

**CITY OF TAFT
PLANNING COMMISSION
MINUTES
FEBRUARY 6, 2013**

The February 6, 2013, regular meeting of the Planning Commission of the City of Taft, held in the City of Taft Council Chamber, 209 E. Kern Street, Taft, CA 93268, was opened by Chairman Walchock at 6:12:26 PM. The Pledge of Allegiance was led by Commissioner Orrin, and invocation was given by Chairman Walchock.

PRESENT: Chairman Curtis Walchock, Vice Chairman Robert Thompson;
Commissioners James Fleetwood, Ron Orrin, Shaun Sutherland
Planning and Community Development Director Mike Waiczis;
Recording Secretary Alina Megerdom.

ABSENT: City Attorney Tom Ebersol, available via telephone.

CITIZEN REQUESTS/PUBLIC COMMENTS

There were none.

APPROVAL OF MINUTES

Consider approval of minutes for the January 16, 2013, Regular Planning Commission Meeting.
RECOMMENDATION – Approve as submitted.

Motion: Moved by Thompson, seconded by Orrin, to approve the minutes of January 16, 2013.

AYES: Fleetwood, Orrin, Thompson, Walchock
ABSTAIN: Sutherland

PLANNING COMMISSION REVIEW – SITE REVIEW 6:16:11 PM

1. **Popeye's Chicken** – Consider proposed new use and exterior modifications to existing structure located at 1117 Kern Street (SR33), Larry Presley, applicant.

Waiczis presented the staff report on the Popeye's Chicken Site Review. A picture of Popeye's building was entered into record and copies were given to the Commissioners. Waiczis stated that Mr. Larry Presley is the person who applied for the sign permit. There are other representatives from Popeye's Restaurant present and if they could introduce themselves. Waiczis asked the commissioners for their comments and directions.

Walchock welcomed the representative of Popeye's and asked them to introduce themselves. Mel Dumas, Corporate Construction Manager for Mid-West introduced himself. He also introduced Joe Davis, Project Super from Miller-Pacific Company, who is assigned as the General Contractor for this project.

Dumas stated that the reason they did things a little quicker than they normally do was because they needed to identify the building as soon as they took position. They were mandated by legal to do what they did so far. That is not what they normally do; normally they bring in plans and abide by the local codes and ordinances. This is not something they take lightly. They want to be good citizens in Taft. They have their plans in at City Hall for review. As far as landscaping, they want to enhance what is there. They want to be part of the community and would like to join the Taft Chamber of Commerce.

Walchock asked what the time-line for this project was. Dumas stated they are looking into opening middle of May, 2013. They have the demolition completed, have ordered all the equipment and furnishing. They have turned in sign permit; signs are being made and will be going up soon.

Walchock asked Waiczis if there was anything from the City standpoint that would stop them from opening in May, 2013. Waiczis stated that if they have done the exterior work and the landscaping, it's now in the hands of the Building Department. The rest of the work is interior and they need to apply for the proper permits.

Thompson stated that the color skim shows a little lighter in the picture than what it actually looks like on the building. Dumas stated that the color of the building is a little darker, which is the standard color with the brick around the side. That is the pro-typical look which is build all over the country.

Orrin asked if they are going to include the balcony, canopy and the lights. Dumas replied yes to all. Orrin stated that his only concerns was the permitting process, whether or not everything is up to code with the existing building and they don't get caught with something going wrong after they open. Davis stated that all is being included on the revision set of plans that are going to be submitted to City Hall on Friday, February 8, 2013.

Walchock asked what the hours of operation would be. Dumas replied they are looking at 10:00 AM to 10:00 PM. Walchock asked how many Popeye's are opening in Kern County. Dumas stated that he was not sure, but he would look into it. Davis replied that they are opening five more in Bakersfield and have already opened two on the 30th of December, 2012.

RECEIVE REPORT AND PROVIDE DIRECTION 6:26:27 PM

1. Zoning/ Code Enforcement Issue – Existing storefront conversions to residential uses in the Central Business District located at 710, 714, et.al. Center Street.

Waiczis presented the staff report on Zoning / Code Enforcement issue at 710, 714 Center Street. He stated that a few months ago he was contacted by City's Code Enforcement Officer, Jill Gibson in regards to Code Enforcement issues. Her initial concern was that, does the Zoning Ordinance allow this use. The owner of the property, Leona Marcel was contacted. Marcel allowed City staff to tour the buildings. At that time he was concerned if the units were inhabitable. There was also some work done without permits. The 716 Center Street property was not rented at that time. Gibson requested that the owner not rent that unit until the building official had a chance to see it. Their concerns switched from zoning issue to health, safety and welfare issue for the residents. The County Building Inspector Jesse Barron did see the place on February 5, 2013 and he actually had less concerns than they did. The two units that are occupied by families were deemed by the inspector not to be so urgent. The front unit at 716 would not be inhabitable as it was, basically because of code issues. For the 716 property, the intent of the code is that the person operating the business is supposed to occupy the residence. It is not to be a separate unit. As far as 714 is concerned, under the tax code it is deemed straight commercial office, it is not a residence and was never intended to be a residence. Neither of the front properties can have people living in them as long as they have code violations.

Kern County Inspector, Barron was going to ask his supervisor what would be the next step. If they are deemed unlivable, due to code violations, they will need to ask the residents to relocate until the premises are up to code. Waiczis asked for direction from the Planning Commissioners. How fast do they want them to move? Should they continue their code enforcement action? What directions should the City give to the property owners? Should the property owner consider a Use Permit at least on 716 Center Street location?

Thompson asked on the multifamily issue; if they did a lot line adjustment and put it all on one lot, is it applicable to have multifamily unit. Waiczis stated that there would be a process. They would ask for the Fire Departments feedback. Basically they have a joining wall, and multifamily is allowed in the Mixed Used Zone District with a Use Permit. That would be one way of working it as long as they were up to code. It would be up to the owner, if she wanted to invest in that.

Sutherland asked what the owner wants to do in this situation. Leona Marcel, property owner and Debra Myers, her daughter introduced themselves and spoke in regards to their concerns for the property and the residents. D. Myers stated that her mother's main concern was to keep the residential property in that back unit as it originally was zoned, as residential. The other two front units are not the most pressing concerns at this time. The back unit has been occupied for over thirty five years as residential, family members have lived there for years and now it's being rented.

Waiczis stated the fact that it has been occupied continuously for over thirty five years may have some sort of legal standing. This will need to be looked at by the attorney and will only refer to the one parcel.

Orrin stated the issue is whether or not we should direct the owner to pursue a multi-family zone, which would require a Conditional Use Permit or a Zone Change. Personally he feels that it is a bad idea. There are plans for the downtown area. Continued use is a different issue and that should be referred to the attorney, the intention is not to displace people or disrupt her property values. He feels that they need some legal advice.

Thompson asked the owner if she has someone working on the property to do the upgrades and if they are a licensed contractor? Marcel replied that she does have someone fixing the property and no they are not a licensed contractor. She asked if it's illegal to have someone repair your own property. Thompson replied if it's up to five hundred dollars. She has a property manager who handles the work around the rental properties.

Walchock asked Waiczis what his suggestion was and how to handle this. Waiczis stated that the Commissioners should direct him to request a legal opinion from the Planning Commission Attorney. He would ask the attorney if the back unit has a legal standing as grandfathered in. Bring it back to the next Planning Commission meeting with the Attorney's opinion.

Myers asked if the tenants that are in the back unit, do they stay in the back unit until it is resolved. Waiczis stated that the building official from Kern County did not feel that there was a health or safety risk at this time. They decided administratively that until they resolve the zoning issue, that they did not have a problem for the tenants to stay there as long as the front unit was not rented.

All Commissioners agreed to continue this matter to the next meeting when Waiczis has had a chance to speak to the attorney and have some legal advice. Waiczis stated that he would ask the attorney to give his opinion in two weeks and he would send his opinion early to the Commissioners which would give them time to review it. He will be meeting with Jill Gibson, Code Enforcement Office and the Building Official to see what their future actions are going to be.

PLANNING DIRECTOR REPORT 6:51:28 PM

1. Funding for Planning Commissioners' training.

Waiczis did visit with both the City Manager and Finance Director and they said there is no money to do training. No one is getting any training at this time. The staff who are getting the training are attending trainings that are free or funded by grants, etc. or trainings that are mandatory. The only thing he can offer is 15-20 minute presentations at the Planning Commission meetings.

Walchock stated he would like some kind of training so if Waiczis could put some sort of presentations at the meetings that would be wonderful. Walchock asked if Waiczis could use the brochure as guideline on the presentations.

2. Other Planning activities.

- **Sunset Rails project:** Pretty good progress on the Hotel. In theory there might be a Site Plan Review in the future. The biggest issue was do they have sewer capacity and can they get water. They have received confirmative on both.
- **Tract Maps:** Council approved on both maps. Occidental Elk Hills has concerns on who has mineral rights. The City Council decided that they would condition the approval of the maps with the developer and Oxy negotiating back and forth until they decide on a solution. If they don't have that solution, the Final Map cannot be approved. They have met with both groups and it does seem like Oxy wants to find a solution. The City is working with them, suggesting some things and there may be some middle ground. There are some good things on the table and Oxy stated they would let the City know within 7-10 days and hopefully they can come to a conclusion.
- **New Restaurant:** There might be another Taco Bell soon. They want to comeback.
- **Signs along Taft area:** Kathy Orrin spoke on signage along the 119. Chamber has been talking to David Couch for some time now in regards to signs along the 119. Mark C. Salvaggio, Constituent Services Specialist for Kern County is on David Couches team. They were in contact with him and a meeting was scheduled. Her biggest concern was CalTrans, because she was told that they are very difficult to work with. Salvaggio stated that he had a friend at CalTrans; he will try to invite him to attend the meeting. They had a meeting with everyone and it ended very well. CalTrans agreed to put up the very basic sign which includes gas, food and lodging. It seems to her that they can get that in two to three months. They have to make some decision which includes where the best locations for the signs are. Mrs. Orrin also suggested pylon signs that people rent to advertise the retail stores and restaurant. There are some costs for the sign and the land the sign is on. There are some signage issues and they need to proceed very carefully to clean up the unwanted signs and place the new signs. CalTrans has agreed to replace the signs with new signs and remove the unwanted signs.

Waiczis handed out his weekly report to the Commissioners.

Walchock asked about Subsidized Housing by 2nd Street and Supply Row. Waiczis stated that he has been speaking to Gary Coats in regards to the housing interest. Coats has stated that he was working on finding an investor to build it. He stated to Waiczis that it's a good investment and hopefully in the near future he would build it himself.

Mr. Orrin asked about the Ethics Training. Waiczis stated that he will speak to Louise Hudgens, City Clerk to get more information. Hudgens is putting together the training to take place in City Hall for the staff. This training will be provided City Attorney, David Prentice. Orrin asked if that is going to be similar, the same or equal to the Ethics Training the Commissioners attend? Waiczis stated he needs to ask Hudgens for more information.

Mrs. Orrin stated that the AB1234 training is set for March 14, 2013 at 6:00 PM in City Hall. Mrs. Orrin also invited the Commissioners to the Chamber of Commerce Installation, Board Meeting and Awards Dinner. It will be on Thursday, February 7, 2013, at 6:00 PM at Recreation Center. It is \$40 a ticket which included dinner catered by Hodel's Restaurant.

CITY ATTORNEY STATEMENTS

There was none.

COMMISSIONER COMMENTS

Fleetwood requested an update on the banners / flags matter. Waiczis spoke to City Clerk and asked if it's something that City Council would be interested. She agreed that it would be something of an interest to the Council and he should take the item to the Council meeting.

Waiczis stated that he has couple of other issues with the ordinance. There is an issue with poor/unclear language in how we allow special events and how we allowed transit peddlers. He would like to put both items on the same agenda. They do have a relationship together. There are no real ways of regulating some of these people who drive in and sell stuff. The City actually has two different fees for that. It all needs to be cleaned up.

Walchock stated as far as the banners, he hopes to get some support in favor of an ordinance against them. He believes based on experience that it will be very controversial and City of Taft is going to be wearing the black hat.

Sutherland apologized for missing the meeting last month. He also welcomed Mr. Orrin to the Commission.

Orrin stated that he attended the Council meeting on February 5, 2013; he was very please the way the Council was able to articulate real concerns and respond in a positive way. He felt that the community was real fortunate to have these people as the leaders of this City.

Walchock agreed with Orrin that the Council through thick and thin has provided a service as a whole with the communities' best interest in mind.

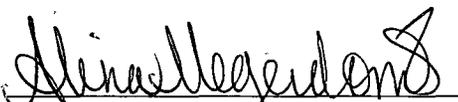
Walchock asked about the Housing Element and suggested that being a topic for the joint meeting with Council. He would be willing to move the date for the Joint Council to July, 2013 to include the Housing Element.

Identification of Representative to the City Council.

Commissioner Orrin stated he would attend the Council Meeting and report on Planning Commission meeting updates.

ADJOURNMENT

Motion: Moved by Sutherland, seconded by Thompson and approved unanimously, to adjourn the meeting at 7:35:41 PM.


Alina Megerdom, Recording Secretary


Curtis Walchock, Chairperson