



MINUTES
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
AUGUST 12, 2009

1. CALL TO ORDER: 7:00 p.m.
2. ROLL CALL: Harris, Hedges, Jaffarian, Newton, and Wright
3. STAFF PRESENT: Planning Manager King, Senior Planner Robles, Senior Engineer Askew, Executive Secretary Dvorak
HOGLE-IRELAND CONSULTANTS: Alexa Wyneken and Derek Bingham
4. PLEDGE OF ALLEGIANCE: Chair Wright
- 4.A. ELECTION OF NEW CHAIR AND VICE-CHAIR
Chair Wright called for nominations.
MOTION: M/S Jaffarian/no second to nominate Wright for Chair.
AYES: Unanimous **MOTION FAILED**

MOTION: M/S Harris/Newton to nominate Jaffarian for Chair.
AYES: Unanimous **MOTION CARRIED**

NOMINATIONS FOR VICE-CHAIR
MOTION: M/S Newton/Harris to nominate Hedges for Vice-Chair
AYES: Unanimous **MOTION CARRIED**

Chair Jaffarian took the Chair's seat.
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 July 29, 2009
MOTION: M/S Hedges/Newton to approve the minutes of July 29, 2009 as written.
AYES: Harris, Hedges, Newton, and Jaffarian
ABSTAIN: Wright **MOTION CARRIED**
8. CONTINUED ITEMS: None
9. PUBLIC HEARINGS:
 - A. **Resolution No. 2009-13;** Conditional Use Permit 2009-07 (Lowe): A request for approval to allow a caretaker's dwelling on property located at 1620 Corona Avenue within the A-1-20 zone. *Recommendation: Approval*

SP Robles presented the staff report on file in the Planning Division. She explained how the unit was installed by the previous owner without building permits, with the City then accepting a hold harmless statement. She said the project is now conditioned to get a building permit as ownership has changed.

In response to Member Newton, SE Askew explained how the project now meets the flood plain requirements.

Chair Jaffarian questioned why Condition 4 was requiring building permits within one year. He said this time was excessive since the unit was already there. The Commission agreed to change the time to 90 days.

The public hearing was opened.

Robert Lowe, applicant, asked about the condition requiring the removal of the unit if the property was to be sold and about the yearly renewal process.

SP Robles explained those routine procedures.

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

MOTION: M/S Hedges/Wright to approve Conditional Use Permit 2009-07 subject to all conditions of approval as set forth in Planning Commission Resolution 2009-13.

Discussion: Member Harris asked for clarification on Condition 9. SP Robles explained how the requirement for the removal of the temporary unit is recorded on the property title. Member Harris asked that the condition be compatible with what is recorded and the Commission agreed.

Condition 4 was modified to be 90 days.

Condition 9 was modified to reflect correct title language.

AYES: Unanimous

MOTION CARRIED

- B. **Resolution No. 2009-14;** General Plan Amendment 2008-01/City of Norco Draft 2008-2014 Housing Element Update: The project is an update of the City's Housing Element which is required by State law to address existing and future housing needs for the diverse economic needs of the community and to ensure that all residents have decent, safe, sanitary, and affordable housing.
Recommendation: Recommend Approval to City Council

PM King presented the staff report on file in the Planning Division. He turned the meeting over to the Hogle-Ireland project manager, Alexa Wyneken who presented a slide show which is on file in the Planning Division. She explained the steps the City

must take within the next two years, to include amending the Commercial General designation, PD overlay zone, Gateway Specific Plan, zoning code changes to allow single-room occupancy units and transitional and supportive housing, and provision of emergency shelters in order to carry out the requirements of State law. 1998-2014 had to be covered in this review because the 2000 Housing Element was not certified by the State.

Member Newton thanked staff and the consultants on their hard work and asked about emergency shelters and whether there is a minimum or maximum square footage for these structures. Ms. Wyneken said there was not, but these are typically on 1-5 acres and she saw possible sites in our M-1 zone. There are performance specifics Norco can set as far as the amount of beds, parking, length of stay, etc. These shelters are strictly for homeless persons and not for catastrophic event victims.

In reference to the Negative Declaration, Member Newton asked how over 1,000 units with today's water shortage could not be a significant impact on water use.

PM King said these housing projects would have to come individually before the Commission. At this point, we are only working on policy, not actual construction. Also, the Code will be amended and those sections will be individually reviewed and go through public hearings.

Member Newton said while there was some mention of animal-keeping in the Housing Element, he did not have a good feeling about very-low and low-income apartments substantiating Norco's animal-keeping lifestyle.

Ms. Wyneken confirmed while the State recognizes Norco's unique animal-keeping lifestyle, they will not cut Norco any slack in keeping with State law.

Member Newton asked where apartment uses over businesses fit in. Ms. Wyneken said in most zones; they have to be affordable units mixed with subsidized units.

Member Wright asked if we are putting the nail in Norco by getting this certified. He asked if the numbers will go up in the next update. Ms. Wyneken said not necessarily as the required numbers actually went down this time.

There was discussion on what happens if a Housing Element is not certified. Ms. Wyneken said a city could be sued and/or state funding could be lost. PM King added that a developer could come in and challenge the City on our zoning code and challenge us legally that we are not in compliance with California law. Staff is trying to be proactive because the potential for lawsuits, most likely from housing advocacy groups, is always possible.

Member Wright asked about the City denying individual mixed-use projects and how that would affect Norco. PM King said that denials would just make the numbers on the next update even larger.

EDD Oulman said all seven sites have problems regarding location, size, and/or access. The trend is for mixed uses but with the negative change in the economy in the past year, he does not anticipate applications flooding in for these sites.

Member Hedges asked what a single-room occupancy (SRO) is and about income requirements. Ms. Wyneken said it is a unit rented for more than 30 days to the same person, typically without a kitchen or private bath. Page 30 in the draft housing element gives the income requirements.

Member Harris asked about 2006-07 not being addressed. Ms. Wyneken said the lapse there was by the State and that is why those years were not required to be covered in the Element.

Member Harris said essentially there was nothing enforceable in this document and he did not see that this is a high priority of the State.

Ms. Wyneken said the State is linking funding with the Housing Element. She confirmed that the owners of the seven sites would still be allowed to pursue the highest and best use for their properties, but this would allow them residential uses or mixed use development whereas they don't have that choice now.

Chair Jaffarian questioned the possibility of higher mandated figures if the City doesn't meet the assigned numbers within the period covered by this update.

Ms. Wyneken said different sites could be chosen next time but all the numbers have to be obtained or shown to be reasonably tried for. The time frame to get all the amendments passed is lengthy; but with a certified Element, it would be difficult for law suits to happen during the period of obtaining the amendments.

Member Newton asked if the prisoners are counted in the low-income figures and about using the Norconian Hotel for single-room occupancy use.

Ms. Wyneken said prisoners are not included in this count as they are for the population count. She said the State does not look favorably on this type of use on public lands, which is what the Norconian is on.

PM King said that we cannot use a building that would be cost-prohibitive to refurbish, to which EDD Oulman added that the hotel is not habitable in any sense and the state owns it anyway, not the City of Norco.

The public hearing was opened.

Dave Henderson suggested two-story buildings with the second floor being used for SROs and low and mod units for now if we can't get the professional uses in. He said the Commission should deny tilt-up concrete buildings and use only designs that the City of Norco wants.

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

Member Wright asked why there was a negative declaration for the Housing Element. PM King said at this time, it was for policy only. Each project will have to be reviewed on its own merit.

Member Hedges said she was in favor of passing this now before the government asks for more.

Member Harris was very disappointed in the lack of public input on the Housing Element and questioned if staff did enough to bring attention to it.

Member Newton said he needs to support this housing element but is wary of the low-income projects looking like obvious low-rent areas that are unkept. Staff noted that the Commission could make specific rulings about not hanging clothes on patio railings and other concerns.

MOTION: M/S Hedges/Newton to approve the Negative Declaration for General Plan Amendment 2008-01, indicating that the project will not have a significant impact on the environment.

AYES: Unanimous:

MOTION CARRIED

MOTION: M/S Hedges/Harris to recommend to the City Council adoption of the City of Norco 2008 Housing Element.

AYES: Unanimous

MOTION CARRIED

10. BUSINESS ITEMS: None
11. CITY COUNCIL: Received and filed.
 - A. City Council Action Minutes dated August 5, 2009
 - B. City Council Minutes dated July 15, 2009
12. PLANNING COMMISSION: Oral Reports from Representatives on Various Committees/Commissions: None. Staff was directed to remove this from the agenda as there are no Commissioners serving on other committees or commissions.

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

14. OTHER MATTERS:

- Vice-Chair Hedges asked about the re-roof for 3946 Temescal Avenue. PM King explained the owner is actively pursuing compliance.
- Member Newton asked the Commissioners to visit a building under construction on Gallop Lane. It is built per our Code and yet manages to eliminate all animal-keeping possibilities. Two RVs are in it. Because the owner has removed horse trail fencing at the other access, it is expected he will remove more fencing for the second driveway.

SE Askew said this homeowner would have to address the Streets and Trails and Utilities Commission for access and permission to remove fencing. She invited any of the Commissioners to come see the project file.

Member Newton asked if he could invite a member of the audience to address the Commission at this time.

Dave Henderson spoke about grossly oversized accessory buildings. Garages already have a specific code section and workshops fall under accessory buildings. He asked how this particular building on Gallop Lane at 40'x60' ever got approved as it is not a garage or a barn and it is not an accessory building, but it houses two large recreational vehicles. The Commission doesn't need to see any obvious animal-keeping structures but they need to be part of the review and approval process for large buildings. He said it is clear in our general plan that animal-keeping is number one in Norco.

Member Harris asked, and it was clarified, that this speaker should have spoken under the public comments section at the beginning of the meeting.

15. ADJOURNMENT: 8:55 p.m.

Respectfully submitted,

Steve King
Planning Secretary

/sd-73347