



**CITY OF CORNING  
PLANNING COMMISSION AGENDA**

**TUESDAY, MARCH 20, 2012  
CITY COUNCIL CHAMBERS  
794 THIRD STREET  
CORNING, CA 96021**

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

B. **ROLL CALL:**

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

C. **MINUTES:**

1. **Waive the Reading and Approve the Minutes of the December 20, 2011 Planning Commission Meeting with any necessary corrections.**

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

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

2. **Use Permit No. 2012-264, Aloha Massage:**  
**Establish a business that provides certified massage therapy in a suite of the commercial building adjacent to Montes Mexican Restaurant. APN: 71-094-04, Address: 1708 Solano Street.**

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

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

H. **ADJOURNMENT:**

**POSTED: FRIDAY, MARCH 16, 2012**



**CITY OF CORNING  
PLANNING COMMISSION MINUTES**

**TUESDAY, DECEMBER 20, 2011  
CITY COUNCIL CHAMBERS  
794 THIRD STREET  
CORNING, CA 96021**

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

**B. ROLL CALL:**

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

All members of the Commission were present.

**C. MINUTES:**

**1. Waive the Reading and Approve the Minutes of the October 18, 2011 Planning Commission Meeting with any necessary corrections.**

Commissioner Reilly moved to approve the Minutes as corrected (to state on Item #5, "if slots on placard are **not** filled would they be available to other businesses"). Commissioner Barron seconded the motion. **Ayes: Robertson, Reilly, Barron, Poisson and Mesker. Opposed/Absent/Abstain: None. Motion approved by a 5-0 vote.**

**D. BUSINESS FROM THE FLOOR: None.**

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

**2. Amend Use Permit 2008-250, AAA Truck Wash: Amend Use Permit 2008-250 to permit the establishment of a tire shop within an existing building located directly east of the Truck Wash facility. Address: 3525 Highway 99-W, APN No. 87-100-80.**

Chairperson Robertson introduced this item by title and opened the Public Hearing at 6:32 p.m.

Planning Director John Stoufer provided a brief outline of the application for an amendment to the existing Use Permit 2008-250, and an explanation of the City's General Plan Land Use Designation and C-3 – CBDZ (Corning Business Development Zone) Zoning designation. He informed the Commission that the proposed use and site location are consistent with the City's C-3 - CBDZ Zoning District, the City's General Plan Land Use Element and that it is exempt from CEQA pursuant to Section 15301. John further stated that the City had to date not received any objections from any of the neighboring property owners notified as required.

Mr. Stoufer presented the 4 "Factual Subfindings/Findings" and the original 11 "Conditions of Approval" along with the proposed 2 "Conditions of Approval" (12 – 13) relating to signs and tire storage. Commissioner Poisson asked if the Commissioners agreed with the proposed condition relating to sign storage. Following some discussion it was determined that the Commission did agree with the addition of the 2 "Conditions of Approval".

Commissioner Reilly moved to close the Public Hearing at 6:36 p.m. and Commissioner Barron seconded the motion. **Ayes: Robertson, Reilly, Barron, Poisson and Mesker. Opposed/Absent/Abstain: None. Motion approved by a 5-0 vote.**

**Commissioner Poisson then moved to adopt the 4 Factual Subfindings and Legal Findings as presented in the Staff Report for the amendment to Use Permit 2008-250. Commissioner Barron seconded the motion. Ayes: Robertson, Reilly, Barron, Poisson and Mesker. Opposed/Absent/Abstain: None. Motion approved by a 5-0 vote.**

**The City of Corning is an Equal Opportunity Employer**

**Commissioner Reilly moved to approve an amendment to Use Permit 2008-250 subject to the original 11 Conditions of Approval, and the addition of 2 additional Conditions of Approval (12 – 13) as recommended by Staff. Commissioner Poisson seconded the motion. Ayes: Robertson, Reilly, Barron, Poisson and Mesker. Opposed/Absent/Abstain: None. Motion approved by a 5-0 vote.**

- 3. Use Permit No. 2011-263, Olive Pit: Pursuant to Section 17.54.020(1) of the Corning Municipal Code, consider issuing a Use Permit for the sale and on-site consumption of beer and wine at the Olive Pit. Address: 2156 Solano Street, APN No. 71-330-02.**

Chairperson Robertson introduced this item by title and opened the Public Hearing at 6:37 p.m.

Planning Director John Stoufer briefed the Commission on the proposed Use Permit explaining that the applicant is seeking the Permit that will allow them to sell beer and wine, and allow wine tasting at their establishment, the Olive Pit. He stated that the City had to date not received any objections from any of the neighboring property owners notified as required and explained that the project is consistent with the City's General Plan Land Use Designation and complies with the City's zoning for this location.

With little discussion, **Commissioner Barron moved to adopt the 5 Factual SubFindings/Legal Findings as presented in the Staff Report and approve Use Permit 2011-263 permitting the sale and serving of beer and wine at the Olive Pit subject to the two Conditions of Approval. Commissioner Mesker seconded the motion. Ayes: Robertson, Reilly, Barron, Poisson and Mesker. Opposed/Absent/Abstain: None. Motion approved by a 5-0 vote.**

**F. REGULAR AGENDA: None.**

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

**H. ADJOURNMENT: 6:44 p.m.**

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**Lisa M. Linnet, City Clerk**

**ITEM NO: E-2  
USE PERMIT APPLICATION 2012-264;  
ALOHA MASSAGE, ESTABLISH A BUSINESS  
THAT PROVIDES CERTIFIED MASSAGE  
THERAPY IN A C-3, GENERAL BUSINESS  
DISTRICT, ZONING DESIGNATION. LOCATED  
ALONG THE NORTH SIDE OF SOLANO ST. AT  
THE NORTHEAST CORNER OF THE SOLANO  
ST. / FAIRVIEW AVE. INTERSECTION.  
ADDRESS: 1708 SOLANO ST. APN: 71-094-04**

MARCH 20, 2012

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING

FROM: JOHN STOUFER; PLANNING DIRECTOR

**PROJECT DESCRIPTION:**

Aloha Massage has applied for a Use Permit to establish a business that provides certified massage therapy. Pursuant to Section 17.54.020 (A) (8) a "massage parlor" is only permitted upon the issuance of a Use Permit. The site proposed for the location of Aloha Massage is along the north side of Solano St. at the northwest corner of the Fairview Ave. / Solano St. intersection adjacent to Montes Restaurant.  
APN: 71-094-04 Address: 1708 Solano St.

**GENERAL PLAN LAND USE DESIGNATION**

C – Commercial

**ZONING**

C-3 – General Business District. This district classification is intended to be applied where general commercial facilities are necessary for public service and convenience. The C-3 District allows uses permitted in C-1 and C-2 Districts. The C-2, Central Business District, allows professional offices, studios, and clinics. A certified massage therapy business or "massage parlor" would be classified as a clinic and therefore permitted within the C-3 zoning designation. As previously discussed pursuant to Section 17.54.020 (A) (8) a "massage parlor" is only permitted upon the issuance of a Use Permit.

**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 permit a business that would provide massage therapy in a suite of an existing building that was constructed for commercial uses permitted in a C-3, General Business District. The leasing of this suite within a building established with commercial businesses is not an expansion of the existing uses permitted in the General Business District and therefore exempt from CEQA pursuant to Section 15301, Class 1.

### **CONSISTENCY WITH GENERAL PLAN**

#### **LAND USE ELEMENT:**

The site is currently designated Commercial as shown on the Land Use Element Maps for the City of Corning. The building where the massage business will be established has adjacent suites established with commercial offices and is adjacent to an existing restaurant. The businesses established within these commercial suites are compatible with the following policies of the Land Use Element:

*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*

#### **RECOMMENDATION:**

**Staff recommends that the Planning Commission adopt the following, or similar, Factual Subfindings and Legal Findings for Use Permit 2012-264;**

#### **Factual Subfinding #1**

Use Permit 2012-264 will permit a business that would provide massage therapy in a suite of an existing building that was constructed for commercial uses permitted in a C-3, General Business District.

#### **Legal Finding #1**

The granting of Use Permit 2012-264 would permit the leasing of a suite in a building established with commercial businesses, and is not an expansion of the existing uses permitted in the General Business District, therefore exempt from CEQA pursuant to Section 15301, Class 1.

**Factual Subfinding #2**

Aloha Massage will be conducting business in a building located on a parcel that is zoned C-3, General Business District.

**Legal Finding #2**

Professional offices, studios, and clinics are an allowed use in a C-3 Zoning District. Aloha Massage would be classified as a professional clinic.

**Factual Subfinding #3**

Aloha Massage will be located in an existing suite of a building constructed for the establishment of commercial businesses in a C-3, General Business District.

**Legal Finding #3**

The suite is adequate in size, shape, and topography to allow for the establishment of a massage therapy business.

**Factual Subfinding #4**

The commercial building where Aloha Massage will be located has direct access to Solano Street with adequate off street parking for customers.

**Legal Finding #4**

Solano Street is a major arterial road in the vicinity where Aloha Massage will be located and is adequate in width and pavement to carry the amount of traffic that the massage therapy business will generate.

**Factual Subfinding #5**

Aloha Massage will be located in a building that has suites occupied with commercial businesses.

**Legal Finding #5**

Establishing a message therapy business within the commercial building located at 1708 Solano Street will not have an adverse effect upon the use, enjoyment or valuation of adjacent or neighboring properties or upon the public welfare.

## **ACTION**

**Move to adopt the five Factual Subfindings and Legal Findings as presented and approve Use Permit 2012-264 subject to the three conditions as presented in the staff report:**

**(Please note that the Planning Commission has the ability to add, modify, or delete any factual subfindings, legal findings, and conditions of approval as recommended by staff if deemed appropriate by a majority of the Commission.)**

### **CONDITION #1 – ADULT-ORIENTED BUSINESS**

Issuance of Use Permit 2012-264 in **no way** implies that an adult-oriented business, as regulated by Chapter 8.09 and Chapter 17.60 of the Corning Municipal Code, is permitted.

### **CONDITION #2 – AGENCY COMPLIANCE & CERTIFICATE OF OCCUPANCY**

The massage therapy business must comply with all local, state, and federal regulations, and obtain a certificate of occupancy from the City of Corning Building Department.

### **CONDITION #3 SIGN REGULATIONS**

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

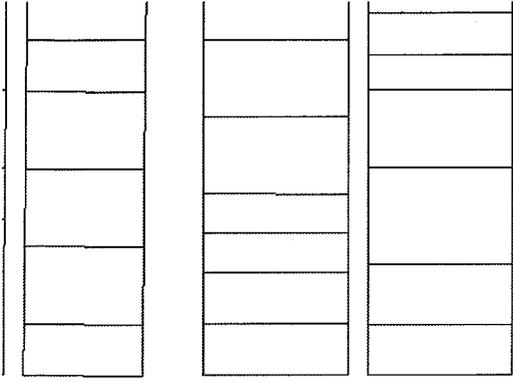
**Or;**

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

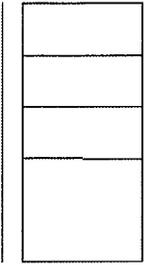
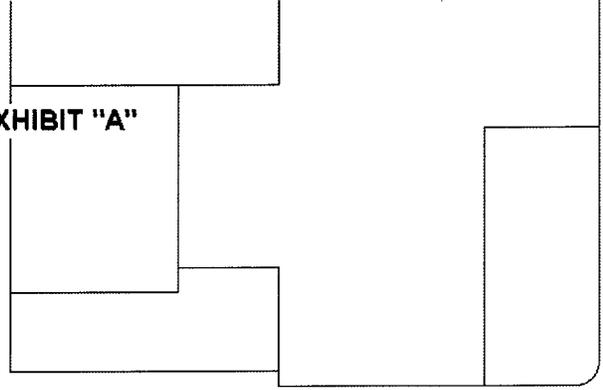
**Adopt findings in denial of the project and deny Use Permit 2012-264.**

## **ATTACHMENTS**

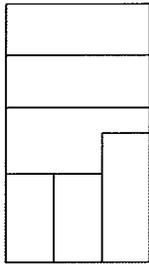
Exhibit "A"	Vicinity Map
Exhibit "B"	Zoning Map
Exhibit "C"	General Plan Land Use Map
Exhibit "D"	Aerial Photo
Exhibit "E"	Use Permit Application



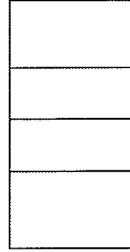
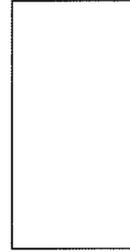
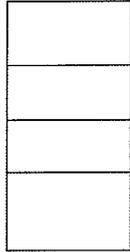
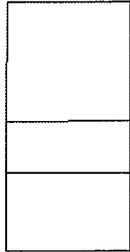
**EXHIBIT "A"**



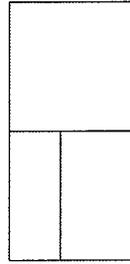
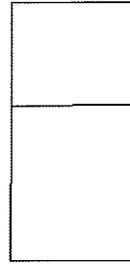
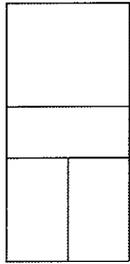
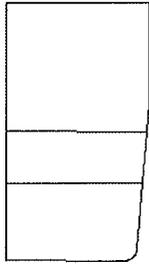
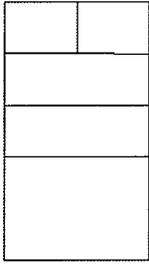
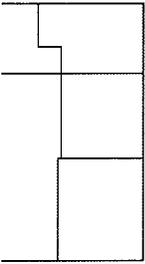
MCKINLEY AVENUE



**SOLANO ST**



FAIRVIEW AVENUE

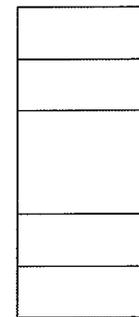
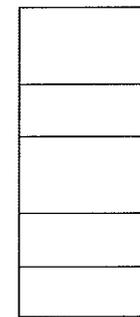
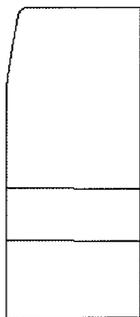


BUTE STREET

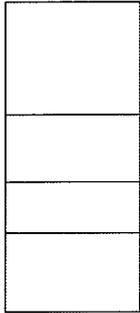
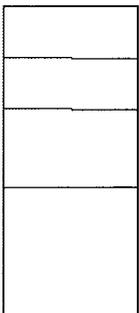
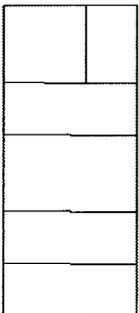
HOUGHTON AVENUE



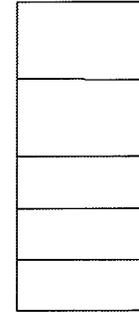
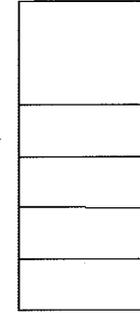
MARRIN STREET



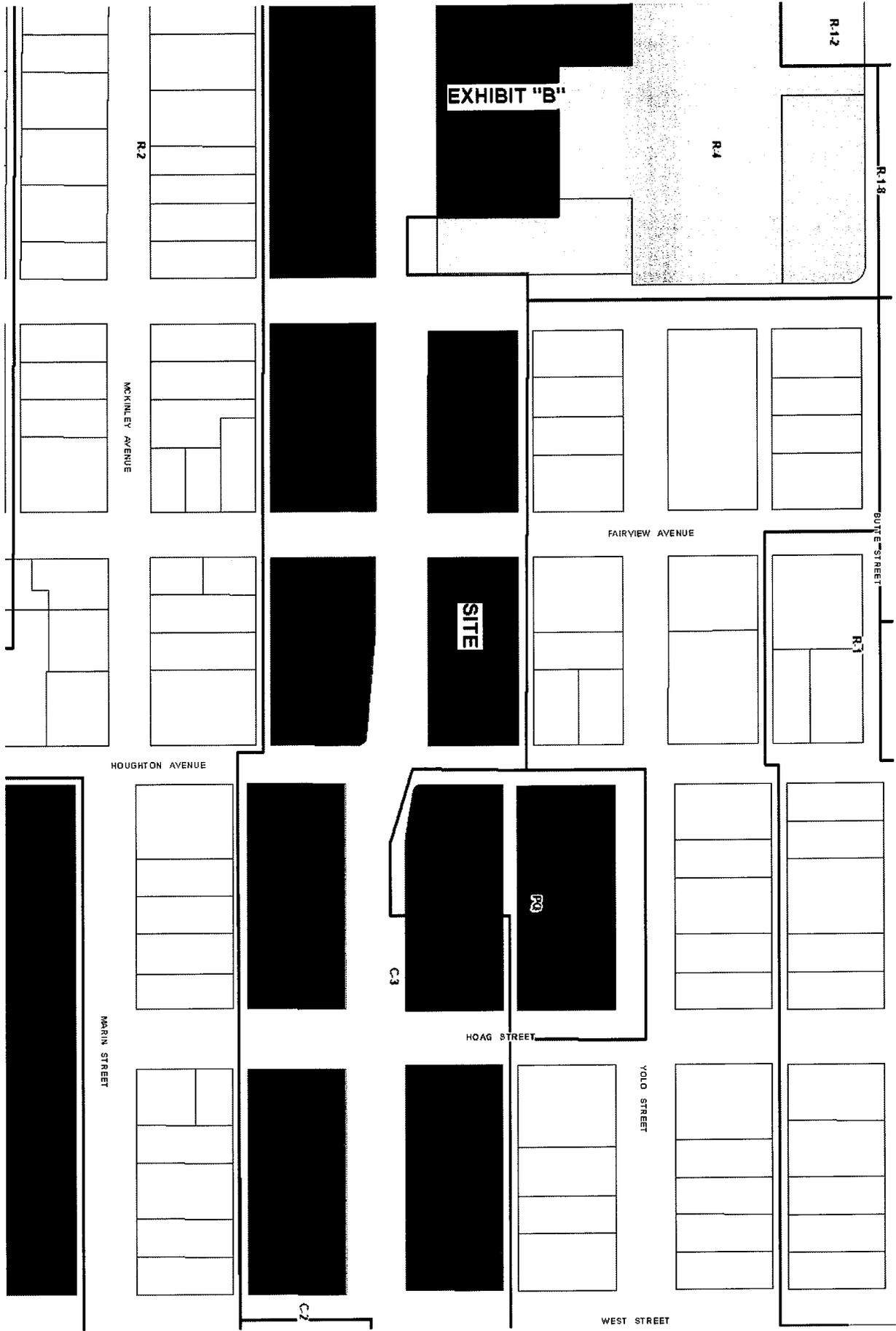
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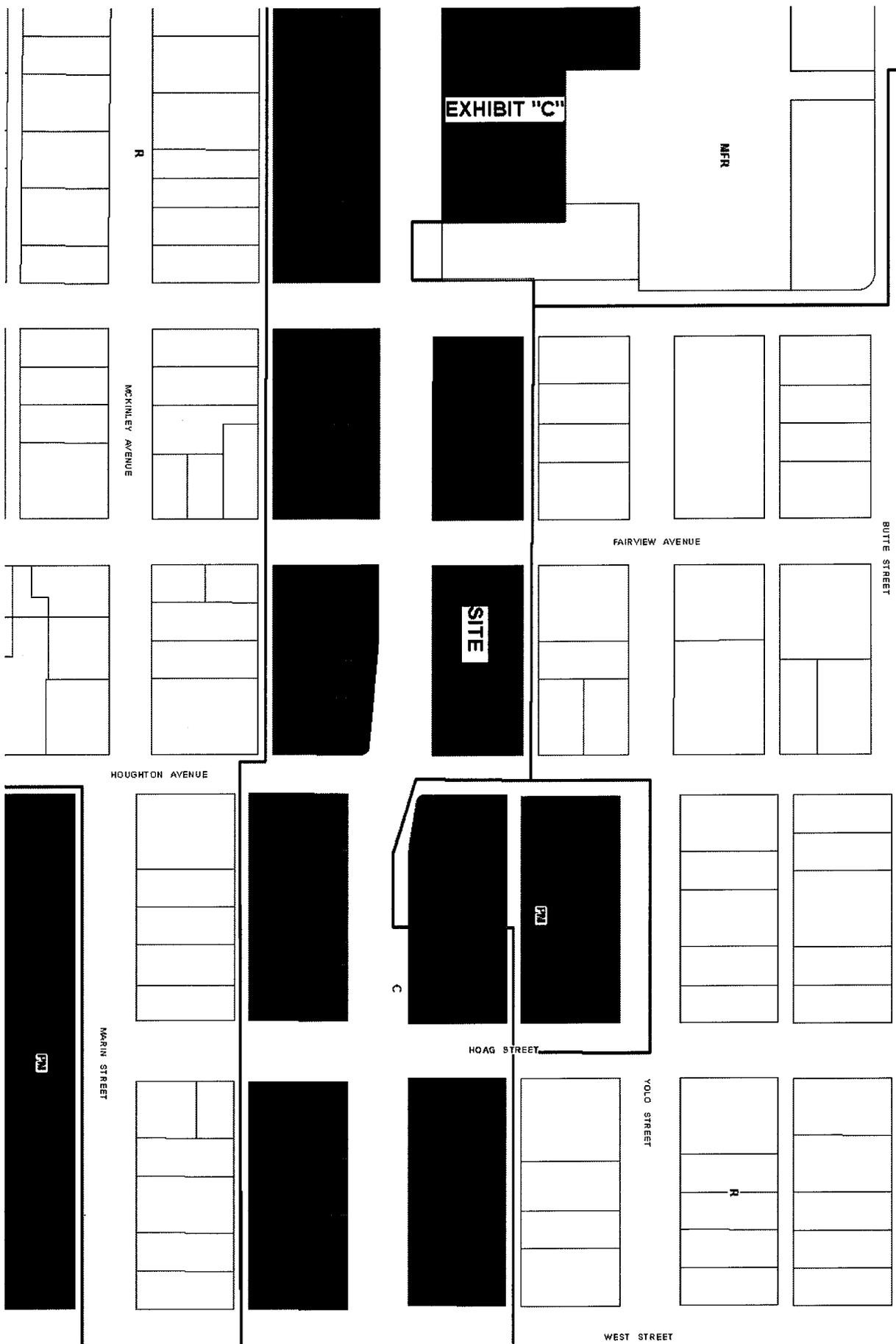


YOLD STREET



WEST STREET





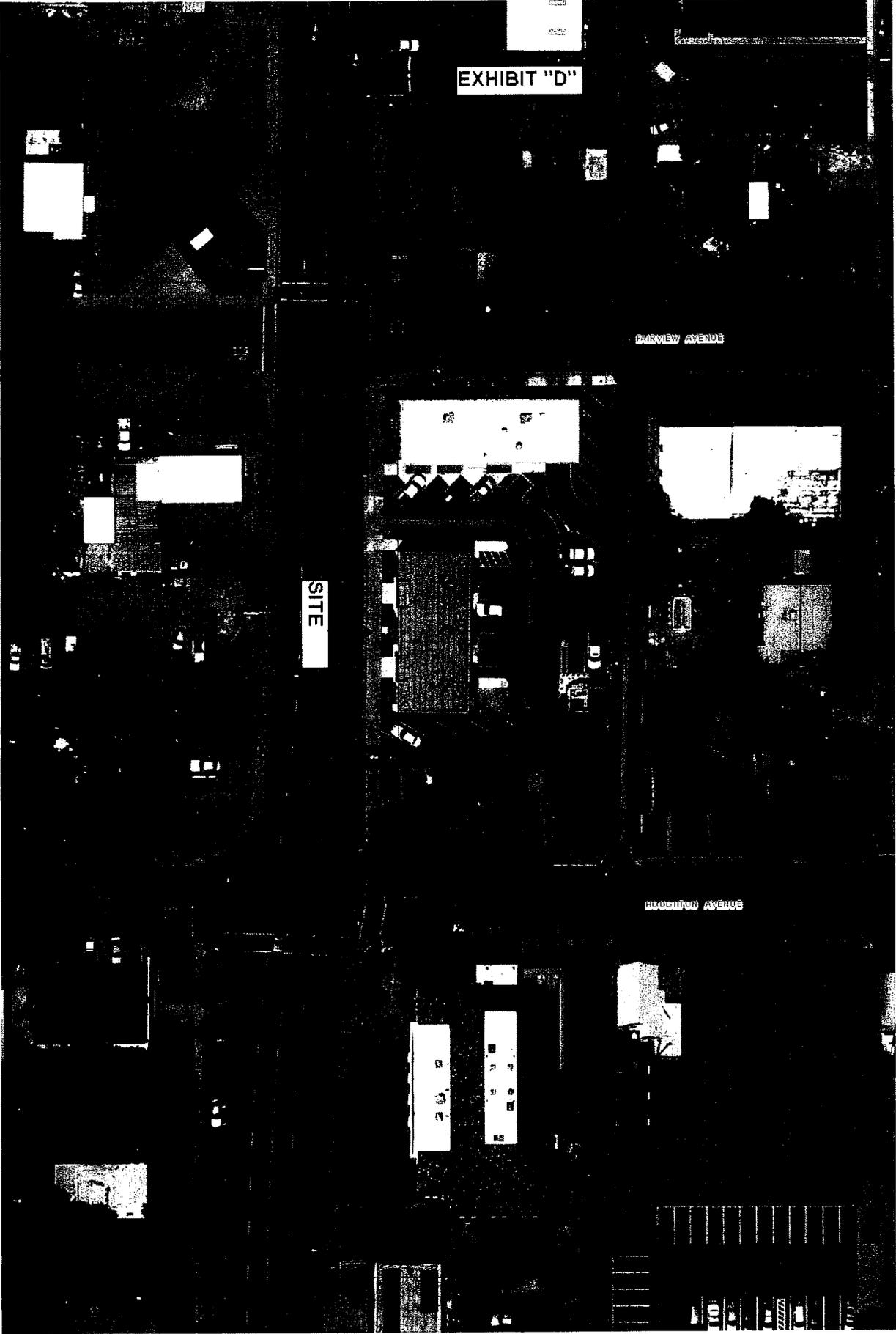


EXHIBIT "D"

PRIMEVIEW AVENUE

SITE

HUGHESFIELD AVENUE

**PLANNING APPLICATION**  
TYPE OR PRINT CLEARLY

Exhibit "E"

City of Corning  
Planning Dept.  
794 Third Street  
Corning, CA 96021

<b>PROJECT INFORMATION</b>	PROJECT ADDRESS 1708 Solano St.	ASSESSOR'S PARCEL NUMBER 71-094-04	G.P. LAND USE DESIGNATION Commercial	
	ZONING DISTRICT C-3	FLOOD HAZARD ZONE N/A	SITE ACREAGE AIRPORT SAFETY ZONE? N/A	
	PROJECT DESCRIPTION: (attach additional sheets if necessary) certified spa massage by Certified Massage Therapist			
	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				
<b>APPLICANT INFORMATION</b>	APPLICANT Karen Rinker	ADDRESS PO Box 1292 Corning	DAY PHONE (530) 828-3079	
	REPRESENTATIVE (IF ANY)	ADDRESS	DAY PHONE	
	PROPERTY OWNER Cesar Montes	ADDRESS	DAY PHONE 592-6093	
	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: Karen Rinker		PROPERTY OWNER: I have read this application and consent to its filing. Signed: Cesar Montes	
	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.			

<b>SUBMITTAL INFO</b>	<b>FOR OFFICE USE ONLY</b>			
	APPLICATION NO. 2012-264	RECEIVED BY: JS	DATE RECEIVED 3/6/2012	DATE APPL. DEEMED COMPLETE March 7, 2012
	FEES RECEIVED/RECEIPT NO. March 6, 2012	CEQA DETERMINATION <u>Exempt</u> ND MND EIR		DATE FILED

MAR 06 2012



# CITY OF CORNING

## ENVIRONMENTAL INFORMATION FORM (To be completed by Applicant)

DATE FILED 3/6/12

### General Information

1. Project Title: Aloha Massage - Therapeutic Massage

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:

None (business license)

### Additional Project Information

3. For non-residential projects, indicate total proposed building floor area: 1,000 sq. ft. in     floor(s).

4. Amount of off-street parking to be provided. 12 parking stalls. (Attach plans)

5. Proposed scheduling/development. Will establish massage therapy business within existing suite of commercial buildings

6. Associated project(s). N/A

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

N/A

# PLANNING APPLICATION

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

Existing suite is approximately 1,000 sq. ft. for the use as a community oriented Massage therapy business.

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.

Massage - 1 employee during normal business hours.

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

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

# 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.

N/A

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.

The existing building has commercial suites and located adjacent to Montes Rest.

## 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

3/6/12

Signature

Karen Rinker

For: