



**CITY OF CORNING
PLANNING COMMISSION AGENDA
TUESDAY, JULY 17, 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

C. WAIVE THE READING AND APPROVE MINUTES OF THE MAY 15, 2007 AND JUNE 19, 2007 PLANNING COMMISSION MEETINGS 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. REGULAR AGENDA: All items listed below are in the order, which we believe, are of most interest to the public at this meeting. However, if anyone in the audience wishes to have the order of the Agenda changed, please come to the podium, state your name and address, and explain the reason you are asking for the order of the Agenda to be changed.

1. Selection of Planning Commission Chairperson by majority vote of Commission members.

2. Lot Line Adjustment 2007-1, to adjust the Common Boundaries between APN's 73-120-29, 30, 36, 37 and 61; Accustom Development LLC, ET AL, located at the northern boundary of the Stonefox Ranch Subdivision in the R-1-8 Zoning District.

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.**

3. **Continued Public Hearing; Revision to Planned Development Use Permit No. 1976-65, to revise the Use Permit to permit Residents other than Senior Citizens to occupy the Olive Grove Retirement Village. Located at 1960 Butte Street in a Planned Development Zoning District; Best Investment Group, LLC; APN 71-080-45.**

G. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

H. ADJOURNMENT:

POSTED: JULY 13, 2007

The City of Corning is an Equal Opportunity Employer



**CITY OF CORNING
PLANNING COMMISSION MINUTES**

**TUESDAY, MAY 15, 2007
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. **ROLL CALL:**

Commissioners: Robertson
Reilly
Lopez
Barker
Chairman: Howell

All Commissioners were present.

C. **WAIVE THE READING AND APPROVE MINUTES OF THE APRIL 17, 2007 PLANNING COMMISSION MEETING WITH ANY NECESSARY CORRECTIONS.**

Commissioner Robertson stated a correction was needed to the first sentence, paragraph one, of Item F-2 where it states that two extensions had previously been granted, when in fact only one had. Commissioner Robertson motioned approval of the April 17, 2007 Planning Commission Minutes with the correction to the first sentence of paragraph one to state only one previous extension had been granted. Commissioner Lopez seconded the motion. **Ayes: Howell, Robertson, Barker (Poisson), Reilly and Lopez. Opposed: None. Absent/Abstain: None. Motion approved by a vote of 5-0.**

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

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

1. **Use Permit Application 2007-245; Luke Alexander; to construct a Duplex in an R-1-2 Zoning District, located on the east side of Fifth Avenue between Fig and Center Streets. APN 71-272-40.**

Chairman Howell introduced this item by title giving a brief background on this Use Permit Application request. Chairman Howell opened the Public Hearing and stated that Mr. Alexander was present and asked if he had any questions of the Commission. Mr. Alexander stated that the lot is actually 60" in depth. With little discussion, Commissioner Reilly motioned to close the Public Hearing. Commissioner Lopez seconded the motion. Commissioner Robertson motioned to approve Use Permit No. 2007-245, adopt Findings 1-4, and adopt Conditions of Approval 1-5 on Use Permit 2005-245. Commissioner Lopez seconded the motion. **Ayes: Howell, Robertson, Barker (Poisson), Reilly and Lopez. Opposed: None. Absent/Abstain: None. Motion approved by a vote of 5-0.**

2. **Continued Public Hearing; Blossom Avenue Project Phase 3; Planned Development Use Permit 2007-239; to develop Residences on 22 "Lot Pairs" of the Shasta View Tract; Self Help Home Improvement Project (SHHIP); APN'S 71-202-22 & 71-203-02; approximately 3.81 acres.**

Chairman Howell introduced this item by title and stated that this was previously on the Agenda for the April 17, 2007 meeting and a request for a postponement was received from SHHIP. Chairman Howell asked if the items had been resolved that were behind the request for postponement. Planning Director John Brewer stated that yes. Mr. Brewer then introduced project associates Jay Lowe who provided information related to drainage issues and concerns. Chairman Howell asked the proximity of the Brooks property in relation to this project; Mr. Brewer stated that it is just west of lot number 34. Mr. Low explained that the catch basin is above City

Standards and would be 10". Chairman Howell stated that he had walked the road and looking north he noticed that these lots would look down on the adjoining SHHIP lots on Donovan Avenue. Chairman Howell then reopened the Public Hearing.

Mr. Brewer stated that one of the issues for this project is that by importing the fill, consequently we will end up with an area that could possibly pond water.

Mr. Brooks addressed the Commission stating that over the last 3 years during heavy rain periods there was a lot of rain water carried along Highway 99W. He stated that he has spoken with Mr. Brewer and Mr. Lowe asking how much water a 10" pipe will be able to carry, and whether it would be sufficient to handle the drainage. He stated that he did not feel that a 10" pipe would be sufficient to handle this amount of water.

He stated that in prior years the orchard was available to handle the rainwater drainage, however we will no longer have that. Mr. Low responded stating that they have looked at the situation and feel that the changes that they have suggested would remedy the problem. City Engineer Ed Anderson believes the proposed solution, with the recently modified Condition No. 50 will successfully solve the offsite flooding impact concerns.

Chairman Howell clarified that a drop inlet would be placed at the northwest corner of the project that will help eliminate the accumulation of water on Mr. Brooks property. An audience member asked if the storm drain system would back-up during a flood event at Jewett Creek.

Jesse asked if Ed felt a 24" x 24" is adequate to serve this project; Ed responded yes. Commissioner Reilly motioned to close the Public Hearing and Commissioner Barker seconded the motion. Commissioner Robertson motioned to approve Use Permit No. 2007-239, to adopt Findings 1-5 and adopt the 50 Recommended Conditions of Approval with a change to Condition 22 to include a conveyance system. Commissioner Lopez seconded the motion. **Ayes: Howell, Robertson, Barker (Poisson), Reilly and Lopez. Opposed: None. Absent/Abstain: None. Motion approved by a vote of 5-0.**

3. Use Permit Application 2007-243; Kevin Wofford; to operate a retail truck parts and accessory store in an SPMU; Specific Plan Mixed Use Zone, located within the southern portion of the commercial building located at 2120 Loleta Avenue. APN 71-300-26.

Chairman Howell introduced this item by title and confirmed that Mr. Woffard was present. Chairman Howell opened the public hearing and confirmed that only the office part of this building would be used. Mr. Woffard stated that he would only be selling pre-fabricated chrome products to consumers, they would not be dipping. Commissioner Robertson confirmed that the business would be directed towards large trucks (semi's) stating that the road is pretty narrow. Mr. Brewer stated the conditions associated with the permit. Mr. Woffard asked if a handicap ramp would be required; Planning Director Brewer stated that he should discuss this with the City Building Official. Commissioner Barker motioned to close the Public Hearing and Commissioner Lopez seconded the motion. **Ayes: Howell, Robertson, Barker (Poisson), Reilly and Lopez. Opposed: None. Absent/Abstain: None. Motion approved by a vote of 5-0.** Commissioner Reilly motioned to approve Use Permit No. 2007-243 and the adopt the associated Findings 1-4 and Recommended Conditions of Approval 1-4 on Use Permit No. 2007-243. Commissioner Robertson seconded the motion. **Ayes: Howell, Robertson, Barker (Poisson), Reilly and Lopez. Opposed: None. Absent/Abstain: None. Motion approved by a vote of 5-0.**

4. Revision to Use Permit 2004-209; Dilbag Singh Bains – Corning Truck Wash; to expand the current Corning Truck Wash use to include a Truck Lubrication and Tire Shop in a C-3 Corning Business Development Zone (CDBZ). APN 87-040-62; approximately 1.82 acres.

Chairman Howell introduced this item by title and opened the Public Hearing. Chairman Howell confirmed that they have four bays currently. Mr. Bains stated a concern regarding the location of

the environmental agency moveable container to dispose of used tires. Mr. Brewer suggested locating the trailer on the northwest corner of the property and modifying condition number 3 to encompass this. Commissioner Lopez suggested informing truckers not to stop and towel off next to the entrance and exit to Jack in the Box from Highway 99-W (condition Number 7). With no other discussion, Commissioner Lopez motioned to close the Public Hearing. Commissioner Barker seconded the motion. **Ayes: Howell, Robertson, Barker (Poisson), Reilly and Lopez. Opposed: None. Absent/Abstain: None. Motion approved by a vote of 5-0.**

Commissioner Reilly motioned to find that Use Permit No. 2004-209 is exempt from the California Environmental Quality Act in accordance with CEQA Guidelines Section 15303, to approve a revision to Use Permit 2004-209 to permit truck tire sales and truck lubrication in addition to the truck wash use, and the conversion of the existing drive-thru building from coffee sales to an accessory business office subject to six Recommended Conditions. Commissioner Robertson seconded the motion. **Ayes: Howell, Robertson, Barker (Poisson), Reilly and Lopez. Opposed: None. Absent/Abstain: None. Motion approved by a vote of 5-0.**

5. General Plan Amendment 2007-1A; Amend Highway 99-W Specific Plan to Revise Highway 99-W Cross Section.

Chairman Howell introduced this item by title. Planning Director Brewer briefly (Commissioner Barker left the meeting at 7:32 p.m.) explained the reasoning behind the revision request. Chairman Howell opened the Public Hearing.

Commissioner Barker reentered the meeting at 7:39 p.m.

Commissioner Lopez motioned to close the Public Hearing. Commissioner Reilly seconded the motion. **Ayes: Howell, Robertson, Barker (Poisson), Reilly and Lopez. Opposed: None. Absent/Abstain: None. Motion approved by a vote of 5-0.**

Commissioner Robertson motioned to adopt the five recommended Findings and approve General Plan Amendment 2007-1A; thereby replacing the existing Highway 99-W Cross Section Drawing with the Drawing marked Exhibit "A". Commissioner Barker seconded the motion. **Ayes: Howell, Robertson, Barker (Poisson), Reilly and Lopez. Opposed: None. Absent/Abstain: None. Motion approved by a vote of 5-0.**

F. REGULAR AGENDA:

6. Extension Request; Tentative Tract Map 05-1003; Stonefox Ranch Subdivision; located on the south side of Solano Street, and east of the Del Norte Avenue Intersection.

Chairman Howell introduced this item by title, briefed the Commission on the project request. Chairman Howell discussed item number 46 in relation to the 4' walkway attached to the Carona Bridge. Mr. Brewer stated that the project owners would be providing a separate bridge crossing the Blackburn Moon Drain rather than using the Carona Bridge.

An audience member asked about the interconnect to the Allen property and the property to the north. Mr. Brewer responded stating that they will interconnect to Carona. Commissioner Reilly motioned for the Commission to approve a two-year extension to the Stone Fox Ranch Tentative Map initially approved on June 14, 2005 as requested, thereby extending the life of the map to June 14, 2009. Commissioner Lopez seconded the motion. **Ayes: Howell, Robertson, Barker (Poisson), Reilly and Lopez. Opposed: None. Absent/Abstain: None. Motion approved by a vote of 5-0.**

7. Use Permit No. 2004-211; Layne and Angel Mason; Minor Revision to Play Area Fencing Standard; Sunshine Schoolhouse; 918 Solano Street.

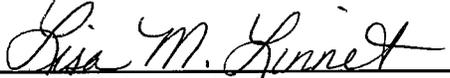
Chairman Howell introduced this item by title with a brief description of the project stating that this is basically going from a wood fence to a cyclone fence with 6 foot green slats. Commissioner Robertson stated that chain link would provide foot holds for children to climb. Commissioner Reilly suggested vinyl fencing or vinyl coated cyclone fencing.

Commissioner Barker left the meeting at 8:04 p.m. Commissioner Barker reentered the meeting at 8:06 p.m.

Commissioner Reilly motioned to amend approval of condition number 12 to include a provision stating subject to the Planning Director's approval and use of fencing material similar to the PrivaMax fencing shown to the Commission tonight. Commissioner Lopez seconded the motion. **Ayes: Howell, Robertson, Barker (Poisson), Reilly and Lopez. Opposed: None. Absent/Abstain: None. Motion approved by a vote of 5-0.**

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

H. ADJOURNMENT: 8:12 p.m.


Lisa M. Linnet, City Clerk



**CITY OF CORNING
PLANNING COMMISSION MINUTES**

**TUESDAY, JUNE 19, 2007
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Commissioners: Robertson
Reilly
Lopez
Barker
Chairman: Howell

All Commissioners were present except Commissioner Barker.

C. WAIVE THE READING AND APPROVE MINUTES OF THE MAY 15, 2007 PLANNING COMMISSION MEETING WITH ANY NECESSARY CORRECTIONS.

This item was removed from the Agenda at the request of the City Clerk. They will be presented at the July 17, 2007 Planning Commission meeting.

Commissioner Barker entered the meeting at 6:35p.m.

D. BUSINESS FROM THE FLOOR:

Mayor Strack addressed the Commission and audience stating that he wanted to congratulate Chairman Julian Howell for his numerous (20 years) of dedication to the Planning Commission. Julian announced that his term expires June 30, 2007 and he is not seeking another term.

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.**

- 1. Tentative Parcel Map 07-08, Robert Vardanega, to create two Single Family Residential Lots in an R-1-2 Zone, located between Fourth and Chicago Avenues and approximately 76 feet south of Center Street; site address is 1311 Fourth Avenue; APN 71-273-02.**

Chairman Howell introduced this item by title and gave a brief explanation of the project. He then opened the Public Hearing and asked if anyone in the audience had any questions. With no questions the motion was made by Commissioner Barker to close the Public Hearing. Commissioner Lopez seconded the motion. **Ayes: Robertson, Reilly, Lopez, Barker and Howell. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

Commissioner Reilly motioned to recommend the City Council approve Tentative Parcel Map 07-08 and adopt Findings 1-4 and adopt Recommended Conditions of Approval 1-9 on the Vardanega Tentative Parcel Map 07-08. Commissioner Lopez seconded the motion. **Ayes: Robertson, Reilly, Lopez, Barker and Howell. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 5-0.**

- 2. Revision to Planned Development Use Permit No. 1976-65; to revise the Use Permit to permit residents other than Senior Citizens to occupy the Olive Grove Apartments. Located at 1960 Butte Street in a Planned Development Zoning District; Best Investment Group, LLC; APN 71-080-45.**

Chairman Howell introduced this item by title, gave a brief explanation of the proposed revision, and stated that a letter of opposition had been received from Sylvia Clark. He then opened the Public Hearing.

John Eller addressed the Commission stating that he and Best Group LLC had tried unsuccessfully to operate the Olive Grove Apartments as a "Senior" complex. They have tried many advertising avenues including television, yet to date nothing has worked. Mr. Eller stated that financially they are not able to continue operation as solely a Senior Complex. He said that they have rented a few apartments to non-seniors unaware that they were violating their existing Use Permit. City Planning Director John Brewer informed him of this violation. Mr. Eller stated that currently there are 18 seniors residing in the complex and 12 non-seniors. When asked when the meal service ended by the Commission, Mr. Eller stated he believed it was four months ago. At that time the rent was reduced to \$500 a month.

Members of the Commission stated that Tehama Village seems able to operate sufficiently, what are they doing to make it work that might be applied at the Olive Grove Complex? Mr. Eller and various members of Best Group LLC responded stating that Tehama Village uses State vouchers to subsidize their rental units.

Walter Dodd addressed the Commission stating his opposition to a revision of the existing Use Permit. Mr. Dodd stated that he has seen the property at its best and worst, he believes it is at its worst now. He said that he supported the provision for seniors when the development first started. He also stated that he is a member of the Tehama County Commission on Aging and they oppose this proposed action. Mr. Dodd said he believes there is a demand for senior units in the community, that these units are really not suitable for cooking, however if each two unit section were combined, enlarging the units, they might be more desirable. He stated that the City did not give an allowance for reduced parking at the time of the original development.

Ken Robison spoke on behalf of Kirk Silverman who is a prospective purchaser of the property. Mr. Robison also stated that he also works with the Best Group LLC. Mr. Robison stated that the complex has been in existence for 17 years, the parking is limited with usually 8 to 10 parked vehicles at a time, however it has the prospect to provide for 18 additional parking spaces along street frontages. Mr. Robison said that it had not been age restricted for some time.

Commissioner Reilly informed Mr. Robison that it had been age restricted the entire time; it has just not been enforced.

Mr. Robison briefed the Commission on the residents currently residing at this complex. He then stated that they have conceded to limit the parking and stated that Mr. Silverman has a reputation for remodeling/refurbishing property nicely as is displayed by his property located on Highway 99W.

Chris Hill addressed the Commission stating that his daughter currently resides in one of the units. He stated that she has a medical condition that sometimes results in her having seizures; these apartments are equipped to allow her to live on her own and accommodate the needs of her condition.

Gale Locke of the Tehama County Commission on Aging spoke in opposition of the Use Permit revision. She stated that without the provided meals and with residents cooking in these units, the units might need to be updated to accommodate this use. She stated if a revision to the existing Use Permit is approved, these facilities definitely should be updated.

Phil Sullivan, previous owner/operator addressed the Commission in support of the proposed Use Permit revision and gave a history of the complex. Planning Director John Brewer asked the monthly rental cost of the units when meals were provided. He was informed that at the beginning it was in the \$750 range and later rose to over \$1,000 with meals. He stated that the residency rate continued to decline. Mr. Sullivan stated that they had tried numerous times to turn that around but it was to no avail.

Ross Tye addressed the Commission stating that they had tried a number of avenues of advertisement to raise the residency rate. He stated that times have changed and there is a need for one-bedroom rental units. Many active seniors are now looking for larger living accommodations; others are looking for assisted living quarters.

Georgie Bellin, Commercial Real Estate Broker from Chico spoke on behalf of Dr. Ross Tye and the Best Group stating her support of a revision to the existing Use Permit. She stated that the previous owner lost a half million dollars on this project. She also suggested making this a Conditional Use Permit with a review in 24 months.

Louisa Barker, member of the Tehama Commission on Aging stated the Association's opposition to the proposed Use Permit Revision.

Commissioner Barker left the meeting at 8:04 p.m.

Commissioner Reilly stated that he had really mixed feelings on this proposal. He stated that he understood the economic issues behind the revision request. Commissioner Robertson stated her concerns relating to previous comments of opposition from residents in close proximity to this complex that were presented at a previous public hearing for a proposed apartment complex. She also stated her concerns relating to the size of the units, how to regulate number of inhabitants per unit, and how discrimination and rental laws could affect the ability to regulate unit habitant numbers. Commissioner Lopez suggested limiting permitted use to half disabled and half seniors. Chairman Howell suggested allowing the Use Permit to allow a small number of non-seniors/disabled residents. Members of the Commission suggested having Staff meet again with the perspective property buyer (Kirk Silverman), John Eller and members of Best Management Group LLC to discuss a possible Alternate "C".

Commissioner Reilly motioned to continue the Public Hearing to the July 17th Planning Commission meeting to allow time for City Staff to meet with the Best Management Group LLC and the perspective buyer of the property to discuss an Alternate "C" Plan to be considered at the next meeting along with the existing proposed Alternate "A" and "B". Commissioner Lopez seconded the motion. **Ayes: Robertson, Reilly, Lopez, and Howell. Opposed: None. Absent: Barker. Abstain: None. Motion was approved by a vote of 4-0 with Barker Absent.**

F. **REGULAR AGENDA:** None.

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

H. **ADJOURNMENT:** 8:10 p.m.



Lisa M. Linnet, City Clerk

**ITEM NO: E-2
LOT LINE ADJUSTMENT 2007-1, TO ADJUST THE
COMMON BOUNDARIES BETWEEN APN'S 73-120-29,
30, 36, 37 & 61; ACCUSTOM DEVELOPMENT LLC, ET
AL, LOCATED AT THE NORTHERN BOUNDARY OF THE
STONEFOX RANCH SUBDIVISION IN THE R-1-8 ZONING
DISTRICT;**

JULY 17, 2007

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING

FROM: JOHN L. BREWER; PLANNING DIRECTOR

PROJECT DESCRIPTION:

This application is for Lot Line Adjustments between four separately owned but adjoining properties along the northern boundary of the Stonefox Ranch (formerly "Wold Subdivision"). The purpose of these adjustments is primarily to fit the existing lines of occupation (fences), but also to re-align the northern boundary of the Stonefox Ranch property to improve the future lots. A copy of the affected portion of the previously approved tentative map is attached as Exhibit "K".

A copy of a composite drawing showing all three of the proposed adjustments is attached as Exhibit "J". The Planning Application is attached as Exhibit "N". The property owners are Accustom Development LLC, the developers of the Stonefox Ranch subdivision, Jose Ruvalcaba, Jeanne Ramirez and Robert & Janet Singletary. A copy of the City Zoning Map is attached as Exhibit "L". All four of the affected properties are zoned R-1-8; Single-Family Residential-8,000 sq. ft. Minimum Parcel Size.

Please refer to the attached copy of the Assessor's Map (Exhibit "M"). The affected properties are Assessor's Parcels No. 73-120-29, 30, 36, 37 & 61 are highlighted on the AP Map.

The three proposed adjustments are shown on the can be summarized as:

1. Appending a 65.20 sq. ft. portion of Assessor's Parcel 73-120-30 from Accustom Development to the property owned by Jose Ruvalcaba (APN 73-120-29 & 36) as shown on Exhibit "A". Upon completion, the Ruvalcaba parcel would total 23,231 sq. ft., or about 0.53 acres; and,
2. Appending a 218.16 sq. ft. portion of Assessor's Parcel No. 73-120-30 from Accustom Development to the property owned by Jeanne Ramirez (APN 73-120-37) as shown on Exhibit "D". Once completed, the Ramirez property would total 21,589 sq. ft., or 0.50 acres, and,
3. Appending a 4,088 sq. ft. portion of Assessor's Parcel No. 73-120-30 from Accustom Development to the property owned by Robert and Janet Singletary as shown on Exhibit "G". Upon completion the Singletary property will total about 20,584 sq. ft. or about 0.47 acres.

After all three adjustments are completed, the Accustom Development LLC parcel will be reduced about one-tenth of an acre; from 6.55 to 6.45 acres. This small adjustment will not

affect the density, nor the dimensions of the lots proposed by the subdivision map.

The finished legal descriptions of the adjusted parcels are attached as Exhibits "B", "E", "H" & "I", respectively.

STAFF RECOMMENDATION:

THAT THE PLANNING COMMISSION MAKE THE FOLLOWING FOUR 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.

NOW, HAVING MADE THOSE FINDINGS, APPROVE LOT LINE ADJUSTMENT 2007-1, 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.

BACKGROUND:

State law and the City Code permits Lot Line Adjustments where all services are available to the lots and no additional lots are created. Please refer to the attached Lot Line Adjustment maps (Exhibits "A", "D" & "G") to see the respective extents of the proposed adjustments. A composite drawing showing all three of the adjustments is attached as Exhibit "J".

Some of you (actually one-Diana Robertson) may recall reviewing and approving the "Wold Tentative Subdivision Map" in 2005, and (three of you) recommending an extension earlier this year. Since the initial approval, the subdivision property has been acquired by Accustom Development LLC, and the development has been renamed "Stonefox Ranch". The infrastructure for the first Phase of the project is being constructed at this time. The overall project will create 80 parcels on about 24.5 acres, including Assessor's Parcel 73-120-09, 12 and 30.

This series of lot line adjustments will align a portion of the north boundary of the subdivision to fit the existing fences and so that resulting lots (both existing and proposed) are better configured. In each of the three adjustments Accustom Development LLC will grant property to the adjoiners. In all, Accustom Development will convey a total of about one-tenth of an acre. The engineer has provided three separate parcel descriptions (Exhibits "C", "F" & "I") reflecting the cumulative results of the individual adjustments. Their ultimate, adjusted parcel description is the one attached as Exhibit "I".

ZONING:

Please refer to the attached copy of the Zoning Map (Exhibit ""). You will note that all the affected properties are zoned R-1-8; Single Family Residential-8,000 sq. ft. Minimum Parcel Size. Exhibits "A", "D" and "G" all show the existing structures on the affected properties. Also refer to the aerial photo attached as Exhibit "O". The Accustom Development property has no existing structures. Since in each case property will be added to the improved lots, no

substandard setback conditions will result. The resulting adjusted lots will conform to the R-1-8 zoning district standards.

ENVIRONMENTAL:

This Project is categorically exempt from the California Environmental Quality Act under Section 15305, because the project is a "Minor Lot Line Adjustment", which will not "result in any changes in land use or density".

cc: Keith Doglio
Rolls Anderson & Rolls
115 Yellowstone Dr.
Chico, CA 95973-5811

Accustom Development, LLC
P.O. Box 221564
Carmel, CA 93922

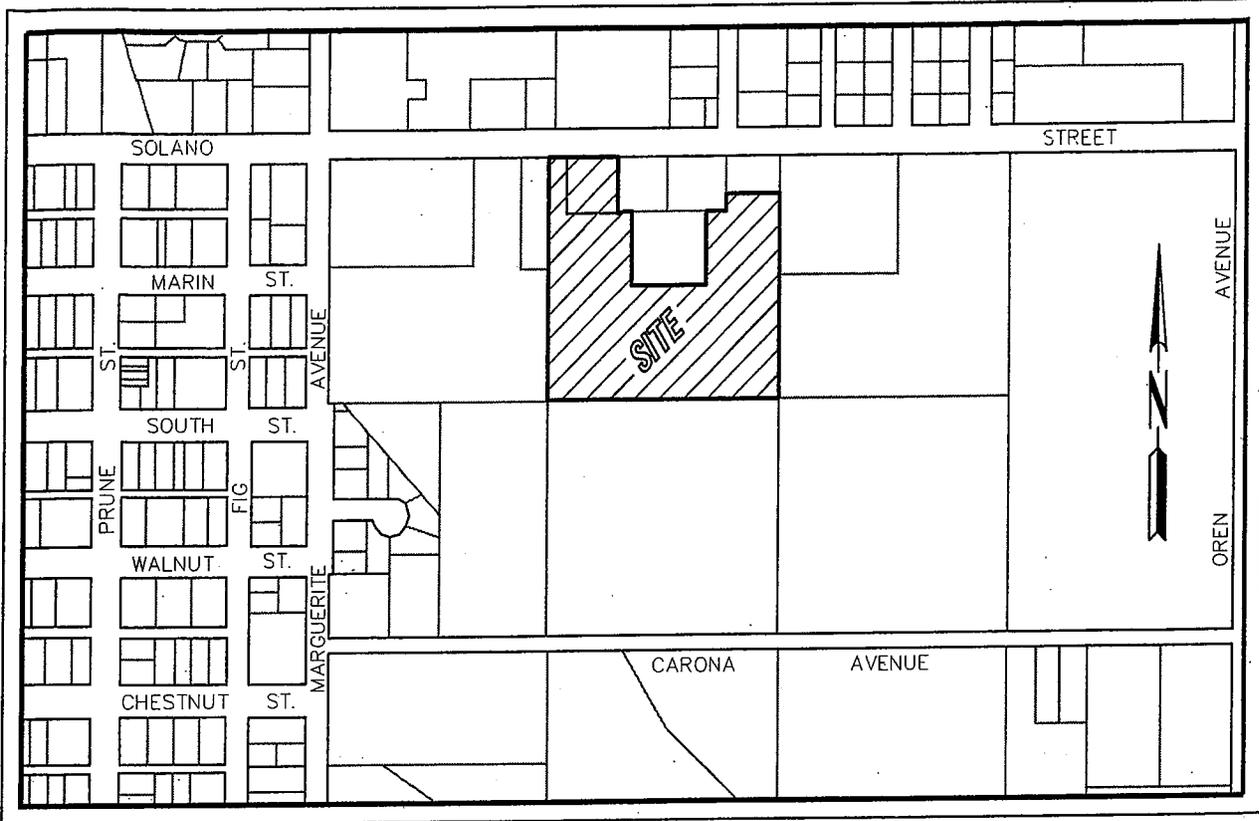
Jose Ruvalcaba
25560 Lincoln Street
Los Molinos, CA 96055

Jeanne Ramirez
187 Solano Street
Corning, CA 96021

Robert & Janet Singletary
271 Solano Street
Corning, CA 96021

LIST OF ATTACHED EXHIBITS:

Exhibit "A" Two Page Drawing showing adjustment with Ruvalcaba.
Exhibit "B" Resulting Legal Description of Ruvalcaba Parcel after adjustment.
Exhibit "C" Resulting Accustom Dev. LLC Legal Description after Ruvalcaba Adjustment.
Exhibit "D" Two Page Drawing showing adjustment with Ramirez.
Exhibit "E" Resulting Legal Description of Ramirez Parcel after adjustment.
Exhibit "F" Resulting Accustom Dev. LLC Legal Description after both Ruvalcaba and Ramirez adjustments.
Exhibit "G" Two Page Drawing showing adjustment with Singletary.
Exhibit "H" Resulting Legal Description of Singletary Parcel after adjustment.
Exhibit "I" Resulting Accustom Dev. LLC Legal Description after all three (Ruvalcaba, Ramirez & Singletary) adjustments.
Exhibit "J" Composite Drawing showing all three adjustments.
Exhibit "K" Copy of Portion of Approved Tentative Stonefox Ranch (formerly Wold) Tract Map
Exhibit "L" Portion of City Zoning Map.
Exhibit "M" Assessor's Map.
Exhibit "N" Planning Application and accompanying documents
Exhibit "O" Aerial Photo
Exhibit "P" CEQA Guidelines Section 15305



LOCATION MAP

NO SCALE



[Signature]
 MICHAEL S. BYRD
 R.C.E. 28998
 REGISTRATION EXPIRES: 03-31-09

DATE: 6-11-07

EXHIBIT "A" LOT LINE ADJUSTMENT

ACCUSTOM DEVELOPMENT, LLC

RAR
ROLLS ANDERSON & ROLLS
 CIVIL ENGINEERS
 115 YELLOWSTONE DRIVE • CHICO, CALIFORNIA 95973-5811
 TELEPHONE 530-895-1422

COPY

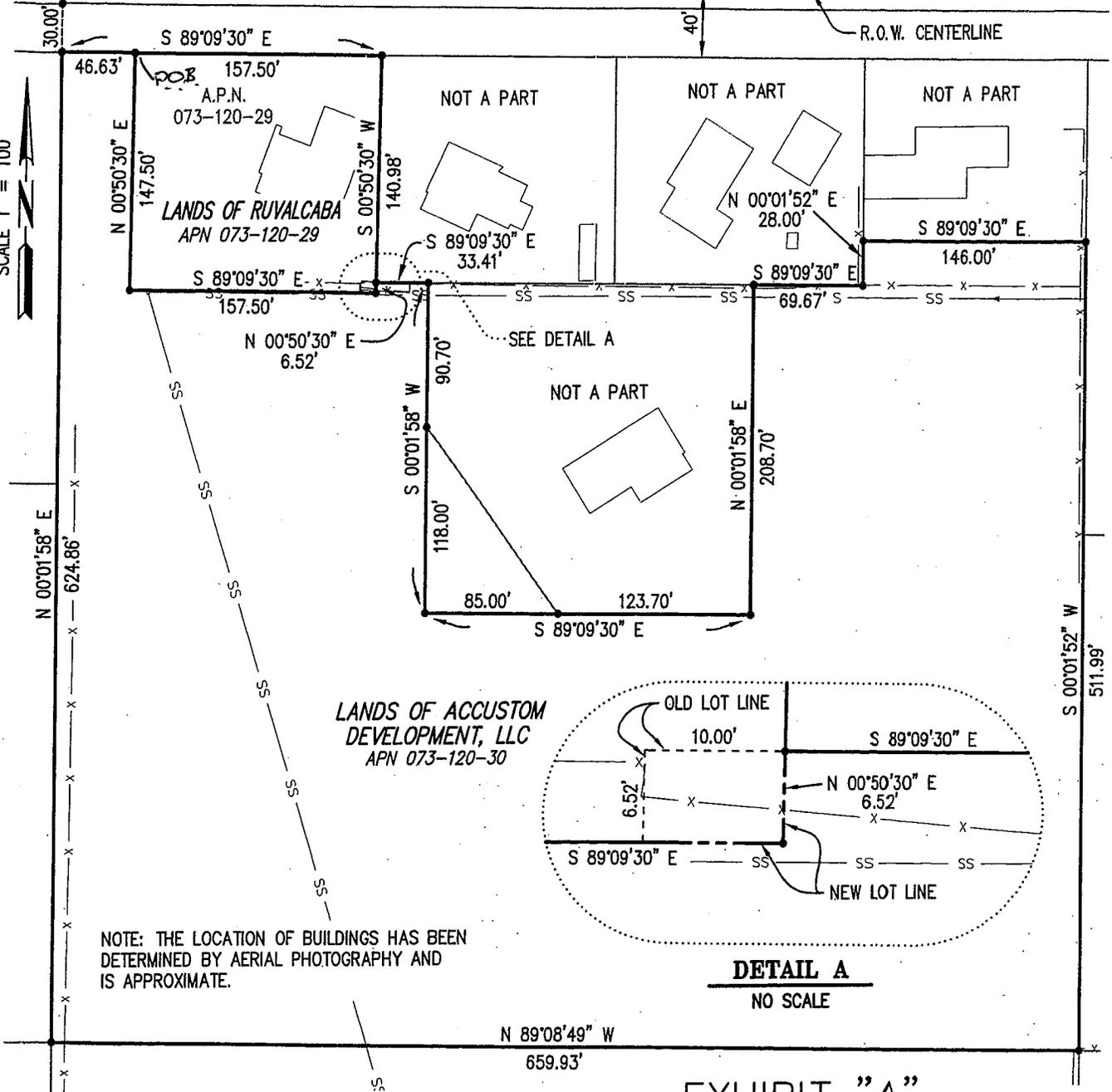
POINT OF COMMENCEMENT & NORTHWEST CORNER LOT 3

SOLANO

STREET

R.O.W. CENTERLINE

SCALE 1" = 100'



DETAIL A

NO SCALE

LEGEND

- PARCEL BOUNDARY
- - - - PROPOSED NEW LOT LINE
- - - - EXISTING LOT LINE TO BE ELIMINATED
- BOUNDARY ANGLE POINT
- x — EXISTING FENCE
- SS — EXISTING SANITARY SEWER

EXHIBIT "A"
LOT LINE ADJUSTMENT

ACCUSTOM DEVELOPMENT, LLC

RAR
ROLLS ANDERSON & ROLLS
CIVIL ENGINEERS

115 YELLOWSTONE DRIVE • CHICO, CALIFORNIA 95973-5811
TELEPHONE 530-895-1422

MARCH, 2007

06125

SHEET 2 OF 2

EXHIBIT "B"
RUVALCABA RESULTANT PARCEL

All that certain real property situate in the City of Corning, County of Tehama, State of California described as follows:

A portion of Lot 3 of Block 22 as shown on that certain map entitled "Map of Maywood Colony Subdivided into 10 Acre Tracts" recorded in the office of the County Recorder of the County of Tehama, State of California in Book "A" of Maps at Page 33 more particularly described as follows:

COMMENCING at the northwest corner of said Lot 3;

THENCE South $00^{\circ}01'58''$ West, a distance of 30.00 feet to the south right-of-way of Solano Street;

THENCE along said south right-of-way, South $89^{\circ}09'30''$ East, a distance of 46.63 feet to the northwest corner of that certain parcel of land described in that certain deed recorded in the office of the County Recorder of the County of Tehama, State of California on March 17, 2006 under Recorders Serial Number 2006-005966, said point also being the TRUE POINT OF BEGINNING;

THENCE continuing along said south right-of-way line and the north line of said parcel, South $89^{\circ}09'30''$ East, a distance of 157.50 feet to the northeast corner of said parcel;

THENCE leaving said south right-of-way line along the east line of said parcel and its projection thereof, South $00^{\circ}50'30''$ West, a distance of 147.50 feet;

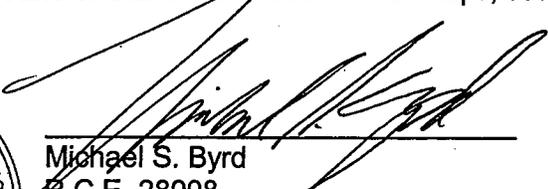
THENCE along the south line of said parcel and its easterly projection thereof, North $89^{\circ}09'30''$ West, a distance of 157.50 feet to the southwest corner of said parcel;

THENCE along the west line of said parcel, North $00^{\circ}50'30''$ East, a distance of 147.50 feet to the TRUE POINT OF BEGINNING;

The above-described parcel contains 0.53 acres, more or less.

The basis of bearing for this description is that certain record of survey recorded in the office of the County Recorder of the County of Tehama, State of California in Book AA of Maps, at Pages 244 and 245.




Michael S. Byrd
R.C.E. 28998

Registration Expires: 03-31-09

Date: 6-11-07

EXHIBIT "C"
ACCUSTOM DEVELOPMENT, LLC
RESULTANT PARCEL

All that certain real property situate in the City of Corning, County of Tehama, State of California described as follows:

A portion of Lot 3 of Block 22 as shown on that certain map entitled "Map of Maywood Colony Subdivided into 10 Acre Tracts" recorded in the office of the County Recorder of the County of Tehama, State of California in Book "A" of Maps at Page 33 more particularly described as follows:

COMMENCING at the northwest corner of said Lot 3;

THENCE South 00°01'58" West, a distance of 30.00 feet to the south right-of-way of Solano Street and the northwest corner of that certain parcel of land described in that certain deed recorded in the office of the County Recorder of the County of Tehama, State of California on February 22, 2002 in Book 2120 of Deeds, at page 38, said point also being the TRUE POINT OF BEGINNING;

THENCE along said south right-of-way line, South 89°09'30" East, a distance of 46.63 feet;

THENCE leaving said south right-of-way line, South 00°50'30" West, a distance of 147.50 feet;

THENCE South 89°09'30" East, a distance of 157.50 feet;

THENCE North 00°50'30" East, a distance of 6.52 feet;

THENCE South 89°09'30" East, a distance of 33.41 feet;

THENCE South 00°01'58" West, a distance of 208.70 feet;

THENCE South 89°09'30" East, a distance of 208.70 feet;

THENCE North 00°01'58" East, a distance of 208.70 feet;

THENCE South 89°09'30" East, a distance of 69.67 feet;

THENCE North 00°01'52" East, a distance of 28.00 feet;

THENCE South 89°09'30" East, a distance of 146.00 feet to the east line of said Lot 3;

THENCE along said east line of said Lot 3, South 00°01'52" West, a distance of 511.99 feet to the southeast corner of said Lot 3;

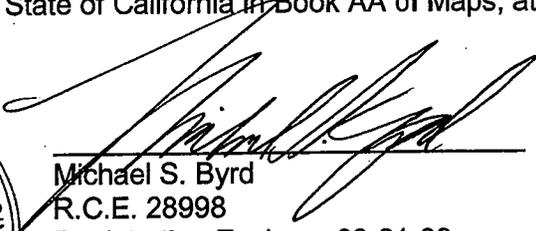
THENCE along the south line, North 89°08'49" West, a distance of 659.93 feet to the southwest corner of said Lot 3;

THENCE along the west line of said Lot 3, North 00°01'58" East, a distance of 624.86 feet to the TRUE POINT OF BEGINNING;

EXHIBIT "C"

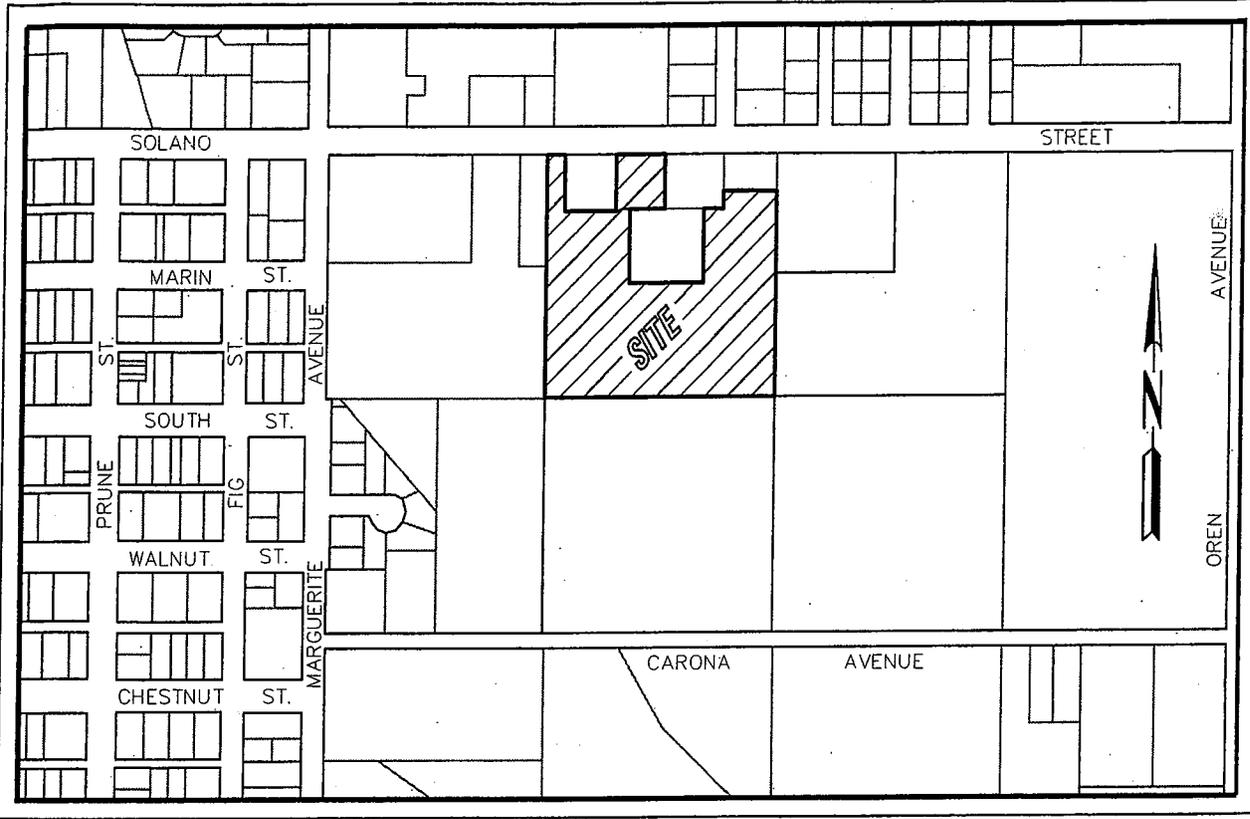
The above-described parcel contains 6.55 acres, more or less.

The basis of bearing for this description is that certain record of survey recorded in the office of the County Recorder of the County of Tehama, State of California in Book AA of Maps, at Pages 244 and 245.



Michael S. Byrd
R.C.E. 28998
Registration Expires: 03-31-09

Date: 6-11-07



LOCATION MAP

NO SCALE



Michael S. Byrd
 MICHAEL S. BYRD
 R.C.E. 28998
 REGISTRATION EXPIRES: 03-31-09

DATE: 6-11-07

EXHIBIT "D"
 LOT LINE ADJUSTMENT
 ACCUSTOM DEVELOPMENT, LLC

RAR
ROLLS ANDERSON & ROLLS
 CIVIL ENGINEERS
 115 YELLOWSTONE DRIVE • CHICO, CALIFORNIA 95973-5811
 TELEPHONE 530-895-1422

copy

EXHIBIT "E"
RAMIREZ RESULTANT PARCEL

All that certain real property situate in the City of Corning, County of Tehama, State of California described as follows:

A portion of Lot 3 of Block 22 as shown on that certain map entitled "Map of Maywood Colony Subdivided into 10 Acre Tracts" recorded in the office of the County Recorder of the County of Tehama, State of California in Book "A" of Maps at Page 33 more particularly described as follows:

COMMENCING at the northwest corner of said Lot 3;

THENCE South 00°01'58" West, a distance of 30.00 feet to the south right-of-way of Solano Street;

THENCE along said south right-of-way line, South 89°09'30" East, a distance of 204.13 feet to the northwest corner of that certain parcel of land described in that certain deed recorded in the office of the County Recorder of the County of Tehama, State of California on January 15, 1965 in Book 464 of Deeds, at page 125, said point also being the TRUE POINT OF BEGINNING;

CONTINUING along said south right-of-way line and the north line of said parcel, South 89°09'30" East, a distance of 150.58 feet to the northeast corner of said parcel;

THENCE leaving said south right-of-way line along the east line of said parcel, South 00°01'52" West, a distance of 141.00 feet;

THENCE along the south line of said parcel, North 89°09'30" West, a distance of 119.16 feet;

THENCE leaving said south line, South 00°04'22" West, a distance of 6.52 feet;

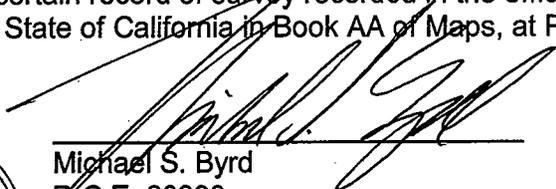
THENCE North 89°09'30" West, a distance of 33.51 feet;

THENCE along the west line of said parcel, North 00°50'30" East, a distance of 147.50 feet to the TRUE POINT OF BEGINNING;

The above-described parcel contains 0.50 acres, more or less.

The basis of bearing for this description is that certain record of survey recorded in the office of the County Recorder of the County of Tehama, State of California in Book AA of Maps, at Pages 244 and 245.




Michael S. Byrd
R.C.E. 28998
Registration Expires: 03-31-09

Date: 6-11-07

EXHIBIT "F"
ACCUSTOM DEVELOPMENT, LLC
RESULTANT PARCEL

All that certain real property situate in the City of Corning, County of Tehama, State of California described as follows:

A portion of Lot 3 of Block 22 as shown on that certain map entitled "Map of Maywood Colony Subdivided into 10 Acre Tracts" recorded in the office of the County Recorder of the County of Tehama, State of California in Book "A" of Maps at Page 33 more particularly described as follows:

COMMENCING at the northwest corner of said Lot 3;

THENCE South $00^{\circ}01'58''$ West, a distance of 30.00 feet to the south right-of-way of Solano Street and the northwest corner of that certain parcel of land described in that certain deed recorded in the office of the County Recorder of the County of Tehama, State of California on February 22, 2002 in Book 2120 of Deeds, at page 38, said point also being the TRUE POINT OF BEGINNING;

THENCE along said south right-of-way line, South $89^{\circ}09'30''$ East, a distance of 46.63 feet;

THENCE leaving said south right-of-way line, South $00^{\circ}50'30''$ West, a distance of 147.50 feet;

THENCE South $89^{\circ}09'30''$ East, a distance of 157.50 feet;

THENCE South $89^{\circ}09'30''$ East, a distance of 33.51 feet;

THENCE South $00^{\circ}01'58''$ West, a distance of 84.18 feet;

THENCE South $00^{\circ}01'58''$ West, a distance of 118.00 feet;

THENCE South $89^{\circ}09'30''$ East, a distance of 85.00 feet;

THENCE South $89^{\circ}09'30''$ East, a distance of 123.70 feet;

THENCE North $00^{\circ}01'58''$ East, a distance of 208.70 feet;

THENCE South $89^{\circ}09'30''$ East, a distance of 69.67 feet;

THENCE North $00^{\circ}01'52''$ East, a distance of 28.00 feet;

THENCE South $89^{\circ}09'30''$ East, a distance of 146.00 feet to the east line of said Lot 3;

THENCE along said east line, South $00^{\circ}01'52''$ West, a distance of 511.99 feet to the southeast corner of said Lot 3;

THENCE along the south line, North $89^{\circ}08'49''$ West, a distance of 659.93 feet to the southwest corner of said Lot 3;

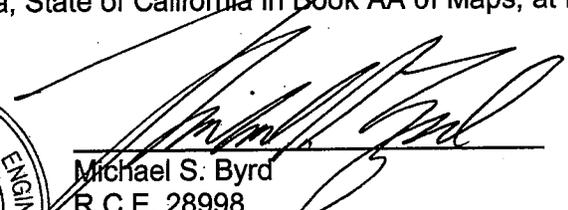
EXHIBIT "F"

THENCE along the west line of said Lot 3, North 00°01'58" East, a distance of 624.86 feet to the TRUE POINT OF BEGINNING;

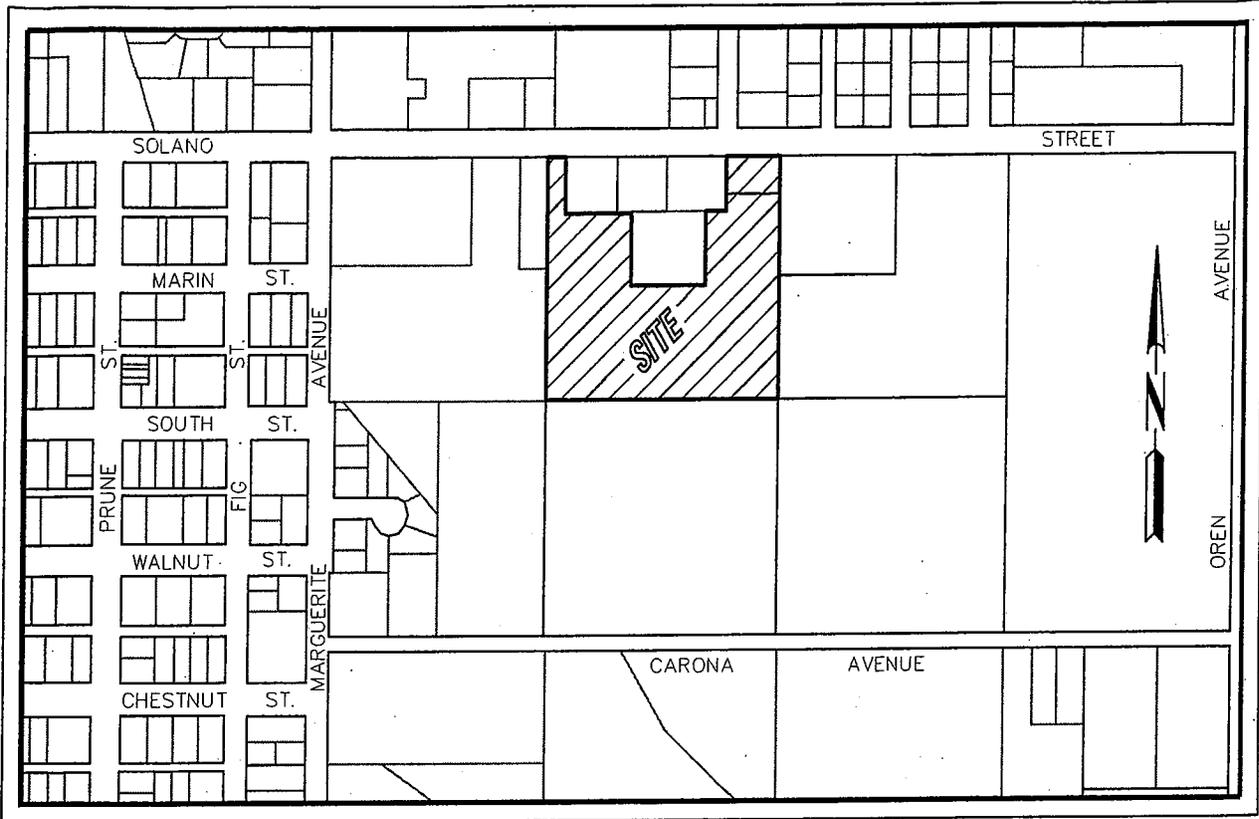
The above-described parcel contains 6.54 acres, more or less.

The basis of bearing for this description is that certain record of survey recorded in the office of the County Recorder of the County of Tehama, State of California in Book AA of Maps, at Pages 244 and 245.




Michael S. Byrd
R.C.E. 28998
Registration Expires: 03-31-09

Date: 6-11-07



LOCATION MAP

NO SCALE



Michael S. Byrd
 MICHAEL S. BYRD
 R.C.E. 28998
 REGISTRATION EXPIRES: 03-31-09

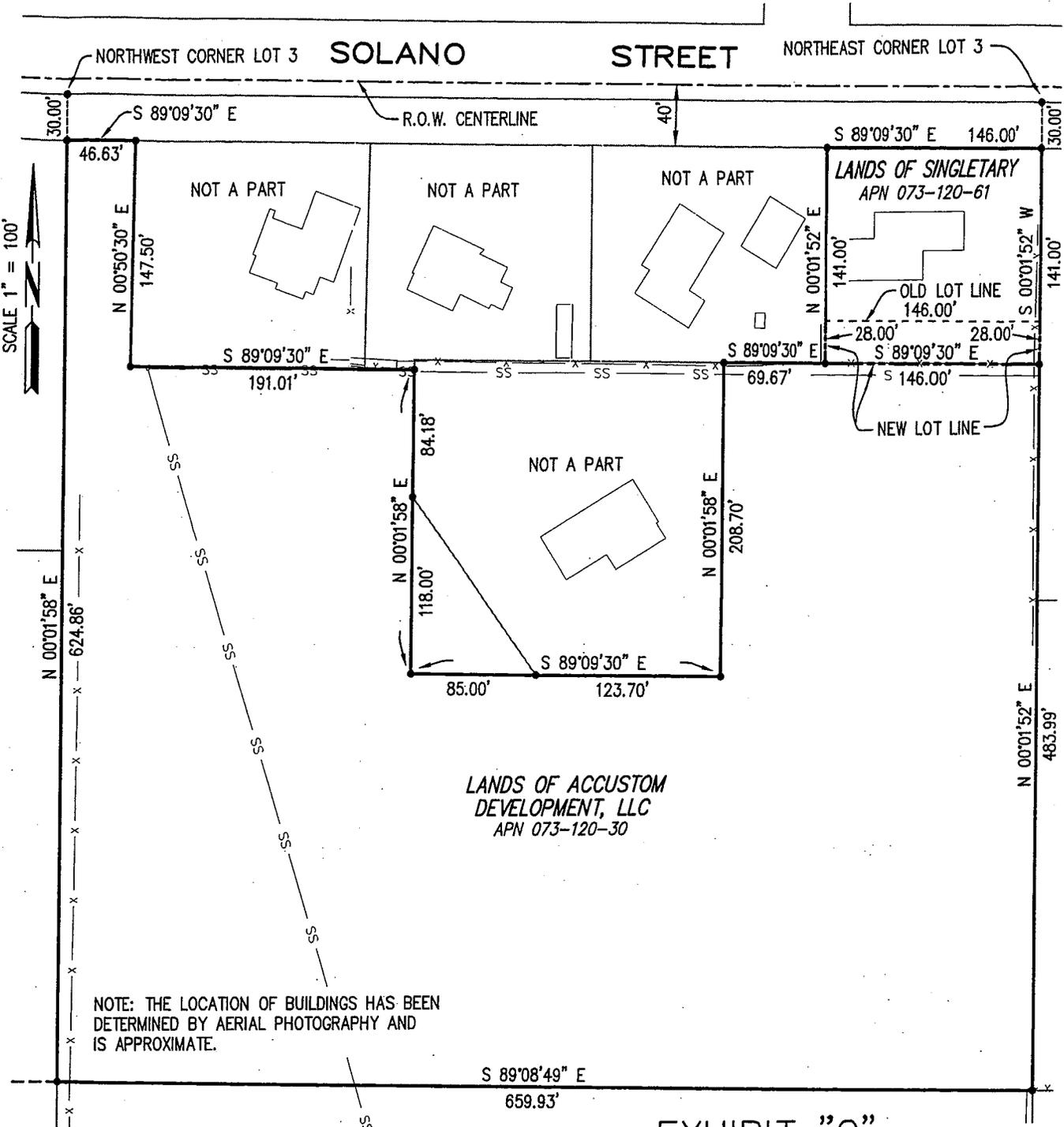
DATE: 6-11-07

EXHIBIT "G"
 LOT LINE ADJUSTMENT
 ACCUSTOM DEVELOPMENT, LLC

RAR
ROLLS ANDERSON & ROLLS
 CIVIL ENGINEERS
 115 YELLOWSTONE DRIVE • CHICO, CALIFORNIA 95973-5811
 TELEPHONE 530-895-1422

MARCH, 2007 06125 SHEET 1 OF 2

Copy



LEGEND

- PARCEL BOUNDARY
- - - - PROPOSED NEW LOT LINE
- - - - EXISTING LOT LINE TO BE ELIMINATED
- BOUNDARY ANGLE POINT
- x — EXISTING FENCE
- ss — EXISTING SANITARY SEWER

EXHIBIT "G"
LOT LINE ADJUSTMENT

ACCUSTOM DEVELOPMENT, LLC

RAR
ROLLS ANDERSON & ROLLS
CIVIL ENGINEERS
115 YELLOWSTONE DRIVE • CHICO, CALIFORNIA 95973-5811
TELEPHONE 530-895-1422

EXHIBIT "H"
SINGLETARY RESULTANT PARCEL

All that certain real property situate in the City of Corning, County of Tehama, State of California described as follows:

A portion of Lot 3 of Block 22 as shown on that certain map entitled "Map of Maywood Colony Subdivided into 10 Acre Tracts" recorded in the office of the County Recorder of the County of Tehama, State of California in Book "A" of Maps at Page 33 more particularly described as follows:

COMMENCING at the northeast corner of said Lot 3;

THENCE South $00^{\circ}01'52''$ West, a distance of 30.00 feet to the south right-of-way of Solano Street and the northeast corner of that certain parcel of land described in that certain deed recorded in the office of the County Recorder of the County of Tehama, State of California on November 14, 1957 in Book 319 of Deeds, at page 54, said point also being the TRUE POINT OF BEGINNING;

THENCE along the east line of said parcel and its projection thereof and the east line of said Lot 3, South $00^{\circ}01'52''$ West, a distance of 141.00 feet;

THENCE leaving said east line of Lot 3 and said east line of parcel, North $89^{\circ}09'30''$ West, a distance of 146.00 feet;

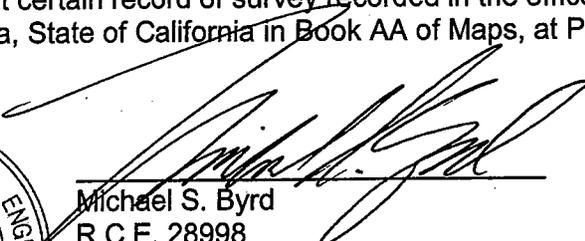
THENCE along the west line of said parcel and its southerly projection, North $00^{\circ}01'52''$ East, a distance of 141.00 feet to said south right-of-way of Solano Street and the northwest corner of said parcel;

THENCE along said south right-of-way line and the north line of said parcel, South $89^{\circ}09'30''$ East, a distance of 146.00 feet to the TRUE POINT OF BEGINNING;

The above-described parcel contains 0.47 acres, more or less.

The basis of bearing for this description is that certain record of survey recorded in the office of the County Recorder of the County of Tehama, State of California in Book AA of Maps, at Pages 244 and 245.




Michael S. Byrd
R.C.E. 28998
Registration Expires: 03-31-09

Date: 6-11-07

EXHIBIT "I"
ACCUSTOM DEVELOPMENT, LLC
RESULTANT PARCEL

All that certain real property situate in the City of Corning, County of Tehama, State of California described as follows:

A portion of Lot 3 of Block 22 as shown on that certain map entitled "Map of Maywood Colony Subdivided into 10 Acre Tracts" recorded in the office of the County Recorder of the County of Tehama, State of California in Book "A" of Maps at Page 33 more particularly described as follows:

COMMENCING at the northwest corner of said Lot 3;

THENCE South 00°01'58" West, a distance of 30.00 feet to the south right-of-way of Solano Street and the northwest corner of that certain parcel of land described in that certain deed recorded in the office of the County Recorder of the County of Tehama, State of California on February 22, 2002 in Book 2120 of Deeds, at page 38, said point also being the TRUE POINT OF BEGINNING;

THENCE along said south right-of-way line of Solano Street, South 89°09'30" East, a distance of 46.63 feet;

THENCE leaving said south right-of-way line of Solano Street, South 00°50'30" West, a distance of 147.50 feet;

THENCE South 89°09'30" East, a distance of 191.01 feet;

THENCE North 00°01'58" East, a distance of 84.18 feet;

THENCE North 00°01'58" East, a distance of 118.00 feet;

THENCE South 89°09'30" East, a distance of 85.00 feet;

THENCE South 89°09'30" East, a distance of 123.70 feet;

THENCE North 00°01'58" East, a distance of 208.70 feet;

THENCE South 89°09'30" East, a distance of 69.67 feet;

THENCE South 89°09'30" East, a distance of 146.00 feet to the east line of said Lot 3;

THENCE along said east line of said Lot 3, South 00°01'52" West, a distance of 483.99 feet to the southeast corner of said Lot 3;

THENCE along the south line of said Lot 3, North 89°08'49" West, a distance of 659.93 feet to the southwest corner of said Lot 3;

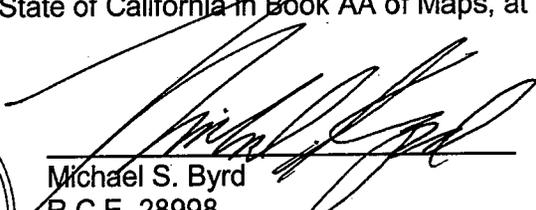
THENCE along the west line of said Lot 3, North 00°01'58" East, a distance of 624.86 feet to the TRUE POINT OF BEGINNING;

EXHIBIT "I"

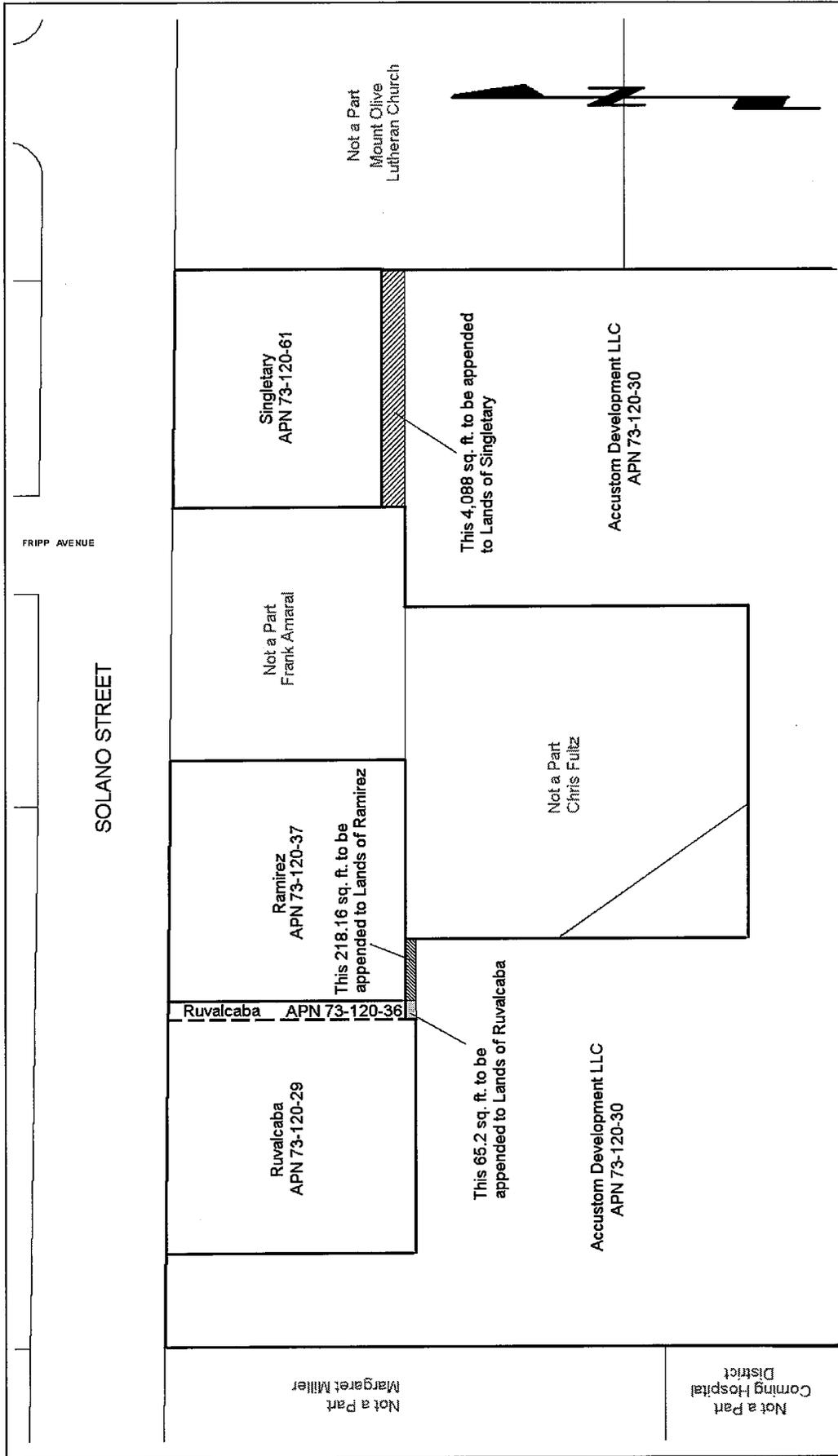
The above-described parcel contains 6.45 acres, more or less.

The basis of bearing for this description is that certain record of survey recorded in the office of the County Recorder of the County of Tehama, State of California in Book AA of Maps, at Pages 244 and 245.



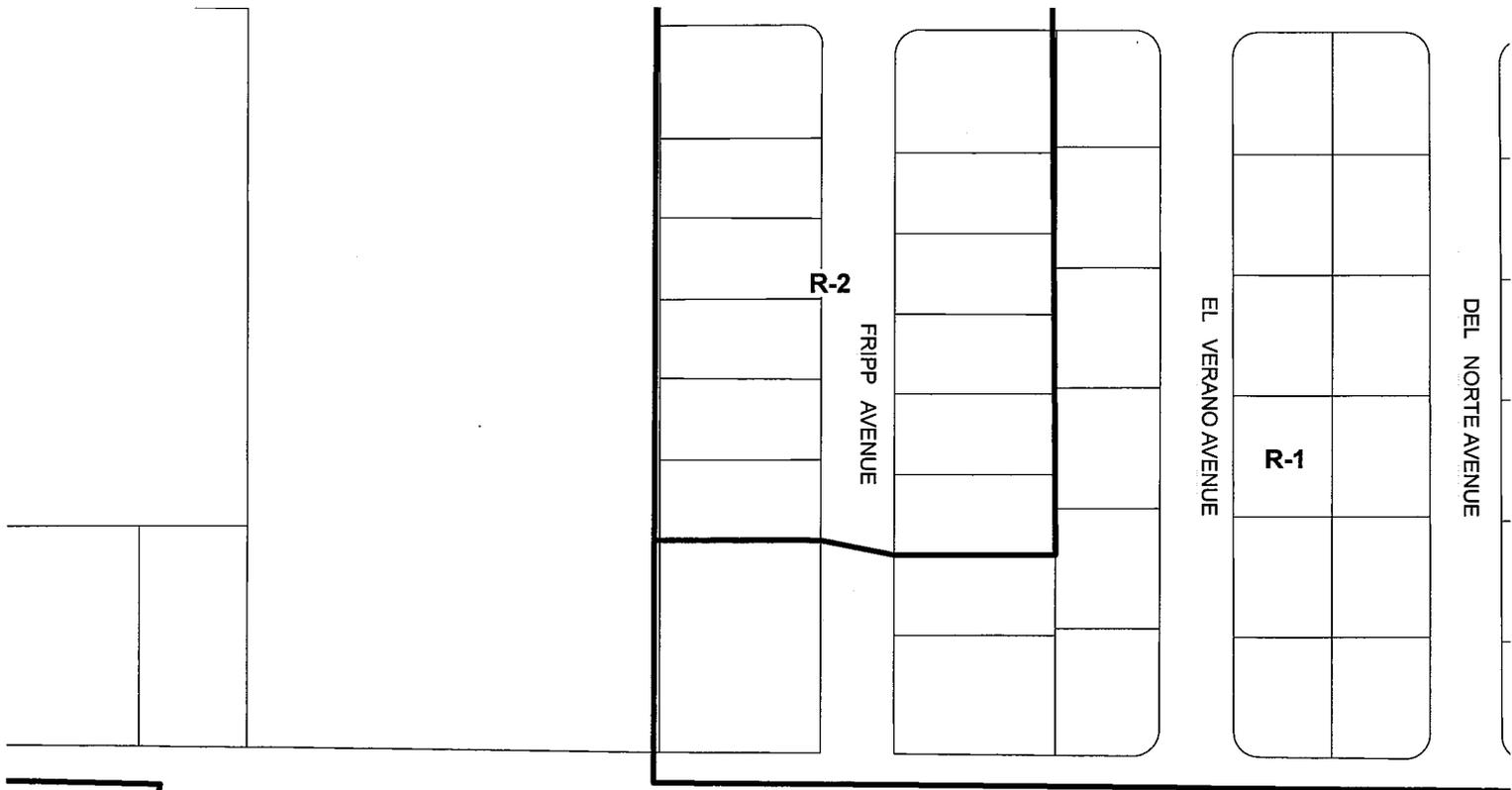

Michael S. Byrd
R.C.E. 28998
Registration Expires: 03-31-09

Date: 6-11-07

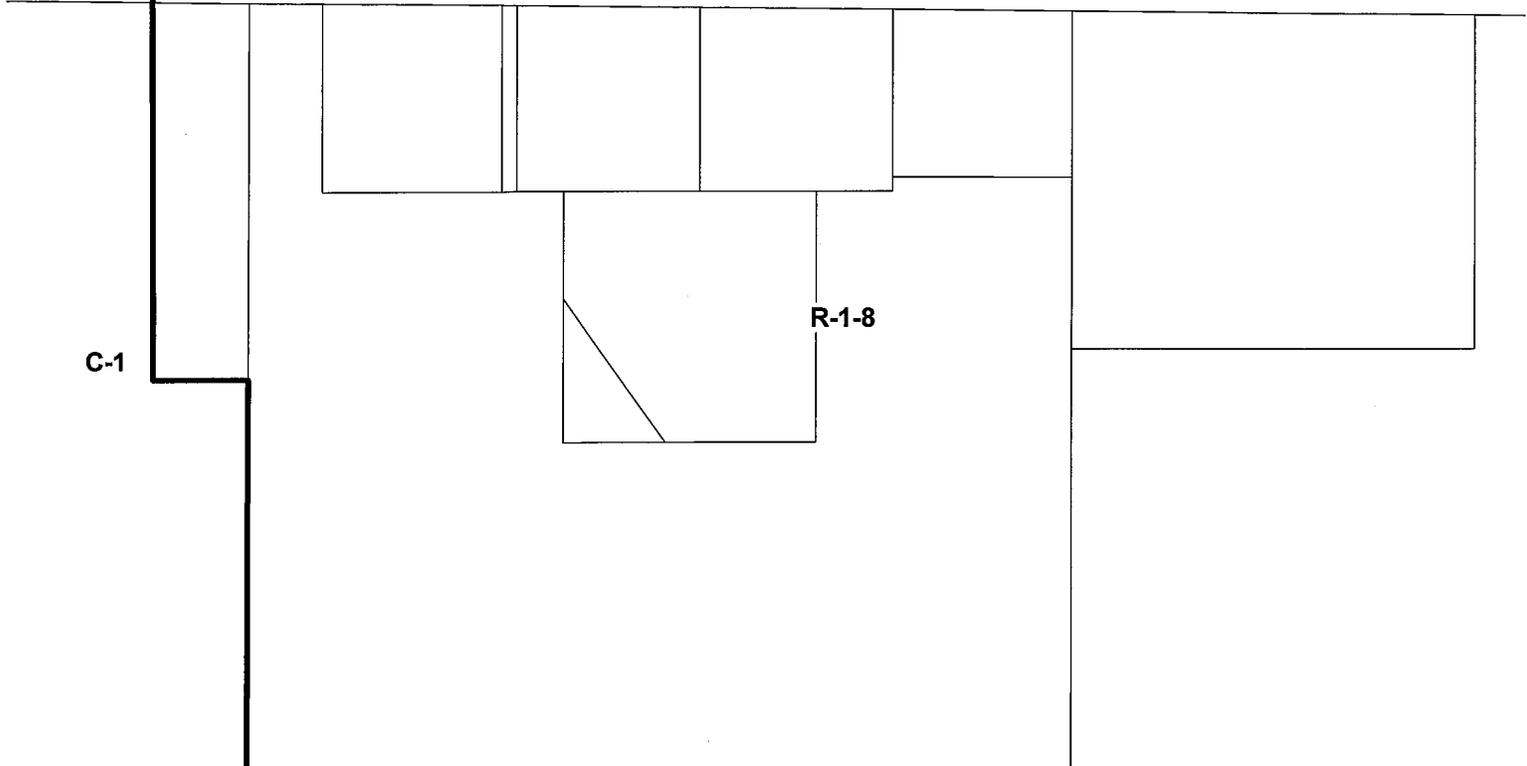


**LOT LINE ADJUSTMENT NO. 2007-01
ACCUSTOM DEVELOPMENT LLC, ET AL**

EXHIBIT "J"

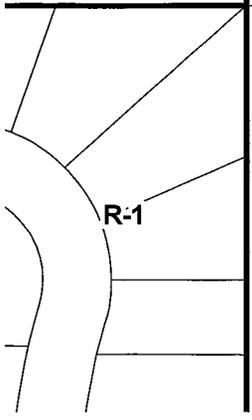


SOLANO STREET



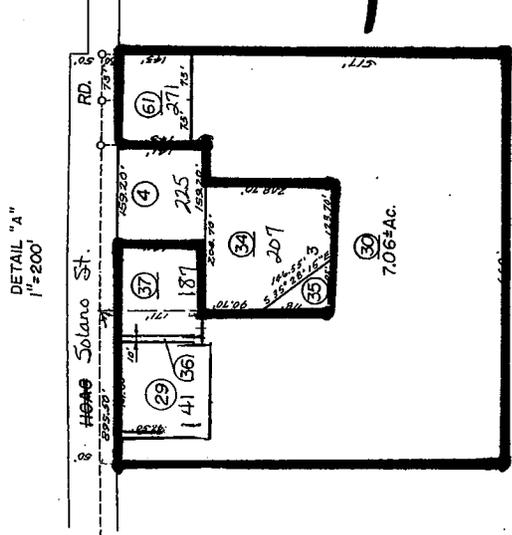
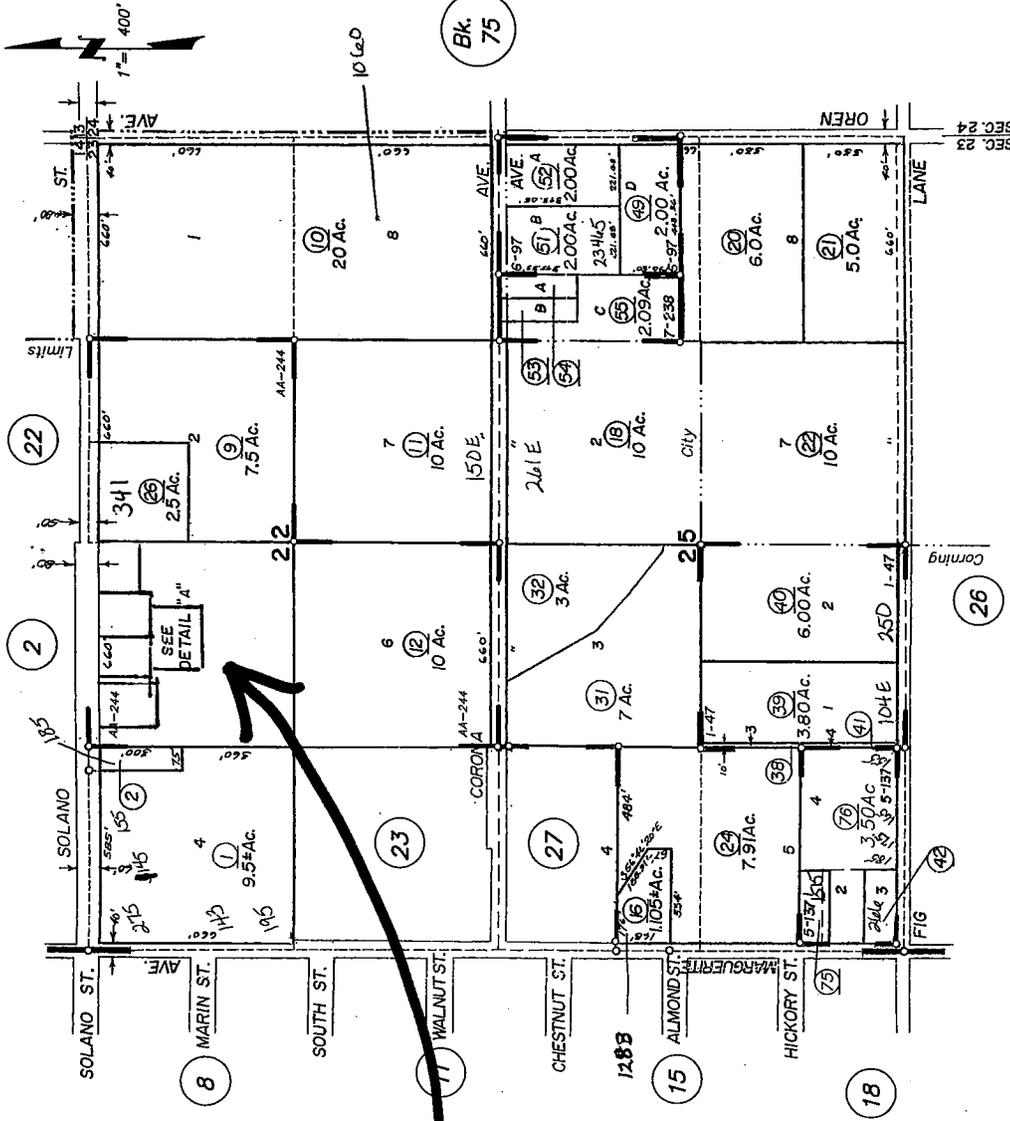
C-1

R-1-8



R-1

ZONING MAP EXHIBIT "L"



- R.M. Bk. A, Pg. 33-Maywood Colony No. 1
- R.S. Bk. AA, Pg. 244
- P.M. Bk. 1, Pg. 47-P.M. No. 212
- P.M. Bk. 5, Pg. 137-P.M. No. 77-255
- P.M. Bk. 6, Pg. 97-P.M. No. 79-23
- P.M. Bk. 7, Pg. 238-P.M. No. 83-76

Assessor's Map Bk. 73 -Pg. 12
 County of Tehama, Calif.

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

ASSESSOR'S
 MAP (EXT. "M")

CITY OF CORNING
PLANNING APPLICATION
 TYPE OR PRINT CLEARLY

Submit Completed Applications to:
 City of Corning
 Planning Dept.
 794 Third Street
 Corning, CA 96021

PROJECT INFORMATION	PROJECT ADDRESS See Attached Exhibit "A"	ASSESSOR'S PARCEL NUMBER See Attached Exhibit "A"	G.P. LAND USE DESIGNATION Residential
	ZONING DISTRICT R-1-8	FLOOD HAZARD ZONE N/A	SITE ACREAGE 7.95
	AIRPORT SAFETY ZONE? N/A		
	PROJECT DESCRIPTION: (attach additional sheets if necessary) <u>Lot line adjustments due to existing fence locations.</u>		
APPLICATION TYPE (Check All Applicable)			
<input type="checkbox"/> Annexation/Detachment <input type="checkbox"/> General Plan Amendment <input checked="" 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 type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Other _____			
APPLICANT INFORMATION	APPLICANT Dan Fitzpatrick Accustom Development, LLC	ADDRESS P.O. Box 221564 Carmel, CA 93922	DAY PHONE (831)320-2148
	REPRESENTATIVE (IF ANY) Keith Doglio Rolls, Anderson & Rolls	ADDRESS 115 Yellowstone Drive Chico, CA 95973	DAY PHONE (530)895-1422
	PROPERTY OWNER See Attached Exhibit "A"	ADDRESS See Attached Exhibit "A"	DAY PHONE
	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. Signed: _____	PROPERTY OWNER: I have read this application and consent to its filing. Signed: See Attached Exhibit "A" (N-5)	
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.	RECEIVED BY:	DATE RECEIVED	DATE APPL. DEEMED COMPLETE
	FEES RECEIVED/RECEIPT NO.	CEQA DETERMINATION Exempt ND MND EIR		DATE FILED

EXHIBIT "N"
 PLANNING APPL.



CITY OF CORNING

ENVIRONMENTAL INFORMATION FORM (To be completed by Applicant)

DATE FILED _____

General Information

1. Project Title: Stonefox Ranch Lot Line Adjustment

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:

N/A

Additional Project Information

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

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

5. Proposed scheduling/development. N/A

6. Associated project(s). Stonefox Ranch Subdivision

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

N-2

**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.

N/A

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 checked="" type="checkbox"/>
20. Use, storage, or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21. Substantial change in demand for municipal services (police, fire, water, sewage, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22. Substantially increase energy usage (electricity, oil, natural gas, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23. Relationship to a larger project or series of projects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

N-3

**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.

Site consists of rolling terrain with the remains of an olive orchard adjacent to residential properties. Existing soils on the site are clay. There are no known cultural, historical or scenic aspects to the property. Residential homes exist on the property.

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, setback, rear yard, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted.

The properties along the north boundary consist of typical single family residential homes, properties on the east boundary are single family residential and commercial.

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 5-27-07 Signature [Handwritten Signature]
For: _____

N-4

**CITY OF CORNING
PLANNING APPLICATION
EXHIBIT "A"**

APM
5-27-07

PROJECT INFORMATION

Assessor's Parcel Numbers

- 073-120-29
- 073-120-30
- 073-120-37
- 073-120-61

APPLICANT INFORMATION

Property Owner	Address	Day Phone	Property Owner Signature
Jose Ruvalcaba 073-120-29	25560 Lincoln Street; Los Molinos, CA 96055		<i>Jose Ruvalcaba</i>
Accustom Development, LLC 073-120-30	PO Box 221564; Carmel, CA 93923	(831) 320-2149	
Jeanne Ramirez 073-120-37	187 Solano Street; Corning, CA 96021		<i>Jeanne Ramirez</i>
Robert A Singletary 073-120-61	271 Solano Street; Corning, CA 96021	530-846-8000	<i>Robert Singletary</i>
Janet Singletary 073-120-61	271 Solano Street; Corning, CA 96021	530-824-4920	<i>Janet Singletary</i>

N-5

An aerial photograph of a residential neighborhood. A house in the center is highlighted with a white rectangular box. The house has a light-colored roof and a dark outline. The surrounding area consists of other houses, trees, and a road. The image is grainy and has a high-contrast, black and white appearance. Handwritten text is overlaid on the image.

SOLANO ST.

EXHIBIT "O"
AERIAL PHOTO

15305. Minor Alterations in Land Use Limitations

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

- 
- (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;
 - (b) Issuance of minor encroachment permits;
 - (c) Reversion to acreage in accordance with the Subdivision Map Act.

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

EXHIBIT "P"

**ITEM NO. F-3
CONTINUED PUBLIC HEARING; REVISION TO
PLANNED DEVELOPMENT USE PERMIT NO.
1976-65; TO REVISE THE USE PERMIT TO
PERMIT RESIDENTS OTHER THAN SENIOR
CITIZENS TO OCCUPY THE OLIVE GROVE
RETIREMENT VILLAGE. LOCATED AT 1960
BUTTE STREET IN A PLANNED
DEVELOPMENT ZONING DISTRICT; BEST
INVESTMENT GROUP, LLC; APN 71-080-45**

JULY 17, 2007

TO: PLANNING COMMISSION OF THE CITY OF CORNING

FROM: JOHN L. BREWER, AICP; PLANNING DIRECTOR

CONTINUED PUBLIC HEARING:

This matter was continued from the June 19, 2007 Planning Commission meeting. Since the matter was continued, no additional public hearing notice was mailed or published. The entirety of the previous staff report is attached for your use. The minutes from that June 19th meeting are attached to the agenda.

SUMMARY:

See the Summary on page 1 of the June 19th Planning Commission Staff Report and the attached "Exhibits". This application seeks to modify the existing Planned Development Use Permit (1976-65) to permit residency by non-senior citizens.

After considerable public testimony, the Planning Commission directed staff to meet with the current owner and prospective buyer to craft another "alternative", beyond the denial (Alternative "A") and limited approval (Alternative "B") presented for Planning Commission consideration on June 19th. The third alternative (Alternative "C") would address some issues presented at the meeting and was to be presented along with Alternatives "A" & "B".

On June 26th, your Planning Director met with John Eller of Best Group LLC; Kirk Silverman, a potential buyer of the project; and Ken Robison and Harry Finefrock (Realtors) to discuss potential conditions that could be presented as a third alternative. From that meeting Alternative "C" was crafted that was acceptable to the current as well as the prospective property owner.

You will note that Alternative "C" is essentially a modification of Alternative "B". So that you may identify the changes, the modifications to Alternative "B" are shown as underlined type where text is added and ~~striketrough~~ type where text is deleted. The primary change incorporates ""Persons with Physical Disabilities" (as defined in State Law-attached) and well as seniors in half (22) of the units.

However, before focusing too much on the Alternatives, please consider the following information presented under the headings of "Economics", and "Letter Received" below.

ECONOMICS:

At the June 19th meeting there was considerable testimony from the current owners and their representatives regarding the economic losses they've experienced while operating the facility as "Senior Housing". The Best Group even bought television advertising to lure new senior tenants. They hired a senior housing consultant to recommend program or physical changes that could make the project more profitable. However, the advertising program was unsuccessful and the losses essentially forced discontinuance of the onsite meals program about four months ago. The consultant pointed out more-desirable competing senior complexes that were contained within massive single buildings, affording access through protected and climate controlled internal hallways.

It was around that time that Best Group made the decision to offer the units to non-seniors. Best Group also testified that they were unaware of the "Senior Citizen" residency requirement of the Planned Development Use Permit. At this time their current residents include 18 seniors and 12 non-seniors. Mr. Robison elaborated regarding the tenants' respective ages and work status.

One representative (a Mr. Sullivan, I believe) pointed out that without the revision opening occupancy to non-seniors, Best Group would be forced to declare bankruptcy, and thereby displace all 30 of the existing residents; inferring the displacement would leave the City with an unoccupied housing complex that could soon become an attractive nuisance.

LETTER RECEIVED JUNE 28, 2007:

Also attached for your consideration is a letter received June 28, 2007 from a lady named Darlene Lindsay. Ms. Lindsay apparently still resides at the complex. Ms. Lindsay's letter describes some issues related to the manager of the complex, and a friend who was apparently evicted from the complex. Of course the letter presents only her perspective-you'd have to assume the manager would present an alternative viewpoint.

In any event the letter suggests that the current manager has intimidated and "run-off" one (and maybe more) senior tenant(s). Could this style of management be at least partly to blame for the high vacancy and ongoing economic failure of the senior complex. And, if that is the case, perhaps a change in management could turn the project around to profitability.

STAFF RECOMMENDATION:

Staff strives to present clear recommendations for land use applications. In most cases we can rely on adopted documents such as the General Plan, Zoning Code,

Flood Ordinance, Map Act, CEQA, Subdivision Code to provide guidance. This however, is clearly a case where sound and logical arguments can (and have) be presented to support either denial or approval.

For that reason, staff offers three separate alternatives for your consideration. The first two alternatives; "A" & "B" are included within the June 19th staff report. The third alternative; Alternative "C", and the recommended findings to support it follows below.

Of course, the Commission is not limited to just the three alternatives. You may opt to modify, rewrite or reject any of the alternatives and to substitute your own. For example, if you're inclined to approve, you may wish to limit the duration of any occupancy revision-for a "test period" as was offered by the potential buyer (Mr. Silverman) at the June 19th meeting.

Also, you may wish to require a minimum number of senior units that must be maintained; i.e. perhaps 11 or more of the 22 restricted occupant units in Alternative "C". Or, in response to the concerns expressed by Mr. Dodd at 515 Toomes Avenue, you may opt to designate which units get what type of occupants (seniors vs. disabled vs. unrestricted). The point is, there really are a multitude of options.

RECOMMENDED FINDINGS FOR APPROVAL (ALTERNATIVE "C")

1. The revision to Planned Development Use Permit No. 1976-65 is exempt from the California Environmental Quality Act in accordance with CEQA Guidelines Section 15301, and,
2. The site for the proposed use is adequate in size, shape, topography and circumstances; and,
3. 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; and,
4. That 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.

RECOMMENDED CONDITIONS FOR APPROVAL (ALTERNATIVE "C"):

1. NUMBER OF UNITS. The maximum number of apartment units permitted on the site shall be 44. Owner and potential purchasers are advised that any additional units would be subject to approval of a new Planned Development Use Permit. Owner and potential buyer are further advised that City staff will likely recommend complete compliance with the City's Off-Street Parking Standards (CMC Section 17.51.030) for any additional units.
2. RESIDENT MANAGER. A Property Manager shall reside onsite and be responsible for compliance with the Planned Development Use Permit Conditions

of Approval.

3. **MAXIMUM NUMBER OF RESIDENTS.** The number of residents permitted on the site shall not exceed 66. Property Manager shall maintain leases or rental agreements limiting the total number of residents within the complex to a maximum of 66, and not more than two residents in any one apartment unit.
4. **MAXIMUM NUMBER OF VEHICLES.** Property Manager shall track the number of motor vehicles belonging to the residents of the project. The total number of motor vehicles allowed shall not exceed 40. Lease or rental agreements shall specify the number of vehicles allowed for each residence and assign specific parking space(s). These residency/vehicle records shall be made available to City staff when requested.
5. **COVERED PARKING.** Not fewer than 22 covered parking spaces shall be provided. Covered means under a permanent roof canopy or carport.
6. **NO OUTSIDE STORAGE.** No outside storage of any furniture, appliances, personal possessions, trash, or unlicensed or inoperable vehicles shall be permitted.
7. **BUILDINGS LIMITED TO ONE STORY.** All buildings on the site limited to one story in height.
8. **OCCUPANCY REQUIREMENTS.** Not fewer than ~~40~~ 22 of the 44 apartment units shall limited to occupancy by Senior Citizens aged 60 or older or "Persons with Physical Disabilities" as defined in the California Accessibility Regulations; (Section 1102.A.16-P of Title 24 of the California Code of Regulations). The remaining 22 units shall have no age or disability restrictions. The property manager shall maintain records demonstrating compliance with this condition and provide those records for inspection upon request of City staff.
9. **BIKE RACK.** Applicant shall install a bike rack with the capacity of at least five bicycles at a location approved by the Planning Director.
10. CONGREGATE DINING FACILITY. The Congregate Dining Facility may continue to be used solely as a meeting place and/or for the recreational use of the onsite residents.

Source: California Accessibility Regulations-Title 24, California Code of Regulations Chapter 11A; Section 1102.A.16-P

PERSONS WITH PHYSICAL DISABILITIES means, as with respect to a person, a physical or mental impairment which substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment. This term does not include current, illegal use of or addiction to a controlled substance. For purposes of these guidelines, an individual shall not be considered to have a physical disability solely because that individual is a transvestite.

As used in this definition "physical or mental impairment" includes:

Impairments which affect ambulation due to cerebral palsy, poliomyelitis, spinal cord injury, amputation, arthritis, cardiac and pulmonary conditions, and other conditions or diseases which reduce mobility, including aging.

Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments; cerebral palsy; autism; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; human immunodeficiency virus infection; mental retardation; emotional illness; drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism. *These guidelines are designed to make units accessible or adaptable for people with physical disabilities*

"Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

"Has a record of such an impairment" means the person has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

"Is regarded as having an impairment" means: The person has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation: The person has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or

The person has none of the impairments defined in Section 1102A.16-P but is treated by another person as having such impairment.

6-27-07

RECEIVED

JUN 28 2007

CORNING CITY CLERK

To the Corning City Council
~~Steve ~~King~~ King~~ John Brewer

My Name is Darlene Lindsay, I am writing you this letter to let you know what kind of Manager we have at Olive Grove Retirement Center.

My Sister Sharlene Forester and I have been taking care of a good friend of ours Maxine Biggs. We moved her in Olive Grove Retirement Center, it was nice at first and then it changed, this manager was so mean and rude her name is Anita Mullins. The food changed and then it stopped she started running people off, and the ones that stayed did not come out of their apartments. We finally found a place in Red Bluff for (Maxine) Biggs our friend, she gave her the manager a 30 Day Notice, the (Manager) said she was going to sue her for putting the wrong Marabag Bags in Mr. Dumster and Banding at Cat she never even owned. Maxine has still paper work the manager gave her saying all these things, she had her so scared we had to take her to the Hospital for an anxiety attack, the manager also had one of her workers a man

RECEIVED

NOV 8 2005

GORMING CITY OFFICE

looking in Madeline Biggs
Bedroom window like a peeping tom.
I think that is very bad and wrong
the Neabors Lady saw him looking
in her window. Madeline ask him
why he was looking in her window
and he said Anita the manager
ask him to look in there to see if
there were cats in there. I think
that is very fool on her, so please
let the New owners know what
kind of a manager we have.

if you have any questions feel free
to call me. 586 0879 Cell phone

Monty Duler Admin

P.S. this is
Shadens forest Cell No 586-1951
we tried to get Madeline to turn
her in when she was living there
but she was too scared to do that.

**ITEM NO. E-2
REVISION TO PLANNED DEVELOPMENT USE
PERMIT NO. 1976-65; TO REVISE THE USE
PERMIT TO PERMIT RESIDENTS OTHER THAN
SENIOR CITIZENS TO OCCUPY THE OLIVE
GROVE RETIREMENT VILLAGE. LOCATED AT
1960 BUTTE STREET IN A PLANNED
DEVELOPMENT ZONING DISTRICT; BEST
INVESTMENT GROUP, LLC; APN 71-080-45**

JUNE 19, 2007

TO: PLANNING COMMISSION OF THE CITY OF CORNING

FROM: JOHN L. BREWER, AICP; PLANNING DIRECTOR

JB

SUMMARY:

In 1976 the City of Corning approved a rezone and Planned Development Use Permit 1976-65. The use permit entitled the then owner, Mr. Stanley Palermo to construct and operate a 76-unit "Senior Citizens Apartment Complex" on a 4-acre parcel located north of Butte Street and east of Toomes Avenue. A copy of the approved Use Permit No. 65 is attached as Exhibit "C".

The first phase of the project; including 44 units and a congregate kitchen/dining facility, was developed on the western portion of the site in 1988. The second (32 unit) phase of the project was never constructed. See the attached copy of the Site Plan (Exhibit "D").

On April 17, 2007, Mr. John Eller, representing the Best Group, LLC, submitted an application (Exhibit "A") to amend the use permit to allow non-senior citizens to occupy the apartment complex. He then supplemented the application with the letter dated June 1, 2007 (Exhibit "B") that offers certain operational limitations to support the application. Note that the letterhead uses the name "Olive Grove Retirement Village", yet acknowledges renting units to non-seniors beginning in October of 2006.

STAFF RECOMMENDATION:

Staff does not support this Use Permit revision application. However, staff acknowledges some positive attributes of the proposal that could convince the Planning Commission otherwise. Those issues are presented in detail in the body of this staff report. For that reason, alternative findings and conditions are presented in the event that the Commission opts to approve the revision. The findings and conditions presented as Alternative "A" should be adopted for denial, and Alternative "B"; approval, that are presented below.

ALTERNATIVE "A" (DENIAL)

- Deny the application for revision to Planned Development Use Permit No. 1976-65, based on the following findings:

RECOMMENDED FINDINGS FOR DENIAL (ALTERNATIVE "A")

1. The original Planned Development Use Permit and Rezoning were approved by the City of Corning in 1976, authorizing the development of a "Senior Citizen's Apartment Complex", and,
2. Due to the intended senior citizen occupants of the development, certain concessions or exceptions to normal City development standards were requested by the applicant and approved by the City, and,
3. Among those concessions were fewer off-street parking spaces than normally required, since many seniors do not own vehicles or drive, and, smaller "studio-type" dwelling units, since many seniors live alone, and, with minimal kitchen facilities due to the onsite congregate dining facility and meal program, and,
4. As a 44-unit Senior Citizen's Apartment Complex, authorized in accordance with Planned Development Use Permit No. 1976-65; the project complies with the Corning Zoning Code, and, provides a valuable senior housing role for the community, and ,
5. Younger residents generally have higher occupancy rates (persons per household) and own more vehicles than senior citizens, and,
6. Removing the "Senior Citizen" occupancy limitation would create an apartment complex with insufficient parking spaces, potentially causing competition for on-street parking in the neighborhood, and,
7. Non-senior occupation of the small (460 square foot) "Efficiency Dwelling Units" could result in over-crowding and socio-economic degradation of the neighborhood, potentially resulting in increased criminal activity and impacts to police services, and,
8. The proposed conversion of the Olive Grove Retirement Village to non-age restricted residency could have an adverse effect upon the use, enjoyment or valuation of adjacent or neighboring properties or upon the public welfare.

ALTERNATIVE "B" (APPROVAL)

- Approve a revision to Planned Development Use Permit 1976-65 to remove the "Senior Citizen" occupancy limitation, thereby permitting unlimited (senior citizen and non-senior citizen) occupancy of the 44 unit apartment complex, subject to the following recommended findings and conditions:

RECOMMENDED FINDINGS FOR APPROVAL (ALTERNATIVE "B")

1. The revision to Planned Development Use Permit No. 1976-65 is exempt from the California Environmental Quality Act in accordance with CEQA Guidelines Section 15301, and,
2. The site for the proposed use is adequate in size, shape, topography and circumstances; and,
3. 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; and,
4. That 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.

RECOMMENDED CONDITIONS FOR APPROVAL (ALTERNATIVE "B"):

1. NUMBER OF UNITS. The maximum number of apartment units permitted on the site shall be 44.
2. RESIDENT MANAGER. A Property Manager shall reside onsite and be responsible for compliance with the Planned Development Use Permit Conditions of Approval.
3. MAXIMUM NUMBER OF RESIDENTS. The number of residents permitted on the site shall not exceed 66. Property Manager shall maintain leases or rental agreements limiting the total number of residents within the complex to a maximum of 66, and not more than two residents in any one apartment unit.
4. MAXIMUM NUMBER OF VEHICLES. Property Manager shall track the number of motor vehicles belonging to the residents of the project. The total number of motor vehicles allowed shall not exceed 40. Lease or rental agreements shall specify the number of vehicles allowed for each residency and assign specific parking space(s). These residency/vehicle records shall be made available to City staff when requested.
5. COVERED PARKING. Not fewer than 22 covered parking spaces shall be provided. Covered means under a permanent roof canopy or carport.
6. NO OUTSIDE STORAGE. No outside storage of any furniture, appliances, personal possessions, trash, or unlicensed or inoperable vehicles shall be permitted.
7. BUILDINGS LIMITED TO ONE STORY. All buildings on the site limited to one story in height.

8. **OCCUPANCY REQUIREMENTS.** Not fewer than 10 of the 44 apartment units shall limited to occupancy by Senior Citizens aged 60 or older. The remaining 34 units shall have no age restriction.
9. **BIKE RACK.** Applicant shall install a bike rack with the capacity of at least five bicycles at a location approved by the Planning Director.

HISTORY:

The use was authorized through Planned Development Rezone and Use Permit (1976-65) approved in 1976. See the attached copy of the Site Plan (Exhibit "D").

See the attached copy of the Assessor's Map (Exhibit "F"). In 1987 the 4-acre project site was subdivided into two parcels. Then, in 1988 the first phase (44 units) of the project was constructed on the western 2.05 acre parcel. The second 32-unit phase was not constructed. The eastern lot was subsequently rezoned R-1 and was recently divided into 4 single family residential lots and a 1.22 acre "Remainder Parcel".

GENERAL PLAN:

See the copy of the Land Use Diagram (Exhibit "G"). The site is designated for multi-family residential use. This Land Use Designation can permit multi-family or single-family residential use. Either the existing authorized Senior Citizens Housing Project or an unlimited occupancy apartment complex would comply with the Land Use designation.

ZONING:

See the attached copy of the zoning map (Exhibit "H") and "HISTORY" above. The site is zoned "P-D"; Planned Development. A copy of the current Planned Development Zoning District regulations is attached as Exhibit "N". You'll note that the district can authorize a multitude of uses upon approval of a use permit. In this case, the P-D Zoning was applied to the site in 1976 and accompanied an application for Planned Development Use Permit (PD UP 1976-65) that authorized the Senior Housing use.

To change the authorized use, a revision to the Planned Development Use Permit must be approved. That is the subject of this application submitted April 17, 2007.

OPERATIONAL CHARACTERISTICS OF AUTHORIZED USE:

Little remains of the Planning Commission public record regarding the original land use applications. However, what we know is the Planning Commission approved Planned Development Use Permit No. 65 (Exhibit "C") on May 18, 1976, that authorized a 76-unit "Senior Citizen's One-Story Complex". The City Council subsequently approved the Planned Development Rezone on June 14, 1976. There were four conditions of approval including Condition No. 3 limiting the structure heights to "one-story".

For some reason construction of the complex didn't occur until much later, in 1988. At that time Phase 1; consisting of the westerly 44 units, was developed. Please refer to the copy of the Site Plan that was approved just prior to actual construction of Phase 1 of the project (Exhibit "D"). Phase 1 of the complex included 44 residential units within 11 (1 duplex and 10 four-plex) buildings and one "Community Building" where meals and recreational activities were provided for the senior residents.

Just 40 off-street parking spaces were provided for the 44 dwelling units within Phase 1. Those spaces are shown on the Site Plan. See the copy of Section 16.08(a) of Ordinance No. 153 (Exhibit "J"); from the original Corning Zoning Ordinance adopted in 1957 and applicable in 1976. The 40 spaces is fewer than the "one per unit" that the P-D District would normally have required in 1976, but was likely justified due to the intended occupants (seniors). In 1976 the City Code did not contain requirements for "enclosed" (within a garage) or covered (carport) parking at that time.

It's of interest to note that a subsequent zoning text amendment adopted in 1989, as part of Ordinance No. 497 (Exhibit "K"), and since repealed, specified a minimum off-street parking ratio of 1 space per 0.8 unit of Senior Housing (or 1.25 parking spaces/senior unit). Though it came 13 years after the Use Permit approval, that ratio would have required 55 off-street parking spaces for the 44 unit senior project. The same ordinance included a "studio apartment" parking ratio of 1 parking space per dwelling unit; fewer than the "senior citizen ratio" of Ordinance 497.

The apartments were constructed in combinations of pairs or fours as shown on the Site Plan. See the drawing titled "Typical Unit Floor Plan" (Exhibit "E"). Each unit totals about 460 sq. ft. and included a separate bathroom, and combined Living, Kitchen, Entry and Sleeping areas. The kitchens include sinks, small refrigerators, a two-burner stovetop and a microwave oven. There is no conventional oven.

At least one meal a day was prepared and served within the Community Building. It's unclear when the meal service was discontinued.

THE REVISION APPLICATION:

A potential property purchaser contacted your Planning Director in either late March or early April regarding this property. He specifically requested information regarding the City permitted land use. Staff researched the matter and found that the City had previously authorized a Planned Development Use Permit for a 44-unit Senior Citizen's Apartment Complex. Staff presented that info to the inquirer, who then asked about the process to convert the complex into non-age restricted rental housing.

John Eller is a partner and representative of the current owner; The Best Group LLC. Mr. Eller presented the Planning Application on April 17, 2007. The application sought to remove the age restricted occupancy limitation. Staff reviewed the application at a Department Head staff meeting conducted on April 18th. The consensus of staff was not to support the application as presented. The reasons included:

- 1.) Insufficient off-street parking to satisfy City standards. The potential competition for parking spaces could generate neighborhood disputes. The current standard for off street parking for studio or one-bedroom apartments is 1.5 spaces per dwelling unit, one of which is to be within a structure (garage) (See Exhibit "O"). To meet current standards, the complex would need a total of 66 parking spaces; 44 of which would be enclosed (garage) spaces. There is no useable lot area in which to provide additional off-street parking spaces.

While The Best Group does own the adjacent property to the east (APN 71-080-52), staff felt additional parking spaces provided there would not be a convenient and useable solution. Additionally, carving driveways and parking spaces out of Assessor's Parcel No. 71-080-52 would diminish its development potential.

- 2.) The potential socio-economic effects of unlimited occupancy. Opening the units to the general public could negatively change the character of the neighborhood. See the attached aerial photograph (Exhibit "I"). Adjacent uses include single-family residences to the north and northwest, an olive orchard to the east, a 90-unit senior citizens complex to the south (Tehama Village) and a 44-unit senior citizens apartment complex to the south west (Corning Apartments). The adjacent residents have grown accustomed to this Senior Housing Complex. Unlimited residents would introduce younger tenants. Younger tenants typically mean more residents per unit, and perhaps children where none had previously lived, additional vehicles and vehicle trips, additional outdoor activity and noise.
- 3.) There are no fenced yards and no onsite play equipment. Children would have no safe place to play outdoors.
- 4.) Senior citizens pose little crime threat. The smaller apartments would have lower rents. The lower rents could facilitate occupation by the impoverished, mentally ill, or addicted adults, who could present increased potential for crime.
- 5.) Refer to the Typical Unit Floor Plan (Exhibit "D"). The small apartments provide little indoor storage and there is no screened place for outdoor storage of personal property (Site Plan-Exh. "D"). Personal goods stored outside could become an eyesore, be vandalized, or stolen.

The staff position and these concerns were presented to Mr. John Eller at a meeting at City Hall on April 25, 2007.

Staff suggested that Mr. Eller consider removing some unit separation walls so that the 44 small units became 22 approximately 920 sq. ft. two-bedroom apartments. Staff further instructed Mr. Eller that the City would not seek additional parking if he were willing to cut the number of units in half. Mr. Eller understood the staff position and left City Hall to consider the staff recommendations.

A day or two later, Mrs. Eller stopped by City Hall and reported that the reduction to 22 units was economically impractical. Your Planning Director suggested that they come up with an alternative that mitigated the impacts to the neighborhood and the conflicts with the City Development Standards. Those impacts were particularly troubling in light of the considerable neighborhood opposition that surfaced regarding the Salado Orchard Apartment project-also proposed for Toomes Avenue.

JUNE 1, 2007 LETTER:

The Ellers responded to the staff recommendation by submitting the letter dated June 1, 2007. The letter describes three proposed operational limitations, including;

1. Not more than 66 total residents, or an average of 1.5 residents per dwelling unit,
2. A maximum of 40 vehicles allowed on the property, and,
3. A commitment to continue to house the current senior residents.

Also included in the letter is a section "justifying" the conversion, as well as an admission of the non-permitted conversion that commenced on October 1, 2006, and a description of their recent or anticipated renters. The letter provides details regarding the owner's attempts to continue the senior housing project; including "advertising and incentives", and explains some competitive challenges posed by other senior complexes/facilities. Mr. Eller also points out that there are few one-bedroom units available in Corning and that the complex could fill a niche role for "singles, college students, couples, and the newly divorced".

STAFF REPOSENSE TO MR. ELLER LETTER:

In spite of these limitations, and the narrative justification, staff recommends denial of the revision to the Planned Development Use Permit for the reasons noted above. Additionally, staff is concerned about the "precedent setting" implications that could accompany approval of this revision. You see, how could the City assure neighbors that a Senior Housing Complex proposed in their neighborhood will not similarly convert to an unrestricted apartment complex?

However, should the Commission be convinced that the conversion of the senior complex to "Non-age restricted" housing is the only economically feasible alternative and is in the public interest, staff has utilized their three suggested operational limitations to assemble a potential list of conditions recommended under the Approval Alternative (Alternative "B"). Of course, another alternative would be to approve with modifications of the recommended conditions or some other Conditions of approval.

Staff also suggests that at least 22 of the 40 onsite parking spaces be covered with a canopy or carport. The number 22 is equal to one half the number of units in the complex, meaning that half of the units would then have access to one covered parking space.

ENFORCEMENT:

Since non-seniors have become tenants, the current operation of the complex conflicts with the approved Use Permit. Should the Commission opt to deny the application, staff must enforce the "Senior Citizen" component of the Use Permit. This will be difficult at best, since many of the units have been rented to non-seniors over the last 9 months or so. Note that the responsibility for violating the operating conditions lies solely with the landlord/property owner. However, enforcement will negatively affect and displace many residents. For that reason, we recommend that staff postpone any punitive Zoning Violation action for a period of at least 90 days to allow non-compliant renters with sufficient time to find other housing.

LIST OF EXHIBITS

- Exhibit A.....Planning Application submitted April 17,2007
- Exhibit B.....Letter from John Eller dated June 1, 2007
- Exhibit C.....Use Permit 1976-65
- Exhibit D.....Reduced Scale Copy of Site Plan
- Exhibit E.....Typical Unit Floor Plan
- Exhibit F.....Assessor's Map
- Exhibit G.....General Plan Land Use Diagram
- Exhibit H.....Zoning Map
- Exhibit I.....Aerial Photograph
- Exhibit J.....P-D Zoning Regs. applicable in 1976
- Exhibit K.....Ordinance 497-adopted 8/22/1989 (6 pgs.)
- Exhibit L.....Public Hearing Notice
- Exhibit M.....Notification Map
- Exhibit N.....Current P-D Zoning Regs.
- Exhibit O.....Current City Parking Standards

CITY OF CORNING
PLANNING APPLICATION
 TYPE OR PRINT CLEARLY

Submit Completed Applications to:
 City of Corning
 Planning Dept.
 794 Third Street
 Corning, CA 96021

PROJECT INFORMATION	PROJECT ADDRESS <i>1960 Butte St.</i>	ASSESSOR'S PARCEL NUMBER <i>071-080-45</i>	G.P. LAND USE DESIGNATION	
	ZONING DISTRICT	FLOOD HAZARD ZONE	SITE ACREAGE	
	AIRPORT SAFETY ZONE?			
	PROJECT DESCRIPTION: (attach additional sheets if necessary) <i>44 unit Apartments - convert to unlimited occupants (Existing Service Hearing)</i>			
APPLICATION TYPE (Check All Applicable)				
<input type="checkbox"/> Annexation/Detachment <input type="checkbox"/> Appeal <input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Lot Line Adjustment <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 <i>(Revision) #65</i>				
APPLICANT INFORMATION	APPLICANT <i>John P. Eller</i>	ADDRESS <i>P.O. Box 530, Corning</i>	DAY PHONE <i>824-2442</i>	
	REPRESENTATIVE (IF ANY)	ADDRESS	DAY PHONE <i>200-1958</i>	
	PROPERTY OWNER <i>The Best Group L.L.C</i>	ADDRESS <i>1960 Butte St., Corning</i>	DAY PHONE	
	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>[Signature]</i>		PROPERTY OWNER: I have read this application and consent to its filing. Signed: <i>[Signature]</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>REVISE 1976-65</i>	RECEIVED BY: <i>JFS</i>	DATE RECEIVED <i>4/17/07</i>	DATE APPL. DEEMED COMPLETE
	FEE RECEIVED/RECEIPT NO.	CEQA DETERMINATION Exempt ND MND EIR	DATE FILED	

EXHIBIT "A"



CITY OF CORNING

ENVIRONMENTAL INFORMATION FORM

(To be completed by Applicant)

DATE FILED 4-17-07

General Information

1. Project Title: Olive Grove Apartments

2. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:

NONE.

Additional Project Information

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

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

5. Proposed scheduling/development. NONE.

6. Associated project(s). NONE.

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.)

44 units - Rents \$425. per mo.
1 Bed Room, Bath Room / Bed Rm / Kit.

A-2

**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.

0

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.

11. If the project involves a variance, conditional use permit or rezoning application, state this and indicate clearly why the application is required.

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

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

A-3

**CITY OF CORNING
PLANNING APPLICATION**

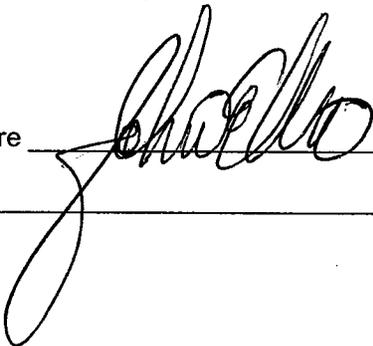
Environmental setting

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.

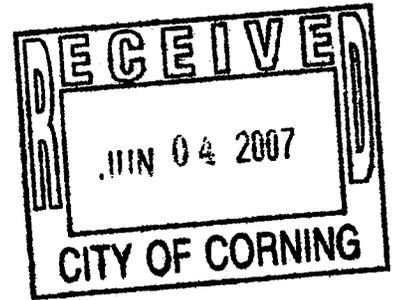
25. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (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 4-17-07 Signature 
For: _____

A-4



OLIVE GROVE RETIREMENT VILLAGE
(Cottages at Olive Grove)
1960 Butte Street
Corning, CA 96021
(530) 824-4799

June 1, 2007

Proposal for changing the terms of the conditional use permit at 1960 Butte Street,
Corning, California:

Currently there are 44 units in place. The owners propose that these units be restricted as follows:

- 1) No more than 66 individuals will be permitted to occupy the property at any one time.
- 2) No more than 40 tenant-owned vehicles will be allowed at the property.
- 3) There will be a commitment to retain the current seniors at the property.

The above proposal is being submitted due to costs of running a full senior living complex and trying to fill them with just seniors.

The previous owners tried and failed also in running a full service senior living complex, the costs are much too high and we could not compete with the Large corporations who have now opened in the surrounding areas, offering multi-level services (CCRC's- Continuing care retirement communities).

We were unable to fill them to full capacity as was the previous owners, despite extensive advertising and incentives.

The units do not qualify for Section 8, due to size and limited kitchen.

We tried to convert units over to assisted living, (as that is much higher rental base) but after a year of red tape, engineering time and money and thousands and thousands of dollars in upgrades, we were still unable to complete and would not have been able to continue without a monthly loss. And that is IF we would have been able to fill all units.

We are not excluding seniors, we just needed to open it up to others.

We started allowing other renters as of October 1, 2006, not realizing that the use permit needed to be revised.

Since then we have rented our one-bedroom studio apartments to many singles, disabled, college students, couples, elderly and newly divorced, looking for a small quiet environment. There seems to really be a need for the one-bedroom apartments and things seem to be running smoothly. There has been no parking issues, no noise issues, and no complaints between the seniors and the younger generations.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to be "John" or similar, written over the word "Sincerely".

EXHIBIT "B"

CITY OF CORNING, California * USE PERMIT * Application No. 65

Application filed, date: 4-27-76 Applicant: STANLEY J. PALERMO
Plans filed, date: 4-27 Address: P.O. BOX 257
CORNING, CA 96021
Fee (\$10.00) paid: 15.00 Telephone: 824-4263

Planning Commission action, meeting of: 5-11-76 APPROVED:
DISAPPROVED:

TO THE PLANNING COMMISSION of the City of Corning, State of California:

Application is hereby made for a USE PERMIT, as provided in Sec. 22 of the Zoning Ordinance (Ord. No. 153), to permit the following:

(a) Use Requested: SENIOR CITIZENS ONE STORY COMPLEX

(b) On property located: PARCELS 17 - PARCELS MAP 264

Lot _____ Block _____ Tract _____
Section _____ Township _____ Range _____

Signature: Property Owner: _____
Authorized Agent: _____

Address: _____
Telephone: _____

APPLICANT: Complete this section and sign.

This Use Permit is: _____ DISAPPROVED, (ref. Commission minutes of 5-18-76)
X APPROVED, subject to the following:

- (a) Revocable: Upon failure to comply with conditions of approval, or other cause.
- (b) Term: _____ months, _____ years from date of approval. Void after _____
- (c) Surety required: Cash or approved surety bond in amount of \$ _____
- (d) Conditions: 1. CURBS, GUTTERS & SIDEWALKS ON TOMES & BUTTE STS.

2 CITY TO SURVEY, CUT, GRAVEL & ROLL BUTTE ST. APPLICANT TO APPLY PG TO THE ENTIRE STREET.
3 ALL BUILDINGS TO BE ONE STORY
4 NO IMPROVEMENT ON LINCOLN ST NOW; WHENEVER LINCOLN IS IMPROVED, OWNER TO INSTALL CURBS, GUTTERS & SIDEWALKS.

Corning City Planning Commission, by _____ Secretary

I agree to accept this Use Permit subject to the provisions of the Zoning Ordinance and the conditions specified herein.

Signature (Applicant) X Stanley J. Palermo date: 4-27-76

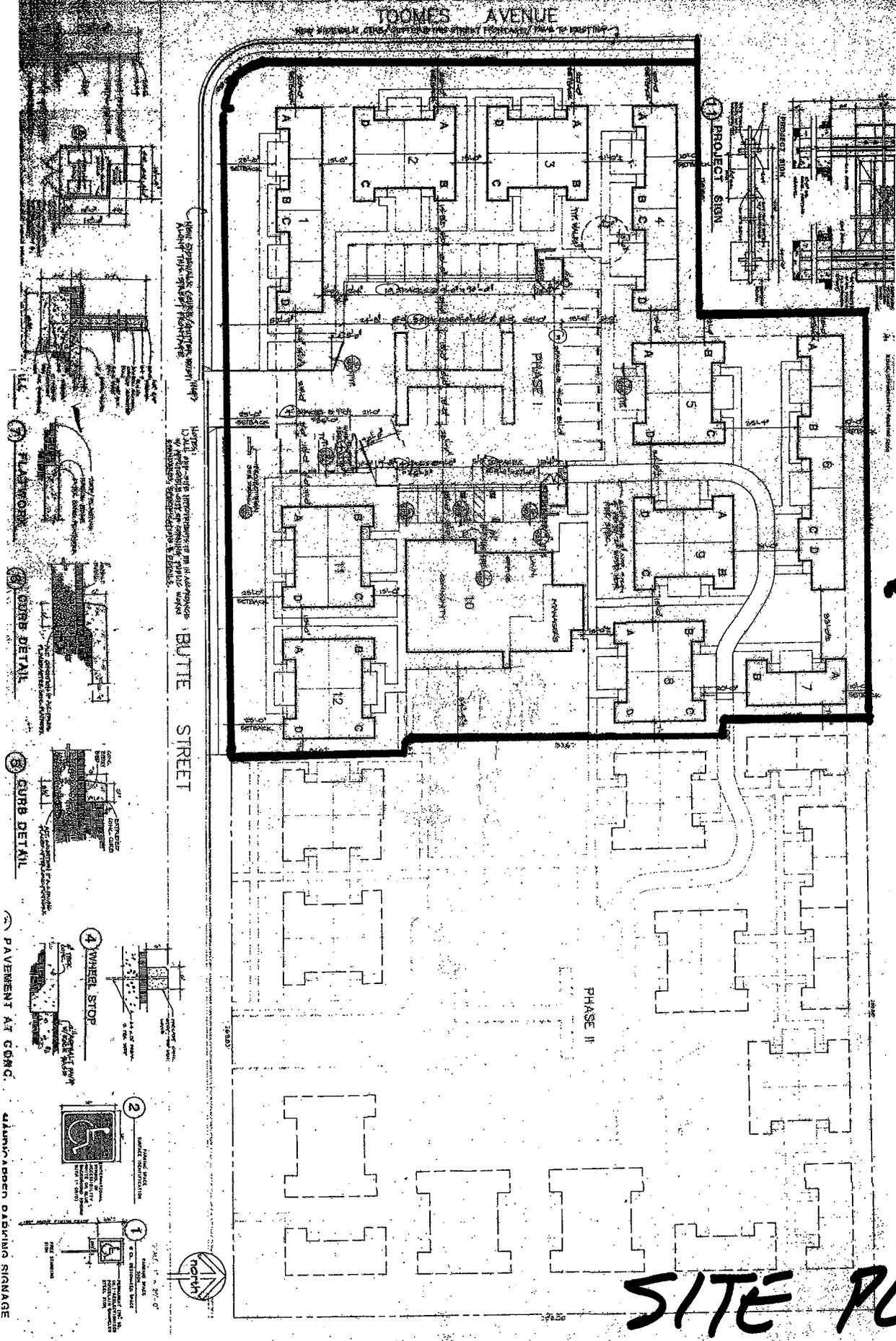
If public hearing held, note: Notice of hearing given by: Publication, date: 5-3-76
and by: Posting, date: 5-3-76 or: U. S. Mail, date: _____

If appeal filed with City Council, note: Appeal filed, date: _____
Action by City Council: APPROVED 6-14-76 date: _____

EXHIBIT "C"

TOOMES AVENUE

NEW WHEELWALK, CURB AND STREET FRONTAGE FROM TO BE INSTALLED

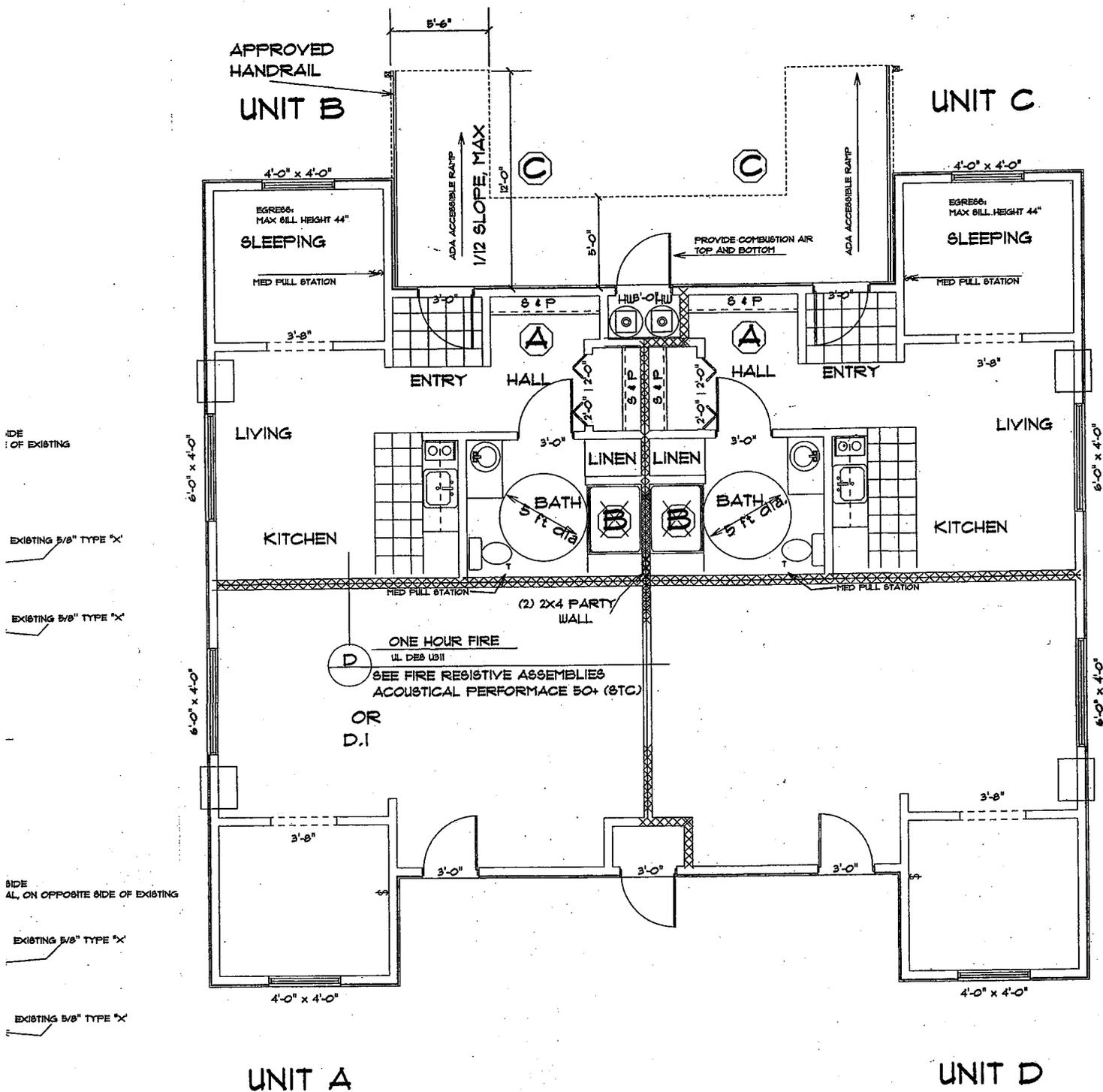


SITE
↓

SITE PLAN
EXHIBIT "D"

SITE PLAN

DATE	10/1/73
BY	ARCHITECT
NO.	1
PROJECT	1000 7th STREET DALLAS, TEXAS (817) 784-0800
ARCHITECT	ARCHITECTS
SCALE	AS SHOWN
DRAWING NUMBER	1000 7th STREET



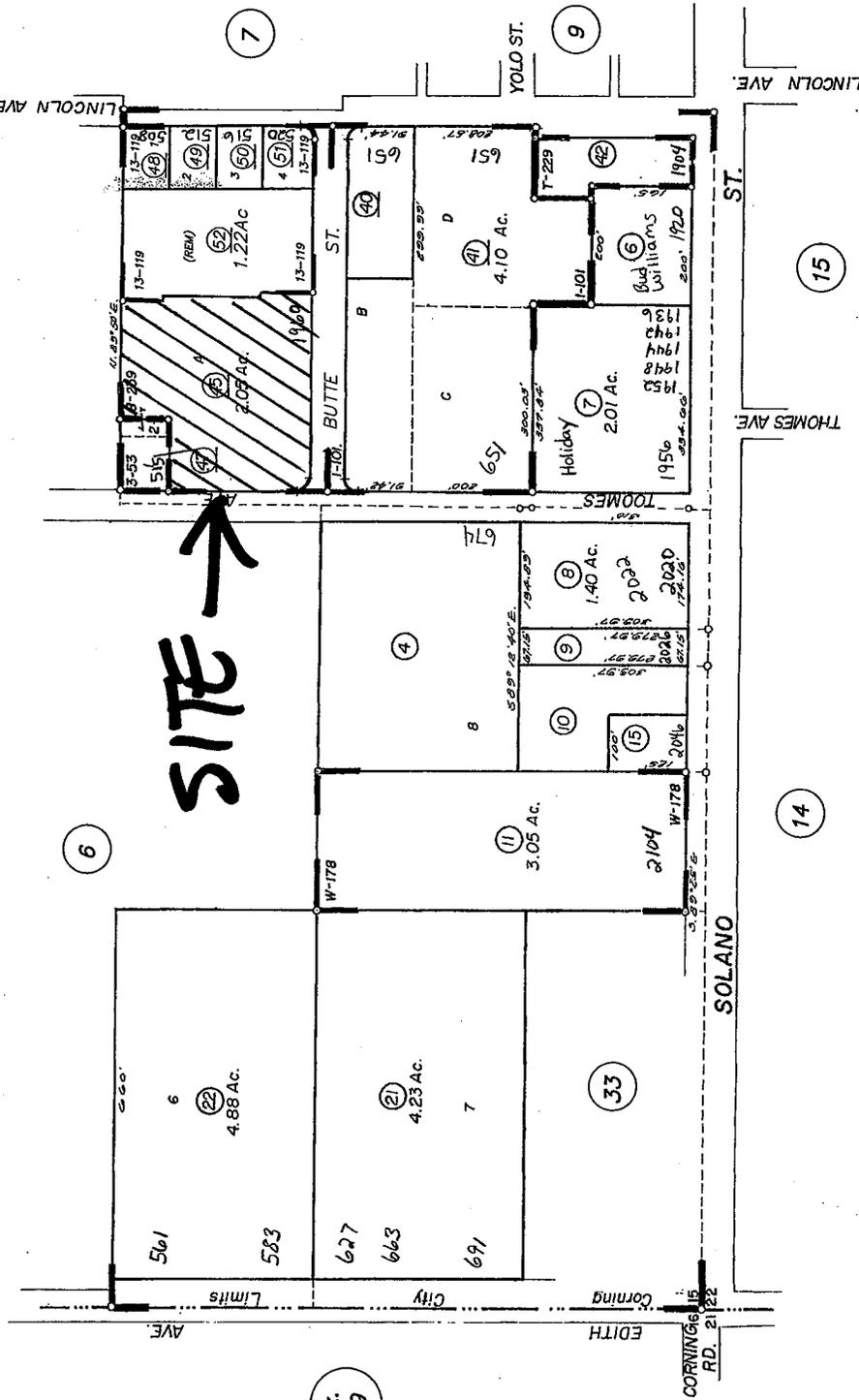
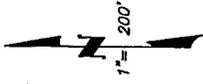
TYPICAL UNIT FLOOR PLAN

SCALE 1/4" = 1'-0"

REMODEL NOTES:

- (A) REMOVE CLOSET DOOR TO MAINTAIN 60" MIN CLEARANCE IN FRONT OF BATH DOOR
- (B) SEE B/EI FOR SHOWER DETAIL

EXHIBIT "E" RECEIVED

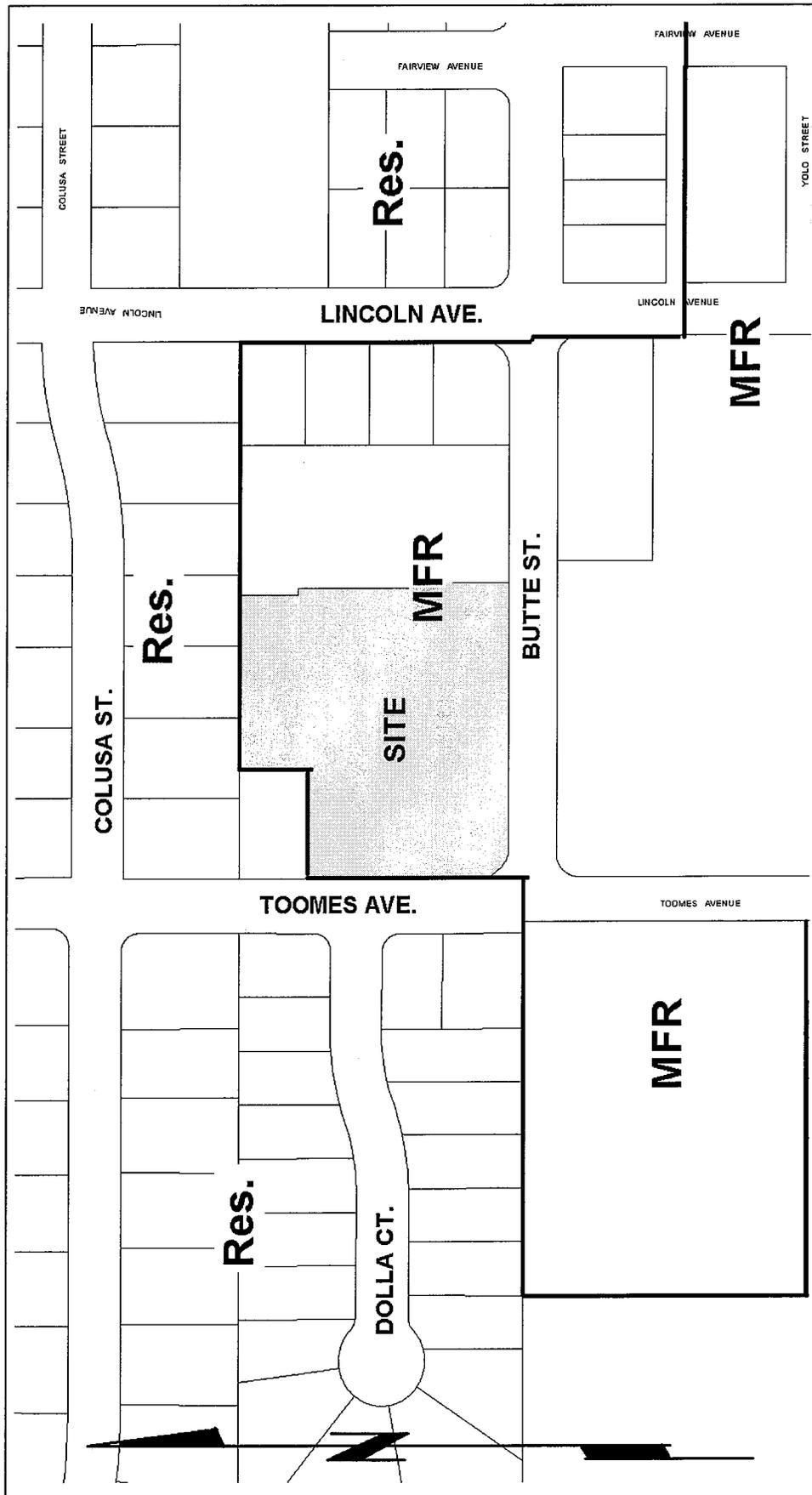


- R.M. Bk. B, Pg. 1-Maywood Colony No. 2
- R.S. Bk. T, Pg. 229
- P.M. Bk. 1, Pg. 101-P.M. No. 264
- P.M. Bk. 3, Pg. 53-P.M. No. 743
- P.M. Bk. 8, Pg. 239-P.M. No. 87-42
- P.M. Bk. 13, Pg. 119-P.M. No. 05-59

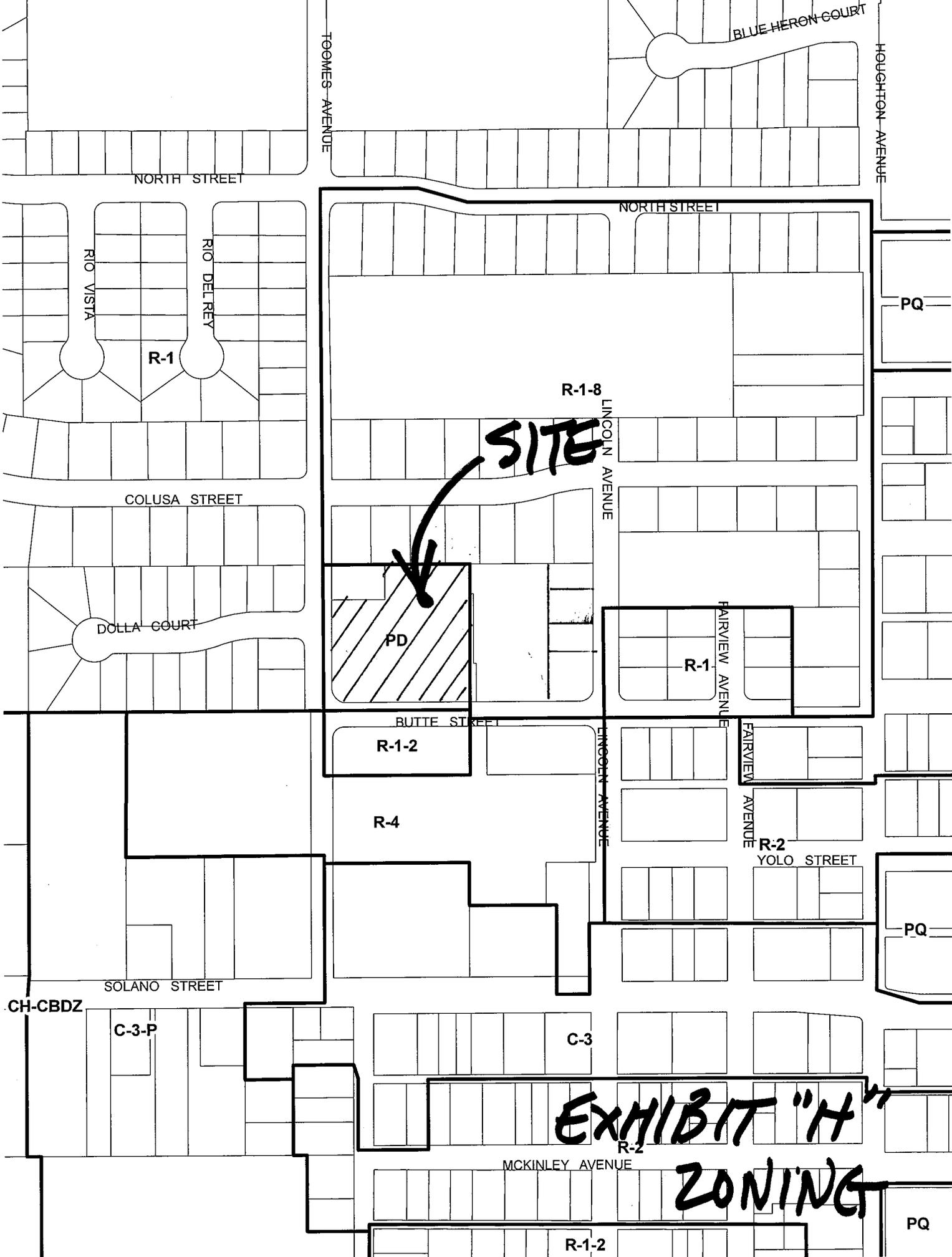
Assessor's Map Bk. 71 -Pg. 08
 County of Tehama, Calif.

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

ASSESSOR'S MAP EXHIBIT "F"

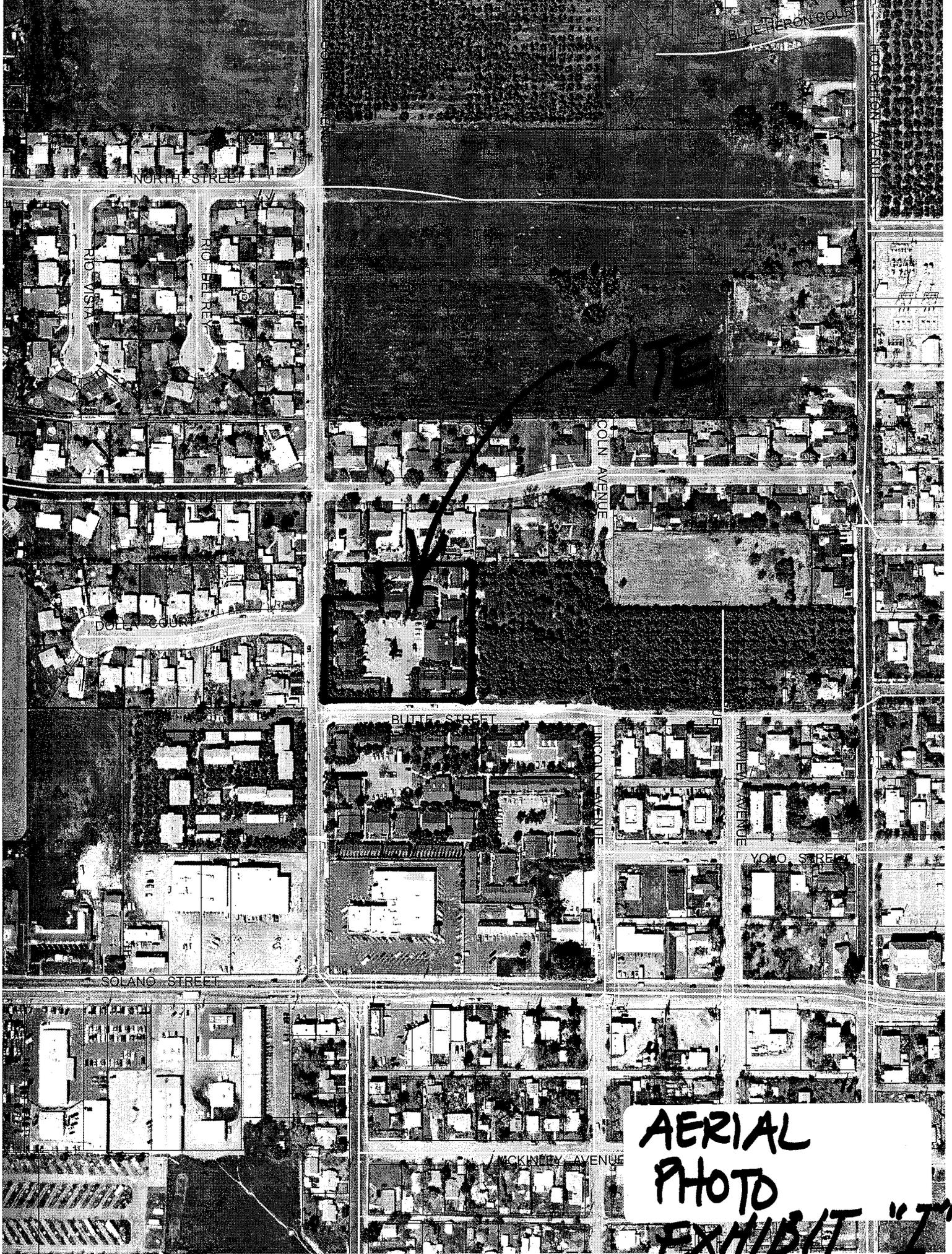


LAND USE DIAGRAM EXHIBIT "G"



SITE

**EXHIBIT "H"
ZONING**



AERIAL
PHOTO
EXHIBIT "I"

CORNING ZONING ORDINANCE

No. 153

Adopted April 7, 1959

ARTICLE 16.

PD, PLANNED

DEVELOPMENT DISTRICT

REGULATIONS.

Sec. 16.01 The following specific regulations and the general rules set forth in Article 21 shall apply to all PD Districts, except that where conflict occurs the regulations specified in this Article shall apply.

Sec. 16.02 "PD" Districts may be established on parcels of land which are suitable for, and of sufficient acreage to contain a planned development for which development plans have been submitted and approved.

Sec. 16.03 Application for the establishment of a "PD" District shall include an application for a use permit for all developments within the district, which use permit must be approved prior to establishment of the district. Such application for a use permit shall include the following:

- (a) A map or maps showing:
 1. Topography of the land, contour intervals as required by the Planning Commission.
 2. Proposed street system and lot design.
 3. Areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public or quasi-public buildings and other such uses.
 4. Areas proposed for commercial uses, off-street parking, multiple and single family dwellings and all other uses proposed to be established within the district.
 5. Proposed locations of buildings on the land.
- (b) General elevations or perspective drawings of all proposed buildings and structures other than single-family residences.
- (c) Other data and information which may be deemed

necessary by the Planning Commission for proper consideration of the Application.

Sec. 16.04 Uses Permitted:

(a) All uses permitted in "R", "C" and "M" Districts, subject to the securing of a use permit as specified in Section 16.03 above.

Sec. 16.05 Building Height Limit: As provided in approved Use Permit.

Sec. 16.06 Building Site Area Required:

(a) "R" Uses: Six Thousand (6,000) square feet.

Sec. 16.07 Front, Side and Rear Yards and Percentage of Site Coverage.

(a) Same as required for the particular uses in the Districts in which they are otherwise permitted by this Ordinance.

Sec. 16.08 Off-Street Parking Required:

(a) One (1) automobile parking space for each dwelling unit in residential buildings.

(b) A minimum of one (1) square foot of off-street parking space for each square foot of area to be occupied by commercial buildings.

Sec. 16.09 The regulations specified in this Article may be varied when such variance will result in improved design of the development and will permit desirable arrangement of structures in relation to parking area, parks, and parkways, pedestrian walks, and other such features.

EXHIBIT "J"

ORDINANCE NO. 497

AN ORDINANCE TO AMEND PARKING REQUIREMENTS
FOR ALL ZONING DISTRICTS

The City Council of the City of Corning does ordain as follows:

SECTION 1: Title 17 of the Corning Municipal Code is hereby amended by the deletion of the following Sub-sections:

Section 17.10.040(G), 17.12.040(G), 17.14.040(G), 17.16.030(H), and 17.18.030(E).

SECTION 2: Title 17 of the Corning Municipal Code is hereby amended by the deletion of Section 17.48 in its entirety.

SECTION 3: Chapter 17.06 of the Corning Municipal Code is hereby amended by the addition thereto of subsections 550 and 560, which shall read as follows:

17.06.550 Senior Citizens' Housing Development. Senior citizens' housing development means a development containing dwellings specifically designed for and occupied by persons 62 years of age or older and limited to such occupancy for the actual lifetime of the building, either by the requirements of state or federal programs for housing for the elderly, or in accordance with standards established by resolution of the Planning Commission and/or City Council.

17.06.560 Studio Apartment. Studio apartment means a dwelling unit in which there is less than total structural separation between the kitchen, bedroom and general living area.

SECTION 4: Title 17 of the Corning Municipal Code is hereby amended by the addition thereto of Chapter 17.51, which shall read as follows:

Chapter 17.51 OFF-STREET PARKING REQUIREMENTS

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.

EXHIBIT "K"

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.

17.51.030 Exceptions From Off-Street Parking Requirements.

A. All uses and/or structures existing at the time of adoption of this ordinance 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 500 square feet of living area (excluding garage or storage area).
2. For any non-residential use, a total of 1000 square feet (including storage areas).

17.51.040 Parking Requirements - Residential Uses.

A. For senior citizen housing developments, one (1) space shall be provided for each eight-tenths (0.8) dwelling units.

B. For studio apartments, one (1) 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 (2) spaces shall be provided for each dwelling unit.

D. For boarding or rooming houses, one (1) space shall be provided for each bedroom, including bedrooms not rented.

17.51.050 Parking Requirements - Bed and Breakfast Inns.

For bed and breakfast inns, one (1) space shall be provided per bedroom in addition to the parking required for the underlying residential use.

17.51.060 Parking Requirement - Hotels and Motels

For hotels and motels, one (1) space shall be provided for each guest room.

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 (1) space shall be provided for every three (3) beds the facility is licensed to accommodate.

17.51.080 Parking Requirements - Hospitals.

For hospitals, one (1) 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.

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 (1) space for every four (4) seats or every eight (8) feet of bench space.

B. For facilities without fixed seats, whichever is less:

1. One (1) space for every twenty-eight (28) gross square feet of principal assembly area; or
2. One (1) space for each four (4) persons of any posted occupancy limit.

17.51.100 Parking Requirements - Dancehalls and Sports Arenas.

For dance halls and sports arenas, one (1) space shall be provided for every four (4) fixed seats or every eight (8) feet of bench space. Where no fixed seats are installed, one (1) space shall be provided for each one hundred (100) gross square feet of floor area used for assembly or dancing.

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 (2) spaces for each employee and faculty member plus one (1) space for every

forty-two (42) gross square feet of assembly area in the auditorium or assembly area.

B. For high schools, three (3) spaces for each classroom plus one (1) space for every three (3) students in grades 10-12.

C. For commercial or business schools, one (1) space for every one hundred fifty (150) gross square feet of classroom floor area.

17.51.120 Parking Requirements - Office Uses.

For office uses, one (1) space shall be provided for every three hundred (300) gross square feet of floor area.

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 (1) space for every 500 gross square feet of floor area plus one (1) space for each 2,000 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 (1) space for every 600 gross square feet of floor area.

C. For shopping centers of less than 30,000 gross square feet of floor area, one (1) space for every 200 gross square feet of floor area; and for centers of 30,000 or more gross square feet of floor area, one (1) space for every 300 gross square feet of floor area. Shopping centers shall use an unsegregated parking area.

D. For retail sales, one (1) space for every 200 gross square feet of floor area.

E. For restaurants, bars, nightclubs and drive-in restaurants, one (1) space for every four (4) seats or one (1) space for every 75 gross square feet of floor area, including outside dining areas, whichever is greater.

F. For financial institutions, one (1) space for each 300 gross square feet of floor area.

G. For barber and beauty shops, one (1) space for each 75 square feet of gross floor area or two (2) spaces per chair, whichever is less.

H. For laundromats, one (1) space for each three (3) washing machines.

K-4

17.51.140 Parking Requirements - Industrial Uses and Warehouses.

A. For warehouses, storage buildings, wholesale operations and light manufacturing plants, one (1) space shall be provided for each 1,500 square feet of gross floor area.

B. For machinery and equipment sales, one (1) space shall be provided for every 500 square feet of gross floor area, plus one (1) space for each 2,000 square feet of outdoor sales and/or service area.

C. For mini-storage uses, two (2) spaces shall be provided for an onsite caretaker, if any, plus one (1) space for each 300 square feet of office space, with a minimum of four (4) spaces.

17.51.150 Parking Requirements - Recreational Facilities.

The following number of parking spaces shall be provided for recreational uses:

A. For bowling centers, two (2) spaces for each alley, plus that required for ancillary uses.

B. For tennis, handball, racquetball, or other court, two (2) spaces for each court, plus one space for each 250 square feet of floor area excepting the court area.

C. For aerobics dance, weight training and exercise facilities, one (1) space per 100 gross square feet of floor area.

D. For pool halls, two (2) spaces per pool table, plus that required for ancillary uses.

17.51.160 Parking Requirements - Other uses.

The parking requirement for uses not specified above shall be determined by the Planning Commission.

SECTION 4: This Ordinance shall be published in the Corning Daily Observer, a newspaper of general circulation printed and published in the City of Corning, in the manner provided by Section 36933 of the Government Code of the State of California, and shall be effective 30 days after its passage.

* * * * *

The forgoing Ordinance was introduced at a regular meeting of the City Council of the City of Corning held on August 8, 1989, and adopted at a regular meeting of the City Council of the City of Corning on August 22, 1989 by the following vote:

AYES: Landingham, Kirkpatrick, Turner, Strack and Pitkin

NOES: None

ABSENT: None


Mayor

ATTEST:


City Clerk

K-6

mailed
5-29-07

**PUBLIC NOTICE-PUBLIC HEARING
PROPOSED REVISION TO USE PERMIT NO. 65;
THE BEST GROUP, LLC**

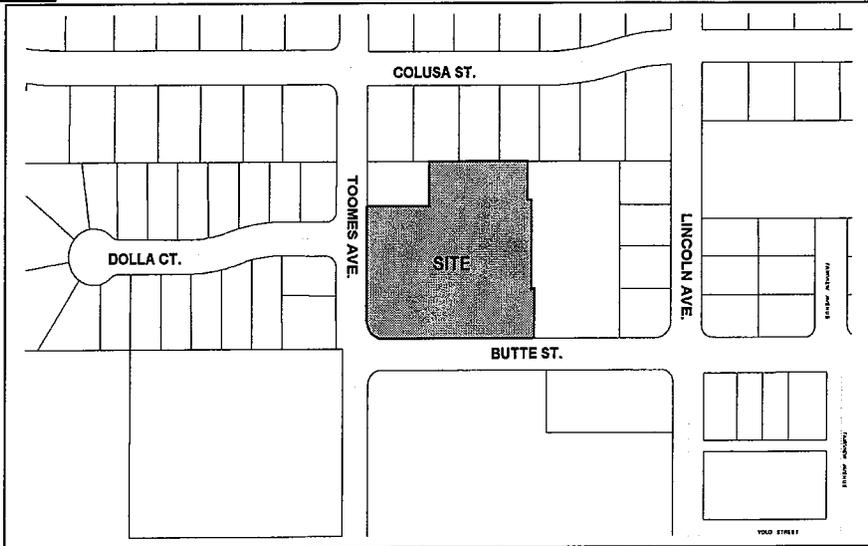
The City of Corning must inform you of a development project proposed for the property shown on the inset map below.

WHAT IS BEING PLANNED:

The Best Group, LLC currently owns the Olive Grove Apartments at 1960 Butte Street. Use Permit No. 65 authorized the 44-unit Senior Citizen's housing complex in 1976.

The Best Group wishes to revise or modify the Use Permit so that residents would not be limited to Senior

Citizens. The subject property is zoned P-D; Planned Development. Assessor's Parcel Number 71-080-45.



WHY THIS NOTICE:

The City wants you to be aware that the plans and other project information are available for your review at City Hall, 794 Third Street in Corning. You are invited to attend a Public Hearing to be conducted by the Planning Commission in the City Council Chambers in City Hall at 794 Third Street at 6:30 p.m. on Tuesday, June 19, 2007. Please note if this project is challenged in court, you may be limited to raising only those issues that were raised at the Public Hearing or in writing delivered to the Planning Commission at or prior to the Public Hearing.

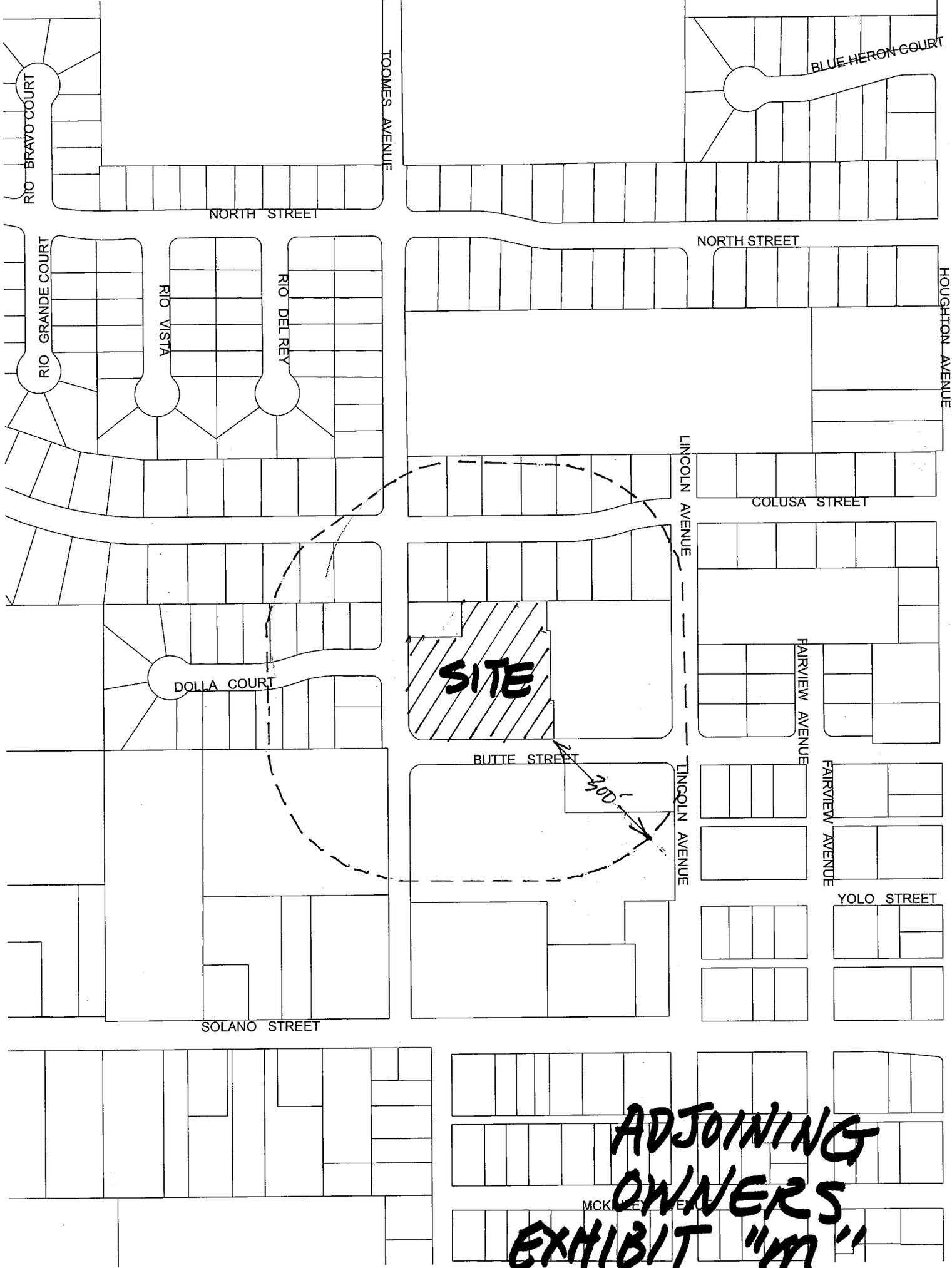
WHAT CAN YOU DO:

Please call or stop by City Hall if you have any questions or want to review the project information. You are welcome to attend the Public Hearing to ask questions or to comment. Your written comments may be given to the Planning Commission at the Hearing. If mailed, comments must be received by the City Clerk prior to the meeting. We are sorry but City staff cannot forward your verbal comments or questions to the City Planning Commission. Verbal comments or questions must come from you during the Public Hearing.

FOR MORE INFORMATION REGARDING THIS PROJECT PLEASE CONTACT:

John Brewer, Planning Director
794 Third Street
Corning, CA 96021
(530) 824-7036

EXHIBIT "L"



**ADJOINING
OWNERS
EXHIBIT "M"**

Chapter 17.35PD PLANNED DEVELOPMENT DISTRICTSections:

- 17.35.010 Applicability.
- 17.35.020 Establishment--Location.
- 17.35.030 Establishment--Application.
- 17.35.040 Permitted uses.
- 17.35.050 General requirements.
- 17.35.060 Variances.
- 17.35.070 Rezoning of PD district.

17.35.010 Applicability. 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 title shall apply to all PD districts; except that where the conflict occurs, the regulations specified in this chapter shall apply. (Ord. 482 §1(part), 1989; Ord. 153 §16.01, 1959).

17.35.020 Establishment--Location. Districts may be established on parcels of land which are suitable for, and of sufficient acreage to contain, a planned development for which development plans have been submitted and approved. (Ord. 482 §1(part), 1989; Ord. 153 §16.02, 1959).

17.35.030 Establishment--Application. Application for the establishment of a PD district shall include an application for a use permit for all developments within the district, which use permit must be approved prior to establishment of the district. Such application for a use permit shall include the following:

- A. A map or maps showing:
 1. Topography of the land, contour intervals as required by the planning commission,
 2. Proposed street system and lot design,
 3. Areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public or quasi-public buildings and other such uses,
 4. Areas proposed for commercial uses, off-street parking, multiple family and single-family dwellings, and all other uses proposed to be established within the district,
 5. Proposed locations of buildings on the land;
- B. General elevations or perspective drawings of all proposed buildings and structures other than single-family residences;
- C. Other data and information which may be deemed necessary by the planning commission for proper consideration of the application. (Ord. 482 §1(part), 1989; Ord. 153 §16.03, 1959).

17.54

→ 17.35.040 Permitted uses. In PD districts, permitted uses shall be as follows: all uses permitted in R, C and M districts, subject to the securing of a use permit as specified in Section 17.36.030 of this chapter. (Ord. 482 §1(part), 1989; Ord. 153 §16.04, 1959).

17.35.050 General requirements. In PD districts, the following shall apply:

- A. Building Height Limit: As provided in approved use permit;
- B. Building Site Area Required: R uses, six thousand square feet;
- C. Front, Side and Rear Yards and Percentage of Site Coverage. Same as required for the particular uses in the districts in which they are otherwise permitted by this chapter;
- D. Off-street Parking Required.
 - 1. One automobile parking space for each dwelling unit in residential building;
 - 2. A minimum of one square foot of off-street parking space for each square foot of area to be occupied by commercial buildings. (Ord. 482 §1(part), 1989; Ord. 153 §16.05--16.08, 1959).

→ 17.35.060 Variances. The regulations specified in this chapter may be varied when such variance will result in improved design of the development and will permit desirable arrangement of structures in relation to parking area, parks and parkways, pedestrian walks, and other such features. (Ord. 482 §1(part), 1989; Ord. 153 §16.09, 1959).

17.35.070 Rezoning of PD district. Unless construction has started, or a building permit has been issued and is still valid, within one year of the establishment of a PD district, the planning commission shall initiate rezoning of the property to a district that is compatible with the area and the general plan. Prior to expiration of one year from the establishment of the PD district, written application may be made for an extension of time, not to exceed one year, and the planning commission may grant such request for both the project and the use permit. The provisions of this section shall apply to planned development district heretofore or hereafter established, but the planning commission shall not initiate rezoning until one year shall have elapsed from the effective date of the ordinance codified in this section. (Ord. 482 §1(part), 1989; Ord. 367 §1, 1981).

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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 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. Senior citizen housing developments, for every ten dwelling units, shall have a minimum of eight parking spaces (0.8 dwelling units = one parking space).

B. For studio apartments and one-bedroom apartments, 1.5 spaces shall be provided for each studio apartment, including one enclosed space for each dwelling unit.

C. Multiple-family dwellings of two or more bedrooms shall have two total parking spaces per dwelling unit, including one enclosed space.

D. Single-family dwelling units shall have two parking spaces enclosed in a garage, and two additional parking spaces, for a total of four parking spaces per dwelling unit.

E. For boardinghouses or roominghouses, one space shall be provided for each bedroom, including bedrooms not rented.

F. Each ~~multiple~~-family dwelling unit shall include a permanent locked storage space, with minimum dimensions of four feet by eight feet, built as a part of the dwelling unit or garage.

G. Single-car garages shall be a minimum of two hundred square feet; two-car garages shall be a minimum of four hundred square feet. (Ord. 558 (part), 1996: 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).

EXHIBIT "O"