



**CITY OF CORNING
PLANNING COMMISSION AGENDA**

**TUESDAY, NOVEMBER 16, 2010
CITY COUNCIL CHAMBERS
794 THIRD STREET
CORNING, CA 96021**

- A. **CALL TO ORDER:** 6:30 p.m.
- B. **ROLL CALL:**
- | | |
|----------------|---|
| Commissioners: | Robertson
Reilly
Hatley
Barron |
| Chairman: | Lopez |
- C. **MINUTES:**
1. Waive the Reading and Approve the Minutes of the September 21, 2010 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. Revised Use Permit 2009-257, House of Brews; Approve or deny a revision to Use Permit 2009-257, House of Brews that would allow live acoustic/minimal amplification music on Friday nights from 6 to 9 PM. Address: 615 4th St.; APN: 71-116-06.
- 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 2010-1, Discuss Amending the Outdoor Sign Regulations
Discuss adopting a resolution to amend the "Outdoor Advertising Sign Regulations" allowing off-site directional or wayfinding signs for locating businesses within the City.
- G. **ITEMS PLACED ON THE AGENDA FROM THE FLOOR:**
- H. **ADJOURNMENT:**

POSTED: THURSDAY, NOVEMBER 11, 2010
The City of Corning is an Equal Opportunity Employer



**CITY OF CORNING
PLANNING COMMISSION MINUTES**

**TUESDAY, SEPTEMBER 21, 2010
CITY COUNCIL CHAMBERS
794 THIRD STREET
CORNING, CA 96021**

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

B. ROLL CALL:

**Commissioners: Robertson
Reilly
Hatley
Barron**
Chairman: Lopez

All present except Commissioner Barron.

C. MINUTES:

1. Waive the Reading and Approve the Minutes of the August 17, 2010 Planning Commission Meeting with any necessary corrections.

Commissioner Hatley moved to approve the Minutes of the August 17, 2010 Planning Commission Meeting as written. Commissioner Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly and Hatley. Opposed: None. Absent: Barron. Abstain: None. Motion was approved by a 4-0 vote with Barron 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. None.

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.

2. Determination of Compatibility for Modular Home Installation: Determine if a modular home installation at 104 E. Fig Lane is compatible with the neighborhood pursuant to Section 17.10.042 of the Corning Municipal Code.

Chairman Lopez introduced this item by title and stated the location of the site. Planning Director John Stoufer briefed the Commission on the proposal stating that the existing residence would be removed and replaced by a modular home. Mr. Stoufer also explained that the Petitioners were present if the Commission had any questions.

Commissioner Barron entered the meeting at 6:34 p.m.

Chairman Lopez asked what the difference was between a modular and mobile home. Building Official Terry Hoofard and Mr. Stoufer responded stating that basically it is the terminology, however he stated that the Petitioners proposed home would be on a permanent foundation.

Commissioner Barron asked if this type of structure was allowed in this zone. Mr. Stoufer stated that according to the City's Zoning Code it is.

Commissioner Reilly stated that he did not see any problem with this in this area.

The City of Corning is an Equal Opportunity Employer

With no further comments, Commissioner Reilly moved to adopt the 3 Factual Subfindings and Legal Findings as presented in the Staff Report and find that the placement of a Modular Home, Identified as the Autumn Ridge Model, at 104 E. Fig Lane is compatible with the neighborhood and instruct the Building Official to issue a Building Permit. Commission Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly, Hatley and Barron. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

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

H. ADJOURNMENT: 6:42 p.m.

Lisa M. Linnet, City Clerk

**ITEM NO: E-2
REVISE USE PERMIT 2009-257; ALLOWING
LIVE ACOUSTIC/MINIMAL AMPLIFICATION
MUSIC ON FRIDAY NIGHTS FROM 6 TO 9
P.M. THE EXISTING COFFEE SHOP,
"HOUSE OF BREWS", IS LOCATED ALONG
THE EAST SIDE OF 4TH STREET
APPROXIMATELY 60 FEET NORTH OF THE
4TH ST. / YOLO ST. INTERSECTION.
ADDRESS: 615 4TH STREET**

NOVEMBER 16, 2010

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING

FROM: JOHN STOUFER; PLANNING DIRECTOR

PROJECT DESCRIPTION:

Mr. Don Holden has applied to amend Use Permit 257 to allow live acoustic/minimal amplification music on Friday nights from 6 to 9 PM in a specialty coffee house known as the "House of Brews" which is in an M-1, Light Industrial Zoning District. The coffee shop is located in the west suite, that fronts 4th Street, of an existing building located along the east side of 4th Street, approximately 60 feet north of the 4th St. / Yolo St. intersection. Address: 615 4th St. APN: 71-116-06

GENERAL PLAN LAND USE DESIGNATION

I – Industrial – This classification includes all industrial uses of land as permitted in the City's zoning ordinance. These include zoning districts M-1, and M-2 zoning districts.

ZONING DISCUSSION

M-1 – Light Industrial Zoning District –Section 17.26.020 (A) states that uses permitted in the C-3, General Commercial District are permitted in an M-1 zone upon the securing of a conditional use permit. The C-3 zoning district allows uses permitted in C-2 zones which specifically allow cafes.

The Planning Commission approved Use Permit 257 on November 17, 2009 permitting the establishment of the coffee shop at its present location. Section 17.26.020 A. requires certain uses that are permitted within a zoning district may only be permitted when a conditional use permit is granted. Live entertainment, as a primary use or as a secondary use associated with a commercial business is listed as a use that may only be permitted by 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.

The building is currently used as a coffee shop known as the "House of Brews" permitting live acoustic music on Friday nights within the coffee shop is considered a negligible expansion of the existing commercial use and exempt from CEQA pursuant to Section 15301, Class 1.

NOISE DISCUSSION:

The purpose of the Noise Element of the Corning General Plan is to help protect the health and welfare of the community by promoting development which is compatible with accepted noise standards.

Ambient noise levels constitute the composite from all sources far and near. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location. 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 General Plan Noise Element identified that normally acceptable range for office and commercial land uses is an Ldn value below 70 dB while the conditionally acceptable range is 67.5 to 77.5 dB. Acceptable range for low-density residential uses are identified as less than 60 dB, while the conditionally acceptable range is 55-70 dB. The normally acceptable range for medium and high-density residential uses is identified as Ldn values below 65 dB, while the conditionally acceptable range is identified as 60-70 dB.

There are existing residences starting approximately 120 feet northwest of the coffee shop at the southwest corner of the 4th Street/Butte Street intersection. Amplification of music within the coffee shop above 70 dB at this residence would not be considered acceptable as stated in the Corning General Plan.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the following, or similar, Factual Subfindings and Legal Findings prior to approving a revision to Use Permit 2009-257:

Factual Subfinding #1

That portion of the building proposed for live music is currently occupied by the House of Brews coffee shop.

Legal Finding #1

The granting of an amendment Use Permit 257, allowing live acoustic music on Friday nights only is a negligible change of the existing use as a coffee shop and therefore exempt from CEQA pursuant to Section 15301, Class 1.

Factual Subfinding #2

The existing coffee shop has 500 sq. ft. of area to provide for the preparation and distribution of coffee and an indoor sitting area large enough to allow for the setup and playing of acoustic members.

Legal Finding #2

The building currently occupied by the House of Brews coffee shop is adequate in size, shape and topography for playing live acoustic music.

Factual Subfinding #3

The parcel has frontage and direct access to 4th Street.

Legal Finding #3

The site has existing access from 4th Street a city road constructed with adequate width, pavement and capacity for the proposed and existing use.

Factual Subfinding #4

The coffee shop located in an existing building that was constructed for, and previously used for commercial purposes. The parcel is currently zoned for light industrial use.

Legal Finding #4

Allowing live acoustic music with minimal amplification within the existing coffee shop 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 AND APPROVE A REVISION TO USE PERMIT 2009-257 ALLOWING LIVE ACOUSTIC/MINIMAL AMPLIFICATION MUSIC ON FRIDAY NIGHTS FROM 6 TO 9 SUBJECT TO THE 2 ORIGINAL CONDITIONS OF APPROVAL AND WITH THE ADDITION OF CONDITION #3 AS LISTED BELOW. (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)**

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 the revision to Use Permit 2009-257.

EXISTING CONDITIONS OF APPROVAL:

Condition #1

The applicant must comply with the requirements of the Tehama County Environmental Health Department.

Condition #2

The coffee shop must comply with the City of Corning Sign Regulations

RECOMMENDED NEW CONDITION OF APPROVAL SHOULD THE REVISION BE GRANTED:

Condition #3

Live music will only be allowed to be played of Friday nights from the hours of 6:00 PM to 9:00 PM. Amplification of the music may not exceed 70 dB at the residence located at the southwest corner of the 4th Street/Butte Street intersection. If there is a question as to the noise level at this residence it will be the responsibility of the applicant to provide information from an acoustical engineer or other qualified professional to assure that the noise level does not exceed 70 dB.

ATTACHMENTS

Exhibit "A"	VICINITY MAP
Exhibit "B"	GENERAL PLAN MAP
Exhibit "C"	ZONING MAP
Exhibit "D"	APPLICATION LETTER

**EXHIBIT "A"
VICINITY MAP**

5TH STREET

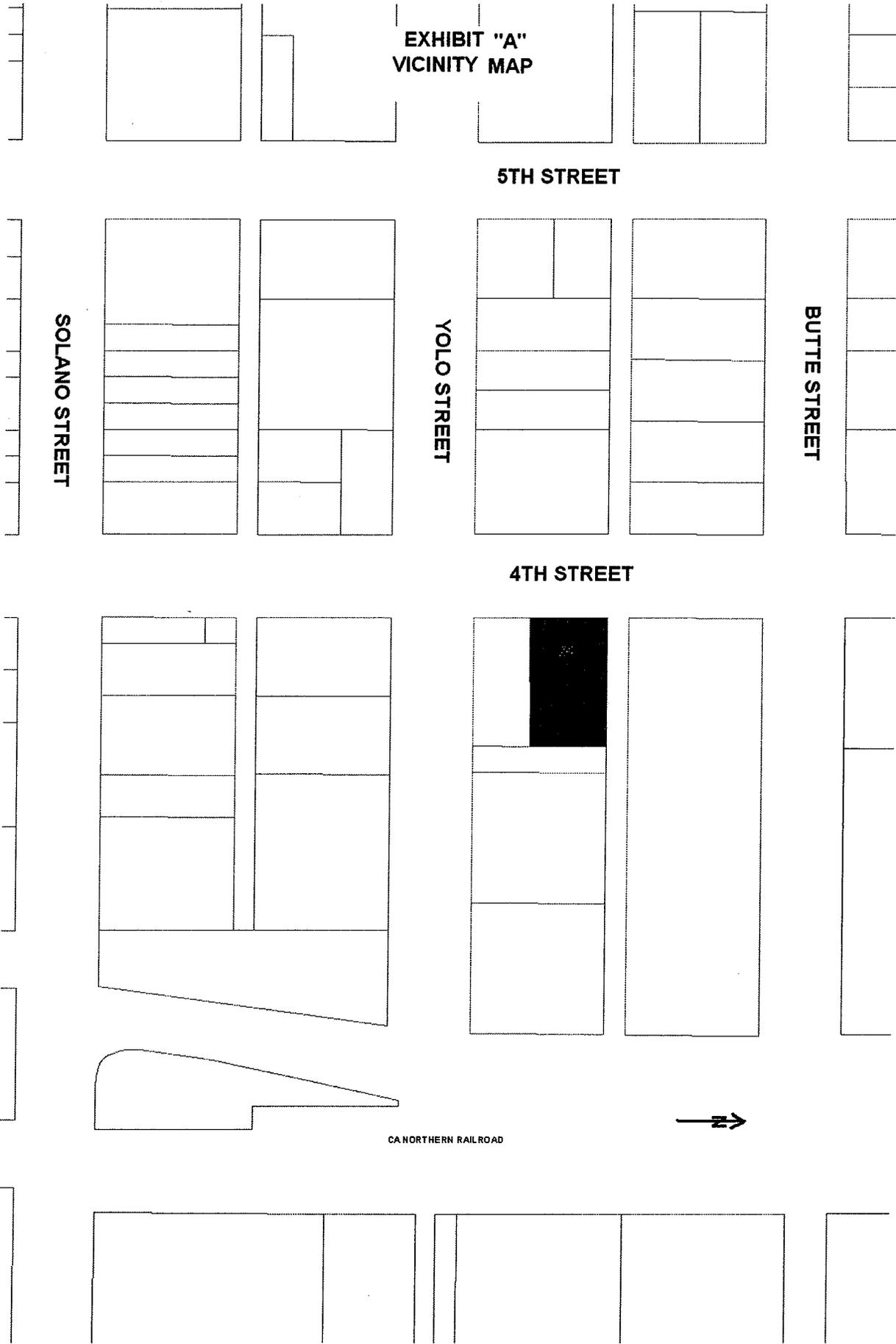
SOLANO STREET

YOLO STREET

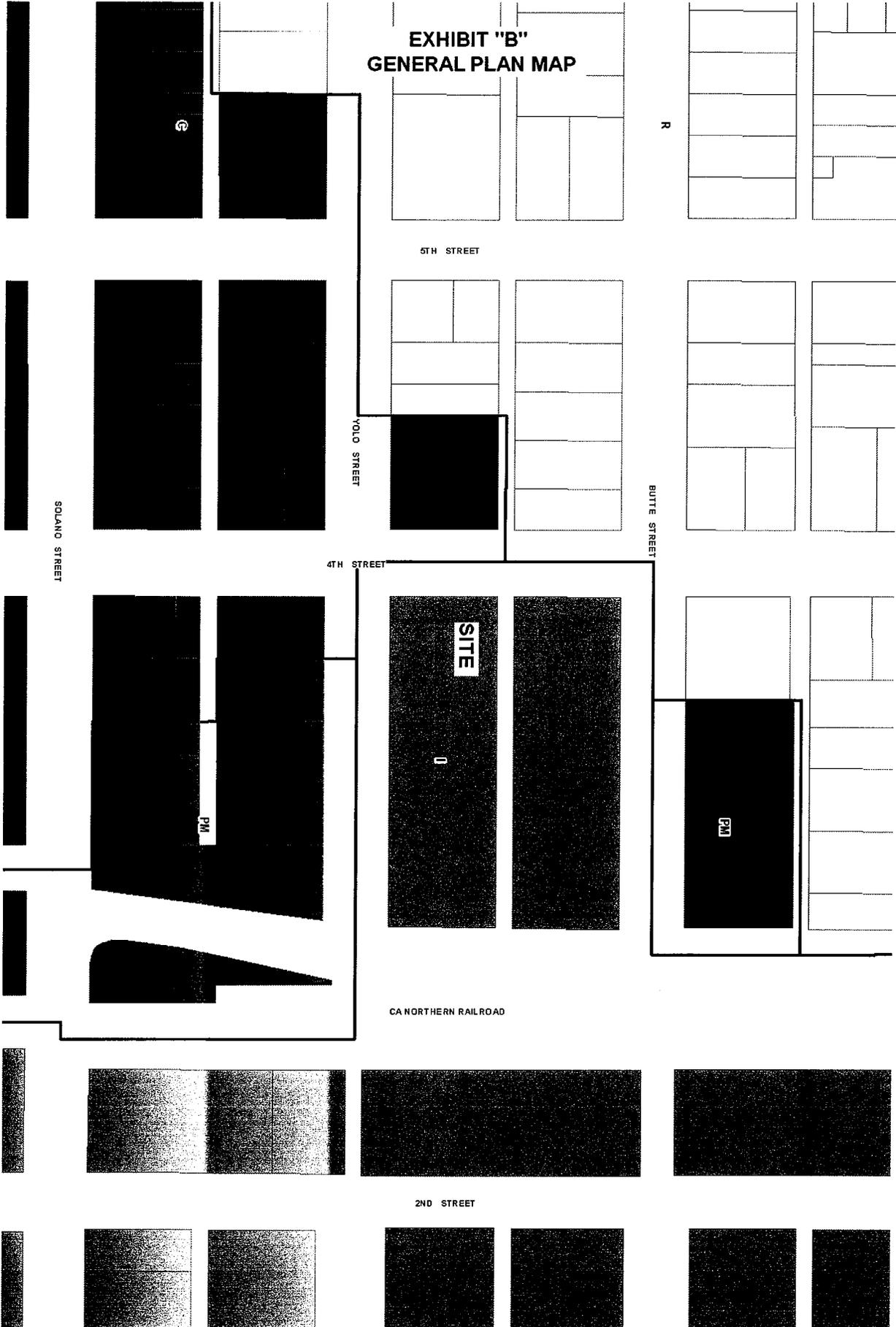
BUTTE STREET

4TH STREET

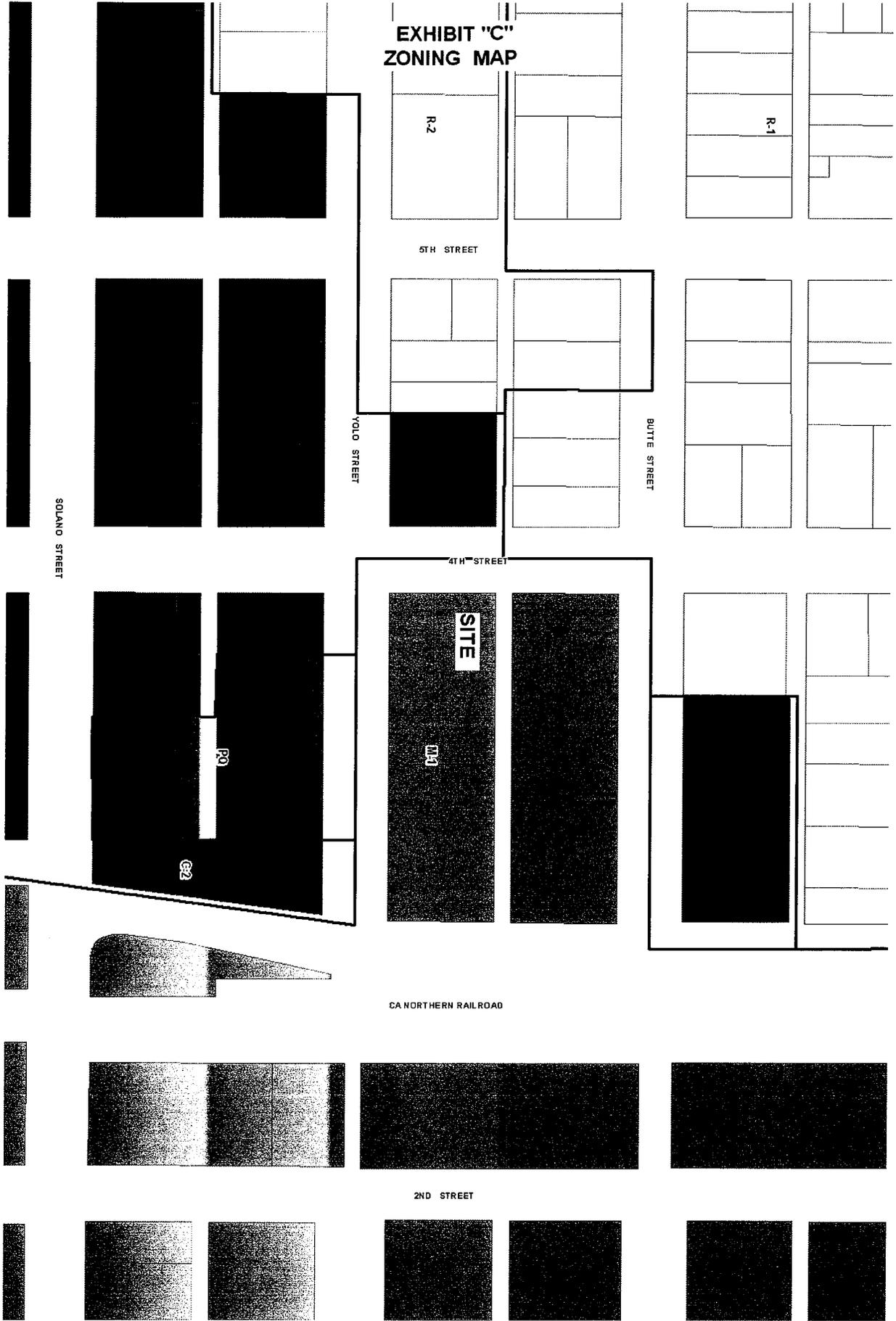
CA NORTHERN RAILROAD

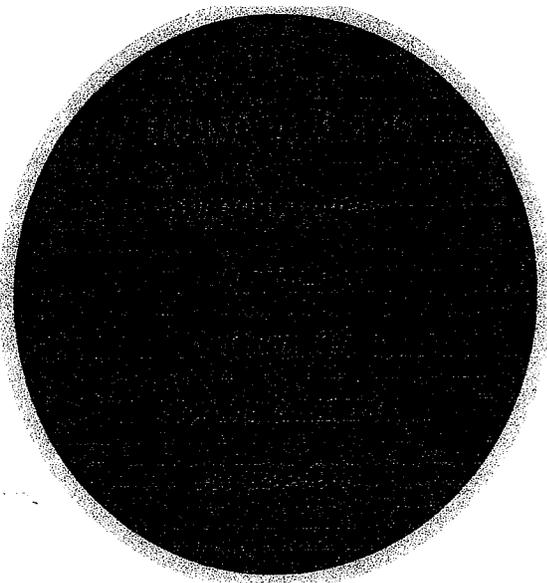


**EXHIBIT "B"
GENERAL PLAN MAP**



**EXHIBIT "C"
ZONING MAP**





HOUSE OF BREWS
SPECIALTY COFFEES



RECEIVED

OCT 25 2010

CITY OF CORNING

Oct. 20, 2010

To The Corning City Planning Commission ,

Dear sirs,

*I am the owner of the business at 615 Fourth Street
(House of Brews, Specialty Coffees"), Corning, CA .*

*I am seeking permission to have live acoustic/minimal
amplification music on Friday nights from 6-9 p.m.*

*I appreciate your kind attention to and cooperation in this
matter, and I thank you.*

Sincerely,

Don Holden

House Of Brews

Specialty Coffees

ITEM NO. F-3

**STUDY MATTER NO. 2010-1;
DISCUSS WITH STAFF AMENDING
THE OUTDOOR ADVERTISING SIGN
REGULATIONS ALLOWING OFF-SITE
DIRECTIONAL OR "WAYFINDING" SIGNS.**

NOVEMBER 16, 2010

TO: PLANNING COMMISSION OF THE CITY OF CORNING

FROM: JOHN STOUFER; PLANNING DIRECTOR

SUMMARY:

After attending a speech from Roger Brooks with Destination Development International staff has been considering amending the Outdoor Advertising Sign Regulations to allow off-site directional or wayfinding signs for businesses within the City of Corning. Staff has also been contacted by business owners who attended the speech who also expressed interest in these type of signs throughout the community.

Attached is a copy of the assessment findings and suggestion report for all of Tehama County, including the City of Corning. (Please bring them with you to the Planning Commission Meeting) Pages 38-40 discuss "wayfinding signs" and starts with "real men don't ask for directions". This is for your review to visual see what other communities or doing to provide direction through their community.

Staff has contacted the Chamber of Commerce who notified members to invite them to this discussion.

ACTION

Discuss amending the Outdoor Advertising Sign Regulations and determine if it's a desirable thing for the City of Corning and consider a future path to take to amend the regulations.

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