



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

**Wednesday, September 14, 2016
City Council Chambers, 2820 Clark Avenue, Norco CA 92860**

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

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

PLEDGE OF ALLEGIANCE: **Chair Robert Leonard**

APPEAL NOTICE: **Read by Director King**

1. PUBLIC COMMENTS:

Bonnie Slager invited all to Nellie Weaver Hall to obtain information on candidates and propositions on the ballot.

Karen Leonard questioned the Architectural Review Subcommittee's review process for the Holiday Inn; staff explained that she can speak during the item's public hearing.

2. APPROVAL OF MINUTES:

A. Minutes of Regular Meeting July 13, 2016, **Recommended Action: Approval** (Minutes Clerk)

M/S JAFFARIAN/HEDGES to approve Planning Commission Regular Meeting minutes of July 13, 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 August 10, 2016, **Recommended Action: Approval** (Minutes Clerk)

M/S JAFFARIAN/RIGLER to approve Planning Commission Regular Meeting minutes of August 10, 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. CONTINUED PUBLIC HEARING:

- A. **Conditional Use Permit 2015-06 (Duarte):** A request for approval to allow a detached accessory building consisting of a 1,250 square-foot storage building at 5060 Pinto Place 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. A Conditional Use Permit is required to be filed, the building was built without a permit and a code case is on file. The applicant/homeowner is trying to legalize the structure. The project went to Architectural Review Committee and members have concerns with the industrial look. Senior Planner Robles stated she sent all members letters of opposition. All requirements were met; staff recommends approval.

Director King elaborated on the process that can be taken and explained that a condition will be placed on approval regarding the base that the building was placed on.

Member Jaffarian asked about issues described in the opposition letter like drainage and fencing conditions. Director King confirmed that all other issues have been resolved.

Member Rigler had issues with regards to grade; he visited the site and asked if the site would get a grading permit. He also questioned the slope and driveway in the animal keeping area.

Director King clarified the issues with the grading and how that will be a condition of approval.

Member Hedges questioned if the building will look like the house. Planner Robles stated that it will need to be painted with the same color of the house.

Member Azevedo asked if notifying the residents within 300 feet is done with this process; Planner Robles confirmed. Member Azevedo questioned why Commission Members do not receive a copy of the application for review. Planner Robles responded that the staff report is used to summarize the application. Member Azevedo had issues with the grading, footings, and the backfill done at the site.

Chair Leonard asked if anyone had confirmed that there is no business there on site. And if staff has gone on site to confirm if dimensions of the building are correct and if there are utilities inside. Planner Robles confirmed she had been on site, and the dimensions are correct. Chair Leonard asked if anyone had gone inside the building to confirm that there is no bathroom. Planner Robles stated there is no restroom but could not confirm if there are no utilities.

Associate Engineer Sam Nelson responded to Commission Member's concerns with the drainage issues, explained that the site is 95% in line with the areas drainage, and does believe that these issues can be resolved with a retaining wall. Vice Chair Rigler questioned Associate Engineer Nelson's response as he feels there is a significant change in grade and there is going to be drainage issues for the neighbors.

Chair Leonard asked Associate Engineer Nelson if he viewed all sides of the rear of the property in regards to the temporary wall made and the debris used to compact the ground near the foundation of the building, Engineer Nelson explained what he seen while on site.

Chair Leonard asked Code Enforcement Officer Javier Rodriguez if he was able to go inside the building to confirm there is no business being conducted out of the proposed building. Officer Rodriguez responded that he had and confirmed that there is no washer/dryer business being conducted. Officer Rodriguez stated that his last visit to the property was within the last month.

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

Marcia Murphy explained her frustration with the issues she has seen since the neighbor has moved in, the grading has made a 4' difference between the homes. She stated that a home based business is run from the building, noting that Mayor Kevin Bash came to her home to see the disruption from the business; city staff did come to her home to see the issue as well. She explained that the issue, with flooding, is affecting her property. She also submitted pictures for the Commission to see the issues she is referring to and asked for help.

Ramiro and Jennifer Duarte, applicant/property owners, explained that they moved here from out of state and admitted to building the structure. Both explained that the site was vacant for a long period of time and made improvements. Mrs. Duarte explained that there are previous issues with the animals and the neighbor, boards were used to protect the dogs, Code Enforcement can confirm of this. Both apologized and are trying to make peace with this situation. Mrs. Duarte confirmed that the barn is tan in color, like the home.

Chair Leonard displayed pictures turned in by the neighbor showing large quantities of washers and dryers in the rear of the property and asking if Mr. Duarte is running a business out of the structure. Mr. Duarte stated that he is not running a business and that the pictures are from when he first moved in. Chair Leonard stated when he was on the property and saw 35-40 washer and dryers. Mr. Duarte again confirmed he is not running a business out of his home. Chair Leonard clarified Mr. Duarte's statement that he did not grade the site; Mr. Duarte stated that there was an existing barn in place when he moved in. Chair Leonard asked if the applicant would have a geotechnical survey done, Mr. Duarte replied yes. Mr. Duarte stated that his family has a lot of cars and there has never been an employee on site.

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

Member Hedges referenced to letters from a year ago and feels they are getting various types of truths. She stated that she has issues with the grade and thinks it will make issues with the neighbors as far as drainage. She felt that it's not going to work, and stated it is not a barn and wanted more changes.

Member Azevedo explained he has issues with the grading and backfill, stating it needs a retaining wall to hold back water, and that he is uncomfortable with how the foundation was done.

Member Jaffarian is satisfied with Code Enforcement going on site; he explained from his calculations there is an issue with the animal keeping area measurements. Felt that staff will ensure that an engineer goes to the site and obtains a soils test.

Vice Chair Rigler concurred with Member Jaffarian on the issue of the animal keeping area being part of the driveway. He also agreed that a geotechnical survey be required for the site.

Chair Leonard still frustrated with the issue of a business on site, and in his opinion thinks there is a business run from the property. Chair Leonard felt there is an issue with grading and a slope in the animal keeping area. He requested a geotechnical study to be done on the pad; however felt that the pad cannot get approved. If he does not get it approved then the building needs to be removed.

Member Jaffarian wanted to clarify with staff about conditions that can be made of the soils test. Director King stated that the Commission can require that it has to be shown prior to approval of the CUP.

Member Hedges wanted to make sure all areas are covered.

Chair Leonard requested a time frame be added as a condition; Director King explained that Members can specify a date that it be done by or specify a meeting date.

Member Jaffarian suggested six months. Chair Leonard felt that was fair.

M/S JAFFARIAN/RIGLER to deny without prejudice Resolution 2016-52, to approve Conditional Use Permit 2015-06, to allow a detached 1,250 square-foot storage building at 5060 Pinto Place with the condition that the applicant re-submit within six months, with a geo-technical and drainage report and with plans that show an open animal keeping that does not have to be driven over to access the subject building; the motion was carried by the following roll call vote:

AYES: LEONARD, RIGLER, AZEVEDO, HEDGES, JAFFARIAN

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

4. PUBLIC HEARINGS:

- A. **Conditional Use Permit 2016-24 (Foley):** A request for approval to allow a building at 2272 Lonestar 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. The Architectural Review Board was concerned with the placement and which causes driving over the animal keeping area. All requirements were met; staff recommends approval.

Commission Members have concerns with driving over the animal keeping area to gain access to the detached accessory buildings. Director King explained that is not in the municipal code, but is a consideration.

Member Jaffarian questioned if staff explained Planning Commission's concerns with driving over the animal keeping area and suggested a new location. Planner Robles stated that she did and the applicant chose to move forward with the project.

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

Mike Thompson expressed his opinion in regards to lot size with Primary Animal Keeping Area (PAKA) versus Animal Keeping Area (AKA). He stated that there are no City codes for driving over PAKA and/or AKA or preventing hardscape in the PAKA and/or AKA; adding that at a previous City Council meeting, Council Member Newton put on record that he drives over his AKA; and he reminded staff that Council can override the Commission denial.

Phil Bennett, Architect for the property owner, explained that the location of the building was chosen due to the property to the south of the site has a building within five feet from the property line, and felt that both buildings right next to each other would be an eye sore. Chair Leonard expressed his issues with the buildings' placement and felt this will destroy the lot for anyone in the future to use for animal keeping. Mr. Bennett expressed that his clients don't have animals, but it still could be used for this later. Chair Leonard asked if the property owner understands that a business cannot be ran out of the building.

Scott Foley, applicant/property owner, stated that the pool and walls were already on site when he purchased the home and this was another reason for the choice of location.

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

Member Hedges explained that the Commission is working to protect the lots for animal keeping and the locations of these accessory building.

Member Azevedo explained the intent of the code, which is for animal keeping. He felt that changes need to be made to the code to protect animal keeping.

Chair Leonard stated that he was at the City Council meeting as well, and felt that animal owners will be turned away by lots like this and that these buildings are destroying the lots.

M/S JAFFARIAN/RIGLER to deny Resolution 2016-56, to approve Conditional Use Permit 2016-24, to allow a detached 1,560 square-foot storage building at 2272 Lonestar Drive; 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 2016-30 (Sandoval):** A request for approval to allow a detached accessory building consisting of a 1,750 square-foot barn at 219 Gulfstream 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. She explained that there was a previous application that the Commission had seen, and it was modified since it would be located in the PAKA; the building has been revised as advised and the site plan was reviewed by ARC. All requirements were met; staff recommends approval.

Vice Chair Rigler would like staff to clarify that the building is not in the middle or taking up all of the PAKA; Planner Robles stated that the building is covering 37% of the PAKA.

Member Hedges asks staff to clarify what was proposed before versus what is proposed now. Planner Robles elaborated what is noted in the plans, in regards to color, changes in the doors, and stated that the structure is now referred to as a "barn".

Chair Leonard questioned staff as to why the structure is being referred to as an accessory building, when he feels it's a barn due to the fact that it's being built on the PAKA, and that if it was not on the PAKA it could be a storage unit. He wanted to confirm if the windows are usable and if the floors are dirt.

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

Mike Garrison explained why smoke detectors are in the building, with his experience due to working in the industry for years. He further explained the issue with the "look" of the building; he noted there was confusion about the guidelines for how the structure can look. Then he was told he should move the PAKA to get the building, Council told applicant don't move the PAKA, make the building look like a barn, and bring it back.

Mr. Garrison felt that he is not sure what else the Commission is asking for, and expressed his frustration with how Council says one thing and Commission says another.

Member Hedges asked where the cars and boats will go; Brian Weaver stated that he has concrete on site for that. Member Hedges would like to clarify about the wall noted on the plans, and wants to know if they will be permanent. Mr. Weaver stated the walls will be used and currently their animals are being housed elsewhere.

Chair Leonard asked why is a panel located in a stall. Mr. Garrison stated that an animal will not be located there. Chair Leonard asked if applicant would have an issue with a condition of corral fencing, and explained that the building cannot be used for business purposes. Mr. Weaver stated that they understood.

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

Member Hedges liked it better this time as a “barn”, she didn’t feel the stalls are necessary as a condition.

Member Azevedo said that all types of animals, not just horses, and felt the stalls are not an issue.

Vice Chair Rigler did have a concern with the door and hoped it will not be used as a garage.

Member Jaffarian felt that the applicant met all requirements and stated that the building can be used as a barn, however, you could park an RV inside of it and that would not take away from its use.

M/S HEDGES/AZEVEDO to adopt Resolution 2016-55, to approve Conditional Use Permit 2016-30, to allow a detached accessory building consisting of a 1,750 square-foot barn at 219 Gulfstream Lane with a modification to condition number ten; the motion was carried by the following roll call vote:

AYES: RIGLER, AZEVEDO, HEDGES, AZEVEDO

NOES: LEONARD

ABSENT: NONE

ABSTAIN: NONE

Recessed 8:32 p.m. / Reconvened 8:40 p.m.

- C. Conditional Use Permit 2016-07 (Chavez):** A request for approval to allow 11 additional dogs above the four dog limit, at 3800 Pedley 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. Planner Robles stated that these are mostly small dogs, that animal control has been to the site and conditioned only (4) four additional dogs for a total of eight (8); staff agrees with animal controls requirement. Staff recommends approval of eight (8) dogs.

Member Hedges asked staff if a notice was sent to neighbors and if there was any letters of opposition; staff stated that public notices were sent out and there are no letters sent in.

Member Jaffarian asked staff how does animal control make the determination to the quantity of dogs on site, what is the criteria. Planner Robles stated that her understanding is that animal control based it off enough room for the safety of the animals.

Vice Chair Rigler asked staff to clarify if the approved mobile home on site will house the dogs and the elderly.

Chair Leonard also had concerns with the site being in compliance, Planner Robles confirmed that the applicant does in fact live in the mobile, and that the site is in compliance.

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

Bonnie Slager asked if applicant is required to have a kennel license, will there be unannounced visits to the site, felt the rescue will create a lot of noise and believes the site should be monitored.

Chris Torres, a neighbor, has had an issue with the noise, explaining that initially he had seen 28 dogs on site, so he reported to animal control. He stated that she was told to get rid of the dogs, adding that she has never complied with the animal control requests. Although there is no abuse on the animals, he felt that she will not comply and the dogs' barking all night will continue.

Ms. Enriquez stated that the applicant is pushing this too far, there are far more dogs at the site now than allowed, the noise level is constant, and the mobile home should not be in place. She asked for fairness for all.

Cheryl Chavez, the applicant, stated she is retired and is requesting to maintain a rescue for small dogs; explaining that she trains and teaches the animals, maintains medical care. She confirmed that she lives in the mobile with the dogs, stated that the dogs sleep inside; she has installed partitions to block noise, intends to hold adoptions at Tony's Hay, explained that she wants 20 dogs total and that staff gave her the quantity of dogs to request.

Member Hedges asked the applicant if she has a business license; she responded not yet, she is waiting for this process to be completed. Member Hedges asked about a kennel license; the applicant did not know about kennel license and felt she needed to have the CUP approval first.

Vice Chair Rigler asked the applicant how many dogs she has on site currently, the applicant stated four (4) dogs only. Vice Chair Rigler asked about the number of dogs she had previously, the applicant said she was not sure. Vice Chair Rigler asked what is the front house being used for, in response she stated that a neighbor is living there for now and that an uncle is to move in later. Vice Chair Rigler stated he had issues with dogs barking and asked about the blue tarps' use. Ms. Chavez explained that a neighbor got a new animal and the tarps are used to block them from seeing each other so there will be no barking.

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

Vice Chair Rigler asked staff when or how often inspections are done, Planner Robles stated she is unsure but the site has had several inspections.

Member Hedges stated she looked in to getting a CUP to have more animals, she agreed with animal control and felt that four (4) more only is acceptable.

Chair Leonard and Member Azevedo both agreed that animal control's recommendation should be followed, up to eight (8) dogs, with additional dogs not being over 25lbs.

M/S JAFFARIAN/HEDGES to adopt Resolution 2016-57, to approve Conditional Use Permit 2016-07, to allow 4 additional dogs for a total of 8 dogs, to include semi-annual inspection by animal control; the motion was carried by the following roll call vote:

AYES: LEONARD, RIGLER, AZEVEDO, HEDGES, JAFFARIAN

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

D. 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)

Director King presented the staff report on file in the Planning Department. All requirements were met; staff recommends approval.

Vice Chair Rigler would like staff to clarify when they will comeback with the changes for the western theme; Director King explained that alterations are still being worked on.

Member Hedges asked if the height of the Marriot hotel is at 50 feet; Director King replied "yes".

Chair Leonard expressed that the plans are not clear, the building is almost 50 feet tall and the screen made it over 50 feet; he felt that he could not approve this.

Member Azevedo questioned how far back the screen will be from the street level where it could not be seen; Director King says it is closer to the freeway side.

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

M/S JAFFARIAN/HEDGES to continue Resolution 2016-54, to approve Variance 2016-01, to allow the height of an approved hotel building to exceed 50 feet in height at 3361 Hamner Avenue, to the Planning Commission Special Meeting on September 28, 2016; the motion was carried by the following roll call vote:

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

5. BUSINESS ITEMS:

- A. An oral report on the demolition of the interior of the accessory building located at 2348 Valley View Avenue, required under the approval of Site Plan 2015-08. Planner Robles presents a copy of the floor plan for a current permit that is on hold until the demo has been completed. City Inspector viewed the site and stated that some beams on the interior will need to remain to maintain the structure.

M/S JAFFARIAN/HEDGES that the facility demolition be completed, as per plans with staff to inspect, and allowing staff to finalize the project without having to return to Planning Commission; the motion was carried by the following roll call vote:

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

6. PLANNING COMMISSION / STAFF COMMUNICATIONS: **None**

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

ADJOURNMENT: Chair Leonard adjourned the meeting at **9:31 p.m.**

Respectfully submitted,