



MINUTES
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
AUGUST 27, 2008

-
1. CALL TO ORDER: 7:00 p.m.
 2. ROLL CALL: Chair Newton, Vice-Chair Wright, Commissioners Harris, Hedges, and Jaffarian
 3. STAFF PRESENT: Planning Manager King, Executive Secretary Dvorak
 4. PLEDGE OF ALLEGIANCE: Commissioner Hedges
 - 4.A. ELECTION OF NEW CHAIR AND VICE-CHAIR: Chair Newton opened the elections.

MOTION 1: M/S Jaffarian/Newton to nominate Bob Wright for Chair.
Secondary motion made.

MOTION 2: M/S Harris/Wright to nominate Greg Newton who respectfully declined. **MOTION FAILED**

BACK TO MOTION 1: AYES: Unanimous to elect Bob Wright as Chair. **MOTION CARRIED**

MOTION 3: M/S Wright/Newton to nominate Phil Jaffarian for Vice-Chair
Secondary motion made.

MOTION 4: M/S Harris/Hedges to nominate Pat Hedges for Vice-Chair.

BACK TO MOTION 3: AYES: Jaffarian, Newton and Wright
NOES: Harris, Hedges **MOTION CARRIED**

BACK TO MOTION 4: AYES: Harris, Hedges
NOES: Jaffarian, Newton, Wright **MOTION FAILED**

Chair Wright and the Commission thanked Commissioner Newton for all the time he spent leading the Commission.

The Commission congratulated both Planning Manger King and Senior Planner Robles (not in attendance) on their recent promotions.

5. APPEAL NOTICE: Read by PM King
6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: None

7. APPROVAL OF MINUTES: Minutes of July 30, 2008 and August 13, 2008 (cancelled meeting)

MOTION: M/S Jaffarian/Hedges to approve the minutes of July 30, 2008 and August 13, 2008 as written.

AYES: Harris, Hedges, Jaffarian, and Newton

NOES:

ABSTAIN: Wright

ABSENT:

MOTION CARRIED

8. CONTINUED ITEMS: None
9. PUBLIC HEARINGS: None

10. BUSINESS ITEMS:

- A. Relocation Permit 2008-01 (Palmer-Moreno House: Denial of Variance 2008-02 made the Agreement between the Redevelopment Agency and the Property Owner Mute. A Demolition Permit has since been applied for. Recommendation: To not take action and to remove item from the agenda). (Planning Manager King)

PM King said this was related to the variance that the PC denied on a split vote at the meeting of July 30, 2008. Since the time that this item was scheduled, the property owner has applied for a demolition permit and the City was waiting for the required asbestos report. There is nothing left for the Commission to do except remove this from the agenda.

Chair Wright allowed comments.

Lois Looch praised the Commission for making sound recommendations to the Council even though the Council doesn't listen. She didn't understand why the City was letting go of old structures.

Ann Marie Knudsen asked that the Commission look beyond what staff and the city manager were pushing for, that the owner of the Palmer-Moreno House has definite commercial plans for the site on Second Street.

Vice-Chair Jaffarian asked if the Commission didn't vote to put some historical label on this house. Steve said had it remained on the original lot, it would have been able to have a historical label.

PM King said it was Council's concurrence with the Commission's auto denial that opened the door for the owners of the Palmer-Moreno House to file for a demolition permit.

PC Newton said part of the reason he voted against the variance was because at the last minute, it was discovered the house would not fit on the new lot. However, he still feels the City should do its best to preserve old structures. He asked why this house could not be moved to the Corson property and made habitable for them and set it aside as a historical area. The City could just give them the house—he said he was just throwing the idea out in front of the Commission.

PC Harris said items come to the Commission when it appears deals have already been made. He asked if the PC could make a motion to designate this as a historical building and then the City could come up with a place to move it to.

Chair Wright said he believed the house was to become historical building when the PC took action several meetings ago.

PC Newton asked if this item is not removed from the agenda, then what?

PC Hedges asked if it would make any difference.

Vice-Chair Jaffarian was confident that the PC made the initial move to make the building of historical interest. And that way, it could not be destroyed and when relocated, not significantly altered. He wanted to continue this item.

PCs Hedges and Newton agreed that motion happened, but PM King said the City Council did not pull it off the action agenda so there was no further action to move towards the historical designation.

The PC unanimously did not want to permit the demolition until staff researched past actions.

PM King reiterated that a tie vote is an automatic denial and the Council upheld that. Chair Wright said that discussion on this should be done under Other Matters; the issue before the PC was to take this off the agenda.

PC Harris said the PC needed to get this off the agenda and bring it back later.

MOTION: M/S Jaffarian/Hedges that the PC not take action and remove Relocation 2008-01 from the agenda.

AYES: Harris, Hedges, Jaffarian and Wright.

NOES: Newton (*wants to see some type of safeguard; leave on agenda until staff researches past motions to preserve as historical*).

MOTION CARRIED

MOTION: Jaffarian/Hedges that this return, stay the demolition permit until such time it is determined through research whether this building has historical value.

Under discussion: PM King explained it was on the PC action agenda placed on the Council agenda, at which time the Redevelopment Agency appealed the Planning Commission's automatic denial.

There was more discussion on staying the demolition permit until staff researched past PC action. PC Harris did not feel that bringing back the item would change anything. Vice-Chair Jaffarian said if it comes back, at least the PC could make a recommendation.

AYES: Unanimous that the demolition permit be stayed if possible until the historical value of the Palmer-Moreno house could be verified.

MOTION CARRIED

- B. Compliance Report on Status of Compliance on Modified Conditional Use Permit 2002-14 (Maverick's Steakhouse): Recommendation to City Council that a Modification/Revocation Hearing be Conducted before a Hearing Officer (Planning Manager King)

PM King presented the status report on file in the Planning Division. Mr. Koziel has complied with obtaining all building permits and has satisfied the Sheriff's Department regarding the security cameras. However, the condition regarding the health welfare and safety of the community is still an issue because violence continues to happen, with six incidents at least. Maverick's has a much higher rate of police calls as compared to other bars in town. Staff is recommending a hearing before a hearing officer.

PC Jaffarian asked who chooses the hearing office and who is it. PC Hedges noted it is now the City Manager who chooses the hearing officer, not the Council. It was noted a hearing officer charges about \$700 an hour.

Chair Wright invited public comments.

Lois Looock spoke in favor of Maverick's because they were complying with their conditions.

Ann Marie Knudsen said she didn't understand why the Sheriff's Department has so many calls to the Mavericks when they are actually on-site so much. She has seen trouble happening at the bowling alley and at the Ami Hacienda with no police in sight. She said Maverick's has extensive security. She has observed officers harassing customers, yet not even noticing expired plates. She has noticed a change to an older crowd and families as far as customers. She submitted photos of another business in town and its messy trash bins as compared to Maverick's.

Jim Liebaert, representing Mark Sabbah's office, argued that outsourcing this to a hearing office is inappropriate and contrary to fair political practices. This would set Mr. Koziel even more aside from other business owners in Norco. He asked for the legal memo supporting its legality. There is an issue of conflict of interest. He entered an objection as this appears to pertain only to Mr. Koziel.

Ann Marie Knudsen was very unhappy with Lt. Cooper and City Manager Allred and their parts in this. She said she has personally seen sheriffs showing up to Mavericks five at a time. She asked that the Commission understand what the City Manager is doing regarding this business and the real estate interest in Mr. Koziel's property.

Rob Koziel, Maverick's owner, offered explanations on three of the six incidents on the August 21 report from the Sheriff's Department. One was a fight between his own security and an off-duty Riverside fireman. While he has not pressed charges in that incident, he probably will. The rape incident did not occur; the lady told the officers that. Lastly, the report of the male following the female out into the parking lot does not even mention that the male was her husband and not a stranger.

His business uses a breathalyzer machine on customers and uses computers to check identifications. Mr. Koziel said he had been arrested for being drunk when all who know him knows he does not drink alcohol. He told the Commission that arrests like his can happen to anyone as there is no evidence required, just the word of the officers. He said the sheriffs block his driveway, appearing as if they are on urgent calls and that scares customers off. He said that no other business in town is scrutinized so much. He added that the man brandishing a handgun threatening to shoot people was an off-duty cop, but the police report does not mention that.

It is very clear that people want his property, even Grubb and Ellis called him recently.

PC Harris is not sure what is driving this to repeatedly come back to the Commission. He sees mostly compliance with the conditions. There are no major violations and he doesn't see a need to set for a hearing.

PC Hedges agreed, noting that status reports are due in October. She questioned why is this coming forward now, when there are no major issues.

PC Jaffarian said he wasn't at the very beginning of the Maverick meetings, but he has since seen Mr. Koziel comply with the conditions. Having a third party makes sense to him, as long as they are affiliated with the American Arbitration Association. Such a hearing would get the PC out of these types of meetings like tonight's. With only two conditions at issue, 14 and 26, he felt it would be an excellent time to bring in a third party. This would be fair to Mr. Koziel.

PC Newton asked what an "inordinate amount of calls for service" constituted. Was this compared to the Saddle Sore, Ami Hacienda, others? Staff replied that was the Sheriff's terminology. PC Newton said while he agreed with PC Jaffarian, he was not in favor of a hearing officer because he felt it would take away from the Commission. However, he did not want to go through PC hearings again on Maverick's. Going by the report, Mr. Koziel has been doing an excellent job of complying with the conditions. He said the incidents are happening outside of the

restaurant. PC Newton indicated he could not support any revocation hearings at this time.

Chair Wright said all the conditions have been met; and also asked why this is being brought forward now and not in September. Steve said it is the City's management team that determined this item be brought back.

PC Harris said if this direction came from the city, there needs to be more direction given, as in what needs to be modified.

PC Newton said that part of the responsibility of the PC is to help this business improve, as they have helped with the issues of security cameras security personnel schedules. The PC needs to help the owner eliminate concerns of the Sheriff's Department.

MOTION: M/S Jaffarian/no second to recommend to the City Council that a Modification/Revocation Hearing be Conducted before a Hearing Officer.

MOTION DIED

MOTION: Hedges/Harris that the PC does not submit the recommendation to the Council.

Discussion followed: PC Newton did not think that was a good idea. Chair Wright said the PC could just receive and file. PC Harris said this business has not really had the time to work through all the glitches as it was just now getting into compliance and already the City is ready to shut Maverick's down by using a hearing officer who wouldn't even know what was going on. Vice-Chair Jaffarian would like to see this done by a third party because it gets out of the forum of politics. He asked if a motion could be made that the CUP appears to be in compliance and remove it from the agenda. PC Newton said City management would pull this from the PC's Action Agenda off the Council's consent calendar and it would still go in front of the hearing officer.

MOTION FAILED

SUBSTITUTE MOTION: M/S Newton/Wright that the PC does not recommend to the City Council that a CUP revocation hearing be conducted.

PC Harris said to leave the business alone for a while.

AYES: Unanimous

MOTION CARRIED

- C. Resolution No. 2008-27: for Variance 2008-02 (City of Norco): Review of Action taken July 30, 2008 to deny Variance 2008-02. Recommendation: Approval (Planning Manager King)

PM King said this was considered a house-keeping issue; this ensures a paper trail for the records. This does not re-open the issue. The Commission only has to agree that the findings are correct; no new vote is taken.

After some discussion, the PC agreed 4-1 with the re-write; Wright abstained.

The Commission asked if staff would prepare both approval and denial resolutions for upcoming projects.

11. CITY COUNCIL: Received and filed.
 - A. City Council Action Agenda dated August 20, 2008
 - B. City Council Minutes dated July 16 and August 6, 2008
12. PLANNING COMMISSION: Oral Reports from Representatives on Various Committees/Commissions
13. STAFF: Current Work Program
14. OTHER MATTERS:
Ann Marie Knudson spoke about the Hamner Avenue Corridor Study and the reasoning behind widening Hamner Avenue. She told the Commission they have the power to tell the City Manager no to his demands and asked that they continue to protect and preserve Norco's way of life. .

Concerns of the Commission:

1. PC Newton reminded staff that the PC still wanted to see a presentation on pad size/lot coverage.
2. PC Newton asked if Council had responded to the PC's recommendation on updating the entire sign code. PM King said there was no response from Council.
3. PC Newton asked about the house that was demolished at Third and Hamner. PM King said that was for better visibility of the center behind it. He confirmed that any project coming forward on that newly cleared lot would come before the Commission.
4. PC Newton: asked about the joint meeting on Silverlakes with all commissions and staff, where the PC was to make a recommendation to Council. He was concerned about the use of the property and making sure all of the uses proposed could be mitigated appropriately.
5. Vice-Chair Jaffarian asked about a commercial project at Circle K at Fourth Street and Sierra Avenue that is abandoned and sits on the rear property line so it backs up to two residential properties. He asked if the Fire Department could look at it. Also, check with the Building Department for expired permits.
6. PC Harris asked if the PC was going to discuss the Palmer-Moreno House at this time. The other Commissioners said the motion made earlier in this meeting satisfied the intent of the Commission.
7. PM King is to get back with the PC about the historical issues on the Palmer-Moreno House and to get the Building Official to hold the permits, if possible.
8. PM King is to check the steel building on Valley View near Fifth Street and Valley View and to report back regarding what it is.

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The PC wanted reports on these topics placed on the September 10, 2008 agenda.

15. ADJOURNMENT: 9:15

Respectfully submitted,

Steve King
Planning Secretary

/sd-70123