



**AGENDA**  
**CITY OF NORCO**  
PLANNING COMMISSION



CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE  
REGULAR MEETING  
DECEMBER 10, 2014

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CALL TO ORDER: 7:00 p.m.

ROLL CALL:

STAFF PRESENT:

PLEDGE OF ALLEGIANCE: Commission Member Hedges

1. **APPEAL NOTICE:** In the event that you disagree with the action taken by the Planning Commission in regards to your application, or with any condition for approval of the application which is not a specific requirement of the Norco Municipal Code, you are entitled to appeal such determination or conditions to the Norco City Council, provided that such appeal is filed with the Norco City Clerk within ten calendar days after the requirements for appeals, inclusive of payment of an appeal fee. Please contact City planning staff at (951) 270-5661 if you have any questions regarding any item you may wish to appeal.
2. **PUBLIC COMMENTS:** Hearing from the audience on items not listed on the agenda. Please limit your comments to three (3) minutes. Be sure to complete a speaker card at the entrance of the room and present it to the Clerk so that you may be recognized.
3. **APPROVAL OF MINUTES:**
  - ❖ Minutes of Regular Meeting of November 12, 2014  
**Recommended Action: Approval** (Deputy City Clerk)
4. **CONTINUED PUBLIC HEARING:**
  - A. **Code Change 2014-09** (City of Norco): A City-initiated request for recommendation of approval on a proposed Code Change to amend the City's grading permit process. **Continued from November 12, 2014;**  
**Recommended Action: Adoption** (Planning Director)

5. PUBLIC HEARINGS:

- A. **Conditional Use Permit 2014-28 (Les Schwab Tires):** A request for approval to allow the construction of a retail tire store with tire installation at the property located at the northwest corner of Hamner Avenue and Third Street (APN 129-380-009) located within the "C-G" (Commercial General) Zone. **Recommended Action: Approval** (Senior Planner)
- B. **Conditional Use Permit 2014-31 (Car Champs LLC):** A request to allow a used car dealership with ancillary and related auto services, to operate in existing building of a former Mazda dealership at 2000 Hamner Avenue located in the Auto Mall Specific Plan. **Recommended Action: Approval** (Planning Director)
- C. **Conditional Use Permit 2014-30 (Parmelee):** A request for approval to allow a detached accessory building consisting of a 1,840 square-foot storage building at 3733 Alhambra Street located within the A-E (Agricultural Estate) Zone. **Recommended Action: Approval** (Senior Planner)
- D. **Similar Use Finding 2014-01 (City):** A make findings that a proposed gun and ammunition store is not inconsistent with the purposes and intent of the C-4 Zone and that the use can be allowed with the Similar Use Finding. **Recommended Action: Approval** (Planning Director)

6. CITY COUNCIL MINUTES: Receive and File

- City Council Regular Meeting of November 5, 2014
- City Council Regular Meeting of November 19, 2014

7. PLANNING COMMISSION:

- A. Oral Reports from Various Committees
- B. Request for Items on Future Agenda (within the purview of the Commission)

8. ADJOURNMENT

Staff reports are on file in the Planning Division.

Additionally, any writings or documents provided after distribution of the Planning Commission's agenda packet to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the Planning Division counter at City Hall located at 2870 Clark Avenue.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office at (951) 270-5623. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)



**MINUTES  
CITY OF NORCO  
PLANNING COMMISSION**



CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE  
ADJOURNED REGULAR MEETING  
NOVEMBER 12, 2014

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CALL TO ORDER: **7:00 PM**

ROLL CALL: **Chair Leonard, Vice Chair Hoffman, Commission Members Hedges and Rigler; Member Jaffarian - absent**

STAFF PRESENT: **Planning Director King, Senior Planner Robles and Deputy City Clerk Germain**

PLEDGE OF ALLEGIANCE: **Vice Chair Hoffman**

1. APPEAL NOTICE: **Read by Planning Director King**

2. PUBLIC COMMENTS: **None**

3. APPROVAL OF MINUTES:  
❖ Minutes of Regular Meeting of October 29, 2014  
**Recommended Action: Approval** (Deputy City Clerk)

**M/S Rigler/Hedges** to approve the minutes of regular meeting of October 29, 2014, as written

**AYES: Leonard, Hoffman, Hedges, Rigler**

**Motion Passed**

**ABSENT: Jaffarian**

4. PUBLIC HEARINGS:

- A. **Conditional Use Permit 2014-25** (Brown): A request for approval to allow a temporary mobile home for the elderly at 3760 Alhambra Street located within the A-E (Agricultural Estate) Zone. **Recommended Action: Approval** (Senior Planner)

Member Rigler recused himself due to his relationship with the applicant.

Senior Planner Robles presented the staff report on file in the Planning Department. She noted that if approved, it must be recorded on the title that if the property is sold the temporary mobile home must either be removed or a change must be done by approval of the Planning Commission. She stated that all code requirements are met. Staff recommends approval.

In response to Commission Members, Senior Planner Robles stated that Conditions 11 and 13 note the sewer/water connection needs, and that the applicant is present to answer further questions regarding its distance from the main residence.

**Chair Leonard OPENED the public hearing, indicating that proper notification had been made and asked for the appearance of those wishing to speak.**

**Alyson Brown, applicant:** In response to Member Hedges regarding the placement of the mobile home, Ms. Brown stated that the location chosen is away from the main house as to give her mother her own space, and will provide her a view of the yard and pool area.

**Chair Leonard CLOSED the public hearing, bringing the discussion back to the Commission.**

Chair Leonard asked that a condition be added or revised to require permits or removal of the non-permitted structures on the property to be concurrent with the issuance of the permit for the mobile home.

**M/S Hedges/Hoffman** to adopt Resolution 2014-54, to approve Conditional Use Permit 2014-25, to allow a temporary mobile home for the elderly on property at 3760 Alhambra Street; modifying Condition 23 to read that the permits and removal of non-permitted structures coincide with the time frame of the issuance of the building permit for the mobile home.

**AYES: Leonard, Hoffman, Hedges**

**Motion Passed**

**ABSTAIN: Rigler**

**ABSENT: Jaffarian**

- B. Conditional Use Permit 2014-27 (Hielscher):** A request for approval to allow a detached accessory building consisting of a 1,857 square-foot barn at 350 Caliente Drive located within the A-1-20 (Agricultural Low Density) Zone.

**Recommended Action: Approval** (Senior Planner)

Senior Planner Robles presented the staff report on file in the Planning Department. Staff recommends approval.

In response to the Commission, Senior Planner Robles stated structures shown on Exhibit F are no longer present and the grade difference does not intrude in the PAKA.

Member Hedges asked that Condition 10 be revised to read “barn” instead of “storage building”.

**Chair Leonard OPENED the public hearing, indicating that proper notification had been made and asked for the appearance of those wishing to speak. With no one wishing to speak, Chair Leonard CLOSED the public hearing, bringing the discussion back to the Commission.**

**M/S Hedges/Rigler** to adopt Resolution 2014-52, to approve Conditional Use Permit 2014-27, to allow a detached accessory building consisting of a 1,857 square-foot barn at 350 Caliente Drive; amending Condition 10 to read “barn” instead of “storage building”.

**AYES:** Leonard, Hoffman, Hedges, Rigler  
**ABSENT:** Jaffarian

**Motion Passed**

**C. Code Change 2014-09** (City of Norco): A City-initiated request for recommendation of approval on a proposed code change to amend the City’s grading permit process. **Recommended Action: Adoption** (Planning Director)

Planning Director King presented the staff report on file in the Planning Department. He stated that this proposal is to address concerns from the Planning Commission and the City Council regarding standards for permitting excavations, alleviate flooding, and to address current grading taking place with no end-date. This recommendation will require a time frame for work to be done, if necessary the applicant will have to reapply for a new permit after that time frame. It will also establish an impact fee and provide a description of what a grading or mining operation will entail. He added that mining is allowed only in the M-1 Zone.

Discussion ensued regarding the potential to require a bond for landscape upon completion of work, enforcement of work that exceeds permit date and a recommendation to establish a fine schedule.

Director King explained the enforcement process that would be followed, beginning with the Public Works Department, and then if necessary, a team effort with multiple departments to enforce compliance.

Commission Hedges suggested that this item be continued due to additional issues brought up in discussions.

Chair Leonard noted his concern with water runoff; he concurred with Member Hedges to continue.

**Chair Leonard OPENED the public hearing, indicating that proper notification had been made and asked for the appearance of those wishing to speak. With no one wishing to speak, Chair Leonard CLOSED the public hearing, bringing the discussion back to the Commission.**

Chair Leonard suggested that a large performance bond be required that it may guarantee that the work is completed.

**M/S Hedges/Hoffman** to continue discussions to the next scheduled Planning Commission meeting in December.

**AYES:** Leonard, Hoffman, Hedges, Rigler  
**ABSENT:** Jaffarian

**Motion Passed**

- D. **Code Change 2014-10** (City of Norco): A City-initiated request to establish the maximum amount of concrete or other impervious surface material that can be installed before having to obtain a building permit. **Recommended Action: Adoption** (Planning Director)

Planning Director King presented the staff report on file in the Planning Department. At the request of City Council, this item is being presented for the Planning Commission for their review. Staff recommends approval.

In response to Commission Member Rigler, Director King explained that businesses located along Sixth Street were allowed to use pavers in their driveways across horse trails, noting that once this Code Change is adopted, permits will be required.

**Chair Leonard OPENED the public hearing, indicating that proper notification had been made and asked for the appearance of those wishing to speak. With no one wishing to speak, Chair Leonard CLOSED the public hearing, bringing the discussion back to the Commission.**

In response to Vice Chair Hoffman, Director King stated that driveways are exempt in the California Building Code, but are addressed in the Norco Municipal Code.

Chair Leonard noted his concern that animal keeping areas are not being addressed in this concrete issue. He suggested that concrete or flatwork be restricted in animal keeping areas, with the exception when it's needed in a barn.

Director King explained that lot coverage, which would include animal keeping areas, is covered under a different section of the Norco Municipal Code, and is not being covered in tonight's presentation. Lot coverage will be brought back as a separate discussion at a later date.

After further discussion a motion was made.

**M/S Hedges/Hoffman** to adopt Resolution 2014-57, recommending that the City Council approve Code Change 2014-10 establishing the amount of concrete or other impervious surface material that can be installed without having to obtain a building permit, with any related cross-references in other Chapters as needed.

**AYES:** Hoffman, Hedges, Rigler

**NOES:** Leonard (needs to address animal keeping area)

**ABSENT:** Jaffarian

5. BUSINESS ITEMS:

- A. **Site Plan 2014-13** (Zahn): A request for approval to allow a 761 square-foot addition to an existing detached barn at 2060 Roan Court located within the A-1-20 (Agricultural Low-Density) Zone. **Recommended Action: Approval** (Senior Planner)

Senior Planner Robles presented the staff report on file in the Planning Department. She shared that the applicant is the new owner who is in process of cleaning up the property; staff is recommending that the metal cargo container be removed within six months of approval. Staff recommends approval.

In response to the Commission, Senior Planner Robles confirmed that staff has verified proper access to the animal keeping area, that the metal cargo container is not visible from the street, and that access to the backyard has also been verified at 14 feet.

**Chair Leonard invited the appearance of those wishing to speak.**

**Bill Zahn, applicant:** Mr. Zahn answered questions for the Commission. He confirmed that the container can be removed from the back yard.

**Chair Leonard brought discussions back to the Commission.**

**M/S Hedges/Rigler** to adopt Resolution 2014-53, to adopt Site Plan 2014-53, to allow an accessory building consisting of a 761 square-foot addition to an existing barn at 2060 Roan Court.

**AYES: Leonard, Hoffman, Hedges, Rigler**

**Motion Passed**

**ABSENT: Jaffarian**

B. **Site Plan 2014-24** (Farrel): A request for approval to allow a detached accessory building consisting of a 400 square-foot garage at 4651 Temescal Avenue located within the A-1-20 (Agricultural Low-Density) Zone.

**Recommended Action: Approval** (Senior Planner)

Senior Planner Robles presented the staff report on file in the Planning Department. Staff recommends approval.

In response to the Commission, Senior Planner Robles pointed out where the access to the rear of the property was located and confirmed that Engineering approval is needed for a new drive approach and driveway to the garage when crossing the horse trail.

**Chair Leonard invited the appearance of those wishing to speak.**

**Rick Farrell, applicant:** Mr. Farrell answered a few questions from the Commission regarding access to his property.

**Chair Leonard brought discussions back to the Commission.**

**M/S Hoffman/Hedges** to adopt Resolution 2014-55, to approve Site Plan 2014-24, to allow a detached accessory building consisting of a 400 square-foot garage at 4651 Temescal Avenue; adding a condition requiring Engineering approval for a drive approach and driveway to garage.

**AYES: Leonard, Hoffman, Hedges, Rigler**

**Motion Passed**

**ABSENT: Jaffarian**

- C. **Sign Permit 2014-23** (Inland Signs Inc.): A request for approval of a modification to an existing sign program to allow the installation of an eight-foot tall monument sign at 1540 Hamner Avenue located within the Commercial district of the Gateway Specific Plan. **Recommended Action: Approval** (Senior Planner)

Planning Director King presented the staff report on file in the Planning Department. Staff recommends approval.

**M/S Hedges/Rigler** to adopt Resolution 2014-58, to approve Sign Permit 2014-23, to allow a modification to an existing sign program to allow the installation of an eight-foot tall monument sign at 1540 Hamner Avenue located within the Commercial District of the Gateway Specific Plan.

**AYES: Leonard, Hoffman, Hedges, Rigler**

**Motion Passed**

**ABSENT: Jaffarian**

6. CITY COUNCIL MINUTES: **Received and Filed**

- City Council Special Meeting of October 8, 2014
- Regular Meeting of October 15, 2014
- Special Joint Meeting Minutes of October 22, 2014

7. PLANNING COMMISSION:

A. Oral Reports from Various Committees

- Member Hedges reported on the progress of the Infrastructure Funding Ad Hoc Committee, noting that its next meeting is scheduled for November 17, 2014, when discussions will continue regarding funding, and the difference between needs and wants.
- Vice Chair Hoffman commended the City staff on all the work done on the Veterans Memorial, including the festivities; it is a great accomplishment for the City.

B. Request for Items on Future Agenda (within the purview of the Commission)

**None**

8. ADJOURNMENT: Chair Leonard adjourned the meeting at **8:35 PM**

Respectfully submitted,

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Steve King, Secretary to the  
Planning Commission

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## MEMORANDUM

TO: Honorable Chair and Members of the Planning Commission

FROM: Planning Division

PREPARED BY: Steve King, Planning Director

DATE: December 10, 2014

SUBJECT: Code Change 2014-09 (City of Norco): A City-Initiated request for recommendation of approval on a proposed Code Change to amend the City's grading permit process.

RECOMMENDATION: Adopt Resolution 2014-56 recommending that the City Council approve Code Change 2014-09

**SUMMARY:** This item was continued from the November 12, 2014 meeting to incorporate additional input from the Planning Commission. The proposed Code Change will amend the City's grading permit process and regulations to prevent excessive grading operations and to provide an enforcement penalty for projects that exceed their stated termination date on the permit approval.

**BACKGROUND:** The City Council at its meeting on May 7, 2014 directed the Planning Commission to review the current grading permit process and provide a recommendation for amendments it determines are needed. On September 10, 2014 the Planning Commission reviewed the current procedures and provided input. Upon reviewing the chapters involved staff is also recommending revisions to remove some inconsistencies between two NMC Chapters.

**DISCUSSION FROM THE NOVEMBER 12, 2014 MEETING:** At the November 12<sup>th</sup> meeting the Planning Commission wanted to add the requirement for a performance bond to ensure that there is money to cover landscaping if the applicant fails to finish the site after grading is done. Another recommended change was that the fines for exceeding the time limit on a permit be a fine schedule that would escalate until the situation was corrected. Another suggestion was that there is appropriate review to prohibit water run-off during and after grading operations. This is already a requirement for a grading permit so there is no recommendation to change it at this point. All of the changes incorporated from the November 12, 2014 meeting are shown below underlined and highlighted in green.

**ANALYSIS:** Chapter 15.02 of the Norco Municipal Code is the Official Building Code for the City of Norco. Ordinance 972 was adopted on January 15, 2014 incorporating the entire 2013 California Building Code (CBC) but with some exclusions from, and

amendments to, that document to comprise the Official Building Code for the City. Appendix "J" of the CBC addresses grading and standard procedures. There were minor revisions to Appendix "J" with the adoption of Ordinance 972.

The following is a list of exemptions of the types of grading projects that do not need a grading permit. Numbers 1 through 6 are straight from CBC Appendix "J." Exemptions 8 and 9 were added with Ordinance 972. The text highlighted in red are changes recommended by the Planning Commission in September. It needs to be noted, however, that any changes to the CBC may ultimately require approval of the California Building Codes Commission and may not be approved.

1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.
2. Excavation for construction of a structure permitted under this Code (CBC).
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells, or trenches for utilities.
6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
7. Exploratory excavations performed under the direction of a registered design professional.
8. An excavation does not exceed ~~50 cubic yards (38.3 m<sup>3</sup>)~~ 60 cubic yards (45.8 m<sup>3</sup>) and complies with one of the following conditions:
  - (a) is less than 2 feet (0.6 m) in depth.
  - (b) does not create a cut slope greater than 5 feet (1.5 m) measured vertically upward from the cut surface to the surface of the natural grade and is not steeper than 2 units horizontal to 1 unit vertical (50 percent slope).
9. A fill not intended to support a structure, that does not obstruct a drainage course and complies with one of the following conditions:
  - (a) is less than 1 foot (0.3 m) in depth and is placed on natural terrain with a slope flatter than 5 units horizontal to 1 unit vertical (20 percent slope).
  - (b) is less than 3 feet (0.9 m) in depth at its deepest point measured vertically upward from natural grade to the surface of the fill, does not exceed 50 cubic yards, and creates a fill slope no steeper than 2 units horizontal to 1 unit vertical (50 percent slope).
  - (c) Is less than 5 feet (1.5 m) in depth at its deepest point measured vertically upward from natural grade to the surface of the fill, does not exceed 20 cubic yards, and creates a fill slope no steeper than 2 units horizontal to 1 unit vertical (50 percent slope).

Norco Municipal Code (Chapter 6.32) also establishes minimum requirements for excavating, grading, and filling on all private property in order to protect adjacent properties. A Grading Permit is needed for any excavation or fill that would change the natural slope of the property or change the way run-off is accepted or discharged from the property. Exemptions per Chapter 6.32 from needing a grading permit are as follows:

1. An excavation below finished grade for a basement or footings for a building, or swimming pool, or other structures authorized by a valid building permit which has been issued by the city, but this exception shall not affect the applicability of any provisions of this chapter to any fill made with the material of such excavation;
2. Notwithstanding anything to the contrary stated in this code, including Chapter 15.04, hereof, grading by excavation to a depth three feet or less; grading by fill to a height not exceeding one foot; grading by excavation or fill involving material which does not exceed a volume of three hundred cubic yards, which grading is conducted on a lot or parcel established by a recorded deed or a recorded final subdivision or parcel map;
3. Any reclamation or rubbish disposal site operated by a government agency;
4. Any work done in city streets where a permit therefor has been granted under any city law, ordinance or regulation;
5. Any work done in order to protect the public health, safety and welfare in the event of emergency or disaster.

There is an inconsistency between one of the exemptions added with Ordinance 972 (#8 from the first group) and an exemption listed in Chapter 6.32 of the NMC (#2 from the second group). The threshold for the amount of material where a grading permit becomes necessary is 50 (60) cubic yards per Ordinance 972 but is 300 cubic yards per Chapter 6.32. Also the threshold for depth of excavation that does not need a grading permit is two feet per Ordinance 972 and is three feet per Chapter 6.32. Staff recommends that Chapter 6.32 be amended to reflect what was adopted with Ordinance 972:

2. Notwithstanding anything to the contrary stated in this code, including Chapter 15.04, hereof, grading by excavation to a depth ~~three~~ two feet or less; grading by fill to a height not exceeding one foot; grading by excavation or fill involving material which does not exceed a volume of ~~three hundred~~ sixty cubic yards, which grading is conducted on a lot or parcel established by a recorded deed or a recorded final subdivision or parcel map;

In September the Planning Commission commented that any proposed grading should not change the flow of water, or make a change in topography that causes water to flow differently off-site. That is already restricted per the NMC as follows and staff does not recommend any changes thereto:

*6.32.050 Permit required.*

*A permit from the public works department is required, except as set forth in Section 6.32.060, before the commencement of any physical work to raise or lower the existing grade of any lot, parcel or portion thereof, or for any excavation or filling which changes the grade of the natural slope of the surface of any lot, parcel or portion thereof so that it will not take natural runoff of water from adjacent lots or parcels as before the excavation or fill, or so that the surface drainage of the lot, parcel or portion thereof is concentrated or collected and discharges unto another lot or parcel in a different location or in greater quantity, or at an accelerated rate, or in such a way that it will probably result in damage, or in a way that creates a hazard to the public health, safety, or public property. Any permit issued hereunder shall be valid for the period specified, but shall not exceed one year. Unless the earth movement is commenced within the time specified in the permit, the permit shall expire; and if work upon such earth movement, after being started, ceases for a period of ninety days, the permit shall expire. Permits may be renewed by the public works department upon payment of the renewal fee provided for in Section 6.32.140.*

For any grading that does not fall into any of the above categories a permit is required from Public Works/Engineering before the grading can begin. All permit applications need to have the estimated quantities of excavation and fill, the existing and finished grade shown in contours, and a geotechnical report analyzing soil types and the needed job design criteria. The Grading Permit is valid for the time stated on the application but shall not exceed one year. If grading is started but has not progressed for a period of 90 days the permit expires. The permit can be renewed upon filing a new application and fee.

In the discussions that led to the City Council's request for Planning Commission review, one of the issues was how a grading operation can go on and on (exceeding one year) without an approved site plan for development and not be considered a mining operation. Based on current procedures there is no penalty for a grading permit that exceeds one year provided that progress continues to be made and that appropriate business licenses have been maintained. Also, while the permit application asks what is being developed it is not required that there is an approved development plan prior to the issuance of a grading permit.

The Commission could recommend the following revisions that would preclude excessive grading operations, and also control grading operations that have been granted permits:

1. Establish an impact mitigation fee to be set by the City Council that becomes effective when a grading operation has exceeded the termination date on the permit regardless of any permit renewals. Such a penalty fee could be levied

against the property if not paid by the permit applicant or property owner. Such a fee could also compound daily as an incentive to finish the job.

2. Add the following definition to Chapter 6.32: "Mining operation: Any grading operation that exceeds the maximum amount of grading allowed without a grading permit and is done without an approved building development plan. A mining operation as a land use is subject to all zoning prohibitions, restrictions and regulations of the applicable zone."

The only zone in the City that allows mining by itself as a permitted use is the M-1 zone where it is subject to the approval of a conditional use permit. The attached resolution is drafted to include numbers 1 and 2 above. The proposed changes are shown in red.

#### 6.32.030 Definitions.

*For the purposes of this chapter, the following terms are defined as follows:*

- (9) *"Mining Operation" means any grading operation that exceeds the maximum amount of grading allowed without a grading permit and is done without an approved building development plan. A mining operation as a land use is subject to all zoning prohibitions, restrictions, and regulations of the applicable zone.*
- (10) *"Owner means the owner of the land affected.*
- (11) *"Soil Engineer" means a civil engineer, registered in the state of California, with a specialty and experience in the analysis of soils.*

#### 6.32.050 Permit required.

*A permit from the public works department is required, except as set forth in Section 6.32.060, before the commencement of any physical work to raise or lower the existing grade of any lot, parcel or portion thereof, or for any excavation or filling which changes the grade of the natural slope of the surface of any lot, parcel or portion thereof so that it will not take natural runoff of water from adjacent lots or parcels as before the excavation or fill, or so that the surface drainage of the lot, parcel or portion thereof is concentrated or collected and discharges unto another lot or parcel in a different location or in greater quantity, or at an accelerated rate, or in such a way that it will probably result in damage, or in a way that creates a hazard to the public health, safety, or public property. Any permit issued hereunder shall be valid for the period specified, but shall not exceed one year. Unless the earth movement is commenced within the time specified in the permit, the permit shall expire; and if work upon such earth movement, after being started, ceases for a period of ninety days, the permit shall expire. Permits may be renewed by the public works department upon payment of the renewal fee provided for in Section 6.32.140; however, any grading project that has exceeded the original termination date on the originally-issued grading permit, regardless of any approved renewals, is deemed a nuisance and a negative impact to the community. An impact mitigation fine schedule to be determined by the City Council shall be due and payable by the owner. Failure to pay any impact mitigation fines will result in the levy of the fines against the property as a lien.*

The primary issue of this discussion was how much grading should be allowed through a Grading Permit without having a building plan approved first and what constitutes an "approved building plan." Commercial buildings are approved by the Planning Commission and it is not uncommon for grading to begin while building permits are being finalized. For residential buildings, however, the only approval of building plans occurs at staff level with the issuance of a building permit. With the above revisions a grading permit could not be issued for any property without an approved development plan which would mean that no grading could occur on a residential property until the building permit for the structure has been issued.

To ensure that re-vegetation of a graded site occurs the following change to Section 6.32.220 is recommended:

*The applicant for a permit pursuant to Section 6.32.050 shall deposit with his application a cash deposit or surety bond in a form satisfactory to the city and sufficient to cover the cost of all matters involving expense to the city arising out of the permit application and its use, such as inspection and the services of the city engineer, and the amount needed to adequately re-vegetate a graded site that has been abandoned before re-vegetation is completed. The amount of such deposit or bond shall be determined by the city engineer. All costs incurred by the city in connection with the permit and the work covered by such permit shall be charged to and paid by the moving permit grantee.*

Attachment: Resolution 2014-56

## **RESOLUTION 2014-56**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO RECOMMENDING THAT THE CITY COUNCIL APPROVE CODE CHANGE 2014-09 AMENDING THE CITY GRADING PERMIT PROCEDURES, WITH ANY RELATED CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED. CODE CHANGE 2014-09.**

WHEREAS, THE CITY initiated Code Change 2014-09, an amendment to Norco Municipal Code Title 18 (Zoning Code) to amend regulations regarding grading permit procedures; and

WHEREAS, the Code Change was duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, the Code Change was scheduled for public hearing on November 12, 2014 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission held a public hearing and received both oral and written testimony pertaining to the Code Change; and

• WHEREAS, the Code Change was continued after the public hearing was closed to December 10, 2014; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project is exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines.

NOW, THEREFORE, the Planning Commission of the City of Norco does hereby make the following FINDINGS AND DETERMINATIONS:

I. FINDINGS:

A. The proposed Code Change will not be inconsistent with, or contrary to, the General Plan or the Zoning Code since the project amends the procedures for the issuance of a grading permit and the change will not create cause for amendment, or create impact to, the General Plan.

B. The project has been determined to be exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines.

II. DETERMINATION: NOW THEREFORE, the Planning Commission for the City of Norco assembled December 10, 2014 does hereby recommend to the City Council of same said City that Code Change 2014-09, be approved, thereby amending the Norco Municipal Code as follows:

Chapter 15.02 Building Code

Section 15.02.020 Adoption of the Building Code

D. Appendix "J" is adopted as currently amended by Chapter 15.90  
15.90.040 Exemptions (J103.2 Exemptions)

A grading permit shall not be required for the following:

8. An excavation that does not exceed 60 cubic yards (45.8 m<sup>3</sup>) and complies with one of the following conditions:

#### Chapter 6.32 Excavations

##### Chapter 6.32.030 Definitions

- (9) "Mining Operation" means any grading operation that exceeds the maximum amount of grading allowed without a grading permit and is done without an approved building development plan. A mining operation as a land use is subject to all zoning prohibitions, restrictions, and regulations of the applicable zone.
- (10) "Owner" means the owner of the land affected.
- (11) "Soil Engineer" means a civil engineer, registered in the state of California, with a specialty and experience in the analysis of soils.

##### 6.32.060 Exceptions

- (2) Notwithstanding anything to the contrary stated in this code, including Chapter 15.04, hereof, grading by excavation to a depth two feet or less; grading by fill to a height not exceeding one foot; grading by excavation or fill involving material which does not exceed a volume of sixty cubic yards, which grading is conducted on a lot or parcel established by a recorded deed or a recorded final subdivision or parcel map;

##### 6.32.050 Permit Required

A permit from the public works department is required, except as set forth in Section 6.32.060, before the commencement of any physical work to raise or lower the existing grade of any lot, parcel or portion thereof, or for any excavation or filling which changes the grade of the natural slope of the surface of any lot, parcel or portion thereof so that it will not take natural runoff of water from adjacent lots or parcels as before the excavation or fill, or so that the surface drainage of the lot, parcel or portion thereof is concentrated or collected and discharges unto another lot or parcel in a different location or in greater quantity, or at an accelerated rate, or in such a way that it will probably result in damage, or in a way that creates a hazard to the public health, safety, or public property. Any permit issued hereunder shall be valid for the period specified, but shall not exceed one year. Unless the earth movement is commenced within the time specified in the permit, the permit shall expire; and if work upon such earth movement, after being started, ceases for a period of ninety days, the permit shall expire. Permits may be renewed by the public works department upon payment of the renewal fee provided for in Section 6.32.140; however, any grading project that has exceeded the original termination date on the originally-issued grading permit, regardless of any approved renewals, is deemed a nuisance and a negative impact to the community. An impact mitigation fine schedule to be determined by the City Council shall be due and payable by the owner. Failure to pay any impact mitigation fines will result in the levy of the fines against the property as a lien.

**6.32.220 Cash Deposit—Security Bond**

The applicant for a permit pursuant to Section 6.32.050 shall deposit with his application a cash deposit or surety bond in a form satisfactory to the city and sufficient to cover the cost of all matters involving expense to the city arising out of the permit application and its use, such as inspection and the services of the city engineer, and the amount needed to adequately re-vegetate a graded site that has been abandoned before re-vegetation is completed. The amount of such deposit or bond shall be determined by the city engineer. All costs incurred by the city in connection with the permit and the work covered by such permit shall be charged to and paid by the moving permit grantee.

##

PASSED AND ADOPTED by the Planning Commission of the City of Norco at a regular meeting held December 10, 2014.

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Robert Leonard, Chairman  
Planning Commission  
City of Norco, California

ATTEST:

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Steve King, Secretary  
Planning Commission  
City of Norco, California

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Norco at a regular adjourned meeting held December 10, 2014 by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Steve King, Secretary  
Planning Commission

**CITY OF NORCO  
STAFF REPORT**

**TO:** Honorable Chair and Members of the Planning Commission

**FROM:** Alma Robles, Senior Planner

**DATE:** December 10, 2014

**SUBJECT:** Conditional Use Permit 2014-28 (Les Schwab Tires): A request for approval to allow the construction of a retail tire store with tire installation at the property located at the northwest corner of Hamner Avenue and Third Street (APN 129-380-009) located within the "C-G" (Commercial General) Zone.

**RECOMMENDATION:** Adopt Resolution 2014-62, approving Conditional Use Permit 2014-28.

**SUMMARY:** Conditional Use Permit (CUP) 2014-28 is a request for approval to allow a retail tire store that will include tire installation, at the property located at the northwest corner of Hamner Avenue and Third Street located within the "C-G" Zone (ref Exhibit "A" – Location Map).

**PROPERTY DESCRIPTION:** The project site is an irregular-shaped area consisting of about 1.63 acres/71,002 gross square feet (67,171 net square feet), having a frontage on the west side of Hamner Avenue of about 251 feet, and a frontage on the north site of Third Street of about 266 feet (ref. Exhibit "B" – APN Map).

The site relatively flat, currently vacant and undeveloped, and surrounded by C-G zoned properties with retail and office uses on the north, east and west, and a vacant property in the Norco Auto Mall Specific Plan to the south.

The necessary improvements for the site have not been completed to the ultimate width along Hamner Avenue; however, Third Street currently has all the necessary public improvements in place (Exhibit "C" – Aerial and Site Photos).

**PROJECT DESCRIPTION:** The applicant is requesting approval of a conditional use permit to allow the construction of a retail tire store that will include tire installation on the subject property (ref. Exhibit "D" – Site Plan).

The building is proposed with two levels. Level one will include the retail area, the service bays and warehouse area to total approximately 11,976 square feet. Level two is proposed to consist of space for storage racks and a storage platform to total about 2,672 square feet (Exhibit "E" – Floor Plan).

The building is proposed to be constructed of concrete masonry unit (CMU) material, with metal panel articulation (Exhibit "F" Building Elevations). The architecture and building colors are proposed to complement the existing commercial/office park buildings located west of the project site (ref. Exhibit "G" – Adjacent Development Photos).

The project includes on-site improvements to consist of driveways, drive aisles, parking (48 spaces) and landscaping (13,919 square feet). A trash enclosure and an enclosure to store tires to be recycled will be provided along the west property line.

The required street dedications and public improvements to the ultimate width on Hamner Avenue will also be provided. Street improvements will include striping for a left turn lane onto the site from Hamner Avenue.

*Note: The proposed site is 1.63 acres/71,002 gross square feet, but will be 67,171 square feet after the required dedication along Hamner Avenue.*

#### **ANALYSIS:**

Land Use: The subject property is located in the C-G zone. Tire sales and service is allowed in the C-G Zone with the approval of a conditional use permit.

Setbacks: The minimum setbacks from a street are 25 feet for a building and 10 feet for parking. There are no setback requirements from interior property lines.

The building is proposed to be a minimum of 25 feet from Hamner Avenue and about 114 feet from Third Street. Parking is proposed a minimum of 10 feet away from both Hammer Avenue and Third Street. As proposed the project meets the minimum setback requirements.

Lot Coverage: There is no lot coverage requirement in the C-G Zone. Maximum lot coverage is however, controlled by the required drive-aisle widths, parking and landscaping.

Architecture and Building Height: The architectural guidelines from the NMC emphasize a western-themed/equestrian architecture with allowances and consideration as needed for existing surrounding development. The NMC has the following direction for architectural design and approval.

#### **18.41.10 Criteria for Architectural Review and Approval.**

*In addition to those criteria listed in this chapter, the Planning Commission shall consider and weigh: The nature of specific uses, in particular zones and geographic areas, and the requirements of utility with respect to the structures proposed for uses; site dimensions with relation to the structures proposed and the required utility thereof; the adequacy and conformity and harmony of external design, colors, materials, and architectural features with neighboring structures and use of the improvements proposed on the parcel with improvements existing or permitted on neighboring sites, and compatibility with established design parameters such as those outlined in specific plans.*

**18.41.11 Building Architecture**

*Building architecture shall reflect a desired western theme and identity. Qualities that reflect the western theme can be described as rural, informal, traditional, rustic, low profile and equestrian oriented.*

Because the project is on Hamner Avenue, where the architecture theme is not consistent, the applicant designed the project to be most compatible with the newest development in the immediate area, which is the development to the west. The proposed architectural elevations were submitted to the Architectural Review Sub-Committee (ARC) for review. One member of the ARC expressed concern over the contemporary look of the building and it lacking the western details. The recommendation was that the facade that faces Hamner includes a porch or a stronger western detail like a gabled roof edge or a western profile roofline. Furthermore, it was noted that the entry on the south side is a good opportunity for a small shed roof porch with kickers. The other member of the ARC did not have concerns over the proposed architecture.

The applicant is requesting the Planning Commission consider the proposed architecture for approval. Should the Planning Commission determine that the architecture needs to be modified, staff is recommending that the project be approved with the condition that the architecture be modified, with direction for approval at staff level.

The maximum height of a building in the C-G zone is 35 feet. The building is proposed with a height of about 25 feet as measured to the top of the screen wall at the top of the building, and therefore not exceeding the height limitation.

Landscaping: A minimum of 15 percent of the total lot area is required to be landscaped. Included in this is the requirement that the ten-foot parking setback along the street be landscaped to create a landscape buffer.

The project is proposing approximately 13,919 square feet of landscaping primarily along the perimeter of the site, within the 10-foot parking setback, within the building setback from Hamner Avenue, which is equal to about 21 percent of the net square footage of the site. The project as proposed meets the minimum landscape requirement.

Parking and Loading Spaces: Stores, shops and other commercial uses require one parking space for every 250 square feet of gross floor area. One parking space is required for every 750 square feet of warehouse or storage floor area. One on-site 12'x25' loading space/zone is required for buildings under 20,000 square feet.

Approximately 9,077 square feet of retail and service bay area is proposed with the project on level one. Using the parking ratio of one parking space for every 250 square feet, 36 parking spaces would be required. The project is proposing about 5,570 square feet of warehouse/storage area (between level one and two), which would require seven parking spaces. A total of 43 parking spaces would be required for the entire project, and 48 spaces are being provided (including eight spaces in the garage). Furthermore, a 12'x25' loading

zone is proposed on the west side of the building. The project as proposed meets the parking and loading zone requirements.

Access and Circulation: Access to the development is proposed through two entrances, one located on Hamner Avenue and one on Third Street. The entrance on Hamner Avenue is located at the most northerly property line of the site in order to accommodate traffic entering the site from both directions of Hamner Avenue. Some striping modifications will be required to Hamner Avenue to accommodate a left turn lane to the site. This left turn lane will be striped to serve/accommodate as a "double" left turn lane to also facilitate a left turn onto the property across the project site. The entrance on Third Street will be right-in/right-out as an existing raised median exists within Third Street.

On-site drive aisles will be a minimum of 25 feet providing for adequate on-site circulation.

Public Art and Signage: When the adjacent office plaza was being reviewed by the Planning Commission the idea of incorporating public art was discussed. The applicant, which is the same company selling the property to Les Schwab Tires, stated that the public art would be more appropriate at Hamner Avenue and Third Street when that property developed because of the visibility factor. In addition, Norco College has approached the City about ways to put up a marquee sign that would incorporate a message board to better notify Hamner Avenue traffic of the location of the campus and to be able to advertise campus activities. The idea was also that the City could have time to advertise City events on the sign.

A concept of a sign was presented to the Planning Commission for input when the only possible location at the time was within the parkway and the Planning Commission was opposed to such a large sign in the right-of-way. With this project there could be the possibility of incorporating both art and signage that would also allow for some enhanced signage for Les Schwab Tires than would otherwise be allowed with the Sign Code. This possibility however is tempered by the fact that there are three parties involved (Les Schwab Tires, Norco College, and the City) and there have only been initial discussions between the City and the college so it is not known if such an agreement can be reached since a potential site would likely be owned by Les Schwab Tires.

The City did not want to unnecessarily hold up this project on a concept that still would need a lot of time to work out, if at all, so a condition has been added that the applicant be accommodating to the possibility of taking part in such a facility. Ultimately approval of the facility would be through the Planning Commission and City Council.

Project Review Board (PRB): The PRB reviewed this project on September 17, 2014 all of the comments discussed at the meeting have been reflected in the design of the project or incorporated into the conditions of approval.

Environmental Review: The project has been determined by staff to be exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines pursuant to Class 32 (Infill Development Projects).

Streets, Trails, and Utilities Commission (STUC): The project was reviewed by the STUC on December 1, 2014. The STUC looked favorably on the project and recommended approval with the “double” left turn lane on Hamner Avenue.

**CONCLUSION:** As proposed and conditioned, the project meets the requirements for the approval of the proposed use. Staff is recommending that the Planning Commission adopt Resolution 2014-62 approving Conditional Use Permit 2014-28.

/adr

Attachments:           Resolution 2014-62  
                              Exhibit “A” – Location Map  
                              Exhibit “B” – APN Map  
                              Exhibit “C” – Aerial and Site Photos  
                              Exhibit “D” – Site Plan  
                              Exhibit “E” – Floor Plan  
                              Exhibit “F” – Building Elevations  
                              Exhibit “G” – Adjacent Development Photos

## **RESOLUTION NO. 2014-62**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO GRANTING WITH CONDITIONS A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A RETAIL TIRE STORE THAT INCLUDES TIRE INSTALLATION AT THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF HAMNER AVENUE AND THIRD STREET (APN 129-380-009) LOCATED WITHIN THE "C-G" (COMMERCIAL GENERAL) ZONE. CONDITIONAL USE PERMIT 2014-28**

WHEREAS, LES SCHWAB TIRES submitted an application for a conditional use permit to the City of Norco, California, under the provisions of Chapter 18.45, Title 18 of the Norco Municipal Code, to allow the development of a retail tire store with tire installation on property generally described as:

Lot 9 of Tract 33876, as shown by Map on File in Book 430 Pages 17 through 22, inclusive, of Maps, Records of Riverside County, California;

More generally described as an irregular-shaped area of about 1.63 acres, located at the northwest corner of Hamner Avenue and Third Street. having a frontage on the west side of Hamner Avenue of about 251 feet, a frontage on the north side Third Street of about 266 feet, and being further identified with the Assessor's Parcel Numbers 129-380-009; and

WHEREAS, notice of public hearing on said petition was given in the manner and for times required by law; and

WHEREAS, at the time set at 7 p.m. on December 10, 2014, within the Council Chambers at 2820 Clark Avenue, Norco, California, said petition was heard by the Planning Commission for the City of Norco; and

WHEREAS, at said time and place, said Planning Commission heard and considered both oral and written evidence; and

WHEREAS, the City of Norco, acting as the Lead Agency, has determined that the proposed project is categorically exempt from environmental assessment.

NOW, THEREFORE, the Planning Commission of the City of Norco does hereby make the following FINDINGS AND DETERMINATION:

I. FINDINGS:

A. The requested Conditional Use Permit will not adversely affect the General Plan or the public convenience or general welfare of persons residing or working in the neighborhood thereof, by reason that the Norco General Plan designated the site as Commercial Community, and the C-G zoning designation of the site is consistent with the General Plan Designation. The proposed land use is a conditionally permitted use in this zone and subject to conditions. The use can be operated in a manner so as to be consistent with surrounding uses and future development, and will therefore not have any significant negative effects.

B. The requested use will not adversely affect the adjoining land uses, and the growth and development of the area in which it is located by reason that the adjoining and surrounding properties are either zoned C-G or within the Norco Auto Mall Specific Plan, which allow commercial uses. The proposed use, when operated in compliance with the conditions of approval, will be complementary and compatible with surrounding properties and therefore will not have an adverse effect on adjoining properties.

C. The size and shape of the site proposed for the use is adequate to allow the full development of the proposed use in a manner not detrimental to the particular area as the proposed development meets all applicable development standards.

D. The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area, based on compliance with conditions of approval.

E. The City has determined that the project is categorically exempt from environmental assessment per CEQA and the provisions of the Norco Environmental Guidelines pursuant to Section 3.13, Class 32 (Infill Development Projects).

II. DETERMINATION:

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Norco, California, in session assembled on December 10, 2014 that the aforesaid application for a conditional use permit is granted, subject to the conditions provided in Section 18.45.14 of the Municipal Code of Norco, including, but not limited to the following conditions:

1. Approval is based on Exhibit "D" – Site Plan, and Exhibit "E" – Floor Plans and Exhibit "F" – Building Elevations dated October 20, 2014, and incorporated herein

by reference and on file with the Planning Department. Development shall occur as shown unless otherwise noted in these conditions.

2. The recorded owner of the property shall submit to the Planning Department, for record purposes, written evidence of agreement with all conditions of this approval before said permit shall become effective.
3. The project shall be in compliance with all City of Norco Municipal Codes, Ordinances and Resolutions. Non-compliance with any provisions of the Norco Municipal Code not specifically waived or conditioned by the Planning Commission in compliance with City procedures shall constitute cause for revocation and/or termination of the approvals granted under authority of permit.
4. In the event conditions for approval by the Planning Commission or City Council (as the case may be) require the revision of plans as submitted, the applicant shall submit four copies of the approved plan (revised to incorporate conditions for approval) to the Planning Department for record purposes for approval of any grading and/or building permits.
5. The subject property shall be developed in accordance with approved plans and specifications on file with the City of Norco Planning Division.
6. The developer shall submit for the necessary permits from the Building Division and pay all applicable City of Norco development fees prior to issuance of any permits.
7. This is not an approval to begin work. No work shall be commenced until the City of Norco has issued building permits and all other appropriate permits.
8. Said approval shall become null and void unless building permits for all construction authorized by this approval have been issued within two years after the granting of such approval and pursued diligently to completion. Provided, however, that the Planning Director may extend approvals for up to six months, and provided that after consulting with the City Engineer and Fire Chief, he finds that there would be no new requirements due to changes in the Code and the plan as approved meets all present development standards.
9. No occupancy of any building and/or structure shall be permitted which is not in compliance with approved plans and excepting upon specific review and approval of any "as built" modifications by the Planning Director as appropriate. Provided further, that no expansion of use beyond the scope and nature described in this application which would tend to increase the projected scale of operations shall be

permitted **except** upon application for, and approval of, modification of this application in compliance with all procedures and requirements thereto.

10. Building elevations, building colors and materials shall be as approved by the Planning Commission. Any changes on the building architecture as directed by the Planning Commission shall be reviewed for the approval by staff. Minor deviations from the approved colors and materials approved shall be subject to the approval of the Planning Director or designee prior to their application. Material boards and colored renderings shall be presented to the Planning Division as part of the permanent file.
11. No sign is authorized by approval of this site plan. Plans for any sign(s) proposed to be placed upon this site shall first be submitted to the Planning Division for approval of a sign permit, and to the Building Division for issuance of a building permit.
12. Approval shall be granted by the Planning Division of all walls and fences, landscaping plans (precise schedule), and exterior lighting prior to issuance of building permits.
13. All landscaped areas shall be provided with a water-conserving automatic irrigation system. A detailed landscaping and underground irrigation plan which utilizes drought-resistant plants shall be submitted, along with payment of fee, to the Planning Division for approval. Such plans shall indicate plant and tree types and sizes, and the location and dimensions of all landscaped areas and irrigation lines. The trees to be installed shall be minimum 15-gallon container or 24-inch planter box, whichever is better for long-term survival of the particular species. Shrubs to be installed shall be a minimum five-gallon containers. Inside dimensions of any designated landscape planters adjacent to parking/maneuvering areas which allow vehicle approaches to overhang into said planter areas shall not be credited towards meeting the minimum landscaped area requirements..
14. All landscaped areas shall be maintained in a healthy and thriving condition free from weeds, trash and debris as a condition of this approval. The property owner is responsible for maintenance of on-site and off-site landscaping.
15. A detailed on-site photometric lighting plan shall be submitted, along with payment of fee, for review and approval by the Planning Division prior to issuance of building permits. Such plan shall indicate style, illumination, location, height and method of shielding, so as not to adversely affect adjacent properties or streets. On-site lighting shall be directed inward to the project and sheltered from view, as much as possible, from the adjacent property.

16. Freestanding lighting fixtures shall be no more than 15 feet in height.
17. All ground-mounted utility appurtenances such as transformers shall be located out of public view of the main building area and adequately screened through the use or combination of concrete masonry walls, berms, and landscaping to the satisfaction of the Planning Division.
18. Any mechanical equipment such as: air conditioning, heating or cooling equipment, etc. and/or appurtenant ducts, vents, pipes or cable which are proposed to be mounted either on top of, or outside of, any building or structure shall be subject to review and approval by the Planning Director prior to the issuance of building permits. Plans showing the nature, extent, and location of all such appendages and method of architectural integration, visual, and acoustical treatment of the same shall be submitted to the Planning Division for review and approval prior to issuance of building permits.
19. Trash enclosures shall not be located adjacent to combustible construction or underneath windows or unprotected eaves. All outdoor trash enclosures shall be placed on concrete pads and screened on three sides with a six-foot high solid masonry wall in conformance with City standards, and shall be equipped with a six-foot high sight-obscuring metal gate and "man" entrance, subject to approval of the Planning Division. The waste and recyclable trash enclosure shall be a minimum size for two bins, one for trash and the other for recycling. The applicant shall participate in the recycling program for commercial land uses as administered by the City's waste hauler. Any drains in trash enclosures shall be protected with metal grates approved by the Director of Public Works.
20. The number of required standard parking spaces shall be provided as required by the Norco Municipal Code. The number of parking spaces designated for disabled persons shall be provided per Code requirements. Parking shall remain clear and accessible to the public during normal business hours. Parking stall sizes shall be in accordance to the Norco Municipal Code.
21. A designated path-of-travel access shall be provided and maintained to the subject building from the right-of-way, and shall be designated on all site plans for building permit purposes.
22. There shall be no sound amplification system provided which projects sound outside the confines of the building except as may be specifically approved by the Planning Director upon application for such system. In the event of approval of any such system, technical details of system (i.e., loud speaker, paging, etc.) shall be subject to review and approval by the Planning Division prior to installation. Provided further, that sound levels shall be controlled as to not exceed 55 PndbA

(CNEL) at property line, and shall be so certified by a registered acoustical engineer.

23. Any stop work order caused by a failure to make application for building permits may be cause for revocation proceeding to begin.
24. The proposed project lies within the area-wide Multi-Species Habitat Conservation Plan (MSHCP) of which the City is a member agency. This project is subject to the payment of these fees which shall be paid prior to the issuance of building permits.
25. A bond or surety device shall be posted and an agreement executed to the satisfaction of the City Engineer and City Attorney, guaranteeing completion of all public improvements. NOTE: Upon acceptance by the City Council of the public improvements and installation of any necessary erosion control devices, the City will release the Labor and Materials bond within 180 days, and reduce the Faithful Performance Bond to 10 percent of the original amount and release it after a period of one year if no liens have been filed and the work remains in satisfactory condition.
26. No construction activity work shall be permitted after 6 p.m. or before 7 a.m. or on Saturdays, Sundays or holidays without prior written approval from the City Engineer.
27. The applicant shall submit a current title report (no more than 30 days old) for the project site showing all existing property ownership, easements and rights of title.
28. The access driveway to and from the subject site on Third Street shall be posted for right-in, right-out only.
29. Driveway approaches shall be constructed in accordance with City standards as approved by the City Engineer.
30. All on-site drive aisles and parking areas shall be constructed in accordance with City Standards as approved by the City Engineer.
31. Improvements/replacements in the right-of-way (i.e., landscaping in the parkway, improved drive approach, curb, gutter, etc.) shall be provided as determined necessary by the City Engineer to accommodate the project.
32. A City of Norco Encroachment Permit shall be obtained for all work in the public right-of-way prior to the start of work. All work shall be done in accordance with City Standards, and/or as otherwise specified to the satisfaction of the City Engineer and completed prior to certificate of occupancy.

33. This development shall be served by underground utilities. All sewer, water and storm drain utility locations shall be incorporated into the public improvements plans and shall be prepared on 24"x36" mylar, by a registered civil engineer, for approval by the City Engineer. A plan check fee of 4.5% of the estimated public improvement costs shall be paid prior to plan approval.
34. The applicant shall obtain written authorization granting permission for any work to be completed on property in which he is not the sole owner. A copy of this written authorization shall be submitted to the City Engineer's office prior to start of work.
35. The proposed project is subject to the payment of the Transportation Uniform Mitigation Fee (TUMF) prior to the issuance of building permits unless exempted by ordinance.
36. The applicant shall submit a soils investigation report, prepared by a California-licensed soils engineer, prior to issuance of grading permit.
37. An on-site precise grading, paving and drainage plan shall be prepared for this project by a registered civil engineer for approval by the City Engineer. Plans shall be on 24"x36" mylar sheets with mass grading and drainage shown at a maximum scale of 1" = 40'. Precise grading information, such as house plots, drainage swales and hardscape may be included if the plan is prepared at 1"= 30' or larger. The applicant's engineer shall submit a rough grade certification stipulating completion of all grading operations in conformance with the approved plan prior to the issuance of building permits.
38. The grading plan will show all proposed flow patterns, elevations, hardscape improvements, project phasing and implementation prior to issuance of a grading permit.
39. Prior to issuance of a grading permit, a complete hydrology and hydraulic study shall be prepared by a registered civil engineer for approval by the City Engineer. Those recommendations of the report, as approved by the City Engineer, shall be incorporated into the public improvement plans and site development plans prior to their approval.
40. The applicant shall participate in the Master Drainage Plan improvement facility identified for the project site and shall be responsible for its construction and shall dedicate those drainage easements to the City as are determined necessary to the City Engineer.

41. The project engineer shall include an erosion control plan as part of the precise grading plan, providing for installation of approved erosion control devices (sandbags, desilting basins, etc.) during all phases of construction. Maintenance of the necessary erosion control devices shall be the responsibility of the applicant. Any emergency repair to these devices performed by City forces shall be billed to the applicant and paid for prior to the release of certificate of occupancy.
42. All slopes shall be a maximum of 2:1, unless a slope stability analysis prepared by a registered soils engineer is submitted recommending steeper slope gradients. Review and approval of this analysis shall be at the sole discretion of the City Engineer and in no case shall slopes steeper than 1.5:1 be permitted. Slopes greater than 5 feet in height and slopes adjacent to street right-of-way shall be planted and irrigated with an approved plant material. Review and approval of corresponding landscaping/irrigation plans shall be performed by the Planning Division.
43. A registered civil engineer or landscape architect shall prepare street tree planting, parkway landscaping and irrigation plans on standard size sheets for approval by the City Engineer and Planning Director. Plans shall be submitted at the time of initial submission of all improvement plans. All street tree installations shall conform to the Street Tree Master Plan as approved by the Parks and Recreation Commission and City Council.
44. Off-site landscaping must be included on the on-site landscaping plans, which shall be submitted for review and approval by the Planning and Engineering Divisions.
45. Street dedications and improvements are required with this project to the required City width and standards for Hamner Avenue. A registered civil engineer shall prepare street improvement plans on 24" x 36" mylar for approval by the City Engineer. Striping and signing shall be included as part of these plans, when required. Striping and legends shall be thermoplastic paint. A plan check deposit may be required prior to plan checking and standard fees shall be paid prior to plan approval.
46. The applicant shall dedicate all vehicular access rights to Hamner Avenue and on Third Street, except across driveway openings as indicated on the approved site plan prior to issuance of a building permit.
47. The project shall be connected to the City's sewer system; and the applicant shall pay all associated connection fees to the City of Norco, prior to building permit issuance. Grease interceptors shall be required for all food service uses.

48. The project shall be connected to the City's water system; and the applicant shall pay all associated connection fees to the City of Norco, prior to building permit issuance. A separate water meter shall be provided for landscape irrigation.
49. The sizing of water meters shall be determined by the Director of Public Works based on water flow calculations.
50. Irrigation lines require reduced pressure backflow preventors to be installed to City standards.
51. A clarifier/interceptor on sewer and storm drain connections may be required as determined by the Engineering Division.
52. A preliminary Water Quality Management Plan (WQMP) shall be submitted prior to site grading plan submittal. A Final WQMP shall be submitted and approved by the City Engineer. Prior to issuance of a grading permit, the property owner shall record a Covenant and Agreement, or other approved instrument, with the County-Clerk Recorder to inform future property owners of the requirement to implement the approved WQMP.
53. The applicant shall be required to process a Storm Water Pollution Prevention Plan (SWPPP) through the State of California Regional Water Quality Control Board for conformance with the requirements of the National Pollution Discharge and Elimination System (NPDES) and submit proof that a Notice of Intent (NOI) has been filed with the appropriate state agency. No work completed must cause a violation of the City-wide NPDES Permit.
54. The applicant shall meet with the Norco Fire Department to determine locations of fire hydrants, red curbing and signage by fire hydrants, Fire Department connections, and designated fire lanes on-site.
55. Fire lanes, turn-around/access and yard hydrants shall be in accordance with the latest edition of the California Fire Code. See the Norco Fire Department Standards for fire lane, fire access, and fire hydrant guidelines.
56. All gates shall be installed in compliance with the latest edition of the California Code, Section 902 and approval of the Norco Fire Department is required.
57. A knock box is required for all buildings and shall be installed as approved by the Fire Department.
58. Roof access ladders shall be provided for all buildings that have a parapet four feet high or greater, or as required by the Fire Department, the location of which

shall be approved by the Fire Department and the Sheriff's Department prior to the issuance of building permits.

59. This review does not provide for hazardous materials storage, use, dispensing, or handling. A Hazardous Materials Information Form shall be completed and returned with Material Safety Data Sheets. Should these manners of use be anticipated, adequate prevention, control, and mitigation of dangerous conditions shall be required.
60. The developer/general contractor is responsible for reasonable continuous cleanup of the development during construction to avoid hazardous accumulations of combustible trash and debris both on- and off-site. Open fires are not permitted as they pose a hazardous situation; consequently, the developer/general contractor would be cited for this.
61. Complete architectural and structural building plans, including all specifications, shall be submitted to the Fire Department for review prior to the issuance of any building permits. These plans and specifications shall include, but not be limited to, construction type, exits, fire protection equipment, building protection, and interior finish. The developer is responsible for, and shall apply for and receive, all Fire Department permits, paying all necessary fees prior to beginning construction.
62. Portable fire extinguishers shall be installed in accordance with Norco Fire Department standards prior to occupancy. The developer should contact the Norco Fire Department to determine the exact number, type, and placement required. Where exterior-mounted extinguishers are provided, it is suggested that installation be in recessed cabinets for aesthetics and to reduce theft or vandalism.
63. A fully supervised automatic fire sprinkler system is required for buildings of 2,500 square feet or greater. Supervision must include monitoring to a listed and U.L. Certified Central Station. Said system design to include provisions for future tenant improvement, if applicable. Plans must be submitted to the Building Department. (Information sheet available from the Norco Fire Department).
64. All fire suppression systems require a separate submittal and permit for proposed work prior to installation. See Norco Fire Department standards for "Fire Sprinkler Standard" and "Fire Alarm/Monitored Standard". Fire flow information shall be submitted and acquired prior to system design.
65. All roof coverings shall be of fire-resistive materials only (Class A or Class B according to the Uniform Building Code). The Building Department shall approve materials.

66. The following is a list of possible plan reviews necessary for completion of this project. Some of these are "shop drawings" and specifications done by sub-contractors. Plan review fees and permit fees may apply - check with the Fire Department for confirmation.
  - Building Architectural Plans
  - On-Site Water & Fire Hydrant Utility Plans
  - Detailed Site Plan with Islands and Drive Aisles
  - Fire Sprinkler
  - Fire Alarm/Sprinkler Monitoring
  - Fire Lanes
  - Flammable Liquid/Hazardous Materials
67. Approved numbers or addresses shall be placed on all buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Rooftop addressing shall be applied on a flat roof, in a contrasting color, and with a minimum size of 1'x4' and shall be located so as not to be visible from the street or adjoining properties at ground level.
68. Owner must file an emergency notification form with the Sheriff's Department prior to obtaining certificate of occupancy.
69. No trespassing/loitering signage shall be provided in the parking lot.
70. Security alarm systems shall be installed in the building.
71. It is hereby established that it shall be grounds for revocation of this conditional use permit if the permittee, his agent or assigns, or employee(s) of his establishment, or any other person connected or associated with the permittee or his business establishment, or any person who is exercising managerial authority of the business establishment has:
  - A. Violated any rule, regulation or condition of approval adopted by the Planning Commission relating to the conditional use permit; or
  - B. Conducted the operation permitted hereunder in a manner contrary to the peace, health, safety and general welfare of the public or in a manner which either generates or contributes to noise and/or health/sanitation nuisances, or which results in creating an increased demand for public services

72. The applicant shall comply with all applicable requirements of the Planning, Engineering, Building and Safety Divisions; and the Fire and Sheriff Departments; and all other applicable departments and agencies.
73. The owner/operator of the business, regardless of any changes in ownership, shall provide a self-audit of compliance with the conditions of approval to the Planning Commission on a form or in a manner determined by the Planning Division, and inclusive of the payment of any fees as may be set by the City Council. Said report shall demonstrate that the project is in compliance with all the conditions of approval and shall be submitted for review no later than six months from the approval date of said project, and then by December 31 of every year from date of approval thereafter. The owner/operator shall be responsible for all staff and attorney fees that may be incurred in the enforcement of the terms of the conditions of approval, whether they are annual inspections or compliance hearings.
74. Hamner Avenue shall be striped for a "double" left turn lane to allow a left turn onto the subject property and onto the property across from the project site.
75. No outdoor work or tire installation shall be performed outside of the building.
76. Outdoor storage shall be limited to tires to be recycled, but shall only be allowed within the designated block wall enclosure. Tires shall not be piled higher than the height of the enclosure and shall not be visible from the street.
77. The project site shall be screened from Hamner Avenue and Third Street during construction.
78. The business agrees to participate in discussions with Norco College and the City for the potential of a public art/marquee sign facility to advertise college activities, enhance signage for the Les Schwab Tires, and advertise City activities to be approved by the Planning Commission if such agreement can be reached.

Resolution No. 2014-62  
Page 13  
December 10, 2014

PASSED AND ADOPTED by the Planning Commission at a regular meeting held on December 10, 2014.

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Robert Leonard, Chairman  
Planning Commission  
City of Norco, California

ATTEST:

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Steve King, Secretary  
Planning Commission  
City of Norco, California

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Norco at a regular adjourned meeting thereof held on December 10, 2014 by the following roll call vote:

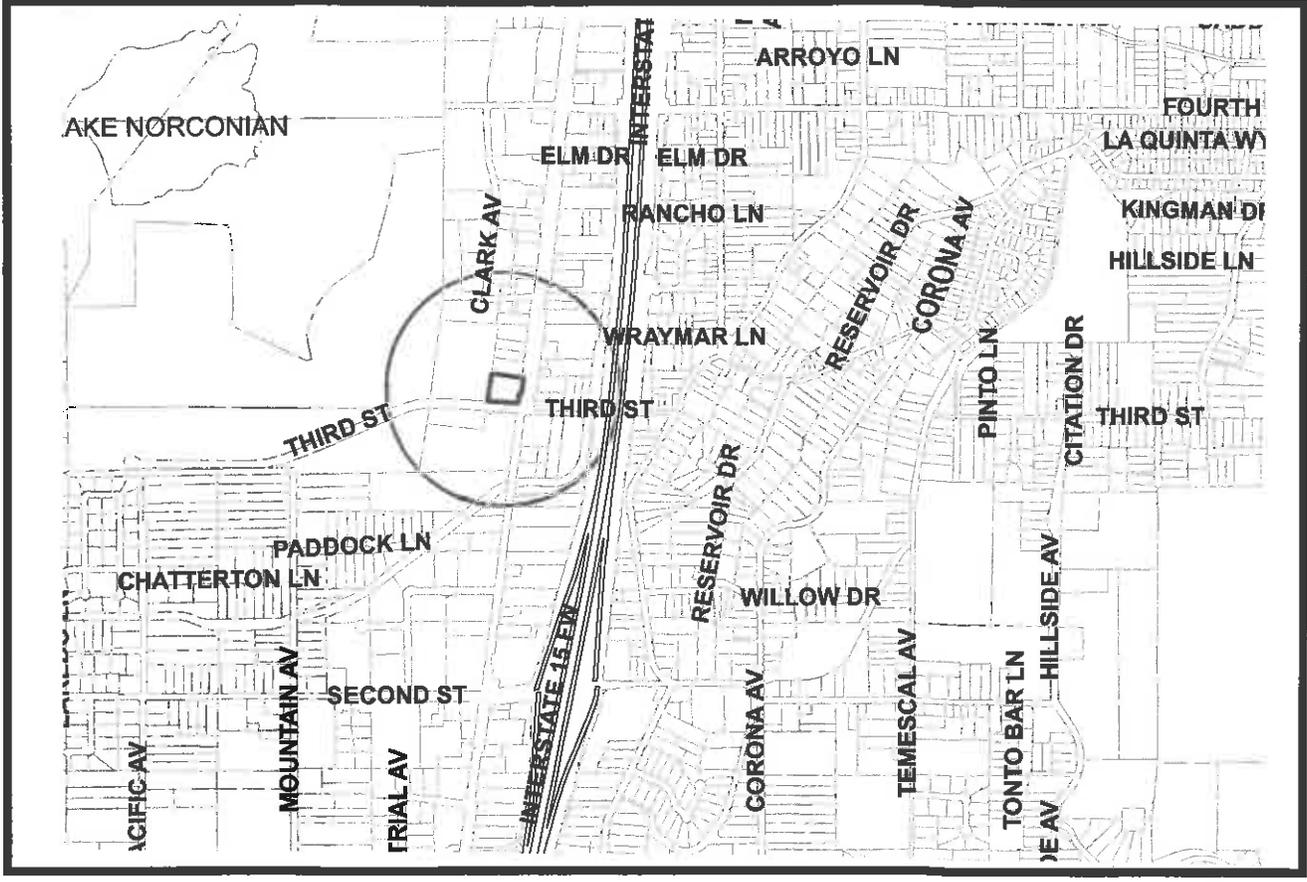
AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Steve King, Secretary  
Planning Commission  
City of Norco, California

/adr

# LOCATION MAP



Not to Scale



**PROJECT:** Conditional Use Permit 2014-28  
**APPLICANT:** Les Schwab Tires  
**LOCATION:** NW corner of Hamner Avenue and 3<sup>rd</sup> Street

## Exhibit "A"



## **CITY OF NORCO STAFF REPORT**

**TO:** Honorable Chair and Members of the Planning Commission

**FROM:** Planning Division

**PREPARED BY:** Steve King, Planning Director

**DATE:** December 10, 2014

**SUBJECT:** Conditional Use Permit 2014-31 (Carchamps): A request to allow a used-car dealership with ancillary and related auto services, to operate in existing buildings of a former Mazda dealership at 2000 Hamner Avenue in the Auto Mall Specific Plan (APN's 126-120-015, -016).

**RECOMMENDATION:** Adopt Resolution 2014-60, approving Conditional Use Permit 2014-31.

**SUMMARY:** The request is for approval of a used-car dealer to occupy the buildings of the former Mazda dealership which requires approval of a conditional use permit (CUP) by the Planning Commission.

**BACKGROUND:** As a permitted use a new car dealership can sell used cars as an ancillary use without having to obtain a CUP. However a used-car dealership by itself requires approval of a CUP. The applicant stated that they are pursuing a new car dealer franchise but at this point will be only selling used cars. If the applicant is successful in obtaining a new car franchise no additional approvals would be needed.

**ANALYSIS:** The Mazda dealership went out of business in 2009. After a series of ownership transfers and property leases, ancillary uses became established at the property without the primary permitted use (new car dealership). Because the owner was out of the country and there was no vested interest for the lessees to pay for maintenance the property fell into disrepair. The Planning Commission ultimately approved CUP 2012-12 to allow the ancillary businesses to remain but it was only approved for one year with the possibility to get that extended upon approval by the Planning Commission. The CUP has since expired and the ancillary uses have vacated the site. A new owner has cleaned up and restored the property so the need to place a time limit on the CUP is no longer necessary.

Attachment: Resolution 2014-60  
Exhibit "A" – Location Map  
Exhibit "B" – APN Map  
Exhibit "C" – Site Map  
Exhibit "D" – Site Photos

## RESOLUTION 2014-60

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO, CALIFORNIA GRANTING WITH CONDITIONS A CONDITIONAL USE PERMIT TO ALLOW A USED AUTO DEALER, INCLUDED ANCIL-LARY SERVICES THAT ARE PART OF THE BUSINESS TO OPERATE IN EXISTING BUILDINGS OF A FORMER NEW CAR DEALERSHIP ON 2.33 ACRES LOCATED AT THE SOUTHWEST CORNER OF HAMNER AVENUE AND AUTO MALL DRIVE (2000 HAMNER AVENUE) IN THE AUTO MALL SPECIFIC PLAN. CONDITIONAL USE PERMIT 2014-31.**

WHEREAS, CARCHAMPS, LLC, initiated an application for a conditional use permit on property generally described as:

All that portion of Lot(s) 3 and 4 in Block 7 of Riverside Orange Heights Tract, as shown by map on file in Book 6 Page(s) 74, of Maps, Records of Riverside County, California;

More generally described as approximately 3.44 acres located on the southwest corner of Hamner Avenue and Four Wheel Drive (APN's 126-120-015, -016); and

WHEREAS, said application for Conditional Use Permit 2014-31 has been duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, at the time set at 7 p.m. on December 10, 2014, within the Council Chambers at 2820 Clark Avenue, Norco, California, 92960, said petition was heard by the Planning Commission for the City of Norco; and

WHEREAS, at said time and place, said Planning Commission heard and considered both oral and written evidence; and

WHEREAS, the City of Norco, acting as the Lead Agency, has determined that the project is exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines per Class 1.

NOW, THEREFORE, the Planning Commission of the City of Norco does hereby make the following FINDINGS AND DETERMINATION:

I. FINDINGS:

- A. The proposed used-car dealer is a use that is allowed upon approval of a conditional use permit. Accessory auto-related services (not including auto body repair or painting) that are a division of the used-car dealer business are allowed with the approved conditional use permit.

- B. The requested conditional use permit will not adversely affect the General Plan or the public convenience or general welfare of persons residing or working in the neighborhood thereof, by reason that the Norco General Plan and Official Zoning Map have both designated the site as Specific Plan. The nature of the proposed land use is conditionally permitted subject to conditions. The use can be operated in a manner so as to be consistent with surrounding uses, and will therefore not have any significant effects.
- C. The requested use will not adversely affect the adjoining land uses, and the growth and development of the area in which it is located by reason that the adjoining land uses are either fully developed or zoned for compatible uses. The proposed use, when operated in compliance with the conditions of approval, will be compatible with surrounding properties and therefore will not have an adverse effect on adjoining properties.
- D. The size and shape of the site proposed for the use is adequate to allow the full development of the proposed use in a manner not detrimental to the particular area as the proposed development meets all applicable development standards.
- E. The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area, based on compliance with conditions of approval.
- F. The City of Norco has been determined to be the lead agency for environmental reporting purposes pursuant to State and local environmental guidelines, and has determined that the project is exempt pursuant to the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines (Class 1).

II. DETERMINATION:

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Norco, California, in session assembled on December 10, 2014 that the aforesaid application for a conditional use permit is granted, subject to conditions, as provided for in Section 18.45.14 of the Municipal Code of Norco, including, but not limited to the following conditions:

1. Approval is based on Exhibit "C" – Site Map dated December 2, 2014 incorporated herein by reference and on file with the Planning Division. Development shall occur as shown unless otherwise noted in these conditions.

2. The uses approved with this conditional use permit are in addition to uses otherwise listed as permitted uses in the Auto Mall Specific Plan related to a new car dealership. The uses allowed with the CUP are limited to a used-car business and auto-related services for the used-car business that are a division of that business (does not include auto body repair or painting).
3. The recorded owner of the property shall submit to the Planning Division, for record purposes, written evidence of agreement with all conditions of this approval before said permit shall become effective.
4. The project shall be in compliance with all City of Norco Municipal Codes, Ordinances and Resolutions including the Auto Mall Specific Plan. Non-compliance with any provisions of the Norco Municipal Code (NMC) not specifically waived in compliance with City procedures shall constitute cause for revocation and/or termination of the approvals granted under authority of permit.
5. In the event conditions for approval by the Planning Commission, or City Council (as the case may be) require the revision of plans as submitted, the applicant shall submit four copies of the approved plan (revised to incorporate conditions for approval) to the Planning Division for record purposes for approval of any grading and/or building permits.
6. No building permits shall be issued for any tenant improvements without prior approval of a floor plan by the Planning Division to ensure that buildings are not altered in any way that would preclude future use for the primary intended use of the site which is a new car dealership.
7. This is not an approval to begin work or to occupy the subject buildings. No work shall be commenced nor shall the buildings be occupied until the City has issued the appropriate building permits (if needed) and all other appropriate permits and licenses (e.g., business license, certificate of occupancy, etc.).
8. No occupancy of any building and/or structure shall be permitted which is not in compliance with approved plans and excepting upon specific review and approval of any "as built" modifications by the Planning Director, or designee, as appropriate.

Provided further, that no expansion of use beyond the scope and nature described in this application which would tend to increase the projected scale of operations, shall be permitted except upon application for, and approval of, modification of this application in compliance with all procedures and requirements thereof.

9. No signs are authorized by approval of this conditional use permit. Any signs proposed for this project shall be submitted to the Planning Division for review and approval. Once signs are approved, building permits shall be obtained from the Building Division for issuance of a building permit.

10. No service or work on vehicles shall be permitted for any vehicles with the exception of minor engine service and work on vehicles to be displayed for sale with the used-car dealership (excludes auto body repair and painting), and except as is already permitted when associated with a potential new-car dealership. All repair and service of these vehicles shall occur within existing buildings. Outdoor storage of vehicles being serviced may be parked/stored outdoors overnight in the service/employee parking interior courtyard as shown on the approved site plan, but in no case longer than 48 hours. Vehicles being serviced shall not be stored in the parking areas between the buildings and Hamner Avenue and Auto Mall Drive, and not in driveways or drive aisles which must remain clear and unobstructed at all times.

11. A clarifier, if needed, shall be installed as approved by the Director of Public Works and connected to the City sewer system to treat existing floor drains not already connected, and any new floor drains to be installed, prior to finalization of any needed Building Permits.

12. It is hereby established that it shall be grounds for revocation of this conditional use permit if the permittee, his agent or assigns, or employee(s) of his establishment, or any other person connected or associated with the permittee or his business establishment, or any person who is exercising managerial authority of the business establishment has:

a. Violated any rule, regulation or condition of approval adopted by the Planning Commission relating to the conditional use permit; or

b. Conducted the operation permitted hereunder in a manner contrary to the peace, health, safety and general welfare of the public or in a manner which either generates or contributes to noise and/or health/sanitation nuisances, or which results in undesirable activities or creating an increased demand for public services.

13. The applicant shall comply with all requirements from Building and Safety, Planning and all other applicable departments and agencies.

14. Any new landscaped areas shall be provided with a water-conserving automatic irrigation system. An underground irrigation plan shall be submitted to the Planning Division for approval along with landscaping plans prior to installation. Trees to be planted shall be minimum 24-inch planter boxes. Shrubs to be planted shall be minimum 5-gallon container plants.

15. The proposed use and site shall be operated in a clean and maintained condition that promotes the attractiveness of the Auto Mall for existing and future new car dealerships, including all landscaping areas.

16. Building addresses shall be visible from a public street. The primary building address shall be visible from Hamner Avenue.

17. "No Trespassing" after-hours signage shall be posted on the rear of all buildings.

18. Adequate lighting shall be maintained during business hours at night.

19. The owner/operator of the business, regardless of any changes in ownership, shall provide a self-audit of compliance with the conditions of approval to the Planning Commission on a form or in a manner determined by the Planning Division, and inclusive of the payment of any fees as may be set by the City Council. Said report shall demonstrate that the project is in compliance with all the conditions of approval and shall be submitted for review no later than six months from the approval date of this CUP. The owner/operator shall be responsible for all staff and attorney fees that may be incurred in the enforcement of the terms of the conditions of approval, whether they are annual inspections or compliance hearings.

Irrespective of the self-audit requirement, the City maintains the option to open an investigation of CUP compliance at any time.

20. The owner, manager, or any successor thereto assigned for management of the property in question shall participate fully in the Norco Auto Mall Dealership Association, including maintenance of the freeway sign as applicable.

#

PASSED AND ADOPTED by the Planning Commission at a regular meeting held December 10, 2014.

---

Robert Leonard, Chairman  
Planning Commission  
City of Norco, California

ATTEST:

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Steve King, Secretary  
Planning Commission  
City of Norco, California

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Norco at a special meeting thereof held on December 10, 2014 by the following roll call vote:

AYES:

NOES:

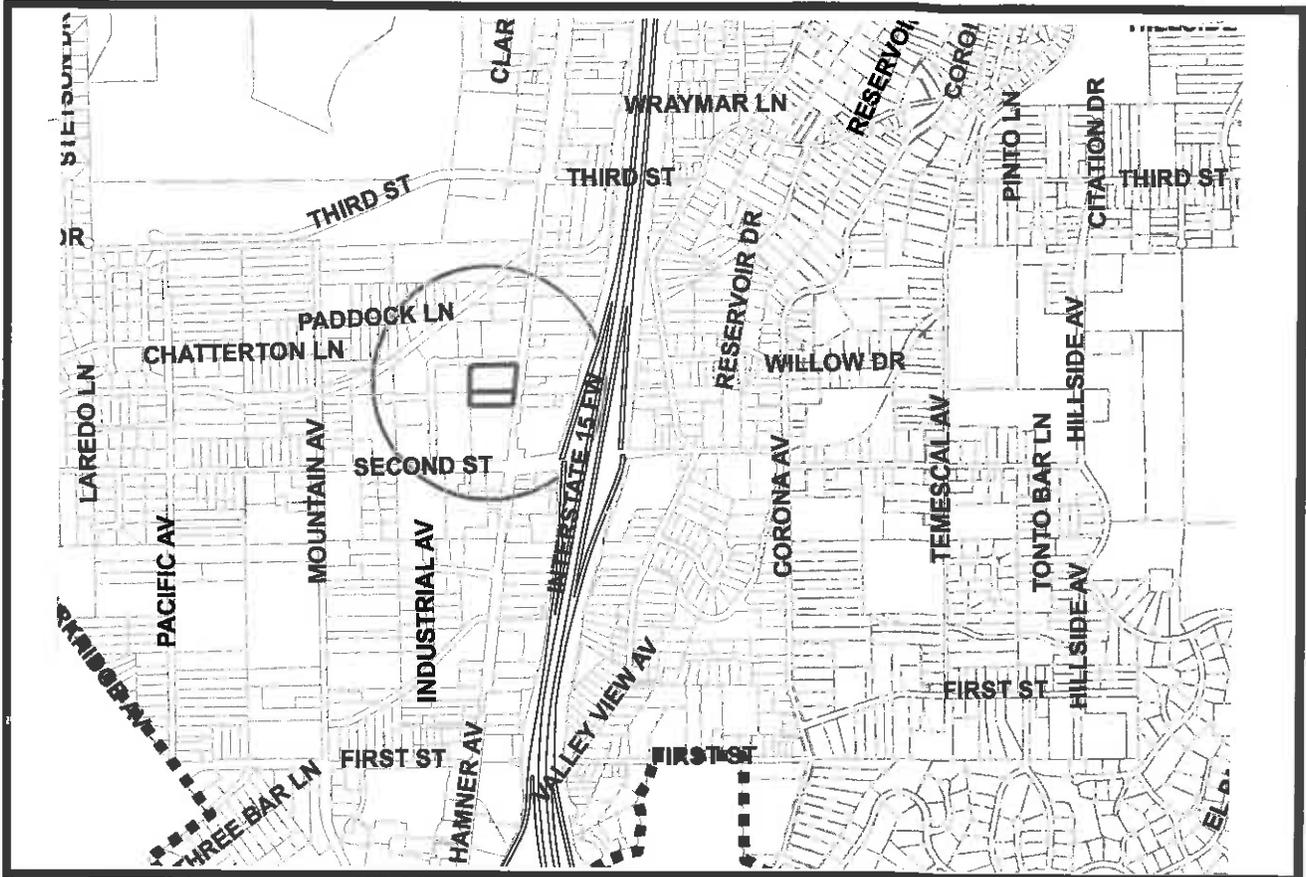
ABSENT:

ABSTAIN:

---

Steve King, Secretary  
Planning Commission  
City of Norco, California

# LOCATION MAP



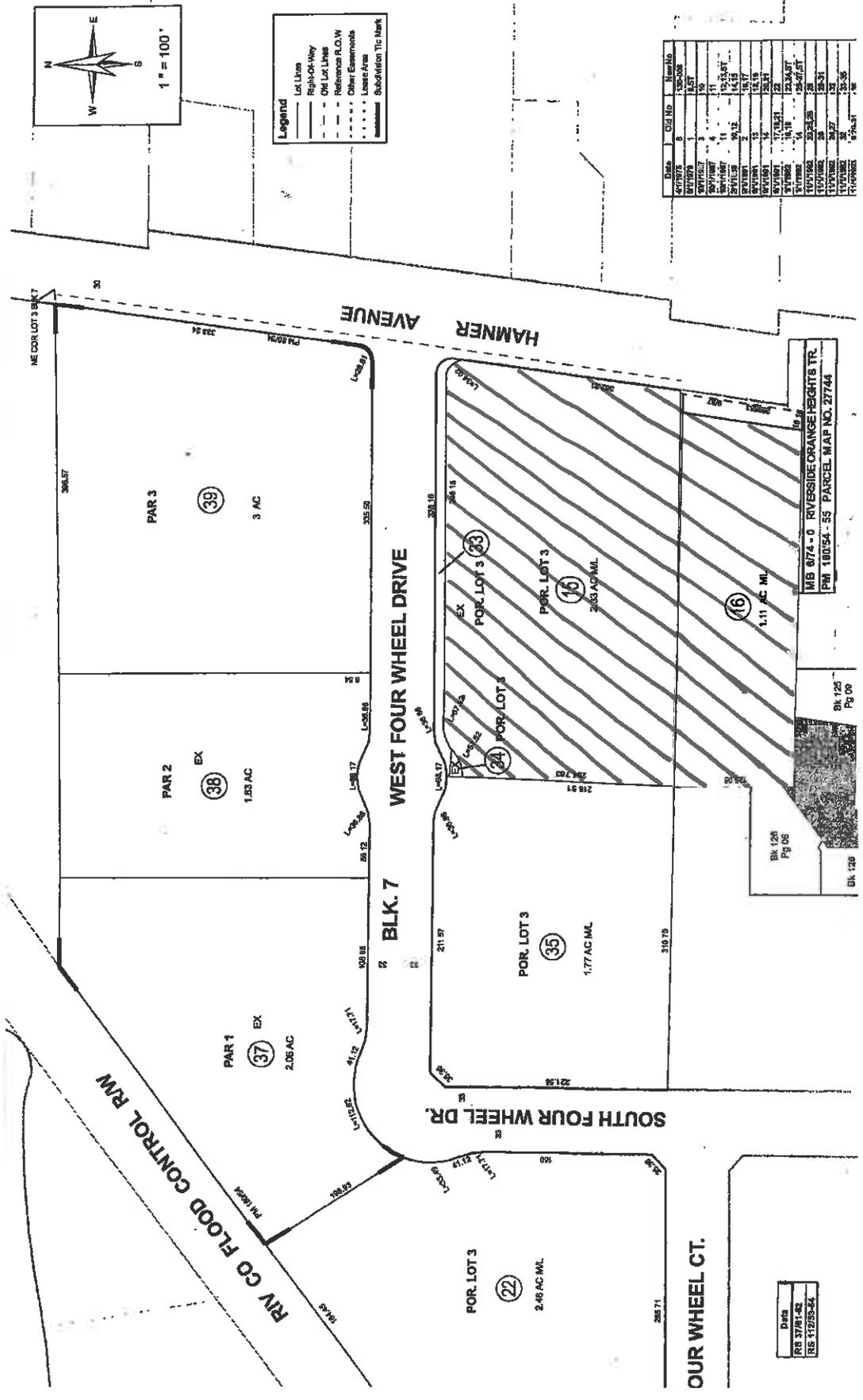
Not to Scale



**PROJECT:** Conditional Use Permit 2014-31  
**APPLICANT:** Car Champs  
**LOCATION:** 2000 Hamner Avenue (126-120-015), (126-130-016)

## Exhibit "A"

# ASSESSOR'S PARCEL MAP

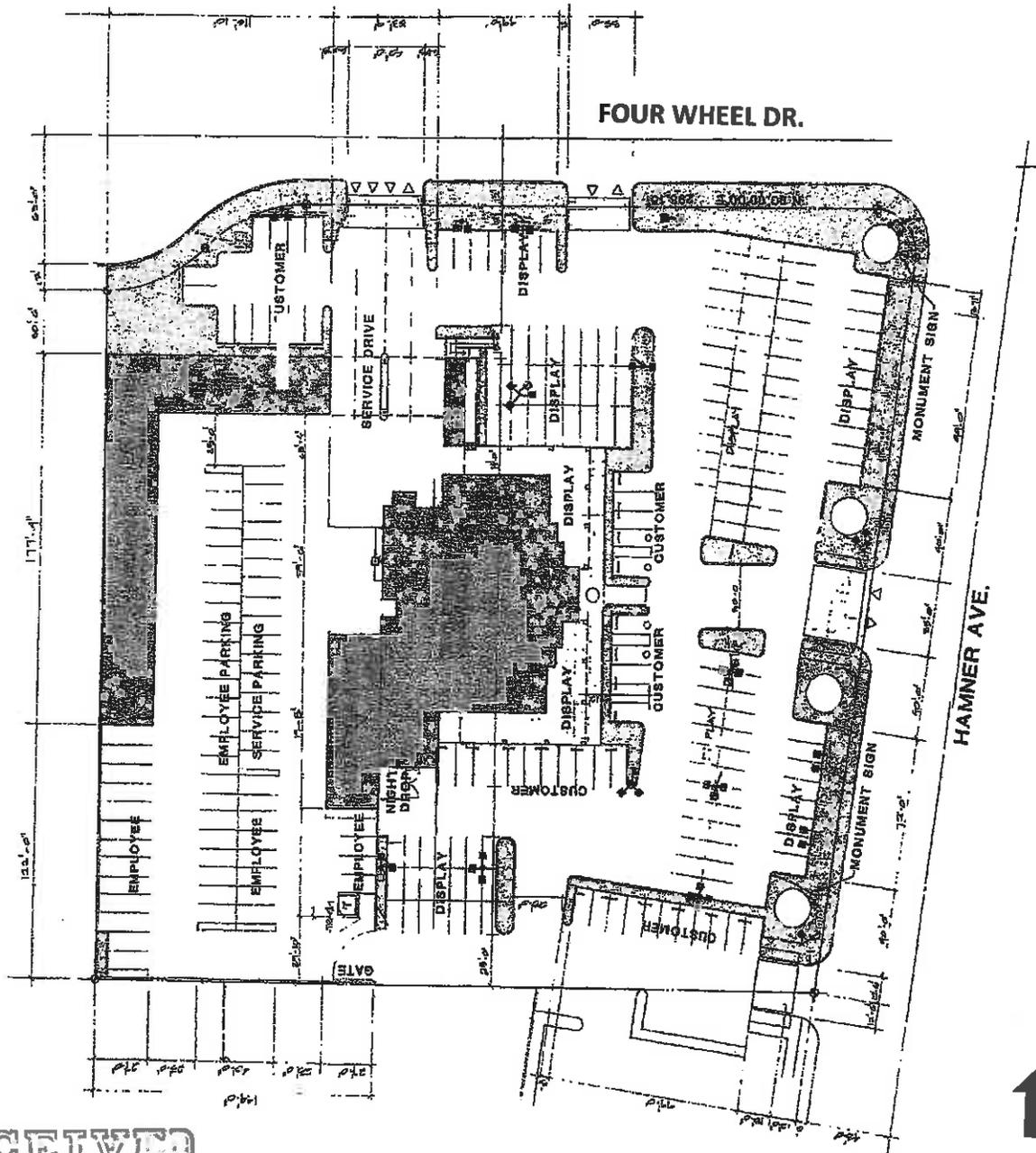


Date	Old No.	New No.
4/1/76	150-008	151
8/1/76	151	152
8/1/76	152	153
8/1/76	153	154
8/1/76	154	155
8/1/76	155	156
8/1/76	156	157
8/1/76	157	158
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8/1/76	161	162
8/1/76	162	163
8/1/76	163	164
8/1/76	164	165
8/1/76	165	166
8/1/76	166	167
8/1/76	167	168
8/1/76	168	169
8/1/76	169	170

MIB 074-0 RIVERSIDE ORANGE HEIGHTS TR.  
 PM 10054-55 PARCEL MAP NO. 27744

Blk 126 Pg 06  
 Blk 125 Pg 06  
 Blk 128

Date:  
 RB 2781-02  
 RS 17233-34



**RECEIVED**  
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BY.....

**EXHIBIT "C"**

**CITY OF NORCO  
STAFF REPORT**

**TO:** Honorable Chair and Members of the Planning Commission

**FROM:** Alma Robles, Senior Planner

**DATE:** December 10, 2014

**SUBJECT:** Conditional Use Permit 2014-30 (Parmelee): A request for approval to allow a detached accessory building consisting of a 1,840 square-foot storage building at 3733 Alhambra Street located within the A-E (Agricultural Estate) Zone.

**RECOMMENDATION:** Staff recommends that the Planning Commission adopt Resolution 2014-59 approving Conditional Use Permit 2014-30.

Conditional Use Permit 2014-30 is a request for approval to allow an accessory building consisting of a 1,840 square-foot storage building at 3733 Alhambra Street located within the A-E Zone (ref. Exhibit "A" – Location Map). The property consists of about .70 acres/30,492 square-feet and is developed with a single family residence (ref. Exhibit "B" – APN Map and Exhibit "D" – Aerial and Site Photo).

Accessory buildings that exceed 864 square feet require approval of a conditional use permit by the Planning Commission. The site plan and building elevations for the proposed building are attached (ref. Exhibit "C" – Site Plan and Building Elevations). The storage building is proposed to be wood framed construction with a stucco exterior and will complement the existing house in color.

The following is required of accessory buildings in the A-E Zone:

- A minimum of 5 feet from property lines and 10 feet from any other structure are the setbacks required for accessory buildings. **The proposed building will meet these requirements.**
- The maximum height of any accessory structure that exceeds 864 square feet is 20 feet, or as approved by the Planning Commission. **The structure is proposed with a maximum height of about 18 feet as measured to the peak of the roof.**
- The maximum lot coverage of all structures shall be not more than 40% of the total lot area. **The lot coverage for the property is approximately 18%, which takes into account the existing and proposed structures.**

Animal-keeping is allowed in the A-E Zone, however; a contiguous open animal area is not required for the approval of accessory buildings on properties in the A-E Zone.

The project was provided to the Architectural Review Sub-Committee (ARC). No concerns were expressed regarding the architecture of the building.



## **RESOLUTION NO. 2014-59**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO APPROVING A CONDITIONAL USE PERMIT TO ALLOW A DETACHED ACCESSORY BUILDING CONSISTING OF A 1,840 SQUARE-FOOT STORAGE BUILDING AT 3733 ALHAMBRA STREET LOCATED WITHIN THE A-E ZONE. (CONDITIONAL USE PERMIT 2014-30)**

WHEREAS, an application to the City of Norco, California has been submitted for a conditional use permit under the provisions of Chapter 18.45, Title 18 of the Norco Municipal Code by CHRIS and ROBYN PARMELEE for property located at 3733 Alhambra Street (APN 130-261-003); and

WHEREAS, notice of a public hearing on said petition has been given in the manner and for times required by law; and

WHEREAS, at the time set, at 7 p.m. on December 10, 2014 within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, said petition was heard by the Planning Commission for the City of Norco; and

WHEREAS, at said time and place, said Planning Commission heard and considered both oral and written evidence; and

WHEREAS, the City of Norco, acting as the Lead Agency, has determined that the proposed project is exempt from environmental assessment.

NOW, THEREFORE, the Planning Commission of the City of Norco does hereby make the following FINDINGS AND DETERMINATION:

I. **FINDINGS:**

A. The requested Conditional Use Permit will not adversely affect the general welfare of persons residing or working in the neighborhood thereof.

B. The requested use will not adversely affect the adjoining land uses.

C. The size and shape of the site proposed for the use is adequate to allow full development of the proposed use.

D. The traffic generated by the proposed use will not impose an undue burden.

E. The City of Norco, acting as lead agency, has determined that the project is categorically exempt from environmental assessment per Section 3.13, Class 3 of the City of Norco Environmental Guidelines.

II. DETERMINATION:

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Norco, California, in session assembled December 10, 2014 that the aforesaid application for a conditional use permit is granted, subject to the conditions provided in Section 18.45.14 of the Municipal Code of Norco, including, but not limited to the following conditions:

1. Approval is based on Exhibit "C" – Site Plan and Building Elevations dated November 12, 2014 and incorporated herein by reference and on file with the Planning Division. Development shall occur as shown unless otherwise noted in these conditions.
2. The recorded owner of the property shall submit to the Planning Division for record purposes, written evidence of agreement with all conditions of this approval before said permit shall become effective.
3. The project shall be in compliance with all City of Norco Municipal Codes, Ordinances and Resolutions. Non-compliance with any provisions of the Norco Municipal Code (NMC) not specifically waived in compliance with City procedures shall constitute cause for revocation and/or termination of the approvals granted under authority of this permit.
4. In the event conditions for approval by the Planning Commission, or City Council (as the case may be) require the revision of plans as submitted, the applicant shall submit four copies of the approved plan (revised to incorporate conditions for approval) to the Planning Division for record purposes for approval of any grading and/or building permits.
5. No occupancy of any building and/or structure shall be permitted which is not in compliance with approved plans and excepting upon specific review and approval of any "as built" modifications by the Planning Director as appropriate. Provided further, that no expansion of use beyond the scope and nature described in this application which would tend to increase the projected scale of operations shall be permitted except upon application for, and approval of, modification of this application in compliance with all procedures and requirements thereof.
6. The applicant shall obtain building permits and pay all applicable fees before beginning construction of the structure on the subject property.
7. The applicant shall comply with all requirements from the Planning, Engineering, and Building Divisions; and the Fire and Sheriff's Departments; and all other applicable departments and agencies.

8. A home occupation business shall not be permitted from the subject building.
9. The subject building shall complement the existing house in color.
10. This approval is for an accessory building consisting of a storage building. It is hereby established that it shall be grounds for revocation of this conditional use permit if the property owner has:
  - A. Violated any rule, regulation or condition of approval adopted by the Planning Commission relating to the conditional use permit; or
  - B. Conducted the operation permitted hereunder in a manner contrary to the peace, health, safety and general welfare of the public or in a manner which either generates or contributes to noise and/or health/sanitation nuisances, or which results in undesirable activities or creating an increased demand for public services.
11. Building permits for this accessory building are issued within the confines of this Conditional Use Permit. Any violation of a condition resulting in a revocation of this Conditional Use Permit may result in an order to remove the accessory building at the owner's expense.

#

Resolution No. 2014-59  
Page 4  
December 10, 2014

PASSED AND ADOPTED by the Planning Commission at a regular meeting held on December 10, 2014.

---

Robert Leonard, Chairman  
Planning Commission  
City of Norco, California

ATTEST:

---

Steve King, Secretary  
Planning Commission  
City of Norco, California

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Planning Commission of the City of Norco at a regular adjourned meeting thereof held on December 10, 2014 by the following roll call vote:

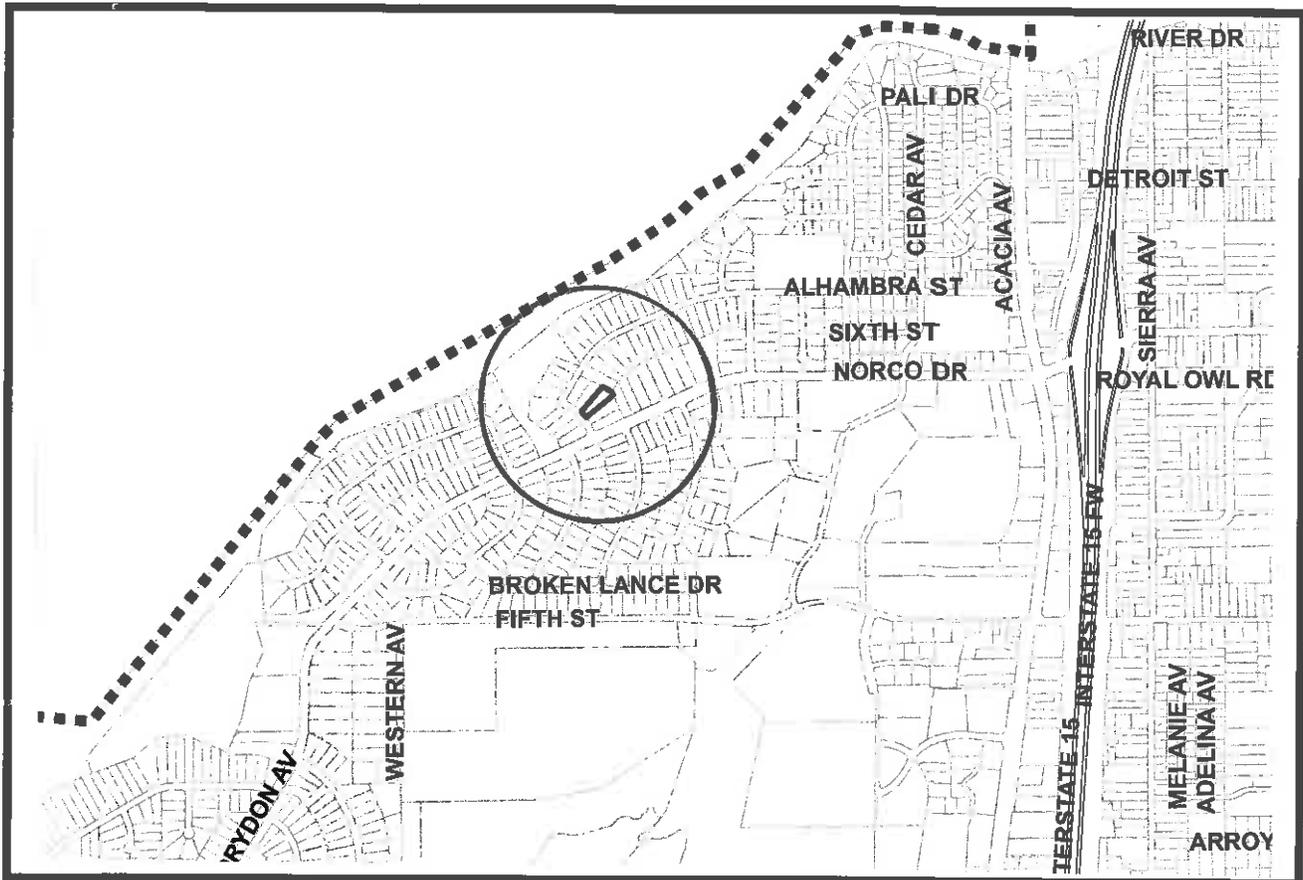
- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

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Steve King, Secretary  
Planning Commission  
City of Norco, California

/cmm/adr

# LOCATION MAP



Not to Scale



**PROJECT:** Conditional Use Permit 2014-30

**APPLICANT:** Chris and Robyn Parmelee

**LOCATION:** 3733 Alhambra Street

**Exhibit "A"**



## CITY OF NORCO STAFF REPORT

TO: Honorable Chair and Members of the Planning Commission

FROM: Planning Division

PREPARED BY: Steve King, Planning Director

DATE: December 10, 2014

SUBJECT: Similar Use Finding 2014-01 (City): To make findings that a proposed gun and ammunition store is not inconsistent with the purposes and intent of the C-4 Zone and that the use can be allowed with the Similar Use Finding.

RECOMMENDATION: Adopt Resolution 2014-61, approving Similar Use Finding 2014-01.

SUMMARY: This is a request for the Planning Commission to make the finding that a proposed gun and ammunition store is consistent with the intent and purpose of the C-4 Zone (Sixth Street) and that it is consistent with the other permitted uses in that zone.

BACKGROUND: The Norco Municipal Code includes a provision for Similar Use Finding that allows the Planning Commission to approve a use in a zone even if the use is not specifically listed and is not similar enough to be included by association with another listed use. This provision reflects the *"recognition that there is often ambiguity concerning appropriate classifications of, or permission of, unlisted uses within the meaning and intent of the Zoning Code."*

ANALYSIS: The proposed retail use is a gun and ammunition store on Sixth Street which is not a use that is specifically listed in the list of permitted or conditionally-permitted uses in the C-4 Zone. The only "Permitted Uses" that such a use would come close to is "Convenience Sales, activities that typically include, but are not limited to: 1) Convenience Markets; 2) Drug Stores; 3) Beauty and barber shops; 4) Dry cleaning establishments."

The intent and purpose of the C-4 Zone is:

*"To provide a rural, small town atmosphere that provides a distinguishing quality to the City of Norco. The uses vary to provide many opportunities for shopping, services, and employment."*

Staff is comfortable that the proposed use meets the intent of the C-4 zone but the Similar Use Finding needs to be made by the Planning Commission. If the Planning Commission makes the finding then that decision is given to the City Council as a Consent Item on the next regularly scheduled City Council meeting and does not require a public hearing.

**Agenda Item 5.D.**

The City Council can then either concur with the Planning Commission, concur with changes, or overturn the decision of the Planning Commission which would mean that the use is not permitted.

If the City Council concurs with the Planning Commission then the use would be allowed to go in immediately after all building permits and business licenses have been obtained, and within a year staff would process a Zone Code Amendment to officially add the use in the list of "Permitted Uses" in the zone.

To make the Similar Use Finding the Planning Commission needs to establish that all of the following conditions exist:

- *"The use is not inconsistent with the purposes and intent of this Ordinance;*
- *The use is similar to one or more uses permitted in the zone within which it is proposed to be located;*
- *The operation of the use is compatible with other permitted uses within said zone;*
- *The use will not be detrimental to the public health, safety, convenience and welfare of the community;*
- *The use will not generate substantial additional traffic congestion over other permitted uses in said zone; and*
- *The use will not adversely affect the intent of the City's General Plan."*

The proposed gun and ammunition store is proposed in a suite on the second floor of an existing building located at 1217 Sixth Street but the Similar Use Finding is for the entire C-4 Zone and is not site specific.

Attachment: Resolution 2014-61

Exhibit "A" – List of Permitted and Conditionally-Permitted Uses C-4 Zone

## **RESOLUTION 2014-61**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO, CALIFORNIA FINDING THAT THE CONDITIONS DO EXIST TO JUSTIFY A SIMILAR USE FINDING FOR A PROPOSED GUN AND AMMUNITION STORE IN THE C-4 ZONE. SIMILAR USE FINDING 2014-01.**

WHEREAS, THE PLANNING COMMISSION, initiated an application for a similar use finding for a proposed gun and ammunition store in the C-4 Zone; and

WHEREAS, said application for Similar Use Finding 2014-01 has been duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, at the time set at 7 p.m. on December 10, 2014, within the Council Chambers at 2820 Clark Avenue, Norco, California, 92960, said petition was heard by the Planning Commission for the City of Norco; and

WHEREAS, at said time and place, said Planning Commission heard and considered both oral and written evidence; and

WHEREAS, the City of Norco, acting as the Lead Agency, has determined that the project is exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines per Class 1.

NOW, THEREFORE, the Planning Commission of the City of Norco does hereby make the following FINDINGS AND DETERMINATION:

I. FINDINGS:

- A. The proposed use is consistent with the purposes and intent of the C-4 Zone.
- B. The proposed use is similar to one or more uses permitted in the C-4 Zone.
- C. The operation of the proposed use is compatible with other permitted uses in the C-4 Zone.
- D. The proposed use will not be detrimental to the public health, safety, convenience or welfare of the community.
- E. The proposed use will not generate substantial additional traffic congestion over other permitted uses in the C-4 Zone.

- F. The proposed use will not adversely affect the intent of the City's General Plan.
- G. The City of Norco has been determined to be the lead agency for environmental reporting purposes pursuant to State and local environmental guidelines, and has determined that the project is exempt pursuant to the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines (Class 1).

II. DETERMINATION:

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Norco, California, in session assembled on December 10, 2014 that the conditions as required by Chapter 18.42 of the Norco Municipal Code do exist to make a Similar Use Finding for a proposed gun and ammunition store in the C-4 Zone.

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PASSED AND ADOPTED by the Planning Commission at a regular meeting held December 10, 2014.

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Robert Leonard, Chairman  
Planning Commission  
City of Norco, California

ATTEST:

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Steve King, Secretary  
Planning Commission  
City of Norco, California

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Norco at a special meeting thereof held on December 10, 2014 by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Steve King, Secretary  
Planning Commission  
City of Norco, California

### **18.23.04 Permitted Uses.**

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The following uses are permitted and the land shall be used and buildings and structures shall hereafter be erected, altered, enlarged or otherwise modified for the following uses only. Existing uses are permitted to continue as legal nonconforming land uses. Ancillary and accessory uses, which are clearly incidental and subordinate to the primary use, are permitted. Accessory uses will be reviewed concurrently with each land use proposal.

**A. Administrative and Professional Offices. Activities include, but are not limited to:**

1. Data storage;
2. Financial records;
3. Auditing centers;
4. Architects;
5. Lawyers;
6. Insurance sales and claims offices;
7. Real estate offices;
8. Financial planners;
9. Accountants' and bookkeepers' offices.

**B. Animal Care. Activities include, but are not limited to:**

1. Grooming;
2. Animal care treatment;
3. Boarding services for large and small animals (does not include more than 4 dogs);
4. Veterinary services and animal clinics;
5. Large and small animal hospitals.

**C. Building Maintenance Services. Activities typically include, but are not limited to:**

1. Custodial services;
2. Window cleaning services;
3. Disinfecting and exterminating services;
4. Janitorial services.

**D. Building Supplies and Sales. Activities typically include, but are not limited to:**

1. The retail sale or rental from the premises of goods and equipment, including paint, glass, hardware, fixtures, electrical supplies, yard and garden supplies;
2. Lumber stores;
3. Hardware stores;
4. Building materials, such as brick, block, masonry, sand, and gravel;
5. Ancillary rental of trucks.

**E. Business Printing Services.**

**F. Business Supply Retail and Services. Activities typically include, but are not limited to:**

1. Retail sales;
  2. Rental or repair from the premises of office equipment, office supplies and similar office goods.
- G. Business Support Services. Activities typically include, but are not limited to:
1. Firms rather than individuals of a clerical, employment, or minor processing nature, including bookkeeping and medical transcribing, multi-copy and blueprint services;
  2. Dispatch and office support services for the operation of taxicab/vehicles for hire businesses. This does not include the storage, staging, standing, or parking of company vehicles on site.
- H. Child Care Homes and Facilities. Activities typically include, but are not limited to:
1. Daytime nonmedical care and supervision of children or seniors in an appropriate environment. Typical uses include:
    - a. Family home day care infant centers;
    - b. Preschools;
    - c. Extended child care facilities.
- I. Convenience Sales. Activities typically include, but are not limited to:
1. Convenience markets;
  2. Drug stores;
  3. Beauty and barber shops;
  4. Dry cleaning establishments.
- J. Eating and Drinking Establishments. Activities typically include, but are not limited to (ref. Section 18.23.08):
1. Restaurants;
  2. Donut shops;
  3. Coffee sales.
- K. Entertainment/Recreation. Specific entertainment/recreation use types include (ref. Section 18.23.08):
1. Amusement Center. Public places of amusement or business in which four or more coin-operated amusement devices are installed.
  2. Clubs and Lodges. Predominantly halls and meeting facilities for fraternal organizations. Typical groups include Elk and Moose.
  3. Indoor Sports and Recreation. Typical uses include:
    - a. Bowling alleys;
    - b. Billiard parlors;
    - c. Ice and roller skate rinks;
    - d. Indoor basketball and racquetball courts;
    - e. Sale of prepared foods and beverages is permitted ancillary to the primary sports and recreational character of the use.
  4. Outdoor Sports and Recreation. Typical uses:
    - a. Tennis courts;

- b. Batting cages;
- c. Equestrian riding rings;
- d. Miniature golf;
- e. Athletic education;
- f. Athletic practice facilities;
- g. Sale of prepared foods and beverages is permitted ancillary to the primary use.

L. Equestrian and Agricultural Supplies and Services. Uses typically include, but are not limited to:

- 1. Feed and grain stores;
- 2. Retail saddle/tack shops.

M. Financial Institutions. Uses typically include, but are not limited to:

- 1. Banks;
- 2. Savings and loans;
- 3. Credit unions.

N. Food and Beverage Sales. Uses typically include:

- 1. Markets;
- 2. Mini-markets;
- 3. Liquor stores;
- 4. Retail bakeries.

O. Health Care Services. Does not include facilities for inpatient treatment.

P. Newsstands.

Q. Nurseries.

R. Personal Services and Sales. Uses typically include:

- 1. Beauty and barber shops;
- 2. Florist shops;
- 3. Photography studios;
- 4. Apparel laundering and dry cleaning agencies;
- 5. Contract post offices;
- 6. Travel agencies.

S. Artcrafts. Uses typically include, but are not limited to:

- 1. Restoration and repair of antiques;
- 2. Artists' studios (including painting and sculpting);
- 3. Basket making;
- 4. Blacksmithing;
- 5. Candle making;
- 6. Cartoon and animation;
- 7. Book restoration and custom binding;

8. Ceramics and pottery;
9. Production of glass crystal figures, glass art, and stained glass;
10. Custom jewelry design and manufacturing;
11. Metal engraving;
12. Manufacture and repair of musical instruments;
13. Photography studios;
14. Picture mounting and framing;
15. Leather goods, including custom shoe making;
16. Ornamental iron;
17. Silk screen production;
18. Taxidermy;
19. Textile weaving by hand looms;
20. Watch and clock making;
21. Woodcarving;
22. Custom furniture.

**T. Civic Use Types.**

1. **Civic Administration.** Activities typically include, but are not limited to:
  - a. Public and private post offices and mail processing;
  - b. Management, administration, or clerical services performed by public, quasi-public, and utility agencies.
2. **Cultural Facilities.** Activities typically include:
  - a. Museums and art galleries;
  - b. Public and private libraries;
  - c. Public and private observatories;
  - d. Facilities for the performing arts.
3. **Education Facilities.** Activities typically include:
  - a. Public or private instruction required to be taught by the California Education Code;
  - b. Vocational instruction;
  - c. Music, art, or dance instruction in a classroom or studio setting.
4. **Flood control/utility corridor.**
5. **Public Assembly.**
  - a. Parks, gardens, and passive open space areas;
  - b. Public and semi-public playgrounds and playing fields and active use recreation areas;
  - c. Public meeting halls, gymnasiums and youth and community centers;
  - d. Public parking lots;
  - e. Equestrian staging areas;

6. Religious assembly.

U. Ancillary and Accessory Uses.

1. Animal keeping at a lawfully existing or legal nonconforming use. (Ord. 951 Sec. 1, 2012; Ord. 872, 2007; Ord. 802, 2003; Ord. 539 Sec. 1 (part), 1985)

**18.23.06 Uses or Structures Permitted by Conditional Use Permit.**

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A. Drive-in/Drive-Through Facilities (Ref. Section 18.23.08).

B. Building Contractors Offices and Storage Yards. Activities typically include, but are not limited to (ref. Section 18.23.08):

1. Offices;
2. Storage of equipment, materials, vehicles and contractors supplies.

C. Hospitality Uses (West of Center Street Only).

1. Hotels (interior room entrance);
2. Motels (exterior room entrance);
3. Bed and Breakfast Inns. A bed and breakfast inn is subject to the following definitions and requirements:
  - a. Can only be applied to structures classified as a single-family residence in the C-4 zone at the time of the adoption of Ordinance No. 951.
  - b. Requires residency by the operator with no more than 10 rooms available and advertised for tourist-related overnight stays in addition to the operator's residence rooms.
  - c. Length of stay shall not exceed 14 consecutive overnight stays.