



**CITY OF NORCO  
PLANNING COMMISSION REGULAR MEETING AGENDA**

**Wednesday, November 9, 2016  
City Council Chambers, 2820 Clark Avenue, Norco CA 92860**

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**CALL TO ORDER:** 7:00 p.m.

**ROLL CALL:** Robert Leonard, Chair  
John Rigler, Vice Chair  
Danny Azevedo, Commission Member  
Patricia Hedges, Commission Member  
Phil Jaffarian, Commission Member

**PLEDGE OF ALLEGIANCE:** Commission Member Patricia Hedges

**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.

1. **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.
2. **APPROVAL OF MINUTES:**
  - A. Minutes of Special Meeting of September 28, 2016 and Regular Meeting October 12, 2016. **Recommended Action: Approval** (Minutes Clerk)

3. **PUBLIC HEARING:**

*Order of Presentation for Public Hearing Items:*

1. *Staff Presentation*
2. *Commission Questions of Staff*
3. *Open Public Hearing*
  - a. *Comments by Applicant*
  - b. *Public Speakers in Favor, Against, or Neutral*
  - c. *Applicant Response to Comments*
  - d. *Questions of Applicants*
4. *Close Public Hearing*
5. *Commission Discussion and Action*

- A. **Conditional Use Permit 2016-31 (Cocke):** A request for approval to allow a detached accessory building consisting of a 2,400 square-foot garage/storage and workshop building at 3522 Broken Twig Drive located within the A-1-20 (Agricultural Low Density) Zone.
- B. **Conditional Use Permit 2016-33 (Mullican):** A request for approval to allow two additional dogs above the four dog limit, at 3591 Broken Twig Drive located within the A-1-20 (Agricultural Low Density) Zone.
- C. **Conditional Use Permit 2016-34 (Bouni):** A request for approval to allow a fitness studio at 2641 Hamner Avenue, Suite 109, located within the C-G (Commercial General) Zone.
- D. **Conditional Use Permit 2016-35 (Stephens):** A request for approval to allow two animal units (horses) at 901 Thoroughbred Lane located within the Norco Hills Specific Plan Residential District.
- E. **Variance 2016-02, Modification No.1 (Valenzuela):** A request to modify a condition of approval that required a Primary Animal Keeping Area (PAKA) or modify the requirements of a PAKA, for the approval of Variance 2016-02 that allowed a variance from the 100-foot rear yard setback requirement of Chapter 18.13 (A-1 Zone) of the Norco Municipal Code, to allow the construction of a residential home on a vacant parcel identified with the Assessor's Parcel Number of 168-021-009, located on the south side of Mt. Rushmore Drive, east of Crestview Drive, and within the A-1-20 (Agricultural Low Density) Zone.
- F. **Zone Code Amendment 2016-05 (City):** To amend Section 18.30.46 modifying regulations for second units to recognize new state requirements that go into effect on January 1, 2017.

4. DISCUSSION ITEMS:

- A. **Specific Plan 85-1/Architectural Review 2016-02 (Hemborg Ford):** a request for approval of a proposed building remodel for Hemborg Ford located at 1900 Hamner Avenue in the Auto Mall Specific Plan.

5. PLANNING COMMISSION / STAFF COMMUNICATIONS:

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

**ADJOURNMENT:**

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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)

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.

The meeting is recorded.



**CITY OF NORCO  
PLANNING COMMISSION SPECIAL MEETING MINUTES**

**Wednesday, September 28, 2016  
City Council Chambers, 2820 Clark Avenue, Norco CA 92860**

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**CALL TO ORDER: 7:04 p.m.**

**ROLL CALL: Present:**  
Robert Leonard, Chair  
John Rigler, Vice Chair  
Danny Azevedo, Commission Member  
Patricia Hedges, Commission Member  
Phil Jaffarian, Commission Member

**PLEDGE OF ALLEGIANCE: Vice Chair John Rigler**

**APPEAL NOTICE: Read by Director King**

**1. PUBLIC HEARING:**

- A. Conditional Use Permit 2016-27 (Walt Disney Parks & Resorts U.S., Inc.):**  
A request for approval to allow three detached accessory buildings consisting of a 13,174 square-foot horse barn, a 1,599 square-foot hay barn, and a 2,191 square-foot carriage barn at 2961 Valley View Avenue. **Recommended Action: Approval** (Senior Planner)

Senior Planner Robles presented the staff report on file in the Planning Department. Planner Robles passed out an additional elevation view to all Commission Members for review. Planner Robles noted that a finding was added in regards to the demolition of the existing buildings. Staff recommends approval of the project and the negative declaration.

In response to Member Jaffarian, Planner Robles clarified the use of the site and the need for the Conditional Use Permit is for the buildings.

Vice Chair Rigler and Member Azevedo asked staff to verify dimensions of the buildings and the percentage of the lot coverage, Planner Robles confirmed that the information on the plan for the buildings and lot coverage is correct.

Chair Leonard asked about the occupancy notes on the plans, that it's only for the accessory buildings, with the house on the site being exempt from that, Planner Robles confirmed.

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

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Esther Andras, representing Disney with Roy Hungerford, Site Manager, and Erin Simon, Project Manager, elaborated on the use of the property and the hours of operation will be 6:00 a.m. – 8:00 p.m. with 12 employees during the day; adding that transport of horses to Disneyland in Anaheim will be every 3 days. The site will maintain the home located on the site currently and will maintain its residential zoning.

Member Hedges wanted to clarify if someone will be on site at all times, Mr. Hungerford confirmed staffing hours and noted that no one will be staying on site overnight, however security cameras will be installed. Member Hedges questioned the transport hours, in response, Mr. Hungerford stated that it will be done during the day.

Sunday Barretto stated that she posted information on the public forums since others cannot attend and received lots of support for the project on the site and that it should be approved.

David Henderson stated that stating that he shares a property line with the project referencing Zone Code Section 18.13.02, that the use is a problem since no one will be living in the home. He contended that it is a commercial use since no one will be living in the house, suggesting a Zone change and adding a condition for the permitted use.

Bonnie Slager stated that the Norco Horsemen's Association supports the project.

Ann Hutchison read the City Mission Statement which supports the project; adding that this project stops the lot from being sub-divided and turned into tiny lots.

Su Bacon stated that she is excited with the use, noting that the use is right down Norco's alley. She supports the project.

Paul Ryan, shares a property line, submitted a letter for review which supports the project. He requested that a resident caretaker be required for health and safety of the animals; and noted a concern with manure management.

Larry Eckhoff supports the project, suggesting that there are some minor things that need to be worked out.

Kathy Pope shared previous uses of the property, a chicken ranch, and then a Christmas tree farm. On behalf of her family, as a neighboring property, she stated they support the project.

Linda Dixon spoke in support of the project; pointing out that many homeowners work at night and are not home to care for their animals, and that residents take horses off site in trailers at random hours of day and night.

Betty Bash stated that she supports the project; it fits the zoning. She added that many are away from their home 8-10 hours a day, from their animals with no one on the property, noting that this issue should not jeopardize the project.

Bill Naylor stated that he supports the project, an excellent addition to the community.

Geoff Kahan stated that as a former Disney employee, he supports the project. He noted Zone Code 18.13.02 and 18.13.06, listing the multiple uses allowed for these sites; he further stated that the CUP is just for the buildings, and there is no reason this should not be approved.

Adam Langlois stated that he lives one property away from the site and is excited that site will remain a single parcel.

Kathleen Kramer expressed her excitement about site, this will be a huge moral boost for the City, suggesting that once established Disney can set up field trips to the site for kids and seniors.

Tony Barreto, in support of the project, stated that the City as a whole should be offering help and asked that we work together.

Rosa Zuniga, read a letter from Dr. Jennifer Wells, stating that she supports the project and would like tours to be made available for the public.

Rose Zuniga welcomed Disney and noted she was excited that they chose Norco as their home.

Mike Thompson asked about flooring in the buildings and type of doors, as he didn't see that information in staff report.

Jodie Webber remarked in regards to comments made; stating that the code does allow the use and that occupancy of the residence is a needed condition for this project.

Terry Baker stated that the previous tree farm had issues with the site use; adding that she is in favor of Main Street USA meeting Horsetown USA.

Pat Overstreet supports the project and hopes it will create tourism for the city.

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

Member Hedges had concerns with no one being on site at all times, but felt better after knowing that there will be cameras on site and feels the project fits well.

Member Azevedo had no issues with noone living in the house, noting that many people are snowbirds and leave for many months and have others check on their animals. He contends that it meets all the requirements and that more animals can be added if needed; the benefits of the project will increase home values. He added that the noise issue is part of this town with animal keeping; stating that this will make Norco a better place.

Member Jaffarian asked if a condition can be added in reference to the manure storage and disposal. In response, Planner Robles stated that is it already a requirement.

Vice Chair Rigler loved the idea but has concerns with no one being on site, if a medical emergency with an animal occurs what would the response time be, and asked for clarification about the floors and doors on the accessory buildings.

Roy Hungerford responded to the Commission, stating that he lives three (3) minutes from the site to respond to any issues, and that there will be slab floors and roll up doors. Phone numbers will also be provided to the neighboring properties in case of emergency.

Chair Leonard had an issue with a business being run from the site and the hours of operation; suggested that they be conscious of the neighbors and the hours they are working on the site.

**M/S JAFFARIAN/HEDGES** to adopt the Negative Declaration for the project; the motion was carried by the following roll call vote:

**AYES: LEONARD, RIGLER, AZEVEDO, HEDGES, JAFFARIAN**  
**NOES: NONE**  
**ABSENT: NONE**  
**ABSTAIN: NONE**

**M/S JAFFARIAN/RIGLER** to adopt Resolution 2016-53, to approve Conditional Use Permit 2016-27, to allow three detached accessory buildings consisting of a 13,174 square-foot horse barn, a 1,599 square-foot hay barn, and a 2,191 square-foot carriage barn at 2961 Valley View Avenue; the motion was carried by the following roll call vote:

**AYES: LEONARD, RIGLER, AZEVEDO, HEDGES, JAFFARIAN**  
**NOES: NONE**  
**ABSENT: NONE**  
**ABSTAIN: NONE**

**B. Conditional Use Permit 2016-32 (Wold):** A request for approval to allow a detached accessory building consisting of a 1,500 square-foot storage building at 4058 Sundance Lane 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. Planner Robles noted that this was previously reviewed by the Commission; based on its input, new plans are being submitted,

Member Hedges stated that the access is the same as before; Planner Robles noted that the access and animal keeping are shown on the plans this time.

Member Jaffarian noted issue with the gazebo and asked if there is any condition to remove it, Planner Robles stated that it can be added.

Kevin Wold, the applicant, has dreamed of living here, notes that it's been a struggle with the shape of the lot and along a power line easement to meet all these requirements and notes that the front yard is larger than the rear and the reason for the animal keeping area in the location noted on plans, the use for the building is for storage of his truck which is very large and trailer.

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

Betty Bash read a letter referencing that commercial grade structures were impacting properties and the City as a whole; she stated an addition was made to the City Code 18.45 that set a limit on height and square footage, anything larger would require a CUP. She asked why the code is not followed, and why Council and the Commission are not on the same page.

Danny Leach stated that the buildings help keep things out of site and stays cleaner, has an issue with Commission's opposition of these buildings and feels it's getting out of hand and there are standards for a reason.

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

In response to Member Hedges, Mr. Wold confirmed that gravel will be placed in front of the building.

Member Azevedo has concerns with large metal buildings; he feels the location where it is placed on the property is a big factor, and feels that these buildings are being used for businesses and not for the right purpose.

Member Jaffarian would like to add a condition to remove the gazebo.

Vice Chair Rigler agreed with Member Jaffarian on the removal of the gazebo but he prefers the concrete over gravel.

Chair Leonard made a reference to the Disney project just approved with metal buildings for that site, how could he deny the next metal building request, because a neighbor does not like it, if it meets the requirements then it should be approved; the applicant followed everything asked.

**M/S JAFFARIAN/HEDEGES** to adopt Resolution 2016-58, to approve Conditional Use Permit 2016-32, to allow a detached accessory building consisting of a 1,500 square-foot storage building at 4058 Sundance Lane; with a condition added to remove the gazebo; the motion was carried by the following roll call vote:

**AYES: LEONARD, RIGLER, AZEVEDO, HEDGES, JAFFARIAN**

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

**Recess 8:20pm / Reconvene 8:30pm**

2. BUSINESS ITEMS:

- A. **Site Plan 2016-13 (Shaffer):** A request for approval to allow a detached accessory building consisting of a 620 square-foot garage at 4618 Center 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.

Member Hedges had an issue with the doors but not an issue with the building, Planner Robles confirmed the two doors.

Vice Chair Rigler asked about the pictures from the site and asked if they are doing footings already. In response, Member Jaffarian clarified that the form work is to let the commission know where the building will be placed on the site.

Member Hedges asked the applicant why the need for the front door and a side door, the applicant stated that one door is for the cars and the side door is for a tractor.

**M/S JAFFARIAN/HEDGES** to adopt Resolution 2016-59, to approve Site Plan 2016-13, to allow a detached accessory building consisting of a 620 square-foot storage building at 4618 Center Avenue; the motion was carried by the following roll call vote:

**AYES: LEONARD, RIGLER, AZEVEDO, HEDGES, JAFFARIAN**

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

2. **Variance 2016-01 (Sahil Investment Group):** A request for approval to allow the height of an approved hotel building to exceed 50 feet in height on the southeast corner of Hamner Avenue and Fifth Street in the C-G (Commercial General) zone. **Recommended Action: Approval** (Planning Director)

Planning Director King presented the staff report on file in the Planning Department. Director King stated that he previously had incorrectly called the item "screening" but it is for the elevator shaft.

Member Jaffarian noted that the building across the street probably is about ten feet higher than this site and that you will not be able to see this from the street so this should not be an issue.

Vice Chair Rigler asked the engineer if the elevator is closer to front or rear, Director King pointed it out on the plans that it is closer to freeway side.

**M/S HEDGES/JAFFARIAN** to adopt Resolution 2016-54, to approve Variance 2016-01, to allow the height of an approved 4-story, 90-room hotel to exceed 50 feet in height at 3361 Hamner Avenue, with a maximum height of 52'4"; the motion was carried by the following roll call vote:

**AYES:** LEONARD, RIGLER, AZEVEDO, HEDGES, JAFFARIAN  
**NOES:** NONE  
**ABSENT:** NONE  
**ABSTAIN:** NONE

3. **Accessory Building Ad-Hoc Committee Appointments:** The City Council approved the formation of an Ad-Hoc Committee requesting the appointment of two Planning Commission members. **Recommended action: Appoint two Planning Commission members to serve.** (Planning Director)

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

Members Jaffarian and Hedges volunteered for the positions. Chair Leonard also stated that he is interested to serve on the Ad-Hoc Committee.

Director King stated that three members are interested, only two are needed; he asked for a motion. Member Hedges withdrew, stating that she will be an alternate.

**M/S HEDGES/RIGLER** to appoint Chair Leonard and Member Jaffarian to the Accessory Building Ad-Hoc committee; the motion was carried by the following roll call vote:

**AYES:** LEONARD, RIGLER, AZEVEDO, HEDGES, JAFFARIAN  
**NOES:** NONE  
**ABSENT:** NONE  
**ABSTAIN:** NONE

4. **C-4 Zone, Sixth Street Revitalization Specific Plan Amendment:** Discuss building location and massing of buildings in the C-4 zone. **Recommended action: Discuss and provide direction.** (Planning Director)

Planning Director King presented the staff report on file in the Planning Department. He explained that now the process now is to break it down to small projects and get them resolved; City Council asked that the Commission re-introduce revision of the Sixth Street Specific Plan, including buildings heights and massing of structures. Director King noted that the lots on Sixth Street are long and deep, and hard to work with in regards to having a frontage, and not be able to get pedestrian traffic. He suggested reducing the parking and encouraging foot traffic, like Old Town Temecula, and creating a walkable area for pedestrian interaction.

Member Jaffarian stated that putting the building closer to the street front would be good and placing the parking in rear; the City will have to be careful with landscape requirements as it will increase the City's duty to maintain it. He further noted that if the buildings are at the front, with the parking in the rear it would keep the tall buildings away from the homes behind these lots.

Member Hedges stated that the horse trails do not make it easy for walking down the street since there are no sidewalks, feels the City is not made for that. Member Azevedo agreed.

Chair Leonard expressed that the issue with the 6<sup>th</sup> Street zoned commercial now and makes selling the home on these lots difficult and cannot sell it as residential, feels that we need to make 6<sup>th</sup> a destination point.

Member Jaffarian noted that the buildings that are closer to the street get more business, and noted that having the parking at the rear will keep horses safe as well. He contends that this will also encourage owners to combine lots and the City should allow them to increase the size of their building with incentives to do so.

Director King clarified that the Commission would like the buildings more to the middle, and asked for direction on what types of incentives are they willing to give.

Member Jaffarian suggested a shared drive line, a single drive isle, maybe a one way in and one way out.

Member Azevedo and Chair Leonard both made a reference to other cities where people walk from store to store and not move their car would like to see something similar.

Director King asked the Commission about trails and landscaping; Member Jaffarian suggested an architectural feature, as the landscaping would be a burden on the City to maintain.

Chair Leonard suggested staff reviews the City of San Dimas revitalization project as a reference.

Director King will incorporate all the comments, but no specific date for reviewing.

**ADJOURNMENT:** Chair Leonard adjourned the meeting at **9:02 p.m.**

Respectfully submitted,

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Steve King, Secretary  
Planning Commission



**CITY OF NORCO  
PLANNING COMMISSION REGULAR MEETING MINUTES**

**Wednesday, October 12, 2016  
City Council Chambers, 2820 Clark Avenue, Norco CA 92860**

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**CALL TO ORDER: 7:02 p.m.**

**ROLL CALL: Present:**  
Robert Leonard, Chair  
John Rigler, Vice Chair  
Danny Azevedo, Commission Member  
Patricia Hedges, Commission Member  
Phil Jaffarian, Commission Member

**PLEDGE OF ALLEGIANCE: Commission Member Azevedo**

**APPEAL NOTICE: Read by Director King**

**1. PUBLIC COMMENTS:**

Bonnie Slager invited all to come to the Horseman's meeting, stated Caltrans will talk about what is going on under freeway, meeting is at the Legion at 7pm.

**2. APPROVAL OF MINUTES:**

A. Minutes of Special Meeting July 27, 2016, **Recommended Action: Approval**  
(Minutes Clerk)

**M/S HEDGES/JAFFARIAN** to approve Planning Commission Special Meeting minutes of July 27, 2016 as written; the motion was carried by the following roll call vote:

**AYES: LEONARD, RIGLER, AZEVEDO, HEDGES, JAFFARIAN**

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

Minutes of Regular Meeting September 14, 2016, **Recommended Action:**  
**Approval** (Minutes Clerk)

**M/S RIGLER/JAFFARIAN** to approve Planning Commission Regular Meeting minutes of September 14, 2016, as written; the motion was carried by the following roll call vote:

**AYES: LEONARD, RIGLER, AZEVEDO, HEDGES, JAFFARIAN**

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

3. PUBLIC HEARING:

- A. **Conditional Use Permit 2016-28 (Hirt):** A request for approval to allow a detached accessory building consisting of a 1,100 square-foot workshop/garage building at 3501 Broken Twig 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. All requirements were met; and staff recommends approval. A letter was presented to commission members from a resident in opposition.

Member Jaffarian would like to clarify that the windows at second level does not mean its 2 stories. Planner Robles confirms.

Vice Chair Rigler asks staff for the definition of and "Open Animal Keeping Area" (OAKA) , Planner Robles defines, Vice Chair Rigler notes that there are structures on the OAKA on the site plan, Planner Robles notes that these are under the 120sq ft and do not need a permit.

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

Marshall Hirt the applicant explains the questions regarding OAKA and lists what the structures are for, and clarifies that the building is not a metal building, it will be wood.

Member Jaffarian explains to the applicant about the condition that he cannot run a home business from building; Hirt responds that business is in OC.

Vice Chair Rigler asks about any utilities to the structure, Hirt says yes, water, Rigler then asked about the kid's structure, Hirt notes that he is going to use structure for future donkey housing and that the horse is at another facility.

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

**M/S JAFFARIAN/AZEVEDO** to adopt Resolution 2016-62, to approve Conditional Use Permit 2016-28, to allow a detached accessory building consisting of a 1,100 square-foot workshop/garage building at 3501 Broken Twig Drive; the motion was carried by the following roll call vote:

**AYES: LEONARD, RIGLER, AZEVEDO, HEDGES, JAFFARIAN**  
**NOES: NONE**  
**ABSENT: NONE**  
**ABSTAIN: NONE**

**B. Variance 2016-02 (Valenzuela):** A request for a variance from the 100-foot rear yard setback requirement of Chapter 18.13 (A-1 Zone) of the Norco Municipal Code, to allow the construction of a residential home on a vacant parcel identified with the Assessor's Parcel Number of 168-021-009, located on the south side of Mt. Rushmore Drive, east of Crestview Drive, and 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. All requirements were met; and staff recommends approval.

Member Jaffarian asked staff to clarify the home location; Planner Robles notes an exhibit for members to review. Vice Chair Rigler he is concerned with the home size for lot, only having 16' away from lot line, Planner Robles states that lot coverage on plans answers that.

Chair Leonard asked if it's an A120 lot, Robles confirms, Leonard asks where the OAKA is located, with having 5 horses seems like there is not enough room, Robles notes that they are only allowed 3 horses/units.

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

Andrew Valenzuela he has preliminary art for size house and can be provided, and was told he can only have 3 animals and feels all other set backs are met.

Member Hedges asked if there is a slope in the rear, and applicant responded that the slope is at the front and they are going to install a retaining wall.

Mike Thompson asked Director King regarding code requirements for lot sizes for half acre lots that should be 21,780, Director King responds that the code is for new lots and notes that this is an existing lot and does not have to have those requirements.

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

Member Azevedo would like a PAKA, and asked if there is a block wall? Member Jaffarian agrees and wants to include 15' access to the PAKA on the side yard, and agrees with Member Azevedo that the PAKA should be recorded.

**M/S JAFFARIAN/RIGLER** to adopt Resolution 2016-61, to approve Variance 2016-02, to allow the construction of a residential home on a vacant lot identified with Assessor's Parcel Number 168-021-009; with the condition that a titled PAKA and a 15' access be required; the motion was carried by the following roll call vote:

**AYES: LEONARD, RIGLER, AZEVEDO, HEDGES, JAFFARIAN**  
**NOES: NONE**  
**ABSENT: NONE**  
**ABSTAIN: NONE**

- C. **Specific Plan 85-01, Amendment 8 (City):** A request to amend the Auto Mall Specific Plan amending the architectural and design standards.  
**Recommended Action: Approval** (Planning Director)

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

Member Jaffarian asks that the current ARC committee is a sub-committee of the Planning Commission, if this is codified, does that mandate a membership, and the document makes this confusing, Director King clarifies that the planning commission can word it in such a way that it can be reviewed by Planning Commission or ARC.

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

Pat Overstreet makes a reference to other cities like San Juan Capistrano or Mission Viejo doesn't feel they have complied with corporate requirements, prefers the Spanish theme. Director King stated that Ford wants the change and they tried to keep it western.

Arthur Strickler who was hired to do TI improvements to the site, described the brand wall, the typical model is large and over takes sites, but they are proposing more of smooth finish stucco, with grey and whites, minimal blue accents; using the entry element, the roofing will be a large metal panels in line with the western feel, with still trying to modernize the site.

Member Azevedo understands it's the identity of a brand, hard to change our ways when we are looking for the western look, Strickler has been in town and knows the city and the western feel and made sure to keep that in mind during the design.

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

Members Hedges, Azevedo and Jaffarian feel any changes must come back to the Planning Commission and not just an ARC review, there should be more input for this.

Vice Chair Rigler agrees and appreciates the effort for what the dealership has done for the city, but not excited about the change, feels it needs to be consistent and that the corporate ideas don't mesh with Norco's requirements. Chair Leonard agrees with Member Rigler, feels that this is our community and that they should have to comply with what the city requires and asks for, does not like that they are telling the city what to do.

**UNDER DISCUSSION:** Member Jaffarian notes that there are only two dealerships and that there are not a lot of dealerships taking marching over the city and fighting to get here, and that Hemborg has stayed with the city even in the hard times and we need to support them and feels that any changes should be reviewed by a full commission, Member Azevedo makes note that Jack In the Box made an effort to add the Norco identity to the site and other businesses as well, Member Rigler would like people to understand that this is our town, we need to keep it Horsetown, Chair Leonard fears that with this change, this will carry on to others and doesn't like it.

**M/S JAFFARIAN/RIGLER** to adopt Resolution 2016-60, recommending that City Council approve Specific Plan 85-01, Amendment 8 to amend the Auto Mall Specific Plan amending the architectural and design standards; with the modification that it be reviewed by Planning Commission for review and approval; the motion was carried by the following roll call vote:

**AYES: RIGLER, AZEVEDO, HEDGES, JAFFARIAN**  
**NOES: LEONARD**  
**ABSENT: NONE**  
**ABSTAIN: NONE**

**4. PLANNING COMMISSION / STAFF COMMUNICATIONS:**

- A. Oral Reports from Various Committees: Member Jaffarian notes that the Ad-Hoc Committee gave staff some items regarding lot coverage, massing, and outside regulations for staff to research and report back and will review at the next meeting.
- B. Request for Items on Future Agenda (within the purview of the Commission)

**ADJOURNMENT:** Chair Leonard adjourned the meeting at **7:51 p.m.**

Respectfully submitted,

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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:** November 9, 2016

**SUBJECT:** Conditional Use Permit 2016-31 (Cocke): A request for approval to allow a detached accessory building consisting of a 2,400 square-foot RV garage/storage and workshop building at 3522 Broken Twig Drive located within the A-1-20 (Agricultural Low Density) Zone

**RECOMMENDATION:** Staff recommends that the Planning Commission review the proposed project and as part of the review, determine if the architectural design is appropriate, and if the size of the proposed building is in the spirit of the recent Planning Commission's recommendation for a maximum 30 % lot/pad coverage to warrant approval of the project.

**BACKGROUND:** Conditional Use Permit 2016-31 is a request for approval to allow an accessory building consisting of a 2,400 square-foot RV garage/storage and workshop at 3522 Broken Twig Drive (ref. Exhibit "A" – Location Map). The property consists of about .47 acres/20,419 square-feet and is developed with a residential use (ref. Exhibit "B" – APN Map and Exhibit "C" – Aerial and Site Photos).

Accessory buildings that exceed 864 square feet require approval of a conditional use permit (CUP) by the Planning Commission. The site plan, building elevations and floor plan for the proposed building are attached (ref. Exhibit "D" – Site Plan, Exhibit "E" – Building Elevations, and Exhibit "F" – Floor Plan). The building is proposed at the rear of the property, proposed to be of metal construction with the exterior painted to match the house.

The table below states the standard requirements of accessory buildings in the A-1-20 Zone. Standard requirements are established in the NMC so as to minimize any potential negative impacts to adjoining properties and are designed such that compliance to those standards is conclusive evidence that any potential impacts have been reduced to levels that are not going to be significant to adjoining properties. Staff and the Planning Commission can identify other potential impacts through the review process but where no other impacts are identified the conclusion is that that project is not anticipated to have significant negative impacts on neighboring properties.

ACCESSORY BUILDING DEVELOPMENT STANDARDS PER NORCO MUNICIPAL CODE		DOES THE PROJECT MEET THESE STANDARDS?
Setbacks:	1. 5 yards from interior side and rear yard property lines. 2. 10 yards from other buildings.	YES
Height:	Building less than 864 square feet: 14 feet* Building 864 square feet and greater: 20 feet* * (or as approved by the Planning Commission)	YES  (17.7 feet to the roof peak)

Lot Coverage:	Not more than 40% of flat pad (4% grade or less)*	<b>YES</b> (31% coverage proposed)
	*Planning Commission recommendation to City Council: Not more than 30% of flat pad (4% grade or less)	<b>NO</b>
Animal Keeping Area	1. Rectangular in shape, minimum 24 feet on any side. 2. Equal to 576 square feet per animal unit allowed.	<b>YES</b> 2,880 square feet proposed based on 5 allowed animal units.

**IMPACT ANALYSIS:** Projects that are classified as “in-fill development” are categorically exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines. To be classified as “in-fill development” a project must meet certain minimum criteria: 1) consistent with the General Plan and Zoning designations; 2) within City limits on a project site of no more than 5 acres; 3) project site has no value as habitat for endangered, rare, or threatened species; 4) the project will not have any significant effects relating to traffic, noise, air quality, or water quality; 5) the site can be served by all required utilities and public services. Most accessory buildings meet the “in-fill development” criteria although this does not automatically mean that other impacts cannot be identified in the review process thereby necessitating further environmental review.

The project was provided to the Architectural Review Sub-Committee (ARC). One member of the ARC commented that the architecture appeared very industrial and that the height made it hard to blend into the residential environment. The other member was “okay” with the architecture except for it being a metal building, but was satisfied that the building would be painted. No recommendations for change were provided, but the Planning Commission in its review of the CUP can require modifications to the architecture.

**FINDINGS/CONCLUSIONS:** As designed and shown in the table above the project meets the minimum development standards established in the Norco Municipal Code. The setback requirements are met, the building does not exceed the allowed maximum height of 20 feet, and does not exceed the current allowed maximum pad coverage (40%). The subject property is approximately 20,419 square feet with 17,896 square feet having an average grade of 4% or less. Based on these criteria the proposed coverage for all structures (including the proposed structure) is 31%. But again, the Planning Commission recently adopted a resolution recommending to the City Council that a maximum allowed coverage of the flat pad area be reduced to 30% in an effort to better protect the animal-keeping potential on lots in the City. That recommendation is currently being assessed along with other accessory building issues through an Ad-Hoc Committee. As such, the Commission will need to consider if the size of the proposed building is in the spirit of what is trying to be accomplished with that recent recommendation.

From the Governor’s Office of Planning and Research (OPR) a CUP allows a city to consider special uses which may be essential or desirable to a particular community, but which are not allowed as a matter of right within a zoning district, through a public hearing process. A CUP

can provide flexibility within a zoning ordinance and is also used to control certain uses which could have a detrimental effect on the community.

Per Chapter 18.45 of the NMC:

*The purpose of the CUP is to review the location, site development, and/or conduct of certain land uses (and buildings). These are uses which generally have a unique and distinct impact on the area in which they are located, or are capable of creating special problems for adjacent properties unless given special review and special conditions. A Conditional Use Permit may be granted at the discretion of the Planning Commission, and is not the automatic right of any applicant.*

*The Commission in granting a Conditional Use Permit may establish conditions under which a lot or parcel of land may be used or a building erected and/or altered, or make requirements as to right of-way dedications, architecture, height of building, open spaces, parking areas, and conditions of operation of any enterprise or make any requirements that the Commission may consider necessary to prevent damage or prejudice to adjacent properties, or detriment to the welfare of the community.*

*Before a Conditional Use Permit may be granted, the Commission, or Council upon appeal to it, shall make a finding from the evidence as submitted, that all four of the following conditions exist in reference to the property being considered:*

- (1) *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.*

*Consistency with zoning requirements and minimum development standards that are designed to address and minimize potential impacts is deemed appropriate for the decision-making body to make this finding. If the Planning Commission in its discretion is satisfied that current standards are enough to promote the General Plan Land Use Element goal of preserving a small-plot agricultural, animal-keeping, and equestrian lifestyle this finding can be made for this project. If the Planning Commission, based on its recent recommendation to the City Council to reduce the allowed maximum lot coverage, determines that the proposed structure does not fit this General Plan goal then the finding should not be made.*

- (2) *The requested use will not adversely affect the adjoining land uses and the growth and development of the area in which it is proposed to be located.*

*This project is exempt per CEQA and no significant negative impacts have been identified to cause further review. This finding can be made for this project.*

- (3) *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.*

The proposed building combined with existing buildings cover 31% of the flat pad area of the lot where 40% coverage is currently allowed. Furthermore, the project meets all the setback requirements. However, to make this finding the Planning Commission would also have to determine that the building and its architecture is designed so that it is not detrimental to a particular area and if the size of the proposed building is in the spirit of the recent Planning Commission's recommendation for a maximum 30 % lot/pad coverage to warrant approval of the project.

- (4) *The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area.*

The proposed accessory building is allowed in the A-1 zone and considered within the parameters of a residential use on this property and therefore should not impose an undue burden on streets or highways. This finding can be made for this project.

No written concerns or comments were received from surrounding neighbors but a neighbor came in to the City Hall counter expressing opposition to the proposed building prior to the public notice being sent out. The public notice gives the option of submitting input (in this case opposition) in writing or by coming to the Planning Commission meeting.

**CONCLUSION:** Staff is recommending that the Planning Commission review the building's architecture and determine if changes are necessary, and considerer if the size of the proposed building is in the spirit of the recent Planning Commission's recommendation for a maximum 30 % lot/pad coverage, so that all the findings can be made to warrant approval of the project. A resolution of approval has been attached should the Planning Commission approve the project as proposed or with added conditions.

/dl

Attachments:           Resolution 2016-63  
                              Exhibit "A" – Location Map  
                              Exhibit "B" – Assessor's Parcel Map  
                              Exhibit "C" – Aerial and Site Photos  
                              Exhibit "D" – Site Plan  
                              Exhibit "E" – Building Elevations  
                              Exhibit "F" – Floor Plan

## **RESOLUTION NO. 2016-63**

**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 2,400 SQUARE-FOOT RV GARAGE/STORAGE AND WORKSHOP BUILDING AT 3522 BROKEN TWIG DRIVE LOCATED WITHIN THE A-1-20 (AGRICULTURAL LOW DENSITY) ZONE. (CONDITIONAL USE PERMIT 2016-31)**

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 COCKE SCOTT for property located at 3522 Broken Twig Drive (APN 130-421-009); 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 November 9, 2016 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 Plan or the public convenience or general welfare of persons residing or working in the neighborhood thereof.

B. The requested use will not adversely affect the adjoining land uses and the growth and development of the area in which it is proposed to be located.

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.

D. The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area.

E. The City of Norco, acting as lead agency, has determined that the project is categorically exempt from environmental assessment per Class 32 – In-fill Development Projects of the Californian Environment Quality Act (CEQA).

II. DETERMINATION:

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Norco, California, in session assembled November 9, 2016 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, Exhibit "E" – Building Elevations, Exhibit "F" – Floor Plan dated September 6, 2016 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. The structure shall complement the existing structure in color.
9. A home occupation business shall not be permitted from the subject building.
10. This approval is for an accessory building consisting of a RV garage/storage and workshop. 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.
12. The maximum height of the building shall be 20 feet as measured from the outside finished grade to the peak of the roof.

##

PASSED AND ADOPTED by the Planning Commission at a regular meeting held on November 9, 2016.

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Robert Leonard, Chair  
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 regular duly and regularly passed and adopted by the Planning Commission of the City of Norco at a meeting thereof held on November 9, 2016, by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Steve King, Secretary  
Planning Commission  
City of Norco, California

/dl



APN MAP

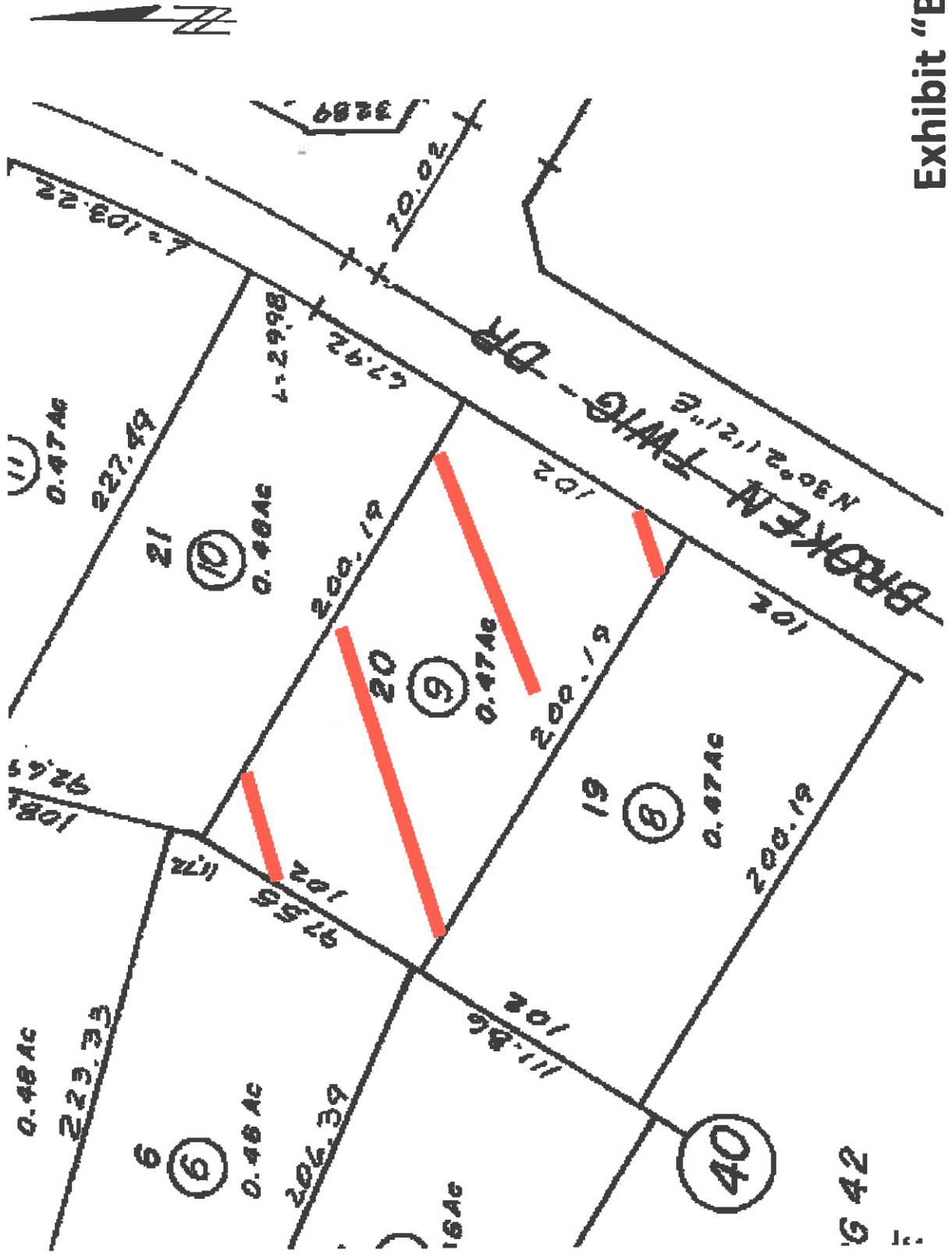




EXHIBIT "C"  
1 OF 2  
CWP 2016-31

# PHOTOS



Access to the back of the property



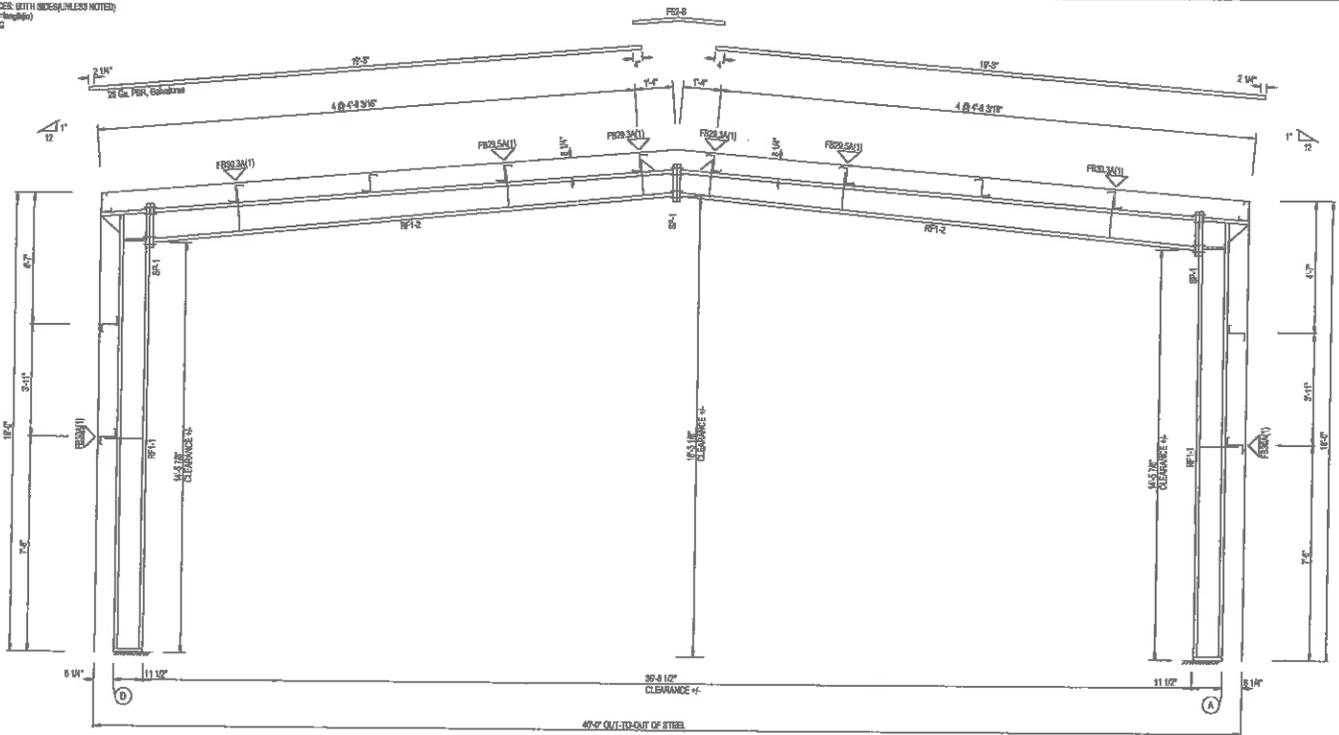
Approximate location of proposed structure

## Exhibit "C"

2 OF 2

CUP 2016-31

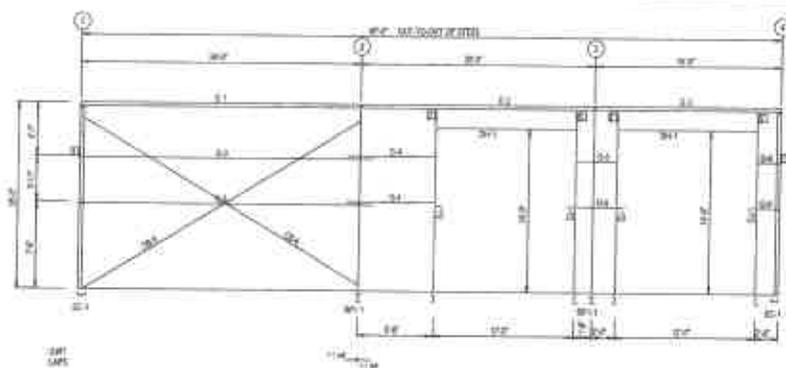
✓ FLANGE BRACED WITH STEEL (UNLESS NOTED)  
FRONT (2) and REAR (1)  
A-L2025160



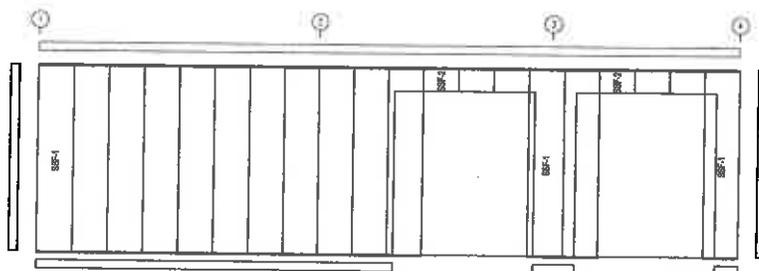
RIGID FRAME ELEVATION: FRAME LINE 2 3

**NOT FOR CONSTRUCTION**

EXHIBIT "E"  
1 OF 4  
9-6-16



SIDEWALL FRAMING: FRAME LINE A



SIDEWALL SHEETING & TRIM: FRAME LINE A  
PANELS: 20 Ga. P11 - Polk White

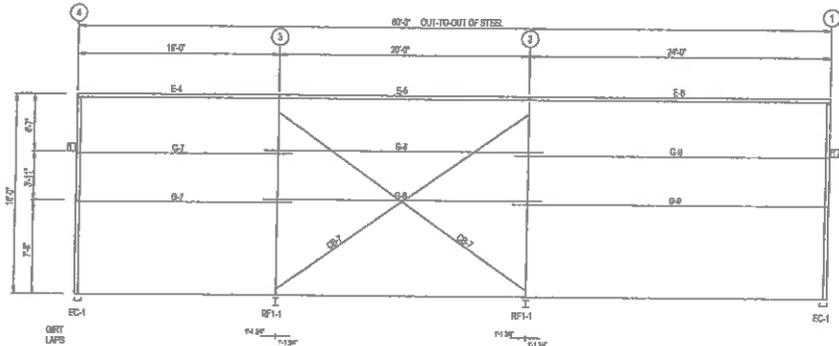
DATE	DESCRIPTION

**NOT FOR CONSTRUCTION**

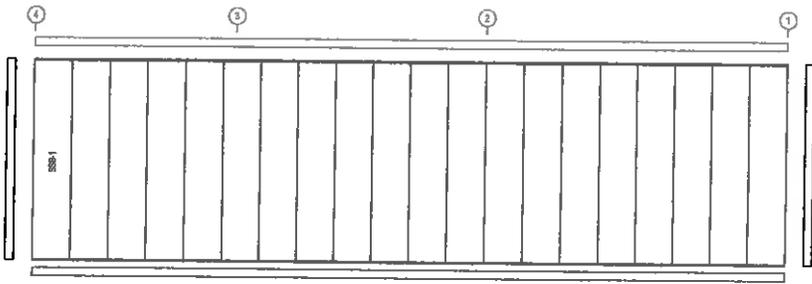
EXHIBIT "E"

2 OF 4  
 9-6-16

CONNECTION NOTES  
FRAME LINE D  
CUT TO FINISH  
1.1.1.1



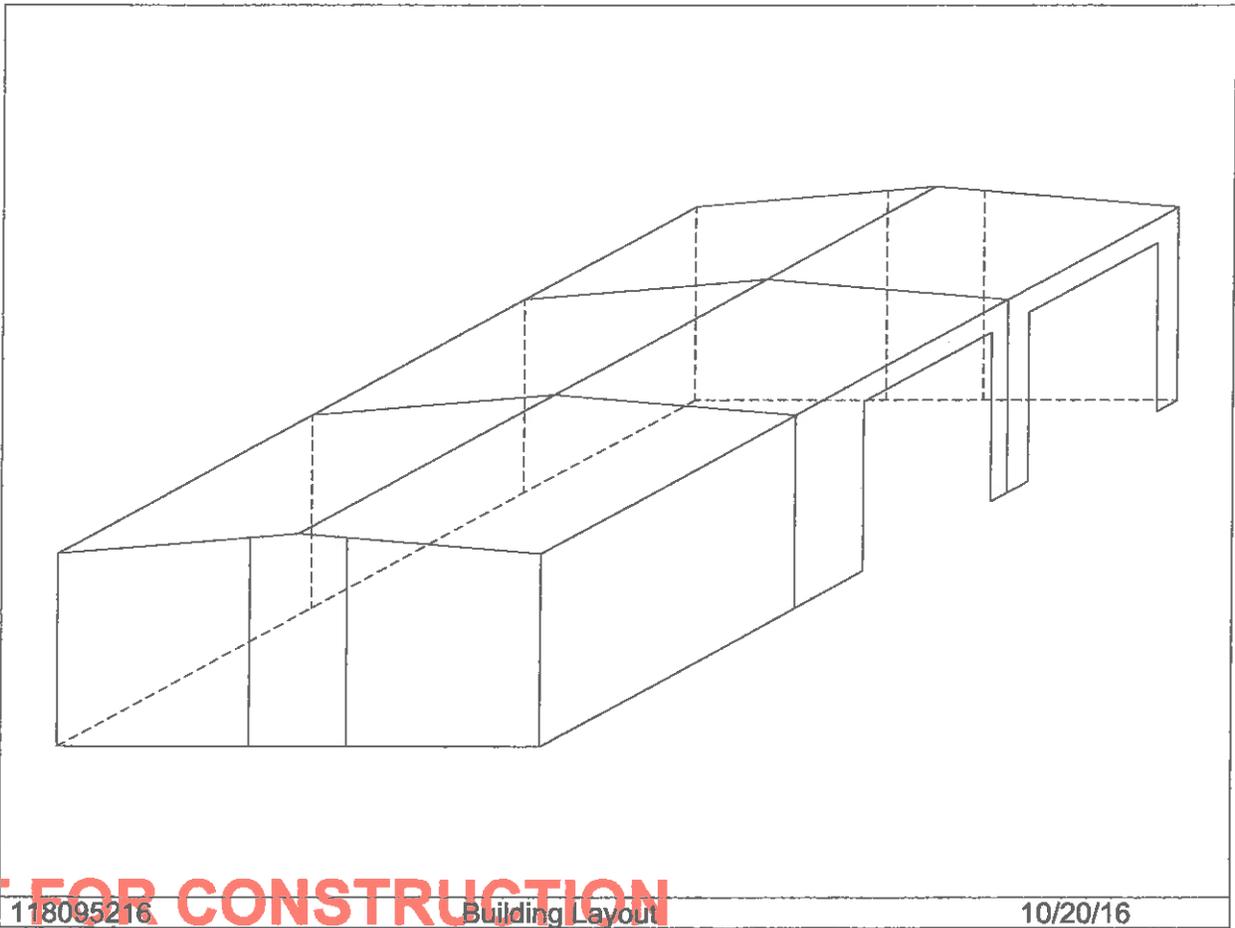
SIDEWALL FRAMING: FRAME LINE D



SIDEWALL SHEETING & TRIM: FRAME LINE D  
PANELS: 28 Gs. P1 - Polar White

**NOT FOR CONSTRUCTION**

EXHIBIT "E"  
3 OF 4  
9-6-16



**NOT FOR CONSTRUCTION**

118095216

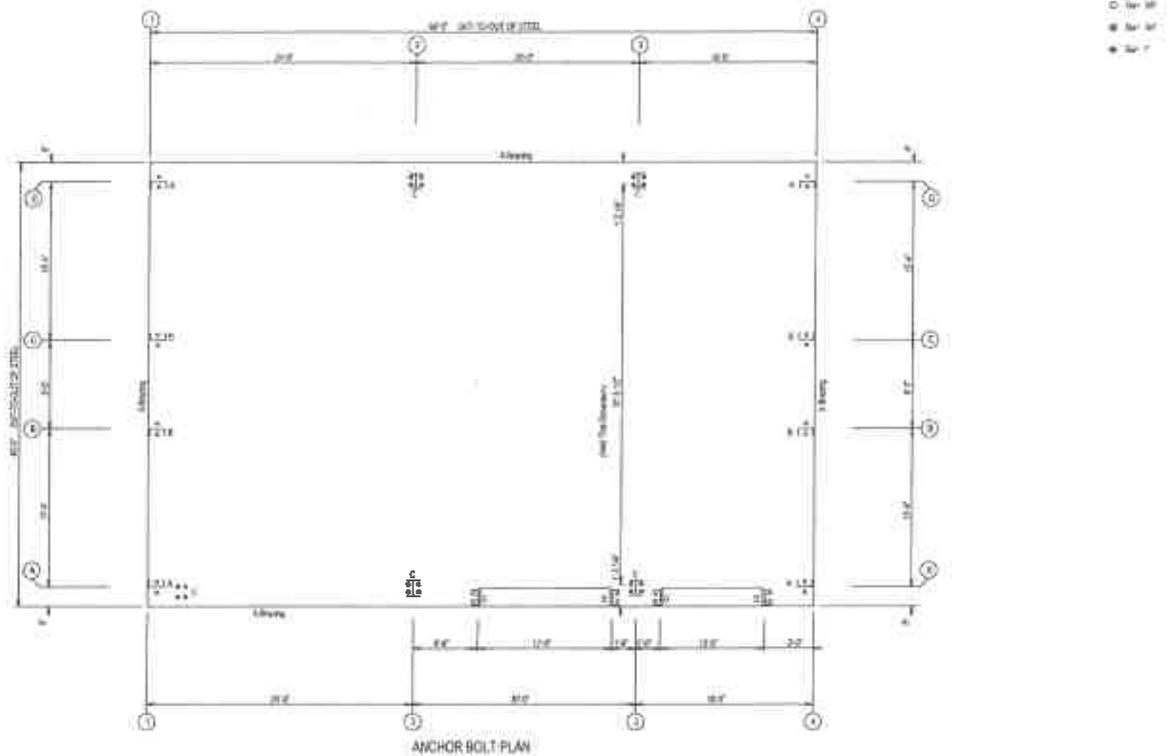
Building Layout

10/20/16

EXHIBIT "E"

4 OF 4

9-6-16



**NOT FOR CONSTRUCTION**

EXHIBIT "F"  
9-6-16

**CITY OF NORCO  
STAFF REPORT**

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

**FROM:** Alma Robles, Senior Planner

**DATE:** November 9, 2016

**SUBJECT:** Conditional Use Permit 2016-33 (Mullican): A request for approval to allow two additional dogs above the four dog limit, at 3591 Broken Twig Drive located within the A-1-20 (Agricultural Low Density) Zone.

**RECOMMENDATION:** Adopt Resolution 2016-64, approving Conditional Use Permit 2016-33 for two additional dogs, to allow a total of six dogs on the property as recommended by Animal Control.

**SUMMARY:** Conditional Use Permit (CUP) 2016-33 is a request for approval to keep/house two additional dogs at 3591 Broken Twig Drive (ref. Exhibit "A" – Location Map). A maximum of four dogs is allowed on a residential property. The applicant is seeking approval of two additional dogs which would allow a total of six dogs on the property.

**PROPERTY DESCRIPTION:** The project site is an irregular-shaped property consisting of about .59 acres/25,700 square feet, having a frontage on the east side of Broken Twig Drive of about 94 feet and a maximum depth of about 249 feet (ref. Exhibit "B" – APN Map).

The property is developed with a single family residence and accessory buildings [i.e. dog kennels/horse stalls, shed, etc. (ref. Exhibit "C" – Existing Site Plan and Exhibit "D" – Aerial and Site Photos)]. The applicant currently has four dogs which is the legal amount allowed.

**PROJECT DESCRIPTION:** The applicant currently has a dog training operation/agricultural business where a dog can be dropped off for training. By right, the Norco Municipal Code (NMC) allows four dogs to be kept/housed on a property. More than four dogs can visit for training, but cannot be kept on the property. With this application, the applicant is requesting approval to keep two additional dogs on the property (for a total of six), as either personal dogs or dogs that need to stay overnight for training. The dogs would be housed either inside the house (with the applicant) or in the dog kennels.

**ANALYSIS:** Request for additional dogs is reviewed on a case-by-case basis, and with this type of request, the Animal Control Division is contacted to perform a site inspection and provide the Planning Commission with a recommendation. Animal Control has inspected the site and is recommending that the requested two additional dogs be allowed for a total of six dogs on the property.

Per Chapter 18.45 of the NMC:

*The purpose of the CUP is to review the location, site development, and/or conduct of certain land uses (and buildings). These are uses which generally have a unique and*

*distinct impact on the area in which they are located, or are capable of creating special problems for adjacent properties unless given special review and special conditions. A Conditional Use Permit may be granted at the discretion of the Planning Commission, and is not the automatic right of any applicant.*

*The Commission in granting a Conditional Use Permit may establish conditions under which a lot or parcel of land may be used or a building erected and/or altered, or make requirements as to right of-way dedications, architecture, height of building, open spaces, parking areas, and conditions of operation of any enterprise or make any requirements that the Commission may consider necessary to prevent damage or prejudice to adjacent properties, or detriment to the welfare of the community.*

*Before a Conditional Use Permit may be granted, the Commission, or Council upon appeal to it, shall make a finding from the evidence as submitted, that all four of the following conditions exist in reference to the property being considered:*

- (1) *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.*

**This finding can be made for this project. This finding is generally centered on compliance with development standards. Since no development is proposed with this project, criteria used to make this finding is based on the inspection of the site and if the land use being proposed (which is allowing two additional dogs), can safely be accommodated on the site. The property and its surroundings have been analyzed by the City of Norco Animal Control Division which has determined that the property can safely accommodate two additional dogs subject to conditions. When the proposed land use is operated in compliance with conditions of approval, the use should not adversely affect the General Plan or the public convenience or general welfare of persons residing or working in the neighborhood thereof.**

- (2) *The requested use will not adversely affect the adjoining land uses and the growth and development of the area in which it is proposed to be located.*

**This finding can be made for this project because in addition to finding listed above, this project is exempt per CEQA and no significant negative impacts have been identified to cause further review.**

- (3) *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.*

**This finding can be made for this project. The size and shape of the subject lot is adequate to facilitate (not develop since no development is proposed) the proposed use (two additional dogs) based on the recommendations from the City of Norco Animal Control Division, and compliance with all conditions of approval.**

- (4) *The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area.*

**This finding can be made for this project. The traffic generated by two additional dogs on the property should not impose an undue burden on the streets and highways in the area.**

Impact Analysis/Environmental Review: Staff has determined that the project is categorically exempt from environmental assessment under the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines per Section 3.13, Class 5 - "Minor Alterations in Land Use Limitations" of the City of Norco Environmental Guidelines. This exemption is allowed in areas with an average slope of less than 20 percent which do not result in any changes in land use or density.

The categorical exemption determination does not automatically mean that other impacts cannot be identified in the review process thereby necessitating further environmental review

Property owners within a 300-foot radius were notified of the project. No concerns or comments were received from surrounding neighbors.

**CONCLUSION:** It is staff's determination that the required findings for granting of a Conditional can be made. Based on this determination and Animal Controls recommendation, staff is recommending that the Planning Commission approve two additional dogs for a total of six dogs on the property. However, the Planning Commission has discretion to deny the project.

/dl

Attachments:      Resolution 2016-64  
                         Exhibit "A" – Location Map  
                         Exhibit "B" – APN Map  
                         Exhibit "C" – Aerial and Site Photos  
                         Exhibit "D" – Site Plan

## **RESOLUTION NO. 2016-64**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO GRANTING WITH CONDITIONS A CONDITIONAL USE PERMIT TO ALLOW THE KEEPING/HOUSING OF TWO ADDITIONAL DOGS FOR A MAXIMUM OF SIX DOGS ON PROPERTY LOCATED 3591 BROKEN TWIG DRIVE LOCATED WITHIN THE A-1-20 (AGRICULTURAL LOW DENSITY) ZONE. (CONDITIONAL USE PERMIT 2016-33)**

WHEREAS, an application for a conditional use permit has been submitted to the City of Norco, California, under the provisions of Chapter 18.45, Title 18 of the Norco Municipal Code, by STEPHANIE & DAVID MULLICAN for property located 3591 Broken Twig Drive (APN 130-422-004).

WHEREAS, notice of 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 November 9, 2016, 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 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.**
- B. The requested use will not adversely affect the adjoining land uses, and the growth and development of the area in which it is proposed to be located.**

- 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.
- D. The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area.
- 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 5 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 this November 9, 2016 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, dated October 3, 2016 and incorporated herein by reference and on file with the Planning Division.
2. The recorded owner of the property and the applicant 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 provision of the Norco Municipal Code not specifically waived in compliance with City procedures shall constitute cause for revocation and/or termination of the approvals granted under authority of permit.
4. The subject use shall be conducted in accordance with the approved plans and stipulations, on file in the Norco Planning Division.
5. Areas where animals are kept shall be maintained in a clean and sanitary condition. City staff shall have the right upon request, to enter the property at any time for inspection.
6. Animal waste must be removed from the property completely.

7. No more than a total of six dogs shall be kept/housed on the property. Keeping more than six dogs on the property without City approval shall constitute cause for revocation of this conditional use permit.
8. This conditional use permit shall not be transferable. Should the applicant move, this conditional use permit shall be null and void.
9. An annual inspection by Animal Control is required along with the payment of applicable inspection fees. The applicant shall contact Animal Control one year from the date of this approval for an inspection and every year after.
10. The Animal Control Division shall be permitted to inspect the property as determined necessary, to ensure that the property is maintained in a clean and orderly fashion, and that the number of dogs is verified.
11. All dogs residing at the subject property shall be licensed, must be kept healthy and current with all necessary vaccines, and shall receive immediate medical attention when needed. Medical records shall be kept accessible for Law Enforcement review. Furthermore, all dogs are required to have fresh/clean food and water and shall have housing/shelter.

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Resolution No. 2016-64  
Page 4  
November 9, 2016

PASSED AND ADOPTED by the Planning Commission at a regular meeting held on November 9, 2016.

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Robert Leonard, Chair  
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 November 9, 2016 by the following roll call vote:

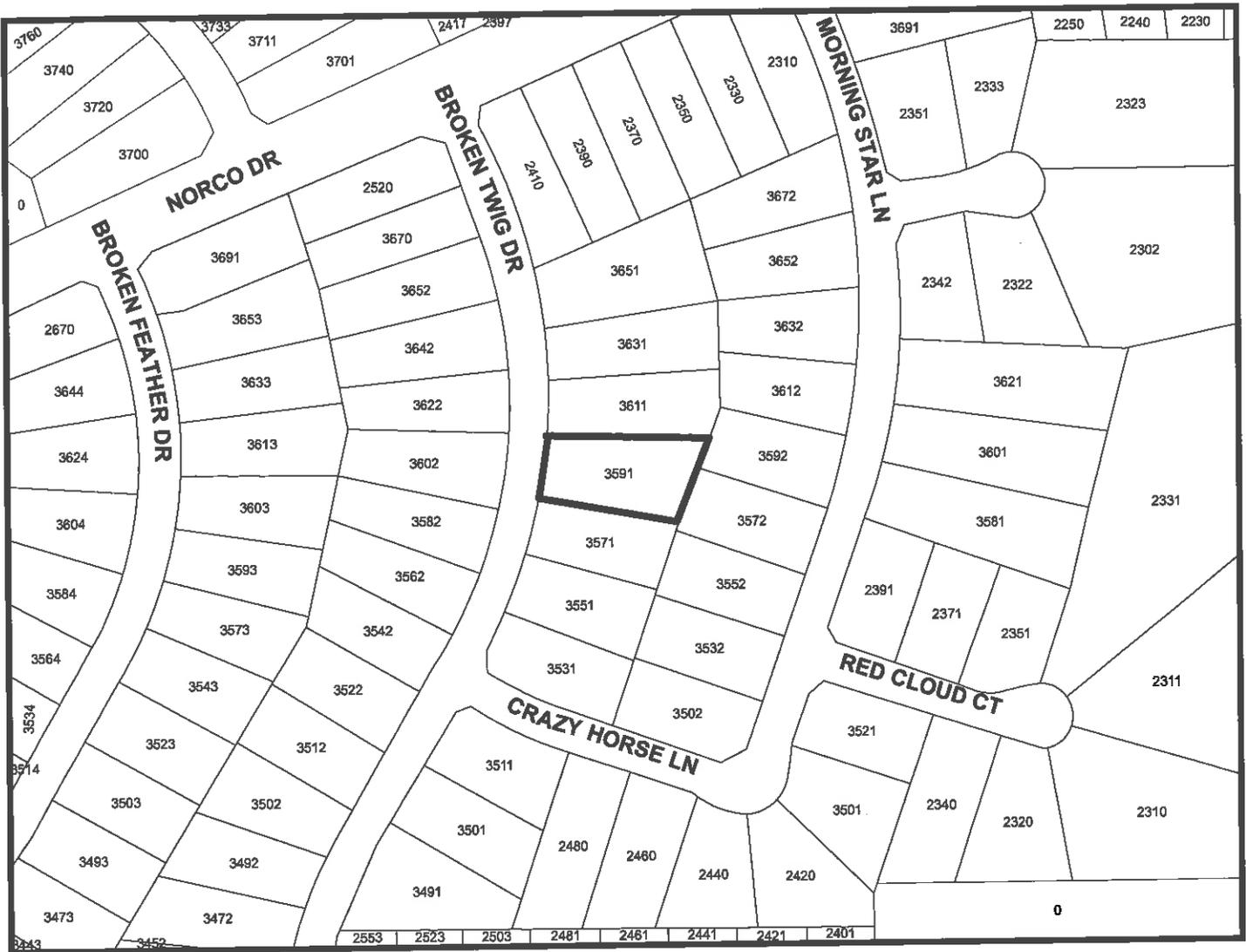
AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Steve King, Secretary  
Planning Commission

/adr

# Location Map



Not to Scale



**PROJECT:** Conditional Use Permit 2016-33

**APPLICANT:** Stephanie and David Mullican

**LOCATION:** 3591 Broken Twig Drive

## Exhibit "A"

# APN MAP

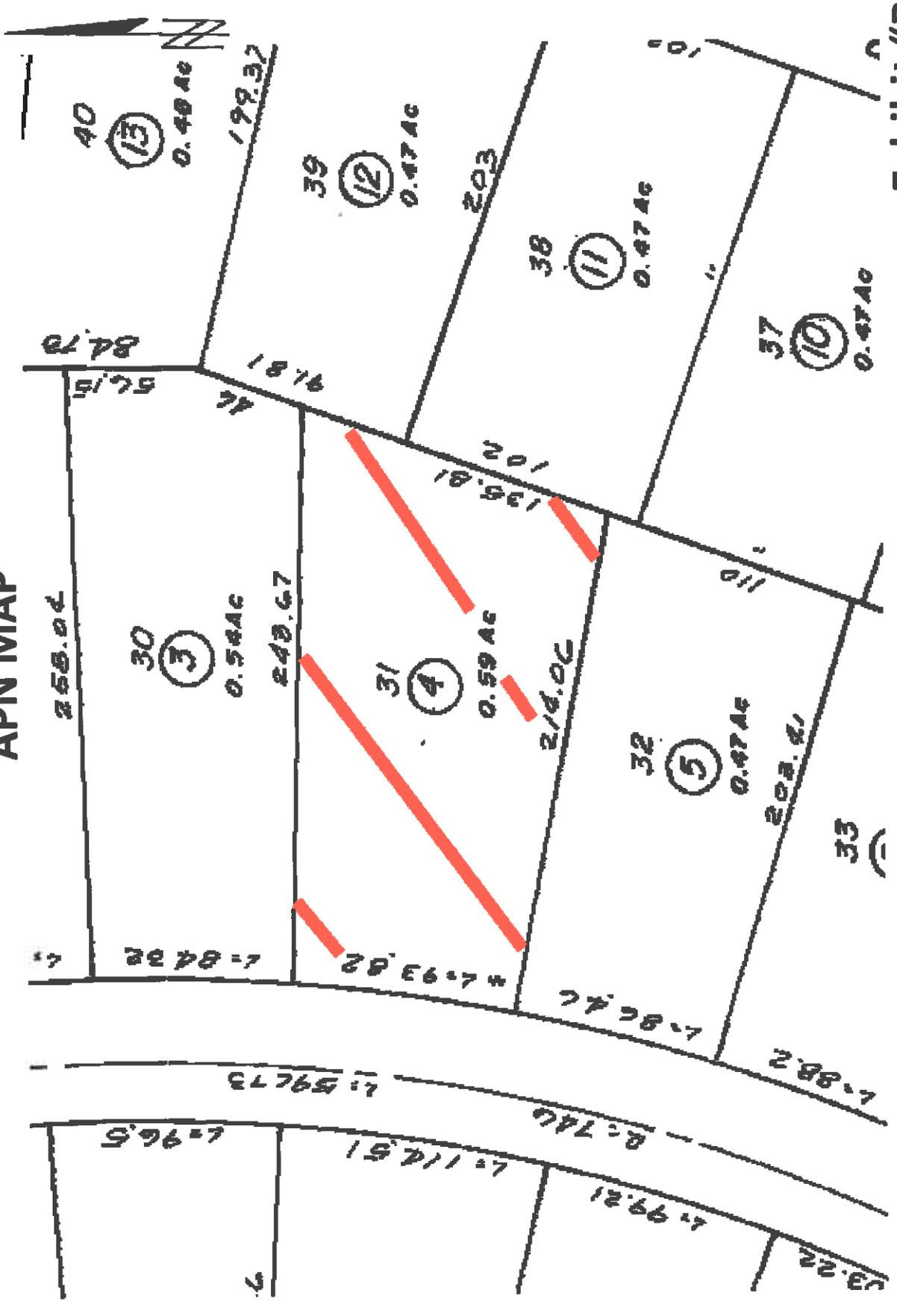


Exhibit "B"

# PHOTOS



Access to the back of the property



Location of horse corrals that will be used to house the dogs



Location of dog training arena



Location of dog run

**Exhibit "C"**

2 OF 2

CUP 2016-33

3591 Broken T g Drive  
Stephanie & David Mellican

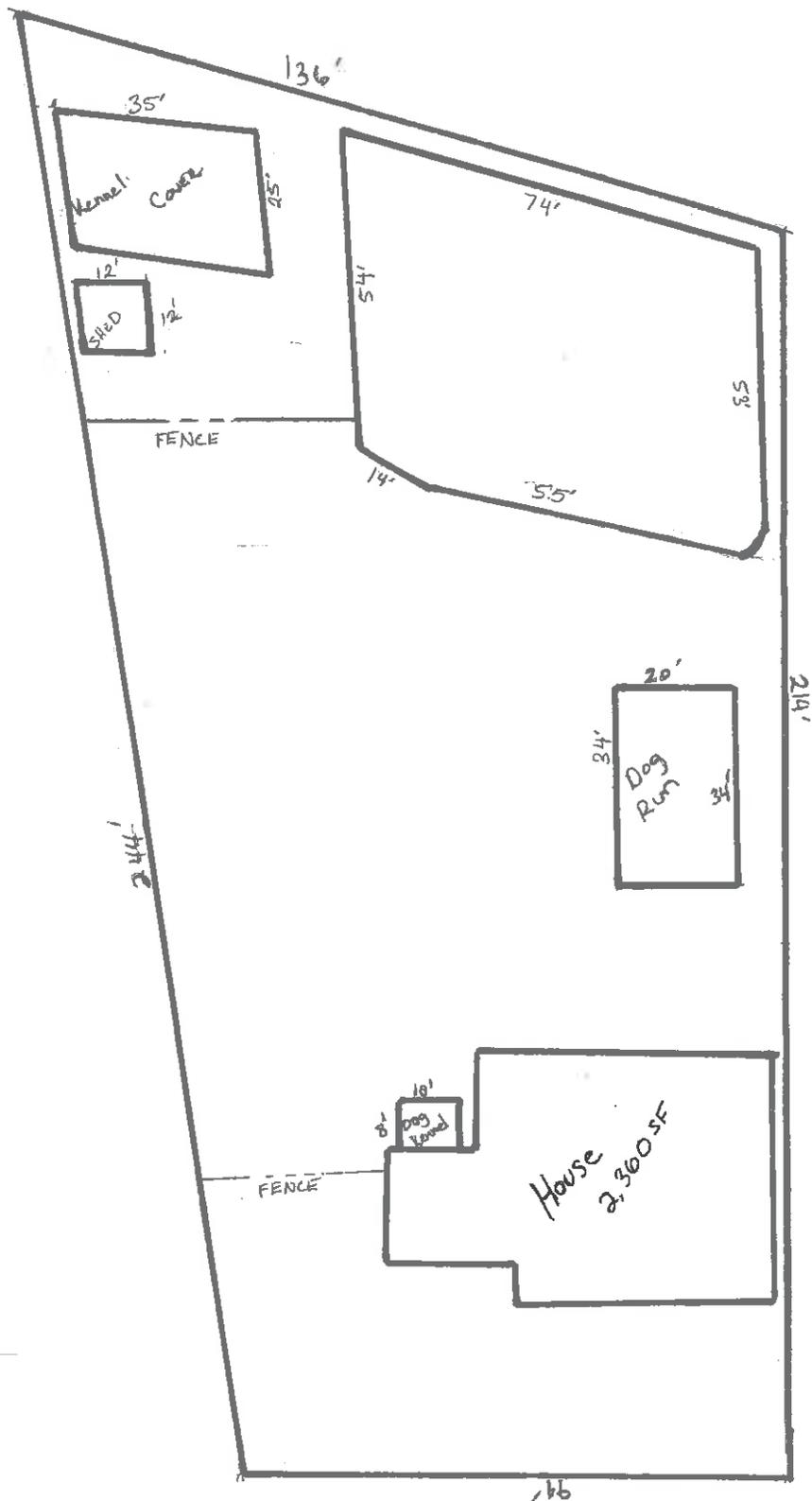


EXHIBIT "D"  
10-3-16

**CITY OF NORCO  
STAFF REPORT**

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

**FROM:** Alma Robles, Senior Planner

**DATE:** December 9, 2015

**SUBJECT:** Conditional Use Permit 2016-34 (Bouni): A request for approval to allow a fitness studio at 2641 Hamner Avenue, Suite 109, located within the C-G (Commercial General) Zone.

**RECOMMENDATION:** Adopt Resolution 2016-66, approving Conditional Use Permit 2016-34.

**SUMMARY:** Conditional Use Permit (CUP) 2016-34 is a request for approval to allow a Pilates/Fitness Studio at 2641 Hamner Avenue, Suite 109 (ref. Exhibit "A" – Location Map). Approval of a CUP by the Planning Commission is required to allow a fitness studio on properties within C-G zone.

**PROPERTY DESCRIPTION:** The subject property is an irregular-shaped area consisting of about 1.03 acres/44,866 square feet, having a frontage of about 157 feet on the east side of Hamner Avenue and a maximum depth of about 315 feet (ref. Exhibit "B" – APN Map).

The property is developed with a multi-tenant commercial building, associated parking (69 spaces) and landscaping (Exhibit "C" – Aerial and Site Photos, and Exhibit "D" – Reference Site Plan). All required street dedications and improvements exist for the site.

The property is surrounded by C-G zoning with commercial development on the all sides except on the west side which is the Hamner Avenue right-of-way.

**PROJECT DESCRIPTION:** Approval of a conditional use permit is being requested to allow a Pilates and fitness studio (Wicked Pilates) with a small retail component at 2641 Hamner Avenue, Suite 109. The suite proposed for the use consists of 2,255 square feet (ref. Exhibit "E" –Floor Plan). The same fitness studio is located at a different site in the City and will relocate to the subject location if the CUP is approved.

No exterior building and site improvements are proposed. Improvements/modifications would only be to the interior of the building to accommodate the proposed use.

The fitness studio consists of scheduled hour long classes (for a maximum of 20 people) in one room and a reformer room with eight Pilates machines to accommodate no more than eight people at a time. Operating hours are Mondays through Thursdays from 8:00 a.m. to

11:00 a.m. and then again from 5:00 p.m. to 8:00 p.m., on Fridays and Saturdays from 8:00 a.m. to 11:00 a.m., and closed on Sundays.

The retail component of the project consists of the sale of clothing, natural oils, etc.

**ANALYSIS:** Fitness studios are permitted uses in the C-G zone (under the category of health clubs) upon approval of a conditional use permit.

The existing building/development on site complied with all development standards (i.e., setbacks access, parking, landscaping, architecture, trash enclosures, etc.) required in the C-G zone when the development was originally approved. For this project, it just needs to be determined if the existing parking spaces are sufficient to accommodate the proposed use.

The parking ratio that was applied for the building when it was approved was a commercial/retail/office ratio, which requires one parking space for every 250 square feet of gross floor area.

The Code does not specifically list the parking requirements for a fitness studio. For this reason, staff referenced similar projects. A past project similar to this proposal is the LA Fitness Gym. The parking ratio that was applied to this gym was for a commercial use which requires one parking space for every 250 square feet of gross floor area. A small fitness studio was also approved in 2015 by the Planning Commission at 3230 Hamer Avenue Suite 404, (located at the northwest corner of Hamner Avenue and Town & Country Drive) where the same parking ratio was also applied.

Using the same parking ratio as noted above, and taking the total square footage of the suite (2,255 square feet), a total of 9 parking spaces would be required. These parking spaces have already been provided, in that the same parking ratio was applied for the subject building when it was approved. Based on this, it is staff's recommendation/determination that no further parking analysis is required.

Improvements/modifications to the interior of the existing suite will have to comply with building and safety requirements and will not be allowed to require more parking than what will be approved by the Planning Commission.

Per Chapter 18.45 of the NMC:

*The purpose of the CUP is to review the location, site development, and/or conduct of certain land uses (and buildings). These are uses which generally have a unique and distinct impact on the area in which they are located, or are capable of creating special problems for adjacent properties unless given special review and special conditions. A Conditional Use Permit may be granted at the discretion of the Planning Commission, and is not the automatic right of any applicant.*

*The Commission in granting a Conditional Use Permit may establish conditions under which a lot or parcel of land may be used or a building erected and/or altered, or make requirements as to right of-way dedications, architecture, height of building, open spaces, parking areas, and conditions of operation of any enterprise or make any requirements that the Commission may consider necessary to prevent damage or prejudice to adjacent properties, or detriment to the welfare of the community.*

*Before a Conditional Use Permit may be granted, the Commission, or Council upon appeal to it, shall make a finding from the evidence as submitted, that all four of the following conditions exist in reference to the property being considered:*

- (1) 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.*

This finding can be made for this project. This finding is generally centered on compliance with development standards. Since no development is proposed with this project, criteria used to make this finding are based on the land use being proposed and if it can be accommodated on the site. Whether the use can be accommodated on the site is based on the parking demand for the proposed use. Based on the parking ratio that has been used for fitness studios, the required parking can be provided for the proposed use. Based on this and when the proposed land use is operated in compliance with conditions of approval, the use should not adversely affect the General Plan, the public convenience, or general welfare of persons residing or working in the neighborhood thereof.

The Planning Commission can however, in its review of this conditional use permit, request a parking analysis based on concerns that may arise such as conflicts in hours of operation between the proposed and existing business.

- (2) The requested use will not adversely affect the adjoining land uses and the growth and development of the area in which it is proposed to be located.*

This finding can be made for this project because in addition to finding listed above, this project is exempt per CEQA and no significant negative impacts have been identified to cause further review.

- (3) 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.*

This finding can be made for this project. The size and shape of the subject lot is adequate to facilitate the proposed use since no new development is proposed and the required parking can be provided.



## **RESOLUTION NO. 2016-66**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO, CALIFORNIA, GRANTING WITH CONDITIONS A CONDITIONAL USE PERMIT TO ALLOW A FITNESS STUDIO IN SUITE 109 OF AN EXISTING BUILDING LOCATED AT 2641 HAMNER AVENUE WITHIN IN THE C-G (COMMERCIAL GENERAL) ZONE. CONDITIONAL USE PERMIT 2016-34**

WHEREAS, CHRISTINA BOUNI 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 on property generally described as:

Those portion of Lot 6, in Block 25 of Riverside Orange Heights Tract No.2, in the City of Norco, County of Riverside, State of California, as shown on a Map recorded in Book 7, Page 54 of Maps, in the office of the County Recorder of said County as set forth in that certain certificate approved a lot merger recorded January 16, 2008 as instrument No. 2008-0024353 of Official Records;

More generally described as irregular-shaped area of about 1.03 acres, having a frontage on the east side of Hamner Avenue of about 157 feet, and a maximum depth of about 315 feet, and being further identified as 2641 Hamner Avenue, Suite 109 (Assessor's Parcel Number of 127-210-021); and

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

WHEREAS, said application was scheduled for a public hearing on November 9, 2016; and

WHEREAS, at the time set at 7 p.m. on November 9, 2016 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.

B. The requested use will not adversely affect the adjoining land uses and the growth and development of the area in which it is proposed to be located.

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.

D. The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area.

E. The City of Norco, acting as lead agency, has determined that the project is categorically exempt from environmental assessment per Class 32 – In-fill Development Projects of the Californian Environment Quality Act (CEQA).

II. DETERMINATION:

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Norco, California, in session assembled November 9, 2016 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 "E" - Floor Plan dated October 5, 2016 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 applicant or 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 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. The subject use shall be conducted in accordance with the approved plans and stipulations, on file in the Norco Planning Division.

6. This is not approval to begin work for tenant improvements or occupy the subject building. The applicant shall first apply and obtain all necessary permits from the Building Division and Business License Division and pay all applicable City of Norco fees prior to issuance of any permits.

7. Plans submitted to the Building Division for tenant improvements may include but not be limited to: a complete construction submittal for tenant improvements, complete structural design including analysis of existing structure supporting loads from new construction, and complete electrical plans and specifications.

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 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 this approval. Any signs proposed for the project shall be submitted to the Planning Division for review and approval. Once sign(s) are approved, building permits shall be obtained from the Building Division for issuance of a building permit.

10. 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 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.

11. Any future modification of the fitness studio (that includes any square footage expansions) shall be reviewed and approved by the Planning Division prior to the issuance of building permits, but may also require approval of a modification of this permit by the Planning Commission at the discretion of Planning Director.

12. The applicant shall meet all standards, requirements and conditions of the Planning, Engineering/Public Works, Building and Safety Divisions, the Fire Department, and all other applicable departments and agencies.

13. Any stop work order caused by failure to make application for building permits with the City of Norco will cause a revocation hearing to be agendized at the next regularly scheduled meeting of the Planning Commission.

14. 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 and then by the end of the year every year thereafter starting the following December 31<sup>st</sup>. 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.

15. On-site outdoor activities are not authorized with this approval and therefore not allowed without an amendment to this permit.

16. The approved operating hours are Mondays through Thursdays from 8:00 a.m. to 11:00 a.m. and then again from 5:00 p.m. to 8:00 p.m., on Fridays and Saturdays from 8:00 a.m. to 11:00 a.m., and closed on Sundays. Changes in these hours and/or the addition of classes shall be submitted for review by the Planning Division and may require approval of a modification to this conditional use permit by the Planning Commission.

##

Resolution No. 2016-66  
Page 5  
November 9, 2016,

APPROVED AND ADOPTED by the Planning Commission at a regular meeting held on November 9, 2016.

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Robert Leonard, Chair  
Planning Commission  
City of Norco, California

ATTEST:

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Steve King, Secretary  
Planning Commission  
City of Norco, California

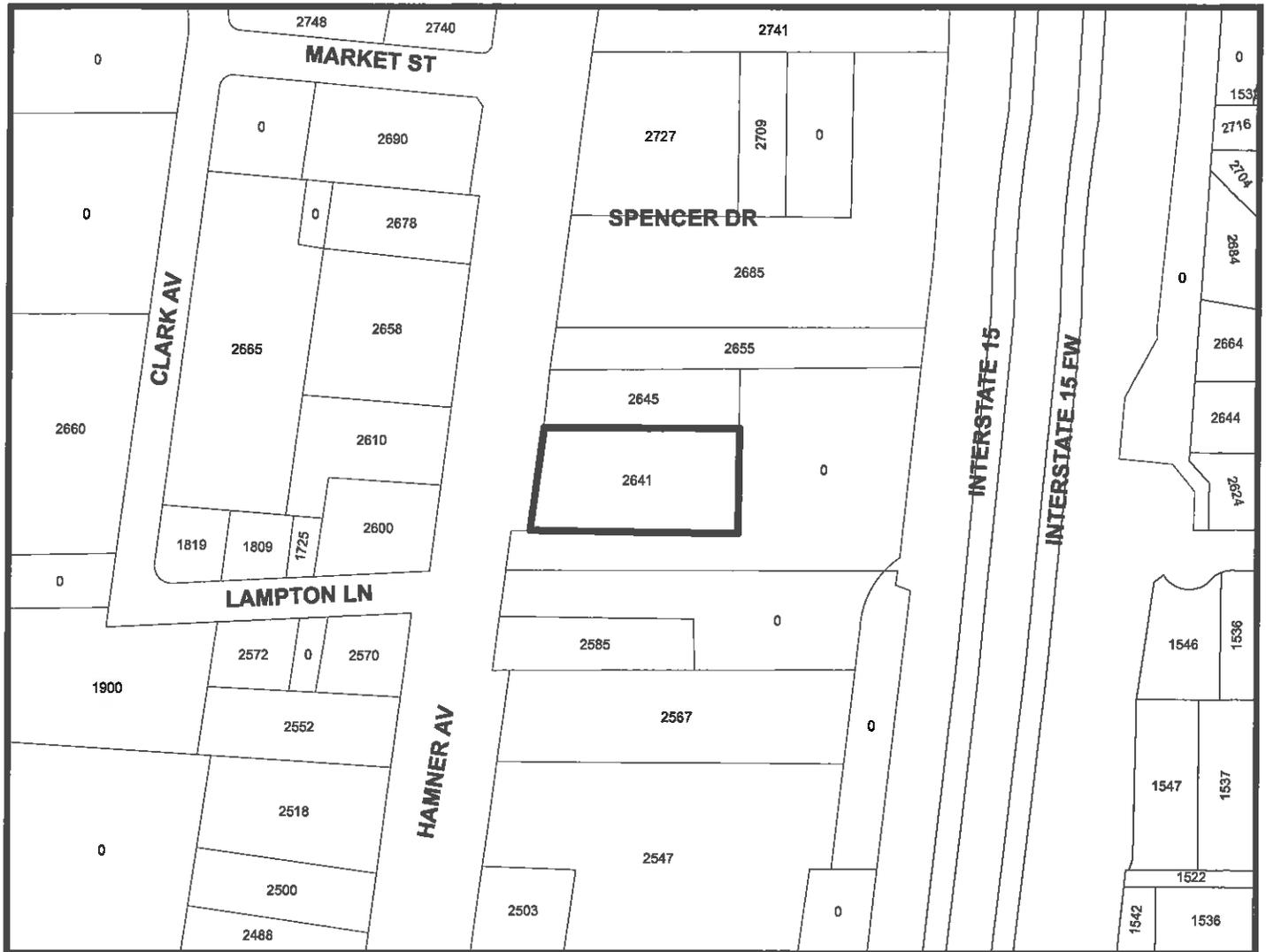
I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Norco at a regular adjourned meeting thereof held on November 9, 2016 by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Steve King, Secretary  
Planning Commission  
City of Norco, California

# Location Map



Not to Scale



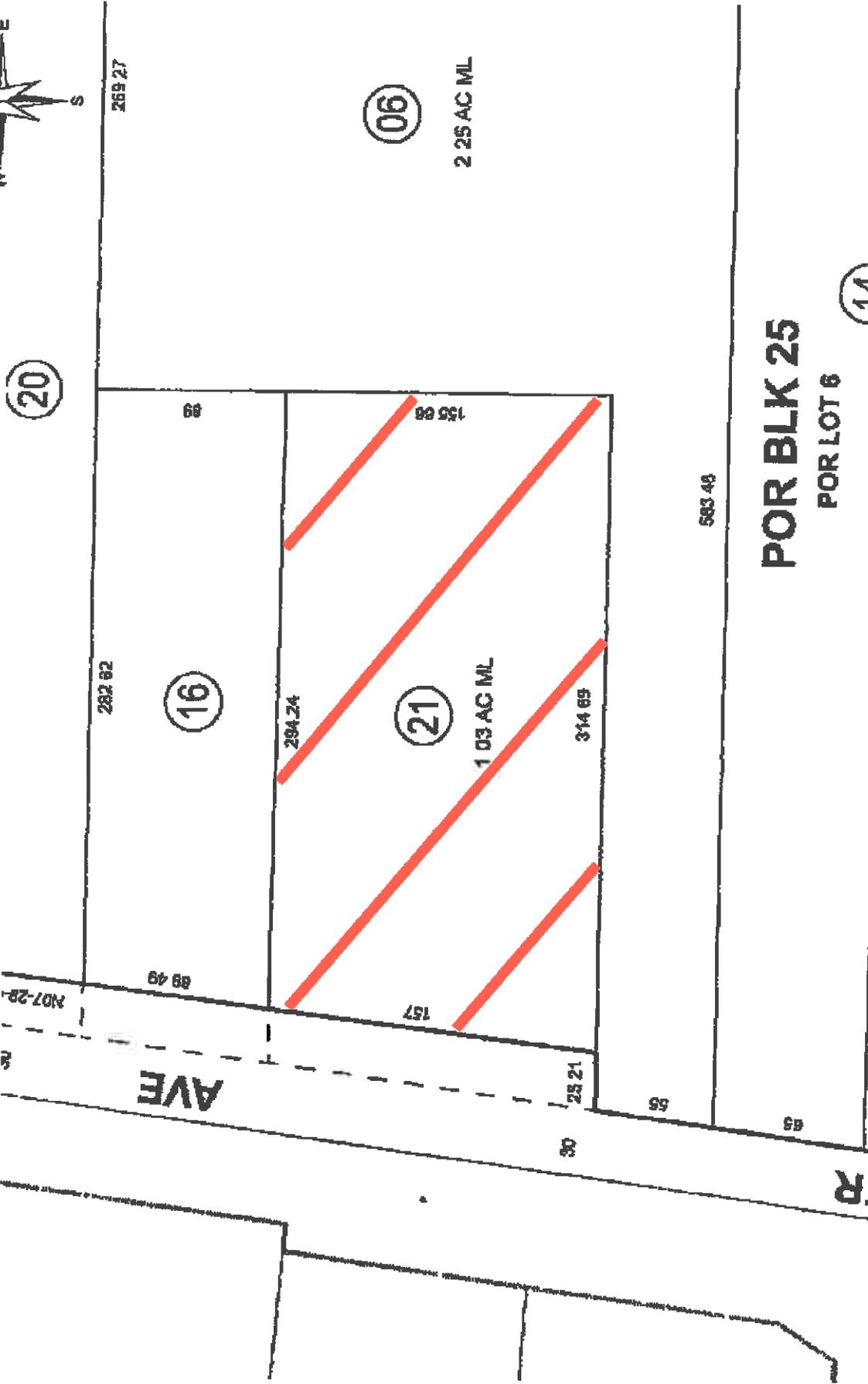
**PROJECT:** Conditional Use Permit 2016-34

**APPLICANT:** Christina Bouni

**LOCATION:** 2641 Hamner Avenue, Suite #109

## Exhibit "A"

# APN MAP



**POR BLK 25**

**POR LOT 6**

(14)

**Exhibit "B"**

# PHOTOS



The front of building



**Exhibit "C"**

2 OF 2

CUP 2016-34





**CITY OF NORCO  
STAFF REPORT**

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

**FROM:** Alma Robles, Senior Planner

**DATE:** November 9, 2016

**SUBJECT:** Conditional Use Permit 2016-35 (Stephens): A request for approval to allow two animal units (horses) at 901 Thoroughbred Lane located within the Norco Hills Specific Plan Residential District.

**RECOMMENDATION:** Adopt Resolution 2016-69, approving Conditional Use Permit 2016-35.

**SUMMARY:** Conditional Use Permit (CUP) 2016-35 is a request for approval to allow two horses at 901 Thoroughbred Lane (ref. Exhibit "A" – Location Map). Based on the requirements of the Norco Hills Specific Plan (NHSP) no large animal units are allowed on the property.

**PROPERTY DESCRIPTION:** The project site is an irregular-shaped property consisting of about .81 acres/35,324 square feet, having a frontage on the north side of Thoroughbred Lane of about 206 feet and a maximum depth of about 241 feet (ref. Exhibit "B" – APN Map). A horse trail exists in front of the property.

The property is developed with a single family residence. The property consists of a development pad (where the existing house is located) of about 11,000 square feet and the remainder of the lot consists of open space with a combination of slopes and relatively flat land. Most of the flat land that is undeveloped is on the west side of the existing house and is over 7,000 square feet (ref. Exhibit "C" – Aerial and Site Photos, and Exhibit "D" – Existing Site Plan/Grading Plan).

**PROJECT DESCRIPTION:** The applicant/property owner is requesting approval to allow two animal units (specifically horses) on the subject property, which the owner believes can be safely accommodated on the west side of the property (ref. Exhibit "E" – Proposed Animal Keeping Area Aerial)

Per the requirements of the NSHP, no animal units are allowed on the property. The owner is in the process of selling the property and would like to market it as an animal-keeping lot.

**ANALYSIS:** When properties within the NHSP were created, not all properties were graded to safely keep large animals. For those that were allowed to have animals, the maximum number of animal units was determined based on the formula in the NHSP document, and that was based on square footage and slope percentage. The required animal keeping area in the NSHP is 240 square feet for the first animal unit and 100 square feet for each additional animal unit. The animal keeping area was calculated for each property and after applying the 35-foot setback from the house as required in the NHSP, a final number was

allotted for each property. For the subject property, after taking all of this into consideration, the number of animal units that was allowed was zero.

The applicant was informed that a CUP application would have to be considered and approved by the Planning Commission in order to allow horses on the property.

Request for animal units on a property is reviewed on a case-by-case basis, and with this type of request, the Animal Control Division is contacted to perform a site inspection and provide the Planning Commission with a recommendation. Animal Control has inspected the site and is recommending that the requested two animal units be allowed.

Per Chapter 18.45 of the NMC:

*The purpose of the CUP is to review the location, site development, and/or conduct of certain land uses (and buildings). These are uses which generally have a unique and distinct impact on the area in which they are located, or are capable of creating special problems for adjacent properties unless given special review and special conditions. A Conditional Use Permit may be granted at the discretion of the Planning Commission, and is not the automatic right of any applicant.*

*The Commission in granting a Conditional Use Permit may establish conditions under which a lot or parcel of land may be used or a building erected and/or altered, or make requirements as to right of-way dedications, architecture, height of building, open spaces, parking areas, and conditions of operation of any enterprise or make any requirements that the Commission may consider necessary to prevent damage or prejudice to adjacent properties, or detriment to the welfare of the community.*

*Before a Conditional Use Permit may be granted, the Commission, or Council upon appeal to it, shall make a finding from the evidence as submitted, that all four of the following conditions exist in reference to the property being considered:*

- (1) *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.*

**This finding can be made for this project. This finding is generally centered on compliance with development standards. Since no development is proposed with this project, criteria used to make this finding is based on the inspection of the site and if the land use being proposed (which is allowing two horses), can safely be accommodated on the site. The property and its surroundings have been analyzed by the City of Norco Animal Control Division which has determined that the property can safely accommodate two horses. When the proposed land use is operated in compliance with conditions of approval, the use should not**

adversely affect the General Plan or the public convenience or general welfare of persons residing or working in the neighborhood thereof.

- (2) *The requested use will not adversely affect the adjoining land uses and the growth and development of the area in which it is proposed to be located.*

This finding can be made for this project because in addition to finding listed above, this project is exempt per CEQA and no significant negative impacts have been identified to cause further review.

- (3) *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.*

This finding can be made for this project. The size and shape of the subject lot is adequate to facilitate (not develop since no development is proposed) the proposed use (two horses) based on the recommendations from the City of Norco Animal Control Division, and compliance with all conditions of approval.

- (4) *The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area.*

This finding can be made for this project. The proposed use should not impose an undue burden on the streets and highways in the area since it is considered a residential use of the property.

Impact Analysis/Environmental Review: Staff has determined that the project is categorically exempt from environmental assessment under the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines per Section 3.13, Class 5 - "Minor Alterations in Land Use Limitations" of the City of Norco Environmental Guidelines. This exemption is allowed in areas with an average slope of less than 20 percent which do not result in any changes in land use or density.

The categorical exemption determination does not automatically mean that other impacts cannot be identified in the review process thereby necessitating further environmental review, however, no other issues were identified. Property owners within a 300-foot radius were notified of the project. No concerns or comments were received from surrounding neighbors.

**CONCLUSION:** It is staff's determination that the required findings for granting of a CUP can be made. Based on this determination and the Animal Control Division recommendation, staff is recommending that the Planning Commission approve the requested CUP to allow two animal units (which can be limited to only horses at the discretion of the Planning

Conditional Use Permit 2016-35

Page 4

November 9, 2016

Commission) on the property. The Planning Commission also has discretion to deny the project if it determines that the project is not appropriate.

/dl

Attachments:            Resolution 2016-69  
                                 Exhibit "A" – Location Map  
                                 Exhibit "B" – APN Map  
                                 Exhibit "C" – Aerial and Site Photos  
                                 Exhibit "D" – Existing Site Plan/Grading Plan  
                                 Exhibit "E" – Proposed Animal Keeping Area Aerial

## **RESOLUTION NO. 2016-69**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO GRANTING WITH CONDITIONS A CONDITIONAL USE PERMIT TO ALLOW TWO ANIMAL UNITS ON THE PROPERTY LOCATED AT 901 THOROUGHBRED LANE LOCATED WITHIN THE NORCO HILLS SPECIFIC PLAN. (CONDITIONAL USE PERMIT 2016-35)**

WHEREAS, an application for a conditional use permit has been submitted to the City of Norco, California, under the provisions of Chapter 18.45, Title 18 of the Norco Municipal Code, by STEVE AND MARGARET STEPHENS for property located at 901 Thoroughbred Lane (APN 122-632-003).

WHEREAS, notice of 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 November 9 2016, within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860, said petition was not 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.
- B.** The requested use will not adversely affect the adjoining land uses, and the growth and development of the area in which it is proposed to be located.
- 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.
- D.** The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area.

- 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 5 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 this November 9, 2016 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" – Existing Site Plan/Grading Plan and Exhibit "E" – Proposed Animal Keeping Aerial dated October 24, 2016 and incorporated herein by reference and on file with the Planning Division.
2. The recorded owner of the property and the applicant 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 provision of the Norco Municipal Code not specifically waived in compliance with City procedures shall constitute cause for revocation and/or termination of the approvals granted under authority of permit.
4. The subject use shall be conducted in accordance with the approved plans and stipulations, on file in the Norco Planning Division.
5. Areas where animals are maintained shall be maintained by the applicant in a clean and sanitary condition and shall be adequately watered to control dust. The City shall have the right upon request, to enter the property at any time for inspection.
6. Animal waste must be removed from the property completely.
7. Animal units on the property shall be limited to two.
8. This Conditional Use Permit shall be transferable upon sale of the property.
9. An annual inspection by Animal Control is required along with the payment of applicable inspection fees. The applicant shall contact Animal Control one year from the date of this approval for an inspection and every year after.
10. The Animal Control Division shall be permitted to inspect the property on an annual basis or as determined necessary, to ensure that the property is maintained in a clean and orderly fashion.

PASSED AND ADOPTED by the Planning Commission at a regular meeting held on November 9, 2016.

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Robert Leonard, Chair  
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 meeting thereof held on November 9, 2016 by the following roll call vote:

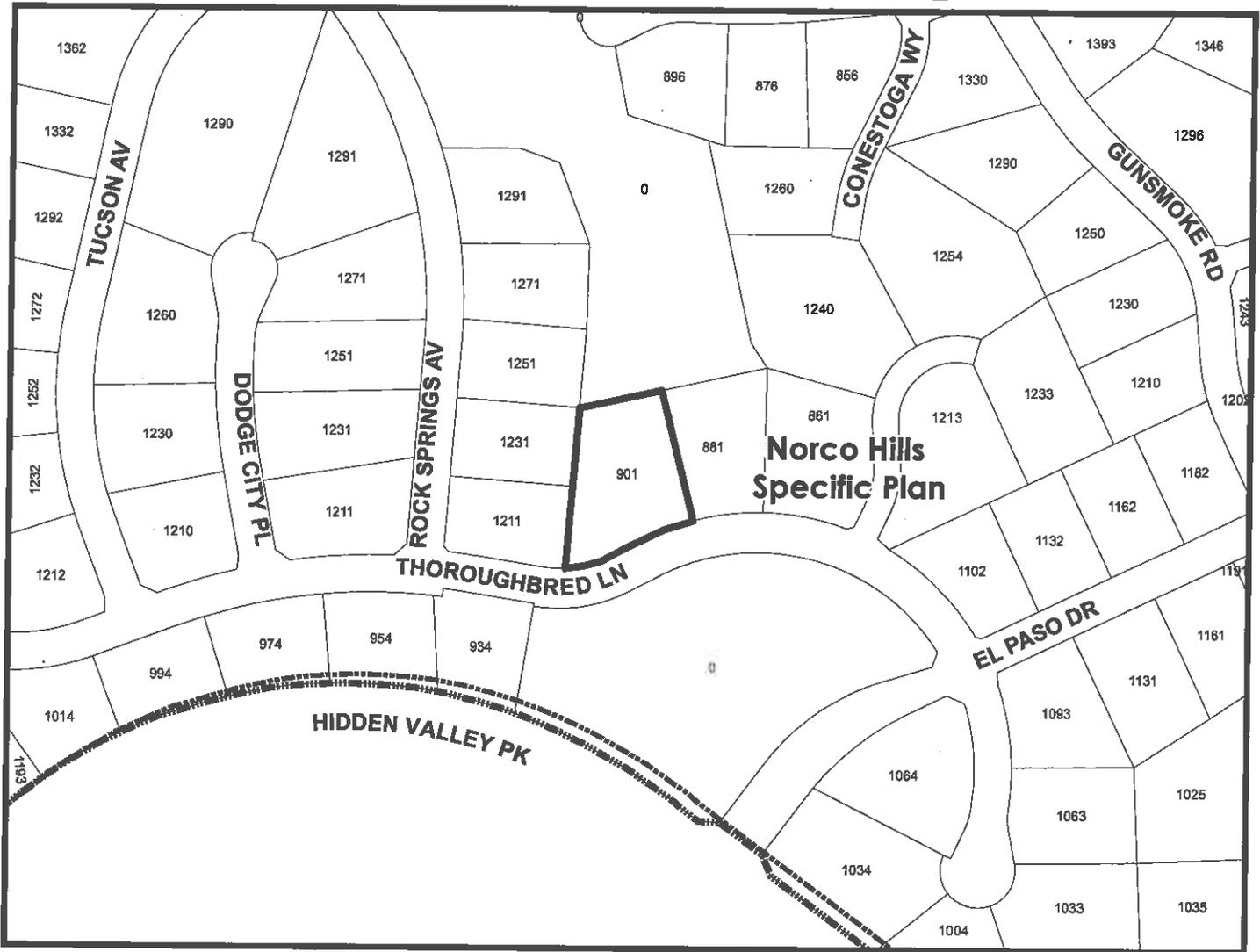
AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Steve King, Secretary  
Planning Commission  
City of Norco, California

/adr

# Location Map



Not to Scale



**PROJECT:** Conditional Use Permit 2016-35

**APPLICANT:** Steve and Margaret Stephens

**LOCATION:** 901 Thoroughbred Lane

## Exhibit "A"



# PHOTOS



Access to the proposed animal keeping area



Looking towards the back of the property



Looking towards the front of the property/street



Looking towards the front of the property/street

## Exhibit "C"

2 OF 2

CUP 2016-35





**CITY OF NORCO  
STAFF REPORT**

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

**FROM:** Alma Robles, Senior Planner

**DATE:** November 9, 2016

**SUBJECT:** **Variance 2016-02, Modification No.1 (Valenzuela):** A request to modify a condition of approval for approved Variance 2016-02, on a vacant parcel identified with the Assessor's Parcel Number of 168-021-009, located on the south side of Mt. Rushmore Drive, east of Crestview Drive, and within the A-1-20 (Agricultural Low Density) Zone.

**RECOMMENDATION:** Adopt Resolution 2016-68, approving Variance 2016-02, Modification No.1 either for a modification of the condition requiring a PAKA, or that PAKA requirement be removed.

**SUMMARY:** At the meeting of October 12, 2016, the Planning Commission adopted Resolution 2016-61 approving Variance 2016-02. The variance was approved with the condition that a Primary Animal Keeping Area (PAKA) be recorded on the property. A PAKA that meets Code requirements cannot be accommodated on the property due to its unique configuration (which was the basis for approval of the rear yard variance). As such, this modification is being requested so that the Planning Commission either modifies the condition requiring the PAKA, or that the requirements for a PAKA be modified specific to this subject property.

**BACKGROUND/ANALYSIS:** Variance 2016-02 was approved to allow encroachment into the 100-foot rear yard setback requirement to allow the construction of a single-family dwelling with an average rear yard setback of 63 feet on a vacant parcel (Exhibit "A" – Location Map). The subject property is an irregular/triangular-shaped parcel consisting of approximately 17,325 square feet. The variance was approved due to the unique, non-conforming triangular shape of the property.

One of the conditions of approval that was added by the Planning Commission at the October 12, 2016 hearing was a requirement for a recorded PAKA on the property. The following are the requirements for a PAKA in the A-1-20 Zone, which were intended for lots created with new subdivisions:

- A. The size of the PAKA shall be a minimum 2,728 square foot PAKA for a pad area less than 20,000 square feet and a 3,304 square foot PAKA for a pad area greater than 20,000 square feet.
- B. All PAKAs shall be located in the rear yard area and shall be flat usable land with a slope of no greater than four percent.
- C. All PAKAs shall have a minimum width of 30 feet and be rectangular in shape.

- D. All PAKAs shall have a 35-foot minimum setback from a habitable structure located on an adjacent lot.
- E. PAKAs that are developed at a grade different than the pad where the residence is constructed shall have an access ramp with a slope no greater than 25 percent, and a minimum travel width of 12 feet.
- F. No non-animal-related structure shall be allowed in the PAKA. Animal-related structures located within the PAKA shall not exceed 40 percent of the PAKA without prior approval of the City Council.
- G. The dedicated PAKA shall be recorded on each lot and included within the project's CC&Rs if applicable.
- H. Each lot shall be designed to have a minimum 15-foot flat, clear, and direct vehicular access to the PAKA as measured from the eave line. Overhead covers or roofs are prohibited. Access gates minimally 12 feet wide shall be permitted to cross the PAKA access.

The pad area for the property is less than 20,000 square feet (12,497 square feet) and based on that a PAKA of 2,728 square feet would be required. The problem with a PAKA is that there are only two sizes required based on the flat pad portion of the lot; and it has nothing to do with the allowed number of animal units that is based solely on lot size. The applicant attempted to plot a PAKA of 2,760 based on the required criteria above and it can't fit on the property due to the non-conforming shape and size of the lot; and based on the site plan that was approved with Variance 2016-02 (ref. Exhibit "B" – Site Plan/Precise Grading Plan with a PAKA). Even still a portion of the PAKA (if it could meet the requirements) would be in a slope area and it would not be at least 35 feet from houses on the adjacent lots, and it would be right next to the house as approved with Variance 2016-02. Attached Exhibit "D" shows an aerial with distances from this PAKA to the adjacent neighbors (ref. Exhibit "D" – Aerial Photo with Adjacent Properties). A PAKA that meets Code requirements cannot be accommodated on the property.

Exhibit "C" shows the same site plan/precise grading plan but shows a triangular shaped area of at least 2,758 square feet that follows the non-conforming configuration of the property. This area would be all flat but would not comply with the rectangular shape and would not comply with the minimum width of 30 feet. This also would not be a minimum of 35 feet from the neighbor on the east side which is an unavoidable condition due to the non-conforming configuration of the lot. The proposed Modification No. 1 to Variance 2016-02 would have to be approved to allow deviation from the PAKA requirements in order to have a recorded PAKA on the property.

Another option that can be considered other than approving the deviations from PAKA standards described above is to delete the condition requiring the recorded PAKA. This option would place the project as approved with Variance 2016-02 under the same lot

coverage considerations for open animal areas on lots that do not have a recorded PAKA. Based on the size of the property (17,325 square feet), three animal units are allowed. In the consideration for accessory buildings and lot coverage calculations a minimum area 576 square-foot per animal unit is required to preserve open animal areas. If this same standard is applied for the subject property, the required open animal area is only 1,728 square feet as opposed to the required PAKA area of 2,728 square feet. This size can more easily be accommodated on the property as it was approved with Variance 2016-02.

**CONCLUSION:** to allow the owner to proceed forward with development of the home per the site plan approved with Variance 2016-02, Modification 1 needs to be approved per one of the following scenarios:

1. Approve, through approved Variance 2016-02, the deviations from the PAKA requirements to be triangular at the rear of the property and within 35 feet of an adjacent residence;
2. Approve the removal of the condition that requires a recorded PAKA allowing the lot to be subject to the same open animal area requirements as other lots in the A-1 zone that do not have recorded PAKAs, but still with the allowance of not having to be 35 feet from an adjoining residence.

Resolutions for each scenario have been included, and if one is adopted it will replace the original Resolution 2016-61 for Variance 2016-02.

/adr

Attachments: PC Resolution 2016-68 for a variance on the PAKA  
PC Resolution 2016-68 with a required open animal keeping area.  
Exhibit "A" – Location Map  
Exhibit "B" – Site Plan/Precise Grading Plan with a PAKA  
Exhibit "C" – Site Plan/Precise Grading Plan  
Exhibit "D" – Aerial Photo with Adjacent Properties

## **RESOLUTION NO. 2016-68**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO, CALIFORNIA GRANTING WITH CONDITIONS A VARIANCE FROM THE REAR YARD SETBACK REQUIREMENT IN THE NORCO MUNICIPAL CODE SECTION 18.13.16 (YARD SPACES) AND FROM SECTION 18.13.11 - PRIMARY ANIMAL KEEPING AREA (PAKA) TO ALLOW THE CONSTRUCTION OF A RESIDENTIAL HOME WITH AN AVERAGE REAR YARD SETBACK OF 63 FEET, ON A VACANT PARCEL IDENTIFIED WITH THE ASSESSOR PARCEL NUMBER OF 168-021-009, LOCATED ON THE SOUTH SIDE OF MOUNT RUSHMORE DRIVE, EAST OF CRESTVIEW DRIVE AND WITHIN THE A-1-20 (AGRICULTURAL LOW DENSITY) ZONE. VARIANCE 2016-02, MODIFICATION NO.1**

WHEREAS, ANDREW VALENZUELA submitted an application to the City of Norco, California, for a variance under provisions of Title 18 of the Norco Municipal Code, on property generally described as:

Lot 105 of Tract No. 2684 as shown by Map on File in Book 49, Pages 19 through 22 inclusive of Maps, Records of Riverside County, California; and

More generally described as an irregular/rectangular-shaped area of about 0.40 acres, having a frontage of about 195.93 feet on the south side Mount Rushmore Drive, having maximum lot depth of about 190 feet, and being further identified with the Assessor's Parcel Number of APN 168-021-009).

WHEREAS, said application for a variance was submitted to the City of Norco Planning Commission for decision and scheduled for a public hearing on or about 7 p.m. on November 9, 2016 in the City Council Chambers, 2820 Clark Avenue, Norco, California, 92860; and

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

WHEREAS, at the time and place set, said Planning Commission did hold a public hearing to consider the aforesaid variance and did receive both oral and written testimony pertaining to the said application; and

WHEREAS, the proposed variance on file with the Planning Division is consistent with the City's General Plan; and

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

WHEREAS, after the close of said hearing and deliberation, the Planning Commission did find and determine by formal action based on the evidence presented to the Commission during the said hearing as follows:

I. FINDINGS:

A. The property has special characteristics that do not generally apply to other properties in the area. The property has a non-conforming triangular shape with the narrow point of the triangle being in the rear yard. In this case, the side property lines became rear property lines due to the triangular shape of the property. When measuring from three points behind the house (both ends and the middle) to the rear property line, an average rear yard setback of 63 feet is created that does not meet the 100-foot rear yard setback required in the A-1 Zone. This characteristic is not the norm in the A-1 zone where lots are required to be (and typically are) rectangular in shape. This characteristic of the property creates a situation where it's impossible to construct a home without encroaching into the required 100-foot rear yard setback. Furthermore, a rectangular shaped PAKA that meets all the requirements of Chapter 18.13.11 of the Norco Municipal Code (NMC) cannot be accommodated on the site also due to the unique configuration of the property.

B. The variance is necessary to avoid practical difficulty and undue hardship for without the variance, a single-family residence cannot be constructed on the site. The requested variance from the rear yard setback and PAKA requirements is reasonable do to the unique shape/characteristic of the lot. If the lot had conforming characteristics, a variance would not be necessary.

C. The granting of the variance would not result in prejudice to the other properties in the vicinity and would not give a special privilege to the subject property. Unlike the subject lot, other vacant properties in the A-1 Zone with conforming characteristics can be developed to meet the required rear yard setback and PAKA requirements. In addition, all property owners within the A-1 Zone have the right to apply and have a variance approved if conditions warrant the approval. Furthermore, the granting of the variance will not be detrimental to the public health, safety or welfare, as the applicant will be required to obtain building permits for all construction improvements.

D. The granting of the variance would not be contrary to the City's General Plan, as the general plan designation for the subject property is "Residential Agricultural" and the zoning designation of A-1-20 of the property is consistent with the General Plan that allows residential and associated structures.

E. The granting of the variance will not limit animal keeping on the lot, since a PAKA will be provided but that follows the unique configuration of the lot.

## II. DETERMINATION:

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Norco, California, in regular session assembled November 9, 2016 that the aforesaid application for a variance is hereby granted subject to the following conditions:

1. Approval is based on Exhibit "D" – Site Plan dated September 8, 2016 incorporated herein by reference, and on file with the Planning Division. Development shall remain 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 becomes effective.
3. The project shall be in compliance with the City of Norco Municipal Codes, Ordinances, and Resolutions. Noncompliance with any provisions of the Norco Municipal Code not specifically waived in compliance with City procedures shall constitute cause for revocation and/or termination of the approvals granted under authority of permit.
4. The applicant shall comply with all the requirements of the Planning, Engineering, Building Divisions; and the Fire and Sheriff's Departments and all other applicable departments and agencies for development of the site.
5. The applicant shall apply for all necessary building permit applications and the applicant shall pay all applicable City of Norco development fees prior to issuance of any permits for development of the site.
6. This is not an approval to begin work. No work shall be commenced until proper permits have been issued by the Building and Engineering Divisions and all other applicable departments.
7. A Primary Animal Keeping Area (PAKA) of at least 2,728 square feet shall be recoded on the property where depicted on Exhibit "C" – Site Plan/Precise

Grading Plan dated November 2, 2016. A 15-foot wide access shall be provided to the PAKA.

8. This resolution replaces Planning Commission Resolution 2016-61 in its entirety.

##

PASSED AND ADOPTED by the Planning Commission of the City of Norco at a regular meeting held on November 2, 2016.

---

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 November 2, 2016 by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Steve King, Secretary  
Planning Commission  
City of Norco, California

/adr

## **RESOLUTION NO. 2016-68**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO, CALIFORNIA GRANTING WITH CONDITIONS A VARIANCE FROM THE REAR YARD SETBACK REQUIREMENT IN THE NORCO MUNICIPAL CODE SECTION 18.13.16 (YARD SPACES) TO ALLOW THE CONSTRUCTION OF A RESIDENTIAL HOME WITH AN AVERAGE REAR YARD SETBACK OF 63 FEET, ON A VACANT PARCEL IDENTIFIED WITH THE ASSESSOR PARCEL NUMBER OF 168-021-009, LOCATED ON THE SOUTH SIDE OF MOUNT RUSHMORE DRIVE, EAST OF CRESTVIEW DRIVE AND WITHIN THE A-1-20 (AGRICULTURAL LOW DENSITY) ZONE. VARIANCE 2016-02, MODIFICATION NO.1**

WHEREAS, ANDREW VALENZUELA submitted an application to the City of Norco, California, for a variance under provisions of Title 18 of the Norco Municipal Code, on property generally described as:

Lot 105 of Tract No. 2684 as shown by Map on File in Book 49, Pages 19 through 22 inclusive of Maps, Records of Riverside County, California; and

More generally described as an irregular/rectangular-shaped area of about 0.40 acres, having a frontage of about 195.93 feet on the south side Mount Rushmore Drive, having maximum lot depth of about 190 feet, and being further identified with the Assessor's Parcel Number of APN 168-021-009).

WHEREAS, said application for a variance was submitted to the City of Norco Planning Commission for decision and scheduled for a public hearing on or about 7 p.m. on October 12, 2016 in the City Council Chambers, 2820 Clark Avenue, Norco, California, 92860; and

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

WHEREAS, at the time and place set, said Planning Commission did hold a public hearing to consider the aforesaid variance and did receive both oral and written testimony pertaining to the said application; and

WHEREAS, the proposed variance is on file with the Planning Division is consistent with the City's General Plan; and

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

WHEREAS, after the close of said hearing and deliberation, the Planning Commission did find and determine by formal action based on the evidence presented to the Commission during the said hearing as follows:

I. FINDINGS:

A. The property has special characteristics that do not generally apply to other properties in the area. The property has a non-conforming triangular shape with the narrow point of the triangle being in the rear yard. In this case, the side property lines became rear property lines due to the triangular shape of the property. When measuring from three points behind the house (both ends and the middle) to the rear property line, an average rear yard setback of 63 feet is created that does not meet the 100-foot rear yard setback required in the A-1 Zone. This characteristic is not the norm in the A-1 zone where lots are required to be (and typically are) rectangular in shape. This characteristic of the property creates a situation where it's impossible to construct a home without encroaching into the required 100-foot rear yard setback.

B. The variance is necessary to avoid practical difficulty and undue hardship for without the variance, a single-family residence cannot be constructed on the site. The requested variance from the rear yard setback requirement is reasonable do to the unique shape/characteristic of the lot. If the lot had conforming characteristics, a variance would not be necessary.

C. The granting of the variance would not result in prejudice to the other properties in the vicinity and would not give a special privilege to the subject property. Unlike the subject lot, other vacant properties in the A-1 Zone with conforming characteristics can be developed to meet the required rear yard setback. In addition, all property owners within the A-1 Zone have the right to apply and have a variance approved if conditions warrant the approval. Furthermore, the granting of the variance will not be detrimental to the public health, safety or welfare, as the applicant will be required to obtain building permits for all construction improvements.

D. The granting of the variance would not be contrary to the City's General Plan, as the general plan designation for the subject property is "Residential Agricultural" and the zoning designation of A-1-20 of the property is consistent with the General Plan that allows residential and associated structures.

E. The granting of the variance will not limit animal keeping on the lot. Based on the size of the property (17,325 square feet), three animal units would be allowed. A minimum area 576 square-foot per animal unit is required in the

approval of accessory buildings. If this same standard is applied for the subject variance, 1,548 square feet would be required and can be provided behind the proposed house at the rear of the property.

II. DETERMINATION:

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Norco, California, in regular session assembled November 9, 2016 that the aforesaid application for a variance is hereby granted subject to the following conditions:

1. Approval is based on Exhibit "D" – Site Plan dated September 8, 2016 incorporated herein by reference, and on file with the Planning Division. Development shall remain 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 becomes effective.
3. The project shall be in compliance with the City of Norco Municipal Codes, Ordinances, and Resolutions. Noncompliance with any provisions of the Norco Municipal Code not specifically waived in compliance with City procedures shall constitute cause for revocation and/or termination of the approvals granted under authority of permit.
4. The applicant shall comply with all the requirements of the Planning, Engineering, Building Divisions; and the Fire and Sheriff's Departments and all other applicable departments and agencies for development of the site.
5. The applicant shall apply for all necessary building permit applications and the applicant shall pay all applicable City of Norco development fees prior to issuance of any permits for development of the site.
6. This is not an approval to begin work. No work shall be commenced until proper permits have been issued by the Building and Engineering Divisions and all other applicable departments.
- ~~7. A Primary Animal Keeping Area (PAKA) shall be recorded on the property. A 15-foot wide access shall be provided to the PAKA.~~
8. This resolution replaces Planning Commission Resolution 2016-61 in its entirety.

Resolution No. 2016-68  
Page 4  
November 9, 2016

PASSED AND ADOPTED by the Planning Commission of the City of Norco at a regular meeting held on November 9, 2016.

---

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 November 9, 2016 by the following roll call vote:

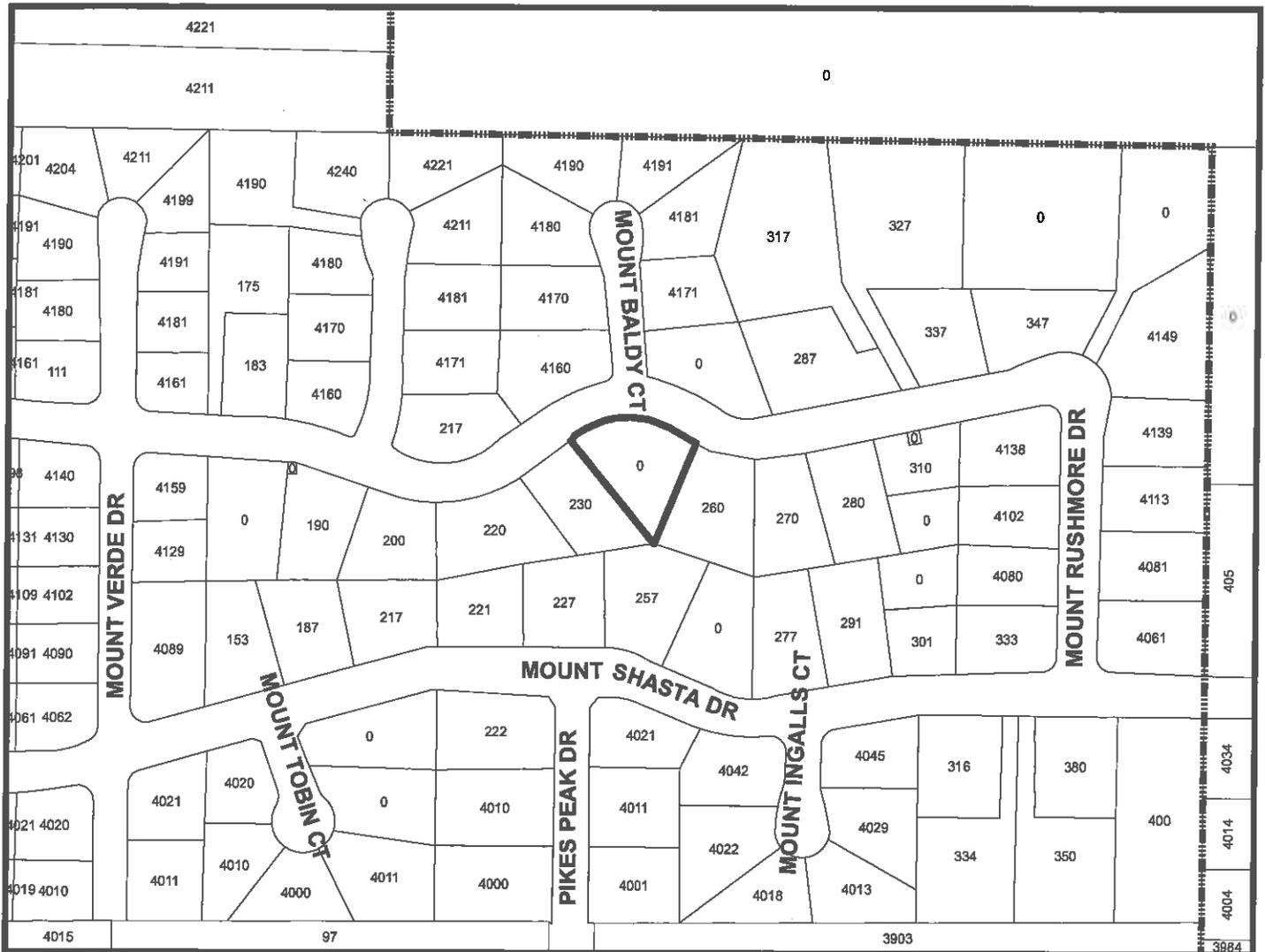
AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Steve King, Secretary  
Planning Commission  
City of Norco, California

/adr

# Location Map



Not to Scale



**PROJECT:** Variance 2016-02 Modification #1

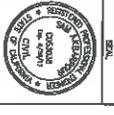
**APPLICANT:** Andrew Valenzuela

**LOCATION:** APN 168-021-009

## Exhibit "A"



**LOT COVERAGE:**  
 LOT AREA: 11,700 SQ. FT.  
 BALDWIN FOOTPRINT: 1,500 SQ. FT.  
 BALDWIN COVERAGE: 25%



**CITY OF NORCO**  
 DEPARTMENT OF PUBLIC WORKS

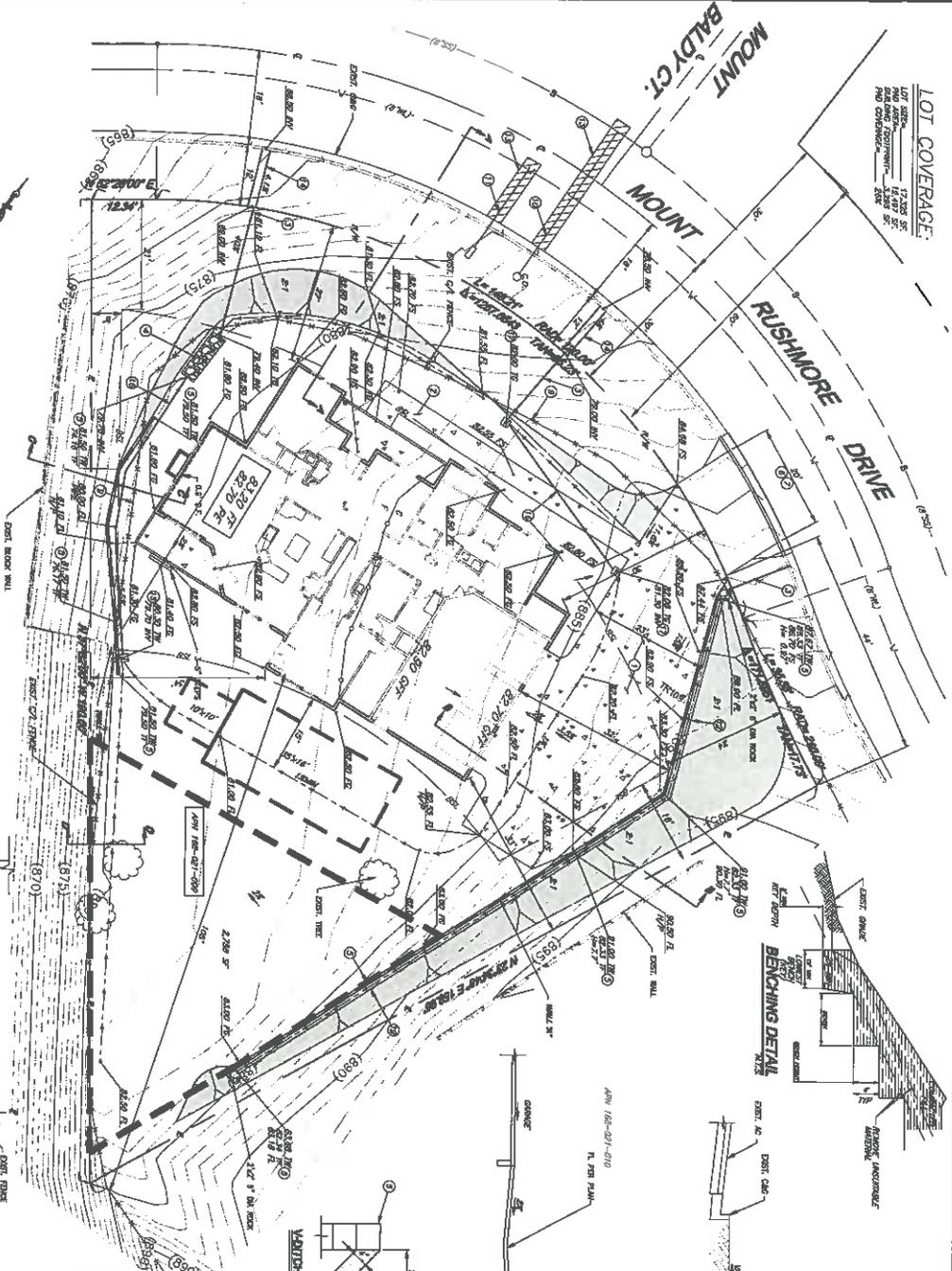
SEE COVER SHEET

DESIGNED BY: SAKE CONSULTING ENGINEERS, INC.  
 PROJECT NO.: 100-021-003  
 DATE: 11-2-16

**PRECISE GRADING/DRAINAGE**

FOR APN 100-021-003

**EXHIBIT C**



NO.	DESCRIPTION	QUANTITY
1	CONSTRUCT 4" RIGID PIPEWAY W/ 4" @ 3' C/CLEAR	1,200 S.F.
2	CONSTRUCT 4" R.I.C. MANHOLE	200 S.F.
3	INSTALL 3'-3" PVC DRAIN PIPE	50 L.F.
4	CONSTRUCT 3" WIDE 1' 2" DEEP 4' 10" LONG 1.5'-3" ROCK	100 L.F.
5	CONSTRUCT RET. WALL	20 L.F.
6	REMOVE EXIST. CURB	1 S.A.
7	CONSTRUCT INTERSECT APPROACH 300' CITY OF NORCO STA. 240	1 S.A.
8	REMOVE PORTION OF EXIST. C/A FENCE	300 L.F.
9	CONSTRUCT 4" SLOTTED LATERAL PER CITY OF NORCO STA. 200 & 208	1 S.A.
10	CONSTRUCT 1" CONC. 1'-0" HIGH NEW RETN. MOUND	45 L.F.
11	CONSTRUCT 12" CONC. 1'-0" HIGH NEW RETN. MOUND	1 S.A.
12	INSTALL 18"x18" METAL CURB	2 S.A.
13	INSTALL 6" PVC DRAIN PIPE	1 S.A.
14	INSTALL 12"x12" WOOD DOOR	60 L.F.

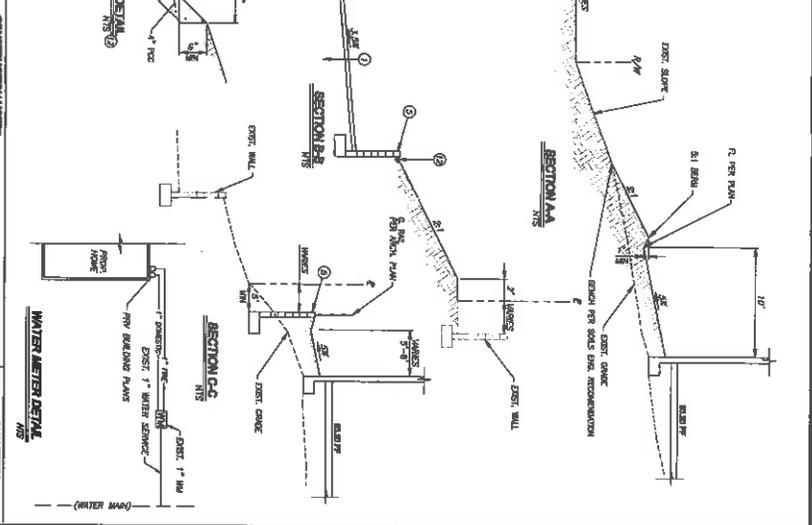




EXHIBIT "D"

## **CITY OF NORCO STAFF REPORT**

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

**FROM:** Planning Division

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

**DATE:** November 9, 2016

**SUBJECT:** Zone Code Amendment 2016-05 (City of Norco): Amending Section 18.30.46 "Second Units" of the Norco Municipal Code Modifying Regulations for Second Units to Reflect new State Law.

**RECOMMENDATION:** Adopt Resolution 2016-67 recommending that the City Council approves Zone Code Amendment 2016-05.

**SUMMARY:** Zone Code Amendment 2016-05 is a proposed amendment to Section 18.30.46 (Second Units) to incorporate new state requirements from AB 2299 recently signed into law by the Governor. The new law now defines second units as "accessory dwelling units."

**BACKGROUND:** In its certification of the 2008-2014 Housing Element Update to the Norco General Plan the State Department of Housing and Community Development (HCD) required follow-up implementation actions by the City before the certification could be completed. HCD issued a pre-certification letter to the 2014-2021 update that listed those actions.

One of the required actions was a revision of the City's regulations for second units. Section 18.30.46 regulates second units and at the time there were two amendments needed: the first was that the approval of the second unit needed to occur at staff level and not be subject to approval by the Planning Commission. The second amendment was that the requirement that a second unit be attached to the main dwelling was seen as a constraint to the development of housing and therefore was not acceptable to HCD.

Prior to the approval of Zone Code Amendment 2013-16, Section 18.30.46 (2,3) read:

- (2) Definition: For the purposes of this section, second unit shall mean a subordinate dwelling unit with complete and independent living facilities attached to or contained within a primary single-family dwelling.
- (3) Development Requirements: A single second unit is permitted on any lot which is zoned or designated to permit residential uses provided the following is met:

- (a) A Minor Site Plan is approved pursuant to all requirements contained in Chapter 18.40 (Site Plan Review).

With the approval of ZCA 2013-16 Section 18.30.46 was changed as follows:

- (2) Definition: For the purposes of this section, second unit shall mean a subordinate dwelling unit with complete and independent living facilities that can either be attached to or contained within a primary single-family dwelling or detached from the primary dwelling with a maximum 10-foot separation between the two buildings.
- (3) Development Requirements: A single second unit is permitted on any lot which is zoned or designated to permit residential uses provided the following is met:
  - (a) A Minor Site Plan is approved at staff level, after approval of the proposed architecture by the Architectural Review Subcommittee (ARC), pursuant to all requirements contained in Chapter 18.40 (Site Plan Review).
- (6) Progress Report: Upon approval of a Second Unit the Planning Commission shall be provided a housing attainment progress report.
- (7) Conflict Resolution: When an applicant for a second unit and City staff are in disagreement over consistency of the proposed structure to the intent of this Section of the Code, the matter shall be resolved on appeal to the Planning Commission.

There needed to be another change included with ZCA 2013-16 wherein subset “H” of (3) “Development Requirements” (above) should have been eliminated because it is contrary to the way No. (2) “Definition” was approved (shown above). Subset H is now proposed to be eliminated with this zone code amendment (ZCA 2016-05) as follows so as to be consistent with the current definition of a second unit:

- (3) Development Requirements: A single second unit is permitted on any lot which is zoned or designated to permit residential uses provided the following is met:
  - ~~(h) Second residential units shall not be detached, rather they must be attached along a common residential wall and not separated by a breezeway or garden wall, or contained within the walls of the primary dwelling.~~

A new state law regarding second units goes into effect on January 1, 2017. The needed changes for the NMC to be consistent are: 1) change of the term “second unit” to “accessory dwelling unit”; 2) eliminate the requirement that accessory dwelling units be required to have separate connections for water and sewer and eliminate the requirement that they be metered separately for City services; and 3) not require parking that exceeds one space per bedroom:

- (3) Development Requirements: A single second unit is permitted on any lot which is zoned or designated to permit residential uses provided the following is met:
  - (j) ~~The second~~ An accessory dwelling unit shall be provided with parking in addition to and the same as that required for the main dwelling, pursuant to Chapter 18.38 (Off-Street Parking and Loading), except that the number of required spaces

for the accessory dwelling unit shall be equal to one space per bedroom. No variance may be filed to allow parking within the required front or side yard setbacks.

- (l) ~~The second~~ An accessory dwelling unit shall not be considered a new residential unit for purposes of calculating connection fees or capacity fees for water and sewer services and are not required to be metered separately from the primary dwelling for any City utility. No new private wastewater disposal systems shall be permitted for ~~second~~ accessory dwelling units. For ~~second~~ accessory dwelling units proposed on lots with existing septic systems, the existing septic system shall be expanded to accommodate the ~~second~~ accessory dwelling unit unless sewer service is available within 200 feet of the property line. Where sewer service is available within 200 feet of the property line, one sewer connection to serve both units shall be installed prior to the issuance of an occupancy permit for the ~~second~~ accessory dwelling unit.

These are included as part of ZCA 2016-05.

Exhibit B shows the changes in the new state law regarding second units with the changes highlighted. The NMC currently meets or exceeds these standards with the exception of the changes noted above regarding eliminating the requirement for separate water and sewer services and changing the term "second units" to "accessory dwelling units."

Attached: Resolution 2013-49  
Exhibit "A" – AB 2299 Summary of Changes to State Law (Highlighted)

## RESOLUTION 2016-67

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE CODE AMENDMENT 2016-05 AMENDING SECTION 18.30.46 "SECOND UNITS." ZONE CODE AMENDMENT 2016-05.**

WHEREAS, the CITY OF NORCO initiated Zone Code Amendment 2016-05, an amendment to Norco Municipal Code Title 18 (Zoning Code), to amend regulations regarding second units; and

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

WHEREAS, the Zone Code Amendment was scheduled for public hearing on November 9, 2016 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 Zone Code Amendment; 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 Zone Code Amendment will not be inconsistent with, or contrary to, the General Plan or the Zoning Code since the project clarifies and updates existing regulations regarding second units to be consistent with new state housing laws.
- B. The project (proposed amendment) has been determined to be exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines.

II. DETERMINATION: NOW THEREFORE, the Planning Commission for the City of Norco assembled November 9, 2016 does hereby recommend to the City Council of the City of Norco that Zone Code Amendment 2016-05, be adopted, thereby amending the Norco Municipal Code as follows:

Section 18.30.46 ~~Second~~ Accessory Dwelling Units

- (1) Intent and Purpose: This section is intended to provide for the creation of ~~second~~ accessory dwelling units as an accessory use to existing single-family dwellings while maintaining the rural and low-density character of Norco's residential neighborhoods.
- (2) Definition: For the purposes of this section, ~~second~~ accessory dwelling unit shall mean a subordinate dwelling unit with complete and independent living facilities that can either be attached to or contained within a primary single-family dwelling or detached from the primary dwelling with a maximum 10-foot separation between the two buildings.
- (3) Development Requirements: A single ~~second~~ accessory dwelling unit is permitted on any lot which is zoned or designated to permit residential uses provided the following are met:
  - (a) A Minor Site Plan is approved at staff level, after approval of the proposed architecture by the Architectural Review Subcommittee (ARC), pursuant to all requirements contained in Chapter 18.40 (Site Plan Review).
  - (b) The lot upon which the ~~second~~ accessory dwelling unit is to be established complies with the minimum lot requirements of the land use district in which it is located.
  - (c) The lot contains only one existing single-family dwelling which complies with the development standards for the land use district.
  - (d) The lot contains no other ~~second~~ accessory dwelling unit.
  - (e) The owner of the lot must occupy either the existing primary dwelling or the ~~second~~ accessory dwelling unit. Prior to issuance of a building permit for the ~~second~~ accessory dwelling unit, a covenant of restriction to run with the land, shall be recorded which specifies that the use of the ~~second~~ accessory dwelling unit as an independent dwelling may continue only as long as one unit on the property is owner-occupied.
  - (f) Except as otherwise provided in this section, ~~second~~ accessory dwelling units shall comply with all development requirements for new single-family dwelling units as specified for the land use district in which it is located, including, but not limited to, setbacks, height limitations, and total maximum lot coverage.
  - (g) The total area of floor space for a ~~second~~ accessory dwelling unit shall not exceed 30 percent of the existing living area of the primary dwelling, or 1,200 square feet, whichever is less.
  - ~~(h) Second residential units shall not be detached, rather they must be attached along a common residential wall and not separated by a breezeway or garden wall, or contained within the walls of the primary dwelling.~~
  - (i) The ~~second~~ accessory dwelling unit shall be architecturally compatible with the primary dwelling.
  - (j) The ~~second~~ accessory dwelling unit shall be provided with parking in addition to and the same as that required for the main dwelling, pursuant to Chapter 18.38 (Off-Street Parking and Loading), except that the number of required spaces for the accessory dwelling unit shall be equal to one space per bedroom. No variance may be filed to allow parking within the required front or side yard setbacks.

- (k) There shall not be more than one exterior entrance on the front or on any street side of the building and no exterior stairway shall be located on the front of the primary dwelling.
  - (l) ~~The second~~ An accessory dwelling unit shall not be considered a new residential unit for purposes of calculating connection fees or capacity fees for water and sewer services and are not required to be metered separately from the primary dwelling for any City utility. No new private wastewater disposal systems shall be permitted for ~~second~~ accessory dwelling units. For ~~second~~ accessory dwelling units proposed on lots with existing septic systems, the existing septic system shall be expanded to accommodate the ~~second~~ accessory dwelling unit unless sewer service is available within 200 feet of the property line. Where sewer service is available within 200 feet of the property line, one sewer connection to serve both units shall be installed prior to the issuance of an occupancy permit for the ~~second~~ accessory dwelling unit.
  - (m) Notwithstanding Chapter 18.44, there shall be no variance or exemption granted from the requirements contained in this section.
  - (n) This section shall not validate any existing illegal unit. An ~~second~~ accessory dwelling unit application for a minor site plan may be made pursuant to the provisions of Chapter 18.40 (Site Plan Review).
  - (o) The ~~second~~ accessory dwelling unit shall be assessed all applicable building permit and development impact fees.
  - (p) A primary animal-keeping area pursuant to Section 18.13.11, and as approved by the Planning Commission, shall be recorded on the subject lot prior to the issuance of an occupancy permit.
- (4) Finding: The following finding shall be made in order to approve an second accessory dwelling unit permit:
- (a) The ~~second~~ accessory dwelling unit is compatible with the design of the main dwelling unit and the surrounding neighborhood in terms of height, architectural style, and exterior treatment.
  - (b) The ~~second~~ accessory dwelling unit shall not cause a high concentration of such units sufficient to change the character of the surrounding residential neighborhood.
- (5) Compliance with General Plan: An second accessory dwelling unit which conforms to the standards of this section shall not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to be a residential use which is consistent with the existing General Plan and land use designation for the lot.
- (6) Progress Report: Upon approval of an second accessory dwelling unit the Planning Commission shall be provided a housing attainment progress report.
- (7) Conflict Resolution: When an applicant for an second accessory dwelling unit and City staff are in disagreement over consistency of the proposed structure to the intent of this section of the code, the matter shall be resolved on appeal to the Planning Commission.

PASSED AND ADOPTED by the Planning Commission of the City of Norco at a regular meeting held November 9, 2016.

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Robert Leonard, Chair  
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 November 9, 2016 by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Steve King, Secretary  
Planning Commission



**AB-2299 Land use: housing: 2nd units.**(2015-2016)

● **NOTE** ●

Most of the changes to state law from AB 2299 highlighted in red have already been incorporated into NMC from amendments that were required to get the Housing Element certified. The changes not already in NMC are included as part of Zone Code Amendment 2016-05.

**SECTION 1.** Section 65852.2 of the Government Code is amended to read:

**65852.2.**

(a) (1) **Any A** local agency may, by ordinance, provide for the creation of ~~second-~~ **accessory dwelling** units in single-family and multifamily residential zones. The ordinance ~~may shall~~ do **any all** of the following:

(A) Designate areas within the jurisdiction of the local agency where ~~second-~~ **accessory dwelling** units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of ~~second-~~ **accessory dwelling** units on traffic ~~flow-~~ **flow and public safety**.

(B) Impose standards on ~~second-~~ **accessory dwelling** units that include, but are not limited to, parking, height, setback, lot coverage, **landscape**, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

*(C) Notwithstanding subparagraph (B), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.*

~~(C)~~ (D) Provide that ~~second-~~ **accessory dwelling** units do not exceed the allowable density for the lot upon which the ~~second-~~ **accessory dwelling** unit is located, and that ~~second-~~ **accessory dwelling** units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

*(E) Require the accessory dwelling units to comply with all of the following:*

*(i) The unit is not intended for sale separate from the primary residence and may be rented.*

*(ii) The lot is zoned for single-family or multifamily use.*

*(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.*

*(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area.*

*(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.*

*(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.*

*(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.*

*(viii) Local building code requirements that apply to detached dwellings, as appropriate.*

*(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.*

*(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.*

*(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.*

*(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.*

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use ~~permits. Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of second units-~~ *permits, within 120 days after receiving the application.* A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of ~~second- accessory dwelling~~ *units.*

~~(b) (4) (4) Any -When- existing ordinance governing the creation of accessory dwelling units by a local agency which has not adopted an ordinance governing second units in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it- or any such ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a second unit if the second unit complies with all of the following: that complies with this section.~~

~~(A) The unit is not intended for sale and may be rented.~~

~~(B) The lot is zoned for single-family or multifamily use.~~

~~(C) The lot contains an existing single-family dwelling.~~

~~(D) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.~~

~~(E) The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area.~~

~~(F) The total area of floorspace for a detached second unit shall not exceed 1,200 square feet.~~

~~(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.~~

~~(H) Local building code requirements which apply to detached dwellings, as appropriate.~~

~~(I) Approval by the local health officer where a private sewage disposal system is being used, if required.~~

(2) (5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

~~(3) (6) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed second- accessory dwelling~~ units on lots zoned for residential use ~~which that~~ contain an existing single-family dwelling. No additional standards, other than those provided in this ~~subdivision or subdivision (a)-~~ *subdivision,* shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant.

~~(4) (7) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any~~ A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ~~second-~~ *accessory dwelling* units if these provisions are consistent with the limitations of this subdivision.

~~(5) (8) A second unit which conforms to the requirements of~~ An *accessory dwelling unit* that conforms to this subdivision shall ~~be deemed to be an accessory use or an accessory building and shall~~ not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use ~~which that is~~ consistent with the existing general plan and zoning designations for the lot. The ~~second-~~ *accessory dwelling* units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

~~(e) (b) No~~ When a local agency shall adopt an ordinance which totally precludes second units within single-family or multifamily-zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily-zoned areas justify adopting the ordinance, that has not adopted an ordinance governing *accessory dwelling units* in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

~~(d) (c)~~ A local agency may establish minimum and maximum unit size requirements for both attached and detached ~~second-~~ *accessory dwelling* units. No minimum or maximum size for a ~~second-~~ *accessory dwelling* unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings ~~which that~~ does not permit at least an efficiency unit to be constructed in compliance with local development standards.

~~(e) Parking requirements for second units shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.~~

~~(f) (d)~~ Fees charged for the construction of ~~second-~~ *accessory dwelling* units shall be determined in accordance with Chapter 5 (commencing with Section 66000).

~~(g) (e)~~ This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ~~second units.~~ *accessory dwelling units*, provided those requirements comply with subdivision (a).

~~(h) (f)~~ Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) ~~or (e)~~ to the Department of Housing and Community Development within 60 days after adoption.

~~(i) (g)~~ As used in this section, the following terms mean:

(1) "Living ~~area.~~ *area*" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) ~~"Second-~~ *"Accessory dwelling* unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. ~~A second-~~ *An accessory dwelling* unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

~~(C) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.~~

~~(j) (h)~~ Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that

the local government shall not be required to hold public hearings for coastal development permit applications for ~~second-~~ accessory dwelling units.

## SEC. 1.5.

Section 65852.2 of the Government Code is amended to read:

### 65852.2.

(a) (1) **Any A** local agency may, by ordinance, provide for the creation of ~~second-~~ accessory dwelling units in single-family and multifamily residential zones. The ordinance ~~may shall~~ do ~~any all~~ of the following:

(A) Designate areas within the jurisdiction of the local agency where ~~second-~~ accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of ~~second-~~ accessory dwelling units on traffic ~~flow~~, flow and public safety.

(B) (i) Impose standards on ~~second-~~ accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, *landscape*, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) *Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.*

(C) Provide that ~~second-~~ accessory dwelling units do not exceed the allowable density for the lot upon which the ~~second-~~ accessory dwelling unit is located, and that ~~second-~~ accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) *Require the accessory dwelling units to comply with all of the following:*

(i) *The unit is not intended for sale separate from the primary residence and may be rented.*

(ii) *The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.*

(iii) *The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.*

(iv) *The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.*

(v) *The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.*

(vi) *No passageway shall be required in conjunction with the construction of an accessory dwelling unit.*

(vii) *No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.*

(viii) *Local building code requirements that apply to detached dwellings, as appropriate.*

(ix) *Approval by the local health officer where a private sewage disposal system is being used, if required.*

(x) (I) *Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.*

(II) *Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.*

(III) *This clause shall not apply to a unit that is described in subdivision (d).*

(xi) *When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).*

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use ~~permits. Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of second units. permits, within 120 days after receiving the application.~~ A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of ~~second units. an accessory dwelling unit.~~

~~(b) (4) (1) An existing ordinance governing the creation of an accessory dwelling unit by a local agency which has not adopted an ordinance governing second units in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a second unit if the second unit complies with all of the following: that complies with this section.~~

~~(A) The unit is not intended for sale and may be rented.~~

~~(B) The lot is zoned for single-family or multifamily use.~~

~~(C) The lot contains an existing single-family dwelling.~~

~~(D) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.~~

~~(E) The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area.~~

~~(F) The total area of floorspace for a detached second unit shall not exceed 1,200 square feet.~~

~~(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.~~

~~(H) Local building code requirements which apply to detached dwellings, as appropriate.~~

~~(I) Approval by the local health officer where a private sewage disposal system is being used, if required.~~

(2) (5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(3) (6) This subdivision establishes the maximum standards that local agencies shall use to evaluate ~~proposed second units on lots. a proposed accessory dwelling unit on a lot~~ zoned for residential use ~~which contain that contains~~ an existing single-family dwelling. No additional standards, other than those provided in this ~~subdivision or subdivision (a). subdivision,~~ shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an ~~owner-occupant. owner-occupant or that the property be used for rentals of terms longer than 30 days.~~

(4) (7) ~~No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any.~~ A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ~~second units. an accessory dwelling unit~~ if these provisions are consistent with the limitations of this subdivision.

(5) (8) ~~A second unit which conforms to the requirements of.~~ An accessory dwelling unit that conforms to this subdivision shall ~~be deemed to be an accessory use or an accessory building and shall~~ not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use ~~which that is~~

consistent with the existing general plan and zoning designations for the lot. The ~~second-units- accessory dwelling unit~~ shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

~~(e) (b) No- When a local agency shall adopt an ordinance which totally precludes second-units within single-family or multifamily-zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second-units within single-family and multifamily-zoned areas justify adopting the ordinance. that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.~~

~~(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached ~~second- accessory dwelling~~ units. No minimum or maximum size for ~~a-second- an accessory dwelling~~ unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings ~~which that~~ does not permit at least an efficiency unit to be constructed in compliance with local development standards. ~~Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~~~

~~(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:~~

- ~~(1) The accessory dwelling unit is located within one-half mile of public transit.~~
- ~~(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.~~
- ~~(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.~~
- ~~(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.~~
- ~~(5) When there is a car share vehicle located within one block of the accessory dwelling unit.~~

~~(e) Parking requirements for second-units shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. ~~Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~~~

~~(f) (1) Fees charged for the construction of ~~second- accessory dwelling~~ units shall be determined in accordance with Chapter 5 (commencing with Section ~~66000~~, 66000) and Chapter 7 (commencing with Section 66012).~~

~~(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.~~

~~(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.~~

~~(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.~~

~~(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ~~second-units- an accessory dwelling unit.~~~~

(h) Local agencies shall submit a copy of the ~~ordinances ordinance~~ adopted pursuant to subdivision (a) ~~or (c)~~ to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living ~~area,~~ *area*" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

Already included in NMC.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) ~~"Second- Accessory dwelling~~ unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. ~~A-second- An accessory dwelling~~ unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

~~(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.~~

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for ~~second- accessory dwelling~~ units.

#### **SEC. 2.**

*Section 1.5 of this bill incorporates amendments to Section 65852.2 of the Government Code proposed by both this bill and Senate Bill 1069. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 65852.2 of the Government Code, and (3) this bill is enacted after Senate Bill 1069, in which case Section 1 of this bill shall not become operative.*

#### **SEC. 3.**

*No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.*



**AB-2299 Land use: housing: 2nd units.**(2015-2016)

● **NOTE** ●

Most of the changes to state law from AB 2299 highlighted in red have already been incorporated into NMC from amendments that were required to get the Housing Element certified. The changes not already in NMC are included as part of Zone Code Amendment 2016-05.

**SECTION 1.** Section 65852.2 of the Government Code is amended to read:

**65852.2.**

(a) (1) ~~Any~~ **A** local agency may, by ordinance, provide for the creation of ~~second-~~ **accessory dwelling** units in single-family and multifamily residential zones. The ordinance ~~may shall~~ do ~~any all~~ of the following:

(A) Designate areas within the jurisdiction of the local agency where ~~second-~~ **accessory dwelling** units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of ~~second-~~ **accessory dwelling** units on traffic ~~flow-~~ **flow and public safety**.

(B) Impose standards on ~~second-~~ **accessory dwelling** units that include, but are not limited to, parking, height, setback, lot coverage, **landscape**, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

~~(C)~~ **Notwithstanding subparagraph (B), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.**

~~(C)~~ **(D)** Provide that ~~second-~~ **accessory dwelling** units do not exceed the allowable density for the lot upon which the ~~second-~~ **accessory dwelling** unit is located, and that ~~second-~~ **accessory dwelling** units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

~~(E)~~ **Require the accessory dwelling units to comply with all of the following:**

~~(i)~~ **The unit is not intended for sale separate from the primary residence and may be rented.**

~~(ii)~~ **The lot is zoned for single-family or multifamily use.**

~~(iii)~~ **The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.**

~~(iv)~~ **The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area.**

~~(v)~~ **The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.**

~~(vi)~~ **No passageway shall be required in conjunction with the construction of an accessory dwelling unit.**

~~(vii)~~ **No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.**

~~(viii)~~ **Local building code requirements that apply to detached dwellings, as appropriate.**

~~(ix)~~ **Approval by the local health officer where a private sewage disposal system is being used, if required.**

~~(x)~~ **(l) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.**

*(ll) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.*

*(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.*

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use ~~permits. Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of second units.~~ *permits, within 120 days after receiving the application.* A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of ~~second- accessory dwelling~~ *accessory dwelling* units.

~~(b) (4) (1) Any~~ *When existing ordinance governing the creation of accessory dwelling units by a local agency which has not adopted an ordinance governing second units in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it or any such ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a second unit if the second unit complies with all of the following: that complies with this section.*

~~(A) The unit is not intended for sale and may be rented.~~

~~(B) The lot is zoned for single-family or multifamily use.~~

~~(C) The lot contains an existing single-family dwelling.~~

~~(D) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.~~

~~(E) The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area.~~

~~(F) The total area of floorspace for a detached second unit shall not exceed 1,200 square feet.~~

~~(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.~~

~~(H) Local building code requirements which apply to detached dwellings, as appropriate.~~

~~(I) Approval by the local health officer where a private sewage disposal system is being used, if required.~~

(2) (5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

~~(3) (6)~~ This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed ~~second- accessory dwelling~~ *accessory dwelling* units on lots zoned for residential use ~~which that~~ contain an existing single-family dwelling. No additional standards, other than those provided in this ~~subdivision or subdivision (a),~~ *subdivision*, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant.

~~(4) (7) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any-~~ A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ~~second-~~ *accessory dwelling* units if these provisions are consistent with the limitations of this subdivision.

~~(5) (8) A second unit which conforms to the requirements of-~~ An *accessory dwelling unit* that conforms to this subdivision shall ~~be deemed to be an accessory use or an accessory building and shall~~ not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use ~~which that~~ is consistent with the existing general plan and zoning designations for the lot. The ~~second-~~ *accessory dwelling* units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

~~(c) (b) No-~~ When a local agency shall adopt an ordinance which totally precludes second units within single-family or multifamily-zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily-zoned areas justify adopting the ordinance. ~~that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.~~

~~(d) (c)~~ A local agency may establish minimum and maximum unit size requirements for both attached and detached ~~second-~~ *accessory dwelling* units. No minimum or maximum size for a ~~second-~~ *accessory dwelling* unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings ~~which that~~ does not permit at least an efficiency unit to be constructed in compliance with local development standards.

~~(e) Parking requirements for second units shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.~~

~~(f) (d)~~ Fees charged for the construction of ~~second-~~ *accessory dwelling* units shall be determined in accordance with Chapter 5 (commencing with Section 66000).

~~(g) (e)~~ This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ~~second-units-~~ *accessory dwelling units*, provided those requirements comply with subdivision (a).

~~(h) (f)~~ Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) ~~or (e)~~ to the Department of Housing and Community Development within 60 days after adoption.

~~(i) (g)~~ As used in this section, the following terms mean:

(1) "Living ~~area-~~ *area*" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) ~~"Second-~~ *Accessory dwelling* unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. ~~A second-~~ *An accessory dwelling* unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

~~(C) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.~~

~~(j) (h)~~ Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that

the local government shall not be required to hold public hearings for coastal development permit applications for ~~second-~~ *accessory dwelling* units.

## SEC. 1.5.

Section 65852.2 of the Government Code is amended to read:

### 65852.2.

(a) (1) ~~Any A~~ local agency may, by ordinance, provide for the creation of ~~second-~~ *accessory dwelling* units in single-family and multifamily residential zones. The ordinance ~~may shall~~ do ~~any all~~ of the following:

(A) Designate areas within the jurisdiction of the local agency where ~~second-~~ *accessory dwelling* units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of ~~second-~~ *accessory dwelling* units on traffic ~~flow-~~ *flow and public safety*.

(B) (i) Impose standards on ~~second-~~ *accessory dwelling* units that include, but are not limited to, parking, height, setback, lot coverage, *landscape*, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) ~~Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.~~

(C) Provide that ~~second-~~ *accessory dwelling* units do not exceed the allowable density for the lot upon which the ~~second-~~ *accessory dwelling* unit is located, and that ~~second-~~ *accessory dwelling* units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) ~~Require the accessory dwelling units to comply with all of the following:~~

(i) ~~The unit is not intended for sale separate from the primary residence and may be rented.~~

(ii) ~~The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.~~

(iii) ~~The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.~~

(iv) ~~The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.~~

(v) ~~The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.~~

(vi) ~~No passageway shall be required in conjunction with the construction of an accessory dwelling unit.~~

(vii) ~~No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.~~

(viii) ~~Local building code requirements that apply to detached dwellings, as appropriate.~~

(ix) ~~Approval by the local health officer where a private sewage disposal system is being used, if required.~~

(x) (I) ~~Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.~~

(II) ~~Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.~~

(III) ~~This clause shall not apply to a unit that is described in subdivision (d).~~

(xi) ~~When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).~~

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use ~~permits. Nothing in this paragraph may be construed to require a local government to adopt or amend an ordinance for the creation of second units- permits, within 120 days after receiving the application.~~ A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001–02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of ~~second units- an accessory dwelling unit.~~

~~(b) (4) (1) An existing ordinance governing the creation of an accessory dwelling unit by a local agency which has not adopted an ordinance governing second units in accordance with subdivision (a) or (c) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance in accordance with subdivision (a) or (c) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall grant a variance or special use permit for the creation of a second unit if the second unit complies with all of the following: that complies with this section.~~

~~(A) The unit is not intended for sale and may be rented.~~

~~(B) The lot is zoned for single-family or multifamily use.~~

~~(C) The lot contains an existing single-family dwelling.~~

~~(D) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.~~

~~(E) The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area.~~

~~(F) The total area of floorspace for a detached second unit shall not exceed 1,200 square feet.~~

~~(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.~~

~~(H) Local building code requirements which apply to detached dwellings, as appropriate.~~

~~(I) Approval by the local health officer where a private sewage disposal system is being used, if required.~~

(2) (5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(3) (6) This subdivision establishes the maximum standards that local agencies shall use to evaluate ~~proposed second units on lots- a proposed accessory dwelling unit on a lot~~ zoned for residential use ~~which contain that contains~~ an existing single-family dwelling. No additional standards, other than those provided in this ~~subdivision or subdivision (a)- subdivision,~~ shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an ~~owner-occupant- owner-occupant or that the property be used for rentals of terms longer than 30 days.~~

(4) (7) ~~No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subdivision. Any-~~ A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of ~~second units- an accessory dwelling unit~~ if these provisions are consistent with the limitations of this subdivision.

(5) (8) ~~A second unit which conforms to the requirements of-~~ An accessory dwelling unit that conforms to this subdivision shall ~~be deemed to be an accessory use or an accessory building and shall~~ not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use ~~which that~~ is

consistent with the existing general plan and zoning designations for the lot. The ~~second-unit-~~ *accessory dwelling unit* shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

~~(e) (b) No- When a local agency shall adopt an ordinance which totally precludes second units within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance. that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.~~

~~(d) (c) A local agency may establish minimum and maximum unit size requirements for both attached and detached ~~second- accessory dwelling~~ units. No minimum or maximum size for ~~a-second- an accessory dwelling~~ unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings ~~which that~~ does not permit at least an efficiency unit to be constructed in compliance with local development standards. *Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.*~~

~~(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:~~

~~(1) The accessory dwelling unit is located within one-half mile of public transit.~~

~~(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.~~

~~(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.~~

~~(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.~~

~~(5) When there is a car share vehicle located within one block of the accessory dwelling unit.~~

~~(e) Parking requirements for second units shall not exceed one parking space per unit or per bedroom. Additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the second unit and are consistent with existing neighborhood standards applicable to existing dwellings. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction. Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~

~~(f) (1) Fees charged for the construction of ~~second- accessory dwelling~~ units shall be determined in accordance with Chapter 5 (commencing with Section ~~66000~~- 66000) and Chapter 7 (commencing with Section 66012).~~

~~(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.~~

~~(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.~~

~~(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.~~

~~(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ~~second-units,~~ *an accessory dwelling unit.*~~

(h) Local agencies shall submit a copy of the ~~ordinances~~ ordinance adopted pursuant to subdivision (a) ~~or (e)~~ to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living ~~area,~~ area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

Already included in NMC.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "~~Second-~~ Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. ~~A second-~~ An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for ~~second-~~ accessory dwelling units.

#### **SEC. 2.**

*Section 1.5 of this bill incorporates amendments to Section 65852.2 of the Government Code proposed by both this bill and Senate Bill 1069. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 65852.2 of the Government Code, and (3) this bill is enacted after Senate Bill 1069, in which case Section 1 of this bill shall not become operative.*

#### **SEC. 3.**

*No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.*

## CITY OF NORCO STAFF REPORT

TO: Honorable Chair and Members of the Planning Commission

FROM: Planning Division

PREPARED BY: Steve King, Planning Director

DATE: November 9, 2016

SUBJECT: Specific Plan 85-1: Architectural Review 2016-02, to approve a proposed building remodel for Hemborg Ford

RECOMMENDATION: Adopt Resolution 2016 – 65 approving Architectural Review 2016-02.

**SUMMARY:** Amendment 8 to the Auto Mall Specific Plan (85-1) was approved to allow architectural designs that better reflect existing buildings and the design themes that have become established in the Auto Mall since the specific plan was adopted. Amendment 8 also allows for corporate prototype design requirements for new car dealerships and the remodel of existing dealerships where those are required of dealerships.

**BACKGROUND:** : Amendment 8 to the Auto Mall Specific Plan was recommended for approval by the Planning Commission on October 12, 2016 and approved by the City Council on November 2, 2016 amending the architectural standards and procedures of the Specific Plan. The new architectural requirements have been approved as follows:

### 100 Architectural Style

*New dealership development and major remodels of existing dealership buildings are subject to approval by the Planning Commission. Design features shall include conformity to the design features and themes of surrounding structures including articulation, colors, and materials, and shall incorporate design themes as may be required by new car dealership corporate design standards.*

**ANALYSIS:** The Ford Corporation has adopted a modern design theme that is being required of all Ford Dealerships and Hemborg Ford has submitted plans for the remodel. The new architectural guidelines for the Auto Mall Specific Plan require Planning Commission approval of new dealership buildings and major remodels of existing dealership buildings. The new corporate prototype for Ford dealerships is clad mostly with large glass showroom windows and a silver color aluminum composite siding material for the rest of the building. This cladding is also applied to an iconic pop-out concave tower feature with the Ford logo at the main showroom entry (ref. Exhibit B).

The Hemborg Ford facility was designed on the early California Spanish style (arches, clay barrel roofing, and stucco) that was the previous design theme of the Auto Mall Specific

Plan. It was reported to the Planning Commission that Hemborg Ford passed on corporate funding for the remodel in order to keep some of the original structural design even though they would still have to incorporate elements of the new prototype design theme.

The proposed design merges the existing design with the new prototype described above (ref. Exhibit A). Building features that are being preserved include the patio/walkway roofs and arched windows on the south, east, and north elevations, and stucco coating over a large portion of the surface area on the building.

The pavilion roof over the entry tower is also being maintained and will be covered with a standing seam metal roof along with the patio/walkway covers to complement the aluminum cladding of the new prototype. The new roofing will be brown to complement the colors of the stucco siding that is to remain. The stucco will be painted in tones of brown with the building being lighter and the roof/walkway support columns darker.

The only other element of the new prototype that is being incorporated is a ribbed panel aluminum cladding that matches the concave tower feature and wraps around the northeast and southwest corners of the building.

Attachment: Resolution 2016-60, Architectural Review 2016-02  
Exhibit "A" – Proposed Elevations, Colors and Materials  
Exhibit "B" – Examples, New Ford Corporation Building Prototype

## **RESOLUTION 2016-65**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO, CALIFORNIA, GRANTING WITH CONDITIONS, ARCHITECTURAL APPROVAL OF A REMODEL OF HEMBORG FORD TO INCORPORATE CORPORATE DESIGN REQUIREMENTS FOR THE SHOWROOM (SPECIFIC PLAN 85-1). ARCHITECTURAL REVIEW 2016-02**

WHEREAS, A.W. STRICKLER DESIGN submitted an application to the City of Norco, California, for architectural approval under the provisions of Chapter 18.52, Title 18 of the Norco Municipal Code and Specific Plan 85-1, for the remodel of the existing showroom for Hemborg Ford located at 1900 Hamner Avenue in the Auto Mall Specific Plan; and,

WHEREAS, at the time set, at 7 p.m. on November 9, 2016 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 considered the aforesaid architectural review and heard and considered both oral and written evidence pertaining to said application; and

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

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

#### **I. FINDINGS:**

- A. The requested architectural review 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 designates the site as Specific Plan for which there are adopted architectural guidelines. The proposed remodel is consistent with those guidelines.
- B. The City of Norco, acting as Lead Agency, has determined that the project is exempt from the California Environmental Quality Act and 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 November 9, 2016 that the aforesaid application for architectural approval is granted, subject to the conditions provided in

Section 18.52 of the Municipal Code of Norco and the approved Design Guidelines for the Auto Mall Specific Plan, and including but not limited to, the following conditions:

1. Approval is based on Exhibits: "A" (Illustrated Elevation); dated 7-12-16 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 permit.
4. In the event conditions for approval by the Planning Commission 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. This is not an approval to begin work. No work shall be commenced until the City of Norco has issued appropriate permits.
6. The developer shall submit for necessary permits from the Building Division and pay all applicable City of Norco development fees prior to issuance of any permits.
7. Building elevations, building colors and materials shall be as approved by the Planning Commission. Minor deviations from the approved colors and materials shall be subject to the approval of the Planning Director prior to their application.
8. No sign is authorized by approval of this architectural review. Plans for any sign(s) proposed to be placed related to this building shall first be submitted to the Planning Division for approval, and to the Building Division for issuance of a building permit.
9. All ground-mounted utility appurtenances such as transformers shall be located out of public view of main building areas and adequately screened through the use or combination of concrete masonry walls, berms, and landscaping to the satisfaction of the Planning Division.
10. Any proposed new 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 Division 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 same shall be submitted to the Planning Division for review and approval prior to issuance of building permits.

11. Approved numbers or addresses shall be placed on the showroom building in such a position as to be plainly visible and legible from the street(s) or road(s) 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.
12. 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.

Resolution No. 2016-65  
Page 4  
November 9, 2016

PASSED AND ADOPTED by the Planning Commission at a regular meeting held on November 9, 2016.

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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 November 9, 2016, by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Steve King, Secretary  
Planning Commission  
City of Norco, California



