



**CITY OF CORNING
PLANNING COMMISSION MINUTES**

**TUESDAY, SEPTEMBER 18, 2007
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Commissioners: Robertson
Reilly
Lopez
Hatley
Armstrong

All Commissioners were present.

C. WAIVE THE READING AND APPROVE MINUTES OF THE AUGUST 21, 2007 PLANNING COMMISSION MEETINGS WITH ANY NECESSARY CORRECTIONS.

Commissioner Reilly motioned approval of the minutes as written and Commissioner Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly, Armstrong and Hatley. Opposed: None. Absent/Abstain: None.**

D. BUSINESS FROM THE FLOOR: None.

E. REGULAR AGENDA:

1. **Lot Line Adjustment 2007-2, to adjust the Common Boundary between APN's 71-140-12, 44 & 45; Michael and Leslie Moller. Located at the southwest corner of Solano Street and Toomes Avenue; 2001 & 2003 Solano Street and 808 Toomes Avenue in the C-3 Zoning District.**

Chairman Lopez introduced this item by title and presented a brief overview the proposed Lot Line Adjustment. He then recognized that Mr. Moller was present in the audience. Planning Director John Brewer directed the Commission to Exhibit A in the Staff Report and briefed the Commission on the advantages of the Lot Line Adjustment in regards to traffic on Solano Street and traffic turns from Solano Street to Toomes Avenue. Chairman Lopez asked if there would be sidewalks on both sides of the Street and was informed no.

Commissioner Robertson motioned to make the following Findings:

- The project is categorically exempt from the California Environmental Quality Act in accordance with Guidelines Section 15305.
- The proposed Lot Line Adjustment conforms to the Corning General Plan and the Corning Zoning Code.
- There are no conflicts with City Water and Sewer Services.
- The City makes no attempt to certify neither title nor accuracy of the attached drawing or legal descriptions; and

approve Lot Line Adjustment 2006-2 as provided for in the City of Corning Subdivision Code and the State Subdivision Map Act and direct Staff to record the necessary documents with the Tehama County Clerk's Office. Commissioner Armstrong seconded the motion. **Ayes: Lopez, Robertson, Reilly, Armstrong and Hatley. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

F. 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. Public Hearing; Amendment to Use Permit No. 2007-243, Pam Shelton; to operate a "Personal Training Gymnasium" within the southern portion of the existing commercial building at 2120 Loleta Avenue. Currently zoned SPMU; Specific Plan-Mixed Use. APN 71-300-26.

Chairman Lopez introduced this item by title and gave a brief history of the site and an explanation of the proposed Use Permit. He also recognized that Mrs. Shelton was present in the audience to address any questions. Planning Director John Brewer stated that Staff recommends approval of the Use Permit. Chairman Lopez asked why we were not requesting the paving of the frontage parking rather than just the one handicap parking space. Mr. Brewer stated that it was not a City Standard to require paving of a parking lot. Mr. Brewer stated that the required street improvements were postponed under a Deferred Improvement Agreement until the surrounding properties are developed. Chairman Lopez then opened the Public Hearing.

Mr. Shelton asked about signage regulations and Mr. Brewer provided the information.

With no further comments, Commissioner Reilly motioned to close the Public Hearing and Commissioner Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly, Armstrong and Hatley. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

Commissioner Armstrong motioned approval of revised Use Permit No. 2007-243, adoption of the following Findings:

- This project is exempt from the California Environmental Quality Act requirements, under Section 15303, based upon the "Preliminary Review" mandated by the State CEQA Guidelines, because the Project is merely a conversion from one use (office) to another (retail sales).
- The site for the proposed use is adequate in size, shape, topography and circumstances.
- The site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use.
- The proposed use will not have an adverse effect upon the use, enjoyment or valuation of adjacent or neighboring properties or upon the public welfare; and

Conditions of Approval:

- FLOOD HAZARD ZONE. Applicant is advised that the property is within FEMA Flood Hazard Zone "AO", the area inundated during a 100-year flood event up to a depth of one foot. Prior to occupancy, the applicant should contact their lender regarding the need for flood hazard insurance.
- MARK AND PAVE ONE ACCESSIBLE PARKING SPACE. Prior to commencing business, the applicant shall pave and appropriately mark at least one accessible parking space nearest the front door of the business.

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

3. Public Hearing; Variance 2007-1; Charles Nace. A request to vary from the 6' side yard requirement and permit 5' side yards in order to develop the 25' wide property located on the north side of Almond Street and approximately 100' west of Peach Street. Addition request for exception to the off-street parking requirement to allow a one-car garage in lieu of the "two enclosed parking space" requirement of the City Code. Site is within an R-1-2 Zoning District, APN 73-141-08.

Chairman Lopez introduced this item by title and gave a brief explanation of the proposed Variance, and opened the Public Hearing. Planning Director Brewer noted that Mr. Nace was present to address any questions; he then handed out site plans for the proposed project. Mr. Brewer then gave a brief explanation of the Staff recommendation.

Mr. Nace addressed the Commission regarding a request to add on eves to make the house look more like a house rather than a modular home and presented the Commission with a picture as an example of what he was requesting.

Commissioner Robertson asked about the home near Mr. Nace's property that does not have the proper side yard set back, asking when this home was constructed and if it was "Grandfathered" in? Commissioner Robertson was informed by Mr. Brewer that this was a unique situation, the home construction permit was submitted when the Building Official was out on medical leave and the person filling in for him approved this permit possibly without the correct side-yard setback, therefore, the City needs to contact the resident and have them obtain a Variance.

Mr. Nace stated that the reason he would like the Commission to consider not requiring a second garage is so that it would leave a yard for children to play in rather than on the street and risk being hit by a car.

Commissioner Reilly stated that he did not want any child to get hit by a car, however the City has adopted an Ordinance requiring a two car garage. Commissioner Reilly confirmed that Mr. Nace would be required to pave from the back of his lot in the alleyway to the entrance to alley. Mr. Brewer stated that he did not have that exact information. He stated that City requires two enclosed parking spaces and two outside parking spaces. He then explained the City policy on bringing non-compliant, existing homes into compliance stating that those existing prior to 1989 are not required to conform when remodeled, only if rebuilt.

Commissioner Armstrong stated that he could see that Mr. Nace was trying to do the most that he could with a very narrow lot and still make it appealing, however the City put these Ordinances into effect for a reason, to remove parking from the street, etc.

With no further comments, Commissioner Robertson motioned to close the Public Hearing. Commissioner Reilly seconded the motion. **Ayes: Lopez, Robertson, Reilly, Armstrong and Hatley. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

Commissioner Reilly motioned to:

Approve a Variance to the side-yard setback requirement, thereby permitting development of APN No. 73-141-08 with 5'-0" side-yard setbacks as requested in Variance Application No. 2007-1, and deny the requested Variance to the City's two enclosed parking space requirement, adopt Findings 1-5, and adopt the nine Conditions of Approval on Variance No. 2007-1. Commissioner Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly, Armstrong and Hatley. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

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

H. ADJOURNMENT: 7:08 p.m.

Lisa M. Linnet, City Clerk