



CITY OF CORNING
PLANNING COMMISSION AGENDA
TUESDAY, SEPTEMBER 16, 2008
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 August 19, 2008 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, give your name and address, 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. Amendment to Condition #2, Variance 2007-1: Amend Condition No. 2 that prohibits eave encroachment to 5'-0" from the side property line. The amendment would allow eave encroachment to 4'-6" from the side property line. Property owner: Charles Nace, APN: 73-141-08, 712 Almond Street.

3. Use Permit Application 2008-254: Applicant Lyman Pong proposes to establish a facility that provides body scrubs, body wraps, and body and feet care. Location is along the east side of Hwy. 99W, approximately 700 feet north of the South Avenue/Hwy.99W Intersection. APN: 87-050-35, 2985 Hwy. 99W.

4. Use Permit Application 2008-255: Lucero Olive Oil has applied to obtain a Use Permit to establish an Olive Oil Processing and Storage Facility in a warehouse building that was previously used as a metal fabrication/machine shop. The subject property is zoned SPMU – CBDZ, Specific Plan-Mixed Use and Corning Business Development Zone. Site is located along the north side of Loleta Avenue approximately 350 feet east of the Hwy. 99W/Loleta Avenue Intersection. APN: 71-300-26, 2120 Loleta Avenue.

F. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

G. ADJOURNMENT:

POSTED: SEPTEMBER 12, 2008

The City of Corning is an Equal Opportunity Employer



**CITY OF CORNING
PLANNING COMMISSION MINUTES**

**TUESDAY, AUGUST 19, 2008
CITY COUNCIL CHAMBERS
794 THIRD STREET**

A. CALL TO ORDER: at 6:35 p.m.

B. ROLL CALL:

Commissioners: Robertson
Reilly
Lopez
Hatley
Armstrong

All Commissioners were present.

C. MINUTES:

- 1. Waive the Reading and Approve the Minutes of the July 15, 2008 meeting with any necessary corrections.**

Commissioner Reilly motioned approval of the Minutes as written and Commission Hatley seconded the motion. **Ayes: Lopez, Robertson, Reilly, Hatley and Armstrong. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

D. BUSINESS FROM THE FLOOR: None.

Chairman Lopez stated that with Commission consensus he would like to reorder the Agenda to address Public Hearing Item 3 next, then address Regular Agenda Item 2 and Public Hearing Item 4. He requested this reorder of the Agenda because he is excusing himself from voting on Items 2 and 4 relating to Salado Orchard Apartments due to the fact that he resides within the 300 ft. perimeter surrounding this location. With no objection from the Commission members, the order of the Agenda was adjusted as requested.

F. BUSINESS 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.

- 3. Use Permit No. 2008-253: Los Montes Mex. Grill; per City of Corning Zoning Codes, applicant must obtain Use Permit prior to California Department of Alcoholic Beverage Control (ABC) issuing the on-sale License for sale of beer and wine at their restaurant located at 1708 Solano St., APN: 71-094-04. Permit Applicants: Cesar & Alicia Montes.**

Chairman Lopez introduced this item by title and stated that the owners/applicants, Cesar & Alicia Montes were both present in the audience. Mr. Stoufer explained that this is a requirement according to the City's Zoning Code in order to allow serving of alcoholic beverages on the site. He also stated that he had received no responses to the required notifications to residents within the 300 feet perimeter that were mailed. At this time the Public Hearing was opened. With no discussion Commissioner Armstrong motioned to close the public hearing and Commissioner Hatley seconded the motion. **Ayes: Lopez, Robertson, Reilly, Hatley and Armstrong. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

Commissioner Reilly then motioned to adopt the four, or similar Subfindings and Findings as presented and approve Use Permit 2008-253 subject to applicant complying with the requirements of the Alcoholic Beverage Control Board and be issued an on-sale license prior to serving beer and wine at the Los Montes Mex. Grill. Commissioner Robertson seconded the
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motion. **Ayes:** Lopez, Robertson, Reilly, Hatley and Armstrong. **Opposed:** None. **Absent/Abstain:** None. Motion approved by a 5-0 vote.

E. BUSINESS REGULAR AGENDA:

- 2. Lot Line Adjustment 2008-1: Pacific West Communities, Inc. to adjust the Common Boundary between Parcels 1 & 2 of Parcel May 07-1, Salado Orchard Apts. Phase 1 & 2; located at the southwest corner of the Blackburn Avenue/Toomes Avenue intersection in a PD and R-1 Zoning District. APN's: 71-020-70 & 71. (Continued from the July 15, 2008 Meeting.)**

Chairman Lopez excused himself from the meeting at 6:40 p.m. as he will have to abstain from discussion and vote on this item due to the proximity of his residence to the project. Commissioner Robertson will act as Chairperson for the remaining portion of the meeting.

Acting Chairperson Robertson introduced this item by title stating that she was not present at the July meeting. She then gave a brief explanation of the project based upon the Staff Report presented. Planning Director John Stoufer stated that this was not a Public Hearing, and presented further information relating to the Lot Line Adjustment 2008-1. Mr. Stoufer explained that this is being approached separately because they want to keep the parcels separate. He then stated that the applicant was present.

Commissioner Reilly motioned to adopt the four Findings and Subfindings and Commissioner Hatley seconded the motion. **Ayes:** Robertson, Reilly, Hatley and Armstrong. **Opposed:** None. **Absent:** None. **Abstain:** None. Motion approved by 4-0 vote with Lopez abstaining.

Commissioner Reilly motioned to approve Lot Line Adjustment 2008-1. Commissioner Hatley seconded the motion. **Ayes:** Robertson, Reilly, Hatley and Armstrong. **Opposed:** None. **Absent:** None. **Abstain:** None. Motion approved by 4-0 vote with Lopez abstaining.

F. BUSINESS 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.

- 4. Tentative Tract Map 08-1002, Use Permit 252, Rezone 2008-1: Pacific West Communities Inc., Salado Orchard Apartments, Phase 2.**

- a. Tentative Tract Map 08-1002: Proposes to subdivide an existing 4.79-acre parcel and create 12 single-family residential parcels and an approximately 1.75 acre multi-family residential parcel.**
- b. Rezone 2008-1: Proposes to rezone the 1.75-acre parcel from R-1, Single-Family Residential District to PD, Planned Development District.**
- c. Use Permit 252: Allows the construction of three 8-Plex Apartment Buildings (24 units total) on the proposed 1.75 acre parcel.**

Location: West side of Toomes Avenue approximately 650 ft. south of the Toomes Avenue/Blackburn Avenue Intersection, APN: 71-020-02.

Acting Chairperson Robertson introduced this item by title and opened the Public Hearing. Planning Director John Stoufer confirmed that the Commissioners received and read the letter Staff received today. He also stated that the required notifications had been sent to neighboring property owners and this was the only letter received to date. He presented information relating to this property.

Commission discussion consisted of the following:

- The income level set by the State of California,
- Condition No. 8 relating to the trees (larger trees, 15 gal.) to be planted vs. frosted windows

- Condition 44, add Stop Sign from the parking lot of the apartments to the cul-de-sac road.
- North Street a four-way stop at Toomes Avenue.

Audience member Tom Carter stated that he liked the tree idea and stated his concerns relating to the pedestrian traffic and the possible need for a stop sign to keep the speed down. Audience member John Richards stated that he also liked the tree idea as the apartments will look into his pool. He suggested installing speed bumps instead of a stop sign.

There was further discussion between the Commissioners and City Staff regarding placement of a four-way and the associated criteria.

With no further discussion, Commissioner Hatley motioned to close the Public Hearing. Commissioner Reilly seconded the motion. **Ayes: Robertson, Reilly, Hatley and Armstrong. Opposed: None. Absent: None. Abstain: None. Motion approved by 4-0 vote with Lopez abstaining.**

Commissioner Reilly motioned adoption of the 10 Subfindings and Findings as presented in the Staff Report and Commissioner Hatley seconded the motion. **Ayes: Robertson, Reilly, Hatley and Armstrong. Opposed: None. Absent: None. Abstain: None. Motion approved by 4-0 vote with Lopez abstaining.**

Commissioner Armstrong motioned to recommend City Council adopt the mitigated negative declaration filed on Tentative Tract Map 08-1002, Use Permit 252, and Rezone 2008-1 for Salado Orchard Apartments Phase II. Commissioner Hatley seconded the motion. **Ayes: Robertson, Reilly, Hatley and Armstrong. Opposed: None. Absent: None. Abstain: None. Motion approved by 4-0 vote with Lopez abstaining.**

Commissioner Reilly motioned to recommend that the Corning City Council approve Tentative Tract Map 08-1002, Use Permit 252 and Rezone 2008-1 subject to the 66 stated Conditions of Approval with modifications to Conditions No. 44 adding language relating to stop sign, and Condition No. 8 adding planting trees to block exterior views of the apartments. Commissioner Hatley seconded the motion. **Ayes: Robertson, Reilly, Hatley and Armstrong. Opposed: None. Absent: None. Abstain: None. Motion approved by 4-0 vote with Lopez abstaining.**

Commissioner Reilly motioned to direct City Staff to perform a traffic and pedestrian study to determine if a four-way stop is warranted at the intersection of Toomes and North Street. Commissioner Hatley seconded the motion. **Ayes: Robertson, Reilly, Hatley and Armstrong. Opposed: None. Absent: None. Abstain: None. Motion approved by 4-0 vote with Lopez abstaining.**

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

H. **ADJOURNMENT:** 7:44 p.m.

Lisa M. Linnet, City Clerk

ITEM NO. E-2

**VARIANCE NO. 2007-1; AMEND CONDITION
No. 2 THAT PROHIBITS EAVE
ENCROACHMENT TO 5'-0" FROM THE SIDE
PROPERTY LINE. THE AMENDMENT
WOULD ALLOW EAVE ENCROACHMENT
TO 4'-6" FROM THE SIDE PROPERTY LINE.
APN 73-141-08; CHARLES NACE**

SEPTEMBER 16, 2008

**TO: PLANNING COMMISSION OF THE CITY OF CORNING
FROM: JOHN STOUFER; PLANNING DIRECTOR**

SUMMARY: On September 18, 2007, the Planning Commission granted approval of Variance 2007-1 allowing a sideyard setback of 5'-0" , instead of a 6'-0" minimum sideyard setback as required by Title 17 (Zoning Code), Section 17.10.040(E) of the Corning Municipal Code, for the construction of a single-family residence on APN 71-141-08, owned by Charles Nace. The Commission adopted the following five (5) findings (A through E) and nine (9) conditions of approval in their decision to grant the variance.

FINDINGS

- A. The narrowness of the existing lot, constitutes exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to other land, buildings, and/or uses in the district;
- B. That the granting of the reduced sideyard setback element of Variance application 2007-1 is necessary for the preservation and enjoyment of substantial property rights of the petitioner;
- C. That the granting of the variance permitting the reduced (from 6'-0" to 5'-0") sideyard setbacks will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
- D. The findings necessary to approve a variance to the two enclosed parking space requirement listed as Corning City Code Section 17.58.020 "A" through "C", are not supported in the case of this particular application.

- E. This Project is exempt from the California Environmental Quality Act requirements, under Section 15305 (attached), based upon the "Preliminary Review" mandated by the State CEQA Guidelines, because the project consists of a minor setback variance affecting a parcel with less than 20% slope.

CONDITIONS OF APPROVAL:

1. **COMPLIANCE WITH CITY STANDARDS.** The approved variance entitles only a 1'-0" encroachment into the normal 6'-0" sideyard requirement of the R-1-2 Zoning District. Applicant shall comply with all other applicable City development standards except as expressly provided in these conditions of approval.
2. **NO EAVE ENCROACHMENT.** No roof eave shall be closer than 5'-0" from the side property line. Metal roof gutters may encroach into the reduced sideyards, but shall not be closer than 4'-6" to the side property lines.
3. **PAVED FRONT DRIVEWAY.** If a front yard driveway is provided, it shall be paved with asphalt concrete or concrete. The driveway width shall not be less than 9'-0", nor more than 10'-0" in width.
4. **SITE PLAN.** Prior to approving the construction permits for the project, the applicant shall provide a site plan for Planning Department approval. That site plan shall address compliance with all City standards, including the parking standards of Corning Municipal Code Section 17.51.040.D, which require not fewer than four off-street parking spaces; two of which shall be enclosed within one or more garage structures.

Total building coverage may not exceed 35% of the lot area (3,500 sq. ft.) or 1,225 sq. ft.

5. **PAVE ONE ALLEY TRAVEL LANE.** If any required parking spaces are provided in the rear of the lot, construct and pave one 12'-0" (min.) travel lane within the alley right of way connecting the rear driveway to either Peach or East Street (at owner's discretion and in accordance with City standards).
6. **LANDSCAPE FRONT YARD.** Prior to approving occupancy, landscape and provide permanent underground and automatic irrigation to within the front yard. Landscaping shall extend to all property outside the paved driveway within the front yard and shall include sod or groundcover and not fewer than two street trees. Street trees shall be from the City's approved street tree list and shall be not smaller than 24" box size at time of planting.

7. **CONSTRUCTION HOURS.** Excavation and construction work shall occur only between the hours of 7:00 AM to 7:00 PM, Monday through Friday, and between the hours of 8:00 AM to 6:00 PM on weekends and federally observed holidays.
8. **RESIDENCE ELEVATION.** Residence within Flood Hazard Zone "A" shall have the lowest floor elevation at least one foot above the Base Flood Elevation that shall be determined by a registered Civil Engineer.
9. **RESIDENTIAL GARAGE ELEVATION.** Residential Garages within Flood Hazard Zone "A" shall have the lowest floor elevation at least six inches above the Base Flood Elevation as determined by a registered Civil Engineer.

On June 17, 2008 Mr. Nace submitted a letter requesting an amendment to Condition #2, along with explanations as to the reasoning behind requesting the amendment. At the same time he submitted a sketch of the residence he is proposing to construct with 12' eaves. Pursuant to Condition #2, the residence, as proposed in the sketch, could not be constructed. The wall of the building would remain at 5'-0" as originally approved, and the eave would protrude 12' into the setback, or 4'-0" feet from the side property line.

On July 15, 2008 the Planning Commission voted 3:0:2 to deny the request to allow 12" eaves on the residence. Mr. Nace appealed the denial to the City Council but withdrew his appeal after meeting with staff and agreeing to amend his request from 12" eaves to 6" eaves. Staff agreed to schedule a rehearing before the Planning Commission to consider 6" eaves similar to an existing residence constructed at 619 Almond Street.

The project site is a 25' X 140' lot, totaling 3,500 sq. ft., or 0.08 acres. See the attached copy of the Assessor's Map (Exhibit "C"). The site is located on the north side of Almond Street and within the R-1-2 zoning district. A copy of the Zoning Map is attached as Exhibit "D".

DISCRETION:

The Planning Commission's authority regarding Variance applications stems from Chapter 17.58 of Title 17 (Zoning Code) of the Corning Municipal Code, and the State Planning and Zoning Law (Government Code Section 65906-Exhibit "E").

City Code Section 17.58.020 lists the "findings", or "statement of facts" that the Commission must make in order to approve a Variance. Section 17.58.040 provides the Commission with the authority to designate conditions and guarantees in connection with the approval of a variance. A copy of Chapter 17.58 is attached as Exhibit "F".

In Mr. Nace's initial application he also requested a variance to CMC Section 17.51.040.D that requires "two parking spaces enclosed in a garage, and two additional spaces". The Commission did not grant a variance to the parking requirement.

Staff Recommendation:

Staff supported a variance for the minor side yard encroachment with the nine conditions. For the following reasons staff did not support amending condition #2;

1. Sideyard setbacks were established for providing defensible space between structures in case of a fire and preventing flames from spreading between structures. The existing structure to the east is approximately 8 ft. from the property line. If this structure was ever remodeled or reconstructed it could be located within 6 ft. of the property line. This would reduce the spacing between the eave and residence to 10 ft. which is not considered adequate defensible space
2. Mr. Nace has submitted building plans that show a continuous ridge vent that will provide adequate ventilation and in compliance with the Uniform Building Code. Therefore staff recommends that the Planning Commission take the following action:

Although staff did not support amending condition #2 and allowing 12" eaves as previously requested, we have reconsidered our position and have agreed that since there is a residence, in the vicinity of the project site that has the same setback with a 6" eave, it would only be fair to have this option considered by the Planning Commission.

As previously mentioned the existing residence to the east is approximately 8 ft. from the property line which would provide for 12' 6" of spacing between the two residences. But also, as previously mentioned, this residence could be remodeled or reconstructed allowing a 6 ft. setback from the property line which would then be a setback of 10' 6" which provides for marginal defensible spacing between the eave and the modified structure. For this reason staff feels that if the Commission does approve an amendment to Condition #2 that it be mandatory that a metal gutter be constructed along the east and west roof lines.

For aesthetic reasons, and also to give the residence an opportunity for better cross ventilation, staff supports an amendment to Condition #2 subject to the mandatory requirement to have metal gutters attached to the east and west rooflines of the residence. Therefore staff recommends that the Commission take the following action:

ACTION:

FINDINGS:

Subfinding #1

On September 18, 2007 the City of Corning Planning Commission found that Variance 2007-1 was categorically exempt from CEQA pursuant to Section 15305, Minor Alterations in Land Use Limitations.

Finding #1

Amending Condition #2 of Variance 2007-1 is a minor alteration in a land use limitation on a parcel with an average slope of less than 20% and therefore categorically exempt from CEQA pursuant to Section 15305.

Subfinding #2

For aesthetic and ventilation purposes typical single-family residential construction has eaves from 12 to 24 inches in length.

Finding #2

Amending Condition #2 of Variance 2007-1 and allowing 6" eaves will enhance the aesthetics of the proposed residence and allow for additional cross ventilation.

MAKE A MOTION TO ADOPT THE TWO SUBFINDINGS AND FINDINGS AS PRESENTED IN THE STAFF REPORT. (PLEASE NOTE THAT THE COMMISSION HAS THE ABILITY TO ADD, DELETE OR MODIFY THE SUBFINDINGS OR FINDINGS IF SO DESIRED BY A MAJORITY OF THE COMMISSION).

VOTE

PROJECT:

MAKE A MOTION TO AMEND CONDITION #2 OF VARIANCE 2007-1 TO READ AS FOLLOWS:

No roof eave shall be closer than 4'-6" from the side property line. Metal roof gutters must be constructed along the east and west roof line, but shall not be closer than 4'-0" to the side property lines.

VOTE

OR;

FINDINGS:

Subfinding #1

Sideyard setbacks were adopted into the City of Corning Municipal Code to provide defensible space between structures.

Finding #1

Minimum sideyard setbacks are established at six (6) ft. and on September 18, 2007, the City of Corning Planning Commission approved Variance 2007-1 allowing Charles Nace to construct a single family residence on APN 73-141-08 within 5 feet of the side property line. Amending Condition #2 of Variance 2007-1 will further reduce the sideyard setback to 4 feet 6 inches at the eave and will not provide adequate defensible space from neighboring properties.

Subfinding #2

The applicant has submitted a set of building plans to the City of Corning Building Department that show a continuous ridge vent for ventilation of the structure.

Finding #2

A continuous ridge vent will provide adequate ventilation that will comply with the requirements of the Uniform Building Code.

MAKE A MOTION TO ADOPT THE TWO SUBFINDINGS AND FINDINGS AS PRESENTED IN THE STAFF REPORT. (PLEASE NOTE THAT THE COMMISSION HAS THE ABILITY TO ADD, DELETE OR MODIFY THE SUBFINDINGS OR FINDINGS IF SO DESIRED BY A MAJORITY OF THE COMMISSION).

VOTE

PROJECT:

MAKE A MOTION TO DENY AN AMENDMENT TO CONDITION #2 OF VARIANCE 2007-1.

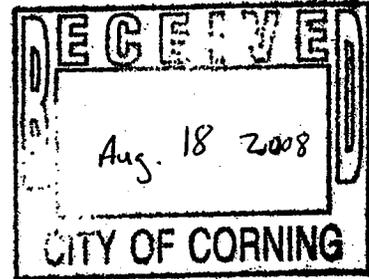
VOTE

EXHIBITS

EXHIBIT "A"	LETTER SUBMITTED BY CHARLES NACE DATED 8-18-08
EXHIBIT "B"	TWO COPIES OF 6" EAVES AT 619 ALMOND STREET
EXHIBIT "C"	COPY OF ASSESSOR'S MAP
EXHIBIT "D"	COPY OF ZONING MAP
EXHIBIT "E"	CA. COV. CODE SECTION 65906
EXHIBIT "F"	CHAPTER 17.58 CITY OF CORNING ZONING CODE

EXHIBIT "A"

**Charles Nace
7170 Truckee Ave
Corning, CA 96021
530-824-5901**



August 18, 2008

Dear City Council of Corning:

I request my appeal of the Planning Commissions decision be withdrawn and a refund of the fees I have paid be issued. I would like a rehearing before the Planning Commission to consider a 6 (six)- inch eave similar to the one located at 619 Almond St. in Corning, CA.

Sincerely,

A handwritten signature in black ink, appearing to be "Charles Nace", written over the word "Sincerely,".

Exhibit "B"

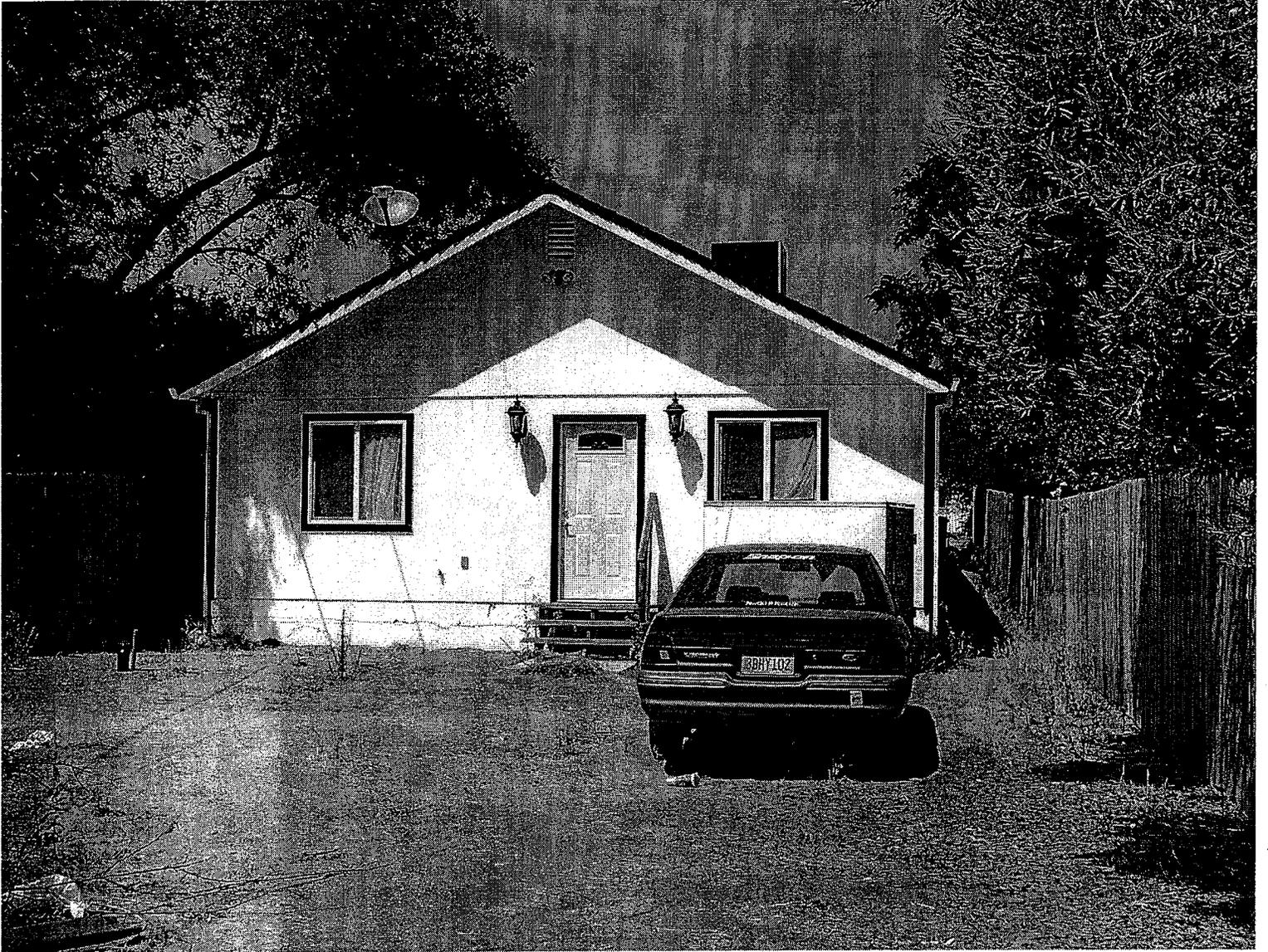
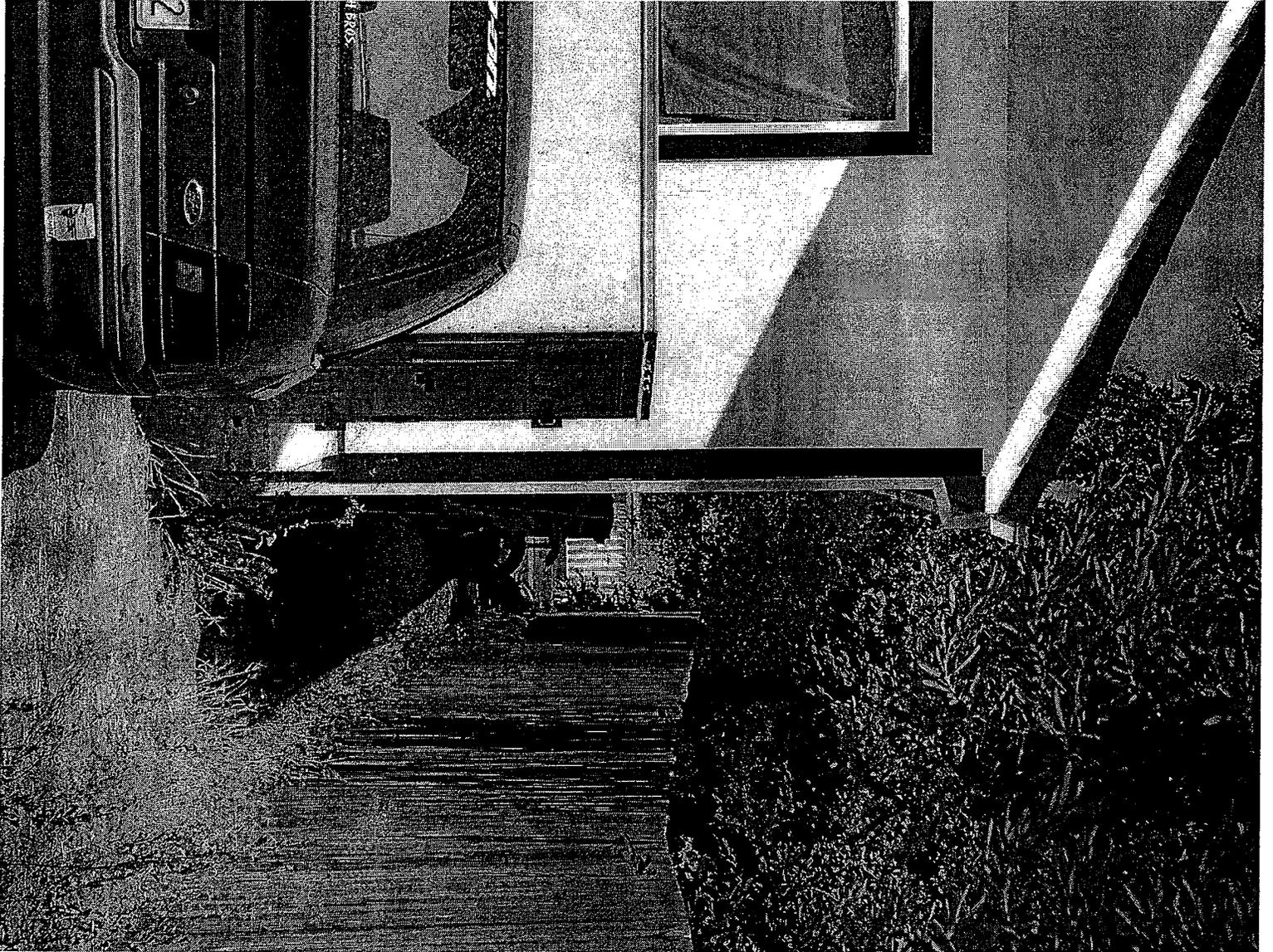


Exhibit "B"



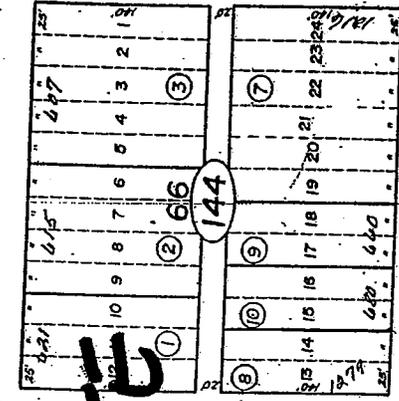
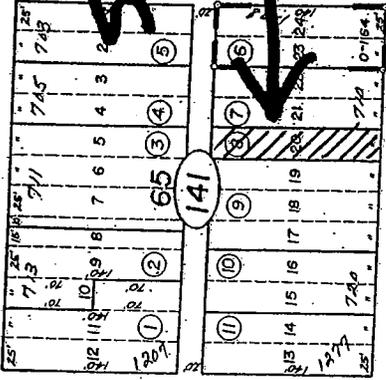
SUBDIVIDED LAND IN NW 1/4,

24N., R.3W., M.D.B.&M.

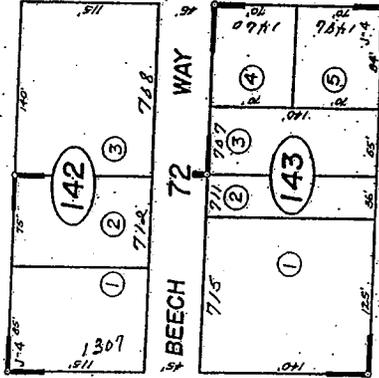
Tax Area C

7

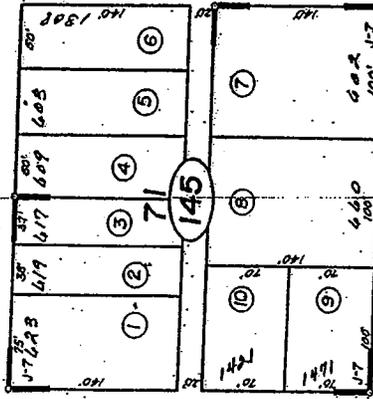
CHESTNUT



ALMOND



ST. 22



EAST

PEACH

PEAR

HICKORY

ST. 28

17

R. S. Bk. J, Pg. 4
 R. S. Bk. J, Pg. 7
 R. S. Bk. Q, Pg. 164
 R. M. Bk. B, Pg. 5-Maywood Addition

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

Assessor's Map Bk. 73 -Pg.
 County of Tehama, Calif.

EXHIBIT "C"



SITE



PQ

WALNUT STREET

R-1-2

CHESTNUT STREET

PEAR STREET

PRUNE STREET

ALMOND STREET

1ST STREET

HICKORY STREET

M-1

EAST STREET

PEACH STREET

PQ
FIG LANE

M-2

COLUMBIA AVENUE

EXHIBIT "D"

65906. Variances

Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

The provisions of this section shall not apply to conditional use permits.

(Amended by Stats. 1974, Ch. 607.)

EXHIBIT "E"

VARIANCES*

Sections:

- 17.58.010 Applicability.
- 17.58.020 Application--Fee.
- 17.58.030 Public hearing.
- 17.58.040 Action by planning commission.
- 17.58.050 Appeal.
- 17.58.060 Revocation.

17.58.010 Applicability. Where practical difficulties, unnecessary hardship, or results inconsistent with the purposes and intent of this title may result from the strict application of certain area, height, yard and space requirements thereof, variances in such requirements may be granted as provided in this section. (Ord. 153 §23.01, 1959).

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

A. That there are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to other land, buildings, and/or uses in the district;

B. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner;

C. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood. (Ord. 340 §1(c), 1979; Ord. 153 §23.02, 1959).

17.58.030 Public hearing. A public hearing shall be held within sixty days after filing of application, notice

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

of which shall be given by one publication in a newspaper of general circulation in the city and/or by posting notice on the property involved or adjacent thereto at least ten days prior to such hearing. (Ord. 153 §23.03, 1959).

17.58.040 Action by planning commission. Following the public hearing, the planning commission shall make findings of fact showing whether the qualifications under Section 17.58.020 apply to the land for which a variance is sought, and whether such variances shall be in harmony with the general purposes of this title. If such findings are in the affirmative, then the planning commission shall by resolution approve such variance. The planning commission may designate conditions and guarantees in connection with the variance to secure the purpose of this title. (Ord. 478 §1, 1988: Ord. 153 §23.04, 1959).

17.58.050 Appeal. Appeal from the findings and decision of the planning commission may be made, in writing, to the city council within ten days from the date of the commission's action, and shall be accompanied by a fee of ten dollars. (Ord. 478 §2, 1988: Ord. 153 §23.05, 1959).

17.58.060 Revocation. A. In any case where the conditions of granting of a variance have not or are not complied with, the city council shall give notice to the permittee of intention to revoke such variance of at least ten days prior to hearing thereon. After conclusion of the hearing the council may revoke such variances.

B. In any case where a variance has not been used within one year after the date of granting thereof, then, without further action by the council, the variance granted shall be null and void. (Ord. 153 §23.06, 1959).

**ITEM NO: E-3
USE PERMIT APPLICATION 2008-254;
LYMAN PONG, ESTABLISH A FACILITY
THAT PROVIDES BODY SCRUBS, BODY
WRAPS & BODY AND FEET CARE.
LOCATED ALONG THE EAST SIDE OF HWY
99W., APPROXIMATELY 700 FEET NORTH
OF THE SOUTH AVE. / HWY 99W.
INTERSECTION. APN: 87-050-35**

SEPTEMBER 16, 2008

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING

FROM: JOHN STOUFER; PLANNING DIRECTOR

PROJECT DESCRIPTION:

The applicant, Lyman Pong, has applied to establish a facility that provides body scrubs, body wraps, along with body and feet care in a portion of an existing building known as the Glassblowers Building located along the east side of Hwy. 99W. The area of the building that these services will be offered in is the north section of the building that was an addition to the original structure. The original portion of the building is currently being used as a thrift store and operated under a lease agreement between the property owner Deanna Persard and lessee Karzar Singh.

GENERAL PLAN LAND USE DESIGNATION

Hwy99-W - Highway 99 W. 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. The C-3 District allows uses permitted in C-1 and C-2 Districts. The C-1, Neighborhood Business District, allows barber shops and beauty parlors which seem to be a similar use as the one being proposed.

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 will allow additional commercial use of a building that has historically been used for retail sales and the distribution of glass products manufactured on site. Reuse of the building for commercial purposes, that are less intense than previous commercial use of the building, is 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. Development of a commercial use in an existing building at this location is consistent with the following Land Use Policies of the Corning General Plan and the Hwy. 99W. Corridor Specific Plan.

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

CIRCULATION:

Highway 99W. is classified as an arterial road in the Circulation Element, therefore the establishment of alternative commercial use along an arterial road is consistent with the General Plan and the Highway 99W. Corridor Specific Plan.

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. The specific plan through its design guidelines has established additional criteria for parking lots. Staff feels that Mr. Pong's proposed use would be similar to a barber shop or beauty shop which requires one space for each seventy-five square feet of gross floor area or two spaces per chair. For retail sales, one space for every two hundred (200) gross square feet of floor area is required for parking.

According to the records kept by the Tehama County Assessor's Office the original building was constructed in 1956 and was 34' x 60' (2,040 sq. ft.), the addition, where Mr. Pong will conduct his business, was a 20' x 40' (800 sq. ft.) addition to the building constructed in 1977. Total square footage of the building is 2,840 sq. ft.

Pursuant to Chapter 17.51 of the Zoning Code the existing thrift store would be considered retail sales and therefore would require 10 parking spaces. Mr. Pong's proposed use would also require 10 parking spaces.

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 additional parking 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 adjacent to the site. 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 (Exhibit D). The AO Zone means that these are areas of shallow flooding where depths are between 1 and 3 feet. The last major flooding events were in 1995 and 1997. In 1995 some areas within the specific plan area were subject to 6" to 1' of water. In 1997 no flooding occurred within the specific plan area. Increased maintenance of drains and streams has lessened the impact of flood waters in this area.

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 Noise Contour Map from the Specific Plan (attached as Exhibit H) shows that the site is outside the 60 db level and therefore acceptable for commercial development.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the following, or similar, Subfindings and Findings for Use Permit 2008-254

Subfinding #1

The portion of the building that is being proposed for use as a commercial service that provides body scrubs, body wraps along with body & feet care was constructed as an addition in 1977 to an existing commercial building that was originally constructed in 1956. A variety of commercial uses, including glass blowing and retail sales of merchandise have previously been established in the building.

Finding #1

The granting of Use Permit 2008-254 is a negligible change of previous commercial and retail businesses that had been established at this site and therefore exempt from CEQA pursuant to Section 15301, Class 1.

Subfinding #2

The existing building proposed for the establishment of a commercial service that provides body scrubs, body wraps along with body & feet care is located on a parcel that is zoned C-3 - CBDZ, General Business District - Corning Business Development Zone.

Finding #2

The establishment of a commercial service that provides body scrubs, body wraps along with body & feet care is an allowed use in a C-3 -CBDZ Zoning District.

Subfinding #3

The building proposed for use by the applicant was constructed in 1956 with an addition added in 1977 and has been historically used for commercial and retail business.

Finding #3

The building, and parcel that it is located on, is adequate in size, shape and topography for the establishment of a commercial service that provides body scrubs, body wraps along with body & feet care.

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 proposed use.

Subfinding #5

The establishment of a commercial service that provides body scrubs, body wraps along with body & feet care will be located within an existing building that has been used for commercial uses and retail sales for over 30 years.

Finding #5

The establishment of a commercial service that provides body scrubs, body wraps along with body & feet care within the building known as the "Glassblowers Building" will not have an adverse effect upon the use, enjoyment or valuation of adjacent or neighboring properties or upon the public welfare.

ACTION

- 1. MAKE A MOTION TO ADOPT THE 5 SUBFINDINGS AND FINDINGS AS PRESENTED IN THE STAFF REPORT FOR USE PERMIT 2008-254
(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. MAKE A MOTION TO APPROVE USE PERMIT 2008-254 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 2008-254.

**STAFF RECOMMENDS THE FOLLOWING
CONDITIONS OF APPROVAL
FOR USE PERMIT 254**

CONDITION #1 – PARKING LOT LANDSCAPE & LIGHTING PLAN:

Prior to the issuance of Use Permit 254 and the commencement of any type of commercial activity associated with the Use Permit the applicant must submit a landscaping and exterior lighting plan for the west and north sides of that portion of the building that will be used for the body scrubs, body wraps and body & foot care. The landscape plan must include an irrigation system and both plans must be submitted to the Planning Director for approval.

CONDITION #2 – LANDSCAPE & LIGHTING INSTALLATION & MAINTENANCE:

Within one month of the issuance of the Use Permit the applicant must install the irrigation system, landscaping and lighting per the approved plans. The applicant, or his successor, must maintain the landscape and lighting on a weekly basis throughout the duration of the Use Permit.

CONDITION #3 – PARKING LOT PAVING

Prior to the issuance of Use Permit 254 and the commencement of any type of commercial activity associated with the Use Permit the applicant must provide at least 10 parking spaces along the north and west sides of the building. All parking spaces along the west side of the building to the north edge of the building must be paved (excluding landscaped areas) and one (1) parking space must be handicapped accessible, and appropriately marked.

CONDITION #4 – ENCROACHMENT PERMIT

The applicant must obtain an encroachment permit from the City of Corning Public Works Department prior to the commencement of the required paving.

CONDITION #5 – SEPTIC SYSTEM

Prior to the issuance of Use Permit 254 and the commencement of any type of commercial activity associated with the Use Permit the applicant must comply with the requirements of the Tehama County Department of Environmental Health and obtain written verification from them that the existing septic system is adequate to handle the additional effluent generated by the proposed use. If the existing septic system is unable to handle the additional effluent the project will then be required to hook into the City of Corning wastewater system and pay the applicable connection and development impact fees (DIF).

CONDITION #6 – ADULT-ORIENTED BUSINESS

Issuance of Use Permit 254 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 #7 – BUILDING PERMIT & CERTIFICATE OF OCCUPANCY

Prior to remodeling the interior of the building the applicant must obtain a building permit and prior to occupying the building obtain a certificate of occupancy from the City of Corning Building Department.

CONDITION #8 SIGN REGULATIONS

The business must comply with the City of Corning sign regulations established by Resolution 10-25-05-01 and the sign design requirements of the Highway 99W Corridor Specific Plan requirements.

ATTACHMENTS

Exhibit "A"	CEQA Section 15301
Exhibit "B"	Zoning Code Section 17.51
Exhibit "C"	Use Permit Application
Exhibit "D"	Flood Plain Overlay Map
Exhibit "E"	Vicinity Map
Exhibit "F"	General Plan Land Use Map
Exhibit "G"	Zoning Map
Exhibit "H"	Noise Contour Map
Exhibit "I"	Assessor's 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"

Chapter 17.51

OFF-STREET PARKING REQUIREMENTS

Sections:

- 17.51.010 Purpose.
- 17.51.020 Application.
- 17.51.030 Exceptions from off-street parking requirements.
- 17.51.040 Parking requirements--Residential uses.
- 17.51.050 Parking requirements--Bed and breakfast inns.
- 17.51.060 Parking requirement--Hotels and motels.
- 17.51.070 Parking requirement--Residential care homes, skilled nursing facilities and group care facilities for the elderly.
- 17.51.080 Parking requirements--Hospitals.
- 17.51.090 Parking requirements--Theaters and churches.
- 17.51.100 Parking requirements--Dancehalls and sports arenas.
- 17.51.110 Parking requirements--Schools.
- 17.51.120 Parking requirements--Office uses.
- 17.51.130 Parking requirements--Commercial establishments.
- 17.51.140 Parking requirements--Industrial uses and warehouses.
- 17.51.150 Parking requirements--Recreational facilities.
- 17.51.160 Parking requirements--Other uses.

17.51.010 Purpose. A. 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.

B. 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. (Ord. 497 §4(part), 1989).

17.51.020 Application. A. Except as otherwise provided in this chapter, there is imposed a requirement on every lot for which a building permit or a certificate of occupancy is issued a requirement to provide off-street parking spaces according to the provisions of this chapter for all uses conducted on that lot.

B. A final inspection for a building permit shall not be approved, and/or a certificate of occupancy shall not be issued for any building or structure until the improvements required by this chapter for all uses of the lot are complete and ready for use. (Ord. 497 §4(part), 1989).

17.51.030 Exceptions from off-street parking requirements. A. All uses and/or structures existing at the time of adoption of the ordinance codified in this chapter shall be exempt from the provisions of this chapter.

B. Expansion of existing structures shall also be exempt, unless and until such time as that expansion exceeds the following dimensions (whether as a single project on a single structure, or as a cumulative projects on one or more structures on the same lot):

1. For any residential use, a total of five hundred square feet of living area (excluding garage or storage area);

2. For any nonresidential use, a total of one thousand square feet (including storage areas). (Ord. 497 §4(part), 1989).

17.51.040 Parking requirements--Residential uses. A. For senior citizen housing developments, one space shall be provided for each eight-tenths dwelling units.

B. For studio apartments, one space shall be provided for each dwelling unit.

C. For all other single-family, two-family and multiple dwellings, and for residential manufactured housing, two spaces shall be provided for each dwelling unit.

D. For boardinghouses or roominghouses, one space shall be provided for each bedroom, including bedrooms not rented. (Ord. 497 §4(part), 1989).

17.51.050 Parking requirements--Bed and breakfast inns. For bed and breakfast inns, one space shall be provided per bedroom in addition to the parking required for the underlying residential use. (Ord. 497 §4(part), 1989).

17.51.060 Parking requirement--Hotels and motels. For hotels and motels, one space shall be provided for each guest room. (Ord. 497 §4(part), 1989).

17.51.070 Parking requirement--Residential care homes, skilled nursing facilities and group care facilities for the elderly. For licensed group care facilities for the elderly, skilled nursing facilities, and residential care homes, one space shall be provided for every three beds the facility is licensed to accommodate. (Ord. 497 §4(part), 1989).

17.51.080 Parking requirements--Hospitals. For hospitals, one space shall be provided for every bed the facility is designed to accommodate, plus parking in an amount to be determined by the planning commission for ancillary uses. (Ord. 497 §4(part), 1989).

17.51.090 Parking requirements--Theaters and churches.

For theaters and churches, the following number of spaces shall be provided:

- A. For facilities with fixed seats, one space for every four seats or every eight feet of bench space;
- B. For facilities without fixed seats, whichever is less:
 - 1. One space for every twenty-eight gross square feet of principal assembly area, or
 - 2. One space for each four persons of any posted occupancy limit. (Ord. 497 §4(part), 1989).

17.51.100 Parking requirements--Dancehalls and sports arenas. For dancehalls and sports arenas, one space shall be provided for every four fixed seats or every eight feet of bench space. Where no fixed seats are installed, one space shall be provided for each one hundred gross square feet of floor area used for assembly or dancing. (Ord. 497 §4(part), 1989).

17.51.110 Parking requirements--Schools. The following number of parking spaces shall be provided for both public and private schools:

- A. For elementary and junior high schools, two spaces for each employee and faculty member plus one space for every forty-two gross square feet or assembly area in the auditorium or assembly area;
- B. For high schools, three spaces for each classroom plus one space for every three students in grades ten through twelve;
- C. For commercial or business schools, one space for every one hundred fifty gross square feet of classroom floor area. (Ord. 497 §4(part), 1989).

17.51.120 Parking requirements--Office uses. For office uses, one space shall be provided for every three hundred gross square feet of floor area. (Ord. 497 §4(part), 1989).

17.51.130 Parking requirements--Commercial establishments. The following number of parking spaces shall be provided for commercial sales establishments:

- A. For automobile or machinery sales and service garages, nursery and garden supplies, and building material yards, one space for every five hundred gross square feet of floor area plus one space for each two thousand square feet of outdoor sales and/or service area;
- B. For furniture and appliance stores and repair shops and similar uses which handle only bulky merchandise, one space for every six hundred gross square feet of floor area;

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;

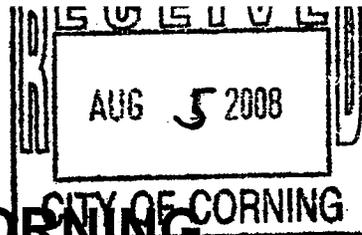
C. For aerobics dance, weight training and exercise facilities, one space per one hundred gross square feet of floor area;

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).

PROJECT INFORMATION	PROJECT ADDRESS <i>2895 Hiway 99 West 98 Corning CA 96021</i>		ASSESSOR'S PARCEL NUMBER <i>87-050-35</i>	G.P. LAND USE DESIGNATION
	ZONING DISTRICT	FLOOD HAZARD ZONE	SITE ACREAGE	AIRPORT SAFETY ZONE? <i>yes</i>
	PROJECT DESCRIPTION: (attach additional sheets if necessary)			
	<i>Body Scrub, Body Wraps, Body Care, Foot Care</i>			
APPLICANT INFORMATION	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 <i>Deanna Persand (owner)</i>	ADDRESS <i>1084 Gilbert Ave. Chico, CA 95926</i>	DAY PHONE <i>530-826-1327</i>	
REPRESENTATIVE (IF ANY) * <i>LXMANLY PANG</i>	ADDRESS <i>591 BUTTE ST CORNING, CA 96021 Apt 15</i>	DAY PHONE <i>(530) 237-7120</i>		
PROPERTY OWNER <i>KARTAR SINGH</i>	ADDRESS <i>3090 Hwy 99 West</i>	DAY PHONE <i>530 237 7120</i>		
CORRESPONDENCE TO BE SENT TO <input checked="" type="checkbox"/> APPLICANT <input checked="" type="checkbox"/> REPRESENTATIVE <input checked="" type="checkbox"/> PROP. OWNER				
APPLICANT/REPRESENTATIVE: I have reviewed this application and the attached material. The information provided is correct.		PROPERTY OWNER: I have read this application and consent to its filing.		
Signed: <i>[Signature]</i>		Signed: <i>Deanna Persand</i>		
By signing this application, the applicant/property owner agrees to defend, indemnify, and hold the City of Corning harmless from any claim, action, or proceeding brought to attack, set aside, void or annul the City's approval of this application, and any Environmental Review associated with the proposed project.				

SUBMITTAL INFO	FOR OFFICE USE ONLY			
	APPLICATION NO. <i>2008-254</i>	RECEIVED BY: <i>JS</i>	DATE RECEIVED <i>8/5/08</i>	DATE APPL. DEEMED COMPLETE
	FEE RECEIVED/RECEIPT NO.	CEQA DETERMINATION Exempt ND MND EIR		DATE FILED



CITY OF CORNING

ENVIRONMENTAL INFORMATION FORM (To be completed by Applicant)

DATE FILED 07/31/07

General Information

1. Project Title: Body Scrub

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:

Additional Project Information

3. For non-residential projects, indicate total proposed building floor area: 1200 sq. ft. in 1 floor(s).

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

5. Proposed scheduling/development.

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.)

**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.

Pedicures, Body wrap, Body Scrubs, personal ^{skin} care

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.

n/a

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 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 type="checkbox"/> |
| 22. Substantially increase energy usage (electricity, oil, natural gas, etc.)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. Relationship to a larger project or series of projects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**CITY OF CORNING
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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.

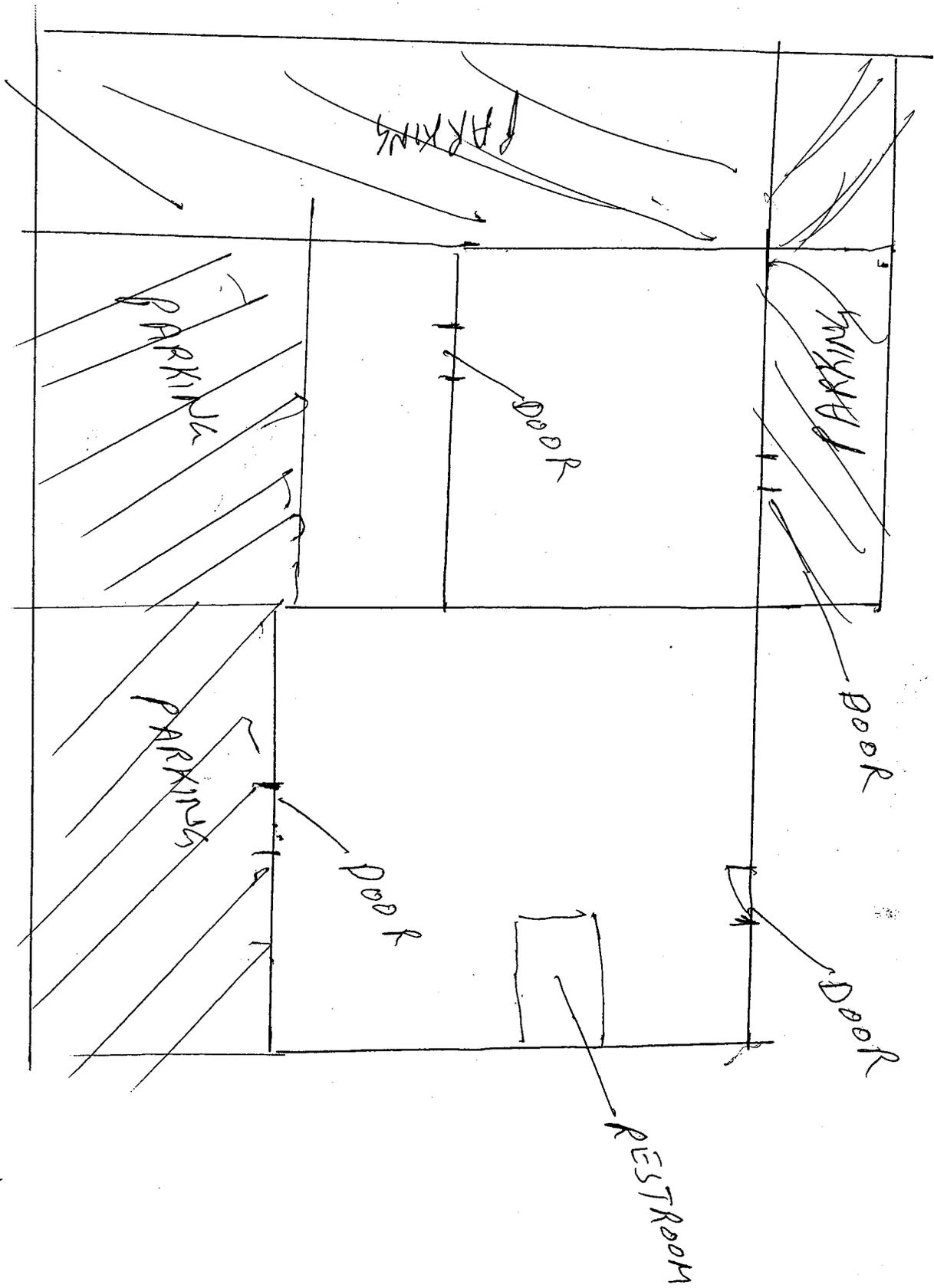
Certification

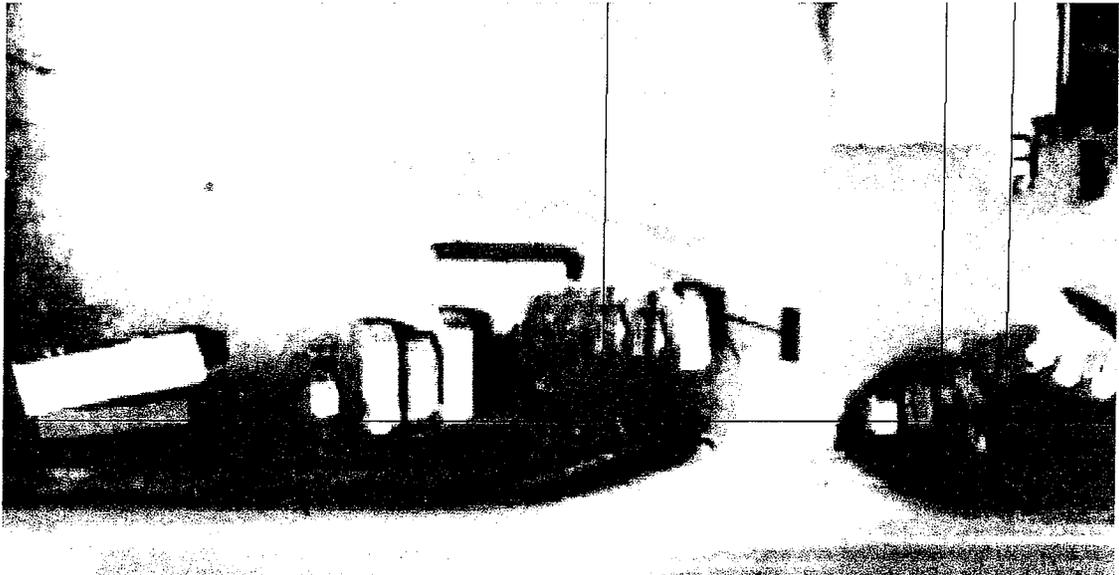
I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date 7-31-08

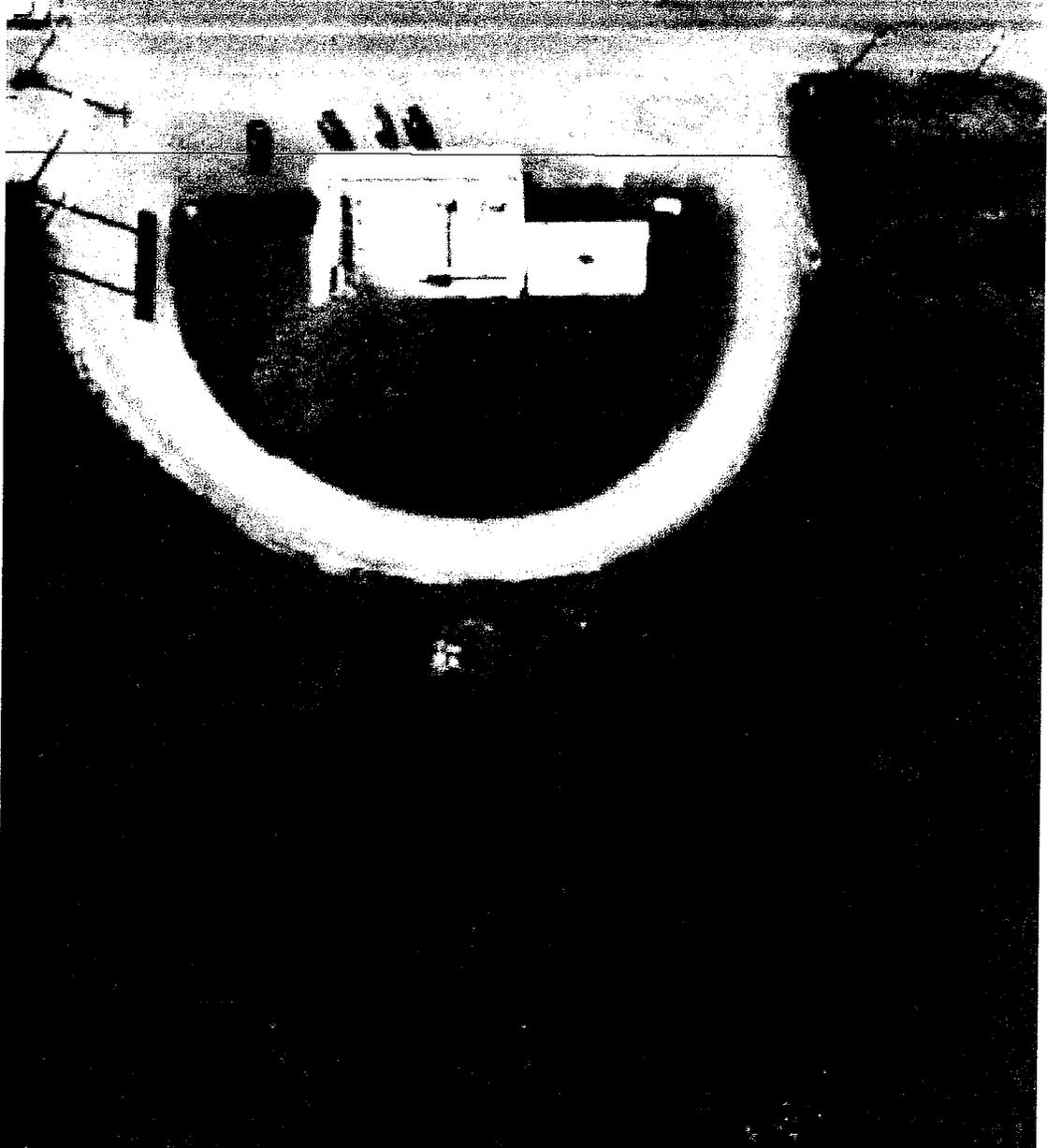
Signature 

For: _____



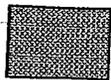


STATE ROUTE 99 W



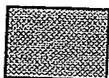
Flood Plain Overlay

From FEMA flood insurance study
FEMA flood Insurance Rate Map



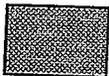
Zone A

No base flood elevations and flood hazards factors determined



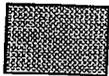
Zone AE

Base flood elevations determined



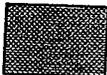
Zone AO

Areas of Shallow flooding where depths are between one (1) and (3) feet; average depths determined



Zone A#

Base flood elevations and flood hazard factors determined



Zone X

Areas of 500 hundred year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100 year flood



Scale in Feet



North

SITE

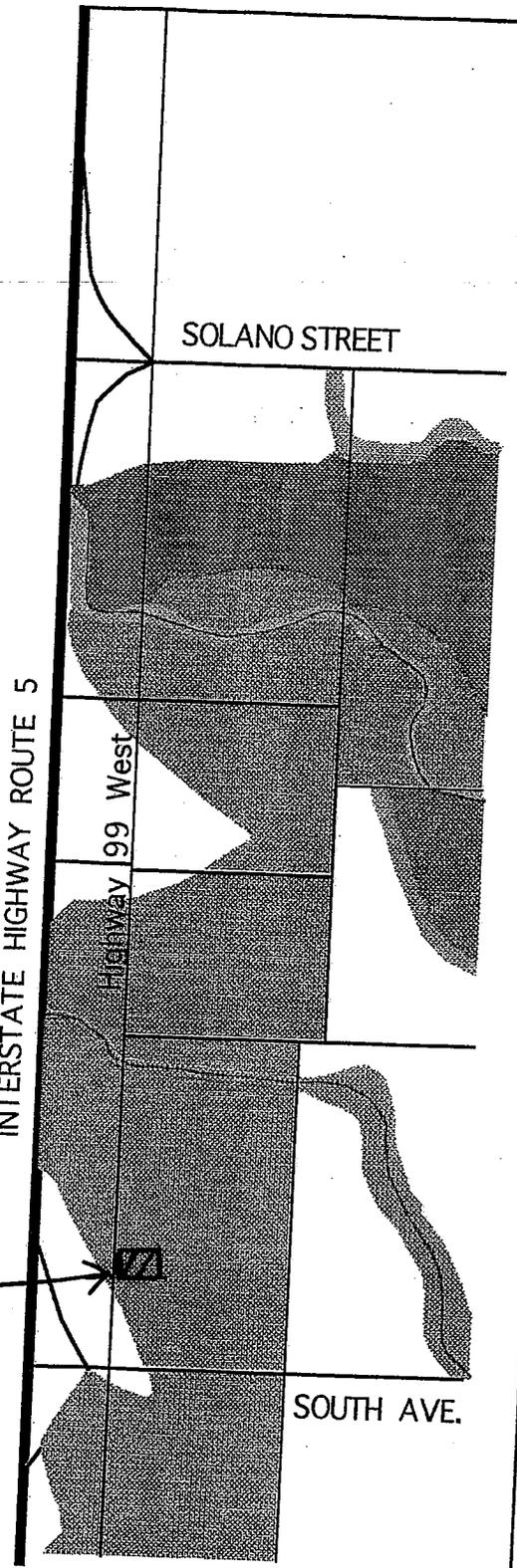


EXHIBIT "E"

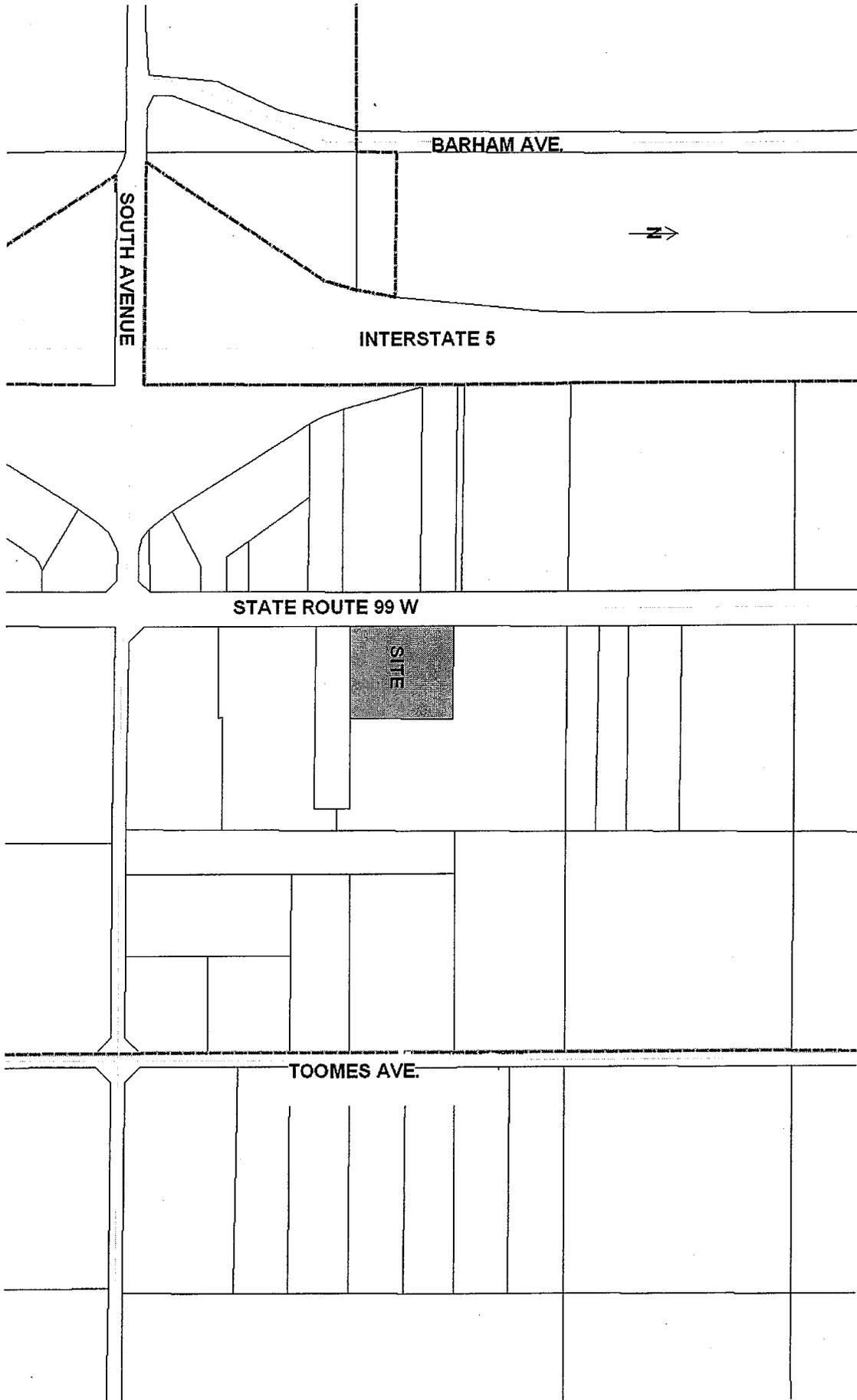


EXHIBIT "F"

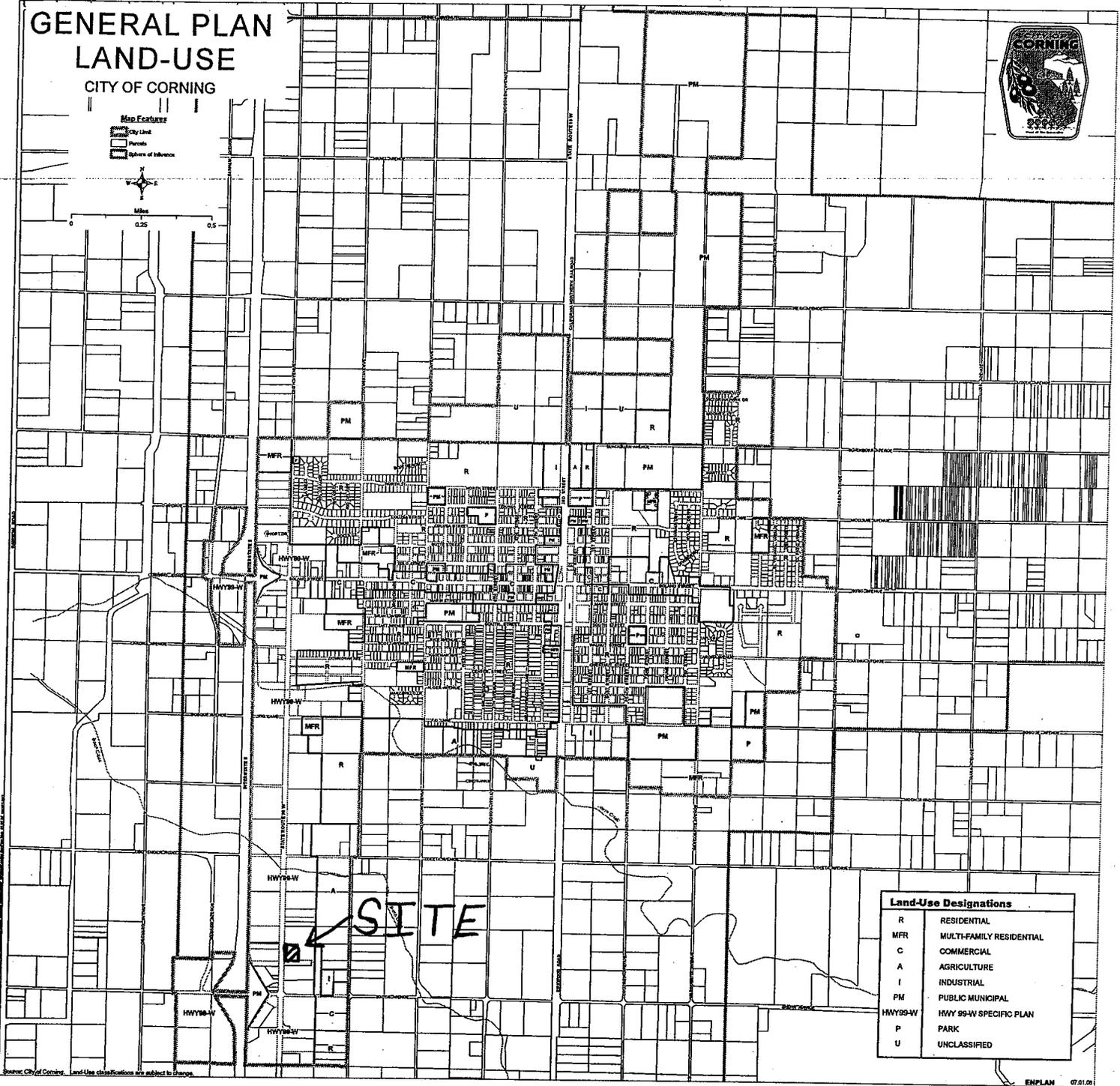
GENERAL PLAN LAND-USE CITY OF CORNING



Map Features
 City Limit
 Parcel
 Sphere of Influence



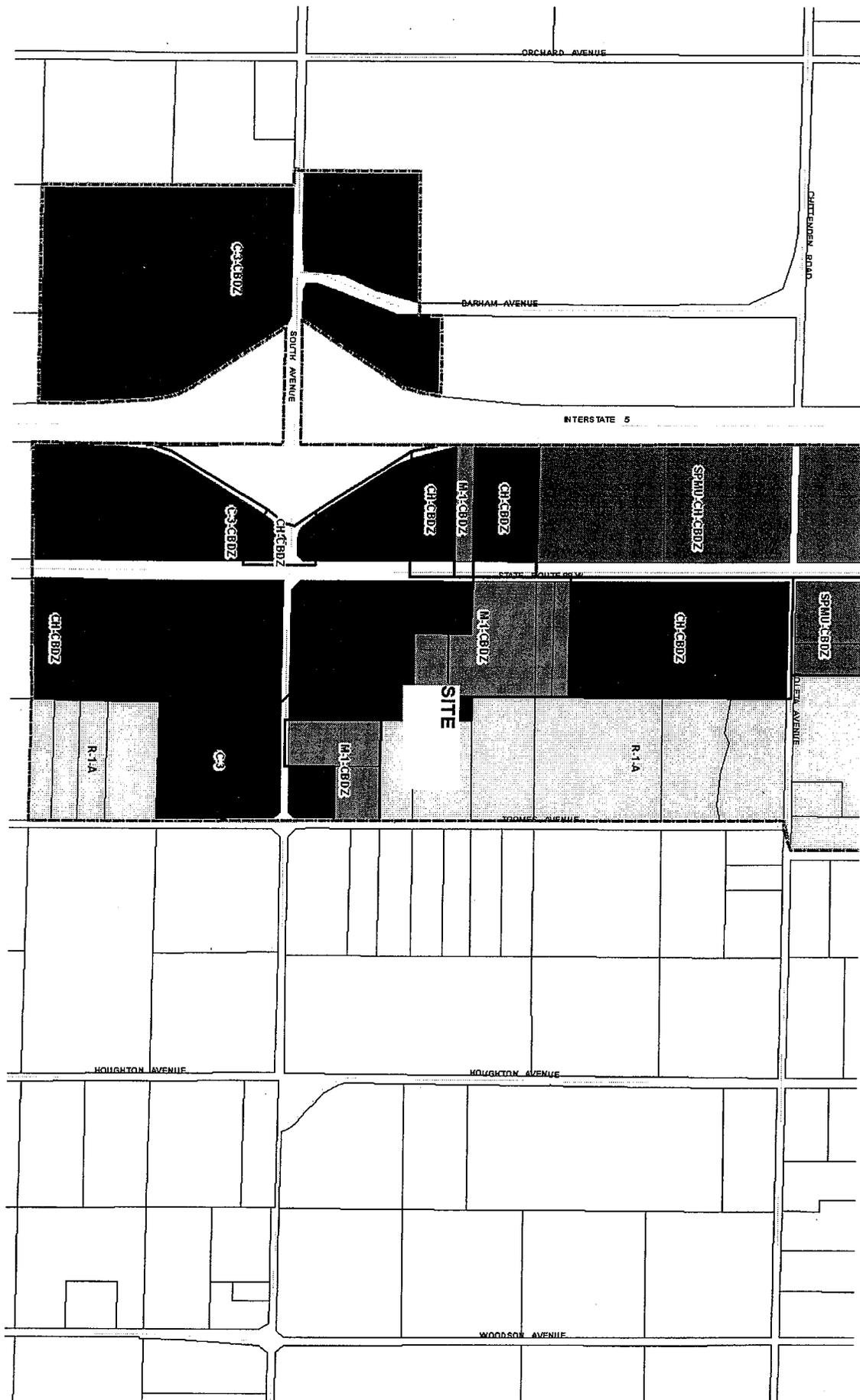
0 0.25 0.5
 Miles



Land-Use Designations	
R	RESIDENTIAL
MFR	MULTI-FAMILY RESIDENTIAL
C	COMMERCIAL
A	AGRICULTURE
I	INDUSTRIAL
PM	PUBLIC MUNICIPAL
HWY99-W	HWY 99-W SPECIFIC PLAN
P	PARK
U	UNCLASSIFIED

Source: City of Corning. Land-Use classifications are subject to change.

EXHIBIT "G"



Highway 99 West Specific Plan Area - Corning, California

STORM DRAINAGE LOCATIONS

(Storm drainage locations within 1000 feet of study area.)

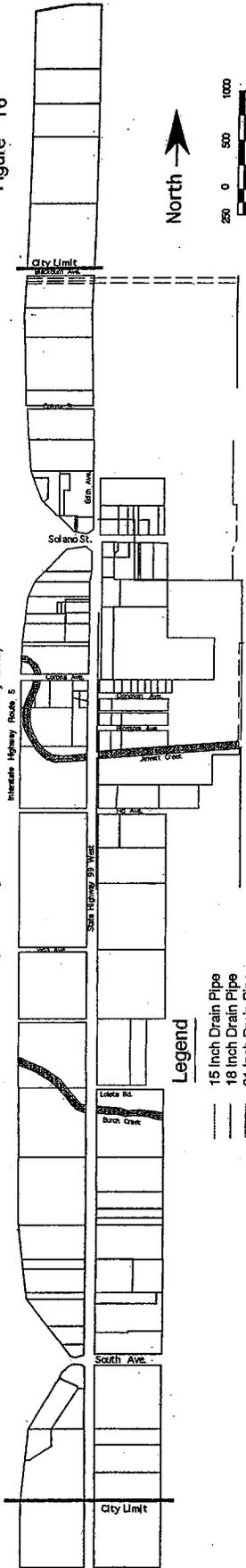


Figure 16

NOISE CONTOURS INTERSTATE HIGHWAY ROUTE 5

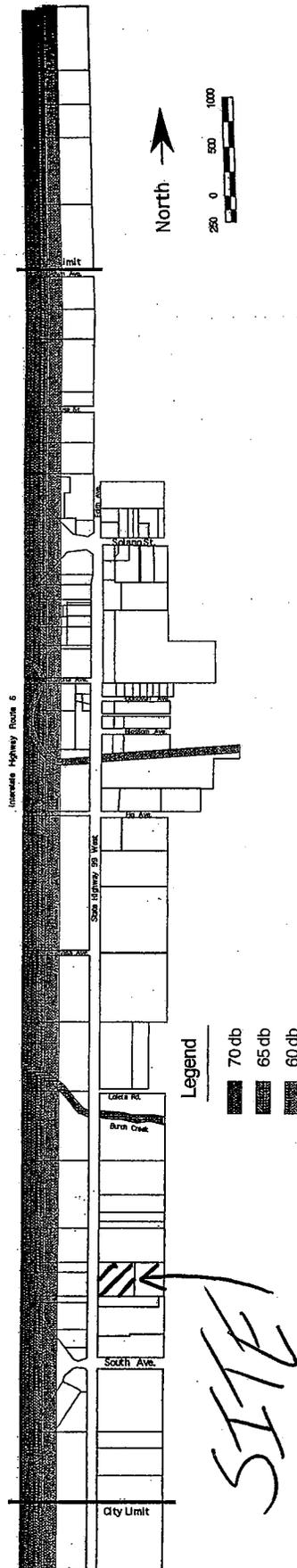


Figure 17

Cartography by Kent Johnson

Base Map: Delta Anderson and Robert Jensen, 1979, updated March 1981, and Corning General Plan

FILE COPY

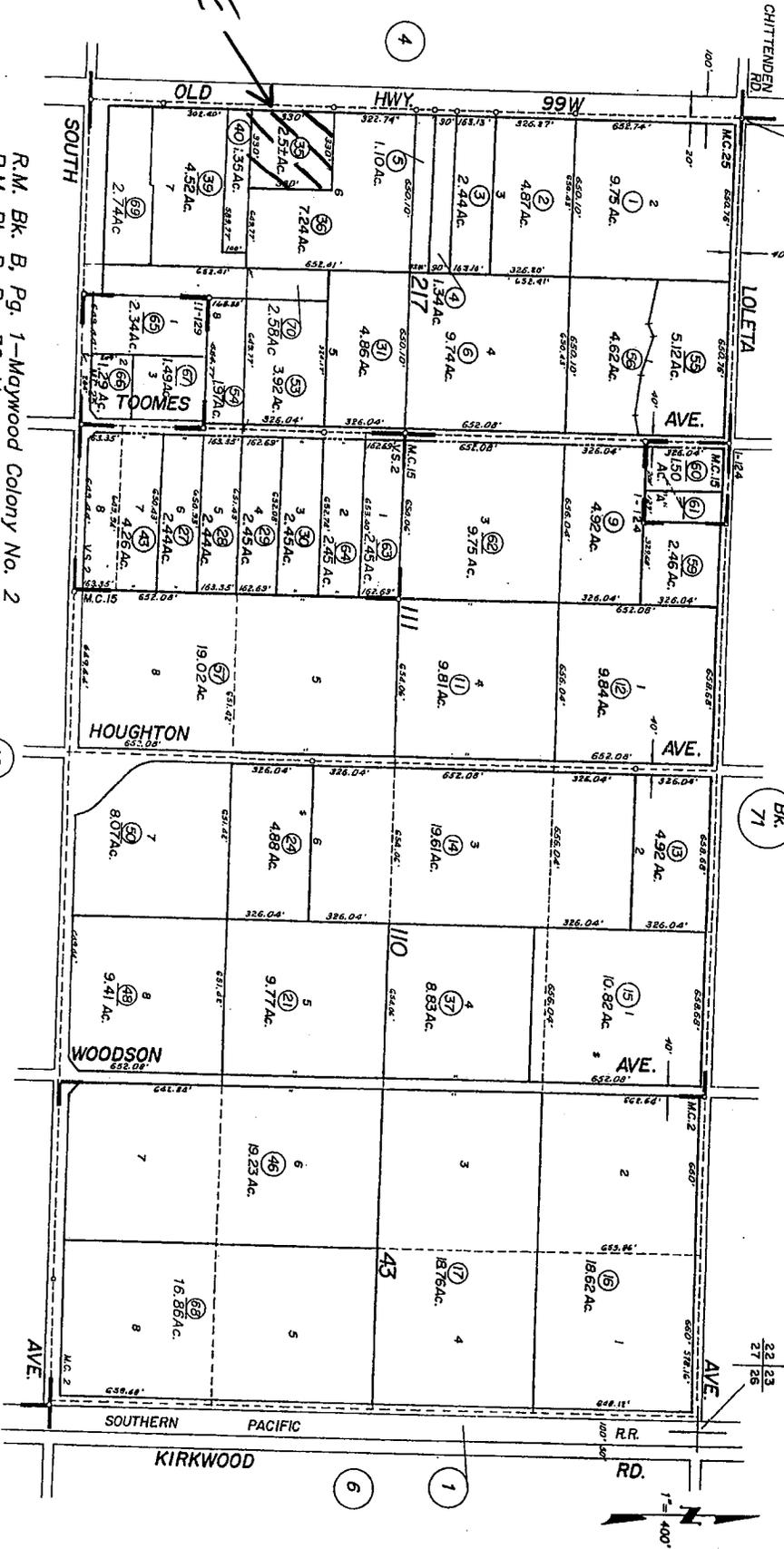
SUBDIVIDED LAND IN N1/2 SEC. 27, T.24N., R.3W., M.D.B.&M.

Tax Area Code
22 223
27 285

87-05

EXHIBIT "I"

SITE



- R.M. Bk. B, Pg. 1-Maywood Colony No. 2
- R.M. Bk. B, Pg. 36-Maywood Colony No. 15
- R.M. Bk. B, Pg. 37-Maywood Colony Villa Sub. No. 2
- R.S. Bk. B, Pg. 47-Maywood Colony No. 25
- P.M. Bk. P, Pg. 2-Woodson Ave. Survey
- P.M. Bk. 1, Pg. 124-P.M. No. 336
- P.M. Bk. 11, Pg. 129-P.M. No. 90-40

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

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

1991 0 8 2036

**ITEM NO. E-4
USE PERMIT NO. 2008-255; TO PERMIT
AN OLIVE OIL PROCESSING AND
STORAGE FACILITY IN THE SPMU-
CBDZ ZONE; 2120 LOLETA AVENUE;
APN. 71-300-26; LUCERO OLIVE OIL.**

SEPTEMBER 16, 2008

TO: PLANNING COMMISSION OF THE CITY OF CORNING

FROM: JOHN STOUFER; PLANNING DIRECTOR

SUMMARY:

Lucero Olive Oil has applied to obtain a Use Permit to establish an Olive Oil Processing and Storage Facility in an existing warehouse building that most recently has been used by Bell Carter Company for storage purposes. The subject property is zoned SPMU – CBDZ, Specific Plan-Mixed Use and Corning Business Development Zone. The site is located along the north side of Loleta Ave. approximately 350 feet east of the Hwy. 99W / Loleta Ave. intersection.

HISTORICAL USE OF SITE:

On July 24, 2000, the Corning Planning Commission approved Use Permit No. 2000-180. That use permit entitled Mr. Richard Dobbins to construct a "Metal Fabrication/Refurbishing Machine Shop" in the Specific Plan Mixed Use Zoning District at 2120 Loleta Avenue.

In 2001 Mr. Dobbins added a 1,920 sq. ft. "Office" addition to the front (south side) of the existing building. No specific land use was ever authorized through the use permit process for this office space. Since this time the property was sold to a company called Tehama Equities, LLC.

On May 15, 2007, the Corning Planning Commission approved Use Permit No. 2007-243. This use permit entitled Mr. Kevin Wofford to operate retail sales of truck parts and accessories from the southern office portion of the building. Mr. Wofford chose not to lease the building and the use was not established.

On August 23, 2007, Ms. Pam Shelton submitted an application to amend Use Permit 2007-243 to allow the establishment of a personal training gymnasium in the same portion of the building that was permitted for the truck parts sales as proposed by Mr. Wofford. On September 18, 2007 the Commission approved the revision to Use Permit 2007-243 allowing the establishment of a personal training gymnasium and accessory uses within the existing "office" portion of the building. The gymnasium is still in operation today.

GENERAL PLAN:

This project site is located within the Highway 99-W Corridor Specific Plan Area. The Specific Plan essentially serves as the General Plan Land Use designation affecting the site. The Specific Plan identifies a myriad of commercial and light industrial uses as appropriate for the area.

ZONING:

The site is zoned SPMU-CBDZ; Specific Plan Mixed Use-Corning Business Development Zone. The applicable sections of the Corning Zoning Code are attached. (Exhibit B).

Section 17.49.050 "Uses Requiring Use Permits" Subsection J. 2 reads as follows: "*Manufacturing, processing, fabricating, refining, repairing, packaging or treatment of goods, material or produce by electric power, oil or gas, except operations involving fish fats and oils, bones and meat products, or similar substances commonly recognized as creating offensive conditions in the handling thereof.*"

The processing and storage of olives for retail sales and the production of olive oil is an established use throughout the City of Corning and surrounding community and is not recognized as creating offensive conditions therefore the establishment of an olive oil processing and storage facility is permitted upon approval 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 (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 will allow the establishment of an olive oil processing and storage facility in a warehouse building that has historically been used for metal fabrication and storage which are considered light industrial uses. Reuse of the building for an olive oil processing and storage facility is considered a negligible expansion of previously established light industrial uses and therefore exempt from CEQA pursuant to Section 15301, Class 1.

CONSISTENCY WITH GENERAL PLAN

LAND USE ELEMENT:

The site is designated as a parcel of underutilized land within the Highway 99W Specific Plan area. Development of light industrial use such as an olive oil processing and storage facility within an existing building at this location is consistent with the following Land Use Goals and Policies of the Hwy. 99W Corridor Specific Plan.

- *Encourage the location and development of businesses which generate high property and sales taxes, local employment and are environmentally compatible.*
- *Develop the Hwy. 99W Corridor which provides a variety of retail, office, commercial, light industrial and manufacturing, and warehousing opportunities.*
- *Ensure the gradual upgrade of underutilized parcels.*

CIRCULATION:

Loleta Avenue is not constructed to City standards. The constructed street is narrow (about 15-20 feet wide), insufficiently surfaced (chip-sealed vs. asphalt) and has an inadequate sub-surface. Staff is concerned that trucks hauling in and out of the site will readily damage the street between the entrance gate and Hwy. 99W. Those concerns must be considered and balanced along with the desires of the owner and this applicant to utilize the existing commercial/industrial building.

The previous Use Permits required the developer to enter into a Deferred Improvement Agreement (DIA) that postponed street frontage improvements until the Public Works Director or City Engineer determined they were warranted. That document, recorded on January 19, 2001, would affect only the frontage of the subject property. Staff suggests the Planning Commission require Condition No. 3, essentially requiring modification of the existing DIA, or a new one that would commit the owner to an asphaltic overlay for that segment of Loleta Avenue between the site and Highway 99W.

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 site falls within the AO Zone as designated on the Federal Emergency Management Agency (FEMA) Maps (Exhibit D). The AO Zone means that these are areas of shallow flooding where depths are between 1 and 3 feet.

The last major flooding events were in 1995 and 1997. In 1995 some areas within the specific plan area were subject to 6" to 1' of water. In 1997 no flooding occurred within the specific plan area. Increased maintenance of drains and streams has lessened the impact of flood waters in this area.

NOISE

The General Plan Noise Element identified that normally acceptable range for light industrial 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 Noise Contour Map from the Specific Plan (attached as Exhibit H) shows that the site is outside the 60 db level and therefore acceptable for light industrial development.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the following, or similar, Subfindings and Findings for Use Permit 2008-255

Subfinding #1

This project will allow the establishment of an olive oil processing and storage facility in a warehouse building that has historically been used for metal fabrication and storage which are considered light industrial uses.

Finding #1

The granting of Use Permit 2008-255 is a negligible change of previous light industrial uses that had been established at this site and within the existing warehouse building, and therefore exempt from CEQA pursuant to Section 15301, Class 1.

Subfinding #2

The existing site and building proposed for the establishment of an olive oil processing and storage facility is located in an area zoned SPMU – CBDZ, Specific Plan-Mixed Use and Corning Business Development Zone.

Finding #2

The processing and storage of olives for retail sales and the production of olive oil is an established use throughout the City of Corning and surrounding community and is not recognized as creating offensive conditions therefore the establishment of an olive oil processing and storage facility is permitted upon approval of a use permit in a SPMU – CBDZ, Specific Plan-Mixed Use and Corning Business Development Zone.

Subfinding #3

The site and building proposed for use by the applicant has historically used for commercial and light industrial uses.

Finding #3

The building, and parcel that it is located on, is adequate in size, shape and topography for the establishment of an olive oil processing and storage facility.

Subfinding #4

The parcel has frontage and direct access to Loleta Avenue and direct access to Highway 99W and Interstate 5. The applicant will be required to enter into a Deferred Improvement Agreement for future maintenance and improvements to Loleta Avenue.

Finding #4

The site has sufficient access to Loleta Avenue and Hwy. 99W., existing roads that are currently constructed with adequate width, pavement and capacity for the initial establishment of an olive oil processing and storage facility.

Subfinding #5

The project proposes to establish an olive oil processing and storage facility in an existing warehouse building that has previously been used for light industrial use over the last 8 years.

Finding #5

The establishment of an olive oil processing and storage facility within an existing building located at 2120 Loleta Ave., Corning, CA. will not have an adverse effect upon the use, enjoyment or valuation of adjacent or neighboring properties or upon the public welfare.

ACTION

- 1. MAKE A MOTION TO ADOPT THE 5 SUBFINDINGS AND FINDINGS AS PRESENTED IN THE STAFF REPORT FOR USE PERMIT 2008-255
(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. MAKE A MOTION TO APPROVE USE PERMIT 2008-255 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 2008-255.

STAFF RECOMMENDS THE FOLLOWING CONDITIONS OF APPROVAL FOR USE PERMIT 2008-255

CONDITION #1 – ENCROACHMENT PERMIT:

Prior to the issuance of Use Permit 255, and the commencement of any type of light industrial activity associated with the Use Permit, the applicant must obtain an encroachment permit from the City of Corning Public Works Department and pave the driveway apron within the Loleta Avenue right-of-way.

CONDITION #2 – MARK AND PAVE HANDICAP PARKING SPACE:

The applicant must pave and appropriately mark one handicap accessible parking space nearest the front door of the entrance to the business.

CONDITION #3 – MODIFY EXISTING OR ENTER INTO A NEW DEFERRED IMPROVEMENT AGREEMENT:

Prior to the issuance of Use Permit 255 and the commencement of any type of activity associated with the Use Permit the property owner and City of Corning shall modify the existing Deferred Improvement Agreement recorded January 19, 2001, or enter into another such agreement that assures completion of an asphaltic concrete overlay to Loleta Avenue between the project site and Highway 99W when the City Engineer or Public Works Director deems such overlay is warranted.

CONDITION #4 – SIGN REGULATIONS

The business must comply with the City of Corning sign regulations established by Resolution 10-25-05-01 and the sign design requirements of the Highway 99W Corridor Specific Plan requirements.

CONDITION #5 – WASTE DISPOSAL

The applicant will not be allowed to dispose of any solid or liquid waste, generated by the processing and production of olive oil, on site. Waste discharge requirements imposed by the Regional Water Quality Control Board must be obtained and strictly adhered to.

CONDITION #6 – ANNUAL REVIEW

The Use Permit will be scheduled for review by the City of Corning Planning Commission at the regular scheduled meeting in September 2009. The review will allow the Commission to add additional conditions of approval if warranted.

CONDITION #7 – BUILDING PERMIT & CERTIFICATE OF OCCUPANCY

Prior to remodeling the interior of the building the applicant must obtain a building permit and prior to occupying the building obtain a certificate of occupancy from the City of Corning Building Department.

ATTACHMENTS

Exhibit "A"	CEQA Section 15301
Exhibit "B"	Zoning Code Chapters 17.47 & 17.49
Exhibit "C"	Use Permit Application & Supplemental Information submitted by applicant
Exhibit "D"	Flood Plain Insurance Map
Exhibit "E"	Vicinity Map
Exhibit "F"	General Plan Land Use Map
Exhibit "G"	Zoning Map
Exhibit "H"	Noise Contour Map
Exhibit "I"	Assessor's 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"

3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. Variances shall only be issued upon:

a. A showing of good and sufficient cause such as renovation, rehabilitation, or reconstruction. Variances issued for economic considerations, aesthetics, or because variances have been used in the past, are not good and sufficient cause.

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant.

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization to the public, or conflict with existing local laws or ordinances.

5. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest flood elevation below the base-flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 547 S4(part), 1994).

Chapter 17.47

CBDZ CORNING BUSINESS DEVELOPMENT ZONE

Sections:

- 17.47.010 Generally.
- 17.47.020 Purpose.
- 17.47.030 Applicability.
- 17.47.040 General provisions.

17.47.010 Generally. The CBDZ Corning business development zone is to be utilized only within the boundaries delineated by the Highway 99W corridor specific plan. It is recognized that there is a need for job-generating land uses near the freeway and that the most suitable location for future commercial development is along Highway 99W. This unique environment was determined to be an appropriate location for freeway-oriented commercial development and general commercial, industrial and manufacturing businesses. The following specific regulations and the general rules set forth in Section 17.04.060 and 17.04.070 and Chapter 17.50 of this title shall apply in the CBD zone. Uses discussed in this section do not necessarily include

uses in Chapter 17.54 of this title. (Ord. 573(part), 1997).

17.47.020 Purpose. The CBDZ Corning Business Development 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. The overlay districts that apply to the CBDZ are Chapters 17.48 and 17.49 of this title. (Ord. 573(part), 1997).

17.47.030 Applicability. The regulations of this chapter provide for the quality development within the Highway 99W corridor by (1) reviewing all development permits to determine that the permit requirements of this title have been satisfied; and (2) reviewing all permits to determine that the site has met applicable design criteria established in the visual design guidelines of the Highway 99W corridor specific plan. (Ord. 573(part), 1997).

17.47.040 General provisions. A. Any development within the CBD zone shall apply applicable design criteria established in the visual design guidelines of the Highway 99W corridor specific plan.

B. Any development within the CBD zone shall comply with all conditions of approval applied to the development.

C. Any development within the CBD zone shall comply with the regulations and standards established in the corresponding overlay zones (1) CH highway service commercial district and (2) SPMU specific plan mixed-use district. (Ord. 573(part), 1997).

17.48.040 General requirements. In CH overlay districts land use regulations shall include the following regulations:

A. In any district with which is combined the CH overlay district, the regulations of this chapter shall apply in addition to those specified in this title; provided, that if conflict in regulations occurs, the regulations of this chapter shall govern;

B. Any development within the CH overlay district shall apply applicable design criteria established in the visual design guidelines of the Highway 99W corridor specific plan;

C. Those established in Chapter 17.47 CBDZ Corning business development zone. (Ord. 573 (part), 1997).

Chapter 17.49

SPMU SPECIFIC PLAN MIXED-USE OVERLAY DISTRICT

Sections:

- 17.49.010 Generally.
- 17.49.020 Purpose.
- 17.49.030 General requirements.
- 17.49.040 Permitted uses.
- 17.49.050 Uses requiring use permits.
- 17.49.060 Minimum height, bulk and space requirements.

17.49.010 Generally. This overlay district classification is intended to encourage mixed-use development and is to be applied to the larger parcels located between the primary intersections of the Highway 99W corridor specific plan area. As such, this overlay zone is to be utilized only within the boundaries delineated by the Highway 99W corridor specific plan. The SPMU overlay zone allows for a combination of land uses that have been determined to be compatible for development. The following specific regulations and the general rules set forth in Sections 17.04.060 and 17.04.070 and Chapter 17.50 of this code shall apply in the SPMU overlay district. (Ord. 573 (part), 1997).

17.49.020 Purpose. The purpose of the SPMU overlay district is to allow development to consist of a combination of land uses. The combination of such uses is found to be compatible if noise, smoke, dust, odors, and other offensive features are confined to the premises of such use. (Ord. 573 (part), 1997).

17.49.030 General requirements. The regulations of this chapter provide for mixed-use development within the Highway 99W corridor specific plan area which has been designated the Corning Business Development Zone. In SPMU overlay district land use regulations shall include the following requirements:

A. In any district with which is combined the SPMU overlay district, the regulations of this chapter shall apply in addition to those specified in this title; provided, that if conflict in regulations occurs, the regulations of this chapter shall govern;

B. The permitted uses established in each district and being combined in the SPMU overlay district are allowed; provided that in the opinion of the planning commission, the proposed sites are of a similar character;

C. Any development within the SPMU overlay district shall apply applicable design criteria established in the visual design guidelines of the Highway 99W corridor specific plan;

D. Those provisions established in Chapter 17.47 CBDZ Corning business development zone. (Ord. 573 (part), 1997).

17.49.040 Permitted uses. There are no uses permitted without use permits. (Ord. 573 (part), 1997).

17.49.050 Uses requiring use permits. In any district with which is combined an SPMU district, the following districts may be combined and shall require use permits. The SPMU overlay district allows for the combination of the permitted uses from the following districts which in the opinion of the planning commission the uses are of a similar and compatible character: C-1 neighborhood business district, C-2 central business district, C-3 general commercial district, M-1 light industrial districts, and M-L limited manufacturing district.

A. From C-1, C-2 and C-3 districts, the following uses of land and buildings which, in the opinion of the planning commission, are of a similar character shall be permitted:

1. Retail stores and business or service enterprises which, in the opinion of the planning department are of a character similar to the following:
 - a. Foodstores, dairy products and bakery goods stores,
 - b. Bookstores, rental libraries and video rental stores,
 - c. Drugstores, including soda fountain food service,
 - d. Florist, variety, hardware and clothing stores,
 - e. Athletic facilities, banks, business offices, bowling alleys, food, drug and clothing stores and retail outlet stores,
 - f. Business colleges, music, dancing and martial arts studios,
 - g. Blueprinting shops, photographic stores,
 - h. Catering shops, cafes and restaurants, and bars and taverns,
 - i. Art and antiques shops and pawnshops,
 - j. Hotels, motels, theaters, auditoriums, lodge halls and social clubs,
 - k. Newspapers and commercial printing shops,
 - l. Mortuaries,
 - m. Bakeries,
 - n. Other retail business uses which, in the opinion of the planning commission, are similar to the foregoing;

B. The following agencies and services:

1. Laundry and dry cleaning businesses using noninflammable cleaning solvents,
2. Barbershops, beauty parlors and cosmetic shops,
3. Repair shops for domestic appliances and goods,
4. Professional and medical offices, studios and clinics,
5. Gasoline service stations, including auto repairs; provided, that all operations except the service

with gasoline, oil, air and water be conducted within an enclosed building,

6. Self-operated laundries,
7. Gasoline service stations; provided, that all operations except the servicing with gasoline, oil, air and water are carried on within a building,
8. Commercial repair garages, and incidental service uses,
9. Automobile sales and service and used car lots,
10. Wholesale distribution uses and warehouses,
11. Veterinary hospitals, animals to be kept in an enclosed structure,
12. Carwash,
13. Other services and agencies which, in the opinion of the planning department, are similar to the above;

C. Public buildings and public utility substations and offices;

D. Commercial parking lots and parking garages;

E. Incidental and accessory buildings and uses on the same lot with and necessary for the operation of any permitted use; 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 residence is to be a secondary use to an active commercial enterprise, either upstairs or in the rear, with the storefront remaining commercial. No residential garage is permitted;

F. Incidental storage and accessory uses, including repair operation and services; provided, that such is 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, vibration, fire or safety;

G. All other commercial uses except those uses which are specified in Chapter 17.24 of this title as being permitted only in M-2 districts;

H. Incidental storage and accessory uses, including repair operating 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;

I. From M-1 districts, the following uses of land and buildings which, in the opinion of the planning commission, are of a similar character shall be permitted:

1. Assembly and storage of goods, materials, liquids and equipment, except storage of flammable or explosive matter or materials which create dust, odors or fumes. Permitted uses include:

- a. Wholesale and storage warehouses,
- b. Feed and fuel yards,

2. Manufacturing, processing, fabricating, refining, repairing, packaging or treatment of goods, material or produce by electric power, oil or gas, except operations involving fish fats and oils, bones and meat products, or similar substances commonly recognized as creating offensive conditions in the handling thereof. Permitted uses include:

- a. Dye and dry-cleaning plants,
- b. Rug cleaning plants,
- c. Laundries,
- d. Veterinary hospitals,
- e. Cabinet shops,

3. The following when conducted within a building or enclosed within a solid wall or fence of a type approved by the planning commission, not less than six feet in height:

- a. Body and fender repair shops and auto painting shops,
- b. Cooperage and bottling works,
- c. Sheet metal shops and welding shops,
- d. Truck terminals,
- e. Retail lumber yards;

J. From M-L districts, the following uses of land and buildings which, in the opinion of the planning commission, are of a similar character shall be permitted:

1. Commercial and professional offices,

2. The following and similar uses from which noise, smoke, dust, odors and other such offensive features are confined to the premises of each such use:

- a. Research institutes and laboratories,
- b. Small electronic and plastics products manufacturing,
- c. Electrical products and instrument manufacturing,
- d. Bookbinding, printing and lithography,

e. Cartography, surveying and engineering,
 f. Editorial, architecture and designing,
 g. Garment manufacturing, paper products
 manufacturing,

3. Underground utility installations and above-ground utility installation for local service, except that substations generating plants and gas holders must be approved by the planning commission prior to construction; and the route of any proposed transmission line shall be discussed with the planning commission prior to acquisition. (Ord. 623 §a.6, a.7, 2005; Ord. 589 §13, 2001; Ord. 573 (part), 1997).

17.49.060 Minimum height, bulk and space requirements. In SPMU overlay districts, the minimum height, bulk and space requirements shall be as follows:

A. Where conflict occurs between the regulations of this chapter and any building code or other regulations effective within the city, the more restrictive of any such regulations shall apply;

B. Lot area, lot width, building coverage regulations, none;

C. Front yard, fifteen feet;

D. Side yard, none, except as required by the building code or other regulations;

E. Rear yard, twelve feet where accessible from street, alley or parking lot for loading purposes. Building code and other regulations shall apply;

F. 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;

G. 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;

H. Parking requirements as required by Chapter 17.51;

I. Corner lots, side yard setback ten feet.
 (Ord. 573 (part), 1997).

CITY OF CORNING
 PLANNING APPLICATION
 TYPE OR PRINT CLEARLY

EXHIBIT "C"

Submit Completed Applications to:
 City of Corning
 Planning Dept.
 784 Third Street
 Corning, CA 95021

PROJECT INFORMATION	PROJECT ADDRESS 2120 Loleta Ave		ASSESSOR'S PARCEL NUMBER 71-300-26	G.P. LAND USE DESIGNATION
	ZONING DISTRICT	FLOOD HAZARD ZONE	SITE ACREAGE 2.2 Acres	AIRPORT SAFETY ZONE? N/A
	PROJECT DESCRIPTION (attach additional sheets if necessary) olive oil processing facility, storage			
	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 <input type="checkbox"/> Variance <input type="checkbox"/> Other:				
APPLICANT INFORMATION	APPLICANT Lucero Olive Oil		ADDRESS 3312 Rill Ct.	DAY PHONE 530-514-4006
	REPRESENTATIVE (IF ANY) Dewey Lucero		ADDRESS Rocklin CA 95765	DAY PHONE
	PROPERTY OWNER Joe Descala Tehama Equities, LLC		ADDRESS PO Box 747 San Anselmo CA, 94979	DAY PHONE 415-297-9391
	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: <i>Dewey Lucero</i>		PROPERTY OWNER: I have read this application and consent to its filing. Signed: <i>Joe Descala - Manager</i>	
By signing this application, the applicant/property owner agrees to defend, indemnify, and hold the City of Corning harmless from any claim, action, or proceeding brought to attack, set aside, void or annul the City's approval of this application, and any Environmental Review associated with the proposed project.				

SUBMITTAL INFO	FOR OFFICE USE ONLY			
	APPLICATION NO. 2008-255	RECEIVED BY JS	DATE RECEIVED 8/22/08	DATE APPL. DEEMED COMPLETE
	FEES RECEIVED/RECEIPT NO.		SEQA DETERMINATION Exempt ND MND EIR	DATE FILED



CITY OF CORNING

ENVIRONMENTAL INFORMATION FORM

(To be completed by Applicant)

DATE FILED 8/20/08

General Information

1. Project Title: Lucero olive oil mill

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:

waiver discharge, state Health Dept.

Additional Project Information

3. For non-residential projects, indicate total proposed building floor area: 10,000 sq. ft. in ___ floor(s).

4. Amount of off-street parking to be provided. 20+ parking stalls. (Attach plans)

5. Proposed scheduling/development. Installation will start 9/1/08
for the olive mill machinery

6. Associated project(s). Building improvements

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

**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.

loading area 500 sqft of

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

Ag industrial, 2-4 employees / shift, (one shift)
yes loading available

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
2-4 employees / shift, (one shift)

⊗ 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 for milling olives, required for production of olive oil, old "use permit" has run out.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
⊗ 15. Significant amounts of solid waste or litter?	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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.

Pictures can be emailed.

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.

Pictures can be emailed.

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 8/16/08

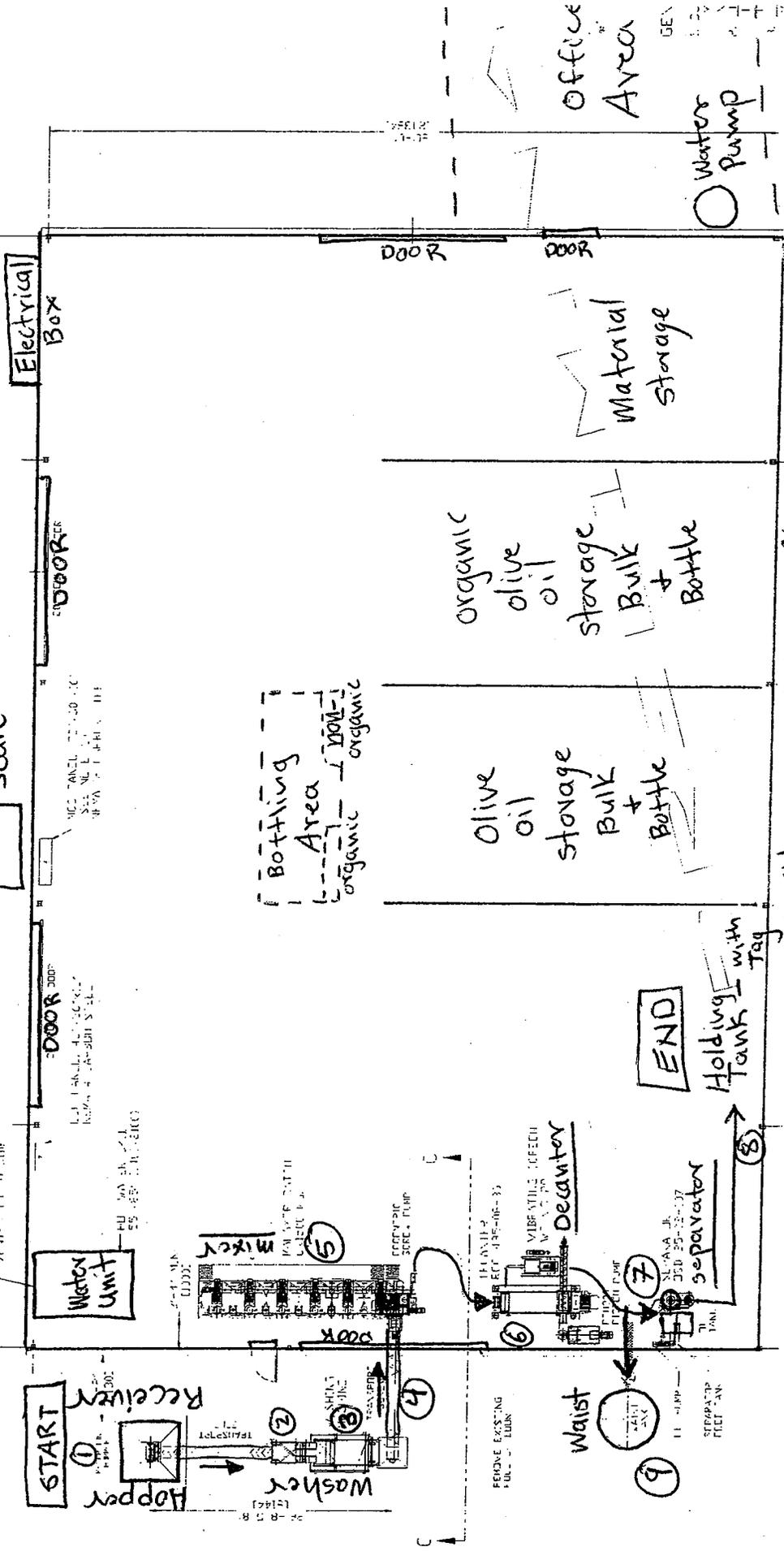
Signature Dewey Lucero
For: Oliver Mill

Drawing #1

Lucero olive oil, Milling Facility, 2120 Zolota / Corning, CA 96
530-514-400

← Parking →

Fresh Fruit Receiving "Holding Area" - Fruit is Tagged -



Building = 9,600 sqft

← Parking →

VISION AND MISSION

Lucero Olive Milling, LLC will provide superior olive milling, for the production of California Extra Virgin Olive Oil, for both Lucero Olive Oil, LLC and various companies requiring custom milling for their own fruit. Lucero's objective is to produce world-class olive oils, and be recognized as the leader in olive milling capabilities in California. Lucero will ultimately produce olive oils that will be sold in gourmet specialty markets nationally and internationally.

Operating an olive mill that will be producing the very olive oil that you market will allow Lucero to control quality and flavor. This will permit Lucero to push the limits of quality, and drive other olive companies to produce better quality olive oil. Lucero intends to be a leader, offering superior quality olive oils at competitive prices to its consumers.

Lucero would become the largest custom miller in Northern California, leading the way with the installation of a 5-ton mill. With over 3,000 acres of olive oil producing olive trees planted in Artois, 15 miles south of Corning, the potential for milling fruit is abundant. With the amount of fruit projected to be in production over the next 2-3 years, the amount of fruit needing to be milled will far surpass the current milling capacities available in Northern California. New plantings are also going in the Corning area, that will be in production over the next 2-3 years. Lucero, plans to contract as much of this "new" fruit as possible, which will be milled at this new site. Currently Lucero plans to mill over 450 tons of fruit in 2008.

Lucero's goal is to become the leader in custom milling in Northern California, as well as process all of Lucero's fruit. Lucero will do this through attention to detail in quality of olive oil produced and exceptional customer service, and most importantly becoming a "YES" company. By establishing Lucero as "the leading" milling company to go to, we will gain customer's respect and business, as well as take business from others.

It has always been an aspiration of mine (Dewey) to make a substantial foot print in the town of Corning, who's roots are in olive production. I hope to bring a new energy to olives with the addition of olive oil, more business to the city, more employment opportunities and build a landmark in the eye of the consumers, that Corning is where world class olive oil is produced.



Lucero Olive Oil, LLC
Phone: 916-625-4360
Fax: 916-625-4375
Email: mail@lucerooliveoil.com
www.lucerooliveoil.com

Effective Date: 8/16/08

Document Control #: LOOM-1

Lucero Olive Oil & Mill

**** 2120 Loleta Avenue Corning CA 96021 ****

Purpose: Produce Extra Virgin Olive Oil

Process: Lucero Olive Oil Mill (LOOM) will receive and process fruit (olives) for the production of olive oil with a 2 phase Westfalia olive mill.

Description: Fruit will be delivered to LOOM in 1,000 lb bins from various growers with various varieties of olives. Fruit is then processed using the Westfalia olive mill. Extra Virgin Olive Oil will be produced and stored in this facility. Bottling will take place off site as well as finished product storage. This location will only serve as a milling site for the fruit, and a storage location for dry goods and bulk oil during the cool season. The facility will also be certified organic for processing and storage.

Waste: LOOM will produce olive waste (pumas). Two waste lines will come off the machine: water and solids. Water waste will be pumped into storage tanks and used for watering orchards via drip line. Solid waste will be collected in a tanker truck and taken off site to be spread back into orchards and vacant land. A permit to do so, will be acquired from the Water Agency. We will produce less than 600,000 lbs of waste in total for the 2008 harvest season. Future plans for waste disposal include the same land spreading techniques as well as selling it for cattle feed. This Westfalia machine was designed with the newest technology, the best in the world. It is a "two phase" system, meaning it does not add water into the processing of fruit like other olive mills do. This new system uses 80% less water, and produces higher quality olive oil. The pumas produced therefore is much dryer, and the overall waste volume is significantly decreased.

Impacts: LOOM will have some minor impacts to the surrounding area. We of course will be running the new mill, so there will be an increased electrical demand. PG&E has been contacted regarding this issue, and is working with us to diminish any problems we may have. The mill itself is reasonably quite, and will be drowned out being located inside the metal building. Propane forklifts will run outside to transport fruit on a minimal basis. There is minimal equipment located outside which runs at low RPM's and low noise levels. Travel in and out of this facility will increase only during the harvest season (3 months: October, November, and December). Months outside this time period will have minimal travel. During harvest season it is expected that no more than 10 large loads will be made to the building and 20 small loads in small trucks and trailers (that is less than one load per day during the harvest season for 2008). The 2008 harvest is expected to be quite small, thus we

do not anticipate a large increase in travel on the road. Large outgoing shipments will take place 3-5 times during the harvest season to an offsite storage facility. We do not foresee any additional in-bound or out-bound shipments beyond what is mentioned here at this facility. Travel will in fact be quite negligible. New odors or smells will not be apparent due to our waste vessels and all solid matter (pumas) being transported off site. We have a very strict cleaning process as well that is required for our organic certification (consists of only hot water).

Building Before LOOM: The existing building is quite simple, empty inside with gravel around the perimeter and some weeds running up a long the west side of the building. There is a small bush that is in a planter box on the south side of the building that has been neglected, and on the brink of dying away (it will be removed and replaced with new landscaping). The property has its own water well and septic tank. The 2.2 acres is completely covered with gravel rock and eucalyptus trees at the north end of the property lining the fence line. These trees provide a good wind break and will be left there. The gravel has been hard packed and provides good travel and water drainage. Rodent activity is visually apparent inside the building (when we first arrived) and along the outside of the building. Since moving in and applying rodent control, these issues have gone away. The surrounding area is quite desolate "all-around" the 2.2 acres; fields of dry weeds surround the 2.2 acres (on all sides) with no land use apparent. The closest dwelling is 200 yards away to the east, and looks to be a 3 bedroom rental. There is a house on the west side of the property that is vacant and un-inhabitable. HWY 99W runs along the west side of the building (north and south) with a dry field between it of roughly 5.5 acres. The un-used field sits on the corner of Loleta Ave. and 99W and is currently for sale. The front side of the 2.2 acres on Loleta, is lined with large olive trees that will be kept there, and a well drained ditch. There is an adjoining office building to the south of the building LOOM will be leasing, which is currently a fitness facility. This is operated by a separate tenant. The property drains well and does not seem to have any standing water during rainy periods. There is no historical record of the area, other than R&D Fabrications running a metal manufacturing business out of the same building 10 years ago. There are no scenic or cultural aspects related to this property.

Additions to Building: There will be minimal additions to the structure of the building, most will occur as needed for water pipes and electrical wiring. A few holes may be punched into the walls as needed. A new 480V transformer will be installed at the pole for our electrical needs. A cement slab approximately 33ft x 11 ft will be poured at the north end of the building which a few pieces of machinery will sit on outside the building. This will be the receiving area of the mill. No other additions or modifications are planned.

Hours of Operation: 6am – 6pm during harvest season. We will not operate everyday due to weather and an expected bad harvest for 2008.



Lucero Olive Oil, LLC
Phone: 916-625-4360
Fax: 916-625-4375
Email: mail@lucerooliveoil.com
www.lucerooliveoil.com

Effective Date: 7/31/08

Document Control #: LOOM-Flow-1

Flow of product during – processing – handling – storage

** Please refer to “Drawing #1” of Lucero Olive Oil Milling Facility for visual flow

Product Receiving:

1. Product will be received by Lucero Olive Oil Mill (LOOM), in the “Fresh fruit receiving – Holding Area” outside of building.
2. Once fruit (olives) have been received, the containers of fruit will be weighed and tagged. If a truck is used, the truck will be weighed before and after unloading by CATEYE certified scales at the Corning Truck Stop located 0.3 miles from LOOM site.
3. Once the fruit is weighed, it will be tagged and placed in the “Holding Area” until milled.

#1 – “START” - Containers of olives will be taken from the “Holding Area” and dumped into the hopper/receiver

#2 – The olives will travel by conveyor to a leaf blower, removing all debris from olives

#3 – Olives will then travel into a clean water bath

#4 – After washing, the olives travel by conveyor to the “crusher” which mills the olives into a paste via hammer mill

#5 – Once milled the paste travels by screw conveyor to individual mixing tanks holding 3,500 lbs each, the paste is mixed for 20-60 minutes depending on the olive variety

#6 – From the mixing tanks, the paste travels through a decanter which separates liquids from solids

#7 – The liquid then travels into a holding tank and is fed into a separator which separates the oil from water and solids producing a finished product = Extra Virgin Olive Oil

#8 – The finished product is then pumped into holding tanks of various sizes for storage which are tagged with a “Barrel/Tank Tag” containing all information for tracking

#9 - The waste from both the decanter and separator flow into a holding tank outside the building composed of solids and water (pomace). The waste will be disposed of by “land applying” it, which is worked into the ground as fertilizer. A permit is being acquired for this through the water board. Backup tanks of 2 x 4,000+ gallons each will be provided for collecting the waste outside the building. Waste will be transferred into a tanker truck for transportation to fields and spreading.

Parking: There will be parking provided outside of the building against the East Fence and North of the building.

Entrance: Entrance to the facility will be accessible off of Loleta Avenue, and could be off of 99W.

Busy Season: Harvest season October – December will be our busy time when the mill is running. Outside of the harvest season, we will be bottling, shipping and housing storage in the building.

Employees: There will be a maximum of 4 new employees at this new location for the first two years, with potential to expand after that.

Processed Fruit: Both organic and non-organic olives will be processed, handled and stored in this LOOM facility for olive oil. The related documents show how storage separation takes place and tracking of all product is handled. Bottling will be handled with two different bottling machines for organic and non-organic. Storage of finished product will be in the same area as the bulk product.

Services: LOOM will provide custom milling for outside producers/companies, where LOOM will handle and process fruit, then return the produced olive oil to the customer. LOO will also provide bottling services and storage.

Lucero: LOO will process and handle their own fruit contracted from several local growers in Tehama County.

Health Dept: LOOM and LOO will be inspected by the CA Health Department to certify us as a food producer and give us a permit to operate.

EXHIBIT "D"



APPROXIMATE SCALE IN FEET
 1000 0 1000

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
 FLOOD INSURANCE RATE MAP

CITY OF
CORNING, CALIFORNIA
 TEHAMA COUNTY

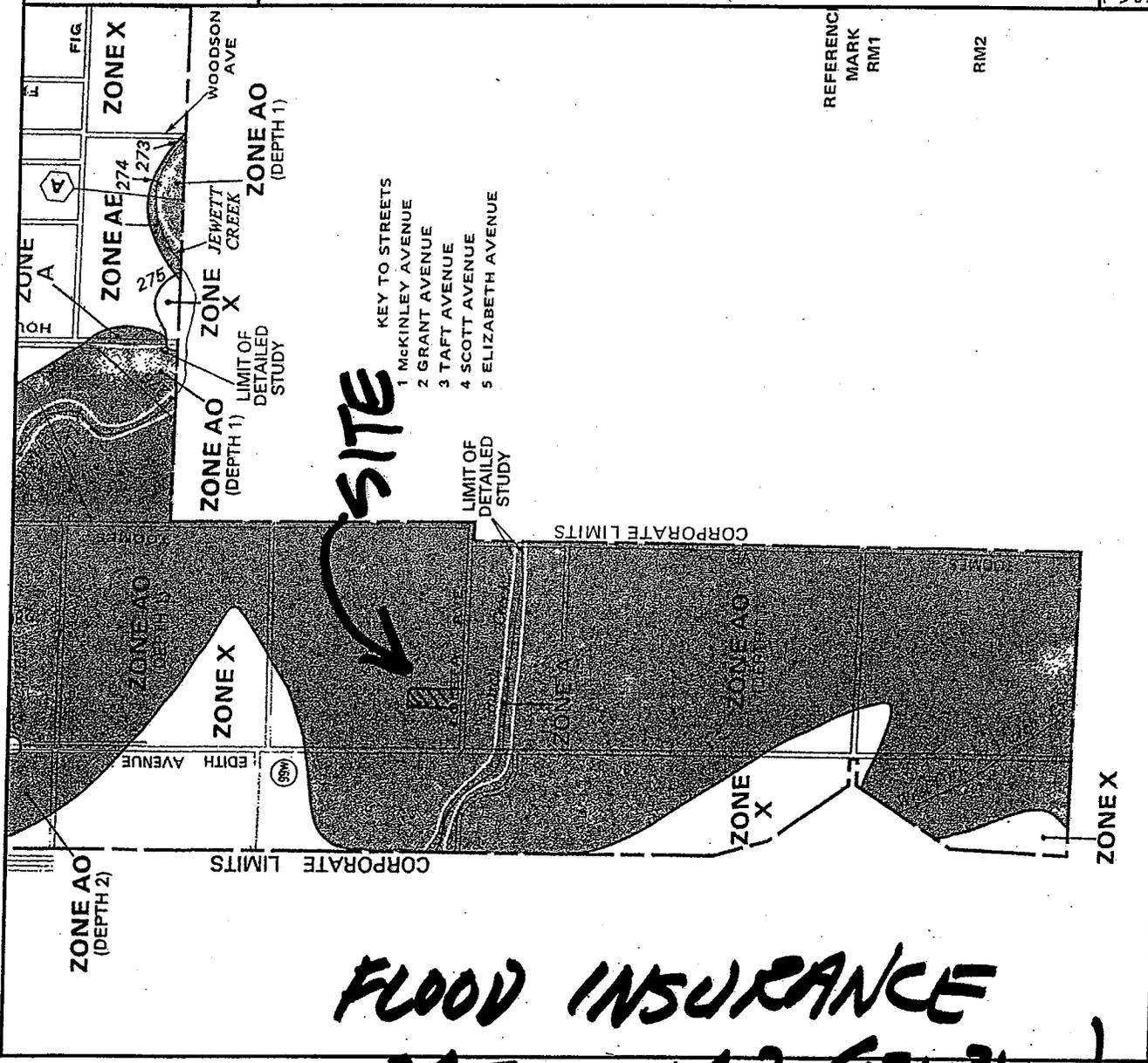
ONLY PANEL PRINTED

COMMUNITY-PANEL NUMBER
 060398 0005 C

MAP REVISED:
 SEPTEMBER 27, 1991



Federal Emergency Management Agency



FLOOD INSURANCE RATE MAP (FIRM)

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

EXHIBIT "E"

INTERSTATE 5

STATE ROUTE 99 W

LOLETA AVE.

TOOMES AVE.

SITE

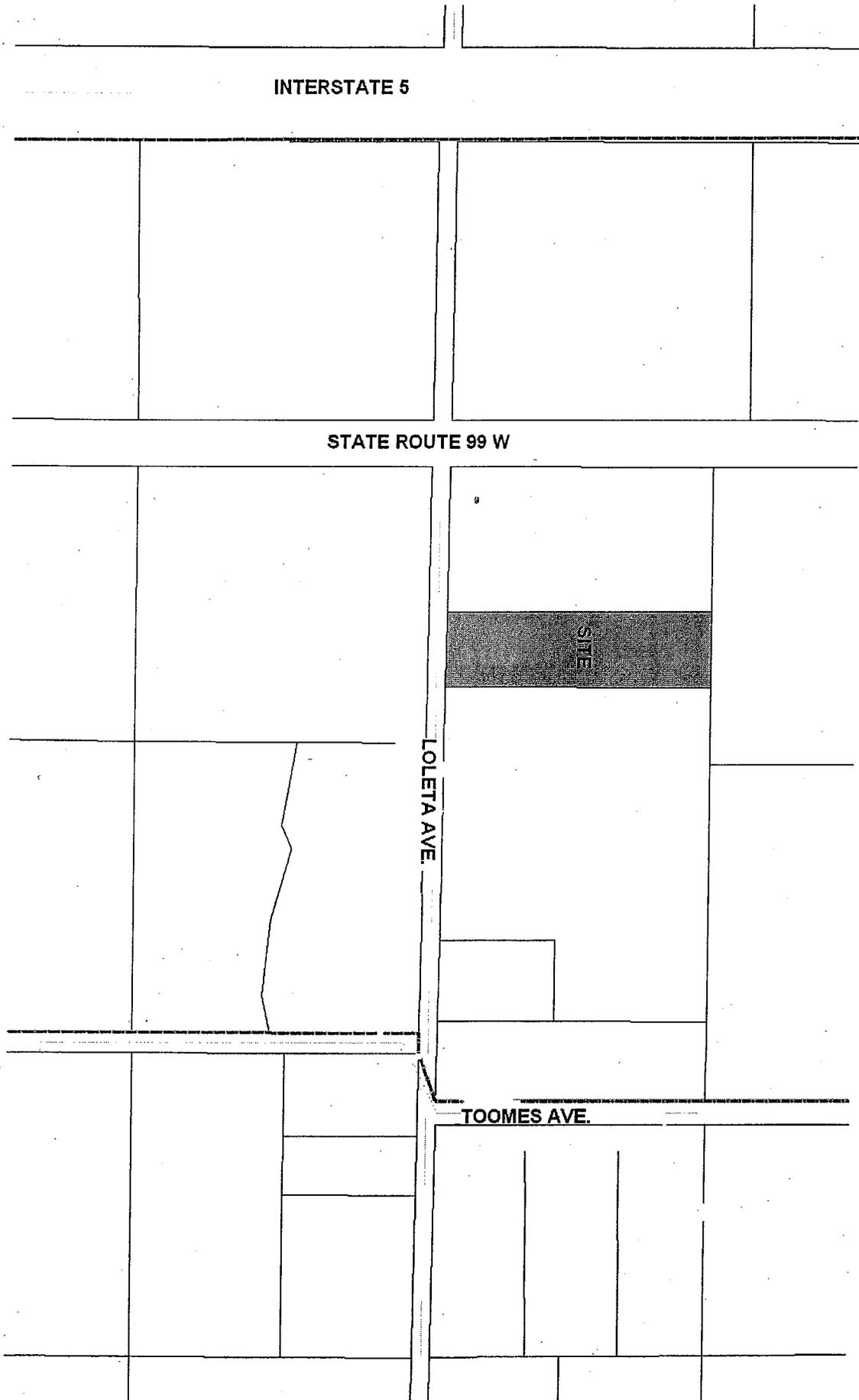


EXHIBIT "F"

GENERAL PLAN LAND-USE

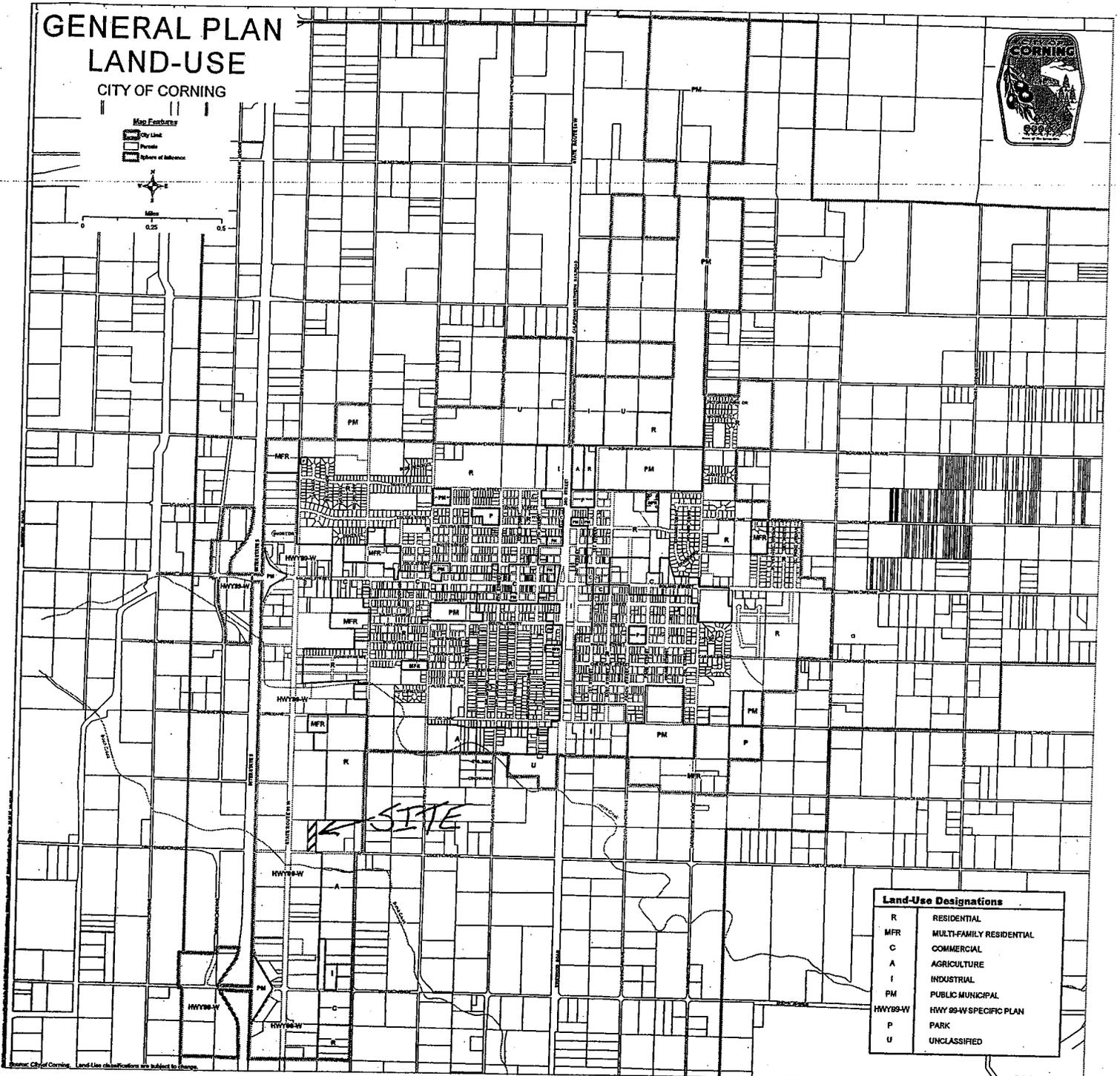
CITY OF CORNING

Map Conventions

-  City Line
-  Private
-  Sphere of Influence

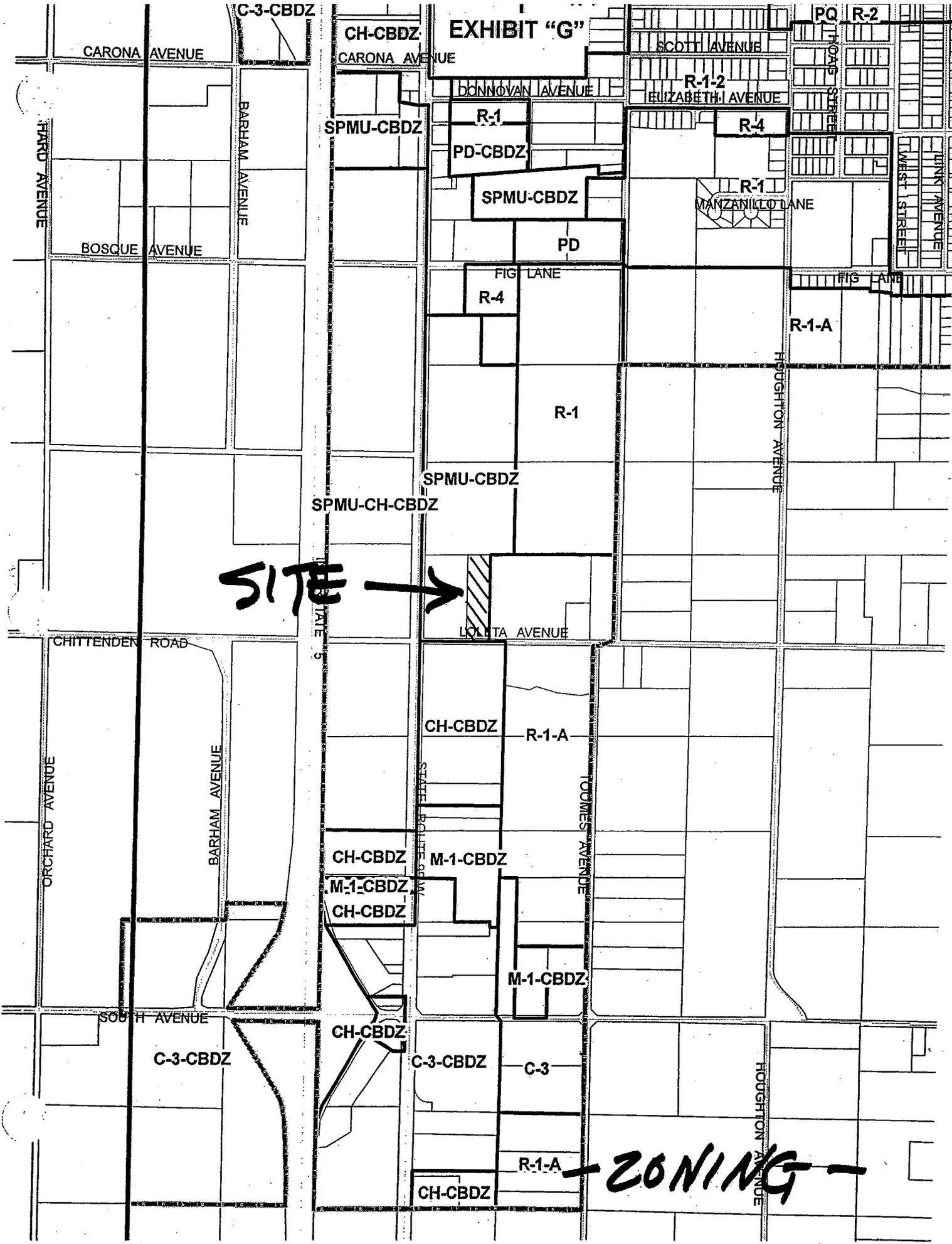


0 0.25 0.5
Miles



Land-Use Designations	
R	RESIDENTIAL
MFR	MULTI-FAMILY RESIDENTIAL
C	COMMERCIAL
A	AGRICULTURE
I	INDUSTRIAL
PM	PUBLIC MUNICIPAL
HWY99-W	HWY 99-W SPECIFIC PLAN
P	PARK
U	UNCLASSIFIED

EXHIBIT "G"



SITE →

- ZONING -

CARONA AVENUE

CH-CBDZ

EXHIBIT "G"

SCOTT AVENUE

PQ R-2

BOSQUE AVENUE

SPMU-CBDZ

R-1

R-1-2 ELIZABETH AVENUE

R-4

SPMU-CBDZ

R-1 MANZANILLO LANE

PD

FIG LANE

R-4

FIG LANE

R-1-A

R-1

SPMU-CBDZ

SPMU-CH-CBDZ

LOLLITA AVENUE

CH-CBDZ

R-1-A

CH-CBDZ

M-1-CBDZ

M-1-CBDZ

CH-CBDZ

M-1-CBDZ

SOUTH AVENUE

CH-CBDZ

C-3-CBDZ

C-3

C-3-CBDZ

R-1-A

CH-CBDZ

Highway 99 West Specific Plan Area - Corning, California

STORM DRAINAGE LOCATIONS

(Storm drainage locations within 1000 feet of study area.)

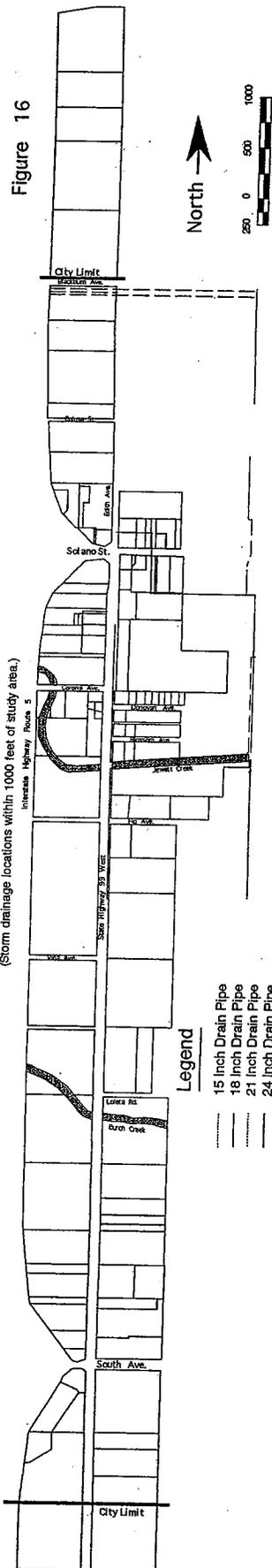


Figure 16

Legend

- 15 Inch Drain Pipe
- 18 Inch Drain Pipe
- 21 Inch Drain Pipe
- 24 Inch Drain Pipe
- 27 Inch Drain Pipe
- 30 Inch Drain Pipe
- 36 Inch Drain Pipe
- 42 Inch Drain Pipe
- Proposed

NOISE CONTOURS INTERSTATE HIGHWAY ROUTE 5

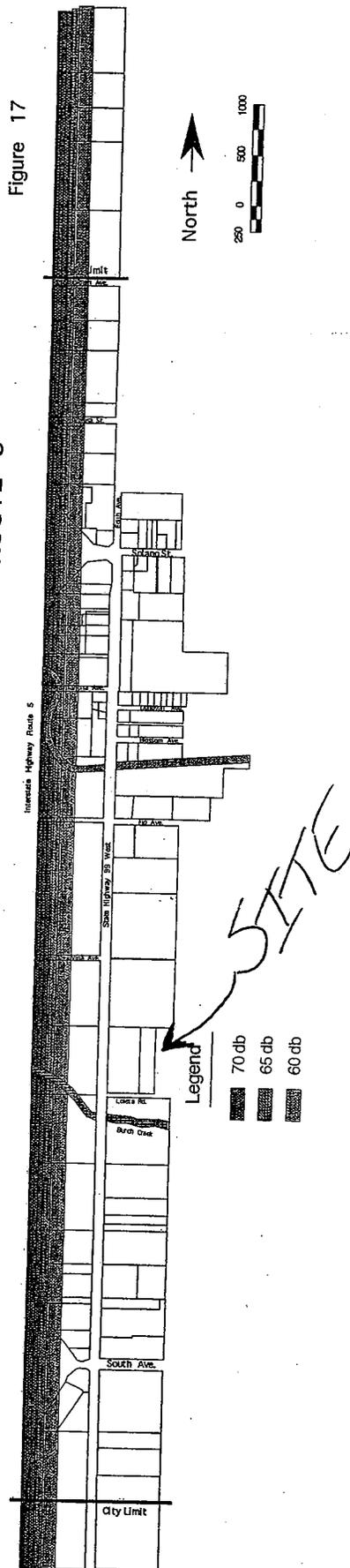
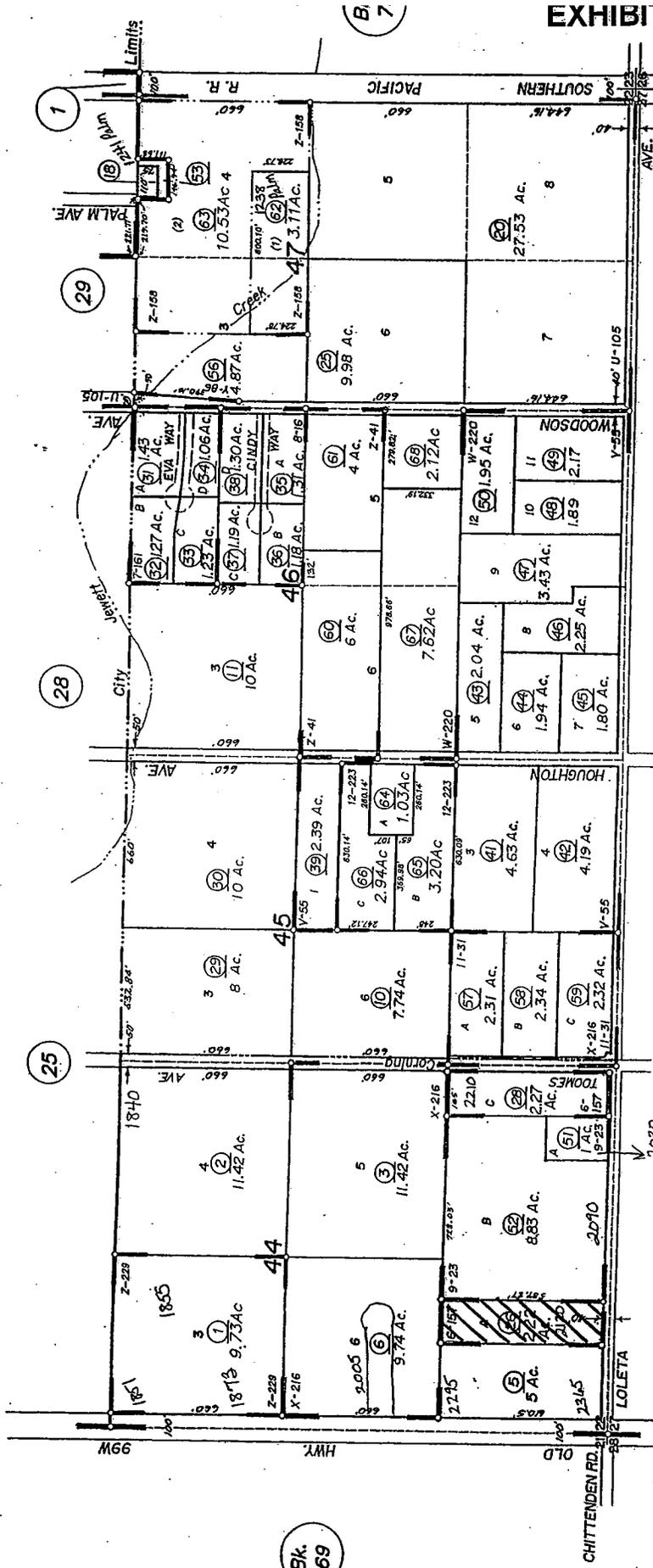


Figure 17

Legend

- 70 db
- 65 db
- 60 db



ASSESSOR'S MAP

- R.M. Bk. B, Pg. 1, Maywood Colony No. 2
- R.S. Bk. L, Pg. 2-Southwesterly ptn. Corning
- R.S. Bk. P, Pg. 2-Woodson Ave. Survey
- R.S. Bk. U, Pg. 105
- R.M. Bk. V, Pg. 55-Tract No. 84-1006
- R.S. Bk. W, Pg. 220-Lot Line Adj.
- R.S. Bk. X, Pg. 216
- R.S. Bk. Y, Pg. 86
- R.S. Bk. Z, Pg. 41-Lot Line Adj. No. 00-11
- R.S. Bk. Z, Pg. 158
- R.S. Bk. Z, Pg. 229

- P.M. Bk. 6, Pg. 157-P.M. No. 79-150
- P.M. Bk. 7, Pg. 161-P.M. No. 81-19
- P.M. Bk. 8, Pg. 16-P.M. No. 82-38
- P.M. Bk. 9, Pg. 23-P.M. No. 88-35
- P.M. Bk. 11, Pg. 31-P.M. No. 94-02
- P.M. Bk. 12, Pg. 223-P.M. No. 03-09

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

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