



**CITY OF CORNING
PLANNING COMMISSION AGENDA**

**TUESDAY, MARCH 15, 2016
CITY COUNCIL CHAMBERS
794 THIRD STREET
CORNING, CA 96021**

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

B. ROLL CALL:

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

C. MINUTES:

1. Waive the reading and approve the Minutes with any necessary corrections of the following meetings:

- **January 19, 2016; and**
- **February 16, 2016**

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. Variance 2016-01, Jennifer Reilly: Construct a detached 10 ft. by 17 ft. pergola structure on the north end of the parcel approximately six (6) inches from the rear and side property lines. The parcel is located at the northeast corner of the 6th Street/Butte Street intersection. APN: 71-111-13. Address: 585 6th Street.

3. Rezone 2016-02, Ordinance No. 665: Rezone three (3) properties to include the AH, Alternative Housing Combining District with the existing zoning designations pursuant to Implementation Measure's LU-(1) & (2) from the City of Corning 2014-2034 General Plan. The parcels proposed for zoning CH-CBDZ-AH and M-1-CBDZ-AH are located along the east side of Hwy. 99W, south of Burch Creek approximately 1,400 feet north of the South Avenue/Hwy. 99W intersection. APN's: 87-050-2, 3 & 4, Addresses: 2761 & 2771 Hwy. 99W.

F. REGULAR AGENDA:

G. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

H. ADJOURNMENT:

POSTED: THURSDAY, MARCH 11, 2016



**CITY OF CORNING
PLANNING COMMISSION MINUTES
TUESDAY, JANUARY 19, 2016
CITY COUNCIL CHAMBERS
794 THIRD STREET
CORNING, CA 96021**

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

B. ROLL CALL:

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

All members of the Commission were present.

C. MINUTES:

- 1. Waive the reading and approve the Minutes of the December 15, 2015 meeting with any necessary corrections:**

Commissioner Barron noted a correction to remove the City Clerks note to herself in (Regular Agenda, Item 3; the second sentence). Commissioner Poisson moved to approve the Minutes with the noted correction; Commissioner Mesker seconded the motion. **Ayes: Robertson, Poisson, Barron, Mesker and Hatley. Opposed/Abstain/Absent: None. Motion was carried by a 5-0 vote.**

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. Ordinance No. 662: Make a recommendation to the City Council on Ordinance 662, an Ordinance of the City of Corning adding Chapter 17.41, Large Lot Residential Combining District and Chapter 17.46, Alternative Housing Combining District to Title 17 of the Corning Municipal Code**

Chairperson Robertson introduced this item and opened the public hearing at 6:32 p.m. Planning Consultant John Stoufer then briefed the Commissioners on this proposed Ordinance. He stated that the Large Lot Residential Combining District will be combined with the R-1 Zones with a 2 acre minimum and allow animals at 1 per half acre and provide means for alternative uses. Mr. Stoufer also briefed the Commission on the Alternative Housing Combining District as it relates to the proposed Ordinance and existing zoning.

Following further discussion, the Public Hearing was closed at 6:43 pm.

Commissioner Poisson moved to recommend that the City Council adopt the four (4) Factual Subfindings and Legal Findings as presented in the Staff Report and approve and adopt Ordinance No. 662. Commissioner Barron seconded the motion. **Ayes: Robertson, Barron, Poisson, Mesker and Hatley. Opposed/Abstain/Absent: None. Motion was approved by a 5-0 vote.**

F. REGULAR AGENDA:

- 3. Study Matter: AH – Alternative Housing Rezoning: Review sites for rezoning and adding the AH, Alternative Housing Combining District. Give Staff direction for conducting a public hearing on a selected site.**

Planning Consultant John Stoufer presented two properties proposed for the AH Zoning stating that he had sent letters to both property owners informing them of the proposed zoning change/addition, however he has received no comments from them to date.

Police Chief Jeremiah Fears presented his opinion that of the sites presented for consideration of the AH Zoning, the Bettencourt property (APN: 62-210-20) would be more preferable from a law enforcement stand point and pointing out his concerns and reasons for this preference.

After extensive discussion, the Commissioners, by consensus, provided Staff direction to pursue additional sites other than the proposed Chandler and Bettencourt properties for the AH Zoning recommendation. The proposed additional sites to be considered are located south of Burch Creek, north of the Truck Stops along the eastside of Hwy. 99W that are currently listed for sale.

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

H. ADJOURNMENT: 7:15 p.m.

Lisa M. Linnet, City Clerk



**CITY OF CORNING
PLANNING COMMISSION MINUTES
TUESDAY, FEBRUARY 16, 2016
CITY COUNCIL CHAMBERS
794 THIRD STREET
CORNING, CA 96021**

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

B. ROLL CALL:

Commissioners: Barron
Poisson
Mesker
Hatley

Chairman: Robertson

All members of the Commission were present. Commissioner Poisson entered the meeting at 6:31 p.m.

C. MINUTES:

1. Waive the reading and approve the Minutes of the January 19, 2016 meeting with any necessary corrections: (To be presented at the next meeting.)

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 2016-282, James Lamb: Construct an approximately 1,100 sq. ft. addition to an existing residence creating a duplex consisting of 1,100 sq. ft. and 940 sq. ft. residential units in an R-1-2 Zoning District. APN: 71-114-10, Address: 1190 Fig Street.**

Chairperson Diana Robertson introduced this item by title, opened the Public Hearing and stated she would be abstaining from voting on this issue due to a possible conflict of interest and departed the room at 6:32 p.m. Planning Consultant John Stoufer presented the information related to this item and announced that the Lambs were present to address any questions. The Public Hearing was closed at 6:37 p.m. following discussion and an announcement by Mr. Stoufer that Staff had received no comments to date related to this item.

Commissioner Barron moved to adopt the four (4) Factual Subfindings and Legal Findings and approve Use Permit 2016-282 subject to the four (4) Conditions of Approval as presented. Commissioner Hatley seconded the motion. **Ayes: Barron, Poisson, Mesker and Hatley. Abstain: Robertson. Opposed/Absent: None. Motion was carried on a 4-0 vote with Robertson abstaining. Planning Consultant Stoufer informed the Lambs that there is a 10-day waiting period. Chairperson Robertson re-entered the meeting at 6:42 p.m.**

3. **Use Permit 2015-276, Immaculate Conception Church: Remove existing Parish Hall and Garage and construct a new Parish Hall with a 4,000 sq. ft. building to be used for multi-purposes such as sporting events, dance hall, assembly area, etc. APN's: 73-065-3, 9, 10, 11, 12, 13. Address: 804 Solano Street.**

Chairperson Robertson introduced this item by title and opened the Public Hearing at 7:46 p.m. Planning Consultant John Stoufer passed out a site map and briefed the Commissioners on the information related to this item and stated that Church representatives were present to address any questions related to the proposed project. The following was discussed:

- Police Chief Fears presented incident stats;
- Jeff Haney explained the proposed uses of the new hall;
- Discussed the parking and requirement of an Encroachment Permit to "Red Curb" corners at intersections;

- Alan Hess requested to eliminate Condition #3 as it relates to Condition #2, specifically the required clearance letter from the California Office of Historic Preservation. Following discussion he agreed to the requirement remaining.
- Also discussed were Conditions 15, 28, 30, 31 and 33 (Mr. Stoufer will consult with the City Attorney and City Engineer relating to requesting a Chain of Title).

The Public Hearing was closed at 7:54 p.m. Commissioner Poisson moved to adopt the four (4) Factual Subfindings and Legal Findings as presented in the Staff Report and approve Use Permit 2015-276 subject to the 33 Conditions of Approval as recommended by Staff. Commissioner Hatley seconded the motion. **Ayes: Robertson, Barron, Poisson, Mesker and Hatley. Opposed/Absent/Abstain: None. Motion was carried on a 5-0 vote. Planning Consultant Stoufer informed the applicants that there is a 10-day waiting period.**

4. Rezone 2016-01, Ordinance No. 664: Rezone various properties throughout the City of Corning from M-1, PD, and R-1-A to R-1-LLR pursuant to Implementation Measure LU-(1) from the 2014-2034 General Plan.

Chairperson Robertson introduced this item by title and opened the Public Hearing at 8:00 p.m. Planning Consultant John Stoufer presented the information related to the proposed Ordinance. Following a brief discussion the Public Hearing was closed at 8:03 p.m.

Commissioner Hatley moved to recommend that the City Council adopt the three (3) Factual Subfindings and Legal Findings as presented in the Staff Report and approve and adopt Rezone 2016-01 pursuant to Ordinance No. 664. **Ayes: Robertson, Barron, Poisson, Mesker and Hatley. Opposed/Absent/Abstain: None. Motion was carried on a 5-0 vote.**

F. REGULAR AGENDA:

5. Study Matter: AH – Alternative Housing Rezoning: Review sites for rezoning and adding the AH, Alternative Housing Combining District. Give Staff direction for conducting a public hearing on a selected site.

The Commission reviewed and discussed sites for rezoning and adding the AH, Alternative Housing Combining District and gave Staff direction for conducting a Public Hearing on a selected site. The consensus of the Commission is to rezone parcels south of Birch Creek.

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

H. ADJOURNMENT: 8:15 p.m.

Lisa M. Linnet, City Clerk

**ITEM NO. E-2
VARIANCE NO. 2016-01; JENNIFER REILLY,
CONSTRUCT A DETACHED 10 FT. BY 17 FT.
PERGOLA APPROXIMATELY SIX INCHES
FROM THE REAR AND SIDE PROPERTY
LINES AT THE NORTH END OF THE PARCEL.
THE PARCEL IS LOCATED AT THE
NORTHEAST CORNER OF THE 6TH STREET/
BUTTE STREET INTERSECTION.
APN: 71-111-13 ADDRESS: 585 6TH STREET**

MARCH 15, 2016

TO: PLANNING COMMISSION OF THE CITY OF CORNING

FROM: JOHN STOUFER; PLANNING CONSULTANT

SUMMARY:

Jennifer Reilly has submitted an application seeking a Variance to the normal City standard of ten (10) foot minimum rear yard setback and six (6) foot side yard setback to a six (6) inch rear and side yard setback for the construction of a 10 ft. by 17 ft. pergola structure at the north end of the parcel.

Address: 585 6th Street APN: 71-111-13

Section 17.50.040 of the Corning Municipal Code (CMC) reads as follows:

"A detached garage or accessory building not exceeding one story in height and without living quarters may occupy not more than fifty percent of the area of a required rear yard. In exception to the provisions of this section, a garage or similar outbuilding not exceeding fifteen feet in height at the ridge may be built to the side and/or rear line; provided, that the garage or similar outbuilding is not less than seventy-five feet from any street, and otherwise shall observe a six-foot clear distance for side yard and ten-foot rear yard. A garage or accessory building that is not attached to and made a part of the main building shall not be closer than eight feet clear distance to the main building."

The parcel is a corner lot with 50 feet of frontage along Butte Street and 130 feet of frontage along 6th Street, with a 20 foot wide city maintained alley abutting the north property line. The existing residence and garage face 6th Street and constructed approximately 32 feet from the north property line. The applicant has indicated that there was an existing shed constructed at this location that was removed due to deterioration of the structure. The location proposed for construction of the pergola is not 75 feet from the road therefore Section 17.50.040 is not applicable and the Commission must grant a variance to the setbacks for the proposed pergola prior to the issuance of a building permit.

DISCRETION:

The Planning Commission’s authority regarding Variance applications stems from Chapter 17.58 of Title 17 of the Corning Municipal Code, and the State Planning and Zoning Law (Government Code Section 65906). City Code Section 17.58.020 lists the “findings”, or “statement of facts” that the Commission must make in order to approve a Variance.

CEQA:

Section 15305, Minor Alterations in Land Use Limitations, Class 5 allows an exemption for minor alteration in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use density, including but not limited to: *Minor lot line adjustments, side yard, and setback variances not resulting in the creation of any new parcels.*

STAFF REVIEW AND RECOMMENDATION:

Surrounding property owners within 300 feet of the parcel received notification of the project and public hearing. Staff has not been contacted by any neighbors expressing concerns with the variance. The parcel is only 50 feet in width making it very difficult with a 20 foot front yard and 10 foot rear yard setback to construct detached structures such as a pergola and meet the 8 foot setback from the main building.

The 20 foot wide alley, along the north property line, will provide a barrier from other structures and access to the proposed pergola in case of an emergency. There is a small detached outbuilding on the parcel to the east that is constructed along the property lines and separated by a fence constructed on the property lines. The pergola will be constructed over an existing concrete slab that served the shed building that was removed from the site.

The pergola will allow the applicant to utilize the existing concrete slab and preserve the existing landscaping in the rear and side yard areas of the parcel. The pergola will provide an attractive shade structure and enhance the use and enjoyment of the parcel, therefore, staff recommends that the Commission adopt the following Factual Subfindings and Legal Findings and take action to approve Variance 2016-01.

SUBFINDINGS & FINDINGS:

Factual Subfinding #1

The parcel on which the existing residence is located on is in an area with a slope of less than 20% and zoned for single-family residential use. Approval of Variance 2016-01 will not result in a land use or density change of the parcel.

Legal Finding #1

Variance 2016-01 will allow the minimum rear yard and side yard setbacks to be reduced from 10’ and 6’ to 6 inches and therefore is exempt from CEQA pursuant to Section 15305 (a).

Factual Subfinding #2

The parcel is only 50 feet in width and fronts on two city maintained street. With a 20 foot front yard and 10 foot rear yard setback to construct the proposed pergola and meet the 8 foot setback from the main building the applicant would have to remove existing landscaping and would not be able to utilize an existing slab on the parcel previously used for a storage shed.

Legal Finding #2

The width of the parcel, existing landscaping, and ability to utilize an existing concrete slab constitutes exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to other land, buildings, and/or uses in the R-1 Zoning District.

Factual Subfinding #3

The rear and side yard area of the parcel is landscaped and there is an existing slab on the parcel poured adjacent to the property lines.

Legal Finding #3

That the granting of the reduced rear and side yard setbacks from 10' and 6' to 6 inches for the construction a pergola to provide shade is necessary to maintain the existing landscaping and utilize the existing slab for the preservation and enjoyment of substantial property rights of the petitioner.

Factual Subfinding #4

The 20 foot wide alley, along the north property line, will provide a barrier from other structures and access to the proposed pergola in case of an emergency. The pergola will allow the applicant to utilize the existing concrete slab and preserve the existing landscaping in the rear and side yard areas of the parcel. The pergola will provide an attractive shade structure and enhance the use and enjoyment of the parcel

Legal Finding #4

That the granting of the variance permitting the reduced (from 10' and 6' to 6 inches) rear and side yard setbacks will not, under the circumstances of this particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

ACTION

MOVE TO ADOPT THE FOUR SUBFINDINGS AND FINDINGS AS PRESENTED IN THE STAFF REPORT AND APPROVE VARIANCE 2016-01 REDUCING THE REAR AND SIDE YARD SETBACKS FROM 10 FEET AND 6 FEET TO 6 INCHES FOR A DETACHED PERGOLA AT 585 6TH STREET. (PLEASE NOTE THAT THE COMMISSION HAS THE ABILITY TO ADD, DELETE OR MODIFY THE FACTUAL SUBFINDINGS OR LEGAL FINDINGS IF SO DESIRED BY A MAJORITY OF THE COMMISSION).

OR;

MAKE A MOTION THAT THE COMMISSION CANNOT MAKE THE REQUIRED FINDINGS AND MOVE TO DENY VARIANCE 2016-01

LIST OF EXHIBITS

Exhibit "A" Application & Site Map submitted with variance application

Exhibit "B"Aerial Photo / Vicinity Map

Exhibit "C"Assessor's Map

Exhibit "D" City Code Chapter 17.58-Variances

CITY OF CORNING
PLANNING APPLICATION
 TYPE OR PRINT CLEARLY

RECEIVED
Exhibit A
FEB 29 2016

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

CITY OF CORNING

PROJECT INFORMATION	PROJECT ADDRESS 585 6TH ST	ASSESSOR'S PARCEL NUMBER 71-111-13	G.P. LAND USE DESIGNATION R	
	ZONING DISTRICT R-1	FLOOD HAZARD ZONE N/A	SITE ACREAGE AIRPORT SAFETY ZONE? N/A	
	PROJECT DESCRIPTION: (attach additional sheets if necessary) ADD NEW PERGOLA			
	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 checked="" type="checkbox"/> Variance <input type="checkbox"/> Other _____			
APPLICANT INFORMATION	APPLICANT JENNIFER REILLY	ADDRESS PO BOX 833, CORNING	DAY PHONE 530-228-5909	
	REPRESENTATIVE (IF ANY) JESSE LOPEZ	ADDRESS 1994 NORTH ST, CORNING	DAY PHONE 530-828-1421	
	PROPERTY OWNER SAME AS APPLICANT	ADDRESS	DAY PHONE	
	CORRESPONDENCE TO BE SENT TO <input checked="" type="checkbox"/> APPLICANT <input type="checkbox"/> REPRESENTATIVE <input type="checkbox"/> PROP. OWNER			
	APPLICANT/REPRESENTATIVE: I have reviewed this application and the attached material. The information provided is correct.		PROPERTY OWNER: I have read this application and consent to its filing.	
	Signed: <i>Jennifer E Reilly</i>		Signed: <i>Jennifer E Reilly</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. 2016-01	RECEIVED BY: JS	DATE RECEIVED 2/29/2016	DATE APPL. DEEMED COMPLETE
	FEES RECEIVED/RECEIPT NO. CH # 1163	CEQA DETERMINATION <input checked="" type="checkbox"/> Exempt ND MND EIR		DATE FILED



CITY OF CORNING

ENVIRONMENTAL INFORMATION FORM

(To be completed by Applicant)

DATE FILED _____

General Information

1. Project Title: REILLY PERGOLA ADDITION

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:

REQUESTING VARIANCE DUE TO SET BACK LIMITATIONS.

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. N/A parking stalls. (Attach plans)

5. Proposed scheduling/development. AS SOON AS DECISION IS MADE ON VARIANCE.

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.)

SINGLE FAMILY HOME (EXISTING)

**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.

VARIANCE DUE TO PROXIMITY TO PROPERTY LINE (SET BACKS)

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.

EXISTING SINGLE FAMILY DWELLING. REMOVED UNSAFE STORAGE SHED FROM
PROPERTY AND WILL PLACE 10 X 17 PERGOLA FOR FAMILY USE.

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.

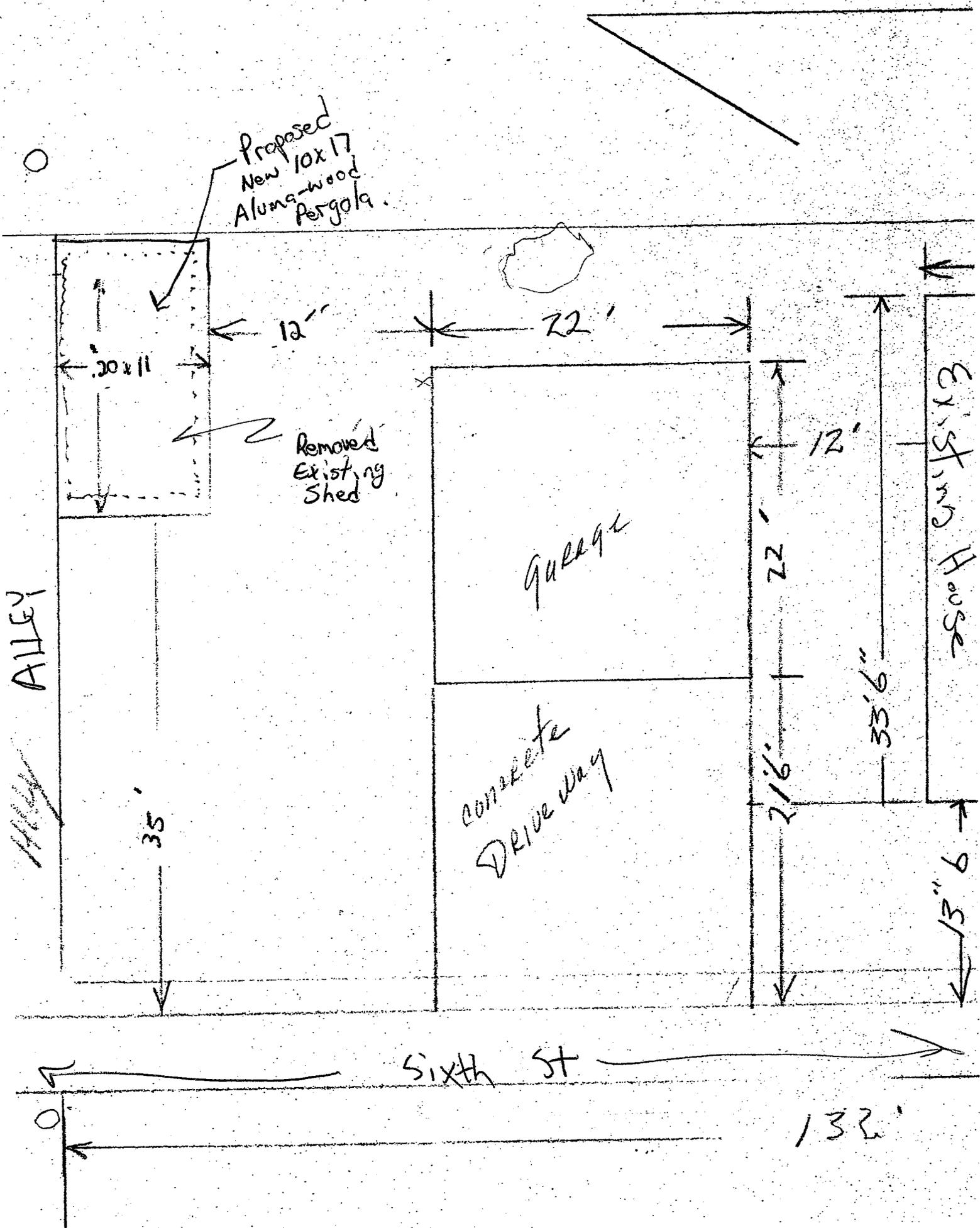
— SINGE FAMILY RESIDENCES SURROUND THE SITE WITH AN ALLEY TO _____
— THE NORTH SEPERATING SITE FROM NEAREST RESIDENCE. _____
— RESIDENCE IS LOCATED ON THE CORNER OF BUTTE AND 6TH. _____
— ADDITION WILL ADD TO OVERALL "LOOK" OF AREA. _____

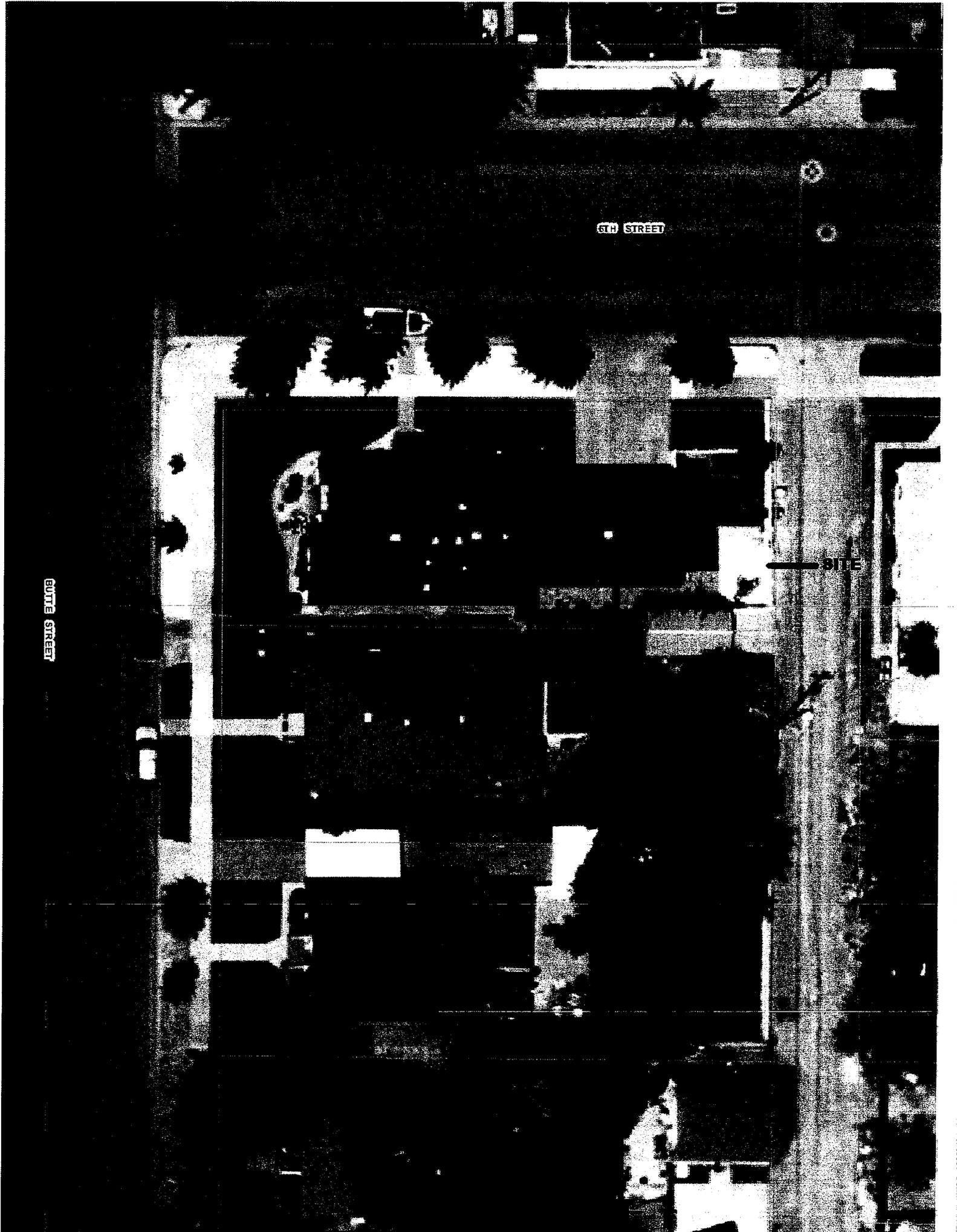
Certification

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: _____





6TH STREET

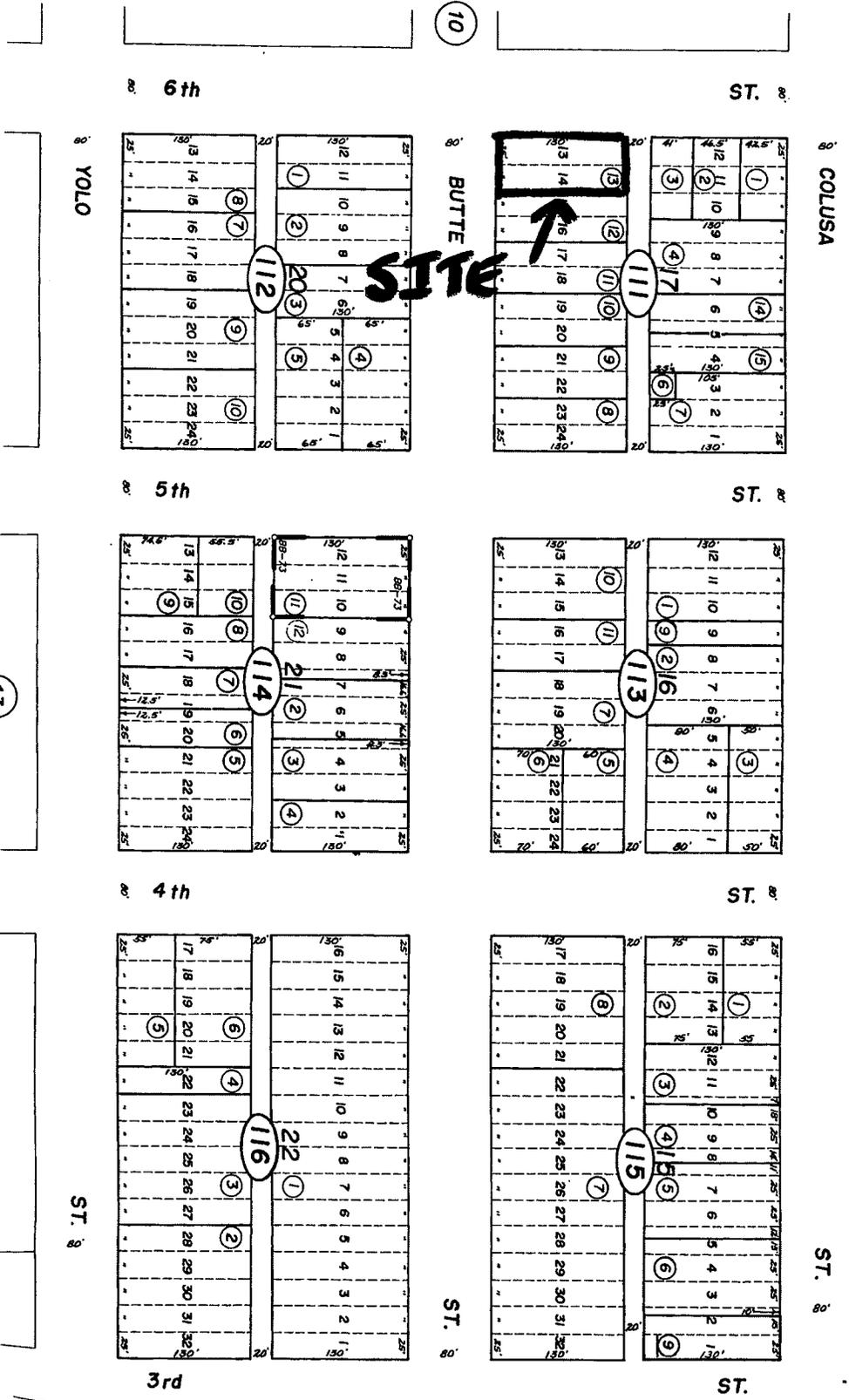
BUTE STREET

SITE

Exhibit "C"

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

71-11



R.S. Bk. BB, Pg. 73

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

Assessor's Map Bk. 71 -Pg. 11
County of Tehama, Calif.

Bk. 73

Exhibit "D"

Chapter 17.58 - VARIANCES^[6]

Sections:

Footnotes:

--- (6) ---

For statutory provisions on variances, see Gov. Code §65906.

17.58.010 - Applicability.

Where practical difficulties, unnecessary hardship, or results inconsistent with the purposes and intent of this title may result from the strict application of certain area, height, yard and space requirements thereof, variances in such requirements may be granted as provided in this section.

(Ord. 153 §23.01, 1959).

17.58.020 - Application-Fee.

Application for a variance shall be made in writing on a form prescribed by the planning commission and shall be accompanied by a fee of twenty-five dollars plus costs, no part of which shall be returnable to the applicant, and by statements, plans and other evidence showing:

- A. That there are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to other land, buildings, and/or uses in the district;
- B. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner;
- C. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

(Ord. 340 §1(c), 1979; Ord. 153 §23.02, 1959).

17.58.030 - Public hearing.

A public hearing shall be held within sixty days after filing of application, notice of which shall be given by one publication in a newspaper of general circulation in the city and/or by posting notice on the property involved or adjacent thereto at least ten days prior to such hearing.

(Ord. 153 §23.03, 1959).

17.58.040 - Action by planning commission.

Following the public hearing, the planning commission shall make findings of fact showing whether the qualifications under Section 17.58.020 apply to the land for which a variance is sought, and whether such variances shall be in harmony with the general purposes of this title. If such findings are in the affirmative, then the planning commission shall by resolution approve such variance. The planning commission may designate conditions and guarantees in connection with the variance to secure the purpose of this title.

(Ord. 478 §1, 1988; Ord. 153 §23.04, 1959).

17.58.050 - Appeal.

Appeal from the findings and decision of the planning commission may be made, in writing, to the city council within ten days from the date of the commission's action, and shall be accompanied by a fee of ten dollars.

(Ord. 478 §2, 1988; Ord. 153 §23.05, 1959).

17.58.060 - Revocation.

- A. In any case where the conditions of granting of a variance have not or are not complied with, the city council shall give notice to the permittee of intention to revoke such variance of at least ten days prior to hearing thereon. After conclusion of the hearing the council may revoke such variances.
- B. In any case where a variance has not been used within one year after the date of granting thereof, then, without further action by the council, the variance granted shall be null and void.

(Ord. 153 §23.06, 1959).

**ITEM NO. E-3
REZONE 2016-02 - ORDINANCE NO. 665; REZONE
THREE PROPERTIES TO INCLUDE THE AH-
ALTERNATIVE HOUSING COMBINING DISTRICT
WITH THE EXISTING ZONING DESIGNATIONS
PURSUANT TO IMPLEMENTATION MEASURES LU-
3 FROM THE CORNING 2014-2034 GENERAL PLAN.**

MARCH 15, 2016

TO: PLANNING COMMISSION OF THE CITY OF CORNING

FROM: JOHN STOUFER, PLANNING CONSULTANT

PROJECT DESCRIPTION:

Rezone three (3) properties to include the AH, Alternative Housing Combining District with the existing zoning designations pursuant to Implementation Measure's LU-3 from the City of Corning 2014-2034 General Plan. The AH Combining District will allow by right the construction of Emergency Shelters, Transitional Housing, and Supportive Housing as defined in Section 17.46.040 of the Corning Municipal Code. The parcels proposed for zoning CH-CBDZ-AH and M-1-CBDZ-AH are located along the east side of Hwy 99W., south of Burch Creek approximately 1,400 feet north of the South Ave. / Hwy 99W. intersection.

APN's: 87-050-2, 3, & 4

Address: 2761 & 2771 Hwy 99W.

GENERAL PLAN :

Implementation Measure LU-3 from the 2014-2034 General Plan states, "*Establish the Alternative Housing (AH) Zone District and zone appropriate parcels AH to permit emergency shelters, transitional housing, or supportive housing.*" Ordinance 662 was adopted by the City Council on February 23, 2016 creating Chapter 17.46 of the Corning Municipal Code. This completed the first requirement of this Implementation Measure the second requirement is to actually zone specific parcels with the AH Combining District which is the action before the Commission pursuant to Ordinance No. 665.

ZONING, CHAPTER 17.46 ALTERNATIVE HOUSING COMBINING DISTRICT:

The AH Combining District has been established to achieve the following purposes:

A. To assure that the City of Corning is in compliance with the California Housing Accountability Act by providing a Zoning District that permits the establishment of Emergency Shelters and Transitional and Supportive Housing as a permitted use.

B. To define and provide development standards for the establishment of Emergency Shelters and Transitional and Supportive Housing.

C. To provide protection against haphazard and unattractive development by implementing visual design guidelines.

ENVIRONMENTAL:

The California Environmental Quality Act (CEQA) Section 15061 Review for Exemption Section (a) & (b) state:

(a) *“Once a lead agency has determined that an activity is a project subject to CEQA, a lead agency shall determine whether the project is exempt from CEQA.*

(b) *A project is exempt from CEQA if:*

(3) *The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.*

The project before the Commission is to consider adding the AH Combining District to the existing commercial zoning designations that allow a wide variety of commercial and light industrial uses. The purpose of this action is to comply with California Government Code Section 65583 that requires the City to zone property to allow the construction of Emergency Shelters and Transitional and Supportive Housing as a permitted use.

There is not an application to construct these facilities so no physical activity that could cause any type of environmental impacts is associated with the project therefore the project is exempt from CEQA pursuant to the California Code of Regulations Section 15061 (b) (3).

PUBLIC NOTICE AND COMMENTS RECEIVED:

Notice of this hearing was sent to all property owner's who's property will be rezoned and property owners within 500 feet of the parcels. Several residents have called with questions regarding the project. As of the preparation of this staff report no written comments have been submitted.

STAFF RECOMMENDATION:

Staff recommends the following Factual Subfindings, Legal Findings and Action for consideration by the Planning Commission:

Factual Subfinding #1

Ordinance 665 and Rezone 2016-02 will add the AH Combining District to the existing commercial zoning designations that allow a wide variety of commercial and light industrial uses. The purpose of this action is to comply with California Government Code Section 65583 that requires the City to zone property to allow the construction of Emergency Shelters and Transitional and Supportive Housing as a permitted use.

Legal Finding #1

There is not an application to construct these facilities so no physical activity that could cause any type of environmental impacts is associated with the project therefore the project is exempt from CEQA pursuant to the California Code of Regulations Section 15061 (b) (3).

Factual Subfinding #2

On September 8, 2015 the Corning City Council adopted the 2014-2034 City of Corning General Plan. The General Plan grouped elements into the Natural Resources Group, Public Health and Safety Group, and Community Development Group. Each group has associated elements with goals, objectives, policies, and implementation measures.

Legal Finding #2

Rezoning the parcels with a AH, Alternative Housing Combining District, is consistent with the Goal, Objectives, and Policies of the Community Development Group of the Corning General Plan and the HWY 99W Corridor Specific Plan.

Factual Subfinding #3

Implementation Measure LU-(3) within the Community Development Group of the General Plan states; *“Establish the Alternative Housing (AH) Zone District and zone appropriate parcels AH to permit emergency shelters, transitional housing, or supportive housing.”*

Legal Finding #3

Approval of Ordinance 665 and Rezone 2016-02 assures that the City of Corning is enacting Implementation Measure LU-(3) of the 2014-2034 General Plan.

Factual Subfinding #4

Ordinance 662 was adopted by the City Council on February 23, 2016 creating Chapter 17.46 of the Corning Municipal Code pursuant to the requirements of California Government Code Section 65583.

Legal Finding #3

Approval of Ordinance 665 and Rezone 2016-02 assures that the City of Corning is in compliance with California Government Code Section 65583 allowing the construction of Emergency Shelters and Transitional and Supportive Housing as a permitted use on the parcels zoned with the AH Combining District.

ACTION:

Move to recommend that the City Council adopt the Factual Subfindings and Legal Findings as presented in the staff report (or as modified by the Commission) and approve and adopt Rezone 2016-02 and Ordinance No. 665.

Or;

Move to deny approval of Rezone 2016-02 and Ordinance No. 665. And direct staff to seek alternative sites for the AH Combining District.

ATTACHMENTS:

- Exhibit “A” AERIAL / VICINITY MAP
- Exhibit “B” ASSESSOR’S PARCEL MAP

INTERSTATE 6

STATE ROUTE 99 W

TOOMBS AVENUE

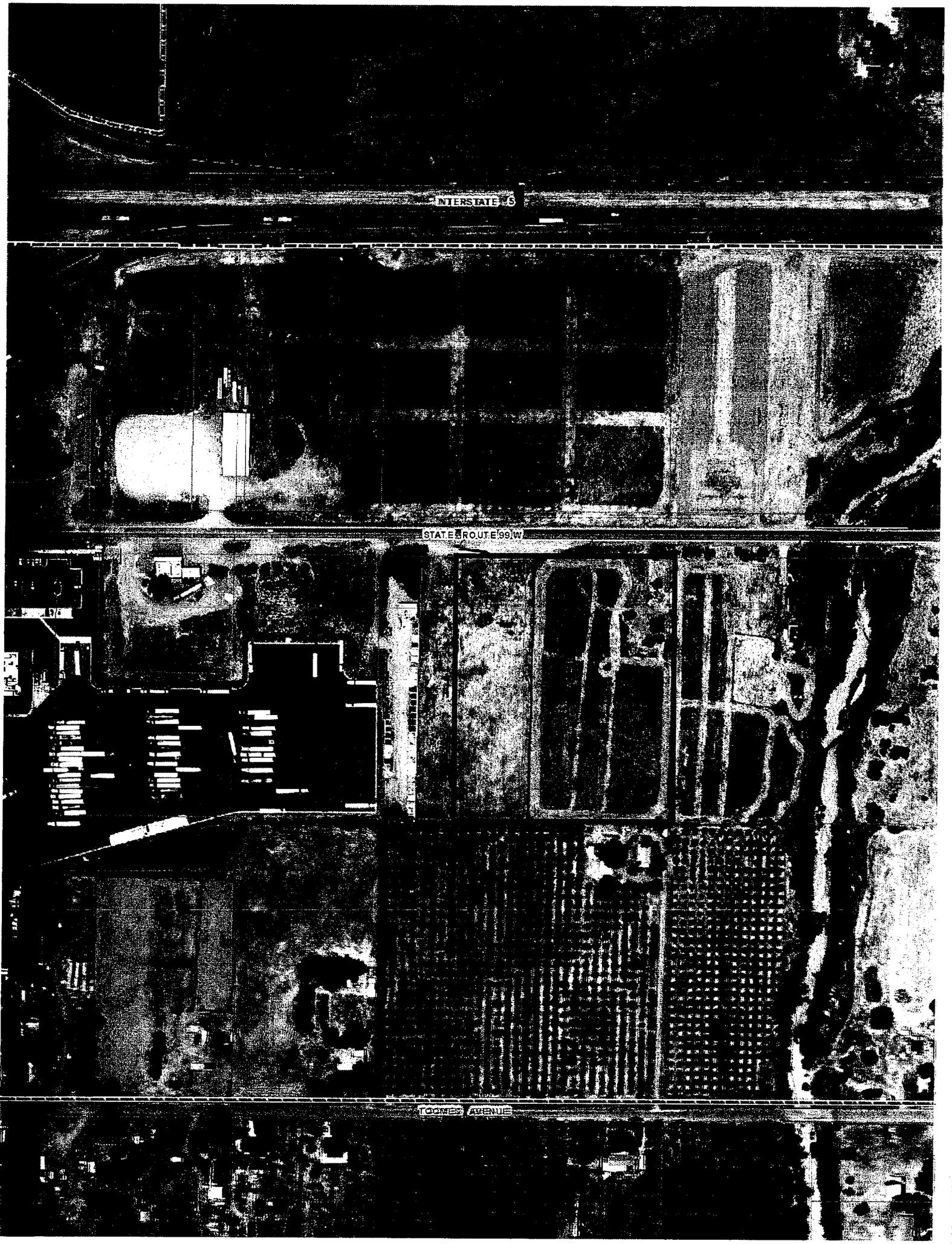
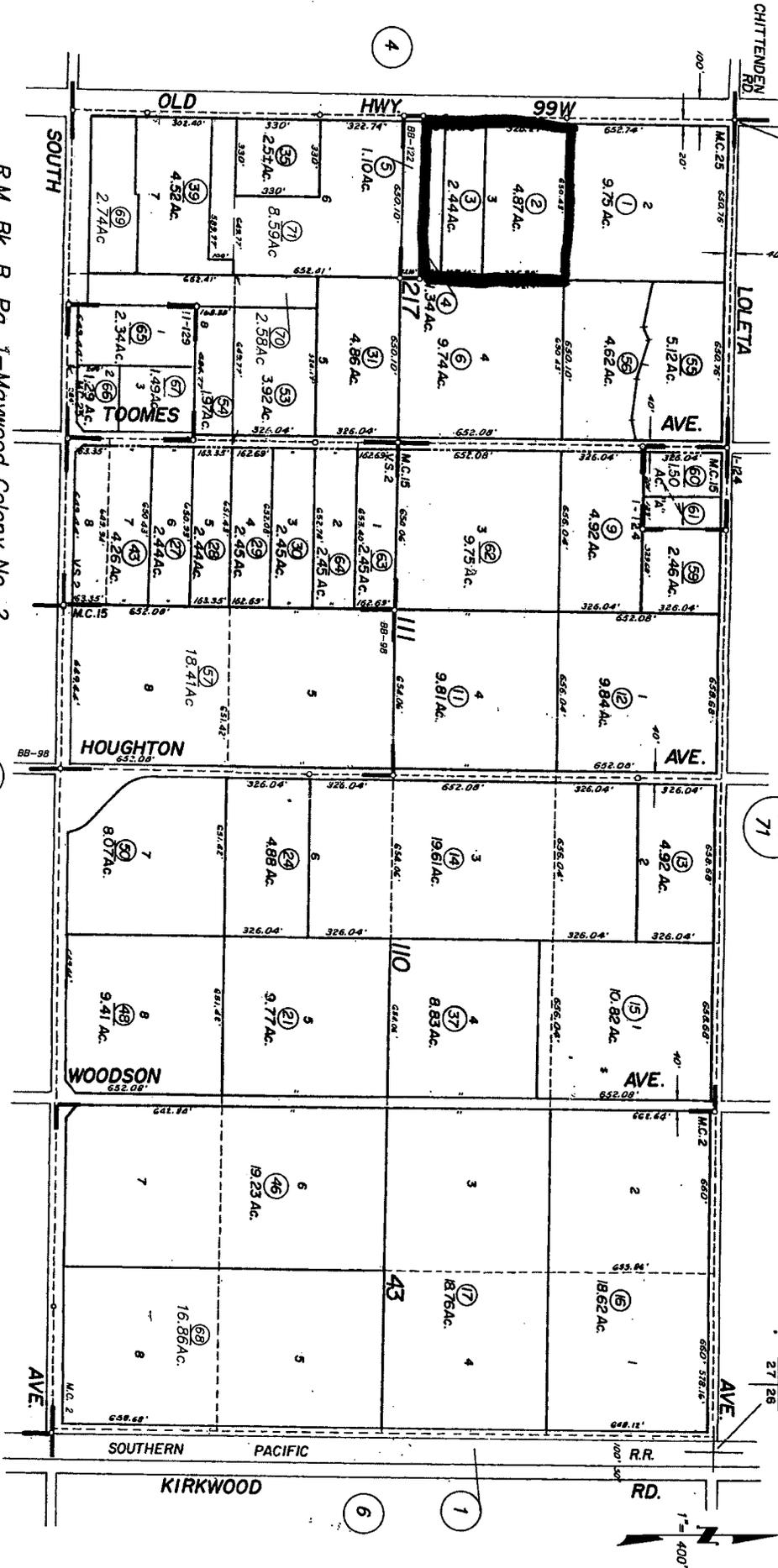


Exhibit "B"

SUBDIVIDED LAND IN N1/2 SEC. 27, T.24N., R.3W., M.D.B. & M.

Tax Area Code

87-05



- R.M. Bk. B, Pg. 1—Maywood Colony No. 2
- R.M. Bk. B, Pg. 36—Maywood Colony No. 15
- R.M. Bk. B, Pg. 37—Maywood Colony Villa Sub. No. 2
- R.M. Bk. B, Pg. 47—Maywood Colony No. 25
- R.S. Bk. P, Pg. 2—Woodson Ave. Survey
- R.S. Bk. BB, Pg. 98
- P.M. Bk. 1, Pg. 124—P.M. No. 336
- P.M. Bk. 11, Pg. 129—P.M. No. 90—44

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

Assessor's Map Bk. 87—Pg. 05
County of Tehama, Calif.