



**CITY OF CORNING
PLANNING COMMISSION AGENDA**

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

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

B. ROLL CALL:

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

C. MINUTES:

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

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

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

2. Use Permit No. 2014-272: Consider Condor Marka Peruvian Restaurant's Use Permit Application to obtain an "On-Sale License" with the California Department of Alcoholic Beverage Control (ABC) to sell beer and wine within their existing restaurant pursuant to Section 17.54.020 (1) of the Corning Municipal Code. Address: 1312 Solano Street, APN # 71-131-06.

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

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

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

H. ADJOURNMENT:

POSTED: FRIDAY, JULY 11, 2014

The City of Corning is an Equal Opportunity Provider and Employer



**CITY OF CORNING
PLANNING COMMISSION MINUTES**

**TUESDAY, JUNE 17, 2014
CITY COUNCIL CHAMBERS
794 THIRD STREET
CORNING, CA 96021**

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

B. ROLL CALL:

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

All present except Commissioner Reilly.

C. MINUTES:

- 1. Waive the reading and approve the Minutes of the May 20, 2014 Planning Commission Meeting with any necessary corrections.**

Commissioner Barron moved to approve the Minutes of the May 20, 2014 Planning Commission Meeting as written. Commissioner Mesker seconded the motion. **Ayes: Robertson, Barron, Poisson and Mesker. Absent: Reilly. Opposed/Abstain: None. Motion was approved by a 4-0 vote with Reilly absent.**

D. BUSINESS FROM THE FLOOR: None.

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

- 2. Use Permit No. 2014-271 - Verizon Wireless; proposal to establish an approximately 30' x 30' area at Estil Clark Park for an unmanned telecommunications facility and a 120 ft. high monopole that will replace an existing light pole at the Park. APN: 73-260-30, address: 103 E. Fig Lane.**

Chairperson Robertson then opened the Public Hearing on Use Permit No. 2014-271-Verizon Wireless. Chairperson Robertson announced that on the advice of the City Attorney, and because approval of this Use Permit could potentially affect her business, Commissioner Poisson will recuse herself from participating as a voting member of the Commission. Mrs. Poisson then stepped down from the podium and took a seat in the audience so that she and her husband could relay their concerns as citizens, not a Commissioner, regarding possible effects to their business resulting from approval of the proposed Use Permit.

Planning Consultant John Stoufer briefed the Commissioners on the proposed Use Permit, provided a description of the project and project area. He outlined the recommended four Factual Subfindings and Legal Findings and the five recommended Conditions of Approval. Mr. Stoufer stated that on the advice of the City Attorney, Staff is removing Conditions 4 & 5 relating to modification of the Use Permit and Lease Agreement should any additional carriers propose establishing equipment at this location. He explained that those items will be addressed in the Lease Agreement.

Mr. Stoufer stated that Verizon Representative Mr. Brandon Leonard was present to address any questions or concerns. He also noted that Mr. and Mrs. Poisson were also present. Commissioner Barron requested clarification related to Conditions 4 & 5 which are being recommended for removal, any new carriers would be through a separate Agreement between the "Carrier" and the City. Commissioner Mesker confirmed that Verizon will own the Monopole/Tower. Commissioner Robertson stated that she expected to see something about the Fiber optics as listed in the second solution addressed in the Conditions. Mr. Stoufer explained that following consultation with the City

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Attorney, he was informed that the City doesn't have the ability to require this. He did announce that the City has confirmed with AT&T that Verizon has a contract to use Fiber optics at this site should the Use Permit be approved. He stated that this should eliminate interference. He emphasized that the City cannot regulate Federal Airwaves, problems stemming from any interference can only be regulated by Federal Communications Commission (FCC). Chairperson Robertson clarified that the City can only regulate Land Use. Mr. Stoufer stated that the Commission is not regulating the Lease; that is between the Council and Verizon.

Verizon Representative Brendan Leonard stated that he was present to address any questions and responded to discussions related to:

- Possible interference,
- Separation of lease for placement on Verizon tower by other businesses
- Fiber optics providing an explanation of how they will work at this facility, a timeframe for operation, legal requirements for use, and a statement that they do not plan on using microwave frequencies at this site other than in an emergency situation or critical need, however this is an unlikely scenario.
- Address concerns stated in the letter from the Poisson's to Verizon relating to their tower on Carona Avenue.
- Address Land Use Codes as they relate to wireless facilities citing the various Sections.

Mr. Leonard concluded by stating the ways in which Verizon has tried to work with the Poissons.

Commissioner Barron asked the distance of the existing fiber optics to the proposed site; Mr. Stoufer stated he believed it was approximately 200 ft. maybe. He then asked the timeframe to get the fiber optics in place and operational, do they take the full 59 days to get it hooked up? Mr. Leonard stated that AT&T is usually prompt, however sometimes there are delays, but in their experience AT&T works to get it done quickly. Commissioner Barron then asked how often Verizon allows co-location with other carriers on their tower; he responded stating that it is fairly common.

Melodie and Richard Poisson of DM-Tech addressed the Commission. Mrs. Poisson stated for the record that she has recused herself from the Commission in order to address the Commission on behalf of their business DM-Tech. She then thanked the various Verizon Representatives/Engineers that have spoken to them, as well as City Staff, especially John Stoufer and City Manager John Brewer. She asked if everyone has had a chance to review the letter they presented into the record; Chairperson Robertson stated she had not. Mrs. Poisson stated that she and her husband had concerns about several items and had requested a Council delay on the Lease Agreement approval. They were told at that Council Meeting, that the Council was going to go ahead and okay what was written for the Lease Agreement contingent upon the decision of the Commission tonight. Anything to be added as a contingency would be put into the Use Permit, not the Lease Agreement. She further stated that the Lease Agreement was voted on and passed already as stands (presented) at the last Council Meeting. She stated that now you are stating that the Commission is not putting language into the Use Permit to address their concerns, it is being pushed towards the City Council, so she is feeling that there is no place for them to put in what they are asking. Chairperson Robertson reiterated that Federal Law seems to dictate this and the Commission cannot over ride that and that this is a Land Use issue, not a telecommunications issue.

Mrs. Poisson then shared an email with the Commissioners between herself and Brendan Leonard discussing their concerns and specifically Mr. Leonard's comment "We'll work with you if there's ever a problem". She stated that she is asking that this language, "We'll work with you" be placed into the Use Permit...and she then read her suggested verbiage "In the event that signal interference occurs between the Verizon tower located at _____ and any internet service provider, who was providing internet service in the Corning area prior to 2014, Verizon will meet with representatives of that company to discuss feasible solutions to the problem." Chairperson Robertson asked City Planning Consultant Stoufer if legally the City could do this; Mr. Stoufer stated yes, however based upon the information he has, it would not be legally enforceable. Mrs. Poisson stated her concerns with this statement, or something similar not included in the Use

Permit or other legal record. Mr. Stoufer assured her that it would be in the minutes of this meeting.

Chairperson Robertson stated her belief that this issue should be addressed in the Lease Agreement not the Use Permit. Mrs. Poisson again said that the Lease Agreement had already been approved by the City Council contingent upon the decision tonight. Mr. Stoufer stated that there is language being modified in the Lease Agreement, and approval of that Agreement was contingent upon issuance of the Use Permit. Mr. Stoufer informed the Poissons that the final Lease Agreement has not been signed, and it cannot be modified once it is signed. Richard Poisson then addressed the Commission relaying information on an incident that occurred in Illinois relating to interference of service between a small business and Verizon's equipment on a tower and FCC came in and informed the Company that they would have to shut down or replace equipment that won't interfere with the signal.

Following voiced concerns by Mrs. Poisson that the final Lease Agreement between the City and Verizon had already been signed, Mr. Stoufer and City Clerk Lisa Linnet both stated that the final Agreement had not yet been processed, it will go back to the Council for approval of the final document. Mr. Stoufer then read draft language that is being proposed for insertion into the Agreement relating to single interference, basically stating that both parties will meet to attempt to reach a resolution of alleged interference and its cause.

Mr. Stoufer announced that residents within 500 ft. have been notified. The pole will be bigger and it will be painted to match the other poles, and a screen will be installed to prevent any balls from damaging the tower.

Chairperson Robertson closed the Public Hearing at 7:34 p.m.

Commissioner Mesker asked if there was a reason for this particular site location at the Park; Mr. Stoufer stated that this location would not necessitate damaging the Park's parking lot or other existing facilities/utilities.

Commissioner Mesker moved to adopt the 4 Factual Subfindings and Legal Findings as presented in the Staff Report for Use Permit 2014-271. Councilor Barron seconded the motion. **Ayes: Robertson, Barron, and Mesker. Absent: Reilly. Opposed: None. Abstain: Poisson. Motion was approved by a 3-0 vote with Reilly absent and Poisson abstaining.**

Commissioner Mesker moved to approve Use Permit 2014-271 Subject to the Following Three (3) Conditions as recommended by Staff. Councilor Barron seconded the motion. **Ayes: Robertson, Barron, and Mesker. Absent: Reilly. Opposed: None. Abstain: Poisson. Motion was approved by a 3-0 vote with Reilly absent and Poisson abstaining.**

Mr. Stoufer stated that there is a ten (10) day appeal period. He also stated that he would discuss with the City Manager and City Attorney the proposed Lease Modifications.

At 7:38 p.m. Chairperson Robertson called for a 5 minute break. Meeting resumed at 7:43 p.m.

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

3. 2014-2034 General Plan Update:

- a) Continued discussion on existing General Plan Elements Issues and Findings Evaluations with potential revisions and additions;**
- b) Review of Natural Resources Group Goals, Policies and Objectives.**

Mr. Stoufer reviewed with the Commissioners the changes made to the document resulting from the last Planning Commission Meeting. The Commission then discussed and reviewed the Natural Resources Group Goals, Policies and Objectives which cover the seven mandatory elements. Mr. Stoufer then confirmed with the Commissioners that they liked the proposed

content and formatting for these issues. By consensus the Commissioners agreed to use Community Development instead of Community Organization.

Mr. Diaz stated that it might be more advantageous to review these and discuss them at the next meeting. Commissioners were then asked to bring in their General Plan Update workbooks two weeks from today so that they can be updated.

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

H. ADJOURNMENT: 8:12 p.m.

Lisa M. Linnet, City Clerk

**ITEM NO: E-2
USE PERMIT APPLICATION 2014-272;
CONDOR MARKA PERUVIAN RESTAURANT, TO
SELL BEER & WINE WITHIN AN EXISTING
RESTAURANT LOCATED ALONG THE NORTH
SIDE OF SOLANO ST. APPROXIMATELY 150 FEET
EAST OF THE SOLANO ST. / 6TH ST.
INTERSECTION. APN: 71-131-06
ADDRESS: 1312 SOLANO ST**

JULY 15, 2014

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING

FROM: JOHN STOUFER; PLANNING CONSULTANT

PROJECT DESCRIPTION:

The Condor Marka Peruvian Restaurant is seeking an on-sale license with the California Department of Alcoholic Beverage Control (ABC) to sell beer and wine within their existing facility. Section 17.54.020 (1) of the City of Corning Zoning Code requires that a conditional use permit must be obtained prior to the onsite serving or consumption of alcohol within a bar or restaurant. As required by code, the owners have applied for a Use Permit that must be granted by the Planning Commission prior to ABC issuing the on-sale license. The Condor Marka Peruvian Restaurant is located along the north side of Solano St. approximately 150 feet east of the 6th St. / Solano St. intersection. APN: 71-131-06 Address: 1312 Solano St.

GENERAL PLAN LAND USE DESIGNATION

C – Commercial

ZONING

C-2 – Central Business District. This district classification is intended to be applied in areas suitable for complete retail business and service use to serve a residential community. The C-2, Central Business District, allows Catering shops, cafes and restaurants as an allowed use pursuant to Section 17.20.020 (B) of the Corning Zoning Code. As previously explained in the project description Section 17.54.020 (1) of the City of Corning Zoning Code requires that a conditional use permit must be obtained prior to the onsite serving or consumption of alcohol within a bar or restaurant.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21084 of the Public Resources Code requires a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. The Secretary of Resources has classified projects that do not have a significant effect on the environment and are declared to be categorically exempt from the requirement for the preparation of environmental documents.

CEQA, Section 15301, Existing Facilities, Class 1 provides exemptions for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use.

This project will allow the owners to sell beer and wine in an existing building that has an established restaurant known as the Condor Marka Peruvian Restaurant. Staff feels that this is a negligible expansion of the previous existing use and therefore exempt from CEQA pursuant to Section 15301, Class 1.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the following, or similar, Factual Subfindings and Legal Findings for Use Permit 2014-272;

Factual Subfinding #1

The Condor Marka Peruvian Restaurant is an established restaurant that currently serves food and non-alcoholic beverages. Beer and wine are commonly served with meals in restaurants throughout the City of Corning. Obtaining an on-sale license from the ABC will not change the nature of the existing operation.

Legal Finding #1

The granting of Use Permit 2014-272 is a negligible expansion of the previous existing use of this building and therefore exempt from CEQA pursuant to Section 15301, Class 1.

Factual Subfinding #2

The parcel where the Condor Marka Peruvian Restaurant is established is zoned C-2 – Central Business District.

Legal Finding #2

The sale and consumption of beer and wine within a business is a permitted use in the C-2 Zoning District upon the granting of a Use Permit pursuant to Section 17.54.020 (1) of the City of Corning Zoning Code.

Factual Subfinding #3

The applicants propose to serve beer and wine in an established business known as the Condor Marka Peruvian Restaurant.

Legal Finding #3

The existing building is adequate in size, shape, and topography to allow for the serving of beer and wine in the Condor Marka Peruvian Restaurant.

Factual Subfinding #4

The existing building is located along the north side of Solano St.

Legal Finding #4

Solano Street is an existing public road adequate in width and pavement to carry the amount of traffic generated by the expanded use at Condor Marka Peruvian Restaurant.

Factual Subfinding #5

The existing building where the Condor Marka Peruvian Restaurant is established is located in an area that is developed with commercial businesses in the downtown area of the City of Corning.

Legal Finding #5

Providing for the sell and serving of beer and wine at the building located at 1312 Solano St. within the City of Corning will not have an adverse effect upon the use, enjoyment or valuation of adjacent or neighboring properties or upon the public welfare.

ACTION:

Move to adopt the five, or similar, Factual Subfindings and Legal Findings as presented in the staff report and approve Use Permit 2014-272 permitting the sale and serving of beer and wine in a newly established business known as True Brew subject to the three (3) conditions as recommended by staff.

Condition #1

The applicant must comply with the requirements of the Alcoholic Beverage Control (ABC) and be issued a license prior to the sale or serving beer and wine at the business known as the Condor Marka Peruvian Restaurant.

Condition #2

The applicant must comply with all local, state, and federal regulations especially those imposed by the City of Corning's Building and Fire Departments as well as the Tehama County Environmental Health Department.

Condition #3

Comply with the City of Corning Outdoor Advertising Sign Regulations.

Or;

Move to adopt findings and deny the issuance of Use Permit 2014-272.

ATTACHMENTS

Exhibit "A"

Use Permit Application & ABC Application

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

Exhibit "A"

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

PROJECT INFORMATION	PROJECT ADDRESS <i>1312 SOLANO ST. CORNING</i>		ASSESSOR'S PARCEL NUMBER <i>071-131-06-1</i>	G.P. LAND USE DESIGNATION <i>C</i>
	ZONING DISTRICT <i>C-2</i>	FLOOD HAZARD ZONE <i>N/A</i>	SITE ACREAGE <i>N/A</i>	AIRPORT SAFETY ZONE? <i>N/A</i>
	PROJECT DESCRIPTION: (attach additional sheets if necessary) <i>SALE PERUVIAN BEER AN WIVE IN THE RESTAURANT WHILE THE CUSTOMERS EAT.</i>			
	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 type="checkbox"/> Planned Dev. Use Permit <input type="checkbox"/> Parcel Map <input type="checkbox"/> Preliminary Plan Review <input type="checkbox"/> Rezone <input type="checkbox"/> Street Abandonment <input type="checkbox"/> Subdivision <input type="checkbox"/> Time Extension <input checked="" type="checkbox"/> Use Permit				
APPLICANT INFORMATION	APPLICANT <i>MILENKA ARAMAYO</i>		ADDRESS <i>1312 SOLANO ST. CORNING, CA 96021</i>	DAY PHONE <i>(530) 586-1190</i>
	REPRESENTATIVE (IF ANY) <i>DAVIS VARGAS</i>		ADDRESS <i>1312 SOLANO ST. CORNING, CA 96021</i>	DAY PHONE <i>(530) 824-9046</i>
	PROPERTY OWNER <i>DAVIS VARGAS</i>		ADDRESS <i>1312 SOLANO ST. CORNING, CA 96021</i>	DAY PHONE <i>(530) 824-9046</i>
	CORRESPONDENCE TO BE SENT TO <i>OR</i> <i>OR</i> <input checked="" type="checkbox"/> APPLICANT <input checked="" type="checkbox"/> REPRESENTATIVE <input checked="" type="checkbox"/> PROP. OWNER			
	APPLICANT/REPRESENTATIVE: I have reviewed this application and the attached material. The information provided is correct. Signed: <i>Davis Vargas</i>		PROPERTY OWNER: I have read this application and consent to its filing. Signed: <i>Davis Vargas</i>	
	By signing this application, the applicant/property owner agrees to defend, indemnify, and hold the City of Corning harmless from any claim, action, or proceeding brought to attack, set aside, void or annul the City's approval of this application, and any Environmental Review associated with the proposed project.			

SUBMITTAL INFO	FOR OFFICE USE ONLY			
	APPLICATION NO. <i>2014-272</i>	RECEIVED BY: <i>JS</i>	DATE RECEIVED <i>6/5/2014</i>	DATE APPL. DEEMED COMPLETE <i>6/10/2014</i>
	FEE RECEIVED/RECEIPT NO. <i>V 272</i>	CEQA DETERMINATION <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> ND <input type="checkbox"/> MND <input type="checkbox"/> EIR		DATE FILED



CITY OF CORNING

ENVIRONMENTAL INFORMATION FORM (To be completed by Applicant)

DATE FILED 5-28-14

General Information

1. Project Title: SALE ALCOHOLIC BEVERAGES IN A RESTAURANT

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

Additional Project Information

3. For non-residential projects, indicate total proposed building floor area: 600 sq. ft. in 1 floor(s).

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

5. Proposed scheduling/development.

6. Associated project(s).

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

**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.

RESTAURANT

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

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

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

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

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

**CITY OF CORNING
PLANNING APPLICATION**

Environmental setting

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

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

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 5-28-14

Signature *Davis Torres*

For: _____

NOTICE OF INTENTION TO ENGAGE IN THE SALE OF ALCOHOLIC BEVERAGES

ABC-207-E (9/05)

To the Resident or Owner of Real Property Within a 500' Radius:

The applicant(s) for an alcoholic beverage license must mail this notice to every resident of real property within a 500 foot radius of the premises (Section 23985.5 of the Business and Professions Code). The applicant must mail this notice within 15 days of posting the premises. Any protest against the issuance of the license(s) must be received at any office of the Department of Alcoholic Beverage Control (ABC) or Departmental Headquarters within 30 days of the date the premises are posted, or within 30 days of the mailing of this notification, whichever is later. To obtain a copy of the protest form, ABC-510-A, please contact your local ABC office or go online to www.abc.ca.gov.

Date of Mailing: _____ Date Premises Posted: _____

The below-named applicant(s) has applied for a license to sell alcoholic beverages at:

1312 Solano St.
Corning, CA 96021

Type of license(s) applied for:

On-Sale Beer & Wine Eating Place

The name(s) of the applicant(s) is/are:

Milenka Aramayo
Davis Vargas

The dba (doing business as) is (if known):

Condor Marka Peruvian Restaurant

Further information regarding this application or filing a protest may be obtained at:

Department of Alcoholic Beverage Control
1900 Churn Creek Rd., Ste 215
Redding, CA 96002
(530) 224-4830

Los residentes o dueños que no hablen inglés por favor vean al reverso para mayor información.

非英語語系的居民或所有人，請參見背面資訊。

영어 구사 불가능 주민/소유주는 내용 확인을 위해 뒤면을 참조하십시오.

Cử dân/sở hữu chủ nào không nói tiếng Anh, xin xem mặt sau để biết chi tiết.

المقيمين/المالكين الذين لا يتكلمون اللغة الإنكليزية، رجاء مراجعة الصفحة الخلفية للحصول على المعلومات.

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control
1900 CHURN CREEK RD
STE 215
REDDING, CA 96002
(530) 224-4830

File Number: 545540
Receipt Number: 2233481
Geographical Code: 5201
Copies Mailed Date: May 27, 2014
Issued Date:

DISTRICT SERVING LOCATION: REDDING

First Owner: ARAMAYO, MILENKA
Name of Business: CONDOR MARKA PERUVIAN RESTAURANT
Location of Business: 1312 SOLANO ST
CORNING, CA 96021-3053

County: TEHAMA

Is Premise inside city limits? Yes Census Tract 0011.00

Mailing Address:
(If different from
premises address)

Type of license(s): 41

Transferor's license/name: Dropping Partner: Yes No X

Table with 7 columns: License Type, Transaction Type, Fee Type, Master, Dup, Date, Fee. Rows include 41 - On-Sale Beer And Wine ANNUAL FEE, 41 - On-Sale Beer And Wine ORIGINAL FEES, NA FEDERAL FINGERPRINTS, NA STATE FINGERPRINTS, and a Total row.

Have you ever been convicted of a felony? No

Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? No

Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of TEHAMA

Date: May 27, 2014

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

Applicant Name(s)

Applicant Signature(s)

ARAMAYO, MILENKA

VARGAS, DAVIS

Handwritten signatures of Milenka Aramayo and Davis Vargas.

**ITEM NO: E-3
AMENDED USE PERMIT 2008-250; AAA
TRUCK WASH, AMEND THE USE PERMIT
TO ALLOW FOR THE ESTABLISHMENT OF
A RESTAURANT AND AUTO REPAIR SHOP
WITHIN THE EXISTING BUILDING.
ADDRESS: 3525 Hwy 99W. APN: 87-100-80**

JULY 15, 2014

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING

FROM: JOHN STOUFER; PLANNING DIRECTOR CONSULTANT

PROJECT DESCRIPTION:

Amend Use Permit 2008-250 which allowed the establishment of the AAA Truck Wash. The amendment would allow the establishment of a 2,050 sq. ft. restaurant and a 1,850 sq. ft. auto repair shop within the existing building adjacent to the truck wash facility. The existing building is 9,600 sq. ft. and the area within the building where the repair shop and restaurant will be located is currently vacant. The project site is located along the east side of Highway 99W approximately 900 feet south of the South Ave./Hwy 99W intersection. The subject property is zoned C3-CBDZ; General Commercial-Corning Business Development Zone. These zones permit a multitude of commercial and light industrial uses upon approval or amendment of a use permit.

Address: 3525 Highway 99-W. APN: 87-100-80.

GENERAL PLAN LAND USE DESIGNATION

Hwy 99-W - Highway 99W Corridor Specific Plan. The Highway 99W Corridor Specific Plan is intended to provide a more detailed examination of the planning issues in the corridor than could be achieved in the City's General Plan. The purpose of the Specific Plan is to provide a comprehensive set of plans, policies, guidelines, and implementation measures for guiding and ensuring the orderly development of the Highway 99W corridor.

ZONING

C-3 –CBDZ, General Business District – Corning Business Development Zone. The C-3 District classification is intended to be applied where general commercial facilities are necessary for public service and convenience. The C-3 Zoning District permits commercial repair garages and incidental service uses as a permitted use as well as uses permitted in a C-2; Central Business District, which permits catering shops, cafes and restaurants.

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

- A. To protect the public health, safety and welfare by enhancing quality of life and improving the appearance of the city;

- B. To provide protection against haphazard and traditional strip commercial development by implementing visual design guidelines established in the Highway 99W corridor specific plan;
- C. To allow site development flexibility in return for well-conceived and efficient site planning and quality design;
- D. To establish overlay districts that carry out specific purposes prescribed by the Highway 99W corridor specific plan addressing specific subjects, such as freeway-oriented commercial development and mixed-use commercial development.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21084 of the Public Resources Code requires a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. The Secretary of Resources has classified projects that do not have a significant effect on the environment and are declared to be categorically exempt from the requirement for the preparation of environmental documents.

CEQA, Section 15301, Existing Facilities, Class 1 provides exemptions for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use.

This project would allow the establishment of a restaurant and auto repair shop in an existing building that has previously been used for servicing trucks and is located in an area established with truck stops, truck servicing operations, restaurants, etc., and is considered a negligible expansion of a commercial use and therefore exempt from CEQA pursuant to Section 15301, Class 1.

CONSISTENCY WITH GENERAL PLAN

LAND USE ELEMENT:

The site was designated Commercial as shown on the Current Land Use Map for the Highway 99W Specific Plan area. The Land Use Element of the Hwy 99W Corridor Specific Plan discusses Mixed Use development. Mixed use development means that a developer could propose a project for a parcel zoned C-3 or Business Development Zone that consists of a combination of allowable uses.

The combination of uses could be from any of the following zoning classifications: the commercial districts (C-1 and C-2), M-1 Light Industrial District, M-2 General Industrial District. As previously stated the establishment auto repair shop and restaurant is

similar to existing commercial and light industrial uses established in the surrounding area and therefore consistent with the Land Use Element.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the following, or similar, Factual Subfindings and Legal Findings for the Amendment to Use Permit 2008-250.

Factual Subfinding #1

The existing building proposed for use as an auto repair shop and restaurant has previously been used for a variety of commercial uses geared towards the service and repair of trucks and automobiles. The building will not be expanded and is located adjacent to existing businesses that service vehicles and the general public traveling on Interstate 5.

Legal Finding #1

The granting of an amendment to Use Permit 2008-250 is a negligible expansion of commercial and retail businesses established at this site and surrounding area and therefore exempt from CEQA pursuant to Section 15301, Class 1.

Factual Subfinding #2

The parcel has approximately 250 feet of frontage along Hwy 99W with adequate ingress, egress, and parking for the existing facilities and proposed expanded uses.

Legal Finding #2

The site has sufficient access to Hwy. 99W., constructed with adequate width, pavement and capacity for the existing and expanded uses.

Factual Subfinding #3

The site a 3.47 acre parcel that is relatively flat with three commercial buildings on the parcel. There is an abundance of paved area on the parcel to allow adequate circulation by trucks, trailers, and automobiles using the current and expanded commercial businesses.

Legal Finding #3

The parcel is adequate in size, shape and topography for the existing and proposed commercial uses.

Factual Subfinding #4

The auto repair shop and restaurant will be located within an existing building that has previously been used for the service of trucks and the surrounding area is developed with businesses that serve vehicles and travelers using Interstate 5.

Legal Finding #4

The expanded use of an existing 9,600 sq. ft. building as an auto repair shop and restaurant will not have an adverse effect upon the use, enjoyment or valuation of adjacent or neighboring properties or upon the public welfare.

ACTION

- 1. MOVE TO ADOPT THE 4 FACTUAL SUBFINDINGS AND LEGAL FINDINGS AS PRESENTED IN THE STAFF REPORT AND APPROVE AN AMENDMENT TO USE PERMIT 2008-250, SUBJECT TO THE 3 ADDITIONAL CONDITIONS OF APPROVAL, FOR THE ESTABLISHMENT OF AN AUTO REPAIR SHOP AND RESTAURANT ADJACENT TO THE EXISTING TRUCK WASH FACILITY.
(PLEASE NOTE : PRIOR TO ADOPTING THE RECOMMENDED FACTUAL SUBFINDINGS & LEGAL FINDINGS AND/OR CONDITIONS OF APPROVAL THE COMMISSION HAS THE ABILITY TO ADD, MODIFY OR REMOVE ANY OF THE FACTUAL SUBFINDINGS AND LEGAL FINDINGS AND/OR CONDITIONS OF APPROVAL IF DEEMED APPROPRIATE BY A MAJORITY OF THE COMMISSION)**

VOTE OF THE COMMISSION

OR:

Failing to make the required findings in support of the project deny the Amendment to Use Permit 2008-250.

Recommend Conditions of Approval:

Condition #1

The applicant must develop the site in compliance with the Hwy. 99W Corridor Specific Plan and as shown on the site plan submitted with the application including new landscaping, striped truck parking spaces, and handicapped parking spaces as required by ADA regulations.

Condition #2

The applicant must comply with all local, state, and federal regulations especially those imposed by the City of Corning's Building and Fire Departments as well as the Tehama County Environmental Health Department.

Condition #3

Comply with the City of Corning Outdoor Advertising Sign Regulations.

ATTACHMENTS:

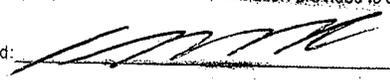
Exhibit "A"

Application & Site Plans

Exhibit "A"

**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 3525 Old Hwy 99W		ASSESSOR'S PARCEL NUMBER 87-100-80	G.P. LAND USE DESIGNATION Hwy 99-W Corridor Specific Plan
	ZONING DISTRICT C-3-CBD3	FLOOD HAZARD ZONE AD	SITE ACREAGE 3.47	AIRPORT SAFETY ZONE?
	PROJECT DESCRIPTION (attach additional sheets if necessary) Renovate the South Half of the Front Building into a 2050 Sq Ft Restaurant & Repair Shop (Auto)			
	APPLICATION TYPE (Check All Applicable)			
<input type="checkbox"/> Annexation/Detachment <input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Lot Line Adjustment <input type="checkbox"/> Merge Lots <input type="checkbox"/> Planned Dev. Use Permit <input type="checkbox"/> Parcel Map <input type="checkbox"/> Preliminary Plan Review <input type="checkbox"/> Rezone <input type="checkbox"/> Street Abandonment <input type="checkbox"/> Subdivision <input type="checkbox"/> Time Extension <input type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Other _____				
APPLICANT INFORMATION	APPLICANT TS Truck Wash		ADDRESS 3525 Old Hwy 99W	DAY PHONE 650-642-0697
	REPRESENTATIVE (IF ANY) Steve Nelson		ADDRESS 1482 Cahaloh Way Cottonwood, CA	DAY PHONE 530-247-5168
	PROPERTY OWNER AAA Leases L.L.C.		ADDRESS 15400 W. August Ave Delhi, CA 95315	DAY PHONE 800-405-9274
	CORRESPONDENCE TO BE SENT TO <input checked="" type="checkbox"/> APPLICANT <input type="checkbox"/> REPRESENTATIVE <input type="checkbox"/> PROP. OWNER			
	APPLICANT/REPRESENTATIVE: I have reviewed this application and the attached material. The information provided is correct. Signed: 		PROPERTY OWNER: I have read this application and consent to its filing. Signed: 	
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.				

FOR OFFICE USE ONLY			
APPLICATION NO. Amnd AP-08-250	RECEIVED BY: JJ	DATE RECEIVED 3/19/2001	DATE APPL. DEEMED COMPLETE
FEE RECEIVED/RECEIPT NO.	CEQA DETERMINATION <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> ND <input type="checkbox"/> MND <input type="checkbox"/> EIR		DATE FILED



CITY OF CORNING

ENVIRONMENTAL INFORMATION FORM

(To be completed by Applicant)

DATE FILED _____

General Information

1. Project Title: T.S. Truck Wash

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

Additional Project Information

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

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

5. Proposed scheduling/development.

6. Associated project(s).

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

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

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

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

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

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

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

**CITY OF CORNING
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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.

This site is a level site with 2-Existing buildings
on it. The lot is paved for truck access to
the existing buildings

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, setback, rear yard, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted.

North is commercial with a motel
South Commercial properties w/ truck Services
West Commercial properties w/ truck Services
East Vacant land

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: _____

