



**CITY OF CORNING  
PLANNING COMMISSION AGENDA  
TUESDAY, MARCH 16, 2010  
CITY COUNCIL CHAMBERS  
794 THIRD STREET  
CORNING, CA 96021**

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

**B. ROLL CALL:**

<b>Commissioners:</b>	<b>Robertson</b>
	<b>Reilly</b>
	<b>Hatley</b>
	<b>Barron</b>
<b>Chairman:</b>	<b>Lopez</b>

**C. MINUTES:**

**1. Waive the Reading and Approve the Minutes of the February 16, 2010 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, 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.**

**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, and explain the reason you are asking for the order of the Agenda to be changed.**

**2. Review of Use Permit No. 103; Corning West Apartments: Six (6) month review of Amendments to Use Permit No. 103 approved by the Planning Commission at the September 17, 2009 Planning Commission Meeting. Address: 1960 Butte Street, APN No.: 71-080-45.**

**G. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:**

**H. ADJOURNMENT:**

**POSTED: THURSDAY, MARCH 11, 2010**

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



**CITY OF CORNING  
PLANNING COMMISSION MEETING MINUTES**

**TUESDAY, FEBRUARY 16, 2010  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

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

**B. ROLL CALL:**

**Commissioners: Robertson  
Reilly  
Hatley  
Barron  
Chairman: Lopez**

All Commissioners were present. Chairman Lopez introduced new Planning Commissioner Frank Barron.

**C. MINUTES:**

**1. Waive the Reading and Approve the Minutes of the December 15, 2009 Planning Commission Meeting with any necessary corrections.**

Commissioner Reilly stated he believed the break mentioned in the Minutes lasted ten minutes, not five minutes. Chairman Lopez stated that it was five minutes. With no further discussion Commissioner Reilly moved to approve the Minutes of the December 15, 2009 Planning Commission Meeting as written. Commissioner Robertson seconded the motion.

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

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

**2. Use Permit 2010-259; Irrigation Technology & Ag Center. To establish a business for the wholesale/retail sales of agricultural supplies and agricultural irrigation supplies in an existing warehouse building located at 2910 Highway 99 W.**

Chairman Lopez introduced this item by title and Public Works Director (former Planning Director) John Brewer briefed the Commission on the proposed Use Permit acknowledging that the applicant, Steve Bora was not present. Chairman Lopez opened the Public Hearing at 6:32 p.m.

Commissioner Robertson asked if the Commission has allowed deferrals of required improvements for a specified period of time on any previous Use Permits. Mr. Brewer responded yes, this was done in relation to a required handicap parking space with a Beauty Shop.

After completion of discussion by the Commission, Chairman Lopez closed the public hearing at 6:44 p.m. Commissioner Reilly then moved to:

- Adopt the 6 Subfindings and Findings as presented in the Staff Report for Use Permit 2010-256; and
- Approve Use Permit 2010-259 subject to the 3 Conditions of Approval as recommended by City Staff.

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

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

G. ADJOURNMENT: 6:45 p.m.

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Lisa M. Linnet, City Clerk

**ITEM NO: F-2  
REVIEW OF USE PERMIT #103; CORNING  
WEST APARTMENTS. SIX MONTH REVIEW  
OF AMENDMENTS TO THE CONDITIONS OF  
APPROVAL APPROVED BY THE PLANNING  
COMMISSION ON SEPTEMBER 17, 2009.**

**MARCH 16, 2010**

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

**FROM: JOHN STOUFER; PLANNING DIRECTOR**

**PROJECT DESCRIPTION / DISCUSSION:**

Use Permit No. 103 was approved by the city in 1987 to construct 88 studio apartments for senior citizens. To date 44 units in phase 1 have been constructed. The current owner of the apartments applied to amend the Use Permit 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.

At a public hearing held on September 17, 2009 the Planning Commission did not approve this amendment to the Use Permit. Instead the Commission approved the following amendments:

- Not more than 50% of the apartments (22) may be rented to occupants with no age restrictions however occupancy limit is two (2) individuals per unit.
- The remaining apartments (22) must be occupied by residents 55 years of age or older.

Since the September Planning Commission meeting the property Owner has contracted with the Community Housing Improvement Program (CHIP) from Chico to do property management for the apartment complex. CHIP is a specialist in the local management of affordable and subsidized housing and currently manages several different complexes in the north state. Staff has been in contact with representatives from CHIP who will attend the Planning Commission meeting to provide the Commissioners with an update on current occupancy of the apartments and compliance with the amendments approved in September.

The apartment complex is located at the northwest corner of the Butte St. / Toomes Ave. intersection. Address: 1960 Butte St. APN: 71-080-45

**STAFF RECOMMENDATION:**

If after a discussion with CHIP representatives the Commission desires to make further amendments to Use Permit #103 staff recommends that the Commission take the following action:

**ACTION**

**Move to direct staff to schedule and publish a notice of public hearing to consider specified amendments to Use Permit No. 103.**

**OR**

**Take no action and direct staff to work with representatives from CHIP in monitoring the occupancy requirements set forth in the previous amendment to Use Permit No. 103.**

**ATTACHMENTS**

Exhibit "A"	Copy of minutes from September 17, 2009 PC meeting
Exhibit "B"	Information on CHIP



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 4<sup>th</sup> 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 4<sup>th</sup> 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.**

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**Lisa M. Linnet, City Clerk**

**EXHIBIT "B"****CHIP: Community Housing Improvement Program**[What's New](#)[Self-Help Housing](#)[Multi-Family](#)[Property Management](#)[Housing/Credit Counseling](#)[Land Department](#)[About CHIP](#)[Home](#) : Property Management

## Property Management

CHIP is a specialist in the local management of affordable and subsidized housing in northern California.

- We take the hassle out of owning income property.
- We'll inject fresh energy into your property.

We understand that sound management ensures sustainable maximum return on your investment.

### Proven Experience

With well over 60 years of cumulative staff experience in affordable and subsidized property management, CHIP is ideally suited to manage your asset. CHIP's first priority is top quality management. We don't over-commit our resources to manage numerous properties. CHIP has the expertise of larger firms with the accessibility, responsiveness, and personal touch of a family business.

### Committed Staff

CHIP's thoroughly trained staff ensures ongoing regulatory compliance at your property. We are committed to providing you with timely, accurate financial and operational reporting. Your accountant will love our thorough year-end reports. Given the diverse nature of tenants throughout our portfolio, we often hire and train bilingual managers to ensure clear communication and cost-effective management. Our centrally located management base in Chico ensures consistently diligent and high quality supervision and rapid response to every situation.

### Service To Tenants

CHIP works cooperatively with tenants to ensure regulatory compliance and low vacancies. We train out managers to provide tenants with up-to-date information on local, low-cost community services and resources. Satisfied tenants contribute to a healthy community environment and reduced vacancy rates.

### Maintenance Mission

#### CHIP Properties

[Chico](#)[Campbell Commons](#)[East of Eaton](#)[La Vista Verde Apartments](#)[Longfellow Apartments](#)[Murphy Commons](#)[Turning Point Commons](#)[Gridley](#)[Hazel Hotel](#)[Hamilton City](#)[Las Palmas Apartments](#)[Shotover Inn Apartments](#)[Orland](#)[Rancho de Soto Apartments](#)[Red Bluff](#)[Brickyard Creek Apartments](#)[Redding](#)[Linden Apartments](#)

One size does not fit all! We custom-tailor maintenance programs to match the conditions at your complex with available financial and staff resources. A rigorous focus on preventative maintenance and rapid response to corrective repairs protects and enhances the value of your asset.

## **Owner Perspective**

Since CHIP develops and owns many of the properties it manages, we have that essential owner's perspective on asset management. As general contractors, we have a hands-on appreciation of major maintenance, structural, and renovation concerns.

## **Developer Perspective**

CHIP's turnkey real estate development expertise has produced more than 1,200 single family and 393 multi-family units. This experience gives us the vital "big picture" perspective on property management

## **Local Development Leader**

CHIP has been a leader in rural Northern California community and economic development. We are vital and respected members of the communities we serve.

## **Contact Information**

For information about CHIP's Property Management Services, please contact any of the following people:

Dave Hodges at 891-6931 or [dhodges@chiphousing.org](mailto:dhodges@chiphousing.org)

Roberto Rojas at 891-6931 or [rrojas@chiphousing.org](mailto:rrojas@chiphousing.org)

Janell Boirie at 624-0229 or [jboirie@chiphousing.org](mailto:jboirie@chiphousing.org)

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