



MINUTES
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
JANUARY 9, 2008

1. CALL TO ORDER: 7:07 p.m.
2. ROLL CALL: Chair Newton, Vice-Chair Wright, Commissioners Hedges, Jaffarian, and Wright
3. STAFF PRESENT: City Attorney Harper, Director of Community Development Daniels, Senior Planner King, Sergeant Williamson, Executive Secretary Dvorak
4. PLEDGE OF ALLEGIANCE: Chair Newton
5. APPEAL NOTICE: Read by DCD Daniels.
6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: None
7. APPROVAL OF MINUTES: Minutes of December 12, 2007 (December 26, 2007 was cancelled)

MOTION: M/S Jaffarian/Hedges to approve the minutes of December 12, 2007 as written.

AYES: Harris, Hedges, Jaffarian, and Newton

ABSTAIN: Wright

MOTION CARRIED

8. CONTINUED ITEMS: In Conjunction with Get a Grip Foundation: Conditional Use Permit 93-07 (Golf Course); Compliance Report as Requested. *Project Planner:* Senior Planner King. *Recommendation:* Receive and File

SP King presented the staff report on file in the Planning Department regarding concerns that the Get a Grip Program is not in compliance with the original conditions of the golf course. According to the City Attorney, the Program is within the parameters of the conditional use permit (CUP). Lt. Cooper has addressed concerns of the public in a written document on file. Grading issues were reviewed and found to be within the Hillside zoning ordinance. SP King offered to answer questions of the Commission.

PC Jaffarian asked in reference to Condition 8 (b) if there was any increased demand for public services.

SP King said no, there were 280 parking spaces that allowed for growth and is within parameters of the original CUP.

Chair Newton asked who was the contractor who did the illegal grading and if he was licensed.

Staff had not looked into that sort of detail.

Chair Newton said if the PC required a modification, his understanding was that a grading permit could still not be issued.

CA Harper said there were two separate issues. Issuing a grading permit is administrative. There is a set amount of dirt that has to be moved before a grading permit is needed. CA Harper explained while this is not a public hearing, such as a notice of the hearing being posted, published and mailed, it does not affect those who want to address the Commission tonight. He said the ultimate decision tonight is to receive and file. The PC does not have the ability to modify or to revoke the CUP tonight. There would have to be a published notice of a hearing.

CA Harper said the first issue is grading, which is not relevant to this CUP. Only 5,000 cubic yards being moved is not significant. Second, grading was not done with permits, but a fine has been levied, and the applicant is paying it. Third, CA Harper believes the Get a Grip Program is ancillary, one of the things that would occur under the umbrella of a golf course use. It is the issue of the at-risk kids that have people concerned. While sufficiently related to golf to be under the umbrella, it does create a significant risk to the community. However, there needed to be substantial evidence and not just speculation that the threat was concrete and existing. Lastly, what the PC can do is receive and file. However, based on what it hears tonight, the PC could schedule a public hearing, but CA Harper did not feel the courts would find this sufficient to require a modification.

Questions of the City Attorney:

Chair Newton felt the PC needed to be concerned about the land use; he did not understand why the big deal on requiring a modification. He asked why the developer didn't come in with an application to begin with.

CA Harper explained a modification was not required because a developer has a vested right to normal ancillary uses.

Chair Newton asked Sgt. Williamson to speak. Sgt. Williamson said there were no criminal trends or patterns with this program and the Sheriff's Department has never been called to the golf course regarding the program. In response to a concern from PC Harris, Sgt. Williamson said the at-risk youth come from lower level juvenile camps where rehabilitation is the goal. He said it would be naïve to say there is no potential for escape. He felt the at-risk youth at the golf course did warrant concern. The Sheriff's Department would use both air and ground units to catch any escapees.

Chair Newton asked why these at-risk youth are bused in from Orange County to Riverside County. The State of California has closed two conservation camps due to budgetary reasons and so that youth at risk could be housed closer to their home towns. He said Orange County has golf courses.

This was not a public hearing, but speakers were invited to address the Commission.

In favor:

Fred Piarulli, 2875 Thacker Drive, Corona had three daughters in the program.

Mike Davis, 13067 Rich Springs Way, Corona, director of the Program for four years, was confused over the concern of youth escaping as the security policy was very strict.

Jeffrey Bennett, 760 E. Parkridge, Corona, said the at-risk youth were wards of the Court, generally have only 30-60 days left to serve and have already been allowed to go home for visits. Twelve of these were not even criminals but were in the group because they were abused. He said when this program was at the Cresta Verde Golf Course in Corona, crime in Corona actually dropped.

Raymon Mathieson, 541 Ventura Avenue, Corona, an employee and resident of the Cresta Verde Golf Course, worked with Mr. Miller about five years. He has not seen problems with the Program.

Marcie Parton, 1586 Beacon Ridge Way, Corona, trusts the program; she has been involved with it for about a year.

Michael Ries, 1408 Mariposa Drive, Corona, works for Mr. Miller and has been a member of Get a Grip since the beginning. He said the at-risk youth are good kids that just need a second chance.

Michael Reed, 1231 Rock Springs Avenue, Corona, has been with Get a Grip about three years, and said it was a very good program for all youth.

Terri Paulson-Sasaki, 1956 Moreno Avenue, Corona, a teacher with the Corona-Norco Unified School District, has a son in Get-a Grip.

Sean Pimpanit, 1455 Cresta Road, Corona, said the education value is strong.

Jason Rice, 1342 Haven Tree Lane, Corona, said the only issue is Wednesdays, when the at-risk youth are there. He has two children in the Program. He has been golfing when the at-risk youth are there and they offer more respect than the regular golfers.

Tanner Obermeier, 3665 Center, Norco, said the at-risk youth only golf on holes 1-3 and there are no houses nearby.

Mandy Davis, 13067 Rich Springs Way, Corona, a teacher from the Alvord School District and a tutor for Get a Grip said only best-behaved at-risk youth are allowed to attend.

Paul Bordwell, 4060 Old Waverly Circle, Corona, said education was a huge part of the program, this was exceptional group, and he was sorry that time is being wasted on this.

Jill Pitt, 1597 Mariposa Drive, Corona has been involved with the program from the start, and that it was safe and good for the youth involved.

Lucinda Silva, no address given, and Jennifer Hoffman, 4207 Gardendale Court, both said the program was wonderful.

Phil Queller, no address given, was a retired Santa Ana police officer, has been with the program since it started, and spoke about the merits of the program.

John Larson, 2641 Lasso Lane, Norco, has vandalism in his area of town; it cannot be blamed on any one specific group. He is a retired Anaheim police offer who is personally involved with this program as a supervisor and noted that all who spoke in favor want their children in the program. He said the at-risk youth are not prone to escape because they are unfamiliar with the area. He asked that the community prove it is Jay's kids doing the vandalism before laying the blame.

Keith Fabrath, 2158 Pebble, resident of Corona Hills, said the contractor who did the grading did it during a slow time for his business and saved the foundation lots of money. He said the parents involved with Get a Grip would be getting the money to pay the fine levied by Norco; they would not let Mr. Miller be saddled with that expense.

In opposition:

Mark Fitzpatrick, speaking for the attorney for the Norco Hills Community Council, wanted a letter from Attorney Stevens read into the record, noting the CUP only allows two buildings, that the Get-a-Grip use is not ancillary, that CEQA is being violated, that the Commission should set a public hearing regarding Get a Grip's activities and initiate revocation proceedings.

Emmet McKune, 1508 Valley Drive, Norco, said the Norco Hills residents have no issues with the Get a Grip program, but said that we were a nation of laws and the

residents were looking at the violations of grading and the un-entitled building. He did not hear talk of due diligence tonight. Most of people who spoke tonight in favor do not live in Norco Hills. He submitted pictures for the record of vandalism in his community. The residents feel the City of Norco will have to remove the graffiti, fix damaged mailboxes, etc. He said the response from the Sheriff's Department was not good.

John Box, resident of Norco Hills, asked who will assume liability when there is an occurrence.

Eula Robertson-Ray, 320 Oldenburg Lane, Norco said everyone needs to be heard and understand where others are coming from. She has an issue in that people don't know who is causing the increase in crime.

Roy Hungerford, 3201 Cutting Horse Road, said there were lots of people from Corona here tonight to tell the Norco Commission what to do. Mr. Miller's resignation letter from City of Corona is online. He questioned what will happen when Get a Grip reaches 1,500 as Mr. Miller says he would like to expand to. Approving the building would be approving a school, and since Norco would not let a day care go in, then why a school? Traffic flow is already problem; there are no trail fences up on Valley Drive and it is very dangerous in that area.

Dave Henderson, 3010 Corona Avenue, said this is a great program; he will volunteer to help once the foundation applies for a modification to the original CUP. Education is not ancillary use. All he is asking is that they comply with the procedures required. The PC does not need permission from anyone to set this for public hearing for modification to the CUP.

APPLICANT:

Jay Miller, 10 Clubhouse Drive, founder and CEO of this foundation started in 2000, said over 1,500 youth have gone through this program. He corrected a statement from an earlier speaker; Mr. Miller never said he wanted 1,500 at one time. There were 450 in the program at Cresta Verde in June last year. Three issues were not disclosed when he purchased that golf course. According to the City of Corona, all parkways needed to be sodded, the maintenance facility was illegal, and contaminated water from the Sunkist site had leaked onto the property and had to be cleaned up. These were not disclosed and were an automatic breach of contract, and his money was refunded. In the meantime, he purchased a 30-year license with Get a Grip to operate on Hidden Valley Golf Course. Only 7% of his students are from youth-detention; there are 12 youth per 24 supervising adults. If any do escape, they go home. It is a behavior-incentive program; they do not know until noon on Wednesday if they have made the cut to come back that day. He's also had to deal with vandalism at the golf course; horses go across the greens causing extensive and expensive repairs. This is a life-changing program, not a baby-sitting one. He raised \$780,000 without any federal,

state, county or city funding. There was less than 5,000 cubic feet moved and none moved off-site. The State of California says the Hidden Valley Golf Course is an excellent environmental example. He offered to work with the City and with the Norco Hills residents. He is offering the only free tutoring center in Norco. Where will all these young people go if he closes his doors?

Chair Newton called for a recess at 9:05 p.m. and reconvened at 9:23 p.m.

There was discussion about the site plan with the three buildings being incorporated into the CUP; PC Hedges asked if that was acceptable, if this really expanded the current CUP. She noted that there has been no mention of any escapes so far.

CA Harper said tonight's action is only to receive and file; all items requested to be placed on record tonight by the speakers do not have to be as this is not a public hearing.

PC Harris felt it is a duty to condition the use, that it is appropriate to the community's safety and welfare to bring this to a public hearing. While he sees a lot of great things done by Get a Grip, he also sees a lot of concern by the neighbors. It would be costly to the City if there was an escape. He asked about a CUP covering the sale of alcohol at the golf course and asked staff to research. He noted a common interest is that most of the people concerned about this use are the same people who stood up two years ago to keep houses from being built on part of the golf course.

PC Jaffarian said his concern is that Get a Grip doesn't own everything at the golf course, and when the use moves on, the golf course will be left with a huge building.

Vice-Chair Wright's daughter is in the program; he has no problem with it. None of the regular students are in attendance on Wednesdays when the at-risk youth attend.

Chair Newton agreed this is a good program and wants to see the golf course remain instead of homes being built there.

Mr. Miller said the new building is not on a permanent foundation and will be removed when the Foundation leaves. Only the at-risk program has been at the golf course for a year; the regular program has not yet started.

Stating Robert's Rules of Order, Mr. Bennett asked for a poll of the Commission.

Attorney Harper said he did not have the right to ask as a member of the audience and the Point of Order was denied by Chair Newton.

PC Jaffarian asked since the Commission was scheduled to see the site plan on January 30, 2008, and because the building is modular and moveable, could the Commission wait to deal with conditions then.

CA Harper noted that a site plan review is not a public hearing. The at-risk youth issue is not part of the site plan. He explained the difference between hearing an item for a public hearing item and for a business item, and that both allow for public comments.

Chair Newton asked that the PC receive and file this report and schedule a modification to the CUP on January 30, 2008. There is a lot unknown such as percentage of guards to the at-risk youth.

CA Harper says this would mean that the subject of modification should be limited to the building and the Get a Grip use. The current permitted use would be modified to incorporate conditions to allow this use. It was noted the alcohol use is permitted by the Department of Alcohol and Beverage Control (ABC). DCD Daniels said ABC gives the City an opportunity to review every ABC application, but it was not known how the City responded to that review in 1993. He could not recall what the City's ordinances were at the time regarding alcohol sales.

CA Attorney reminded the Commission that its option was to receive and file, or not.

MOTION: M/S Jaffarian/Wright to receive and file.
Unanimous

MOTION CARRIED

PC Jaffarian questioned if in trying to condition the outreach portion of Get a Grip, would it preclude any other business like a construction business that uses prison inmates or day laborers.

CA Harper said no, the real hook is the potential impact on health and safety of the community, there is certainly some potential for that, but the level of burden would be required first.

PC Harris said the self-audit condition should be on this, also the condition on liability.

CA Harper said the property owner has a vested right to the conditions granted in 1993.

PC Harris pointed out that the Commission in 1993 had no inclination of a use like Get a Grip coming in, with at-risk youth involved.

MOTION: M/S Harris/Newton to have a modification hearing on the golf course CUP as a public hearing to be scheduled on January 30, 2008, limited to the current

conditionally permitted use which is the golf course, to be modified to incorporate conditions related to the Get a Grip program

CA Harper noted the City does not have the legal ability to go back on conditions granted in 1993. The City can review the building because the site plan was incorporated into the CUP.

MOTION MODIFIED: M/S Harris/Newton to modify the motion to review to the fullest extent possible.

AYES: Harris, Newton

NOES: Hedges, Jaffarian, and Wright

MOTION FAILED

9. PUBLIC HEARINGS: None

10. BUSINESS ITEMS: Information Report – Status of Compliance on Maverick Steakhouse Located at 3841 Old Hamner Avenue, with Modified Conditional Use Permit 2002-14. *Project Planner:* Associate Planner Robles. *Recommendation:* Receive and File

DCD Daniels presented the staff report on file in the Planning Department and offered to answer questions from the Commission.

City Attorney Harper spoke about a letter from Mr. Sabbah regarding an extension of 60 days. Mr. Harper said this has the potential to resolving the problem.

PC Harris asked how the Commission could change conditions on Maverick's.

CA Harper explained because it was a revocation.

MOTION: M/S Wright/Hedges to receive and file.

AYES: Unanimous

MOTION CARRIED

11. CITY COUNCIL: Received and filed.

A. City Council Action Agenda dated January 2, 2008. CANCELLED

B. City Council Minutes dated December 4 and 5, 2007

12. PLANNING COMMISSION: Oral Reports from Representatives on Various Committees/Commissions: None

13. STAFF: Current Work Program: Received and filed.

14. OTHER MATTERS: 1) PC Hedges was concerned staff has not responded on her previous requests for information on Wall Design on Sixth Street. DCD Daniels indicated that just today, Code Enforcement notified him that a packet on that business has been prepared for the attorney. 2) Chair Newton asked about the status of the City's logo being placed on the Chick's/Floor and Décor freeway sign. Staff said the City is waiting on the owner to supply sign structural calculations to verify claims that it is not capable of holding the extra weight. 3) Vice-Chair Wright asked about the Trail Committee. Staff has been unable to schedule a meeting due to conflicts with members and their other commitments. Staff will schedule a meeting the week of January 22, 2008.

15. ADJOURNMENT: 10:20 p.m.

Respectfully submitted,

James E. Daniels,
Planning Secretary

/sd-67797