



**CITY OF CORNING  
PLANNING COMMISSION AGENDA  
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
- C. **WAIVE THE READING AND APPROVE MINUTES OF THE MAY 15, 2007 PLANNING COMMISSION MEETING WITH ANY NECESSARY CORRECTIONS.**
- D. **BUSINESS FROM THE FLOOR:** If there is anyone in the audience wishing to speak on items not already set on the Agenda, please come to the podium, give your name and address, and briefly identify the matter you wish to have placed on the Agenda. The Commission will then determine if such matter will be placed on the Agenda for this meeting, scheduled for a subsequent meeting, or recommend other appropriate action. If the matter is placed on tonight's Agenda, you will have the opportunity later in the meeting to return to the podium to discuss the issue. The law prohibits the Commission from taking formal action on the issue, however, unless it is placed on the Agenda for a later meeting so that interested members of the public will have a chance to appear and speak on the subject.
- E. **PUBLIC HEARINGS AND MEETINGS:** Any person may speak on items scheduled for hearing at the time the Chairman declares the Hearing open. **ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.**
1. Tentative Parcel Map 07-08, Robert Vardenaega, 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.
  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.
- F. **REGULAR AGENDA:** All items listed below are in the order, which we believe, are of most interest to the public at this meeting. However, if anyone in the audience wishes to have the order of the Agenda changed, please come to the podium, state your name and address, and explain the reason you are asking for the order of the Agenda to be changed.
- G. **ITEMS PLACED ON THE AGENDA FROM THE FLOOR:**
- H. **ADJOURNMENT:**

**POSTED: JUNE 15, 2007**

**The City of Corning is an Equal Opportunity Employer**

**ITEM NO: E-1  
TENTATIVE PARCEL MAP 07-08, ROBERT  
VARDENAEGA, 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.**

**JUNE 19, 2007**

**TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING**

**FROM: JOHN L. BREWER, AICP; PLANNING DIRECTOR**



**PROJECT DESCRIPTION:**

This is a proposal to subdivide a 0.47-acre parcel into two lots. The proposed division is depicted on the attached reduced scale copy of the Tentative Parcel Map (Exhibit "A"). Full sized copies of the Tentative Map will be presented at the Public Hearing. The overall property and neighborhood are shown on the copy of the Zoning Map (Exhibit "E") and the Assessor's Map (Exhibit "C").

The site is located between Fourth and Chicago Avenues and approximately 76 feet south of Center Street, in an R-1-2 Zone. The applicant is Robert Vardanega. The property is currently improved with one single family dwelling on proposed Parcel 1.

Among the recommended Conditions of Approval is a condition requiring the relocation of the proposed property line between Parcels 1 & 2 to the powerline that bisect the property (See recommended Condition No. 6). Staff believes the powerlines will provide a boundary that will make for more useable parcels.

**RECOMMENDATION:**

**PLANNING COMMISSIONERS RECOMMEND THE CITY COUNCIL APPROVE  
TENTATIVE PARCEL MAP 07-08, SUBJECT TO THE FOLLOWING:**

- 1. ADOPT THE FOUR (4) FINDINGS.**
- 2. ADOPT NINE (9) CONDITIONS OF APPROVAL ON THE VARDANEGA  
TENTATIVE PARCEL MAP 07-08.**

## **FINDINGS:**

1. This project is exempt from the California Environmental Quality Act in accordance with CEQA Guidelines Section 15332.
2. Approval of the proposed Tentative Parcel Map is consistent with the residential land use designation and the goals and objectives adopted in the General Plan for the City of Corning.
3. Approval of the proposed Tentative Parcel Map will not adversely impact Corning's ability to meet regional housing needs.
4. The design and improvements of the proposed Parcel Map allow, to the extent feasible, for the future passive solar heating and cooling opportunities.

## **RECOMMENDED CONDITIONS OF APPROVAL:**

1. **ADDITIONAL FOURTH AVENUE RIGHT OF WAY.** Final Map shall offer an additional 5'-0" strip of property for public street and utility purposes along Fourth Avenue.
2. **ADDITIONAL CHICAGO AVENUE RIGHT OF WAY.** Final Map shall offer an additional 10'-0" strip of property for public street and utility purposes along Chicago Avenue.
3. **DRAINAGE EASEMENT.** Final Parcel Map shall offer a 5'-0" wide Drainage Easement along the southern boundary to the City of Corning for the existing drainage swale.
4. **PUBLIC UTILITY EASEMENT.** If an easement for the existing powerlines that cross the site does not currently exist, the Final Parcel Map shall offer a 10'-0" wide Easement for Public Utilities to Pacific Gas & Electric for that purpose.
5. **PRIVATE SERVICES EASEMENT.** Final Map shall reserve a 10'-0" wide private services easement across Parcel 2 for the benefit of Parcel 1.
6. **COMMON BOUNDARY.** The boundary between Parcel 1 & 2 shall be the centerline, or east or west sides of the 10'-0" wide utility easement for the existing overhead powerlines.
7. **MAP 100-YEAR FLOOD HAZARD ZONE.** The Final Parcel Map shall show the approximate area within the 100-year Floodplain as shown on the Flood Insurance Rate Map.

8. RELOCATE EXISTING SEWER AND WATER LATERALS AND METER BOX. Prior to recording the final parcel map, relocate the existing water and sewer laterals to be within the Private Services Easement created to comply with Condition No. 4.
9. DEFERRED IMPROVEMENT AGREEMENT. Prior to recording the Final Parcel Map, owner shall enter into a Deferred Improvement Agreement for Chicago Avenue street frontage improvements, including street widening, paving, curb, gutter and sidewalk.

**BACKGROUND:**

The applicant is Robert Vardanega. He plans to create two residential parcels; one totaling 6,480 sq. ft. and the other 13,832 sq. ft. See the copy of the Tentative Parcel Map attached as Exhibit "A". The site is within an existing residential neighborhood and is essentially regarded as an "infill project". There is an existing dwelling on proposed Parcel 1 at 1311 Fourth Street. Refer to the attached copy of the aerial photograph (Exhibit "K").

**GENERAL PLAN AND ZONING**

The General Plan Land Use designation for the site is "Residential" as indicated on the General Plan Land Use Diagram (Exhibit "D").

See the attached copy of the Zoning Map (Exh. "E"). The Site is zoned R-1-2; Single Family Residential. The proposed parcels will exceed the 6,000 sq. ft. minimum parcel size requirements for interior parcels of the R-1-2 Zoning District and the Subdivision Ordinance.

**PROPOSED LAND DIVISION & RECOMMENDED CONDITIONS:**

**PARCEL BOUNDARIES:**

See the copy of the tentative map (Exh. "A"). The map proposes to divide the property along a line positioned just 20 feet east of the back of the existing house. However, that boundary would ignore the powerlines that currently and effectively bisect the site. Staff believes positioning the boundary as the map proposes would create an isolated area in the rear of proposed Parcel 2. Utilizing the powerlines seems a more practical alternative. For that reason, staff recommends Condition No. 6. Also note that if the boundary changes to the powerlines, the proposed 5'-0" wide easement for the existing overhead power drop to the house will be unnecessary (Note 4 on the map).

If the parcel line is relocated to the centerline of the powerlines, the resulting parcels will total about 11,172 and 8,900 sq. ft., respectively.

Staff provided this proposed condition to Mr. Harris, the Surveyor. Mr. Harris has since contacted staff and reported that the owner does not object to recommended Condition No. 6.

Condition No. 4 is recommended if the existing overhead powerlines are not within a recorded easement.

#### **STREET R/W & IMPROVEMENTS.**

The Fourth Avenue frontage is improved with curb, gutter and sidewalk. There are no curb, gutter and sidewalk along Chicago Avenue. Proposed Conditions No. 1 & 2 require the dedication (to the City) of additional street right of way for both Fourth and Chicago Avenues to meet City street width standards. Note that Condition No. 9 will postpone the street frontage improvements along Chicago Avenue until a continuous and comprehensive widening can be completed.

#### **UTILITY LATERALS.**

See the copies of the City Sewer & Water Maps, (Exhibits "F", & "G"). City Water and Sewer trunk lines are within Chicago Avenue. The water and sewer laterals serving the existing house currently cross proposed Parcel 2. Those facilities need to be relocated to facilitate subsequent Parcel 2 development and within an easement for utility purposes. Proposed Conditions No. 5 & 8 are recommended for those purposes.

#### **DRAINAGE DITCH**

An existing drainage ditch that parallels and affects the area along the south boundary of the site. See the tentative map (Exh. A) and the City Drainage Map (Exh. "H"). The existing 12'-0" wide ditch is not within a recorded easement or utility right of way. However, the mere existence of the ditch over the course of many years, does afford the City a "Prescriptive" right to continue it's public use. To improve this prescriptive right and to disclose the matter to future owners, staff suggests the implementation of Condition No. 3, requiring the dedication of a 5'-0" wide drainage easement. That five foot wide easement, coupled with a future 10'-0" wide easement along the north line of the adjacent lot would adequately disclose and provide for the continuance and maintenance of the 12'-0" wide drainage ditch.

#### **ENVIRONMENTAL:**

Staff has determined this project to be exempt from the California Environmental Quality Act (CEQA) in accordance with Guidelines Section 15332 (attached as Exhibit "L").

#### **COMMENTS RECEIVED**

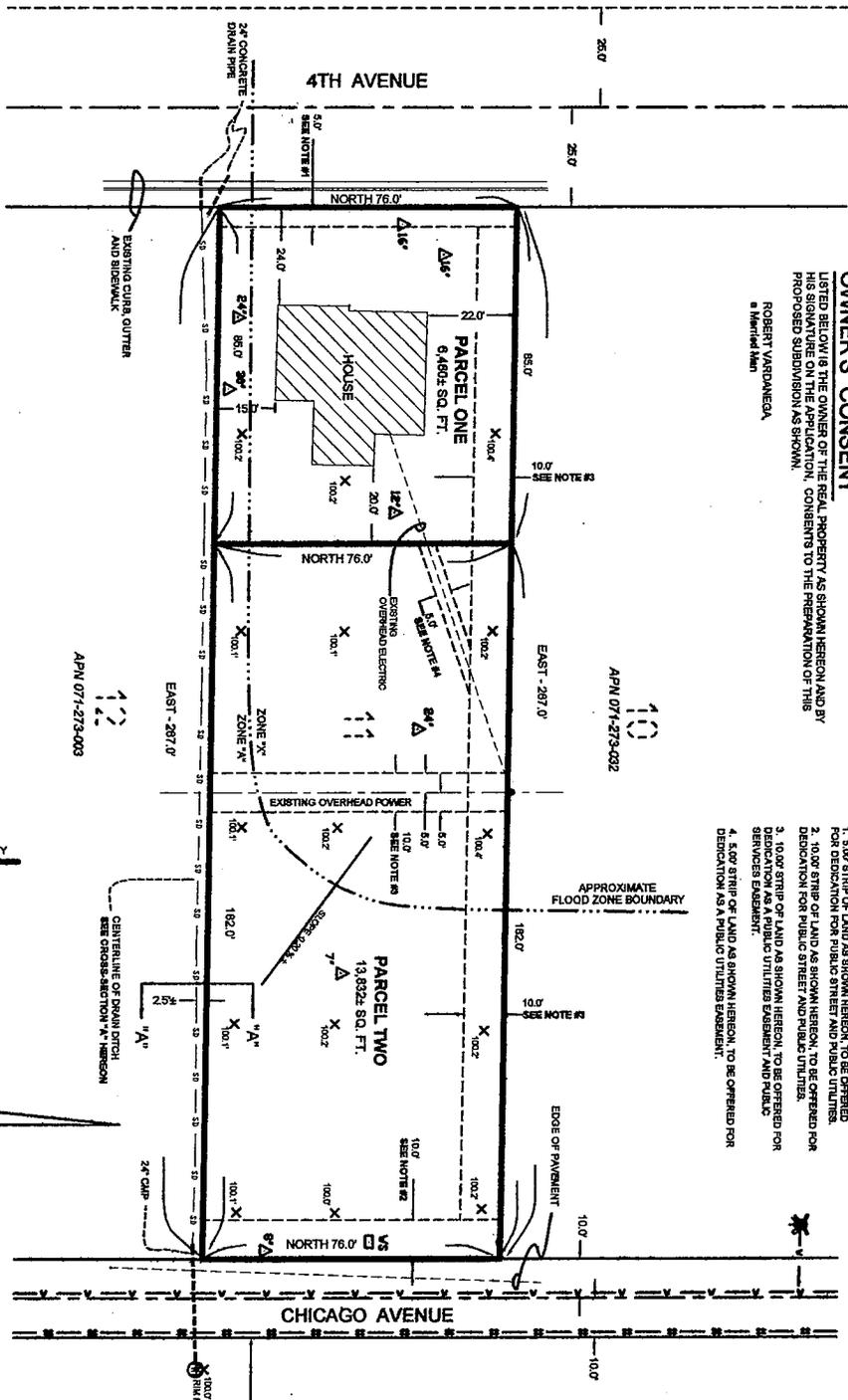
Staff notified all adjacent property owners within 300 feet of the site. A copy of the map showing that notice radius is included as Exhibit "J". The notice itself is attached as Exhibit "I"). As of this writing, we've received no written comments.

**LIST OF EXHIBITS:**

Exhibit "A"	Reduced Scale Copy of Tentative Parcel Map
Exhibit "B"	Planning Application and Preliminary Title Report
Exhibit "C"	Assessor's Map
Exhibit "D"	General Plan Land Use Diagram
Exhibit "E"	Zoning Map
Exhibit "F"	City Sewer Map
Exhibit "G"	City Water Map
Exhibit "H"	City Drainage Map
Exhibit "I"	Public Hearing Notice (Mailed and Published)
Exhibit "J"	Notification Map (Identifies owners within 300 feet)
Exhibit "K"	Aerial Photo of Neighborhood
Exhibit "L"	CEQA Guidelines Section 15332

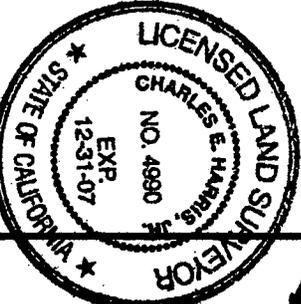
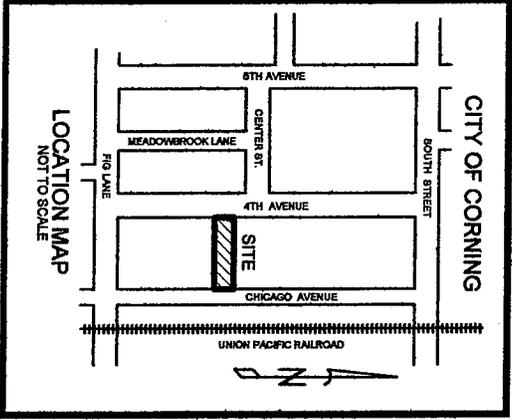
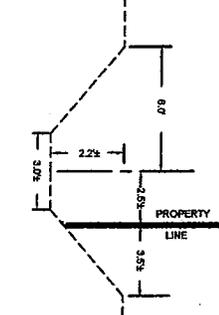
**OWNER'S CONSENT**  
 LISTED BELOW IS THE OWNER OF THE REAL PROPERTY AS SHOWN HEREON AND BY HIS SIGNATURE ON THE APPLICATION, CONSENTS TO THE PREPARATION OF THIS PROPOSED SUBDIVISION AS SHOWN.  
 ROBERT VARDANEGA  
 a Married Man

- NOTES**
1. 5.0' STRIP OF LAND AS SHOWN HEREON, TO BE OFFERED FOR DEDICATION FOR PUBLIC STREET AND PUBLIC UTILITIES.
  2. 10.0' STRIP OF LAND AS SHOWN HEREON, TO BE OFFERED FOR DEDICATION FOR PUBLIC STREET AND PUBLIC UTILITIES.
  3. 10.0' STRIP OF LAND AS SHOWN HEREON, TO BE OFFERED FOR DEDICATION FOR PUBLIC STREET AND PUBLIC UTILITIES.
  4. 5.0' STRIP OF LAND AS SHOWN HEREON, TO BE OFFERED FOR DEDICATION AS A PUBLIC UTILITIES EASEMENT.



- MAP LEGEND**
- ▲ TREE LOCATION
  - POLE
  - ⊕ MANHOLE COVER
  - ⊕ FIRE HYDRANT
  - EXISTING WATER LINE
  - EXISTING SEWER LINE
  - EXISTING STORM DRAIN
  - X 100.2' SPOT ELEVATION
- ZONE:** R-1-2  
**PROPOSED USE:** RESIDENTIAL  
**FLOOD ZONES:** "X" AND "A"
- SERVICES:** CITY OF CORNING  
 PACIFIC BELL TELEPHONE  
 ELEVATIONS SHOWN HEREON ARE ON SITE ASSUMED DATUM  
 BOUNDARY BETWEEN "R" ZONE "X" AND "A" IS APPROXIMATE AND SCALED FROM THE FINAL PANEL, NO. 00000 0000 0, DATED SEPT. 27, 1981.

**RECEIVED**  
 MAY 14 2007  
 CITY OF CORNING



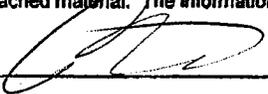
BEING LOT 11 IN BLOCK 2 OF THE COUTURE ADDITION TO THE TOWN OF CORNING, AS SHOWN ON THE PLAT OF THE COUNTY OF TEHAMA, STATE IN THE CITY OF CORNING, COUNTY OF TEHAMA, STATE OF CALIFORNIA.  
 APRIL 2007  
 SCALE 1" = 20'

FOR  
**ROBERT VARDANEGA**  
 OFFICIAL RECORDS DOCUMENT NO. 2007-004807  
 PREPARED BY  
 CHARLES E. HARRIS, JR.  
 LAND SURVEYOR  
 808 SIXTH STREET, ORLAND, CA. 95963  
 SHEET 1 OF 1 SHEET  
 2274-07

**EXHIBIT "A"**

**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 ADDRESS 1311 4th Ave.		ASSESSOR'S PARCEL NUMBER 071-273-002	G.P. LAND USE DESIGNATION R
ZONING DISTRICT R 1 - 2	FLOOD HAZARD ZONE X, A	SITE ACREAGE 0.47±	AIRPORT SAFETY ZONE? N/A
PROJECT DESCRIPTION: (attach additional sheets if necessary) Tentative Parcel Map			
<b>APPLICATION TYPE (Check All Applicable)</b>			
<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 checked="" 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	
APPLICANT Robert Vardanega		ADDRESS Oakland, CA 94618 5245 College Ave. #327	DAY PHONE (510) 522-6888
REPRESENTATIVE (IF ANY) Charles E. Harris, Jr.		ADDRESS 908 Sixth St., Orland, CA	DAY PHONE (530) 865-5567
PROPERTY OWNER Same as applicant		ADDRESS	DAY PHONE
CORRESPONDENCE TO BE SENT TO <input checked="" type="checkbox"/> APPLICANT <input checked="" 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: 		PROPERTY OWNER: I have read this application and consent to its filing.  Signed: 	
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.			

<b>FOR OFFICE USE ONLY</b>			
APPLICATION NO. T/M 07-08	RECEIVED BY: 	DATE RECEIVED 5/14/2007	DATE APPL. DEEMED COMPLETE 6/1/07
FEEES RECEIVED/RECEIPT NO. 5/14/07	CEQA DETERMINATION <u>Exempt</u> ND MND EIR		DATE FILED N/A

**EXHIBIT "B"**

**CITY OF CORNING  
PLANNING APPLICATION**



# CITY OF CORNING

## ENVIRONMENTAL INFORMATION FORM (To be completed by Applicant)

DATE FILED \_\_\_\_\_

**General Information**

1. Project Title: Tentative Parcel Map

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: \_\_\_\_\_ sq. ft. in \_\_\_\_\_ floor(s).

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

5. Proposed scheduling/development.

N/A

6. Associated project(s).

N/A

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

B-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 type="checkbox"/> | <input checked="" type="checkbox"/> |

**CITY OF CORNING  
PLANNING APPLICATION**

**Environmental setting**

24. Describe the project site as it exists before the project, including information on topography, soil type and stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site, snapshots or Polaroid photos will be accepted.

The site is a residential lot with one house and various trees situated  
on the lot. There are no cultural, historical or scenic aspects to this  
site.

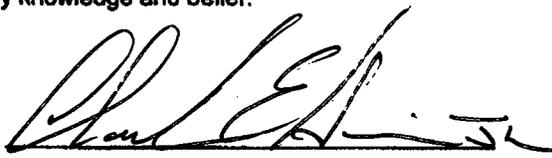
25. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted.

The surrounding properties consist of single family residential to the South  
and West, apartment buildings North and railroad to the East. There are shade  
trees of varying types, lawn, native grasses and shrubs. No animals except  
for pets were observed.

**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 05-04-07

Signature 

For: \_\_\_\_\_

B-4



# Fidelity National Title Insurance Company

Guarantee No. CAFNT0952-0952-0051-0000600886-FNTIC-2007-G24

## **COPY** **PRELIMINARY PARCEL MAP GUARANTEE**

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY, AND OTHER PROVISIONS OF THE CONDITIONS AND STIPULATIONS HERETO ANNEXED AND MADE A PART OF THIS GUARANTEE,

**Fidelity National Title Insurance Company**  
a corporation, herein called the "Company",

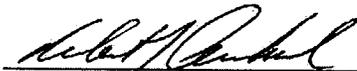
### **GUARANTEES**

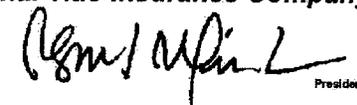
*The Assured named in Part 1*

herein called the Assured, against loss not exceeding \$1,000.00, which the Assured shall sustain by reason of any incorrectness in the assurance which the Company hereby gives that, according to the public records on the date stated below,

*The title to the herein described estate or interest was vested in the vestee named, subject to the matters shown as Exceptions herein, which Exceptions are not necessarily shown in the order of their priority.*

THIS PRELIMINARY PARCEL MAP GUARANTEE IS FURNISHED FOR THE SOLE PURPOSE OF FACILITATING COMPLIANCE WITH THE REQUIREMENTS FOR ISSUANCE OF A PARCEL MAP GUARANTEE. IT SHALL NOT BE USED OR RELIED UPON FOR ANY OTHER PURPOSE.

  
Countersigned

**Fidelity National Title Insurance Company**  
BY  President  
ATTEST  Secretary



Fee: \$250.00

Parcel Map Reference:

**PART 1**

**PRELIMINARY PARCEL MAP GUARANTEE**

Name of Assured: The County of Tehama

Date of Guarantee: March 16, 2007, 07:30 A.M.

The estate or interest in the land hereinafter described or referred to covered by this Preliminary Guarantee is

Title to said estate or interest at the date hereof is vested in:

**Robert Vardanega, a married man, by Trustee's Deed recorded March 14, 2007, document no. 2007-004807**

The land referred to in this Preliminary Guarantee is described as follows:

See Exhibit "A" attached hereto and made a part hereof

**EXHIBIT "A"**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CORNING, COUNTY OF TEHAMA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Lot 11 in Block 2 of the Southside Addition No. 2 to the Town (now City) of Corning, as the same is shown on the map filed in the office of the County Recorder of the County of Tehama, State of California, October 6, 1899 in Book B of Maps, at page 11.

APN: 71-273-02

**PART 1 (CONTINUED)**

Exceptions:

1. **Property taxes**, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2007-2008.
  
2. **Property taxes**, including any personal property taxes and any assessments collected with taxes, for the fiscal year 2006-2007, Assessor's Parcel Number 71-273-02.

Code Area Number: 1-000  
1st Installment: \$198.39 delinquent with penalties of \$19.83  
2nd Installment: \$198.39 due and payable  
Land: \$18,191.00  
Improvements: \$27,012.00  
Exemption: \$7,000.00  
Personal Property:  
Bill No.: 28809

3. **The lien of supplemental taxes**, if any, assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation code of the State of California.
  
4. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: the City of Corning  
Purpose: pole lines  
Recorded: September 10, 1915, Book 85, Page 270, of Deeds

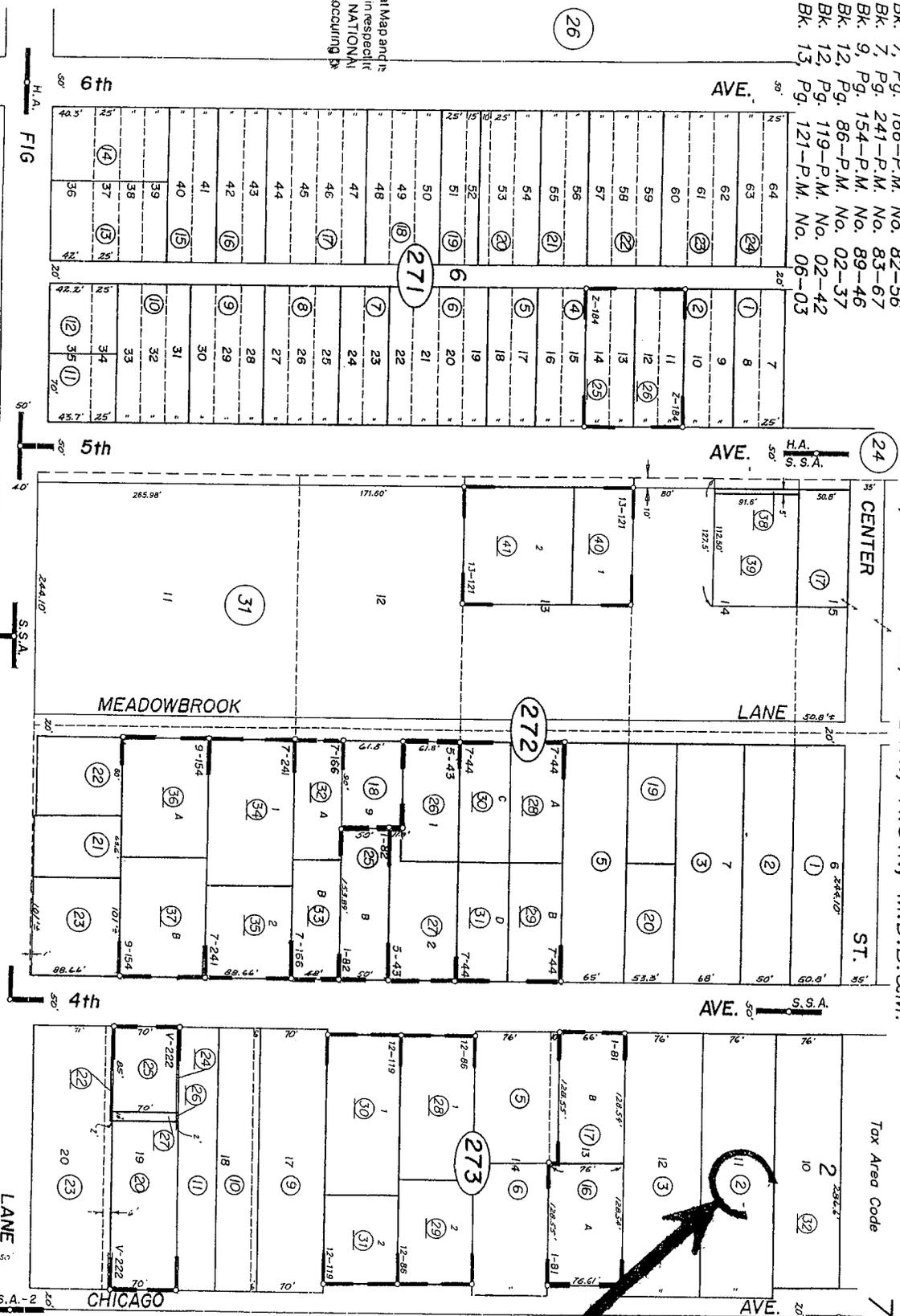
5. Community property interest of the spouse of Robert Vardanega.

**END OF EXCEPTIONS**

SUBDIVIDED LAND IN NE1/4 SEC. 22, T.24N., R.3W., M.D.B.&M.

P.M. Bk. 7, Pg. 166-P.M. No. 82-56  
P.M. Bk. 7, Pg. 241-P.M. No. 83-67  
P.M. Bk. 9, Pg. 154-P.M. No. 89-46  
P.M. Bk. 12, Pg. 86-P.M. No. 02-37  
P.M. Bk. 12, Pg. 119-P.M. No. 02-42  
P.M. Bk. 13, Pg. 121-P.M. No. 06-03

THIS IS NOT A SURVEY  
This is a copy of a County Assessor's Plat Map and is not intended to be used as a legal document. It is provided solely for aid in locating the land in respect to other parcels. FIDELITY NATIONAL ASSURANCE ASSOCIATION assumes no liability for any loss occurring from reliance thereon.



P.M. Bk. 1, Pg. 81-P.M. No. 275  
P.M. Bk. 1, Pg. 82-P.M. No. 265  
P.M. Bk. 5, Pg. 43-P.M. No. 78-52  
P.M. Bk. 7, Pg. 44-P.M. No. 80-100

R.M. Bk. B, Pg. 4-Home Addition  
R.M. Bk. B, Pg. 10-Southside Addition  
R.M. Bk. B, Pg. 11-Southside Add. No. 2  
R.S. Bk. V, Pg. 222 R.S. Bk. Z, Pg. 184

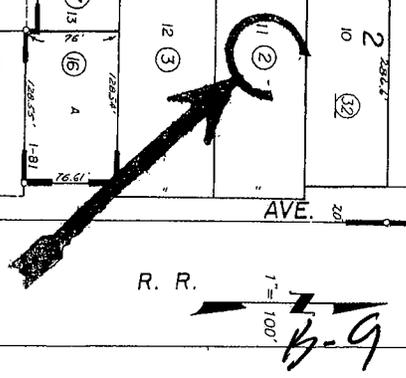
Assessor's Map Bk. 71 -Pg. 27  
County of Tehama, Calif.  
NOV 03 2006

Tax Area Code

71-27

R. R.

1"=100'



## GUARANTEE CONDITIONS AND STIPULATIONS

### 1. DEFINITION OF TERMS

The following terms when used in this Guarantee mean:

- (a) "land": the land described, specifically or by reference, in this Guarantee and improvements affixed thereto which by law constitute real property;
- (b) "public records": those records which impart constructive notice of matters relating to said land;
- (c) "date": the effective date;
- (d) "the Assured": the party or parties named as the Assured in this Guarantee, or in a supplemental writing executed by the Company;
- (e) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.

### 2. EXCLUSIONS FROM COVERAGE OF THIS GUARANTEE

The Company assumes no liability for loss or damage by reason of the following:

- (a) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
- (b) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
- (c) Title to any property beyond the lines of the land expressly described in the description set forth in this Guarantee, or title to streets, roads, avenues, lanes, ways or waterways on which such land abuts, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement; or any rights or easements therein unless such property, rights or easements are expressly and specifically set forth in said description.
- (d) Defects, liens, encumbrances, adverse claims against the title as guaranteed or other matters (1) created, suffered, assumed or agreed to by one or more of the Assured; or (2) resulting in no loss to the Assured.

### 3. PROSECUTION OF ACTIONS

(a) The Company shall have the right at its own cost to institute and prosecute any action or proceeding or do any other act which in its opinion may be necessary or desirable to establish or confirm the matters herein guaranteed; and the Company may take any appropriate action under the terms of this Guarantee whether or not it shall be liable thereunder and shall not thereby concede liability or waive any provision thereof.

(b) In all cases where the Company does so institute and prosecute any action or proceeding, the Assured shall permit the Company to use, at its option, the name of the Assured for such purpose. Whenever requested by the Company, the Assured shall give the Company all reasonable aid in prosecuting such action or proceeding, and the Company shall reimburse the Assured for any expense so incurred.

### 4. NOTICE OF LOSS - LIMITATION OF ACTION

A statement in writing of any loss or damage for which it is claimed the Company is liable under this Guarantee shall be furnished to the Company within sixty days after such loss or damage shall have been determined, and no right of action shall accrue to the Assured under this Guarantee until thirty days after such statement shall have been furnished, and no recovery shall be had by the Assured under this Guarantee unless action shall be commenced thereon within two years after expiration of said thirty day period. Failure to furnish such statement of loss or damage or to commence such action within the time hereinbefore specified, shall be a conclusive bar against maintenance by the Assured of any action under this Guarantee.

### 5. OPTION TO PAY, SETTLE OR COMPROMISE CLAIMS

The Company shall have the option to pay or settle or compromise for or in the name of the Assured any claim which could result in loss to the Assured within the coverage of this Guarantee, or to pay the full amount of this Guarantee or, if this Guarantee is issued for the benefit of a holder of a mortgage, the Company shall have the option to purchase the indebtedness secured by said mortgage. Such purchase, payment or tender of payment of the full amount of the Guarantee shall terminate all liability of the Company hereunder. In the event after notice of claim has been given to the Company by the Assured the Company offers to purchase said indebtedness, the owner of such indebtedness shall transfer and assign said indebtedness and the mortgage securing the same to the Company upon payment of the purchase price.

### 6. LIMITATION OF LIABILITY - PAYMENT OF LOSS

(a) The liability of the Company under this Guarantee shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurances herein set forth, but in no event shall such liability exceed the amount of the liability stated on the face page hereof.

(b) The Company will pay all costs imposed upon the Assured in litigation carried on by the Company for the Assured, and all costs and attorneys' fees in litigation carried on by the Assured with the written authorization of the Company.

(c) No claim for damages shall arise or be maintainable under this Guarantee (1) if the Company after having received notice of an alleged defect, lien or encumbrance not shown as an Exception or excluded herein removes such defect, lien or encumbrance within a reasonable time after receipt of such notice, or (2) for liability voluntarily assumed by the Assured in settling any claim or suit without written consent of the Company.

(d) All payments under this Guarantee, except for Attorneys' fees as provided for in paragraph 6 (b) hereof, shall reduce the amount of the liability hereunder pro tanto, and no payment shall be made without producing this Guarantee for endorsement of such payment unless the Guarantee be lost or destroyed, in which case proof of such loss or destruction shall be furnished to the satisfaction of the Company.

(e) When liability has been definitely fixed in accordance with the conditions of this Guarantee, the loss or damage shall be payable within thirty days thereafter.

### 7. SUBROGATION UPON PAYMENT OR SETTLEMENT

Whenever the Company shall have settled a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured, and it shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to such claim had this Guarantee not been issued. If the payment does not cover the loss of the Assured, the Company shall be subrogated to such rights and remedies in the proportion which said payment bears to the amount of said loss. The Assured, if requested by the Company, shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect such right of subrogation, and shall permit the Company to use the name of the Assured in any transaction or litigation involving such rights or remedies.

### 8. GUARANTEE ENTIRE CONTRACT

Any action or actions or rights of action that the Assured may have or may bring against the Company arising out of the subject matter hereof must be based on the provisions of this Guarantee.

No provision or condition of this Guarantee can be waived or changed except by a writing endorsed or attached hereto signed by the President, a Vice President, the Secretary, an Assistant Secretary or other validating officer of the Company.

### 9. NOTICES, WHERE SENT

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this Guarantee and shall be addressed to

FNF - Southwest Claims Center  
17911 Von Karman Avenue, Suite 300  
Irvine, CA 92614  
Attn: Claims Administration

### 10. THE FEE SPECIFIED ON SCHEDULE A OF THIS GUARANTEE IS THE TOTAL FEE FOR TITLE SEARCH AND EXAMINATION AND FOR THIS GUARANTEE.

B-10

**FILE GURY**

SUBDIVIDED LAND IN NE1/4 SEC. 22, T.24N., R.3W., M.D.B.&M.  
 P.M. Bk. 7, Pg. 166-P.M. No. 82-56  
 P.M. Bk. 7, Pg. 241-P.M. No. 83-67  
 P.M. Bk. 9, Pg. 154-P.M. No. 89-46  
 P.M. Bk. 12, Pg. 86-P.M. No. 02-37  
 P.M. Bk. 12, Pg. 119-P.M. No. 02-42  
 P.M. Bk. 13, Pg. 121-P.M. No. 06-03

71-27

R. R. 1" = 100



**EXHIBIT "C"  
 ASSESSOR'S MAP**

P.M. Bk. 1, Pg. 81-P.M. No. 275  
 P.M. Bk. 1, Pg. 82-P.M. No. 265  
 P.M. Bk. 5, Pg. 43-P.M. No. 78-52  
 P.M. Bk. 7, Pg. 44-P.M. No. 80-100

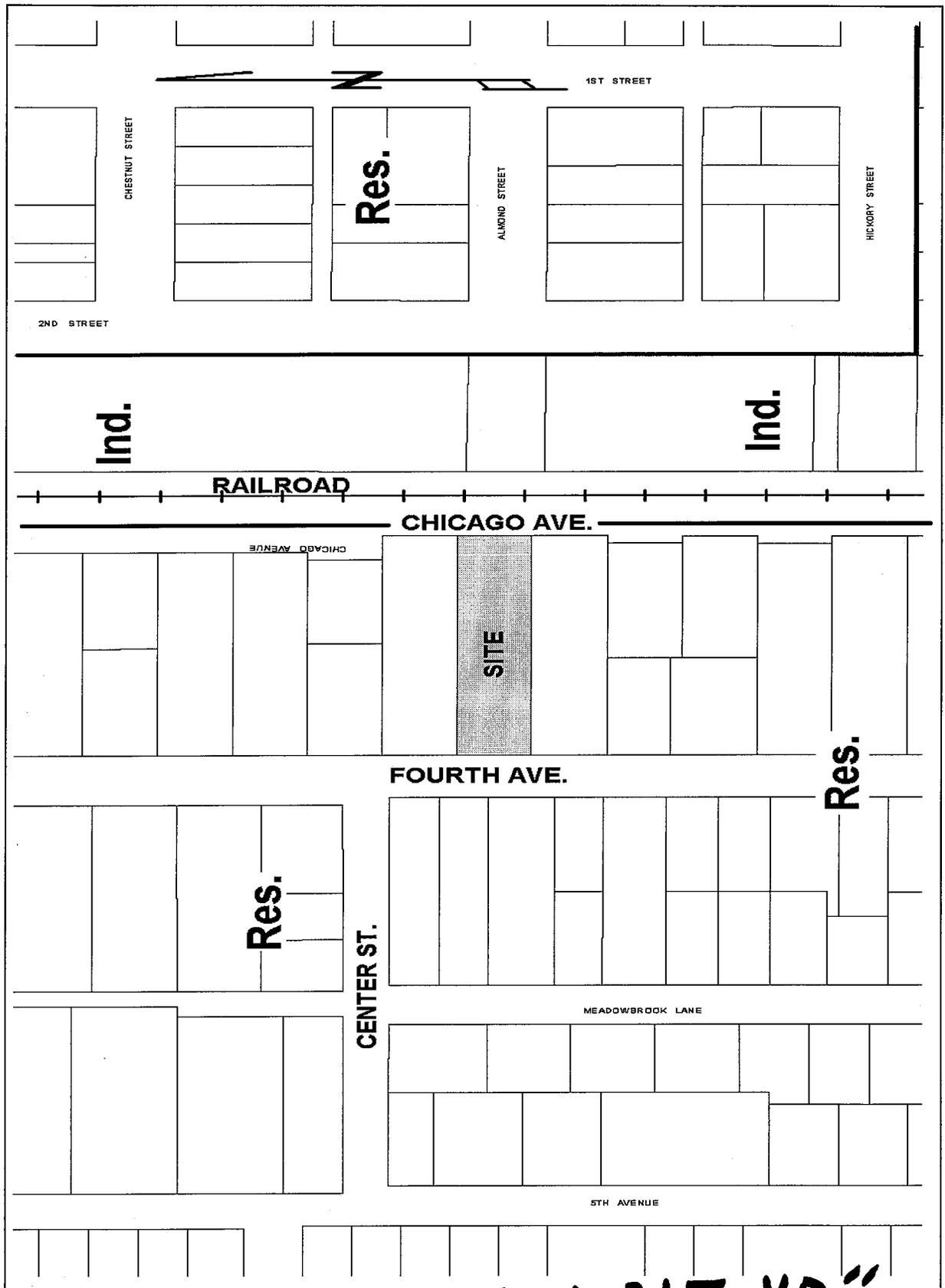
R.M. Bk. B, Pg. 4-Home Addition  
 R.M. Bk. B, Pg. 10-Southside Addition  
 R.M. Bk. B, Pg. 11-Southside Add. No. 2  
 R.S. Bk. V, Pg. 222 R.S. Bk. Z, Pg. 184

Assessor's Map Bk. 71 -Pg. 27  
 County of Tehama, Calif.

SOUTHERN PACIFIC

1

FIG



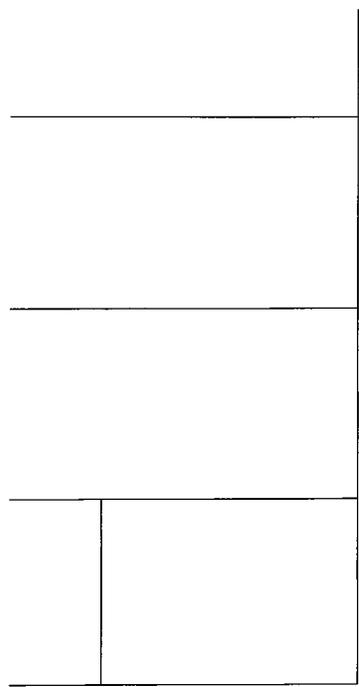
**EXHIBIT "D"**  
**G.P. LAND USE DIAGRAM**



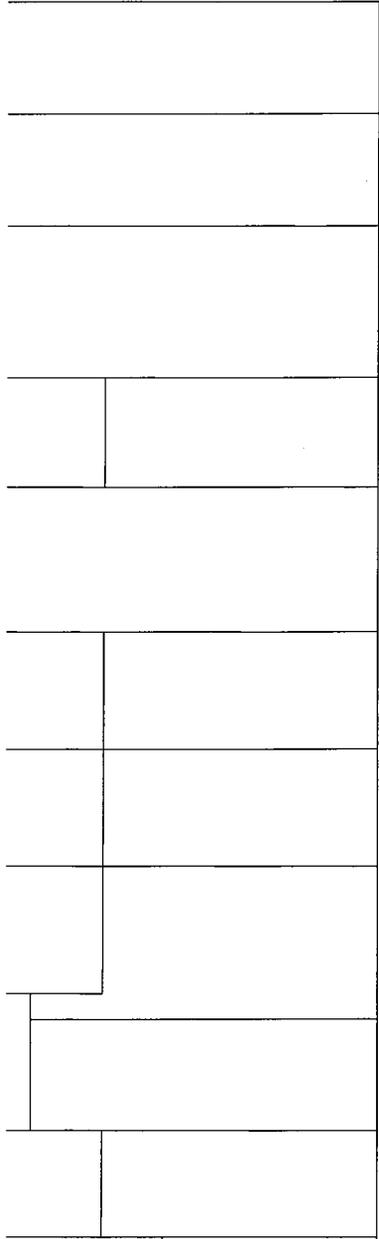
**SITE** →

**EXHIBIT "E"**  
**ZONING**

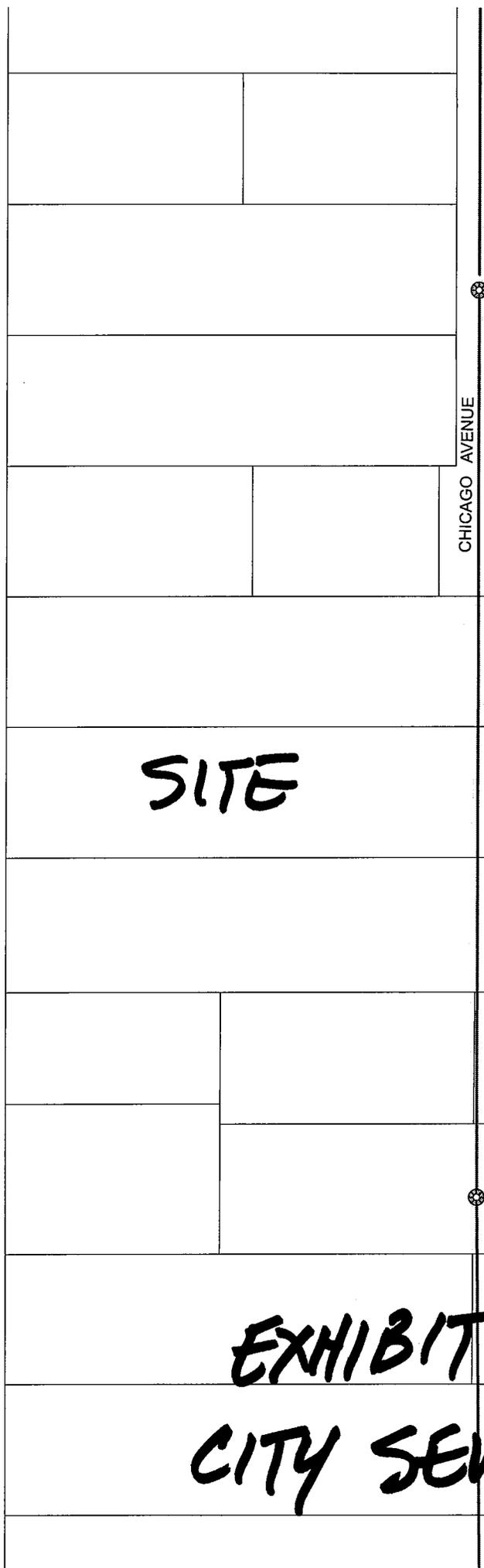
M-2



CENTER STREET



4TH AVENUE

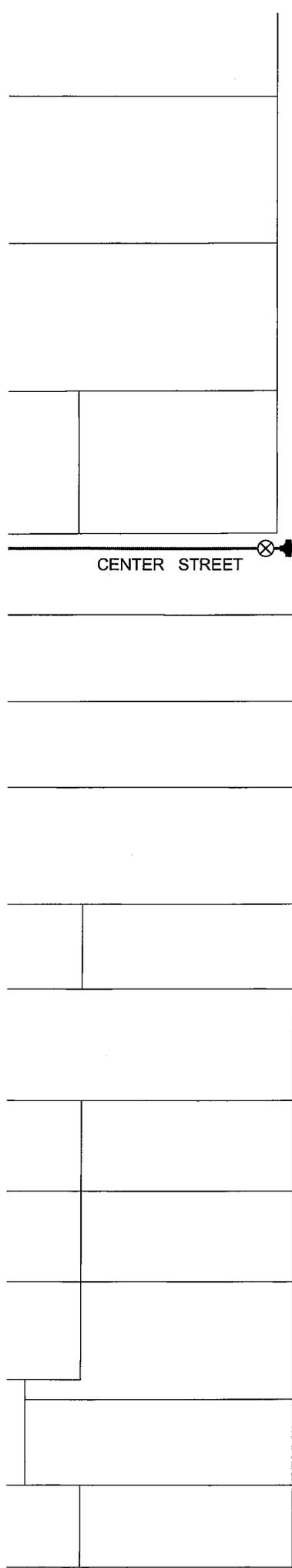


SITE

CHICAGO AVENUE

CA NORTHERN RAILROAD

EXHIBIT "F"  
CITY SEWER



CENTER STREET

4TH AVENUE



SITE

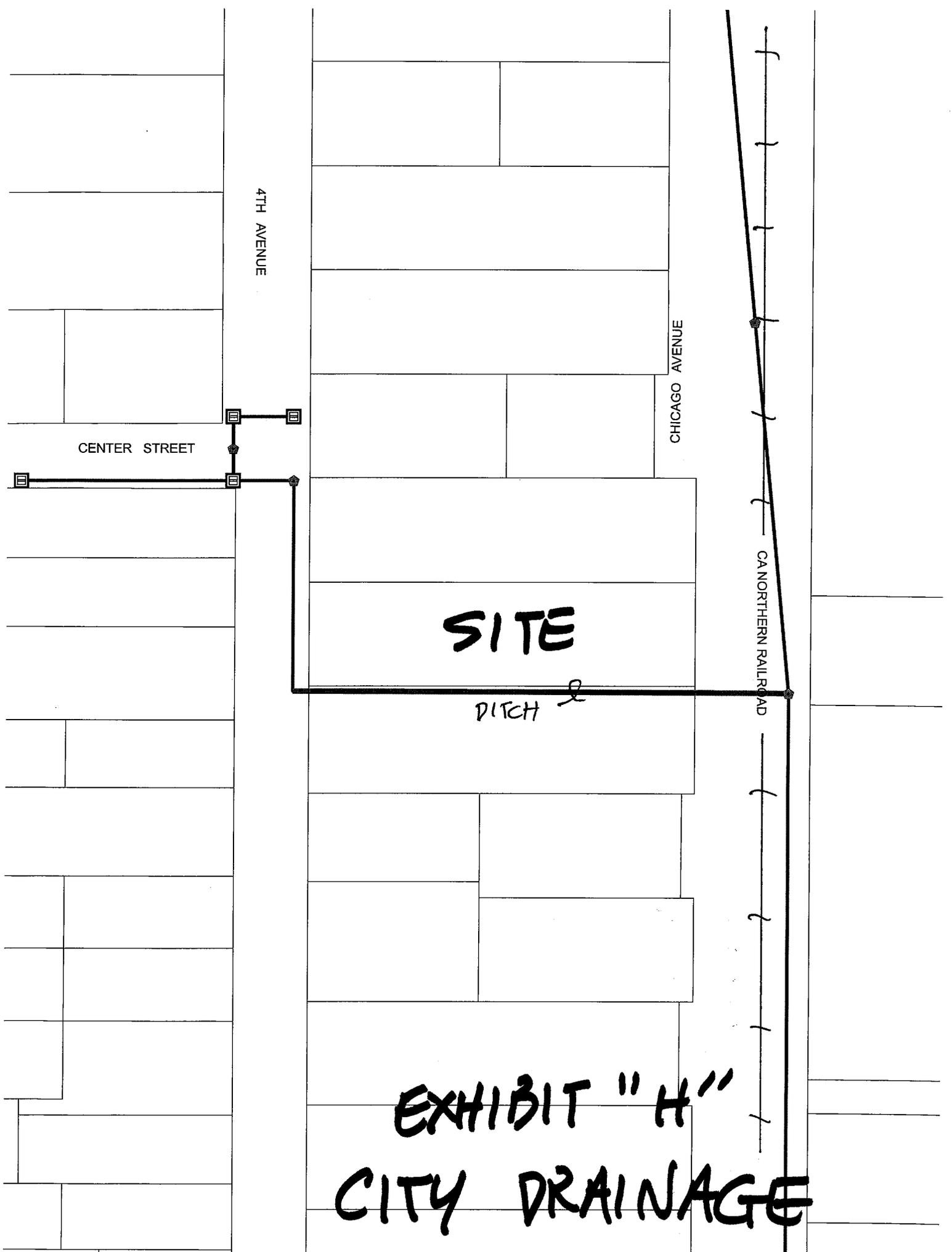
EXHIBIT "G"

CITY WATER

CHICAGO AVENUE

CANADIAN NORTHERN RAILROAD





4TH AVENUE

CENTER STREET

CHICAGO AVENUE

CANORTHERN RAILROAD

SITE

DITCH

EXHIBIT "H"  
CITY DRAINAGE

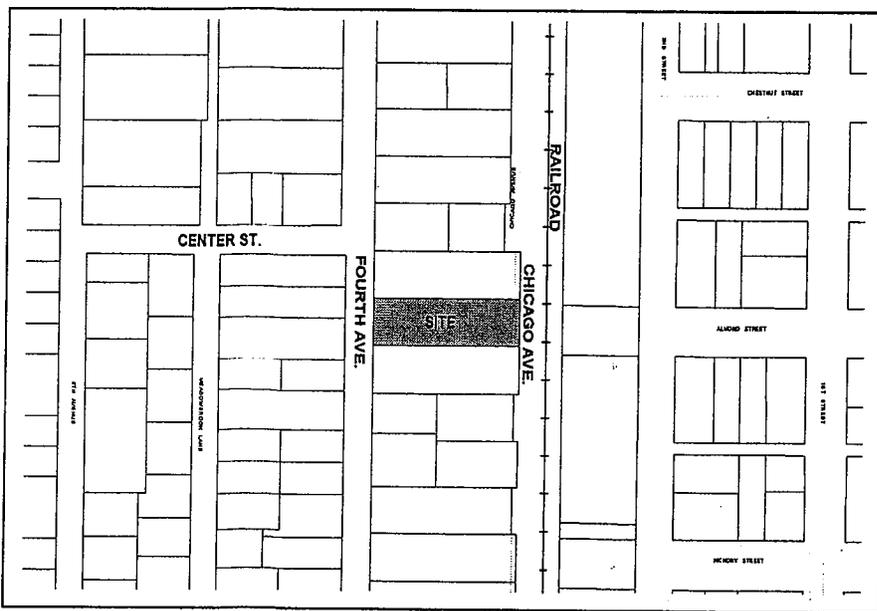
Mailed  
5-23-07

**(CORRECTED) PUBLIC NOTICE-PUBLIC HEARING  
TENTATIVE PARCEL MAP 07-08; ROBERT VARDANEGA**

The City of Corning must inform you of a development project on the property highlighted on the inset map to the right.

**WHAT IS BEING PLANNED:**

Robert Vardanega plans to subdivide his 0.47-acre (20,292 sq. ft.) parcel into two lots totaling 6,460 and 13,832 sq. ft., respectively. Located at 1311 Fourth Avenue, in the R-1-2, Single Family Residential Zoning District. Assessor's Parcel Number 71-273-02.



**WHY THIS NOTICE:**

Staff has determined that this project is exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15332. However, 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 "I"  
NOTICE**

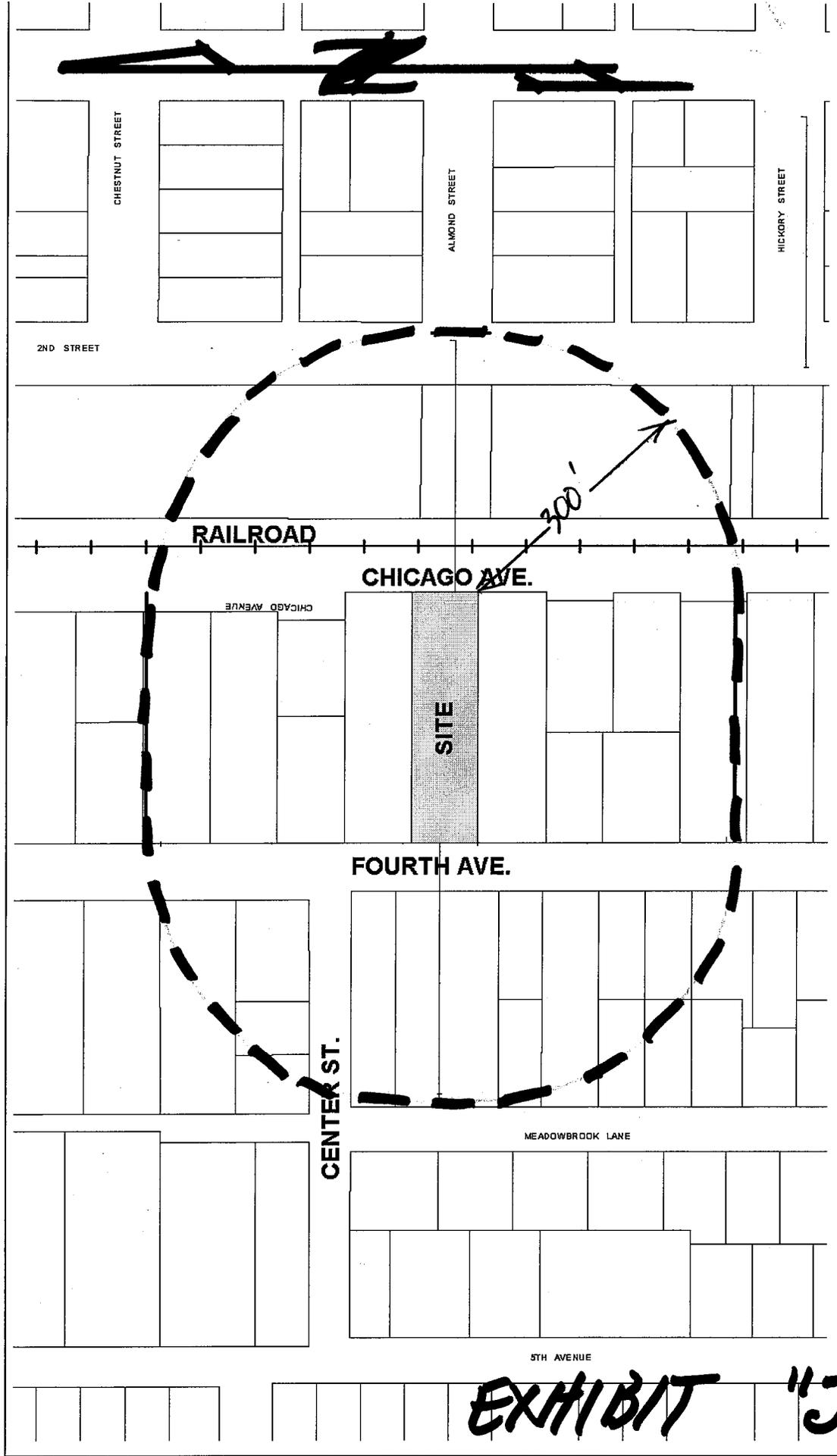


EXHIBIT "J"

NOTICE MAP



EXHIBIT "K"  
AERIAL PHOTO

**CEQA Guidelines**  
**15332. In-Fill Development Projects.**

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

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

Discussion: This section is intended to promote infill development within urbanized areas. The class consists of environmentally benign in-fill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in any significant traffic, noise, air quality, or water quality effects. Application of this exemption, as all categorical exemptions, is limited by the factors described in section 15300.2.

**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 18<sup>th</sup>. 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 REPONSE 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

<b>PROJECT INFORMATION</b>	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	
	PROJECT DESCRIPTION: (attach additional sheets if necessary) <i>44 unit Apartments - convert to unlicensed occupants (Existing Senior Housing)</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>	
<b>APPLICANT INFORMATION</b>	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.			

<b>SUBMITTAL INFO</b>	<b>FOR OFFICE USE ONLY</b>			
	APPLICATION NO. <i>REVISE 1976-65</i>	RECEIVED BY: <i>JVS</i>	DATE RECEIVED <i>4/17/07</i>	DATE APPL. DEEMED COMPLETE
	FEE RECEIVED/RECEIPT NO.	CEQA DETERMINATION Exempt ND MND EIR		DATE FILED



# CITY OF CORNING

## ENVIRONMENTAL INFORMATION FORM

(To be completed by Applicant)

DATE FILED 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*

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

*N/A*

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10. If institutional, indicate the primary function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.

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

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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"/> |

**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.

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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.

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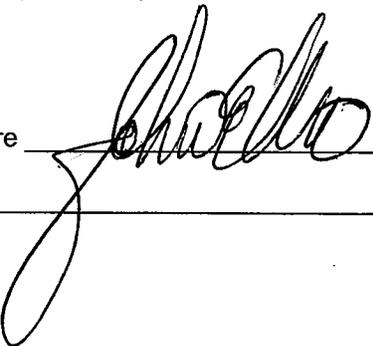
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**Certification**

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 11-17-07

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 handwritten signature in black ink, appearing to be "John Smith" or similar, written in a cursive style.

**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  
Fee (\$10.00) paid: CORNING, CA 96021  
Telephone: 824-4263

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

APPLICANT: Complete this section and sign.

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 7 - PARCELS MAP 264

Lot \_\_\_\_\_ Block \_\_\_\_\_ Tract \_\_\_\_\_  
Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

Signature: Property Owner: \_\_\_\_\_  
Authorized Agent: \_\_\_\_\_

Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

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 DC 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

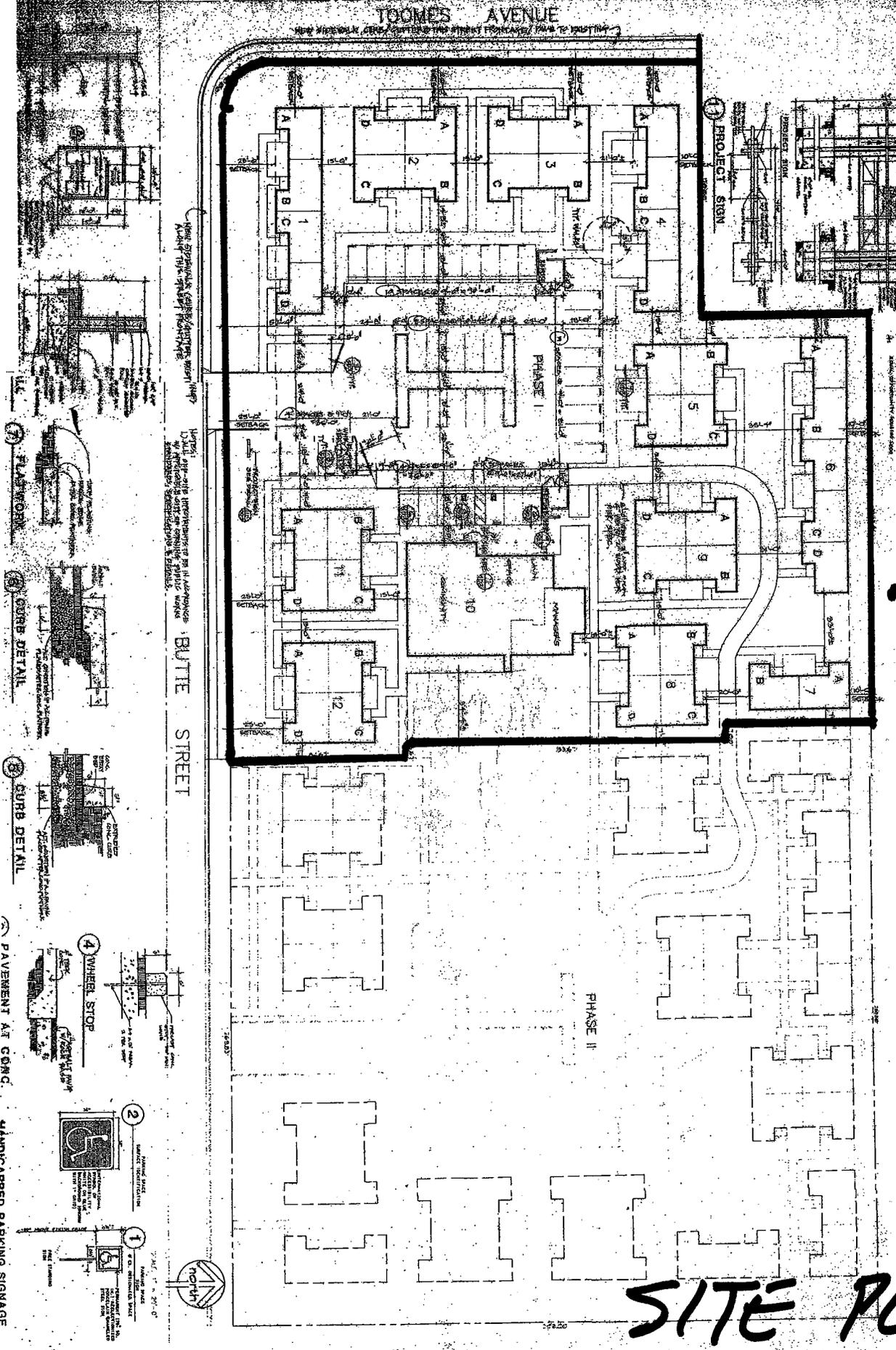
If public hearing held, note: Notice of hearing given by: Publication, date: 5-3-76  
and by: Posting, date: 5-3-76 or: U. S. Mail, date: \_\_\_\_\_

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

EXHIBIT "C"

TOOMES AVENUE

NEW WIREMESH CURB, CURBSIDE AND STREET FRONTAGE, PAVEMENT IMPROVEMENTS

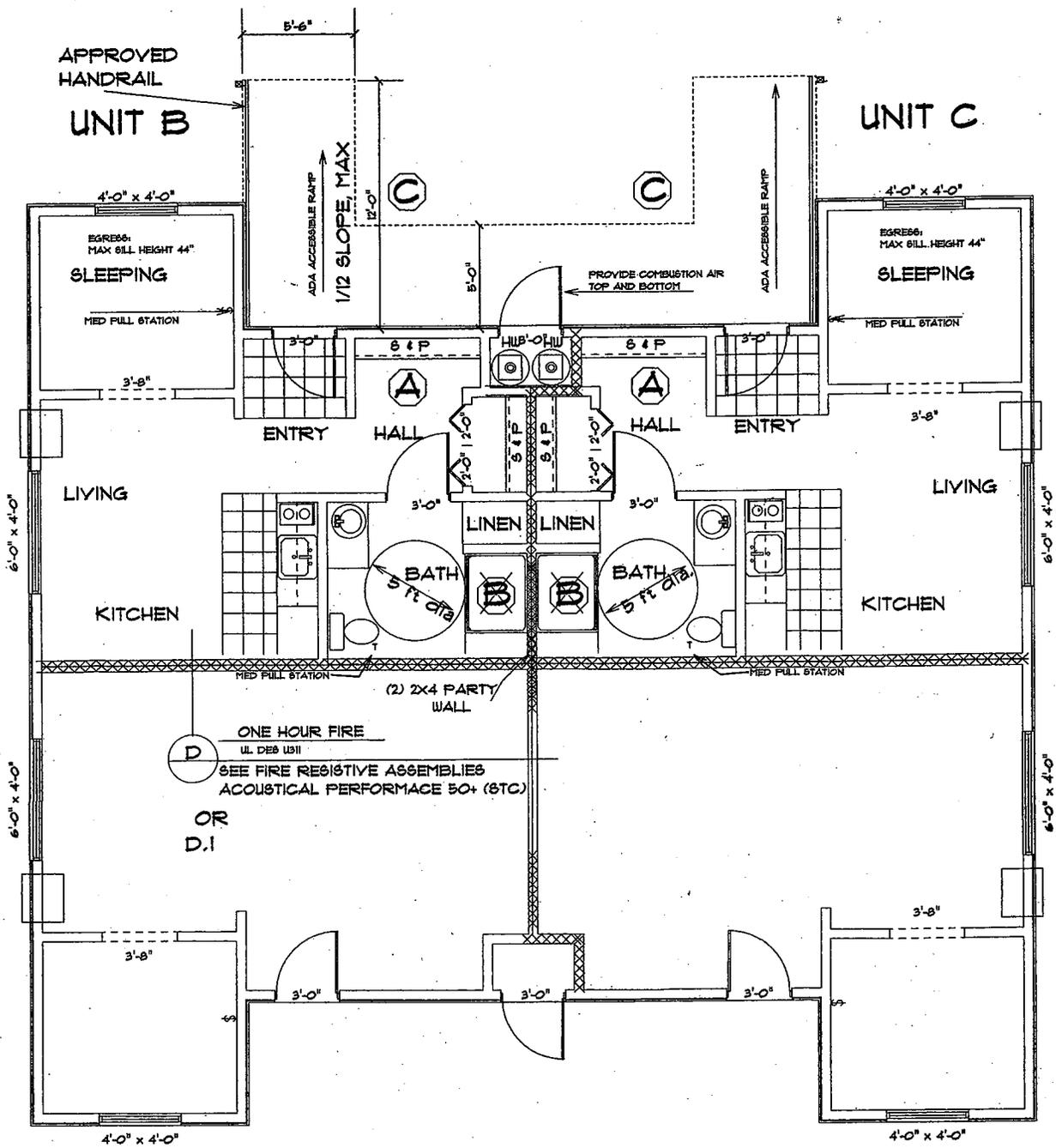


THIS SITE

SITE PLAN  
EXHIBIT "D"

SITE PLAN

ARCHITECT AND ASSOCIATES	DATE: 1/27/81
777 7th STREET	PROJECT: 10000000
PHOENIX, ARIZONA	SCALE: AS SHOWN
(602) 258-0000	
DRAWING NUMBER: 10000000-01	



UNIT A

UNIT D

## TYPICAL UNIT FLOOR PLAN

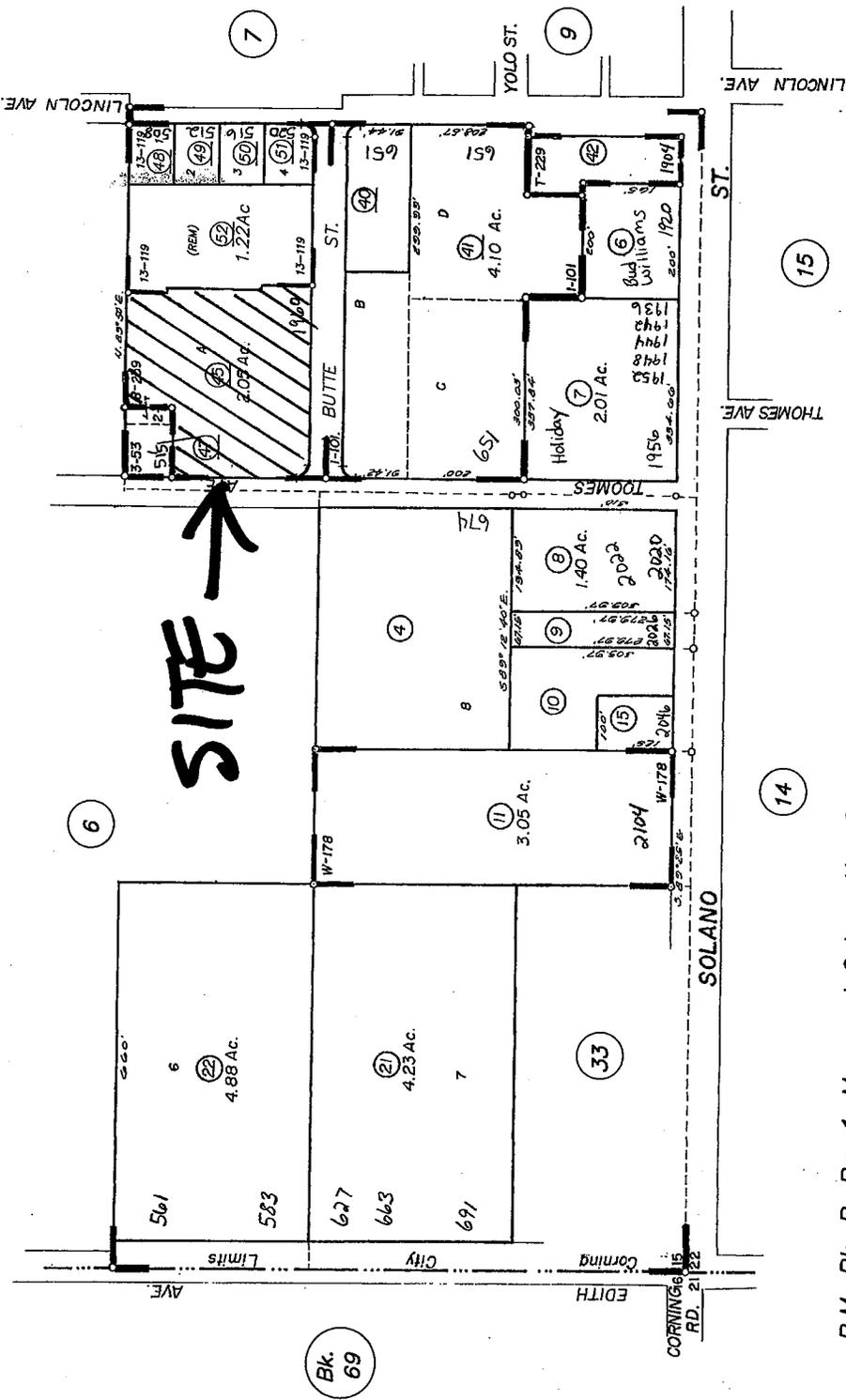
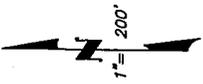
SCALE 1/4" = 1'-0"

### 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

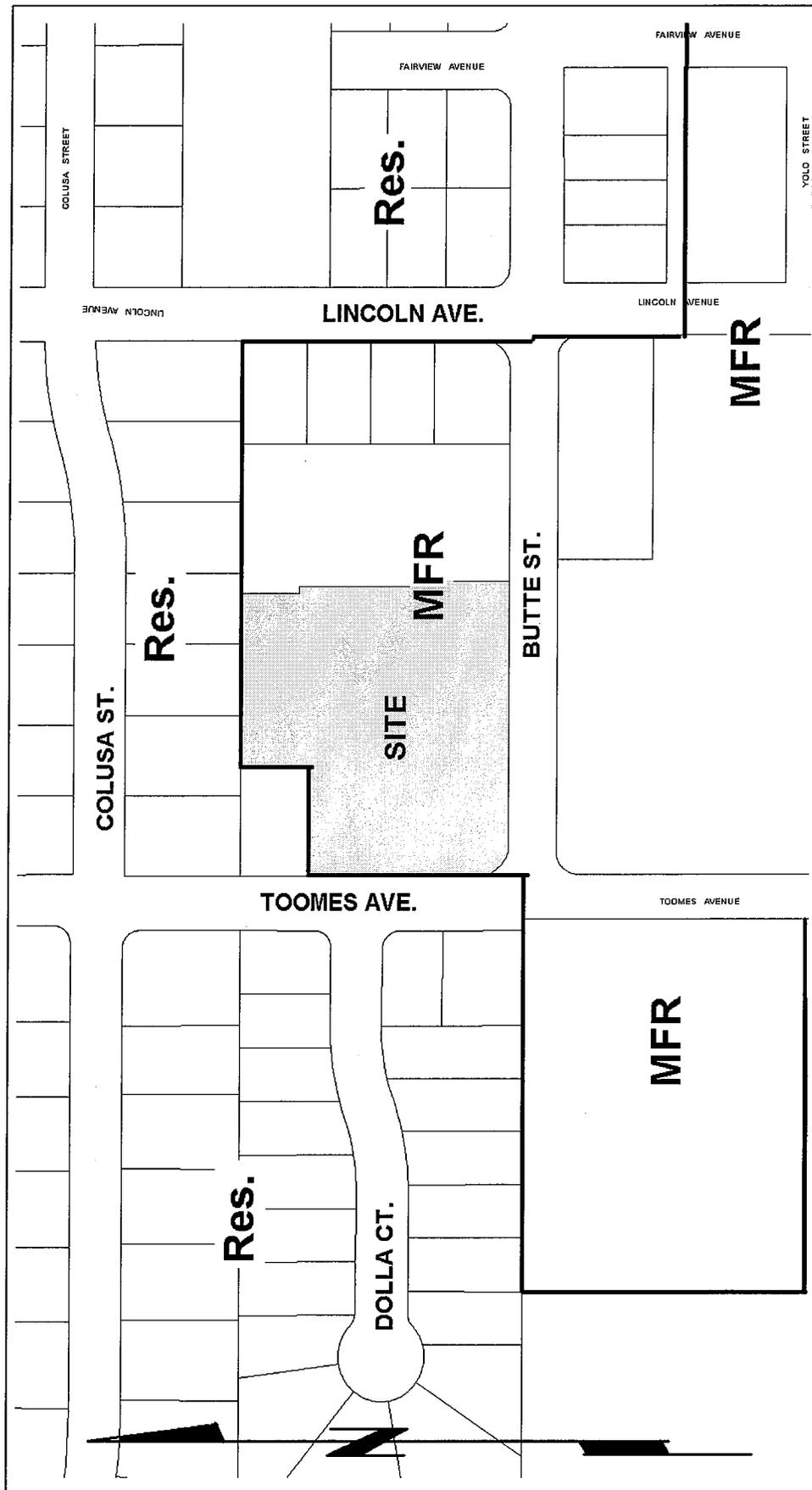


R.M. Bk. B, Pg. 1-Maywood Colony No. 2  
 R.S. Bk. T, Pg. 229  
 P.M. Bk. 1, Pg. 101-P.M. No. 264  
 P.M. Bk. 3, Pg. 53-P.M. No. 743  
 P.M. Bk. 8, Pg. 239-P.M. No. 87-42  
 P.M. Bk. 13, Pg. 119-P.M. No. 05-59

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

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

# ASSESSOR'S MAP EXHIBIT "F"



**LAND USE DIAGRAM EXHIBIT "G"**

TOOMES AVENUE

BLUE HERON COURT

HOUGHTON AVENUE

NORTH STREET

RIO VISTA

RIO DEL REY

R-1

COLUSA STREET

DOLLA COURT

NORTH STREET

PQ

R-1-8

**SITE**

LINCOLN AVENUE

PD

R-1

FAIRVIEW AVENUE

BUTTE STREET

R-1-2

LINCOLN AVENUE

FAIRVIEW AVENUE

R-4

R-2

YOLO STREET

PQ

SOLANO STREET

CH-CBDZ

C-3-P

C-3

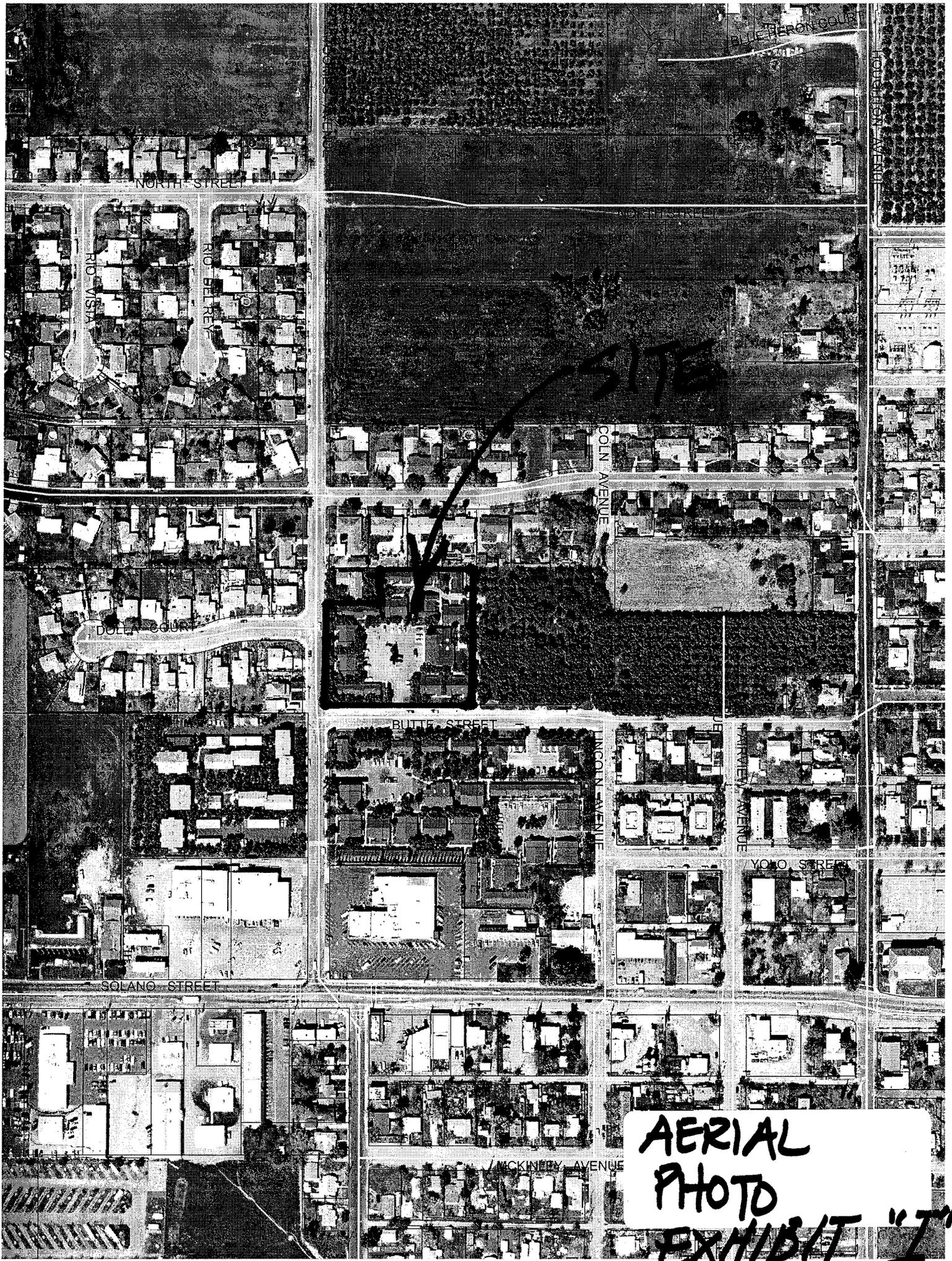
**EXHIBIT "H"  
ZONING**

R-2

MCKINLEY AVENUE

PQ

R-1-2



**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:

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.

\* \* \* \* \*

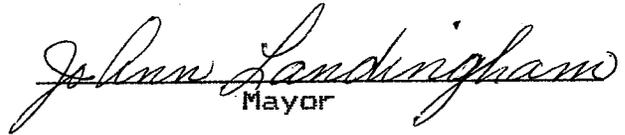
K-5

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**

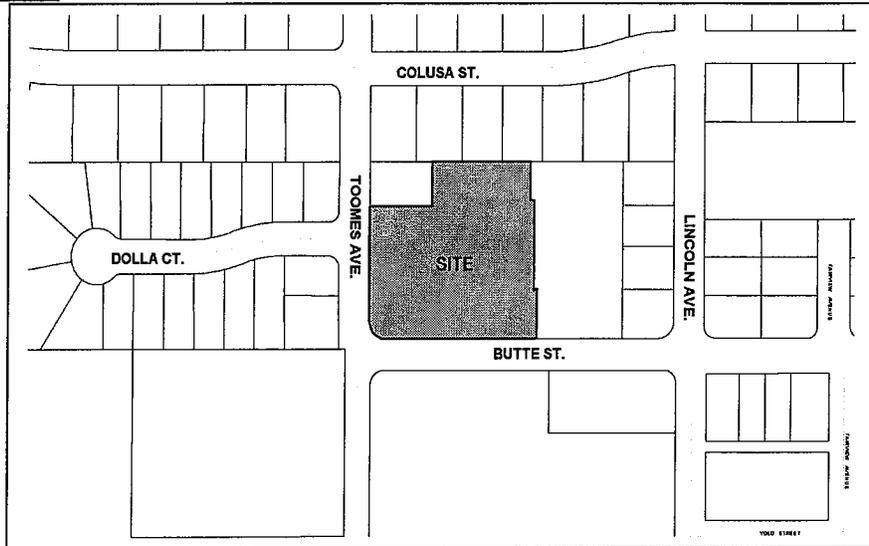
The City of Corning must inform you of a development project proposed for the property shown on the inset map below.

**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.

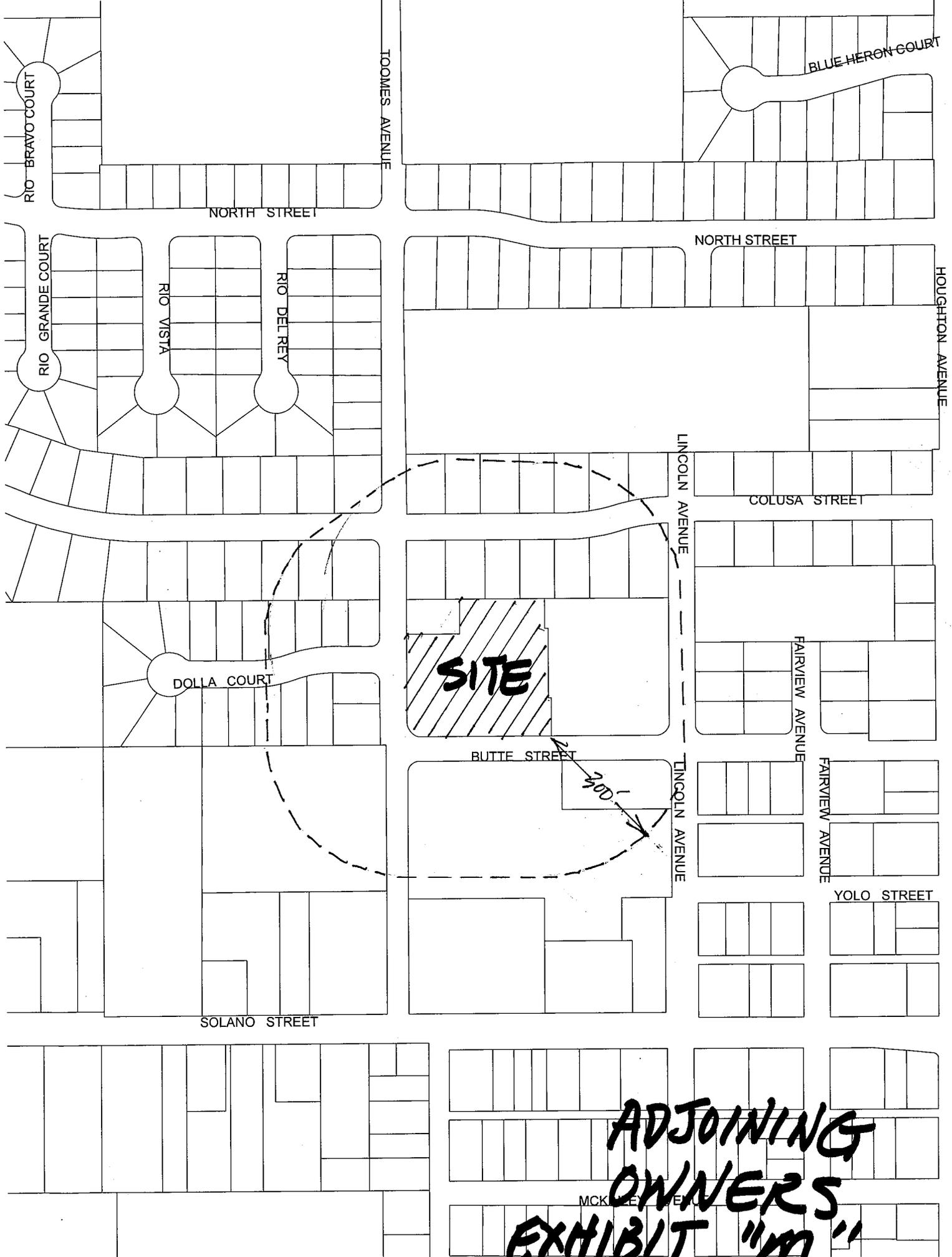
**WHAT CAN YOU DO:**

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"



**SITE**

300'

**ADJOINING OWNERS EXHIBIT "M"**

MCKEE

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).

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).