



MINUTES
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
SEPTEMBER 24, 2008

1. CALL TO ORDER: 7:00 p.m.
2. ROLL CALL: Chair Wright, Vice-Chair Jaffarian, Commissioners Harris, Hedges, and Newton
3. STAFF PRESENT: Planning Manager King, Senior Planner Robles, Economic Development Director Oulman, Housing Manager DeGrado, Hogle-Ireland Consultants Wyneken and Bingham
4. PLEDGE OF ALLEGIANCE: Commissioner Newton
5. APPEAL NOTICE: Read by staff.
6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: None.
7. APPROVAL OF MINUTES: Minutes of September 10, 2008

MOTION: M/S Jaffarian/Harris to approve the minutes of September 10, 2008 as written.

AYES: Harris, Jaffarian, Newton and Wright

ABSTAIN: Hedges

MOTION CARRIED

8. CONTINUED ITEMS: None.
9. PUBLIC HEARINGS
 - A. **Resolution No. 2008-___**; General Plan Amendment 2008-01 (City of Norco) Review of the Draft 2008-2014 Housing Element Update: Recommendation: Recommend approval of the Negative Declaration and recommend approval to City Council for submittal to the California Department of Housing and Community Development (SP Robles; Alexa Wyneken and Derek Bingham, Hogle-Ireland)

The staff report, on file in the Planning Division, was presented by Ms. Wyneken, along with a Powerpoint presentation. She gave the Commission a quick “Housing Element 101” review. The housing element is a city’s blue print for the guiding physical development and setting city policy. The intent is to not to build housing, but to create opportunities for housing for all economic segments of the community. Special needs groups such as the homeless, seniors, large families need to be

addressed. Seven sites are noted as possibilities to meet their housing requirements.

Derek Bingham, Hogle-Ireland consultant, explained through a PowerPoint presentation the seven possible sites and also several aspects of the housing element. He noted how the Norco Housing Division has been taking an aggressive approach in advertising its housing programs, monitoring the programs, etc.

Ms. Alexa Wyneken, Hogle-Ireland consultant, explained the process of getting the document certified; noting that at this time that Norco was only about half-way through the lengthy process. She said the benefits of a certified document would result in access to state infrastructure, bonds, and money to construct needed capital improvements, implement new development initiatives, achieve a jobs/housing balance, retain a local employment base, and more. Consequences of not having a certified document could be being ineligible for housing funds and possible future transportation funds, susceptible to lawsuits by not providing housing for all income categories. She noted that Camarillo, Folsom and Napa County have been sued by housing advocates for not providing adequate land possibilities for housing. Consequences can be a court-ordered implementation of a certified housing element, a court-imposed moratorium on all development, or the court can take over the planning department in order to process an affordable housing project and the City has to pay the attorney fees.

Ms. Wyneken addressed the Commission's concerns from the last meeting. She explained the income levels for the very low, low, and moderate categories, along with job categories based on employment data from the Riverside-San Bernardino area. Cities not having certified housing elements come to about 15%, based on 2004 data. 68% are in compliance, about 12% are currently updating, like Norco. 5% are currently in review; and some, like San Diego, allow self-certification. In Southern California, LA, Riverside, San Bernardino, and Imperial Counties, out of 192 jurisdictions, about 140 (72.9%) do have certified housing elements. Twenty-three (including Norco) are out of compliance (12%). A few of those similar to Norco's lifestyle are Canyon Lake, Chino Hills, Palos Verde Estates, Rolling Hills, and Rolling Hills Estates are also out of compliance. Rancho Palos Verde is in compliance. She had provided this in a hard copy to the Commission.

Vice-Chair Jaffarian asked if lot sizes and animal keeping fall within governmental constraints in terms of open space requirements and if Norco's Housing Element has ever been certified.

Ms. Wyneken said the open space requirements have been identified in the draft element. She also said Norco's Housing Element has never been certified.

Chair Wright asked as written, if changes be dictated in the first 60-day review by HCD.

Ms. Wyneken said HCD will always have feedback and that starts the negotiation process, adding that there will be a lot of challenges but identifying sites to accommodate affordable housing is a step in the right direction. The City has never done that in the past.

The public hearing was opened.

Richard Rosa, 159 Wild Horse Lane, said there was no benefit to high density housing anywhere. All it does is bring problems to a residential area.

There were no further public comments and the public hearing was closed.

PC Harris felt something was missing, such as what was the benefit to the property owners of the seven sites to comply with the element vs. not complying with it.

Ms. Wyneken said all seven property owners have been contacted. There is no way at this time to say what the benefit to each individual owner would be until developers are involved.

Vice-Chair Jaffarian says there is nothing to mandate the housing; the property owners could come in and do their own thing on these commercial sites. They are in control, not the City. All the document is trying to do is accommodate mixed use development.

It was noted that the Planned Development overlay needs to be in effect within a year of adoption of the housing element. The overlay allows the flexibility of development on the seven lots and provides the opportunity for housing on these commercial sites.

EDD Oulman explained how these seven sites were chosen, in that they would have the least impact on the adjacent A-1-20 properties. Six of the property owners approached the City with the interest to have the flexibility of development on their land. Allowing mixed-use on these sites will allow them to be allowed a lot quicker.

Ms. Wyneken added that most developers will not come in with only an affordable housing project as it is not profitable.

Vice-Chair Wright asked that since Norco has been able to pull in funds without a certified housing element in the past, what would change in the future.

EDD Oulman noted that lawsuits would be a concern. Also, Norco would certainly not want to see funding withheld or shifted to the County Housing Authority, where Norco would lose control of how the money would get spent for affordable housing programs.

Ms. Wyneken said the possibility of losing our funding to other jurisdictions due to non-certification was a real possibility.

PC Newton asked about the split-zoned site at California/North. How would the City protect itself from having apartments built on those 4+ acres. This site is the closest to A-1-20 lots. He felt that would be a disaster to build apartments; but questioned how commercial would fit in there.

EDD Oulman said he would like to see alternatives for that property. He noted the likelihood of a developer building A-1-20 on a portion of that site and commercial on the other is very, very low.

Ms. Wyneken said any type of housing could go there with an overlay, not only A-1-20.

PC Newton was concerned about Housing Plan 1.85, goal 1 to promote and maintain the City's small plot agricultural and animal keeping lifestyle tying in with the statement Ms. Wyneken just made about any type of housing.

Ms. Wyneken said that is the number one goal for Norco but there is a need to maintain flexibility on this site. Any proposed project would need to go through an approval process so the City still has the final say.

PC Newton asked staff if there wasn't an apartment-type developer also present at the Second/River commercial project meetings. EDD Oulman said yes.

Chair Wright asked if this element was to go forward as it is, and later the City decides it does not want to use a particular site; what would be the consequences.

Ms. Wyneken said then the State would dock the City because they would hold us to the seven sites, and could decertify the housing element, thereby affecting redevelopment funds and transportation funds, along with potential lawsuits. It would also affect the next update.

Mr. Bingham pointed out a correction on Site 5 on Beacon Hill that is actually 19.43 acres which allows for potential 87 units on that site. That helps our numbers.

PM King said every year, there are a few legislators who are really trying to push for all cities to be certified or be penalized.

Vice-Chair Jaffarian asked if this housing element gets certified, what happens at the next update when Norco has run out of empty lots. At that point, what does the City present to the State.

Ms. Wyneken said RHNA numbers would still be assigned, forcing the cities to be more creative and looking at sites where maybe rezoning needs to be done. Infill development is a possibility.

PC Harris noted there are creative ways Norco could meet the requirements to our satisfaction and so he doesn't feel this element goes far enough. If this is certified and the City does not do anything, the City will pay in the future.

PC Newton wondered if the State could require more units after doing their first 60-day review.

Ms. Wyneken said they would not up the numbers. She stressed that the City is already behind schedule as this was due back in June.

PC Newton said low-income apartments would be a drain on fire and safety budgets, but "less than significant impact" is shown on the report. In another section, it is mentioned that this could be mitigated. He asked about correcting this.

Ms. Wyneken said at the time of development, there would be another environmental review done for that particular site. This is only a plan at this time.

Chair Wright noted that on Page 17 of the Initial Review, environmental factors show none.

Ms. Wyneken explained that there is less than significant impact on these items at this time reiterating this is only a plan.

MOTION: M/S Jaffarian/Hedges to approve the Negative Declaration prepared for the Housing Element, indicating the project will not have a negative impact on the environment.

AYES: Unanimous

MOTION CARRIED

MOTION: M/S Jaffarian/Hedges to recommend to the City Council approval of General Plan Amendment 2008-01 as amended to the City Council for submittal to the California Department of Housing and Community Development.

MOTION DIED FOR LACK OF SECOND

Discussion: Chair Wright wanted the site at California/North removed because there is enough traffic in the area, and did not want an overlay placed on it even suggesting it be developed. He was also concerned about the Second and River site backing up to Norco residential properties.

Vice-Chair Jaffarian said he realized that the all the other sites have a street for handling commercial capacity except for the site at California/North. He offered to amend his motion.

Ms. Wyneken said that then the numbers would be short by that many units.

Chair Wright said his first concern is for Norco and the development of the town.

Ms. Wyneken offered to look at additional sites to replace Site 7, which would have allowed 19 units. The Commission took a straw vote to delete Site 7 at California/North; it was unanimous.

AMENDED MOTION: M/S Jaffarian/Hedges to remove Site 7 from the list of potential mixed-use sites where multi-family units could be a component and to recommend to the City Council approval of General Plan Amendment 2008-01 as amended to the City Council for submittal to the California Department of Housing and Community Development.

AYES: Unanimous

MOTION CARRIED

- B. **Resolution No. 2008-___**; Conditional Use Permit 2008-07 (Turang): A Request for Approval to Allow an Indoor Baseball and Softball Training Facility at 684 Parkridge Avenue Located within the Industrial District of the Gateway Specific Plan. Recommendation: Approval. (SP Robles)

SP Robles presented the staff report on file in the Planning Division. She indicated there were no parking problems; currently the building units have 16 spaces each with recorded reciprocal agreements.

Vice-Chair Jaffarian questioned if the applicant wanted to make minor changes, would it come back to staff or to the Planning Commission.

SP Robles said any changes in occupancy would have to come back to the Commission.

The public hearing was opened.

Brian Turang, applicant, answered questions regarding parking spaces and possibly limiting students. He said about 13 students were all he could take in an hour.

PC Newton asked about parents who stayed; if that would affect occupancy and parking.

PM King noted that the self-audit condition would indicate if there were parking issues. The other uses in the center would typically be closed when this one is opened.

Katie Munoz, 606 E. Chapman Avenue, Orange, represented two of the adjacent property owners in the center and wanted to show support; she was already a client of this business.

Don Slater, 690 Parkridge Avenue, leasing agent, verified that parking would not be a concern with other businesses in the building.

There were no further comments and the hearing was closed.

MOTION: M/S Newton/Jaffarian to approve Conditional Use Permit 2008-07.

AYES: Unanimous

MOTION CARRIED

There was a brief recess and the meeting was called back to order at 8:48 p.m.

10. BUSINESS ITEMS:

- A. Oral Report: Update on Building Permit Status at 1524 Fourth Street.
Recommendation: Receive and File (SP Robles)

SP Robles said the Building Department indicated the delay in this project was due to financing problems. The applicant was currently working with the Building Department to move forward.

Barbara Okeefe, 2860 Sierra Avenue, owner of the property to the south of this site, showed the Commission some pictures of this building taken from her back yard. The back of this project takes up almost all the property line in between so it greatly

impacts her home. This almost 3-story building is very intrusive to her back yard and is actually pushing against her fence, causing damage. She has been asked to give the workers permission to come onto her property to finish the building but has refused. They are very inconsiderate as far as dropping building materials and harming/scaring her animals. The City said she had no rights because this was an approved project. Water discharge was a concern to her also. She was told that what stopped the building for a while was that a worker fell off the structure onto a neighboring site. She was concerned about lawsuits if that should happen to her. She had a concern about fire safety. There is no security and vandalism is taking place. She was upset she did not get noticed of this. She asked how the Commission could discuss parking for ½ hour for another project but this project can just get built as if there is no effect on the neighborhood.

Chair Wright indicated that because this was a site plan; legal noticing was not required. PC Harris advised her to call an attorney regarding her issues with the neighbor.

Linda Robbins, 5556 Evergreen, Chino, co-owner and sister to Ms. Okeefe, did not understand why the building inspection process did not raise red flags. There should have been consideration to the neighboring residents.

PM King said the Building Official assured him the back wall could be finished without going onto neighboring properties. This is in the C-O zone which doesn't require any rear yard setback. The project was approved by a site plan review, which does not require public noticing.

Vincent Cuevas, owner, said the surveyor indicated the fence is on the property line. He has offered to use siding, which will meet requirements. The employee who fell was not injured. He originally wanted a re-zone to build a house there but that was denied. He never said he was going to take the fence apart but did offer to move it back. He said Ms. Okeefe was never there to talk to. This is permitted by the City. He did apologize for how long it was taking.

The Commission requested that the Building Official meet with the property owner and the owners of the surrounding property to verify that permits are in order and to determine what needs to be done to finish the structure.

MOTION: M/S hedges/Harris to receive and file.

AYES: Unanimous

MOTION CARRIED

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- B. Oral Report: Update on Palmer-Moreno House. Recommendation: Receive and File (PM King)

PM King said a last-ditch effort used in other cities to save historical structures resulted in putting up the house for sale at \$1. There has been one offer so far.

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

AYES: Unanimous

MOTION CARRIED

- C. Oral Report: Hotels, Motels and Bed and Breakfasts as Permitted Uses in the C-4 Zone and Requiring Retail Uses on First Floors. Recommendation: Set for public hearing on October 8, 2008 (PM King)

PM King said Economic Development has mistakenly believed that these uses were permitted uses in the C-4 zone when actually they are not. Due to the Silverlakes project, there will be a demand for rooms and this will help with the revitalization of Sixth Street.

It was noted that requiring retail uses on first floors of office buildings on Sixth Street would require a separate amendment.

The Commission asked that draft zone code amendments be brought to them for discussion on the two separate issues.

MOTION: M/S Jaffarian/Hedges to set these items for public hearings.

AYES: Unanimous

MOTION CARRIED

- D. Permitted Lot Coverage in the A-1-20 Zone and the Norco Ridge Ranch Specific Plan. Recommendation: Discuss, Receive and File (PM King)

PM King presented the staff report on file in the Planning Division and did a PowerPoint presentation showing different configurations regarding 40% A-1-20 lot coverage concerns. He used the same sized house on a ½ acre lot on a flat lot, and other lots of various slopes, and those with required Primary Animal Keeping Lots and not. Up to 40% of the PAKA can be covered with an animal-keeping structure which is not currently defined and needs to be. In the Norco Ridge Ranch Specific Plan (NRRSP), where the concept of the PAKA started, the lot coverage was based on the flat pad area of 12,000 sq. ft. rather than upon the entire size of the lot. Currently, the flat pad area in the A-1-20 zone is 18,000 sq. ft. Staff wants to amend the A-1-20 zone so that the building coverage is based on the pad size rather than the lot size. An alternative could include an amendment limiting the total size of

accessory buildings and put in a clause that any deviation would require review by the Commission. Regarding maximum height issues, staff would bring back an amendment regarding limiting heights on accessory buildings. Pools, tennis courts, basketball courts, etc. are not now considered part of lot coverage and staff is suggesting that these could also be counted as part of the overall lot coverage so that pools are not built in what would otherwise be animal-keeping areas.

Discussion: PC Newton said the original concern was maybe looking at $\frac{3}{4}$ -acre to an acre lots for lower density. Also, he wanted to address where mansion-type homes dwarf the properties they sit on.

Vice-Chair Jaffarian said when the issue of coverage first came up, it was noted an in-ground pool with all types of rockwork around it could take up all available space on a lot, whereas an above-ground pool could be removed later for animal-keeping uses. Paving is something that could be removed also. However, the mega-structures for RV structures should fall under the total coverage. He asked that this come back to the Commission as a zone code amendment.

PC Hedges said the presentation was great and thanked staff. The visuals were very helpful. She also wanted to see this come back as an amendment.

PC Harris said more property restrictions would only cause the City more problems. The PAKA is currently used on over 600 lots to preserve animal-keeping. He would like to see restrictions on the size of the buildings as long as there was access to the PAKAs. He would also like to see larger lots as PC Newton did.

PM King said that in the A-1-20 zone, the amendment would apply to all lots, existing and new. In the hillside zone, the definition of a barn comes into play because that is the only place in the Code the City has a dedicated animal-keeping area and a provision that allows a structure to go onto the PAKA without defining what that structure is. He explained the Code says an animal-keeping structure can be on a PAKA, but the building code does not say what makes a building an animal-keeping structure vs. just another accessory structure.

PC Harris says the NRRSP CC&Rs say it must be an animal-keeping building; once a vehicle is parked in an accessory building on a PAKA, that property owner is in violation of his CC&Rs.

Vice-Chair Jaffarian said the other A-1-20 lots outside the NRRSP would fall under this proposed amendment. Pad coverage, rather than lot coverage, is what the Commission is looking at.

PM King said that is correct, unless the Commission wants the Code to define what an animal-keeping building is, rather than just title it and hope that the property owner complies.

There was discussion about including in-ground pools as part of the lot coverage. PC Harris was totally against that; there are a lot of people who want to put in those pools; they should not be restricted. Vice-Chair Jaffarian agreed that a property owner should be able to use his property as he wishes as long as the animal-keeping areas were protected. Chair Wright felt there would be very few properties affected, but PC Harris saying those properties with PAKAs should not have the added restriction of property coverage. He felt the Commission should step back and ask what is really the intent of the amendment. Is it to preserve animal-keeping or keep out swimming pools? He wanted to see the two-story accessory buildings reduced. He said the 15-ft. access to the PAKAs is not being enforced.

Vice-Chair Jaffarian agreed with PC Harris but ultimately the Commission needs to take a look at what in principal preserves the core aspects of what the Commission is after. It is either specific circumstances that have occurred and the Commission comes up with solutions on how to prevent those; the two-story houses that have accessory structures that are even taller along with a huge in-ground pool, to the point to where that property cannot be used to support the core principal which is animal-keeping within Norco. This is even if it has a trail in front of and behind of the house.

Chair Wright said that if a lot has a PAKA, the Commission need not be so concerned with the lot coverage, because it has already been fixed by the PAKA.

The Commission was unanimous in wanting to restrict the size of the accessory structures.

MOTION: M/S Hedges/Jaffarian to receive and file with direction to staff to advertise for public hearings zone code amendments in sections based on the issues discussed in the presentation.

AYES: Unanimous

MOTION CARRIED

11. CITY COUNCIL: Received and filed.
 - A. City Council Action Agenda dated September 17, 2008: PM King said the Council directed staff to work with the owner of the Maverick to resolve the remaining concerns of the Sheriff's Department and report back to the Commission.

B. City Council Minutes dated September 3, 2008

12. PLANNING COMMISSION: Oral Reports from Representatives on Various Committees/Commissions: PC Harris asked if someone else would like to replace him on the Economic Development Advisory Council. There being no takers, the Commission asked PC Harris to remain on the Council.
13. STAFF: Current Work Program: None.
14. OTHER MATTERS: None.
15. ADJOURNMENT: 10:30 P.M.

Respectfully submitted,

Steve King
Planning Secretary

/sd-70381