



**MINUTES**  
**CITY OF NORCO**  
PLANNING COMMISSION  
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE  
REGULAR MEETING  
APRIL 30, 2008

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1. CALL TO ORDER: 7:02 p.m.
2. ROLL CALL: Chair Newton, Vice-Chair Wright, Commissioners Harris, Hedges, and Jaffarian
3. STAFF PRESENT: Director Daniels, Associate Planner Robles, Senior Services Supervisor Potter, Executive Secretary Dvorak
4. PLEDGE OF ALLEGIANCE: Vice-Chair Wright
5. APPEAL NOTICE: Read by staff.
6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: Su Bacon invited everyone to the Founder's Day celebration, which is the first major fundraiser for the Norconian during the weekend of May 9-10, 2008.

Gini Austerman spoke about the historic Moreno House being vandalized; this is more unfortunate because this is what people see when they come into Norco. She offered to help; she understood the owner is not responding. She asked that the house be boarded up and she appealed to the Commission to help.

Chair Newton asked what is the developer not doing.

DCD Daniels replied that staff has spoken to Mr. An many times about the vandalism, and after the Sheriff's Department also had no response from Mr. An, the issue has been turned over to Code Enforcement. DCD Daniels will follow-up with Code Officer Swank and the City Council.

7. APPROVAL OF MINUTES: Minutes of April 9, 2008

**MOTION:** M/S Wright/Jaffarian to approve the minutes of April 9, 2008 as written.

AYES: Unanimous

**MOTION CARRIED**

8. CONTINUED ITEMS: None
9. PUBLIC HEARINGS

- A. **Resolution No. 2008-13, Conditional Use Permit 2006-18; Resolution No. 2008-14, Variance 2007-01 (Royal Street Communications):** A request to allow the installation of an unmanned wireless telecommunication facility, to consist of an 80-foot tall freestanding pole designed as a field light that will hold an array of wireless antennas and associated support equipment, at Parmenter Park located at 2760 Reservoir Avenue in the OS zone. The variance is requested to allow the antenna to exceed the maximum height of 50 feet permitted by the Norco Municipal Code. Recommendation: Approval. Associate Planner Robles

AP Robles presented the staff report on file in the Planning Department. She said the new plans without bathroom facilities are what the Commission has before them tonight. This project is proposing to replace an older light pole. All light poles will be replaced sometime in the future to match this one. The wall will be covered with anti-graffiti paint. Once the project is approved, the lease agreement, only conceptually approved by Council, will return to Council for its final approval. She offered to answer any questions of the Commission. SSP Potter from the Parks and Recreation Department was also available to answer questions, as was the applicant.

Vice-Chair Wright noted that the current poles, which AP Robles indicated were at 50-55 feet, are already over the height limit. He asked what is the need to raise the pole heights at this park to 80 feet, when in the next report for Wayne Makin Park, the lights are proposed only for 60 feet.

AP Robles said the topography is what dictates the pole heights needed at the different locations.

SSP Potter said the older, current lights are very intrusive, as everyone is well aware of. The new taller poles work with new light fixtures to provide less light spillage and better shield light glare from the neighborhood. The new lights will be up to industry standards lights and would be directed to exactly where they are needed with minimum glare and powering on and off times quicker.

DCD Daniels noted that the replacements for the rest of the lights in the park, are not in the budget and probably won't be for several years.

PC Jaffarian questioned if the pole is in the right location regarding placement of future poles, in that would it have to be relocated at the time the rest of the lights are replaced. He also questioned whether the height would allow for co-location. SSP Potter replied that the pole's location will be permanent and deferred the co-location issue to the applicant.

Chair Newton questioned the income to the City from this lease.

SSP Potter indicated it would be over \$45,000 a year for the two sites together, at Wayne Makin Park and Parmenter Park.

PC Hedges asked about the western style architecture and the block wall.

Staff referred to a site along Hamner Avenue where the site looks like a fort in keeping with the architectural style of the adjacent business. However, for this site, a block wall is more fitting.

PC Harris asked about neighborhood feedback. Staff said there was none.

PC Harris asked if the lease agreement should have been provided to the Commission.

AP Robles said that could be provided. She said the conditions at the end of the resolution will also be specifically included in the lease agreement.

Chair Newton noted that because there was no photometric provided, how would the Commission and staff know that an 80-foot pole was the best height. He asked if the applicant was an expert on cell towers and/or in the operation of ball fields.

The public hearing was opened.

Lynn Van Aken, applicant, representing Royal Street Communications, talked about how affordable phone service was through his company. He clarified that another provider could co-locate below the current user.

The public hearing was closed as there were no further public comments.

Vice-Chair Wright doesn't like the 80-foot height in this neighborhood; he said this will stick out like a sore thumb since the City apparently won't be replacing the other light fixtures at this park in the near future.

PC Hedges said the more she studies the proposal, the more she is comfortable with it because light spillage will be controlled and because there were no comments from the neighborhood, she was okay with it.

PC Harris agreed, but he did want to see the lease agreement because it would give them the bigger picture and with the Commission's review of it, they might pick up something someone else has missed. He suggested that the City should look at other providers to place on the future poles.

Chair Newton asked PC Harris if he wanted the lease agreement to be provided to the Commission but at this point, PC Harris decided against that.

Chair Newton said that the park sits up high enough that the lights are very visible from the freeway and from various points in the City. He sees the existing 50-foot lights from his house. He was not looking forward to seeing the fixtures going up another 30 feet.

PC Jaffarian explained that the new lights are so much more technology-advanced without lighting up the whole sky. The newer lights do not have night shine and the controls on them are so much better, not taking so long to turn on and off. New energy efficiencies seem to be the payoffs that would be worthwhile.

Vice-Chair Wright commented that because no one from the neighborhood responded in anyway, that he was ready to move forward.

**MOTION:** M/S Jaffarian/Wright to approve Variance 2007-01, subject to all conditions of approval set forth in draft Resolution 2008-13.

Discussion: Chair Newton asked how a photometric plan could be brought back.

DCD Daniels said that would be a simple process and would be educational and informative.

AYES: Unanimous

**MOTION CARRIED**

**MOTION:** M/S Jaffarian/Wright to approve Conditional Use Permit 2006-18, modified to bring back the photometric study (added to Condition 8), subject to all conditions of approval set forth in draft Resolution 2008-14.

AYES: Unanimous

**MOTION CARRIED**

- B. **Resolution No. 2008-11, Conditional Use Permit 2006-19; Resolution No. 2008-12, Variance 2007-02 (Royal Street Communications):** A request to allow the installation of an unmanned wireless telecommunication facility, to consist of a 60-foot tall freestanding pole designed as a field light that will hold an array of wireless antennas and associated support equipment at Wayne Makin Park located at 3364 Western Avenue in the OS zone. The variance is requested to allow the antenna to exceed the maximum height of 50 feet permitted by the Norco Municipal Code. Recommendation: Approval. Associate Planner Robles

AP Robles presented the staff report on file in the Planning Department. She said this was similar to the previous item, except that the light pole is proposed at 60 feet. Antennas will be placed below the light fixtures. There also was no feedback from the community on this project. She offered to answer any questions of the Commission.

PC Jaffarian asked if the block wall had a roof on it. AP Robles said that chain link will be on top to help screen it and to keep trash from entering the block enclosure. It was noted that this was in a location where most people would not be close to.

The public hearing was opened.

The applicant, Lynn Van Aken, addressed the concern about trash within the enclosure. He said that once a month, technicians who come out to the site would clean it because they need to protect the expensive equipment. He is happy to give back to the community in the way of the light fixtures for these two projects. He mentioned that the lease is the typical city lease.

Chair Newton asked about deterring metal thefts and what security was being used.

Mr. Van Aken said their sites are alarmed and are on constant video so that they know what is happening with each and every communication pole at any time.

The public hearing was closed.

There was no discussion.

**MOTION:** Wright/Jaffarian to approve Variance 2007-02, subject to all conditions of approval set forth in draft Resolution 2008-11.

AYES: Unanimous

**MOTION CARRIED**

**MOTION:** Wright/Harris approve Conditional Use Permit 2006-19, subject to all conditions of approval set forth in draft Resolution 2008-12.

Discussion: PC Jaffarian asked to modify Condition 8 also but Vice-Chair Wright said looking at a photometric would be mute because of the nature of the neighborhood.

AYES: Unanimous

**MOTION CARRIED**

C. **Resolution No. 2008-08, Variance 2008-01 (Nadeau-Garfin):** A request for a variance from Norco Municipal Code Section 18.13.16(3) "Rear Yard," to reduce the required 60-foot rear yard setback requirement to approximately 15 feet to allow the construction of a two-story addition to a residence, and a variance from Norco Municipal Code Section 18.13.16(1) "Front Yard," to reduce the required 25-foot front setback to approximately 4 feet to allow the construction of a detached garage at 1565 Valley View Avenue located within the A-1-20 zone. Recommendation: Approval. Associate Planner Robles / Planning Intern Lascano

AP Robles presented the staff report on file in the Planning Department. She said the rear yard setback currently doesn't meet setbacks as the property stands now. She offered to answer any questions of the Commission.

There was discussion about the variances and the fact that only one of the garages is permitted. Staff clarified it is not a living unit. The other garage is not permitted because of not meeting setbacks. Chair Newton wanted clarification that the permitted garage was really just a garage. Staff confirmed it is. He also asked about overall lot coverage. AP Robles said the 10% shown on the plan was incorrect; it would be about 29% with all the new buildings.

PC Jaffarian asked for clarification that approving these two variances would not allow for any other new buildings. AP Robles replied that the owner would have to come back for anything else proposed to be built. She confirmed that the eaves could only hang over two feet into the setback.

The public hearing was opened.

Matt Garfin, applicant, said he bought the house with the unpermitted garage. He will bring that up to Code if the Commission approves this proposal.

The public hearing was closed as there were no further comments.

PC Harris asked about the PAKA; he wanted to see the Commission consider one just for the purpose of preserving animal-keeping area.

PC Hedges did not like seeing such a small piece of property overburdened with buildings and agreed with establishing a PAKA.

PC Jaffarian asked about future coverage; AP Robles said 10 % more coverage would be allowed and added that this lot, being substandard, allows for only two animal units. The Code does not address PAKAs for substandard lots. PC Jaffarian said the only place to put a horse would be in an easement area. He asked if there was any other way to entitle open space. He asked if there could be a required 15-foot access to the rear yard. Staff replied the Code addresses that under PAKA requirements. The limitation here was working a PAKA around existing buildings.

In response to a question from Chair Newton, AP Robles confirmed that the garage that had the permit was strictly a garage.

Chair Newton said with a rear yard variance, the Commission could ask for a PAKA. He added that the Code does not address non-conforming lots and PAKAs.

PC Harris questioned what size PAKA is needed to take care of two horses.

PC Jaffarian said that a PAKA means that several owners on down the line will have the ability to keep horses. It could be used for a barn.

There was discussion that a PAKA could be customized for this particular lot so that setback limitations could still be met.

PC Jaffarian was ready to approve but his only concern was future animal-keeping rights, with the required 15-foot wide access. He did not want to hear in the future that someone bought a house in Norco and animal-keeping was not allowed. PC Hedges agreed.

PC Harris said to require a PAKA of a certain size to reserve an animal-keeping area and let staff and the applicant work it out on where to locate it.

Instead of staff and the Commission doing the calculations at the meeting; Chair Newton said that he would rather see the drawings go back to staff; have the building information corrected by the architect on the drawings showing the proper lot coverage, and lay out a PAKA. Also, he asked staff to why the permitted structure violates the setback and the unpermitted one does not.

Vice-Chair Wright said that as long as the project was conditioned for a PAKA, he did not see the need for the project to come back to the Commission.

Chair Newton said based on previous experience, he wanted to see it come back. There was discussion to let staff handle the drawing corrections.

**MOTION:** Jaffarian/Wright to approve Variance 2008-01, subject to conditions of approval set forth in draft Resolution 2008-08. In addition provide a PAKA and 15-foot clear access to the PAKA.

AYES: Jaffarian, Harris and Wright.

NOES: Hedges and Newton

**MOTION CARRIED**

There was discussion on whether staff could be trusted to make the right decision about the PAKA configuration, or whether the project should be continued and the drawings brought back.

**SUBSTITUTE MOTION:** M/S Newton/Hedges to continue and require the drawing be brought back showing the PAKA.

AYES: Hedges, Newton

NOES: Jaffarian, Wright, and Harris

**MOTION FAILED**

Chair Newton called for a recess at 8:20 p.m. and reconvened the meeting at 8:30 p.m.

Because the applicant for Item 9.D. was not in the audience, the Commission elected to hear Item 10 first as that applicant was present. The items are reported in the order of the agenda.

- D. **Resolution 2008-10, Zone Change 2008-01 (City of Norco):** A City-initiated change from Residential District to Commercial District on property located on the north side of First Street, west of Hamner Avenue at 1921 First Street. The property is within the Gateway Specific Plan, requiring a specific plan amendment along with the zone change. Recommendation: Approval. Director of Community Development Daniels

DCD Daniels presented the staff report on file in the Planning Department. The four required findings for approving a zone change have been met. Typically, zone changes are not processed without a development plan, but these eight lots form a small pocket which is currently surrounded by commercial development. DCD Daniels offered to answer any questions of the Commission.

PC Harris asked what the highest and best use is.

DCD Daniels said that would be commercial. He added that none of the surrounding property owners have responded to the legal notice sent to adjacent property owners.

PC Hedges noted the property owner has a construction business.

There was discussion about spot zoning. Chair Newton said spot-zoning would be rezoning in the middle of the block, but not if it is at either end of the block.

DCD Daniels said in this case, the adjacent commercial zone is just being widened. Staff's opinion is that all eight lots should be rezoned to commercial. Staff's concerns regarding this proposal are that there is no a plan for development and that this is doing rezoning piecemeal.

There was some discussion about the backyard of the existing adjacent neighbor already having commercial adjoining him. This project would not be adding to that.

Vice-Chair Wright asked about a discrepancy between the owner's choices to keep it residential or using it as commercial.

DCD Daniels said that Mr. Wilson plans to keep using it for residential at this time, although his letter states otherwise. The letter was more regarding what rights he had.

Chair Newton asked about the ugly line of power lines running in front of the properties. DCD Daniels said that if the site were to be developed, only that one site would be required to have underground utilities.

The public hearing was opened and closed with no comments.

PC Harris said the decision needed to be made on what is best for the City; every land owner wants highest and best use.

PC Hedges said eventually it would be commercial anyway.

Chair Newton said the highest and best use would be commercial, but picking off lots one by one is not in the City's best interest. He cannot support just this one lot being changed, piece-mealing is wrong. He asked if this would be a charter issue. DCD Daniels said yes.

PC Jaffarian said that whole area around this lot is commercial but it makes more sense to wait for a development plan before forwarding a zone change to the Council.

Vice-Chair Wright agreed that commercial is best, that all lots should be changed, so at this point because the owner wants to keep it and use it as residential, there is no reason to make a zone change.

PC Jaffarian said the original eight were very vocal in remaining residential years ago and wondered how they feel now.

Vice-Chair Wright said they probably looked at this as a boundary change more than a zone change.

**MOTION:** Jaffarian/Hedges to approve a negative declaration for the proposed project for reasons as set forth in the environmental assessment.

Discussion: Vice-Chair Wright asked why should the Commission go forward with the negative declaration if the Commission is going to recommend denial.

PC Jaffarian said all the negative declaration is saying is that commercial is okay.

DCD Daniels informed the Commission that the program Environmental Impact Report was done before the specific plan was approved so that the negative declaration motion was null and void. Staff overlooked this in error.

**MOTION:** M/S Jaffarian/Hedges to adopt Resolution No. 2008-10 recommending that the City Council approve Zone Change 2008-01 as a Specific Plan Amendment upon submittal of a commercial project.

The Commission further discussed rezoning all of the property or not at all.

No vote was taken.

**MOTION FAILED**

**MOTION:** M/S Wright/Harris to deny Resolution 2008-10.

AYES: Unanimous

**MOTION CARRIED**

Four of the Commissioners felt that they would approve a zone change with a development plan. One Commissioner felt all eight lots should be rezoned or none at all.

Chair Newton said approving the zone change would be another chip against animal keeping.

10. **BUSINESS ITEMS:** Compliance Report – Status of Compliance for Modified Permit Conditional Use Permit 2002-14 (Maverick Steakhouse) Recommendation: Receive and File. Director of Community Development Daniels

DCD Daniels presented the staff report on file in the Planning Department. Compliance is being worked on by the applicant. Only eight conditions still need to be met and he briefly reviewed those. He noted the applicant is within days of meeting several of them. The Sheriff's Department continues to work with Mr. Koziel on some compliance problems with the guards. The Sheriff's Department is asking for better coverage of the north parking lot as far as security camera coverage because the added cameras still did not record incidents in that area. Staff's recommendation is to return with a compliance report in two months, expecting full compliance. DCD Daniels offered to answer any questions of the Commission.

Mr. Koziel was not sure about the trash enclosure; he was not sure of the time frame for completion. He said that there are times he has more security than required, but when he is short, is it because someone has called in sick. He thought perhaps sometimes he was not included in the count because he doesn't wear the security shirt but he is almost always there. He explained the difference between bouncers and security guards.

PC Jaffarian asked about the flashing; Mr. Koziel said that was painted but due to the recent winds, he has not been able to paint the building.

Chair Newton said he was troubled by the Sheriff's Department's comments that it appears that employees are no longer reporting incidents to the police.

Mr. Koziel explained that the stabbing issue concerned customers who had left the site and then returned to the parking lot. He explained that the Sheriffs will not exit their cars until bar security breaks up fights. Everything was on camera, except for the north parking lot. He said he could put in a fish-eye lens to take in a wider area, but the resulting distortion is quite bad and really useless. He said the system is maxed out at sixteen cameras now and it is expensive to put in more cameras.

Chair Newton wondered why Mr. Koziel's bar seems to have more police action than the Saddle Sore Saloon does.

Mr. Koziel said a particular situation started across the river in Al's Bar. The participants in the melee were not dressed in gang clothes; nothing was unusual. In this case, the participants left the parking lot and returned later.

The second situation was an off-duty Sheriff from another locale and yes, Maverick's did keep quiet about it because they do not want trouble with the Sheriff's Department. Another issue also was an off-duty deputy sheriff from another locale brandishing a weapon. Mr. Koziel said once again, staff kept quiet.

PC Hedges asked about the self-audit. Mr. Koziel said he just misunderstood that he had to respond and he will be submitting soon.

PC Hedges asked about meeting the additional camera request.

Mr. Koziel said was very willing to do this; however, he would need to get rid of one camera in order to add another camera to cover the north parking lot better. The system is limited to sixteen cameras.

PC Harris asked Mr. Koziel about complying with the security guard condition. It needs to be met 100%.

Mr. Koziel said the Sheriff's Department is always at his location and his customers face about a 30% chance of being pulled over for anything. He said he has difficulty working with the Norco Sheriff's Department. He is short on security only on the days he has a guard quit and he can't replace someone right away.

There was discussion about having a pool of licensed security guards from which Mr. Koziel could pull from. Mr. Koziel said he was very confident with the guards he currently has and he was concerned about the quality of the guards he would get from agencies.

PC Harris was adamant that the licensed security guard condition must be met.

**MOTION:** Jaffarian/Wright to allow staff to continue working with the business owner to obtain complete compliance, with staff reporting back to the Planning Commission in one month (May 28, 2008).

PC Harris asked what the Commission would be looking at in one month; he was concerned this could drag on.

PC Jaffarian said discussion tonight points towards Mr. Koziel being very close to meeting the rest of the conditions.

AYES: Unanimous

**MOTION CARRIED**

11. CITY COUNCIL:
  - A. City Council Action Agenda dated April 16, 2008: Received and filed.
  - B. City Council Minutes dated April 2, 2008: Received and filed.
12. PLANNING COMMISSION: Oral Reports from Representatives on Various Committees/Commissions
13. STAFF: Current Work Program: Received and filed.
14. OTHER MATTERS:
  - Vice-chair Wright suggested the PAKA definitions in the Code be reviewed and clarified to state the original intent
  - Harris asked about adjustments for smaller flag lots.
  - Chair Newton asked staff to follow up on the Moreno House issue.
  - Chair Newton asked about discussing lot coverage as an agenda item. DCD Daniels said that was on the work program.
15. ADJOURNMENT: There were no further items to discuss and Chair Newton declared the meeting adjourned at 9:55 p.m.

Respectfully submitted,

James E. Daniels  
Planning Secretary

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