



**CITY OF CORNING
PLANNING COMMISSION AGENDA
TUESDAY, MARCH 17, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. **ROLL CALL:**

Commissioners: Robertson
Reilly
Lopez
Hatley
Armstrong

C. **MINUTES:**

1. **Waive the Reading and Approve the Minutes of the January 20, 2009 and February 17, 2009 meetings with any necessary corrections.**

D. **BUSINESS FROM THE FLOOR:** If there is anyone in the audience wishing to speak on items not already set on the Agenda, please come to the podium, 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 2009-256: Busy Bee Daycare: Establish a Preschool/Daycare Center in an existing building that was previously occupied by the Lassen Medical Group. A maximum number of 95 children with 7-15 employees will occupy the building. The building is located along the north side of Solano Street at the northwest corner of the Solano Street/East Street intersection. Address: 740 Solano Street, APN No. 73-010-61.**

3. **REZONE 2009-1, ORDINANCE 634: An Ordinance of the City of Corning amending Sections 16.18.010 (C) and 17.51.015 of the Corning Municipal Code.**

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

4. **Lot Line Adjustment 2009-1: Lisa & Ray Linnet/Sharon Leet: Property owners, Lisa & Ray Linnet and Sharon Leet are proposing to adjust a common sideyard property line 8 feet to the east. The parcels are located along the south side of Taft Avenue approximately 200 feet east of the Taft Avenue/Toomes Avenue intersection. Addresses: 1913 & 1973 Tafe Avenue, APN #'s: 71-192-02 & 37.**

G. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

H. ADJOURNMENT:

POSTED: THURSDAY, MARCH 12, 2009



**CITY OF CORNING
PLANNING COMMISSION MINUTES**

**TUESDAY, JANUARY 20, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Commissioners: Robertson
Reilly
Lopez
Hatley
Armstrong

All Planning Commissioners were present.

C. MINUTES:

- 1. Waive the Reading and Approve the Minutes of the December 16, 2008 meeting with any necessary corrections.**

Commissioner Robertson moved to approve the Minutes of the December 16, 2008 meeting as written. Commissioner Hatley seconded the motion. **Ayes: Lopez, Robertson, Reilly, Armstrong and Hatley. Opposed: None. Absent/Abstain: None. Motion approved by vote of 5-0.**

D. BUSINESS FROM THE FLOOR: None.

E. PUBLIC HEARINGS AND MEETINGS:

- 2. Tentative Tract Map 08-1003, Gallelli & Sons, LLC; Proposal to Subdivide approximately a 9.07 Acre Parcel and Create 7 Commercial Parcels ranging in size from 0.75 Acres to 1.32 Acres with a 1.08 Acre Common Parcel that will be used as a Drainage Detention Basin. Located within the City Limits west of I-5 and along the east side of Barham Avenue approximately 200 ft. southeast of the Corning Road/Barham Avenue Intersection, APN's 69-210-43 & 49 and 69-220-01 & 08.**

Chairman Lopez introduced this item by title with a brief description and then opened the Public Hearing at 6:32 p.m.

Planning Director John Stoufer presented details relating to Tentative Tract Map 08-1003 and outlined the documents presented in the Staff Report. Mr. Stoufer then presented the Commission with supplemental information received from the project Engineers, Robertson & Dominick, Inc. and stated that he and Mr. Erickson are requesting changes to the presented Conditions. These changes are as follows:

- Condition 27: Change wording from Retention to Detention.
- Condition 28: Change wording to add "may include filtration as a design element".
- Condition 29: Change language to state "developer must apply for waste discharge requirements, should Regional Water determine they are not required and waives them or issues a permit for a dewatering alternative for discharge of storm waters in waters of the United States", it would act as a functional equivalent to the waste discharge requirements.

Mr. Russ Erickson addressed the Commission stating he questioned the need for "waste discharge" requirements, however he believes that the applicants and the City have the same goal and that is to satisfy the Water Board.

Mr. Stoufer informed the Commission of the correspondence and comments received relating to this project from the California Regional Water Quality Control Board, Caltrans, Tehama County

Air Pollution Control District, and Seven Motel owners Jean and Josette Saint Martin (it was noted that the Saint Martin's did not oppose the project they just had concerns related to drainage issues).

Rich Dobbins asked the following questions: Project location, whether the property was annexed into the City; will the applicant be responsible for extending utilities to the property and will they be required to have a Deferred Improvement Agreement (DIA) for offsite improvements. Chairman Lopez responded answering his questions. Joseph DeScala asked questions relating to street construction and ownership, a Deferred Improvement Agreement, etc. His questions were also answered.

With no further questions Commissioner Reilly moved to close the public hearing and Commissioner Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly, Armstrong and Hatley. Opposed: None. Absent/Abstain: None. Motion approved by vote of 5-0.**

Commissioner Reilly moved to recommend that the Corning City Council adopt Subfindings and Findings 1-8 as presented in the Staff report for Tentative Tract Map 08-1003. Commissioner Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly, Armstrong and Hatley. Opposed: None. Absent/Abstain: None. Motion approved by vote of 5-0.**

Commissioner Reilly moved to recommend that the Corning City Council adopt the Mitigated Negative Declaration filed on Tentative Tract Map 08-1003. Commissioner Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly, Armstrong and Hatley. Opposed: None. Absent/Abstain: None. Motion approved by vote of 5-0.**

Commissioner Reilly moved to recommend that the Corning City Council approve Tentative Tract Map 08-1003 subject to the following conditions with the modified changes to Conditions 27, 28 and 29 as discussed tonight. Commissioner Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly, Armstrong and Hatley. Opposed: None. Absent/Abstain: None. Motion approved by vote of 5-0.**

Planning Director John Stoufer requested a short recess allowing him to meet with the applicants. Commissioner Reilly stated he also would like a short recess (5 minutes). Chairman Lopez adjourned the meeting at 6:54 p.m. and announced that the meeting would reconvene at 7:00 p.m.

Chairman Lopez reconvened the Planning Commission meeting at 7:00 p.m.

F. REGULAR AGENDA:

3. Discussion of letter submitted by Tehama Equities, LLC, owners of the property located at 2120 Loleta Avenue, Corning, CA and pertaining to Use Permits that have been issued for this property; APN 71-300-26.

Chairman Lopez introduced this item by title and then requested that the Commission allow Mr. DeScala to give his presentation. Chairman Reilly asked to stop for just a quick moment to clarify some typo's in a document present tonight, one on Exhibit B, line 5 under the heading "1980 DIA" the date should be March 13, 1980 instead of March 13, 1080. Mr. Brewer also noted that on the final page of Exhibit B, second paragraph from the top where it explains the terms of the Agreement in lieu of a DIA states the \$10,000 owed would be paid in 12 monthly payments, when in fact the Agreement calls for the entire \$10,000 to be paid by June 30, 2009. This was so noted. Chairman Lopez then turned the meeting over to Mr. DeScala for his presentation.

Mr. DeScala began to address the Commission and was unable to locate a document within his papers; therefore Chairman Lopez adjourned the meeting at 7:07 p.m. to allow Mr. DeScala to regroup. Meeting was reconvened at 7:10 p.m.

Mr. DeScala presented various information to the Commission for discussion such as emails between himself and Mr. Dewey Lucero, a letter from Mr. Brewer to the Planning Commission, a

copy of Corning's Municiple Code for Appeals, the back page of the City's Encroachment Permit Application, etc. He stated his opinion that the Commission does not get the whole story from City Staff and gave some examples of why he believes this.

Some of the questions and items for discussion Mr. DeScala addressed were:

- Why others who use Loleta Avenue aren't required to pay something towards paving.
- Lack of clear information from City Staff regarding the Appeals process and he questioned the Notice of Public Hearing statement verbage "you may be limited to raising only those issues that were raised at the Public Hearing", stating this statement is unconstitutional.
- Discussed the required Loleta Avenue overlay: It was explained that in lieu of the DIA, Mr. DeScala agreed to pay a \$10,000 fee in installments with total payment by June 30, 2009, which was the estimate to complete a 300 foot 2 inch overlay of Loleta from the project site to Highway 99W. It was stated that to date \$2,500 has been received by the City towards this Agreement.

Rich Dobbins stated that Deferred Agreements (DIA's) become liens on the property and make acquiring loans on these properties difficult.

The statement was made that this is a "Study Matter and is not going to the City Council".

After further discussion, Commissioner Reilly stated that Mr. DeScala has presented no evidence tonight and informed Mr. DeScala that John Brewer's letter is information that he will need it; he then asked if Mr. DeScala had anything else of any importance to present tonight. Commissioner Reilly also stated that the DIA is not on the table any longer, pointing out that under his Agreement with the City Mr. DeScala had agreed to the \$10,000 payment "in lieu" of a DIA and that the under the terms of the Agreement, the \$10,000 is required to be paid by June 30, 2009.

With no further discussion, Commissioner Reilly moved to take no action. Commissioner Armstrong seconded the motion. **Ayes: Lopez, Robertson, Reilly, Armstrong and Hatley. Opposed: None. Absent/Abstain: None. Motion approved by vote of 5-0.**

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

H. ADJOURNMENT: 8:46 p.m.

Chairman Lopez reconvened the meeting at 8:47 p.m. for further discussion of the DIA. After statements by Mr. DeScala that the DIA should be clearer, that all DIA's do not make owners repave over and over, DIA's require only 1 overlay. Public Works Director John Brewer responded explaining that under the terms of the proposed DIA, all that the property owner would be required to pay for is a 2 inch asphalt pavement overlay of Loleta Avenue from the project site 300 feet west to Highway 99 W. It was explained that this would be a one time only cost to the property owner, the City would be responsible for maintenance of the roadway after that time.

Planning Director John Stoufer stated for the record that Mr. DeScala didn't understand that the \$10,000 was a one-time payment. It was once again explained that after the initial overlay, the City assumes road maintenance responsibility for the 300 feet of Loleta Avenue. Mr. DeScala stated if the DIA had said one time only overlay he would have signed the original agreement, stating that as he read the agreement in seemed to be an "open end financial obligation".

With no further discussion the meeting was again adjourned at 8:58 p.m.



**CITY OF CORNING
PLANNING COMMISSION MINUTES**

**TUESDAY, FEBRUARY 17, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Commissioners: Robertson
Reilly
Lopez
Hatley
Armstrong

All Commissioners were present except Commissioner Hatley.

D. BUSINESS FROM THE FLOOR:

Joe DeScala: Stated that Chairman Lopez was right regarding the 10-day appeal period, however the statute states by midnight of the tenth day. He also stated that the Landscape business on Highway 99W does not have a handicap parking space; Chairman Lopez stated that it was a Condition of the Use Permit and City Staff will check on it.

E. PUBLIC HEARINGS AND MEETINGS: None

F. REGULAR AGENDA:

- 1. Study Matter No. 2009-1: Discussion of a possible Ordinance amending the Zoning Regulations to include a Chapter regulating the cultivation of Medical Marijuana and prohibiting the establishment of a Medical Marijuana Dispensary in the City of Corning.**

Chairman Lopez introduced this item by title stating that the Staff Report presented to the Commission provides information on regulations utilized by the City of Gridley. Planning Director John Stoufer verbally provided more information on the Health and Safety Codes relating to this item and further additional information on the Ordinance approved by the City of Gridley. Mr. Stoufer stated that he has discussed this item with the City Attorney and Police Chief and that the Police Chief supports taking some kind of action. He further informed the Commission that City Staff had discussed regulating this via a Use Permit. Should the City decide to regulate via a Use Permit, a Use Permit could not be denied, only regulated via Conditions.

Chairman Lopez stated his concern regarding utilizing a Use Permit was having an avenue to police and regulate the growth and use via the Conditions. He also stated that he believed neighbors should know of the growth occurring near their residence.

Commissioner Robertson asked if State Law supersedes City Law; Mr. Stoufer stated that in this case yes. Chairman Lopez noted that the City would have the discretion to not allow a dispensary within the City; Mr. Stoufer confirmed this stating that the City of Gridley is not allowing a dispensary.

Mr. DeScala stated that Federal Law could supersede State Law, however the enforcement is the issue because Federal and State Laws conflict. It was stated that the DEA would step in if it were something like a large orchard.

Commissioner Robertson suggested limiting the number within an area similar to what was done with Daycare providers and possibly have Police/Code Enforcement Officers inspect the

site. Mr. Stoufer stated that they would be required to register with the Health Department each year.

Commissioner Robertson stated that she would like to see it regulated to the full extent that law allows. Chairman Lopez stated his agreement with Commissioner Robertson to an extent, he stated he agrees with much of what the City of Gridley is doing, however he would like to see a limit of 6 mature and 12 immature plants incorporated into the Conditions.

Commissioner Reilly moved to add to the recommended motion:

- Looking at the City of Gridley as a framework; going with the bare minimum of 6 mature and 12 immature plants; and
- Must receive a Building Permit; and
- Have an application process allowing the City to know the location of cultivation sights.

Mr. Stoufer suggested rather than making a motion tonight, let him obtain more information and present it to the Commission and continue this discussion to the next meeting so that additional information and research can be obtained and provided.

Chairman Lopez stated he would like to also see what other surrounding Cities have initiated before making a decision.

Commissioner Reilly moved to revoke his previous motion and moved to direct Staff to review and prepare draft language for an Ordinance for further review. Commissioner Armstrong seconded the motion. **Ayes: Lopez, Robertson, Reilly and Armstrong. Opposed: None. Absent: Hatley. Abstain: None. Motion was approved by a 4-0 vote with Hatley absent.**

2. Study Matter No. 2009-2: Discussion of amending Section 16.18.010(C) of the Corning Municipal Code as mandated by Senate Bill No. 1185 approved by the Governor on July 15, 2008.

Chairman Lopez introduced this item by title providing information stated in the associated Staff Report. Planning Director John Stoufer further explained the requirements of the State mandated Bill extending dates for filing maps with application to the City. He stated that this is a discussion item and informed the Commission of the recommendation by City Staff.

Commissioner Reilly confirmed that the Commission could grant a one year extension with reengineering up to a six year period, in two year installments, or six one year extensions. Chairman Lopez confirmed that the City could deny the extension the first time. Commissioner Robertson stated that the City now can extend up to two years, the State allows the City to allow extensions for an additional 6 years for a total of 8 years.

Chairman Lopez stated he would like to see it on a yearly basis due to the possible changes in building codes and allow up to a maximum 6 year extension above the original 24 months.

After further discussion, it was decided to add the following language:

- On a case by case basis; and
- Limited to a 6 year maximum.

Discussion Item, no action required at this time, the item will be brought back for future discussion.

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

H. ADJOURNMENT: 7:27 p.m.

Lisa M. Linnet, City Clerk

**ITEM NO: E-2
USE PERMIT APPLICATION 2009-256;
BUSY BEE DAYCARE, ESTABLISH A
PRESCHOOL/DAYCARE CENTER FOR A
MAXIMUM NUMBER OF 95 CHILDREN.
LOCATED ALONG THE NORTH SIDE OF
SOLANO ST. AT THE NORTHWEST
CORNER OF THE SOLANO ST. / EAST AVE.
INTERSECTION. APN: 73-010-61**

MARCH 17, 2009

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING

FROM: JOHN STOUFER; PLANNING DIRECTOR

PROJECT DESCRIPTION:

Busy Bee Daycare has applied for a Use Permit to establish a Preschool/Daycare Center in an existing building that was previously occupied by the Lassen Medical Group. The existing ambulance service will remain in the north portion of the building and the preschool/daycare center will occupy the remainder of the building with a portion of the existing parking lot and grass area to be used as an outdoor play area. A maximum number of 95 children with 7 to 15 employees will occupy the facility. The parcel is zoned C-1, Neighborhood Commercial District and located along the north side of Solano St., at the northwest corner of the Solano St. / East St. intersection.

APN: 73-010-61

Address: 740 Solano St.

GENERAL PLAN LAND USE DESIGNATION

C – Commercial – This classification includes all commercial uses of land as permitted in the City's zoning ordinance. These include zoning districts C-1, C-2, C-3, C-3-P, CD, and CH zoning districts.

ZONING

C-1 – Neighborhood Business District – It is intended that this district classification be applied on properties suitable to serve residential areas with convenience shopping and service facilities.

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 additional commercial use of a building that was previously occupied by Lassen Medical Group that provided medical service for the community of Corning and surrounding area. Reuse of the building for a preschool/daycare center is a less intense use of the building than the previous medical center, therefore it is considered a negligible expansion of a commercial use and exempt from CEQA pursuant to Section 15301, Class 1.

CONSISTENCY WITH GENERAL PLAN

The site is designated Commercial as shown on the Current Land Use Map for the City of Corning. Development of a commercial use such as a preschool/daycare center in an existing building at this location is consistent with the following Community Goals, Land Use Goals, and Policies of the Corning General Plan.

Community Goals

Goal #1 – Continue and enhance the quality of life in the City of Corning and its immediate vicinity.

Goal #2 – Improve the quality and environment sensitivity of new development in Corning

Goal #3 – Attract jobs that will employ Corning residents.

Land Use Goals

Goal #1 – Promote the orderly development of Corning and its surroundings.

Goal #2 – Insure that new development pays for the necessary City facilities

Land Use Policies

Policy #6 – Encourage the location and development of businesses which generate high property and sales taxes, local employment and are environmentally compatible.

Policy #7 – Commercial development should be clustered on arterial streets and at major intersections in the downtown or near Interstate 5 interchanges

PARKING

Chapter 17.51 of the City of Corning Zoning Code establishes off-street parking requirements and states: "The purpose of this chapter is to provide reasonable requirements for off-street parking in order to expedite traffic movement, lessen street congestion, improve traffic and pedestrian safety, and to provide for the public health, safety and general welfare."

"The off-street parking requirements contained in this chapter apply to the particular use made of a lot, building or structure and not to a particular zoning classification."

This chapter does establish parking requirements for elementary, junior high and high schools as well as commercial or business schools but does not establish parking requirements for preschools or daycare centers. Section 17.51.160 of the Zoning Code is titled Parking requirements – other uses and states "The parking requirement for uses not specified in this chapter shall be determined by the planning commission."

The applicant has indicated that 23 parking stalls as well as temporary drop-off parking areas will be provided for the preschool/daycare center.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the following, or similar, Subfindings and Findings for Use Permit 2009-256

Subfinding #1

That portion of the existing building proposed for use as a preschool/daycare center was previously occupied by Lassen Medical Group that provided medical services to the community of Corning and surrounding area.

Finding #1

The granting of Use Permit 2009-256 is a negligible change of a previous use of an existing building established at this site and therefore exempt from CEQA pursuant to Section 15301, Class 1.

Subfinding #2

The existing building has approximately 4,322 sq. ft. of area to provide for use as a preschool/daycare center.

Finding #2

The building, and parcel proposed for use by Busy Bee Daycare is adequate in size, shape and topography for the establishment of a preschool/daycare center.

Subfinding #3

The parcel has frontage and direct access to Solano and East streets.

Finding #3

The site has existing access Solano St. and East Street that are constructed with adequate width, pavement and capacity for the proposed use.

Subfinding #4

The establishment of a preschool/daycare center will be located in an existing building that was constructed for, and has been used for commercial purposes. The parcel is currently zoned for commercial use.

Finding #4

The establishment of a preschool/daycare center at this site 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 SUBFINDINGS AND FINDINGS AS PRESENTED IN THE STAFF REPORT FOR USE PERMIT 2009-256**
(PLEASE NOTE : PRIOR TO ADOPTING THE RECOMMENDED SUBFINDINGS & FINDINGS THE COMMISSION HAS THE ABILITY TO MODIFY OR REMOVE ANY OF THE SUBFINDINGS AND FINDINGS IF DEEMED APPROPRIATE BY A MAJORITY OF THE COMMISSION)

VOTE OF THE COMMISSION

- 2. MOVE TO APPROVE USE PERMIT 2009-256 SUBJECT TO THE FOLLOWING CONDITIONS AS RECOMMENDED BY STAFF.**
(PLEASE NOTE: THE COMMISSION HAS THE ABILITY TO MODIFY, DELETE OR ADD CONDITIONS PRIOR TO APPROVAL OF THE PROJECT.)

VOTE OF THE COMMISSION

OR:

Failing to make findings in support of the project recommend findings in denial of the project for consideration by the Commission.

Adopt findings in denial of the project and deny Use Permit 2009-256.

**STAFF RECOMMENDS THE FOLLOWING
CONDITIONS OF APPROVAL
FOR USE PERMIT 2009-256**

CONDITION #1 – AGENCY COMPLIANCE:

The applicant must comply with all local, state and federal agencies regulations especially those imposed by the City of Corning Building & Fire Departments and the California Department of Social Services Community Care Licensing Division.

CONDITION #2 – PLAYGROUND FENCING:

The perimeter of the outdoor playground area must be fenced with a minimum 5 ft. high sight-proof fence and self closing gates

CONDITION #3 – PARKING LOT MARKING

Direction arrows indicating one-way circulation through the parking lot and drop-off parking areas, as depicted on the site plan, must be painted and maintained on the asphalt as long as the daycare/preschool is in operation at this site.

CONDITION #4 – NO ENTRANCE SIGNS

One-way or no entrance signs must be placed adjacent to the play area and in the planter box where the site plan indicates one-way.

CONDITION #5 – MAXIMUM NUMBER OF CHILDREN

The maximum number of children allowed to occupy the preschool/daycare center at the same time is 95.

CONDITION #6 – HOURS OF OPERATION

The preschool/daycare center will be allowed to operate 7 days a week from 4:00 A.M. to 10:00 P.M. No children or staff members are allowed to stay overnight in the facility.

CONDITION #7 – EXTERIOR LIGHTING

All outdoor lighting shall be shielded and directed inward onto the project site. All outdoor lighting on the project site, including lighting from fixtures installed on the outside of project buildings, shall be shielded so that, at a minimum, no light is emitted above a horizontal line parallel to the ground, to prevent glare from impacting surrounding residences.

CONDITION #8 SIGN REGULATIONS

The business must comply with the City of Corning sign regulations established by Resolution 10-25-05-01.

ATTACHMENTS

Exhibit "A"	VICINITY MAP
Exhibit "B"	SITE PLAN
Exhibit "C"	AERIAL PHOTO
Exhibit "D"	ASSESSOR'S MAP
Exhibit "E"	APPLICATION
Exhibit "F"	GENERAL PLAN LAND USE MAP
Exhibit "G"	ZONING MAP
Exhibit "H"	SECTION 17.51.160 CORNING ZONING CODE
Exhibit "I"	CEQA SECTION 15301

EXHIBIT "A"

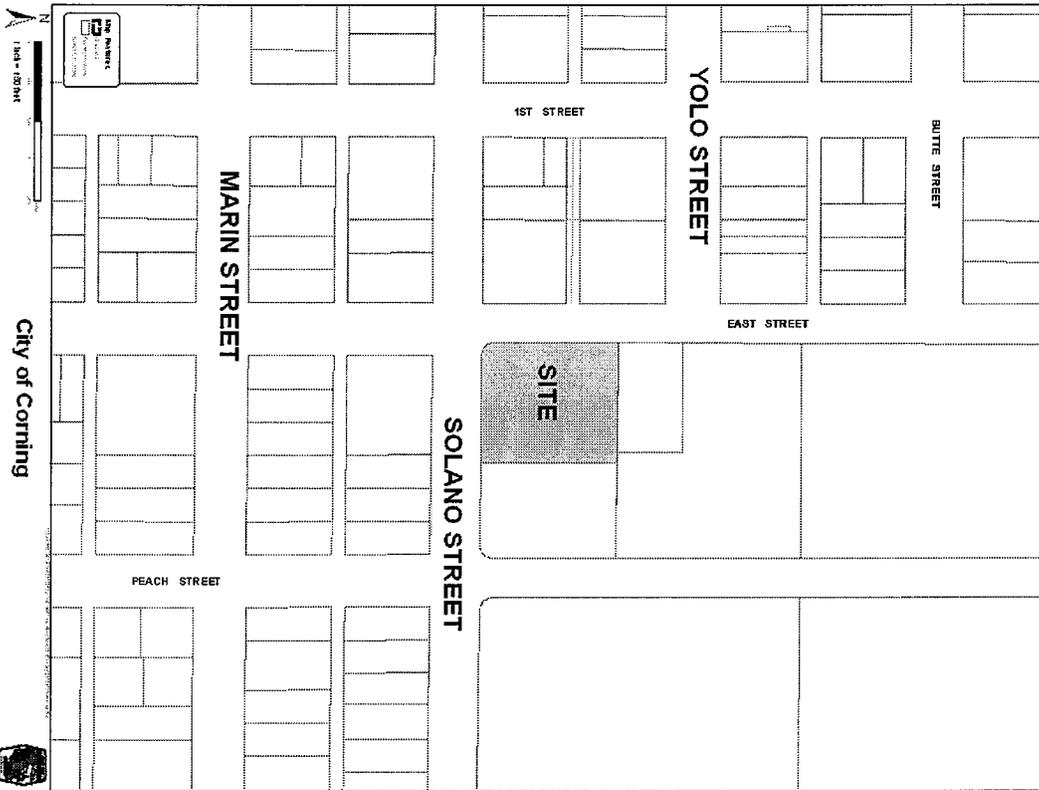
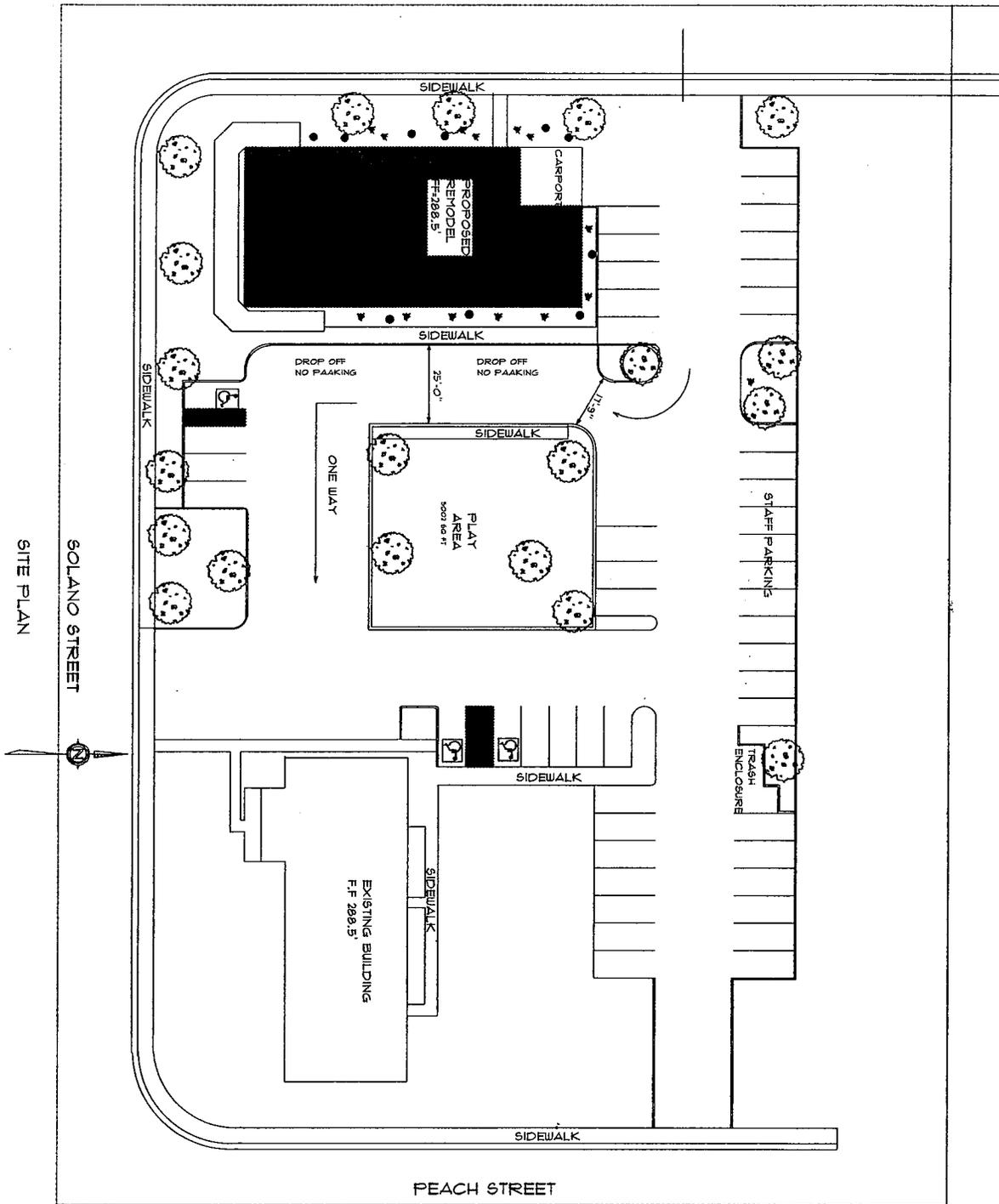


EXHIBIT "B"

EAST STREET



<p>OF SHEETS</p> <p>SHEET</p> <p>C1</p>	<p>November 08, 2005</p> <p>SCALE: 1/2" = 1'-0"</p> <p>BT: D SCOTT JACKSON</p> <p>JOBUFS DURHAM</p> <p>JOHN ELLER CONSTRUCTION</p> <p>ADDITION/ REMODEL</p> <p>140 SOLANO, CORNING</p>	<p>SITE PLAN</p>	<p>EVERGREEN DEVELOPMENT</p> <p>2360 PARK AV</p> <p>CHICO, CA., 95928</p> <p>530-894-5590</p> <p>REVISIONS</p>
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EXHIBIT "C"

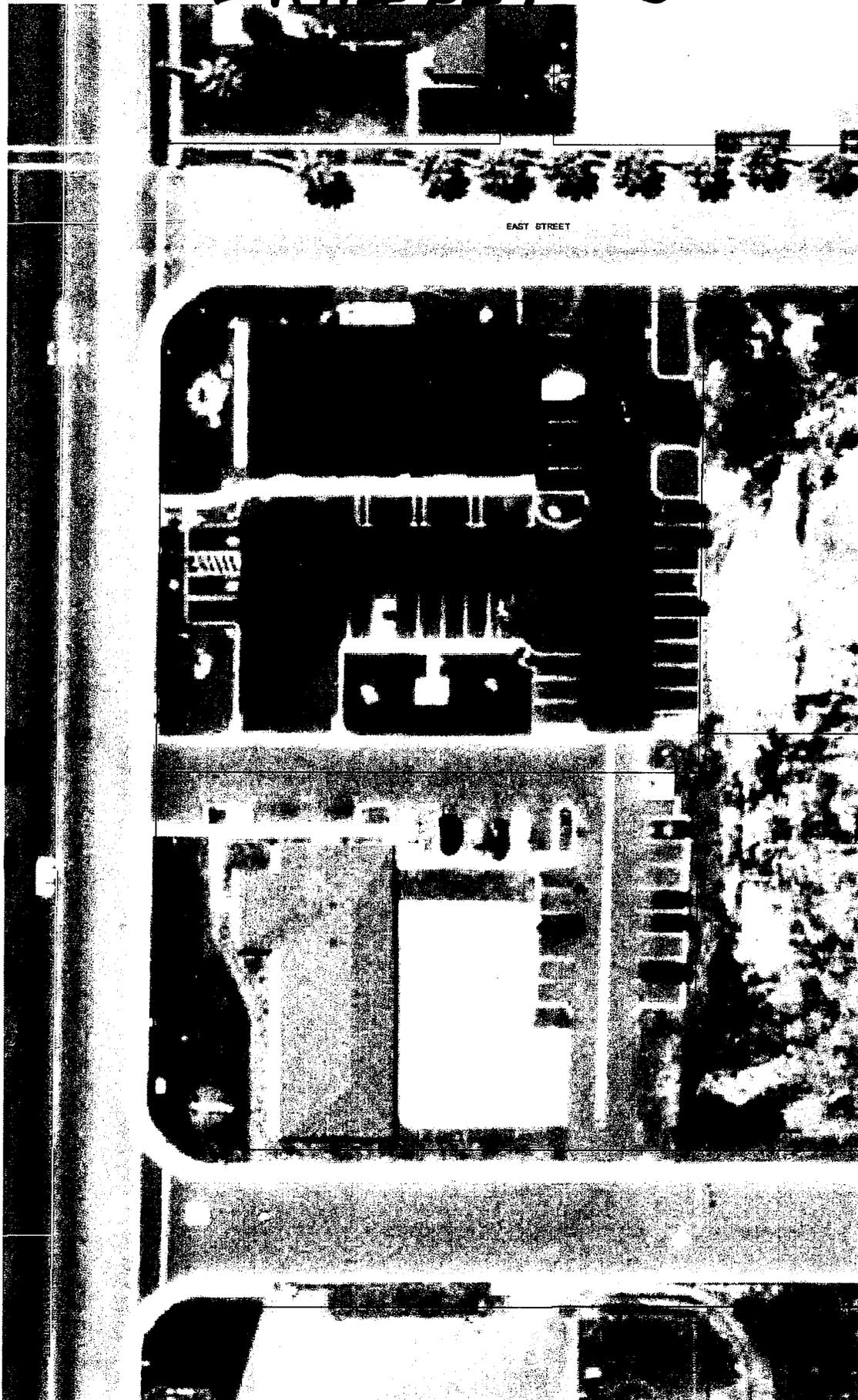
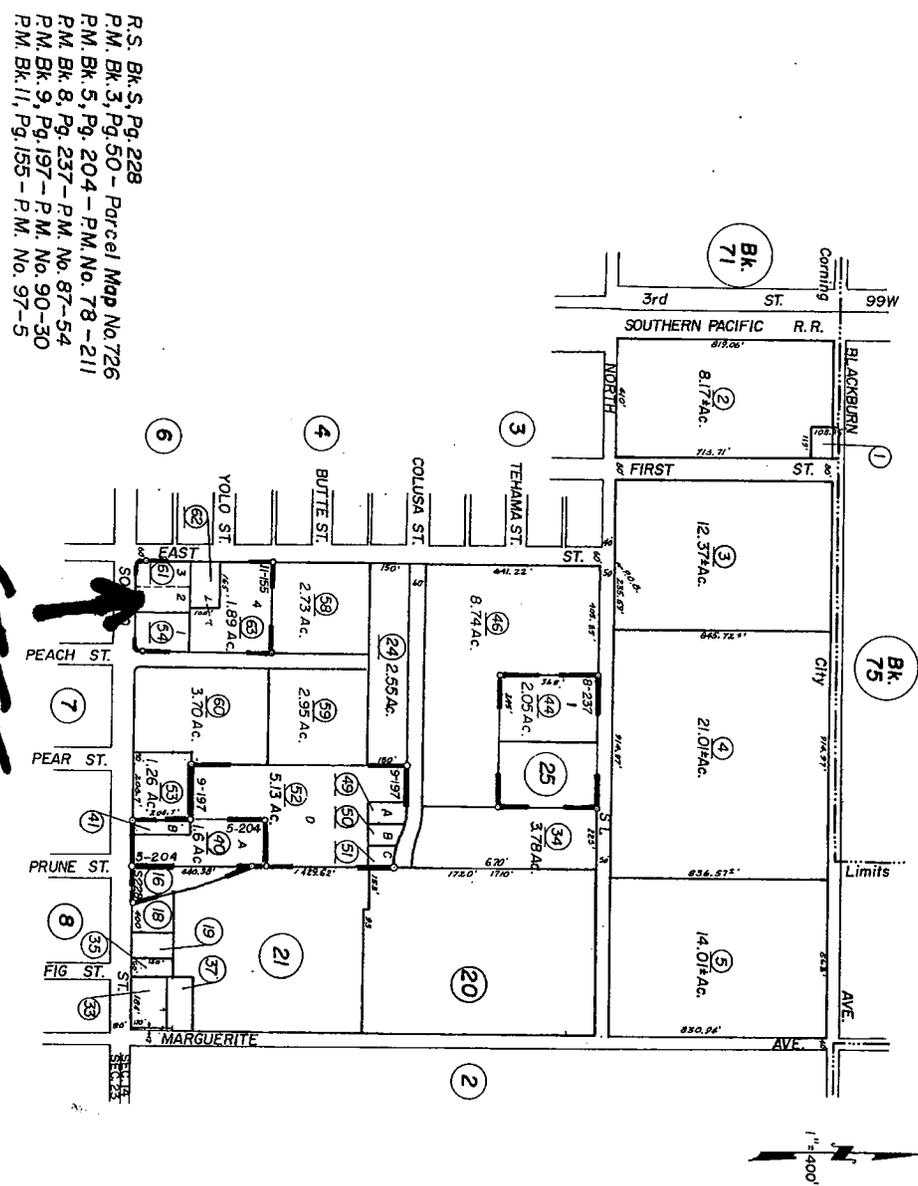


EXHIBIT "D"

POR. SW1/4 SEC. 14, T.24N., R.3W., M.D.B.&M.

Tax Area Code

73-01



SITE

Assessor's Map Bk. 73 - Pg. 01

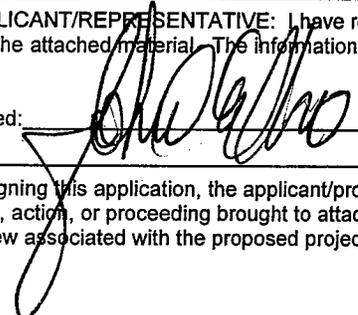
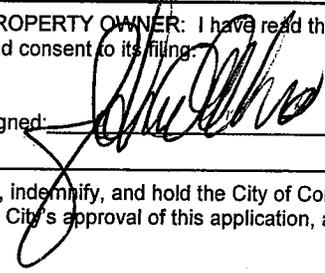
County of Tehama, Calif.

MAY 2 3 2001

R.S. Bk. 5, Pg. 228
 P.M. Bk. 3, Pg. 50 - Parcel Map No. 726
 P.M. Bk. 5, Pg. 204 - P.M. No. 78 - 211
 P.M. Bk. 8, Pg. 237 - P.M. No. 87 - 54
 P.M. Bk. 9, Pg. 197 - P.M. No. 90 - 30
 P.M. Bk. 11, Pg. 155 - P.M. No. 97 - 5

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

EXHIBIT "E"

PROJECT INFORMATION	PROJECT ADDRESS 740 740 Solano St.		ASSESSOR'S PARCEL NUMBER 73-010-61	G.P. LAND USE DESIGNATION
	ZONING DISTRICT C-1	FLOOD HAZARD ZONE	SITE ACREAGE	AIRPORT SAFETY ZONE?
	PROJECT DESCRIPTION: (attach additional sheets if necessary)			
	APPLICATION TYPE (Check All Applicable)			
<input type="checkbox"/> Annexation/Detachment		<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Lot Line Adjustment	
<input type="checkbox"/> Merge Lots		<input type="checkbox"/> Planned Dev. Use Permit	<input type="checkbox"/> Parcel Map	
<input type="checkbox"/> Preliminary Plan Review		<input type="checkbox"/> Rezone	<input type="checkbox"/> Street Abandonment	
<input type="checkbox"/> Subdivision		<input type="checkbox"/> Time Extension	<input checked="" type="checkbox"/> Use Permit	
APPLICANT INFORMATION	APPLICANT John Eller		ADDRESS P.O. Box 530 Corning	DAY PHONE 200-1958
	REPRESENTATIVE (IF ANY) DeAnn Knowles		ADDRESS PO Box 8203 Red Bluff	DAY PHONE 824-4666
	PROPERTY OWNER John Eller		ADDRESS	DAY PHONE
	CORRESPONDENCE TO BE SENT TO <input checked="" type="checkbox"/> APPLICANT <input type="checkbox"/> REPRESENTATIVE <input type="checkbox"/> PROP. OWNER			
	APPLICANT/REPRESENTATIVE: I have reviewed this application and the attached material. The information provided is correct. Signed: 		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.			

SUBMITTAL INFO	FOR OFFICE USE ONLY			
	APPLICATION NO. UP # 256	RECEIVED BY: JS	DATE RECEIVED 2/27/09	DATE APPL. DEEMED COMPLETE 3/12/09
	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 2/27/09

General Information

1. Project Title: Buzzy Bee Daycare

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:

N/A

Additional Project Information

3. For non-residential projects, indicate total proposed building floor area: 4322 sq. ft. in 1 floor(s).

4. Amount of off-street parking to be provided. 23 parking stalls. (Attach plans)

5. Proposed scheduling/development.

march & April of 09.

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.)

Proposed Preschool/Daycare Center for a maximum number of 95 children. The center will employ a minimum of 7 to a maximum of 15 employees. Operating hours will be 7 days a week 4:30 A.M. to 9:30 P.M.

**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.

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

N/A

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

N/A

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

Use Permit required for the establishment of a daycare/preschool in a commercial zone.

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 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 _____

Signature _____

For: _____

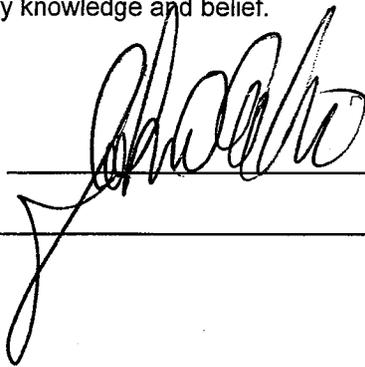


EXHIBIT "F"

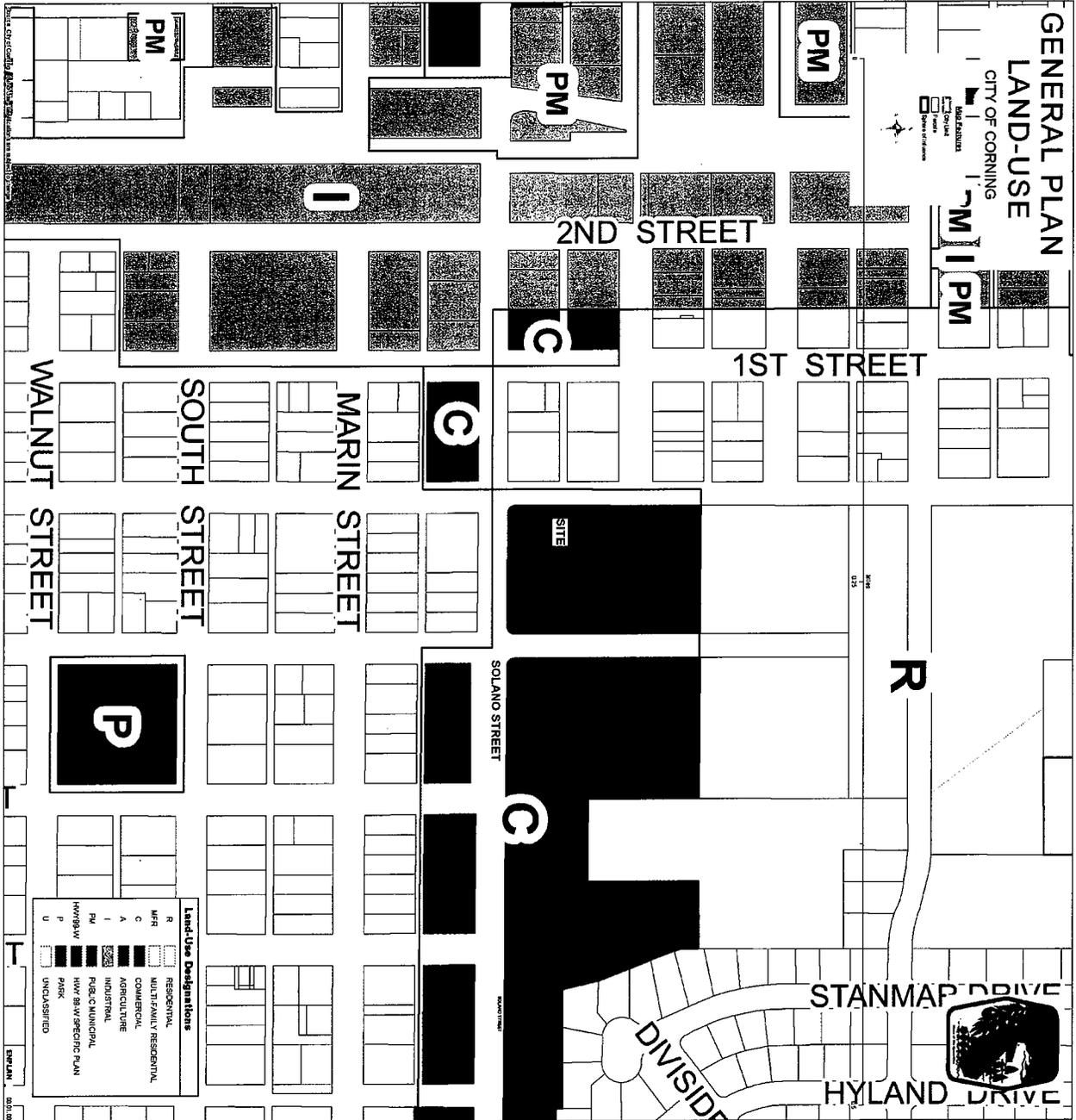
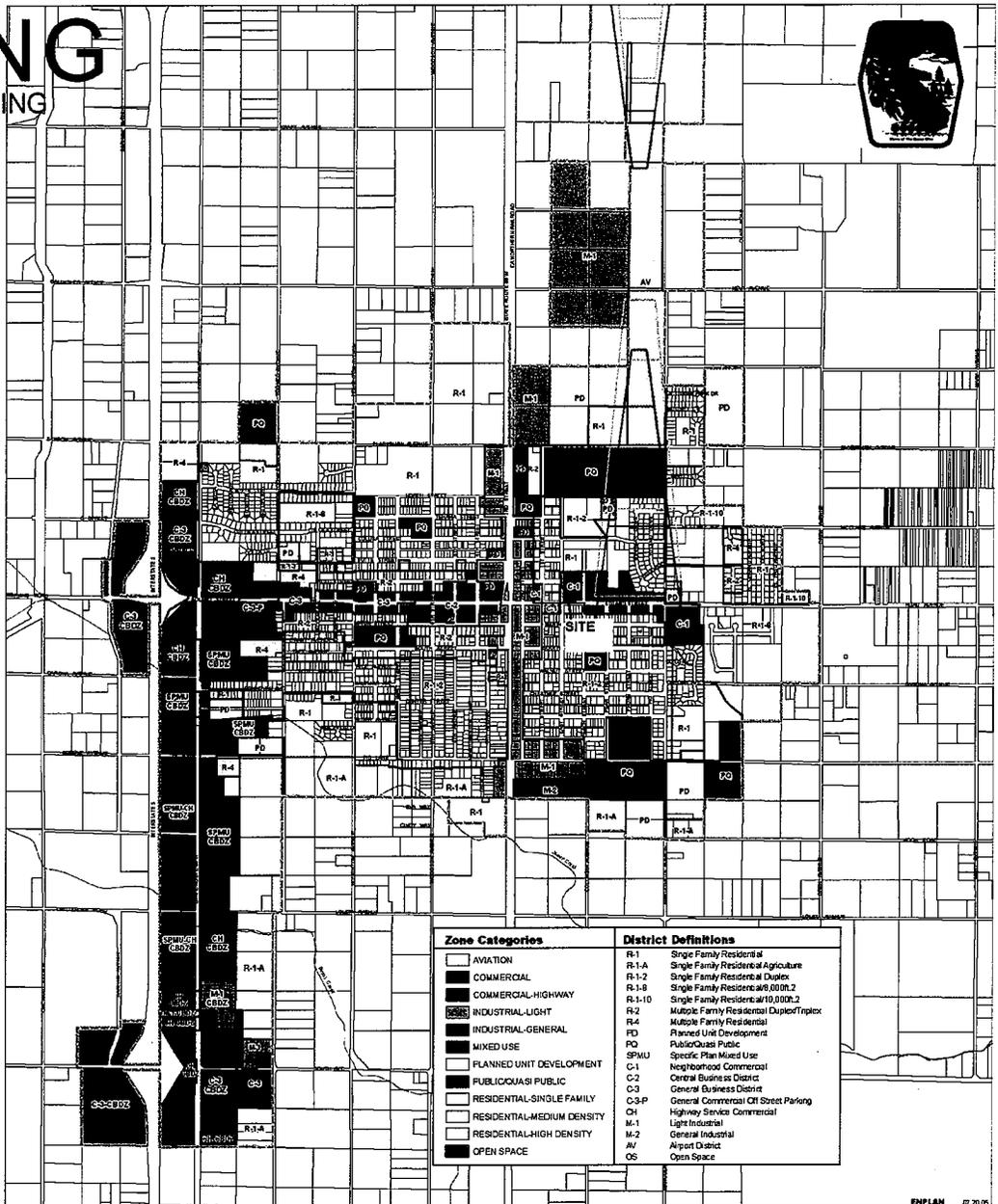
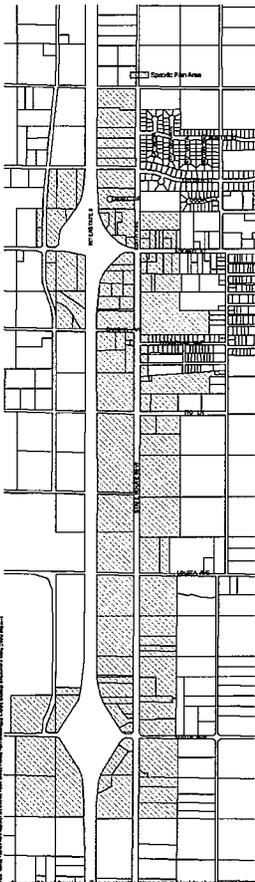


EXHIBIT "G"

ZONING CITY OF CORNING



Zone Categories	District Definitions
AVIATION	R-1 Single Family Residential
COMMERCIAL	R-1-A Single Family Residential Agriculture
COMMERCIAL-HIGHWAY	R-1-B Single Family Residential Duplex
INDUSTRIAL-LIGHT	R-1-B Single Family Residential at 10,000 ft. 2
INDUSTRIAL-GENERAL	R-2 Multiple Family Residential Duplex/Triplex
MIXED USE	R-4 Multiple Family Residential
PLANNED UNIT DEVELOPMENT	PD Planned Unit Development
PUBLIC/QUASIPUBLIC	PO Public/Quasi Public
RESIDENTIAL-SINGLE FAMILY	SPMU Specific Plan Mixed Use
RESIDENTIAL-MEDIUM DENSITY	C-1 Neighborhood Commercial
RESIDENTIAL-HIGH DENSITY	C-2 General Business District
OPEN SPACE	C-3 General Business District
	C-3-P General Commercial Off Street Parking
	CH Highway Service Commercial
	M-1 Light Industrial
	M-2 General Industrial
	AV Airport District
	OS Open Space

EXHIBIT "H"

C. For shopping centers of less than thirty thousand gross square feet of floor area, one space for every two hundred gross square feet of floor area; and for centers of thirty thousand or more gross square feet of floor area, one space for every three hundred gross square feet of floor area. Shopping centers shall use an unsegregated parking area;

D. For retail sales, one space for every two hundred gross square feet of floor area;

E. For restaurants, bars, nightclubs and drive-in restaurants, one space for every four seats or one space for every seventy-five gross square feet of floor area, including outside dining areas, whichever is greater;

F. For financial institutions, one space for each three hundred gross square feet of floor area;

G. For barber and beauty shops, one space for each seventy-five square feet of gross floor area or two spaces per chair, whichever is less;

H. For laundromats, one space for each three washing machines. (Ord. 497 §4(part), 1989).

17.51.140 Parking requirements--Industrial uses and warehouses. The following number of parking spaces shall be provided for industrial uses and warehouses:

A. For warehouses, storage buildings, wholesale operations and light manufacturing plants, one space shall be provided for each one thousand five hundred square feet of gross floor area;

B. For machinery and equipment sales, one space shall be provided for every five hundred square feet of gross floor area, plus one space for each two thousand square feet of outdoor sales and/or service area;

C. For mini-storage uses, two spaces shall be provided for an onsite caretaker, if any, plus one space for each three hundred square feet of office space, with a minimum of four spaces. (Ord. 497 §4(part), 1989).

17.51.150 Parking requirements--Recreational facilities. The following number of parking spaces shall be provided for recreational uses:

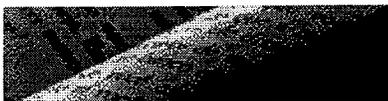
A. For bowling centers, two spaces for each alley, plus that required for ancillary uses;

B. For tennis, handball, racquetball, or other court, two spaces for each court, plus one space for each two hundred fifty square feet of floor area excepting the court area;

C. For aerobics dance, weight training and exercise facilities, one space per one hundred gross square feet of floor area;

D. For pool halls, two spaces per pool table, plus that required for ancillary uses. (Ord. 497 §4(part), 1989).

* 17.51.160 Parking requirements--Other uses. The parking requirement for uses not specified in this chapter shall be determined by the planning commission. (Ord. 497 §4(part), 1989). *



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14 CA ADC § 15301

EXHIBIT "I"

◀ Term ▶

14 CCR § 15301

Cal. Admin. Code tit. 14, § 15301

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
 TITLE 14. NATURAL RESOURCES
 DIVISION 6. RESOURCES AGENCY
 CHAPTER 3. GUIDELINES FOR IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL
 QUALITY ACT
 ARTICLE 19. CATEGORICAL EXEMPTIONS

This database is current through 2/27/09, Register 2009, No. 9

§ 15301. Existing Facilities.

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

Examples include but are not limited to:

- (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- (b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;
- (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety).
- (d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;
- (e) Additions to existing structures provided that the addition will not result in an increase of more than:
 - (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or
 - (2) 10,000 square feet if:
 - (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and

- (B) The area in which the project is located is not environmentally sensitive.
- (f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;
- (g) New copy on existing on and off-premise signs;
- (h) Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of pesticides, as defined in Section 12753, Division 7, Chapter 2, Food and Agricultural Code);
- (i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;
- (j) Fish stocking by the California Department of Fish and Game;
- (k) Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt;
- (l) Demolition and removal of individual small structures listed in this subdivision;
- (2) A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where not more than six dwelling units will be demolished.
- (3) A store, motel, office, restaurant, and similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use.
- (4) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- (m) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.
- (n) Conversion of a single family residence to office use.
- (o) Installation, in an existing facility occupied by a medical waste generator, of a steam sterilization unit for the treatment of medical waste generated by that facility provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.
- (p) Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code; Bloom v. McGurk (1994) 26 Cal.App.4th 1307.

HISTORY

**ITEM NO. E-3
REZONE NO. 2009-1; ORDINANCE NO. 634;
AN ORDINANCE OF THE CITY OF CORNING
AMENDING SECTIONS 16.18.010 (C) AND 17.54.015
OF THE CORNING MUNICIPAL CODE.**

MARCH 17, 2009

TO: PLANNING COMMISSION OF THE CITY OF CORNING

FROM: JOHN STOUFER, PLANNING DIRECTOR

BACKGROUND:

On February 17, 2009 staff discussed, and sought direction from the Planning Commission, through Study Matter 2009-1, on amending Section 16.18.010 of the Corning Municipal Code (CMC) regarding the extension of tentative maps pursuant to recent state mandates associated with the passage of Senate Bill No. 1185.

On July 15, 2008 the Governor signed into legislation Senate Bill No. 1185, an act to amend Sections 66452.6 and 66463.5 of, to add Section 66452.21 to, and to amend and renumber Sections 66452.11 and 66452.12 of, the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

The Subdivision Map Act provides that when a tentative map is required, an approved or conditionally approved tentative map must expire 24 months after its approval or conditional approval, or after any additional time period as prescribed by local ordinance, not to exceed an additional 12 months. Section 16.18.010 (A) of the Corning Municipal Code (CMC) states that, "*an approved or conditionally approved tentative map shall expire twenty-four months after its approval or conditional approval.*" The CMC does not provide for an additional 12 months as an option.

Section 66452.21 (a) added by SB 1185 reads as follows, "*The expiration date of any tentative or vesting tentative subdivision map or parcel map for which a tentative or vesting tentative map, as the case may be, has been approved that has not expired on the date that the act that added this section became effective and that will expire before January 1, 2011, shall be extended by 12 months.*" This section automatically extended the life of 8 different tentative subdivision maps within the city.

Section 16.18.010 (C) of the CMC allows a subdivider, prior to the expiration of a tentative map, to file for an extension of the tentative map for a period or periods not exceeding two years. SB 1185 allows the subdivider to file an application to extend the time at which the map will expire for a period or periods not to exceed a total of 6 years. By adding to the procedures officials in counties and cities must follow the bill imposed a state-mandated local program.

After discussing this issue with the Planning Commission staff developed the following language for amending Section 16.18.010 (C) of the CMC:

Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for an initial period of two years. Additional extensions, upon application of the subdivider, are available for a period or periods not to exceed the limits established by Section 66452.6 (e), or any amendments thereto, of the California Government Code. If the advisory agency denies a subdivider's application for extension, the subdivider may appeal to the legislative body within fifteen days after the advisory agency denied the extension.

With this ordinance staff is also proposing to amend the title and language in Section 17.54.015 of the CMC. The current title and language of this section reads as follows:

Nontransferable. A conditional use permit is nontransferable. When the owner of the use permitted transfers ownership to another, the new owner must apply for and receive a new conditional use permit.

This language presents some problems in tracking conveyance of parcels and the possibility of the denial of a use permit for an existing use on the property like a duplex or the Flying J Truck stop. Staff feels that this language could have a negative effect when trying to sell, finance or refinance property with a use granted by a use permit. Therefore, staff as part of this ordinance is proposing that the title and language of Section 17.54.015 be amended to read as follows:

Transfer of property ownership. An approved or conditionally approved use permit is issued for a specific use on a parcel or parcels as identified on the permit. The permitted use is valid when ownership of the parcel or parcels transfers. The new owner must adhere to the terms and conditions as specified in the approval of the use permit.

PROPOSED ORDINANCE:

ORDINANCE NO. 634

**AN ORDINANCE OF THE CITY OF CORNING
AMENDING SECTIONS 16.18.010 (C) AND 17.54.015
OF THE CORNING MUNICIPAL CODE REGARDING THE
EXTENSIONS OF TENTATIVE MAPS AND THE TRANSFER OF
PROPERTY GRANTED A USE PURSUANT TO A USE PERMIT**

The City Council of the City of Corning, having conducted a public hearing in accordance with state law, on _____, and having approved the findings recommended by the Planning Commission, does hereby ordain as follows:

To amend Section 16.18.010 (C) of the Subdivision & Planning Code of the City of Corning to read as follows:

Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for an initial period of two years. Additional extensions, upon application of the subdivider, are available for a period or periods not to exceed the limits established by Section 66452.6 (e), or any amendments thereto, of the California Government Code. If the advisory agency denies a subdivider's application for extension, the subdivider may appeal to the legislative body within fifteen days after the advisory agency denied the extension.

To amend and re-title Section 17.54.015 of the Zoning Code of the City of Corning to read as follows:

Transfer of property ownership. An approved or conditionally approved use permit is issued for a specific use on a parcel or parcels as identified on the permit. The permitted use is valid when ownership of the parcel or parcels transfers. The new owner must adhere to the terms and conditions as specified in the approval of the use permit.

* * * * *

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Corning, held on _____ and adopted at a regular meeting of the City Council of the City of Corning, held _____, by the following vote:

AYES:

NOES:

ABSENT:

Abstain:

It shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it or a summary of it, shall be published once, with the names of Council persons voting for and against the same, in a newspaper of general circulation in the County of Tehama.

Gary R. Strack, Mayor

ATTEST:

City Clerk

PUBLISH: _____

ENVIRONMENTAL:

The California Environmental Quality Act (CEQA) Section 15061 (b) (3) states: "a project is exempt from CEQA if: 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 exempt from CEQA."

This section is based on the idea that CEQA applies jurisdictionally to activities which have the potential for causing environmental effects. Where an activity has no possibility of causing a significant effect, the activity will not be subject to CEQA. This approach has been noted with approval in a number of appellate court decisions including the State Supreme Court opinion in *No Oil, Inc. v. City of Los Angeles*.

STAFF RECOMMENDATION:

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

Subfinding #1

Ordinance No. 634 will amend Sections 16.18.010 (C) AND 17.54.015 of the Corning Municipal Code to comply with state mandates for the extensions of tentative maps and clarify that Use Permits are valid when parcels are conveyed.

Finding #1

The changes to Sections 16.18.010 (C) AND 17.54.015 of the Corning Municipal Code, as proposed in Ordinance No. 634, will not cause a significant effect on the environment and is therefore exempt from CEQA pursuant to Section 15061 (b) (3)

Subfinding #2

SB 1185 allows the subdivider to file an application to extend the time at which the map will expire for a period or periods not to exceed a total of 6 years. By adding to the procedures officials in counties and cities must follow the bill imposed a state-mandated local program.

Finding #2

Ordinance No. 634 will amend Section 16.18.010 (C) to comply with the state-mandated requirements of SB 1185 signed by the governor on July 15, 2008.

Subfinding #3

The existing title and language in Section 17.54.015 imposes unfair requirements for parcels that have an established use permitted by the approval of a Use Permit. This language could have a negative effect when trying to sell, finance or refinance these parcels.

Finding #3

Amending the title and language in Section 17.54.015 will clarify that an established use permitted by a use permit must adhere to the applicable conditions of the use permit when the property is conveyed from one owner to another.

ACTION:

Move to recommend that the City Council adopt the Subfindings and Findings as presented in the staff report (or as modified by the Commission) and approve and adopt Ordinance No. 634, the ordinance to implement Rezone No. 2009-1.

Or;

Make a motion to recommend that the City Council deny approval of Ordinance 634.

ATTACHMENTS:

Exhibit "A" Section 16.18.010 of the CMC

Exhibit "B" Senate Bill No. 1185

Exhibit "C" Residential Project List

Exhibit "D" Section 17.54.015 of the CMC

Exhibit "E" CEQA Section 15061

EXHIBIT "A" 16.18.010--16.18.030

Sections: (Continued)

- 16.18.170 Preparation of maps--Certificate regarding tax lien.
- 16.18.180 Preparation of maps--Other documents.
- 16.18.190 Action on final map by city engineer.
- 16.18.200 Approval by city council.
- 16.18.210 Public improvement agreement.
- 16.18.220 Disapproval by city council.
- 16.18.230 Recordation.
- 16.18.240 Amending maps after recordation.

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

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

C. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of two years. If the advisory agency denies a subdivider's application for extension, the subdivider may appeal to the legislative body within fifteen days after the advisory agency has denied the extension. (Ord. 550 (part), 1994).

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

16.18.030 Data to accompany final map. Prior to or at the time of submitting the final or parcel map to the planning department, the subdivider shall submit therewith the following documents:

A. Traverse Sheets. Calculation and traverse sheets in a form approved by the city engineer giving bearings and distance and coordinates of the boundary of the subdivision and blocks and lots therein shown on the final or parcel map;

B. Public Improvement Plans. The original tracings of detailed plans, cross-sections and profiles of public street improvements and of all other improvements proposed to be installed as required by the provisions of this title and of all other improvements proposed to be installed by the subdivider in, on, over or under any street, right-of-way, easement or parcel of land dedicated by the map or

EXHIBIT "B"

Senate Bill No. 1185

CHAPTER 124

An act to amend Sections 66452.6 and 66463.5 of, to add Section 66452.21 to, and to amend and renumber Sections 66452.11 and 66452.12 of, the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 2008. Filed with
Secretary of State July 15, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1185, Lowenthal. Land use: subdivision maps.

(1) The Subdivision Map Act establishes a statewide regulatory framework for controlling the subdividing of land. It generally requires a subdivider to submit, and have approved by, the city, county, or city and county in which the land is situated a tentative or vesting tentative map, which confers a vested right to proceed with development in substantial compliance with specified ordinances, policies, and standards. The act provides for the expiration of tentative or vesting tentative maps, after specified periods of time, and specifically extends by 12 months the expiration date of any tentative or vesting tentative map or parcel map for which a tentative or vesting tentative map has been approved that had not expired on May 15, 1996. This extension is in addition to any other extension of the expiration date provided for in specified provisions of the act. Any legislative, administrative, or other approval by any local agency, state agency, or other political subdivision of the state that pertains to a development project included in a map that is extended is to be extended by 12 months under specified conditions.

This bill would extend the applicable expiration date to 12 months, as specified, for any vesting tentative map, in addition to a tentative map, generally, that has not expired as of the date adding these provisions and that will expire, as specified, before January 1, 2011. By adding to the procedures officials in counties, cities, and cities and counties must follow, this bill would impose a state-mandated local program.

(2) The Subdivision Map Act provides that when a tentative map is required, an approved or conditionally approved tentative map must expire 24 months after its approval or conditional approval, or after any additional time period as prescribed by local ordinance, not to exceed an additional 12 months. A subdivider may file with the appropriate legislative body, prior to the expiration of the approved or conditionally approved tentative map, an application to extend the time at which the map will expire for a period or periods not to exceed a total of 5 years.

This bill instead would allow the subdivider to file an application to extend the time at which the map will expire for a period or periods not to exceed a total of 6 years. By adding to the procedures officials in counties, cities, and cities and counties must follow, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 66452.6 of the Government Code is amended to read:

66452.6. (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months. However, if the subdivider is required to expend one hundred seventy-eight thousand dollars (\$178,000) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 36 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2005, and each calendar year thereafter, the amount of one hundred seventy-eight thousand dollars (\$178,000) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency which approved or conditionally approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in

addition to the period of time provided by subdivision (a). Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies which regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action prior to expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency which owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency which owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency which owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

SEC. 2. Section 66452.11 of the Government Code, as added by Section 6 of Chapter 612 of the Statutes of 2007, is amended and renumbered to read:

66452.14 (a) Pursuant to the provisions of subparagraph (E) of paragraph (2) of subdivision (a) of Section 66427.1, the subdivider shall give written notice of the intent to convert 180 days prior to the termination of tenancy in the form outlined in subdivision (b), to each tenant of the subject property.

(b) The notice shall be as follows:

“To the occupant(s) of

_____ :

(address)

The owner(s) of this building, at (address), plans to convert this building to a (condominium, community apartment, or stock cooperative project). This is a notice of the owner’s intention to convert the building to a (condominium, community apartment, or stock cooperative project).

A tentative map to convert the building to a (condominium, community apartment, or stock cooperative project) was approved by the City on _____. If the City approves a final map, you may be required to vacate the premises, but that cannot happen for at least 180 days from the date this notice was served upon you.

Any future notice given to you to terminate your tenancy because of the conversion cannot be effective for at least 180 days from the date this notice was served upon you. This present notice is not a notice to terminate your tenancy; it is not a notice that you must now vacate the premises.

(signature of owner or owner’s agent)

(date)”

The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

SEC. 3. Section 66452.12 of the Government Code, as added by Section 7 of Chapter 612 of the Statutes of 2007, is amended and renumbered to read:

66452.15 (a) Pursuant to subparagraph (F) of paragraph (2) of subdivision (a) of Section 66427.1, the subdivider shall give written notice within five days after receipt of the subdivision public report to each tenant of his or her exclusive right for at least 90 days after issuance of the subdivision public report to contract for the purchase of his or her respective unit in the form outlined in subdivision (b).

(b) The notice shall be as follows:

“To the occupant(s) of

_____ :

(address)

The owner(s) of this building, at (address), have received the final subdivision report on the proposed conversion of this building to a (condominium, community apartment, or stock cooperative project). Commencing on the date of issuance of the subdivision public report, you have the exclusive right for 90 days to contract for the purchase of your rental unit upon the same or more favorable terms and conditions than the unit will initially be offered to the general public.

(signature of owner or owner's agent)

(date)"

The written notices to tenants required by this section shall be deemed satisfied if the notices comply with the legal requirements for service by mail.

SEC. 4. Section 66452.21 is added to the Government Code, to read:

66452.21. (a) The expiration date of any tentative or vesting tentative subdivision map or parcel map for which a tentative or vesting tentative map, as the case may be, has been approved that has not expired on the date that the act that added this section became effective and that will expire before January 1, 2011, shall be extended by 12 months.

(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.6, 66452.11, 66452.13, or 66463.5.

(c) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 12 months if this approval has not expired on the date that the act that added this section became effective. This extension shall be in addition to any extension provided for in Section 66452.13.

(d) For purposes of this section, the determination of whether a tentative subdivision map or parcel map expires before January 1, 2011, shall count only those extensions of time pursuant to subdivision (e) of Section 66452.6 or subdivision (e) of Section 66463.5 approved on or before the date that the act that added this section became effective and any additional time in connection with the filing of a final map pursuant to subdivision (a) of Section 66452.6 for a map that was recorded on or before the date that the act that added this section became effective. The determination shall not include any development moratorium or litigation stay allowed or permitted by Section 66452.6 or 66463.5.

SEC. 5. Section 66463.5 of the Government Code is amended to read:

66463.5. (a) When a tentative map is required, an approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months.

(b) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings, and no parcel map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(c) Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. Prior to the expiration of an approved or conditionally approved tentative map, upon the application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(d) (1) The period of time specified in subdivision (a) shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) Once a moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(e) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (c), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is, or was, pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(f) For purposes of this section, a development moratorium shall include a water or sewer moratorium or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a parcel map.

(g) Notwithstanding subdivisions (a), (b), and (c), for the purposes of Chapter 4.5 (commencing with Section 66498.1), subdivisions (b), (c), and (d) of Section 66498.5 shall apply to vesting tentative maps prepared in connection with a parcel map except that, for purposes of this section, the time periods specified in subdivisions (b), (c), and (d) of Section 66498.5 shall be determined from the recordation of the parcel map instead of the final map.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

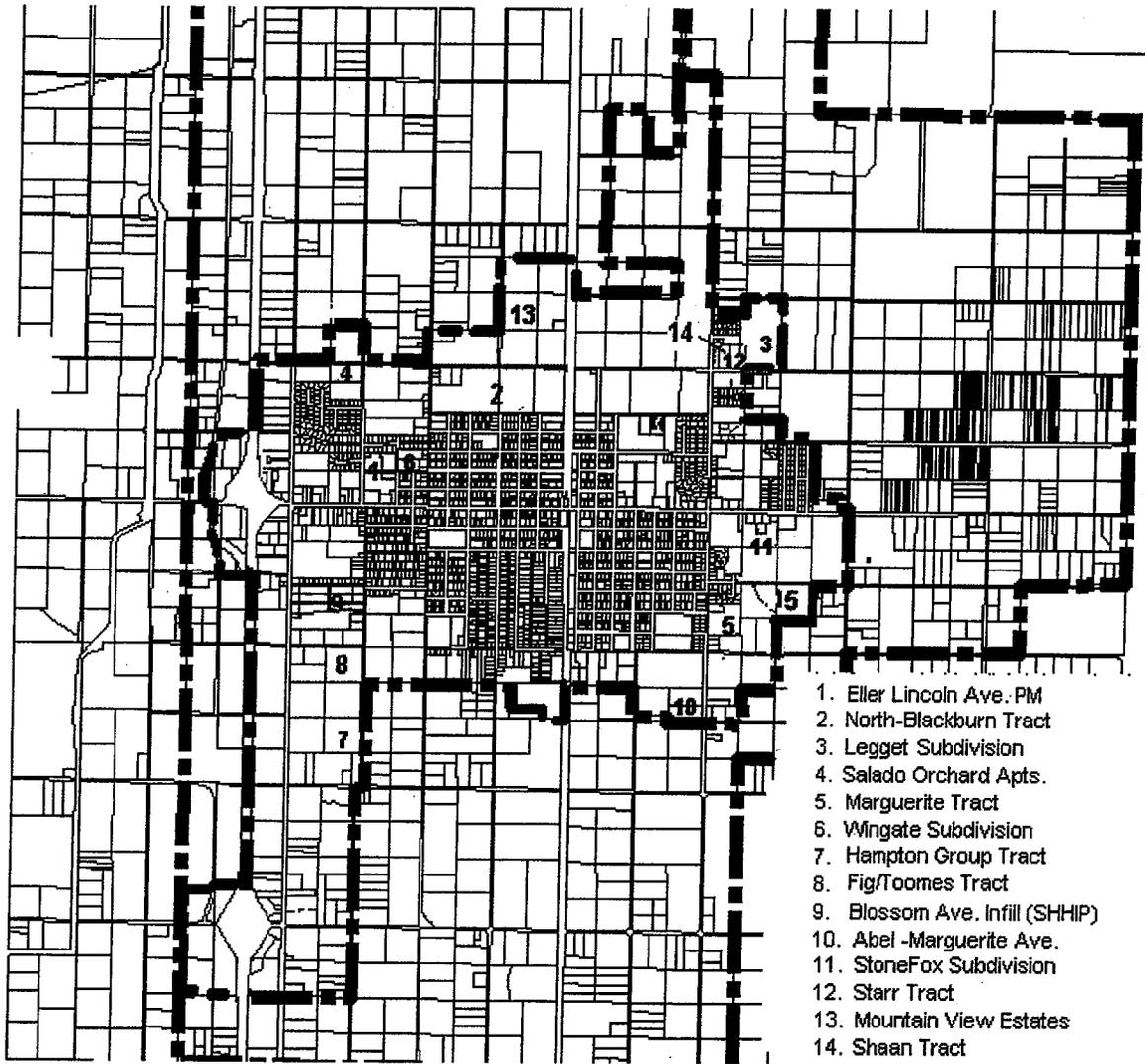
SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to permit cities, counties, and a city and county to preserve development applications that are set to expire and that cannot be processed presently due to prevailing adverse economic conditions in the construction industry, it is necessary that this act take immediate effect.

CITY OF CORNING
CURRENT RESIDENTIAL PROJECT LIST
MARCH 1, 2008



EXHIBIT "C"



1. Eller Lincoln Ave. PM
2. North-Blackburn Tract
3. Legget Subdivision
4. Salado Orchard Apts.
5. Marguerite Tract
6. Wingate Subdivision
7. Hampton Group Tract
8. Fig/Toomes Tract
9. Blossom Ave. Infill (SHHIP)
10. Abel -Marguerite Ave.
11. StoneFox Subdivision
12. Starr Tract
13. Mountain View Estates
14. Shaan Tract
15. Kaye Tract

EXHIBIT "D" 17.54.015--17.54.030

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

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

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

(Ord. 610 §2(part), 2004; Ord. 560 (part), 1996).

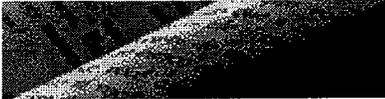
17.54.030 Burden of proof. Before any conditional use permit is granted, the applicant shall show, to the satisfaction of the commission or the council, the existence of the following facts:

A. That the site for the proposed use is adequate in size, shape, topography and circumstances; and

B. That the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use; and

C. That the proposed use will not have an adverse effect upon the use, enjoyment or valuation of adjacent or neighboring properties or upon the public welfare. (Ord. 560 (part), 1996).

EXHIBIT "E"

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California Code of Regulations

14 CA ADC § 15061

Term 

14 CCR § 15061

Cal. Admin. Code tit. 14, § 15061

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 14. NATURAL RESOURCES
DIVISION 6. RESOURCES AGENCY
CHAPTER 3. GUIDELINES FOR IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT
ARTICLE 5. PRELIMINARY REVIEW OF PROJECTS AND CONDUCT OF INITIAL STUDY

This database is current through 2/27/09, Register 2009, No. 9

§ 15061. Review for Exemption.

(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:

(1) The project is exempt by statute (see, e.g. Article 18, commencing with Section 15260).

(2) The project is exempt pursuant to a categorical exemption (see Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.

(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.

(4) The project will be rejected or disapproved by a public agency. (See Section 15270(b)).

(5) The project is exempt pursuant to the provisions of Article 12.5 of this Chapter.

(c) Each public agency should include in its implementing procedures a listing of the projects often handled by the agency that the agency has determined to be exempt. This listing should be used in preliminary review.

(d) After determining that a project is exempt, the agency may prepare a notice of exemption as provided in Section 15062. Although the notice may be kept with the project application at this time, the notice shall not be filed with the Office of Planning and Research or the county clerk until the project has been approved.

ITEM NO: F-4

LOT LINE ADJUSTMENT 2009-1, LISA & RAY LINNET / SHARON LEET, PROPERTY OWNERS. TO ADJUST THE SIDEYARD PROPERTY LINE BY 8 FEET TO THE EAST. THE PARCELS ARE LOCATED ALONG THE SOUTH SIDE OF TAFT AVE., APPROXIMATELY 200 FEET EAST OF THE TAFT AVE. / TOOMES AVE. INTERSECTION, IN AN R-1-2 ZONING DISTRICT. 1913 & 1973 TAFT AVE. APN'S 71-192-02 & 37

MARCH 17, 2009

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING

FROM: JOHN STOUFER; PLANNING DIRECTOR

PROJECT DESCRIPTION:

The property owners are proposing to adjust 100 feet of the sideyard property line 8 feet to the east increasing the parcel owned by the Linnet's by 800 sq. ft. As depicted on the attached plot map (Exhibit "B") the adjustment will increase the sideyard setback on the Linnet parcel from 5 feet to 13 feet and decrease the sideyard setbacks on the Leet parcel from 61 feet to 53 feet from the house and from 11 feet to 8 feet from the detached shop building. The adjustment will provide sufficient space along the side of the Linnet parcel to park a travel trailer.

CONFORMANCE WITH SUBDIVISION AND ZONING ORDINANCES:

Chapter 17.10, Section 17.10.040 of the Zoning Code (Exhibit "D") describes the minimum height, bulk and space requirements for the R-1 Zoning District. The resultant parcels of the LLA will exceed the minimum parcel size and width requirements and conform to all applicable City codes.

ENVIRONMENTAL:

This Project is categorically exempt from the California Environmental Quality Act under Section 15305, because the project is a "Minor Lot Line Adjustment", which will not "result in any changes in land use or density".

SUBDIVISION MAP ACT:

State law and the City Code permits Lot Line Adjustments where all services are available to the lots and no additional lots are created. This property is currently two separate and conveyable parcels. The Linnet parcel is described as Parcel "D" of Parcel Map 78-219 and the Leet parcel is described as Lot 12 of the Sunnyside Addition to the Town of Corning. . No new parcels are being created as a result of the Lot line Adjustment. Water and sewer services are currently serving the existing residences and both parcels will retain frontage along Taft Ave.

STAFF RECOMMENDATION:

THAT THE PLANNING COMMISSION ADOPT THE FOLLOWING, OR SIMILAR SUBFINDINGS & FINDINGS:

Subfinding #1

Lot Line Adjustment 2009-1 proposes to adjust a common property line on parcels with less than a 20% slope and will not change the existing land use or density of the existing parcels.

Finding #1

The project is categorically exempt from the California Environmental Quality Act pursuant to Section 15305 (a), Minor Alterations in Land Use Limitations.

Subfinding #2

Lot Line Adjustment 2009-1 proposes to adjust a common property line between an approximately 6,500 sq. ft. parcel and an approximately 17,820 sq. ft. parcel that are both separate and conveyable parcels pursuant to the Subdivision Map Act. . The resultant parcels will be 7,300 sq. ft. and 17,020 sq. ft. respectively.

FINDING #2

The proposed Lot Line Adjustment conforms to the Corning General Plan, the R-1-2 Zoning District, and the City's Subdivision Ordinance.

SUBFINDING #3

Water and sewer services are currently serving the existing residences on both of the parcels proposed for adjustment pursuant to LLA 2009-1.

FINDING #3

There are no conflicts with City Water and Sewer Services.

SUBFINDING #4

A licensed land surveyor company, Precision Surveying prepared exhibit maps and legal descriptions of the resultant parcels of LLA 2009-1.

FINDING #4

The City accepts these maps depicting the existing and proposed property boundaries but makes no attempt to certify neither title nor accuracy of the attached drawing or resultant parcel descriptions.

ACTION:

MOVE TO ADOPT THE FOUR SUBFINDINGS & FINDINGS AS PRESENTED IN THE STAFF REPORT (Or as amended by the commission if so desired) AND APPROVE LOT LINE ADJUSTMENT 2009-1, AS PROVIDED FOR IN THE CITY OF CORNING SUBDIVISION CODE AND THE STATE SUBDIVISION MAP ACT AND DIRECT STAFF TO RECORD THE MAP AND DESCRIPTIONS WITH THE TEHAMA COUNTY CLERK'S OFFICE.

OR;

MAKE A MOTION TO DENY LOT LINE ADJUSTMENT 2009-1.

ATTACHMENTS

- Exhibit "A" Vicinity Map
- Exhibit "B" Plot Map with attached exhibits of resultant parcel legal descriptions
- Exhibit "C" Assessor's Map
- Exhibit "D" Section 17.10.040 Corning Zoning Code

EXHIBIT "A" VICINITY MAP LLA 2009-1

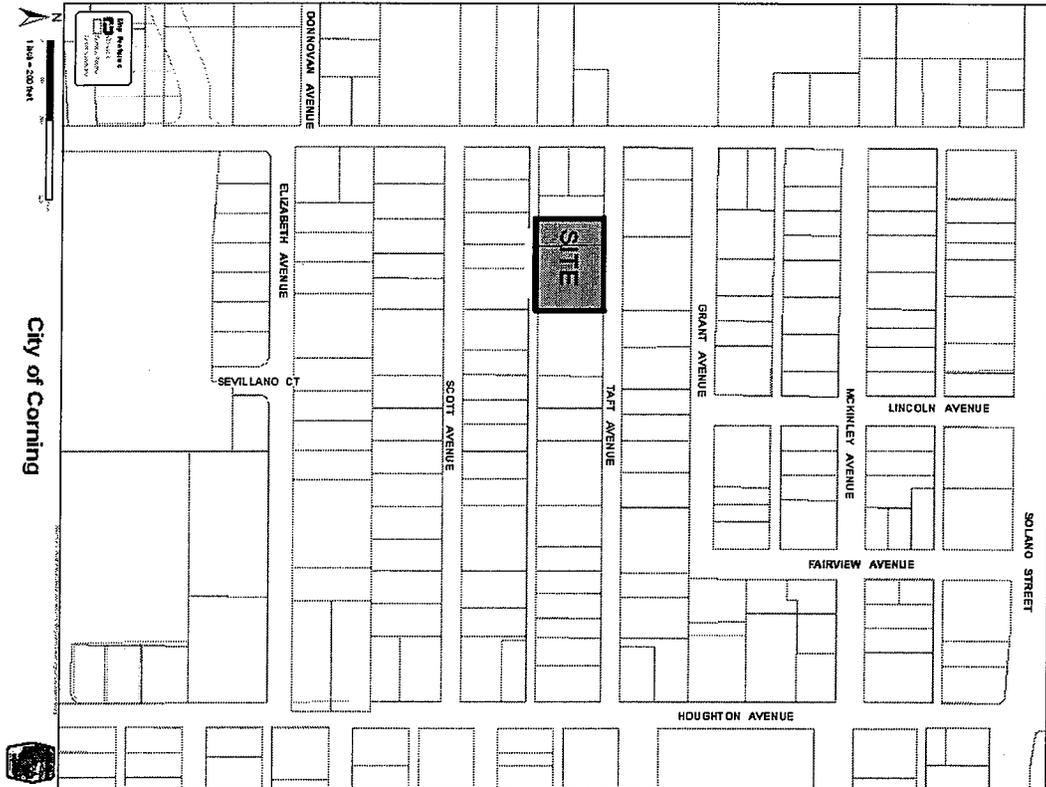
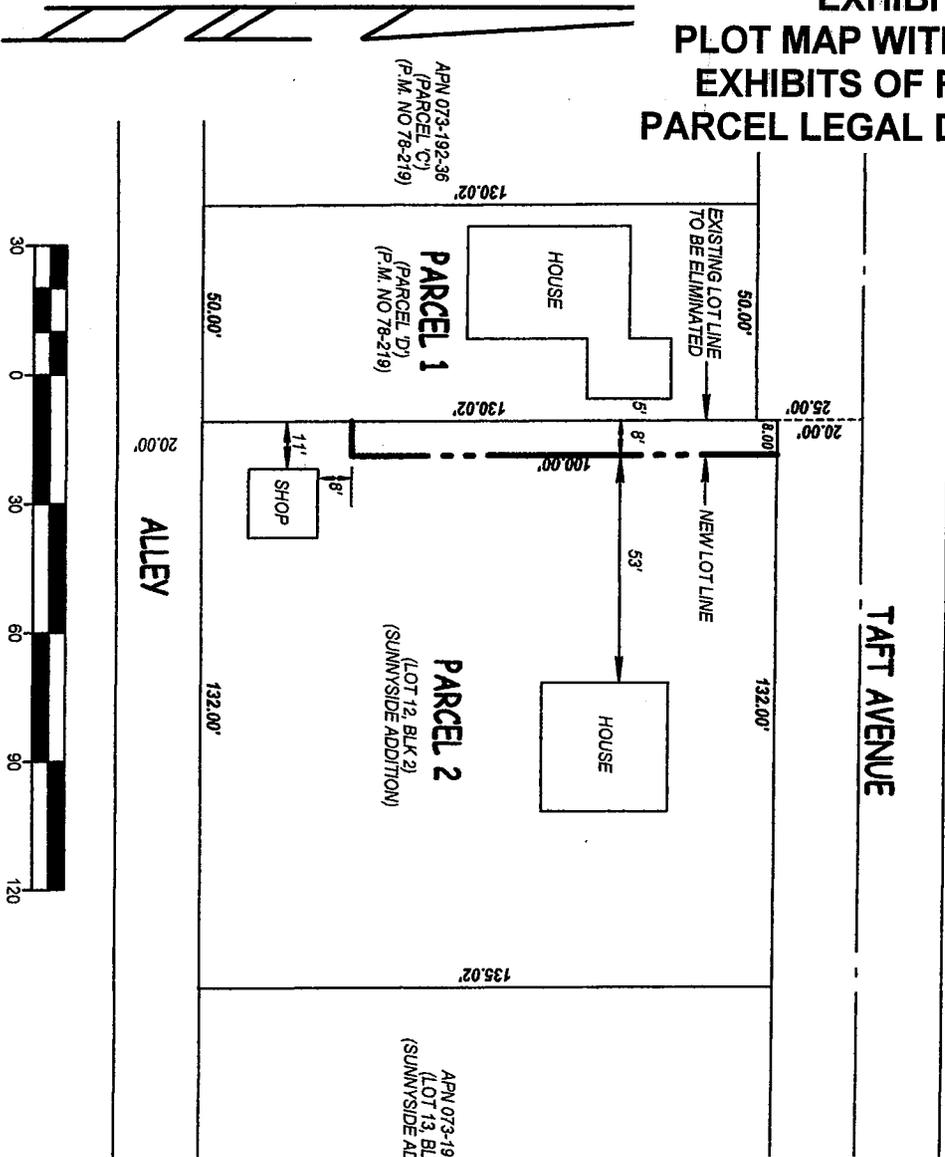


EXHIBIT "B"
PLOT MAP WITH ATTACHED
EXHIBITS OF RESULTANT
PARCEL LEGAL DESCRIPTIONS



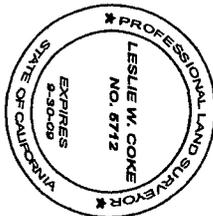
Linnet.dcs
 2-20-09
 #3600

PARCEL 1

OWNER: RAY AND LISA LINNET
 APN 073-192-37
 1973 TRAFT AVE
 6501 SQ. FT. PRIOR TO LOT LINE ADJUSTMENT
 7301 SQ. FT. AFTER LOT LINE ADJUSTMENT

PARCEL 2

OWNER: SHARON LEET
 APN 073-192-02
 1913 TRAFT AVE
 17,820 SQ. FT. PRIOR TO LOT LINE ADJUSTMENT
 17,020 SQ. FT. AFTER LOT LINE ADJUSTMENT



LOT LINE ADJUSTMENT

IN LOT 12, BLOCK 2 OF SUNNYSIDE ADDITION TO
 THE TOWN OF CORNING (B' MAPS 5)
 SITUATE IN SECTION 22,
 TOWNSHIP 24 NORTH, RANGE 3 WEST, M.D.M.

CITY OF CORNING
 TEHAMA COUNTY, CALIFORNIA

RAY LINNET AND SHARON LEET

PRECISION SURVEYING

717 FIFTH STREET, ORLAND, CALIFORNIA 95963 530-865-4194

DATE: FEBRUARY, 2009 SCALE: 1" = 30' SHEET: 1 OF 1

EXHIBIT 'A'

PARCEL 1

(RESULTANT LINNET PARCEL)

PARCEL 'D' of Parcel Map No. 78-219 as it is shown on the Parcel Map filed in Book 5 of Parcel Maps, Page 206, Tehama County Records, **together with** the North 100 feet of the West 8 feet of Lot 12, Block 2 of the Sunnyside Addition to the Town of Corning as it is shown on the map filed in Book 'B' of Maps, Page 12, Tehama County Records.

The aggregate parcel contains 7301 square feet, more or less.



Leslie W. Coke, LS 5712
Registration expires 9-30-09



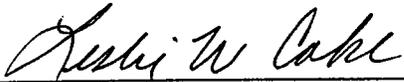
EXHIBIT 'B'

PARCEL 2

(RESULTANT LEET PARCEL)

Lot 12, Block 2 of the Sunnyside Addition to the Town of Corning as it is shown on the map filed in Book 'B' of Maps, Page 12, Tehama County Records, **excepting therefrom** the North 100 feet of the West 8 feet thereof.

The aggregate parcel contains 17,020 square feet, more or less.



Leslie W. Coke, LS 5712
Registration expires 9-30-09

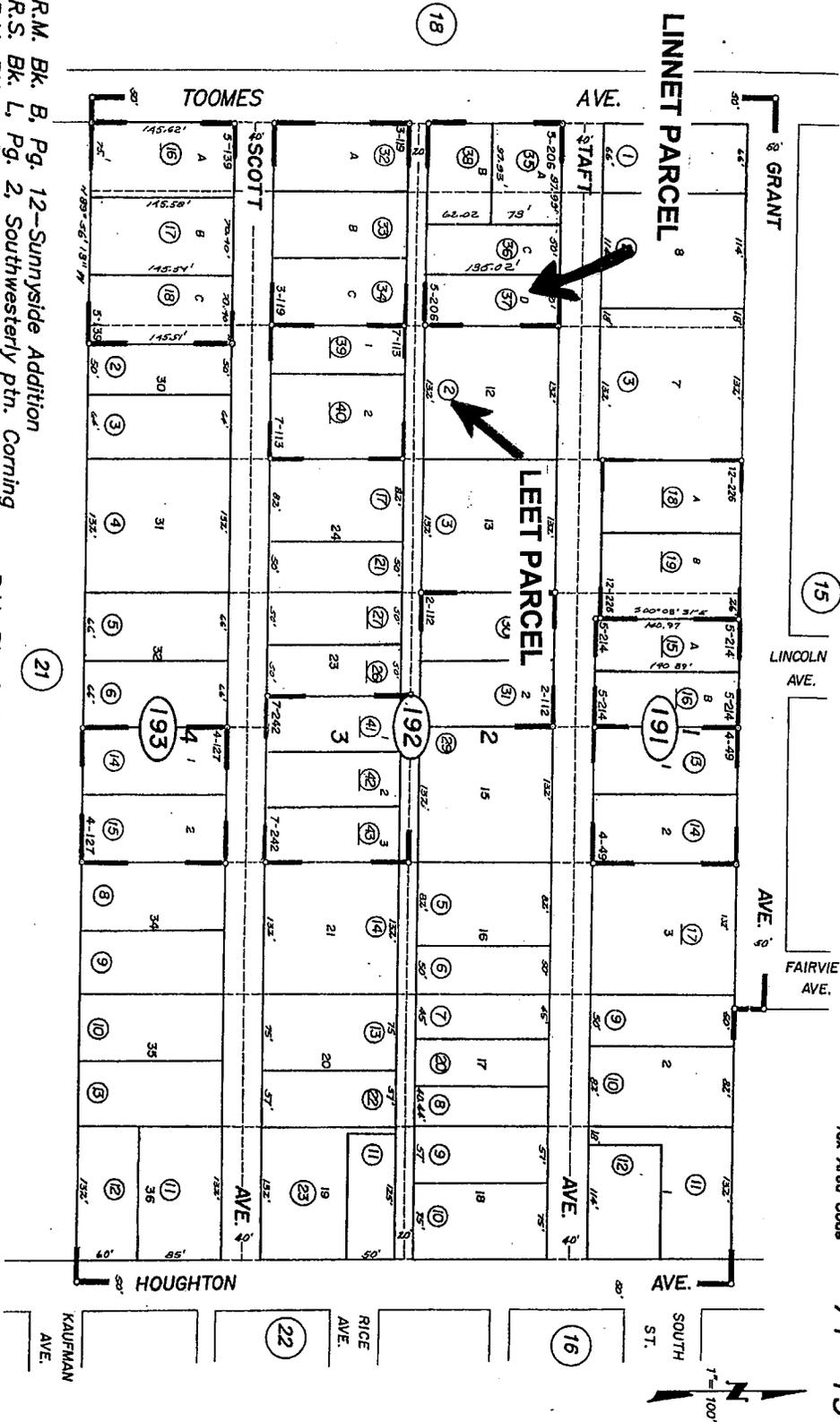


SUBSIDDED LAND IN NW1/4 SEC. 22, T.24N., R.3W., M.D.B.&M.

Tax Area Code

71-19

EXHIBIT "C"
ASSESSOR'S MAP



R.M. Bk. B, Pg. 12-Sunnyside Addition
 R.S. Bk. L, Pg. 2, Southwesterly ptn. Corning
 P.M. Bk. 2, Pg. 112-P.M. No. 611
 P.M. Bk. 3, Pg. 119-P.M. No. 801
 P.M. Bk. 4, Pg. 49-P.M. No. 77-101
 P.M. Bk. 4, Pg. 127-P.M. No. 827
 P.M. Bk. 5, Pg. 139-P.M. No. 78-198
 P.M. Bk. 5, Pg. 206-P.M. No. 78-219

P.M. Bk. 5, Pg. 214-P.M. No. 78-230
 P.M. Bk. 7, Pg. 113-P.M. No. 81-46
 P.M. Bk. 7, Pg. 242-P.M. No. 83-70
 P.M. Bk. 12, Pg. 226-P.M. No. 04-26

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

Assessor's Map Bk. 71 -Pg. 19
 County of Tehama, Calif.

APR 19 2005

EXHIBIT D
SECTION 17.10.040
CORNING ZONING CODE

17.10.040 Minimum height bulk and space requirements.

In R-1 districts, the following minimum height, bulk and space requirements shall apply:

- A. Lot area, six thousand square feet;
- B. Lot width, sixty feet for interior lots, seventy-five feet for corner lots;
- C. Maximum main building coverage, thirty-five percent of lot area;
- D. Front yard, twenty feet;
- E. Side yards shall total not less than twenty percent of the lot width, and no side yard may be less than five feet. Three feet shall be added to each required side yard for each story above the first story of any building. The side yard on the street side of each corner lot shall be not less than ten feet;
- F. Rear yard, ten percent of average lot depth, except that no such rear yard may be less than ten feet or need be more than twenty-five feet;
- G. Building height limit, two and one-half stories, but not exceeding thirty-five feet;
- H. Main Building Area. The main building shall have a minimum floor area of eight hundred square feet, including walls. The definition of "main building" includes a mobile home. (Ord. 497 §1(part), 1989; Ord. 368 §2, 1981; Ord. 180 §1, 1963; Ord. 153 §§5.10--5.18, 1959).

17.10.042 Determination of compatibility. It shall be the responsibility of the planning commission to determine if a proposed mobile home installation in an R-1 or R-1-2 district will be compatible with the neighborhood. Upon applying for a building permit for the installation of a mobile home, the applicant shall furnish the building official with a site plan, a description of the roof and siding materials, and roof pitch, and pictures of the mobile home from all four sides. This data shall be submitted to the planning commission, who shall determine compatibility of the proposed installation with the neighborhood, and who shall, within forty days of submission to it of the data, make a determination as to compatibility of the mobile home with the neighborhood, and report its findings to the building official. If the findings recommend approval of issuance of the building permit, the building official shall issue the permit, subject to any other conditions applicable to construction in an R-1 or R-1-2 district. Failure of the planning commission to make findings within forty days of submission to them of the required data shall constitute approval of the application. (Ord. 368 §3, 1981).