



**CITY OF CORNING
PLANNING COMMISSION AGENDA
TUESDAY, MAY 19, 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 April 21, 2009 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. **Amend Use Permit 2008-250; Applicant AAA Truck Wash has applied to convert existing second story storage area into a three (3) bedroom apartment of approximately 1,860 square feet to house employees of the Truck Wash.**

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.

3. **Study Matter: Draft Street Vending Ordinance – Continued discussion of a Draft Street Vending Ordinance.**

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

H. **ADJOURNMENT:**

POSTED: FRIDAY, MAY 14, 2009

The City of Corning is an Equal Opportunity Employer



**CITY OF CORNING
PLANNING COMMISSION MINUTES**

**TUESDAY, APRIL 21, 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 Armstrong.

C. MINUTES:

- 1. Waive the Reading and Approve the Minutes of the March 17, 2009 meetings with any necessary corrections.**

Commissioner Reilly moved to approve the minutes as written. Commissioner Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly and Hatley. Opposed: None. Absent: Armstrong. Abstain: None. Motion approved by a 4-0 vote with Armstrong absent.**

D. BUSINESS FROM THE FLOOR: None.

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

- 2. 2008-2013 Housing Element Update: Informational meeting as an introductory session to review the Housing Element Update Work Program.**

Chairman Lopez introduced this item by title. Planning Director John Stoufer briefed the Commission of the timeline for approval of the Housing Element and introduced Mr. Eihnard F. Diaz, ACIP of Diaz Associates who will be providing a presentation on the Housing Element. He then asked if the Commission had any questions of him. Chairman Lopez opened the Public Hearing at 6:35 p.m.

Without any questions, Mr. Stoufer referred to Mr. Diaz for his presentation.

Mr. Diaz explained what the Housing Element was, why the City is required to periodically update it, the Regional Housing Needs Assessment, the Housing Element Contents, Preliminary Issues to Address and the Schedule. He explained the incentives that the City receives because it has a compliant Housing Element such as the \$1,000,000 received for the Blackburn Avenue Improvements and the \$500,000 for the First Time Homebuyers Program, etc.

Mr. Diaz outlined some of the new issues to address in association with new and/or changing legislation. He also outlined the tentative schedule stating that the Planning Commission will hold a Special meeting on June 2nd for the presentation of the Revised Draft Housing Element.

Mr. Stoufer explained that new regulations relating to Climate Change and State Legislative Stipulations would be required and will be incorporated into the City's Housing Element.

With no discussion Chairman Lopez closed the Public Hearing by consensus at 7:43 p.m.

F. REGULAR AGENDA:

3. Study Matter: Draft Street Vending Ordinance – Review and Discuss a Draft Street Vending Ordinance.

Chairman Lopez introduced this item by title. John Brewer outlined the proposed Street Vending Ordinance. Commissioner Reilly commended Staff for an excellent Staff Report.

Mr. Stoufer stated that he would be taking the proposed Ordinance with any changes/additions suggested by the Commission to the Chamber of Commerce for discussion. Commissioner Robertson asked what stance the Chamber of Commerce was taking on this item. Mr. Stoufer stated he believes they are in favor of an Ordinance. Mr. Stoufer then explained the health requirements.

Chairman Lopez stated that he would like to see documents provided in English as well as Spanish. Mr. Stoufer asked the Planning Commission members to get back to him with any suggested changes by the May 19th Planning Commission Meeting. Chairman Lopez asked if something could be incorporated into this Ordinance for door to door vendors; Commissioner Hatley stated that this was something that the Chamber of Commerce also brought up in relation to non-profit.

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

H. ADJOURNMENT: 8:00 p.m.

Lisa M. Linnet, City Clerk

**ITEM NO: E-2
AMENDED USE PERMIT 2008-250;
AAA TRUCK WASH, AMEND THE EXISTING
USE PERMIT TO ALLOW THE CONVERSION
OF AN UPSTAIRS STORAGE AREA INTO AN
APPROXIMATELY 1,860 SQ. FT.
APARTMENT FOR EMPLOYEE HOUSING.
LOCATED ALONG THE EAST SIDE OF HWY
99W APPROXIMATELY 800 FEET SOUTH OF
THE SOUTH AVE./HWY 99W
INTERSECTION. APN: 87-100-80**

MAY 19, 2009

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING

FROM: JOHN STOUFER; PLANNING DIRECTOR

PROJECT DESCRIPTION:

The applicant, AAA Truck Wash, has applied to convert an existing second story storage area into an approximately 1,860 sq. ft., 3 bedroom, apartment to house employees of the truck wash. The building is located approximately 800 feet south of the South Ave. / Hwy. 99W intersection, and has a physical address of 3525 Old Hwy. 99W.

GENERAL PLAN LAND USE DESIGNATION

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

ZONING

C-3 –CBDZ, General Business District – Corning Business Development Zone. The C-3 District classification is intended to be applied where general commercial facilities are necessary for public service and convenience. Section 17.22.020 (E) of the Corning Municipal Code (CMC) states:

“Upon securing a conditional Use Permit, an on-site residence not to exceed one third the square footage of an active business establishment and occupied by the owner/proprietor or their agent, such residences are to be a secondary use to an active commercial enterprise, either upstairs or in the rear, with the storefront remaining commercial. No residential garages shall be permitted.”

The existing square footage of the building is 9,600 sq. ft. and is currently in use with two commercial businesses, the AAA Truck Wash and a CB radio business called the Yak-Yak Shack.

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

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

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

This project would be a minor alteration to the building providing a residence for employees of the truck wash which would be considered a negligible expansion of a commercial use and therefore exempt from CEQA pursuant to Section 15301, Class 1.

CONSISTENCY WITH GENERAL PLAN

LAND USE ELEMENT:

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

The combination of uses could be from any of the following zoning classifications: the commercial districts (C-1 and C-2), M-1 Light Industrial District, M-2 General Industrial District, and some medium to high residential uses. The combination of uses are found to be compatible if noise, smoke, dust, odors, and other offensive features are confined to the premises of such use.

The combination of an upstairs residence above the truck wash and CB radio shop would seem to be compatible since the offensive features would be confined to the premises of each use. The only possible non-compatible feature would be noise from the carwash. Therefore additional conditions should be imposed that restrict the occupancy of the apartment to working employees of the truck wash only with no other family members, such as a spouse or children, allowed to reside in the residence.

CIRCULATION:

Highway 99W. is classified as an arterial road in the Circulation Element, therefore the establishment of the existing commercial use along an arterial road is consistent with the General Plan and the Highway 99W Corridor Specific Plan. Establishment of a residence to house employees of the truck wash will not impact the circulation of the site or adjacent roads.

Parking requirements are established in the City's Zoning Ordinance in Chapter 17.51 (attached as Exhibit B) "Off-Street Parking Requirements". These parking requirements indicate the number of parking spaces required for particular uses conducted on a lot. Condition #10 of the original use permit requires that appropriate employee parking be marked and signed. Since the proposed residence is for employees of the truck wash additional parking should not be necessary. The specific plan through its design guidelines has established additional criteria for parking lots.

The Specific Plan Community Design Element discusses Parking Lots as follows:

Parking lot design is aimed at reducing the visual and climatic impacts of large paved areas. Properly designed parking lots enhance the urban environment by providing shade and greenery while providing shoppers and visitors with convenient parking. The provision of adequate and convenient parking and circulation is essential to the success of commercial areas. While actual parking requirements will depend upon building use, each commercial site will be required to provide parking for customers, employees, and service. Factors that

need to be taken into consideration when designing parking lots include: Location, access and entryways, layout and circulation, screening, paving materials, lighting, and walkways.

Desirable Elements for Parking Lots:

The qualities and elements for parking lots that are positive and most desirable include;

- *Landscaping incorporated into the overall parking lot layout.*
- *Screening from the street using a combination of walls and landscaping*
- *Trees providing shade throughout the parking lot*
- *Lighting fixtures that provide illumination as a pedestrian amenity and safety.*

Undesirable Elements for Parking Lots:

The qualities and design elements for parking lots that are negative and less desirable include:

- *Wide open, confusing lot layout*
- *Minimal, if any, landscaping*
- *Inadequate screening*
- *Minimal lighting fixtures*

To comply with the requirements of the City of Corning Zoning Code and the Highway 99W Corridor Specific Plan conditions of approval for the Use Permit must include a parking lot layout plan with landscaping and exterior lighting on the building.

SAFETY

The Safety and Public Facilities Element is intended to identify risks from hazards or safety problems within the specific plan area, and to provide an assessment of existing protection services and the impact future development may have on these services. The most significant hazard, identified at the time the specific plan was prepared, was the Dudley Truckstop located on approximately 13.2 acres at the northeast corner of the South Ave./Hwy 99W intersection. This site was contaminated with petroleum from underground leaking tanks. Action was taken to remove and remediate the contaminated soils and the site is now the location of the Flying J Truckstop.

The site falls within the AO Zone as designated on the Federal Emergency Management Agency (FEMA) Maps. Condition #12 of the original use permit advised that the property was within the AO Zone. Since the residence will be located on the second floor of the building there is no possibility of damage from flooding.

Since there is a lot of truck traffic in and out of the truck wash additional conditions should be imposed to prohibit children from occupying the residence.

NOISE

The General Plan Noise Element identified that normally acceptable range for office and commercial land uses is an Ldn value below 70 db (Ldn values of 67.5 to 77.5 are conditionally acceptable). Ldn is described as a statistical weighting of daytime and nighttime noises and is used as the basis of noise impact evaluation for land use planning. The decibel (db) scale is a logarithmic scale used to measure sound intensities. The establishment of the residence is not expected to increase noise levels established for commercial use.

Community Design Element

The purpose of Design Guidelines is to foster good design, provide a feeling of civic pride, encourage investment, and to improve the area's economic vitality. The Design Element provides Architectural Design Guidelines, Parking Lot Design Guidelines, Landscaping Standards, Landscaping Design Guidelines, and Sign Design Guidelines.

The existing truck wash building, parking lot, landscaping and signs do not meet the design guidelines established within the Specific Plan. Construction of the apartment will require structural modifications to the exterior of the building. Modifications to this portion of the building (west side) should be required so that the building conforms to the architectural design guidelines of the specific plan. Additional conditions of approval should be applied so that the parking lot, landscaping and signage comply with the design guidelines of the specific plan.

RECOMMENDATION:

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

Subfinding #1

The existing second floor of the building, currently being used as a truck wash and CB radio shop, will be remodeled from storage area to an apartment to be occupied by employees of the truck wash only.

Finding #1

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

Subfinding #2

The existing building is 9,600 sq ft and is currently used as two commercial businesses; the AAA Truck Wash and the Yak-Yak Shack a CB radio shop. The second floor is vacant storage area.

Finding #2

The unoccupied upstairs portion of the building provides adequate square footage for the establishment of an apartment for employee housing and at the same time maintain the current operation of the AAA Truck Wash and the Yak-Yak Shack.

Subfinding #3

The building is located on a 3.47 acre parcel that is relatively flat with two other commercial buildings on the parcel. There is an abundance of paved area on the parcel to allow adequate circulation by trucks & trailers throughout the parcel.

Finding #3

The building, and parcel that it is located on, is adequate in size, shape and topography for the existing commercial uses and the establishment of employee housing within the interior of one of the buildings.

Subfinding #4

The parcel has frontage and direct access to Highway 99W.

Finding #4

The site has sufficient access to Hwy. 99W. that is constructed with adequate width, pavement and capacity for the existing and proposed use.

Subfinding #5

The proposed residence will be placed within the interior of one of the existing buildings located on the parcel.

Finding #5

The establishment of a residence for employee housing for the AAA Truck Wash 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 5 SUBFINDINGS AND FINDINGS AS PRESENTED IN THE STAFF REPORT FOR THE AMENDMENT TO USE PERMIT 2008-250. (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 AN AMENDMENT TO USE PERMIT 2008-250 SUBJECT TO THE ORIGINAL CONDITIONS OF APPROVAL, AND THE ADDITIONAL CONDITIONS OF APPROVAL 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 the required findings in support of the project, identify the findings the Commission cannot make and deny the amendment to Use Permit 2008-250.

ORIGINAL CONDITIONS OF APPROVAL

- 1. ABANDON WATER WELL.** *Before commencing Truck Washing operations, applicant shall obtain the required permits from the Tehama County Environmental Health Department and properly abandon the existing onsite water well.*
- 2. ABANDON ANY ONSITE SEPTIC SYSTEM(S).** *Before commencing Truck Wash operation, the applicant shall contact the Tehama County Environmental Health Department and determine whether any known septic systems exist on the site. If any are present, obtain the necessary permits and properly abandon the septic system.*
- 3. CONNECT TO CITY WATER SYSTEM.** *Before commencing Truck Wash operations, pay the applicable Development Impact Fees and connect to the City Water System.*

- 4. CONNECT ALL USES TO SANITARY SEWER SYSTEM.** Before commencing operations, pay the applicable Development Impact Fees and assure that all onsite facilities are connected to the City's Sanitary Sewer System.
- 5. GREASE & OIL SEPARATOR.** *Install a Grease and Oil Separator to City Standards between of the Truck Wash use and the City Sewer Main.*
- 6. BACKFLOW PREVENTION DEVICE.** *Install a backflow prevention device at City Water service connection in accordance with City standards.*
- 7. RELOCATE DISPLAYED VEHICLES.** *Relocate vehicles offered for sale to location adjacent to north property line and out of designated employee parking area.*
- 8. DISCONTINUE MOBILE FOOD VENDOR.** *Mobile Food Vendor use is unpermitted and must be discontinued at this site.*
- 9. ONSITE CIRCULATION.** *Install onsite directional signage and/or pavement marking indicating circulation pattern for truck wash. All onsite signage (advertising and directional) shall be professionally prepared and utilize similar color scheme and design elements for uniformity.*
- 10. EMPLOYEE PARKING.** *Appropriately mark Employee Parking area with signage and pavement marking. Install wheel stops to keep parked vehicles off the street right of way.*
- 11. COMPLY WITH AGENCY REQUIREMENTS.** *Business shall be conducted in accordance with the requirements of all federal, state and local agencies, including but not limited to the City of Corning, County of Tehama Environmental Health Dept., and the California Regional Water Quality Control Board.*
- 12. FLOOD HAZARD ADVISORY.** *Applicant is advised the subject property is within FEMA Flood Hazard Zone "AO" and is subject to inundation during a 100-year flood event.*

**STAFF RECOMMENDS THE FOLLOWING
ADDITIONAL CONDITIONS OF APPROVAL APPLICABLE
FOR THE AMENDMENT TO USE PERMIT 2008-250**

- 13. BUILDING PERMIT REQUIREMENTS.** *Prior to the commencement of any type of construction activity within the building the applicant must obtain a building permit from the Corning Building Department. Prior to the issuance of a building permit engineered plans for the structural alterations proposed for the building must be submitted and approved.*

14. IMPACT FEES. *The proposed residential unit must pay all applicable impact fees associated with residential development within the City of Corning.*

15. DESIGN GUIDELINES. *Prior to the issuance of a building permit the applicant must submit, and receive approval from the Planning Director, plans to modify the exterior front, or west side, of the building to comply with the Architectural Design Guidelines of the Highway 99W Corridor Specific Plan. These modifications to the exterior of the building must be included in the engineered plans submitted to the Building Department.*

16. PARKING LOT, LANDSCAPING, LIGHTING & SIGN GUIDELINES. *Prior to the issuance of a building permit the applicant must submit, and receive approval from the Planning Director, plans to modify the existing parking lot layout and install additional lighting, landscaping, and signage that conforms to the Design Guidelines of the Highway 99W Corridor Specific Plan. All improvements shown in these plans must be installed and completed prior to the Building Department issuing a Certificate of Occupancy for the apartment.*

17. OCCUPANCY OF THE APARTMENT. *The apartment must be occupied by employees of the truck wash only and no children under the age of 16 or other family members will be allowed to reside in the apartment.*

18. FIRE DEPARTMENT REQUIREMENTS. *Residential occupancy of the building must comply with the requirements of the Corning Fire Department.*

ATTACHMENTS

Exhibit "A"	CEQA Section 15301
Exhibit "B"	Zoning Code Section 17.22.020 (E)
Exhibit "C"	Application letter & Site Plans
Exhibit "D"	Vicinity Map
Exhibit "E"	General Plan Land Use Map
Exhibit "F"	Zoning Map

EXHIBIT "A" CEQA Section 15301

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Note: Authority cited: Section 21083, Public Resources Code; References: Sections 21084 and 21084.1, Public Resources Code; *Wildlife Alive v. Chickering* (1977) 18 Cal.3d 190; *League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896; *Citizens for Responsible Development in West Hollywood v. City of West Hollywood* (1995) 39 Cal.App.4th 925; *City of Pasadena v. State of California* (1993) 14 Cal.App.4th 810; *Association for the Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720; and *Baird v. County of Contra Costa* (1995) 32 Cal.App.4th 1464.

15300.3. Revisions to List of Categorical Exemptions

A public agency may, at any time, request that a new class of categorical exemptions be added, or an existing one amended or deleted. This request must be made in writing to the Office of Planning and Research and shall contain detailed information to support the request. The granting of such request shall be by amendment to these Guidelines.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15300.4. Application By Public Agencies

Each public agency shall, in the course of establishing its own procedures, list those specific activities which fall within each of the exempt classes, subject to the qualification that these lists must be consistent with both the letter and the intent expressed in the classes. Public agencies may omit from their implementing procedures classes and examples that do not apply to their activities, but they may not require EIRs for projects described in the classes and examples in this article except under the provisions of Section 15300.2.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

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;
 - (1) One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.
 - (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, or 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; References: Sections 21084, Public Resources Code; *Bloom v. McGurk* (1994) 26 Cal.App.4th 1307.

15302. Replacement or Reconstruction

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

- (a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50 percent.
- (b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.
- (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.
- (d) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

15303. New Construction or Conversion of Small Structures

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

- (a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to

EXHIBIT "B"
ZONING CODE
Section 17.22.020 (E)

17.22.030--17.22.040

in M-1 and M-2 districts;

D. Incidental storage and accessory uses, including repair operations and services, provided such uses shall be clearly incidental to the sale of products at retail on the premises, and shall be so placed and constructed as not to be offensive or objectionable because of odor, dust, smoke, noise or vibration.

E. Upon securing a conditional use permit, an on-site residence not to exceed one third the square footage of an active business establishment and occupied by the owner/proprietor or their agent, such residences are to be a secondary use to an active commercial enterprise, either upstairs or in the rear, with the storefront remaining commercial. No residential garages shall be permitted. (Ord. 589 §7, 2001; Ord. 558 (part), 1996; Ord. 588 (part), 1996; Ord. 524' §§13, 13.1, 1992; Ord. 184 §1, 1962; Ord. 153 §11.02, 1959)~.

17.22.030 Minimum height, bulk and space requirements. In C-3 districts, the minimum height, bulk and space requirements shall be as follows:

A. Lot area, width and coverage, none;

B. Side yard and front yard shall be as follows:

1. Side yard, none; except as required by the building code or other regulation, or where the side of a lot abuts an R district, the side yard shall not be less than ten feet.

2. Front yard, none; except where the frontage in a block is partially within an R district, the same setback shall be required as in the R district.

C. Rear yard, twelve feet where accessible from street, alley or parking lot for loading purposes. Building may project over rear yard area, providing fourteen feet clear vertical distance from ground level is maintained. Building Code and other regulations shall apply;

D. Building height limit, four stories, but not to exceed fifty feet; and provided, that buildings shall be confined within inclined planes sloping inward at a ratio of one foot horizontally to two feet vertically, such planes beginning directly above property lines at an elevation of thirty feet above average ground grade;

E. Loading area, twenty-foot alleys for loading and delivery purposes shall be provided adjacent to all lots to be used for commercial purposes. Ten feet of the required yard may be included in such alleys;

F. Parking requirements as required by Chapter 17.51;

G. Corner lots, side yard setback ten feet. (Ord. 589 §3, 2001; Ord. 524 §13.2 1992; Ord. 153 §§11.10—11.14, 1959)

17.22.040 Uses permitted with a use permit. In C-3 districts, uses requiring use permits are as follows:

A. RV facilities, provided that:

1. An RV facility shall mean any use which derives

EXHIBIT "C"
Application Letter
& Site Plans

S₂ ~ J₂
ENGINEERING, INC.

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May 5, 2009

Mr. John Stoufer, Planning Director
City of Corning
794 Third Street
Corning, CA 96021

RE: Use-Permit 2008-250

Subject: Revision to Use-Permit

Dear Mr. Stoufer

I would like to request that the revision to the existing Use-Permit be extend to include the apartment on the second floor of the existing building only. The massage parlor will not be occupying the property.

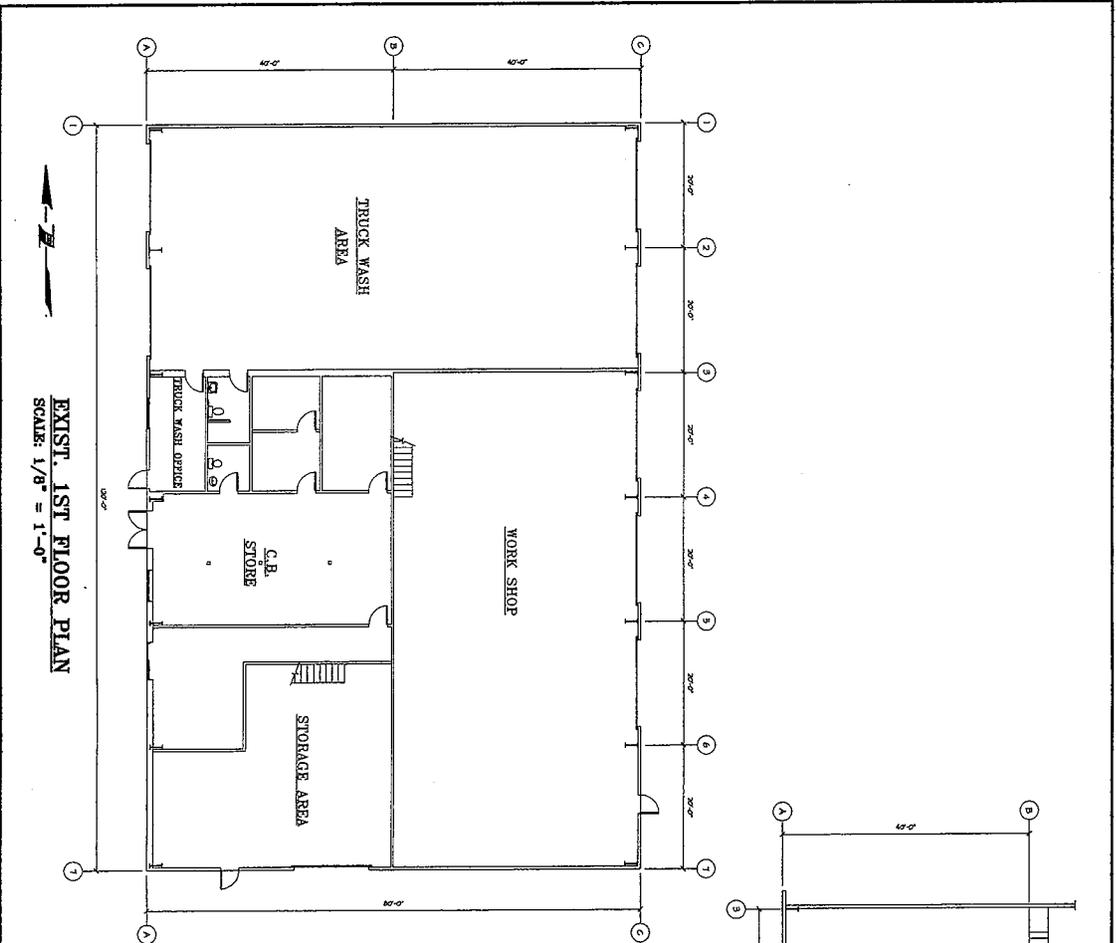
I have attached revised drawing as you requested.

Please do not hesitate to give me a call if you have any questions.

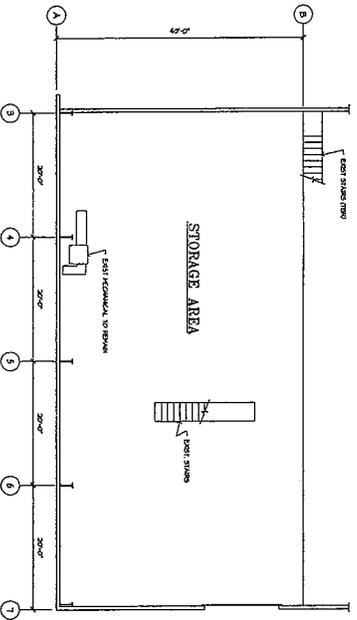
Respectfully Submitted



Steve Nelson
Project Engineer



EXIST. 1ST FLOOR PLAN
SCALE: 1/8" = 1'-0"



EXIST. 2ND FLOOR PLAN
SCALE: 1/8" = 1'-0"

NOTES

1. ALL DIMENSIONS SHOWN SHALL CONFORM TO THE GENERAL REQUIREMENTS OF THE CITY OF CORNING.
2. VERIFY ALL DIMENSIONS FROM FINISH TO CONSTRUCTION.

<p>S₂-J</p> <p>552/222/222/222/222/222 1001 144th Ave SE Corvallis, OR 97331 Phone: (503) 325-4277 Fax: (503) 325-4277</p>	<p>REVISIONS:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>02/21/09</td> <td>LS</td> <td>MAIN CHECK CONSTRUCTION II</td> </tr> </tbody> </table>	NO.	DATE	BY	DESCRIPTION	1	02/21/09	LS	MAIN CHECK CONSTRUCTION II	<p>CITY OF CORNING</p> <p>PROJECT DESCRIPTION: APARTMENT RENOVATION FOR AAA TRUCK WASH Corvallis, CA</p>	<p>APR:</p>	<p>DRAWING STATUS: FOR APPROVAL</p> <p>SHEET DESCRIPTION: EXIST. FLOOR PLANS</p> <p>DATE: MAR 25 09</p> <p>DESIGN/DRAWN: LAS</p>		<p>SHEET NO.: A1 OF 01</p> <p>Print Date: 3/24/2009 10:58:33 AM</p>
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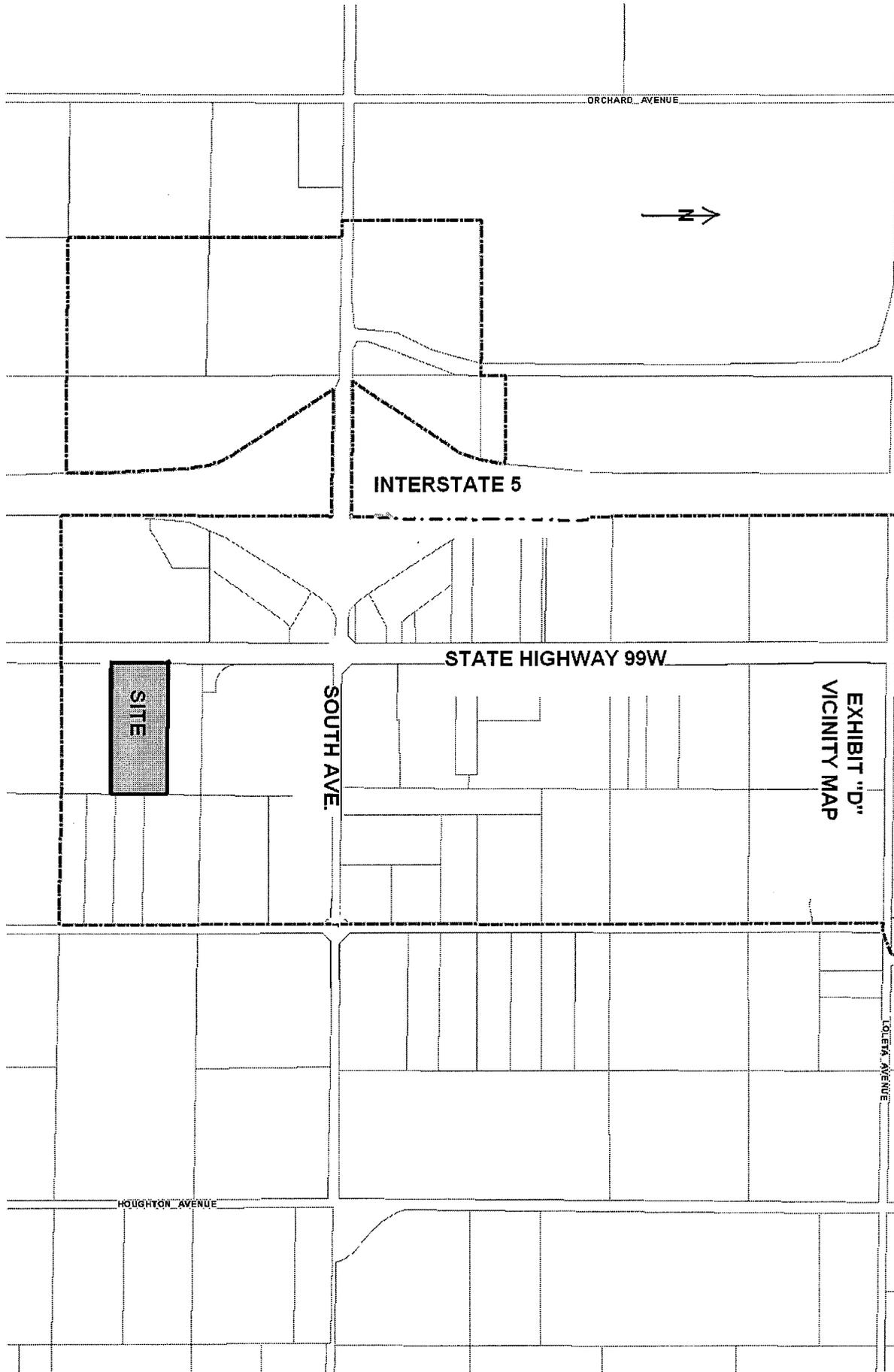
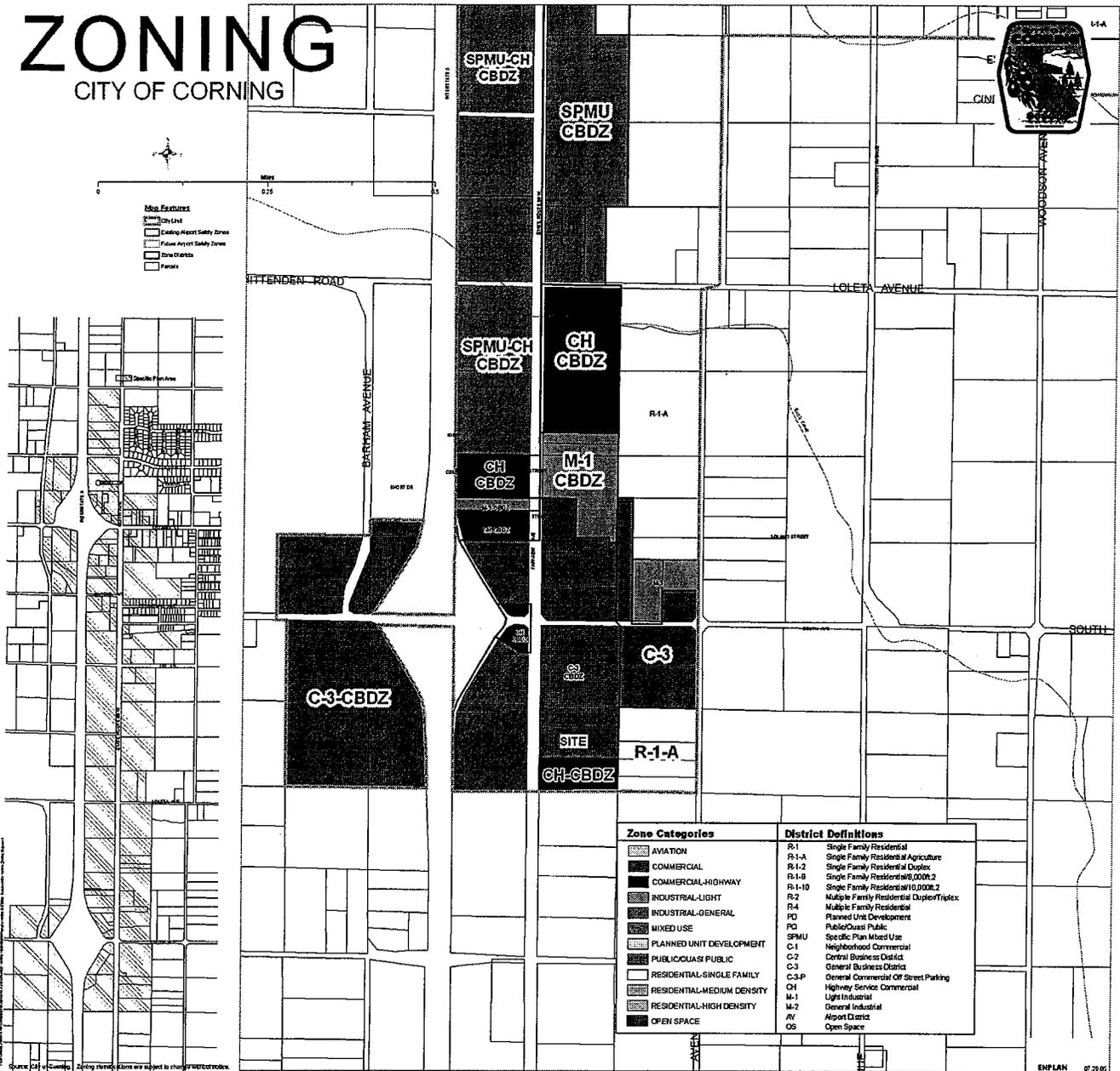


EXHIBIT "F" Zoning Map

ZONING CITY OF CORNING



ITEM NO. F-3

**STUDY MATTER NO. 2009-3;
CONTINUED DISCUSSION WITH STAFF ON
A DRAFT STREET VENDING ORDINANCE.**

MAY 19, 2009

TO: PLANNING COMMISSION OF THE CITY OF CORNING

FROM: JOHN STOUFER; PLANNING DIRECTOR

SUMMARY:

Staff has prepared a Draft Street Vending Ordinance that defines Street Vending and places certain requirements applicable to the issuance of a business license. The language in the draft ordinance is a result of reviewing street vending ordinances from other cities and modifications as recommended by department review within the City.

A copy of the draft ordinance was presented to the Chamber of Commerce Board of Directors at their April monthly meeting. Staff has asked the Chamber's Board to review and comment on the draft ordinance. Staff will attend the May board meeting for further discussion.

ACTION

Discuss the Draft Street Vending Ordinance and recommended additional, or changes, to the language of the ordinance prior to conducting a public on a proposed ordinance before the Planning Commission

ATTACHMENTS

EXHIBIT "A" DRAFT STREET VENDING ORDINANCE

Draft Street Vending Ordinance

Street Vending

“Street Vending” means the act of any person or persons engaged or employed, whether temporary or not, in the business of selling, exhibiting for sale, or taking orders from consumers on private property adjacent to City Streets for any type of food product, goods, wares or merchandise. This definition applies to a person or persons vending food or other merchandise from pushcarts, vehicles, trailers, temporary stands or other readily mobile sources to customers within the City limits.

Business License Requirement

As specified in Title 5 of the Corning Municipal Code (CMC), any vending operation, except those that are part of a city recognized “Farmers Market” or found to be exempt as nonprofit organizations pursuant to Chapter 5.12 of the CMC, must obtain a business license from the City. In addition to a business license the sale of fireworks is governed by Section 8.18.040 of the CMC.

The business license must be posted and visible during hours of operation.

Prior to the City issuing a business license for street vending, the applicant must provide the following information:

- A) Completed application form, including a written description of the proposed vending activity.
- B) Proof of valid health permit(s), if required by applicable law or regulation as it applies to prepared or processed food products.
- C) Site plan (Sketch) identifying the property, type and location of the vending activity.
- D) The written approval of the property owner where such vending shall be conducted on private property.
- E) The location of available restrooms to be used by the vendor. The vending applicant shall provide rest room facilities as provided for in State Law and available within 100 feet of the vendor business site. If the vendor is proposing to use non-public restrooms, such as an adjacent business, the vendor must provide written approval from the business to use the restrooms.

Location Requirements.

1. Right-of-way. Stationary site street vending shall not be permitted in a roadway median, parkway or within any other public right-of-way.
2. Mobile or stationary site street vending is not permitted to set up or sell on any City Property or City Parking Lot.

3. City parks. Street vending shall not be permitted in any city parks unless participating in a City approved Community activity such as a Chamber of Commerce event, and such vendor shall apply to and receive permission to participate in the Community activity from the Chamber of Commerce or other City recognized event organizer.
4. Residential zoning districts. Stationary site street vending shall not be permitted in a residential zone.
5. Food vendors in residential zone. In residential zones a food vendor shall not stop in any single location for more than a 10 minute period.
6. Traffic safety visibility. No street vending shall be located where it will obstruct the safe line-of-sight distance at any intersections as determined by the Public Works Director.
7. Proximity to other items. No vending shall occur within 10 feet of a fire hydrant, fire escape, building entrance, bus stop, loading zone, handicapped parking space, access ramp, or any type of driveway entrance. A greater distance or separation may be required in order to preserve line-of-sight, or for other safety reasons. The vending activity shall not damage any landscaped areas.

Operation Requirements

1. Appearance and storage. The vendor shall maintain the area within which vending activities occur in a clean, safe, sanitary and dust-controlled condition. With the exception of fixed stands selling a food product grown on the site, the vendor must remove all evidence of vending and leave the site in a clean state at the close of each business day.
2. Obstructions and hazards. No vendor shall obstruct vehicular traffic, bicycle traffic, sidewalk pedestrian traffic, or accessibility to vehicles parked adjacent to the curb, and shall not create public health or safety hazards.
3. Signs. No more than one sign is allowed on the parcel in conjunction with the vendor. The sign shall not exceed 10 square feet and shall be affixed to the vehicles or devise from which the goods or merchandise are being sold.
4. Other applicable regulations. Each vendor must comply with other local, state and federal regulations pertaining to establishment and operation of a vending business.

Additional location and operational requirements may be imposed by the City for street vending operations if deemed warranted by City staff.