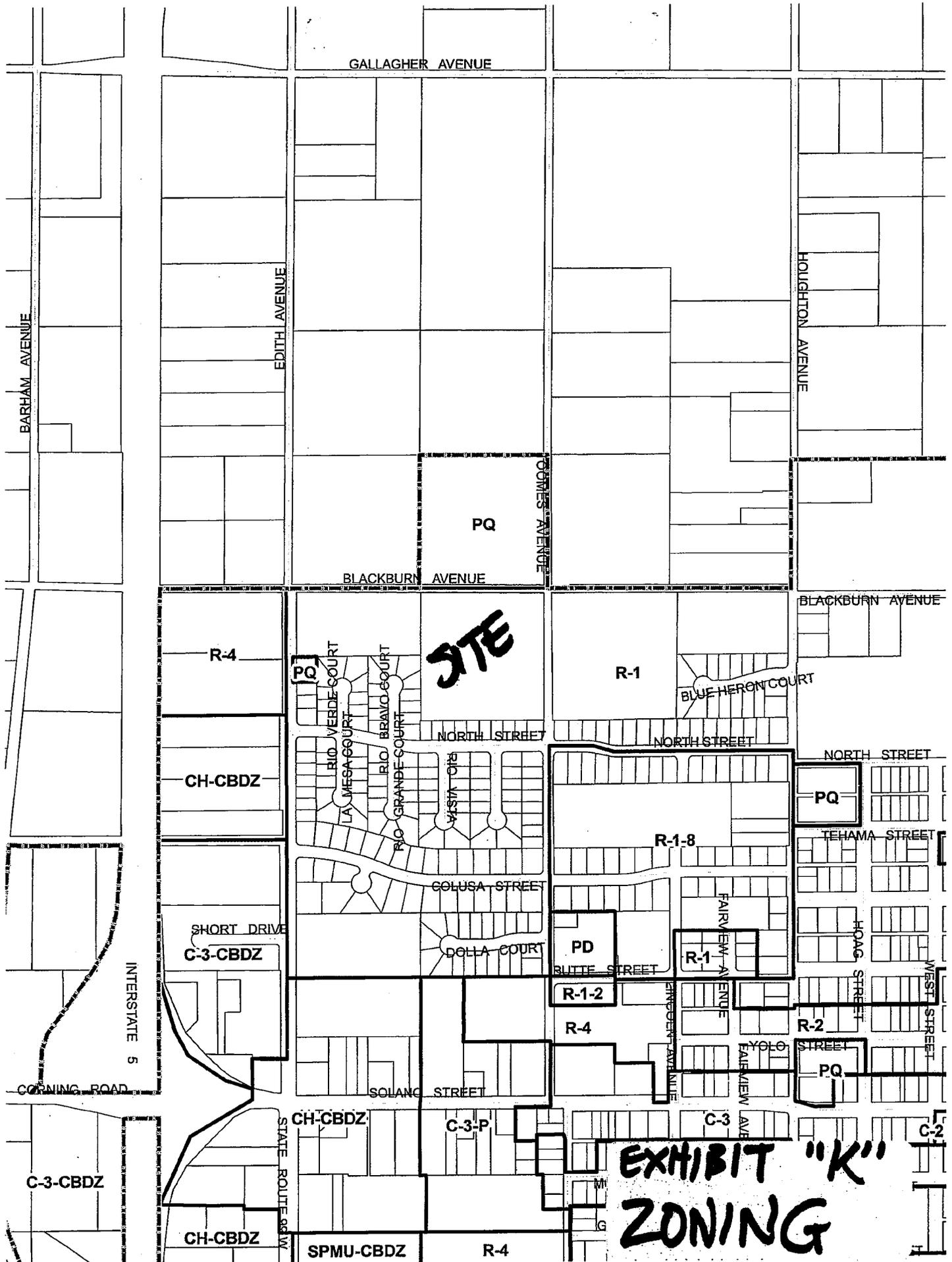


EXHIBIT "K"
ZONING

Chapter 17.35

PD PLANNED DEVELOPMENT DISTRICT

Sections:

- 17.35.010 **Applicability.**
- 17.35.020 **Establishment--Location.**
- 17.35.030 **Establishment--Application.**
- 17.35.050 **General requirements.**
- 17.35.060 **Variances.**
- 17.35.070 **Rezoning of PD district.**

Section 17.35.010 Applicability.

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 title shall apply to all PD districts; except that where the conflict occurs, the regulations specified in this chapter shall apply. (Ord. 482 §1(part), 1989; Ord. 153 §16.01, 1959).

Section 17.35.020 Establishment--Location.

Districts may be established on parcels of land which are suitable for, and of sufficient acreage to contain, a planned development for which development plans have been submitted and approved. (Ord. 482 §1(part), 1989; Ord. 153 §16.02, 1959).

Section 17.35.030 Establishment--Application.

Application for the establishment of a PD district shall include an application for a use permit for all developments within the district, which use permit must be approved prior to establishment of the district. Such application for a use permit shall include the following:

- A. A map or maps showing:
 - 1. Topography of the land, contour intervals as required by the planning commission,
 - 2. Proposed street system and lot design,
 - 3. Areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public or quasi-public buildings and other such uses,
 - 4. Areas proposed for commercial uses, off-street parking, multiple family and single-family dwellings, and all other uses proposed to be established within the district,
 - 5. Proposed locations of buildings on the land;
- B. General elevations or perspective drawings of all proposed buildings and structures other than single-family residences;
- C. Other data and information which may be deemed necessary by the planning commission for proper consideration of the application. (Ord. 482 §1(part), 1989; Ord. 153 §16.03, 1959).

17.35.040 Permitted uses.

In PD districts, permitted uses shall be as follows: all uses permitted in R, C and M districts, subject to the securing of a use permit as specified in Section 17.54.030 of this chapter. (Ord. 482 §1(part), 1989; Ord. 153 §16.04, 1959).

Section 17.35.050 General requirements.

In PD districts, the following shall apply:

- A. Building Height Limit: As provided in approved use permit;
- B. Building Site Area Required: R uses, six thousand square feet;

Exhibit "L-1"

C. Front, Side and Rear Yards and Percentage of Site Coverage. Same as required for the particular uses in the districts in which they are otherwise permitted by this chapter;

D. Off-street Parking Required.

1. One automobile parking space for each dwelling unit in residential building;

2. A minimum of one square foot of off-street parking space for each square foot of area to be occupied by commercial buildings. (Ord. 482 §1(part), 1989; Ord. 153 §§16.05--16.08, 1959).

Section 17.35.060 Variances.

The regulations specified in this chapter may be varied when such variance will result in improved design of the development and will permit desirable arrangement of structures in relation to parking area, parks and parkways, pedestrian walks, and other such features. (Ord. 482 §1(part), 1989; Ord. 153 §16.09, 1959).

Section 17.35.070 Rezoning of PD district.

Unless construction has started, or a building permit has been issued and is still valid, within one year of the establishment of a PD district, the planning commission shall initiate rezoning of the property to a district that is compatible with the area and the general plan. Prior to expiration of one year from the establishment of the PD district, written application may be made for an extension of time, not to exceed one year, and the planning commission may grant such request for both the project and the use permit. The provisions of this section shall apply to planned development district heretofore or hereafter established, but the planning commission shall not initiate rezoning until one year shall have elapsed from the effective date of the ordinance codified in this section. (Ord. 482 §1(part), 1989; Ord. 367 §1, 1981).

Exhibit "L-2"

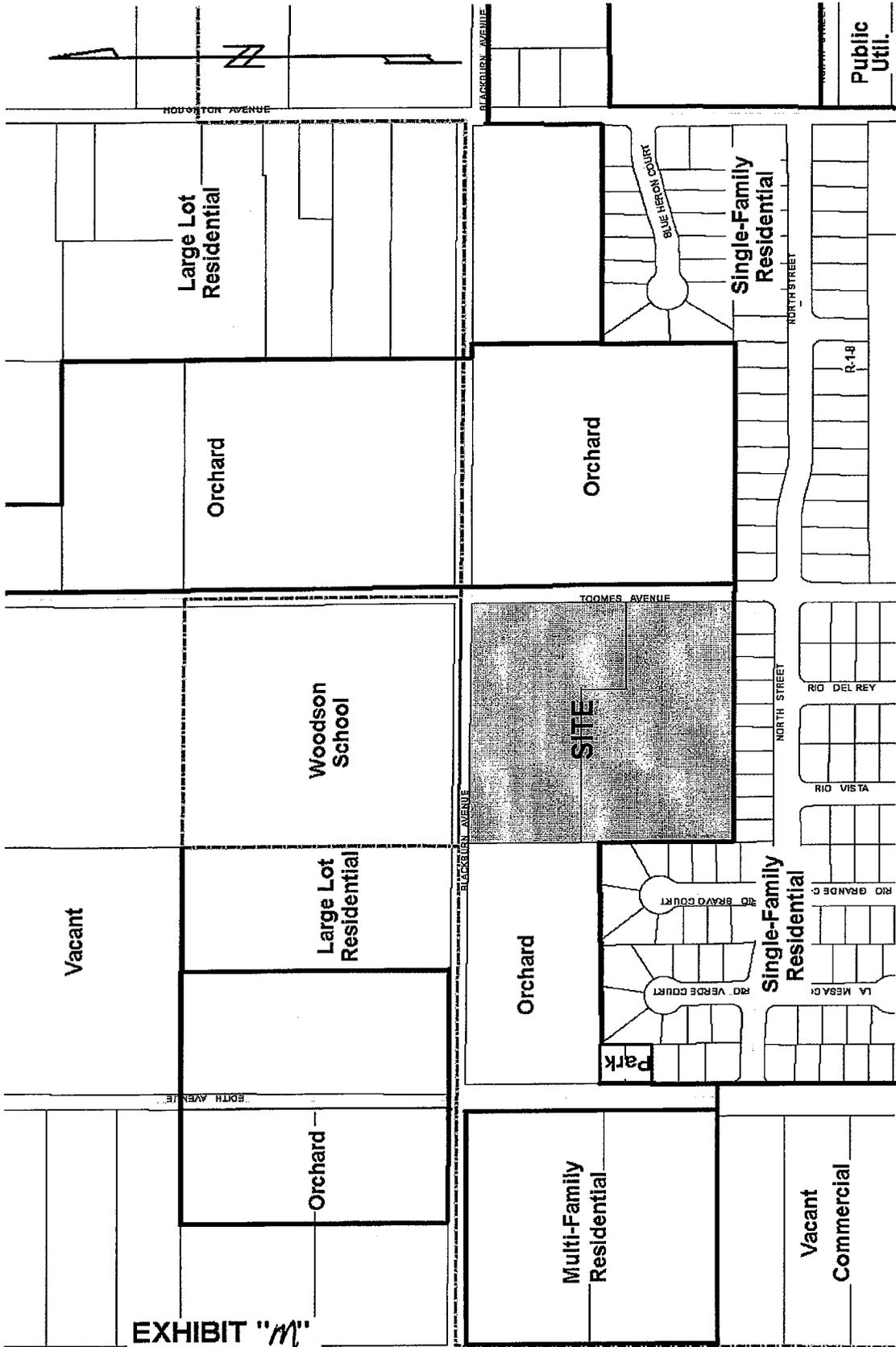


EXHIBIT "M"
EXISTING LAND USE MAP

INTERSTATE 5

EXHIBIT "M"

66474. Findings: grounds for denial (from Subdivision Map Act)

A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Exhibit "N"



APPROXIMATE SCALE IN FEET
1000 0 1000

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

CITY OF
CORNING, CALIFORNIA
TEHAMA COUNTY

ONLY PANEL PRINTED

COMMUNITY-PANEL NUMBER
050398 0005 C

MAP REVISED:
SEPTEMBER 27, 1991



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using FEMA On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the file block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

SITE

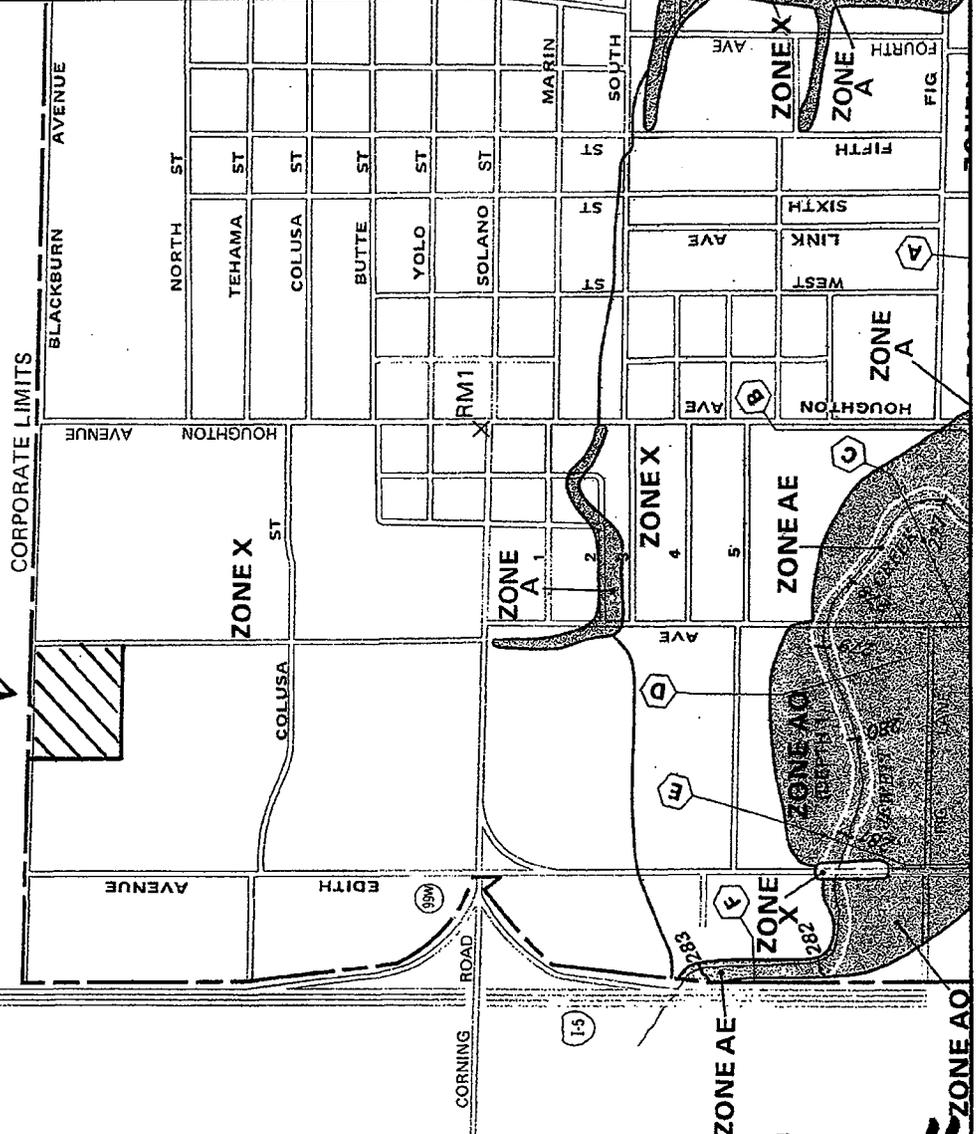


EXHIBIT "O"

Section 16.21.040 Streets and structural design.

A. Conformance. The streets shall conform in principle to the streets shown on the circulation element of the general plan and in width and alignment to the streets shown on any specific plan adopted by the city council relating to streets, and shall conform to the requirements of this title.

B. Minimum Standards. Where higher standards have not been established as set forth in subsection (A) of this section, all major and minor streets shall be platted according to the following minimums except higher standards may be required where streets are to serve commercial or industrial property or where probable traffic conditions warrant:

1. The structural section of all subdivision streets shall be designed based on R-values determined by California Test Method No. 301 of the soil within the roadway and in accordance with Section 604 of the highway design manual. Minimum structural section shall be six inches of Class 2 aggregate base followed by penetration and two inches of Type B asphalt concrete pavement.

2. All subgrade preparation, aggregate base and paving work shall comply with applicable sections of the California Department of Transportation Standard Specifications.

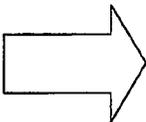
3. Minimum grade of any street shall be 0.2 percent.

4. Minimum street centerline radii shall be:
a. Five hundred feet on major streets;
b. Three hundred feet on secondary streets;
c. Two hundred feet on local streets.

5. Minimum tangent lengths shall be:
a. One hundred fifty feet on major streets;
b. One hundred feet on secondary streets;
c. Fifty feet on local streets.

6. Street Widths by Type.
a. An arterial shall have a minimum eighty-eight-foot right-of-way and four travel lanes with twelve-foot travel lanes, ten-foot parking lanes, and ten-foot parkways.

South Avenue shall have a median either raised or continuous, left turn as required by development, median width shall be fourteen feet and two adjacent travel lanes shall be fourteen feet wide with a minimum right-of-way of one hundred six feet.



b. A minor arterial shall have minimum of seventy-eight-foot right-of-way and two travel lanes with fourteen-foot travel lanes, fourteen-foot raised median/left turn lanes, eight-foot parking lanes, and ten-foot parkways.

c. A collector shall have minimum of sixty-four-foot right-of-way and two travel lanes with twelve-foot travel lanes, ten-foot parking lanes, and ten-foot parkways.

d. A local street shall have a minimum sixty-foot right-of-way and two travel lanes with twelve-foot travel lanes, eight-foot parking lanes, and ten-foot parkways.

e. Where bicycle lanes or bikeways are required by the city, an additional seven feet in each direction shall be added to the required arterial, minor arterial, collector or local street.

Section 17.51.040 Parking requirements--Residential uses.

A. Senior citizen housing developments, for every ten dwelling units, shall have a minimum of eight parking spaces (0.8 dwelling units = one parking space).

B. For studio apartments and one-bedroom apartments, 1.5 spaces shall be provided for each studio apartment, including one enclosed space for each dwelling unit.



C. Multiple-family dwellings of two or more bedrooms shall have two total parking spaces per dwelling unit, including one enclosed space.

D. Single-family dwelling units shall have two parking spaces enclosed in a garage, and two additional parking spaces, for a total of four parking spaces per dwelling unit.

E. For boardinghouses or roominghouses, one space shall be provided for each bedroom, including bedrooms not rented.

F. Each multiple-family dwelling unit shall include a permanent locked storage space, with minimum dimensions of four feet by eight feet, built as a part of the dwelling unit or garage.

G. Single-car garages shall be a minimum of two hundred square feet; two-car garages shall be a minimum of four hundred square feet. (Ord. 558 (part), 1996: Ord. 497 §4(part), 1989).

RESPONSIBLE AGENCIES MAILING LIST

Corning Water District
P.O. Box 738
Corning, CA 96021

Tehama County Planning Dept.
444 Oak Street, Room I
Red Bluff, CA 96080

Corning Union Elem. School Dist.
1590 South Street
Corning, CA 96021

Corning Union High School Dist.
643 Blackburn Avenue
Corning, CA 96021

Tehama County Public Works
9380 San Benito Avenue
Gerber, CA 96035

California Dept. of Fish & Game-
Region 1
601 Locust Street
Redding, CA 96001

Caltrans District 2
P.O. Box 496073
Redding, CA 96049-6073

Dept. of Water Resources
2440 Main Street
Red Bluff, CA 96080

Tehama Co. Env. Health Dept.
633 Washington St., Room 36
Red Bluff, CA 96080

Pacific Gas & Electric
3600 Meadowview Dr.
Redding, CA 96002

SBC Engineering
Attn: Brian Stone
4434 Mountain Lakes Blvd.
Redding, CA 96003

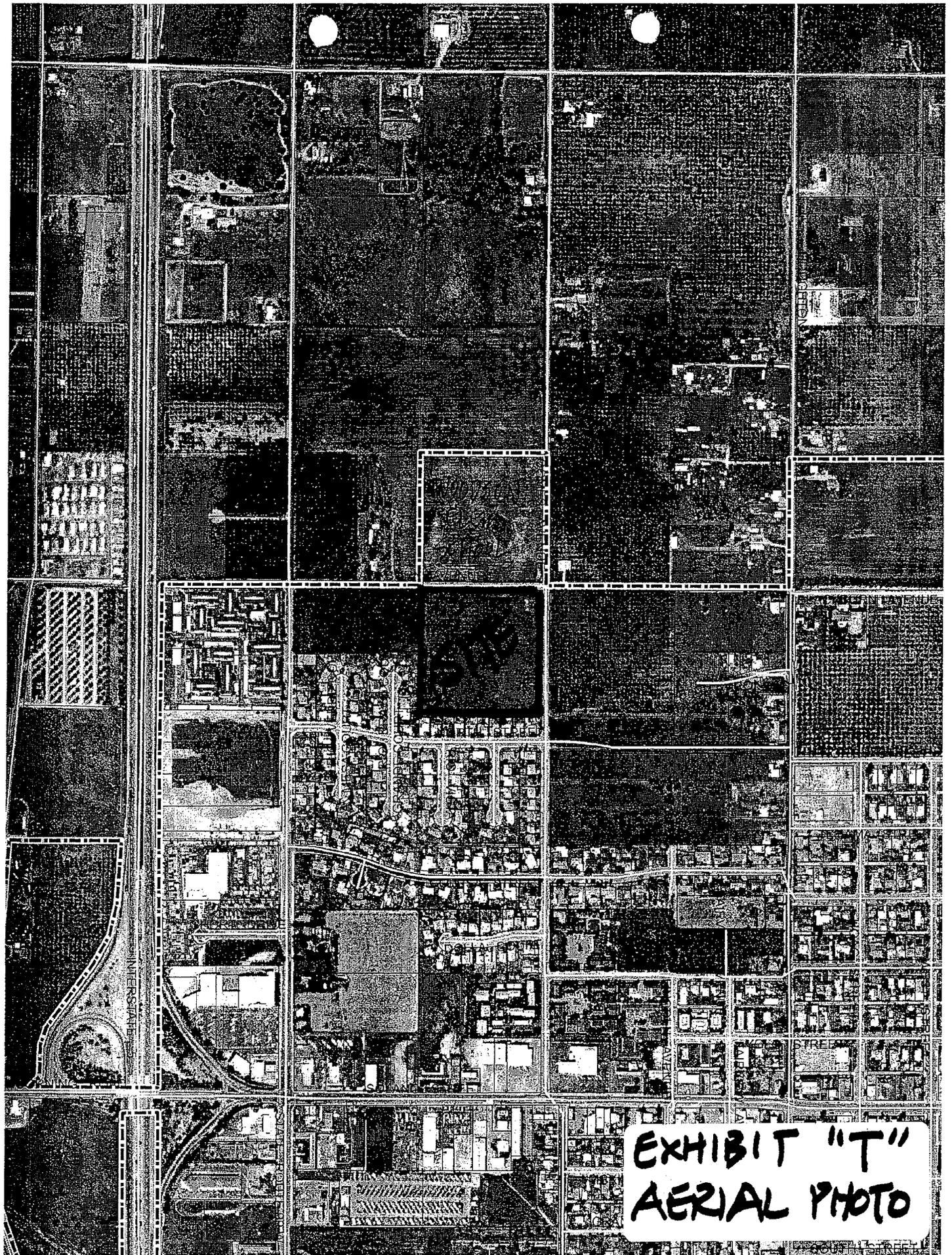
Comcast Cable
Attn: Jim Keeler
427 Eaton Rd.
Chico, CA 95973

Regional Water Quality Control Board
Central Valley Region
415 Knollcrest Dr., Suite 100
Redding, CA 96002

Tehama Co. APCD
1750 Walnut St.
Red Bluff, CA 96080

Tehama County Clerk
P.O. Box 250
Red Bluff, CA 96080

State Clearinghouse
P.O. Box 3044
Sacramento, CA 95814



65589.5 (d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (d) of Section 50199.50 of the Health and Safety Code, for very low, low-, or moderate-income households or condition approval in a manner that renders the project infeasible for development for the use of very low, low-, or moderate-income households, including through the use of design review standards, unless it makes written findings, based upon substantial evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the project. The share of the regional housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The development project as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

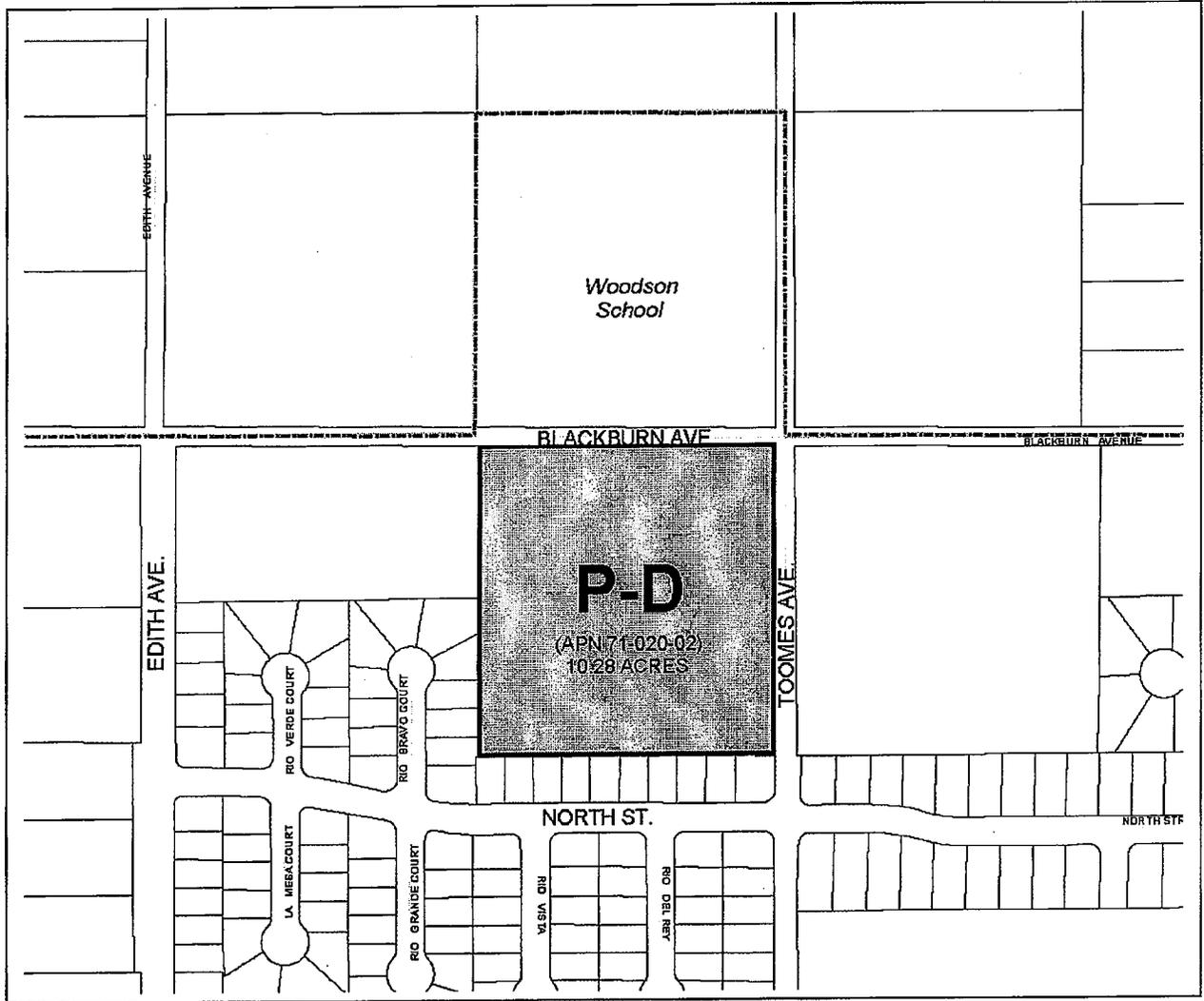
(3) The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households.

(4) The development project is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The development project is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article.

Exhibit "U"

City of Corning-Ordinance No. 626
Rezone No. 2006-03; Sectional District Map No. 209
Being a Portion of Corning City Code Section 17.080.020 (209)



P-D PLANNED DEVELOPMENT ZONING DISTRICT

Approved and Adopted by action of the Corning City Council on

_____.

Exhibit "V"

HOUSING PRODUCTION (HP)					
GOAL HP-1 - Provide adequate housing by location, price, type, and tenure, especially for those of low and moderate income and households with special needs.					
Actions and Quantified Objectives					
Implementing Policies	Responsible Agencies & Implementing Actions	Potential Funding Sources	Quantified Objective	Time Frame	Priority
HP-1 Encourage the production of housing that meets the needs of all economic segments, including lower, moderate, and above moderate income households, farmworkers, and special needs housing to achieve a balanced community.	City Planning Department - Utilize the City's General Plan & Zoning Ordinance to provide adequate, suitable sites for the construction of new housing, reflecting a variety of housing types and densities.	Department budget	Construction of 290 units - 121 above moderate, 55 moderate, 49 low, 65 very low income. Identify and address needs of farmworkers and persons with special needs.	2008	1
HP-2 Maximize use of vacant land within the City and contiguous to existing development in order to reduce the cost of off-site improvements and create a compact City form.	City Planning Department - Explore the relaxation of development standards for a more intensive use of under-utilized residentially zoned land.	Department budget/ CDBG Technical Assistance Grants	Conduct a study of the feasibility of a relaxed standard for developing vacant under utilized parcels.	2006	3
HP-3 Encourage mixed-use housing and commercial development in downtown.	City Planning Department - Apprise housing developers, through dissemination of information sheets, of the criteria to be used in selecting sites for the construction of lower income housing. Direct the construction of lower income housing to sites that are: a) Located with convenient access to schools, parks, shopping facilities, and employment opportunities or along public transportation routes that make such facilities accessible; b) Minimally impacted by noise, flooding or other environmental constraints, or c) Outside areas of concentrated lower income households.	Department budget	Construction of lower income housing on sites best suited for such purposes.	Ongoing	3
HP-4 Require that adequate public services and facilities are or will be provided to all new residential developments as a prerequisite for their approval.	City Planning Department - Regularly update and distribute to housing developers the inventory of vacant land suitable for residential development that was compiled during the updating of this element. Establish that adequate services and facilities are available.	Department budget	Dissemination of information to private developers and non-profit corporations to facilitate housing production.	Ongoing	2



EXHIBIT "W"

HOUSING PRODUCTION (HP)

GOAL HP-1 - Provide adequate housing by location, price, type, and tenure, especially for those of low and moderate income and households with special needs.

Implementing Policies		Responsible Agencies & Implementing Actions	Potential Funding Sources	Quantified Objective	Time Frame	Priority
HP-5	Ensure that the General Plan, all policies, implementation measures and standards provide a clear understanding of the City's development requirements.	City Planning Department - Biennially conduct a workshop with developers and interested individuals to review current development standards for clarity. Amend as necessary.	Department budget	Hold two workshops.	2005 2007	3
HP-6	Cooperate with Tehama County and its cities to carry out programs in which there is a mutual interest.	City Manager - Assist in the formation of, and participate in a housing needs assessment and planning group consisting of local service providers and non-profit agencies, City and county agencies, and individuals interested in addressing local and regional housing needs.	Department budget	If a need can be demonstrated, hold at least one annual meeting.	2008	2
HP-7	Monitor the supply of residentially zoned land to ensure that an adequate supply of low and moderate income housing sites exist to meet the projected housing needs of the City.	City Planning Department - Based on the December 13, 2002 Regional Housing Allocation Plan and subsequent allocations, verify that sufficient property zoned land is available to meet the projected need. Any deficiencies will be addressed by annexation or rezoning.	Department budget	Semi-annual review with corrective action as necessary.	2005 2007	1
HP-8	Facilitate the use by others any private, State or Federal assistance for development of affordable housing.	City Planning, Public Works, and Building & Safety Departments - Leverage private funding by applying for State or Federal grants/loans on behalf of affordable housing developers. Provide logistical support for affordable housing projects.	Department budgets, various State and Federal agencies and charitable organizations.	Assist at least one multi-family project and 20 single family units.	2008	1
HP-9	Adopt density bonus ordinance.	City Planning Department - Comply with Government Code §5915 by adopting a density bonus ordinance to assist in the development of affordable housing.	Department budget	Adopt by 2006.	2006	1
HP-10	Expedite processing of permits by developing standards and zoning requirements which simplify the permit process	City Planning and Building & Safety Departments - Expedite the process of permits through up-to-date information and by developing standards and zoning requirements which will simplify the permit process.	Department budgets.	Continuous review of permit process.	Ongoing	3
HP-11	Revise the second unit policy to promote the development of second units per Government Code Section §5852.1 and §5852.2.	City Planning Department - Continue to allow companion units in single family residential areas. Although the Zoning Ordinance contains a definition of second units, it will be amended to specifically define the process for adding second units.	Department budget.	Amend Zoning Ordinance.	2006	3

"W-2"

HOUSING PRODUCTION (HP)

GOAL HP-1 - Provide adequate housing by location, price, type, and tenure, especially for those of low and moderate income and households with special needs.

Actions and Quantified Objectives

Implementing Policies	Responsible Agencies & Implementing Actions	Potential Funding Sources	Quantified Objective	Time Frame	Priority
HP-12 Rezone R-1 and R-2 parcels to multi-family to increase supply of land suitable for development of affordable housing. Development to be by right.	City Planning Department - Initiate rezoning of sufficient parcels to make available sites for at least 311 multi-family units, including affordable units.	Department Budget	Rezone four parcels containing 15+ acres to R-3 and 3+ acres to R-4. Affordable units to be by right.	Two parcels by 2006; two parcels by 2007.	1



"W-3"



California Regional Water Quality Control Board Central Valley Region

Chairman Dr. Karl Longley



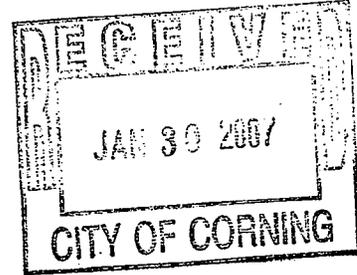
Linda Adams
Secretary for
Environmental Protection

Redding Branch Office
415 Knollcrest Drive, Suite 100, Redding, California 96002
(530) 224-4845 • Fax (530) 224-4857
<http://www.waterboards.ca.gov/centralvalley>

Arnold Schwarzenegger
Governor

29 January 2007

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



COMMENTS ON NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR SALADO ORCHARD APARTMENT PROJECT, ASSESSOR PARCEL NUMBER 71-020-02, CORNING, TEHAMA COUNTY

On 10 January 2007, our office received a Notice of Intent to Adopt a Mitigated Negative Declaration and Request for Comments Letter from your office regarding the proposed development referenced above. The California Regional Water Quality Control Board, Central Valley Region (Regional Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA).

The Request for Comments Letter contained a cover sheet stating that City of Corning has received an application from property owner, Pacific West Communities, Inc., proposing to rezone from R-1 Single Family Residential, to "P-D" Planned Development. Also a Planned Development use permit application to entitle a 48-unit apartment complex and appurtenant facilities, and a tentative parcel map proposing to divide the property into two separate parcels. Total site area is approximately 10.28 acres. The property is located at the southwest corner of Toomes and Blackburn Avenues, in the City of Corning.

The following comments are provided to help outline the potential permitting required by the Regional Water Board agency, policy issues concerning the project, and suggestions for mitigation measures. Our present comments focus primarily on discharges regulated under our CWA §401 and storm water programs.

Water Board entitlements include:

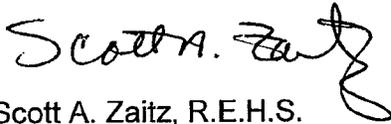
- Fill or dredged material discharges Clean Water Act (CWA) §401 water quality certification for federal waters; or Waste Discharge Requirements for non-federal waters
- Storm water and other wastewater discharges CWA §402 NPDES permit

The following summarizes project permits that may be required by our agency depending upon potential impacts to water quality:

Water Quality Certification (401 Certification) – Permit issued for activities resulting in dredge or fill within waters of the United States (including wetlands). All projects must be evaluated for the presence of jurisdictional waters, including wetlands and other waters of the state. Destruction of, or impacts to these waters should be avoided. Under the Clean Water Act Section 401 and 404, disturbing these waters requires a U.S. Army Corps of Engineers permit and a State 401 permit. The Section 404 and 401 permits are required for activities involving a discharge (such as fill or dredged material) to Waters of the United States. "Waters" include wetlands, riparian zones, streambeds, rivers, lakes, and oceans. Typical activities include any modifications to these waters, such as stream crossings, stream bank modifications, filling of wetlands, etc. If required, the Section 404 and 401 permits must be obtained prior to site disturbance.

General Permit for Storm Water Discharges Associated with Construction Activity (General Permit) – Land disturbances on proposed projects of 1 acre or more requires the landowner to obtain coverage under the General Permit. As the land disturbance for the Salado Orchard Apartment Project will be in excess of 1 acre, the owner of the property will need to file a Notice of Intent (NOI), along with a vicinity map, a Storm Water Pollution Prevention Plan (SWPPP), and appropriate fees to the State Water Resources Control Board (SWRCB), prior to the commencement of activities on site. The owner may call our office to receive a permit package or download it off the Internet at <http://www.waterboards.ca.gov/stormwtr/index.html>.

If you have any questions or comments regarding this matter please contact me at (530) 224-4784 or by email at szaitz@waterboards.ca.gov.



Scott A. Zaitz, R.E.H.S.
Environmental Scientist
Storm Water & Water Quality Certification Unit

SAZ: cg/reb

cc: Pacific West Communities, Inc., Nampa, ID

Salado Orchard Apartment Project.doc

"X-2"

ITEM NO. E-4
REZONE NO. 2007-01; TO IMPLEMENT A
DENSITY BONUS AND AFFORDABLE
HOUSING INCENTIVE ORDINANCE
PURSUANT TO STATE LAW; ORDINANCE
NO. 627

February 20, 2007

TO: PLANNING COMMISSION OF THE CITY OF CORNING

FROM: JOHN L. BREWER, AICP; PLANNING DIRECTOR

JLB

BACKGROUND:

State Law requires cities to adopt ordinances to provide certain "incentives" to encourage the development of affordable housing. The City of Corning has not previously adopted such an ordinance. The attached Ordinance No. 627, if adopted, would add a Development Agreement process to approve those "density bonuses or incentives" to the City Zoning Code and therefore comply with state law.

STAFF RECOMMENDATION:

PLANNING COMMISSIONERS RECOMMEND THE CITY COUNCIL:

1. **ADOPT THE FINDINGS.**
2. **ADOPT ORDINANCE NO 627; AN ORDINANCE TO ADD CHAPTER 17.62 TO THE CORNING MUNICIPAL CODE TO PROVIDE STATE MANDATED INCENTIVES FOR AFFORDABLE HOUSING IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65915.**

FINDINGS:

1. A Negative Declaration was prepared, filed and distributed to all Responsible and Trustee agencies. Any comments regarding the Negative Declaration have been adequately responded to and the project will not have a significant effect on the environment.
2. Approval of Rezone No. 2007-01 is in the Public Interest and is consistent with the goals and objectives adopted in the General Plan for the City of Corning; especially Policy HP-9 of the Corning General Plan Housing Element.
3. Since Ordinance No. 627 will require separate CEQA review prior to approving "Density Bonuses or other incentives", this rezoning to enable a State mandated affordable housing policy will have no effect of Fish and Game

Resources as defined in Section 711.4 of the Fish and Game Code.

HISTORY:

In 1979 the State of California enacted Government Code Section 65915; which provided for density bonuses for “affordable housing” projects. A Density Bonus allows a developer to create more housing units per acre than would normally be permitted. For example, the City’s R-1 zone normally permits up to 7 dwelling units per acre. A density bonus could authorize development of more than 7 dwelling units per acre.

The law has been amended numerous times since its origination and now requires Cities to provide other “incentives”; i.e., exceptions to normal development standards to encourage affordable housing projects. In 1989 an amendment requiring Cities and Counties to adopt “enabling” ordinances was enacted.

Up to this point, no one has sought to utilize density bonuses or other incentives for affordable housing in the City of Corning, so there has been no immediate reason to adopt an ordinance. However, Self-Help Home Improvement Project (SHHIP) has submitted a letter seeking certain concessions for Phase 2 of their Blossom Avenue project. (As a side note, that issue will be presented at a subsequent meeting.) Until this ordinance or one similar to it is adopted, the City has no legitimate way to approve the requested exceptions-absent the current “Variance” process. Variances are not justified or appropriate for this purpose.

For that reason, the City must now act to implement an ordinance spelling out the specific process necessary to provide Density Bonuses and other incentives to facilitate affordable housing projects. A current Copy of Government Code Section 65915 is attached.

HOUSING ELEMENT:

The Planning and Zoning Law is also the body of law that requires Cities (and Counties) to prepare and adopt General Plans. Among the required elements is the Housing Element, that typically is updated every five years or so. Our current Housing Element was adopted in 2005. Included in the policies of the Housing Element is Policy HP-9 (attached)-that recommends adopted of a Density Bonus ordinance. So, adoption of this ordinance would directly implement that policy.

PROPOSED ORDINANCE 627:

The proposed ordinance is modeled after a similar ordinance that was adopted by the City of Chico. The Corning City Attorney has reviewed and approved the format and content of the proposed ordinance.

The ordinance, if adopted would authorize the City to enter into a “Development Agreement” with a developer who commits to provide affordable housing. The

Development Agreement can specify just which “incentives”, (or “exceptions to development standards) or Density Bonuses the City would grant in exchange for the developer’s commitment to create “affordable” housing.

Development Agreements are subject to approval by the City Council, typically after review and recommendation by the Planning Commission.

ENVIRONMENTAL:

Because subsequent Development Agreement applications will automatically trigger CEQA environmental review, staff found that this rezone would have no effect on the environment and completed and filed a CEQA Negative Declaration. A copy of the one page Negative Declaration is attached.

Copies of the Negative Declaration were sent to all responsible and Trustee Agencies. No substantive comments regarding the Negative Declaration have been received.

**City of Corning
Proposed Ordinance No. 627.**

Chapter 17.62

AFFORDABLE HOUSING INCENTIVES/RESIDENTIAL DENSITY BONUSES

Sections:

17.62.010	Purpose
17.62.020	Applicability
17.62.030	Application and approval
17.62.040	Planning Commission recommendation
17.62.050	Determination of housing density bonus or incentives

17.62.010. Purpose.

The purpose of providing a housing density bonus or incentives is to contribute to the economic feasibility of low income and moderate income housing in housing developments proposed within the City.

17.62.020. Applicability.

When a developer enters into an agreement to provide a housing development that includes housing units for very low, low or moderate income households, as defined in the California Health and Safety Code, and pursuant to Government Code Section 65915, the developer shall be eligible for a housing density bonus or incentives if the housing development consists of five or more units.

17.62.030. Application and approval.

Any person requesting a housing density bonus or incentives shall apply for a development agreement. A housing density bonus or incentives shall be granted by approval of the development agreement which shall specify the density bonus and/or incentives, and any conditions attached to the approval of such bonus and/or incentive.

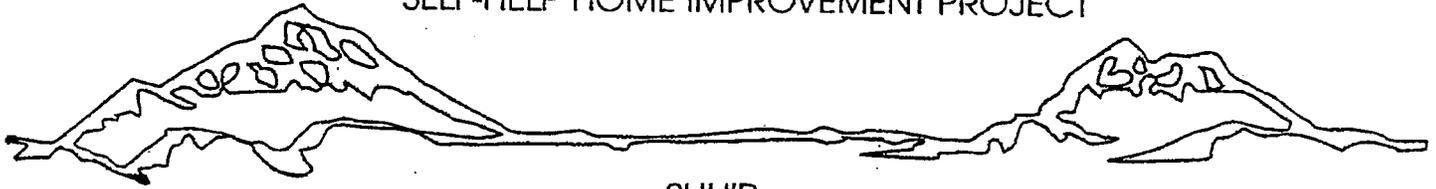
17.62.040. Planning Commission recommendation.

Prior to Council action on a development agreement providing a housing density bonus or incentives, the Commission shall consider the development agreement and make a recommendation to the Council.

17.62.050. Determination of housing density bonus or incentives.

The project developer may specify the housing density bonus or incentives requested; however, the City may agree to provide a housing density bonus or incentives other than those requested, so long as such housing density bonus or incentives meet the requirement set forth in the California Government Code.

SELF-HELP HOME IMPROVEMENT PROJECT

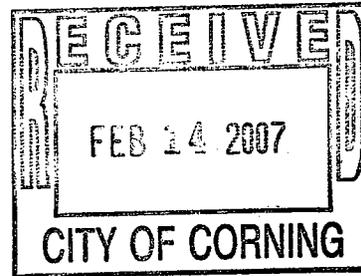


SHHIP

Established in 1973

A Private Non-Profit
Corporation

February 14, 2007

John Brewer
Director of Planning
City of Corning

Dear Mr. Brewer:

SHHIP is developing a 44-house affordable housing project. Mortgages are the USDA Rural Development Direct Sect. 502 subsidized mortgage. All of the homeowners must be of low-income (less than 80% of MHI) and at least 40% must be of very-low income. Participant's costs are kept affordable by the Payment Assistance subsidy, in which the homeowner's housing cost (PITI) is limited to no more than 26% of their income. This subsidy is partly recaptured by USDA upon sale.

The city continues to be supportive of SHHIP's efforts. Thirty-eight of these houses are on land with underlying lots of records that generally allow the city to approve smaller lots, increasing affordability. All of these lots, including two corner lots, are fifty feet in width. This is in accordance with the city practices for any developer regardless of housing cost.

One corner of the project is not part of the underlying plat and requires a subdivision map – referred to as phase 2. SHHIP proposes to develop phase 2 into eight lots, of about 50 ft. widths, nearly identical to the balance of the project. (An adjacent parcel has been acquired by SHHIP to provide better access to the project, which results in phase 2 lots actually being much larger than other lots.) In order to maintain affordability, SHHIP requests that the one corner lot created be allowed at a 50 foot width. SHHIP will set back this house 45 feet from the road (15 feet more than required) to ensure adequate sight clearance. SHHIP requests that the other lots in this tract be allowed as proposed.

Page 2

Also, SHHIP is considering building some two-story houses along the northern tier of houses (to accommodate four bedroom houses) and requests a concession of allowing five-foot side-yards.

The state's "density bonus" law provides substantial regulatory incentives for projects that include affordable housing. If at least 5% of the units are affordable to Very Low income households or 10% of the units are affordable to Low income households, then the project is eligible for a 20% density bonus. Additional affordability can increase the density to 35%. A project is also allowed "concessions or incentives" reducing development standards, depending on the percentage of affordable units provided. Any project that meets the minimum criteria for a density bonus is entitled to one concession, increasing up to a maximum of three concessions depending upon the amount of affordable housing provided.

In addition to requesting "incentives and concessions," applicants may request the waiver of an unlimited number of "development standards" by showing that the waivers are needed to make the project economically feasible. SHHIP estimates that the concessions requested will save about \$60,000, and is needed for feasibility.

SHHIP appreciates the city's continued support, and promises to provide quality housing assisting city residents most in need of affordable homeownership.

Sincerely,



Keith Griffith
Executive Director

HOUSING PRODUCTION (HP)

GOAL HP-1 - Provide adequate housing by location, price, type, and tenure, especially for those of low and moderate income and households with special needs.

Implementing Policies		Actions and Quantified Objectives				
		Responsible Agencies & Implementing Actions	Potential Funding Sources	Quantified Objective	Time Frame	Priority
HP-5	Ensure that the General Plan, all policies, implementation measures and standards provide a clear understanding of the City's development requirements.	City Planning Department - Biennially conduct a workshop with developers and interested individuals to review current development standards for clarity. Amend as necessary.	Department budget	Hold two workshops.	2005 2007	3
HP-6	Cooperate with Tehama County and its cities to carry out programs in which there is a mutual interest.	City Manager - Assist in the formation of, and participate in a housing needs assessment and planning group consisting of local service providers and non-profit agencies, City and county agencies, and individuals interested in addressing local and regional housing needs.	Department budget	If a need can be demonstrated, hold at least one annual meeting.	2008	2
HP-7	Monitor the supply of residentially zoned land to ensure that an adequate supply of low and moderate income housing sites exist to meet the projected housing needs of the City.	City Planning Department - Based on the December 15, 2002 Regional Housing Allocation Plan and subsequent allocations, verify that sufficient properly zoned land is available to meet the projected need. Any deficiencies will be addressed by annexation or rezoning.	Department budget	Semi-annual review with corrective action as necessary.	2005 2007	1
HP-8	Facilitate the use by others any private, State or Federal assistance for development of affordable housing.	City Planning, Public Works, and Building & Safety Departments - Leverage private funding by applying for State or Federal grants/loans on behalf of affordable housing developers. Provide logistical support for affordable housing projects.	Department budgets, various State and Federal agencies and charitable organizations.	Assist at least one multi-family project and 20 single family units.	2008	1
HP-9	Adopt density bonus ordinance.	City Planning Department - Comply with Government Code 65915 by adopting a density bonus ordinance to assist in the development of affordable housing.	Department budget	Adopt by 2006.	2006	1
HP-10	Expedite processing of permits by developing standards and zoning requirements which simplify the permit process	City Planning and Building & Safety Departments - Expedite the process of permits through up-to-date information and by developing standards and zoning requirements which will simply the permit process.	Department budgets.	Continuous review of permit process.	Ongoing	3
HP-11	Revise the second unit policy to promote the development of second units per Government Code Section 65852.1 and 65852.2.	City Planning Department - Continue to allow companion units in single family residential areas. Although the Zoning Ordinance contains a definition of second units, it will be amended to specifically define the process for adding second units.	Department budget.	Amend Zoning Ordinance.	2006	3



HOUSING ELEMENT

CITY OF CORNING
CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

DATE: February 1, 2007

SUBJECT: CEQA MITIGATED NEGATIVE DECLARATION: Rezone 2007-1-
Implementing Density Bonus and Development Incentive requirements pursuant to
Government Code Section 65915.

Pursuant to the State of California Public Resources Code and the "Guidelines for
Implementation of the California Environmental Quality Act of 1970", as amended to
date, a Draft Negative Declaration is hereby made on the project listed below:

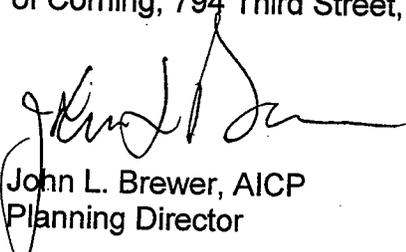
**The proposal is to amend the Corning Zoning Ordinance to implement the
Residential Density Bonus and incentive requirements of Government
Code Section 65915 et. seq. (State Law).**

The reason for the determination that a Negative Declaration is appropriate:

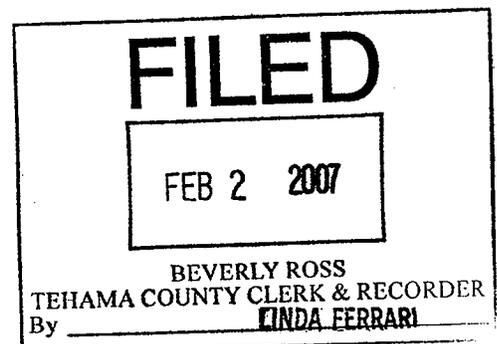
City staff has found that the proposed Rezoning project would not have a
significant effect on the environment, since subsequent residential projects that
are subject to the City's Density Bonus regulations will undergo separate
environmental review to determine if they pose any potential impacts to the
environment.

Written comments on the proposed Negative Declaration will be accepted until 5:00 PM
Tuesday, February 20, 2007.

The Planning Commission Public Hearing for a recommendation regarding the proposed
Negative Declaration of Environmental Impact and amendment to the Zoning Code is
scheduled for Tuesday, February 20, 2007 at 6:30 PM in the City Council Chambers, City
of Corning, 794 Third Street, Corning, California 90021.


John L. Brewer, AICP
Planning Director

February 1, 2007



GOVERNMENT CODE

SECTION 65915



65915. (a) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall provide the applicant incentives or concessions for the production of housing units and child care facilities as prescribed in this section. All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (g), and incentives or concessions, as described in subdivision (d), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development as defined in Sections 51.3 and 51.12 of the Civil Code, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(D) Ten percent of the total dwelling units in a common interest development as defined in Section 1351 of the Civil Code for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), the applicant who requests a density bonus pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), or (D) of paragraph (1).

(c) (1) An applicant shall agree to, and the city, county, or city and county shall ensure, continued affordability of all low-and very low income units that qualified the applicant for the award of the density bonus for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety

Code. Owner-occupied units shall be available at an affordable housing cost as defined in Section 50052.5 of the Health and Safety Code.

(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of the moderate-income units that are directly related to the receipt of the density bonus in the common interest development, as defined in Section 1351 of the Civil Code, are persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The local government shall enforce an equity-sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity-sharing agreement:

(A) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership.

(B) For purposes of this subdivision, the local government's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

(C) For purposes of this subdivision, the local government's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

(d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of either of the following:

(A) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the

physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.

(B) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(C) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section, that shall include legislative body approval of the means of compliance with this section. The city, county, or city and county shall also establish procedures for waiving or modifying development and zoning standards that would otherwise inhibit the utilization of the density bonus on specific sites. These procedures shall include, but not be limited to, such items as minimum lot size, side yard setbacks, and placement of public works improvements.

(e) In no case may a city, county, or city and county apply any development standard that will have the effect of precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards and may

request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

(f) The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.

(g) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the applicant to the city, county, or city and county. The applicant may elect to accept a lesser percentage of density bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

(1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

(3) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Moderate- Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19

25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. As used in subdivision (b), "total units" or "total dwelling units" does not include units permitted by a density bonus awarded pursuant to this section or any local law granting a greater density bonus. The density bonus provided by this section shall apply to housing developments consisting of five or more dwelling units.

(h) (1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county as provided for in this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan for the entire development, as follows:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18

14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks both the increase required pursuant to this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

- (A) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
- (B) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.
- (C) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of

the very low income housing units on the transferred land, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local government prior to the time of transfer.

(D) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of dedication.

(E) The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.

(F) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

(i) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:

(A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

(B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

(A) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

(B) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).

(3) Notwithstanding any requirement of this subdivision, a city, county, or a city and county shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(4) "Child care facility," as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

(j) "Housing development," as used in this section, means one or more groups of projects for residential units constructed in the planned development of a city, county, or city and county. For the purposes of this section, "housing development" also includes a subdivision or common interest development, as defined in Section 1351 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(k) The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. This provision is declaratory of existing law.

(l) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

(2) Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable, financially sufficient, and actual cost reductions. This subdivision does not limit or require the provision of direct financial incentives for the housing development, including the

provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(m) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code.

(n) Nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

(o) For purposes of this section, the following definitions shall apply:

- (1) "Development standard" includes site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan, charter amendment, or other local condition, law, policy, resolution, or regulation.
- (2) "Maximum allowable residential density" means the density allowed under the zoning ordinance, or if a range of density is permitted, means the maximum allowable density for the specific zoning range applicable to the project.

(p) (1) Upon the request of the developer, no city, county, or city and county shall require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b), that exceeds the following ratios:

- (A) Zero to one bedrooms: one onsite parking space.
- (B) Two to three bedrooms: two onsite parking spaces.
- (C) Four and more bedrooms: two and one-half parking spaces.

(2) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through onstreet parking.

(3) This subdivision shall apply to a development that meets the requirements of subdivision (b) but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this section, subject to subdivision (d).

**ITEM NO. F-5
POTENTIAL VACATION OF PORTIONS OF
BLOSSOM AND ORANGE AVENUES
WITHIN AND ADJACENT TO THE SHASTA
VIEW TRACT AND REPORT REGARDING
GENERAL PLAN CONSISTENCY:**

FEBRUARY 20, 2007

TO: PLANNING COMMISSION OF THE CITY OF CORNING

FROM: JOHN L. BREWER, AICP; PLANNING DIRECTOR

JLB

PROJECT SUMMARY:

Self-Help Home Improvement Project (SHHIP) intends to develop affordable single family housing on the lots created by the Shasta View Tract that recorded in 1901 and eight additional lots as shown on Exhibit "A". The developed lots will be served by Blossom and Orange Avenues, which are currently unconstructed in this area.

Staff recommends the abandonment of certain unconstructed portions of Blossom and Orange Avenue Right of Ways. The street segments proposed for abandonment are crosshatched on the attached drawing marked "Proposed Right of Way" (Exhibit "A").

The primary purpose of this abandonment is to relocate the Blossom Avenue right of way and the Blossom/Toomes Avenue intersection to provide additional separation, and sight distance from the Jewett Creek bridge. Another purpose is to abandon the segment of Orange Avenue lying south of Blossom Avenue, since the right of way dead ends at Jewett Creek and there are no plans to bridge the creek or acquire additional right of way across the creek or beyond.

STAFF RECOMMENDATION:

That the Planning Commission:

Consider all information presented in this staff report, and recommend the City Council make the following findings:

- Blossom and Orange Avenues are currently not constructed through the undeveloped Shasta View Tract, and,
- Development of Blossom Avenue in its current location would pose a significant risk of collision to the public due to the proximity and vertical alignment of the Toomes Avenue bridge over Jewett Creek that limits site distance, and,
- Relocation of the Blossom Avenue right of way and its intersection with Toomes Avenue to provide additional separation from the Jewett Creek bridge at Toomes

Avenue as shown on Exhibit "A" would improve public safety, and,

- The segment of Orange Avenue lying south of Blossom Avenue is not necessary to facilitate circulation in the neighborhood or the City, but a 20' wide public services easement shall be retained for emergency and pedestrian access and drainage facilities, and,
- Appropriate access to the adjacent properties will be provided by the relocated Blossom Avenue as shown on Exhibit "A", and alternative streets or driveways, and,
- This cross-hatched segments of Blossom Avenue and Orange Avenue right of ways appearing on Exhibit "A" are excess public property, and
- To avoid confusion with similar named streets in the Corning area, Orange Avenue should be renamed as a Condition of Subdivision Map or Use Permit approval and appropriately signed, and,
- In accordance with Government Code Section 65402, the abandonment of the crosshatched segments of Blossom Avenue and Orange Avenue right of ways appearing on Exhibit "A" does not conflict and is consistent with the Corning General Plan.

BACKGROUND:

Self-Help Home Improvement Project (SHHIP) and their individual clients own the undeveloped portion of the Shasta View Tract. The tract map was recorded in 1901, yet remained essentially undeveloped until 2005 when the homes along the south side of Donovan Avenue were constructed, also by SHHIP. The original tract map created the 25' wide lots that appear on the Assessor's Map (Exhibit "B"). Since the tract map is of record, the City has limited discretion regarding its development. Similar to what they did along Donovan Avenue, SHHIP proposes to merge pairs of those 25' wide lots and to develop Single-Family Homes on the resultant 50' wide parcels. Those "Lot pairs" appear on Exhibit "A" as Lots 1 through 14 and 23 through 44.

In addition to the existing "lot pairs", SHHIP proposes to create eight (8) additional lots through the normal tentative subdivision map process. Those lots appear on Exhibit "A" as Lots 15 through 22. All told, SHHIP proposes to construct 44 new residences in this area.

The Shasta View Tract Map dedicated the right of ways for Blossom and Orange Avenues that were to serve as ingress and egress for the subdivision to the City. Except for short segments at their respective western and northern ends, neither Blossom nor Orange Avenues have been constructed.

BLOSSOM AVENUE RIGHT OF WAY RELOCATION

SHHIP will construct the streets and utilities to serve the 44 new residences. During early discussions about this development, City representatives expressed concern with the location of the Toomes Avenue-Blossom Avenue intersection. See the copy of the Aerial photo (Exhibit "C"). Note that the aerial photo was taken before the southside Donovan Avenue homes were constructed. The intersection, if developed in its record location, would be quite close to the Toomes Avenue bridge over Jewett Creek. The vertical alignment of the Jewett Creek bridge limits sight distance. Staff believes construction of the intersection would create a collision hazard to northbound Toomes Avenue vehicles and vehicles making left turns between the two streets. For that reason, staff suggested relocation of the intersection to the north to increase the separation and site distance to/from the bridge, while holding the existing north-south alignment of Toomes Avenue. SHHIP responded with a plan to relocate the intersection as shown on Exhibit "A". The realigned portion will sweep along two long-radius curves to a (centerline) position some 85 feet north of the existing position. This additional 85 feet of separation from the bridge will provide additional sight distance and make for a safer intersection. See the letter from Kevin E. Handley, P.E., dated December 15, 2006 and attached as Exhibit "D".

Exhibit "A" shows the portions of the unconstructed right of ways that are proposed for abandonment as well as the proposed additional Blossom Avenue right of way that SHHIP will offer as the properties develop.

As a side note, you'll notice Exhibit "A" includes a new culdesac bulb that appears at the western end of the SHHIP property at Blossom Avenue. That too is a public safety measure suggested by staff. See the copy of the aerial photo (Exhibit "C"). Currently a short segment of Blossom Avenue serves a mobilehome park and a commercial property immediately east of the old Highway. If Blossom Avenue were constructed from the old Highway to Toomes Avenue, it would greatly increase vehicle trips onto the old Highway at the Blossom Avenue intersection. Like the bridge at Toomes Avenue, the Jewett Creek bridge at the old Highway is quite close to the Blossom Avenue intersection. Adding the vehicle trips from this development to that existing intersection would greatly increase the potential for traffic collisions. For that reason, staff recommends Blossom Avenue terminate at a culdesac bulb. There would however, be an emergency access route provided through to on the old highway.

ORANGE AVENUE:

Staff also believes there's no need for Orange Avenue Right of Way south of Blossom Avenue, since the street will not be extended over Jewett Creek. However, staff does recommend retention of a public service easement within the right of way for use as pedestrian and emergency access, and as a potential storm drainage line route.

"Orange Avenue" is a duplicate of similar street names in other parts of the County. According to the County and City Road Indexes, in the Corning Area, there's already a private "Orange Avenue"; an "Orangewood Road", and a neighborhood with a number of streets named for fruit and nut trees. To avoid confusion, staff recommends

that Orange Avenue be renamed. This can be accomplished as a condition of subdivision map or use permit approval.

PLANNING AND ZONING LAW:

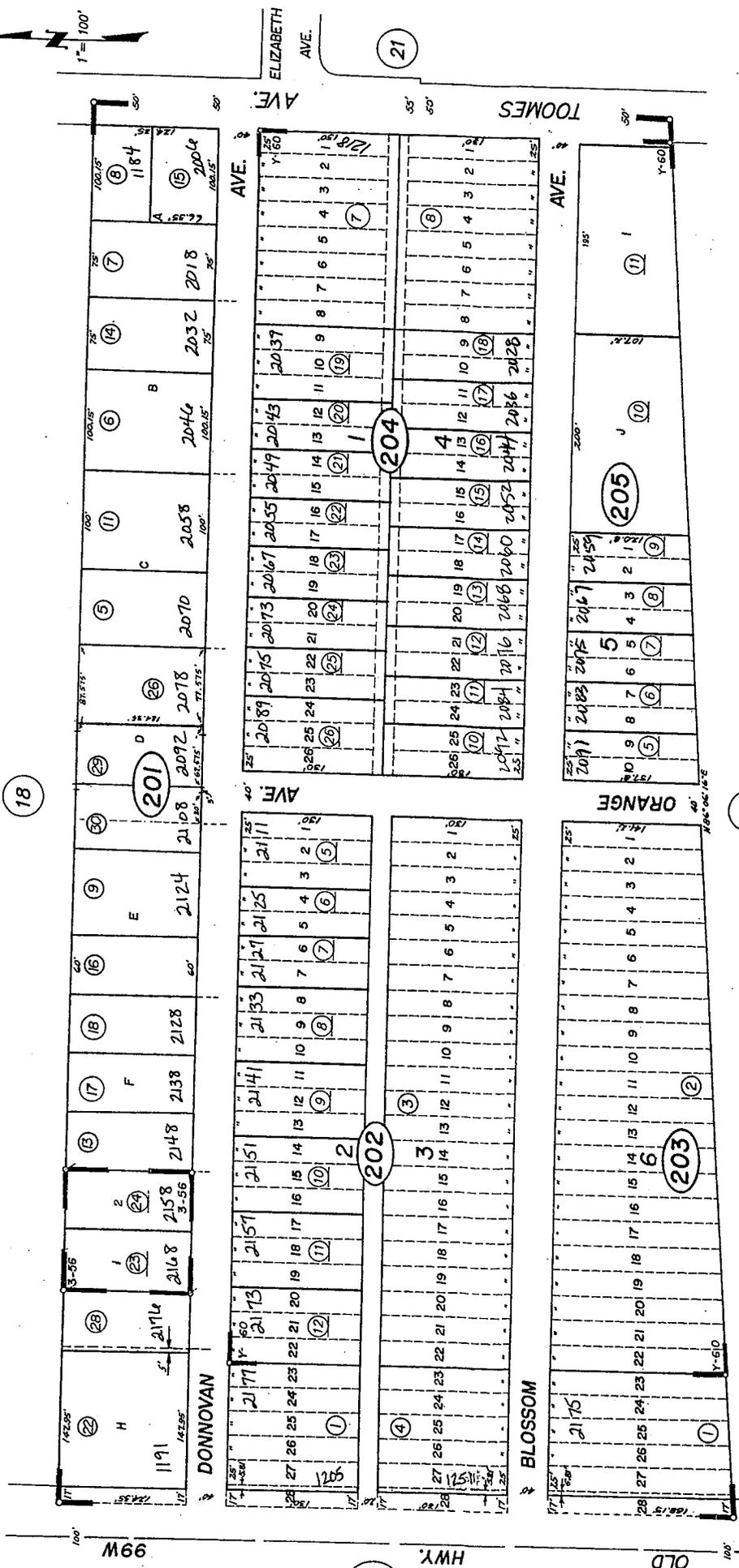
The State Planning and Zoning Law (Government Code Section 65402, attached as Exhibit "G") requires the "planning agency" to present a report regarding conformity with the adopted general plan prior to abandoning any street.

Please refer to the map marked "General Plan Land Use Diagram" (Exhibit "E"). You will note that the properties adjoining the subject rights of way are designated "Residential".

Please see the attached copy of the zoning map (Exhibit "F"). The properties adjoining the subject street rights of way are zoned "R-1-2"; Single Family Residential. This zoning has been in place for many years and is consistent with the Residential Land Use designation.

In regards to the Circulation Element, a street abandonment could be inconsistent if it somehow isolated a property. In this particular case, since the street segment is unconstructed and since a relocated and constructed Blossom Avenue will offer alternative access, no inconsistency will occur.

The street abandonment will have no effect on Noise, Open Space, Housing or Conservation Elements. Since there is no conflict with the General Plan, the abandonment of the alley right of way is consistent with the Corning General Plan. State Law (Government Code Section 65402-Exhibit "G") requires the Planning Agency to report to the City Council regarding the General Plan Consistency of any proposed street vacations. This action will facilitate residential development of the site; just as the Corning General Plan envisions for the SHHIP properties.



Assessor's Map Bk. 71 -Pg. 20
 County of Tehama, Calif.

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

P.M. Bk. 3, Pg. 56-P.M. No. 767
 R.M. Bk. B, Pg. 9-Shasta View Tract
 R.M. Bk. L, Pg. 2-Southwesterly ptn. Corning
 R.S. Bk. Y, Pg. 60

EXHIBIT "B"

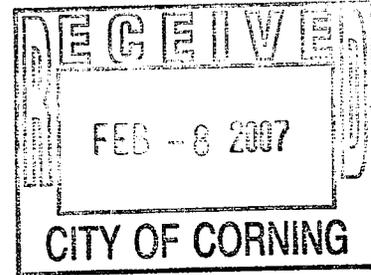


EXHIBIT "C"

Kevin E. Hanley, P.E.

December 15, 2006

Jay Lowe, P.E.
NorthStar Engineering
111 Mission Ranch Boulevard, Suite 100
Chico, CA 95926



Jay:

An analysis of the egress and access elements for the proposed SHHIP project has been undertaken and is now complete. The project in question is located in the City of Corning, California, on Toomes Avenue between Fig Avenue and Donovan Avenue.

The proposed location of Blossom Avenue at its intersection with Toomes Avenue will allow access and egress to and from the project site without limitation. Similarly, the proposed location of Orange Avenue at its intersection with Donovan Avenue will not require any access/egress restrictions.

These determinations were made after conducting turning movement counts on the adjacent roadway network, performing operational analyses for existing and future conditions (with a 20-year horizon using a growth rate of 1.5% per year) after adding project-related traffic, and then analyzing intersection sight distance requirements at Blossom Avenue associated with the proposed layout.

Attached please find a preliminary plan and profile sheet detailing the proposed locations of Blossom Avenue on which the above analyses were based.

Sincerely,

A handwritten signature in black ink that reads "Kevin E. Hanley".

Kevin E. Hanley, P.E.
Registered Professional Traffic Engineer #2099

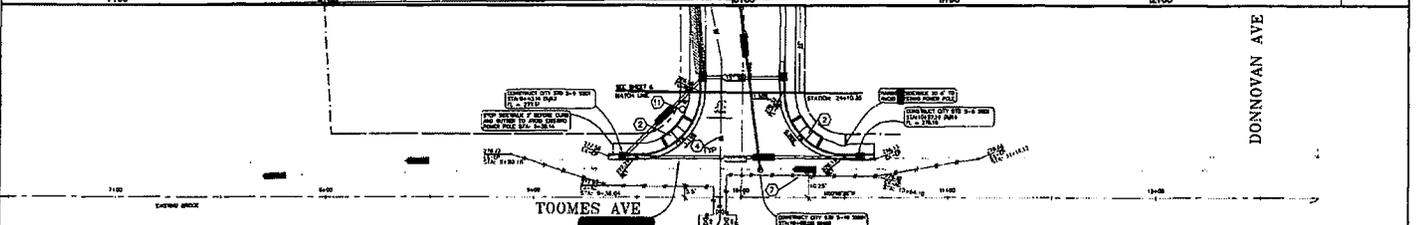
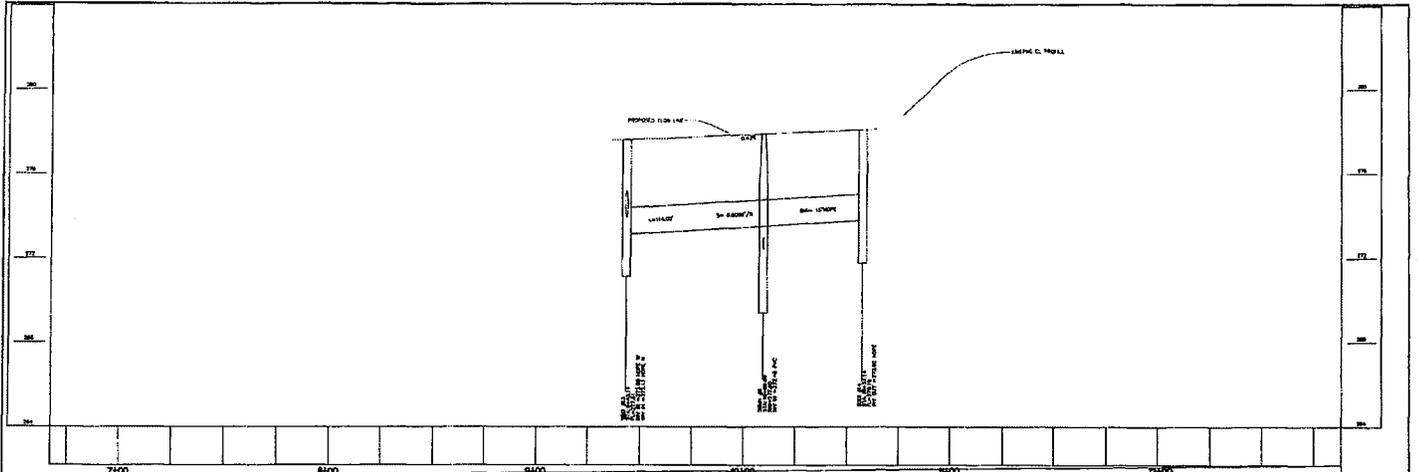


Attachment

5121 Euclid Ave.
Sacramento, CA 95822

k_hanley@comcast.net
(530) 864-0318

EXHIBIT "D"



- 1 INSTALL CITY OF CORNING STANDARD S-1 ROLLED CURB, CUTTER AND SIDEWALK
- 2 INSTALL CITY OF CORNING STANDARD S-20 PEDESTRIAN RAMP
- 3 INSTALL SEWER LATERAL PER CITY OF CORNING STANDARD S-21
- 4 PROPOSED 8" CROOK WATER LINE
- 5 WATER SERVICE PER CITY OF CORNING STANDARD S-20
- 6 INSTALL FAS HYDRANT WITH MFRAM 1500GPM FOR 2 HOURS SAWHUT
- 7
- 8 INSTALL CALTRANS TYPE "A" DMC
- 9 PROPOSED 8" CROOK WATER LINE
- 10 5' TRANSITION FROM ROLLED TO VERTICAL CURB
- 11 INSTALL STREET LIGHT CORONA HEAD-100W HPS 30' STEEL POLE, 8' MAST ARM
- 12 INSTALL CITY OF CORNING STANDARD S-21 SEWER CLEANOUT BOX

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	DESC
CR	47.88	8000	87.86/47	PC
CR	42.54	8000	87.86/47	PT



Design	Check	Drawn	Date	By
LOL				
ELK				

NorthStar
Civil Engineers, Surveyors
Ctico, California

S.H.H.P.
3777 MEADOWVIEW DR #100
REDDING, CALIFORNIA

PLAN AND PROFILE TOOMES AVE.
BLOSSOM AVENUE - PHASE 1
Job Number: 09E
Scale: 1/2" = 10'
Date: 12/4/06
Sheet 2 of 3

D-2

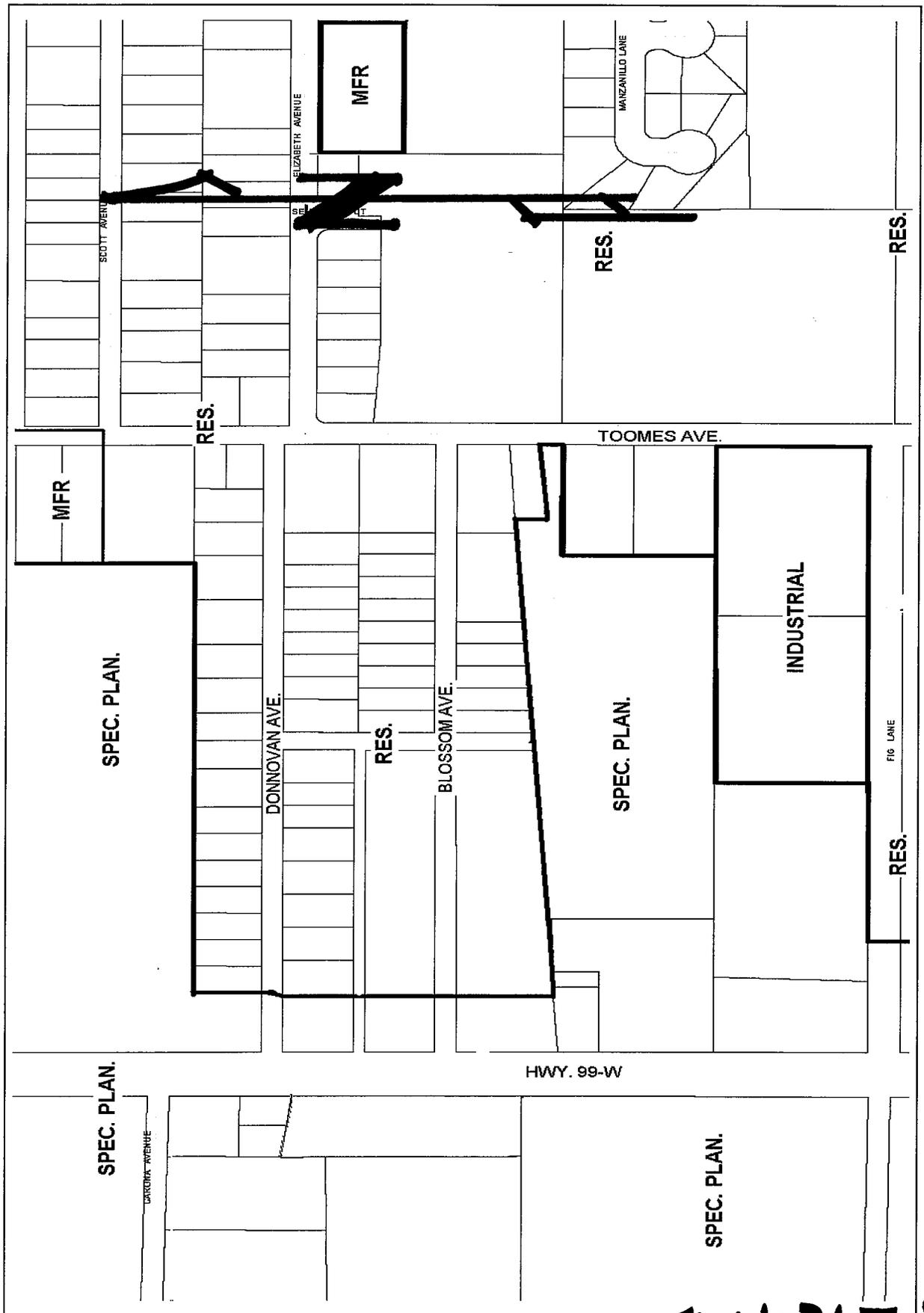


EXHIBIT "E"
GEN. PLAN LAND USE



EXHIBIT "F"
ZONING

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

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

(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof.

Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

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

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

EXHIBIT "G"