



**CITY OF CORNING
PLANNING COMMISSION MINUTES
THURSDAY, SEPTEMBER 17, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

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

B. ROLL CALL:

Commissioners: Robertson
Reilly
Hatley
Vacant
Chairman: Lopez

All Commissioners were present with one vacancy on the Commission.

C. MINUTES:

- 1. Waive the Reading and Approve the Minutes of the August 18, 2009 Meeting and the August 25, 2009 City Council and Planning Commission Special Study Session with any necessary corrections.**

Commissioner Reilly moved to approve the Minutes of the August 18, 2009 and August 25, 2009 Meetings as written. Commissioner Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly and Hatley. Opposed: None. Absent/Abstain: None. Minutes were approved by a 4-0 vote with once vacancy on the Commission.**

D. BUSINESS FROM THE FLOOR:

Commissioner Reilly moved to reorder the Agenda and move the Regular Agenda to before the Public Hearings. Commissioner Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly and Hatley. Opposed: None. Absent/Abstain: None. Minutes were approved by a 4-0 vote with once vacancy on the Commission.**

Planning Director John Stoufer announced that he will propose approval of an extension of Interim Ordinance 637 at the September 22, 2009 City Council Meeting. He stated that he will also propose the formation of an Ad-Hoc Committee to work on this issue at this same meeting. He then asked if any of the Commissioners would be interested in serving on this Committee, informing the Commissioners that only two members of the Commission could serve to ensure that there is no Brown Act violation. Commissioners Lopez, Reilly and Hatley all stated they would be interested in serving. After some discussion it was decided that Commissioners Lopez and Reilly would represent the Planning Commission on this committee.

F. REGULAR AGENDA:

- 4. Use Permit 2008-255 Review, Lucero Olive Oil: Pursuant to Condition #5, the Use Permit will be scheduled for review by the City of Corning Planning Commission to determine if additional Conditions of Approval are warranted.**

Chairman Lopez introduced this item by title giving a brief background on this issue. Mr. Lucero approached the Commission stating the business accomplishments over the last year as well as presenting the Commission with an example of their product. He stated that they have won more awards than any other company of this kind. Mr. Lucero stated that they are doing very well and now employ 10 employees at their mill. His goal is to reach 100,000 gallons within the next few years and make the City a destination place for Olive Oil.

Chairman Lopez asked what the two large cargo containers were being used for now. Mr. Lucero stated that currently they are being used as cold storage, however these are temporary and as we grow these are planned to be replaced. Chairman Lopez stated that he would like to see some landscaping on the east side to the north end of the property. He also stated that he would like to see the cargo containers painted the same color as the building.

Mr. Stoufer stated that additional use of the buildings and the fact that they are within the Specific Plan, etc. would require a modification of the existing Use Permit. Mr. Stoufer informed Mr. Lucero that prior to expansion of the existing business, he will need to come back before the Commission to modify the existing Permit and possibly at that time the landscaping and other improvements can be considered.

Commissioner Robertson motioned to move that Lucero Olive Oil is in compliance with the original Conditions of Approval for Use Permit 2008-255 and that at this time additional Conditions of Approval are not warranted. Commissioner Hatley seconded the motion. **Ayes: Robertson, Reilly and Hatley. Opposed: Lopez (Chairman Lopez stated he would like to see the cargo containers painted). Absent/Abstain: None. Approved by a vote of 3-1 with one vacancy on the Commission.**

Mr. Lucero asked if the Use Permit would have a yearly review, he was informed no. The Use Permit would not be reviewed again until the business expanded.

5. Use Permit 2009-256 Review, Busy Bee DayCare: Pursuant to Condition #9, the Use Permit will be reviewed to determine if left turn lanes along Solano Street are warranted.

Chairman Lopez introduced this item by title giving a brief background and stated that the left turn lane doesn't appear to be warranted at this time.

With little discussion, Commissioner Reilly moved that after six months in operation, the Busy Bee Daycare Center has not significantly impacted the traffic at the intersection of Solano Street and East Street, therefore at this time, left turn lanes along Solano Street are not warranted. Commissioner Hatley seconded the motion. **Ayes: Lopez, Robertson, Reilly and Hatley. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy on the Commission.**

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

2. Variance 2009-1, Frank & Kathleen Barron: A Variance request to demolish an existing 20' x 24' shed and replace on the same site a 22' x 32' garage that will be approximately 19' 2" in height. This Variance would allow the garage to be built within 1 foot of the west (or back) property line. Located at 510 4th Street, APN No. 71-113-04.

Chairman Lopez introduced this item by title giving a brief background on the proposed Variance. He announced that Mr. Barron was present and in the audience tonight. Planning Director Stoufer stated that neighbors within 300 feet have been notified and Staff has received no complaints. He also recommended that the Commission review Exhibit G and notice the large pecan tree which the property owner hopes to save and how it shades the house. Chairman Lopez then opened the Public Hearing.

With very little discussion, Commissioner Reilly moved to close the public hearing. Commissioner Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly and Hatley. Opposed:**

None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy on the Commission.

Commissioner Reilly moved to adopt the four Subfindings and Findings as presented in the Staff Report and approve Variance 2009-1 reducing the rear yard setback from 10 feet to 1 foot for a detached garage at 510 4th Street. Commissioner Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly and Hatley. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy on the Commission.**

3. Amend Use Permit No. 103; Corning West Apartments: Request to amend Use Permit No. 103 by adding a Condition that would allow the Apartments to be occupied by non-senior citizens, limited to 3 people, no more than 2 adults and 1 child. Located at 1960 Butte Street, APN No. 71-080-45.

Chairman Lopez introduced this item by title giving a brief background and stating the location of the site. Mr. Stoufer stated that the previous Use Permit was not a valid Use Permit; however Use Permit #103 is the current and valid permit. Mr. Stoufer then discussed the various documents of correspondence with current owner Mr. Silverman and the circumstance of the application for the amended Use Permit. Mr. Stoufer explained that Mr. Silverman has stated he is currently renting to non-seniors in order to make his payments. He also expressed difficulty in competing with surrounding Cities to rent solely to seniors. Mr. Stoufer explained Staff's concerns relating to foreclosure should Mr. Silverman not be able to make his financial obligations.

Chairman Lopez then opened the public hearing noting that Mr. Silverman was present. He then asked Mr. Silverman if he would like to address the Commission. Mr. Silverman asked if his Property Manager could address the Commission and the Commission stated that was fine. Mr. Silverman's Property Manager from Preferred Agents stated that the property is clean and well maintained, they offered a free months rent, advertised and they are still having difficulty competing with the property across the street that is subsidized, as well as similar housing outside of the City.

Chairman Lopez asked if there are any laws restricting the number of habitants per unit. Commissioner Reilly asked how many of the units are rented currently out of the 44 units; he was informed 36, approximately 16 are seniors.

Commissioner Reilly stated that this complex has come before the Commission on three separate occasions that he is aware of, all for the same issue, to remove the age restrictions.

Commissioner Reilly and Chairman Lopez stated that the Commission has previously offered suggestions of possible options, such as knocking down walls and enlarging size of individual units, etc., none of these have been taken. They stated that the Commission has made concessions, yet Mr. Silverman has not met us halfway. In order for this to work, both sides need to give a little.

Chairman Lopez stated that it is not the intention of the City to make Mr. Silverman fail; we all want this to work. Options suggested by members of the Commission and Planning Director Stoufer discussed were:

- Lowering the senior age to 55 yrs.,
- Limiting to two adults and one child under a certain age,
- Limiting it to half seniors and the other half one adult with one child.

Mr. Stoufer did advise the Commission that they do need to keep in mind options that are enforceable.

Chairman Lopez suggested 55 and over for 50% (22 units), unlimited for 50% (22 units) and limited to only two occupants per dwelling. Chairman Lopez advised Mr. Silverman to get and remain in compliance because should this come back before this Commission it would not be good.

Commissioner Reilly moved to close the public hearing. Commissioner Hatley seconded the motion. **Ayes: Lopez, Robertson, Reilly and Hatley. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy on the Commission.**

Commissioner Reilly moved to adopt the 4 Findings and Subfindings, amend the existing Use Permit to specify that of the 44 Units, not more than 50% of the Units (22) can be rented to occupants with no age restrictions however occupancy limit is 2 individuals per Unit. The remaining 50% of the Units (22 Units) are limited to occupancy by residents 55 years of age or older. Commissioner Hatley seconded the motion. **Ayes: Lopez, Robertson, Reilly and Hatley. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy on the Commission.**

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

H. ADJOURNMENT: 8:07 p.m.

Lisa M. Linnet, City Clerk